



Procedures

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Introduction

1. Introduction

This Procedures document is intended to set out the specific requirements of [Policy Directive 42 – Prisoner Property](#) as it relates to all public and private prisons.

The Designated Superintendent may issue a Standing Order to complement these Procedures as is necessary to document site-specific circumstances.

These Procedures are to be read in conjunction with its appendices and [Policy Directive 42 – Prisoner Property](#).

2. Definitions

Terminology	Definition
ACCO	Assistant Commissioner Custodial Operations
ACM	Assessment and Case Management – A computerised system designed to support the assessment and management of prisoners.
CD-R or CD-RW	Compact Disc-Recordable or Compact Disc Re-Writable – A compact discs format that allows recording/writing or repeated recording/writing to the disc. CD-R and CD-RW are not considered consumable items.

Computer	In relation to this procedures document, a computer shall mean “a specifically configured laptop computer approved by the Director of Security Services and provided, at the Department’s expense, for a set period as stipulated in the usage agreement”.
Consumable Items	Items liable to be completely used or consumed in less than 12 months or valued at less than \$10. The definition of consumable items includes music compact disc (CDs or CD-ROMs) and audio tapes but does not include videotapes or other electronic media such as computer games or DVDs, or CD-R or CD-RW.
Contraband	For the purposes of this document, any unauthorised item or item that is not listed on a prisoner’s Offender Property Sheet (220) including items found in a prisoner's possession (other than consumable items).
Contractor	Any group, company or organisation that provides services as part of the Court Security and Custodial Services Contract and/or the management of a privately operated prison under Part 111A of the Prisons Act 1981 .
Designated Superintendent	The Superintendent as defined in s36 of the Prisons Act 1981 and includes any reference to the position responsible for the management of a private prison under Part 111A of the Prisons Act 1981 .
Electrical Item	Are deemed to be those items as listed in the TOMS electrical item drop down list.
Excess Property	Property that exceeds the total allowance of 1 box (40 cm x 40 cm x 60 cm) of property items stored in Reception plus one (1) box (40 cm x 40 cm x 60 cm) of property items in a prisoner's possession. NB: Electrical items, doonas, educational material and legal documents are excluded.
Illegal or Prohibited Article	Any item which is contrary to law or forbidden by an authority.
Items that may constitute a risk to health and hygiene	In relation to a person, means anything that may result in injury to a person, or harm to the health of a person. Per Occupational Safety and Health Act 1984 .
Financial Transaction Cards	Any financial institution or charge card or store (shop) card by which funds can be drawn or charged to an account.
Medication	Any substance, organic or inorganic, used as a medicine, or in the composition or preparation of medicines, whether for external or internal use per Health Act 1911 .
Mobile Phone	Mobile phones are portable handsets that connect to the public switched telephone network. Per Computer and Telecommunications Facilities Policy .
Mobile Phone Accessory	An additional fitting or attachment capable of being fitted to or used with a mobile telephone. Per Computer and Telecommunications Facilities Policy .
Monetary value	The lesser of either the purchase price, or replacement price for an identical or similar article of property.

Materials value	Applies only to artwork produced by a prisoner. The lesser of either the purchase price, or replacement price for identical or similar materials used in the production of the artwork.
Officer in Charge	The Officer in Charge of the prison in the absence of the Designated Superintendent. See also 'superintendent'.
Prisoner's Private Property	Includes real and personal property and everything, animate or inanimate, capable of being the subject of ownership per Criminal Code Act Compilation Act 1913 .
RCD	Residual current device.
religious article	An item (including literature) of special significance that has spiritual, religious or devotional meaning.
superintendent	As defined in the Prisons Act 1981 and refers to either a Designated Superintendent or the Officer in Charge of a prison at a particular time.
TOMS	Total Offender Management Solutions offender database
Tools	Any device or implement used to perform mechanical functions whether manually or by a machine.
Valuable Property (VP)	Personal items of value (not including electrical items), including jewellery, watches, financial transaction cards and small items considered to be of value to the prisoner as listed under the TOMS Valuable Property heading.
Weapon	Any item, thing or substance that may be used to inflict harm or injury on another person per Weapons Act 1999 .

General storage requirements

3. General storage requirements

- 3.1** The superintendent may, subject to considerations of security and practicability, authorise the retention of a prisoner's property within the prison. Any property retained on behalf of a prisoner shall be kept in a secure area.
- 3.2** Access to the property storage area shall be restricted. Only Reception staff and Officers authorised by the superintendent may have access to the storage area. Any prisoners working in the property storage area are to be under the supervision of Reception staff or Officers authorised by the superintendent at all times.
- 3.3** The Officers designated in Section 3.2 above shall be responsible for the storage of prisoner property. They shall have access to the property storage area and shall ensure that all documentation and private property owned by prisoners is secured at all times.
- 3.4** Only those designated Officers in Section 3.2 above shall be permitted to record valuable property (VP), property in and property out.
- 3.5** The superintendent is to ensure that property stored on behalf of a prisoner is stored under conditions that minimise any damage or loss of that property.
- 3.6** Every care is to be taken with the transport, handling, recording and storage of prisoner's property.

- 3.7 Any property found to be damaged as a result of poor handling or storage is to be the subject of a written report to the superintendent.
- 3.8 Any unusual occurrence, omission, loss or damage to property is to be reported to the Officers designated in Section 3.2 above who shall advise the prisoner and provide a written report to the superintendent.
- 3.9 The superintendent may restrict the amount of property held on behalf of a prisoner.

4. Prisoner's property not stored by the prison

- 4.1 Any property which, in the opinion of the superintendent is of a perishable, dangerous or unhygienic nature may be destroyed or otherwise dealt with in accordance with [Prisons Regulations 1982](#), rr 35, 36B, 36D, 37, 41.
- 4.2 Where a prisoner's property exceeds the property storage allocation, or is considered by the superintendent to be a risk to the good order and government of the prison (or is in excess of any other restrictions imposed by this document), the prisoner must make arrangements for the property to be signed out or disposed of within 14 days. The prisoner will be notified of this requirement in writing ([Prisons Regulations 1982](#), r 36B, and 'Prisoner's Order to Sign Out Property', available on TOMS).
- 4.3 Should the prisoner fail to do sign out or dispose of the property in accordance with Section 4.2 above, the superintendent may arrange for the property to be forwarded to the prisoner's next of kin or emergency contact person or forwarded to a private storage company at the prisoner's cost. The prisoner is to be advised accordingly.
- 4.4 If circumstances preclude the options stated in Section 4.3 above, the property may be disposed of in accordance with [Prisons Regulations 1982](#) rr 36B and 37.
- 4.5 If circumstances preclude the options stated in Section 4.3 above, the superintendent may authorise the property to remain stored at the prison with a storage charge of \$2 per week. This amount may be reviewed from time to time.
- 4.6 If property is to be destroyed, either at the request of the prisoner or by order of the superintendent under [Prisons Regulations 1982](#), r 37, the destruction is to be done in the presence of the prisoner where possible. If this is not possible then two Officers will sight the destruction and both will sign the property record accordingly. Where destruction takes place in the presence of the prisoner, he/she is required to endorse his/her property record that the destruction has taken place.
- 4.7 All property dealt with under this section is to have its status changed on TOMS accordingly.

5. Storage of prisoner property

- 5.1 Each prisoner may have the equivalent of one standard removal box of property (40 x 40 x 60 cm) stored in the Property Store. In exceptional circumstances, the superintendent may increase the amount of property that is stored on behalf of a prisoner.

5.2 Property in excess of the amount specified in Section 5.1 may be dealt with by the Designated Superintendent in the manner specified in [Section 4](#).

5.3 A prisoner can apply to the superintendent to take possession of items from their stored property. The superintendent may allow access to stored property provided that the item in question is allowable in accordance with this document and the Standing/Local Orders of the prison.

6. Discretion not to store prisoner property

6.1 A prisoner's private property may not be stored if:

- the item is an illegal or a prohibited article that may be considered to be a threat to the good order and security of the prison
- the item may constitute a risk to prison health and hygiene
- the item may constitute a risk of damage to other property
- the item is a consumable item not to be issued. In this case, the item shall be signed out within 48 hours or destroyed
- the property exceeds the allowable limits defined in [Section 5.1](#)
- the property consists of tools, mobile phones or mobile phone accessories (refer [Section 9](#) for further information)
- the property is Valuable Property with an estimated value of over \$200 (refer [Section 10](#) for further information)
- the property consists of medication as defined in [Section 2](#) (refer [Section 12](#) for further information); or
- the property is not considered by the superintendent to be practical for storage at the prison.

6.2 Prisoner's property as defined above is to be classified as 'specified items' and treated in accordance with [Section 4](#) and [Prisons Regulations 1982](#), r 36B.

7. Quarterly inspection

Officers with responsibility for the storage of private property shall, at least quarterly:

- check the condition of all stored property to ensure that no deterioration has occurred
- randomly sample actual property stored against the inventory record
- maintain a record of dates and details of quarterly inspection checks performed and report any variation to the Designated Superintendent.

Initial reception and property recording

8. Recording of a prisoner's property

8.1 As soon as practicable after the initial reception of a prisoner, the staff designated in [Section 3.2](#) shall, in the presence of the prisoner where possible, undertake an inventory of the prisoner's property in accordance with Section 8.2.

- 8.2** All private property, papers, documents, financial transaction cards, consumable items and cash (including foreign currency) accompanying the prisoner shall be entered on TOMS. This will ensure that there is a complete initial record of all items arriving with the prisoner. Data entry of property on TOMS must clearly identify/describe the item being listed.
- 8.3** Items of jewellery will be itemised individually describing the colour (ie. white metal/yellow metal etc), brand name or manufacturer (as marked on the item), material type and distinctive markings (eg engravings). Reception staff will take individual digital images of all incoming prisoner's jewellery and watches. The descriptions and images are to be recorded on TOMS (refer Section 8.4 below).
- 8.4** Reception staff shall ensure that the TOMS record of property brought in upon reception reflects that the item(s) are "marked with" brand names (ie. clothing, watches, electronics etc). The markings recorded on TOMS in accordance with this Section shall not determine the authenticity of the item.
- 8.5** Any artwork (paintings) brought in with a prisoner shall be recorded on TOMS with a photograph of the item.
- 8.6** On completion of the inventory as detailed in this section, the prisoner's property is to be packed into storage containers. Each storage container is to be marked with the prisoner's name, and is to be numbered with the number of the box and the total number of boxes that contain that prisoner's property (eg. 1 of 2, 2 of 2).
- 8.7** All medications brought into a prison by a prisoner are to be recorded on TOMS by the Reception staff including the name of the medication (if known) the quantity and the colour, and further dealt with in accordance with [Section 12](#). Details of the medication should be sought from the tablet, medication sleeve or box without removing the tablet but care should be taken to ensure that the medication being recorded accurately describes the medication rather than the packaging.
- 8.8** After completing the inventory, Reception staff will print out an 'Offender Property Sheet – 220' Report.
- 8.9** The prisoner is to be asked to check and sign the completed 'Offender Property Sheet – 220' Report as an acknowledgment that the record is correct. If a prisoner refuses to sign the form or is unavailable, a second Officer is to endorse on the form a note of the absence or refusal and any reason given for the absence or refusal to sign.
- 8.10** Any items signed into possession will be recorded on TOMS. Items then become the prisoner's responsibility (see [Section 15.4](#)).
- 8.11** When any property transaction takes place the new status of the item is to be recorded on TOMS. The date, TOMS receipt number, location (possession, VP, etc) are to be recorded on the "Offender Property Sheet – 220' Report. The prisoner is to sign an updated 'Offender Property Sheet – 220' Report. This report is to be and be witnessed as indicated.
- 8.12** Consumable items are not required to be recorded on TOMS.

9. Tools, mobile phones and mobile phone accessories

When tools, mobile phones or mobile phone accessories are received on initial reception, from the Police or by any other means, the procedures in [Section 4](#) shall apply. Prisoners

will not be given the option to store such items in the Property Store in accordance with [Section 4.5](#).

10. Valuable property

- 10.1** Items of valuable property may not be stored or issued where the item, in the opinion of the superintendent, has a monetary value greater than \$200, subject to Section 10.2 below.
- 10.2** The superintendent may, in exceptional circumstances, authorise the storage or issue of items said to have a value greater than \$200 in accordance with Section 10.5 below. Any item which has not been authorised by the superintendent for storage is to be disposed of by the prisoner by sending the item out of the prison. Any costs incurred in effecting this are to be borne by the prisoner.
- 10.3** Wedding, engagement and eternity rings are not considered valuable property in line with this Section and can be stored/issued.
- 10.4** Valuable property is to be stored in a secure area until arrangements can be made to have it released to a person of the prisoner's choice. Alternatively, valuable property may be retained in a secure area at the discretion of the superintendent subject to Section 10.6 below. If valuable property is not stored by the prison, [Section 4](#) applies.
- 10.5** Valuable property is to be secured in a locked cabinet in a sealed container which identifies the owner. Access to the valuable property cabinet is to be restricted to authorised prison staff only.
- 10.6** If property with a value greater than \$200 is stored or permitted in possession (ie. wedding/engagement rings, or other items permitted by the superintendent in accordance with Section 10.2 above), the prisoner is required to complete and sign a 'Valuable Property Indemnity Form', indemnifying the prison for loss or damage to such property.

11. Watches

Personal watches will not be issued. Prisoners may purchase a watch from the canteen but must not be issued until the item is added to the prisoner's inventory on TOMS. Watches purchased from the canteen may be re-issued after transfers.

12. Medication

- 12.1** Any medication brought into the prison upon initial reception will be stored with the prisoner's valuable property.
- 12.2** Where the prisoner agrees and signs to consent, his/her medication shall be destroyed in accordance with [Prisons Regulations 1982](#), r 37(c).
- 12.3** When being assessed by the Nursing Staff upon the prisoner's initial reception, a list of the prisoner's medication shall be made available to the Nursing Staff, which will assist in the medical assessment of the prisoner. The prison Nursing Staff may request the prisoner's medication and handle the medication, In accordance with [Health Services Policy MM10 – Issuing Medication](#). A record on TOMS is to be kept as to the location of the prisoner's medication.

13. Foreign currency

13.1 Amounts of foreign currency with a value exceeding \$A200 are to be dealt with in the following manner:

- Secured in a safe (other than the Reception safe) nominated by the superintendent
- Signed out to a visitor
- Converted to an international money order and posted out; or
- Converted to \$A (at the Department of Corrective Services' bank at the conversion rate at 0900 hours the next working day) and placed in the prisoner's 'Prisoner's Private Cash Account'.

13.2 Costs incurred with effecting options listed above will be borne by the prisoner. See also [Policy Directive 69 – Management of Prisoner's Money](#).

14. Financial transaction cards

Financial transaction cards are to be stored in a secure area until arrangements can be made to have them released to an individual of the prisoner's choice. Alternatively, all financial transaction cards are to be returned to the issuing organisation at the expense of the prisoner. In the case of remand and very short-term sentenced prisoners, the superintendent may authorise retention of bank/credit or charge cards in stored property.

Private property in possession

15. Private property in possession – General requirements

- 15.1** A Prison Officer may search any property received by, issued to, or retained by a prisoner, or retained at a prison on behalf of a prisoner, and, for that purpose, the Prison Officer may, using due care, dismantle the property.
- 15.2** Personal property in possession is a privilege and items may be withdrawn in accordance with [Adult Custodial Rule 3 - Privileges](#).
- 15.3** Any personal property issued to a prisoner is the responsibility of the prisoner.
- 15.4** Each prisoner will be required to sign a 'Prisoner's Property Indemnity for Liability Form' prior to the issue of any personal property.
- 15.5** All complaints or disputes relating to prisoners' property are to be dealt with in accordance with the [Complaints, Compliments and Suggestions Policy](#).
- 15.6** Internal or external agencies responsible for the transportation of prisoner's property shall sign a receipt (Receipt for Transportation of Property and Files) for the property prior to leaving the courts or prison. The receipt shall include the prisoner's name and number of cartons/bags of property. Any Police/external agency's property list is still required when picking up prisoners from courts or lockups.

16. Private property in possession – Specific requirements

- 16.1** The amount and nature of articles of property that prisoners are permitted to retain in their cell is to be determined by the Designated Superintendent in accordance with this document and the Standing/Local Orders applicable to the prison.
- 16.2** Every prisoner shall agree, in writing by completing the 'Prisoner's Property Indemnity For Liability Form', to accept responsibility for the safekeeping and reasonable use of their personal property retained in their cell. Every prisoner shall ensure that their in-cell personal property records are kept up-to-date by bringing any changes, including finished arts and crafts items, to the attention of relevant staff.
- 16.3** Any artwork (paintings) produced by a prisoner shall be recorded on TOMS with a photograph of the item. Any craft or artwork exceeding the limitations for stored and in possession property will be required to be signed out or otherwise disposed of.
- 16.4** The total volume of personal property allowed per person in any cell is the amount that will fit into the standard packing carton (40 x 40 x 60cm). This excludes electrical items (refer [Section 17](#)), legal papers (refer [Section 29](#)) and doonas (refer [Section 37](#)).

17. Electrical items

- 17.1** Prisoners may have one (1) only of each type of electrical items up to the amounts listed below (subject to Section 17.7):
- Close Supervision: 1 Electrical Item
 - Basic Supervision: 1 Electrical Item
 - Standard Supervision: 3 Electrical Items
 - Earned Supervision: 5 Electrical Items
- 17.2** Prisoners may have one (1) only of each type in accordance with their supervision level above:
- LCD or LED television (refer [Section 18](#) for specifications).
 - Stereo Radio Cassette/CD system with no detachable speakers, single CD/cassette, with microphone removed (maximum size 60 cm x 25 cm x 25 cm)
 - DVD player (or video cassette recorder, if currently in possession) Set top box
 - Fan (maximum size 40 cm)
 - Clock radio
 - Desk lamp
 - Game stations and up to two (2) hand controllers (refer Section 20 for specifications).

- 17.3** Possession of the following items is at the discretion of the Designated Superintendent of the prison:
- Electric shaver
 - Hairdryer
 - Electric kettle
 - Electric heater
- 17.4** The following electrical items are not permitted in possession:
- Electric guitar
 - Air conditioner
 - Personal Computer (access may be granted in accordance with [Section 19](#))
- 17.5** Stereos that are currently in the prison system that exceed the specifications listed in Section 17.2 shall remain in the possession of the current owner. These stereos are not to be sold or given to other prisoners under any circumstances.
- 17.6** Security seals on the item (and over USB ports where present) are to be attached prior to issue in accordance with [Section 23](#) and [Appendix 4 – Application of security seals](#).
- 17.7** The number of electrical items permitted is per cell not per prisoner. Prisoners who are in shared cells may only have a single quota of electrical items. ie two prisoners on standard supervision may only have a total of three (3) electrical items in their cell, not three (3) items each.
- 17.8** The Designated Superintendent may limit the number of electrical items in possession where:
- the electrical system is inadequate to cater for multiple electrical items; or
 - the presence of multiple electrical items may pose a safety risk.
- 18. Electrical items**
- 18.1** Prisoners may be permitted to use a prison-owned television, may purchase their own or have one brought in via the Gate in accordance with [Section 32](#), depending on the arrangements at the prison that they are located.
- 18.2** LCD or LED televisions are permitted with a screen size no larger than 46cms.
- 18.3** Televisions with an internal hard drive or storage capacity or CD/DVD burning capacity or Blu-Ray player are not permitted.
- 18.4** A prisoner, on occupying a cell with one (1) television, remote and coaxial cable owned by the prison, will be required to sign a form acknowledging their liabilities regarding the television and associated equipment. These items remain the property of the prison.
- 18.5** Should any damage occur to the prison-owned television, remote or coaxial cable, then the prisoner concerned could be held financially liable for the damaged item/s.

- 18.6 Any misuse or movement of the television from the cell to which it was allocated may result in a loss of privilege being imposed on the use of the television.
- 18.7 VCR's, DVD players, game stations and similar approved equipment may be connected to prison televisions.
- 18.8 Security seals on the item (and over USB ports where present) are to be attached prior to issue in accordance with [Section 23](#) and [Appendix 4 – Application of security seals](#).

19. Computers

19.1 Application/use of Departmentally issued computers

- 19.1.1 Under exceptional circumstances, the Assistant Commissioner Custodial Operations (ACCO) may allow a prisoner to have in possession, a specially configured Department of Corrective Services (Department) laptop computer for the purpose of aiding in their legal defence where sufficient resources do not exist to otherwise permit this.
- 19.1.2 The use of a laptop computer as defined in section 19.1.1 above is a privilege that may be removed at any time in accordance with [Adult Custodial Rule 3 – Privileges](#).
- 19.1.3 The use of the computer is limited to the prisoner so authorised to use the computer as per this section and associated appendices.
- 19.1.4 Computers are only permitted in cells that have smoke and RCD devices installed.
- 19.1.5 Prison staff are not permitted to loan or give prisoners any computer equipment, including software and peripherals without prior approval from the ACCO.
- 19.1.6 Prisoners will not be permitted to retain computer hardware/software in their possession that is considered to be a threat to the good order and security of the prison.
- 19.1.7 Prison staff are not permitted to upgrade, repair, maintain, download software or provide any type of service or assistance to a prisoner's issued laptop computer. Any faults or complaints regarding an issued computer are to be directed to the Director of Security Services.
- 19.1.8 The Security Services Directorate shall arrange for routine security audits to be performed on issued computers. Such audits are a condition of use of any issued computer and all content stored on the computer or any authorised peripheral is subject to audit.
- 19.1.9 No additional software (including games and videos etc) is permitted to be installed on any departmentally issued computer. Electronic documents are permitted to be stored on departmentally issued computers provided they adhere to existing rules regarding content in accordance with [Adult Custodial Rule 11 – Appendix 1 – Permitted and Prohibited Material](#).
- 19.1.10 All complaints or disputes relating to access/removal of access to a departmentally issued computer shall be dealt with in the manner described in the [Department of Corrective Services Prisoner Grievance/Complaints Handling Manual](#).
- 19.1.11 Details of all computer hardware and software issued to a prisoner in accordance with this section are to be recorded on TOMS and on the 'Appendix 2 - Prisoner Agreement for Use of Departmental Computer'.

- 19.1.12 At the conclusion of the approved period of use, the departmentally issued computer shall be returned to the Security Services Directorate where the memory shall be erased. It is the prisoner's responsibility to arrange alternative storage for any information which they do not wish to be deleted.
- 19.1.13 Upon the transfer of a prisoner between prisons who has previously been granted the use of a Department laptop, the laptop shall be returned to the Security Services Directorate unless arranged and approved otherwise by the ACCO prior to the prisoner's transfer. If the Department laptop is returned prior to transfer to the Security Services Directorate, the prisoner must resubmit an application for subsequent use of a Department laptop.
- 19.1.14 A prisoner who is permitted the use of a departmentally issued computer shall sign [Appendix 2 - Prisoner Agreement for Use of Departmental Computer](#) "the Agreement") prior to the issue of any computer equipment.

19.2 Eligibility

A prisoner may apply to the ACCO to have a departmentally issued computer in his/her cell, if the prisoner:

- Is a SENTENCED prisoner on APPEAL; or
- Is a REMAND prisoner who is remanded in custody, WITHOUT BAIL, awaiting trial; and
- Is representing him/herself in their pending court matters;

and

- Is able to provide reason as to why the Prison Education and Legal Library facilities are insufficient for their needs
- Has no outstanding prison charges or Loss of Privileges
- Has no history of computer misuse while in custody.

19.3 Computer approval process

- 19.3.1 The prisoner is to complete [Appendix 1 - Departmental computer application form](#) and submit it via the Unit Manager and Superintendent to the Director of Security Services.
- 19.3.2 Director of Security Services will assess applications. In addition to the demonstrated need for a computer, the physical layout of a prisoner's cell and any occupational health, safety guidelines will also be taken into consideration when determining an application for permission to have a computer in a cell.
- 19.3.3 Once approved, computer equipment 'in possession' remains the responsibility of the prisoner and any damage or loss will be charged to the prisoner.

19.4 Configuration of Computers

- 19.4.1 Laptop computers made available to prisoners shall be configured in a manner as determined by the Security Services Directorate. Computer configurations will be updated periodically to allow for changes in technology.
- 19.4.2 All computers will be configured in such a way as to limit functionality and restrict access to unauthorised hardware/software.
- 19.4.3 As a guide the following functionality will be restricted or disabled on all departmentally issued computers:
- Installation/deletion of software;

- USB functionality;
- Network and internet access;
- System administration and configuration tools;
- External and drop-in hard drives;
- Infra-red, thumb drives, radio computer peripherals, wireless communication devices and software, or similar devices;
- Microphones;
- Zip drives; and
- Any other device/ functionality that has the capability to copy software, play DVD ROM disks or to burn/write to DVD/ROM disks including MP3s.

19.4.4 The list detailed in Section 19.4.3 is not exhaustive. The Security Services Directorate may alter the hardware/software configuration and restrictions at any time.

19.5 Restrictions

19.5.1 Prisoners are not permitted to retain in their possession any software diskettes, CD-ROMS, CD-R or CD-RW unless specifically approved by the Director Security Services in accordance with Section 24.6.

19.5.2 Prisoners are not permitted to subscribe to computer magazines, per Section 25.

19.5.3 Prisoners are not permitted to copy, loan, or swap computer software and peripheral equipment.

19.5.4 Prisoners are not permitted to encrypt or password protect any data.

19.5.5 Prisoners are not permitted to transfer data on CDs, CD-R or CD-RW between the prison and the community without the authorisation of the Director of Security Services.

19.5.6 Computers and peripheral equipment are not to be considered portable items and will remain in the cell allocated.

19.5.7 Any computer hardware or software purchased privately by a third party sent into the prison is not permitted. Likewise, a prisoner may not bring a personally owned computer hardware or software into a prison.

19.5.8 Any prisoner transferred from interstate will not be permitted to bring a computer into the prison, regardless of its authorisation in another jurisdiction.

19.5.9 Any computer or external device not issued by the Director of Security Services is not permitted in a prisoner's possession.

19.6 Loss of privileges

A prisoner may be subject to a disciplinary charge and/or lose access to the computer in their cell if in the opinion of the designated Superintendent:

- The computer activity constitutes a direct threat to, or a breach of, the security of the prison;
- The computer equipment is being misused, corrupted or used for an illegitimate purpose;

- The prisoner misuses, corrupts, or uses without approval, any other computer equipment in the prison;
- The prisoner breaches copyright by having unapproved or pirated software present on the computer's hard disk;
- The computer equipment is used for acts of forgery or fraud;
- The computer equipment contains or is used in the production and/or circulation of illegal or prohibited material (eg. of a sexist, racist, pornographic nature);
- There is inappropriate use of the computer hardware or software;
- The computer operating system, file or application has its access protected by a password;
- There is tampering, alteration or removal of security seals;
- Its use or possession has not been approved or granted; or
- Any other matter arises that in the opinion of the Director Security Services constitutes a breach of the agreement.

19.7 Security Checks

- 19.7.1 The data content of departmentally owned computers and software shall be subject to examination by the Security Services Directorate at any time without notice to ensure that the computer is being used for legitimate and lawful purposes. This includes accessing internal parts of the computer, and examining all files and folders (including legal documents) in any part of the computer.
- 19.7.2 The Security Manager shall remove the computer where it is suspected that contraband may exist inside the unit and immediately forward the unit to the Security Services Directorate for an internal search, a software/hardware analysis and a reseal prior to returning the computer to the prisoner.
- 19.7.3 Any associated charges for audit and repair costs due to illegal tampering or secreted contraband will be borne by the prisoner.

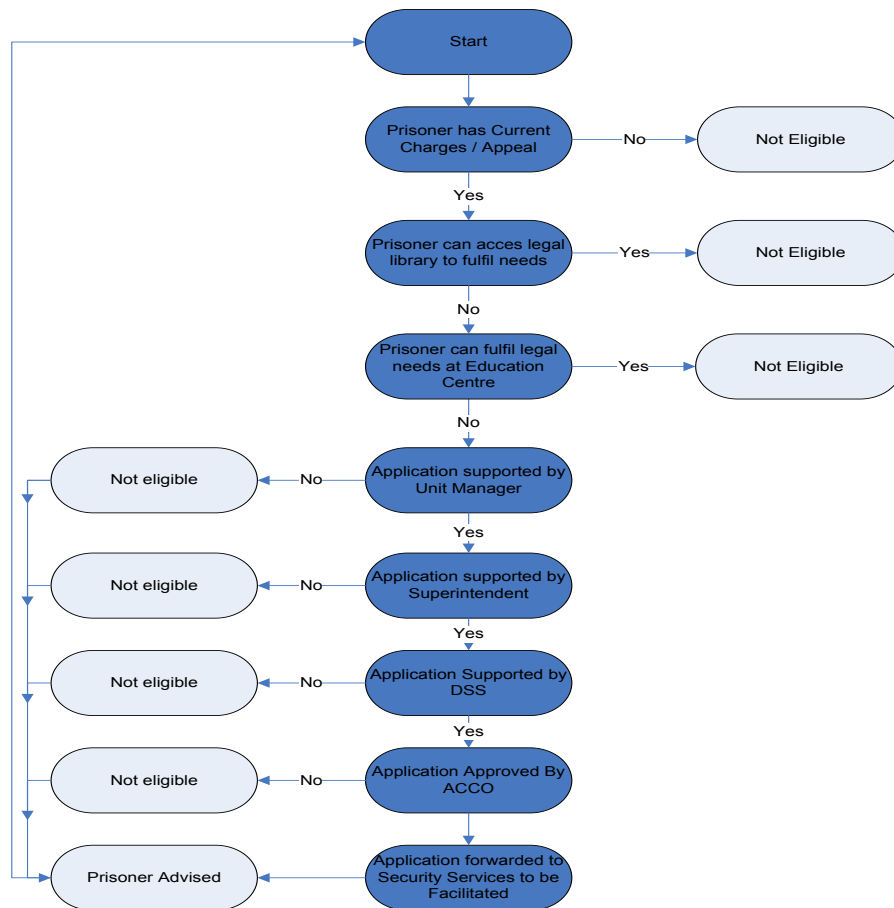
19.8 Compliance access to computer equipment

- 19.8.1 Where a computer is taken out of a prisoner's accommodation area for auditing purposes it will be returned as soon as practicable following completion of checking.
- 19.8.2 Unless approval has been granted by the Security Services Directorate, no computer operating system, file or application may have its access protected by password. Where a prisoner so protects a file without approval, the use of a departmentally issued computer will be withdrawn.

19.9 Security seals and serial numbers

- 19.9.1 Security seals will be placed on all computer equipment to prevent unauthorised opening of these items and for identification purposes. The numbers are to be recorded on the 'Offender Property Sheet – 220' Report.
- 19.9.2 Any computer equipment that has damaged security seals will be immediately confiscated, and a search conducted by the Security Services Directorate. The cost for the search to be undertaken by the Department's infrastructure partner shall be borne by the prisoner.

19.10 Process for obtaining a departmentally issued laptop computer:



20. Game stations

- 20.1** Microsoft Xbox 360, 1st Generation (Arcade) and 2nd Generation (gloss black) in 4GB and 250GB are approved for use as a gaming console within prisons.
- 20.2** Additional functionality such as the storage of music is not supported by the Department.
- 20.3** The KINECT peripheral is not suitable for use within prisons and is not to be issued to prisoners. In the event that an Xbox 360 2nd Generation is purchased with the KINECT peripheral, the peripheral is to be stored in property or signed out.
- 20.4** Prisoners who have a game station in possession shall be restricted to being in possession of a maximum of two (2) game controllers.
- 20.5** Existing Nintendo Game Cubes and Playstations are permitted until the prisoner is released or the item malfunctions, at such time the item is to be placed in the Property Store and is not to be reissued.
- 20.6** Security seals on the item (and over USB ports where present) are to be attached prior to issue in accordance with Section 23 and [Appendix 4 – Application of security seals](#). Any prisoner found to have tampered with security seals is to have the item(s) removed from possession and placed in storage for the remainder of their period of imprisonment.

21. Excessive noise

The volume of radios, televisions etc, must be kept to a minimal level at all times. Failure to comply with this may result in a loss of privilege.

22. Security checks - Electrical items

- 22.1** Subject to Section 22.2, all electrical items will be opened and searched before they are issued into a prisoner's possession. The cost for this will be borne by the prisoner.
- 22.2** Only items that have been purchased from the canteen or have unbroken security seals will be exempt from this requirement.
- 22.3** Microphones will be removed (at the prisoner's expense) from all stereo systems.

23. Security seals

- 23.1** All prisoners' electrical items will be recorded on TOMS. Any electrical item that cannot be identified with a Serial Number or a Security Seal Number will not be issued.
- 23.2** Security seals will be placed on all electrical items to prevent unauthorised opening of these items and for identification purposes. The number/s are to be recorded on the 'Offender Property Sheet – 220' Report.
- 23.3** Security seals are to be applied to all USB ports on televisions, DVD players, set top boxes and game consoles prior to these items being issued to prisoners as 'in possession'. The application of security seals is detailed in [Appendix 4 – Application of security seals](#).
- 23.4** Any electrical item that has damaged security seals will be returned to Reception and will not be reissued until it has been searched and new security seals attached. The cost for the search shall be borne by the prisoner.
- 23.5** Any electrical item that has had the Serial Number deliberately removed or defaced will be returned to Reception. The item may be removed for the remainder of the prisoner's period of imprisonment and may not be reissued without the approval of the Designated Superintendent.

24. Audio tapes, video tapes, computer games and compact discs

- 24.1** Blank audio tapes and music compact discs (CDs) (other than those specified in Section 24.6) are considered to be consumable items and do not need to be recorded on TOMS. Prisoners are permitted up to ten (10) music CDs or audio tapes in their possession at any one time.
- 24.2** DVDs and computer games are not considered as consumable items and as such are required to be processed through Reception and entered on TOMS. Prisoners are permitted up to ten (10) DVDs or computer games in their possession at any one time.
- 24.3** Videotapes are not considered to be consumable items and as such are required to be processed through Reception and entered on TOMS. Videotapes are to be inscribed with the prisoner's identification number prior to issue. Prisoners are permitted up to five (5) videotapes in their possession at any one time.
- 24.4** Exchanging of items listed in Sections 24.1, 24.2 or 24.3 with others stored in Reception will be permitted in line with Standing/Local Orders.
- 24.5** All evidentiary videotapes/DVDs/materials (eg police interviews, crime scene videos) are only to be accessed as legally required, under strict controls.

Superintendents are required to nominate a suitable location and provide the means to view the VCR tapes/materials when required.

- 24.6** CD-R, CD-RW and other similar discs are not permitted, other than where the prisoner has been permitted the use of a Departmental laptop in accordance with [Section 19](#). In such cases the prisoner will be permitted one (1) CD-R or CD-RW on which to store his/her personal documents and files. If a second disc is required, the prisoner must apply to the ACCO. CD-Rs or CD-RWs in possession will constitute part of the ten (10) tapes/discs in possession as specified in Section 24.1 above. CD-Rs or CD-RWs shall be recorded on TOMS and are not considered consumable items.
- 24.7** Possession of restricted materials including magazines and pornographic videos is prohibited in accordance with [Adult Custodial Rule 11 - Permitted and Prohibited Material](#).

25. Cassette, record, CD, video, book and magazine clubs

Prisoners are not permitted to subscribe to cassette, record, CD, video or book clubs or any similar clubs. Prisoners are not permitted to subscribe to any computer magazine clubs.

26. Other electrical items

- 26.1** The Designated Superintendent may, on advice from the Director Health Services, supply items of property not normally issued to a prisoner who requires the item due to a medical condition.
- 26.2** The item is to be purchased by the prison, and will remain in the prisoner's possession for the period the item is medically required.
- 26.3** The item will then be returned to the medical area for storage and subsequent issue to another prisoner where deemed appropriate.
- 26.4** Items in accordance with this section are not deemed to form part of the prisoner's electrical item allocation as specified in [Section 17.1](#) and [Section 17.2](#).

27. Jewellery

The maximum amount of jewellery items allowed in possession is limited to:

- Wedding ring, engagement ring and eternity ring. The rings may have coloured stones, be engraved and/or patterned. Wedding rings, engagement rings and eternity rings may exceed the \$200 value limit restrictions in [Section 10](#) at the discretion of the superintendent.
- Two (2) additional plain rings (no raised/dangerous protrusions) may be issued. Rings unable to be removed from a prisoner's finger may be retained in possession and are to be considered part of the allowable issue.
- Two (2) pairs of conservative style earrings worn only in the ears.
- Personal religious necklace or chain with a religious pendant or one supplied by the Chaplain (in line with [Policy Directive 7 - Religious and Spiritual Activities](#)).
- One (1) plain necklace with pendant.
- Medic Alert bracelet.
- One bracelet.

28. Body piercing

- 28.1** Reception areas shall hold a kit for the removal of body piercing jewellery by prisoners. The kit shall contain retainers and the necessary equipment required for the removal of jewellery. Each prison will also provide suitable facilities including privacy and hand basin for washing hands.
- 28.2** Prisoners themselves shall remove all exposed body piercing jewellery (inc. facial jewellery) except that permitted under [Section 27](#). Prisoners will be offered plastic retainers to replace jewellery.
- 28.3** All other body piercing jewellery that is normally covered by clothing may remain, except where the nature of the piercing or the style of jewellery, in the superintendent's opinion, constitutes a security or health risk to the prison, prisoner or others.
- 28.4** Additional plastic retainers will be available through the prison canteen.
- 28.5** Prison staff should not forcibly remove body piercing jewellery.
- 28.6** Health Services and nursing staff shall only attend to matters where a piercing poses a health problem to the prisoner or the removal is required to administer first aid.
- 28.7** All jewellery removed or retained is to be recorded on the prisoner's property list on TOMS accordingly.
- 28.8** The estimated value of the jewellery retained or stored is not to exceed the \$200 value limit restrictions in [Section 10](#).
- 28.9** The superintendent shall include in a Standing/Local Order the action to be taken when a prisoner refuses to remove body piercing. Options include charges under s 69 (a) or 69(i) of the [Prisons Act 1981](#) or a regression of supervision under [Policy Directive 3 – Hierarchy of Prisoner Management Regimes](#) to restrict a prisoner's movement and involvement in activities to those which pose little risk to the prison, themselves or others.

29. Legal and other paper materials

- 29.1** While prisoners may hold in their cells legal materials, legal reference materials, books and other paper materials including religious material, books, periodicals and correspondence, there may be some occasions when alternative storage arrangements will be required.
- 29.2** For reasons of fire safety, sanitation, security and housekeeping, any paper material to be held in storage should be limited.

30. Guitars and other musical instruments

- 30.1** Prisoners may have musical instruments in their possession subject to security considerations and providing it does not inconvenience unit staff/prisoners (eg with excessive noise - see [Section 21](#)).
- 30.2** Prisoners may have one (1) musical item in possession. Electrical musical instruments of any kind, or drums, are not permitted.

31. Toiletries and cosmetics

- 31.1** A reasonable amount of toiletries and cosmetics brought in with the prisoner on initial reception may be issued, subject to security considerations and subject to Section 31.2 below.
- 31.2** Aerosol items (such as deodorants and body sprays) are not permitted to be issued 'in possession' under any circumstances.
- 31.3** Toiletries, cosmetics and perfumes may be purchased from an authorised source, subject to Section 31.2 above.
- 31.4** Toiletries, cosmetics and perfumes may not be brought in from any other source except as stated in Sections 31.1 and 31.3 above.

Property received at the Gate or via mail

32. Property received at the gate or via mail

- 32.1** Subject to the approval of an Officer nominated by the superintendent, the following items may be delivered by mail or by hand to a prison for delivery to prisoners:
- Clothing for court, Absence Permit attendance (funerals etc) and discharge may be received for prisoners with the prior approval of Reception staff or another Officer nominated by the superintendent
 - Undergarments (including bras, for female prisoners)
 - Photographs (excluding Polaroids)
 - Prescription glasses/hearing aids/false teeth
 - Wedding, engagement and eternity ring (only)
 - Legal documents and material relating to a court case
 - Religious articles (in accordance with [Policy Directive 7 - Religious and Spiritual Activities](#))
 - Foreign language reading materials appropriate to non-English speaking prisoners from Consulates only
 - Electrical items in accordance with [Section 17](#)
 - Babies and children's items in accordance with [Policy Directive 10 - Prisoner Mothers/Primary Carers and their Children](#) (these items are not required to be inventoried on TOMS).
- 32.2** Visitors delivering items in accordance with the above are to be provided with an original receipt for all items of property delivered to the front gate for prisoners (Visitors Receipt - Property Received from a Visitor Form). A duplicate copy is to be given to the prisoner. The triplicate copy is to be attached to the property for checking in Reception.
- 32.3** All items delivered to the prison for a prisoner shall be opened, searched and documented on TOMS before they are issued into a prisoner's possession in accordance with Prisons Regulation 36A.
- 32.4** Unauthorised items received by mail will be returned to the sender in the first instance, redirected to the prisoner's next of kin, signed out to a visitor as soon as practicable or kept with the prisoner's stored property until it can be disposed of

either by the prisoner or by the superintendent. Prisoners will be notified in such cases. The only exception to this will be suitable family photographs and written correspondence.

33. Electrical items delivered for prisoners

- 33.1** All prisoners may have a maximum of three (3) electrical items delivered at any time up until 14 days after their initial sentencing (subject to Section 33.2 below). These items may be selected from the items listed in [Section 17.2](#), and must comply with size and specification restrictions.
- 33.2** Where televisions are supplied by a prison, prisoners are permitted to have two (2) items delivered in accordance with Section 33.1 above (not including a television). If the prisoner is transferred to a prison which does not supply televisions, the prisoner may have a television (only) delivered within 14 days of arrival at that prison.
- 33.3** All electrical items will be opened and searched before they are issued into possession. The cost for this will be borne by the prisoner.
- 33.4** Electrical items other than those listed in [Section 17.2](#) are to be purchased through the canteen.

Canteen purchases

34. Items purchased through canteen or recreation

- 34.1** Items of a non-consumable nature purchased whilst in prison and issued by the canteen or Recreation Officers shall be recorded on TOMS. The prisoner is to sign an updated 'Offender Property Sheet – 220' Report when non-consumable items are purchased from the canteen.
- 34.2** It is the responsibility of the prisoner to ensure their 'Offender Property Sheet – 220' Report and 'in possession' record remains accurate and current.

Clothing, bedding and footwear

35. Private clothing

- 35.1** Clothing shall be laundered prior to being stored unless determined otherwise by the superintendent in exceptional circumstances (ie. specific dry cleaning requirements, delicateness of the garment, or religious garments with specific cleaning requirements).
- 35.2** Prisoners are permitted to have their personal underwear in possession. Specifically, female prisoners are permitted to retain their own bras in possession. See also [Section 32.1](#).
- 35.3** The laundering of personal underwear will be the prisoner's responsibility. One set of underwear must remain with the prisoner's civilian clothing that is stored in the Property Store.
- 35.4** Prisoners with outstanding court appearances will have civilian clothing stored in a clothing bag.

- 35.5 Prisoners with no further court appearances must retain one set of civilian clothing in their Property Store.
- 35.6 Clothing in excess of one set of clothing is to be signed out within 14 days of their final court appearance.
- 35.7 Under no circumstances are prisoners permitted to be in possession of personal clothing or clothing other than prison clothing, other than that specified in Section 35.2 above.

36. Private footwear

- 36.1 Prisoners are not permitted to retain private footwear in possession other than footwear purchased from the canteen. The only exception will be orthopaedic or medically approved shoes and these will only be issued with supporting advice from the Director Health Services.
- 36.2 A minimum of one pair of shoes must be retained in a prisoner's stored property for discharge or court attendance.
- 36.3 Joggers and sports type footwear may be purchased from the range available in the Canteen.

37. Doonas

Prisoners may only have doonas in possession which are purchased from the canteen. Only one single bed doona is to be purchased and allowed in possession at any one time.

Transfers in and out of prison

38. Transfer (outgoing)

- 38.1 The amount/type of property that will be transferred with a prisoner to another prison shall be in accordance with restrictions specified in [Policy Directive 82 – Prisoner Movements - Procedures](#).
- 38.2 Restrictions (by quantity/weight) vary according to the mode of transport (ie. air, road). Any property that is not transferred with the prisoner at the time of the transfer due to being in excess of the restrictions in [Policy Directive 82 – Prisoner Movements - Procedures](#) shall be moved at the sending prison's expense, subject to Section 38.3
- 38.3 Some items are prohibited from transfer by airline carriers. Any property that is not transferred with the prisoner at the time of the transfer due to being unusually large or deemed as dangerous goods (see [Policy Directive 82, Appendix 8, Dangerous Goods – Skippers Aviation](#)) shall be moved at the prisoner's expense. Refer [Policy Directive 82 – Prisoner Movements - Procedures](#) for further information.
- 38.4 As far as practicable, and subject to restrictions imposed by [Policy Directive 82 – Prisoner Movements - Procedures](#) and the above subsections of these procedures, when a prisoner is transferred to another prison all of the prisoner's property is to accompany the prisoner.
- 38.5 Reception staff will print out a 'stored' property list and check that it matches the property stored at the facility. An 'in possession' list will also be printed out to check against the cell property brought to Reception by the prisoner. Once the property has been checked it may then be packed for transfer.

- 38.6** The condition of all property being transferred is to be checked against the condition recorded on TOMS and is to be amended if the condition of the item has changed since it was previously recorded.
- 38.7** An 'Offender Property Sheet – 220' Report is to be printed out, prior to the transfer. The prisoner is to sign the 'Offender Property Sheet – 220' Report. This signed report will then accompany the property to the receiving prison. The signed report is then to be filed on the prisoner's Management File.
- 38.8** If there are any discrepancies between the items present for transfer and the records on TOMS then the following will apply:
- 38.8.1** Unlisted property (other than consumable items) will be set aside and recorded as 'Unassigned Property' on TOMS. It will remain at the prison until ownership of the property can be verified. If it remains unclaimed, because ownership cannot be ascertained, then it will be dealt with under Prisons Regulation 37.
- 38.8.2** Any item of property listed 'in possession' that is not brought to Reception by the prisoner is to have its status changed on TOMS. The prisoner is to be asked the current whereabouts of the property and this will determine the status that will need to be recorded on TOMS.
- 38.9** Before being transported all private property must be packed and labelled in accordance with [Policy Directive 82 – Prisoner Movements - Procedures](#). Property too bulky to be boxed which is permitted for transfer in accordance with [Policy Directive 82 – Prisoner Movements - Procedures](#) can be tagged with a card attached to the item. The card is to specify prisoner's name, file number and destination. Boxes and bags are to be sealed prior to transfer.
- 38.10** Prior to the prisoner departing the prison, a Transport Property Receipt Sticker is to be placed on the 'Offender Property Sheet – 220' Report, stating the prisoner's name, number of boxes/bags containing the prisoner's property, and other property (eg. television, fan etc) not contained within boxes/bags. The sticker shall also state the number of Prisoner Management Files including medical/unit/warrant files. Property must be listed as 'in transit' on TOMS by the sending prison.
- 38.11** The transporting officer shall confirm the details as correct by signing their name in the Transport Officer Receiving section on the sticker. Once the sticker is signed by both the Reception Officer and transporting officer, the 'Offender Property Sheet – 220' Report with the signed sticker shall be photocopied – the original is to remain with the outgoing property and the copy is to remain at the sending prison.
- 38.12** Property must be listed as 'in transit' on TOMS by the sending prison.
- 39. Transfer (incoming)**
- 39.1** As soon as is practicable following a prisoner's arrival or transfer from another prison, an inventory of the prisoner's property against the accompanying TOMS Offender Property Sheet – 220' Report shall be completed. This shall be done in the presence of the prisoner where possible.
- 39.2** Any discrepancies of items (other than consumable items) are to be investigated by the receiving prison in consultation with the sending prison.
- 39.3** In the event that a property container (box or bag) is identified as having been tampered with, or is not sealed upon arrival at the receiving prison, the inventory must be undertaken in the prisoner's presence immediately.

- 39.4** If the number of prisoners being transferred into the prison prevents the inventory from being conducted immediately (see Section 39.3 above), in the presence of the prisoner the tampered/unsealed bag must be immediately placed into a separate sealed bag and retained for inventory as soon as possible.
- 39.5** Damaged property is to be noted and brought to the attention of the prisoner who is to be advised of claim procedures.
- 39.6** As soon as is practicable, following a prisoner's arrival to the receiving prison, prisoners are entitled to obtain possession of in-cell property.

40. Temporary transfers and temporary placements (TPLs)

- 40.1** When a prisoner is temporarily transferred to another prison, for whatever reason, the prisoner's property must be secured, where possible, by locking the prisoner's cell.
- 40.2** If re-allocation of the cell is required during a longer absence, then the prisoner's property must be placed in the Property Store and the status of such items is to be changed on TOMS to 'in storage'. Upon return of the prisoner, any property placed in the Property Store from the prisoner's cell will be returned to the prisoner and the status reverted on TOMS to 'in possession'.
- 40.3** If the prisoner is in a shared cell, the property should be boxed, sealed and taken to the Property Store for safe storage. If another prisoner(s) shares the same cell, the other prisoner(s) should be present during the removal of property in order to identify and safeguard his or her own property. Officers should be cautious of false claims of ownership.
- 40.4** If Section 40.3 applies, two (2) Officers should, where practicable, secure all property in the cell and make a record of all property removed from the prisoner's cell as soon as practicable following the transfer. They are to use a TOMS 'Cell Clearance Form' and a TOMS 'Items Removed by Staff' form. The 'Items Removed by Staff' form is used to manually record items not listed on the 'Cell Clearance Form' and not listed as in possession of the prisoner who remains in the cell.
- 40.5** Property being transferred with the prisoner is to have the status changed on TOMS to 'in transit'.
- 40.6** Whenever any prisoner is required to leave the prison on a temporary placement (such as for a court appearance, hospital appointment etc), the prisoner's property must be secured, where possible, by locking the prisoner's cell.

41. Urgent transfers

- 41.1** Where a prisoner is subject to an urgent transfer for purposes such as medical treatment, disciplinary action or as a security precaution, the responsibility for the prisoner's property then rests with prison staff to ensure effective safeguards are enforced to protect that property if it is not transferred at the time of the prisoner transfer.
- 41.2** Two Officers should, where practicable, secure all property in the cell and make a record of all property found in the prisoner's cell at the earliest opportunity following the prisoner's removal from the cell (in the presence of the prisoner if possible). The Officers are to use a TOMS 'Cell Clearance Form' and a TOMS 'Items

Removed by Staff' form (for manually recording items not listed on the 'Cell Clearance Form'.

- 41.3** When the presence of the prisoner is impractical due to time constraints, security or safety measures, the Officers conducting the cell clearance (in line with Section 41.2 above) shall ensure that all property is returned to Reception as soon as practicable. Both Officers are to sign the TOMS 'Cell Clearance Form' and the TOMS 'Items Removed by Staff' form.
- 41.4** If another prisoner(s) shares the same cell, the other prisoner(s) should be present during the removal of property in order to identify and safeguard his or her own property. Officers should be cautious of false claims of ownership.
- 41.5** The Reception Officer shall check the TOMS 'Cell Clearance Form' and the TOMS 'Items Removed by Staff' form for accuracy, then pack such property and place it in the Property Store. The status of the items is to be changed on TOMS to 'in Property Store'.
- 41.6** Any item of property that is listed on the prisoner's 'Items Removed by Staff' form is to be labelled and stored as contraband. The items listed are to be entered in the 'Unassigned Property' register on TOMS.
- 41.7** Property shall be held pending the prisoner's return or further instructions.

42. Interstate or international transfers from Western Australia

- 42.1** Prisoners transferring to prisons outside of Western Australia (in accordance with the *Transfer of Prisoners Act 1983 (Cth)*, *Prisoners (Interstate Transfers) Act 1983*, the *International Transfer of Prisoners Act 1997 (Cth)* or the *Cross-border Justice Act 2008*) shall be permitted to take hand luggage only.
- 42.2** Any excess property is to be signed out or destroyed in accordance with [Prisons Regulations 1982](#), r 36D. In exceptional circumstances, excess property may be transferred to the receiving prison (if agreed with the receiving prison in advance). All costs relating to the agreed transfer of property are to be at the expense of the prisoner being transferred.

Property transactions – Transfer and sale

43. Signing out property to a visitor

- 43.1** Prisoners wishing to sign out property to a visitor are to arrange with their Unit Officer to bring the property to Reception at least one day prior to the visit.
- 43.2** The Reception Officer will change the status of the item on TOMS to 'signed out' and enter the name of the visitor receiving the item.
- 43.3** A TOMS receipt will be printed out for the prisoner to sign, authorising the property to be signed out, and the visitor to sign when they pick up the property. This will be retained in the prisoner's property file.
- 43.4** When prisoner's property is sent out by mail, courier or any other similar method, the delivery process must include obtaining the signature of the recipient for the item/s. The signature must be obtained by the organisation delivering the item/s. The cost of the delivery is to be borne by the prisoner.

44. Loan of property - Prisoner to prisoner

Prisoners will not loan or be permitted to loan personal items to other prisoners or staff without the written authority of the superintendent. Any unauthorised items found in possession of a prisoner will be confiscated and may result in the prisoner being subject to disciplinary action.

45. Transfer of electrical items - Prisoner to prisoner

Transfer of property between prisoners is not permitted.

46. Sale of electrical Items - Prisoner to prisoner

The sale of property between prisoners is not permitted.

Unclaimed/contraband property, and discharge, death, or escape of a prisoner

47. Unclaimed property

- 47.1** Where the owner of unclaimed property can be identified, and the prisoner has been discharged, then a letter (Unclaimed Property Notification in TOMS) is to be sent to the prisoner's last recorded address indicating that the property will be disposed of in accordance with [Prisons Regulations 1982](#), r 37 if the person fails to collect the property within three (3) months.
- 47.2** All uncollected, abandoned or unclaimed items of property will be sent to the Reception Officer who will store them for a period of three (3) months. The items will then be dealt with under the provisions [Prisons Regulations 1982](#), r 37.
- 47.3** All property disposed of under [Prisons Regulations 1982](#), r 37 is to have its status changed on TOMS to reflect its disposal or destruction.

48. Contraband and unlawful property

- 48.1** Any items found in a prisoner's possession that is not listed on their 'Offender Property Sheet – 220' Report, other than consumable items not recorded, may be considered contraband and be confiscated.
- 48.2** Any property items which has distorted or altered markings or that have been substantially (either internally or externally) modified from the manufacturer's original configurations are to be considered contraband.
- 48.3** Property found, as per Section 48.1 above, where the owner can not be identified, will be entered as 'found' property on the TOMS 'Unassigned Property' register and stored in the appropriate location subject to Section 48.2 above.
- 48.4** All confiscated items will be delivered to Reception staff who will store them for a period of three (3) months. The items will then be destroyed or disposed of as required under [Prisons Regulations 1982](#), r 37.
- 48.5** All property disposed under [Prisons Regulations 1982](#), r 37 is to have its status changed on TOMS to reflect its disposal or destruction.

49. Property inventory in the prisoner's absence

- 49.1** A 'Cell Clearance' form and an 'Items Removed from Cell' form are to be printed from TOMS to document the inventory.
- 49.2** The property shall be checked against the 'Cell Clearance' list and any items not listed are to be recorded manually on the 'Items Removed from Cell' form.
- 49.3** The property is to be taken to Reception. Care should be taken to ensure that prisoner property is not damaged or destroyed.
- 49.4** The Officer conducting the inventory shall sign and date the inventory forms in the presence of a second Officer. The forms are to be kept with the property.
- 49.5** The Reception Officer shall check the TOMS 'Cell Clearance' form and the TOMS 'Items Removed By Staff' form for accuracy, then pack such property and place it in the property room.
- 49.6** Any item of property that is listed on the prisoner's 'Items Removed by Staff' form is to be labelled and any items deemed to be contraband are to be entered as 'found' in the 'Unassigned Property' register on TOMS and stored in the appropriate location.
- 49.7** Authorised property may be re-issued in accordance with these instructions.

50. Death of a prisoner

(refer to [Policy Directive 30 - Death of a Prisoner](#))

- 50.1** The cell of a deceased prisoner is to be secured and access shall only be granted for urgent/critical reasons upon the authority of the Designated Superintendent.
- 50.2** On arrival of the Police, control over access to the cell should be handed over to the Police who shall authorise any subsequent access until the cell is handed back to the Designated Superintendent.
- 50.3** The Designated Superintendent may, at the conclusion of the investigation and with the permission of the Police and the coroner, authorise the cell to be cleared of all property belonging to the prisoner.
- 50.4** Two (2) Officers should, where practicable, secure all property in the cell and make a record of all property found in the prisoner's cell as soon as practicable but in accordance with Section 50.3 above. They are to use a TOMS 'Cell Clearance Form' and a TOMS 'Items Removed by Staff' form. The 'Items Removed by Staff' form is used to manually record items not listed on the 'Cell Clearance Form'.
- 50.5** The property is to be taken to Reception. Care should be taken to ensure that prisoner property is not damaged or destroyed.
- 50.6** The Officers conducting the inventory shall both sign and date the 'Cell Clearance' and the 'Items Removed from Cell' form. These forms are to be kept with the property and a copy provided to the investigating police officer.
- 50.7** The Reception Officer shall check the TOMS 'Cell Clearance' form and the TOMS 'Items Removed By Staff' form for accuracy, then pack such property and place it in the property room.
- 50.8** Any item of property that is listed on the prisoner's 'Items Removed by Staff' form is to be labelled and any items deemed to be contraband are to be entered as

'found' on the 'Unassigned Property' register on TOMS and stored in the appropriate location.

- 50.9** The deceased's next of kin is to be advised that the property of the deceased held at the prison or by the contractor requires the approval of the Coroner and investigating Police before release. Subject to such approval, the next of kin can collect the property or, alternatively the property can be returned to the next of kin at the Department's expense by arrangement (refer also [Policy Directive 30 - Death of a Prisoner](#)).
- 50.10** If property is not claimed in accordance with the previous sections following the death of a prisoner, a letter (Unclaimed Property Notification) is to be sent to the prisoner's next of kin indicating that the property will be disposed of in accordance with [Prisons Regulations 1982](#), r 37 if the person fails to collect the property within three (3) months.
- 50.11** All uncollected property will be stored by the Reception Officer for a period of three (3) months. The items will then be dealt with under the provisions [Prisons Regulations 1982](#), r 37.
- 50.12** All property disposed of under [Prisons Regulations 1982](#), r 37 is to have its status changed on TOMS to reflect its disposal or destruction.

51. Escapes

- 51.1** On the instructions of the Unit Manager, two (2) Officers shall ensure that all of an escaped prisoner's property is returned to Reception in accordance with this Section.
- 51.2** Two (2) Officers should, where practicable, secure all property in the cell and make a record of all property found in the prisoner's cell as soon as practicable following the incident. They are to use a TOMS 'Cell Clearance Form' and a TOMS 'Items Removed by Staff' form. The 'Items Removed by Staff' form is used to manually record items not listed on the 'Cell Clearance Form'.
- 51.3** The TOMS 'Cell Clearance Form' and a TOMS 'Items Removed by Staff' form are to be completed and signed by both Officers. One copy of the forms are to be retained in Reception and one copy sent to the superintendent.
- 51.4** Unit Officers are responsible for ensuring that all of the prisoner's property is returned to Reception as soon as possible.
- 51.5** The Reception Officer shall check the TOMS 'Cell Clearance Form' and the TOMS 'Items Removed by Staff' form for accuracy, then pack such property and place it in the property room.
- 51.6** Any item of property that is listed on the prisoner's 'Items Removed by Staff' form is to be labelled and any items deemed to be contraband are to be entered as 'found' property on the TOMS 'Unassigned Property' register and stored in the appropriate location.
- 51.7** Property shall be held pending the prisoner's return or further instructions issued by the designated Superintendent.
- 51.8** If another prisoner shared the escaped prisoner's cell, the other prisoner should, if possible, be present during the removal of the escapees' property in order to identify and safeguard their own property. Officers should be cautious of false claims of ownership.

51.9 Any property shown on the 'Offender Property Sheet – 220' Report or the prisoner's in possession Prisoner Property Sheet that cannot be located should be listed and retained for future reference.

51.10 Under extraordinary circumstances it may not be possible to immediately remove property from the cell of an escaped prisoner. On such occasions action is to be taken as soon as is practicable to fully secure the escaped prisoner's room until such time as the procedure can be implemented.

52. Recaptured prisoner

52.1 Upon receiving a request to forward the property of an escaped prisoner after recapture, the Reception Officer shall satisfy themselves that all property is listed on the 'Offender Property Sheet – 220' Report which should then be dated and signed. All property including valuable property shall be forwarded to the appropriate prison.

52.2 If at any time any anomaly exists or property is missing, the Superintendent is to be informed and a report submitted.

53. Discharge procedures

53.1 The property of the prisoner shall be made available to that prisoner on his/her release or as soon as practicable thereafter.

53.2 Reception staff will print out an Offender Property Sheet – 220' Report and check that it matches the property stored at the facility. A 'Cell Clearance' form will also be printed out to check against the cell property brought to Reception by the prisoner. Once the property has been checked it may then be packed for discharge.

53.3 The stored property will then have its status changed on TOMS to 'In Possession', an Offender Property Sheet – 220' Report will then be printed and signed by the prisoner accepting possession of the property.

53.4 If there are any discrepancies then the following will apply:

53.4.1 Unlisted property (other than consumable items) will be set aside and recorded as Unassigned Property on TOMS. It will remain at the prison until ownership of the property can be verified. If it remains unclaimed, because ownership cannot be ascertained, then it will be dealt with under Prisons Regulation 37.

53.4.2 Any item of property listed 'in possession' that is not brought to Reception by the prisoner is to have its status changed on TOMS. The prisoner is to be asked the current whereabouts of the property and this will determine the status that will need to be recorded on TOMS.

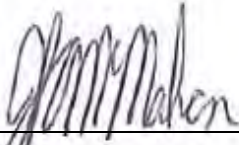
53.5 An 'Offender Property Sheet – 220' Report is to be printed out, prior to the discharge. The prisoner is to sign the 'Offender Property Sheet – 220' Report. This will then be included in the prisoner's property file.

Lost or damaged property

54. Lost or damaged property

- 54.1** In the event that property is lost or damaged by prison staff during normal operations, compensation to the prisoner can be made from existing operating budgets.
- 54.2** Compensation for lost or damaged items will be limited to the monetary value of the item. Compensation for lost or damaged artwork will be limited to the materials value.
- 54.3** Compensation for lost or damaged consumable items will not be provided.
- 54.4** Prisons will only be legally liable to compensate for loss in those circumstances where they have failed to take reasonable care. Generally speaking, it is not recommended that prisons accept liability unless liability is clear. Prisons may chose to accept responsibility for the loss or damage of an article without admitting liability before submitting a claim for compensation.
- 54.5** Act of Grace Payments require Ministerial approval and are for exceptional circumstances only and not generally used to compensate a prisoner for the loss or damage of an item of property. Information on the legislative requirements and procedures relating to Act of Grace Payments is provided in [Act of Grace - Fact Sheet](#). Applications for Act of Grace payments to prisoners are to be forwarded to Finance and Business Services for approval.

55. Approved



Date: 6 December 2013

Commissioner or delegated authority
per Policy Directive 42

56. Contact person

Principal Operational Policy Officer

57. Version history

	Version	Approved	Effective from
1.	First published		April/May 2003
2.	Amended		March 2006
3.	Amended		9 June 2009
4.	Amended		25 October 2010
5.	ACCO Notice 3/2013 added to relevant instruments		22 March 2013
6.	Amended, Policy and Procedures docs separated. Revokes ACR8, PD2 and OI8.	6 December 2013	19 December 2013