



INTRODUCTION

The purpose of this guidance document is to establish guidelines for the taking, safekeeping, storage, release, disposal, and destruction of personal property taken from offenders by Vermont Department of Corrections (DOC) field staff. Field staff may take both legal and illegal items, in certain situations. This document outlines the types of property that may be taken, the circumstances in which it shall be taken, and the procedural guidelines which must be followed.

Field staff may take personal property from an offender when the offender:

- Is being transported to a correctional facility and is in possession of property that is prohibited in the facility;
- Brings personal property to a field office that is barred from the premises;
- Is found in possession of item(s) that violate the conditions of the offender's supervision; and
- Is found in possession of illegal items.

1. TAKING OF OFFENDER PROPERTY

a. Legal Property Taken Prior to Transporting Offender to a Correctional Facility

Offenders transported to a correctional facility from a field office often have property on their person that although legal, is prohibited in the facility. In such instances, the property shall be taken by field staff.

Examples of items that shall be taken from offenders transported to a correctional facility include:

1. Purses or wallets and their contents;
2. Certain clothing items, including clothes with logos, belts, and steel-toed boots, as appropriate;
3. Jewelry, with the following exceptions:
 - a. One wedding band – Plain metal or other material with no gemstone or imitation gemstones;
 - b. One watch; and
 - c. One religious necklace or medallion, as outlined in the [administrative policy on religious observances](#);
4. Cellular telephones;
6. Tobacco and tobacco products including, but not limited to, cigarettes, cigars, smokeless tobacco products, dissolvables, and electronic cigarettes;
6. Lighters;
7. Alcohol;
8. Prescription medications and hypodermic needles, even though legally prescribed for the offender;
9. Weapons or items which may be used as weapons, such as box cutters or knives; and
10. Pornography or erotica of any kind.



b. Property Barred from Field Offices

To preserve the safety and security of field offices, DOC policy prohibits some types of property from those offices. When lockers are available onsite, the items may be stored in a locker during an individual's visit. If lockers are not available or the items have not been properly stored in a locker, field staff shall temporarily hold the property while an offender is on the premises.¹

The following non-exclusive list illustrates the types of items that an offender may be otherwise legally entitled to possess, but which shall be taken temporarily while the offender visits a field office, and returned when the offender leaves the office:

1. Tobacco and tobacco products including, but not limited to, cigarettes, cigars, smokeless tobacco products, dissolvables, and electronic cigarettes;
2. Lighters;
3. Alcohol;
4. Hypodermic needles; and
5. Weapons or items which may be used as weapons, such as box cutters or knives.

c. Items Violating an Offender's Conditions of Supervision

In some circumstances, offenders are prohibited from possessing certain items by their conditions of supervision. When a staff member witnesses an offender in possession of an item that violates the conditions of their supervision, the staff member shall take the item which will not be returned upon the offender's departure from the office. If such item can be construed as evidence in a criminal or violation proceeding, the appropriate authorities shall be notified and chain of custody shall be maintained, using a [Contraband/Criminal Physical Tag and Chain of Custody Form](#).

Items that commonly violate an offender's conditions of the offender's supervision include alcohol and legal pornography.

d. Illegal Property

Field staff should notify law enforcement officials when they find offenders in possession of illegal items such as illegal drugs or child pornography. When the field staff member can safely take the item from the offender and store it securely, the field staff member shall do so. In such situations, the field staff member shall maintain chain of custody using a [Contraband/Criminal Physical Tag and Chain of Custody Form](#).

¹ See [DOC administrative directive on searches](#).



e. Procedure When Taking Offender Property

Legal items temporarily taken from an offender at a field office shall be labeled and placed in a secure safe, cabinet, or room during the offender's visit, and returned when the offender leaves the office. Personal property taken from an offender for any other reason shall be inventoried by the staff member using the following procedure:

1. Place the item in the proper size clear plastic or evidence bag and seal it. Write the offender's name and the date the item was taken directly on the bag or attach a piece of masking tape with the offender's name and date written on it.
2. Enter each item into the Personal Property Tab in the Offender Management System (OMS).
3. Electronically sign the [Personal Property Report](#).
4. Request the offender to electronically sign the [Personal Property Report](#). If the offender refuses:
 - a. Indicate the refusal on the report; and
 - b. Have another field staff member sign the report as witness to the refusal.
5. Print two copies of the [Personal Property Report](#), and:
 - a. Give one to the offender; and
 - b. Attached one to the bag holding the evidence.
6. Secure the bag in a safe, cabinet, or room, as appropriate.

There may be times when the offender's property cannot be inventoried in the offender's presence. In such circumstances, the inmate shall be asked to sign the [Personal Property Report](#) as soon as possible after the items have been recorded in OMS.

Legal property taken as possible evidence in a criminal or violation proceeding shall be inventoried and available for release to the offender, or a person designated by the offender, after

1. a determination has been made that the item will not be used as evidence, or
2. the criminal or violation proceeding in which it is used has concluded and item returned to DOC.

The DOC staff member shall notify the offender, or person designated by the offender, when the item is available for release and that it must be picked up within thirty (30) days of notification, after which time it may be discarded or destroyed

Illegal items will not be returned to the offender.

2. FIREARMS

Field staff members shall never take firearms from offenders or any other person and shall avoid physical contact with offenders in possession of firearms.

1. If an offender is found in possession of a firearm in a field office, the field staff member shall direct the offender to leave the office.



2. If a field staff member finds that an offender in the community is in possession of an illegal firearm or possesses a firearm in violation of a condition of supervision, the field staff member shall immediately notify the appropriate law enforcement authority.

3. STORAGE OF OFFENDER PROPERTY

Property taken from offenders in the field and not returned the same day shall be stored in a secure safe, cabinet, or room in the field office. It shall remain there until it is released, disposed of, destroyed, or turned over to law enforcement officials. The items shall be stored for a minimum of thirty (30) days before they may be disposed or destroyed. There are a few exceptions to this requirement, which are explained in the [Disposal and Destruction of Offender Property](#) section of this document.

In cases when the property may be construed as evidence in a criminal or violation proceeding, the appropriate authorities shall be notified and chain of custody shall be maintained, using a [Contraband/Criminal Physical Tag and Chain of Custody Form](#).

Offenders may choose to leave personal identification documents at a field site to pick up on release, leave for another person to pick up, or take to the facility for proper storage. Refer to the Inmate Identification Guidance Document for instructions on handling these documents. No personal identification documents shall be destroyed or disposed of by field or facility staff.

4. RELEASE OF OFFENDER PROPERTY

a. Types of Property Which May Be Released

Certain property taken in the field may be released to the offender, or someone else on the offender's behalf, within the first thirty (30) days from when the property was taken. This includes property that:

1. The offender or others may legally possess;
2. Does not violate the offender's conditions of supervision; and
3. May not be construed as evidence in a criminal or violation proceeding.

If an item violates the offender's conditions of supervision but is legal for others to possess, it may be released to someone other than the offender, at the discretion of the field staff member and with the offender's consent. In such cases, the field staff member shall inform the person picking up the item that the offender may not access or use the item, and that it may not be kept in the offender's home.

b. Procedure When Releasing Offender Property

Any field staff member who has been designated by the District Manager may release property taken from an offender in the field. When an offender or a person designated by the offender



requests the release of such property, the field staff member shall adhere to the following procedure:

1. Using the OMS Property Module, determine if any of the property was disposed of or destroyed.
2. Inform the person requesting the property when and why each specific item was disposed of or destroyed.
3. Locate any remaining property in the secure storage safe, cabinet, or room, and cross-check each item with the inventory in the OMS Property Module.
4. When releasing retained property, enter information for the released items into the Property Module in OMS, including:
 - a. Date of release;
 - b. The person to whom the property was released; and
 - c. Reason the property was released.
5. Obtain the electronic signature of the person to whom the property was released on either the:
 - a. [Personal Property Report](#), if the property was release directly to the offender; or
 - b. [Property Release Receipt](#), if the property was released to a person other than the offender.In such situations, ask the person to also print their name on the receipt.
 - c. If the person to whom the property was released is unable or unwilling to sign:
 - i. Indicate the refusal on the report; and
 - ii. Have another field staff member sign the report as witness to the refusal;
 - d. Electronically sign the report.
6. If the offender is housed in a correctional facility, OMS will notify the offender's assigned Casework Service Specialist to provide the offender with a copy of the uploaded, signed [Personal Property Report](#) or [Property Release Receipt](#).
7. If the offender is in the community, the field staff member shall provide the offender a copy of the signed [Personal Property Report](#) or [Property Release Receipt](#) either in person or by U.S. mail.

5. DISPOSAL AND DESTRUCTION OF OFFENDER PROPERTY

Certain items shall not be returned to the offender. This includes items that are not legal to possess, items which violate the conditions of the offender's supervision, or items which may be construed as evidence in a criminal or violation proceeding.

If an item of an offender's property is turned over to law enforcement authorities, it shall be done by the Community Corrections Program Supervisor (CCPS) or District Manager, in the presence of a field staff member witness. In addition, the following conditions apply to the disposal or destruction of property taken from offenders in the field:

1. Alcohol, drug paraphernalia, and illegal weapons that are not firearms and that may not be construed as evidence in a criminal proceeding shall be disposed, according to local procedure.



- a. In cases when the presence of the item may be used as evidence in a violation hearing, photographic documentation shall be prepared prior to its disposal.
- b. Alcohol may be disposed by pouring it down a drain.
2. Whenever illegal prescription medications (i.e., not prescribed to the offender) or drugs are taken from offenders in the field, the field staff member shall document their presence, and immediately contact the appropriate law enforcement authority. The law enforcement authority may choose to investigate, take, store, and dispose of the drugs or medication as appropriate.
3. Illegal prescription medications or drugs not taken by the law enforcement authority shall be disposed.
 - a. Illegal prescription medications or drugs shall not be disposed in their original packaging or an evidence bag.
 - b. In cases when the presence of the item may be used as evidence in a violation hearing, photographic documentation shall be prepared prior to its disposal.
 - c. When possible, prescription medications and illegal drugs shall be disposed by depositing them in a United States Drug Enforcement Administration-approved collection receptacle. When depositing medications or drugs in such a receptacle, at least two field staff members shall make the deposit together.
 - d. When no United States Drug Enforcement Administration-approved collection receptacle is available, prescription medications and illegal drugs shall be disposed by one of the following methods:
 - i. Mailing them to the Vermont Department of Public Safety (DPS). In such situations, any required DPS paperwork or forms shall be mailed with the drugs, and a copy shall be filed in the field office; or
 - ii. In the case of prescription drugs, destroying them in the presence of at least two field staff members, in a manner consistent with United States Food and Drug Administration [protocols](#).
4. Tobacco, cigarettes, lighters, and other tobacco products shall not be stored.
 - a. Field staff shall document their presence and immediately dispose of the items by placing them in the garbage.
 - b. In the case of electronic cigarettes, field staff shall:
 - i. Dispose of the cartridges; and
 - ii. Properly label and store the emptied device for a minimum of thirty days, during which it may be released to the offender, or a person designated by the offender. If the device is not picked-up within the thirty days, the device may be disposed of by placing it in the garbage.
5. Hypodermic needles shall not be stored, unless they are construed as evidence in a criminal or violation proceeding. Field staff shall document their presence, and immediately place them in a sharps container designed to collect used hypodermic needles and other sharp instruments. If construed as evidence in a criminal or violation proceeding, staff shall contact law enforcement.
6. Items possibly containing child pornography shall not be stored. Field staff shall document the presence of the items, and immediately contact the appropriate law enforcement authority to investigate, take, store, or dispose of the item as appropriate.



7. Identification belonging to offenders shall never be disposed or destroyed.
8. When items are found that belong to someone other than the offender or which are believed to be stolen, field staff shall document their presence and:
 - a. In cases when the offender claims possession of the property was authorized, attempt to contact the person identified by the offender as the owner.
 - i. If the person who was contacted agrees that he or she is the owner of the item and the property was not stolen, the property shall be stored in accordance with the procedure described in this guidance document, and made available to the person for pick-up within thirty (30) days of notification to the owner.
 - ii. If the identified person does not pick up the item within thirty (30) days, it may be disposed or destroyed in accordance with the procedure described in this guidance document.
 - b. If the item is a form of identification or an electronic benefit transfer card, refer to the Inmate Identification Guidance Document for instructions on handling these documents.
 - c. If the item is believed to be stolen, turn it over to the appropriate law enforcement authority to investigate, take, store, and release the property as appropriate.
9. Any other item may be disposed or destroyed after being held for a minimum of thirty (30) days, provided it:
 - a. May not be construed as evidence in a criminal or violation proceeding; and
 - b. Could not be returned to its rightful owner, the offender, or someone else on the offender's behalf during that time.

Procedure When Disposing or Destroying Offender Property

Only a CCPS or District Manager may dispose of or destroy an offender's property that was stored at a field office. Any such disposal or destruction shall be done in the presence of a field staff member witness.

The CCPS or District Manager shall adhere to the following procedure when disposing or destroying property taken from an offender in the field:

1. Locate the item of the offender's property to be disposed of or destroyed in the secure storage safe, cabinet, or room, and cross-check them with the inventory:
 - a. On the attached [Personal Property Report](#); and
 - b. In the Property Module in OMS.If a discrepancy is found, try to reconcile the difference. All unreconciled differences shall be resolved by the District Manager.
2. Dispose or destroy the items in accordance with the requirements of this guidance document.
3. Update the information in the Property Module in OMS to indicate that the item was disposed of or destroyed, including:
 - a. The date on which the property was disposed of or destroyed;
 - b. Whether the property was disposed of or destroyed; and
 - c. The reason the specific item was disposed of or destroyed.
4. The CCPS or District Manager shall electronically sign the [Personal Property Report](#), indicating that the property was disposed of or destroyed.



5. The field staff member witnessing the disposal or destruction of the items shall electronically sign and print their name on the [Personal Property Report](#).
6. If the offender is housed in a correctional facility when the property was disposed of or destroyed, OMS will notify the offender's assigned CSS to provide the inmate with a copy of the uploaded, signed [Personal Property Report](#).
7. In the offender is in the community, the field staff member shall provide the offender a copy of the signed [Personal Property Report](#), either in person or by U.S. mail.