

CR 93-143

**CERTIFICATE**

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF CORRECTIONS) SS.

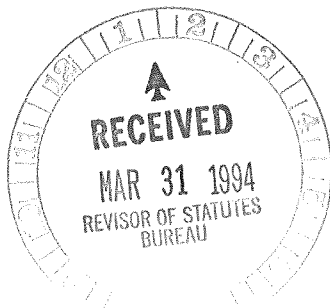
I, Michael J. Sullivan, Secretary of the Department of Corrections and custodian of the official records of the Department, do hereby certify that the annexed rule relating to personal property of inmates was duly approved and adopted by this Department on March 31, 1994.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Corrections at the State Office Building, 149 East Wilson Street, in the city of Madison, this 31st day of March, 1994.

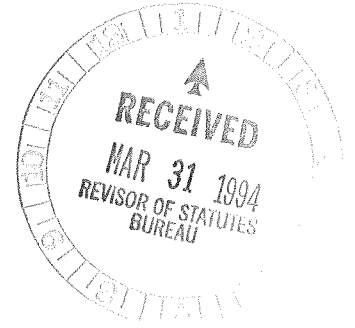
SEAL:

*Michael J. Sullivan*  
MICHAEL J. SULLIVAN, Secretary  
Department of Corrections



6-1-94

ORDER  
OF  
DEPARTMENT OF CORRECTIONS  
PROMULGATING CLEARINGHOUSE RULE 93-143



INTRODUCTORY CLAUSE

The Wisconsin Department of Corrections proposes an order to amend s. DOC 303.47(3) and repeal and recreate s. DOC 309.35, relating to personal property of inmates.

PLAIN LANGUAGE ANALYSIS

Statutory Authority: Section 227.11 (2)(a), Statutes  
Statutes interpreted: Sections 301.03(1) and (2), Statutes

This rule provides for the confiscation of contraband under s. DOC 303.47 in accordance with the procedures under s. DOC 303.10.

This rule sets forth the policy that inmates are permitted to have property in their possession subject to the limitations in s. DOC 309.35 and policies and procedures established by the administrator of the division of adult institutions. The rule regulates the accumulation, possession, use and disposal of property inmates may have in prisons. Individual wardens or superintendents must also develop policies and procedures regulating inmate personal property within their institutions, including a written list of permissible property and permissible methods of acquisition and disposal of personal property. The administrator is also authorized to develop policies and procedures relating to the transportation of inmate property when an inmate is

transferred from one institution to another. The rule imposes limits on the volume of property, including personal, hobby and legal, which an inmate is permitted to have or transfer.

This rule places a limitation on the total cost of an inmate's electronic items or musical instruments at \$350.00 per property item. Other property items cannot exceed \$75.00 in cost. Receipts from the merchandise supplier will be required. Finally, in case of loss or damage caused by an institution, the value of an inmate's property is its current value, not to exceed the purchase price.

The rule details the options available for the disposal of inmate property in the case of mandatory or discretionary parole, discharge, escape, or death. It also sets forth the options for an inmate who is currently incarcerated and wants to dispose of property.

The rule retains the current rule concept that property which is not permitted in an institution or not on an inmate's property list is contraband and subject to seizure and disposition. An inmate may be disciplined for possessing contraband.

#### TEXT OF RULE/FINAL FORM

SECTION 1. DOC 303.47(3) is created to read:

DOC 303.47(3) Any item which appears to violate this section may be seized and disposed of in accordance with s. DOC 303.10.

SECTION 2. DOC 309.35 is repealed and recreated to read:

DOC 309.35 PERSONAL PROPERTY. (1) POLICY. Inmates are permitted to have personal property in their possession in an institution subject to this section and the policies and procedures established under this section by the administrator of the division of adult institutions or by the warden or superintendent of an institution, relating to the acquisition, possession, use and disposal of inmate property.

(2) INVENTORY. Each institution shall monitor and control authorized property in an inmate's possession. A written inventory shall be maintained of all authorized personal property in an inmate's possession. An inmate is responsible for notifying the institution property department immediately if a discrepancy exists between the inventory and the property in the inmate's possession.

(3) ACQUISITION, POSSESSION AND USE. Each warden or superintendent shall develop policies and procedures subject to the approval of the administrator of the division of adult institutions, relating to the acquisition, possession and use of the personal property of inmates within the institution, and including the following components:

(a) A written list of the personal property items permitted at the institution. The list and any changes to it shall be approved by the administrator of the division of adult institutions.

(b) Permissible methods by which personal property may be acquired by an inmate, including:

1. Purchase from institution canteen;

2. Purchase from approved retail outlets;
3. Gifts from friends and relatives brought in on visits; or
4. Other methods approved by the institution.

(c) All inmate personal property, excluding electronic equipment, typewriters, fans or other large items, shall be stored in receptacles provided by the institution. The volume of an inmate's possessions may not exceed the maximums provided under this section.

(d) All inmate personal property, excluding medically prescribed items, hobby materials, legal materials, electronic equipment, typewriters, fans or other large items, shall fit in a receptacle which is no larger than 32" x 16" x 16" or 8192 cubic inches.

(e) All inmate hobby materials shall fit in a receptacle which is no larger than 14" x 14" x 14" or 2744 cubic inches, except one oversized item.

(f) An inmate shall be allowed legal materials which are necessary for that inmate's legal actions or the legal actions of another inmate whom the first inmate is assisting. All of an inmate's legal materials which are kept in the inmate's cell or room shall fit in a receptacle which is no larger than 20" x 20" x 20" or 8000 cubic inches. A warden or superintendent may authorize additional storage space on a temporary basis upon demonstrated need in connection with on-going litigation and consistent with fire codes and regulations.

(g) Repair of inmate property shall be at the inmate's expense. Loss or damage to property caused by another inmate is not the responsibility of the institution. Repair or replacement of loss or damage caused by institution staff shall be at the expense of the institution. Value of property shall be determined in accordance with par. (5).

(4) DISPOSAL. Each warden or superintendent shall develop policies and procedures subject to the approval of the administrator of the division of adult institutions, relating to the disposal of personal property of inmates within the institution. Inmates shall have the option of choosing the method of disposal subject to security concerns. The following components shall be included:

(a) Inmates released to discretionary parole, mandatory parole or discharge shall be notified in advance of their release date that the options for disposal of their personal property are as follows:

1. Property may be taken with the inmate at the time of release.
2. Property may be sent by commercial carrier on or before the date of release. An inmate shall make arrangements through the institution business office prior to release for this service and payment shall be made from the inmate's account.
3. Arrangements may be made in advance for pickup of all property, on or before the date of release, except for necessities which are required by the inmate during the balance of incarceration, and which the inmate can take on the

day of release.

4. Upon release to parole or mandatory release, funds in an inmate's account shall be disbursed as specified in s. DOC 309.49(5).

5. Unclaimed property shall be held for a one year period after the date of release, after which time the property shall be disposed of in accordance with s. DOC 303.10(3). The institution shall not be responsible for damage due to prolonged storage.

(b) Upon the escape of any inmate, the institution shall collect all personal property of the inmate as soon as possible, prepare an inventory of such property and place the property in a secure area for safekeeping.

1. Personal property and funds of an inmate who has escaped shall be held in the institution for a period of one year after which time the property shall be disposed of in accordance with s. DOC 303.10(3). The institution shall not be responsible for damage due to prolonged storage. No property shall be released to family members solely at the request of the inmate's family members.

2. If an inmate is apprehended and returned to an institution within one year of the date of escape, the inmate's property stored under this paragraph shall be transferred to the institution of placement by the institution from which the inmate escaped. If an inmate is incarcerated in a prison or jail which is not under the jurisdiction of the department,

the property may be transferred upon the written request of the inmate and at the inmate's expense to the location of the inmate's confinement.

(c) Upon the death of an inmate, and satisfactory verification of next of kin, the warden or superintendent shall:

1. Approve the disbursement of property and funds to next of kin if the property and funds do not exceed \$150.00 in value in accordance with s. 302.14, Stats.

2. Prepare an affidavit for transfer of property under s. 867.03 if the property and funds value more than \$150.00 and less than \$10,000.00. The affidavit shall be signed by the person claiming the property and filed with the institution and the Wisconsin department of revenue prior to transfer of property to the next of kin in accordance with s. 867.03, Stats.

3. Unclaimed property shall be held for a one year period after the date of death, after which time the property shall be disposed of in accordance with s. DOC 303.10(3). The institution shall not be responsible for damage due to prolonged storage.

(d) Inmates who are currently incarcerated shall be notified that the options for disposal of their personal property are as follows:

1. Items received at an institution but not approved shall upon inmate notification be returned to the sender, forwarded by commercial carrier to a person on the inmate's visiting



list at the inmate's expense, or picked up by a person on the inmate's approved visiting list within 30 days. Items which are not approved and pose a security concern to the institution shall be disposed of immediately. Property which cannot be disposed of as provided in this paragraph shall be disposed of at the discretion of the warden or superintendent.

2. Items which are contraband shall be disposed of in accordance with s. DOC 303.10.

3. Inmates shall be given written notice within 10 days of the disposal of any of their personal property.

4. Inmates are permitted to sell to other inmates only property items which are specified in policies and procedures established by each warden or superintendent and approved by the administrator of the division of adult institutions.

(5) VALUE OF PROPERTY. The cost of a musical instrument or individual or combination electronic item may not exceed \$350.00, excluding taxes and shipping costs. The cost of other items except those which are medically prescribed may not exceed \$75.00 for each item, excluding taxes and shipping costs. Personal property shall require a receipt from the merchandise supplier. In case of loss or damage caused by the staff of an institution, the value of an inmate's personal property shall equal its value at the time of loss or damage, not to exceed its purchase price.

(6) TRANSPORTATION OF PROPERTY. The administrator of the division of adult institutions shall develop procedures regulating the transportation of inmate personal property between institutions,

subject to the following:

(a) Items of personal property may not exceed the size limitations under sub. (3)(d) through (f). Property in excess of these limitations shall be disposed of in accordance with par. (4).

(b) For the purposes of transportation, an inmate's legal materials shall fit in a receptacle which is no larger than 20" x 20" x 20" or 8000 cubic inches. Materials in excess of this amount shall be shipped at the inmate's expense by commercial carrier. A warden or superintendent shall authorize payment of shipping costs for excess materials if the inmate can establish indigence in accordance with s. DOC 309.51.

(7) CONTRABAND. Items not permitted at an institution or permitted but not on an inmate's property list under sub. (2) shall be considered contraband and subject to seizure and disposition under s. DOC 303.10. An inmate may be subject to discipline for possessing contraband under ss. DOC 303.42 through DOC 303.47.

**EFFECTIVE DATE**

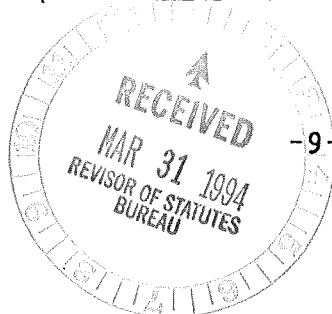
This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro), Stats.

Dated: \_\_\_\_\_

3/31/94

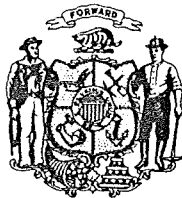
Agency: \_\_\_\_\_

Michael J. Sullivan  
Michael J. Sullivan, Secretary  
Department of Corrections



Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



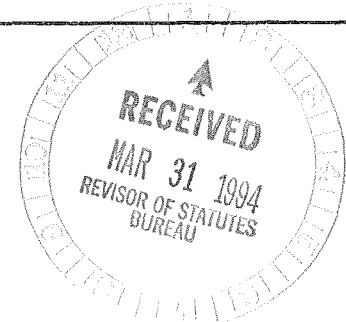
Mailing Address  
149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471

## State of Wisconsin Department of Corrections

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March 31, 1994

Mr. Bruce E. Munson  
Revisor of Statutes  
119 Martin Luther King Jr. Blvd.  
2nd Floor  
Madison, Wisconsin 53702



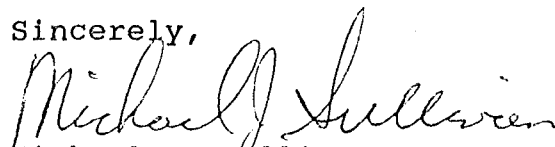
Re: Clearinghouse Rule 93-143, relating to personal property  
of inmates

Dear Mr. Munson:

As provided in s. 227.20(1), Stats., enclosed for filing is a certified copy of the rule of the Department of Corrections, relating to personal property of inmates. Also, enclosed is an uncertified copy.

This rule is also being filed with the Secretary of State as provided in s. 227.20, Stats.

Sincerely,

  
Michael J. Sullivan  
Secretary

Enclosures

cc Representative Lary Swoboda  
Senator Timothy Weeden  
Representative Tammy Baldwin  
Senator Gary Drzewiecki

CERTIFICATE

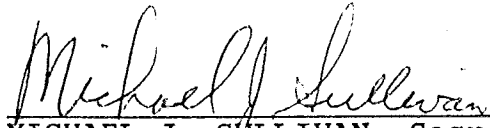
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DEPARTMENT OF CORRECTIONS)    ss.

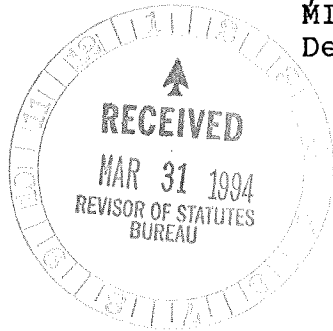
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MICHAEL J. SULLIVAN, Secretary  
Department of Corrections



Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



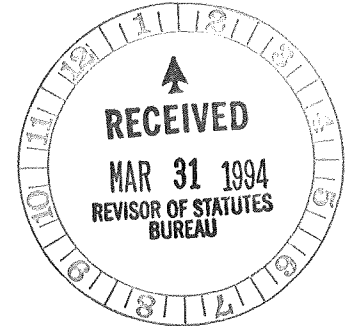
Mailing Address  
149 East Wilson Street  
Post Office Box 7925  
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Telephone (608) 266-2471

State of Wisconsin  
Department of Corrections

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March 31, 1994

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Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan".

Michael J. Sullivan  
Secretary

Enclosures

cc Representative Lary Swoboda  
Senator Timothy Weeden  
Representative Tammy Baldwin  
Senator Gary Drzewiecki