



SCDC POLICY/PROCEDURE

NUMBER: OP-22.36

TITLE: DAMAGE, DESTRUCTION, AND ABUSE OF PROPERTY

ISSUE DATE: AUGUST 1, 2007

RESPONSIBLE AUTHORITY: DIVISION OF OPERATIONS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: NONE - NEW POLICY

RELEVANT SCDC FORMS/SUPPLIES: 19-11, 19-29

ACA/CAC STANDARDS: NONE

STATE/FEDERAL STATUTES: NONE

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To set forth guidelines for the removal of property from inmates when the inmate damages, destroys, or abuses property.

POLICY STATEMENT: The South Carolina Department of Corrections will not tolerate the damage, destruction, or abuse of state property. Inmates who damage, destroy, or abuse state property or who use their personal property to cause damage or destruction or to create a threat to safety, security, or good order will lose their property for a period of time to be determined by the Warden and may be subject to disciplinary action under SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System."

SPECIFIC PROCEDURES:

1. DAMAGE, DESTRUCTION OR ABUSE OF STATE PROPERTY: Inmates who damage, destroy, or abuse state property may lose such state property items, as deemed appropriate by the Warden according to the following procedures: (NOTE: This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to SCDC Policy/ Procedure OP-22.14, "Inmate Disciplinary System." In addition, inmates may be required to make restitution for the damaged/destroyed item pursuant to SCDC Policy/Procedure ADM-15.01, "Repayment of Costs by Inmates.")

1.1 Anytime an inmate is found to have damaged, destroyed, or abused any state property, the unit supervisor may confiscate the property and will document this confiscation on SCDC Form 19-29, "Incident Report." The unit supervisor will be responsible for forwarding the Incident Report to the Warden.

1.2 Within three (3) working days following the confiscation of the property item, the Warden will be required to review and determine how the length of confiscation of the property item. Wardens are authorized to confiscate the property item for up to one (1) year ***if the property has been used to set a fire in his/her cell, or used to assault a staff member or inmate.*** Items that may be confiscated include, but are not limited to:

- Mattresses;
- Furniture; or
- Any property item described in OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property";

These actions would not be considered grievable.

Wardens are also authorized to delay repairs to buildings (e.g., windows, beds, etc.) if an inmate has damaged the real property, however repairs cannot be delayed if such repairs are required for public health reasons. If an item is recommended to be returned to the inmate, the destroyed item will be repaired or replaced with like items and the inmate may be held liable for repair and/or replacement costs. See SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System," and SCDC Policy/Procedure ADM-15.01, "Repayment of Costs by Inmates," for additional information.

1.3 The Warden will notify the inmate by memo of the length of the confiscation and the reasons for the confiscation. Security staff will be responsible for documenting any confiscated items and the duration of the confiscation in the unit log book.

1.4 All SCDC Form 19-29's and memos used to document incidents of such behavior will be filed in the inmate's Institutional Record and may be used by the ICC to adjust an inmate's classification.

2. USE OF PERSONAL PROPERTY TO CAUSE DAMAGE OR DESTRUCTION OR TO CREATE A THREAT TO SAFETY, SECURITY, OR GOOD ORDER:

2.1 Inmates who cause damage or destruction or create a threat to the safety, security, or good order of an institution by the mis-use or abuse of personal property may lose the use of such property for a period of time to be determined by the Warden. Wardens are authorized to confiscate the property item for up to one (1) year.

2.2 Legal Material: When an inmate mis-uses his/her legal material or uses the container used for storage of legal material to store or conceal contraband, the legal material may be removed from the inmate's possession and secured in a box(es) (any size box may be used). The inmate's name, inmate identification number, and the number of the box (e.g., 1,2,3, etc.) will be written on the box that contains the legal materials and the box(es) will be sealed in the presence of the inmate. The box(es) containing the legal materials will be stored in the property room. No legal materials will be disposed of. During the period of time that the legal material is removed from the inmate's possession, when the inmate needs to use the legal materials stored in the legal materials box, s/he will complete an SCDC Form 19-11, "Request to Staff Member." The inmate must identify the number of the box s/he requires. The inmate will be allowed to remove the legal material s/he requires from the box, but will not be allowed to retain the box. When the inmate is finished with the excess legal materials box, it will be re-sealed in the inmate's presence and returned to the property room.

Jon E. Ozmint, Director