



Property Management of Prisoner Property

PRO

Custodial Operations Practice Directive

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1. Human Rights

It is unlawful for corrective services officers to act or make decisions in a way that is not compatible with human rights, or in making a decision, fail to give proper consideration to a human right relevant to the decision.

Giving proper consideration to human rights entails identifying human rights which may be relevant to a decision and considering whether the decision would be compatible with human rights.

A decision will be compatible with human rights when it does not limit a human right, or only limits a right to the extent that is reasonable and demonstrably justifiable.

Human rights which may be relevant include:

- a) freedom of thought, conscience, religion and belief;
- b) property rights;
- c) privacy and reputation;
- d) protection of families; and children; and
- e) cultural rights – generally and for Aboriginal peoples and Torres Strait Islander peoples.

2. Limitation of Human Rights

In determining whether a limitation may be reasonable and demonstrably justified, the following factors are relevant to consider:

- a) The nature of the human right – this involves looking at the purposes and underlying value of the human right. For example, the right to property provides that a person must not be arbitrarily deprived of their property.
- b) The nature and purpose of the limitation – this involves considering the actual purpose or legitimate aim or reason for limiting the human right. For example, this document limits the right to property for the safety and security of the corrective services facility.
- c) The relationship between the limitation and its purpose – this involves considering the connection between the limitation of the right and whether this will assist with achieving the purpose or legitimate aim. For example, does the restriction on what property a prisoner is able to access, achieve the purpose of maintaining the security and good order of the corrective service facility?
- d) Whether there are less restrictive and reasonable ways to achieve the purposes – this involves a 'necessity analysis' where it is necessary to consider the purpose of the limitation and whether it can be achieved in any other way. For example, are the restrictions placed on a prisoner's property access reasonable and justifiable?
- e) The importance between the purpose of the limitation and preserving the human right – this involves balancing the benefits obtained by the limitation with the harm caused to the human right. For example, does maintaining the security and good order of the corrective services facility through placing restrictions on prisoners' access to their property outweigh the impact of the limitations on the prisoners' right to not be arbitrarily deprived of their property?

A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.





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2.1 Lesbian, Gay, Bisexual, Trans/Transgender, Intersex, Queer/Questioning and Asexual (LGBTIQA+) prisoners

QCS staff must treat all prisoners with respect. Prisoners must not be discriminated against or harassed on the grounds of their medical condition, sexual identity, gender identity, intersex status or related issues.

Considerations relevant to the Lesbian, Gay, Bisexual, Trans/Transgender, Intersex, Queer/Questioning and Asexual (LGBTIQA+) cohort of prisoners (where this is known) must be taken into account during any decision making.

Decisions are to be made on a case by case basis following an individualised assessment of relevant factors, including relevant human rights and the reasonableness of the actions being considered.

3. Overview

In a corrective services facility, each prisoner's personal property and valuables must be fully inventoried pursuant to section 317(6) of the *Corrective Services Act 2006* (CSA) and recorded electronically in IOMS. A physical property file must be raised for each prisoner at the time of reception to collect and store the active physical property records. Upon prisoner discharge the property records contained on the property file, must be securely attached to the main Offender File which is created, tracked and managed on the QCS recordkeeping system. Corrective services staff are to adhere to the Offender File Management Procedure and Appendix Offender Content.

All paper records pertaining to the prisoner's property management, including applications, acknowledgement of responsibility for property forms, hand in and hand out forms and sundry correspondence, are to be placed on the prisoner's property file in date order. The file must be managed and stored securely, with documentation maintained in good order to eventually be placed onto the Offender File. The file must accompany the prisoner when transferred. Refer to the Custodial Operations Practice Directive (COPD) Sentence Management: Transfers.

To ensure QCS stores full and accurate records of all administrative decisions pertaining to prisoner property, property information must be securely attached within the Offender File, prior to the Offender File being sent to off-site storage (i.e. the Central Archives facility, Wacol).

Central Archives will not accept Offender Files, where property file information is placed loosely and/or not securely attached within the file.

A prisoner will be advised upon reception at a corrective services facility the total volume of property the facility will hold. Refer to section 43 of the *Corrective Services Regulation 2017* (CSR), the COPD Property: Prisoner Property on Admission for property limits and the Appendix PRO8 Prisoner's Authorised Cell Property (Male) and the Appendix PRO9 Prisoner's Authorised Cell Property (Female).

Centres can provide prisoners with additional prison issue clothing as deemed necessary.

4. Maintaining Prisoner Property

The Chief Executive or delegate may impose conditions about the use of property by a prisoner in accordance with section 317 of the CSA and must provide for the management of prisoner property, storage, recording, transfer and disposal, including the safe keeping of a prisoner's property held in a corrective services facility's property store.





Property Management of Prisoner Property

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The Chief Superintendent of a corrective services facility must establish a process which ensures that a prisoner's property and valuables are fully inventoried and recorded electronically in IOMS with physical records placed on the property file.

Entries should clearly describe each item including but not limited to:

- description of the item/garment (e.g. shirt – green, long sleeves, cotton);
- brand name;
- serial number, other identifying number or any distinguishing features;
- shape/size; and
- the description of items listed as “valuables” must refer to colour (e.g. white metal, yellow metal, red stone). The description is not to state an item is “silver” or “gold” or the name of any other metal or gemstone.

IOMS must be updated whenever additional property is added or sent out.

Each property item entered on the IOMS property list needs a status to be recorded for it.

Status	Definition	Example
Missing	The item is listed on the prisoner's property list but not physically located.	Property list states '1 x Black Sony CD player'. There is no CD player amongst physical property.
In Transit	IOMS automatically does this to all property marked as “in storage” and “issued” when a prisoner is transferred between centres.	Prisoner transfers between centres, on performing 'move offender out' action, property automatically turns to 'in transit'.
Disposed	Item has been placed in the bin to be destroyed with the prisoner's consent and signed as such on property card by prisoner.	Prisoner chooses to dispose of old shoes so new STP pair can be issued/placed in property to remain within property limit restrictions.
In Storage	Item is stored by the centre, often in reception store, in an allocated compactus storage facility. The reception store takes responsibility for storage of these items.	Items stored may include, but not limited to: a) those marked 'valuable'; b) court clothes/paperwork; or c) excess cell property.
Issued	An item that has been issued to the prisoner for everyday use/ possession on their person/ in their cell. The prisoner takes responsibility for storage of these items.	Prisoner asks for their approved 'Nike slides' from their property to wear in the unit and the item gets removed from storage and 'issued' to them.
Handed Out	An item that has been given to a prisoner's visitor during a visit day or mailed out to a next of kin via the centre mail service.	Usually, items which can't legally be stored at the centre, or the prisoner has reached their 'in storage' limit.
Discharged	An item that has left the centre when the prisoner has been bailed, discharged at the end of their sentence or released to parole.	Prisoner exits custody and is 'moved out' to parole. All property 'issued to' or 'in storage' associated with the prisoner changes status to 'discharged'.

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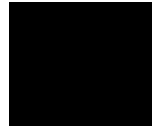


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	This also automatically happens via IOMS when a prisoner is 'moved out' to discharge.	
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5. Issuing Personal Property

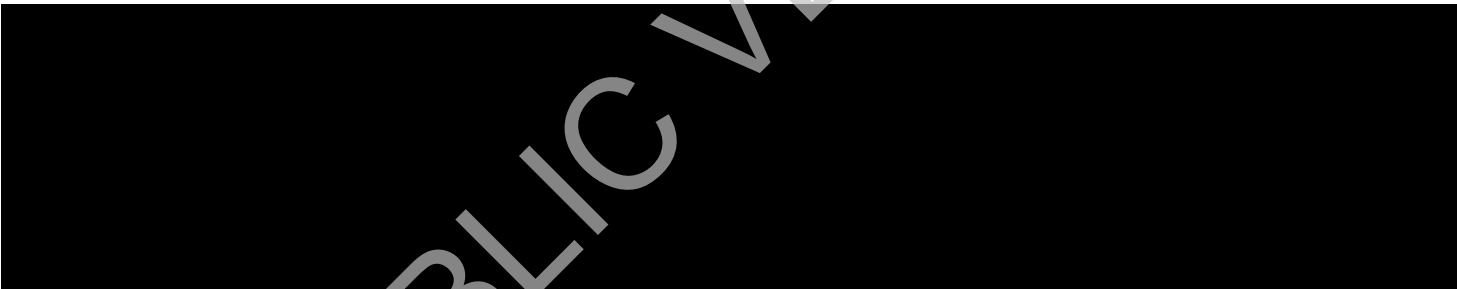
All property issued must be recorded in IOMS. The prisoner who owns the property is to sign and enter the date the property was issued. The prisoner must sign against every entry that indicates property has been removed from the corrective services facility.



Personal property must not be issued to a prisoner unless approved and the prisoner has completed the Administrative Form 4 Acknowledgement of Responsibility for Property. The form signed in respect of the initial issue of items is sufficient for subsequent issues of items. Officers must confirm that a signed form of responsibility is on the prisoner's property file before any personal property is issued on subsequent occasions.



For personal property limits and restrictions refer to the COPD Property: Prisoner Property on Admission.



5.2 Transgender prisoners

At the discretion of the Chief Superintendent, a transgender prisoner is to be provided with specific clothing or other items for functional purposes, including appropriate underwear (e.g. sports bras), if that clothing item is provided to prisoners of the gender with which the prisoner identifies, or if the item is otherwise considered appropriate in the circumstances.

Transgender prisoners may also purchase items to reflect their gender identity including hair dye, hair removal cream and shaving equipment, at the discretion of the Chief Superintendent.

5.3 Child's property

The Chief Executive or delegate may approve the amount of property which can be held by a prisoner who has a child approved for accommodation in custody. Refer to section 43(2)(d) of the CSR and the Appendix PRO5 Authorised Property – Child. This amount is not taken into account when calculating the amount of property held by the prisoner.

When a prisoner is approved to have a child accommodated within the centre the prisoner is permitted an initial 'bulk' hand-in property entitlement to ensure the child's immediate needs are met within the corrective services facility. This initial allocation of property must be in accordance with the authorised in cell property for a child in custody. Refer to the Appendix PRO5 Authorised Property Child.





Property exceeding the authorised in cell property for a child in custody or property no longer required by the child should be handed out of the facility to allow for new property to be received.

The Chief Superintendent may approve additional property after considering the individual circumstances of a child accommodated in custody.

6. Lost or Damaged Property

A person may claim compensation from the state in accordance with section 319 of the CSA if, when the person was in the Chief Executive's custody, the person's property was lost or damaged while:

- a) stored by the Chief Executive; or
- b) being transported by the Chief Executive between corrective services facilities.

When a prisoner is transferred the receiving centre must ensure all property is received as per section 16. Prisoner Property Transfer in this COPD. If it is established that property has not been received the onus is on the receiving centre to contact the transferring centre and follow up missing items promptly. Where items are unable to be located in this situation the prisoner may lodge a compensation claim through the Deputy Commissioner, Custodial Operations.

A claim for compensation by a prisoner in relation to stored property must be made in writing to the Chief Executive or delegate and is to describe the particulars of loss or damage to property.

A request should be made to the prisoner to sign an Administrative Form 313 Indemnity as part of this process, however compensation cannot be withheld from a prisoner on the basis that they have refused to sign this form. Where a prisoner has refused to sign an Administrative Form 313 Indemnity, this refusal should be recorded with the document and placed on the prisoner's property file.

If the grievance arises due to a prisoner being transferred between corrective services facilities, the onus is on the receiving facility to resolve any new complaints or claims where possible.

In instances where a prisoner with a current property complaint or compensation claim is transferred to another corrective services facility, the facility in which the complaint was originally lodged retains carriage of the matter.

The Chief Executive or delegate must:

- a) ensure a register is maintained for the reporting, investigation and recording of compensation property claims;
- b) nominate an investigating officer to be responsible for responding to and resolving property complaints and compensation claims; and
- c) ensure that a file is maintained recording the results of each compensation claim.

The nominated investigating officer must:

- a) document and process compensation claims in a timely manner and must comply with the requirements of the QCS Client Complaint Management Policy, refer to the related directives and documents link;
- b) refer the complaint to another corrective services facility, if appropriate, rather than requiring the prisoner to submit a new letter;
- c) update the prisoner's IOMS property records accordingly prior to finalisation of the matter with relevant comments attached explaining the outcome of the compensation claim;
- d) relevant comments should include details of the action taken by the centre in relation to the complaint and the reasons for the ultimate decision; and





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- e) these comments should be provided to the prisoner to allow them to understand the reasoning behind the resolution of their claim.

Where compensation is to be paid to a prisoner refer to the Appendix PRO4 Condition Code Prisoner Private Property. The Chief Superintendent may use their discretion when determining the appropriate level of compensation, however this amount must not be lower than the attached appendix.

When a prisoner applies to the Chief Executive in writing under section 43(4) of the CSA for approval to keep property of a stated value, exceeding \$500, in the corrective services facility, supporting evidence regarding the valuation of the item should be provided by the prisoner. In circumstances where relevant evidence is unable to be obtained the Chief Superintendent and prisoner will need to agree on a reasonable value for the item prior to approval being given.

Decisions under section 319(3) of the CSA must be undertaken in accordance with the relevant financial delegation. [REDACTED]

6.1 Seized property

Property may be seized only in accordance with sections 138-142 of the CSA. Refer to the Approved Form 25 Receipt for Seized Property and Approved Form 26 Notice of Forfeiture of Seized Thing.

7. Approved Photographs

For the purpose of this COPD, the term photograph is inclusive of pictures or images produced or transmitted by media such as digital cameras, scanners and copiers. It applies equally to images received via postal mail, handed in at visits or via the Email a Prisoner (EMAP) process.

The Chief Executive or delegate may allow a prisoner to possess personal photographs in a corrective services facility (refer to section 317 CSA and Queensland Corrective Services Instrument of Delegation of Chief Executive Powers).

Approved photographs must:

- only depict people who are fully clothed (meaning not unclothed, partially clothed or wearing underwear or swimwear);
- not depict groups of children in a school, childcare, sporting or organisational context; and
- not depict any Outlaw Motorcycle Gang (OMCG) material.

Cultural considerations must be taken into account when considering the above criteria, for example photographs of individuals in appropriately worn traditional clothing may be accepted and not rejected on the basis of (a) above.

The Chief Superintendent of the corrective services facility must ensure that all approved photographs are stamped or noted on the reverse with the prisoner's IOMS ID denoting ownership. This includes on the back of each image received via the EMAP process in case the prisoner separates these at a later time.

If a hard copy photograph received via postal mail is deemed unapproved, refer to section 8.3 Other delivery of property in this COPD.

If an image received via the EMAP process is deemed unapproved, the centre must inform Unilink via email to uts.au@unilink.com and refer to section 8.3 Other delivery of property in this COPD. If the message and reply sheet are still being delivered but just the photo attachments are being withheld it is helpful for this to be noted next to the message ID. For example:

- Message ID: 1256988 - not delivered not at this location;

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- b) Message ID: 5565265 - not delivered as message content inappropriate; or
- c) Message ID: 6565689 - photo attachments not delivered, message and reply still delivered.

It is expected only the unacceptable photos will be rejected, which may require cutting or otherwise removing unapproved photos from other images on, for example, a printed sheet of photographs.

7.1 Photographs depicting children

A relationship must exist between the prisoner and child/ren depicted in **any** photograph, which must be stated by the parent/guardian of the child/ren. When considering relationships, cultural and kinship relationships need to be taken into account.

7.1.1 Male prisoners

For all male prisoners receiving a photograph depicting a child/ren, the relationship between the prisoner and child/ren in the photograph must be stated by the parent/guardian of the child/ren in a Statutory Declaration which accompanies the photograph.

7.1.2 Female prisoners

For female prisoners receiving a photograph depicting a child/ren, a Statutory Declaration from the parent/guardian is only required for the following prisoner cohort:

- a) a known child sex offender; or
- b) a prisoner where the Chief Superintendent has reasonable grounds for concern.

7.1.3 Statutory Declaration requirements

The Statutory Declaration accompanying a child photo must declare:

- a) the parent/guardianship of the child/ren;
- b) the established relationship between the prisoner and the child/ren to the sufficient satisfaction of the Chief Executive or delegate; and
- c) confirmation that there is no relevant court order preventing contact between the child/ren and prisoner.

The Statutory Declaration must not require information over and above the policy requirement.

Electronic image files of completed Statutory Declarations can be sent as email attachments in the EMAP process. Any Statutory Declarations that are illegible or do not fulfil the above criteria are to be referred back to the third-party email service as inappropriate emails. Refer to the Email a Prisoner Quick Reference Guide for Correctional Centres.

A person's declaration may be taken by a:

- a) Justice of the Peace, Commissioner for Declarations or Notary Public under the law of the State, the Commonwealth or another State;
- b) lawyer; or
- c) conveyancer, or another person authorised to administer an oath, under the law of the State, the Commonwealth or another State.

Refer to the *Oaths Act 1867* Part 4 Statutory Declarations.





8. Additional Personal Property

With the approval of the Chief Executive or delegate, a prisoner may acquire additional items of personal property provided the property limit is not exceeded and the value of an individual item does not exceed \$500 (refer to section 43(1) of the CSR).

Sources of additional property include:

- a) visitors bringing personal property to the corrective services facility;
- b) personal property mailed or delivered to a corrective services facility;
- c) a prisoner purchasing items of personal property through sales to prisoners arrangements, or from elsewhere outside a corrective services facility; and
- d) manufacture of items by prisoners approved to undertake a hobby.

8.1 Religious objects

A Chaplain or other religious visitor may supply a prisoner with a religious object that has been approved by the Chief Superintendent.

A religious object is an item of religious, spiritual or symbolic significance to a particular faith or belief. Examples include: Rosary Beads, Prayer Mat, Totem, Icon or item of religious jewellery.

8.2 Property accompanying a visitor (hand in)

A prisoner must apply in writing to have items of personal property brought into a corrective services facility using Administrative Form 34 Prisoner Property Hand In.

The Chief Superintendent or delegated officer is to take in to account the following points prior to approving any items to be handed in to a corrective services facility:

- a) does the item present a risk to the safety and the security of the centre;
- b) if the item is available through the sales to prisoner process (if so, then the item should not be approved);
- c) the amount of personal property the prisoner currently has, both issued and stored (prisoner property limits apply);
- d) the value of the item/s;
- e) if the item is prohibited or restricted;
- f) the religious and/or cultural significance of the item, if relevant, to the prisoner; and
- g) if the item provides reading material in languages that are not available in 'buy up'.

Each request is to be considered on a case-by-case basis, with individual circumstances taken into account.

If approved the prisoner should be provided with the approval section of the Administrative Form 34 Prisoner Property Hand In to send to their visitor as the authority to bring the property with them into the corrective services facility. The relevant officer must receive such property only if it is accompanied by the authorisation.

A corrective services officer receiving items of property from a visitor must provide a detailed receipt for the property. Copies of the receipt are to be given to the:

- a) visitor;
- b) prisoner for whom the property is intended; and
- c) store, where it must be placed on the prisoner's property file.





A corrective services officer must check personal property received from a visitor and enter details in IOMS. The entry is to be signed by both the prisoner and the corrective services officer.

8.3 Other delivery of property

Items of property received by post, courier or other means which has not been previously approved for issue and where there is a return address may be returned to the sender. The Chief Superintendent or approved delegate will determine if the item can be accepted or not. If not approved, where there is no return address, the items should be placed in the prisoner's property and marked 'NOT FOR ISSUE'.

The prisoner must be advised to make arrangement for the non-approved item to be handed out or posted at the prisoner's expense.

A corrective services officer must enter details of the property received in IOMS in the presence of the prisoner. Monies must be managed in accordance with the COPD Prisoner Entitlements: Prisoner Finances (refer to sections 311-316 of the CSA).

8.4 Handing out property

A prisoner may apply in writing to hand out items of property to a person outside a corrective services facility (refer to section 317(2) of the CSA).

The Chief Executive or delegate must establish routines and responsibilities for securing and processing prisoner property for hand out, including the following:

Upon receipt of the Administrative Form 5 Prisoner Property Hand Out, the Chief Superintendent of the corrective services facility is to:

- identify and select the requested item to be handed out;
- confirm ownership by checking the individual property records;
- complete, separate and return the information slip to the prisoner; and
- forward the item/s of property and form to the visits processing centre for collection.

Upon receipt of the item/s of property, the visits processing officer, or supervisor in a low custody facility is to:

- obtain a signature for receipt of the item/s of property on the form and confirm the identity of the collecting person;
- enter details on IOMS before hand out;
- issue the item/s to the identified collection person; and
- secure the form in the hand out locker for collection by the stores officer.

Upon receipt of the signed form, the stores officer is to:

- amend the prisoner's property records to indicate that the property item was handed out; and
- file the hand out form with the prisoner's property record.

When a prisoner makes a request for repair or replacement of a purchased item through the sales to prisoners process, the status of the item/s must be updated in IOMS to 'Not Issued' while the item/s is off site.





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The status must include a descriptive comment detailing the location of the item.

9. Storage and Safeguarding of Prisoner Property

A prisoner's approved property not issued to the prisoner must be appropriately stored in a safe, secure and hygienic manner during the prisoner's period of detention. A prisoner must sign Administrative Form 4 Acknowledgement of Responsibility for Property accepting full responsibility for all items of property issued to them while in the corrective services facility.

The Chief Executive or delegate is responsible for safeguarding a prisoner's personal property held in a corrective services facility's property store. A prisoner's property must be stored in a manner that will prevent damage.

Prisoner artwork, either stored on behalf of the prisoner, or issued to the prisoner, must be recorded and managed in accordance with the provisions of this COPD and the COPD Prisoner Entitlements: Activities.

Soiled clothing should be cleaned prior to permanent storage. Cleaning of clothing undertaken externally must be at the prisoner's expense.

If a prisoner notifies corrective services staff that they are being threatened by other prisoners and fears that their property will be stolen, the Chief Executive or delegate must ensure such property is secured in the store immediately.

A prisoner is not permitted to sell, borrow, lend or barter any item of issued property or items of stored property to another prisoner. This includes the hand out of property from one prisoner for subsequent hand in to another prisoner. A prisoner may give their property to another prisoner (upon the first mentioned prisoner being discharged) but only with the written approval of the Chief Executive or delegate (refer to section 317 of the CSA).

A prisoner must acknowledge in writing that they understand that from time to time, QCS employees or service providers may, for official purposes, enter a cell or room in which the personal property is held in the absence of the prisoner (refer to the Administrative Form 4 Acknowledgement of Responsibility for Property).

Such entry will not constitute grounds for a claim against QCS for lost or damaged property except if an employee acting wilfully or negligently contributes to, or causes, the loss or damage.

If a corrective services facility's routine does not allow a prisoner to secure personal property, the Chief Superintendent of the corrective services facility may:

- a) refuse permission for personal property to be issued to the prisoner; or
- b) approve the issue of personal property only after the prisoner has acknowledged in writing that they have been told of the lack of security of the property and the resultant risk of loss of the property.





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9.1 Safeguarding property in a prisoner's possession

Irrespective of any acknowledgement of responsibility a prisoner signs, every effort must be made by all officers to safeguard prisoner property when operational considerations inhibit the prisoner's ability to do so.

When a prisoner's property has to be relocated and the prisoner is not present to account for the property, the following must occur:

- a) two corrective services officers are to itemise and collect the items of personal property;
- b) officers are to sign the list as a true record of property located;
- c) property is to be transported to the prisoner's location; or
- d) property is to be transported to and secured in the reception store, until the prisoner can take possession of the property.

9.2 Temporary absence of a prisoner

Officers supervising accommodation areas must ensure that a prisoner's cell is night locked when the prisoner is absent temporarily for medical treatment, court appearances etc. irrespective of the acknowledgement of responsibility process described herein.

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12. Notification of Property Discrepancies

On receipt of such notification the person responsible for dispatching the property must investigate the matter and report the circumstances in writing to the person who reported the discrepancy at the receiving corrective services facility. Copies of the notification and reply must be placed on the prisoner's property file.

13. Property, Trust Accounts and Valuables

In accordance with all relevant areas of this COPD, personal property and valuables must be checked against the prisoner's property record, and IOMS updated to reflect this process. The updated IOMS property document is printed, signed, and dated by the prisoner and responsible officer.





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A copy is provided to the prisoner and the original is filed in the property folder. A case note of these events is to be recorded on IOMS.

Further, items of facility property and identification cards must be retrieved from the prisoner prior to discharge, the prisoner's electronic trust account must be balanced, finalised and monies issued to the prisoner.

14. Discharge of a Prisoner

Prior to discharge, a prisoner's property must be managed according to the routines described in recording and maintaining prisoner property (refer to the COPD Reception Processes: Custodial Discharge).

15. Management of Prisoner Property Following a Death in Custody

Following the death in custody of a prisoner, pending authorisation by the Chief Executive or delegate, all non-perishable goods and items of property belonging to the deceased prisoner must be recorded and then removed to a secure place and stored, until such time that it is released to the administrator/executor of the estate. A description of all perishable goods belonging to the deceased prisoner must be recorded as accurately as possible prior to their disposal.

After the investigating police or QCS investigator/s have given their approval in writing, the Chief Executive or delegate must contact the deceased prisoner's executor or administrator, as appropriate, for instructions regarding the deceased prisoner's property. Refer to section 43(8) of the CSR.

The Chief Executive or delegate must implement a process to ensure that the lawful administrator/executor is the person who authorises the collection/disposal of the deceased prisoner's property.

If the deceased prisoner dies intestate or if the administrator/executor cannot be determined or located, the Chief Executive or delegate must notify the Public Trustee. Refer to section 29 of the *Public Trustee Act* (PTA).

Attempts must also be made to contact the executor or trustee of the prisoner's estate. If contact is made a cheque must be drawn in favour of the prisoner's estate and forwarded to the executor of the estate. If the executor or trustee cannot be located, funds must be held for a minimum of two years as per section 102B and section 98 of the PTA before forwarding to the Public Trustee as Unclaimed Money.

16. Prisoner Property Transfer

Prior to the transfer of a prisoner to another corrective services facility all personal property of a prisoner must be accounted for in the presence of the prisoner unless exceptional circumstances exist. Prisoners should be advised, within a reasonable timeframe before transferring between corrective services facilities, which property items cannot be transferred to particular facilities.

The Chief Executive or delegate must provide for the management and administration of a prisoner's property on transfer ensuring that packaging and documentation of the transfer of property between corrective services facilities and Queensland Police Service (QPS) facilities is conducted in a manner that reduces the risk of theft, loss or damage.

The Chief Executive or delegate must provide for the securing of property of a prisoner subject to a transfer where circumstances prevent compliance with this COPD.





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As a minimum, the prisoner's cell or room must be secured as they are removed, and no access allowed either by staff or prisoners until all personal property has been returned to the store:



- a) if a cell has been secured, two corrective services officers are to itemise and collect items of personal property from the cell;
- b) both corrective services officers are to sign the list as a true record of property located in the cell; and
- c) the store officer must acquit all property of a prisoner subject to an involuntary transfer and forward it to the place to which the prisoner has been transferred.

16.1 Work camps

The corrective services officer may itemise and collect items of personal property in company with a QPS Officer or Community Advisory Committee member as a witness.

16.2 Return of personal property upon transfer

A prisoner must return items of personal property in their possession to the store to be checked against the prisoner's property list in IOMS to confirm they had been issued to the prisoner. The confirmed items must be entered as being received. Any property not confirmed in the IOMS property list is to be managed in accordance with section 23. Disposal of Prisoner Property in this COPD.

17. Low Custody Facilities

Any item of personal property in the prisoner's possession that cannot be verified against the inventory must be confiscated and held separately in the store until ownership can be ascertained or until the Chief Executive or delegate determines its disposal.

Under no circumstances is a prisoner to be credited with or given personal property in circumstances where their ownership has not been recorded. Property must be added to the prisoner property records provided proof of ownership is demonstrated. It will only be confiscated in the absence of such proof of ownership.

18. Failure to Produce Property that has Been Issued

A prisoner who cannot produce an item of personal property that has been authorised to be in their possession must be asked where the property is. If possible, the property is to be located and returned to the store immediately.

If that cannot be done, a notation describing the circumstances must be entered in IOMS and an inventory printed out. This must be signed by the prisoner as a correct record of their property at the time of transfer.





21. Receiving Transferred Property

Transfer bags and single items are to be inspected by the prisoner to whom they belong before seals on the bags are cut. The receiving officer and prisoner are to sign the appropriate section of the Appendix PRO10 Prisoner Personal Property Inventory Transfer Record to record the condition of the sealed bags and other property. All property must be checked against the entries in IOMS in the prisoner's presence. Any discrepancy must be noted on the inventory and the despatching facility notified immediately.

22. Transport of Property

In situations when QCS does not have the capacity to transport personal property of a prisoner being transferred between corrective services facilities, consideration should be given to transporting the property by alternative means.

Freight costs in these circumstances are to be borne by the corrective services facility despatching the prisoner. When transport of property is anticipated, essential items of property to accompany a prisoner must include:

- a) toiletries;
- b) one set of clothing;
- c) underclothing; and
- d) footwear.

All other property, including single large items must be packed appropriately for transport. Each bag or package must be labelled with the prisoner's name and destination.

Details of the number of bags and packages and the prisoner's name must be entered on the relevant despatch docket. The customer copy of the docket must be placed on the prisoner's property file or forwarded to the corrective services facility of destination if the property is transported after the transfer.





Custodial Operations Practice Directive

Corrective services facilities receiving the property must follow process for dispatching property and receiving transferred property.

The corrective services facility receiving the property must initiate any claim for compensation against the carrier for property apparently lost or damaged during the transportation process.

22.1 Transport to police custody

If a prisoner's property must accompany their transfer into police custody, corrective services officers must ensure police are given a complete and accurate record of the prisoner's personal property.

The police officer taking custody of the prisoner must be given one copy of the record of personal property and asked to sign the second copy as a receipt for the property. This copy must be placed in the prisoner's personal property file.

23. Disposal of Prisoner Property

A prisoner's property must be disposed of in a lawful and appropriate matter in compliance with section 318 of the CSA, section 43 of the CSR and the PTA. For unclaimed property refer to section 25.3 Disposal of unclaimed property in this COPD.

The Chief Executive or delegate must provide for the control and administration of the disposal of a prisoner's property.

All disposals of a prisoner's property must be recorded in the Miscellaneous Property Register and, if ownership is known, copies of all related documentation must be placed in the prisoner's property record.

24. Property of an Escaped Prisoner

The property of a prisoner who has escaped is taken to have been abandoned and is forfeited to the State. The prisoner has no recourse to claim compensation in respect of any such property. Refer to section 318(1) of the CSA.

A property list must be prepared as soon as practicable following a prisoner's escape by a minimum of two corrective services officers to ensure probity.

If an escaped prisoner is arrested and detained by police, the Chief Executive or delegate may keep property belonging to the prisoner (if not already disposed of or destroyed in accordance with section 318(2) of the CSA) in a secure location, either in the prisoner's accommodation area or locked in a secure place until a property list can be prepared and until the property can be returned to the prisoner.

24.1 Property of an escaped prisoner returned to custody

If a prisoner has been returned to a secure corrective services facility, the Chief Executive or delegate may request a property list be prepared and arrangements made for the property to be transferred to the reception facility. A duplicate list of property and the number of cartons/bags/cases should be noted on the prisoner's Offender File. The prisoner may nominate a person to collect this property by submitting a written authorisation to the Chief Executive or delegate.





Custodial Operations Practice Directive

All prisoner monies must be retained and sent to the reception facility following the prisoner's return to that facility (refer to the COPD Prisoner Entitlements: Prisoner Finances).

25. Unclaimed Property

The Chief Executive or delegate must take all reasonable steps to ascertain the identity and whereabouts of the owner of unclaimed property and to deliver the property to the owner, authorised friend, relative or legal representative. Refer to Part 8, (particularly sections 98 and 103(2)) of the PTA.

For unclaimed monies, refer to the *Trust Accounts Act 1973* and COPD Prisoner Entitlements: Prisoner Finances.

25.1 Unclaimed property with an issuing source

If after due inquiry ownership of property is unable to be established or the property cannot be returned to its owner or the owner's next of kin or agent, the Chief Superintendent or nominee of the corrective services facility must determine whether the unclaimed property has an issuing source.

Examples of items with an issuing source include, but are not limited to:

- a) credit/debit cards;
- b) Medicare cards;
- c) passports; and
- d) driver's licences.

Examples of an issuing source include, but are not limited to:

- a) banking institutions;
- b) the Department of Transport and Main Roads;
- c) Medicare Australia; and
- d) Department of Social Services.

Where an issuing source has been identified, the Chief Superintendent or nominee of the corrective services facility must:

- a) Complete an Administrative Form 37 Return of Unclaimed Property to the Issuing Source, accurately listing all relevant items. A separate form must be completed for each identified issuing source.
- b) Return the completed Administrative Form 37 Return of Unclaimed Property to the Issuing Source and all listed items to the issuing source as the current owner via registered mail or courier.

25.2 Determining the potential for commercial and/or emotional value of unclaimed property

If after due inquiry ownership of property is unable to be established or the property cannot be returned to its owner or the owner's next of kin or agent, the Chief Superintendent or nominee of the corrective services facility must determine whether the unclaimed property has the potential for commercial and/or emotional value.

As per the Memorandum of Understanding (MoU) between Queensland Corrective Services and the Public Trustee of Queensland for the administration of unclaimed property, the agreed definition for commercial value is an item of property with a monetary value of \$100.00 or more.

Any unclaimed property without an issuing source must be sorted, in conjunction with the Appendix PRO11 Public Trustee of Queensland – A Guide To Returnable Property reference table.





Property Management of Prisoner Property

PRO

Custodial Operations Practice Directive

This table will assist in identifying property that may be deemed to have commercial and/or emotional value, as well as property that does not meet this criterion.

Property identified as not having any commercial or emotional value under the Appendix PRO11 Public Trustee of Queensland – A Guide To Returnable Property, may be securely disposed of at the owning facility. A record should be kept of any items disposed.

If unclaimed property at a corrective services facility is identified as having, or has the potential to have, commercial and/or emotional value, an Administrative Form 38 Unclaimed Property With Commercial And/Or Emotional Value For The Public Trust QLD must be completed and emailed to

The receiving Public Trustee officer will assess and evaluate the property listed on the Administrative Form 38 Unclaimed Property With Commercial And/Or Emotional Value For The Public Trustee of QLD and provide advice via return email to the sending facility to advise they:

- a) approve all or some of the listed property to have commercial and/or emotional value and confirm the Public Trustee has elected to become the administrator for the listed item/s, by signing and returning the Administrative Form 38 Unclaimed Property With Commercial And/Or Emotional Value For The Public Trustee of QLD. Only the approved item/s will then be sent to the Public Trustee Office - GPO Box 1449, Brisbane, 4001 via registered mail or a courier service; or
- b) find all or some of the listed item/s to have no commercial and/or emotional value and authorise the disposal of the item/s by the requesting corrective services facility.

For further information see the Appendix PRO6 Administration of Property by Public Trustee.

After the assessment and evaluation by the Public Trustee of the property listed on the Administrative Form 38 Unclaimed Property With Commercial And/Or Emotional Value For The Public Trustee of QLD, all relevant sections should be completed in full. Once actioned and finalised, the completed Administrative Form 38 Unclaimed Property With Commercial And/Or Emotional Value For The Public Trustee of QLD must be retained as a record at the requesting corrective services facility.

25.3 Disposal of unclaimed property

After taking all reasonable steps to ascertain the identity and whereabouts of the owner of unclaimed property and to deliver the property to the owner, authorised friend, relative or legal representative, any item that has been deemed by QCS and/or Public Trustee of QLD, under the Memorandum of Understanding (MoU) and relevant legislation not to have any commercial or emotional value is authorised to be disposed of securely at the requesting corrective services facility. This should be actioned as soon as practical after the determination is made.

All disposals of unclaimed property must be recorded in a register and, if ownership is known, copies of all related documentation must also be placed in the corresponding prisoner's property record.

For further information see the Appendix PRO6 Administration of Property by Public Trustee.

26. Acquisition of Prisoner's Property

No employee of QCS or an engaged service provider is to gain a financial advantage or to acquire possession of a prisoner's property.

Official/Public





Property Management of Prisoner Property

PRO

Custodial Operations Practice Directive

This applies both with and without the prisoner's agreement and after the property has been marked for disposal or destruction (refer to the Code of Conduct for the Queensland Public Service).

PUBLIC VERSION



Official/Public