

# DEPARTMENT OF CORRECTIONS AUTHORISED PROPERTY RULES

## **Declaration of the Chief Executive**

Pursuant to section 45A of the Corrections Act 2004 the Chief Executive of the Department of Corrections has declared the items contained herein to be authorised items of property that prisoners may be issued with or allowed to keep subject to the conditions imposed in these rules.

**At Wellington this 27 October 2017**

**(These rules replace the Rules on authorised property made under section 45A made on 10 March 2016.)**

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*Note: This document includes explanatory “notes” which are not part of the rules being made by the Chief Executive under section 45A of the Corrections Act 2004 (“the Act”). The purpose of these notes is to point out: (i) relevant requirements that apply under the Act or the Corrections Regulations 2005 (“the Regulations”); and (ii) relevant Departmental policies.*

## **General conditions and explanatory notes related to the issue and use of Authorised Property**

1. Note that the following rules apply pursuant to section 45A of the Act. Only property specified in the schedules contained herein is authorised property that prisoners may be issued with or be allowed to keep in accordance with section 43 of the Act. Prisoners may not be issued with or allowed to keep any other property items.
2. Note that where these rules refer to property being “issued” to a prisoner this means: (i) prison owned property being issued to a prisoner; and (ii) a prisoner’s own property being issued to the prisoner after the prison has determined it is authorised property and it is appropriate to issue it to the prisoner. The prison keeps a record in the property register of all prisoner property issued to a prisoner<sup>1</sup>, and (as a matter of policy) it does the same for prison-owned property issued to the prisoner. Any prisoner who is found to have in his or her cell or in his or her possession an article which is not recorded as being issued to that prisoner may be investigated to determine if an offence has been committed<sup>2</sup>.
3. The fact that an item of property is authorised property does not mean a prisoner has the right to be issued with or allowed to keep, use or wear that property at any time. The issue and use of all property is conditional.
4. A prison director will not issue or allow a prisoner to keep an item of property even if it qualifies as authorised property if:
  - a. the prison director considers the item is likely to interfere with the security and good order of the prison (e.g. gang related paraphernalia and any items with gang related colours, symbols or imagery);
  - b. the prison director considers the item is likely to negatively affect the prisoner’s successful rehabilitation and reintegration; or
  - c. the item breaches any Act of Parliament or Regulations, Department of Corrections Policy, or restrictions imposed by other government organisations such as the Office of Film and Literature Classification.
5. Note that even where an item of property qualifies as authorised property a prison director is still entitled, under circumstances outlined in the Act and the Regulations, to refuse to issue it or allow a prisoner to keep it.<sup>3</sup> Additional conditions may apply to the issue of clothing and correspondence.<sup>4</sup>
6. If a prison is requested to store property for a prisoner, because it is not authorised property or is authorised property that has not been issued, the prison will not store property beyond the total amount or size of property that can be stored in the standard storage container (with the dimensions 500 mm long x 400 mm wide x 300 mm height).
7. Except for the property items described in schedule 1, no item of prisoner property will be issued unless and until a prisoner makes an application for the item to be issued. This application must be in writing however the prison will assist the prisoner to make applications promptly to minimize waiting time. The prison will process applications in a timely fashion but it will usually take at least 24 hours for the prisoner to be issued the item.

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<sup>1</sup> In accordance with reg 30 of the Regulations (but see footnote 6 regarding consumable items).

<sup>2</sup> Under section 128(1)(f) of the Act.

<sup>3</sup> Refer to ss 43(2)-(3) and 69(2) of the Act, and regs 33 and 63(3)(b) of the Regulations.

<sup>4</sup> See s 108 of the Act and reg 68 of the Regulations.

## Schedule 1 - Property permitted on reception

Where a prisoner is being initially received into prison or is being transferred from another prison, the items in schedule 1 may be issued to the prisoner immediately without the need for an application. At all other times items in schedule 1 have to be issued in the normal way following an application.

### 1.1 Health Items – The following health items may be issued to prisoner on reception

Property Item	Description	Limit <sup>5</sup>	Specified conditions	
a.	Eye glasses	2 pairs		
b.	Contact lenses	2 boxes		
c.	Hearing aids	2 packs		
d.	Hearing aid batteries	2 packs	Up to a maximum of 12 batteries.	
e.	Medicine	As required	Only if approved by Health Services staff.	
f.	Disability support aids	e.g. wheelchair	As required	Only if approved by Health Services staff.
g.	Any other item approved by Health [or Psychological] Services issued to a prisoner where it is deemed that this is necessary to assist in prisoner's physical or psychological wellbeing.			

### 1.2 Religious Items – The following religious items may be issued to prisoner on reception

Property Item	Description	Limit	Specified conditions
a.	Jewish yarmulke (head cover), or	One	
b.	Buddhist prayer beads, and cushion, or	One of each	
c.	Christian crucifix or cross, and Roman Catholic rosary, or	One of each	Crucifix or cross to be free standing or pin board mounted.
d.	Muslim cloth head cover, prayer beads, and prayer mat, or	One of each	
e.	A religious picture for private devotion, or	One	
f.	Other religious item used for prayer or devotion	One	The item must have a genuine connection to the prisoner's religious beliefs, which must also be genuinely held, and must not be related to a religion listed in (a) to (d) above.

### 1.3 Literature / Music Items – The following literature / music items may be issued to prisoner on reception

Property Item	Description	Limit	Specified conditions
a.	Books	Consumables <sup>6</sup>	Includes bible, prayer books and other religious texts. No books, newspapers and magazines will be permitted that are considered to be objectionable e.g. pornographic.
b.	Magazines	10	
c.	Newspapers	Three	
d.	Cassettes	12	Commercial issue only – no home recordings.
e.	Compact Discs (CDs)	12	

### 1.4 Jewellery – The following jewellery items may be issued to prisoner on reception

Property Item	Description	Limit	Specified conditions
a.	Plain stud or earrings	One (pair)	Only if worn at reception.
b.	Wedding band	One	

<sup>5</sup> Maximum allowed per prisoner per site

<sup>6</sup> Note items that are identified as consumable are only recorded in the property register at the time of the prisoner's reception to prison, and when a prisoner is transferred to a different prison or moved to a new unit. When a prisoner is issued new consumable items in exchange for existing consumable items this is not recorded in the property register (because there will already be a record via the purchase system).

c.	Wrist watch		One	
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## Schedule 2 – Prison owned property

The items in schedule 2 are only authorised property if they are prison owned. Depending on the item, they may be issued to prisoners by being rented or supplied to a prisoner free of charge. Additional items of prison-owned property which are not specifically listed in this schedule are authorised property if the prison director considers that:

- (i) they support the rehabilitation or reintegration of a prisoner, and do not conflict with these rules or
- (ii) are necessary in order for the prison to comply with a legal requirement.

The prison director may issue such additional items of prison owned property on conditions that he or she considers appropriate.

2.1 Bedding items				
2.1.1	Note when a prisoner is received in the unit, they will be provided the bedding items listed in this schedule. These items are considered to be the <b>minimum</b> standard issue to all prisoners, except prisoners accommodated in at risk units.			
2.1.2	Note, any additional bedding, e.g. mattress and pillows, will be issued only on the written instructions of Health Services staff.			
Property Item	Description	Limit <sup>7</sup>	Specified conditions	
a.	Mattress	One		
b.	Pillow	One		
c.	Pillow case	One		
d.	Sheets	Two		
e.	Duvet inner	One	Prison may issue two blankets instead of the duvet inner and cover.	
f.	Duvet cover	One		
g.	Towel	One		
2.2 Televisions				
2.2.1	<p>The only television that a prisoner is permitted to keep in his or her cell is a prison owned and issued television of the following description:</p> <p>A television with transparent outer casing (unless it is in the corrections prison known as Mount Eden Corrections Facility as declared in the Corrections (Mount Eden Corrections Facility) Notice 2011 [2011/188]).</p> <p>A flat screen television (not a cathode ray tube television). Screen size not exceeding 48cm (19 inches) viewable.<sup>8</sup></p> <p>Has no built in player or recording ability.</p> <p>Has no means of receiving information other than through the prison feed or internal network which supplies free-to-air channels, rehabilitative material or both.</p> <p>Has no means of sending information other than what is required for the viewer to select a channel or access rehabilitative material from an internal network.</p>			
2.2.2	A condition which attaches to the issuing of a prison owned television for a prisoner to keep in his or her cell is that the prisoner must rent the television from the prison pursuant to the national prison television rental scheme as approved by the chief executive.			

## Schedule 3 – Electrical items

3.1 Conditions	
All electrical items must comply with the following standards (if applicable to that item):	
3.1.1	Only 240v powered plug-in models (no battery operated items except for television and stereo remotes).
3.1.2	Not to have USB ports or docking stations.
3.1.3	If an item has two (or more) functions e.g. radio and clock, the prisoner is not permitted to have an additional item with similar functionality.
3.1.4	<p>All electrical items must have:</p> <ul style="list-style-type: none"> <li>• a technical and safety check (search) completed by a suitably qualified person (to maintain terms and of conditions of current warranties and guarantees) prior to it being issued (the prisoner must meet the expenses of the technical and safety check); and</li> <li>• the serial numbers, original manufacturer's identification sticker or tag attached. If these are not attached to an</li> </ul>

<sup>7</sup> Maximum allowed per prisoner on site, stored or issued.

<sup>8</sup> A larger screen may be permitted if the prison director is satisfied that a prisoner's eyesight is so impaired that he or she would benefit from a larger size screen.

item, the item will not be accepted by the prison for issue to a prisoner.

3.1.5 If the prison supplies a prison-owned electrical item for issue to a prisoner the prisoner must accept it (provided it is fit for purpose).

### 3.2 Authorised electrical items

Property Item	Description	Limit <sup>9</sup>	Specified conditions
a. Television	Refer to 2.2	One	Refer to 2.2
b. Radio / cassette / CD player		One	May have one or more functions. Size restriction to be a maximum of 30 cm high, 60 cm long and 25 cm wide. Not to exceed 6 watts RMS or 60 PMPO (Peak Music Power Output). The speakers are not to be detachable.
c. Radio/Clock		One	
d. Electric fan		One	Not to exceed 23 cm in diameter.
e. Electric razor		One	Not to be rechargeable.
f. Multi-box		One	Must have in-built cut-out switch. Maximum of 4 sockets.
g. Hair dryer		One	
h. Lamp		One	Only standard desk type (no angle poise or floor standing). Not to be LED.
i. Electric jug		One	Must have a sealed lid and must switch off automatically once water is boiling. Not allowed if prisoner has been issued a flask.
j. Headphones / earphones		One	Not to be combined with a microphone. Not to be cordless.
k. Electrical extension cord		One	Maximum length of two metres. Restricted to cells where the location of the power outlet requires the use of an extension cord for safe placement of the electrical items.

<sup>9</sup> Maximum allowed per prisoner on site, stored or issued.

## Schedule 4 – Clothing

### 4.1 Clothing Items

4.1.1	Authorised clothing can be personal clothing or prison owned clothing. If an item of clothing is not permitted by this schedule it is not authorised property, and a prisoner cannot be issued with or allowed to keep that item.
4.1.2	To be authorised property, clothing must: <ul style="list-style-type: none"> <li>a. be in good condition and fit for purpose;</li> <li>b. be adequate for safety, warmth, comfort and health;</li> <li>c. not be in excess of the maximum limit of clothing items specified by these Rules;</li> <li>d. not have commercial printing or advertising of any kind (except branding by the clothing manufacturer); and</li> <li>e. be of a neutral colour that is not associated with a gang.</li> </ul>
4.1.3	Unless a prisoner is permitted to store clothing at the prison in accordance with reg 35 of the Regulations and rule 4.1.6, a prisoner must arrange for non-issued personal clothing to be removed from the prison. Otherwise the prison will dispose of it according to the approved disposal process.
4.1.4	Note that a prison director is able to require sentenced and remand convicted prisoners to wear certain items of clothing and footwear provided by the prison under reg 68(3) of the Regulations.
4.1.5	If the prison director has required sentenced or remand convicted prisoners to wear certain items of clothing or footwear provided by the prison under reg 68(3) of the Regulations, where the prison-owned clothing or footwear is in substitution for the equivalent personal clothing or footwear, the equivalent personal clothing or footwear must not be issued to prisoners except if it is for use in court appearances or on release or removal.
4.1.6	If the prison director has required sentenced or remand convicted prisoners to wear certain items of clothing and footwear provided by the prison under reg 68(3) of the Regulations, prisoners may not store substituted personal clothing except for use in court appearances or on release or removal.
4.1.7	Note that prison owned clothing items may be provided to a prisoner up to the quantities specified in 4.2 if the prisoner does not possess an authorised personal item. Note that there is no obligation for the prison to supply the maximum numbers of each item, the obligation is to provide clothing to the extent that this is necessary to ensure that the prisoner has adequate clothing to provide for their safety, warmth, health and comfort.
4.1.8	The prison director may issue prisoners with additional prison owned clothing not specified in this schedule for the purposes of: <ul style="list-style-type: none"> <li>a. any work or activities taking place inside or outside the prison, including work boots, overalls, and safety equipment appropriate to the activity;</li> <li>b. meeting the prisoner's particular needs arising from a health condition or a disability, including garments with safety features preventing a prisoner from engaging in self-harm.</li> </ul> <p>Any additional prison owned clothing issued to a prisoner is authorised property.</p>

### 4.2 Authorised clothing and footwear items

	Property item	Description	Maximum number of clothing items	Specific conditions
a.	Jacket or coat (for cold/wet weather)		One	For remand accused prisoners, a jacket or coat for cold/wet weather is only authorised property if it is prison owned (and will only be supplied to the prisoner if available).
b.	Jacket or coat (dress)		One	A dress jacket will not be issued to a prisoner except if it is for use in court appearances or on release or removal.
c.	Trousers <sup>10</sup>		Three	
d.	Tracksuit <sup>11</sup>		Two	
e.	Jumper <sup>12</sup>		Three	
f.	Shorts		Two pairs	
g.	Shirts / T-shirt	Consumable	Five	
h.	Singlet	Consumable	Five	
i.	Socks	Consumable	Five pairs	

<sup>10</sup> Includes jeans.

<sup>11</sup> One tracksuit includes a track top and track pants.

<sup>12</sup> Includes jerseys.

j.	Underwear	Consumable	Five pairs	
k.	Brassiere	Consumable	Five	
l.	Thermal underwear	Consumable	Two pairs	
m.	Cap or hat		One	
n.	Beanie		One	
o.	Gloves		One pair	Winter wear only - no fingerless gloves.
p.	Pyjamas <sup>13</sup>		Three pairs	
q.	Footwear		Four pairs	Can be a combination of shoes for physical activities, slippers, jandals / sandals. Boots are only authorised property if necessary for employment and must not be steel toed. Dress shoes will not be issued to a prisoner except for use in court appearances or on release or removal.
r.	Any other items of clothing or footwear declared by a prison director as clothing that may be worn by a prisoner or class of prisoner pursuant to regulation 68 of the Corrections Regulations 2005			

<sup>13</sup> One pair of pyjamas includes a pyjama top and pyjama pants or shorts.

## Schedule 5 – Other authorised property

### 5.1 Toiletry Items

5.1.1	The total volume of all the toiletry items must not exceed a container approximately 100 mm high x 200 mm wide x 300 mm long or the size of a small shoebox.
5.1.2	Prisoners may purchase internally or receive these items from an external party only if approved by the prison director.
5.1.3	Toiletry items must not: <ul style="list-style-type: none"> <li>• be aerosols or sprays of any description; or</li> <li>• be in a glass container; or</li> <li>• contain alcohol.</li> </ul>

Property Item	Description	Limit	Specified conditions
a. Tooth paste		One tube	
b. Toothbrush		One	
c. Disposable safety razor		One	Except for prisoners accommodated in a high security unit, remand unit or a youth unit.
d. Soap		One	
e. Comb		One	
f. Shampoo		One – 60ml	Will not be issued if shampoo provided in the shower.
g. Sanitary supplies		As required	Female prisoners only.

### 5.2 Stationery Items

Note that the stationery items specified as “Prison Issue” will be provided by the prison to a prisoner upon request in reasonable amounts, but not in excess of the standard amount allowed for “Prisoner Owned” items<sup>14</sup>.

Stationery items	Description	Prison Issue	Prisoner Owned	Conditions
Ballpoint pen	Consumable	Yes <sup>15</sup>	Two	Black or blue only without spring.
Pencils	Consumable	-	Six	Wood / paper casing.
Erasers	Consumable	-	Three	Maximum size 60 mm x 22 mm x 11 mm.
Ruler	Consumable	-	Two	Plastic or wooden.
Writing paper	Consumable	Yes	200 pages	
Envelopes	Consumable	Yes	20	Not larger than DL size; 110 mm x 220 mm. Note, prisoners entitled to paid postage for three standard letters within New Zealand per week, and a further three to an Inspector of Corrections or an Ombudsman per week. <sup>16</sup>
Stamps	Consumable	-	10	

### 5.3 Miscellaneous Items

Property Item	Description	Limit <sup>17</sup>	Specified conditions
a. Mat		One	
b. Plastic containers		Three	Maximum volume of each container is one litre. Includes plastic food container, plastic jug and sipper bottles.
c. Board Games		Three	Includes jigsaw puzzles.

<sup>14</sup> Refer to reg 83 of the Regulations.

<sup>15</sup> Note that the Department considers that supplying one ball point pen per prisoner is reasonable.

<sup>16</sup> Refer to reg 83 of the Regulations.

<sup>17</sup> Maximum allowed per prisoner on site, stored or issued



d.	Padlocks (and keys)		One	Only permitted if personal trunks are provided or allowed by the prison. Two keys (one for prisoner and one for unit staff).
e.	House Plants		One	Per prisoner accommodated in self-care units. Prison director may approve plants in other areas such as programme, or hobbies rooms. Must be non-climber. Plant pot cannot exceed 15 cm diameter.
f.	Posters		Four	A4 size only. Attached only to cell notice boards (if notice board supplied by the facility).
g.	Flask		One	Volume not to exceed 1 litre and must be stainless steel. Not allowed if prisoner has been issued a jug.
h.	Mirror		One	May be a reflective surface suitable for personal grooming.
i.	Normal purchase items		Not to exceed total allowable purchase.	These are items approved for purchase by prisoners through the prisoner purchase system, and purchased by prisoners through that system.

#### 5.4 Correspondence

Property Item	Description	Limit	Specified conditions	
a.	Legal papers			
b.	Personal papers (including correspondence)		Not to exceed the dimensions of a box 100 mm height, 200 mm wide, 300 mm long or the size of a small shoe box.	
c.	Personal / family photos		Of a quantity determined by the prison director as reasonable but not to exceed 50 photos. Maximum photo size 125 mm x 100 mm.	
e.	Photo album	Photo album able to hold a maximum of 50 photographs	One	Photo album should be of such a design that it allows ease of photographs for removal and searching by staff without the risk of damage to the photos or the album or injury to staff. Photo album must not be padded or made of glass, wood or metal or have components of such material.
d.	Study Materials			

#### 5.5 Hobby Material

Specified conditions	
a.	Approval to undertake hobby must be obtained before materials will be approved.
b.	If the hobby is approved the quantity of material will be determined by the prison director but must not exceed the specifications of the standard one litre plastic container.

c.	<p>Excludes prisoner tools, if tools are required they will:</p> <ul style="list-style-type: none"> <li>• be prison issue only (i.e. owned by the prison);</li> <li>• be provided in an area designated as a work area suitable for use of the tool;</li> <li>• if practicable, be physically attached to a designated work area (e.g. bench);</li> <li>• be used only with appropriate safety equipment where such equipment is required e.g. dust mask;</li> <li>• only be operated under supervision;</li> <li>• not be kept in cells.</li> </ul>
d.	<p>Completed hobbies must be removed from site:</p> <ul style="list-style-type: none"> <li>• within 28 days of the prison director directing that the item be removed; or</li> <li>• before starting another, unless approval has been obtained from the prison director to store the item.</li> </ul>
e.	<p>Hobbies are not transferred to another facility, unless approved by the receiving facility.  If approval not granted by receiving facility, the prisoner must make arrangements to have the hobby items removed from site or have them disposed of.</p>