

Property pitfalls: a best practice check list

1. It is a statutory requirement to keep clear and accurate records of a prisoner's property. The property cards should include a description of each item. If the description is too vague, it can be hard to determine whether the prisoner did in fact have the item they complain is missing. Staff should try and stick to the abbreviations listed on the property card, or record a key if you need to use alternative abbreviations
2. Staff should update the prisoner's property cards when the property changes status (e.g. moves between Stored and In Possession property, is handed out or destroyed).
3. Staff should enforce the volumetric property limits specified in the output 4 of the property PSI (12/2011). This is likely to reduce the instances of property left behind at sending establishments due to limits on property transported with the prisoner.
4. Prisons should have reasonable provision for cell doors to be secured when prisoners are away from their cell (e.g. at work/activities) and staff should not open them until the prisoner returns to the wing.
5. Staff should secure the prisoner's property as soon possible after they leave a cell (e.g. move to the Segregation Unit/CSU or transfer to another prison). Cell clearances should take place within a reasonable period, the cell should be secured - with a boot lock, for example - so that no one else can enter the cell, and staff should record the date and time they secured the cell.
6. Staff should consider taking the prisoner's property to Reception when they move to the Segregation Unit/CSU and should update their property cards to reflect the change of status. Staff often store a prisoner's property in a 'back room' when they move to the Segregation Unit and it often goes missing at this point, particularly if they transfer to another prison from the Segregation Unit.
7. Staff should complete a cell clearance certificate when a prisoner vacates a cell. Without cell clearance paperwork, there is no accurate way of knowing whether the prisoner still had the In-Possession items they say they lost at the time they left their cell. If the prison failed to comply with the Property PSI cell clearance requirements and In-Possession property goes missing, we are likely to uphold the complaint. If a prisoner packs their own property a cell clearance certificate isn't necessary, but the property records still need to be accurately updated - see points 9 and 10.

8. If the vacated cell was shared, the remaining prisoner must normally be present during the cell clearance process to identify their property.

9. Staff must check all property accompanying prisoners leaving the prison for any reason against their property cards, and record any disagreements about their property or any lost or damaged items.

10. Staff should seal all property bags containing property for transfer or storage with a unique security seal, and record that seal number on the prisoner's property card. Staff must ask the prisoner to sign the property card to confirm the record is correct and the bags are properly sealed. Staff must attach a new seal and record its number whenever they open a bag or a seal becomes damaged, ideally in the prisoner's presence and ask the prisoner to confirm that a new seal has been applied in writing.

11. Prisons should consider issuing a clear local notice relating to property for prisoners transferring to court which details whether there is an expectation that prisoners pack and transfer with their property for court appearances. This could form part of the induction process.

12. Staff should send the prisoner's property cards with them when they move to a new prison. PPO investigators often need to look for evidence about whether they had item/s at a previous establishment.

13. Staff should send the prisoner's property on to them at their new prison as quickly as possible. This is likely to decrease the chance of it becoming lost.

14. Staff should keep a record of what items they send to a prisoner at another prison after transfer. There is no policy requirement to do this, but prisons often send property on via courier or another van, and we have no evidence of items that followed. If there is no evidence of the missing items having arrived at the current prison, we may uphold the complaint.

15. Staff should comply with the requirements of PSI 14/2015 about the timeframe and grounds for destroying a prisoner's property that states:
"Unattributable and unauthorised items which the Governor decides to dispose of under the new power must be retained for a minimum of three months before they are destroyed or otherwise disposed of. An item cannot be destroyed or disposed of while there is an outstanding dispute in relation to how it will be dealt with. The prisoner may use the complaints process to make representations about the decision."

16. The PPO will not consider disclaimers that are not supported by national policy to be valid.