

DEPARTMENT OF JUSTICE**Bureau of Prisons****28 CFR Part 553****[BOP-1051-F]****RIN 1120-AA46****Inmate Personal Property****AGENCY:** Bureau of Prisons, Justice.**ACTION:** Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its regulations on inmate personal property to allow for the standardization of authorized personal property lists at Bureau institutions and to facilitate procedures for the transportation of personal property due to inmate transfer or release. In addition, this document clarifies the status of personal property items previously authorized which are subsequently determined to pose a threat to the security, good order, or discipline of the institution. This amendment is intended to provide for the more efficient and secure operation of the institution.

EFFECTIVE DATE: August 6, 1999.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514-6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on inmate personal property (28 CFR part 553, subpart B). A proposed rule on this subject was published in the **Federal Register** on April 1, 1996 (61 FR 14440).

Background of Inmate Personal Property

Current regulations governing inmate personal property specify that, consistent with the mission of the institution, each Warden shall identify in writing that personal property which may be retained by an inmate (see 28 CFR 553.10). Because of variations among institution lists, when inmates transfer between institutions not all property authorized at the sending institution may be considered authorized at the receiving institution. Any unauthorized property is mailed at government expense to another party of the inmate's choice.

Purpose of the Amended Regulations

In order to alleviate this problem, the Bureau is implementing a standardized

list of property which would be authorized for retention at all institutions. The Warden retains the discretion to authorize additional items for retention at his or her institution. Typically, these additional items will be government-issued or perishable. Consequently, § 553.10 is being amended to refer to the standardized list and to additions authorized by the Warden. Under this new procedure, less personal property being transferred between institutions will be subject to rejection by the receiving institution. Property authorized for retention by the Warden in addition to the standardized list will be identified as such. Under the revised regulations, the inmate would be responsible for the cost of remaining items not authorized by the receiving institution.

Both the standardized list and the additional items authorized by the Warden may include numerical limits on specific types of property (for example, two pairs of athletic shoes). Such numerical limits reduce the reliance in the previous regulations on the amount of storage as a determining factor in the retention of personal property (former § 553.11(a)(1) had stated "Staff may allow an inmate to retain that authorized property which the inmate may neatly and safely store in the designated area"). Revised § 553.11 now includes reference to possible numerical limitations along with the procedures for notifying inmates of such limits.

The provisions for storage space in new paragraph (b) contain a clear statement that authorized personal property is to be stored in the designated area. Specific provisions in the former regulations as to the requirement to store special purchase items, commissary items, correspondence, and reading materials have been removed to reduce redundancy. New paragraphs (c) through (h) now focus on limitations other than those imposed by space constraints. With respect to clothing, new paragraph (c) provides that civilian clothing (i.e., clothing not issued to the inmate by the Bureau or purchased by the inmate from the commissary) ordinarily is not authorized for retention by the inmate. This is in keeping with the standardized list of personal property. The regulations formerly allowed for some variation (former § 553.11(b), "Staff may allow an inmate to retain that clothing, whether civilian (at institutions where authorized) or institution * * *"). Under new paragraph (c), such civilian clothing possessed by current inmates could be retained no later than the effective date

of the revised regulation. As proposed, paragraph (c) identified November 1, 1997 as the planned implementation date. In this final rule, the implementation date has been adjusted to allow for a thirty day delay following publication in the **Federal Register**. New paragraphs (d) and (e) are unchanged and are being republished here for ease of review. New paragraph (f) is merely being redesignated from former paragraph (g) and is also being republished for ease of review.

Section 553.14 has been revised to address more completely procedures for the shipment or disposal of property due to inmate transfer and release. The revised procedures allow for more flexibility in shipping property. Because of the use of a standardized list, the Bureau expects that there would be substantially reduced need for remaining any property which is not authorized by the receiving institution.

Response to Public Comments

Comments on the proposed rule were received from inmates, members of the general public, and other interested parties. The majority of inmate comments consisted of form letters from inmates at various institutions. A summary of the comments and the Bureau's response follow.

1. Appropriateness and Adequacy of Bureau Issue Clothing

Several inmates expressed concern that the new rule would deny them access to clothing appropriate for particular climates and environments. In particular, several inmates at one institution complained that the coats they are issued are not warm enough for the cold temperatures during winter months. One inmate preferred a particular type of coat which he had at a former institution. The Bureau notes that the Warden of each institution is responsible for determining the type of coat which will be issued at the Warden's institution. While this determination naturally is based upon factors such as average temperatures at the institution, security or budgetary constraints may make it not practicable to please everyone's preference. In those instances, however, where the inmate is unsatisfied by the selection at the institution the inmate may use the Administrative Remedy Program to seek appropriate accommodation. Monitoring inmate requests submitted under the Administrative Remedy Program further provides the Bureau with information which can be used to evaluate whether general adjustments in such determinations are necessary.

One commenter suggested that the amount of issued undergarments was not appropriate for inmates, and that personal undergarments should be allowed to supplement the provided totals. In consideration of this concern, the Bureau will amend the issued property list to include ten (10) pairs of undergarments (bras and panties) for female inmates, and ten (10) pairs of underwear (boxers or briefs) for male inmates.

Several female inmates requested that personal sleepwear be allowed because the issued sleepwear is not appropriate for larger-sized women. The Bureau responds that institution commissaries are able to special order particular sizes of clothing for inmates with special needs. Several female inmates commented that the material of the sleepwear provided was too sheer and almost see-through. The Bureau responds that institution commissaries may order different nightshirts if the material is deemed to be too sheer. Inmates unsatisfied with either the size or material may use the Administrative Remedy Program to seek a further solution, as noted above. As a further adjustment, however, the Bureau has chosen to include a bathrobe as part of an inmate's government-issued property.

One commenter noted that the proposed rule only allowed for white clothing, which might be inappropriate for inmates, especially female inmates, with dark pigmentation. In response, Bureau commissaries will now be authorized to issue undergarments, t-shirts and sweat suits in neutral tones (i.e., tan).

Several female inmates commented that the list of personal property seems to favor male inmates more than female inmates. The Bureau responds that this is not the intention of the personal property rule. The Bureau has completed a review of the government issue list with consideration of gender differences and has amended the list as appropriate (for example, with respect to undergarments and hats).

2. Behavior, Education and Recreation of Inmates

Several inmates commented that this rule imposes severe personal property restrictions on inmates who follow all prison regulations and strive to act responsibly. Several inmates commented that personal property privileges are incentives for inmates to behave. These commenters argue that without the privileges, a major incentive for good behavior is removed. One commenter suggested that property restrictions be used to punish

infractions of prison rules. The Bureau notes that restrictions on inmate personal property are necessary for the security and orderly running of the institution. The revised regulations leave much of the former property list intact. Inmates are still allowed to retain several items of personal property which may be shipped upon transfer.

Several commenters suggested that the new rule limits the educational opportunities of inmates by restricting the amount of allowed books to five. The Bureau responds that inmates still retain access to institution libraries and to correspondence courses. The limit of five books has been instituted as a practical means of ensuring that the amount of the inmate's personal property will not exceed storage space available at the institution.

One commenter noted that the list of personal property items to be shipped at the inmate's expense includes most of the recreational and hobbycraft items that inmates have been allowed to possess at institutions. The commenter stated that he did not understand the reason for removing items which occupy the time of inmates and contribute to their rehabilitation. The Bureau finds merit in this comment and accordingly shall allow approved recreational and hobbycraft items to be shipped at the government's expense except to the extent that the amount of material exceeds allocated space for the shipment.

One inmate commented that the Bureau and sentencing court represented life in a low-security camp as including the privilege of wearing personal clothing. Previously, under § 553.11(b) staff may allow an inmate to retain civilian clothing at institutions where authorized. The determination to allow retention of civilian clothing (and presumably the wearing of civilian clothing) was always at the discretion of the Bureau and was not an entitlement of the inmate. As noted in the proposed rule, the provisions on civilian clothing were revised and ordinarily would not be authorized for retention at any institution in keeping with the standardized list of property. General conditions of incarceration in a low-security camp otherwise serve as sufficient motivation for continued positive institutional adjustment of qualified inmates.

3. Financial Impact of These Restrictions

One inmate commented that it made financial sense to let inmate families and friends donate needed clothing to offset the Bureau's costs, and one inmate commented that allowing

personal property would not create any additional costs for the Bureau. The Bureau notes, however, that allowing such a volume of clothing into institutions would put an undue strain on the institution staff who inspect incoming packages. The presence of civilian clothing within the institution may give rise to the appearance of favoritism based upon an inmate's social or economic status. This appearance could serve to encourage disruptive behavior and thus compromise the security and good order of the institutions.

Several inmates commented about high commissary prices and how this policy would result in the commissary being able to turn a higher profit. The Bureau responds that institution commissaries purchase reasonably priced clothing and then use a standard markup to reach the commissary price. This markup will not change to take advantage of the new personal property rule. Fluctuations in price are normally due to changes in the unit cost. One possible benefit from the use of a standardized personal property list is the cost savings benefit from higher volume single source orders. The Bureau further points out that any profits generated by the commissary are used to support institution programming and programs designed for the inmate's benefit (for example, inmate organization or recreational activities).

One inmate commented that the prices in the commissary are too high to be able to afford desired items. The Bureau notes that all required clothing and personal care items are provided to inmates through government issue. Additional items may be acquired with funds from the inmate's commissary account. The Bureau has no control over how many external sources of money an inmate has access to while in prison. Inmates with few outside sources are given the opportunity to work in order to earn commissary funds.

One inmate commented that the Financial Responsibility Program also limits the ability of inmates to purchase commissary items. The Bureau responds that inmates who owe financial debts imposed as part of the sentence must take care of those obligations. Citizens who are not incarcerated must pay their debts before being able to spend money on discretionary items, and inmates are not exempt from this responsibility.

Several inmates commented that the new rule will impose higher costs on them and their families because now commissary items will have to be repurchased each time an inmate transfers institutions. The Bureau

responds that under the new personal property list, Wardens may allow some items to be retained. However, the new lists provide notice to inmates about what property is allowed, and thus inmates can plan to use their commissary money to purchase items that are retainable if they will be unable to purchase new items that are non-transferrable.

One inmate commented that the federal deficit could be offset and that other federal budget cuts could be avoided if the Bureau avoided spending money on issuing clothing to prisoners by letting inmates possess personal clothing. The Bureau responds that the potential security risks which would be created by letting all inmates have personal clothing outweigh any conjectural budgetary relief such a measure might create.

4. Necessity and Philosophy of the Policy

Several commenters questioned the necessity of this new rule. One commenter suggested that other alternatives to serve the Bureau's purposes have not been tried yet. Another commenter stated that avoiding tort claims and promoting uniformity did not sufficiently justify the new property restrictions. The Bureau disagrees. Standardization of inmate personal property at all institutions reduces the potential for the accumulation of property which would not be transferrable to other institutions. This would further reduce costs for remailing of items.

One commenter questioned how the Bureau could justify not classifying this rule as a "significant regulatory action" since it impacts approximately 100,000 people in federal custody. As noted below, the Bureau affirms that the rule does not have a significant impact upon a substantial number of small entities. Under the Act "small entities" has the same mean as "small businesses, organizations, or small governmental jurisdictions".

Several commenters expressed concern that the new rules would remove the flexibility Wardens have to run individual institutions. One commenter suggested that the rule does not take into consideration the differences between security levels. Another inmate stated that the rule does not allow for accommodations of institution or individual needs. Another commenter worried that the new rule was vague enough to allow for too many arbitrary interpretations at the institution level. Wardens retain the authority to allow for additional items at their institutions. Because these items

are identified as being approved for local use only, the inmate's choice to purchase the item is an informed one in light of the item's disposition consequent to the inmate's subsequent transfer from the institution.

5. Premature Implementation of the Policy

Several inmates complained that the policy has already been implemented at some institutions even though it was only a proposed rule. The Bureau responds that under the previous regulations the Warden had explicit authority to identify personal property limits for the institution. In any event, any specific complaints may be addressed through the Administrative Remedy Program.

6. Psychological Impact on Inmates

Several inmates and interested parties expressed concern that the new property rule would have a severe adverse psychological impact on inmates. Several commenters noted that personal clothing contributes to a person's self-esteem, dignity, sense of self-worth, and identity. One commenter hypothesized that the denial of personal clothing would be so degrading as to actually harden inmates even more against society. As noted above, the Bureau believes that the presence of civilian clothing within the institution may instead lead to disruptive behavior.

Several commenters remarked upon recent statutory restrictions on the provisioning of certain amenities (weight training equipment and premium cable television channels). Several commenters worried that the combination of statutory restrictions and the revised personal property regulations would cause some inmates to lose interest in life. One commenter worried that the combination of all of the restrictions would make the maintenance of order in the institution significantly more difficult for institution staff. The mandatory statutory restrictions alluded to by the commenters are outside the scope of this rulemaking. With respect to the standardized list, the Bureau believes that its use will improve orderly operation at the institution.

7. Security Issues

One inmate suggested that inmates should be allowed to share clothing without generating an incident report. The "sharing" of clothing qualifies as a prohibited act because such would constitute the possession of property not issued to or authorized for possession by the inmate. Determinations

pertaining to prohibited acts are resolved under the Bureau's inmate discipline regulations (see 28 CFR part 541).

Several inmates commented that removing all personal clothing would promote stealing among inmates. The Bureau believes that such is not the case.

One inmate speculated that the purpose of the new property restrictions was to alleviate gang participation. The commenter suggested that gang members have several ways of keeping track of each other, and so the property restrictions are not necessary. As noted above, a purpose of the revised regulations is to alleviate inefficiencies caused by the transfer of personal property between institutions when institutions have different lists of authorized property.

One commenter asked why hooded sweatshirts were prohibited, but wool hats were allowed. This question is not particularly relevant to the final rule at issue here. However, the Bureau responds that there are enough differences between a hooded sweatshirt and a separate hat to make them a security risk, particularly the potential for hiding small items in the hood.

8. Shipping, Storage and Transfer Issues

Several commenters expressed concern over the Bureau abandoning all shipping costs after the effective date of the revised regulations. For purposes of the proposed rulemaking, § 553.14(b) identified November 1, 1997 as the implementation date of the provision. In this final rule, the implementation date in § 553.14(b) has been adjusted to allow for a thirty day delay following publication of the final rule in the **Federal Register**.

One inmate suggested that Bureau allow each inmate a specific amount of materials which can be shipped at institution expense. The Bureau notes that the assumption by the inmate of shipping costs only pertains to excess material not authorized by the receiving institution. The Bureau is still responsible for the cost of shipping authorized property as identified on the standardized list. One inmate worried what would happen to materials whose owners could not afford to ship. Section 553.14(c) specifies that such property would be disposed of through approved methods, including destruction of the property. However, pursuant to § 553.13(b)(2)(iii), the Warden or designee may authorize the institution to pay the cost of mailings where the inmate has insufficient funds and no likelihood of new funds being received.

Several inmates expressed concern over the two box storage limit set for inmate property. One inmate stated that inmates serving long or life sentences can easily accumulate more than two boxes worth of property. Another inmate reported that there is confusion over whether issued items can be stored in a locker instead of the boxes. The two box storage limit refers to the means of transporting approved non-government issued items for inmates who are transferring to another institution. These boxes therefore are not used in place of lockers at the institution. The Bureau has deemed that the dimensions of the boxes are sufficient to transport approved non-government issued items which have been identified on the standardized list as acceptable at all institutions.

Several inmates express dissatisfaction with the list of items which can be transferred. Inmates complained that pajamas, extra underwear, visitation clothes, and recreational and hobby craft items are not transferable. Several inmates complained that items available for purchase in the commissaries are not transferable (e.g. fans). As noted above, some of these items would be authorized for shipment at the expense of the inmate. In any event, through implementation of a standardized property list, inmates would be aware of how commissary purchased items would be treated when the inmate transfers to another institution.

Clarification of Contraband Items

In adopting the regulations as final, the Bureau is clarifying the status of personal property items previously authorized which are subsequently determined to pose a threat to the security, good order, or discipline of the institution. The term "contraband" is defined in 28 CFR 500.1(h). For the sake of consistency, the Bureau is revising § 553.12 to refer to this definition. Because circumstances pertinent to the identification of threats to security, good order, or discipline can change, revised § 553.12 also notes that a property item can be found to pose a threat to institution security, good order, or discipline subsequent to an initial determination that it did not pose such a threat. The introductory text of § 553.10 has also been amended in conformance by qualifying ("ordinarily") the description of authorized property. The procedures for handling contraband in § 553.13(b)(2)(iii) are being revised to allow for the institution to bear the cost of mailing such personal property items.

Members of the public may submit further comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute "significant regulatory actions" under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or

on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Roy Nanovic, Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First St., Washington, DC 20534; telephone (202) 514-6655.

List of Subjects in 28 CFR Part 553

Prisoners.

Kathleen Hawk Sawyer,
Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(o), part 553 in subchapter C of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 553—INMATE PROPERTY

1. The authority citation for 28 CFR part 553 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4126, 5006-5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

2. Section 553.10 is amended by revising the first and the last sentences to read as follows:

§ 553.10 Purpose and scope.

It is the policy of the Bureau of Prisons that an inmate may possess ordinarily only that property which the inmate is authorized to retain upon admission to the institution, which is issued while the inmate is in custody, which the inmate purchases in the institution commissary, or which is approved by staff to be mailed to, or otherwise received by an inmate. * * * Consistent with the mission of the institution, each Warden shall identify in writing that personal property which may be retained by an inmate in addition to that personal property which has been approved by the Director for retention at all institutions.

3. Section 553.11 is revised to read as follows:

§ 553.11 Limitations on inmate personal property.

(a) *Numerical limitations.* Authorized personal property may be subject to numerical limitations. The institution's

Admission and Orientation program shall include notification to the inmate of any numerical limitations in effect at the institution and a current list of any numerical limitations shall be posted on inmate unit bulletin boards.

(b) *Storage space.* Staff shall set aside space within each housing area for use by an inmate. The designated area shall include a locker or other securable area in which the inmate is to store authorized personal property. The inmate shall be allowed to purchase an approved locking device for personal property storage in regular living units. Staff may not allow an inmate to accumulate materials to the point where the materials become a fire, sanitation, security, or housekeeping hazard.

(c) *Clothing.* Civilian clothing (i.e., clothing not issued to the inmate by the Bureau or purchased by the inmate from the commissary) ordinarily is not authorized for retention by the inmate. Civilian clothing which previously had been approved for retention may not be retained after August 6, 1999. Prerelease civilian clothing for an inmate may be retained by staff in the Receiving and Discharge area during the last 30 days of the inmate's confinement.

(d) *Legal materials.* Staff may allow an inmate to possess legal materials in accordance with the provisions on inmate legal activities (see § 543.11 of this chapter).

(e) *Hobbycraft materials.* Staff shall limit an inmate's hobby shop projects within the cell or living area to those projects which the inmate may store in designated personal property containers. Staff may make an exception for an item (for example, a painting) where size would prohibit placing the item in a locker. This exception is made with the understanding that the placement of the item is at the inmate's own risk. Staff shall require that hobby shop items be removed from the living area when completed, and be disposed of in accordance with the provisions of part 544, subpart D, of this chapter.

(f) *Radios and Watches.* An inmate may possess only one approved radio and one approved watch at a time. The inmate must be able to demonstrate proof of ownership. An inmate who purchases a radio or watch through a Bureau of Prisons commissary is ordinarily permitted the use of that radio or watch at any Bureau institution if the inmate is later transferred. If the inmate is not allowed to use the radio or watch at the new institution, the inmate shall be permitted to mail, at the receiving institution's expense, the radio or watch to a destination of the inmate's choice. Where the inmate refuses to provide a mailing address, the

radio and/or watch may be disposed of through approved methods, including destruction of the property.

(g) *Education Program Materials.* Education program materials or current correspondence courses may be retained even if not stored as provided in paragraph (b) of this section.

(h) *Personal Photos.* An inmate may possess photographs, subject to the limitations of paragraph (b) of this section, so long as they are not detrimental to personal safety or security, or to the good order of the institution.

4. Section 553.12 is revised to read as follows:

§ 553.12 Contraband.

(a) Contraband is defined in § 500.1(h) of this chapter. Items possessed by an inmate ordinarily are not considered to be contraband if the inmate was authorized to retain the item upon admission to the institution, the item was issued by authorized staff, purchased by the inmate from the commissary, or purchased or received through approved channels (to include approved for receipt by an authorized staff member or authorized by institution guidelines).

(b) For the purposes of this subpart, there are two types of contraband.

(1) Staff shall consider as hard contraband any item which poses a serious threat to the security of an institution and which ordinarily is not approved for possession by an inmate or for admission into the institution. Examples of hard contraband include weapons, intoxicants, and currency (where prohibited).

(2) Staff shall consider as nuisance contraband any item other than hard contraband, which has never been authorized, or which may be, or which previously has been authorized for possession by an inmate, but whose possession is prohibited when it presents a threat to security or its condition or excessive quantities of it present a health, fire, or housekeeping hazard. Examples of nuisance contraband include: personal property no longer permitted for admission to the institution or permitted for sale in the commissary; altered personal property; excessive accumulation of commissary, newspapers, letters, or magazines which cannot be stored neatly and safely in the designated area; food items which are spoiled or retained beyond the point of safe consumption; government-issued items which have been altered, or other items made from government property without staff authorization.

5. In § 553.13, paragraph (b)(2)(iii) is amended by revising the second and third sentences to read as follows:

§ 553.13 Procedures for handling contraband.

* * * * *

(b) * * *

(2) * * *

(iii) * * * The Warden or designee may authorize the institution to pay the cost of such mailings when the item had not been altered and originally had been permitted for admission to the institution or had been purchased from the commissary, or where the inmate has insufficient funds and no likelihood of new funds being received. Where the inmate has established ownership of a contraband item, but is unwilling, although financially able to pay postage as required, or refuses to provide a mailing address for return of the property, the property is to be disposed of through approved methods, including destruction of the property.

* * * * *

6. Section 553.14 is revised to read as follows:

§ 553.14 Inmate transfer between institutions and inmate release.

(a) Except as provided for in paragraphs (a)(1) through (3) of this section, authorized personal property shall be shipped by staff to the receiving institution.

(1) The Warden ordinarily shall allow an inmate transferring to another institution to transport personal items determined necessary or appropriate by staff and, if applicable, legal materials for active court cases.

(2) The Warden may require or allow an inmate who is transferring to another institution under furlough conditions to transport all the inmate's authorized personal property with him or her.

(3) An inmate who is being released or who is transferring to a Community Corrections Center may arrange to ship personal property at the inmate's expense. The inmate is responsible for transporting any personal property not so shipped.

(b) If the inmate's personal property is not authorized for retention by the receiving institution, staff at the receiving institution shall arrange for the inmate's excess personal property to be mailed to a non-Bureau destination of the inmate's choice. The inmate shall bear the expense for this mailing.

(c) Whenever the inmate refuses to provide a mailing address for return of the property or, when required, refuses to bear the expense of mailing the property, the property is to be disposed

of through approved methods, including
destruction of the property.

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