

# NEW ZEALAND POLICE

## Authorised Property Rules

### **Declaration of the of the Commissioner of Police**

Pursuant to Section 45A of the Corrections Act 2004, the Commissioner of Police has declared the items contained herein to be authorised items of property that prisoners may be issued with or allowed to keep in Police jails<sup>1</sup> subject to the conditions imposed in these rules.

At Wellington this 19th day of September 2013

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<sup>1</sup> for the purposes of these rules, a Police jail means a prison established or deemed to be established as a Police Jail pursuant to Section 32(1)(b) of the Corrections Act 2004

## **General Conditions attached to the issue and use of Authorised Property**

1. The following rules apply pursuant to section 45A of the Corrections Act 2004. Only property specified in the schedules contained herein is authorised property that prisoners may be issued with or are allowed to keep in their cells. Prisoners may not be issued with or allowed to keep any other items.
2. The property described in the schedules contained herein is subject to the following general conditions:
  - a. the property items should not be likely to interfere with the security and good order of the Police Jail (e.g. gang related paraphernalia and any items with gang related colours, symbols or imagery);
  - b. property items should not breach any Act of Parliament or regulations, New Zealand Police policy, or restrictions imposed by other government organisations such as the Office of Film and Literature Classification;
  - c. ideally, property items should not exceed the total amount or size of property that can be stored in a container with the dimensions 500 mm long x 400 mm wide x 300 mm height.

Any item of property that does not comply with the general conditions in 2(a) - (c) above is not authorised property under these rules.

Section 43(2) of the Corrections Act 2004 also provides that the prison manager<sup>2</sup> [hereafter called Police Jail Manager] may refuse to issue or allow a prisoner to keep an item of property if he or she has reasonable grounds to believe that:

- (a) the item may be used to injure the prisoner or any other person, or to damage property; or
- (b) the item is a camera, tape recorder, or electronic device that may be used to record security features or actions in the prison; or
- (c) the item may be used to circumvent practices or procedures in the prison; or
- (d) the item has been obtained through coercion of a prisoner or as a result of other improper behaviour; or
- (e) the item is objectionable; or
- (f) the item may assist a prisoner to-
  - (i) discover new methods of committing offences; or
  - (ii) continue offending; or

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<sup>2</sup> Section 11(3) of the Corrections Act 2004 states: "For every Police jail, the Commissioner of Police must appoint or designate-

(a) a suitable person as prison manager (who may be called the jail manager).

(g) the item may interfere with the effective management of the prison

3. The contents of this document must be read in conjunction with any rules made pursuant to Section 33(2) & 43(3)(b) of the Corrections Act 2004 and relevant New Zealand Police policy.
4. It is important to note that the authorised property listed may be issued to or retained by those prisoners in a Police Jail (and therefore for longer periods) rather than in Police custody (generally not longer than 72 hours).
5. These provisions do not apply to Department of Corrections prisoners received in a Police Jail for the purposes of a rest break during transit between prisons.
6. Prisoners held in Police custody are not eligible to hold authorised property itemised in Schedule 1 except on direction of the Police Jail Manager.

## Schedule 1 - Property permitted on reception

The items in schedule 1 may be retained by, released to, or issued at any time to a prisoner in a Police Jail if approved by the Police Jail Manager or delegate. This is the only property that is allowed to be issued to a prisoner or that a prisoner can keep when they are initially received into a Police Jail as a new arrival or on transfer from another Police Jail or from a Department of Corrections facility.

<b>1.1 Health Items</b> - Note the following health items may be retained by / released to a prisoner				
<b>Property Item</b>		<b>Description</b>	<b>Limit<sup>3</sup></b>	<b>Specified conditions</b>
a.	Eye Glasses		2 pairs	
b.	Contact lenses		2 boxes	
c.	Hearing aids		2 packs	
d.	Hearing aid batteries		2 packs	<ul style="list-style-type: none"><li>• up to a maximum of 12 batteries.</li><li>• Likely to be held as prisoner's property and released as needed.</li></ul>
e.	Medicine		As required	<ul style="list-style-type: none"><li>• May be confirmed or prescribed after examination by a Registered Medical Practitioner.</li><li>• Likely to be held as prisoner's property and issued as needed.</li></ul>
f.	Disability support aids	e.g. wheelchair	As required	<ul style="list-style-type: none"><li>• Likely to be held as prisoner's property and released as needed.</li></ul>

<b>1.2 Religious Items</b> - Note the following religious items may be retained by / released to a prisoner				
<b>Property Item</b>		<b>Description</b>	<b>Limit</b>	<b>Specified conditions</b>
a.	Jewish yarmulke (head over), 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	<ul style="list-style-type: none"><li>• Crucifix or cross to be free standing.</li></ul>
d.	Muslim cloth head cover, prayer beads, and mat, or		One of each	
e.	A religious picture for private devotion, or		One	
f.	Other religious item used for prayer or		One	<ul style="list-style-type: none"><li>• The item must have a genuine connection to the prisoner's</li></ul>

<sup>3</sup> Maximum allowed per prisoner on site

	devotion			religious beliefs, which must also be genuinely held, and must not be related to a religion listed in (a) to (d) above.
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**1.3 Literature Items** - *Note the following literature items may be retained by, released or issued to a prisoner*

Property Item		Description	Limit	Specified conditions
a.	Books		Ten	<ul style="list-style-type: none"> <li>Includes bible, prayer books and other religious texts.</li> <li>No books, magazines and newspapers will be permitted that are considered to be objectionable e.g. pornographic.</li> </ul>
b.	Magazines		Ten	
c.	Newspapers		Three	

## Schedule 2 - Police Jail (owned) property

The Police Jail Manager may issue any other "Police Jail issue" item (on conditions that he or she considers appropriate) that is not contained in this schedule as required, and does not conflict with these rules.

2.1 Toiletry Items				
2.1.1	The following toiletry items are considered to be a minimum standard and will be issued to all prisoners (an exception may be those deemed to be in need of frequent or constant monitoring) on an as required basis.			
2.1.2	The total volume of all the toiletry items must not exceed a container approximately 100 mm high x 200 mm wide, 300 mm long or the size of a small shoe box.			
2.1.3	Toiletry items provided by the Police Jail or an external party 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 <sup>4</sup>	Specified conditions
a.	Tooth paste		One tube	
b.	Toothbrush		One	
c.	Soap		One	• May be a combined product.
d.	Shampoo		One	
e.	Sanitary supplies		As required	• Female prisoners only

2.2 Bedding Items - The following toiletry items are considered to be a minimum standard and will be issued to all prisoners (an exception may be those deemed to be in need of frequent or constant monitoring).				
Property Item		Description	Limit	Specified conditions
a.	Mattress		One	
b.	Pillow		One	
c.	Blanket		Two	
d.	Towel		One	

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<sup>4</sup> Maximum allowed per prisoner on site, stored or issued

### Schedule 3 - Clothing

3.1 Clothing Items				
2.1.1	The following clothing items are considered to be a minimum requirement and may be retained by, released or issued to all prisoners (an exception may be those deemed to be in need of frequent or constant monitoring).			
2.1.2	Additional clothing items belonging to a prisoner may be stored as prisoner property and released to that prisoner as required.			
2.1.3	Additional clothing items supplied by the Police Jail may be issued as required.			
Property Item		Description	Limit	Comment
a.	Trousers / pants / shorts / skirt / dress		One	<ul style="list-style-type: none"> <li>• Or other such garments used to attire all or part of the body e.g. kaftan or burqa.</li> </ul>
b.	T-Shirt / Shirt		One	
c.	Jumper / jersey/ tracksuit top		One	
d.	Underwear		One pair	
e.	Brassiere		One	
f.	Singlet		One	
g.	Socks		One pair	
h.	Footwear		One pair	<ul style="list-style-type: none"> <li>• Must not be steel cap.</li> <li>• Generally left outside the cell door</li> </ul>

#### Schedule 4 - Miscellaneous items

4.1 Correspondence				
Property Item		Description	Limit	Specified conditions
a.	Legal papers			Limited to the prisoner's own current legal proceedings. Legal papers are to be removed from site when vacated.
b.	Personal papers (including correspondence)			Ideally not to exceed the dimensions of a box 100 mm height, 200 mm wide, 300 mm long or the size of a small box.