

Prisoners - problems with property

What you can do to keep safe the things you're not taking into prison

If you're going to prison, you can take some things into prison with you. There are steps you can take to try and keep your other things safe.

For example, if you have a car, you could try and move it off the public road and cancel your road tax and insurance.

You might be able to protect the things in your home with a household insurance policy. If you have a policy, check when the premium is due and whether it is valid if you're away from home. If you have a criminal record, you might not be able to claim on your insurance policy if something goes wrong, so it might not be worth paying for house insurance. Check with your insurance company.

If you'll lose your home because of going into prison, you'll need to sort out what to do with your things. Try and get family or friends to look after them. You might be able to put your furniture and clothes into storage but this can be expensive.

Things that can be kept in prison

Every prison has its own rules about what you can keep in prison. The amount of property you can have in your cell is limited to property which fits into two boxes. If you have more things than are allowed, the prison might store them for you but not if you are on remand. The Prisoners' Information Book gives you details of what you might be allowed to keep – see Further help at the end of this fact sheet.

Loss or damage to your things

If you keep things in your cell, you do so at your own risk. The Prison Service won't accept responsibility for loss or damage to the things in your cell unless it can be shown that the loss or damage happened because they did not take proper care of your things. This can be very hard to prove and you should try to make that you keep only the things you really need. Anything kept in your cell is not under your control when you're out of the cell.

Although the Home Office and Prison Service don't normally accept legal responsibility for the loss of any property or damage to property held by the prisoner, compensation can be made. Governors can deal with claims up to £3,000. Claims for more than this amount will be referred to Prison Service headquarters. If you want to apply for compensation, fill in a complaints form. If this doesn't sort out the problem, the Prisons and Probation Ombudsman may look into it. It may also be possible to go to court to get compensation.

Storing things in prison

Property that you can't keep with you in the cell is sent to a central property store outside the prison. It will be kept in a sealed container and listed. You should read the list carefully before you sign it and agree that the container has been sealed in front of you.

When you're released from prison, the list will be used as proof of items stored by the prison. It will be difficult for you to argue that items have gone missing if you didn't sign the list correctly in the first place. If you can't read or if your first language isn't English, ask for help from prison staff.

The prison takes your property away

If the governor believes that the amount of property you have in your cell may make it difficult to carry out searches, your things can be taken away. This also applies if the governor believes your things may put health and safety at risk or if they are a risk to good order and discipline. Your belongings can also be taken away as a punishment if you have broken prison rules. They can be taken for up to 42 days (21 days for young offenders).

Your property and cell may be searched for security reasons. How often this happens will depend on the type of prison where you are and what category of prisoner you are. Items may be taken from your cell to be searched in a more thorough way, for example, by the use of x-ray machines. Your legal documents may be searched but they won't be read by prison staff.

If you have a complaint about how searches are carried out, for example, if you think you're being unfairly singled out because of your race, religion or disability, you can make a complaint.

Money

Any money you take into prison with you will be taken away and put into a special prison account in your name. This is called your private cash account.

Your family and friends may be able to send in money for you, if the governor agrees. If they are allowed to send you money, they should post postal orders or cheques. These should be payable to HM Prison Service. The person who sends you money has to write down their name and address and also your name and prison number when they send the money in.

It can take a while for money to be credited to your account. If possible, you should try and take some cash into prison with you to buy the basic things when you first arrive. But if you have no money on you when you get to prison, you can be lent money to buy basic things. You have to pay back this money before you leave prison.

If you work or take part in study or training in prison, you'll also have money credited to your 'earnings account'.

You can spend as much of your earnings as you want but there are limits about how much private cash you can spend. If you're a foreign national prisoner, you can spend more money on phone cards for international phone calls. If you're a mother with a baby in prison, you can spend more money in on things for the baby.

You can send money out of prison, to help your family or friends. This can be from your private cash account or your earnings account. Ask your wing office if you want to send money out.

All the money in your prison accounts can be taken out with you when you leave prison.

Books and magazines

You must order books and magazines directly from the publisher or a bookseller unless you are in category C or D. The governor may refuse permission for certain books or newspapers to be ordered, such as books in a foreign language or pornographic magazines. However, the governor can only refuse permission for books or magazines for certain reasons. These are:

- they are a threat to national security,
- they would have a bad effect on your physical or mental condition
- they are a threat to good order and discipline or the interests of the prison.

If the book could not have this effect, you could challenge the governor's decision. See fact sheet called **Making a complaint**.

Confiscation orders

If you've been found guilty of certain offences, the court can make a confiscation order. This means the court orders you to pay a sum of money equal to the amount of money they say you got because of the crime. If you haven't got the money, other things belonging to you can be taken instead. If don't pay, your sentence will be increased.

If a confiscation order has been made, you may need legal advice about whether to appeal against it. Your partner may need separate advice if the family home or other joint property is involved.

Exploitation proceeds orders

If you've been found guilty of certain offences and make money from your crime, the Serious Organised Crime Agency can make an application to the court for an exploitation proceeds order. For example, this can happen if you get money for writing a book or giving a television interview. You should get legal advice if you get an exploitation proceeds order.

Property when you leave prison

When you leave prison, the prison should return all your possessions and property that has been stored for you. You'll have to sign for them. It is important to check through everything before signing and not to sign for anything that's gone missing.

If anything is lost, it's the responsibility of the Prison Service to find or replace them. In practice it can be difficult to get them to do this. You could make a claim against the prison in the county court.

If you left belongings behind when you went into prison and these have now gone missing, you may be able to apply for a community care grant to replace basic clothing or furniture.

If personal papers like birth certificates or passports are lost, you should be able to get a copy. You'll usually have to pay for copies. If you've lost your immigration papers, you might be able to get copies from the Home Office. Get specialist legal advice about this.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve any sort of problem.

Some Citizens Advice Bureaux run advice sessions in prison. If you're in prison, check if they run these sessions in your prison. If they don't run advice sessions, you could write to them explaining your problem. Ask a member of the prison staff for the address of your local CAB.

If you are not in prison, and you want to find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Prisoners' Advice Service (PAS)

PO Box 46199
London
EC1M 4XA

Tel: 020 7253 3323 / 0845 430 8923, (Monday, Wednesday and Friday
9:30am - 1:00pm and 2:00pm - 5:30pm)
Fax: 020 7253 8067

E-mail: advice@prisonersadvice.org.uk

Website: www.prisonersadvice.org.uk

The Prisoners' Advice Service (PAS) provides advice and information to prisoners on their rights as prisoners. PAS does not deal with miscarriages of justice or appeals against conviction or sentence.

www.adviceguide.org.uk

Other information on Adviceguide which might help

- Prisoners - making a complaint
- Release from prison
- Prisoners - getting further help
- Community care grants

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This fact sheet was last updated on 18 October 2010, and is reviewed regularly. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - www.adviceguide.org.uk - where you can download an up-to-date copy.