



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: F
Section: .0800
Title: Contraband Control
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POLICY AND PROCEDURE

.0801 POLICY

NCDPS-Prisons will provide a written policy, procedure and practice for the preservation, control and, disposition of all physical evidence obtained in connection with a violation of law and/or institutional regulation. At a minimum, the procedure shall address the following: (1) chain of custody; (2) evidence handling, and (3) location of storage requirements.

.0802 GENERAL

- (a) The control of contraband within a correctional facility is a critical component of the facility's security plan and contraband control procedures are necessary for all facilities within Prisons. Contraband control procedures should include effective measures to deter and prevent contraband within the correctional facility as well as any off-site locations such as Correction Enterprises and properly storing and securing contraband for evidentiary purposes. Every effort will be made by correctional officials to stop the flow of contraband to offenders from inside and outside sources. All offenders, visitors, staff members and others seeking entry into Prisons facilities shall be subject to a search of their person and effects pursuant to Prisons policies and as provided in 14B NCAC 12D .0101.
- (b) Definition: Any weapon, tool, or other item that may be used to effect an escape or aid in an assault or insurrection; any intoxicating substances, drugs, or stimulants; items used for gambling purposes; items resulting from bartering and trading; any material or publication disapproved pursuant to Policy and Procedure Chapter D Section .0109 (f), Publications Received/Possessed by Offenders; unauthorized money or money gained through illicit means; or any article or property not permitted in the framework of the personal property policy or the Publications Received/Possessed by Offenders policy will be considered contraband. Items that may be otherwise acceptable may become contraband if used for unauthorized or illegal purposes such as using an item to conceal or transport contraband. When used properly under the supervision of correctional staff, instruments and tools used for approved hobby crafts or for the performance of specified job assignments will not be considered contraband. Drugs prescribed by the facility's health care providers and used properly will not be considered contraband.
- (c) The facility head will be responsible for developing and implementing a facility contraband control procedure consistent with this policy. The facility head must have a written memorandum in place for evidence management and assign a staff member(s) responsibility for evidence management, identifying them by name or title. The

contraband/evidence storage area shall be limited to authorized personnel only. All persons entering the evidence storage area shall log their name, date, evidence number and reason for entry. Facility procedures must be reviewed annually to assure compliance with current policy of the NCDPS-Prisons.

- (d) All facilities shall maintain readily accessible and properly identifiable storage container(s) and equipment suitable for the collection and preservation of physical evidence, biological evidence and contraband. All facilities shall have paper bags available for the collection and storage of clothing items to preserve evidence for DNA testing purposes.

.0803 CONTROLLED SUBSTANCES

- (a) Drugs, Stimulants, and Controlled Medications. Each facility head shall assure compliance with the Controlled Substances Act and other federal and state controlled substance laws. Bulk storage of controlled medications will not be allowed unless ordered by the Chief of Health Services. A qualified pharmacist shall dispense medications and controlled substances as approved by the facility health care providers. Controlled substances shall be prescribed, stored, documented, tracked, and destroyed pursuant to Division of Prisons Health Services Policy and Procedure Manual, Policy TX II-12. Policy TX II-12 contains further instructions regarding the management of controlled substances and other medications.

.0804 HAZARDOUS CHEMICALS & MATERIALS

- (a) Pursuant to Prisons Policy and Procedure Chapter F Section .3600, Hazardous Chemical Control & Management, lye, cleaning fluids, lacquer thinners, insecticides, disinfectants, antifreeze, denatured alcohol, and any other materials that contain noxious, intoxicating, or sedative substances shall be maintained in a locked area under the control of correctional staff. Offenders and staff who will use hazardous chemicals or materials should be orientated by knowledgeable supervisory staff and safe work practices should be stressed at all times. All materials designated as "Hazardous," "Dangerous," or "Flammable" may be used by offenders only under direct staff supervision, which requires staff to be in the immediate physical area as the offenders.

All correctional staff, including correctional enterprise personnel, shall handle hazardous chemicals according to the provisions of Policy and Procedure Chapter F Section .3600 Hazardous Chemical Control & Management. Sharps containers shall be strategically located in areas of use for the storage and/or disposal of sharps and contraband sharps requiring secure safe storage. Containers should not be more than three-quarters ($\frac{3}{4}$) full at any time and shall not exceed the "full" mark on the container. Sharps containers should be stored in a secure, locked location under the control of correctional staff and not accessible to offenders.

.0805 TOOLS & HOBBY CRAFT MATERIALS

- (a) All tools shall be maintained pursuant to Policy and Procedure Chapter F Section .2700, Tool Control. Facilities shall not develop independent Tool Control Policies and all facilities shall implement standard operating procedures (SOP's) that mirror the policy standards set out in Divisions of Prisons Policy and Procedure, Chapter F Section .2700 Tool Control.
- (b) Hobby craft materials including but not limited to paints, aerosol cans, glue/adhesives, and other potentially hazardous items shall be maintained in a separate locked area under the control of designated correctional staff. Keys to the locked area shall be maintained pursuant to the key control provisions in Policy and Procedure Chapter F Section .2400 Key and Lock Control. Offenders will be allowed limited use of hobby craft materials under direct staff supervision and quantities distributed to offenders will be sufficient for immediate use only.

.0806 DISPOSITION OF CONTRABAND

- (a) Criminal Action. A chain of custody shall be established and maintained for contraband essential for criminal action with pertinent information being recorded (name of accused, type and description of contraband, date, time and place, circumstances of discovery person discovering, and witnesses if any.) Documentation shall also include a cumulative record with signatures of all who take custody of the item. This chain of custody shall be maintained until contraband is turned over to a law enforcement investigating officer, final disposition by a court of law, or final disposition by Division of Prisons staff if the Division of Prisons is investigating (See Attachment 1). Contraband items being utilized as evidence in a criminal action will be secured in the armory of the facility in a locked container. The facility head and designee should be only persons with the key to this container. All evidence/contraband will be properly bagged, assigned an evidence number, and proper chain-of-custody form(s) attached to the contraband. Disposition of evidence is documented on the contraband log including but not limited to the following information: name, date, method of disposition, and witness/witnesses to disposition.
- (b) Disciplinary Action. Contraband essential to disciplinary action will be properly marked (tagged, bagged, etc.) with name and number of offender, date, time, place located and name of staff discovering item. These items shall be stored in a secure area until disciplinary action is completed by the reviewing authority. All evidence/contraband will be assigned an evidence number and proper chain-of-custody form(s) attached to the contraband.
- (c) Unless retained for disciplinary action, training or other legal purpose, contraband item(s)

will be disposed of within a 90-day timeframe after final disposition. Contraband will be documented on a bi-monthly report and disposed of pursuant to Prisons Policy & Procedure Chapter F .0500 Offender Personal Property, Section .0504 Disposition of Unauthorized Items. The reporting process should be cumulative and consistent with the search procedure. Items of contraband which are to be destroyed will be burned, broken, or otherwise rendered useless. Destruction of contraband will be documented in a memorandum to the Facility Head with information to include but not limited to the means of disposal/destruction, time/date, and at least one witness.

- (d) During an emergency response operation, the Incident Commander will assume responsibility for the disposition of contraband to resolve the emergency and complete the post event review.
- (e) Pursuant to G. S. 105-13.09, Controlled Substance Excise Tax, a local prison facility should notify the SBI immediately when any of the following controlled substances are taken into custody by facility officials.
 - i. More than 42.5 grams of marijuana.
 - ii. Seven (7) or more grams of any controlled substance or counterfeit controlled substance that is sold by weight.
 - iii. Ten (10) or more dosage units of any other controlled substance or counterfeit controlled substance that is not sold by weight.
 - iv. The SBI will assume responsibility for the contraband according to the requirement of the law. Appropriate documentation should be secured from the receiving SBI agent for future disciplinary or legal actions the prison facility may pursue.



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