



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: F
Section: .4000
Title: **Cellular/Wireless Device
Management**
Issue Date: 04/08/19
Supersedes: 09/05/14
Review Date: 09/28/21

POLICY AND PROCEDURE

.4001 PURPOSE

The purpose of this policy is to address the issues posed by cellular and wireless devices as they relate to the correctional environment. Facility management and staff must be familiar with North Carolina state law and Prisons policy in order to effectively manage cellular/wireless devices on the premises of a state correctional facility.

.4002 RESPONSIBILITY

- (a) **Special Operations and Intelligence Unit** is responsible for logging, storing and disposal of all confiscated cellular/wireless devices for adult prisons.
- (b) The Facility Head facility shall have ultimate responsibility for interpreting and enforcing this policy at his / her respective facility.

.4003 GENERAL

The widespread use and possession of cellular/wireless devices by visitors and staff presents unique challenges to correctional facilities. Because these devices are so commonly possessed, enforcing a zero-tolerance policy within Prison's facilities requires careful and consistent application of entrance-exit procedures and contraband control.

.4004 DEFINITIONS

- (c) Cellular/Wireless Device- mobile telephone, smart phone or other wireless communication device or a component of one of those devices, to include Bluetooth devices, earpieces, battery packs, electrical chargers and other accessories marketed, manufactured, or invented for the purpose of facilitating or supporting cellular or wireless communication.
- (d) North Carolina General Statute 148-23.2. Section 2 & 14-258.1 Section 3 part (d)- the act to prohibit, on the premises of correctional institutions, the possession of a cellular telephone outside of a locked vehicle is a criminal offense. A person who knowingly gives or sells any such device or component, or confers such device to another person for delivery, to an **offender** is guilty of a Class 1 misdemeanor. This statute applies to full and part-time Department of Public Safety employees, job applicants, contractual employees, volunteers, members of the public, **offenders** and their visitors.

- (e) Voluntary Notification- the process by which an employee who accidentally enters the confines of the facility with a cellular/wireless device may voluntarily notify a supervisor that they have such a device. When this occurs, it should be documented on the shift narrative that the staff member voluntarily surrendered the device. The employee will be allowed to return the device to his or her vehicle unless further investigation is warranted by the OIC. It is the employee's responsibility to ensure that they do not enter the confines of the facility with such a device, and that it remains in a locked vehicle.

.4005 DISCOVERY OF CELLULAR/WIRELESS DEVICES DURING ENTRANCE SEARCH

When a staff member is discovered to have a cellular/wireless device during a search at the point of entry to the facility, the device shall be confiscated and an incident report completed. The facility head or his designee has the authority to determine whether the circumstances warrant further investigation. For example, whether the device appeared to be concealed to prevent discovery of the device, or presence of multiple devices, etc.

.4006 DISCOVERY OF CELLULAR/WIRELESS DEVICES UNDER SUSPICION

When a cellular/wireless device is discovered under circumstances that are suspicious (obviously hidden or secreted, discovery of more than one device at a time, brand new device, etc), the facility head shall be notified and shall seek to determine whether a criminal act has occurred. If a criminal act is suspected, the facility head or his / her designee shall notify the Region Director or Prisons' Duty Officer. These individuals will provide guidance as to whether a class 1 misdemeanor offense may have been committed and what action should be taken. If a cellular/wireless device is confiscated, then an incident report should be immediately completed documenting all known facts regarding the discovery of the device. Staff then should refer to section .4008 of this policy for directions for cellular/wireless device disposition.

.4007 DISCOVERY OF CELLULAR/WIRELESS DEVICES IN POSSESSION OF VISITOR

Facility management shall exercise particular discretion and judgment when applying the above listed rules to visitors to the facility. It is understood that visitors to the facility may honestly forget to leave their cellular telephones in their vehicle, and possession does not necessarily mean intent to give to an **offender**. Facilities should emphasize preventing cellular devices from entering in the first place, especially when visitors are entering the facility.

The facility head or his designee has the authority to determine whether the circumstances warrant further investigation. For example, whether the device appeared to be concealed to prevent discovery of the device, or presence of multiple devices, etc.

.4008 DISPOSITION OF CELLULAR/WIRELESS DEVICES CONFISCATED

At which time it is determined that the cellular/wireless device acquired was in the possession of an individual, employee, visitor or **offender** or found in a facility, state vehicle or at **offender's**

workplace and was in the process of being or was illegally introduced to an offender, then the facility head should adhere to the following steps:

- (a) A Cellular/Wireless Device Confiscation Check List form will be completed for each device confiscated.
- (b) Local law enforcement should be notified that a cellular/wireless device was confiscated in violation of North Carolina General Statute 148-23.2. Section 2 & 14-258.1 Section 3 part (d). The law enforcement agency will be given the opportunity to report to the facility, pick up the device for the purpose of taking legal action against party or parties involved. If law enforcement choose to pick up the phone the following steps should be taken:
 - (1) The cellular/wireless device will be placed in an evidence bag along with a copy of the Cellular/Wireless Device Confiscation Checklist Form.
 - (2) The original form shall be sent to the Special Operations and Intelligence Unit and a copy maintained at the facility.
- (c) If local law enforcement declines to take possession of the device the following steps should be Taken:
 - (1) The cellular/wireless device will be placed in an evidence bag along with the original Cellular/Wireless Device Confiscation Checklist Form and delivered to Special Operations and Intelligence Unit for further forensics.
 - (2) A copy of the form shall be maintained at the facility.



Commissioner of Prisons

09/28/2021
Review Date

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CELLULAR/WIRELESS DEVICE CONFISCATION CHECKLIST FORM

Facility: _____ Incident Report #: _____

Brand/Type of Cell Phone: _____ Date Confiscated: _____

Confiscated From:

Employee **Contractual Employee** **Visitor** **Vendor**

Name: _____ Driver's License #: _____

Offender **SRG Related** **Yes** **No**

Offender Name: _____ OPUS Number: _____

Neutral Location Location: _____

How Device was Discovered:

Entrance/Exit **Interdiction** **Cell Search** **Offender Search** **Other**

Explain: _____

To be completed if device turned over to Law Enforcement

Law Enforcement Agency Name: _____

Received by (print): _____

Signature: _____ Date: _____ Time: _____

Facility Authorizing Staff (print): _____

Signature: _____ Date: _____ Time: _____

To be completed if device delivered to **Special Operations and Intelligence Unit**

04/08/19

Cellular/Wireless Device Management

Received by (print): _____

Signature: _____ Date: _____ Time: _____

Facility Authorizing Staff (print): _____

Signature: _____ Date: _____ Time: _____

Original – **Special Operations
and Intelligence Unit**

Copy – Facility/Law Enforcement Agency