



*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

POLICY & PROCEDURES

.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 **H felony**. 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.



Director of Prisons
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04-08-19

Date



North Carolina Department of Public Safety
Special Operations & Intelligence Unit



CELLULAR/WIRELESS DEVICE CHAIN OF CUSTODY FORM

Location Name: _____ Location Number: _____
Incident Report #: _____ Date Confiscated: _____
Brand/Type of Cell Phone: _____ Serial #: _____ Color: _____
SIM/SD Card: Yes No Unknown

Confiscated from:

<u>OFFENDER</u>	<u>NON-OFFENDER</u>
Name: _____ OPUS Number: _____ SRG Affiliation: _____	<input type="checkbox"/> Employee <input type="checkbox"/> Contractual Employee <input type="checkbox"/> Visitor <input type="checkbox"/> Vendor Name: _____ DL/State ID #: _____
Neutral Location	
Describe Location: _____ _____	

FOR SOIU USE ONLY
EVIDENCE # _____

How Device was Discovered:

Entrance/Exit
 Interdiction
 Cell Search
 Inmate Search
 PERT/Facility Search
 Other
 Supervisee Search
Explain: _____

Priority Extraction

Cell Phone Extraction Requested Priority Level	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4
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Priority Level 1	Escape, Staff Safety, Imminent Threat, Exigent Circumstances: Immediate
Priority Level 2	OSI/Staff Investigations, Ongoing Criminal Investigations, Outside LE): 10 Business Days
Priority Level 3	SRG, Repeat Offenders, Other as Deemed Needed): 15 – 20 Business Days
Priority Level 4	All Other Phones: Based on workload of phones received
NOTE	Timeframes listed above are parameters that are put in place as goals, however the time to conduct the extractions may go beyond the established timeframes stated above due to staff shortages, vacations, sickness, training and/or emergencies.

<p><u>FOR SOIU USE ONLY</u></p> <p>EVIDENCE # _____</p>
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Chain of Custody

Date	Released By	Received By	Comments
	<hr/> Print Name <hr/> Signature	<hr/> Print Name <hr/> Signature	
	<hr/> Print Name <hr/> Signature	<hr/> Print Name <hr/> Signature	
	<hr/> Print Name <hr/> Signature	<hr/> Print Name <hr/> Signature	
	<hr/> Print Name <hr/> Signature	<hr/> Print Name <hr/> Signature	
	<hr/> Print Name <hr/> Signature	<hr/> Print Name <hr/> Signature	

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EVIDENCE # _____

	Print Name	Print Name	
	Signature	Signature	
	Print Name	Print Name	
	Signature	Signature	
	Print Name	Print Name	
	Signature	Signature	

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Evidence # _____

FORENSICS COMPLETED BY:

PRINT NAME	SIGNATURE	DATE
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FINAL DISPOSITION

- Outside Law Enforcement _____
Agency Date
- Destroyed _____
Date

FOR SOIU USE ONLY
EVIDENCE # _____