



*State of North Carolina
Department of Correction
Division of Prisons*

Chapter: F
Section: .0800
Title: **Contraband Control**
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POLICY & PROCEDURES

.0801 POLICY

The Division of 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) Definition: Any weapon, tool, or other item that can 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 pictures or any other decorations featuring patently obscene material as defined in 5 NCAC D .0102; unauthorized money or money gained through illicit means; or any article or property not permitted in the framework of the personal property 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. Instruments and tools used in approved hobby crafts or for the performance of specified job assignments and drugs prescribed by medical authorities and used properly will not be considered contraband.
- (b) The facility head will be responsible for developing and implementing a facility contraband control procedure consistent with this policy. Facility procedures must be reviewed annually to assure compliance with current policy of the Division of Prisons.

.0803 CONTROLLED SUBSTANCE

- (a) Drugs, Stimulants, and Controlled Medications. The head of each institution/correctional center of the Division of Prisons will assure compliance with the Controlled Substances Act. Bulk storage of controlled medications will not be allowed unless ordered by the Chief of Health Services. A qualified pharmacist will provide for individual prescriptions as approved by the facility physician and medications that may be abused will be inventoried monthly. The Division of Prisons Health Care Manual contains specific instructions in Section 502.4 regarding the management of controlled substances.
- (b) Dangerous Materials. Pharmaceuticals, lye, cleaning fluids, lacquer thinners, insecticides, disinfectants, antifreeze, denature alcohol, and any other preparations that contain noxious, intoxicating, or sedative substances will be maintained in a locked area under the control of the correctional staff. All correctional staff, including correctional

enterprise personnel will inform the facility head of their plans to introduce dangerous materials into prison facilities or to any location to which inmates have access.

- (c) Hobby craft Materials. Tools and materials such as glue, which could become potentially hazardous items will be maintained in a separate locked area. Inmates will be allowed limited use of these materials where adequate supervision can be arranged by the facility head. Quantities distributed to inmates will be sufficient for immediate use only. Keys will be entrusted to designated correctional employees by the facility head. Under no circumstances will poisonous substances be handled in such a manner as to make it possible for them to become mixed with food or to be used in food by mistake.
- (d) General Precautions. Every effort will be made by correctional officials to stop the flow of contraband to inmates from inside and outside sources. All inmates, visitors, staff members and others seeking entry into prison facilities will be subject to a search of their person and effects as provided in 5 NCAC D .0300. All vehicular traffic coming into a prison facility should be stopped for a security inspection.
- (e) Disposition of Contraband.
 - (1) Criminal Action. A chain of custody shall be established for contraband essential for criminal action with pertinent information being recorded (name of accused, type of contraband, date, time and place discovered, person discovering, etc.) including 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 or until final disposition by courts if staff of the Division of Prisons are investigating and prosecuting. 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.
 - (2) Disciplinary Action. Contraband essential to disciplinary action will be properly marked (tagged, bagged, etc.) with name and number of inmate, 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,
 - (3) Unless retained for disciplinary action, training or other legal purposes, items of contraband will be documented on a bi-monthly report and disposed of as provided by 5 NCAC F .0504. The reporting process should be cumulative and consistent with the search procedures. Items of contraband which are to be destroyed will be burned, broken, or otherwise rendered useless.
 - (4) 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.

- (5) 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 by facility officials.
- (A) More than 42.5 grams of marijuana.
 - (B) Seven (7) or more grams of any controlled substance or counterfeit controlled substance that is sold by weight.
 - (C) Ten (10) or more dosage units of any other controlled substance or counterfeit controlled substance that is not sold by weight.
 - (D) 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.

Royal Bennett 10-12-07
Director of Prisons Date

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