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| MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE | EFFECTIVE DATE 01/11/2021 | NUMBER 04.04.145 |
| SUBJECT CONTRABAND CELLULAR DEVICE HANDLING | SUPERSEDES NEW | |
| | AUTHORITY MCL 791.203, MCL 800.283a; Administrative Rule 791.2210 | |
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POLICY STATEMENT:

Michigan Department of Corrections (MDOC) staff shall follow guidelines set forth in this policy upon discovery of a contraband cellular communication device inside the secure perimeter of a facility or on facility grounds.

RELATED POLICY:

- 01.05.120 Critical Incident Reporting - Correctional Facility Administration (CFA)
- 04.04.100 Custody, Security, and Safety Systems (Exempt)
- 04.04.110 Search and Arrest in Correctional Facilities

POLICY:

GENERAL INFORMATION

- A. This policy does not pertain to cellular communication devices that are found in the gate area. Cellular communication devices that are found in the gate area shall be handled as set forth in OP 04.04.100 "Gate Security" Attachment E. Cellular communication devices found in the possession of staff who report to their assignment without traversing through the gate area (e.g., gun tower) shall be handled in the same manner as cellular communication devices that are found in the gate area.

CORRECTIONAL FACILITIES ADMINISTRATION (CFA) HANDLING OF CONTRABAND CELLULAR DEVICES

- B. Upon discovery of contraband cellular communication device inside the secure perimeter or on the grounds of an MDOC correctional facility, staff shall ensure the following steps are followed:
 1. The cellular communication device shall be treated as evidence and all evidentiary rules to preserve and document evidence shall apply. An evidentiary chain of custody shall immediately be initiated and the device shall be secured as evidence.
 2. Staff shall make every effort to ensure the cellular communication device is not locked, turned off, or otherwise manipulated. Staff shall not search the cellular communication device without approval of the Emergency Management Section Manager or designee. If the cellular communication device is manipulated in any way (searched, turned off, placed in airplane mode, etc.) without approval of the intelligence unit or designee, the details of these manipulations shall be documented in the Incident Report (CHJ-708) and the chain of evidence.
 3. The Inspector or designee shall ensure the cellular communication device, charger, and all items included on the chain of evidence are stored in a secure area. If possible, the cellular communication device shall be plugged into the wall to ensure that it remains charged. The Inspector or designee shall place the cellular communication device, charger (if available), and any other items included on the chain of evidence in a container that is capable of blocking electromagnetic signals (faraday bag/container).
 4. The possession/location of a cellular communication device, and all items included on the chain of evidence shall be photographed and reported to the Intelligence Unit via e-mail to MDOC-INTEL@michigan.gov.
 5. Within two business days of discovery of the device, the Warden or designee shall make arrangements to transfer it to the Intelligence Unit. This transfer shall occur as soon as possible, but not to exceed five business days.
- C. Staff from the Intelligence Unit shall do the following when they take a cellular communication device into custody:

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1. Complete an extraction of the logical or physical data, if possible, from the cellular communication device.
 2. Prepare a digital copy of the physical and/or logical data.
 3. Share the final Intelligence Report with the Inspector or designee.
 4. Contact the Michigan State Police (MSP) for disposition and share the extraction data with MSP as appropriate. The device shall be turned over to MSP upon their request.
- D. If a confiscated cellular communication device is serviceable and is no longer needed as evidence for criminal prosecution, it shall be donated to a nonprofit organization that provides cellular telephones or other wireless communication devices to military personnel or donated to another charity as approved by the Warden. If the cellular telephone or other cellular communication device is not serviceable, it shall be destroyed once all administrative remedies have been completed.
- E. If additional criminal behavior is noted at any point in the process outlined in Paragraphs B and C, staff shall ensure that the Intelligence Unit or designee is notified immediately.

PROCEDURES

- F. Operating procedures are not required for this policy.

AUDIT ELEMENTS

- G. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 11/21/2020