

Cell Phone Utilization Penalties

Included in the Department of Corrections' (SCDC) December 11, 2019 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following question in LOC's October 8, 2019, letter to the Department of Corrections: "45. What penalties (per policy and per regulation or statute) exist in other states for individuals who bring cell phones into prisons and for inmates who utilize cell phones?"

In addition to providing the information in this document, SCDC provided the following response:

- Please find attached the compilation of the cell phone penalty survey results.

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Arizona Department of Corrections	Delaware Department of Correction
	Ronald Towles	R. E. Seifert, MBA
	Security Operations Officer	Planner & Projects Coordinator
	rtowles@azadc.gov	rich.seifert@delaware.gov
	602-542-2365	302-857-5273
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Other (please specify)
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Arizona Revised Statutes 13-2505 Promoting Prison Contraband - Felony ADC Department Order 601 Administrative Investigations and Employee Discipline - Class 7 Violation 80 Hour Suspension to Dismissal ADC Department Order 911 Inmate Visitation - 180 Day to Indefinite Suspension	Range of penalties: barred from visit, barred from property, charged with Trafficking Contraband Range from escort off property-confiscation as contraband-charges for Trafficking Contraband.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Arizona Revised Statutes 13-2505 Promoting Prison Contraband - Felony ADC Department Order 803 Inmate Disciplinary Procedure - Violation 13A Promoting Prison Contraband. Please see Department Order 803 Attachment B for sanctions	Disciplinary sanctions under BOP Policy 4.2 "Rules of Conduct"
Please provide any reason(s) that you do not penalize individual and inmate violators.	N/A	None
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Emailed	Emailed
Additional comment (optional).	N/A	None at this time.
Policy No (s). (if applicable)	Department Orders 601, 803, and 911; ARS 13-205	BOP Policy 4.2; 8.32A
Party Subject to Policy or Statute	Inmates, employees, and visitors	Inmates, employees, contractors, vendors, volunteers, elected officials, visiting dignitaries, news media, inmate visitors, and individuals conducting business within the BOP
Citation(s) to Statute(s) (if applicable)	There are a large number of AR statutes listed as authority for their policies and Dos. They can be found in the Dos.	11 Del C. §§ 1256, 6517, 6562A
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Hawaii Dept. of Public Safety	Idaho Department of Correction
	Shelley Harrington	Brian Adams
	ISCDA/PREA	Intelligence and Gang Investigations Coordinator
	shelley.d.harrington@hawaii.gov	bradams@idoc.idaho.gov
	808-587-1260	208-658-2137
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Criminal and Administrative	Any person including a prisoner who violates any provision of subsection (1) of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in the county jail for a period not exceeding one (1) year or by a fine not exceeding one thousand dollars (\$1,000), or by both such imprisonment and fine.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Criminal and Administrative	Any person including a prisoner who violates any provision of subsection (1) of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in the county jail for a period not exceeding one (1) year or by a fine not exceeding one thousand dollars (\$1,000), or by both such imprisonment and fine.
Please provide any reason(s) that you do not penalize individual and inmate violators.	N/A	If deemed not to go to trial by the District Attorney
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Our department defines contraband administratively as anything not authorized and the criminal code would define contraband.	Emailed
Additional comment (optional).	N/A	
Policy No (s). (if applicable)		SOP 604.02.01.001
Party Subject to Policy or Statute		Staff members, contractors, vendors, volunteers, and interns
Citation(s) to Statute(s) (if applicable)		Idaho Code § 18-2510
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Illinois Department of Corrections	Kentucky/KY Department of Corrections
	Amanda Page	Janet Conover
	Acting Deputy Director, HR	Director/Division of Operations
	Mandy.Page@illinois.gov	janet.conover@ky.gov
	217-558-2200 x5001	502-782-2324
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	We operate under a Memorandum of Understanding with the union regarding electronic contraband. If the employee has it on their person with no usage, they receive a suspension of 5 days. If they can prove usage, the employee will receive 30 day suspension for the first offense and discharge for the second offense.	Depends on the location the staff member has the cell phone -if on a post with no inmate contact, such as a tower, the 1st offense could be a written reprimand. If smuggled into the institution the penalty could vary from a written reprimand, suspension and up to a dismissal. Incidents are looked at on a case by case basis.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	1-year loss of restriction of privileges; 1-year B or C grade; 1-year sentence credit revocation and 6 months segregation.	They are charged with Promoting dangerous contraband and could receive any of the following penalties: 6. Assignment to disciplinary segregation for a maximum of fifteen (15) days, each offense. 7. Loss of up to sixty (60) days good time, each offense. 8. Loss of up to sixty (60) days good time and assignment to disciplinary segregation for a maximum of fifteen (15) days, each offense. 9. Loss of up to ninety (90) days good time and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense. 10. Loss of up to one hundred eighty (180) days good time and assignment to disciplinary segregation for a maximum of thirty (30) days, each offense.
Please provide any reason(s) that you do not penalize individual and inmate violators.	N/A	
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Emailed	
Additional comment (optional).		
Policy No (s). (if applicable)		
Party Subject to Policy or Statute	Employees	
Citation(s) to Statute(s) (if applicable)	720 ILCS 5/31A	
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Maryland Department of Public Safety and Correctional Services	Massachusetts DOC
	David A Reitz	David Shaw
	Director	Chief of Investigative Services
	David.Reitz@maryland.gov	David.Shaw@doc.state.ma.us
	410-339-5084	508-422-3635
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Criminal charges: penalty up to 3 years Termination	Suspensions for staff to include criminal charges depending on whether it was intended for delivery to an inmate. Inmate are subject to disciplinary action or criminal action depending if it was being utilized for an escape tool
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Criminal charges Institutional infraction - loss of behavior credits and loss of special privileges	Disciplinary and criminal sanctions
Please provide any reason(s) that you do not penalize individual and inmate violators.		None
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Emailed	Emailed
Additional comment (optional).		
Policy No (s). (if applicable)	OPS.105.0001	
Party Subject to Policy or Statute	Directive applies to all units of the Department	
Citation(s) to Statute(s) (if applicable)	Correctional Services Article, §2-103 and Criminal Law Article, §§9-410— 9-417	
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		We never received an email from MADOC with their policy

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Michigan Department of Corrections	Mississippi Department of Corrections
	Brad Rozen	Sean K. Smith
	Policy Specialist	Director of Investigations
	rozenb@michigan.gov	sesmith@mdoc.state.ms.us
	517-335-3846	601-359-5611
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Most states have penalties for unauthorized cell phone use, but vary on severity.	3-15 years, may be fined up to 25,000.00 or both.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	A prisoner who possesses a cell phone would be charged with a Class I Misdemeanor for Dangerous Contraband. In addition, if the prisoner attempted to receive a cell phone during a visit, they would receive a permanent visitor restriction.	See administration policy attached
Please provide any reason(s) that you do not penalize individual and inmate violators.	The only way an individual or prisoner would not be penalized would be if there was a reason found to dismiss the violation.	N/A
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Please see the attachments in a separate email for the Michigan Statute on furnishing cell phones to prisoners, Section 30 in PD 03.03.105A and Section AAA in PD 05.03.140.	See attached
Additional comment (optional).	Our Policy Directive 04.04.100, 'Custody, Security, and Safety Systems' (which is exempt from public disclosure) states that "unauthorized staff and other individuals shall not bring cell phones inside the secure perimeter of the facility."	
Policy No (s). (if applicable)	Policy Directive 05.03.140 Policy Directive 03.03.105A	
Party Subject to Policy or Statute	Inmate visitors and inmates	
Citation(s) to Statute(s) (if applicable)		
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		We never received any additional documents from Mississippi DOC

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Missouri Department of Corrections	Montana State Prison
	James Hurley	Lynn Guyer
	Security Administrator	Warden
	james.hurley@doc.mo.gov	lynn.guyer@mt.gov
	573-253-6901	
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	The disciplinary sanctions are decided by the appointing authority (Division of Adult Institutions Director) based on the severity and circumstances surrounding the incident. The sanctions can range from warnings to dismissal and referral for prosecution.	Not sure what other states do.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Inmates received conduct violations with sanctions ranging from placement in segregation to referral for prosecution.	New Felony charges for introducing major contraband plus administrative sanctions.
Please provide any reason(s) that you do not penalize individual and inmate violators.	None	
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	B.CELL PHONES AND ELECTRONIC DEVICES:	
Additional comment (optional).		
Policy No (s). (if applicable)		
Party Subject to Policy or Statute		
Citation(s) to Statute(s) (if applicable)		
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes	It appers that they might have attempted to copy/paste a portion of their policy in the survey, but it did properly paste. Therefore, we only have what is listed.	

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Nebraska Department of Correctional Services	New Hampshire DOC
	Laura Strimple	Michelle Edmark
	Chief of Staff	Warden
	laura.strimple@nebraska.gov	mtedmark@gmail.com
	402-479-5713	603-271-1812
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Intentionally introducing a cellphone into a facility is a class 1 misdemeanor. Per policy this may result in discipline and/or other penalties.	Formal discipline (level depends on severity/purpose)
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Per regulation a Misconduct Report would be issued. Per statute the inmate would be committing a class 1 misdemeanor.	Administrative/Criminal if evidence supports
Please provide any reason(s) that you do not penalize individual and inmate violators.	N/A	N/A
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Emailed	PPD 5.08 Staff Personal Property Permitted in & Restricted from Prison Facilities
Additional comment (optional).		
Policy No (s). (if applicable)	Policy Nos. 104.06 and 112.31	
Party Subject to Policy or Statute	Inmates and employees	
Citation(s) to Statute(s) (if applicable)	Neb. Rev. Stat. §§ 83-415 and 417	
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		No copy of policy provided

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	New Jersey Department of Corrections	New York DOCCS
	Al Kandell	Carl Pierce
	Director, Division of Operations	Colonel
	Alfred.Kandell@doc.nj.gov	Carl.Pierce@doccs.ny.gov
	609-414-4378	518-457-2006
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Not aware what other states do.	No set penalty, cases are sent to Labor Relations for disposal through arbitration/settlement process.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Not aware what other states do.	Inmates are issued a misbehavior report for possession of the cell phone and are subject to the discipline process: pending the outcome of disciplinary hearing.
Please provide any reason(s) that you do not penalize individual and inmate violators.	We penalize all violators	N/A
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .		Emailed
Additional comment (optional).		
Policy No (s). (if applicable)		
Party Subject to Policy or Statute		
Citation(s) to Statute(s) (if applicable)		
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		We never received an email from NYDOC with their policy.

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	North Carolina Dept. of Public Safety - Prisons	Oklahoma Dept of Corrections
	Kenneth Smith entered by Karen Pardue	Donnie Anderson
	Chief of Security	Inspector General
	kenneth.smith@ncdps.gov	donnie.anderson@doc.ok.gov
	919-838-4000	405-425-2500
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	In NC, furnishing a mobile phone to an inmate in the custody of NC DPS is guilty of a class H felony	1 year in prison
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	may be punished as a class H felony which carries a term of 4-25 months; internal disciplinary	Phone. canteen restrictions, loss of good time, fine.
Please provide any reason(s) that you do not penalize individual and inmate violators.		N/A
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	N.C.G.S. 14.258.1	file:///C:/Users/140629/Desktop/contraband%20statue.pdf
Additional comment (optional).		N/A
Policy No (s). (if applicable)		
Party Subject to Policy or Statute		
Citation(s) to Statute(s) (if applicable)	N.C. Gen. Stat. Ann. § 14-258.1	
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		Cannot access this PDF

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Oregon Department of Corrections	Philadelphia Department of Prisons
	Garry Russell	Patricia Powers
	Chief of Security	Deputy Warden/Policy and Audit Director
	garry.e.russell@doc.state.or.us	Patricia.Powers@prisons.phila.gov
	503-945-0918	215-685-8175
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Progressive discipline: verbal warning, letter of expectation, etc.	Our General Orders state, "Employees are not permitted to engage in any distracting amusement or occupation while on duty. Personal cellular phones and/or any other electronic devices are prohibited from all posts." The penalties range from a 5 day suspension to dismissal, depending on the location of the post and disciplinary background of the staff member.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Confiscate contraband, Disciplinary Segregation, Fine, Loss of Privileges, and/or Time Retraction	Possession of a cellular phone by an inmate is considered a "critical" offense. The inmate may be sanctioned to up to 30 days of disciplinary detention, and he/she is usually recommended for a period of administrative segregation following his/her disciplinary detention.
Please provide any reason(s) that you do not penalize individual and inmate violators.	N/A	N/A
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=40188	
Additional comment (optional).	None	
Policy No (s). (if applicable)	Policy 291-105-0015	
Party Subject to Policy or Statute	Inmates	
Citation(s) to Statute(s) (if applicable)	ORS 179.040, 421.068, 421.180, 423.020, 423.030 & 423.075	
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Rhode Island Department of Corrections	South Carolina Department of Corrections
	Jeffrey Aceto	Garrett Gollehon
	Warden	Statistician III
	jeff.aceto@doc.ri.gov	gollehon.garrett@doc.sc.gov
	401-462-2636	803-896-5867
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Do not know.	Termination
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Internal discipline, state charge	Unknown
Please provide any reason(s) that you do not penalize individual and inmate violators.		
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Policy #11.01-7 Code of Inmate Discipline	http://www.doc.sc.gov/policy/ADM-15-08.htm.pdf
Additional comment (optional).		
Policy No (s). (if applicable)	11.01-7 DOC	SCDC Policy ADM-15.08
Party Subject to Policy or Statute	Inmates	Employees (ADM-2.1.1), inmate visitors (ADM-2.1.2), vendors, volunteers, outside contractors (ADM-2.1.3), and outside law enforcement (ADM-2.1.4)
Citation(s) to Statute(s) (if applicable)	RIGL §§ 42-56-10(22); 42-56-1; 46-56-24	S.C. Code Ann. § 24-7-155
Regulatory Provision (if applicable)		S.C. Code of Regulations 33-1(a)
Party Subject to Reg. Provision		Inmates, inmate visitors, and any other person to whom S.C. Code Ann. § 24-3-950 applies
Additional Notes		

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	South Dakota DOC	Texas Department of Criminal Justice
	Jennifer Dreiske	Justin Brock
	Deputy Warden	Manager IV - Executive Services
	jennifer.dreiske@state.sd.us	justin.brock@tdcj.texas.gov
	605-367-5034	936-437-6452
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Other (please specify)
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Class 6 Felony	Texas Penal Section 38.11. Prohibited Substances and Items in Correctional or Civil Commitment Facility The TDCJ has no responsive information for this question.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Other (please specify)
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Disciplinary sanctions that may include loss of visits and job, movement to higher security facility.	Texas Penal Section 38.11. Prohibited Substances and Items in Correctional or Civil Commitment Facility An offense under this section is a third-degree felony. In addition to criminal prosecution, violations are addressed through the offender disciplinary process: -Minor Disciplinary Penalties include: oCounsel and reprimand; oExtra duty not to exceed 42 hours per case; oLoss of privileges (recreation, commissary purchases, television, personal property, leisure activities) not to exceed 45 days per case and not to exceed a total of 90 days; oCell restriction not to exceed 45 days; and oSuspension of contact visitation for a minimum of one visit and a maximum of four months. -Major Disciplinary Penalties include: oReduction in time earning class; oForfeiture or suspension of good conduct time; oCommissary purchase restrictions (46-60 days; not to exceed 120 days total); oSuspension of OTS privileges (46-60 days; not to exceed 120 days total); and oSuspension of contact visitation privileges (minimum of four months, maximum of six months).
Please provide any reason(s) that you do not penalize individual and inmate violators.		N/A
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .		https://statutes.capitol.texas.gov/Docs/PE/htm/PE.38.htm
Additional comment (optional).		
Policy No (s). (if applicable)		
Party Subject to Policy or Statute		
Citation(s) to Statute(s) (if applicable)		
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Utah Department of Corrections	Vermont DOC
	jason nicholes	Alan Cormier
	Deputy Warden	Facilities Executive
	jnicholes@utah.gov	Alan.cormier@vermont.gov
	801-502-2959	802-241-0068
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?		Penalties for bringing unauthorized cell phones into a facility by an individual vary depending on whether they are staff or civilian. Staff would be held accountable through the states own disciplinary process and civilians would be banned from further entering a facility. There are no statutes in VT banning cell phones in facilities
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	criminal charges and housing sanctions	Inmates would be held accountable through the inmate disciplinary process with penalties being issued by the hearing officer in that case
Please provide any reason(s) that you do not penalize individual and inmate violators.	NA	
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .		
Additional comment (optional).		
Policy No (s). (if applicable)		
Party Subject to Policy or Statute		
Citation(s) to Statute(s) (if applicable)		
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes		

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Virginia Department of Corrections	West Virginia Division of Corrections and Rehabilitation
	Karen Stapleton; Zachary Davis; *Note that we had two surveys completed for Virginia*	Debra Minnix
	Offender Discipline Manager Hearings Officer I	Director of Policy and Compliance
	karen.stapleton@vadoc.virginia.gov zachary.davis@vadoc.virginia.gov	Debra.D.Minnix@wv.gov
	804-887-8252 804-887-7790	304-627-2308
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Unknown I have no idea what other states / agencies do.	WV Code §61-5-8(2) If any person willfully and knowingly transports or causes to be transported any telecommunications device into or upon any portion of any jail, state correctional facility, juvenile facility or juvenile detention center within this state that is not generally open and accessible to members of the public without prior approval from the warden/administrator or designee and such person is unauthorized by law to do so, or is unauthorized by the persons supervising the facility, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 or confined in jail not more than one year or both fined and confined.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Karen Response - Operating Procedure 861.1RH lists a variety of possible penalties: Reprimand; loss of commissary, recreation, personal electronic device, telephone, visiting, kiosk (maximum of 60 calendar days; loss of two of the privileges listed above; fines \$1-15; cell restriction; loss of good time Zachary Response -An offender found to be in possession of or using a cell phone can receive any of the following penalties (only one per charge) 1. Reprimand 2. Loss of one of the following privileges for a maximum of 60 calendar days a. Unit commissary b. Recreation and/or extracurricular activities c. Personal electronic device d. Telephone e. Visiting f. Kiosk for music and non-music audio file downloads 3. Loss of two of the following privileges for up to 60 calendar days for Category II Offenses and up to 90 calendar days for Category I Offenses. a. Unit commissary b. Recreation and/or extracurricular activities c. Personal electronic device d. Telephone e. Visiting f. Kiosk for music and non-music audio file downloads 4. A fine of up to \$15.00 to be placed in the commissary fund or loss of pay for a maximum of 60 hours of work 5. Cell or quarters restriction for a maximum of 30 calendar days 6. Loss of good time of up to 180 days good conduct allowance or equivalent earned sentence credits 7. Loss of good time up to all accumulated good conduct allowance or earned sentence credits	If the inmate is not responsible for introduction of the phone into the facility and simply uses it to place a call they would be charged with a Class II rule violation. If they use the phone to transmit texts, emails, etc. they would be charged with a Class I rule violation. There are a range of penalties that the hearing officer could order including segregation, loss of privileges, change or loss of work assignment or extra duty work assignment and/or loss of good time.
Please provide any reason(s) that you do not penalize individual and inmate violators.	None known	All attempts are made to hold inmate violators accountable.
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	https://docnet/VirtualLibrary_v1/Table_of_Contents/861_2010.htm , Emailed	State code portion posted in response to question #3. I will email our inmate discipline policy to Ms. Elliott.
Additional comment (optional).	Please feel free to call, if you have any questions.	
Policy No (s). (if applicable)	Operating Procedure 861.1	Policy Directive 325.00
Party Subject to Policy or Statute	Inmates	Inmates
Citation(s) to Statute(s) (if applicable)	§53.1-25; §53.1-26; §53.1-32.01, §53.1-39; §53.1-188; §53.1-189; §53.1-202.4; §18.2-371.2; §18.2-390; §18.2-391	WV Code § 25-1-5 WC Code § 62-13-4
Regulatory Provision (if applicable) Party Subject to Reg. Provision		
Additional Notes	Hyperlink provided does not work, but email received with the relevant policy	WV Code §§ 25-1-5 and 62-13-4 have been repealed.

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Wisconsin Department of Corrections	Wyoming
	Larry Fuchs	Bob Lampert
	Security Chief	Director
	Larry.Fuchs@Wisconsin.gov	bob.lampert@wyo.gov
	608-240-5105	307-777-7467
Does your agency penalize (per policy, regulation or statute) individuals who bring unauthorized cell phones into prisons?	Yes	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Can be charged by outside law enforcement. For violation of WI State Statute same for bring any contraband into a Correctional Facility.	Wyoming Statute 6-5-213 makes it a misdemeanor with up to 1 year in jail and a \$2,000 fine. WDOC Policy requires referral for prosecution and visitation ban.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Our DOC 303 - Inmate discipline. 303.48 - Possession of electronic communication or data storage devices Penalty ranges from 30 Days Disciplinary Separation - 360 Days Disciplinary Separation.	Major Rule Violation at least 30 days and up to 60 days restricted housing, loss of privileges for up to 60 days, loss of visiting privileges up to 180 days and loss of contact visiting privileges for up to one year.
Please provide any reason(s) that you do not penalize individual and inmate violators.	N/A	
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Emailed	https://sites.google.com/a/wyo.gov/doc/home/policies
Additional comment (optional).		
Policy No (s). (if applicable)		
Party Subject to Policy or Statute		
Citation(s) to Statute(s) (if applicable)		Wyo. Stat. Ann. § 6-5-213 (West)
Regulatory Provision (if applicable)		
Party Subject to Reg. Provision		
Additional Notes	We never received an email from WIDOC with their policy	General link to page of policies works, however, the individual links to specific policies do not. Therefore, I cannot review any of the policies to determine specific information

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Arkansas Department of Corrections Tiffany Compton Research & Planning Administrator tiffanye.compton@arkansas.gov 870-267-6335
Does your agency penalize (per policy, regulation or statute) individuals who bring	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Arkansas State Statute 5-54-119-Furnishing, possessing, or using prohibited articles.(a) A person commits the offense of furnishing a prohibited article if he or she knowingly: (1) Introduces a prohibited article into a correctional facility, the Arkansas State Hospital, or a youth services program; or (2) Provides a person confined in a correctional facility, the Arkansas State Hospital, or a youth services program with a prohibited article. (b) (1) (A) Furnishing or providing a weapon, intoxicating beverage, controlled substance, moneys, a cellular telephone or other communication device, the components of a cellular telephone or other communication device, or any other items that would facilitate an escape, engaging in a continuing criminal enterprise, § 5-64-405, or violence within a facility is a Class B felony. (B) Otherwise, furnishing a prohibited article is a Class C felony. (2) This section does not apply to a religious official who supplies sacramental wine labeled as sacramental wine to an inmate in the Department of Correction for the sole purpose of an approved religious service, pursuant to rules and regulations promulgated by the Board of Corrections. (c) (1) A person commits possessing a prohibited article if, being an inmate of a correctional facility or in the custody of a correctional facility, the person knowingly possesses a: (A) Cellular telephone or other communication device; or (B) Component of a cellular telephone or other communication device. (2) Possessing a prohibited article is a Class B felony. (d) (1) A person commits using a prohibited article if, being an inmate of a correctional facility or in the custody of a correctional facility, the person knowingly uses a cellular telephone or other communication device to commit or to attempt, conspire, or solicit to commit: (A) An escape from the custody of the correctional facility; (B) Engaging in a continuing criminal enterprise, § 5-64-405; or (C) A violent felony as defined at § 5-4-501(d)(2). (2) Using a prohibited article is a Class A felony. Administrative Directive 2018-49 (Searches of Inmates, Unit Searches and Control of Contraband) Administrative Directive 2018-34 Inmate Disciplinary Manual ~ Possession/introduction/use of a cell phone or any cell phone component (e.g. sims, charger, battery, etc.) or an unauthorized messaging device. Rule violation may result in the loss of all good time and may result in the loss of Inmate Telephone System privileges for one (1) year. Administrative Regulation 401 ~ Searched for and Control of Contraband with Property Administrative Directive 2012-033 Employee Conduct Standards
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	AD 18-34 – Inmate Disciplinary manual states that if found guilty of possessing a cell phone, and inmate may lose all good time and lose telephone system privileges for 1 year.
Please provide any reason(s) that you do not penalize individual and inmate violators.	N/A
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Emailed
Additional comment (optional).	None at this time
Policy No (s). (if applicable)	ADC Policies 18-34; 18-49; 12-33 DOC 401
Party Subject to Policy or Statute	Inmates, employees, and visitors
Citation(s) to Statute(s) (if applicable)	
Regulatory Provision (if applicable)	
Party Subject to Reg. Provision	
Additional Notes	

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Colorado Department of Corrections Matt Richardson Chief Investigator Matt.richardson@state.co.us 719-226-4680
Does your agency penalize (per policy, regulation or statute) individuals who bring	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	18-8-204 (1) A person commits introducing contraband in the second degree if he or she knowingly and unlawfully: (a) Introduces or attempts to introduce contraband into a detention facility; or (b) Being a person confined in a detention facility, makes any contraband, as defined in subsection (2) of this section. (1.5) A person confined in a detention facility commits introducing contraband in the second degree if he or she knowingly and unlawfully introduces or attempts to introduce contraband into a detention facility or at any location where an inmate is likely to be located, while such inmate is in the custody and under the jurisdiction of a political subdivision of the state of Colorado or the department of corrections, but not on parole. (2) "Contraband" as used in this section means any of the following, but does not include any article or thing referred to in section 18-8-203: (a) Any key, key pattern, key replica, or lock pick; (b) Any tool or instrument that could be used to cut fence or wire, dig, pry, or file; (c) Any money or coin of United States or foreign currency or any written instrument of value; (d) Any uncanceled postage stamp or implement of the United States postal service; (e) Any counterfeit or forged identification card; (f) Any combustible material other than safety matches; (g) Any drug, other than a controlled substance as defined in section 18-18-102 (5), in quantities other than those authorized by a physician; (h) Any mask, wig, disguise, or other means of altering normal physical appearance which could hinder ready identification; (i) Any drug paraphernalia as defined in section 18-18-426; (j) Any material which is "obscene" as defined in section 18-7-101; (k) Any chain, rope, or ladder; (l) Any article or thing that poses or may pose a threat to the security of the detention facility as determined by the administrative head of the detention facility if reasonable notice is given that such article or thing is contraband; (m) For purposes of a facility of the department of corrections or any private contract prison, any cigarettes or tobacco products, as defined in section 39-28.5-101 (5), C.R.S.; or (n) Any portable electronic communication device, including but not limited to cellular telephones; cloned cellular telephones as defined in section 18-9-309; public, private, or family-style radios; pagers; personal digital assistants; any other device capable of transmitting or intercepting cellular or radio signals between providers and users of telecommunication and data services; and portable computers; except those devices authorized by the executive director of the department of corrections or his or her designee. (3) Introducing contraband in the second degree is a class 6 felony.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Other (please specify) 4. Yes, Administrative Regulation (AR) 150-01 Code of Penal Discipline (COPD). U. Portable Electronic Communication or Media Storage Devices: Devices include, but are not limited to: cellular telephones; cloned cellular telephones; public, private, or family-style radios; pagers; personal digital assistants; secure digital (SD) cards or other media storage devices; any other device capable of transmitting or intercepting cellular or radio signals between providers and users of telecommunication and data services; and portable computers, as defined in CRS 18-8-204(2)(n)
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Offense CodeReference AR 150-01 IV.D. Class I Offenses: Loss of Good TimeLoss of PrivilegesHousing RestrictionSanctionRestrictive Housing I2020UNAUTHORIZED POSSESSION OF PORTABLE ELECTRONIC COMMUNICATION and/or MEDIA STORAGE DEVICE. Up to 45 daysUp to 60 daysUp to 15 daysUp to 15 days
Please provide any reason(s) that you do not penalize individual and inmate violators.	6. Both individual (staff or visitor) and inmate violators will be held accountable as long as we can attribute the cellphone to that individual.
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	7. Statute 18-8-204 (provided copy above) Administrative Regulation (AR) 150-01 (pertinent portion provided above).
Additional comment (optional).	
Policy No (s). (if applicable)	
Party Subject to Policy or Statute	Inmates, inmate visitors, and employees
Citation(s) to Statute(s) (if applicable)	Colo. Rev. Stat. Ann. § 18-8-204
Regulatory Provision (if applicable)	
Party Subject to Reg. Provision	
Additional Notes	

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Georgia Department of Corrections Patricia Sweatman Special Projects Coordinator patricia.sweatman@gdc.ga.gov 478-621-8825
Does your agency penalize (per policy, regulation or statute) individuals who bring	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	2010 Georgia Code TITLE 42 - PENAL INSTITUTIONS CHAPTER 5 - CORRECTIONAL INSTITUTIONS OF STATE AND COUNTIES ARTICLE 1 - GENERAL PROVISIONS § 42-5-18 - Items prohibited for possession by inmates; warden's authorization; penalty O.C.G.A. 42-5-18 (2010) 42-5-18. Items prohibited for possession by inmates; warden's authorization; penalty (a) As used in this Code section, the term: (1) "Inmate" means a prisoner, detainee, criminal suspect, immigration detainee, or other person held, incarcerated, or detained in a place of incarceration. (2) "Place of incarceration" means any prison, probation detention center, jail, or institution, including any state, federal, local, or privately operated facility, used for the purpose of incarcerating criminals or detainees. (3) "Telecommunications device" means a device, an apparatus associated with a device, or a component of a device that enables, or may be used to enable, communication with a person outside a place of incarceration, including a telephone, cellular telephone, personal digital assistant, transmitting radio, or computer connected or capable of being connected to a computer network, by wireless or other technology, or otherwise capable of communicating with a person or device outside of a place of incarceration. (4) "Warden or superintendent" shall mean the commissioner or any warden, superintendent, sheriff, chief jailor, or other person who is responsible for the overall management and operation of a place of incarceration. (b) It shall be unlawful for any person to obtain for, to procure for, or to give to an inmate a gun, pistol, or any other weapon; any intoxicating liquor; amphetamines, biphemines, or any other hallucinogenic drugs or other drugs, regardless of the amount; any telecommunications device; or any other article or item without the authorization of the warden or superintendent or his or her designee. (c) It shall be unlawful for an inmate to possess a gun, pistol, or any other weapon; any intoxicating liquor; amphetamines, biphemines, or any other hallucinogenic drugs or other drugs, regardless of the amount; a telecommunications device; or any other item without the authorization of the warden or superintendent or his or her designee. (d) A person who commits or attempts to commit a violation of this Code section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one nor more than five years; provided, however, if a person violates this Code section while being held pursuant to an arrest or conviction for a misdemeanor offense, the possession of a telecommunications device in violation of this Code section shall be treated as a misdemeanor.
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	Besides the potential for new felony charges, we do a disciplinary report and fine them \$100 per device. Sometimes local DAs will not add new charges, but we follow our internal disciplinary procedures.
Please provide any reason(s) that you do not penalize individual and inmate violators.	
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov.	2010 Georgia Code TITLE 42 - PENAL INSTITUTIONS CHAPTER 5 - CORRECTIONAL INSTITUTIONS OF STATE AND COUNTIES ARTICLE 1 - GENERAL PROVISIONS § 42-5-18 - Items prohibited for possession by inmates; warden's authorization; penalty (a) As used in this Code section, the term: (1) "Inmate" means a prisoner, detainee, criminal suspect, immigration detainee, or other person held, incarcerated, or detained in a place of incarceration. (2) "Place of incarceration" means any prison, probation detention center, jail, or institution, including any state, federal, local, or privately operated facility, used for the purpose of incarcerating criminals or detainees. (3) "Telecommunications device" means a device, an apparatus associated with a device, or a component of a device that enables, or may be used to enable, communication with a person outside a place of incarceration, including a telephone, cellular telephone, personal digital assistant, transmitting radio, or computer connected or capable of being connected to a computer network, by wireless or other technology, or otherwise capable of communicating with a person or device outside of a place of incarceration. (4) "Warden or superintendent" shall mean the commissioner or any warden, superintendent, sheriff, chief jailor, or other person who is responsible for the overall management and operation of a place of incarceration. (b) It shall be unlawful for any person to obtain for, to procure for, or to give to an inmate a gun, pistol, or any other weapon; any intoxicating liquor; amphetamines, biphemines, or any other hallucinogenic drugs or other drugs, regardless of the amount; any telecommunications device; or any other article or item without the authorization of the warden or superintendent or his or her designee. (c) It shall be unlawful for an inmate to possess a gun, pistol, or any other weapon; any intoxicating liquor; amphetamines, biphemines, or any other hallucinogenic drugs or other drugs, regardless of the amount; a telecommunications device; or any other item without the authorization of the warden or superintendent or his or her designee. (d) A person who commits or attempts to commit a violation of this Code section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one nor more than five years; provided, however, if a person violates this Code section while being held pursuant to an arrest or conviction for a misdemeanor offense, the possession of a telecommunications device in violation of this Code section shall be treated as a misdemeanor.
Additional comment (optional).	
Policy No (s). (if applicable)	
Party Subject to Policy or Statute	
Citation(s) to Statute(s) (if applicable)	Ga. Code § 42-5-18
Regulatory Provision (if applicable)	
Party Subject to Reg. Provision	
Additional Notes	

Cell Phone Utilization Penalties

Please enter the contact information for the person completing the survey.	Tennessee Department of Correction Lolie Jones, Jr. Executive Administrative Assistant lolie.jones@tn.gov 615-253-8191
Does your agency penalize (per policy, regulation or statute) individuals who bring	Yes
What penalties (per policy, regulation or statute) exist in other states for individuals who bring unauthorized cell phones into prisons?	Attached is TDOC Policy 506.06 (Searches). Tennessee Code Title 39. Criminal Offenses § 39-16-201 The Introduction or possession of weapons, explosives, intoxicants or drugs into a penal institution where prisoners are quartered. (a) As used in this section, unless the context otherwise requires, "telecommunication device" means any type of instrument, device, machine, or equipment that is capable of transmitting telephonic, electronic, digital, cellular or radio communications, or any part of such instrument, device, machine or equipment that is capable of facilitating the transmission of telephonic, electronic, digital, cellular or radio communications. •Telecommunication device• shall include, but not be limited to, cellular phones, digital phones and modem equipment devices. (b) It is unlawful for any person to: (1) Knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are quartered or under custodial supervision any weapons, ammunition, explosives, intoxicants, legend drugs, or any controlled substances found in chapter 17, part 4 of this title; (2) Knowingly possess any of the materials prohibited in subdivision (b)(1) while present in any penal institution where prisoners are quartered or under custodial supervision without the express written consent of the chief administrator of the institution; or (3) Knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are quartered or under custodial supervision any telecommunication device. (c) A violation of subdivision (b)(1) or (b)(2) is a Class C felony. A violation of subdivision (b)(3) is a Class E felony. (a) As used in this section, unless the context otherwise requires, "telecommunication device" means any type of instrument, device, machine, or equipment that is capable of transmitting telephonic, electronic, digital, cellular or radio communications, or any part of such instrument, device, machine or equipment that is capable of facilitating the transmission of telephonic, electronic, digital, cellular or radio communications. "Telecommunication device" shall include, but not be limited to, cellular phones, digital phones and modem equipment devices. (b) It is unlawful for any person to: (1) Knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are quartered or under custodial supervision any weapons, ammunition, explosives, intoxicants, legend drugs, or any controlled substances found in chapter 17, part 4 of this title; (2) Knowingly possess any of the materials prohibited in subdivision (b)(1) while present in any penal institution where prisoners are quartered or under custodial supervision without the express written consent of the chief assets of the estate, pay debts, and distribute residue to those entitled to it.">administrator of the institution; or (3) Knowingly and with unlawful intent take, send or otherwise cause to be taken into any penal institution where prisoners are
Does your agency penalize (per policy, regulation or statute) inmates who utilize cell phones?	Yes
What penalties (per policy, regulation or statute) exist for inmates who utilize cell phones?	TDOC 502.05 is attached, punitive time for inmates depends on their prior disciplinary convictions.
Please provide any reason(s) that you do not penalize individual and inmate violators.	N/A
Please paste a copy of your Department's Policy/Statute or send to Salley Elliott at elliott.salley@doc.sc.gov .	Attached are TDOC Policies 506.06 Searches, 502.05 Definition of Disciplinary Offenses, and T.C.A Code 39-16-201
Additional comment (optional).	
Policy No (s). (if applicable)	TDOC Policy 506.06 (Searches) TDOC Policy 502.05
Party Subject to Policy or Statute	Inmates, inmate visitors, and employees
Citation(s) to Statute(s) (if applicable)	Tenn. Code § 39-16-201
Regulatory Provision (if applicable)	
Party Subject to Reg. Provision	
Additional Notes	