



## Commissioner's Instruction

No: 01/2017

### For the information of all CSNSW staff

Subject: Rescinding of Commissioner's Instruction 1/2012 – now replaced by Security and Intelligence Branch, Assistant Commissioner's Memorandum 01/2017

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#### **PREAMBLE**

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Government Sector Employment Act 2013*.

#### **INSTRUCTION**

Commissioner's Instruction 1/2012 (Management of court/police cell locations) is now rescinded and replaced by the Security and Intelligence Branch, Assistant Commissioner's Memorandum 01/2017 - Management of court/police cell locations.

  
**Peter Severin**  
**Commissioner**

Date: 02.05.2017



## Commissioner's Instruction

No: 02 / 2017

### For the information of all CSNSW staff

Subject: Personal devices with eSIM technology banned within all NSW correctional facilities.

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#### **PREAMBLE**

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Government Sector Employment Act 2013*.

#### **BACKGROUND**

In recent years, the ever increasing technology available in personal communication and fitness devices has seen a significant increase within their capabilities to transmit and receive data through wireless connectivity. This increase in capabilities, particularly the introduction of devices utilising eSIM's now pose a real risk to the security and good order of correctional centres and the greater community in cases where an inmate may use it for criminal activity.

Some devices such as "Smart Watches" and personal fitness devices have the capability to send or receive voice or other data via mobile telephone networks through the use of eSIM's.

Therefore, devices with eSIM technology are considered the same as mobile phones and are not to enter a Place of Detention.

Staff should make themselves aware of the recent Intelligence Alert 0031.17 disseminated from Corrections Intelligence Group for explanation and examples of such devices.

In Section 253F *Crimes (Administration of Sentences) Act 1999*, a mobile telephone is defined as, and, includes any device that may be used, in whole or in part, for the purpose of sending or receiving voice or other data over a mobile telephone network, whether or not it may be used for any other purpose.

Section 253G of the *Crimes (Administration of Sentences) Act 1999* includes a general prohibition on persons taking or attempting to take unauthorised things into or out of a place of detention. Among other things, this includes mobile telephones. Importantly this section applies to staff, visitors, and inmates alike.



Additionally, it is a separate offence for an inmate to have in their possession a mobile telephone or any part of a mobile telephone (Section 27DA *Summary Offences Act 1988*).

## **INSTRUCTION**

The wearing of any such device which has eSIM technology into a correctional centre is prohibited immediately.

Any staff or visitor intending to enter a correctional centre, court cell location or other place of detention wearing such a device will be asked to remove the device and store it appropriately prior to entry. Refusal to do so by a member of staff or a visitor will see them refused entry into that location.


Governors, Officers in Charge and Managers are to ensure all staff are aware of this instruction and if necessary, implement Local Operating Procedures similar to those regarding mobile phones for the recording of, and secure storage of such devices worn to the Centre by staff and or professional/authorised visitors at their Centre/s of responsibility if these devices cannot be stored elsewhere (i.e. vehicle).

Visitors to inmates will be asked to remove any such device and store it with their other personal property within a locker or vehicle if available. It is not CSNSW staff's responsibility to store or supervise an inmate visitor's property.

If an inmate is received into CSNSW custody in the possession of either a "Smart Watch" or fitness device, whether it is able to be identified as having eSIM technology or not, the item is to be managed and recorded in the same manner as mobile phones and is not to be issued to an inmate.

Any such device found in the possession of inmates other than upon initial reception are to be seized and appropriate external charges similar to mobile phone possession, or internal disciplinary actions commenced.

It is appreciated this instruction may be an inconvenience to some staff and visitors, however it is considered the matter requires such measures to ensure the good order and security to correctional centres and in turn providing a safer environment for staff and visitors.

  
**Peter Severin**  
**Commissioner**

Date: 21.09.2017



**Smart watches with SIMs or eSIMs are banned in NSW correctional facilities.**

**Under law, they are considered to be mobile phones.**

**These include:**

- Apple Watch Series 3
- Samsung Gear S3 Frontier LTE
- LG Watch Urbane 2<sup>nd</sup> Edition LTE

**Please leave your smart watch at home.**

