

Custodial Operations Policy and Procedures

16.16 Mobile phones and other devices

Policy summary

It is an offence under the *Crimes (Administration of Sentences) Act 1999* for a person to bring or attempt to bring anything into a place of detention without lawful authority. This includes a mobile phone or any device capable of sending voice or other data over a mobile telephone network.

This policy provides general authorities for:

- any person to bring a mobile device onto a correctional complex (but not beyond correctional centre security screening points)
- emergency services personnel to bring mobile device into correctional centres when responding to serious incidents or emergencies
- correctional officers and police officers to bring mobile device into correctional centres when the phone is part of the inmate's property and is being managed in accordance with **COPP section 4 Inmate property**.

In all other circumstances a person must not bring a mobile device into a correctional centre unless authorised by the relevant Assistant Commissioner, Custody (ACC) or the Deputy Commissioner, Security & Custody (DCS&C). The *Authority to carry a mobile phone into a correctional centre* contains a list of personnel authorised by the ACC or the DCS&C and any prescribed conditions.

Correctional officers must ensure that the only persons who bring mobile devices into correctional centres are authorised to do so by this policy.

Management of Public Correctional Centres Service Specifications

Service specification	Safety and security Professionalism and accountability
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW.

It also applies to all CSNSW employees, and where relevant to other personnel such as, Justice Health & Forensic Mental Health Network (JH&FMHN), contractors, subcontractors, and visitors.

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1 Mobile devices

1.1 Bringing things into places of detention without lawful authority

Section 253G(2) of the *Crimes (Administration of Sentences) Act 1999* (the Act) provides that it is an **offence for a person** to bring or attempt to bring anything into a place of detention without lawful authority (this includes mobile phones and all smart watches). It is also an offence for a person to secrete or leave anything at any place for the purpose of it being found or received by an inmate.

1.2 Included devices

Section 3 of the Act provides that a 'mobile phone' 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.

For the purpose of this policy, a mobile phone includes but is not limited to:

- Smartphones
- Satellite phones
- iPads or similar tablets with e-SIM, Wi-Fi, Bluetooth or any other data or voice transfer technology over a mobile phone network (that are not DCJ issued)
- Smart watches and wearables with e-SIM, Wi-Fi, Bluetooth or any other data or voice transfer technology over a mobile phone network
- SIM cards
- Laptops with internal data SIM (that are not DCJ issued)
- USB modems (dongles)
- Pagers

Staff with Bluetooth enabled wearables, (such as hearing aids, heart rate and glucose monitoring devices) worn on the advice of a medical practitioner or specialist that are **essential for a medical purpose** are exempt from prohibition. However, staff may be required to provide medical evidence before exemption is granted.

Medical equipment utilised by Justice Health and other contracted medical providers for clinical purposes are exempt from prohibition and are permitted within a correctional facility or place of detention.

1.3 Use and possession of mobile phones/devices by inmates

Refer to section 253F(1) of the Act and clause 122 of the *Crimes (Administration of Sentences) Regulation 2014* for offences relating to an inmate's use or possession of a mobile phone. Refer to **COPP section 14.3 Mobile phone offences** for dealing with mobile phone offences by inmates.

2 General authorities

2.1 Correctional complexes

Staff and visitors may bring their mobile devices onto a correctional complex but not beyond a correctional centre security screening point.

A mobile device must be kept securely on the person at all times or secured in the person's vehicle or a locker prior to passing through a correctional centre security screening point.

A correctional officer must prevent any person from bringing any smartwatch or other wearable electronic device past a correctional centre security screening point, if the officer suspects the device might have mobile telephone network connection capability, including the ability to transmit via Wi-Fi and/or Bluetooth, or via any other data or voice transfer technology.

2.2 Emergency services personnel

Police, ambulance, and fire agency officers are permitted to bring mobile telephones into a correctional centre when responding to a *serious incident or emergency only*.

Police are however permitted to bring into a correctional centre issued MobiPol devices when interviewing inmates. This may also include laptops, removable storage devices, tablets, iPad's, Acer ThinkPad's and/or recording devices.

2.3 Personal pagers

Professional visitors, and staff who are emergency services volunteers, may possess personal pagers in correctional centres if they have an essential business need.

2.4 Inmate property

Correctional officers and police officers may bring an inmate's mobile phone into a correctional centre when the phone is part of the inmate's property. The mobile phone must be surrendered at reception and managed in accordance with **COPP section 4 Inmate property**.

3 Assistant Commissioner's authority

3.1 List of authorised persons and prescribed conditions

The DC S&C has approved specific personnel from the following bodies to bring a mobile phone or an issued laptop into a correctional centre:

- NSW Government
- Department of Communities & Justice (DCJ)
- Justice Health & Forensic Mental Health Network
- Mental Health Review Tribunal
- Certain external service providers

The personnel list is available on the Custodial Corrections webpage [Authority to carry a mobile phone into a correctional centre](#).

The list is reviewed every six months by the COPP team. Requests for inclusion to the list must be submitted to Statewide Operations for consideration of the DC S&C.

3.2 On-call functional manager's mobile phone

On weekends and in the absence of a Governor or Manager of Security (MOS), an on-call Functional Manager (FM) is delegated the authority of the Governor and must be consulted on any matter that would normally require a decision from the Governor or delegate.

To operationally support this delegation, the on-call Functional Manager has the authority to carry a mobile phone into their correctional centre (Refer to the [Authority to carry a mobile phone into a correctional centre](#)).

The Governor of the correctional centre must purchase a dedicated mobile phone, ensure its secure storage and provide a register for issuing at the beginning of a shift and returning at the end of a shift.

Governors must ensure local operating procedures are developed for the management and storage of the mobile phone allocated to the Functional Manager. **(Refer to COPP section 21.8 Local Operating Procedures)**

3.3 USB modems and internal SIMs

Certain external service providers or agencies may be authorised to bring laptop computers with internal SIMs or USB modems into correctional centres for business purposes. Refer to **COPP section 16.3 Computer equipment and software** for more information. These providers are also listed in the [Authority to carry a mobile phone into a correctional centre](#).

4 Security of authorised mobile phones

4.1 Mobile phone security procedures

The Governor or OIC may direct an authorised person to remove a mobile device from a correctional centre if the authorised person does not comply with the instructions at Procedure 2 below.

A gate officer does not have to comply with these procedures if compliance would unduly hinder emergency services personnel in responding to an emergency.

	Procedure	Responsibility
1.	For persons authorised by the DC S&C: Check the Authority to carry a mobile phone into a correctional centre list including prescribed conditions.	Gate officer
2.	Record the following details of the device in the relevant journal/register: <ul style="list-style-type: none"> • brand • model • phone number. 	Gate officer
3.	Instruct the authorised person that they must: <ul style="list-style-type: none"> • keep the device on their person at all times • not permit an inmate access to the device • report the loss of the device to a correctional officer immediately. • present the device to the gate officer on departure. 	Gate officer
4.	Ensure that the authorised person removes the device from the correctional centre on departure and record this in the relevant journal/register.	Gate officer

4.2 External service provider laptops with mobile connectivity

The Governor may approve for an authorised external service provider to retain and secure a laptop computer with an internal SIM or USB modem at the correctional centre for ongoing use.

4.3 Reporting the loss of a mobile phone

Any person who loses a mobile phone/device on a correctional complex or in a correctional centre must report the fact to a correctional officer immediately. The correctional officer must immediately inform the Governor or OIC.

Digital Technology Services (DTS) must be notified of the loss of a DCJ issued mobile phone as soon as possible by the Governor or OIC with a request to disable it.

5 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

6 Definitions

ACC	Assistant Commissioner, Custody
COPP	Custodial Operations Policy and Procedures
Correctional centre	Any premises declared to be a correctional centre by a proclamation in force under the <i>Crimes (Administration of Sentences) Act 1999</i> and any police station or court cell complex in which an offender is held in custody under that Act or any other Act.
CSNSW	Corrective Services New South Wales
DCJ	Department of Communities & Justice
FM	Functional Manager
GM	General Manager
Mobile phone	Under section 3 of the <i>Crimes (Administration of Sentences) Act 1999</i> , a 'mobile phone' includes: <ul style="list-style-type: none">• 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.
OIC	Officer in Charge
Place of Detention	A correctional centre, correctional complex or residential facility (see definition of "place of detention", section 253A of the <i>Crimes (Administration of Sentences) Act 1999</i> .)

7 Document information

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1.0	16/08/18	Initial Publication (<i>Replaces sections 12.1.16 and 12.5.3.3 of the superseded Operations Procedures Manual</i>)
1.1	12/03/20	General formatting update and improvements
1.2	03/10/23	Updates in line with CSNSW restructure: renaming of Assistant Commissioner Custodial Corrections (ACCC) to Assistant Commissioner, Custody (ACC)
1.3	28/03/24	Updates to include the prohibition of smartwatches and wearables within Correctional Centres and places of detention.
