
Division of Institutions
Policy and Procedure

I. POLICY

A. ***The North Carolina Department of Adult Correction (DAC), Division of Institutions 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 (5-ACI-3A-42).***

B. General

1. The control of contraband within a correctional facility is a critical component of the facility's security plan and contraband control procedures are necessary for all facilities within Institutions. Contraband control procedures should include effective measures to deter and prevent contraband within the correctional facility as well as any off-site locations such as Correction Enterprises and properly storing and securing contraband for evidentiary purposes. Every effort will be made by correctional officials to stop the flow of contraband to offenders from inside and outside sources. All offenders, visitors, staff members and others seeking entry into Institutions facilities shall be subject to a search of their person and effects pursuant to Institutions policies and as provided in [14B NCAC 12D .0101](#).
2. Definition: Any weapon, tool, or other item that may 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 material or publication disapproved pursuant to Institutions policy [D .0100, Publications Received/Possessed by Offenders](#); unauthorized money or money gained through illicit means; or any article or property not permitted in the framework of Institutions policy [F .0500, Offender Personal Property](#), or D .0100, 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. When used properly under the supervision of correctional staff, instruments and tools used for approved hobby crafts or for the performance of specified job assignments will not be considered contraband. Drugs prescribed by the facility's health care providers and used properly will not be considered contraband.
3. The Warden will be responsible for developing and implementing a facility contraband control procedure consistent with this policy. The Warden must have a written memorandum in place for evidence management and assign a staff member(s) responsibility for evidence management, identifying them by name or title. The contraband/evidence storage area shall be limited to authorized personnel only. All persons entering the evidence storage area shall log their name, date, evidence number, and reason for entry. Facility procedures must be reviewed annually to assure compliance with current policy of Institutions.

4. All facilities shall maintain readily accessible and properly identifiable storage container(s) and equipment suitable for the collection and preservation of physical evidence, biological evidence and contraband. All facilities shall have paper bags available for the collection and storage of clothing items to preserve evidence for DNA testing purposes.

C. Controlled Substances

Drugs, Stimulants, and Controlled Medications. Each Warden shall assure compliance with the Controlled Substances Act and other federal and state-controlled substance laws. Bulk storage of controlled medications will not be allowed unless ordered by the Deputy Secretary of Comprehensive Health Services or their designee. A qualified pharmacist shall dispense medications and controlled substances as approved by the facility health care providers. Controlled substances shall be prescribed, stored, documented, tracked, and destroyed pursuant to policy [S .4400, Controlled Substances](#). S .4400 also contains further instructions regarding the management of controlled substances and other medications.

D. Hazardous Chemicals and Materials

1. Pursuant to Institutions policy [R .0200, Hazardous Chemical Control and Management](#), lye, cleaning fluids, lacquer thinners, insecticides, disinfectants, antifreeze, denatured alcohol, and any other materials that contain noxious, intoxicating, or sedative substances shall be maintained in a locked area under the control of correctional staff. Offenders and staff who will use hazardous chemicals or materials should be orientated by knowledgeable supervisory staff and safe work practices should be stressed at all times. All materials designated as "Hazardous," "Dangerous," or "Flammable" may be used by offenders only under direct staff supervision, which requires staff to be in the immediate physical area as the offenders.
2. All correctional staff, including Correction Enterprises personnel, shall handle hazardous chemicals according to the provisions of Institutions policy [R .0200, Hazardous Chemical Control and Management](#). Sharps containers shall be strategically located in areas of use for the storage and/or disposal of sharps and contraband sharps requiring secure safe storage. Containers should not be more than three-quarters full at any time and shall not exceed the "full" mark on the container. Sharps containers should be stored in a secure, locked location under the control of correctional staff and not accessible to offenders.

E. Tools and Hobby Craft Materials

1. All tools shall be maintained pursuant to Institutions policy SM .3100, Tool Accountability and Supervision. Facilities shall not develop independent Tool Accountability and Supervision policies, and all facilities shall implement standard operating procedures (SOPs) that mirror the policy standards set out in SM .3100, Tool Accountability and Supervision.
2. Hobby craft materials including but not limited to paints, aerosol cans, glue/adhesives, and other potentially hazardous items shall be maintained in a separate locked area under the control of designated correctional staff. Keys to the locked area shall be maintained pursuant to the key control provisions in Institutions policy SM .3600, Key and Lock Supervision and Accountability. Offenders will be allowed limited use of hobby craft materials under direct

staff supervision and quantities distributed to offenders will be sufficient for immediate use only.

F. Disposition of Contraband **(5-ACI-7D-08)**

1. Criminal Action

A chain of custody shall be established and maintained for contraband essential for criminal action with pertinent information being recorded (name of accused, type and description of contraband, date, time and place, circumstances of discovery person discovering, and witnesses if any.) Documentation shall also include 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, final disposition by a court of law, or final disposition by Institutions staff if Institutions is investigating (See Attachment 1, Contraband Control Form, Chain of Custody Verification). Contraband items being utilized as evidence in a criminal action will be secured in the armory of the facility in a locked container. The Warden and designee should be only persons with the key to this container. All evidence/contraband will be properly bagged, assigned an evidence number, and proper chain-of-custody form(s) attached to the contraband. Disposition of evidence is documented on the contraband log including but not limited to the following information: name, date, method of disposition, and witness/witnesses to disposition.

2. Disciplinary Action

Contraband essential to disciplinary action will be properly marked (tagged, bagged, etc.) with name and number of offenders, 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. All evidence/contraband will be assigned an evidence number and proper chain-of-custody form(s) attached to the contraband.

3. Unless retained for disciplinary action, training or other legal purpose, contraband item(s) will be disposed of within a 90-day timeframe after final disposition. Contraband will be documented on a bi-monthly report and disposed of pursuant to Institutions policy [F.0500, Offender Personal Property](#). The reporting process should be cumulative and consistent with the search procedure. Items of contraband which are to be destroyed will be burned, broken, or otherwise rendered useless. Destruction of contraband will be documented in a memorandum to the Warden with information to include but not limited to the means of disposal/destruction, time/date, and at least one witness.

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 NC Gen. Stat. § [105-113.108](#), Reports; revenue stamps, a local prison facility should notify local law enforcement immediately when any of the following controlled substances are taken into custody by facility officials.

a) More than 42.5 grams of marijuana.

- b) Seven or more grams of any controlled substance or counterfeit controlled substance that is sold by weight.
- c) Ten or more dosage units of any other controlled substance or counterfeit controlled substance that is not sold by weight.
- d) Local law enforcement will assume responsibility for the contraband according to the requirement of the law. Appropriate documentation should be secured from the receiving local law enforcement agent for future disciplinary or legal actions the prison facility may pursue.

II. REFERENCES

- A. 5th Edition Standards for Adult Correctional Institutions

5-ACI-3A-42, 5-ACI-7D-08

- B. NC Gen. Stat. § [105-113.108](#)

- C. North Carolina Administrative Code (NCAC) [14B NCAC 12D .0101](#)

F .0800_05_01_23.doc