
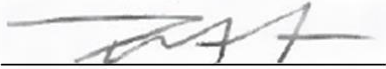


<b>POLICY TITLE: PERSONAL CELL PHONE USE IN A CORRECTIONAL FACILITY FOR PERSONAL REASONS</b>  <b>POLICY NUMBER: 1.14.1</b>  <b>CHAPTER 1: ADMINISTRATION, ORGANIZATION, AND MANAGEMENT</b>		<b>PAGE 1 OF 5</b>
 <b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b>  		<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
<b>EFFECTIVE DATE:</b> <b>January 19, 2022</b>	<b>LATEST REVISION:</b>	<b>CHECK ONLY IF</b> <b>APA [ ]</b>

## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

## II. APPLICABILITY

Entire Maine Department of Corrections

## III. POLICY

It is recognized that cell phones pose significant security risks within facilities. The intent of this policy is to allow personal cell phone use while in a correctional facility to support the need for staff to stay connected and available to their families and not to promote or endorse the use of phones in the workplace for entertainment or other uses that fall outside what is considered appropriate in the workplace.

## IV. DEFINITIONS

1. Cell phone – for the purposes of this policy a traditional cellphone, smartphone, or smartwatch capable of making phone calls.
2. Cell phone chit - a token listing information (carrier, brand, model, phone number, etc.) about the cell phone for tracking purposes and which serves as a receipt of the cell phone upon entering and exiting a facility.
3. Staff - for purposes of this policy, a Department employee or a person in a facility providing services to an adult resident or a juvenile resident by agreement with or under contract with the Department (e.g., facility health care staff), but not including a volunteer, student intern, delivery person, etc.
4. State information assets - the full spectrum of all State I.T. products, including business applications, system software, development tools, utilities, appliances, etc.

## V. CONTENTS

- Procedure A: Use of Personal Cell Phones, General
- Procedure B: Staff Responsibilities
- Procedure C: Personal Cell Phone Use in a Correctional Facility Authorization Process
- Procedure D: Prohibited Items and Activities

## VI. ATTACHMENTS

- Attachment A: Request for Personal Cell Phone Use in a Correctional Facility for Personal Reasons & Agreement ([paper](#)) ([online](#))

## VII. PROCEDURES

### Procedure A: Use of Personal Cell Phones, General

1. Except as set out below, personal cell phone use in a correctional facility during regular work hours is prohibited.
2. The facility Chief Administrative Officer, or designee, may authorize staff to bring a personal cell phone into a correctional facility for use for personal reasons during break times, mealtimes, and as a matter of need and convenience for staff when not actively engaged in the performance of their duties.
3. Staff who are not Department employees shall also follow their agency's or organization's policy on personal cell phone use, if more stringent than this policy.
4. Staff shall request authorization for cell phone use in a correctional facility by completing and signing a Request for Personal Cell Phone Use in a Correctional Facility for Personal Reasons & Agreement form (Attachment A) to include the required information (carrier, brand, model, cell phone number, etc.).
5. Approval is limited to the correctional facility to which the staff is assigned.
6. Personal cell phone use is not allowed:
  - a. while actively engaged in the performance of duties;
  - b. during training or in meetings;
  - c. in locations where cell phone use is prohibited; and
  - d. while driving a Department vehicle.
7. Personal cell phones other than those authorized in accordance with this policy are not allowed inside a correctional facility. All persons entering a Department of Corrections facility who are not staff authorized to use a personal cell phone in that facility must leave all cell phones secured in their vehicle or at the front reception area of the facility.

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8. In addition, the following are not allowed in a correctional facility:
  - a. personal cell phone chargers and cords;
  - b. blue tooth accessories, earpieces, or other phone accessories;
  - c. personal laptops, tablets and other similar devices; or
  - d. the charging of personal cell phones;
9. This policy does not pertain to:
  - a. State-issued cell phones or personal cell phones used for state business, which are covered under Department Policy 1.14, Use of Cell Phones for State Business; or
  - b. State-issued laptops, tablets, and other similar devices.
10. If authorized, staff shall sign the Request for Personal Cell Phone Use in a Correctional Facility for Personal Reasons & Agreement form (Attachment A) that includes information on the cell phone identifying the cell phone carrier, the carrier's phone number, brand, model, and phone number of the device, before being allowed to bring in and use a cell phone in a correctional facility.
11. The Department is not liable for the loss of or damage to personal cell phones brought into the workplace.
12. The facility Chief Administrative Officer, or designee, may rescind authorization on a temporary or permanent basis at any time in response to general facility security needs, individual concerns with security or performance related to cell phone use, or for any other reason.
13. Failure of staff to comply with the provisions of this policy may result in corrective or disciplinary action, up to and including an Office of Professional Review investigation, termination, and/or referral for criminal prosecution.

**Procedure B: Staff Responsibilities**

1. Each facility Chief Administrative Officer, or designee, shall develop and maintain written practices, such as general work rules, SOPs, or post orders, etc. that, at a minimum, address the following:
  - a. a process for staff bringing in personal cell phones, which may include a check-in and check-out process, provision of a list of authorized staff to lobby staff, a cell phone chit system, etc.;
  - b. designated areas and times where and when personal cell phones may be used;
  - c. whether or not the personal cell phone is required to be carried by staff at all times while in the facility or stored in a designated storage location when not in use;
  - d. the locations of where personal cell phone use is allowed and where use is prohibited; and
  - e. response procedures to follow when a cell phone is reported lost or stolen.

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2. The facility Chief Administrative Officer, or designee, shall review the Request for Personal Cell Phone Use in a Correctional Facility for Personal Reasons & Agreement form (Attachment A) and shall document approval or disapproval on the form and sign the form.
3. The original signed Attachment A shall be retained in a designated facility file and a copy shall be provided to the staff.
4. Staff authorized for personal cell phone use in a correctional facility shall, at a minimum:
  - a. ensure that personal cell phone use does not interfere with the performance of their duties;
  - b. exercise discretion in using a personal cell phone; and
  - c. turn off or place the cell phone on vibrating or silent mode while working, in meetings, and in any circumstance where calls may be disruptive.
5. Staff shall cooperate fully to deactivate a personal cell phone determined to be posing a potential security risk in the facility and to allow the phone carrier to release information to the facility Chief Administrative Officer, or designee, if necessary to locate a misplaced, lost or stolen personal cell phone or a phone that falls into a resident's hands.
6. Staff shall follow applicable federal and state and laws and regulations, this policy and other applicable policies, and facility written practices regarding the use of cell phones.
7. Staff are required to re-submit a new Request for Personal Cell Phone Use in a Correctional Facility for Personal Reasons & Agreement form (Attachment A) if the staff changes cell phones, cell phone numbers, or carriers.

**Procedure C: Personal Cell Phone Use in a Correctional Facility Authorization Process**

1. At all times, staff authorized for personal cell phone use in a correctional facility shall:
  - a. keep their cell phone on their person at all times or stored in the designated storage area, as applicable;
  - b. ensure the cell phone and cell phone numbers are not accessible to any resident; and
  - c. ensure the cell phone:
    - 1) is password protected,
    - 2) has a lock screen timer feature set to the shortest duration before it goes to inactive status; and
    - 3) is in the locked mode when not in use; and
  - d. verify, if asked, with supervisory staff that the shortest lock-screen timer setting is being utilized as well as other required security precautions.

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2. If a cell phone is misplaced, stolen, lost, or falls into a resident's hands, the staff shall immediately notify:
  - a. the shift commander or Juvenile Facility Operations Supervisor (JFOS), as applicable, who shall notify the facility Director of Security;
  - b. the phone carrier and request that the device be deactivated and provide written verification that the phone has been deactivated; and
  - c. their supervisor, who shall notify the facility Chief Administrative Officer, or designee, who shall notify the Commissioner, or designee.

**Procedure D: Prohibited Items and Activities**

1. Disposable personal cell phones, cell phones without a screen lock function, and cell phones the carrier cannot disable are not allowed in a correctional facility.
2. The following is prohibited in connection with personal cell phone use in a correctional facility:
  - a. using the cell phone while actively engaged in the performance of duties;
  - b. making or receiving a call for a resident on the cell phone;
  - c. allowing residents to use or view images or text on a cell phone;
  - d. cell phone use when residents are present (to include programming, visiting, day room, meals, during resident movements, count times, during transports, while supervising resident work crews, etc.)
  - e. making audio or video recordings, or taking pictures of any person or any area inside a correctional facility or the facility or its grounds;
  - f. accessing or connecting to State information assets;
  - g. plugging cell phones into Department computers; and
  - h. downloading or viewing inappropriate, obscene or illegal material or any activity prohibited in Department Policy 3.5, Code of Conduct.
3. Except in an emergency or otherwise as allowed in Department Policy 1.14, Use of Cell Phones for State Business, a personal cell phone allowed in a correctional facility may not be used to conduct any state business.

**VIII. PROFESSIONAL STANDARDS**

None

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