

ORANGE COUNTY SHERIFF'S DEPARTMENT



S.A.F.E. Division

WIRELESS COMMUNICATION DEVICES *PROHIBITED* IN JAIL AND COURT DETENTION AREAS

Recently there have been instances involving personnel with cell phones in the secured areas of jail facilities or court detention areas. It is important for all Department members to be aware of the security risk, as well as the Department policies and the law which prohibits personnel, including Supervisors and Managers, from bringing a cell phone or other similar devices into the secured areas. This includes "smart watches" and Department issued wireless devices. Only personnel who have received authorization in advance from the Watch Commander, Captain, or Division Commander may possess these devices in the secured areas. Violations will be referred to Internal Affairs for administrative review. If warranted, a criminal investigation may be conducted.

Supervisors and Managers are expected to adhere to and enforce Department policies and laws. They must be diligent when inspecting work areas, uniform attire, and items brought inside any of our jail facilities or detention areas. They are required to take immediate action to remove these devices, as well as immediately report known or observed violations. Failing to do so may also subject them to discipline and/or criminal prosecution.

The Watch Commander or Captain may authorize personnel to retain a cellular telephone or wireless electronic device in furtherance of any official duty or in an emergency due to a significant and verified reason. Any authorization provided by the Watch Commander or Captain is strictly on a one-time basis. Requests for any ongoing authorizations shall be reviewed by the Watch Commander and forwarded to the Division Commander for approval (CCOM Section 1714(d)). Requests for authorization to legally possess a cellular phone or other wireless communication device inside our secured areas will detail the necessity for the device and provide specific time restraints. All requests shall be submitted utilizing the [Electronic Device Request Form](#) available on MY18.

CALIFORNIA PENAL CODE SECTION 4575(a)

Possession of a wireless communication device within a correctional facility is a *misdemeanor*.

The [law](#) states, "Any person in a local correctional facility who possesses a wireless communication device, including, but not limited to, a cellular telephone, pager, or wireless Internet device, who is not authorized to possess that item is guilty of a misdemeanor..."

DEPARTMENT POLICIES

CCOM Section 1714 prohibits possession of a personal cellular phone or wireless device in a custody setting. This includes smart watches with cellular capabilities.

Department Policy 200.8 states, "Supervisors are responsible and held accountable for the actions, conduct, and performance of subordinates and the operation of their unit."

Department Policy 1018.6(1) states, "Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the Department and all orders of the Department or commands thereof."

Department Policy 1018.54 states, "This policy requires that when a Member, at any level, becomes aware of possible misconduct by another Member of this Department, the Member shall immediately report the incident to a supervisor or directly to the Internal Affairs Bureau..."

The statute and applicable Department policies discussed herein are not all-inclusive. Please review the entire statute or Department policies for further information.

