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OIG | OFFICE *of the* INSPECTOR GENERAL

Independent Prison Oversight

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Audit of the Department of Corrections and Rehabilitation's Controlled Substances Contraband Interdiction Efforts

Audit Report N° 21-01

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January 11, 2023

Mr. Jeffrey Macomber
Secretary
Department of Corrections and Rehabilitation
1515 S Street
Sacramento, CA 95811

Dear Mr. Macomber:

Enclosed is the public version of the Office of the Inspector General's (the OIG) report titled *Audit of the Department of Corrections and Rehabilitation's Controlled Substances Contraband Interdiction Efforts*. California Penal Code section 6126(b) and (c) authorizes the OIG to initiate audits of the California Department of Corrections and Rehabilitation's (the department) policies, practices, and procedures. This audit focuses on the department's controlled substances (hereafter *drugs*) interdiction program. We reviewed four prisons from March 1, 2019, through January 7, 2022, which we specifically reference in this report as Prisons A through D to protect the safety and security of the institutions selected.

The audit objectives were to determine whether the department's processes in place are effective: to prevent drugs from entering prison grounds through pedestrian and vehicle entry points and incoming mail; to detect and discover drugs within the incarcerated population in prisons; and to investigate the source of drugs discovered. We also evaluated the department's process for collecting and reporting data related to drug discoveries and performed transactional testing to assess reliability of the data. Finally, we reviewed the data to assess the impact of operational restrictions implemented in response to the novel coronavirus (COVID-19) pandemic, on the introduction of drugs in prisons.

Despite strategies the department has implemented, our audit identified several operational weaknesses within the department's drug interdiction program, allowing drugs to continue to enter California's prison system. We identified deficiencies with entrance screening, routine searches of incarcerated people's living areas and within prison property, searches of incarcerated workers, and investigations into the source of drugs discovered. One area of weakness was over the department's collection and reporting of data, resulting in data errors, which the California State Auditor previously reported in August 2017, and again by the department's Office of Audits and Court Compliance in February 2019.

We found the department does not take full advantage of its canine program and use of electronic drug detecting devices, after having implemented two pilot programs, and accompanying research studies finding them to be effective. Specifically, we found the department underutilizes its canine program despite having legal authority to use canines



to search incarcerated people, visitors, staff, and their property, and to search prison property. The department also has authority to use electronic devices capable of detecting, or assisting in detecting, drugs, but only uses these devices in limited circumstances.

We understand that reducing the prevalence of drugs in California's prison system is an ongoing challenge for the department. However, drugs have entered prisons even after the department implemented COVID-19 response efforts and suspended in-person visiting, beginning March 2020, to mitigate potential exposure to COVID-19. The avenues for drugs entering prisons during the first year of the pandemic, with visiting restrictions in place, at primary entry points remained staff, contractors, official visitors, and mail. Therefore, it is important that the department work to strengthen its drug interdiction program at points of entry, and to detect, discover, and investigate drugs once the drugs are inside secured perimeters, to establish a safer prison system in which drug use, drug trafficking, and drug contraband is reduced.

Following publication, we request the department to provide its status on implementing our recommendations at intervals of 60 days, six months, and one year from the audit report date.

Respectfully submitted,

A handwritten signature in blue ink that reads "Amarik K. Singh". The signature is fluid and cursive, with the first name being the most prominent.

Amarik K. Singh
Inspector General

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Summary

California Penal Code section 6126(b) and (c) authorizes the Office of the Inspector General (the OIG) to initiate an audit of the California Department of Corrections and Rehabilitation's (the department) policies, practices, and procedures. This report analyzes the department's controlled substances contraband (hereafter *drugs*) interdiction efforts at four prisons from March 1, 2019, through January 7, 2022. We specifically reference the prisons we reviewed as Prisons A through D to protect the safety and security of the institutions selected.

We observed routine entrance searches, enhanced entrance searches of employees, routine cell searches, searches at interior prison work change checkpoints, and searches of prison mail rooms. We reviewed the department's use of available resources and tools to detect drugs, including the use of canines and electronic drug detection devices. We also reviewed the department's processes for investigating the sources of the drugs discovered in prisons and the department's data related to drug discoveries in its prisons. Finally, we analyzed the impact of visiting restrictions, implemented in response to the novel coronavirus (COVID-19) pandemic, on the introduction of drugs in prisons.

Despite Recognizing That Canines are Among the Most Effective Resources to Both Deter and Detect Drugs, the Department Underuses Its Canine Program

The department acknowledges that canine searches are a particularly effective method of interdicting drugs and that it has the legal authority to use canines to search incarcerated people, visitors, and staff. However, even though visitors and staff are a source of the drugs discovered in prisons, the department does not use its highly trained canines to search them for contraband. In fact, the department only inconsistently, and in some cases infrequently, uses canines to search incarcerated people and their property.

Moreover, the department's use of canines to search prison facilities—including mail rooms—is limited. Although departmental policy requires frequent canine searches of all areas under its jurisdiction, we found that two of the four prisons we reviewed did not comply with policy. Canine teams were often absent from their assigned prisons, and we found that the department likely lacked enough canines to consistently and frequently search individuals or prison property.

The Department Acknowledges the Usefulness of Electronic Devices in Detecting Drugs, yet Only Deploys the Devices in Limited Circumstances

At a cost of nearly \$30 million, the department implemented two pilot programs focused on reducing illegal contraband, and drug use and possession, in California prisons. The 2014 Enhanced Drug and Contraband Interdiction Program and the 2018 Contraband Interdiction Pilot Program both generally

used electronic devices, including ION scanners, millimeter wave scanners, and parcel baggage scanners, among other methods, to improve contraband detection and boost deterrence. Studies of these two programs found the programs were effective in reducing drug use and possession, but when the programs concluded, the department discontinued the use of electronic devices to screen for drugs at nearly all prisons. The department took no further steps to evaluate the cost-benefits of adding electronic detection devices to its interdiction program.

The Department's Screening Process at Prison Entry Checkpoints Is Inadequate to Prevent Drugs From Being Introduced Onto Prison Property

The department's screening process requires staff to check the identification and belongings of every person entering prisons. In practice, we found that entrance screening generally consisted of a cursory visual search that was unlikely to discover drugs. We observed the routine searches of employees, contractors, and official visitors at three prisons' main pedestrian checkpoints and found the searches to be inadequate. At the three prisons we visited, we observed entrance officers conducting routine bag "searches" that consisted of glances lasting one or two seconds or officers permitting large bags to be carried into prisons without checking for identification or opening the bags. At times, officers failed to conduct searches at all. We found that at minimum support facility pedestrian checkpoints, the routine searches conducted were even less adequate. At one prison's minimum support facility entrance, all assigned officers were given a key that allowed them to come and go as needed, without identification confirmation or bag checks. None of the prisons we reviewed subjected employees to pat-down searches.

We observed that visitor searches were more robust than routine searches of employees. Entrance officers more closely examined visitors and visitors' bags, but the officers performing the searches did not have the tools necessary to detect drugs, and they were not allowed to perform pat-down searches.

Prisons' periodic enhanced searches of employees were also inadequate to detect drugs. These more comprehensive and unannounced searches, mandated to occur no less frequently than monthly at each prison, require employees to empty their pockets and open containers but do not subject employees to pat-down searches. Drugs can be hidden on the bodies of staff who are not subject to physical search, search by electronic drug detection devices, or search by canines.

The search process for vehicles entering prisons' secured perimeters requires officers to check drivers' and passengers' identification and look for contraband and unaccounted-for people. However, the searches are unlikely to detect smaller items, like drugs, that can be easily hidden.

Officers Do Not Conduct Cell and Bunk Area Searches as Often as Departmental Policy Requires, and Most Searches Are Unlikely to Discover Drugs

Officers in prison housing units are required to conduct a minimum of six random cell searches each day over two separate shifts. We found that officers at the prisons we reviewed completed only 38 percent of the required searches and that search records did not always include evidence of supervisory reviews or documentation of the reasons that searches did not occur. In addition, officers did not always conduct thorough searches of incarcerated persons' cells or bunk areas, often failing to search or inadequately searching crucial areas where incarcerated people could have hidden drugs. We also found that officers did not use canines or electronic drug detection devices to detect or identify drugs during these cell or property searches.

The Department Does Not Consistently or Adequately Conduct Investigations to Determine the Sources of Drugs Discovered in Prisons

We found that prison Investigative Services Units staff (prison investigators) at the four prisons we reviewed rarely identified the sources of drug discoveries in part because the department generally has not mandated that specific policies and procedures be followed during investigations. In addition, prison investigators simply do not investigate the sources of all drug discoveries for a variety of reasons, including staff shortages, the unlikelihood of identifying the source, and the unlikelihood that either the source or the incarcerated person found in possession of drugs will be prosecuted.

In addition, when prison investigators did investigate the sources of drug discoveries, investigations at the prisons we reviewed were frequently inadequate. For example, prison investigators frequently failed to ask incarcerated people where they got the drugs found in their possession. Moreover, prison investigators also failed to consistently use available investigative techniques, such as reviewing surveillance cameras and financial records or interviewing incarcerated witnesses.

The department requires prison investigators to investigate all suspected drug overdoses and all overdoses resulting in death. The department also mandates that specific, detailed procedures be followed during investigations. However, prison investigators at the prisons we reviewed did not investigate every incident because the department has not implemented policies or procedures to notify them of all suspected overdoses or overdoses resulting in death.

The department implemented detailed policies and procedures as well as produced a field manual to guide the Office of Internal Affairs' investigations into alleged staff misconduct. We found that drug investigations conducted by the Office of Internal Affairs were adequate once a suspect was identified.

Prison Staff Do Not Always Thoroughly Search Incarcerated Workers Reporting to and Returning from Work Assignments, Increasing the Risk of These Workers Moving Drugs Throughout Prisons

Nearly all prisons employ incarcerated people, often in jobs that require the incarcerated people to work in different areas of the prison and at times to work outside the prison's secured perimeter. These incarcerated workers' greater freedom of movement gives them the opportunity to retrieve drugs from their work sites and smuggle the drugs into their housing units. Departmental policy allows but does not require officers to perform clothed or unclothed searches of incarcerated workers at work change checkpoints when the workers report to or return from their work posts. As a result of the department's policy, not all prisons require or perform these searches. We also found that although the prisons we reviewed had the authority to use electronic drug detection devices at work change checkpoints, we did not observe the devices being used.

The Department Cannot Accurately Quantify Its Drug Discoveries Because Its Data Collection and Quality Control Procedures Are Inadequate, Resulting in the Inclusion of Inaccurate Data in Statutorily Required Public Reports

The department's drug discovery data contain inaccuracies that make the data unreliable. Consequently, related reports on the department's public website may be inaccurate.

Departmental policy does not require staff to record in the *Major Drug, Tobacco, Cell Phone Discoveries Log* several drugs that have been identified under State and federal law to have a high potential for abuse and dependency. This lapse in data-gathering reduces the department's ability to effectively monitor drug discoveries and activity.

Both the lack of procedures on how to report drug discoveries and the inadequate controls in place to review those data likely contributed to the inaccurate and incomplete reporting we found. Since the department's data may influence lawmakers, policymakers, and other stakeholders, as well impact programs, this data must be accurate.

Introduction

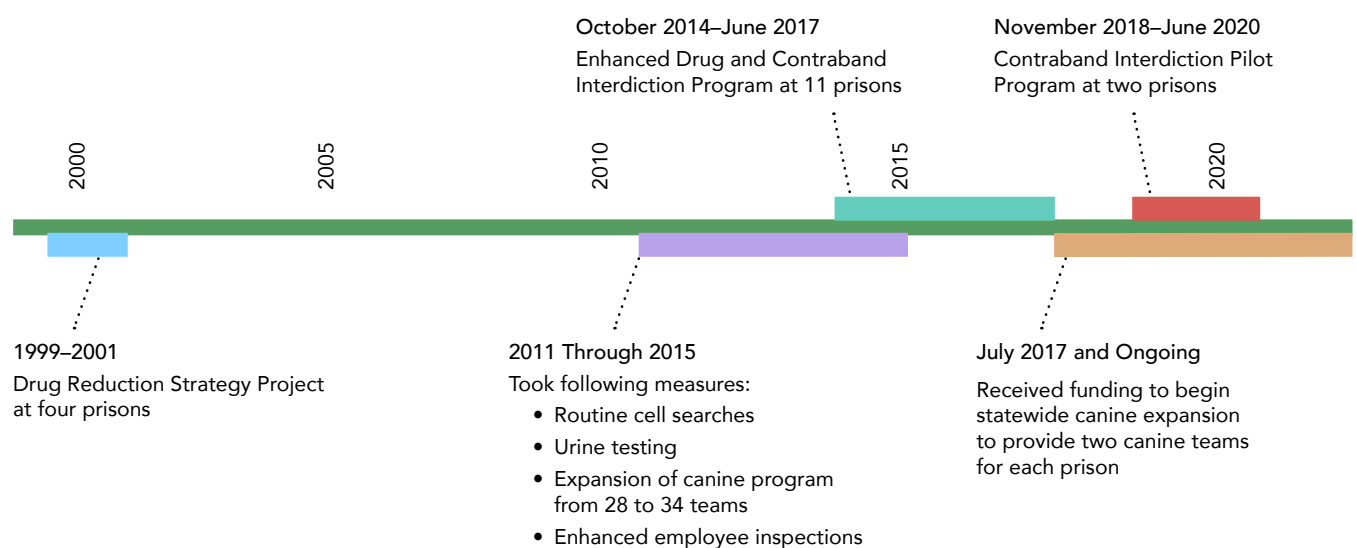
Background

“A critical component of establishing a safer prison system is to reduce drug use, drug trafficking, and contraband within the institutions. The use of illicit drugs by inmates presents a serious threat to the safety and security of institutions. Drug trafficking causes many problems in a prison setting, including assaults, power struggles within the inmate population, underground economies, and reduced programming benefits and adherence. To provide a safer environment that encourages the rehabilitation of inmates and supports their health, mental health, and education opportunities, it is important that proactive steps be taken to limit the introduction of drugs and contraband in prisons.”

Source: The California Department of Corrections and Rehabilitation’s updated strategic plan titled *An Update to the Future of California Corrections*, January 2016.

Reducing the prevalence of controlled substances (hereafter *drugs*) in California’s prison system is an ongoing challenge for the California Department of Corrections and Rehabilitation (the department). To meet the challenge, the department has taken several actions to reduce drug use within the incarcerated population. These actions include routine cell searches, the expansion of canine teams, enhanced staff inspections, and pilot programs intended to reduce the number of drugs entering prisons. Figure 1 below identifies key milestone actions the department has taken to combat contraband, including drugs.

Figure 1. Time Line of the Department’s Drug Interdiction Efforts



Source: Data collected by the OIG.

The department's efforts to interdict drugs, detect and recover drugs inside prisons, and investigate the sources of drug discoveries are the subject of this audit report. In 2014, the department implemented the Enhanced Drug and Contraband Interdiction Program at 11 prisons. In its January 2016 updated strategic plan for the State prison system, the department recognized drug and contraband interdiction as a critical component necessary to establishing a safer prison system in which drug use, drug trafficking, and contraband within prisons is reduced. To address the risk posed by drugs, the department in 2018 implemented a two-year Contraband Interdiction Pilot Program at the Substance Abuse Treatment Facility and State Prison, Corcoran. Subsequently, in its 2019 Leadership Accountability Report, the department identified contraband interdiction as a risk area, noting, "[p]ersons entering CDCR [department] institutions sometimes employ extraordinary means to smuggle drugs and contraband into the institutions, including secreting drugs and contraband in hidden pockets in clothing or in body cavities."

Both the 2014 and 2018 pilot programs included enhanced interdiction procedures at front entrances, the use of scanning and drug detection devices, and the use of canines. The department continued using canines and subsequently secured funding for additional canine teams at other prisons after the 2014 pilot program ended in 2017. However, at the end of both programs, the department discontinued other interdiction efforts intended to prevent contraband from entering prisons, despite the positive results reported in studies of the two programs. Table 1 on the following page provides an overview of the pilot programs and the interdiction strategies deployed.

Table 1. Piloted Controlled Substance Interdiction Strategies Implemented

Program	Enhanced Drug and Contraband Interdiction Program	Contraband Interdiction Pilot Program
Period	October 2014 to June 2017	November 2018 to June 2020
General Funds Provided	\$10.4 million over two years, beginning in fiscal year 2014–15	\$9.1 million in fiscal year 2018–2019, and \$8.3 million in fiscal year 2019–2020
Pilot Program Locations	<p><i>Intensive Intervention Prisons</i> Calipatria State Prison California State Prison, Los Angeles California State Prison, Solano</p> <p><i>Moderate Intervention Prisons:</i> California Institution for Men Centinela State Prison Central California Women’s Facility High Desert State Prison Kern Valley State Prison Salinas Valley State Prison Sierra Conservation Center Substance Abuse Treatment Facility and State Prison, Corcoran</p>	Substance Abuse Treatment Facility and State Prison, Corcoran
Interdiction Strategies	<ul style="list-style-type: none"> • Random monthly drug testing of roughly 10 percent of incarcerated persons at all prisons in pilot • Enhanced use of canine detection teams • ION spectrometry scanning technology capable of detecting trace amounts of narcotics in searches of visitors, staff, incarcerated persons, and packages • X-ray machines for scanning incarcerated persons’ mail, packages, and property as well as the property of staff and visitors at entry points • Intensive intervention prisons involved an additional canine team, an additional ION scanner, full body X-ray scanners for incarcerated persons, and video surveillance equipment for visiting rooms 	<ul style="list-style-type: none"> • Entrance screening on every individual entering the secured perimeter, including staff and visitors, 24 hours a day, seven days a week, using Transportation Security Agency style millimeter wave full body scanners and baggage/parcel X-ray scanners • Expanded canine teams positioned for additional coverage at the main vehicle entrance and vehicle sallyport during high traffic periods, and random searches of entering vehicles • Expanded canine teams to conduct enhanced institution searches
Study Highlights	<ul style="list-style-type: none"> • Drug use at intensive intervention institutions dropped by nearly a quarter with the implementation of pilot program • There are expenses associated with purchasing and servicing various scanners and additional staffing efforts; the study could not say whether the benefits of the efforts exceed the costs 	<ul style="list-style-type: none"> • Detection devices are effective in entrance area and mailroom contraband discovery screening • Canine teams lowered contraband discoveries in vehicles, likely due to the deterrence effect of known unanticipated canine searches at vehicle entry ways, and are an effective strategy for contraband discovery within institutions, particularly in housing units and mail rooms • Detection scanning technology is “not inexpensive”

Sources: University of California, Berkeley, and the Public Policy Institute of California, in conjunction with the California Public Policy Lab, “The Effects of California’s Enhanced Drug and Contraband Interdiction Program on Drug Abuse and Inmate Misconduct in California’s Prisons,” April 19, 2017. California State University, Fresno, “Contraband Interdiction Pilot Program, Full Evaluation Report, California Substance Abuse Treatment Facility and State Prison in Corcoran,” January 26, 2021. Department memorandums.

Requirements of Laws, Regulations, and Policies for Preventing and Detecting Drugs

California’s prison system is governed by laws and regulations, while individual prisons may develop local operating procedures based on infrastructure and logistical challenges to assist staff in complying with laws and regulations. At the State level, laws and regulations generally prohibit any person from knowingly bringing alcohol, drugs, or drug paraphernalia into State prisons or into locations under the jurisdiction of the department. To interdict drugs and other contraband, State law and departmental policy authorize searches of the persons, the private property, and the vehicles of anyone entering department facilities. State regulation and departmental policy more specifically authorize searches using passive-alert air-scan canines, electronic drug detection equipment, or other technology, including full-body scanners.

Although contractors, visitors, and nondepartmental personnel may refuse to be searched and will be consequently denied entry to the prison, departmental employees are not afforded the same option. Consenting to searches is a condition of employment that may not be withdrawn while in or on departmental property. The department also restricts the number, size, and types of personal items that employees can bring into prisons’ secured perimeters. However, ensuring that employees adhere to the personal property restrictions is not simple. Policy and procedures for conducting employee searches may need to be expanded, which will likely require negotiations with employee unions.

For example, the department entered into an agreement with the California Correctional Peace Officers Association establishing guidelines for *enhanced inspections*, a less frequent but more detailed search process of employees at entrances and other work areas. Under the agreement, enhanced inspections do not include physical touching of the employee’s clothed or unclothed body unless there is reasonable suspicion that the employee possesses or is involved in introducing contraband. In addition, canines may not be used to search an employee’s person or property during enhanced searches. The agreement limits the department’s ability to find contraband—including drugs—that may be hidden on employees’ bodies and reduces the effectiveness of employee searches.

Incarcerated people, their personal belongings, their living facilities, and their packages and nonconfidential mail are also subject to searches authorized by laws, regulations, and policy. The searches of incarcerated people can include clothed and unclothed body searches, physical pat-downs and visual inspections, the use of devices that detect contraband and drugs, and the use of canines. Prison custody staff may also search for contraband in common areas, including prison yards, dining halls, work change checkpoints,¹ and housing units. The thoroughness of a prison’s searches of incarcerated people and its searches inside the secured perimeter vary according to departmental policy and the local operating procedures at each prison.

1. A *work change* checkpoint is an area that incarcerated people who have jobs working in the prison or were assigned to certain education programs pass through when moving between their housing facilities and their work sites or educational assignments.

The department's efforts to prevent staff and visitors from bringing drugs and other contraband through primary points of entry, such as pedestrian and vehicle entrances, are inadequate. The department's current drug interdiction efforts, apart from screening incarcerated people's incoming mail, focus mainly on detecting contraband inside the secured perimeters rather than keeping it out of the prisons to prevent it from reaching the incarcerated population. Moreover, at the four prisons we reviewed, staff at primary entrances focused on searching for large contraband items, such as cell phones, metal objects, and weapons, rather than drugs that can be easily concealed on a person or in personal belongings.

Roles and Responsibilities

State law requires the department to carry out contraband interdiction efforts for individuals entering prison facilities. Among the department's centralized functions, the Division of Adult Institutions directs, advises, and supports prison personnel on matters related to prison operations. This oversight includes issuing policy and directives to prisons on contraband interdiction activities, setting requirements for reporting drug discoveries to the department, and maintaining the drug discovery data through a Microsoft SharePoint (SharePoint) application developed by the Division of Adult Institutions. The customized version of the application is known as the *Major Drug, Tobacco, Cell Phone Discoveries Log* (major drugs discovery log). The department's Office of Research produces computer-assisted statistics (known as COMPSTAT) from the contraband seizure data, which is legally required to be posted quarterly on the department's website. At the prison level, wardens are responsible for implementing procedures for all custody-related matters and carrying out the departmental policy.

The availability of resources, including canine teams and electronic drug detection devices, varies among California's 34 prisons.² Individual prisons' procedures for conducting their drug interdiction programs may also vary. Each prison we reviewed has different processes and procedures for conducting, recording, and documenting drug interdiction activities. Each prison has an Investigative Services Unit, which is responsible for investigating drug discoveries and referring allegations of staff misconduct to the department's Office of Internal Affairs or to other authorities, such as district attorneys, for criminal prosecution. Each prison also implements its own local operating procedures, its own post orders dictating staff expectations in carrying out duties, and its own training requirements. These inconsistencies likely contribute to ineffective drug interdiction efforts.

2. As part of the 2020-21 California Budget, Deuel Vocational Institution closed on September 30, 2021, and the proposed 2022-23 California Budget projects that California Correctional Center will close by June 30, 2023.

The Coronavirus Pandemic Restricted Visitation and Movement Within Prisons, but the Incarcerated Population Still Obtained Drugs

The novel coronavirus (COVID-19) pandemic that was declared in March 2020 contributed to many changes at California State prisons, including the following: the department suspended in-person visiting, modified its programs—the regular planned activities for incarcerated people in prisons—to restrict the movement of incarcerated people inside prisons, suspended the transfers of incarcerated people from county jails to prison reception centers, implemented enhanced screening of COVID-19 symptoms, and increased the use of personal protective equipment and physical distancing.

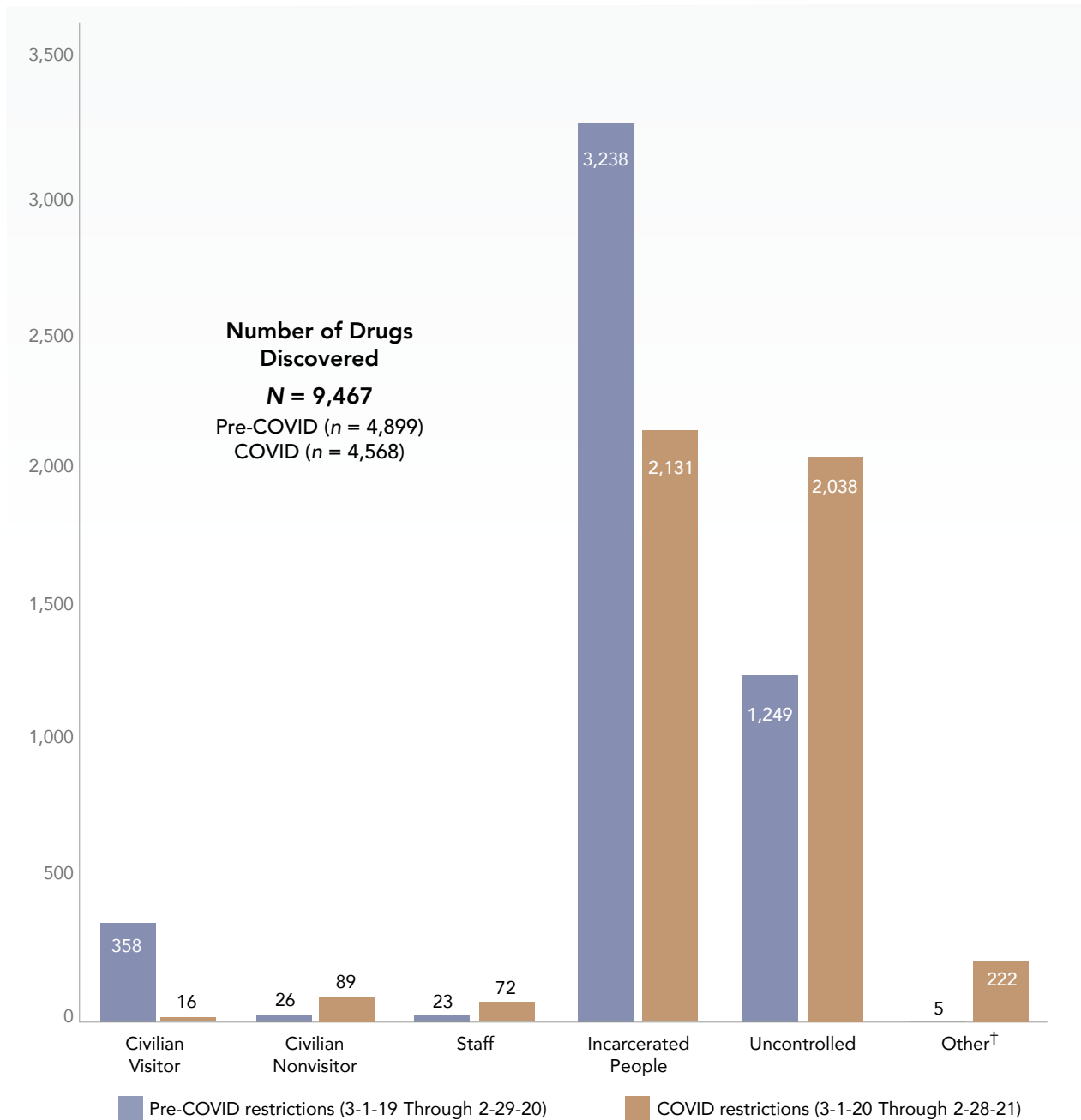
Due to these significant changes, we reviewed and analyzed drug contraband data to determine whether restrictions related to the COVID-19 pandemic impacted the number of drug discoveries in prisons. We found that the department's data documenting discoveries contained errors and were incomplete but were the most comprehensive available at the time of our audit. Our assessments of those data are discussed in detail in Chapter 7. Because of the department's inaccurate data, it was difficult for us to draw conclusions in some matters with a high level of confidence.

To mitigate the potential exposure and spread of COVID-19, the department suspended visiting for incarcerated people from March 11, 2020, through April 10, 2021. The suspension of visiting also affected the ways contraband was introduced into prisons. With visiting suspended, visitors were effectively eliminated as a source of drugs in prisons. As illustrated in Figure 2 on the following page, in the year immediately preceding visiting suspensions, the department documented 358 counts of drugs found on visitors, compared with just 16 counts in the first year of the COVID-19 pandemic.³ Despite this difference, the total number of reported drug discoveries only dropped by 331, or by less than seven percent, because the drugs were being introduced through other means. When the source of discovery cannot be tied back to a particular person, the discovery is categorized as an *uncontrolled* discovery.

When visiting stopped, attempts to introduce drugs in other ways, particularly through the mail, increased. The number of drugs found in uncontrolled locations, such as the mail, prison yards, dining areas, and housing units, increased from the start of the pandemic (Figure 2, following page). On page 12, Table 2 further details a 63 percent increase of drug discoveries in uncontrolled locations in the two-year period immediately before and after the COVID-19 pandemic restrictions began. Most notable is that the department's data show that drug discoveries increased by 209 percent through the mail after the pandemic restrictions began.

3. The department's controlled substance data reports 12 cases of drugs found on visitors prior to the March 11, 2020, statewide suspension of visiting at all prisons. The remaining four cases occurred after the visiting suspension date, and the discovery location is unclear.

Figure 2. Total Number of Individual Drugs Discovered Before and During Suspended Visitation Due to the COVID-19 Pandemic*



* The major drugs discovery log data that the department provided to the OIG included several errors, and the reliability of the data is further discussed in Chapter 7 of this report. For purposes of our audit, we made some adjustments to these data to more accurately reflect drug discoveries. We caution that these numbers may still not be accurate.

[†] At Prison B, a manager reported that staff erroneously reported 227 drug items (five during the pre-COVID restrictions period and 222 during the COVID restrictions period) discovered as recovered from staff when the items should have been reported as recovered from an incarcerated person. We did not perform procedures to validate the source of discovery; however, we reclassified the stated error as Other due to uncertainty.

Source: Major drugs discovery log data maintained by the department's Division of Adult Institutions and provided by the department's Office of Research. The data covered the period from March 2019 to February 2021.

Table 2. Number of Drugs Discovered in Uncontrolled Locations*

Location	3-1-19 Through 2-29-20 (Pre-COVID Period)	3-1-20 Through 2-28-21 (COVID Period)	Percentage Increase/Decrease
Mail	432	1,334	↑ 208.8%
Fire Camps	107	225	↑ 110.3%
Work Change	4	6	↑ 50.0%
Minimum Support Facility	97	112	↑ 15.5%
Outside Perimeter†	193	153	↓ 20.7%
Housing Unit	192	146	↓ 24.0%
Administration and ISU	22	16	↓ 27.3%
Inside Perimeter‡	50	23	↓ 54.0%
Yard	53	22	↓ 58.5%
Visiting	88	1	↓ 98.9%
Dining/Kitchen/Culinary	11	0	↓ 100.0%
Total Uncontrolled	1,249	2,038	↑ 63.2%

* The major drugs discovery log data that the department provided to the OIG included several errors, and the reliability of the data is further discussed in Chapter 7 of this report. For purposes of our audit, we made some adjustments to these data to more accurately reflect drug discoveries. We caution that these numbers may still not be accurate.

† Outside perimeter locations include areas outside of secured perimeters, such as surrounding property, vehicles, outside hospitals, prison industries authority, and warehouses.

‡ Inside perimeter locations include areas within secured perimeters, such as receiving and release, program office, and medical, education, and vocation training areas.

Source: Major drugs discovery log data provided by the department's Office of Research. The data covered the period from March 2019 to February 2021.

Table 2 also shows that drug discoveries decreased in other locations, such as in incarcerated people's housing units and on prison yards. This decrease likely resulted from the restricted movement of the incarcerated population and the use of only essential incarcerated workers during the COVID-19 pandemic.

Another indicator for drug contraband entering the prison system was incarcerated person overdoses. Specifically, California Correctional Health Care Services' overdose hospital send-out data for the period from March 1, 2019, to February 28, 2021, reported a total of 1,274 overdose cases throughout California's prisons in the one-year period before the pandemic, compared with a total of 796 overdose cases in the first year COVID-19 operating restrictions

began. While the rate decreased by 37 percent,⁴ the number of overdoses that still occurred during the first year of pandemic restrictions clearly indicate that drugs were still circulating in the prisons. Although the source of some of these overdoses may have been prescription medication provided by the department, a significant number likely were overdoses of drugs from other sources. The suspension of in-person visiting meant that incarcerated people were not able to obtain drugs from visitors but were able to get drugs in other ways. The introduction of drugs into prisons may be attributable to the weaknesses we identified in secured perimeter entrance searches, as well as the missed opportunities to use tools and resources in drug interdiction efforts.

Despite strategies the department has implemented, drugs have continued to enter California's prison system. This situation has prevailed even after the department implemented COVID-19 response efforts and suspended in-person visiting, beginning March 2020, to mitigate potential exposure to COVID-19. The avenues for drugs entering prisons during the first year of the pandemic, with visiting restrictions in place, at primary entry points⁵ remained staff, contractors, official visitors, and mail.

4. California Correctional Health Care Services reported that the Integrated Substance Use Disorder Treatment Program implemented in January 2020 contributed to some of the decline in incarcerated person overdoses.

5. For purposes of our audit, *primary entry points* include pedestrian and vehicle entrances and mail. Drugs may also enter prison property through other means such as, but not limited to, unmanned aerial vehicles, commonly referred to as drones; however, our audit was limited to a review of primary entry points only.

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Results

Chapter 1. Canines

Despite Recognizing That Canines Are Among the Most Effective Resources to Both Deter and Detect Drugs, the Department Underuses Its Canine Program

Highlights

- State regulations and departmental policy authorize the department to use canines to search everyone entering a prison, including staff and visitors.
- No prisons used canines to search staff or visitors, and not all prisons included in our review used canines to search incarcerated people.
- Canine teams were not always available to conduct frequent searches at their assigned prisons.
- The department did not regularly use canines to search prison property, including mail rooms.

Applicable Criteria

- State regulations and departmental policy state that any person coming onto the grounds of any department facility is subject to a search by a canine. Searches may be conducted by passive-alert air-scan canines.
- State regulations specify that canine searches of incarcerated persons, their cells or living areas, property, and work areas must be conducted unannounced and no more frequently than necessary, as directed by the institution head.
- State regulations specify that canine handlers will make a courtesy announcement to visitors that the canine is conducting a passive-alert air-scan search. Visitors may refuse a search. Staff and nonvisitors at the prison may not refuse the search.
- State regulations and departmental policy state that the search operations commander or designee will determine the process for searching individuals using passive-alert air-scan canines. If the process is random, policy states the method will be documented on the Canine Air Scan Results Log.
- *Estes v. Rowland* (1993) 14 Cal.App.4th 508: The department may use canines to search the persons and property of visitors, but in relevant part for this report, canines must be kept 20 feet away from visitors.
- Policy authorizes the use of passive-alert canines to conduct air-scan searches of people, buildings, vehicles, and other materials for narcotics and other contraband.
- Policy requires that canines frequently search all incarcerated people and their living quarters and work areas, as well as all internal buildings, warehouse storage areas, offices, common areas, maintenance shops, and any other area under the jurisdiction of the department. Canine teams should search mail rooms and incoming mail as frequently as possible.
- The department can deploy canine teams outside the teams' home institutions. Priority goes first to intelligence-based institutional searches, then to random institutional searches, to parole requests, and finally to outside law enforcement agencies. The regional canine coordinator is responsible for evaluating the use of canines for these priorities; the canine lieutenant makes the final decision.

The Department Does Not Use Canines to Search Visitors and Staff on Prison Property, Despite Having the Authority to Do So

The department acknowledges that people, including staff and visitors, are sources of drugs discovered in prisons. The department also acknowledges that canine searches are a particularly effective method of stopping drugs from entering the prisons but does not use them to search visitors or staff, despite having the authority to do so. Consequently, the department likely does not deter or prevent as many visitors and staff from introducing drugs as it would if it used canine teams.

The U.S. National Institute of Justice reported that the use of canines is the most widely used and time-proven method for detecting the presence of illicit drugs. Canines can be trained to detect any type of drug and are very versatile. Specifically, canines' mobility and ability to follow scents directly to the source make canine detection the method of choice for a variety of searches, particularly searches covering large areas. Moreover, other jurisdictions, such as correctional departments in the commonwealth of Pennsylvania and the state of Texas, as well as the California Highway Patrol, use canines more extensively than the department does.

By not consistently using canines to search prison property, including mail rooms, and by not consistently using canines to search prison staff and visitors, the department has failed to use one of the most effective methods available to interdict drugs and deter individuals from bringing drugs into prisons.

The department deploys its canine teams inconsistently and ineffectively.

To enhance prison safety and security, the department uses specially trained canines to combat the introduction of illegal drugs and contraband, to detect contraband within the secured perimeter, and to reduce the overall level of drugs, contraband, and criminal activity within the incarcerated population. The department uses canines to detect drugs in housing units, in prison facilities such as warehouses and kitchens, in outside common areas, and in administration buildings. The department also uses canines to search prison mail rooms to detect drugs sent through the mail and at times uses canines to search both incarcerated persons and their property.

State regulation and policy authorize the department to use canines to search incarcerated people and everyone entering a prison. However, no State prisons use canines to search staff or visitors, and not all prisons use canines to search incarcerated people. We found that Prison C and Prison D did not use canines to search incarcerated people because those prisons did not have canines certified to search people.

We also found that canine teams were not always available to conduct frequent searches at their assigned prisons, as required by departmental policy. As of September 2021, the department had 68 canine teams statewide. Each prison was assigned two canine officers, and each officer was paired with a dog. However, only 16 of the department's canines are certified to conduct passive-alert air-scan searches. Passive-alert air-scan canines are trained to perform signals such as

sitting or staring when they detect drugs and may be used to search people as well as prison facilities. In contrast, active-alert air-scan canines are trained to perform signals such as scratching or staring at drugs and are only used to search cells, mail rooms, and other prison facilities.

The department uses a dual reporting structure when using and deploying its canine teams. Statewide, the department's canine lieutenant oversees statewide program administration and training as well as monitors the duties and performance of canine teams. Each canine team is also part of a regional unit—northern, central, or southern—according to the team's geographic location. At the departmental headquarters level, a regional canine sergeant oversees training, monitors program performance, and schedules and deploys canine teams when multiple teams are needed for a search. The headquarters captain charged with reviewing these requests approves deployments unless the extent of the deployments requires approval by an associate director. At the prison level, Investigative Services Unit lieutenants supervise canine officers and may direct specific local assignments. These lieutenants also generally oversee canine teams' time sheets.

Although the order of priority for deploying canine teams is formally established, a lack of required documentation makes it difficult to determine where and when teams are used inside their assigned prisons. According to the department, first priority for canine deployment is given to searches based on specific information obtained about drugs at the canine team's assigned prison or at another prison in the region. Second priority is given to random institutional searches, while third priority is given to parole unit requests. Finally, fourth priority is given to outside law enforcement agency requests for department canines.

Although canine teams are assigned to individual prisons, teams may be deployed to conduct assignments away from their home prison, according to operational needs. When canine teams are not assisting in off-site operations or in training, they may conduct targeted, intelligence-based, and random searches at their assigned prisons. We could not verify whether these searches occurred because local searches do not require approval. As a result, local searches are not recorded in the master canine calendar that the department uses to track other searches, such as mass searches.

The department does not use canines to search visitors for drugs.

Pursuant to State regulations, any person entering prison property is subject to search by a passive-alert air-scan canine as part of the department's drug interdiction program. However, despite having the authority to do so, the department does not use canines to search visitors. When we asked why, the department asserted that a lawsuit filed in 1986 and decided in 1993 prohibits it from using canines to search anyone other than incarcerated people. We reviewed the court's decision and determined that it does not prohibit the department from using canines if certain conditions are met, including the condition that canines are kept 20 feet away from visitors. According to a canine handler from the California Highway Patrol, a canine should have no difficulty detecting drugs from that distance under proper conditions, such as inside the buildings used for previsit screening.

In addition, the court required the department to adopt regulations meeting the conditions outlined in its decision. In 2014, 21 years after the case was decided, the department issued regulations authorizing passive-alert air-scan canine searches of visitors. However, the department concedes it does not use canines to search visitors unless it first obtains a search warrant or unless visitors consent to the search. In the drug discoveries we reviewed, we found that canines were used to search visitors' *vehicles* after a search warrant was obtained. However, we found no evidence that visitors were asked to consent to canine searches, but refused.

Furthermore, Investigative Services Unit staff (prison investigators) at each of the prisons we reviewed generally confirmed that canines were not used to search visitors, even though a prison's visitation area is a high-risk location for drugs. Although the department was aware of this risk, the department did not use canines to search visitors, despite having the legal authority to do so. By failing to use canines to search visitors, the department continues to miss an opportunity to both interdict drugs and deter visitors from bringing drugs into prisons.

The deterrent effect of canines was noted in a January 2021 report produced by the California State University, Fresno, Department of Criminology, which evaluated the Contraband Interdiction Pilot Program. In the 2018-19 fiscal year, the California Legislature authorized the pilot program at the Substance Abuse Treatment Facility and State Prison, Corcoran to provide the Legislature with reliable information about how contraband enters prisons and the strategies that would be most effective in reducing drug use among incarcerated people. Under the pilot program, canines were positioned at the main vehicle entrance areas during high-traffic periods to randomly search vehicles. Although canines only infrequently discovered contraband in the vehicle entry area, the report concluded that using canines likely deterred drivers from attempting to use vehicles to bring in contraband.

Finally, the use of canines to search visitors is not without precedent. The Pennsylvania Department of Corrections uses canines for both deterrence and for direct searches of visitors at its prisons. To act as a deterrent, the Pennsylvania department stations canines in the parking lot where visitors enter the institution. When processing visitors, officers randomly select visitors for an additional search with the canine. The Texas Department of Criminal Justice also expressed plans to use canines in a similar manner. Currently, Texas wardens can assign canines at visiting entrances if they choose to do so, and their department is working to increase the use of canines to search visitors.

The department does not use canines to search staff for contraband, including drugs.

Like visitors, staff have been a source of drug discoveries in prisons. And, as with its screening of visitors, the department does not use canines to search staff or their property. To explain why it did not use its highly effective canine teams to help prevent staff from introducing drugs into its prisons, the department offers the same reasoning it uses for failing to use canines to search visitors—prohibitions caused by the lawsuit decided in 1993—but adds that it is required to negotiate the use of canines with the unions representing its employees. The

department asserted that if it “determine(s) it intends to proceed with these types of searches, it will complete the appropriate labor notifications,” but it has not initiated negotiations in the eight years since it issued regulations explicitly authorizing passive-alert air-scan canine searches. We find this reluctance puzzling, given that the department both acknowledges that using canines is one of the most effective ways of detecting drugs and has issued regulations authorizing canine searches. In addition, we believe that using canines to search people and property is potentially one of the most efficient search methods because it does not initially require physical contact and would decrease the need for using more invasive methods.

The Texas Department of Criminal Justice and the Pennsylvania Department of Corrections have recognized the benefit of using canines to search employees. The Texas Department of Criminal Justice, which operates that state’s prisons, reported it uses canines once per week to search staff entering prisons and that its canine search program was generally welcomed by staff. The process in Texas involves group searches of staff, during which canines walk along a fence, with staff on one side and the canines on the other. Staff stand within six inches of the fence with their hands out, and the canines walk down the fence line, scanning the air. When staff turn around, the canines repeat the process. The canines can air-scan about 200 staff members before needing a break. In Pennsylvania, the commonwealth’s Department of Corrections avoids delays in processing staff by randomly selecting individuals to be searched. These departments have demonstrated that using canines to search staff is both feasible and an accepted practice in correctional settings.

Finally, the department states that using canines to search staff on a regular basis would be difficult because it only has 16 canines certified to conduct passive-alert air-scan searches. Consequently, not all 34 prisons have a canine team available to search staff or visitors. The department stated that to make canines universally available, its uncertified canine teams would have to complete an additional and extensive passive-alert air-scan training course. We acknowledge that not all the department’s canines may be able to successfully complete air-scan training. However, we find that to more effectively use its authority to search staff and visitors, as well as to benefit from using canines, the department should consider requesting funding through the State’s budgetary process to acquire and train additional passive-alert air-scan canines, as we discuss in greater detail below. By failing to use canines to search visitors and staff, the department unnecessarily restricts its ability to fulfill its mission of reducing the overall level of drugs, contraband, and criminal activity within the incarcerated population.

The Department’s Use of Canines to Search Incarcerated People, Their Property, and Prison Facilities—including Mail Rooms—is Limited

In contrast to the department’s reluctance to use canines to search visitors and staff for drugs, the department does use canines to search incarcerated people and their property. It also uses canines to search mail rooms and other prison property. However, we found that canine teams at some prisons did not conduct searches to the extent required by policy.

Like visitors and staff, all incarcerated people and their property are subject to search by passive-alert air-scan canines to control and detect contraband and

drugs. However, unlike its practice of declining to use canines to search visitors and staff, the department uses canines to search incarcerated people on occasion. For example, at Prison A, canines may be present and available to search incarcerated people at work change checkpoints, but according to a staff member we spoke with, these searches rarely occurred.

Canine searches of areas inside prisons may also be rare occurrences. Departmental policy requires canine searches of all internal buildings of a prison, including work areas, warehouses, offices, common areas, maintenance shops, housing units, and any other area under the department's jurisdiction. Prisons must also conduct frequent canine searches inside and outside the secured perimeter of the facility. However, we counted all of the days when at least one canine team was on-site and found that two of the four prisons we reviewed likely did not comply with departmental policy because their canine teams were frequently absent.

For example, canine teams only conducted searches at Prison C an average of six days per month during the period we reviewed, while Prison A's canine teams averaged seven days per month. Canine teams searched Prison D and Prison B more frequently—an average of 13 days per month at Prison D, and 18 days per month at Prison B. At the prisons we reviewed, canine teams were absent from their assigned prisons an average of 19 days per month, or more than half of each month.

Canine teams are absent from their assigned prisons for numerous reasons, including deployment to mass searches at other institutions. Canine teams were deployed to other prisons during our review period an average of eight times per month at Prison C, four times per month at Prison A, and two times per month at Prison B. The department did not deploy canine teams assigned to Prison D to assist with mass searches at other prisons.

In addition to frequently being deployed outside their assigned prisons, canine teams were also absent from their assigned prisons for training. However, unlike emergency deployments for mass searches, training days could be predictable and consistent across prisons. The department follows the general industry standard of a minimum of 16 hours of training per month, per canine team. However, we found that teams at the prisons we reviewed differed significantly in the number of full-day training sessions they attended away from their assigned prisons. Canine teams at Prison A attended full-day training sessions an average of eight days per month during our review period, while teams at Prison C attended full-day training sessions an average of six days per month. Canine teams at Prison B attended full-day training sessions an average of two days per month, and teams at Prison D attended full-day training sessions once per month, on average. While training is important for developing canines and canine teams, we expected canine teams to dedicate a similar number of full days to training.

We also found that the level of detail in which canine teams documented searches at their assigned prisons varied considerably. Records from canine teams at Prison B and Prison C were re-created from detailed and reportedly contemporaneous personal logs of their daily activities. The documentation

produced from those logs shows that canine teams generally conducted frequent searches of multiple areas of those prisons in compliance with departmental policy.

In contrast, the re-created search records from Prison D and Prison A were far less detailed and show that canine teams did not conduct frequent searches of multiple areas of those prisons.⁶ For example, Prison D's records showed that its canine team searched only the mail room when the team was on-site. The records that Prison A produced were nonspecific and did not indicate which areas of the prison the canine teams searched—just that searches were conducted. Based on this documentation, we conclude that canine teams at Prison D and Prison A likely did not conduct the frequent searches required by departmental policy.

The main reason for prisons' inconsistent record-keeping is that the department does not require canine teams to maintain records of activities they conduct at their assigned prisons. We find this problematic because without detailed records, the department has no way of knowing whether individual prisons conduct frequent canine searches in compliance with its policy.

The ongoing problem of poor record-keeping is surprising because the department has been aware since April 2017 of its inadequate record-keeping practices. Specifically, poor record-keeping prevented the team analyzing the department's Enhanced Drug and Contraband Interdiction Program from determining whether adding another canine team to select prisons increased canine searches and surveillance. Although the department kept detailed logs of all canine team activities before the program, it only produced logs of canine *discoveries* made during the study period. Therefore, because the department did not track all canine activities during the study period, neither the department nor the team studying the program could assess whether the number of canine searches increased with the assignment of an additional canine team.

When we asked, the department stated it was not important that canine teams document activities at their assigned prisons. Department headquarters staff stated there are several job duties that officers perform daily that are not tracked, and that canine searches are no different. However, the department's failure to require accurate record-keeping made it almost impossible to determine what some canine teams did during extended periods of time. Requiring accurate record-keeping would increase the department's ability to analyze its canine program, verify the program's compliance with department policies, and ensure that canines—one of its most valuable resources to interdict drugs—are used effectively.

Using canines to more frequently search prison mail rooms could enhance the department's ability to detect and intercept drugs before they are delivered to incarcerated people.

In addition to mandating general searches of prison property, departmental policy requires canine teams to search mail rooms as frequently as possible to detect illegal drugs and contraband. However, we found that the frequency with

6. One canine handler at Prison A was on leave for two of the six months we reviewed, and one canine position at Prison D was vacant for four of the six months we reviewed.

which canines were used to search mail varied considerably. Canines were not used to search some mail rooms, even though canines are particularly effective at detecting drugs in mail.

For example, records from Prison D indicate that canine teams searched the mail room every day they were on-site, while records from Prison C did not document that canines searched the mail room. Records from Prison A and Prison B show that canines searched the mail room twice. Prison A mail room staff stated that canine teams may search the mail room more frequently during the holidays, when the volume of mail and packages increases, but we could not verify this from the records we reviewed.

The fact that canine teams at three of the four prisons we reviewed did not frequently search mail rooms even when the teams were on-site is concerning because staff at two prisons reported a sharp increase in attempts to send drugs through the mail during the COVID-19 pandemic, when in-person visits generally ceased. For example, in the three years preceding the pandemic, the number of drug discoveries in Prison B's mail room averaged 14 per year; this number jumped to 222 in 2020, when the pandemic was declared. Given the staggering increase at Prison B and the reported increases at all prisons we reviewed, we expected canine teams to search mail rooms when they were on-site.

Failing to consistently and regularly use canines to search mail rooms limits the effectiveness of the department's canine program and increases the likelihood that drugs are successfully introduced into California prisons.

The Department Lacks Enough Canines, Particularly Canines Trained to Perform Passive-Alert Air-Scans, to Consistently and Frequently Search Individuals and Prison Property

Despite having only 68 canine teams statewide, the department reported that its canine units seized 48.4 grams of cocaine, 78 grams of hashish, 16,300 grams of cannabis, 5,049.9 grams of methamphetamine, 692.1 grams of Suboxone, and 0.7 grams of fentanyl from California's prisons in 2020.⁷ However, we believe that even with that success, the department currently does not have enough canines to effectively search incarcerated people, their property, and prison facilities on a consistent basis, in compliance with State regulations and departmental policy. The program's small number of 16 passive-alert air-scan canines particularly limits the department's ability to perform frequent searches of incarcerated people. This problem will only be exacerbated if the department begins using canines to search visitors and employees. By expanding its program, the department would increase the likelihood that at least one team is available daily to search incarcerated persons, staff, and prison property.

Another reason for expanding the department's canine program is that, as described by the U.S. National Institute of Justice, there are limitations associated with using canines to interdict drugs. The most significant limitation is the canine's short "duty cycle." A dog can typically work for only an hour before

7. We could not verify the quantities listed because of inaccuracies in the major drugs discovery log, as we describe in this report.

requiring a break. This limits the animal's participation in extended periods of repetitive screening. Having an increased number of canines assigned to each prison would likely allow canines more opportunities to rest throughout the day.

Although we believe that the department will have greater success interdicting drugs if it expands its canine program, we acknowledge that doing so will require additional funding. The department estimated that adding each additional canine team would initially require approximately \$205,000 in additional funding, plus the proportional salary of a supervisor. Thereafter, ongoing annual costs would drop to approximately \$148,000 plus the proportional salary of a supervisor.

The department estimated that approximately 10 to 12 canine teams would be needed to staff a prison 24 hours a day, seemingly the most comprehensive level of coverage possible. Because each prison has already been assigned two canine teams, we calculate that each of the State's 34 prisons would need at least \$1,640,000 in additional one-time funding and additional ongoing annual funds totaling at least \$1,184,000 to meet the department's lower estimate of 10 dogs per prison. Extrapolated statewide, additional one-time costs of approximately \$55,760,000 and ongoing annual costs of approximately \$40,256,000 would be necessary to fund canine teams at all prisons around the clock.

Even though the department provided the estimates, it should be noted that the department did not believe stationing canine teams at all prisons 24 hours a day was necessary. That may be true, but these estimates provide the department, the Legislature, and other stakeholders with an estimate of the funds needed to support a significantly more aggressive canine program. In addition, we believe that before dismissing these costs as prohibitive, the department should analyze the annual monetary and nonmonetary costs of the rampant drug abuse in its prisons to assess the cost-effectiveness of investing in a vastly expanded canine program.

Recommendations for Canines

- The department should develop and implement procedures to require the use of canines to search the persons and personal property of visitors and staff in alignment with laws, regulations, and departmental policy.
- The department should develop and implement procedures to ensure that canine teams are available to conduct frequent searches at their assigned prisons, including searches of incarcerated people and their property.
- The department should conduct a cost-benefit analysis on the use of canines to determine the funding necessary for additional canines needed to effectively conduct searches of visitors, staff, and incarcerated people and their personal property, and to search prison grounds.

Chapter 2. Electronic Drug Detection Devices

The Department Acknowledges the Usefulness of Electronic Devices in Detecting Drugs, yet Only Uses Them in Limited Circumstances

Highlight

- The teams evaluating the use of electronic contraband detection devices in two pilot programs concluded that the devices were effective in screening for contraband, including drugs.

Applicable Criteria

- State regulations provide that all departmental employees, employees of other government agencies, contractors, volunteers, and attorneys are subject to a search of their person, private property, and vehicles for contraband and illegal drugs via the use of contraband- and metal-detection equipment, electronic drug detectors, and passive alert canines, before entering prison grounds or while inside the prison.
- State regulations require visitors to submit to a search that uses contraband- and metal-detection devices, electronic drug detectors, including, but not limited to, ION scanners and other available contraband-detecting device(s) technology, and a thorough search of all personal items, prior to being allowed to visit with an incarcerated person.
- Departmental policy subjects any person to a search of their person and private property before entering prison grounds or while inside prison grounds, to keep out contraband and illegal drugs. Contraband- and metal-detection devices, electronic drug detectors, including but not limited to ION scanners, other available contraband-detecting devices and technology, and passive-alert air-scan canine units may be used for this purpose.
- Departmental policy implements the use of electronic drug detection devices such as ION scanners, which are noninvasive devices that simultaneously test for a wide range of narcotics in seconds, detecting their presence on hands, articles of clothing, mail, and other objects, as a strategy in its comprehensive drug and contraband interdiction program.
- Departmental policy allows electronic drug detection devices to be used to search incarcerated people, visitors, staff, employees of other government agencies, contract employees, contractors and their employees, volunteers, packages, mail, vehicles, departmental property, and personal property brought onto prison grounds.

The department has the authority to use electronic drug detection devices to assist in the discovery of drugs but has limited or even discontinued their use. According to the department, every prison has low-dose body scanners⁸ that are used only on incarcerated people. However, prisons are permitted to use their own funds to purchase additional electronic drug detection devices. For example, Folsom State Prison purchased a TruNarc Narcotics Analyzer device, which we






8. Low-dose body scanners cannot detect drugs. These scanners can detect an anomaly within the body cavity that might be drugs (or a weapon or other contraband), but the machine does not specifically identify narcotics on one's person.

discuss in more detail below. The department does not track or maintain an inventory list of the electronic devices each prison purchases with its own funds. By using electronic drug detection tools, the department could more efficiently search for drugs and identify suspected drug discoveries.

We found that the prisons we reviewed used electronic devices to detect contraband during normal operations but that these devices were not likely to discover drugs. We found that prisons used electronic detection devices in various locations throughout an institution, such as in the mail room, at work change checkpoints, and in locations where incarcerated people met visitors. All prisons had metal detectors available to screen incarcerated workers who reported for work duties. These detectors can identify contraband containing metal, such as weapons or mobile phones. Each prison also had a low-dose body scanner, which could detect objects that could be contraband items hidden in a person's body. While both tools can detect abnormalities, they cannot specifically identify drugs. The department implemented a policy for use of the ION spectrometry scanner, an electronic drug detection device, as a strategy in its comprehensive drug and contraband interdiction program. Yet none of the four prisons we reviewed in our audit used any electronic devices that could have detected drugs, including these ION scanners.

Figure 3 on the following page provides a short summary of electronic devices capable of detecting or assisting in detecting drugs.

Figure 3. Electronic Devices Capable of Detecting or Assisting in Detecting Drugs

Device	Definition	Additional Information	Image
ION Spectrometry Scanner	A desktop explosives and narcotics trace detector. A swipe over an item collects a sample, which is then placed into the instrument for analysis. Results available in six to eight seconds.	Uses ION mobility spectrometry.	 A white desktop scanner with a control panel and a sample tray. The brand name 'IONSCAN' is visible on the front.
TruNarc Device	A handheld narcotics analyzer capable of identifying more than 300 illicit and abuse narcotics in a single drug test, providing results in seconds. Results are stored for future evidence.	Uses spectrometry. Immediate results reliable while awaiting laboratory confirmation.	 A blue handheld device with a screen displaying 'Cocaine base' and other data. A person's hand is holding it.
Millimeter Wave Body Scanner	A personnel screener that creates a 3-D image of the subject scanned. An analyst can locate many types of concealed contraband, to include weapons, explosives, and valuables made of plastics, metals, ceramics, liquids, gels, and powders.	Does not use radiation. Uses electromagnetic (radio) waves.	 A tall, white body scanner with a monitor displaying a 3D image of a person's body.
Low-Dose Body Scanner	The device uses radiation to scan a person's body to create an image to identify contraband objects that could be weapons, explosives, or drugs. The amount of radiation from the scanner is 400 times lower than that from a standard medical X-ray, which makes the device a safe option if regular screening is necessary.	Radiation dose less than 0.25 Sv per scan (400 times lower than medical X-ray).	 A white body scanner with a monitor and a control panel.
Baggage Parcel Scanner	Uses X-ray radiation to scan packages or items and presents an image on a screen to show objects that could be contraband inside of packages or baggage.	Uses radiation.	 A large, white baggage scanner with a conveyor belt and a control panel.

Source: Device capabilities descriptions from various commercial manufacturers.

Despite Evidence Demonstrating the Effectiveness of Electronic Drug Detection Devices, the Department Did Not Use the Devices to Screen for Drugs at Most State Prisons

Two pilot programs at departmental prisons evaluated, among other things, the use of electronic contraband detection devices, including ION scanners and millimeter wave scanners. These devices were found to be effective in discovering, thus reducing, drugs in the prisons. Despite departmental policy authorizing the use of ION scanners to search incarcerated people, visitors, staff, mail, and property, none of the prisons we reviewed owned or used ION scanners.

In August 2014, the department launched the Enhanced Drug and Contraband Interdiction Program at 11 prisons. This pilot program introduced enhanced detection efforts, including the use of ION spectrometry scanners, to detect drugs at entrance points at prisons. In June 2017, upon the deactivation of the pilot program, the department issued directives that required prisons with ION scanners to immediately cease mandatory search operations using the scanners at their front entrance areas, but the department also provided authority for the prisons to continue using the machines on incarcerated people and their property. We asked a headquarters manager whether there were any reasons the department did not or could not use electronic drug detection devices on staff and visitors. The manager acknowledged that State regulations authorize the department to use ION scanners on all staff and visitors entering a prison. The manager further recognized that the use of ION scanners had proven to be effective to both detect illegal drugs and deter individuals from bringing drugs into the prisons. The manager, however, did not provide a reason for prisons not using the devices.

A recent Contraband Interdiction Pilot Program evaluation reported the following:

“Entrance area detection devices (MMW [millimeter wave] and B/P [baggage parcel X-ray]) are **effective** at assisting the CIPP [Contraband Interdiction Pilot Program] contraband discovery screening process. B/P X-ray devices are also helpful in mailroom screening. The evident value of contraband interdiction devices in the SATF [Substance Abuse Treatment Facility and State Prison, Corcoran] pilot program is worth noting another time—**89% of contraband discoveries**. While investment in technology is a sound one, this technology is not inexpensive either. In as much as tight budgets and staff levels exist, allowing for the incorporation of these devices at additional correctional institutions might take some strategic budgeting and finesse to accomplish but **these pilot programs findings are encouraging** and can serve as areas of future CDCR [the department] activity, research, and evaluations projects [emphasis added].”

Source: California State University, Fresno, “Contraband Interdiction Pilot Program, Full Evaluation Report, California Substance Abuse Treatment Facility and State Prison in Corcoran,” January 26, 2021.

The University of California, Berkeley, and the Public Policy Institute of California, in conjunction with the California Policy Lab (hereafter *the UC Berkeley team*) evaluated the effectiveness of the Enhanced Drug and Contraband Interdiction Program. The UC Berkeley team studied the effects of moderate and intensive interdiction efforts, and both levels of interdiction used ION scanners. Moderate-intervention prisons introduced random monthly drug testing of approximately 10 percent of all incarcerated people, enhanced use of at least two canine detection teams, two ION scanners, and X-ray machines for scanning incarcerated people’s mail, packages, and property, as well as the property of staff and visitors at entry points. Intensive-intervention prisons involved all the interdiction elements of moderate intervention and an additional canine team, an additional ION scanner, full-body X-ray scanners for incarcerated people, and video-surveillance equipment for visiting rooms. The extra equipment and resources allocated for searches of visitors, staff, incarcerated people, and packages allowed for a greater volume of scanning activity at those prisons.

The UC Berkeley team issued a report evaluating the results and findings of the pilot program, supporting the department's statement that ION scanners are effective in interdicting drugs. The report concluded that drug use at prisons designated for intensive intervention dropped by nearly a quarter with the program's implementation. The report also concluded that there was no decrease in drug use at the moderate-intervention prisons. Of note, the findings were based on a decline in random drug test failure rates within the incarcerated population, not on a reduction in discoveries of drugs.

Since the department recognized that the use of ION scanners at the front entrances was "proven effective" and "served as a deterrent," we are surprised by the department's directive to stop using these devices at the front entrances of prisons. In fact, the UC Berkeley team highlighted the benefits of ION scanners at prison entrances, making the department's decision to disband its use even more questionable. ION scanners likely deterred individuals from bringing drugs into prisons, a desired outcome of an effective interdiction strategy—to proactively keep drugs from reaching the incarcerated population. However, the department still does not use any form of electronic drug detection device as part of its standard entrance searches of staff and visitors.

Although not a tool that specifically identifies drugs, the millimeter wave scanner is another effective device for searching a person's body. As Figure 3 on page 27 shows, the millimeter wave scanner creates a three-dimensional image of the person being scanned and can locate many types of concealed contraband, including plastics, liquids, gels, and powder, that can lead to the discovery of drugs. The department used this technology as one of its interdiction strategies during a more recent pilot program, the 2018 Contraband Interdiction Pilot Program at the California Substance Abuse Treatment Facility and State Prison, Corcoran. This pilot program implemented entrance screening of every individual and package entering the prison's secured perimeter, including staff and visitors, 24 hours a day, seven days a week, using millimeter wave full-body scanners and baggage parcel X-ray scanners.

At the pilot program's conclusion, California State University, Fresno, issued a program evaluation report concerning the devices' performance and their impact in reducing the potential illegal entry of prohibited items, including drugs, into the prison. The evaluation team found entrance screening devices to be effective in contraband discovery screening. The team reported that staff using baggage parcel scanners and millimeter wave scanners identified 89 percent of the contraband found on individuals, with the millimeter wave scanner accounting for 34 percent of those discoveries. Despite these positive findings, the department discontinued using the devices after the pilot program ended. Regarding the millimeter wave scanner used during the pilot program, the department's headquarters manager made the following statement:

At the conclusion of the pilot, a third-party (California State University-Fresno) conducted an evaluation of the two-year pilot, and took into consideration the total dangerous contraband discovered, cost (equipment, PY), etc. Ultimately, California State University-Fresno determined [that] expanding the use of the MMW [millimeter wave scanner] at front entrances would not be [a] cost

effective interdiction strategy. The technology did not result in the discovery of any substantial amount of dangerous contraband or narcotics. More so, a large amount of staff ultimately received religious exemptions, and the Department could not require them to walk through the MMW.

Having reviewed the report prepared by California State University, Fresno, we disagree both with the department's conclusions regarding the use of the millimeter wave scanners at front entrances and its characterization of the report. Rather than reporting that millimeter wave scanners were not cost-effective, the evaluation team concluded the millimeter wave scanners were a critical and highly effective component of contraband discovery screening. However, the evaluation team also recognized that the "technology is not inexpensive either" and may require strategic budgeting. The report did not include, nor did the department conduct, a cost-benefit analysis regarding further use of the scanners at prison entrances. The evaluation team further concluded that the pilot program findings were "encouraging" and could serve as the basis for future departmental activity, research, and evaluation. The report also revealed that searches conducted by staff accounted for less than half a percentage point of contraband discoveries compared with all methods used, including screening devices.

On further inquiry, the department's headquarters manager clarified that the department did not waive searches or allow staff to refuse searches due to religious exemptions, but instead subjected staff to a same-sex physical search (pat-down) in lieu of walking through the millimeter wave scanner multiple times a day. The former warden at the California Substance Abuse Treatment Facility and State Prison, Corcoran issued a memorandum to similarly address temporary accommodations during the pilot program for staff submitting medical verification, requiring the staff to go through an alternate search method using a handheld metal detection wand and pat-down. While we recognize that the evaluation team reported that drugs, paraphernalia, and weapons were only a small percentage of the overall total discoveries at front entrances, it is reasonable to conclude that fewer people would attempt to introduce contraband into the prison knowing the contraband would be discovered by the millimeter wave scanner or a pat-down search. Using millimeter wave scanners at prison entrances serves as an effective deterrent. In fact, in the department's December 2021 biennial State Leadership Accountability Act report, departmental leadership recognized that entrance area detection devices such as the millimeter wave scanners were effective in assisting the contraband interdiction and discovery screening process.

It is puzzling that the department took no further steps to evaluate the cost-benefits of adding electronic detection devices to its interdiction program following the two pilots. The lower number of incarcerated people found in possession of drugs indicated that the enhanced interdiction tactics likely deterred staff and visitors from bringing in drugs. In addition, the department invested close to \$30 million in the two pilot programs and learned that those interdiction strategies were effective.

Investigators at the Folsom State Prison reported to us that the TruNarc Narcotics Analyzer, a handheld device used to detect drugs, is also highly accurate and effective. According to prison investigators, the portable device can scan suspicious paper products and substances by laser, without the need to open an envelope, a package, or a bindle (informal term for drugs hidden in a small bundle), and can provide positive test results identifying a drug type within approximately 30 seconds. The prison's investigators informed us that they have found the TruNarc device very useful in drug discoveries in the mail room and in incarcerated person's cells because the device provides immediate results.

The feedback from Folsom State Prison's investigators indicate that the TruNarc device can provide a significant number of benefits to the prisons in identifying drugs. For example, the prison's investigative services unit manager stated that incarcerated people more frequently admitted to drugs discoveries because the device provides accurate and immediate results identifying the specific substance found by staff. Accordingly, those incarcerated people signed waivers, eliminating the need for the prison to have an outside laboratory confirm that the substance found was a drug before the prison took disciplinary action. The waivers can allow prison investigators to close their cases faster and conduct more investigations than they otherwise would. In addition, because the TruNarc device can test a substance through most packaging without exposing anyone to the contents of the package, the prison's investigators found it to be instrumental in identifying fentanyl, a substance that in small amounts can lead to significant health-related complications and death. Finally, the prison manager informed us that outside laboratory test confirmations, when required, are expedited because the TruNarc device identifies the specific type of drug discovered, making it easier for the laboratory to test for a known compound rather than run through the variety of possible tests to determine what the suspected substances might be.

By consistently using electronic drug detection devices to both screen people and mail for drugs and to conduct cell searches, the department would better protect the health and safety of staff and the incarcerated population. These devices, which the department acknowledged to be effective, would likely reduce the violence, medical trauma, and overdose deaths resulting from drug use in prisons.

Recommendation for Electronic Drug Detection Devices

- The department should evaluate the cost and the benefits of implementing the use of electronic detection devices that can identify drugs in its interdiction efforts, including searches of staff, visitors, contractors, incarcerated people, and vehicles, and institutional searches, such as mail and cell searches.

Chapter 3. Entrance Searches

The Department's Screening Process at Prison Entry Checkpoints Is Inadequate to Prevent Drugs From Being Introduced Onto Prison Grounds

Highlights

- Departmental staff generally failed to provide adequate screening for drugs at prison entry checkpoints.
- Staff responsible for conducting routine contraband searches frequently did not comply with departmental policies governing their searches.
- When employees did comply with policy, those searches were largely inadequate for discovering drugs.

Applicable Criteria

- State regulations subject departmental employees, employees of other government agencies, contractors, volunteers, and attorneys to a search of their person, private property, and vehicles for contraband and illegal drugs via the use of contraband- and/or metal-detection equipment and/or electronic drug detectors, and via passive-alert canines, before entering prison grounds.
- Departmental policy states that employees who enter prison grounds are subject to the search of their person, property, and vehicle. The employee's consent to the search is a condition of employment that cannot be withdrawn while the employee is on prison grounds.
- Departmental policy requires prisons to conduct a more thorough, random, and unexpected inspection of staff at least once a month at security entrance points and at staff work areas where incarcerated people have access. The focus of the enhanced inspection is the prevention of unauthorized and potentially harmful contraband entering the prisons.
- Departmental policy restricts the number, sizes, and types of personal cases, containers, and items brought into the security perimeter of prison grounds; specific items are prohibited within secured perimeters or on any job site. The list of prohibited items includes cellular phones, audio and gaming devices, tobacco products, personal tools, non-State-issued computers and storage drives, and duffle bags and wheeled suitcases.

We Observed the Department's Entrance Screening Process and Found It to be Inadequate for Discovering Drugs, Both in Policy and in Practice

The department's routine screening process requires staff to check the identification and belongings of every person who enters a prison. In practice, this process is a visual search generally conducted so cursorily as to be ineffective. But even if screeners opened every bag and thoroughly inspected its contents, this visual search would be unlikely to find drugs. Drugs are often packaged in small bindles that are easily hidden inside a container, such as a thermos or a cosmetics bag. They can also be concealed on a person, in long sleeves or in undergarments, or can be secreted inside a body cavity. Canines are effective at identifying drugs, but the department does not allow them to search

staff or visitors at prison entrances. Similarly, the department did not require the use of baggage parcel scanners, low-dose body scanners, millimeter wave body scanners, ION spectrometry scanners, or any other electronic detecting device that targets drugs, when conducting routine staff searches at entrances.

Laws, regulations, and departmental policy require that any person entering the secured perimeter of a prison must provide proper identification credentials and must have his or her belongings searched to prevent the introduction of contraband into the prison. Post orders, directives specifying prison staff's duties and responsibilities when assigned to specific jobs, direct how those required searches are to be carried out. For example, staff posted to prison pedestrian entrances are required to verify the identification of people entering the prison and check all bags and packages carried into the prison.

We reviewed the routine search processes at four of the main access points leading into secured perimeters: main pedestrian entrances, minimum support facility entrances, visitor entrances, and vehicle entrances. We considered the current departmental resources available to conduct searches, and we reviewed policies governing searches as well as the post orders of the staff conducting the searches. In addition, we reviewed the enhanced staff search process, which requires prisons to conduct on a frequent basis—at least monthly—a more thorough, unannounced inspection of staff and their belongings at entrance points and work areas, in search of contraband items.

Main pedestrian checkpoints: The prisons' routine searches of staff, contractors, and official visitors at pedestrian security checkpoints were inadequate, and at times, were not conducted at all.

At the three prisons we visited, the searches that staff conducted at pedestrian entrances were ineffective in detecting or preventing contraband, including drugs, from entering the prisons' secured perimeters. We observed approximately 772 individuals enter secured perimeters at varying times during our visits, as shown in Table 3 on the following page. Entrance officers generally checked for identification and performed a search consisting of a cursory glance, lasting one or two seconds, into the bags and belongings of staff and visitors. The search process did not include any search of the person or of any items worn on the person. Entrance officers allowed staff to carry in some bags that exceeded the size and quantity limits allowed by departmental policy. In some instances, staff walked into the secured perimeter without showing identification or having their bags checked at all. In most cases, the entire search process took only seconds to complete. Staff and other individuals passing through the main pedestrian entrances could have easily concealed drugs or other contraband on their person or in their belongings.

Entrance officers conducted brief, superficial inspections of bags and personal belongings—when they conducted inspections at all. Entrance officers did not check paper and plastic grocery food sacks at any of the three prisons during our observation periods. In one case, while waiting to be checked in at the main entrance at Prison A, we overheard an employee ask the officer whether he needed to check her backpack, to which the officer responded, “No. You're good.” During peak traffic volume at a change of shift at this same prison,

entrance officers did not sufficiently search most bags carried in by the approximately 230 staff members we observed entering the prison, except for five searches during which the entrance officer actually moved items in bags to see the contents.

Table 3. Observations of Staff Searched at Pedestrian Entrances

Prison	Shift Change/ Off-Peak	Location	Number of People Processed (approximate)	Duration of Each Search
Prison A	Shift Change	Main Entrance	160	1–2 seconds
	Shift Change	Main Entrance	230	2–3 seconds
	Off-Peak	Main Entrance	25	8 seconds
Prison C	Shift Change	Main Entrance	105	2–8 seconds
	Shift Change	MSF	8	5–10 seconds
	Shift Change	Main Entrance	129	8–10 seconds
	Off-Peak	Main Entrance	10	8–10 seconds
Prison D	Shift Change	SHU Entrance	43	2–3 seconds
	Shift Change	GP Entrance	55	<5 seconds
	Off-Peak	GP Entrance	7	10 seconds
Approximate Total Number of People Processed			772	

Notes: Shift change, for the purposes of this audit, is a period of approximately 45 minutes before the beginning of the work shifts starting at 6:00 a.m. or 2:00 p.m.

Off-peak is anytime outside the shift change period.

SHU is Security Housing Unit.

MSF is Minimum Support Facility.

GP is General Population.

Source: The OIG's observations at pedestrian entrances for Prison A, Prison C, and Prison D. The department's COVID-19 pandemic policies precluded in-person inspections at Prison B.

One incoming staff member carried two bags. She placed a paper bag on the counter and unzipped her other bag. The entrance officer glanced into the unzipped bag for one to two seconds and never looked into the paper bag. Several staff members during this same observation period simply showed their bags, with a pocket unzipped, to the entrance officer, who did not look inside. Other staff members simply turned their backs to the entrance officer with their backpack on for one to two seconds, showing their backpacks with the pocket unzipped, before turning around and proceeding through the checkpoint to enter secured grounds. In several other instances, staff opened their lunch containers or boxes for inspection, only to have a handbag or backpack go through uninspected. In one 90-second period, the entrance officer searched and screened 31 staff members entering the prison; this equated to processing one person every

three seconds. We made similar observations throughout our audit at all the prisons visited.

We also observed entrance officers who allowed some staff members to carry in items that were specifically not authorized by departmental policy. At Prison A, an employee rolled in a wheeled suitcase, which is prohibited within the secured perimeter or on any job site by departmental policy. The entrance officer did not question the size of the bag or search a single compartment. At Prison D, a staff member carried in a full-sized camping backpack, which the entrance officer did not check. At the same prison, the entrance officer allowed a staff member to bring unmarked boxes that the staff member claimed were coronavirus vaccines into the secured perimeter. While the prison's entrance building post order exempts from search secured containers with pharmaceuticals, the post order requires the entrance officer to contact a correctional treatment center sergeant or custody staff to advise them that the unsearched pharmaceutical supplies are en route. The entrance officer made no such call. Without verifying the supplies with the treatment center, the entrance officer could not be sure that such a delivery of vaccines was expected, or even ordered.

During seven of our on-site observations, entrance officers allowed some prison staff to enter the secured perimeter entrance without being searched. At Prison A, we observed staff enter the prison during a shift change. One officer was responsible for both searching staff entering the secured perimeter and managing the checkpoint gate for staff exiting the secured perimeter. When the officer's back was turned, four staff members walked through the checkpoint entrance without having been searched or having their identification verified. During a 30-minute observation at Prison D, we found that the officer working at the entrance checkpoint allowed 12 prison staff members to enter the secured perimeter without his making any attempt to search their bags. Clearly, when officers working at the entrance to prisons did not search staff or verify their identities, the risk of staff bringing in contraband, including drugs, increased significantly.

Minimum support facility pedestrian checkpoints: Prisons' routine searches at minimum support facility checkpoints were even less adequate than routine searches conducted at the main pedestrian checkpoints.

Searches conducted at the entrances to the minimum support facilities housing low-level offenders were even less adequate than those at the main pedestrian checkpoints. Two of the prisons we visited contained a minimum support facility, located outside the secured perimeter of the prison. Incarcerated people in these facilities have greater freedom of movement throughout the prison and often have jobs that take them to different parts of the prison. However, contraband, including drugs, remains prohibited in these facilities, and State regulations and departmental policy require routine searches of all people and packages entering these facilities. The same departmental policy for bag restriction also applies to minimum support facilities.

At the Prison C minimum support facility, one officer was responsible for searching the bags of the other officers who entered the support facility. That officer's search was just as cursory as the staff searches that occurred at the entrances into the secured perimeter of the prison. Similar to our observations at main pedestrian checkpoints, we found that the searches at the minimum support entrance did not always occur. For example, in our observation at Prison C, an officer assigned to the minimum support facility entrance made no comment to an employee who entered the support facility carrying a large duffle bag, nor did he search the duffle bag. Prison D had no search process at all for minimum support facility staff. Instead, staff at the prison's minimum support facility had an assigned key allowing them to enter the facility. They could come and go as needed, without their identification confirmed or their bags searched. The poor processes at both prisons imposed an even greater risk of staff bringing contraband, including drugs, into the minimum support facility.

Staff at the prisons we visited acknowledged that current searches at entrances were insufficient to prevent staff and visitors from bringing drugs onto prison property. We interviewed prison staff and supervisors at our sampled prisons to identify concerns with the search process at entrances. A supervisor at one of the prisons we visited said that "it is hard to do quality searches" during times of mass movement, such as a shift change. An officer at the same prison noted an instance wherein staff discovered a package of tobacco, vape pens, and marijuana that a supervising correctional cook had managed to smuggle into the secured perimeter and then into a kitchen in one of the facilities. Another manager at the prison reported that custody employees "have so many rights" that managers must basically catch employees red-handed to accuse them of any wrongdoing. The manager could recall only two incidents during the past two years in which an employee had been caught with drugs, remarking that the "pandemic hasn't really prevented contraband coming in."

Another manager at one prison also expressed concern with staff entry searches. This manager stated that the entry process needed to be overhauled and that prisons in California just allowed people to walk in freely. The manager referred to entrance search processes in other U.S. state prisons, requiring metal detectors and baggage scanners to be used on every person entering the prison. While neither of these devices specifically targeted drugs, the devices provide an additional control measure for a more stringent search process than currently exists in California's State prisons. The devices also serve as a deterrent to bringing contraband into the prisons. The manager finished his thoughts by noting that it was "ridiculous and scary how easy it is to come in," and that "you could walk in with a machine gun with a large enough jacket on." Drugs would be even easier for a person entering a prison to conceal.

To understand how prison entrance searches for contraband are conducted in other states, we contacted correctional managers from Texas and Pennsylvania regarding their processes. According to a manager at the Texas Department of Criminal Justice, the general policy statewide is that all staff are searched, and the search may include a physical pat-down if necessary. In maximum-security facilities, all Texas correctional staff walk through a metal detector and all items they bring into the prison go through a parcel scanner. Specifically for drug interdiction efforts, the Texas Department of Criminal Justice also uses

canines to search staff, using a fenced barrier where staff stand on one side of the fence and the canine walks the fence line on the other side. A manager at the Pennsylvania Department of Corrections stated that individuals who enter a prison will pass through a metal detector and must use clear handbags and purses that allow for easy identification of items. Officers will also search through bags and purses and will move any items in the bags as needed. In addition, there is a random selection process in place to select individuals for an extended search as they enter the institution. Canines can also search staff. If a canine alerts on a staff member, officers will conduct an extended search that may also include a search of the staff member's car and locker and may include a urinalysis test.

Visitor entrances: Although routine visitor searches were more robust than routine staff searches, officers performing the searches did not have the devices available to actively detect drugs.

The prisons' search process at visitor pedestrian entrances, where people were processed before they could enter secured perimeters to visit an incarcerated person, was also unlikely to find drugs. Officers conducted more rigorous searches of visitors than they did of staff at the main pedestrian entrances, and they conducted a thorough inspection of visitors' personal belongings. The prisons limited the items visitors could bring in, and staff physically inspected visitors' belongings. At Prison C, processing officers also passed all personal belongings, including jackets and shoes, through an X-ray scanner. However, officers had no way to actively detect drugs by conducting a more thorough search unless they smelled something suspicious or observed suspicious behavior. Visitors were not subjected to a hands-on, pat-down body search unless an officer suspected they had contraband. Routinely, visitors were asked to perform a physical search of their own person in front of the processing officer. This self-search included running hands along waistbands, lifting pants to show ankles, lifting hair from the back of the neck, and turning pockets inside out or putting hands in any pockets that could not be turned out. While the searches appeared to be as inclusive as allowable within policy, visitors could still have drugs hidden in a body cavity or on their person that could have been detected with less invasive means, such as canines and electronic detection devices. At the visitor entrances to the three prisons we observed, the officers did not have any devices available to them that could actively detect drugs.

Vehicle entrances: The department's search process at vehicle entrance checkpoints into the secured perimeter did not focus on detection of smaller contraband items, like drugs, that could have been easily hidden.

The searches we observed at vehicle entrance checkpoints into secured perimeters were also inadequate to detect drugs, either carried on a person or hidden inside a vehicle. Staff, contractors, visitors, and incarcerated people could enter and exit a prison through a secured vehicle checkpoint in delivery, utility, and transport vehicles. Officers assigned to the vehicle checkpoint confirmed the identities of the driver and passengers in the vehicles, including incarcerated people. The officers then searched the vehicle, including passenger areas, cargo areas, and the undercarriage. The search focused, in general, on ensuring that the vehicle did not include unaccounted-for people (such as an incarcerated

person attempting to escape) and identifying large contraband items. In addition, individuals entering through the vehicle checkpoints, including staff, contractors, vendors, and visitors, were not subject to a search similar to the search required of those entering through the pedestrian entrances. The search process at the vehicle checkpoints was not likely to identify smaller contraband items, such as drugs, that could have been concealed in the vehicle or on a person.

Routine searches: Vague post orders and the lack of training may have contributed to staff not conducting thorough routine entrance searches.

According to our review of information provided by headquarters management, the department does not have any instructor-led or online training for staff conducting entrance searches at pedestrian or vehicle entrances. Because there were no relevant departmental training materials, we requested and reviewed the entrance building and vehicle checkpoint post orders from the prisons included in this audit. The post orders provided little to no instruction on conducting searches of people or their belongings. Prison A's and Prison D's post orders for the entrance buildings did not include a search process at all.

In addition, while Prison C's and Prison B's entrance building post orders included general statements that officers were to check all bags carried in, there were no instructions on how to conduct the checks. Specifically, Prison C's entrance building post orders only stated, "You shall check all bags/packages that are carried into or out of the security area of the prison for possible contraband." Prison B's post orders stated, "You are to identify and prevent the introduction of contraband by visually inspecting the contents of all bags being brought in by staff." The post orders for the vehicle checkpoints at all four prisons included general statements on searches of vehicles and packages but did not contain specific instructions for the searches.

We asked supervisory staff at each of the four prisons whether related, formal training was required annually for staff. While only one of the four prisons mandated annual training through an online learning management system module, we did not find any information in the lesson plans related to conducting entrance searches. In the absence of written procedures and training, staff may not have had a clear understanding of how to conduct effective searches to prevent people from introducing contraband into the prisons. As a result, staff may not have performed quality searches, thereby increasing the risk that contraband, including drugs, was carried into the prison's secured perimeter and passed to the incarcerated population.

Enhanced searches: Prisons' periodic enhanced searches of staff were insufficient to detect drugs.

The department's statewide program for enhanced staff searches, a more comprehensive search process to take place no less frequently than monthly at each prison, were also unlikely to discover drugs. These more detailed searches of staff are unannounced and are coordinated by each prison's Investigative Services Unit and, on occasion, by the department's Office of Internal Affairs. For an enhanced search to take place, the warden must first approve an operational

plan outlining the date, time, location, and scope of search, and identifying participating staff team members. The inspection team is composed mainly of supervisors and managers who have custody experience. The chief deputy warden or an associate warden oversees the operation. Depending on the plan, the inspection may include all staff entering, or it may target a sample selection, such as every third person, or it may proceed without a defined pattern. Before the enhanced search, the inspection team will stage the inspection area by removing trash cans from the path of travel, setting up tables, and making evidence collection materials available. Inspection staff must inform incoming staff of the nature of the inspection, ask incoming staff the question, “Do you have any contraband on your person or in your property?” and direct incoming staff to remove and produce all property on their persons and in their carry-in items. The staff members being searched will then demonstrate that their pockets, purses, and containers are empty.

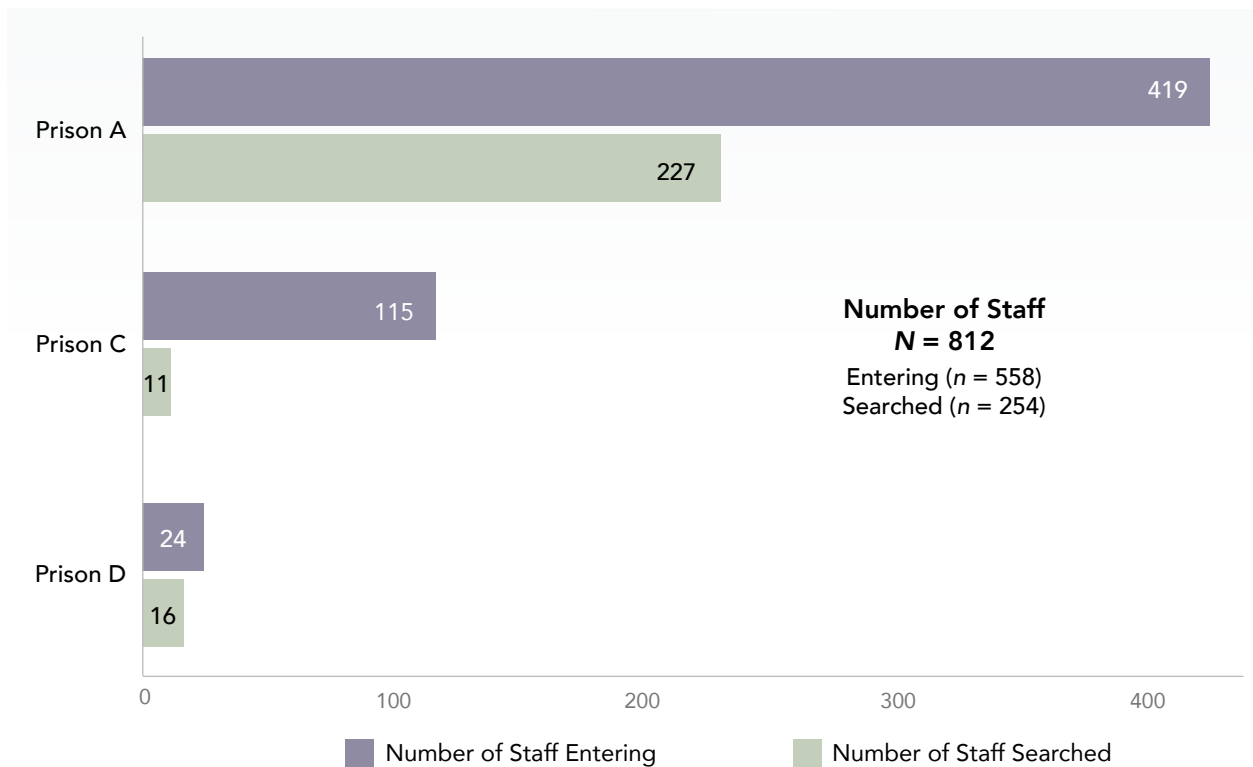
Although these types of searches are more invasive, requiring staff to empty all contents of their bags, pants pockets, and jacket pockets onto a table, inspection staff are not allowed to physically search employees. In fact, the department entered into an agreement with the California Correctional Peace Officers Association stipulating that enhanced inspections will not include a hands-on, physical search of an employee’s person or the use of canines. The department’s agreement with the employee bargaining union restricts the department’s interdiction efforts by limiting its ability to discover drugs that staff may hide on their persons.

In addition, the enhanced searches we observed were not always consistently conducted or conducted in accordance with policy. Only Prison A took steps to secure the surrounding area by removing or securing trash cans and locking restrooms where contraband could be discarded if incoming staff became aware that an enhanced search was to take place. The enhanced searches that Prison A and Prison C conducted were thorough, but not without lapses. At least once at all three prisons we visited, inspection staff did not request a person to open bags, bag pockets, thermoses, eye glass cases, and other personal items during an enhanced search. At Prison D, one of the sergeants did not search all items—a plastic bag and multiple thermoses were not opened at all. Moreover, not all backpack pockets were checked.

Another weakness with enhanced searches, identified at Prison A and Prison D, occurred when staff were asked to empty their pockets onto a table, but pockets were not required to be turned out. In large jackets or cargo pants, small contraband items could be left in a person’s pockets and go unnoticed quite easily. A manager at Prison D stated that staff intent on bringing in drugs would hide it on their person, which could not be searched, even as part of the enhanced search. The manager also stated that drugs have not been found on staff during an enhanced search in the three years he has been on the job. Despite the weaknesses identified, we found that enhanced searches were more thorough than standard searches, which lasted 10 seconds or less. However, given that enhanced staff searches only occurred once a month at each prison, and during different shifts, employees were rarely subjected to an enhanced search.

As Figure 4 below shows, the number of staff who entered the checkpoint during each of the enhanced inspections, compared with the number of staff searched during those inspections, varied at the prisons we visited. The number of staff selected for enhanced search by each prison may have varied according to the location and time of day each search occurred. At each prison, some individuals were diverted from the line of incoming staff members and were subject to the prison's enhanced search in an area nearby but visible to staff undergoing the routine search. At Prison A and Prison D, we observed searches of approximately 54 percent and 67 percent, respectively, of all people who entered the prison during the enhanced search period. However, Prison C searched less than 10 percent of the staff processed into the prison during that prison's enhanced inspection. At all three prisons, people who were not subject to the enhanced search entered the prison as usual, encountering nothing more than a quick visual inspection of their bags. On average, we calculated that each enhanced search of a person took from one minute to one minute and 15 seconds at Prison D, one and a half to two minutes at Prison A, and about three minutes at Prison C.

Figure 4. Observations of the Number of Staff Subject to Enhanced Searches



Notes: Prison A's inspection occurred November 17, 2021, from 12:40 p.m. to 2:20 p.m. All staff were processed through the main pedestrian entrance and ushered to the Facility Shared Services visiting room. Prison C's inspection occurred January 6, 2022, from 1:16 p.m. to 2:35 p.m. at the main staff entrance. Prison D's inspection occurred October 28, 2021, from 9:23 p.m. to 10:10 p.m. at the staff entrance to Facilities C and D.

Source: The OIG's observations of enhanced staff inspections at Prison A, Prison C, and Prison D between October 2021 and January 2022. The department's COVID-19 pandemic policies precluded in-person inspections at Prison B.

The Absence of Effective Measures to Stop Drugs From Entering the Prisons Risked the Health and Safety of Departmental Staff and Incarcerated People

For the department's drug interdiction program to be effective, the department first needs to take effective measures to prevent items from being introduced into the incarcerated population at the primary points of entry. The department's headquarters management has discussed options to make the search process at entrances more efficient. One solution the department considered is requiring all staff to bring in only bags made of a clear material, allowing the searching officer at the entrance to see the contents inside more easily. We agree that this change would allow entrance officers to better see the contents of containers that prison staff carry into the secured perimeter, would likely help officers identify large contraband items, such as a mobile phone or a weapon, and would serve as a deterrent to bringing in large contraband items. However, if staff conceal drugs on their bodies, the entrance officers would not likely discover drugs even with the department's proposed changes.

Left unaddressed, the weak screening processes we observed at entrances will continue to allow staff and other individuals increased opportunities to bring drugs into prisons. This behavior risks the health and safety of both departmental staff and incarcerated people and can increase the risk of drug overdoses and death. Drugs in prisons also lead to increased violence, the need for custody officers to use force to stop fights, and interruptions to incarcerated person programming.

Recommendations for Entrance Searches

- The department should develop policies and procedures that include a comprehensive routine search process of staff, their belongings, and their vehicles at the entrances to prisons' secured perimeters.
- The department should provide regular training on how to conduct routine searches at these entrances.
- The department should employ the use of canines and electronic devices that will assist staff to identify and detect drugs at pedestrian and vehicle security checkpoints.

Chapter 4. Cell Searches

Officers Did Not Conduct Cell and Bunk Area Searches as Often as Departmental Policy Required, and Most Searches They Did Conduct Were Unlikely to Discover Any Drugs That Might Have Been Present

Highlights

- Officers did not always complete required cell searches, and their supervisors did not always review the search documentation.
- Officers' searches of incarcerated people's cells were often unlikely to discover drugs.
- Cell search training is not sufficient to adequately train officers to complete cell and bunk searches.

Applicable Criteria

- State regulations require occupied cells, rooms, and dormitory areas, including fixtures and lockers, and any personal and State-issued property of the occupant, to be inspected on an infrequent and unscheduled basis.
- Departmental policy requires all managers and supervisors to ensure that their subordinates are aware of and comply with the department's search policy to include unannounced and irregularly timed searches of cells, dormitories, and living areas, and post orders describing minimum search frequency requirements, authority, and method for accomplishment.
- Departmental policy states that post orders shall require assigned unit officers to search a minimum of three cells, rooms, dorms, or living areas in each housing unit daily on each of the second and the third watches.

Officers Did Not Conduct the Minimum Number of Required Daily Cell and Bunk Area Searches, Reducing the Likelihood of Detecting Drugs in Housing Units

Departmental policy requires assigned unit officers to search a minimum of three cells, rooms, dormitories, or living areas in each housing unit daily, during each of two shifts scheduled from 6:00 a.m. to 10:00 p.m. Depending on the type of housing unit, officers conducting a daily search generally choose a cell, bunk, or locker to search at random. Upon completing the search, the officers document the cell or bunk searched on a cell search log for the housing unit. To determine compliance with the cell search policy, we reviewed the search logs from one housing unit in each facility of the four prisons included in our audit. In total, we tested 24 housing units during six selected months: July, October, and December in 2019, and July, October, and December in 2020. We reviewed search log records to determine whether the prison housing unit officers conducted the minimum required number of daily searches, whether supervisors reviewed

the documentation of the searches, and whether the reasons were valid and supported when required searches were not conducted.

Overall, prison records for our review period documented that staff completed only 38 percent of the required daily searches of living areas in housing units. Prison D had the highest level of compliance, completing 88 percent of their searches. The remaining three prisons completed 59 percent or less of their required searches. Failure to complete these searches likely resulted in drugs being undetected and jeopardized the health and safety of incarcerated people and prison staff. These searches, when unannounced and irregularly timed, can also deter incarcerated people from possessing drugs in their cell or bunk.

Staff likely did not comply with cell search policy requirements because prison supervisors and managers did not always ensure that the searches were completed. Supervisors often did not review search log records to verify that staff completed the daily housing unit searches. Only two of the four prisons we reviewed had local operating procedures requiring a supervisor to review the daily searches to verify that officers conducted the three searches required in each shift. As shown in Table 4 below, our test results show a general correlation between the rate of overall staff compliance with the daily search requirements and the rate of documented supervisory review of the daily searches.

Table 4. Rate of Compliance and Supervisory Reviews on Required Daily Cell Searches

Prison	Compliance With Daily Cell Searches	Evidence of Supervisory Review
Prison A	59%	42%
Prison B	28%	36%
Prison C	8%	No Documentation Provided*
Prison D	88%	99%
Overall Sample	38%	40%

* According to management at Prison C, supervisory reviews were not documented on the cell search logs, but in a separate housing unit logbook. The prison did not respond to our request for the housing unit logbooks; therefore, we could not determine whether supervisory reviews had occurred.

Source: The OIG's review of cell search records provided by the prisons.

As shown in Table 4 above, Prison C's eight-percent rate of compliance with conducting the required daily searches indicates that supervisors may not have reviewed the search logs or taken appropriate action when officers did not conduct the required searches. Unlike supervisors at the other three sampled institutions, supervisors at Prison C did not document their cell search review on the actual cell search log that officers completed. Instead, as we learned from Prison C management, supervisors recorded evidence of their reviews on

a housing unit logbook, which was separate from the cell search logs. Prison C did not respond to our subsequent request for these logbooks to examine evidence of supervisors' reviews. Therefore, we were unable to determine whether such reviews occurred during our test period. While we were unable to confirm whether supervisory reviews occurred, the prison's significant rate of noncompliance with daily cell searches shows that even if the reviews had taken place, supervisors did not ensure that the searches were completed during much of our review period.

In contrast, we found that Prison D's supervisors routinely reviewed the logs documenting daily searches. Prison D's 88 percent rate of compliance with conducting the required daily searches provided strong support that supervisory reviews were an effective tool for ensuring that daily searches took place. When supervisors do not review the search logs or verify compliance, they cannot be sure that officers have conducted the daily searches required by policy. We could not always determine why prison staff did not complete the required cell searches since officers often failed to document their reasons for not doing so. Of the four prisons we reviewed, only Prison D had local operating procedures requiring housing unit officers to record on search log records their reasons for not completing the required daily cell searches and requiring their supervisors to review and approve those reasons. The remaining three prisons did not require officers to document their reasons for not conducting searches. However, two prisons did provide us with program status reports in support of their not conducting daily searches when these prisons implemented a modified program that restricted movement in housing units due to the prisons' response to COVID-19. When officers fail to document their reasons for not conducting their required daily searches, supervisors cannot determine whether the reasons are justified and potentially take appropriate disciplinary action if they are not.

We found that the department has not established procedures for conducting or recording daily cell searches. This failure, as well as a lack of uniform documentation forms and templates, likely contributed to inconsistencies in the practices carried out by each prison reviewed, management's lack of oversight, and staff's failure to conduct required cell searches.

Cell search records provided by the four prisons for our review period showed that documentation differed from prison to prison. In some cases, documentation varied from facility to facility within a prison. Each prison developed its own logs to track and document its cell searches. Some cell search records were missing key information, such as staff's specific work shift, whether any contraband was discovered, instructions for documenting the reasons that searches did not occur, and an area for supervisors' signatures. For example, some of Prison A's and Prison C's search log templates did not uniformly require staff to log the shift during which the search took place or provide a place for supervisors to document their review of the required searches. Prison C's procedures required supervisors to document their reviews in a separate unit logbook, but we could not obtain those records to ascertain whether reviews occurred. Search logs at Prison A, Prison C, and Prison D did not uniformly provide a place for officers to note whether they discovered contraband during the search. Finally, except for some search logs at Prison D, the templates we reviewed did not require officers to document a reason for not completing the required searches. Our review

showed that Prison D had more complete search documentation, procedures to better ensure that the required searches were conducted, and procedures that required supervisors to approve staff's reasons for not conducting searches. This may have led to the higher compliance rates we found at Prison D during our cell search compliance testing.

Establishing uniform operating procedures and documentation requirements would provide operational clarity, allow management to better oversee the search process and ensure that required searches are conducted, and allow the department to analyze search information for contraband trends.

Officers Did Not Always Conduct Thorough Searches of Incarcerated People's Cells, Often Skipping Crucial Areas Where Incarcerated People Could Hide Drugs

To review cell search practices, we observed housing unit officers conduct 28 cell searches at the three prisons we visited. Overall, the search processes were unlikely to uncover drugs in an incarcerated person's cell or bunk area. Specifically, we found that only 10 cell searches appeared thorough enough to discover drugs hidden in cells or bunk areas. Inadequacies that we noted while observing the search process fell into two categories: first, officers often did not search areas where incarcerated people may have hidden drugs or other contraband, and second, the searches were often very brief.

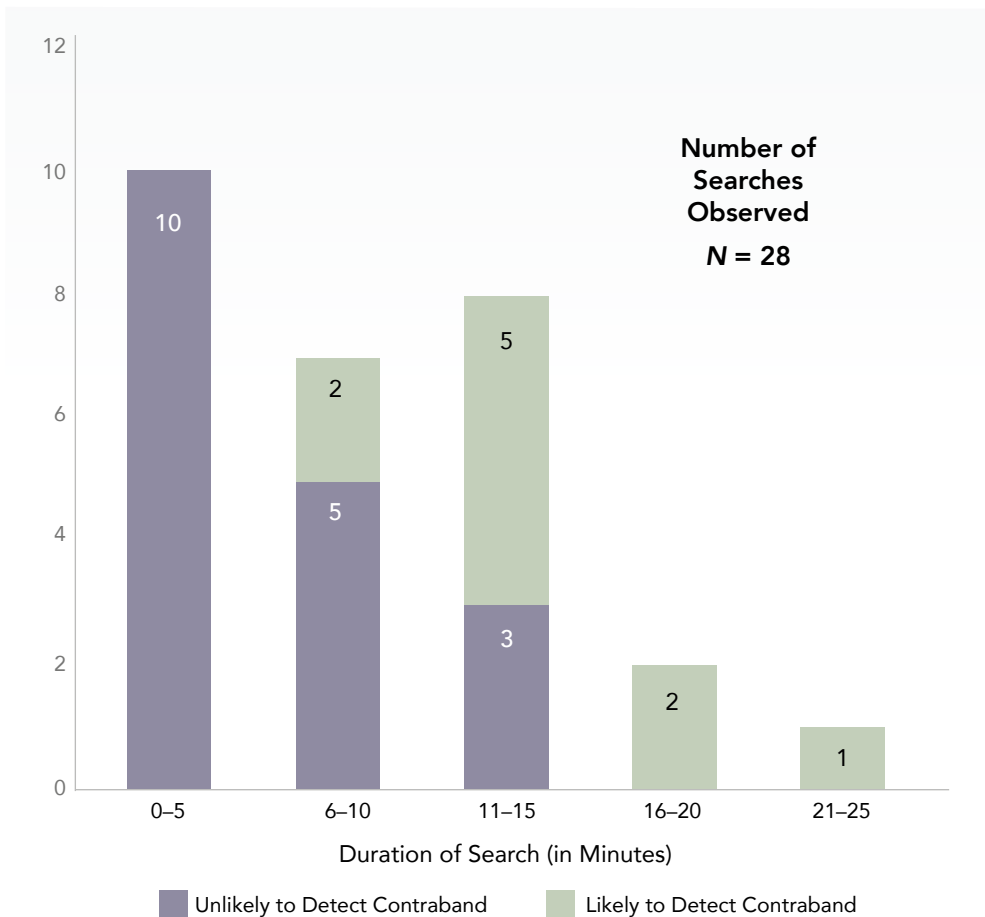
We had concerns about the quality and consistency of the search process for many searches observed. In 18 of the 28 searches, officers often failed to search certain areas in the cell where incarcerated people may have hidden drugs. We observed instances in which housing unit officers did not search under beds or inside large, clear storage containers stored under beds. Some housing officers also did not search under or behind desks and did not search mattresses, bedding, clothing items, paper materials, door frames, wall structures, or window and wall coverings. Officers failed to inspect storage containers in 10 of 21 cells or bunk areas that had such containers. In addition, officers did not search books and personal mail in nine of 21 cells where these items were present. Officers did not search clothing, including laundry and shoes, present in the cells or bunks during their searches of six of the 14 cells we observed. Books, mail, and clothing items are places where incarcerated people hide contraband, including drugs. In fact, the department's academy and its learning management system training materials specify these areas as places where officers should check when searching incarcerated people's cells and personal property. When officers do not search high-risk areas where drugs could be concealed, the risk increases that incarcerated persons will circulate and consume drugs, which could result in overdoses, death from overdoses, or violence within the general population.

Executive management at the prisons we reviewed stated that thorough searches should take an approximate 20 minutes to complete. However, on average, officers took approximately nine-and-a-half minutes to search a cell or bunk—less than half the time that management expected.

Although the time allocated to a search does not always indicate the quality of the search, we found, as illustrated in Figure 5 on the following page, that short

searches are generally inadequate and unlikely to discover contraband, including drugs. Specifically, we found that officers failed to inspect several locations in cells during searches that took 15 minutes or less. In 15 of those 18 inadequate cell searches, or 83 percent, the officers took seven minutes or less to complete the search.

Figure 5. Observations on the Duration of a Search and the Likelihood of Detecting Contraband



Source: The OIG's observations at Prison A, Prison C, and Prison D between October 2021 and January 2022. The department's COVID-19 pandemic policies precluded in-person inspections at Prison B.

When the searches were brief, it was unlikely that officers searched all areas where incarcerated people may have hidden drugs. As Photo 1 and Photo 2 on the following page show, some living areas contain few personal items and other living areas contain many personal items. The living areas with fewer items generally require less time to search. Officers must use their search time effectively to ensure that they locate contraband, including drugs. Generally, this did not take place.



Photo 1. Organized cell, few items to search (photographed on October 28, 2021, at Prison D).



Photo 2. Disorganized cell, many items to search (photographed on January 6, 2022, at Prison C).

We also found that officers generally did not use canines or electronic devices to detect or identify drugs during required daily cell searches at the prisons we reviewed. According to officers in some housing units, canines were typically used for targeted and mass searches. The officers informed us that canines must be requested in advance for routine searches, and that can be challenging. However, several staff and managers stated that canines were very effective for discovering drugs and that using canines would contribute positively to detecting and locating drugs hidden in cells. We found that officers also did not use dedicated electronic drug detection devices. Although some officers had access to a handheld metal detector, this type of device cannot specifically detect drugs. Several staff told us that having additional equipment or the increased use of canines would improve their ability to detect and locate drugs during searches.

Without regular training and specific search requirements, officers will likely continue to conduct inadequate cell searches, risking the health and safety of staff and incarcerated people.

We reviewed training that the department and prisons provided to officers on how to conduct cell and bunk area searches and found the training to be very limited. Officers and managers at the four prisons we reviewed told us that staff had received training at the academy before they start working at prisons.

The remainder of their training in conducting searches was acquired on the job. We asked staff at each of the four prisons whether their prison offered or required institution-specific training and learned that, except for Prison A, these prisons did not mandate any search training. However, officers can take related courses through the department's online learning management system. Prison A mandated that staff take search-related courses through this system, and the prison provided supporting documentation showing that staff completed required courses. We reviewed the online course material for search-related subject matter and determined that the instruction for searching cell and bunk areas provided a comprehensive list of items officers should search and provided techniques for officers to follow during their searches. However, other than these basic academy courses and the online module that Prison A required its staff to complete, the only other available training in conducting searches was on-the-job training from other officers at the prison.

The limitations of exclusively on-the-job training that most officers receive following their academy training likely contributed to the lack of thorough searches we observed during our prison visits. If staff were required to follow the practices outlined in the training materials available through the academy and the online learning management system, and if supervisors and management verified that officers followed those practices, the search process would likely have led to a higher detection rate of contraband, including drugs. Without consistent training and guidance from supervisors or from the department, the quality of searches will continue to vary greatly, and the amount of drugs discovered and removed from the prison will also vary widely.

The cell search help chart provides a search method description for each of the items below to help guide cell and dorm searches:

- Cell
- Pillows
- Lighting fixtures
- Religious artifacts
- Toilet paper rolls
- Toilet and sink
- Footlocker
- Legal paperwork
- Canteen products
- Shoes
- Hygiene products
- Beds
- Mattress
- Cell doors
- Windows
- Garbage

Source: *Basic Correctional Officer Academy: Searches and Inmate Property*, Version 3.9, pp. 87-88.

Recommendations for Cell Searches

- The department should implement uniform cell search operating procedures and documentation requirements, including uniform cell search logs, to ensure that staff consistently complete and document required searches, that supervisors oversee and monitor the search process, and that reasons for staff's not conducting a search are documented and justifiable.
- The department should implement routine training requirements for custody staff on conducting cell searches to ensure that staff are trained on current trends and issues in concealing drugs in living areas, and to provide staff with continuous reinforcement of skills and expectations for conducting effective searches.

Chapter 5. Investigations

The Department Does Not Consistently or Adequately Conduct Investigations to Determine the Sources of Drugs Discovered in Prisons

Highlights

- Prison investigators generally conduct poor-quality investigations that rarely identify those suspected of bringing drugs into prisons.
- The department has minimal policies and procedures for investigating the sources of drug discoveries. With few exceptions, current departmental policy does not mandate roles, responsibilities, or processes for conducting thorough investigations to identify the sources of drugs.
- Although the department has specific procedures in place to investigate drug overdoses in prisons, medical staff rarely notify prison investigators of drug overdoses to ensure that investigations occur.

Applicable Criteria

- State regulations and departmental policy generally prohibit staff and visitors from being under the influence of or in possession of drugs on prison grounds.
- State regulations and departmental policy strictly prohibit incarcerated people from possessing or using drugs.
- State regulations also generally prohibit staff from bringing controlled substances onto prison grounds and state that any employee doing so is subject to dismissal from service and prosecution.
- Departmental policy requires staff to report specified incidents, including all felonies. Incident reports must include a brief description of the incident; a concise synopsis of the incident and involvement of the principal people, any injuries and prognosis, the location of incident, and the extent of property damage; a detailed report of the entire incident; all facts, details, and conclusions; any criminal acts committed and by whom; types and amounts of drugs seized; actions taken; any disciplinary or classification committee actions taken and the outcomes; a statement whether or not case was referred for criminal prosecution; and measures taken to prevent recurrence.
- Departmental policy requires allegations of employee misconduct to be promptly reported, objectively reviewed, and investigated. Allegations of misconduct may be referred to the Office of Internal Affairs, which may accept and investigate allegations against staff. If requested, prison investigators may assist in the Office of Internal Affairs' investigation.
- Departmental policy requires that Investigative Services Units investigate all suspected overdoses and all overdoses resulting in death. Investigations must be submitted to the warden for review.

The Department Prioritizes Rehabilitation and the Reduction of Drug Use Among the Incarcerated Population, but Investigations Into the Sources of Drug Discoveries are Frequently Unsuccessful

As described in its vision statement, the department's goal is to enhance public safety and promote incarcerated people's successful reintegration into the community through education, treatment, and active participation in rehabilitative and restorative justice programs. The department's stated mission follows:

To facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

Maintaining a correctional and rehabilitative environment free from drug use is essential to achieving these objectives. However, the effectiveness of the department's rehabilitative efforts and the potential for an incarcerated person's successful reintegration into society are both reduced when drug use, addiction, and associated violence are rampant in the prison setting. By failing to identify the sources of drugs discovered inside prisons, the department reduces its ability to fulfill its vision and mission.

The department's efforts to achieve a drug-free environment include interdicting drugs before they reach incarcerated people, investigating sources of drug discoveries, and referring for prosecution those suspected of introducing or receiving drugs. However, for reasons we discuss below, the department's efforts have been largely unsuccessful.

Prison investigators often fail to investigate the sources of drug discoveries, and in most instances, the department lacks procedures to guide investigations.

While anyone in a prison may discover drugs, the discoveries are generally investigated by prison investigators, who are responsible for collecting or receiving, logging, processing, and tracking evidence. When suspected drugs are discovered during business hours, the employee who discovers the substance typically brings it to prison investigators. When suspected drugs are found after hours, the substances are stored in designated lockers. A prison investigator then tests the substance to determine whether it is a drug and sends it to a certified laboratory for confirmation. Prison investigators have procedures for processing evidence, but except in cases of overdose, the department lacks specific procedures for investigating drug discoveries.

Although prison investigators are typically notified of all drug discoveries, the Office of Internal Affairs investigates cases if the suspected source of the drugs is a departmental employee. Unlike prison investigators, Office of Internal Affairs investigators have detailed policies and procedures to ensure that their investigations are timely, thorough, and comply with laws, regulations, and negotiated labor agreements. Departmental policy also clearly outlines the roles of all involved in the Office of Internal Affairs' investigations and details how

employee misconduct cases are to be handled, from inception through investigation to report writing and the maintenance of records.

To further support these investigations, the department developed the *Office of Internal Affairs' Investigator's Field Guide* (field guide) to provide Office of Internal Affairs investigators with practical direction and guidance on how to investigate employee misconduct cases. The field guide details procedures for planning investigations, preparing for witness interviews, conducting interviews, identifying sources of evidence, retrieving evidence, processing different types of evidence, and writing an investigation report. This guide is also a resource for addressing common questions and situations that occur during investigations.

Investigative Services Unit

In addition to investigating discovered drugs, prison investigators also investigate gang threats and activity, incidents involving prison staff's use of force within prisons, alleged violations of the Prison Rape Elimination Act, and violence and crimes that occur inside prisons. Prison investigators provide services such as organizing and executing mass searches, collecting and maintaining evidence in accordance with accepted law enforcement procedures, providing training, serving as the prison's court liaison, and conducting enhanced staff inspections. The Investigative Services Unit's workspace also includes space to collect, log, and store evidence.

In contrast to the department's specific policy and guidance for the Office of Internal Affairs, we found that neither State regulation nor departmental policy details procedures for investigating drug discoveries in prisons—unless the cases involve drug overdoses. For overdoses, the department issued a memorandum in August 2019 outlining steps that prison investigators must take and pertinent information they must collect when investigating suspected drug overdoses and overdoses resulting in death.

Because intercepting drugs before they reach incarcerated people and investigating the sources of drugs are crucial elements of the department's interdiction strategy, we expected the department to have clear policies and procedures to direct and guide investigations of all drug discoveries, not just those involving employees or overdoses.

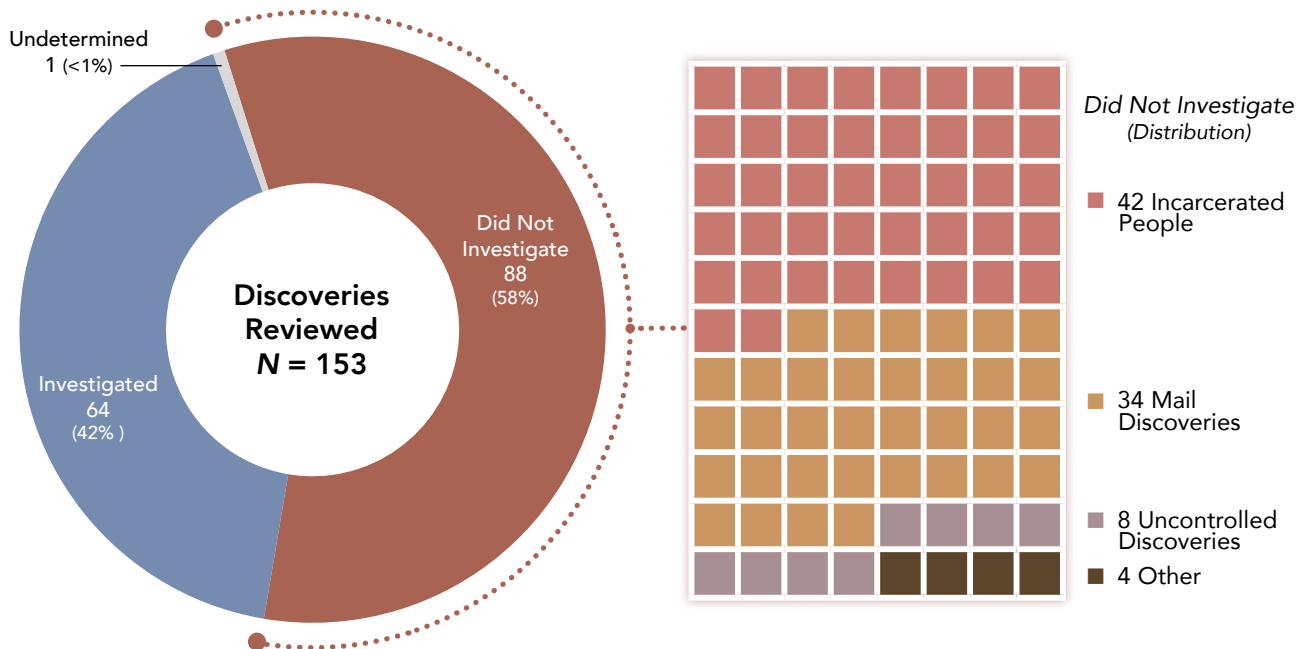
We found no such direction or guidance. Instead, we found that in the absence of clear policies and procedures, prison investigators infrequently initiated investigations, and the quality of the investigations was often poor.

The prison investigators we interviewed agreed that Investigative Services Units are responsible for investigating drug discoveries. Furthermore, prison investigators were able to detail a variety of investigative techniques to determine how drugs were introduced into prisons. However, we found that despite having both the responsibility and the ability, prison investigators did not investigate most drug discoveries. As we show in Figure 6 on the following page, we analyzed a sample of 153 drug discoveries and requested incident reports, along with all other associated documentation, to evaluate the quality of each investigation into the source of the drugs.⁹ Of the 153 discoveries we reviewed, we found that prison investigators did not use any methods to identify the source of 88 discoveries (58 percent).¹⁰ While prison investigators did interview suspects in nine of these cases, we did not see any evidence that the interviews were conducted to investigate the source of the drug.

9. We excluded cases that did not involve direct recoveries of drugs or the verified use of drugs.

10. We were provided no documentation for one of the cases we reviewed. The case did not have a log number, and the department told us that no log number had been required at the time. However, without documentation, we were unable to determine whether any methods were used to identify the source of the drugs, and we could not evaluate the quality of the investigation.

Figure 6. Results of 153 Drug Discoveries Reviewed at Four Prisons



Note: Figures may not sum to 100% due to rounding.

Source: The OIG's analysis of the department's investigations into the source of discovered drugs between March 2019 and February 2021 at Prison A, Prison B, Prison C, and Prison D.

The drug discoveries that were investigated least were those found in uncontrolled areas of a prison, such as recreational yards and storage areas. Uncontrolled areas are accessible to multiple people, and drugs found in these locations may not be easily traced to a specific individual. Of the 11 discoveries in uncontrolled areas we reviewed, prison investigators did not investigate the source of drugs in eight cases, or 73 percent. While investigating the sources of drugs found in uncontrolled areas can be difficult, we expected prison investigators to have taken basic investigative steps, such as reviewing surveillance cameras and interviewing incarcerated people and staff who lived, worked, or gathered near the discovery.

Similarly, prison investigators did not use any method to identify the sources of drugs discovered in either incoming or outgoing mail in 34 of the 50 cases we reviewed, or 68 percent. Of the 67 cases we reviewed in which drugs were recovered directly from an incarcerated person's body, cell, or property, we found that prison investigators did not take any investigative steps to determine the source of the drugs in 42 cases, or 63 percent.

Prison investigators investigated drugs discovered in the possession of visitors more frequently than they investigated drugs discovered in the locations described above, but investigators relied mostly on the direct observations

of staff or informants to identify the visitor bringing in drugs. In 15 of the 17 cases involving visitors, the discoveries were made either by staff during the visitor screening process or by staff who directly observed visitors attempting to pass drugs to incarcerated people. Because staff found drugs in the visitors' possession, additional investigation into the source was unnecessary. In the remaining two cases involving visitors, prison investigators obtained search warrants in advance of the visitors' arrival, but we could not analyze the cases because we were not provided with any details or documentation about what investigations, if any, led to the issuance of the search warrants.

In addition, we found that the types of drug discoveries that were investigated varied from prison to prison. For example, Prison C typically does not investigate discoveries weighing less than 0.1 grams because the prison has determined that smaller amounts are likely intended for personal use. Consequently, Prison C focuses its efforts on investigating discoveries of larger amounts that may indicate distribution or larger-scale operations. Prison C prison investigators also stated that incarcerated people are rarely willing to disclose their sources of drugs. Therefore, they concluded that in the absence of other leads, it was unlikely that the source would be determined. Prison C and other institutions also entered into an agreement with county district attorney offices, generally specifying the kinds of discoveries that would be forwarded for prosecution. Prisons were unlikely to expend significant resources investigating the sources of drug discoveries if the cases would not be prosecuted.

While prioritizing time and resources is important, limiting investigations solely to the cases that could lead to criminal prosecution does nothing to fulfill the department's mission of providing a safe environment for incarcerated people. In addition, by not investigating smaller finds, the department is unlikely to link multiple discoveries to a single source that potentially could be prosecuted.

According to prison investigators at the prisons we reviewed, staff shortages are another reason the sources of drug discoveries are infrequently investigated. For example, at one prison, which housed 2,951 incarcerated people and was staffed by 2,500 employees, only 13 of the 2,500 employees were prison investigators. Yet, in addition to investigating drug discoveries, prison investigators are also required to investigate gang and sexual violence as well as all incidents in which force was used against incarcerated people. We counted an average of 234 documented drug discoveries in 2019 at the prisons we reviewed. This is a seemingly large number of discoveries to thoroughly investigate, given prison investigators' other responsibilities.

Although the department has detailed procedures for investigating overdoses, prison investigators do not always follow procedures.

In 2019, the department released a memorandum mandating that prisons investigate all suspected overdoses and all overdoses resulting in death, to determine, among other things, the sources of the drugs involved. This memorandum also required prison investigators to follow specific investigative procedures. However, despite more detailed policies and required procedures, we found that prison investigators

did not investigate all overdoses. Of the 11 overdoses we reviewed that occurred after the department issued the memorandum, we found that only four (36 percent) were investigated. Given both the human and the financial cost of drug overdoses, we expected prisons to have investigated them all—as the department clearly intended when it mandated that all overdoses be investigated.

Prison investigators did not investigate all overdoses in part because neither the 2019 memorandum nor any other law, regulation, or policy we reviewed requires them to be notified of all incidents that involve or could involve drugs. The department requires employees who physically discover drugs to complete an incident report documenting the type of incident, the types and amounts of drugs seized, the date and approximate time of the discovery, and relevant facts, details, and conclusions.¹¹ The incident report also documents any disciplinary or criminal action taken and the measures taken to prevent recurrence. We found that departmental employees completed incident reports for almost all physical drug discoveries in prisons. Because physical discoveries of drugs are turned over to Investigative Services Units for processing, prison investigators are generally aware of all physical drug discoveries. However, because the department does not require all overdoses or suspected overdoses to be documented on an incident report or on any other specific form, prison investigators may not be informed of drug use that is confirmed only during medical treatment.

For example, when an incarcerated person requires emergency medical treatment for an unknown reason, employees may complete a medical report of injury or unusual occurrence (notice of unusual occurrence).¹² Circumstances recorded on these forms can suggest a possible overdose, but the incident may not come to the attention of prison investigators because drugs were not physically recovered and turned over to the Investigative Services Unit for processing. In addition, some medical providers may not report overdoses to avoid potential violations of substance abuse or other health care privacy laws.

Of the seven uninvestigated overdoses we reviewed, four were documented in incident reports or notices of unusual occurrence, while three were documented only in medical records. According to one prison investigator, the overdoses documented solely in medical records were not investigated because prison investigators were unaware that an overdose or suspected overdose had occurred. This procedural oversight and apparent lack of communication results in prison investigators not being notified of the very overdoses they are required to investigate. The failure to investigate also violates the 2019 memorandum mandating the investigation of all suspected overdoses and overdoses resulting in death. If all prisons comply with departmental policy, the sources of drugs associated with overdoses may be identified and additional injuries or deaths prevented.

11. CDCR Form 837 Crime/Incident Report.

12. CDCR Form 7219 Notice of Injury or Unusual Occurrence.

Investigations of drug discoveries were frequently inadequate because prison investigators failed to consistently use available investigative techniques.

Prison investigators at each prison we reviewed acknowledged having multiple techniques at their disposal to investigate the source of drug discoveries. For example, prison investigators can review financial records, surveillance cameras, and communications—techniques the department requires when investigating overdose cases. Accordingly, we analyzed not only whether investigations were conducted but also whether prison investigators used available investigative techniques.

We found that prison investigators examined surveillance camera footage in only 15 of the 153 cases we reviewed. Of those 15 cases, 13 involved monitoring cameras during visiting and two involved reviewing camera footage in housing units. Prison investigators identified the source of drug discoveries in 13 of the 15 cases in which they examined camera footage. Although surveillance cameras are not installed throughout every prison, when they are available, monitored, and reviewed, they are a valuable but underused tool to identify the source of drugs.

Prison investigators also rarely reviewed financial records during investigations, using this technique in only four cases, or three percent. However, because prison investigators identified the source of discovered drugs in half the cases in which they examined financial records, it is reasonable to conclude that more sources could be successfully identified if the technique were used more frequently.

In fact, conducting thorough investigations using multiple investigative techniques has led to impressive results, including arrests in the community. For example, in one case we reviewed, mail room employees discovered marijuana behind two postage stamps on correspondence addressed to an incarcerated person. Prison investigators identified the senders of the correspondence as a formerly incarcerated person and another civilian accomplice. Prison investigators also determined that the incarcerated person and the formerly incarcerated suspect had been housed together in prison. After obtaining the formerly incarcerated suspect's contact information, prison investigators discovered several calls between the two, began monitoring their conversations, and overheard plans to send additional drugs through the mail. The formerly incarcerated suspect was subsequently arrested but likely would not have been identified or referred for prosecution without the thorough investigation.

We also found that in many cases, prison investigators did not take the basic step of asking incarcerated people where they had obtained the drugs found in their possession. In the 67 cases we reviewed in which incarcerated people could have been questioned about the source of the drugs found on their person, in their cell, or in their property, we found that prison investigators did not do so in 27 cases, or 40 percent. Incarcerated people refused to give a statement to prison investigators in 18 of the 67 cases, or 27 percent. However, in the absence of other evidence, failing to ask how the incarcerated people obtained the drugs likely resulted in sources not being identified. At a minimum, basic questioning about the source of drugs is an appropriate, standard technique that should be used in all investigations.

It was even more uncommon for prison investigators to interview incarcerated witnesses who may have had information about the source of drug discoveries because of their proximity to, or interactions with, the incarcerated person found in possession of drugs. Of 153 cases we reviewed, prison investigators only questioned eight such individuals, or five percent—four incarcerated potential witnesses and four confidential incarcerated informants. Although incarcerated people may not always be willing sources of information, it is reasonable to believe that they may provide valuable information if they are simply asked about activities occurring in their housing or work areas.

Investigations involving civilians formed a similar pattern. Prison investigators rarely took the basic step of interviewing civilians suspected of bringing drugs into prisons. Of the 85 cases in which prison investigators identified potential civilian suspects, investigators interviewed the civilian suspects in only 19 cases, or 22 percent. Of those 19 cases, 16 involved visitors suspected of bringing in drugs, two involved civilians accused of mailing drugs to the prison, and one involved a civilian suspected of conspiring with a department employee to bring in drugs. We found that civilians suspected of introducing drugs into the prison were likely to be interviewed during an investigation only if they were detained during visiting. Investigators rarely attempted to interview civilian suspects in the community.

Prison investigators also only interviewed two nonsuspect civilian witnesses in the cases we reviewed, even though investigators agreed that such witnesses can be a valuable source of information. For example, prison investigators may contact United States postal staff who can verify that a suspect mailed a package that was later determined to contain drugs, while family members may offer valuable information about an incarcerated person's associates who may be sources of drug discoveries.

Because investigations of drug discoveries are both infrequent and usually inadequate, prison investigators rarely identified the source of drug discoveries. Although it is unreasonable to expect prison investigators to identify the sources of all drug discoveries, we expected more success. Instead, as Table 5 on the following page shows, we found that the department did not identify the source of the drugs in 114 of the 153 cases that we reviewed, or 75 percent. In 38 of the 153 cases in which the source of drugs was identified (25 percent), we found that staff identified 21 sources during visiting by observing suspicious behaviors or identifying the scent of drugs. These cases required little to no further investigation.

The department was far less successful identifying the source of drugs when the discoveries were unrelated to visiting. Prison investigators identified a civilian suspect in only three cases unrelated to visiting and identified an incarcerated suspect in seven cases that did not involve visiting. Unless prison investigators caught the source with drugs in his or her possession, or unless an employee was identified as a suspect, as we discuss below, the likelihood of identifying the source was virtually zero. Consequently, the department's ability to reduce overdoses and the violence associated with drug use, and to encourage rehabilitation by providing a drug-free prison environment, is decreased.

Table 5. Identification of the Sources of 153 Drug Discoveries by Location

Location of Discovery	Source Identified	Source Not Identified
Visitation Areas	21	3
Uncontrolled	1	10
Mail or Package	4	46
Incarcerated Person (not visiting)	7	50
Employee	2	0
Civilian (not in visitation areas)	3	0
Other	0	5
Totals	38	114

Note: For one discovery, the department's documentation was inadequate to determine whether a source was identified; therefore, one incident is omitted from this table.

Source: The OIG's analysis of 153 incidents involving drug discoveries.

The Department's Office of Internal Affairs Thoroughly Investigates Staff Suspected of Bringing Drugs into Prisons

The department's Office of Internal Affairs conducts investigations according to clearly defined policies and procedures, as we described earlier, in part because department employees are afforded specific legal rights and protections under labor agreements. The Office of Internal Affairs leads all investigations of alleged employee misconduct but may also collaborate with prison investigators, particularly if canines are used.

Although the department rarely intercepts staff bringing drugs into prisons, the Office of Internal Affairs generally conducts adequate investigations once a suspect is identified. We reviewed four cases that directly involved staff introducing drugs. In the first case, prison investigators discovered an employee attempting to bring drugs into the prison during an enhanced inspection. Prison investigators searched the employee, as well as the employee's vehicle and mobile phone. The Office of Internal Affairs also interviewed an incarcerated person who coincidentally called the employee's mobile phone during the search. The employee was subsequently arrested, referred to the district attorney for prosecution, and resigned.

In the second case, drugs were found in an uncontrolled area, but prison investigators did not investigate or determine the source. Months later, an incarcerated person informed prison investigators that an employee was the source of the earlier discovery. During its investigation, the Office of Internal

Affairs interviewed multiple incarcerated people, obtained a search warrant for the employee's vehicle and mobile phone, conducted a forensic analysis of the employee's phone, interviewed the employee twice, and examined financial records. Ultimately, the employee admitted to bringing drugs into the prison, and resigned.

In the third case, upon receiving a tip and useful information from an informant, the Office of Internal Affairs examined departmental records to determine whether an employee was communicating with an incarcerated person's associate. The Office of Internal Affairs also searched the incarcerated person's cell and discovered drugs and other contraband. The Office of Internal Affairs then interviewed the employee, who admitted to coordinating the receipt and delivery of drugs. The employee consented to a search of his person, vehicle, and mobile phone. After interviewing the incarcerated person again and interviewing an alleged accomplice, the Office of Internal Affairs confirmed the allegations. The employee was terminated and referred to the District Attorney for prosecution.

In the final case we reviewed, an employee was initially under investigation by the Office of Internal Affairs for alleged misconduct unrelated to introducing drugs. However, the Office of Internal Affairs discovered that the employee was carrying drugs during a search prior to the employee's interview inside the prison. The employee was subsequently terminated and referred to the district attorney for prosecution.

All four cases demonstrate positive outcomes that can result from clear policy and procedures, meaningful collaboration between prison investigators and the Office of Internal Affairs, and thorough, fact-based investigations. By collecting relevant evidence, interviewing appropriate witnesses, and reviewing data and information from financial records or phone records, the department linked each drug discovery to employees. If prison investigators and the Office of Internal Affairs conducted frequent and consistently thorough investigations, the department would likely more effectively deter employee misconduct and reduce the flow of drugs into prisons.

Recommendations for Investigations

- The department should establish clear, comprehensive, statewide policies and procedures for investigating drug discoveries that include investigating the source.
- The department should develop a field guide similar to the Office of Internal Affairs' field guide to direct and guide prison investigations, including investigations of drug discoveries.
- The department and the California Correctional Health Care Services should develop a protocol in compliance with applicable privacy laws to ensure that prison investigators are informed of all suspected and confirmed overdoses.
- The department should develop and conduct specific training for prison investigators to investigate drug discoveries and identify the sources of those discoveries.

Chapter 6. Work Change

Prison Staff Did Not Always Thoroughly Search Incarcerated Workers Reporting to and Returning From Work Assignments, Increasing the Risk of These Workers Moving Drugs Throughout Prisons

Highlights

- The department does not have adequate policies or procedures to ensure consistent and effective searches of incarcerated workers traveling to and from jobs throughout prisons.
- Prison staff often did not search incarcerated workers when they reported to their job locations.
- Searches that prison staff did conduct were often inadequate to find items concealed on incarcerated workers.

Applicable Criteria

- State regulations subject an incarcerated person to an inspection of his or her person, either clothed or unclothed, when there is a reasonable suspicion that the incarcerated person may have unauthorized or dangerous items concealed on his or her person. Such inspections may also be a routine requirement for movement of incarcerated people into or out of high security risk areas. In addition, incarcerated people shall submit to body inspections and to inspection of all personal items, such inspections conducted with the use of electronic drug detection devices.
- Departmental policy states that an incarcerated person may be subject to an inspection of his or her person, either clothed or unclothed, when there is a reasonable suspicion that the person may have unauthorized or dangerous items concealed on his or her person. Such inspections may also be a routine requirement for incarcerated people moving into or out of high security risk areas.
- Departmental policy states that custody post orders must require random clothed body searches of incarcerated people, or when reasonable suspicion is established. The routine search of incarcerated people entering or leaving certain specified areas is not precluded. This is a basic search alerting staff to possession of weapons or other serious contraband. Staff shall search the incarcerated person from the top of the head to the bottom of the feet, and shall search the person's belongings, including shoes, all pockets, seams, and personal effects.
- Departmental policy states that incarcerated people assigned to designated areas, such as vocational programs, industries, plant operations, warehouse, and outside crew, may be subject to unclothed body searches before returning to the prison's general population. Incarcerated people shall remove all articles from their pockets and staff shall inspect all articles. The incarcerated person shall completely disrobe. Staff shall inspect and search each item of clothing and visually inspect the person's body, to include very specific areas outlined in policy.
- Incarcerated people may be subject to work change searches, to varying degrees, based on local operating procedures implemented by prisons.

As a Result of the Department's Unclear Policies and Procedures, Not All Prisons Require Staff to Search Incarcerated Workers Who Move to and From Locations Throughout the Prisons

Nearly all prisons employ some incarcerated people in job categories such as janitorial services or food processing. These jobs often require incarcerated people to work in different areas of the prison during a shift, and at times to work outside the prison's secured perimeter. These incarcerated workers' increased movement provides them with opportunities to retrieve contraband, including drugs, and collude with other incarcerated people and staff to smuggle it back into their housing facilities. Once the drugs are acquired, incarcerated persons can conceal the drugs on their bodies, in the seams of their clothing, in their shoes, or in personal items.

Consequently, pursuant to State regulations and departmental policy, prison staff may conduct clothed or unclothed searches of incarcerated people when they have reasonable suspicion that an incarcerated person may have unauthorized or dangerous items on their person. Moreover, because the department has identified work change checkpoints as a high security risk area, prisons may routinely require that incarcerated people be searched when going to or from work assignments. However, despite the potential increased access to contraband and drugs associated with incarcerated workers' movement within prisons, the department does not require searches at work change checkpoints. The department also does not clearly define when or how staff should conduct such searches. As a result, the prisons we reviewed lacked uniform work change search procedures from one prison to the next, and at times lacked uniform procedures from one facility to another within a single prison. In addition to the inconsistencies among prisons and prison facilities, we found that staff did not consistently follow their own prison's security procedures when processing incarcerated people to and from their work assignments.

We reviewed the work change search process for incarcerated people at four prisons and conducted on-site observations at three of the four to determine whether the process was likely to discover drugs. Table 6 on the following page provides a summary of our observations at the three prisons visited and includes some of the deficiencies noted during the work change search process.

Staff at two prisons did not consistently search incarcerated workers who reported to kitchens.

Kitchens, which are inside a prison's secured perimeter, are busy areas staffed by multiple employees and by incarcerated workers who may be housed throughout the prison. Kitchens also receive deliveries from prison warehouses and outside vendors on a regular basis and distribute food throughout the institution, which can pose a high security risk. In addition, according to a prison officer, staff who bring drugs into prisons may distribute them through kitchens, where they are harder to trace, rather than through the yard where they work. Despite the inherent risk of concealed contraband associated with prison kitchens, staff at two prisons we reviewed did not consistently search incarcerated persons reporting for kitchen work assignments.

Table 6. Summary of Work Change On-Site Observations

Prison	Work Change	Number of Incarcerated People Processed	Body Search Method Observed	Were All Incarcerated People Searched?	Examples of Items Not Searched by Work Change Officer
Prison A	Reporting to Work	35	N/A	No	No individuals searched.
	Returning From Work	37	Unclothed	Yes	Clothing items, including undershirts and socks. Body areas, including hair, ears, mouth, bottoms of feet. Compact disc player. Food items.
Prison C	Reporting to Work	20	Clothed	Yes	Shoes; socks.
	Returning From Work	14	Unclothed	Yes	N/A
Prison D	Reporting to Work	46	Clothed	No	Four individuals not searched. Plastic bottles and a Folgers container. Mesh string bag.
	Returning From Work	17	Unclothed	Yes	N/A

Source: The OIG's observations during on-site prison visits conducted between October 2021 and January 2022. The department's COVID-19 pandemic policies precluded in-person inspections at Prison B.

Specifically, at one of Prison A's work change checkpoints, we observed 35 incarcerated workers released from their housing units to report to their job assignments—some of which were in the kitchen—who were not searched at the work change checkpoint. According to a work change officer, incarcerated workers are not required to be searched at that facility of the prison before reporting to their jobs, although a culinary supervisor operated under the premise that they were. In addition, that particular Prison A work change checkpoint was the only work change checkpoint at any of the prisons we visited that does not search incarcerated workers reporting to their work assignments. Although Prison A did not have documented procedures or specific direction requiring the work change officer to search incarcerated people reporting to work, an unclothed body search was required, according to prison management.

At Prison D, officers likewise did not search the first four incarcerated people who reported to work at one of the prison's kitchens. Incarcerated workers at that kitchen did not pass through a work change checkpoint to report to work but were subject to a pat-down body search at the front door entrance when they arrived at the kitchen. An officer then conducted a pat-down body search on the remaining eight incarcerated people who subsequently reported for duty to the kitchen during our observation period.

Failing to consistently search incarcerated workers both before and after they report to their work assignments risks allowing drugs and other contraband to be taken into the kitchen and distributed throughout the prison. The risk may be especially high, given the weaknesses in contraband interdiction efforts we observed at the main prison entrances into the secured perimeters, discussed earlier in this report.

When prison staff did search incarcerated workers, the searches were often inadequate to find items concealed on their bodies.

At two of the three prisons we visited, staff failed to consistently conduct thorough body searches likely to discover contraband. As we mentioned above, departmental policy does not mandate routine clothed or unclothed searches of incarcerated workers. However, if a prison does conduct routine clothed or unclothed body searches, departmental policy mandates how they are to be done.

Specifically, a clothed body search must be conducted with the incarcerated person facing away from the officer while the officer searches the person from the top of the head to bottom of the feet, including shoes, all pockets, seams, and personal effects. An unclothed body search is much more comprehensive, requiring the incarcerated person to disrobe completely, after which an officer must visually inspect virtually all areas of the person's body as detailed in policy.

Unclothed Body Search

"The inmate shall then completely disrobe. Staff shall inspect and search each item of the clothing and visually inspect the inmate's body. The inmate shall face the staff member who shall visually inspect the inmate's hair, ears, mouth, nose, body, armpits, hands, scrotum, genitals, and legs. The inmate shall turn away from staff upon instruction and staff shall then inspect the inmate's back, buttocks, thighs, toes, bottom of the feet, and lastly, the anal area by having the inmate bend over, spread the cheeks of their buttocks, and cough."

Source: Department Operations Manual.

Despite specific search requirements, we found that staff did not always follow policy or conduct thorough searches at work change checkpoints. For example, during one observation period, Prison A staff allowed 14 incarcerated workers to wear their socks and face coverings during unclothed body searches, contrary to departmental policy and the prison's post orders. Because staff did not require the incarcerated people to remove their socks or face coverings, they did not search for, and therefore could not have discovered, hidden drugs in these areas. Departmental policy details specific requirements for conducting unclothed body searches for good reason. When staff fail to follow required search procedures, they likely fail to discover concealed drugs and they risk the health and safety of both incarcerated people and staff.

We also observed staff conduct clothed body searches of six incarcerated workers at Prison C. Although a clothed body search is less invasive than an unclothed body search, officers must still perform a thorough search to determine whether the incarcerated person has hidden contraband. However, we found that officers did not search any of the six

incarcerated workers' shoes or socks, where contraband, including drugs, could be concealed.

Officers did not always search articles of clothing or other personal effects when processing incarcerated workers through work change checkpoints.

Pursuant to departmental policy, all personal effects in the incarcerated person's possession must also be examined during clothed and unclothed body searches. Because incarcerated workers can conceal bindles of drugs in the seams of clothing, in shoes, and in personal items, it is important that personal effects are examined to prevent drugs from being distributed between work areas and housing facilities.

However, at each prison we visited, officers did not always check incarcerated workers' clothing and other personal effects. At Prison D, for example, officers failed to search the belongings of two incarcerated people who arrived at their kitchen work assignment with plastic bottles, solid coffee containers, and other items, some stored in a mesh string bag. At Prison A, officers also allowed incarcerated workers to pass through a work change checkpoint without searching solid red plastic coffee containers, food items, and a compact disk player for contraband. In addition, Prison A officers at times failed to thoroughly search clothing and boots during unclothed body searches. For example, one officer only superficially searched the clothing an incarcerated person placed on the processing desk, and at times, simply moved items from one spot to another on the desk without examining them.

In addition, Prison A had a metal detector and an X-ray parcel scanner at work change checkpoints but did not use the parcel scanner and failed on numerous occasions to further search incarcerated persons after the metal detector signaled. The other prisons we visited had access to low-dose body scanners and parcel X-ray machines but did not place or use them at work change checkpoints, even though State regulations and departmental policy authorize the use of electronic devices to detect contraband and drugs during searches. Because prisons do not use available technology, the deficiencies we identified in clothed and unclothed body searches are even more problematic and likely result in increased distribution and use of drugs by the incarcerated population.

The department's inadequate searches of incarcerated workers at work change checkpoints risked the health and safety of both the incarcerated population and departmental staff.

Although we recognized that some officers conducted thorough searches at work change checkpoints, we observed many searches that were unlikely to discover hidden drugs. Consequently, we believe the department should both require that incarcerated people be searched and clarify the type of searches to be conducted at high security risk areas, including work change checkpoints. By clarifying policy, requiring specific procedures, and verifying compliance, the department would likely increase security and reduce the distribution and use of drugs in prisons.

Recommendations for Work Change

- The department should clarify its policy for searching incarcerated workers when they move into or out of high security risk areas, including work change checkpoints. The department should specify when custody staff are required to search incarcerated people at work change checkpoints and should specify the search methods that staff are required to use in conducting those searches.
- The department should establish a quality control process to ensure that managers and supervisors monitor and verify compliance with the search requirements established in departmental policy.
- To assist staff in detecting drugs, the department should use electronic contraband and drug detection devices to detect contraband and drugs at work change checkpoints.

Chapter 7. Data Validation

The Department Could Not Accurately Quantify Its Discoveries of Drugs Because Its Data Collection and Quality Control Procedures Were Both Inadequate, Resulting in the Inclusion of Inaccurate Data in Its Statutorily Required Public Reports

Highlights

- The data on drug discoveries that the department collects and provides to the general public and to stakeholders are inaccurate and misleading.
- The department does not require staff to log several drugs having a high potential for abuse and dependency. This lapse hinders the department's ability to effectively monitor its discovery of drugs.
- The department lacks procedures directing staff in how to report drug discoveries.

Applicable Criteria

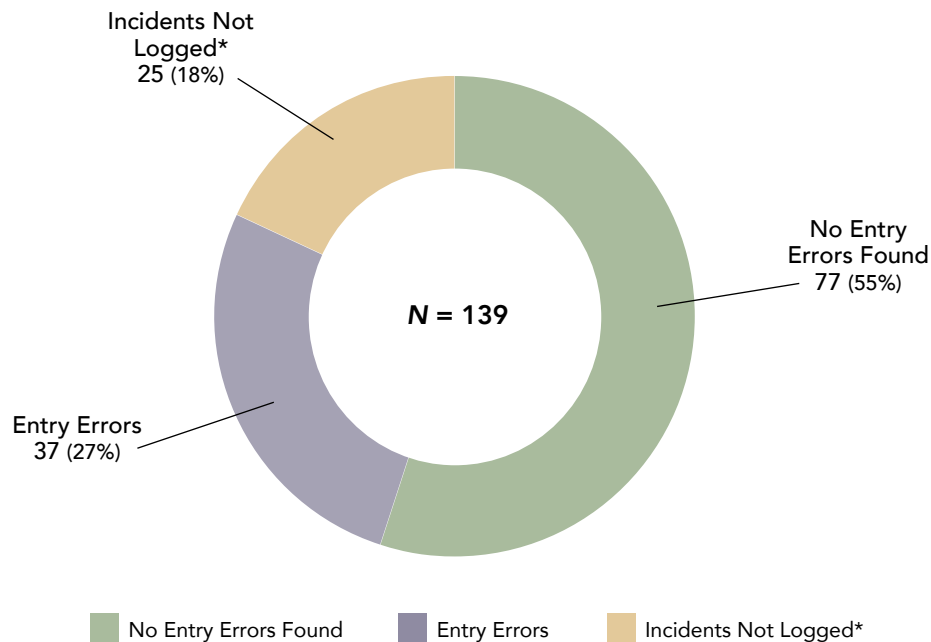
- State law requires the department to post on its website a quarterly report for each prison. The report, created from information collected using COMPSTAT (computer assisted statistics), must include the total amount of contraband seized and specify the number of drugs.
- Departmental policy requires that an entry be made into the department's major drugs discovery log every time a prison search results in the discovery of cocaine, hash, heroin, marijuana, methamphetamine, honey butane, Suboxone, fentanyl, tobacco, or mobile phones.
- Federal and State law classifies controlled substances into five schedules. When a controlled substance did not fall into a specific category under the department's policy as being a major drug required to be tracked, our inspectors used Schedule I and II of federal and State law as criteria to evaluate a substance. Under federal law, controlled substances in Schedule I have no currently accepted medical use in treatment in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse. Controlled substances under Schedule II are identified as having a high potential for abuse, having currently accepted medical use in treatment, and may lead to severe psychological or physical dependence. See the U.S. Drug Enforcement Administration for more information concerning scheduling.

Some Departmental Data Regarding Discovery of Drugs Contained Inaccuracies, Which Made Some Results Unreliable

Our review of the department's drug discovery data showed that the department's data were inaccurate. We found that the department lacked sufficient controls to ensure the accuracy of its data; as a result, the drug discovery data that the department reported on its public-facing website were likely inaccurate.

To validate the department's data, we reviewed 139 reported incidents that occurred between March 1, 2019, and February 28, 2021, that involved drug discoveries at four prisons. Our review of supporting documentation for those incidents found that staff recorded drug data incorrectly, or failed to record it at all, for 62 of the incidents (45 percent). Specifically, entries for 37 incidents (27 percent) that staff recorded in the department's major drugs discovery log contained incorrect information, such as an inaccurate weight for a narcotic or an inaccurate type of drug. Some of the errors were very significant. For example, Prison A reported a discovery of 55.3 grams of methamphetamine on post cards in a mail room, but staff recorded this discovery in the department's major drugs discovery log as 357 grams. As a result, Prison A overstated the quantity of methamphetamine that its staff discovered. In addition, for 25 incidents (18 percent) reviewed, staff never made entries in the major drugs discovery log at all. Many of the incidents that prison staff failed to record involved drugs that staff recovered from incarcerated people via searches through the incarcerated people's mail, cells, and bunks. By not entering these discoveries into the department's major drugs discovery log, prison staff underreported these discoveries. This rendered the data from those logs inaccurate. Although the department used the major drugs discovery log as the basis for its statutorily required reporting published on its website, the data the department collected and used for reporting were inaccurate and unreliable. Figure 7 below summarizes the results of our testing.

Figure 7. Data Validation Results of Four Prisons' Drug Discovery Data



* We identified three incidents that involved amphetamine, hydrocodone, and methadone hydrochloride. These substances do not fall under the major drug categories that the department required its staff to track.

Source: The OIG's review of sampled incidents at Prison A, Prison B, Prison C, and Prison D compared with data entries from the department's major drugs discovery log.

Departmental Policy Does Not Require Staff to Record in the Major Drugs Discovery Log Several Drugs Identified as Having a High Potential for Abuse and Dependency; This Lapse in Gathering Data Prevents the Department From Monitoring Controlled Substance Discovery Activity

In addition to the inaccuracies in the drug discovery data, we found that staff did not record other drugs that we believe should have been tracked for interdiction monitoring. Our compliance test results found three incidents involving the discovery of amphetamine, hydrocodone, and methadone hydrochloride that were not recorded in the department's major drugs discovery log.

In the first of the three incidents, a prison supervisor, while on prison grounds, was found in possession of 12 and a half pills of hydrocodone (an opioid) not prescribed to her. The county district attorney filed criminal charges against this supervisor for bringing the drug onto prison grounds. The department subsequently took adverse action and dismissed this staff member. In the second incident, prison staff found an incarcerated person in possession of methadone hydrochloride and issued a rules violation report. Prison authorities referred the case to the district attorney for possible prosecution, but the district attorney did not file criminal charges. In the third incident, mail room staff discovered incoming mail containing suspicious content. That suspicion was subsequently confirmed by prison investigators when the content was found to test positive for amphetamines.

The prisons treated these three incidents as serious events, investigating or pursuing disciplinary action in each case. However, staff did not record these three discoveries in the major drugs discovery log. We only became aware of these three incidents because we selected the incident reports for review as part of our sample to validate drug data. It is likely that many drugs similar to these three are never entered into the major drugs discovery log because these drugs do not belong to one of the major drug types that departmental policy requires staff to track.

Although departmental policy does not require amphetamine, hydrocodone, and methadone hydrochloride to be tracked, State and federal laws list these as Schedule II substances. These substances have a high potential for abuse and dependency. Under federal law, controlled substances are divided into five schedules, based on whether they have a currently accepted medical use in medical treatment in the United States, their potential for abuse, and their likelihood of causing dependence when abused. Schedules I and II list substances with the higher potential for abuse. Specifically, Schedule I controlled substances have no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse. Schedule II controlled substances have a currently accepted medical use in treatment in the United States and have a high potential for abuse that may lead to severe psychological or physical dependence. California State law also includes the three substances discovered as Schedule II controlled substances. These substances' high potential for abuse and dependency can mean a high demand among the incarcerated population, highlighting the importance of tracing and monitoring the discovery of Schedule I and II controlled substances as part of the department's interdiction efforts.

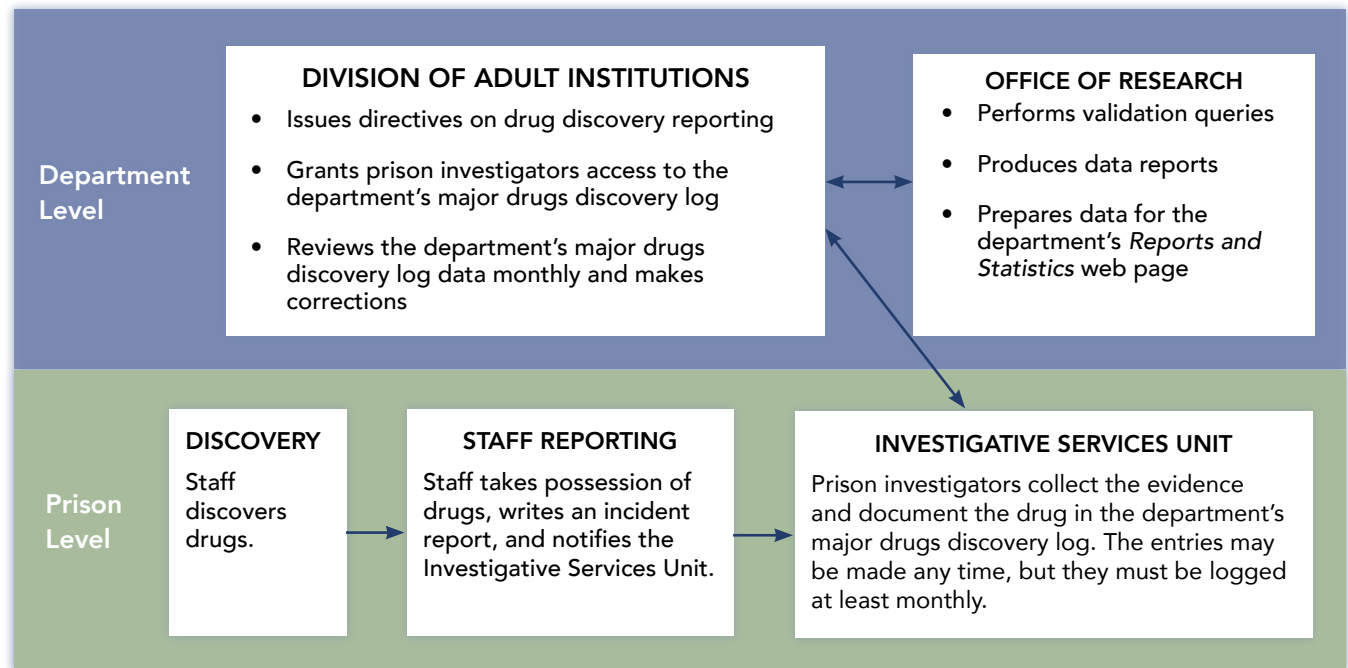
Both the Lack of Departmental Procedures Directing Staff on How to Report Drug Discoveries and the Inadequate Controls in Place to Review Those Data Likely Contributed to Inaccurate and Incomplete Reporting

The department has given only limited and informal direction to staff to report drug discoveries. This omission likely contributed to the inaccuracies we identified in the drug discovery data. Departmental policy requires that every discovery of major drugs, mobile phones, and tobacco are entered into the department's major drugs discovery log, including any discoveries of these items found on prison staff. The department's complete instructions and guidelines consist of a string of emails sent to Investigative Services Unit lieutenants that simply state any search resulting in the discovery of major drugs is required to be entered into the department's major drugs discovery log. Furthermore, staff must complete entries into the log by the fifth of each month. The department provides no further instructions on how frequently staff should enter information (daily, weekly, monthly), nor offers directions to explain how to navigate the log's user interface pages to record information. Essentially, log entries were left to the discretion of the Investigative Services Unit lieutenant or the prison investigators at each prison.

In the absence of any departmental controls in data entry procedures to ensure accuracy, clarity, and uniformity in data reporting, prison staff created their own procedures. This ad hoc process results in inaccuracies in the major drugs discovery log and limits the usefulness of the data. We interviewed staff at the department's headquarters and managers at the four prisons we sampled. We confirmed with a headquarters manager that the department provided no formal procedures for staff to follow to enter data into the department's major drugs discovery log. The managers at each prison confirmed their prison's established processes. At Prison A and Prison D, staff made monthly entries to the log, while at Prison B and Prison C, staff made entries daily or the next day. Making less frequent entries into the log, such as monthly entries, increases the chance incidents may not be entered into the log. Further undermining the accuracy of data, staff members who discover the drugs are not always the same staff who enter the data into the log. Typically, either the Investigative Services Unit lieutenant or the assigned prison investigator would make the drug discovery entries into the log. Figure 8 on the following page illustrates the department's general process for recording drug discovery data.

Little to no instruction exists that outlines for staff how to enter drug discoveries into the department's log. Staff often entered data inaccurately. Specifically, we discovered that Prison B staff likely misclassified 222 counts of drugs found in the mail room from March 1, 2020, through February 28, 2021, as having been found on staff. The number was significantly higher at Prison B than at any other prison, and we reached out to the prison's management to confirm the accuracy of the data. According to a Prison B manager, there were no incidents discovered during this period of staff members possessing drugs at the prison.

Figure 8. The Department's Process for Reporting Drug Discoveries



Source: The OIG's analysis, based on information received from the department's headquarters and from prison staff interviews.

In response to our further inquiry, the prison manager reviewed 10 of the 222 records in question. He believed the entries were made in error and that prison investigators should have recorded the entries as drugs recovered from an incarcerated person. We confirmed with headquarters management that an incident reported as drugs recovered from staff means the drugs were found on staff. These 222 counts of drugs discovered were purportedly discovered by staff. As a result of the error, the data that prison investigators entered into the log significantly overstated the number of drugs found on staff at this prison. If the department had provided specific guidelines and instruction for prison investigators to follow to ensure that drug discoveries were entered correctly, they likely would not have made this error.

The department's lack of data controls further results in data inconsistencies. These inconsistencies make it difficult for the department to conduct meaningful analysis and make appropriate policy decisions. For one of the log's data fields—the field for staff to enter the location of the controlled-substance discovery—the department does not limit staff's entry to any set of values. Instead, staff could enter free-form text. As a result, we found that staff entered inconsistent and duplicate data entries.

We reviewed the data at four prisons for discoveries occurring between March 1, 2019, and February 28, 2021. Prison investigators used 486 different data input descriptions for the location where prison staff discovered the drugs. Many records included inconsistent descriptions for common prison locations, such as

receiving and release, vocational areas, kitchen and dining, health care clinics, fence lines, and outside prison areas. For example, in addition to housing unit, the data file included other location entries, such as cells, bunks, and dorms. In addition, staff entered many varying descriptions for the prisons' mail rooms. With almost 500 different locations as options for staff to use, it must have been difficult for management to parse these data and use them to identify patterns of drug discoveries. Without that ability, however, the department could not accurately identify patterns and direct interdiction resources, such as targeted searches, to these areas. It is incumbent on the department to take the necessary steps to collect and report accurate data. Table 7 below lists the myriad data categories of the department's major drugs discovery log.

Table 7. Major Drug Discovery Log Data Categories

Contraband Recovered From	Major Drug Types	Location Discovered
Civilian (Nonvisitor)	Butane Honey Oil	Housing Unit
Civilian (Visitor)	Cocaine	Mail Room
Inmate	Fentanyl	Yard
Employee	Hash	Minimum Support Facility
Uncontrolled*	Heroin	Other†
	Marijuana	
	Methamphetamine	
	Suboxone	
	Tobacco	

* Cannot locate to a source, i.e., a common area or yard, where the discovery cannot be identified to a person.

† Beyond the four top categories listed as *Housing Unit*, *Mailroom*, *Yard*, and *Minimum Support Facility*, we counted 482 other location descriptions recorded within our audit period. Other locations include varying descriptions for, but not limited to, the following: receiving and release, vocational areas, work change, warehouse, entrances, visiting, kitchen and dining, chapel, clinics, fence line, camp, and outside areas.

Source: Major drugs discovery log data from March 1, 2019, to February 28, 2021, provided by the department's Office of Research.

The department also lacks a robust quality control review process that includes a review at the prison level to ensure the accuracy of its drug discovery data. At headquarters, a manager in the department's Division of Adult Institutions reviews the log's data each month before the department's Office of Research analyzes the data. The manager compares the major drugs discovery log entries with incident reports maintained in the Strategic Offender Management System. This was done to determine whether information such as *time period* and *reasons for discovery* were consistent between the two systems. The review process that the manager conducted was at a high administrative level. Departmental policy did not require a supervisory or second-level review at the prison level after staff entered data into the department's log. The Office of Research also analyzes the data for reporting to identify anomalies and reports this information back to the Division of Adult Institutions. However, research staff indicated that this

process will not catch all anomalies, allowing the potential for duplicate entries of drug discoveries.

As described, the department uses the SharePoint application as the base for its major drugs discovery log. This data-gathering software application is inadequate for the task as currently configured. It does not offer built-in controls to prevent certain types of errors, such as users creating duplicate entries or leaving data fields blank that staff should complete. For example, the system did not assign a unique identifier to each drug discovery incident. Accordingly, if an incident were entered twice, the application would not recognize the duplicate entry. The department's SharePoint log did provide a form field for staff to use in recording an incident log number unique to each incident, but it is not a field required to complete a record. In fact, staff left the incident log number field blank for many records, which made it difficult to reconcile the data against official records or to research incidents. The department could improve the accuracy and usability of the data if it implemented more robust quality-control review processes and stronger data-entry controls.

The department has known for several years that its data collection and reporting practices involving drug discoveries were not robust and could result in inaccurate counts. In February 2019, the department's Office of Audits and Court Compliance conducted a review and issued a memorandum on the topic to multiple departmental executives. This memorandum identified incorrect data collection methodologies for several data elements included in the department's statutorily required reports, including data for drug discoveries. This type of data collection concern has continued to plague the department. Specifically, when comparing the department's major drugs discovery log data against source documents, the review found that quantities of drugs were not accurately recorded into the department's log from source reports, such as incident reports and rules violation reports. The department's audit office completed this review as a result of a finding from an audit, conducted and published by the California State Auditor in August 2017, which discovered discrepancies in some data that the department reported. Despite findings from these prior reports, the department continues to include inaccurate data in its statutorily required reporting of drug data.

Recommendations for Data Validation

- The department should establish policies and procedures to direct prison staff in how to properly enter drug discovery incidents into the major drugs discovery log.
- The department should, at the least, incorporate the controlled substances listed in Schedule I and II of federal and State laws into its major drugs discovery log reporting policy, to better track and monitor interdiction efforts.
- The department should implement a process for quality control of the data to ensure accuracy and should establish controls within the SharePoint application to reduce errors in data entry or should explore a database management system that can establish system controls for the data.

Recommendations

Canines

- The department should develop and implement procedures to require the use of canines to search the persons and personal property of visitors and staff in alignment with laws, regulations, and departmental policy.
- The department should develop and implement procedures to ensure that canine teams are available to conduct frequent searches at their assigned prisons, including searches of incarcerated people and their property.
- The department should conduct a cost-benefit analysis on the use of canines to determine the funding necessary for additional canines needed to effectively conduct searches of visitors, staff, and incarcerated people and their personal property, and to search prison grounds.

Electronic Drug Detection Equipment

- The department should evaluate the cost and the benefits of implementing the use of electronic detection devices that can identify drugs in its interdiction efforts, including searches of staff, visitors, contractors, incarcerated people, and vehicles, and institutional searches, such as mail and cell searches.

Entrance Searches

- The department should develop policies and procedures that include a comprehensive routine search process of staff, their belongings, and their vehicles at the entrances to prisons' secured perimeters.
- The department should provide regular training on how to conduct routine searches at these entrances.
- The department should employ the use of canines and electronic devices that will assist staff to identify and detect drugs at pedestrian and vehicle security checkpoints.

Cell Searches

- The department should implement uniform cell search operating procedures and documentation requirements, including uniform cell search logs, to ensure that staff consistently complete and document required searches, that supervisors oversee and monitor the search process, and that reasons for staff's not conducting a search are documented and justifiable.
- The department should implement routine training requirements for custody staff on conducting cell searches to ensure that staff are trained on current trends and issues in concealing drugs in living areas, and to provide staff with continuous reinforcement of skills and expectations for conducting effective searches.

Investigations

- The department should establish clear, comprehensive, statewide policies and procedures for investigating drug discoveries that include investigating the source.
- The department should develop a field guide similar to the Office of Internal Affairs' field guide to direct and guide prison investigations, including investigations of drug discoveries.
- The department and the California Correctional Health Care Services should develop a protocol in compliance with applicable privacy laws to ensure that prison investigators are informed of all suspected and confirmed overdoses.
- The department should develop and conduct specific training for prison investigators to investigate drug discoveries and identify the sources of those discoveries.

Work Change

- The department should clarify its policy for searching incarcerated workers when they move into or out of high security risk areas, including work change checkpoints. The department should specify when custody staff are required to search incarcerated people at work change checkpoints and should specify the search methods that staff are required to use in conducting those searches.
- The department should establish a quality control process to ensure that managers and supervisors monitor and verify compliance with the search requirements established in departmental policy.
- To assist staff in detecting drugs, the department should use electronic contraband and drug detection devices to detect contraband and drugs at work change checkpoints.

Data Validation

- The department should establish policies and procedures to direct prison staff in how to properly enter drug discovery incidents into the major drugs discovery log.
- The department should, at the least, incorporate the controlled substances listed in Schedule I and II of federal and State laws into its major drugs discovery log reporting policy, to better track and monitor interdiction efforts.
- The department should implement a process for quality control of the data to ensure accuracy and should establish controls within the SharePoint application to reduce errors in data entry or should explore a database management system that can establish system controls for the data.

Appendix

Scope and Methodology

California Penal Code section 6126(b) and (c) authorizes the Office of the Inspector General (the OIG) to initiate audits of the California Department of Corrections and Rehabilitation's (the department's) policies, practices, and procedures. This audit focuses on the department's program for controlled substance (hereafter *drug*) interdiction. The table on the following page presents the objectives of our audit and the methods we used to address them.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions according to our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions according to our audit objectives.

A-1. Audit Objectives and the Methods Used to Address Them

Audit Objectives	Method
<p>1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.</p>	<ul style="list-style-type: none"> Reviewed relevant laws, rules, regulations, and policies and procedures related to the department's drug interdiction program as well as the investigative processes implemented to determine the source of drugs. Reviewed reports issued by the University of California, Berkeley and by California State University, Fresno on the Enhanced Drug and Contraband Interdiction Program and the Contraband Interdiction Pilot Program; both programs were conducted by the department.
<p>2. Evaluate the adequacy of the department's procedures for preventing drugs from entering prison grounds and determine whether the processes in place are effective.</p> <p>a. Review and assess the adequacy of the department's processes for preventing visitors from bringing drugs onto prison grounds.</p> <p>b. Review and assess the adequacy of the department's processes for preventing staff from bringing drugs onto prison grounds.</p> <p>c. Review and assess the adequacy of the department's processes for preventing contractors from bringing drugs onto prison grounds.</p> <p>d. Review and assess the adequacy of the department's processes for preventing drugs from entering the prison through the mail.</p>	<ul style="list-style-type: none"> Interviewed department headquarters staff and reviewed relevant materials on the department's requirements for searching all staff, visitors, and contractors entering secured perimeters of prison grounds; on the department's use of electronic drug detection equipment used by California's prisons; and on the department's use of canines on searches of nonincarcerated individuals. On the basis of drug discovery and overdose data, selected four prisons to review: Prison A, Prison B, Prison C, and Prison D. Interviewed staff and reviewed relevant local operating procedures and post orders at each selected prison regarding the search process for all staff, visitors, and contractors entering secured prison grounds. Interviewed staff at each selected prison regarding the screening process for incoming mail and packages. Conducted on-site observations at three prisons—Prison A, Prison C, and Prison D—for the following: 1) screening staff (including the enhanced staff searches), visitors, and contractors at pedestrian and vehicle entrances before they are allowed to enter secured perimeters of prison grounds, and 2) screening incoming mail and packages. The observation period was from October 6, 2021, through January 7, 2022.

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A-1. Audit Objectives and Methods (Continued)

Audit Objectives	Method
<p>3. Evaluate the effectiveness of the department's processes for the detection and discovery of drugs within the incarcerated population in prisons.</p>	<ul style="list-style-type: none"> • Interviewed department headquarters staff and staff at each selected prison regarding the use of electronic drug detection equipment and canines when conducting searches in and around prison grounds. • Interviewed staff and reviewed relevant local operating procedures and post orders at each selected prison regarding the search process of incarcerated people when they are reporting to and returning from work assignments (work change), and before and after visitation, as well as how searches are conducted of common areas, incarcerated people's cells or bunks, and kitchen and culinary areas. • Conducted on-site observations at three prisons—Prison A, Prison C, and Prison D—regarding staff's searching of incarcerated people during work change as well as pre- and postvisitation; also observed staff's searching of common areas, including kitchen and culinary areas. The observation period was from October 6, 2021, through January 7, 2022. • Reviewed cell search documentation for the selected prisons to determine compliance with daily housing unit (cells and bunks) searches required to be conducted by housing unit officers reporting to work in each of two shifts—from 6:00 a.m. to 2:00 p.m., and from 2:00 p.m. to 10:00 p.m.—as required by regulations and policy. The compliance testing covered six selected months: July, October, and December in both 2019 and 2020.

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A-1. Audit Objectives and Methods (Continued)

Audit Objectives	Method
<p>4. Evaluate the effectiveness of the department's investigative process for determining the source of drugs entering prison grounds:</p> <ul style="list-style-type: none"> a. Identify the department's processes for investigating the source of drugs introduced onto prison grounds. b. Determine whether the department's investigations into the method by which an incarcerated person gained possession of drugs followed the department's processes. c. Analyze whether the department's process is effective to identify the methods of introduction. d. When the department identifies the source of drugs, determine whether it appropriately takes action, including whether it mitigates any identified physical or procedural flaws, imposes discipline on individuals, and pursues prosecution. 	<ul style="list-style-type: none"> • Interviewed department headquarters staff to understand expectations and requirements of the investigative process concerning drugs. • Interviewed supervisory staff in the Investigative Services Unit at each selected prison regarding established processes and expectations that apply when drugs are discovered, including the processing of evidence, testing of suspected drugs, reporting, and determination of the source of the drugs, as well as actions taken against those who introduce drugs into the prison, once they are identified. • Interviewed canine handlers at each selected prison regarding their involvement in searching the prison (frequency and areas searched, including the outer perimeter, prison yards, housing units, mail room, outer buildings) and their involvement in the investigation into discoveries of drugs. • Reviewed and analyzed a selected sample of investigative reports and supporting documentation for each of the selected prisons regarding the incidents of drugs discovered from March 1, 2019, through February 28, 2021, on prison grounds or within the incarcerated population. Reviewed the investigative reports to determine whether investigative techniques applied to identify the source of drugs were reasonable and adequately conducted. • Reviewed and analyzed a selected sample of incarcerated person drug overdoses from March 1, 2019, through February 28, 2021, at each selected prison to determine whether investigations were consistently initiated to identify the source of drugs.

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A-1. Audit Objectives and Methods (Continued)

Audit Objectives	Method
<p>5. Determine whether the COVID-19 pandemic restrictions affected the department's ability to prevent, detect, and discover drugs on prison grounds:</p> <p>a. Review and analyze drug discovery data to determine, to the extent possible, whether the department's operational changes related to the COVID-19 pandemic impacted the department's prevention of drugs from entering prison grounds.</p>	<ul style="list-style-type: none"> • Reviewed departmental policies and procedures implemented to address COVID-19 concerns, and the impact of COVID-19 on prison operations related to drug interdiction. • Interviewed department headquarters staff and staff at each selected prison regarding the effects of COVID-19 on operations related to drug interdiction. • Reviewed, analyzed, and compared drug discovery data between two periods—before COVID-19 restrictions (March 1, 2019, through February 29, 2020) and during COVID-19 restrictions (March 1, 2020, through February 28, 2021)—to identify increases and decreases in drugs discovered on prison grounds, documented by location discovered and whether discovered in the possession of staff, an incarcerated person, a visitor, or through another source.
<p>6. To the extent possible, identify best practices by comparing the department's procedures for detecting and preventing drugs from entering prison grounds to other nondepartmental correctional facilities and entities, such as the United States Bureau of Prisons, other states' correctional facilities, and county jails.</p>	<ul style="list-style-type: none"> • Interviewed staff employed by the Texas Department of Criminal Justice and by the Pennsylvania Department of Corrections to understand the processes used for searches of people entering the prison and for searches within prison grounds, the use of electronic drug detection devices and canines, and the investigative techniques employed. • Attended a presentation and demonstration of the California Highway Patrol's canine program to better understand the capabilities of canines in the discovery of drugs.

Assessment of Data Reliability

Data Provided by the California Department of Corrections and Rehabilitation

The U.S. Government Accountability Office, whose standards our office follows in performing and preparing audits, requires us to assess the sufficiency and appropriateness of computer-processed information we use to support our findings, conclusions, or recommendations. In performing this audit, we relied on the department's drug discovery data from its major drugs discovery log. To evaluate these data, we reviewed existing information about the data, interviewed staff members knowledgeable about the data, and performed transactional testing of the data. As a result of this testing, the data were found to be unreliable for most audit purposes. Our reliance on the major drugs discovery log data was thus limited to high-level summary data that corroborated evidence we gathered through interviews, observations, and testing.

Data Provided by California Correctional Health Care Services

California Correctional Health Care Services provided summary data from third-party hospital billings of incarcerated people who were sent to an outside hospital for treatment of drug overdoses. To evaluate these data, we reviewed existing information about these data and interviewed California Correctional Health Care Services staff members familiar with the data. As a result, we determined that the summary data provided were sufficient to support our findings, conclusions, and recommendations.

The Department's Comments to Our Audit Report

The department received a draft of this report prior to publication and was given the opportunity to comment. Although we received the department's response, we did not publish it with our report because the comments were editorial in nature and did not address our findings, conclusions, and recommendations in the audit report, or provide any planned corrective actions. We did, however, consider the editorial changes the department requested and made edits where appropriate to provide clarity.

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Audit of the Department of Corrections and Rehabilitation's Controlled Substances Contraband Interdiction Efforts

Audit Report N° 21-01

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STATE *of* CALIFORNIA
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