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**THE  
FEDERAL BUREAU OF PRISONS'  
DRUG INTERDICTION  
ACTIVITIES**

**Report Number  
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## EXECUTIVE DIGEST

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### Introduction

Illegal drugs are present in almost all Federal Bureau of Prisons' (BOP) institutions, as evidenced by inmate drug tests, inmate overdoses, drug finds in the institutions, and criminal and administrative cases lodged against inmates, staff, and visitors. This review by the Office of the Inspector General's (OIG) Evaluation and Inspections Division examines how drugs enter BOP institutions and what the BOP is doing and can do better to stem the flow of illegal drugs into its institutions.

The harm of drugs in BOP institutions is clear. Drugs disrupt the BOP from providing a safe and secure environment for inmates and staff. Drug abuse is associated with serious inmate misconduct, and it also interferes with the rehabilitative potential of BOP drug treatment programs. In addition, inmates with drug problems who have not received treatment while in prison are more likely to continue criminal activity after their release from incarceration, thereby affecting public safety.

The BOP's strategy to prevent drugs from entering its institutions employs two major components: (1) stopping the supply of drugs through various interdiction activities; and (2) reducing the demand for drugs through drug abuse treatment for inmates. To stop the supply of drugs, BOP interdiction activities focus on the institutions' points of entry such as visitors, staff, mail, the receiving and discharge area, the warehouse, the rear gate, volunteers, and contractors. To reduce the demand for drugs, the BOP offers drug abuse treatment to inmates through various institution-based programs, including drug abuse education (classroom instruction), non-residential (out-patient) drug abuse treatment in BOP institutions, and residential (in-patient) drug abuse treatment in BOP institutions.

The OIG found that inmate visitors, staff, and the mail are the three primary ways drugs enter BOP institutions. We found that while the BOP employs a variety of interdiction activities to intercept smuggling attempts by visitors and through the mail, it has failed to take adequate measures to prevent drug smuggling by its staff. In fact, interdiction activities common in many state correctional systems, such as searching staff, limiting the personal property staff are permitted to bring into the institution, and conducting random drug tests of staff, are not used by the BOP.

We also found that an insufficient number of BOP inmates receive drug treatment, partly because the BOP underestimates and inadequately tracks inmates' treatment needs. In addition, non-residential treatment – an important component of

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drug treatment – is not adequately provided at BOP institutions due to insufficient staffing, lack of policy guidance, and lack of incentives for inmates to seek drug treatment.

After describing our principal findings in more detail, we summarize the 15 recommendations we offer to make the BOP's drug interdiction and treatment efforts more effective.

## **Principal Findings**

### **Indicators of the Drug Problem in BOP Institutions**

The BOP recorded more than 2,800 positive tests for drug use by inmates each year from fiscal year (FY) 1997 through FY 2001. The BOP national rate of positive drug tests declined only slightly during this 5-year period, as did the overall rate of positive drug tests for four of the BOP's five institution security levels.

Analyzing trends among BOP institutions of differing security levels is significant because it allows comparison of institutions with similar inmate populations and security features. We found that despite enhanced perimeter security features and internal operational procedures at the higher security level institutions, drugs are still getting in at rates more than 1½ times the BOP national rate. Specific institutions within each security level have much higher rates of inmate drug use. For example, while the BOP national rate for positive inmate drug tests in FY 2001 was 1.94 percent and the overall rate for high security institutions was 3.04 percent, the high security U.S. Penitentiary in Beaumont, Texas, had a positive inmate drug test rate of 7.84 percent.

Misconduct reports issued by BOP staff against inmates also demonstrate that drugs are present in BOP institutions.<sup>1</sup> For FY 1999 through FY 2001, the BOP drug misconduct rates showed that drugs are smuggled into institutions regardless of their security level. Every BOP institution has issued drug misconduct reports to inmates at some time during the 3-year period reviewed. Similar to the drug test results, several institutions within each security level significantly exceeded the overall rate for that security level for drug misconduct charges. Although misconduct rates may partially reflect the BOP's success in uncovering inmates' prohibited

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<sup>1</sup> The BOP has specific administrative rules identifying prohibited inmate behavior. If an inmate violates any of these rules, the BOP issues a misconduct report. The prohibited behaviors are divided into four levels: 100, 200, 300, and 400, with the 100 level being the most serious. Four drug-related misconduct charges are listed as 100-level offenses: Refusing to Provide a Urine Sample; Introduction of Any Narcotics; Use of Any Narcotics; and, Possession of Any Narcotics. Across all security levels for the last five fiscal years, drug misconduct charges have comprised approximately 66 percent of all 100-level misconduct charges.

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behavior, the fact that the total number of drug misconduct charges for all BOP institutions exceeds 3,500 annually indicates that drugs are regularly entering its institutions.

In addition, inmate overdoses (50 inmate deaths since FY 1997), drug finds in the institutions (1,100 recorded in evidence logs since FY 2000), and criminal cases prosecuted against inmates, staff, and visitors show that drug use and smuggling occur in almost every institution. From FY 1997 through FY 2001, the Federal Bureau of Investigation (FBI) opened 791 drug-related cases involving BOP inmates (538 cases), visitors (183 cases), and staff (70 cases). The OIG Investigations Division's drug cases from FY 1997 through FY 2001 reflect 34 staff arrests. In addition, from FY 1997 through FY 2001, the BOP sustained drug-related misconduct allegations against 93 employees.

### **Stopping Drugs at the Primary Points of Entry**

The BOP staff we interviewed identified inmate visitors, staff, and mail as the three primary points of entry for drugs into BOP institutions. We found that while the BOP employs drug interdiction activities to prevent drug smuggling through visitors and mail, it fails to take adequate measures to prevent staff from bringing drugs into the institutions. The BOP does not employ staff interdiction strategies common in state correctional systems such as limiting the personal property staff are permitted to bring into institutions, searching staff, and random drug testing.

#### **Inmate Visitors**

According to BOP officials, inmates' visitors represent the predominant source of drugs entering BOP institutions. At the institutions we visited, wardens, department heads, intelligence staff, and correctional officers attributed visitors' success in smuggling drugs to two primary reasons: (1) the availability of contact visits, and (2) insufficient cameras, monitors, and staff to observe visits.

- Contact Visits are a Main Conduit for Drug Smuggling. All inmates are permitted to receive contact visits, including those in disciplinary and administrative segregation.<sup>2</sup> During a contact visit, no physical barriers separate inmates and their visitors, unlike the image portrayed on television where inmates are separated from their visitors by glass and speak through telephones. Inmates sit next to or across from their visitors and are allowed limited physical contact, such as handshaking, embracing, or kissing, at the beginning and end of the visit. In a contact visit, visitors can discreetly hand over the drugs to an inmate, exchange the drugs by mouth when kissing, or place the drugs in a food package or

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<sup>2</sup> The exception are inmates found guilty of a misconduct related to visiting procedures or otherwise placed on visiting restrictions by the Disciplinary Hearing Officer.



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beverage purchased from visiting room vending machines and give the food or drink to the inmate.

As a deterrent to drug smuggling, in 1998 with a \$1.8 million grant from the Office of National Drug Control Policy, the BOP began a pilot program in 28 institutions using ion spectrometry technology to randomly scan visitors for drugs as they enter the BOP institutions.<sup>3</sup> After a 2-year test period, the BOP concluded that the ion spectrometry technology was a significant factor in the decrease of drug use by inmates in medium, low, and administrative institutions, but not in the high security institutions. At the institutions we visited with ion spectrometry, the majority of wardens and correctional officers involved in processing visitors and visiting room monitoring believed this technology is an effective deterrent to drug smuggling. However, the cost of the machine is high (\$30,000) and the maintenance contract and supplies are also expensive (\$3,000-\$8,000 per year). Now that the pilot program has ended, BOP institutions must fund the machines from their existing budgets. Those institutions we visited that did not receive the technology during the pilot program are uncertain whether they can afford to purchase it. The BOP currently does not have plans to centrally purchase more machines for other institutions. Rather, the BOP intends to rotate the machines among its institutions.

- Inufficient Cameras, Monitors, and Staff Available for Adequate Monitoring are Vulnerabilities. In several institutions, we observed and correctional officers told us that there were not enough cameras, monitors, and staff to thoroughly observe inmate visiting sessions. Several of the institutions we visited need to install additional cameras in the visiting rooms because the rooms' architecture, such as large pillars, creates blind spots that obstruct the view of BOP staff. Institutions also do not always have enough camera monitors for correctional officers to view what the cameras are recording. In addition to a lack of cameras and camera monitors, correctional officers at several institutions stated that not enough officers are available to view the camera monitors or roam the visiting rooms on busy visiting days. Institutions with adjacent "overflow" rooms for high-volume days do not always assign an additional officer to observe visiting activities in these overflow rooms.

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<sup>3</sup> Ion spectrometry technology detects the presence of microscopic traces of illegal drugs on persons and their clothing. Currently, approximately 40 BOP institutions have the technology.

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## Staff

The BOP imposes no restrictions on the personal property BOP staff can bring into the institutions, does not search staff or their property when they enter for duty, and does not conduct random drug testing of staff. The BOP's interdiction activities to prevent drug smuggling by staff consist of background investigations, annual integrity training, and limited drug testing of certain staff. Background investigations are conducted prior to initial employment with the BOP and are updated every five years. In addition, the BOP conducts staff drug tests for pre-employment, post-accident, reasonable suspicion, and post-substance abuse treatment.

We found that these limited measures have not been effective. Drugs continue to enter the institutions through staff, as evidenced by the drug cases involving BOP staff investigated every year by the OIG and the FBI. While the number of staff who smuggle drugs into BOP institutions is small, they can do more damage to the safety and security of the institutions than visitors who smuggle drugs. When staff smuggle drugs, the amounts are often larger, they reach more inmates, and more money is involved. Additionally, smuggling may contribute to a reduction in trust among fellow staff and in public trust and confidence in the BOP. We believe that additional drug interdiction efforts targeted at staff are needed to reduce drugs in BOP institutions.

- Property is Unrestricted. The BOP does not restrict the size or content of personal property staff bring into the institutions even though BOP managers acknowledge employees are a primary drug entry point. Such restrictions on personal property are common in state correctional systems. At each BOP institution we visited, we observed staff bringing in duffle bags, briefcases, satchels, and large and small coolers. Institution managers, intelligence officers, and correctional officers expressed serious doubt about the effectiveness of the BOP's efforts to eliminate drugs from its institutions when they have no control over the property staff can bring inside.
- Searches are Rarely Conducted. The BOP conducts searches of staff only if it has reasonable suspicion of wrongdoing by a specific employee, such as suspicion that an employee is introducing or attempting to introduce contraband into an institution. However, BOP intelligence staff told us searches rarely occur because wardens fear charges of harassment and discrimination. Because the BOP does not either routinely or randomly search staff or their personal property, staff can easily hide drugs under their clothes or in the property they bring into the institutions without fear of detection. BOP staff told us that restrictions on the type and amount of personal property employees may bring into an institution, along with procedures for searching property and staff, would

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help deter drug smuggling. Also, FBI and OIG agents we interviewed who investigate BOP drug cases believed the lack of searches of staff and their property contribute to the staff's ability to smuggle drugs into BOP institutions. Several of the state correctional systems we surveyed routinely search staff and their property.

- Random Staff Drug Testing Has Not Been Implemented. We found that despite winning a federal court case in 1993 that permitted random drug testing of BOP staff, and the existence of a written BOP policy that requires drug testing, the BOP conducts no random drug tests of its staff.<sup>4</sup> The majority of staff we interviewed at all levels (managers, supervisors, correctional officers, and drug treatment staff) support random drug testing of staff. The union representatives we interviewed also support random staff drug testing. As with other drug interdiction activities directed toward staff, random drug testing is common in both state and local correctional systems. Additionally, the Department of Justice's other components that have a law enforcement mission (such as the FBI, Drug Enforcement Administration, Immigration and Naturalization Service, U.S. Marshals Service, and OIG) conduct random drug tests on employees. When we inquired why random drug testing of BOP staff was not instituted, despite the court decision allowing and the BOP policy requiring it, BOP managers were unable to provide a clear reason why the BOP has not done so.

### **Inmate Mail**

Inmate mail is the third primary entry point for smuggling drugs into BOP institutions. The large volume of inmate mail, limited staff training, and inadequate drug detection technology present significant challenges for BOP staff to effectively detect drugs in inmate mail.

- More Controls are Needed for Incoming Mail. The BOP relies predominantly on manual inspections of mail, but mailroom staff believe these inspections cannot detect all drugs that may be hidden in incoming mail because of the high volume. Institution mailrooms process up to 3,000 pieces of mail daily, with double that amount or more on a Monday (because there is no mail delivery on weekends) and during holiday periods. Because the BOP imposes no restrictions on unsolicited mail (such as catalogues and other publications), which comprises 10 percent of the volume, the added workload further burdens mailroom staff, who must borrow correctional officers from other functions to assist in processing mail in a timely manner. Mailroom staff told us that additional

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<sup>4</sup> American Federation of Government Employees, Council 33 v. Roberts, 9 F.3d 1464 (9th Cir. 1993); see also American Federation of Government Employees, Council 33 v. Reno, 1994 WL 22,4570 (N.D.Cal., May 16, 1994) (on remand).

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policies are needed to limit the growing volume of unsolicited mail. For example, some state correctional systems, such as Connecticut, Illinois, and Oklahoma, restrict unsolicited advertisements and publications.

- Training and Technology are Not Adequate. Drugs may go undetected through all stages of mail inspection because of human error or inadequate technology. Mailroom staff told us that they need improved drug interdiction training to better inspect mail, including training to familiarize themselves with different types and forms of drugs and the methods used by inmates and outsiders to smuggle drugs. Mailroom staff also stated that new technology, such as ion spectrometry technology, is needed to help identify drugs concealed in mail.

### **Reducing Inmates' Demand for Drugs Through Drug Treatment**

Demand reduction for drugs through drug abuse treatment for inmates is the second component of the BOP's drug interdiction strategy. However, this component of the strategy has not been implemented as effectively as it could be. We found that an insufficient number of BOP inmates receive drug treatment, partly because the BOP underestimates and inadequately tracks inmates' treatment needs. In addition, an important component of drug treatment, non-residential treatment, is not adequately provided at BOP institutions due to insufficient staffing, lack of policy guidance, and lack of incentives for inmates to seek drug treatment.

- Inmates' Drug Treatment Needs are Underestimated and Not Tracked. The BOP's Psychology Services Branch, which is responsible for the development, coordination, and monitoring of BOP drug treatment programs, has estimated that 34 percent of all federal inmates need drug treatment. However, this figure is outdated and we believe underrepresents the number of BOP inmates who need drug treatment. According to drug treatment staff at the institutions we visited and research by other organizations, such as the Bureau of Justice Statistics and the Centers for Disease Control and Prevention, this estimate is too low. These staff and organizations reported that the percent of federal inmates with drug problems ranges from 50 to 80 percent. The BOP's 34 percent figure was derived from estimated survey data that was collected in 1994 rather than from actual, real-time diagnoses made at the institutions by psychologists and drug abuse treatment specialists. Therefore, we believe that substantially more BOP inmates need drug treatment than the BOP's official estimate.

In addition, the BOP does not document all inmates' diagnoses or drug treatment needs in SENTRY, the automated database system that maintains an individual file on each inmate. Without this data, BOP

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cannot identify and track inmates with drug problems to encourage drug treatment and allocate resources properly.

Non-Residential Drug Treatment is Not Always Available. The BOP states that non-residential (out-patient) treatment is a major component of its strategy to reduce inmates' demand for drugs. However, at five of the institutions we visited, non-residential treatment was limited or not available at all. Senior staff at these five institutions acknowledged that their drug treatment programs were inadequate. Further, the BOP's internal program reviews have reported ongoing deficiencies in institutions' provision of non-residential treatment. Non-residential drug treatment in BOP institutions should be part of a continuum of treatment for inmates and should be provided after drug abuse education and before residential drug treatment. Non-residential treatment is significant to the inmates' rehabilitation and is the only drug treatment available to BOP inmates in the general population while awaiting BOP residential drug placement. But because inmates are not eligible for BOP residential drug treatment until the last 3 years of their sentences, and because the average sentence is approximately 10 years, many inmates must wait 7 years or more for drug treatment. We believe that non-residential drug treatment should be provided in the interim. The BOP provides drug abuse education classes, but these are not an adequate substitute for drug treatment.

We found that non-residential treatment is not always available because the BOP has not staffed its institutions with enough drug abuse treatment specialists to provide non-residential treatment and has not adequately emphasized non-residential treatment in its drug treatment policy. Finally, while drug abuse education classes and the residential drug abuse treatment program have incentives for completion and sanctions or consequences for non-completion, non-residential treatment does not have any incentives or sanctions. Because of the lack of incentives and sanctions, inmates do not readily volunteer to participate in non-residential drug treatment. The result is that not enough inmates participate in needed drug treatment programs.

### **Other Opportunities to Improve Drug Interdiction Activities**

We reviewed other points of entry for drugs into BOP institutions – such as the receiving and discharge area, the warehouse, the rear gate, volunteers, and contractors – that BOP staff stated were also vulnerable to drug smuggling. Regarding the receiving and discharge area, the warehouse, and the rear gate, we concluded that better technology could supplement manual inspections for drugs by correctional officers. For volunteers and contractors, we concluded that information about their backgrounds could be more effectively shared among BOP institutions to

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assist institutions in their selection decisions. We also reviewed the role of institutions' intelligence staff in drug interdiction activities and concluded that rotation of the Special Investigative Supervisor (SIS) lieutenant is too frequent and that timely investigative and drug training for the SIS lieutenants is needed. We also reviewed the BOP's only canine unit at the USP Lewisburg, Pennsylvania, and concluded canine units could be a useful drug interdiction technique for other institutions. Canines trained specifically in drug detection can search for and detect drugs in all areas of the institutions where BOP currently has no drug detecting technology, such as the mailroom, the warehouse, the receiving and discharge area, the rear gate, and inmates' housing, work, and common areas.

## **Recommendations**

Our report contains 15 recommendations to help improve the BOP's efforts to prevent drugs from entering its institutions. We recognize that no single interdiction activity or combination of activities may eliminate all drugs from entering BOP institutions, and not every technique may be necessary at every institution. But we believe the BOP should employ a variety of additional and improved interdiction activities. We made these recommendations based on our field work, our review of BOP policies and procedures, and our interviews with BOP staff and their experienced judgment of potential solutions to the drug problem in BOP institutions. We also reviewed information about drug interdiction activities conducted by several state correctional systems. We incorporated into our recommendations those state activities that we believe could be adopted by the BOP to supplement its existing interdiction activities.

Regarding inmate visits, we recommend the BOP consider restricting or eliminating contact visits for specific inmates or institutions based on an assessment of the inmate's history of drug use or drug smuggling in prison and the institution's overall drug problem. We also recommend the BOP consider implementing pat searches of visitors. The BOP also should invest in additional technology such as cameras, monitors, ion spectrometry technology, or other emerging drug detection technology to better screen and monitor visitors. Finally, the BOP should increase its staffing level in visiting rooms to ensure sufficient direct observation and monitoring of each visit.

Regarding BOP staff, we recommend the BOP implement policies to restrict the size and content of property staff bring into institutions. We also recommend that the BOP implement a policy regarding the searching of staff and their property when they enter BOP institutions, as well as implement random drug testing for staff.

Regarding mail, we recommend the BOP implement a policy restricting unsolicited mail. The BOP should provide additional training for staff to help them effectively search mail to detect drugs, and also should test mailroom drug detection technologies.

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Regarding inmate drug treatment, we recommend that the BOP maintain in SENTRY complete drug treatment-related data for all inmates and use this data as a basis to better assess the drug treatment needs of inmates and to better allocate resources for drug treatment staff and programs. The BOP should implement additional non-residential treatment programs for inmates in the general population. The BOP should provide a curriculum for non-residential treatment and guidance regarding the minimum number of weeks and sessions. We also recommend the BOP implement incentives for participation in non-residential drug treatment and consequences for non-completion.

We also recommend that the BOP improve drug interdiction activities for the receiving and discharge area, the warehouse, the rear gate, volunteers, contractors, and institution intelligence operations. The BOP also should consider another pilot test of canines as a drug detection technique for its institutions.

We recognize that some of these recommendations may require additional funds, but we believe these efforts are needed to reduce the problem of drugs entering BOP institutions.



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## TABLE OF CONTENTS

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<b>INTRODUCTION</b> .....	1
Background .....	1
Methodology.....	3
<b>RESULTS OF THE INSPECTION</b> .....	5
The BOP's Drug Problem	
Inmates' Drug Tests .....	5
Inmates' Drug Misconduct Charges .....	9
Other Indicators.....	13
Stopping the Supply of Drugs at the Primary Points of Entry	
Inmate Visitors .....	16
Recommendations .....	21
Staff.....	22
Recommendations .....	27
Inmate Mail.....	29
Recommendations .....	37
Reducing the Demand for Drugs Through Drug Abuse Treatment .....	38
Recommendations .....	47
Other Opportunities for Improving Drug Interdiction	
Receiving and Discharge .....	49
Institution Deliveries: The Warehouse and Rear Gate .....	51
Volunteers and Contractors.....	53
Institution Intelligence Operations .....	55
Canine Units.....	58
Recommendation .....	61
<b>APPENDIX I:</b> Drug Abuse Treatment Programs .....	62
<b>APPENDIX II:</b> Contacts and Site Visits.....	64
<b>APPENDIX III:</b> Categories of Inmate Drug Tests .....	66
<b>APPENDIX IV:</b> Positive Drug Test Rates by Institution Security Level .....	68
<b>APPENDIX V:</b> Definitions of 100-Level Misconduct Charges .....	75
<b>APPENDIX VI:</b> Drug Misconduct Charges by Institution Security Level .....	77
<b>APPENDIX VII:</b> Visiting Policy and Procedures.....	85
<b>APPENDIX VIII:</b> Mail Policy and Procedures.....	87
<b>APPENDIX IX:</b> Requirements for Authorizing Volunteers and Contractors .....	90
<b>APPENDIX X:</b> Glossary of Acronyms .....	94

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**APPENDIX XI:** BOP's Response to the Draft Report..... 95  
**APPENDIX XII:** OIG's Analysis of the BOP's Response..... 106

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## INTRODUCTION

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The Evaluation and Inspections Division, Office of the Inspector General (OIG), reviewed drug interdiction activities implemented by the Federal Bureau of Prisons (BOP) to prevent drugs from entering BOP institutions.

### Background

From fiscal year (FY) 1992 through FY 2001, the number of sentenced inmates in BOP institutions increased by 103 percent from 59,516 to 120,827, and the number of federal institutions increased from 67 to 100.<sup>5</sup> Throughout this 10-year period, the number of sentenced drug offenders comprised more than 50 percent of the BOP's inmate population.<sup>6</sup>

The BOP is responsible for preventing drugs from entering its institutions because drugs disrupt the BOP from providing a safe, secure environment and from assisting inmates in becoming law-abiding citizens. Drug abuse is typically associated with serious inmate misconduct such as assaults, fighting, and possession of weapons.<sup>7</sup> Fatal and non-fatal drug overdoses also occur in BOP institutions. In addition, continuing criminal activity inside the institutions interferes with the rehabilitative opportunities that drug abuse treatment programs offer inmates. Inmates who have not received drug abuse treatment are more likely to continue criminal activity after release.<sup>8</sup>

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<sup>5</sup> The BOP's total inmate population consists of offenders who have been convicted but not yet sentenced to a term of incarceration and inmates who are serving their terms of incarceration. The number of sentenced inmates includes inmates in BOP institutions only. As of October 2001, the BOP had a total inmate population of 156,238. Of these inmates, 130,061 were confined in BOP institutions, 12,668 were confined in privately managed secure facilities, and 13,509 were confined in other non-BOP facilities. As of October 2002, the BOP's total inmate population had increased to 163,447 and the number of BOP institutions had increased to 102.

<sup>6</sup> According to the BOP, the percentage ranged from a high of 61.3 percent in September 1994, to a low of 55.5 percent as of October 2001. BOP website, Quick Facts, "BOP Population Over Time/Drug Offenders as a Percentage of All Sentenced Offenders," May 2002.

<sup>7</sup> "Visitor Drug Testing Demonstration Project," BOP Office of Research and Evaluation, May 2001.

<sup>8</sup> According to the National Institute of Drug Abuse, National Institutes of Health, "Principles of Drug Addiction Treatment, A Research-Based Guide," July 2000, research shows that treatment for drug-addicted offenders during and after incarceration can have a significant beneficial effect upon future drug use, criminal behavior, and relapse to drug use. Additionally, in the "BOP TRIAD Drug Treatment Evaluation Project," September 2000, the BOP evaluated its residential drug abuse treatment program and found that offenders who had completed the program and had been released to the community for three years were less likely to be re-arrested or to be detected for drug use.

To prevent drugs from entering its institutions, the BOP employs a strategy with two major components: stopping the supply of drugs through various interdiction activities and reducing the demand for drugs through drug abuse treatment for inmates.

Stopping the Supply of Drugs. The BOP's interdiction activities are governed by various BOP national policies and supplemented by local institutional directives. To stop the supply of drugs in its institutions, the BOP gathers intelligence information, investigates criminal activity inside the institutions, and directs specific interdiction activities toward the institutions' potential points of drug entry. Table 1 lists the potential points of entry for drugs identified by the BOP and summarizes the interdiction activities typically directed toward each point of entry.

**Table 1. Drug Points of Entry and Interdiction Activities**

Points of Entry <sup>a</sup>	Drug Interdiction Activities <sup>b</sup>
Visitors	Background check for non-family visitors on visiting lists, lockers for personal property, metal detector, ion spectrometry technology, <sup>c</sup> visual search observation of visits by correctional officers, cameras, two-way mirrors
Staff	Background investigations; annual integrity training; drug testing for suspicion, post-accident, pre-employment, post-substance abuse treatment; administrative and criminal sanctions
Mail	X-ray scanner, visual inspection, mail monitoring
Receiving and Discharge	Property and pat searches, x-ray scanner
Warehouse and Rear Gate	X-ray scanner; visual search; vendors deliver to warehouse—do not enter secure perimeter; and rear gate inspection of supplies
Volunteers	National Crime Information Center (NCIC) database check, fingerprints, and security training <sup>d</sup>
Contractors	Pre-contract requirements, drug test annually for re-badging, security training

Source: BOP

<sup>a</sup> Interdiction activities also are directed at inmates. These activities include property searches, pat searches, cell searches, drug testing, telephone and mail monitoring, and administrative and criminal sanctions.

<sup>b</sup> Not all interdiction activities are employed or available at every institution.

<sup>c</sup> The ion spectrometry technology detects the presence of microscopic traces of illegal drugs on persons, clothing, and objects, and is available in approximately 40 BOP institutions.

<sup>d</sup> The NCIC computer system contains databases and an index of computerized criminal justice information maintained by the Federal Bureau of Investigation (i.e., criminal record history information, fugitives, stolen properties, missing persons). This system is available to federal, state, and local law enforcement and other criminal justice agencies.

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To deter drug use in its institutions, the BOP takes administrative and criminal action against inmates, staff, and visitors who engage in illegal drug activity. Administratively, inmates are issued a misconduct report for violating BOP rules prohibiting drug-related activity and face an administrative hearing. If found guilty of a drug charge, an inmate loses "good time" toward service of sentence, is placed in disciplinary segregation, and loses other privileges such as visits, telephone, and commissary for a specified period of time. If circumstances warrant, the BOP refers the matter to appropriate law enforcement authorities to investigate and prosecute the inmate. When a BOP staff member engages in criminal drug activity, the BOP takes disciplinary action (such as removal) and refers the matter for criminal prosecution. If a visitor is caught smuggling drugs into the institution, the BOP takes administrative action to bar that person from the institution and pursues criminal prosecution.

Reducing the Demand for Drugs. The BOP has developed drug abuse treatment programs to reduce inmates' demand for drugs while incarcerated and increase their potential for successful rehabilitation and re-entry into the community. The BOP's drug abuse treatment programs consist of drug abuse education (classroom instruction), non-residential (outpatient) drug treatment, and residential (inpatient) drug treatment. Appendix I provides detailed information about the BOP's drug abuse treatment programs.

## **Methodology**

We interviewed the BOP Director, senior management officials from the BOP's Central Office, and institution staff. We conducted fieldwork between October 2001 and August 2002. We visited nine institutions selected by region, inmate drug testing results, drug misconduct rates, institution security level, and site of ion spectrometry technology. While at the institutions, we interviewed approximately 100 BOP staff and observed interdiction activities at each of the institutions' points of entry for drugs. We also interviewed Federal Bureau of Investigation (FBI) agents and OIG agents responsible for investigating criminal activity at the institutions. For a list of specific sites visited and staff interviewed, see Appendix II.

We used quantitative and qualitative information to assess the effectiveness of the BOP's drug interdiction activities. We examined inmates' drug testing records, drug misconduct charges, overdose data, records of drug finds, and arrest records for FY 1997 through FY 2001. To examine the drug problem in the BOP and identify trends and patterns, we grouped and analyzed data using the BOP's security level classifications for its institutions – administrative, minimum, low, medium, and high security.<sup>9</sup> In this manner, we could assess the effectiveness of the BOP's drug

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<sup>9</sup> BOP Program Statement 5100.07, Security Designation and Custody Classification Manual, describes the security levels. Inmates with similar characteristics (e.g., sentence length, criminal history, violence and escape history, and level of supervision required) are housed together based on this system. The institutions within a security level also have similar security features such as staff-

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interdiction activities in institutions that operate under similar conditions, as well as assess whether the security level affects the presence of drugs in institutions.

We also obtained drug interdiction strategies of 17 state corrections departments via survey or through other reports, and reviewed articles containing information about drugs in federal, state, and local correctional facilities. We compared the states' drug interdiction activities to the BOP's drug interdiction activities to identify new activities that could be applied within the BOP.

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to-inmate ratios, mobile patrols, gun towers, perimeter barriers, housing, detection devices, and internal security.

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## RESULTS OF THE INSPECTION

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### The BOP's Drug Problem

Although the BOP conducts interdiction activities at its institutions to prevent the introduction of drugs, inmates' positive drug tests, drug misconduct charges, drug overdoses, drug finds, and drug cases against staff, visitors, and inmates indicate drug use and drug smuggling occur in almost every institution.

### Inmates' Drug Tests Show Drug Use in Most Institutions

Each year from FY 1997 through FY 2001, more than 2,800 inmates tested positive for drugs.<sup>10</sup> Table 2 shows the annual number and rate (or percent) of positive urinalysis drug tests for all BOP institutions. During this 5-year period, the BOP introduced drug detecting technology for use on visitors, increased the number of inmate drug tests at high security level institutions, and expanded availability of residential drug treatment for inmates. Despite these interdiction activities, the rates of positive drug tests have decreased only slightly over the 5-year period.

**Table 2. Number and Rate of Positive Drug Tests for All BOP Institutions**

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
<b>Total Number of Positive Tests</b>	2,804	2,907	3,120	3,323	3,244
<b>Total Drug Tests Performed</b>	125,456	128,646	144,096	156,747	167,105
<b>Positive Drug Test Rate (%)</b>	2.24	2.26	2.17	2.12	1.94

Source: BOP

Data for each fiscal year excludes institutions that did not have test results for the entire year.

Data for two high security level institutions, USP Marion and ADX Florence, which have non-contact visits and little or no inmate movement, were excluded.

See Appendix X for a glossary of acronyms.

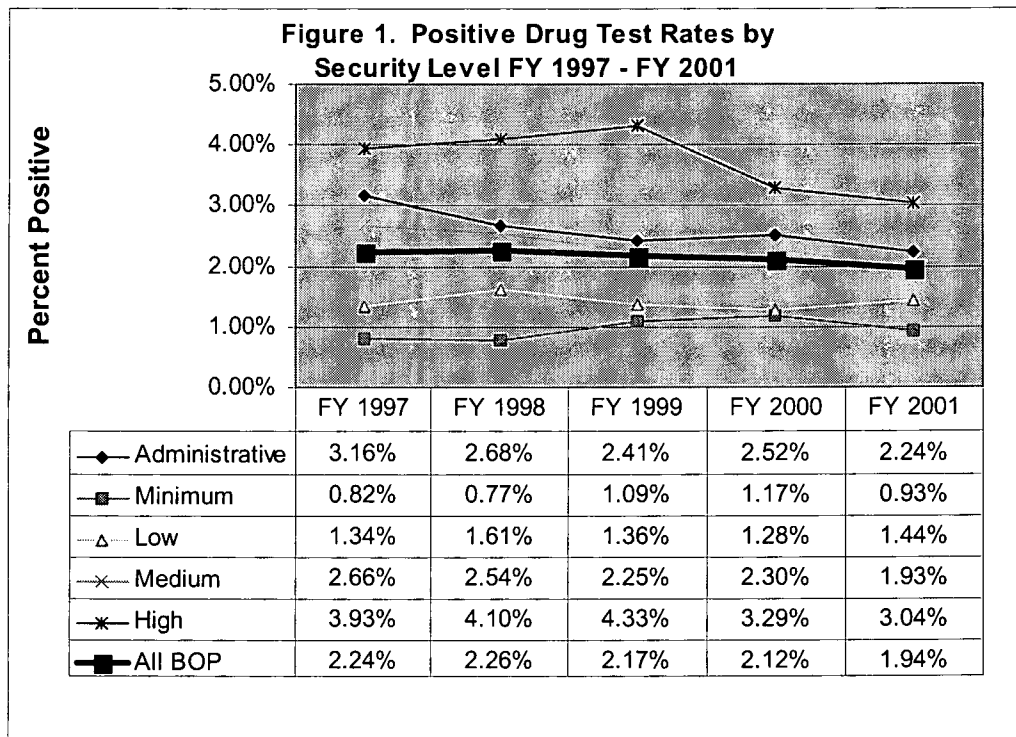
Although the BOP's national rate of 1.94 percent in FY 2001 represents all positive inmate drug tests as a percent of all drug tests performed in all BOP institutions, it understates the high level of drug use at some individual institutions. To assess the full picture of inmate drug use, we examined positive drug test rates

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<sup>10</sup> The BOP tests for the following five illegal substances: methamphetamines, opiates, marijuana, morphine (including heroin), and cocaine. See Appendix III for more information about the BOP's inmate drug testing program.

by institution security levels and rates for institutions within those security levels. Analyzing trends within security levels allows comparison of institutions with similar inmate populations and security features. This analysis shows that despite more enhanced security perimeter features and internal operational procedures at the higher security level institutions, these institutions have a greater level of positive drug tests than other BOP institutions.

Figure 1 shows the rates of positive drug tests by each institution security level for FY 1997 through FY 2001, as compared with the positive drug test rate for all BOP institutions.<sup>11</sup>



Source: BOP

Data for each fiscal year excludes institutions that did not have test results for the entire year.

Data for two high security level institutions, USP Marion and ADX Florence, which have non-contact visits and little or no inmate movement, were excluded.

See Appendix X for a glossary of acronyms.

For the administrative, medium, and high security levels, the FY 2001 overall positive drug test rates declined by less than 1 percent from the FY 1997 rates. The minimum and low security levels increased marginally by 0.11 percent and 0.10

<sup>11</sup> The percentage of inmates drug tested varies by institution security level. According to BOP policy effective November 1999, each high security level institution is required to randomly test 10 percent (up from 7 percent) of its total inmate population. Each medium, low, and administrative security level institution is required to perform random testing on 5 percent of its total population. Each minimum security level institution is required to perform random testing on 3 percent (down from 5 percent) of its total population. The ADX Florence, Colorado, and the USP Marion, Illinois, are required to conduct 5 percent random testing monthly of their total inmate populations.



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percent, respectively. When comparing the FY 2000 and FY 2001 positive drug test rates, rates for all security levels except the low security level decreased, although slightly. At the end of FY 2001, the high security level had the highest overall positive drug test rate, followed by the administrative, medium, low, and minimum security levels. This order of highest to lowest overall positive drug test rate by security level has not changed since FY 1997.

Although the BOP national rate for positive drug tests and overall rates by security level have generally declined, serious drug problems exist at individual institutions. The inmates' urinalysis drug test results show that every administrative, minimum, low, medium, and high security level institution for which data was available had positive tests for use of illegal drugs at some time during the 5-year period from FY 1997 through FY 2001 (see Appendix IV for a complete list of the rates of positive drug tests for individual institutions). Even the high security U.S. Penitentiary (USP) Marion, Illinois, and the Administrative Maximum Security Institution (ADX) Florence, Colorado, which do not allow inmates to have contact visits and have extremely limited and controlled movement of inmates, had positive drug tests at some time during the five years reviewed.

Some institutions have positive drug test rates that are much higher than the national rate and their respective overall security level rate. For example, Table 3 on the next page shows the three institutions for each security level with the highest positive drug test rates for FY 2001.

**Table 3. Top Three Institutions With the Highest Rates of Positive Drug Tests Within Each Security Level for FY 2001**

Institution	FY 2001 Rate (%)
<b>BOP National Rate</b>	<b>1.94</b>
<b>High Security</b>	<b>Overall Rate 3.04<sup>a</sup></b>
USP Beaumont	7.84
USP Lompoc	6.09
USP Leavenworth	2.65
<b>Medium Security</b>	<b>Overall Rate 1.93<sup>b</sup></b>
Victorville Medium FCI	5.52
Tucson FCI	4.45
Phoenix FCI	4.10
<b>Low Security</b>	<b>Overall Rate 1.44<sup>c</sup></b>
Taft CI	5.94
Beaumont Low FCI	2.69
Dublin FCI	2.16
<b>Minimum Security</b>	<b>Overall Rate 0.93<sup>d</sup></b>
Phoenix FCI Camp	6.41
Lewisburg USP ICC	6.40
El Reno FCI Camp	3.45
<b>Administrative</b>	<b>Overall Rate 2.24<sup>e</sup></b>
Rochester FMC	7.61
Springfield USMCFP	6.27
Los Angeles MDC	4.19

Source: BOP

See Appendix X for a glossary of acronyms.

See Appendix IV for a complete list of positive drug test rates for individual institutions.

<sup>a</sup> In FY 2001, the rates of positive drug tests decreased for 7 of 9 high security institutions. However, rates for 2 institutions increased from FY 2000, and rates for 3 institutions were above the FY 2001 national rate.

<sup>b</sup> Eleven of the 31 medium security institutions for which data was available had positive drug test rates higher than the overall annual rate for medium security institutions, and 12 institutions' rates increased from FY 2000.

<sup>c</sup> Thirteen of 25 low security institutions for which data was available had annual positive drug test rates higher than their FY 2000 rates.

<sup>d</sup> Twenty-three of 50 minimum security facilities for which data was available had annual positive drug test rates higher than their FY 2000 rates. The high drug rate at the USP Lewisburg Intensive Confinement Center (ICC), which is a Boot Camp, is attributed to the past practice of drug testing inmates upon admission. This practice has ceased.

<sup>e</sup> Nine of 19 administrative institutions for which data was available had positive drug test rates higher than their FY 2000 rates. The high rates at the administrative medical centers could be attributed to authorized prescription drugs for inmates' health conditions.

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## Inmates' Drug Misconduct Charges Indicate Drug Use and Smuggling

Inmates who violate the BOP's rules of conduct receive a misconduct report.<sup>12</sup> The prohibited behaviors are divided into four levels of severity: 100, 200, 300, and 400, with the 100-level prohibited behaviors the most serious (see Appendix V for a complete list of the 100-level misconduct charges). The BOP has four drug-related misconduct charges, all of which are 100-level infractions:

- Refusing to provide a urine sample or to take part in other drug abuse testing;
- Introduction of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff;
- Use of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff; and
- Possession of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff.

During the last three fiscal years, drug misconduct charges within each security level have comprised more than 50 percent of all 100-level misconduct charges.<sup>13</sup> Across all security level institutions, drug misconduct charges have comprised approximately 66 percent of the 100-level charges. Table 4 on the next page shows drug misconduct charges as a percentage of 100-level misconduct charges from FY 1999 through FY 2001.<sup>14</sup>

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<sup>12</sup> The BOP Program Statement 5270.07, Discipline and Special Housing Units, sets forth administrative rules against prohibited behavior by which the inmates must abide.

<sup>13</sup> Whenever an inmate has a positive drug test, the BOP should issue a misconduct report for "Use of any narcotics...not prescribed for the individual by the medical staff." However, separate from the "Use" charge, misconduct reports also may be issued for possession or introduction of any narcotic when drugs are found on an inmate, in their cell, or in an area where they can be attributed to a particular inmate, or if an inmate is caught attempting to smuggle drugs into the institution. Inmates also can be charged with "Refusing to provide a urine sample..." which administratively is considered the same as if the urine sample was positive. Thus, the number of drug misconduct charges may be higher than the number of positive drug tests.

<sup>14</sup> Prior to FY 1999, all misconduct charges were aggregated to include the main institution and its satellite camp or other associated security level institution on the main compound. For example, a minimum security camp's misconduct charges were aggregated into the main institution's data even though the main institution was a high security institution, thus mixing data of different security level institutions. Beginning in FY 1999, the BOP began to disaggregate misconduct data so that each institution reports its own data separately.

**Table 4. Drug Misconduct Charges as a Percent of 100-Level Misconduct Charges by Institution Security Level**

<b>Security Level</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>
High	62.6	60.3	57.2
Medium	76.7	68.1	63.2
Low	71.7	69.0	74.1
Minimum	81.9	88.1	80.1
Administrative	72.6	65.7	56.1

Source: BOP

Data for each fiscal year excludes institutions that did not have misconduct data for the entire year. Data for two high security level institutions, USP Marion and ADX Florence, which have non-contact visits and little or no inmate movement, were excluded.

For FY 1999 through FY 2001, the BOP's drug misconduct rates show that drugs are smuggled into the institutions regardless of the security level of the institution. We found that all BOP low, medium, and high security level institutions and most minimum security level and administrative institutions had drug misconduct reports issued to inmates at some time during the 3-year period reviewed (see Table 5 on the next page). The total number of misconduct charges for all institutions exceeds 3,500 charges annually and indicates that the BOP's interdiction activities have not been fully successful in preventing drugs from entering its institutions.

**Table 5. Number and Rate of Drug Misconduct Charges by Institution Security Level**

Security Level	FY 1999			FY 2000			FY 2001		
	Average Daily Inmate Population	Total # of Drug Charges	Drug Charge Rates	Average Daily Inmate Population	Total # of Drug Charges	Drug Charge Rates	Average Daily Inmate Population	Total # of Drug Charges	Drug Charge Rates
High	11,895	1,356	11.40	12,380	1,336	10.79	12,750	1,154	9.05
Medium	29,716	1,400	4.71	32,038	1,437	4.49	34,986	1,358	3.88
Low	36,126	565	1.56	40,308	553	1.37	44,087	580	1.32
Minimum	20,969	150	0.72	22,760	233	1.02	22,776	179	0.79
Administrative	16,319	311	1.91	17,889	322	1.80	18,973	298	1.57

Source: BOP

Data for each fiscal year excludes institutions that did not have misconduct data for the entire year. Data for two high security institutions, USP Marion and ADX Florence, which have non-contact visits and little or no inmate movement, were excluded.

For each security level, Table 6 shows the three institutions with the highest drug misconduct rates for FY 2001.

**Table 6. Top Three Institutions with the Highest Rates of Drug Misconduct Charges Within Each Security Level for FY 2001**

Institution	FY 2001		
	Average Daily Inmate Population	Total # of Drug Charges	Drug Charge Rates (%)
<b>High Security</b>		<b>Overall Misconduct Rate 9.05<sup>a</sup></b>	
USP Beaumont	1,372	319	23.25
USP Lompoc	1,509	238	15.77
USP Leavenworth	1,679	213	12.69
<b>Medium Security</b>		<b>Overall Misconduct Rate 3.88<sup>b</sup></b>	
Phoenix FCI	1,248	142	11.38
Victorville Medium FCI	1,504	156	10.37
Tucson FCI	759	70	9.22
<b>Low Security</b>		<b>Overall Misconduct Rate 1.32<sup>c</sup></b>	
Taft CI	1,862	172	9.24
Forrest City FCI	1,818	61	3.36
Beaumont Low FCI	1,921	59	3.07
<b>Minimum Security</b>		<b>Overall Misconduct Rate 0.79<sup>d</sup></b>	
Cumberland FCI Camp Unit	134	6	4.48
Leavenworth USP Camp Unit	333	10	3.00
Memphis FCI Camp Unit	306	8	2.61
<b>Administrative</b>		<b>Overall Misconduct Rate 1.57<sup>e</sup></b>	
Los Angeles MDC	818	30	3.67
Rochester FMC	789	16	2.03
San Diego MCC	772	14	1.81

Source: BOP

See Appendix X for a glossary of acronyms.

See Appendix VI for the rate and number of drug misconduct charges by individual institution.

<sup>a</sup> Three of 9 high security institutions for which data was available had drug misconduct rates that were higher than the overall high security rate of 9.05 percent for FY 2001.

<sup>b</sup> Ten of 31 medium security institutions for which data was available had drug misconduct rates higher than the overall medium security drug misconduct rate of 3.88 percent for FY 2001.

<sup>c</sup> Ten of 25 low security institutions for which data was available had drug misconduct rates higher than the overall low security drug misconduct rate of 1.32 percent for FY 2001.

<sup>d</sup> Thirty of 62 minimum security institutions for which data was available had drug misconduct rates above the overall minimum security drug misconduct rate of 0.79 percent for FY 2001.

<sup>e</sup> Eight of 20 administrative institutions for which data was available had drug misconduct rates above the overall administrative drug misconduct rate of 1.57 percent for FY 2001.

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## Other Indicators Show Persistent Drug Use and Smuggling

Data on inmate drug overdoses, drug finds in institutions, and drug cases involving inmates, visitors, or staff are also important indicators of drug problems in BOP institutions. However, this data only partially reflects the extent of the problem because not all overdoses are documented by the BOP and not all drug smuggling is detected.

Overdoses. Between FY 1997 and FY 2001, the BOP reported 18 inmate overdose deaths that resulted from ingested illegal controlled substances. In addition, 32 deaths occurred from unauthorized prescription drugs during FY 2000 and FY 2001.<sup>15</sup> The BOP was not able to provide us with the number of non-death overdoses that occurred from ingesting illegal controlled substances because its Health Services Division does not track this information.

Drug Finds. The BOP's data on drug finds in its institutions during FY 2000 and FY 2001 shows 1,100 finds, with approximately half of these found on the inmates, in the inmates' belongings, or in the inmates' cells. The data did not indicate how the inmates obtained the drugs or drug paraphernalia. Sixteen drug finds were attributed to visitors and 24 drugs finds were attributed to the mail. For the remainder of the drugs finds, the data showed either they occurred in common areas of the institutions or the locations were not indicated. The sources of entry for the drugs also were not indicated.

Drug Cases. From FY 1997 through FY 2001, the BOP has sustained drug-related misconduct allegations against 93 employees. The cases include introduction of drugs into the institutions, as well as personal drug use.

In addition, from FY 1997 through FY 2001, the FBI opened 791 drug-related cases involving BOP inmates (538 cases), visitors (183 cases), and staff (70 cases) that resulted in 510 convictions or pre-trial diversions.<sup>16,17</sup>

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<sup>15</sup> Unauthorized prescription drugs means legal drugs that were not prescribed for the inmates by BOP medical personnel. The BOP does not maintain data prior to these fiscal years.

<sup>16</sup> The number of cases does not reflect whether or not the cases were substantiated. Each case opened can represent multiple subjects or indictments or both. The FBI has investigative responsibility for all violations of Title 18, United States Code, Section 13 (Crimes on Government Reservations) and criminal activities at the BOP institutions, including Sections 1791 and 1792 (Irregularities in Federal Penal Institutions). These criminal activities include any drug-related crimes primarily committed by inmates, visitors, or other civilians. The OIG shares responsibility with the FBI for investigating criminal allegations against BOP staff. The proximity of the FBI or OIG field office to the institution is an important factor in the decision on who investigates staff misconduct.

<sup>17</sup> In pre-trial diversions, certain defendants in criminal cases are referred to community agencies prior to trial while their criminal complaints or indictments are held in abeyance. The defendant may be given job training, counseling, and education. If s/he responds successfully within a specified period, the charges against him/her are commonly dismissed.

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OIG data from FY 1997 through FY 2001 shows 34 BOP staff arrests primarily for introduction or attempted introduction of drugs into BOP institutions.

Although the number of drug cases involving BOP staff is less than cases involving inmates and visitors, staff who smuggle drugs can do significant damage to the safety and security of the institutions. At the institutions we visited staff told us repeatedly that while the large majority of staff have high integrity, when staff smuggle drugs into the institutions, the amounts are larger, they reach more inmates, and more money is involved. Several examples of staff arrests in recent years demonstrate the large quantities of drugs staff have introduced or attempted to introduce into BOP institutions.

- In FY 2001, a food service foreman was arrested and pled guilty to bribery and one count of attempting to possess with intent to distribute more than five kilograms (11 pounds) of cocaine into FCI Miami, Florida.
- In FY 2000, a correctional officer attempted to deliver approximately 109 grams of crack cocaine, 73 grams of black tar heroin, and 25 grams of white heroin into USP Beaumont, Texas. To illustrate the effect these large quantities of drugs have on an institution, the 109 grams of crack cocaine could be packaged into approximately 1,090 crack “rocks” and the 73 grams of black tar heroin could be packaged into approximately 300 separate “hits” or capsules of heroin for sale to inmates.<sup>18</sup>
- In FY 2000, a correctional officer attempted to introduce one-half kilo (1.1 pounds) of cocaine into FCI Low, Beaumont, Texas.
- In FY 2000, a cook supervisor attempted to introduce one pound of marijuana and one ounce of cocaine into FCI El Reno, Oklahoma.
- In FY 1999, a correctional officer at FCI Forrest City, Arkansas, confessed to smuggling two pounds of marijuana.
- In FY 1999, a correctional officer on two occasions walked one pound of marijuana into FCI Englewood, Colorado.

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<sup>18</sup> This information was provided by a special agent with the Drug Enforcement Administration.



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Cases investigated by the OIG in FY 2002 further illustrate that drug smuggling by BOP staff remains a problem:

- On June 8, 2002, a correctional officer at USP Pollock, Louisiana, was arrested on charges of providing contraband to an inmate in this high security institution. The correctional officer possessed one pound of marijuana and \$1,000 as payment for introducing the marijuana.
- On May 17, 2002, a correctional officer at Big Spring Correctional Center, Texas, was arrested on charges of introducing contraband, bribery, and possession with intent to distribute cocaine after accepting a controlled delivery of nine ounces of cocaine and \$900 in bribe money from an undercover agent. The officer admitted that he brought cocaine, marijuana, and other prohibited items into the institution over a period of several months.
- On April 30, 2002, a BOP nurse was arrested on charges of possession with intent to distribute two ounces of cocaine to an inmate in FCI Pekin, Illinois.
- On April 8, 2002, a correctional officer was sentenced on bribery and drug charges involving delivery of four ounces of heroin to an inmate in FCI Three Rivers, Texas.
- On December 5, 2001, a UNICOR (Federal Prison Industries) supervisor at FCI Edgefield, South Carolina, was arrested on state charges of possession with intent to distribute six ounces of marijuana to an inmate.

### **Conclusion**

The BOP has a continuing problem with inmate drug use and drug smuggling in almost every institution. The indicators of this problem – inmates' positive drug tests, drug misconduct charges, drug overdoses, drug finds, and drug cases – do not show significant progress in the BOP's efforts to prevent drugs from entering the institutions. Based on the continued presence of drugs in BOP institutions, we believe that additional interdiction activities are required.

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## **STOPPING DRUGS AT THE PRIMARY POINTS OF ENTRY**

**BOP staff we interviewed identified visitors, staff, and mail as the three primary points of drug entry. While the BOP employs various interdiction activities to prevent drug smuggling in these three areas, we believe additional interdiction activities are needed to further limit the opportunities for smuggling.**

We examined the points of drug entry (see Table 1 on page 2) identified by the BOP and assessed the effectiveness of the BOP's interdiction activities to keep drugs out of its institutions. The BOP staff we interviewed cited visitors as the main source of drugs but were divided as to whether staff or mail constituted the second greatest source.<sup>19</sup> Regarding visitors and mail, we concluded that better technology is needed to supplement manual inspections and searches for drugs by correctional officers. We also concluded that more correctional officers are needed to observe inmate activities or assist in searches. We found that the most notable gap in the BOP's interdiction activities is its own staff who are not screened or searched before entering the institutions, and there are no restrictions on the size and content of personal property they can bring into the institutions. Furthermore, BOP staff are not randomly drug tested. These types of interdiction activities are common practices in state correctional systems.

### **Inmate Visitors**

The BOP considers inmate visitors the predominant source of drugs entering its institutions. While the BOP has policies to control visitors' access to the institutions and monitor activities during visits, visitors are still successful in smuggling drugs into the institutions.<sup>20</sup> At the institutions we visited, wardens, department heads, intelligence staff, and correctional officers attributed visitors' success in smuggling drugs into institutions to two primary causes: (1) the availability of contact visits, and (2) insufficient cameras, monitors, and staff for monitoring visits.

### **Contact Visits are a Main Conduit for Drug Smuggling**

Visitors hide drugs in clothing, on their person (including body cavities), in baby diapers, and in a variety of other places. Although visitors are required to walk through a metal detector and there are restrictions on personal property permitted into the visiting room, visitors are not pat searched at any institution. Metal detectors do not detect the presence of drugs and ion spectrometry technology, which detects the presence of microscopic traces of illegal drugs on persons, clothing, and other

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<sup>19</sup> In comments to OIG managers on June 19, 2002, the BOP Director stated that she believed visitors were the primary source of drugs smuggled into the institutions and staff was the second greatest source.

<sup>20</sup> See Appendix VII for information about visiting policies and procedures.

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objects, is not available in all institutions. Therefore, contact visits enable visitors to exchange drugs with an inmate by discreetly handing over the drugs, placing them in a food package or beverage purchased from visiting room vending machines, or exchanging the drugs by mouth when kissing.

The BOP considers visitors an important part of an inmate's rehabilitation and encourages visits by family, friends, and community groups.<sup>21</sup> Therefore, all inmates receive contact visits, including those housed in disciplinary and administrative segregation units.<sup>22</sup> The exceptions are inmates charged or found guilty of misconduct relating to visiting procedures or otherwise placed on visiting restriction by the Disciplinary Hearing Officer. With contact visits, no physical barriers exist between inmates and their visitors, unlike the image portrayed on television where inmates are separated from their visitors by glass and speak through telephones. In the visiting room, inmates sit next to or across from their visitors and are allowed limited physical contact, such as handshaking, embracing, and kissing, at the beginning and end of the visit.

On a busy visiting day, an institution's visiting room can be filled to capacity, with some institutions receiving up to 150 visitors at one time. Many diversions are created by the commotion and activity that occur, such as small children playing, visitors walking back and forth to the vending machines, bathrooms, and correctional officer's desk, and inmates walking to and from the bathroom. These diversions make it difficult for correctional officers to fully supervise each inmate visit and prevent passage of contraband.

Many of the institutions' intelligence staff and correctional officers we interviewed believed, at a minimum, contact visits should be replaced by non-contact visits for inmates housed in high security level institutions because these institutions had the highest rates of positive inmate drug tests and drug misconduct charges. The BOP has demonstrated the success of non-contact visits as an effective drug interdiction technique in high security level institutions. Both USP Marion, Illinois, and ADX Florence, Colorado, prohibit contact visits and both institutions have fewer positive inmate drug tests and drug misconduct charges.

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<sup>21</sup> Visiting is supported by the accreditation standards established by the American Correctional Association (ACA). The ACA standards are the national benchmark for the effective operation of correctional systems throughout the United States.

<sup>22</sup> A few BOP institutions have built non-contact visiting booths for inmates in the segregation unit. For example, USP Leavenworth, Kansas, a high security institution, has non-contact visiting booths for their inmates in one newer segregation unit. USP Beaumont, Texas, a high security institution, also has non-contact visiting booths.

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The institutions' intelligence staff and correctional officers also suggested that all inmates placed in disciplinary segregation for drug misconduct charges should be prohibited from contact visits for the duration of their sentence or, at a minimum, for an extended period of time.

Correctional officers and intelligence officers stated that an additional measure to stop drugs smuggled by visitors would be to remove vending machines from the visiting rooms. They also suggested that ion spectrometry technology (or other drug detection technology) should be used to screen visitors before they enter institutions.

Vending Machines Aid Drug Smuggling. Most correctional officers with visiting room experience recommended that the BOP remove vending machines from the visiting rooms because the exchange of food between the visitors and inmates allows for drug smuggling. Each visiting room has multiple vending machines containing candy, ice cream, drinks, sandwiches, and other items, for the purpose of enabling the visitors, who may travel long distances and stay for many hours, and inmates to share food together.

The correctional officers also told us that some visitors buy items from a grocery store identical to items in the institution's vending machines, place drugs in the package, then smuggle the food package into the institution. The visitor buys the identical item from the institution's vending machine, covertly switches the smuggled item with the vending machine item, and gives the inmate the smuggled item with the drugs inside. Such an incident, referred to as the "burrito caper," occurred at one BOP institution. In that incident, a female visitor purchased a packaged burrito identical to ones offered in the institution's visiting room vending machine. She placed heroin-filled balloons inside the burrito and smuggled it into the visiting room.<sup>23</sup> She purchased a burrito from the vending machine but switched it with the burrito she had smuggled and gave the drug-laden burrito to the inmate, who ingested the burrito and the drugs.<sup>24</sup> The warden at this institution responded to these schemes by removing certain items from the institution's vending machines.

New Ion Spectrometry Technology Lacks Funding. Ion spectrometry technology is designed to detect the presence of microscopic traces of illegal drugs

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<sup>23</sup> The case also is an example of shortcomings in the search procedures to detect drugs on visitors before they enter the institutions.

<sup>24</sup> This incident was detected through Special Investigative Supervisor (SIS) staff intelligence gathering that included telephone monitoring. The inmate admitted ingesting the drugs received during his visit, which later had to be surgically removed at an outside hospital after the inmate complained of becoming ill from possible internal bursting of the balloons. The doctor surgically removed approximately 23 balloons of heroin (five of which had burst) totaling approximately 63 grams.

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on persons and their clothing.<sup>25</sup> The use of ion spectrometry technology to randomly scan visitors for drugs as they enter the BOP's institutions began as a pilot program in 1998 in 28 BOP institutions, funded by a \$1.8 million grant from the Office of National Drug Control Policy. The BOP's pilot program tested the technology on visitors to determine the effect on inmate drug use. The BOP concluded that the visitor drug testing program was a significant factor in the decrease of drug use by inmates in medium, low, and administrative institutions, but not in the high security institutions.<sup>26</sup> However, BOP could not determine specifically how much the ion spectrometry technology contributed to the decrease in drug use in relation to the BOP's other drug interdiction activities. Approximately 40 BOP institutions currently have the ion spectrometry technology.

At the institutions we visited with ion spectrometry technology, the majority of wardens and correctional officers involved in processing visitors and visiting room monitoring believed ion spectrometry technology is an effective deterrent to drug introduction. However, the cost of the machine is high (\$30,000) and the maintenance contract and supplies are also expensive (\$3,000-\$8,000 per year). During the pilot program, which ended in September 2001, grant funds paid for all purchase and maintenance costs. Now, institutions must fund the machines from their existing budgets. Those institutions that did not receive the technology during the pilot program are uncertain that they can afford to purchase it, and some questioned whether the technology merits the cost when compared to the institutions' other funding needs.

The BOP does not have a strategy to expand the number of ion spectrometry machines. However, the BOP Director told the OIG that the current ion spectrometry machines would be rotated among institutions. When machines are rotated, visitors cannot readily predict institutions' screening tactics, and other institutions that cannot afford to purchase machines could receive a loaned machine to use as part of visitor screening for a period of time.

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<sup>25</sup> At BOP institutions where the ion spectrometry exists, visitors are randomly selected for drug testing and are informed that a hand-held device will be passed over their hands, clothing, and property. If the ion spectrometry machine shows positive tests results for the presence of drugs, the visitor may be subject to a pat search, may be subject to restricted visiting, or may be denied visitation for 48 hours. Subsequent positive tests will result in denial of visitation for longer periods, i.e., 30, 90, and 180 days.

<sup>26</sup> In its May 2001 report on the Visitor Drug Testing Demonstration Project, the BOP cited several reasons why drug use in high security institutions did not decrease during the demonstration project: inmate drug testing rates at high security institutions for the 1-year comparison period (prior to the project start date) were already quite low, making any later comparison difficult; high security institutions experienced more difficulties with the ion spectrometry equipment, thus providing more opportunities for visitors to avoid testing and potentially introduce drugs into the institutions; and high security institutions have a greater concentration of drugs due to substantial prison gang involvement in the importation and distribution of drugs. Another factor cited that affected the overall figures for high security institutions was the emergence of USP Beaumont, Texas, from a new penitentiary that was relatively drug-free to a penitentiary that demonstrated a very high rate of drug misconducts with an increase of 70.3 percent in its drug misconduct rate.

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## Insufficient Cameras, Monitors, and Staff for Monitoring

To detect drugs being passed to inmates during contact visits, BOP institutions need a sufficient number of cameras in all areas of the visiting room, a sufficient number of monitors to view the activities the cameras are recording, and a sufficient number of staff to observe the monitors and roam the visiting room for drug detection.<sup>27</sup>

In several institutions we visited, we observed and correctional officers told us they did not have enough cameras, monitors, and staff to thoroughly observe inmate visiting. For example:

- Large pillars in one visiting room obstructed the view of correctional officers and the cameras, and the adjacent observation room with two-way glass was not used at all because of lack of staff.
- Camera monitors at another institution were available for viewing by one correctional officer. The monitors were stationed on a rolling cabinet in the hallway outside of the room where inmates are strip searched before their visits. The correctional officer responsible for viewing the monitors is the same officer who strip searches the inmates before and after visits, and escorts and observes the inmates during bathroom breaks. This correctional officer stated that he is so busy with searching and escorting that he views the monitors at most 25 percent of the time. The correctional officer's desk located inside the visiting room does not have a monitor for viewing; thus, while cameras are recording visiting room activities, no correctional officers inside or outside the visiting room may be watching the monitors.
- At one institution that averages 150 visits each day, correctional officers rarely used the observation room with two-way glass and camera monitors. The officers assigned to view the monitors do not have time because they are required to perform other labor-intensive security duties, such as listening to inmates' telephone calls, at different locations in the institution.
- At another institution that averages 100 visits each day, pillars blocked the view of rear areas of the visiting room from correctional officers and from the visiting room's only two cameras.

In addition to blind spots and lack of cameras and camera monitoring, correctional officers at several institutions stated that not enough officers were

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<sup>27</sup> Video cameras with recording capabilities are placed on the ceilings or walls in all visiting rooms. Monitors are placed either on the visiting room officer's desk or in remote locations and display live images of the visits. Some cameras have the ability to display split screens on the video monitors, some have the ability to rotate, while others are stationary.

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available to roam the visiting rooms on busy visiting days. Some institutions used adjacent "overflow" rooms on these high-volume days, but did not always assign an additional officer to help roam and observe visiting activities.

## **Conclusion**

The BOP officials we interviewed believed that visitors are the main source of drugs entering institutions. The BOP attempts to control the introduction of drugs by limiting visitor access and property, using available technology, providing direct observation of visits in progress, and searching inmates before and after visits. These procedures are important security precautions, but based on the incidences of positive inmate drug tests and drug misconduct charges, enhancements to the BOP's interdiction activities for visitors are needed.

## **Recommendations**

1. The Director, BOP, should consider restricting contact visits for specific inmates and replace contact visits with non-contact visits for certain inmates or institutions based on an assessment of the individual institution's drug smuggling problem.
2. The Director, BOP, should consider implementing pat searches of visitors.
3. The Director, BOP, should invest in technology (such as cameras, monitors, ion spectrometry, or other emerging drug detection technologies) to provide institutions with a greater capability to screen and monitor visitors. The BOP should also ensure that existing technologies, such as ion spectrometry, cameras, monitors, and visitor monitoring rooms are used to their maximum capacity. Specifically, when ion spectrometry machines break down, they should be repaired in a timely manner. In addition, they should be used to detect drugs in other areas of the institutions. Cameras should be positioned to eliminate any blind spots in the visiting room. BOP should ensure that camera monitors and visitor monitoring rooms are used to view visits in progress.
4. The Director, BOP, should staff visiting rooms with enough correctional officers so that sufficient direct observation and monitoring of each visit can occur.

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## Staff

While we believe the vast majority of BOP staff have high integrity, each year the FBI and OIG investigate numerous cases of staff smuggling drugs into the institutions.<sup>28</sup> In addition, intelligence officers at the institutions we visited told us the large amounts of drugs found in the institutions are too great to come through the visiting rooms and inmate mail and the most likely source is BOP staff. In fact, the BOP has stated in legal documents that “employees have substantially greater opportunity to smuggle drugs than do the visitors,” because inmates and visitors are searched, but staff are not.<sup>29</sup> Yet, despite continued cases of staff smuggling drugs, the BOP does not restrict the size or content of personal property staff bring into the institution, does not perform routine searches of staff or their property, and does not randomly drug test staff.<sup>30</sup>

The BOP's current drug interdiction activities directed at staff consist of background investigations, annual integrity training, and selective drug testing.<sup>31</sup> When asked why additional measures are not directed at potential staff drug smuggling, the officials we interviewed at the BOP's Central Office stated that additional staff drug interdiction activities would erode morale. However, at each of the institutions visited, the majority of staff we interviewed at all levels – management officials, correctional officers, intelligence officers, and unit management staff – stated that additional interdiction activities are needed to reduce the institutions' drug problems.<sup>32</sup>

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<sup>28</sup> In an institution setting, the BOP staff have constant contact with inmates. Inmates, even in high security institutions, are permitted controlled movement inside and outside of their housing units. Inmates work at jobs throughout an institution, attend program-approved classes, receive medical treatment, engage in recreational activities, and visit with family and friends. In every situation, staff are present and interact with inmates with the goal of protecting the safety of inmates and staff and the security of the institution. These interactions allow opportunities for inmates to observe staff, learn about personal and institutional vulnerabilities, and prey upon these vulnerabilities to corrupt staff. When inmates are successful, the staff corruption may involve the introduction of drugs into the institution.

<sup>29</sup> American Federation of Government Employees, Council 33 v. Roberts, 9 F.3d 1464 (9th Cir. 1993); see also American Federation of Government Employees, Council 33 v. Reno, 1994 WL 22,4570 (N.D.Cal., May 16, 1994) (on remand).

<sup>30</sup> The BOP prohibits objects such as firearms, destructive devices, narcotics, and alcohol, as defined in §511.11(c). The BOP has the right to search employees when such a search is believed necessary to ensure the security of the institution.

<sup>31</sup> Background investigations are conducted prior to initial employment with the BOP and are updated every five years. The BOP conducts drug tests for pre-employment, post-accident, reasonable suspicion, and post-substance abuse treatment.

<sup>32</sup> Unit management emphasizes decentralization and delegated authority to a multidisciplinary unit team. A unit manager supervises the primary unit team members, including case managers, correctional counselors, and unit secretaries. The team also includes the unit correctional officers, an education advisor, and a psychologist. The unit manager directs the housing



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## **Property is Unrestricted**

The BOP has no policy specifically addressing staff personal property permitted inside institutions. Most institution staff noted the size and amount of personal property brought into the institution by staff has increased over the years. Correctional officers, many employed by the BOP for over a decade, stated that in the past employees generally brought in only their lunch bags. Today, employees bring in any item in any size container. One manager stated, "They bring in backpacks larger than my grandson." Unrestricted property presents a security problem to the institution. Supervisory and management staff told us correctional officers need only wear their uniforms when reporting for duty – anything else the officers need to perform their duties is issued to them by the institution. At each institution visited, we observed staff bringing in duffle bags, backpacks, briefcases, satchels, and large and small coolers.

Institution managers and intelligence staff expressed serious doubt about the effectiveness of eliminating drugs from institutions when they have no control over the property staff bring inside. Several wardens at institutions we visited said they wanted to set guidelines for limiting employee personal property, but believed without a national BOP policy local guidelines would be ineffective due to union opposition. Union officials we interviewed, however, stated they do not oppose placing restrictions on personal property that staff can bring into an institution. (A summary of the union's views is on page 28.)

Restrictions on employee personal property are common in state correctional systems. For example, in the Texas Department of Criminal Justice, Adult Prisons Division, employees entering the state prisons are allowed only to possess items issued by the institution to perform their duties or items that their supervisor has permitted. The Pennsylvania State Department of Corrections provides lockers outside the secure perimeters of institutions for correctional officers to store their personal property. Similarly, the Connecticut Department of Corrections restricts the amount and type of personal property staff can bring into the institutions and provides lockers.

## **Searches are Rarely Conducted**

BOP institution staff told us that property restrictions alone on BOP staff would not stop smuggling. If staff wanted to bring in drugs, they could hide the drugs under their clothing when they come into the institutions. They stated that property restrictions in combination with searches of staff and their property would deter drug smuggling.

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unit activities and is responsible for the unit's operation and quality control of all correspondence and programs.

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The BOP Program Statement 5510.09, Searching and Detaining or Arresting Persons Other Than Inmates, allows for searches of staff for reasonable suspicion. However, BOP intelligence officers told us these searches rarely occur. Wardens and intelligence officers stated that unless they have irrefutable evidence an employee possesses drugs, they fear charges of harassment or discrimination for searching staff.<sup>33</sup>

Many state correctional systems routinely search staff and their property. A 1992 report by the Bureau of Justice Statistics (BJS) states that staff in approximately 50 percent of state correctional institutions were patted down when reporting to work.<sup>34</sup> For example, the Texas Department of Criminal Justice, Adult Prisons Division, searches all hand-carried personal property possessed by staff prior to their entering the institutions. The New Hampshire and North Carolina State Departments of Correction also conduct random searches of their staff. The Alabama Department of Corrections searches staff 2-3 times per year at each institution and randomly searches the parking lots with canine units. In the Pennsylvania State Department of Corrections, random pat searches and property searches are conducted on staff upon entry to institutions. Pennsylvania also uses the ion spectrometry scanning device as part of its staff searches. If the device shows a positive reading for a staff member, that reading can be used as the basis for requiring a urine drug test. The Florida and Kansas State Departments of Correction also use ion spectrometry technology to screen staff. The Maryland Department of Corrections uses canine drug interdiction teams to target staff as well as inmates and visitors.

The BJS report further shows a direct link between interdiction activities focused on staff and reductions in drugs in prisons. The report found that institutions that direct special interdiction efforts toward staff (such as questioning, pat searches, and drug testing of staff) have a lower positive inmate drug test rate (1.0 percent positive for cocaine and 0.9 percent for heroin and methamphetamines) than institutions that made no special efforts to interdict drugs from staff (2.6 percent positive for cocaine, 2.2 percent for heroin, 6.6 percent for methamphetamine).<sup>35</sup>

At the BOP institutions we visited, several managers and correctional officers previously employed with state correctional systems noted that their previous employers searched staff and prohibited personal property in state institutions. The FBI and OIG agents we interviewed who investigate BOP drug cases also

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<sup>33</sup> Management officials at the institutions also stated that, even though staff may not intentionally bring contraband into the institutions, additional controls are needed to prevent entry of personal items that could be used as weapons by inmates. The officials believed that sometimes staff get complacent and "forget where they are."

<sup>34</sup> "Drug Enforcement and Treatment in Prisons, 1990," BJS, U.S. Department of Justice, Washington, D.C., July 1992.

<sup>35</sup> "Drug Enforcement and Treatment in Prisons, 1990," BJS, U.S. Department of Justice, Washington, D.C., July 1992.

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expressed concern that staff and their property are not searched when staff enter institutions. The agents believed the lack of property and staff searches significantly contributed to staff's ability to smuggle drugs into BOP institutions.

### **Lack of Staff Drug Testing**

The BOP Program Statement 3735.04, Drug Free Workplace, June 30, 1997, states that illegal drug use by staff is counter to the BOP's law enforcement mission and will not be tolerated. It also requires random drug testing annually on 5 percent of the staff who are in test designated positions (TDP).<sup>36</sup> However, the BOP does not comply with its own policy and does not randomly test any of its staff.

A previous attempt by the BOP to implement random drug testing met with strong union opposition. The American Federation of Government Employees (A.F.G.E.) brought an action in the U.S. District Court for the Northern District of California and in the U.S. Court of Appeals, 9<sup>th</sup> Circuit, contesting this random drug testing for BOP employees as unconstitutional. The BOP argued that staff drug use and drug smuggling were connected because drug-using staff are: (1) blackmailed by inmates; (2) in need of money to support their drug habit; and (3) indifferent to drug use and dealing as criminal activities. The BOP also argued that staff drug use causes loss of the public's trust, which leads to the belief the BOP is corrupt or inefficient. In 1993, the U.S. Court of Appeals ruled in favor of the BOP and held that random drug testing and reasonable suspicion drug testing of BOP employees were constitutional.<sup>37</sup>

Yet, despite that court ruling, the BOP did not implement random drug testing of staff. When we interviewed the BOP Director, other Central Office officials (Drug Free Workplace Office; Human Resource Management Division, Labor Management Relations; and General Counsel's Office), and union officials, they could not provide specific reasons why the BOP has never implemented random drug testing.

At the institutions we visited, the large majority of more than 100 managers, supervisors, correctional officers, unit managers, and drug treatment specialists we interviewed supported random drug testing of staff. They also noted that the BOP's law enforcement mission and the detrimental effects of drugs on the safety and security of the institution warranted random drug testing. A view expressed by many

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<sup>36</sup> The BOP defines test designated positions (TDP) as those positions in which an employee's use of illegal drugs would pose a significant threat to national security, public safety, patient care, or fellow employees. Employees having a secret or higher security clearance also are subject to selection for random drug testing. Wardens, associate wardens, correctional officers, unit managers, human resource managers, and cook supervisors are examples of some positions that should be subject to random drug testing according to the policy.

<sup>37</sup> American Federation of Government Employees, Council 33 v. Roberts, 9 F.3d 1464 (9th Cir. 1993); see also American Federation of Government Employees, Council 33 v. Reno, 1994 WL 22,4570 (N.D.Cal., May 16, 1994) (on remand).

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officers is that they do not want to rely on a drug-using officer as back-up in emergency situations.<sup>38</sup> Emergencies usually involve a fight or assault between inmates. In these volatile and dangerous situations, officers want assurance that fellow officers are drug free and can respond quickly and appropriately to an emergency.

Random drug testing of staff is a common practice in state correctional systems and in federal agencies. According to a survey conducted in 2000 by the ACA, 23 of the 44 states that responded conduct random drug testing of their corrections staff.<sup>39</sup> The Bureau of Justice Statistics (BJS), in a May 2000 article, reported that approximately 49 percent of jail jurisdictions drug test staff, and of these jurisdictions, 63 percent test staff randomly.<sup>40</sup> Additionally, other DOJ components with law enforcement missions such as the FBI, OIG, Drug Enforcement Administration, the U.S. Marshals Service, and the Immigration and Naturalization Service conduct random drug testing of staff.<sup>41</sup>

## Conclusion

The BOP's limited interdiction activities directed toward its staff are not fully effective. Staff continue to smuggle drugs, sometimes in large quantities, into federal institutions. The BOP does not restrict staff property and searches staff infrequently for reasonable suspicion. Consequently, staff can exploit this lax policy to introduce drugs and other contraband into the institution.

The BOP developed but never implemented a drug testing program for staff that included random drug testing of 5 percent of its staff in TDP. The BOP successfully defended a court challenge to its random testing policy in 1993, but has yet to implement the policy.

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<sup>38</sup> Emergencies can occur frequently in an institution setting. For example, at five of the nine institutions we visited, while we interviewed staff, officers' personal body alarms sounded somewhere in the institutions, indicating that the officers needed assistance.

<sup>39</sup> Corrections Compendium, September 2000.

<sup>40</sup> "Drug Use, Testing, and Treatment in Jails," BJS, May 2000. The article further stated, "Jail jurisdictions were similar to other employers with regard to testing staff for illegal drug use. In general, employers nationwide have implemented workplace drug testing programs to comply with federal regulations or insurance requirements, to protect the organization from safety problems and costs associated with illegal drug use on the job, or for a variety of other reasons."

<sup>41</sup> This testing is a result of the 1986 Executive Order 12564, in which the President directed each agency in the Executive Branch to establish a program to test employees in sensitive positions for the use of illegal drugs.

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## Recommendations

5. The Director, BOP, should implement a policy that restricts the size and content of property staff bring into BOP institutions.

6. The Director, BOP, should implement a policy requiring searches of staff and their property when entering institutions. In addition to manual searches, the BOP should consider using ion spectrometry and all other available technology when searching staff.

7. The Director, BOP, should implement random drug testing for staff.

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### Union Views

We interviewed two union representatives, a national regional vice-president and a local BOP institution president representing the national union, Council of Prison Locals 33, American Federation of Government Employees, American Federation of Labor-Congress of Industrial Organizations (A.F.G.E., AFL-CIO), about the BOP's drug interdiction activities. The representatives believed contact visits are the number one source of drug introduction. They also believed packages coming through the rear gate (via delivery from the warehouse) present vulnerabilities for the institutions. Due to the high volume of packages, the one officer assigned to the rear gate can only randomly search packages for contraband. The union representatives also stated that at some institutions, staff are permitted to pick up small packages from the warehouse and walk them into the institution without being searched.

According to the union representatives, the BOP's background investigations of staff and annual integrity training are insufficient drug interdiction activities. They stated that more aggressive prosecution of staff involved in drug activities represents the best deterrent. According to the representatives, compromised staff are sometimes permitted to resign in lieu of administrative sanctions and prosecution. As a result, the misconduct is undocumented and the number of drug cases involving staff are underreported.

Regarding additional drug interdiction activities needed, the representatives suggested that BOP canine units should be posted at the front entrance and rear gate of every institution. At the front gate, they can search staff as well as visitors, and at the rear gate they can search all packages for drugs. The representatives stated drug dogs are a strong deterrent but they must be present on a daily basis. When drug dogs from outside law enforcement are used, inmates often become aware of these plans in advance and the searches are ineffective. The representatives also support drug testing for staff and are unsure why the BOP Drug Free Workplace policy was never implemented [after the 1993 court ruling].

The union representatives also stated they are not opposed to placing limited restrictions on staff personal property entering institutions, recognizing that staff still need to bring their lunches. However, the representatives are opposed to random searches of staff or their property because they are concerned about potential disparate treatment of staff during searches, how staff would be selected for searching, and the impact on staff morale. The representatives would prefer to see additional interdiction activities directed toward inmates and visitors before searching staff and their property. The union representatives did not oppose the use of advanced technology, such as trace drug detection and imaging technology (walk-through and hands-free) that would be applied equally, not randomly, to all persons entering institutions.

The union representatives recognized that inmates compromise some BOP staff, resulting in the introduction of contraband into the institutions. They stated that staff do not wake up one day and say, "I'm going to bring drugs in today." Some staff get inappropriately involved with an inmate such as granting an inmate a favor or bringing in soft contraband, then they are "hooked." The inmate threatens to report the staff member for the less serious misconduct unless the staff member does what the inmate wants.

The representatives do not believe the BOP views drugs as a top priority. Additional points made by the representatives were: (1) the SIS lieutenant position should be permanent, with an independent reporting structure outside of the institution; (2) more frequent shakedown of institutions are needed, and (3) more specialized training for staff to update drug interdiction skills is needed.

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## **Inmate Mail**

Officials from the BOP's Central Office and institution staff told us that inmates and their outside contacts also use the mail to smuggle drugs into the institutions. Most staff interviewed during our visits reported concern about inmate abuse of mail. However, they reported that inspecting thousands of mail items each day per institution for illegal drugs typically results in only a few drug finds BOP-wide each year. The BOP's automated evidence records contain only 24 drug finds attributed to inmate mail from FY 2000 through FY 2001. Given the continued smuggling of illegal drugs in the BOP's institutions, institution staff stated BOP could reduce the mail's vulnerability to drug smuggling by (1) limiting the receipt of certain publications, (2) training staff on drug detection, and (3) screening mail with drug detection technology.

### **Volume of Incoming Inmate Mail Challenges Interdiction Activities**

At the institutions we visited, Inmate Systems Management Officers (ISOs), who are responsible for the mailroom function, stated that they do not detect all attempts to smuggle drugs through the mail. The daily volume of mail, especially the increasing volume of unsolicited catalogues and other publications, is too great for thorough manual inspection. The ISOs often do not have drug detection technology to aid their inspections of the mail.<sup>42</sup> BOP mailrooms process up to 3,000 pieces of mail each weekday, depending on the size and security level of the institution and the day of the week.<sup>43</sup> Because the institution's mail is not delivered on weekends, the volume of all mail received on a Monday could represent an increase in volume of up to double the volume received on a typical Tuesday through Friday. The volume of mail doubles during holiday periods.

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<sup>42</sup> ISOs inspect inmate mail for contraband (i.e., drugs, weapons, and other prohibited items) and deliver inmate mail to the housing units for distribution to inmates by unit management staff. In addition to the mail function, other officers assigned to an institution's Inmate Systems Management department also are responsible for receiving and discharge (R&D) of inmates. The ISOs generally rotate between assignments in an institution's mailroom or R&D functions for a fixed time period. The duties of the R&D area include processing inmate admissions and releases, including identification (photography and fingerprints) and data entry, and processing incoming and outgoing inmate property with attention to the interdiction of contraband. See Appendix VIII for information about mail policies and procedures.

<sup>43</sup> The volume of mail increases as BOP's inmate population increases. The annual estimated population increase is 7,000 to 11,000 inmates as reported by Kathleen Hawk Sawyer, Director, BOP, before the Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, Committee on Appropriations, United States House of Representatives, April 18, 2002.

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## ***More Controls are Needed Over Incoming Publications***

Inmates have used incoming publications sent from families and friends as a means for smuggling drugs into institutions. In 1999, to minimize opportunities for smuggling, the BOP implemented a policy that allowed inmates to receive hardcover books and newspapers only from a publisher, book club, or bookstore.<sup>44</sup> However, softcover books and magazines still can be sent by families and friends and still are used to smuggle drugs. The BOP recognizes this security vulnerability and is seeking approval from the Office of Management and Budget for a new policy to prohibit inmates' receipt of softcover publications from inmates' families and friends.<sup>45</sup>

The implementation of restrictions on both hard and softcover publications will reduce but not eliminate inmates' use of the mail to smuggle drugs into BOP institutions. The ISOs told us that inmates continue to receive mail disguised by inmates' outside contacts to appear as if it were sent directly from approved sources. For example, Figure 2 below and on the next page shows newspapers containing drugs that were sent to inmates at a high security institution.

**Figure 2. Newspapers with Marijuana Disguised as Publisher-Sent**



Source: BOP

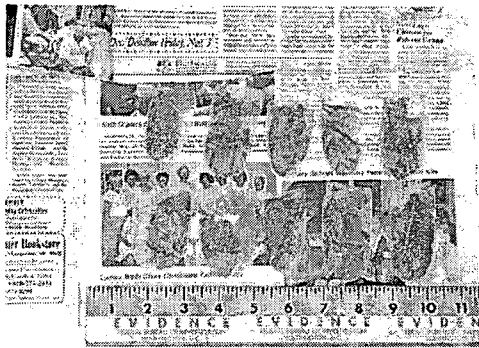
The inmates' outside contacts affixed counterfeit mailing labels to the newspapers to make them appear as having been sent directly by authentic publishers.

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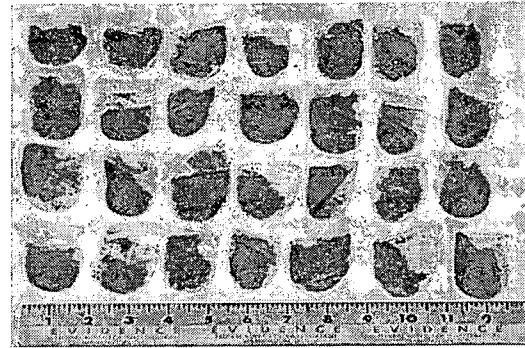
<sup>44</sup> Reflected in BOP Program Statement 5266.09, Incoming Publications, dated July 29, 1999, and 28 CFR 540.71.

<sup>45</sup> The policy was not approved for implementation by the Office of Management and Budget as of October 2002.





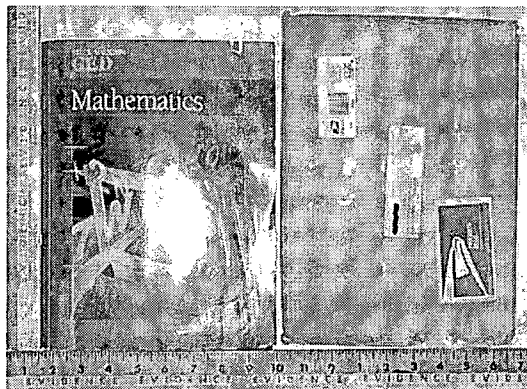
Source: BOP



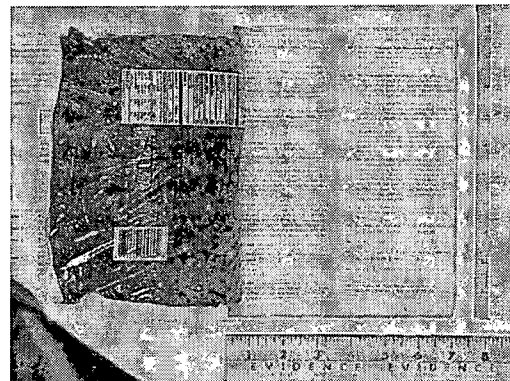
Packets of marijuana hidden between glued together newspaper pages.

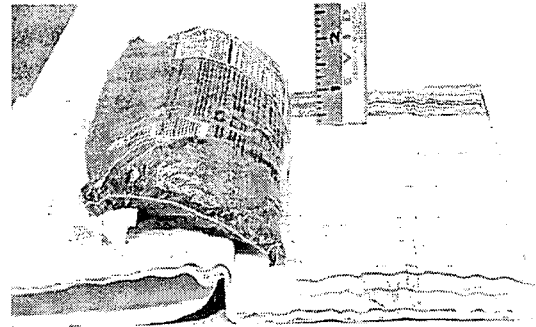
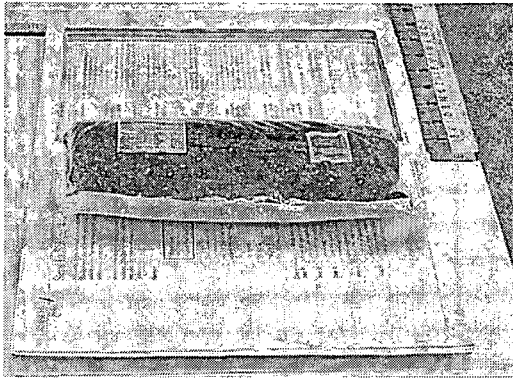
In another scheme, an inmate at an institution we visited arranged for an incoming hardcover publication to be disguised as official institution mail sent directly from an approved supplier to the institution's Facilities Department. The inmate's outside contact created fictitious supplier mailing labels (the address details were provided by the inmate who worked in the Facilities Department) based on previous legitimate mail items sent by the supplier and regularly received by the department. Figure 3 below and on the next page shows the hardcover book that was hollowed out and filled with drugs.

**Figure 3. Hardcover Textbook with One-Half Pound of Marijuana**



Source: BOP





Source: BOP

The ISOs at the institution where this drug introduction occurred did not detect the presence of the drugs when the book was initially received and x-ray scanned.<sup>46</sup> Institution staff within the Facilities Department inspected the textbook and discovered the drugs.

Unsolicited Mail Adds to Security Problems. At the institutions we visited, ISOs stated that policies are needed to limit the growing volume of unsolicited mail, such as catalogs, brochures, and fliers, received by inmates. This type of mail can comprise 10 percent or more of all daily mail received by an institution. The continued need for ISOs to process and inspect large quantities of unsolicited mail, in addition to thousands of other general and legal mail items received daily, challenges an institution's ability to interdict drugs. The ISOs told us drugs enter institutions through the mail because inmates are sophisticated in hiding drugs, and staff hand searching each page of every publication is not feasible given the volume of mail. Some state correctional systems, such as Connecticut, Illinois, and Oklahoma, prohibit inmates from receiving unsolicited advertisements or publications.

### **Special Handling Requirements for Legal Mail Complicate Drug Interdiction Activities**

Legal mail, consisting of congressional, judicial, and attorney mail, requires special handling.<sup>47</sup> BOP Program Statement 5265.11, Correspondence, limits the authority institutions have to inspect incoming inmate legal mail:

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<sup>46</sup> ISOs reported that official institution mail addressed to a specific staff member or department is often not opened or subjected to thorough inspection after routine x-ray scanning and staff addressee verification.

<sup>47</sup> Legal mail is separated from all other general inmate mail items, and is afforded first priority in processing and delivery in recognition of time deadlines associated with court or other legal proceedings. The volume of legal mail received by individual institutions varies by the day of the week and by the size of the institution. Based on estimates obtained during our site visits, large institutions, such as USPs, may receive, process, and deliver up to 60 pieces of legal mail on high-

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The Warden shall open special [legal] mail only in the presence of the inmate for inspection for physical contraband and the qualification of any enclosures as special mail. The correspondence may not be read or copied if the sender is adequately identified on the envelope, and the front of the envelope is marked "Special Mail – Open only in the presence of the inmate."

As a result of these requirements, the authorized limited inspection of inbound legal mail for contraband does not occur until the item is opened by staff in the presence of the inmate.<sup>48</sup> Typically the ISOs transport the legal mail to the individual housing units where the unit management staff open and inspect the legal mail in the presence of the appropriate inmates, and give the mail to the inmates after they sign for its receipt. At some institutions, inmates receive legal mail at a designated time in the mailroom where ISOs or intelligence officers open, inspect, and turn over the legal mail to the inmates.

The ISOs at the institutions we visited and one Inmate Systems Management official at the BOP's Central Office described inmate legal mail as the weakest link in the ISOs' ability to detect drug contraband. The ISOs expressed concern about the consistency, quality, and thoroughness of inspections performed on legal mail at BOP institutions, in particular once the legal mail is forwarded to the inmate housing units where inspection for contraband and delivery to inmates takes place. These inspections may consist of only a brief hand and visual review for obvious contraband. Often the legal documents are thick and bound together in a way that makes inspection difficult. These ISOs also stated that some newer and less experienced unit management staff may perform a less rigorous inspection. They further stated that the unit managements' competing tasks and the distractions that occur on a daily basis within a housing unit may interfere with the thorough inspection of legal mail. These concerns are heightened because of the BOP's inmate population growth and corresponding complement of newer staff.

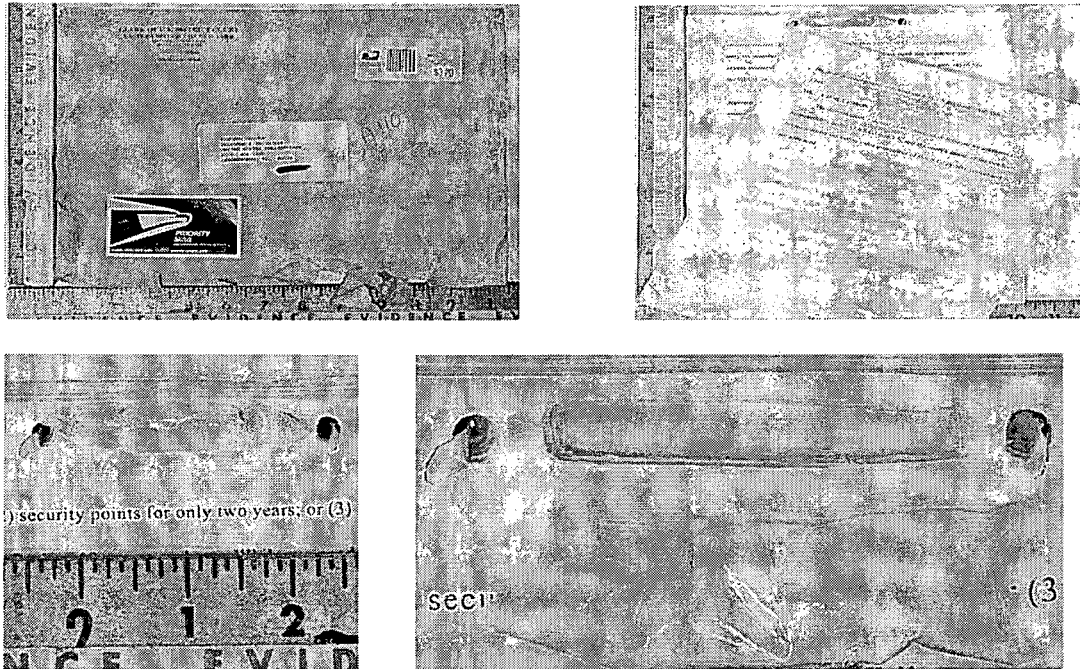
The ISOs also stated that verifying the authenticity of incoming legal mail is difficult. Regular mail has been disguised as legal mail with fictitious legal names and addresses, which may go undetected because the ISOs do not know the legitimate legal representatives for individual inmates. Figure 4 on the next page shows an attempt to smuggle heroin into a USP using a document disguised as legal mail that was detected during inspection by mailroom staff.

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volume Mondays and only 10 pieces of legal mail a day for the remainder of the week. Smaller institutions may handle approximately 5 to 10 pieces of legal mail per day, as compared to 15 pieces on a Monday. The BOP Program Statement 5800.10, Mail Management Manual, requires that institutions apply every reasonable effort to ensure delivery of legal mail within 24 hours of receipt. The BOP's mail procedures typically result in the same day delivery of legal mail.

<sup>48</sup> Drug contraband finds in legal mail do occur outside the presence of the inmates. The ISOs may discover contraband when legal mail is first received, x-rayed, and reviewed for proper legal markings on the envelopes.

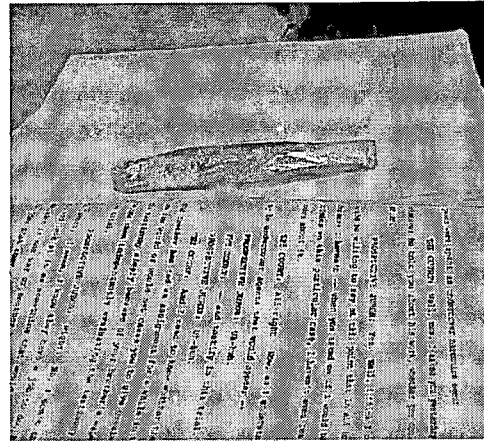
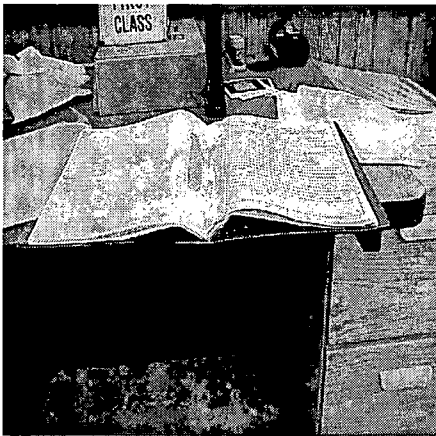
**Figure 4. Heroin Hidden Within the Binding of a Document Disguised as Legal Mail**



Source: BOP

Figure 5 on the next page shows an attempt by an outside gang member (also a former inmate) to introduce 11 grams of methamphetamine into a high security institution using a document disguised as legal mail and sent to an inmate. He concealed the drugs in a hollowed portion of the glued-together binding of the document. The BOP detected and prevented delivery through intelligence gathered from monitoring the inmate's telephone calls.

**Figure 5. Methamphetamines Hidden Within Glued Binding of Document Disguised as Legal Mail**



Source: BOP

The ISOs also expressed concern about outgoing legal mail, which can be used to facilitate the introduction of drugs. For example, in a criminal case investigated by the OIG, the U.S. Postal Inspection Service, and the BOP, a cooperating defendant provided investigators with inmate correspondence disguised as outgoing legal mail, which detailed a drug introduction scheme and had been successfully mailed by an inmate from a high security level institution. The fraudulent legal mail was addressed to an actual attorney, but the postal address was not the attorney's address. Instead, the postal address was that of the inmate's outside contact. The inmate's correspondence contained five handwritten pages of instructions on how to use legal mail to hide 16 grams of heroin in balloons in the binding of a legal document.

BOP staff authority for outgoing legal mail is even more restricted than for incoming legal mail, because outgoing legal mail may be sealed by the inmate and is not subject to inspection.<sup>49</sup> The ISOs are required to stamp outgoing legal mail with the statement:

The enclosed letter was processed for forwarding to you. The letter has neither been opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address.

<sup>49</sup> The only exception to the policy of not subjecting outgoing legal mail to inspection is for inmates placed on restricted mail status by the warden, which requires the concurrence of Regional Counsel, after a determination that an inmate has previously abused legal mail privileges. In such cases, the outgoing mail is inspected for contraband in the presence of the inmate, similar to procedures used with incoming legal mail.

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Staff stated that their limited authority over outgoing (and incoming) legal mail impedes their ability to detect and deter criminal activity. Inmates are aware of this limited authority and therefore use legal mail as a means of introducing drugs and other contraband into BOP institutions.

### **Staff Training on Drug Detection is Limited**

The ISOs and unit management staff stated they need, as do all staff, standardized and more rigorous drug interdiction training to better inspect inmate mail for drug contraband. Staff said they need more familiarity with different types and forms of drugs, and the methods used by inmates to bring drugs into institutions. In many cases, staff reported their first exposure to recognizing and detecting certain categories of drugs, such as black-tar heroin, came only after a successful detection by another officer. At one high security institution we visited, an intelligence officer created a picture storyboard using actual drug finds within the institution to help educate other staff. The storyboards are used in local new officer training and annual refresher training for all institution staff.

### **Technology in Use is not Suited for Detecting Drugs**

We found that drugs may go undetected through all stages of mail inspection because of inadequate technology or human error. At each institution visited, ISOs stated new technology is needed that will more readily identify drugs concealed in the mail. The BOP Program Statement 5800.10, Mail Management Manual, encourages its institutions to supplement mail inspection activities with modern technology. The BOP Office of Security Technology (OST), which is responsible for identifying new security technologies and evaluating their potential use in the BOP's institutions, describes the use of x-ray devices as "our first defense in the mail drug interdiction effort." In practice, while x-raying mail may produce suspicious images leading to closer staff scrutiny and subsequent drug finds, x-ray scan devices are primarily designed to help the ISOs better detect metal weapons and explosive devices. Even at those sites we visited with more recent generations or upgrades of the x-ray scan technology, many experienced ISOs cautioned against high expectations for this technology for detecting drugs. They said few drug contraband finds actually occur during the x-ray inspection. If drugs are detected, it usually occurs during the subsequent labor-intensive manual inspections performed by ISOs.

The OST evaluated the following drug detection technologies and stated they possessed promise for mailroom application:

- Chemical Trace Detection Wipe and Spray Drug Detection Field Kits. Procedures require wiping a target surface (e.g., inmate mail items) with a test paper and then spraying the test paper with a chemical spray. A chemical reaction occurs changing the color of the test paper when drugs are present. The wipe and spray test, however, requires a separate test paper and use of a

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separate spray for each drug test type (i.e., marijuana, cocaine, heroin, and methamphetamine). The OST reports one test kit (80-100 individual tests) would allow testing for the four basic drug types, at a cost of \$500, or \$5-\$6.25 per test. Another form of this technology from a competing vendor is reported to cost \$8-\$10 per test. While identified as a low-cost technology in limited or targeted applications (e.g., mail for inmates identified by staff as suspect), the OST determined its use on all mail would be expensive and cause significant delays in mail processing.

- Ion Spectrometry Technology. The OST reports ion spectrometry technology is well suited for mail that already has been identified as suspicious through other search techniques. While the OST reports many BOP institutions have used existing ion spectrometry machines (purchased originally to scan visitors) to test selected suspicious mail items, the institutions we visited that had ion spectrometry machines did not use the machines on any mail. Purchase costs for an ion spectrometry machine for mailroom applications range from \$20,000 to \$70,000 per unit.

According to the OST, the BOP does not have immediate plans to implement or test mailroom drug detection technologies. The BOP has not deployed additional technologies to its institutions because of concerns over cost and reliability. During our interviews, the absence of centralized funding for these technologies was cited as the main deterrent to pilot testing or BOP-wide implementation. Officials at the institutions we visited stated that local funding of drug-screening technology is not always possible because of budget constraints and competing priorities.

## **Conclusion**

BOP staff consider the institution's mail system to be a significant point of entry for drugs. The daily volume of inmate mail, special handling procedures for legal mail, limited staff training, and inadequate technology present specific challenges for effective detection of drugs in the mail. The BOP manually inspects inmate mail to detect drugs, but ISOs believe these inspections cannot detect all drugs.

## **Recommendations**

8. The Director, BOP, should implement a policy that eliminates unsolicited mail.
9. The Director, BOP, should require additional training for BOP staff to search mail and detect drugs.
10. The Director, BOP, should test mailroom drug detection technologies.

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## REDUCING THE INMATES' DEMAND FOR DRUGS THROUGH DRUG ABUSE TREATMENT

Demand reduction for drugs through drug abuse treatment for inmates is the second component of the BOP's drug interdiction strategy. However, an insufficient number of BOP inmates receive drug abuse treatment because the BOP underestimates the number of inmates that need treatment and inadequately tracks inmates referred for treatment. Furthermore, non-residential treatment is not always available at the institutions due to insufficient staffing and lack of policy guidance. Also we found a lack of incentives for inmates to seek non-residential treatment.

Drug abuse treatment programs for inmates are a significant part of the BOP's strategy to reduce drugs from its institutions.<sup>50</sup> However, the BOP does not treat all inmates who have drug problems because not all inmates' diagnoses and drug treatment recommendations are recorded in SENTRY. The inmates' treatment needs are therefore inadequately tracked throughout their incarceration. As a result, the BOP is not allocating sufficient resources to meet the recommended treatment needs of all inmates. Moreover, the BOP only treats a portion of the inmates it estimates need treatment. The BOP focuses on drug abuse education (classroom instruction) and the residential (in-patient) drug abuse program (RDAP).<sup>51</sup> The BOP does not ensure inmates have access to BOP non-residential (out-patient) treatment after completion of drug abuse education classes or before admittance to the RDAP.<sup>52</sup> Even if an inmate meets the eligibility criteria for the RDAP, the waiting time for placement can be years.

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<sup>50</sup> Appendix I contains a description of the BOP's drug treatment programs.

<sup>51</sup> The Drug Abuse Education course is a 30-40 hour course required for inmates who meet certain sentencing criteria. The BOP does not consider the education course as treatment but rather motivation to seek treatment. The RDAP is a 9-month, 500-hour residential program in which inmates are housed in a separate unit of the institution or satellite camp reserved exclusively for this program. For a more complete description of all components of the drug treatment program, see Appendix I.

<sup>52</sup> Non-residential drug treatment requires a minimum of one hour of individual or group contact each month.



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## The BOP Underestimates the Drug Abuse Treatment Needs of Inmates

In its FY 2001 Report to Congress on Substance Abuse Treatment Programs, the BOP states that 34 percent of its inmates have a substance abuse disorder.<sup>53</sup> This 34 percent figure is low compared to other federal, state, and local corrections data. For example:

- In August 2001, the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration reported that about 80 percent of inmates in correctional facilities have substance abuse problems; 83 percent of state and 73 percent of federal inmates said that they used drugs in the past, and about 50 percent of both state and federal inmates said that they used drugs in the month before their arrest.<sup>54</sup>
- In May 2000, the BJS reported that over half of jail (55 percent) and state inmates (57 percent) said that they used drugs in the month before their arrest. Two-thirds of convicted jail inmates (67 percent) said that they used drugs regularly before reporting to jail (i.e., at least once a week for at least one month).<sup>55</sup>
- In January 1999, the BJS reported that 58.1 percent of all male federal inmates used drugs regularly at the time of their offense. State corrections officials estimated that between 70 to 85 percent of state inmates need drug abuse treatment.<sup>56</sup>
- Drug Abuse Treatment Specialists (DATS) and unit managers at the institutions we visited estimated that between 50 to 80 percent of their inmate population had a substance abuse problem. Everyone interviewed thought that the BOP's figure of 34 percent did not represent all inmates in need of drug abuse treatment.

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<sup>53</sup> "Substance Abuse Treatment Programs in the Federal Bureau of Prisons Fiscal Year 2001 Report to Congress," BOP, January 2002. A substance abuse disorder refers to those persons with drug or alcohol abuse or dependency. The BOP's drug abuse treatment programs provide treatment to inmates with a substance abuse (drug or alcohol) or dependency problem.

<sup>54</sup> "Substance Abuse Treatment for Drug Users in the Criminal Justice System," Centers for Disease Control and Prevention and Substance Abuse and Mental Health Services Administration Fact Sheet, August 2001.

<sup>55</sup> "Drug Use, Testing, and Treatment in Jails," BJS, U.S. Department of Justice, Washington, D.C., May 2000.

<sup>56</sup> "Substance Abuse and Treatment, State and Federal Prisoners, 1997," BJS, January 1999.

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To arrive at the 34 percent figure, the BOP administered a Substance Abuse Needs Assessment in the summer of 1991 during a 3-month period. Every inmate entering the BOP completed an Inventory of Substance Abuse Patterns. From these inventory responses, the BOP determined that 30.5 percent of the inmates met the criteria for drug dependence as defined by the DSM-III-R.<sup>57</sup> In 1997, this figure was updated using the "Survey of Inmates in Federal Correctional Facilities," conducted by the U.S. Bureau of Census, the BJS, and the BOP. Using the DSM-IV criteria published in 1994, the BOP extrapolated drug symptomology data from this survey for drug dependence (most serious drug use) and abuse (recurrent use but less than dependence) and the percentage of inmates it estimated had substance abuse disorders increased to 34 percent.<sup>58</sup>

The BOP is relying on outdated, estimated data to determine the number of inmates with drug abuse treatment needs. We believe the BOP should rely instead on diagnoses made at BOP institutions by psychologists and DATS.<sup>59</sup>

### **Tracking Inmates with Drug Abuse Treatment Needs is Insufficient**

The BOP's Central Office (Psychology Services Branch) could not provide us with BOP-wide data (generated from the automated SENTRY database) describing the treatment needs of inmates, referrals for treatment, and actual treatment of inmates. Consequently, without capturing this information in SENTRY, the BOP cannot identify, track, or monitor inmates with diagnosed drug problems to encourage treatment. Nor can the BOP allocate sufficient staff resources to provide the treatment programs. Without the BOP-wide data, the BOP is unable to determine the actual number of inmates in need of drug treatment.

In each institution, a psychologist conducts a psychological assessment within four weeks of an inmate's admission to the BOP. A drug abuse screen is part of that assessment.<sup>60</sup> If drug treatment is indicated, the psychologist sends a paper copy of the recommendation to the inmate's unit manager, but that recommendation is not always recorded in SENTRY. An institution only documents an inmate's drug treatment needs in SENTRY when:

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<sup>57</sup> The DSM-III-R refers to the third edition of the Diagnostic and Statistical Manual for Mental Disorders, compiled and published in 1987 (since updated) by the American Psychiatric Association. It is used by psychiatrists for diagnoses and is widely used by other treatment professionals.

<sup>58</sup> The DSM-IV refers to the fourth edition of the DSM, updated and published in 1994.

<sup>59</sup> Each institution has one DATS to provide drug abuse education classes and non-residential drug treatment. The DATS reports to the Drug Abuse Treatment Coordinator, who is a licensed psychologist. The Coordinator does not provide any direct drug treatment to the inmates. Both positions are under the institution's Psychology Services department.

<sup>60</sup> The drug abuse screen consists of a set of questions designed to identify if the inmate has used drugs, if that use is indicative of the need for drug treatment, and what level of treatment is needed.

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- Unit management staff determine that the inmate meets the requirement for mandatory drug abuse education;
  - The institution's psychologist refers the inmate for the RDAP and the inmate volunteers to participate, meets the program's other eligibility criteria, and is placed on the waiting list; and
  - An inmate referred for non-residential treatment, volunteers for and actually begins treatment.

An institution excludes from SENTRY:

- All referrals for the RDAP for which inmates do not volunteer for treatment, and
- All referrals for non-residential treatment – even when the inmates volunteer for treatment and are on the waiting list.

By not including every diagnosed and recommended drug treatment need in SENTRY, the BOP does not know the accurate number of inmates with drug problems and treatment referrals.

### **Non-Residential Drug Abuse Treatment is Not Always Available**

Even though many inmates would benefit from non-residential drug treatment, it is not always available at BOP institutions because of insufficient drug treatment staff, lack of policy guidance, and lack of incentives for inmates to seek drug treatment. Non-residential treatment is out-patient treatment and includes individual and group therapy for inmates in the general population. At the institutions we visited, the BOP emphasized drug abuse education and the RDAP, but placed minimal emphasis on non-residential drug treatment. As a result, only a limited number of general population inmates receive non-residential treatment.

According to the drug treatment staff at the institutions we visited, drug abuse education classes usually were offered continuously and the RDAP was encouraged for those inmates who met the criteria. However, drug abuse education is not treatment but rather a series of classes designed to provide information about the detrimental consequences of drug use through literature and videos. Further, the RDAP is not offered at all institutions (none of the institutions we visited offered the RDAP), and where it is offered, inmates are not eligible for participation until the last 36 months of their sentence.<sup>61</sup> The average BOP inmate sentence length is ten years. Consequently, an inmate could wait seven years or more before receiving

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<sup>61</sup> The RDAP was available at three of the satellite camps we visited. However, the inmates inside the main institutions do not have access to the satellite camps or the programs within the camps. In FY 2001 the BOP had established 52 RDAP units in 50 institutions.

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residential drug treatment. In the interim, inmates are dependent on non-residential drug treatment to meet their immediate treatment needs because it is the only drug treatment available in the institution for the general inmate population before admittance to the RDAP. Yet, non-residential drug treatment programs were not offered at all institutions we visited. Even at most institutions where it was offered, it was offered irregularly.<sup>62</sup>

The BOP's internal program reviews have reported ongoing deficiencies in providing non-residential drug treatment.<sup>63</sup> Selected Program Summary Reports containing cumulative findings from individual program reviews conducted from FY 1998 through FY 2001 state the following deficiencies:

- FY 2001: "Non-residential treatment continues to lack a strong presence in several institutions. Greater participation and opportunity for access should exist."
- FY 2000: "In most instances few inmates seek out programming and non-residential programs are underutilized as a result."
- FY 1999: Psychology Services "must remain cognizant of the appropriate use of drug program funds and drug staff work assignments. It is important to maintain the integrity of money allotted to drug programming. Staff assigned to drug programs cannot perform their responsibilities to the fullest if they are utilized for activities unrelated to drug programming."
- FY 1998: "Inadequate inmate participation in the non-residential drug treatment program...remains an area of weakness. Concerted effort at enlisting inmate participation should alleviate this weakness." Additionally, one quarterly summary report showed that non-residential drug abuse programs had the highest number of deficiencies in that quarter. Specifically, "Individualized treatment plans for inmates participating in non-residential drug abuse programs were absent or inadequate. Another area of concern was the failure to conduct monthly group or individual sessions for non-residential drug abuse programs."

Associate wardens and unit managers at several institutions we visited acknowledged there were insufficient drug treatment programs for inmates at their institutions. Drug treatment staff at five of the institutions visited stated their program emphasized residential treatment and not non-residential treatment. The drug

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<sup>62</sup> The exceptions were the USP Lewisburg (and its camp) and the FCI Miami where the DATS recognized the inmates' drug treatment needs and developed several ongoing non-residential drug treatment programs.

<sup>63</sup> The Central Office's Program Review Division conducts reviews for all BOP programs. These reviews examine compliance with laws, regulations, and policy, and analyze program performance trends and other data.

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treatment staff stated while drug treatment may be a priority at minimum and low security level institutions, security, not treatment, is the priority at the medium and higher security level institutions.

Of particular note are the low drug treatment rates at institutions with high drug use rates and drug misconduct charges, such as three of the four USPs and one of the two FCIs we visited. For example:

- At the USP Beaumont, Texas, the last non-residential group had only five inmates participating due to limited interest. According to the institution, only seven inmates completed non-residential drug treatment in two years from FY 2000 through FY 2001. For FY 2001, USP Beaumont had a positive drug test rate of 7.84 percent and a drug misconduct rate of 23.25 percent, both of which are the highest rates in the BOP.
- At the USP Lompoc, California, the DATS did not offer non-residential treatment programs, but only taught drug abuse education classes on a full-time basis. Prior to our visit, only 13 inmates had completed non-residential treatment during FY 2000 and FY 2001. For FY 2001, USP Lompoc had a positive drug test rate of 6.09 percent and a drug misconduct rate of 15.77 percent.
- At the USP Leavenworth, Kansas, a total of 32 inmates completed three non-residential group drug treatment programs in FY 2000 and FY 2001. At the time of our visit, the institution was not conducting any non-residential drug treatment for inmates. For FY 2001, USP Leavenworth had a positive drug test rate of 2.65 percent and a drug misconduct rate of 12.69 percent.
- At FCI Memphis, Tennessee, and its satellite camp, the one DATS consistently taught drug abuse education classes. The DATS offered only one non-residential drug treatment program to inmates who completed the RDAP and were required to have transitional counseling prior to release. For FY 2001, FCI Memphis had a positive drug test rate of 2.89 percent and a drug misconduct rate of 8.79 percent.

According to the BOP's Program Statement 5330.10, Drug Abuse Programs Manual, self-help programs such as Narcotics Anonymous or Alcoholics Anonymous are often associated with non-residential treatment and may be offered as part of an institution's non-residential drug treatment program. Although not considered treatment, the BOP recognizes that these self-help groups can be an important intervention in an inmate's recovery. However, even these self-help groups did not exist in all the institutions we visited. Some institutions had not requested assistance from Narcotics Anonymous or other volunteers in the community. Other

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institutions stated the criminal backgrounds of some Narcotics Anonymous volunteers, who are often former drug addicts, preclude their presence in the institutions.

The cumulative effect of limited non-residential treatment, few self-help groups, and the restrictive timeframe (36 months prior to release) for RDAP eligibility is that not enough inmates receive drug abuse treatment. According to the BOP, in FY 2001 26,268 inmates received drug abuse treatment either through residential treatment (15,441) or non-residential treatment (10,827).<sup>64</sup> The BOP's outdated and low estimate is that 34 percent of its population needs drug abuse treatment. Therefore using BOP's estimate of 34 percent, in FY 2001, based on an average daily inmate population of 133,642, approximately 45,438 inmates needed treatment. As we discussed above, the actual number who need treatment is likely much higher. Yet, only 26,268 inmates, or 57.8 percent of those inmates with estimated treatment needs, received residential or non-residential drug treatment. The other 19,170 inmates (42.2 percent) did not receive any treatment. This low treatment rate is a significant deficiency in the BOP's demand reduction strategy.

#### ***Limited Drug Treatment Staffing Restricts Comprehensive Drug Treatment Programs***

The BOP's staffing guidelines suggest each institution needs one DATS per 1-500 inmates, which would equate to two to four DATS for each institution we visited. The FY 2001 average daily population for the institutions we visited ranged from 1,322 to 2,012 inmates.<sup>65</sup> However, at these institutions, only one DATS per institution was employed to provide drug treatment programs to inmates. The DATS stated they were overwhelmed at times with their duties and the number of inmates who need help. They believed providing drug abuse education several times per week to many groups of inmates at different sites, with all the related paperwork, was a full-time endeavor. The DATS further believed developing and leading non-residential group or individual counseling, especially if inmate participation increased through incentives, was not feasible without additional drug treatment staff.

The qualifications of a DATS may also affect the availability of non-residential drug treatment because the DATS may not be clinically trained to facilitate a group or individual counseling session. At one USP with a high drug use rate, the DATS had no counseling background or related qualifications and training skills needed to

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<sup>64</sup> "Substance Abuse Treatment Programs in the Federal Bureau of Prisons Fiscal Year 2001 Report to Congress," Federal Bureau of Prisons, January 2002. It is unknown how many of these inmates successfully completed the program versus those who participated without completion. It is also unknown how many of the 10,827 inmates who participated in non-residential treatment were RDAP graduates in transitional services as an RDAP requirement versus inmates from general population who participated in a separate non-residential drug treatment program. A portion of these inmates may be RDAP graduates and therefore may have been double-counted.

<sup>65</sup> The average daily population includes satellite camps, which have a population of about 300 inmates, and for which the DATS are also responsible for providing drug treatment.

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provide individual or group treatment.<sup>66</sup> With only one DATS per institution (and also serving a satellite camp), having someone with the appropriate counseling qualifications is imperative for providing drug treatment to inmates, not just drug abuse education.<sup>67</sup>

### ***Policy Lacks Clarity for Non-Residential Drug Abuse Treatment***

The BOP's Program Statement 5330.10, Drug Abuse Programs Manual, states non-residential treatment services shall include a minimum of one hour of individual or group contacts each month as indicated by a treatment plan. It also states that transitional services, a component of non-residential drug treatment, are required one hour per month for RDAP graduates. At some of the institutions visited, the treatment staff believed that the mandatory transitional services offered to RDAP graduates fulfill the institution's requirement to provide the monthly one hour of non-residential drug treatment. However, transitional services focus on relapse prevention and aftercare, which may not be appropriate for inmates who have never had any prior drug treatment. The program statement does not provide clear direction that, besides transitional services, other non-residential drug treatment must be provided for inmates who have not completed the RDAP.

The program statement also does not provide a curriculum or outline for non-residential drug treatment groups, and does not suggest a minimum duration for effective treatment. Yet, for drug abuse education and the RDAP, specific standardized written curricula and timeframes are provided. Without clear policy direction for non-residential treatment, DATS have focused their efforts on drug abuse education and the RDAP. This limited focus leaves many inmates without drug treatment during most of their incarceration.

### ***Policy Lacks Incentives for Participation in Non-Residential Drug Abuse Treatment***

Drug abuse education classes and the RDAP reward inmates for completing the program and impose sanctions for non-completion. Non-residential drug treatment does not reward or sanction the inmates. For example, drug abuse education, a 30-40 hour course, is mandatory within the first 12 months for all inmates who meet the criteria (see Appendix I). Inmates who refuse to participate or fail to complete the drug abuse education classes are held at the lowest pay grade (\$5.25 per month) and are ineligible to participate in community programs. Inmates eligible for RDAP have even stronger incentives for participation and completion of the program. The incentives include but are not limited to: (1) up to 12 months early

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<sup>66</sup> This DATS' employment background had primarily been in a business function such as contracting.

<sup>67</sup> One institution drug treatment coordinator stated that his Regional Drug Treatment Coordinator personally reviews all DATS to be assigned in the Region to ensure that they have the proper qualifications and background to provide treatment.

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release from prison, (2) limited financial rewards – up to \$180, and (3) local institution incentives such as preferred living quarters. Conversely, inmates who fail to complete the RDAP are no longer eligible for these incentives.

Because there are no incentives or sanctions for non-residential drug treatment, staff stated that inmates do not readily volunteer to participate in that treatment. At the USPs we visited, drug treatment staff stated that many inmates are “long term convicts and long time addicts” with many years of incarceration to serve and minimal interest in treatment. Therefore, to motivate these and other inmates to participate in drug treatment, unit management and drug treatment staff believe that the BOP must “use the carrot and stick approach” by developing incentives. Conversely, if an inmate is referred for non-residential drug treatment but does not volunteer or successfully complete the treatment, staff believe the inmate should face loss of privileges. Suggestions for incentives included preferred living quarters, additional points for visits, and permission to order a special food item through the institution’s commissary. However, these staff did not favor the incentive of reducing an inmate’s sentence because they believe the motivation for treatment would be insincere. Inmates entering the BOP’s institutions often tell the drug treatment staff, “I want the time-off program,” referring to the RDAP where inmates can receive up to 12 months off their sentence for successful completion of residential treatment.

Unit managers and drug treatment staff also strongly believed that inmates referred for drug treatment should be rated on their participation through a separate category on the annual Security Designation and Custody Classification Review form.<sup>68</sup> If an inmate fails to complete recommended drug treatment, then the inmate should receive a score of “zero,” which would preclude the inmate from receiving a lower security level designation, being recommended for community programs, or receiving pay above the lowest pay grade. Under the current review procedures, drug treatment participation is combined with many other factors. These other factors include interaction with staff and other inmates, misconduct reports, participation in other recommended activities, work reports, and paying court related fines. Combining drug treatment participation with these other factors minimizes the weight given to whether or not inmates participated in and completed the drug treatment. Thus the BOP’s emphasis on drug treatment becomes diminished when

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<sup>68</sup> The Security Designation and Custody Classification Review is a two-part process used by the BOP to identify the confinement needs of inmates in its custody. The initial assessment is completed based upon the evaluation of certain factors such as the inmate’s history, behavior, present needs, offense severity, and length of sentence. Through this process, inmates are “screened” so that they are appropriately matched (designated) and housed at institutions with other inmates that possess similar characteristics. After the inmate has been housed at an institution for a specific amount of time, a reclassification is performed which augments the initial classification and takes into account the inmate’s adjustment to incarceration, conduct, and programmatic involvement. This reclassification continues periodically throughout the inmate’s confinement and is used to modify the inmate’s confinement status. The entire classification and designation process promotes the orderly operations of a correctional facility by separating inmates that could pose potential operational and security risks.



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mixed with other unrelated factors. Unit managers stated that they only can score an inmate “zero” on their annual Security Designation and Custody Classification Review if the inmate fails to fulfill the requirements of the Inmate Financial Responsibility Program, (i.e., paying court related fines, penalties, and restitution). They believe the same should apply to successful completion of drug treatment programs.

## **Conclusion**

Reducing inmates’ demand for drugs through drug treatment programs is a significant part of the BOP’s strategy to eliminate drugs from its institutions. However, this part of the BOP’s strategy has not been fully effective. The BOP’s estimate that 34 percent of inmates need drug treatment is low, according to drug treatment staff at the institutions visited and outside organizations that have gathered data on inmate drug use. These staff and organizations have stated that the percent of federal inmates with drug problems ranges from at least 50 to 80 percent. Substantially more BOP inmates may need treatment than recognized by the BOP’s 34 percent figure and its associated insufficient drug treatment resources.

Drug treatment and unit management staff at the institutions we visited also stated that the BOP emphasizes and directs resources towards drug abuse education and the RDAP. But without non-residential drug treatment, inmates must wait until the last 36 months of their sentence for possible admission into the RDAP – a potential waiting time of years. Thus, a void in drug treatment exists between drug abuse education and the RDAP. The result is not enough inmates receive drug treatment, even when the BOP’s low estimate of 34 percent is used as the baseline of inmates’ treatment needs.

## **Recommendations**

11. The Director, BOP, should maintain data, via improved SENTRY tracking, on the number of inmates who are diagnosed with a drug abuse problem and are referred for drug treatment, the number of inmates who participate in drug treatment, and the number who successfully complete drug treatment.

12. The Director, BOP, should sufficiently staff non-residential drug treatment programs based on a combination of the DATS staffing guidelines and the number of inmates at each institution who have been identified in SENTRY as needing drug treatment.

13. The Director, BOP, should revise Program Statement 5330.10, Drug Abuse Programs Manual, to require that non-residential drug treatment is provided to inmates in the general population, in addition to transitional services for the RDAP graduates. The program statement should include a curriculum for non-residential drug treatment and guidance regarding the minimum number of sessions and the minimum number of weeks’ duration for the groups. The Director, BOP, should also

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increase emphasis on self-help groups to enhance the overall drug treatment program and the inmates' recovery and rehabilitation.

14. The Director, BOP, should develop incentives for participation in non-residential drug treatment and consequences for non-completion, with the objective of increasing the number of inmate volunteers for drug treatment. As part of the incentives and consequences, the Director, BOP, should consider adding a separate score for drug treatment participation in the inmate's annual Security Designation and Custody Classification Review.

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## OTHER OPPORTUNITIES TO IMPROVE DRUG INTERDICTION

We reviewed other potential points of entry for drugs – the receiving and discharge area, the warehouse, the rear gate, volunteers, and contractors – that BOP staff stated were less vulnerable to drug smuggling. Regarding the receiving and discharge area, the warehouse, and the rear gate, we concluded better technology could supplement manual searches for drugs by correctional officers. For volunteers and contractors, we concluded that shared information about their backgrounds could assist institutions in their selection decisions. We also reviewed the role of institutions' intelligence staff in drug interdiction activities and concluded that rotation of the SIS lieutenant is too frequent, and timely investigative and drug training is needed. Lastly, we reviewed the BOP's only canine unit located at USP Lewisburg, Pennsylvania, and concluded canine units may be a useful drug interdiction technique for other institutions.

### Receiving and Discharge

Although the receiving and discharge (R&D) area is not a primary point of entry for illegal drugs, inmates sometimes attempt to introduce drugs as well as other contraband upon initial commitment, during transfers between BOP institutions, or upon return from external temporary releases, such as emergency medical care or court appearances.<sup>70</sup> The primary objective of R&D is to ensure inmates are committed and discharged appropriately and all inmate property is processed without introducing contraband.<sup>71</sup>

The ISOs at the institutions we visited cited examples of inmate schemes to conceal contraband inside personal commissary items when transferring from one BOP institution to another. Inmates are permitted to take unopened commissary items with them when transferring to another institution. Some inmates take advantage of this privilege by opening their commissary items, hiding contraband, then resealing and disguising the commissary item to make it appear new. Figure 6 on the next page shows one attempt by an inmate to conceal bomb-making substances in a commissary item.

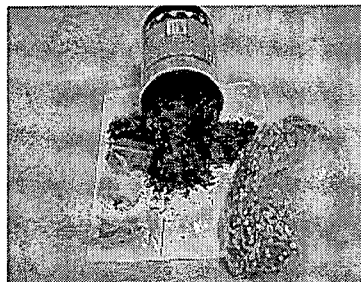
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<sup>70</sup> At one detention center we visited, ISOs who perform R&D duties cited an example of a female inmate who was searched when transported to the detention center by outside law enforcement officers and again searched upon admission to the center. The ISOs found the heel of the inmate's shoe filled with cocaine.

<sup>71</sup> The R&D area, guided by BOP Program Statement 5800.12, Receiving and Discharge Manual, includes processing inmate admissions and releases, and processing incoming and outgoing inmate property. The receiving and discharge of inmates is performed by ISOs.

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**Figure 6. Ingredients for Explosive Device Found Hidden Among an Inmate's Personal Commissary Items.**



Source: BOP

While the ISOs stated that most smuggling attempts are discovered during R&D inmate property inspections, they also stated that inmates' demand for drugs and their ingenuity in concealing contraband in commissary items increases the probability that contraband goes undetected.

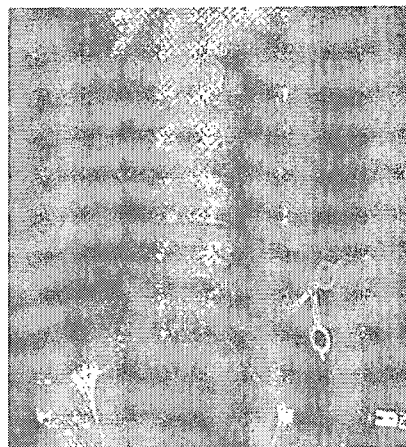
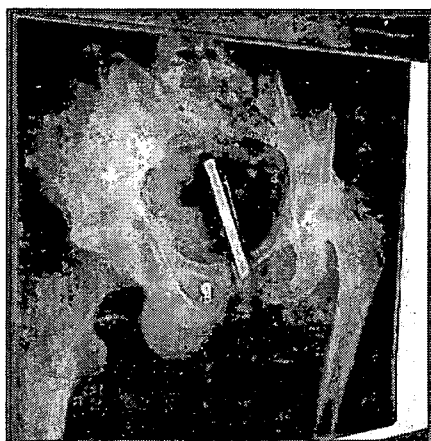
Thorough R&D inspections for contraband are critical to maintaining the safety and security of each institution. R&D inspections generally consist of pat and visual or strip searches of inmates, including the use of hand-held metal detectors and x-ray body cavity searches (if technology is available at the institution), as well as manual, visual and x-ray inspections of all inmate property.<sup>72</sup> The x-ray scan technology for body cavity searches and property inspections recognizes metal objects but not drugs. Figure 7 on the next page demonstrates the effective use of the body cavity x-ray scan technology for detecting metal contraband and the value of integrating technology with traditional manual interdiction activities. Figure 7 also illustrates the ingenuity of and risks taken by inmates to introduce contraband.

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<sup>72</sup> The pat search is an inspection of an inmate's clothing and personal effects that does not require the inmate to remove clothing. The visual search or strip search is a visual inspection of all body surfaces and cavities and screening with a hand-held metal detector, and is conducted in all but minimum security institutions.

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**Figure 7. Photographs Showing Metal Contraband Detected Using Body Cavity X-Ray Technology**



Source: BOP

The body cavity x-ray image on the left shows a hacksaw blade and paper clip. The body cavity x-ray image on the right shows handcuff keys.

BOP encourages the use of x-ray scan devices in R&D to supplement manual and visual inspections of personal property. All institutions do not have x-ray scanners in the R&D areas, but instead could use the scanners located in the warehouse or at the institution's front entrance. However, this arrangement does not encourage scanning of inmates' suspicious property because the x-ray scanners available to R&D are inconveniently located outside the institutions' secure perimeter fencing while the R&D area is located within the secure perimeter fencing.

### **Institution Deliveries: The Warehouse and Rear Gate**

The institutions we visited use various visual and manual search procedures along with x-ray technology to inspect daily deliveries entering through the institutions' warehouses (dry and cold storage, and UNICOR) and rear gate.

Interdiction activities for incoming deliveries are labor intensive and usually target hard contraband, primarily weapons and explosive devices. As deliveries arrive at a warehouse receiving dock (usually located just outside an institution's perimeter fence), a standard inspection for the correct quantity and acceptable quality of the delivered items is conducted followed by an inspection for contraband. To perform the contraband inspection, warehouse staff conduct a complete or random visual and manual inspection of shipments. While some deliveries consist of individual parcels or packages, most deliveries consist of shrink-wrapped pallets

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containing bulk deliveries of perishable and non-perishable food products and other supplies necessary to support the institution's needs.<sup>73</sup>

Supplemental use of imaging and detection technology to enhance contraband interdiction activities varies by institution. For example, at one USP we visited, inspection of daily deliveries consists primarily of manual and visual inspections and use of a hand-held wand metal detector because the warehouse did not have its own x-ray scan device. The only available x-ray scan device (for small packages) was located in the mailroom in an adjacent building. Both the location of the device and its limited capacity size deterred the use of x-ray technology by warehouse staff.

In contrast, another USP we visited used additional inspection procedures for all of its deliveries. Inbound deliveries at the warehouse receiving dock were subject to visual and manual inspections for contraband. Upon leaving the warehouse, all deliveries were inspected using x-ray technology located in a stand-alone x-ray building positioned midway between the warehouse facility and the rear gate of the USP. This is the only institution we visited equipped with x-ray technology capable of handling pallets or skids weighing up to 500 pounds. The technology allows scanning of the pallets or skids from four sides rather than from only a top view provided by typical x-ray scan devices used in most institutions. The bulk imaging device is equipped with two monitors, which provide enhanced imaging to better identify and distinguish between non-organic materials (weapons) and organic materials (drugs and explosives). While staff reported increased confidence in the improved x-ray scan device, they also emphasized the importance of assigning staff specifically trained and experienced in all methods of contraband detection given the volume of deliveries entering the institution's secure perimeter each day.

At all institutions, after inspecting deliveries at the warehouse, rear gate staff conduct another complete or random inspection for contraband before admitting the shipment within the institutions' secure perimeter fencing. The rear gate inspection is visual and manual; sometimes a hand-held wand metal detector is used to scan the contents of boxes and packages. The delivery vehicles also are searched for hidden contraband.

## **Conclusion**

BOP inmates transferring to other institutions through the R&D area may attempt to hide contraband in commissary items disguised as new and unopened. Under the BOP's current policy, these items are not easily detected. Institutions also receive a high volume of deliveries through their warehouse and rear gate areas each day. Inspection of these deliveries is labor intensive and often conducted without the benefit of technology designed for bulky items and large pallets. The limited x-ray devices available do not readily detect the presence of drugs. The R&D

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<sup>73</sup> The type of search — complete or random — depends on whether the deliveries are individual packages or parcels versus multiple palleted bulk items.

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area, the warehouse, and the rear gate operations could benefit from advanced imaging and detection technology to supplement current search techniques.

## Volunteers and Contractors

Volunteers and contractors supplement the programs and services BOP provides to inmates. Because of the extended contact volunteers and contractors have with inmates – contact that is not always under direct observation by the BOP staff – volunteers and contractors have the opportunity to develop inappropriate relationships with inmates, which may lead to attempts to smuggle contraband.

According to the BOP, in FY 2001 31,879 volunteers made 152,015 visits to BOP institutions nationwide.<sup>74</sup> During the first two quarters of FY 2002, 24,672 volunteers made 78,018 visits to its institutions. Given the number of volunteers that enter the institutions on a yearly basis, significant opportunities exist for their smuggling drugs into the institutions. Data provided to us by the Volunteer Management Branch at the BOP's Correctional Programs Division showed dismissals of volunteers for drug-related charges are rare.<sup>75</sup> According to the data, which contains dismissal information from 1994 to 2001, only 5 of the 55 volunteer dismissals were related to the introduction of contraband, and only 1 of these 5 dismissals was for smuggling drugs. Inappropriate relationships or contact with inmates, previously undisclosed criminal histories, or previously undisclosed family or personal relationships with inmates prior to volunteering are the reasons for most volunteer dismissals.

The BOP also employs contractors to provide services to its institutions.<sup>76</sup> Similar to volunteers, contractors also have a low rate of substantiated misconduct

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<sup>74</sup> Volunteers are private citizens who provide a variety of uncompensated services to the BOP. Examples of volunteer services include education, substance abuse prevention (e.g., Alcoholics Anonymous and Narcotics Anonymous), recreation, life-skills counseling, victim-assistance programs, crafts, religious services, and occupational services. Each institution employs a volunteer coordinator responsible for implementing the Volunteers and Citizen Participation Program and managing the recruitment, background investigation, and training of volunteers. See Appendix IX for a more detailed description of the requirements for volunteers and contractors.

<sup>75</sup> The Chief, Volunteer Management Branch, could not verify that all dismissals were captured in the database she maintained. The database relies on information manually reported by the institutions and reporting may not be complete.

<sup>76</sup> Contractors can range from health care staff (nurses, doctors, technicians) and food service staff, who report daily to the institution as their duty station, to construction workers or vendors who enter the institution periodically to perform a specialized or one-time function. Responsibility for oversight of contractors varies by institution. Some institutions assign this responsibility to the business office, others to the department under whom the service falls, while others assign portions of contractor oversight to the institution's volunteer coordinator. The number of contract employees currently employed BOP-wide is not available because the BOP does not centrally collect and track data reflecting each institution's solicitation and use of contractors. See Appendix IX for a more detailed description of the requirements for volunteers and contractors.

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charges. According to the BOP's Office of Internal Affairs Report for FY 2001, the BOP initiated 13 investigative cases as a result of misconduct allegations involving contract staff. At the close of the fiscal year, eight investigation cases were completed and three of these cases sustained misconduct by contract employees. The three sustained cases did not involve smuggling drugs into the institutions. In FY 2000, the Office of Internal Affairs reported two sustained cases of drug smuggling involving contractors.

Regardless of the low numbers of misconduct charges involving volunteers and contractors, the BOP staff at the institutions we visited and at the BOP Central Office stated that both volunteers and contract employees can be susceptible to compromise by inmates and as a result represent a potential point of entry for contraband into BOP institutions.

### ***Shared Information Can Assist Management of Volunteers and Contractors***

The BOP does not have a national automated capability to access and query information about volunteers, such as application, background, or training records, identify volunteers performing multi-institutional programs and services, and access volunteer dismissal or non-renewal records. Rather, we found that volunteer records are maintained in paper format at each institution.

The BOP also relies on a paper-driven process for documenting and tracking volunteer dismissals. Each institution's volunteer coordinator provides a memorandum indicating the volunteer's name and reason(s) for dismissal to the Regional Volunteer Administrator, with a copy of the memorandum forwarded to the Chief, Volunteer Management Branch at the BOP's Central Office.<sup>77</sup> The branch chief enters this dismissal information in a database, but the institution staff do not have access to the database. We believe that a searchable central database containing volunteer background, investigation records, and volunteer dismissals or non-renewals would help BOP staff better detect unscrupulous volunteers and prevent their approval to enter BOP institutions.

BOP also does not have a searchable database that provides timely and up-to-date access to contractor data. For example, in 2000 the intelligence staff at a high security institution we visited, aided by the FBI, successfully detected a scheme by inmates to introduce drugs into institutions through a compensated religious services contractor. The institution's intelligence staff noticed that inmates' positive drug tests increased following each of the contractor's three previous visits. Based on intelligence gathered from targeted monitoring of inmate telephone calls and

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<sup>77</sup> The Regional Volunteer Administrator provides guidance for volunteer programs and initiatives, such as data collection, networking, recruitment, strategic planning, technical assistance, and training, to the volunteer coordinator in each institution.



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subsequent inmate interviews, the religious services contractor was arrested inside the institution and prevented from introducing nearly three-quarters of a pound of marijuana.

While this investigation was successful, improved and timely sharing of contractor information may have led to earlier detection of the contractor's prior successful drug introductions during visits to several BOP institutions. For example, the investigation revealed that the same religious services contractor had visited, planned to visit, or was found listed on the approved telephone lists for inmates in at least six other BOP institutions. In addition, at the time of arrest the contractor possessed the names and register numbers for six inmates in custody at three other high security institutions, indicating a previously undetected pattern of security breaches.<sup>78</sup>

## **Conclusion**

The BOP has controls in place, as described in Appendix IX, to help ensure that volunteers and contractors are not security threats to the institutions. However, some volunteers and contractors engage in improper conduct. One improvement that could help in the management of volunteers and contractors is development of an automated database containing volunteer and contractor information, accessible to all institutions, to aid BOP staff in background reviews and approval decisions.

## **Institution Intelligence Operations**

Intelligence gathering about planned and ongoing criminal activity inside an institution is an important tool to help detect and prevent drug introductions. The BOP SIS office in each institution is responsible for gathering intelligence and investigating misconduct or crimes committed by inmates and staff.<sup>79</sup> The SIS staff at the institutions we visited told us that greater continuity of personnel in the SIS

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<sup>78</sup> We found that the type of contractual agreement used at each institution for this particular religious services contractor did not help identify the contractor as unscrupulous and prevent his hiring. Although the religious services contractor was providing services to several BOP institutions on a recurring basis, each institution procured religious services from this individual contractor through a short-term contract via purchase order prior to each compensated visit rather than through an individual contractual agreement used for the delivery of services requiring more frequent and unsupervised contact with inmates. The BOP has fewer requirements for reviewing the background of potential short-term contractors than for the longer-term individual contractors. See Appendix IX for the BOP's requirements for authorizing contractors.

<sup>79</sup> The SIS office's most common intelligence activities include telephone monitoring of inmates' calls, inmate drug testing, gang monitoring, and maintaining current databases and data files on problem inmates. The SIS office also serves as a liaison to other law enforcement organizations, such as the OIG and FBI. The SIS office is supervised by either a permanent Special Investigative Agent (SIA), or a correctional supervisor assigned as an SIS lieutenant for an 18-month rotation. An SIS office may also be staffed with less senior temporary or permanent SIS technicians and intelligence officers. The Special Investigative Technician is the one employee permanently assigned to an SIS office position at all the institutions we visited.

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lieutenant position and timely training of newly assigned personnel would enhance the performance of intelligence gathering and investigations. In addition, correctional officers highlighted the need to receive drug training from the SIS office to enhance drug interdiction activities throughout the institution.

### **Too Frequent Rotation of the SIS Lieutenant**

Although the BOP rotates most corrections officers within an institution so that they can learn the duties of different positions, the majority of wardens, SIS office staff, and FBI agents at the institutions we visited disagreed with the 18-month scheduled rotation of the SIS lieutenant. They stated that frequent rotation disrupts the continuity of the intelligence operation and hinders the lieutenant's ability to develop expertise for optimal performance. SIS lieutenants told us that just as they become competent in their duties, they are rotated to a different position. They also told us that drug interdiction activities are hurt because the information received from confidential informants, investigative skills acquired in working drug cases, and the ability to manage the information received from inmates' telephone calls, mail, and drug tests are lost with frequent rotation. Additionally, SIS staff informed us that it takes time to develop good working relationships with law enforcement organizations, such as the OIG and FBI, to help with the investigative needs of the institution. Although a warden has the discretion to extend the duration of a SIS lieutenant's assignment, the wardens we interviewed preferred permanent SIS lieutenant positions.

### **Improved Training Needed for SIS Lieutenants**

Wardens, Special Investigative Agents (SIA), SIS lieutenants, and FBI agents at the institutions we visited told us newly appointed SIS lieutenants need timely, in-depth criminal investigative training. The SIS lieutenant must quickly develop investigative knowledge to conduct investigations involving a variety of misconduct cases regarding staff and inmates.

According to the BOP Central Office, the Denver BOP Office of Internal Affairs (OIA) provides investigative technique training to SIS office staff. By policy, new SIS lieutenants are required to attend a two-week SIS training course within the first six months of their assignment. The training is usually held several times per year depending on the need. In recognition of the frequent rotation of SIS lieutenants, OIA finalized a standard training curriculum in May 2002. The curriculum includes approximately ten hours of investigative training and two hours of training on narcotics testing. However, some SIS lieutenants told us that they needed the training sooner and would prefer to receive criminal investigative training from the local FBI office or joint training from the FBI and OIG offices.

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## Other Staff can Benefit from Drug Training

An institution's SIS office can contribute to the BOP's drug interdiction activities by training other staff about drugs. Because SIS office staff investigate all drug finds in the institution, they have information on the latest drug names, types, forms, packaging, methods of introduction, and hiding places. Other institution staff, regardless of their assignment, can benefit from this information.<sup>80</sup> For example, one lieutenant assigned to the Special Housing Unit in a USP told us black tar heroin, which was found smeared on a cell's windowsill and under the frame of an inmate's bed, looks like glue and was not easily recognizable as a drug. Similarly, an ISO told us that inmate letters may be soaked with methamphetamine and staff may not recognize the paper stain as a drug.

Most institutions we visited made some efforts to share drug-related information with staff. Some institutions write information in a logbook and make the book available to staff as they enter the institution. However, obstacles to widespread dissemination exist. In the past, roll call prior to each shift was one method of disseminating information to staff but the BOP eliminated mandatory roll call in 1996 because it incurred overtime costs. Drug-related intelligence is sent to staff via some institutions' intranets but not all staff, including some corrections officers, have access to a computer at their duty posts. Consequently, the staff we interviewed suggested that periodic training about drugs, in addition to annual refresher training, should be provided by the SIS office.

## Conclusion

The SIS lieutenant is a critical position in the SIS office. We found that frequent rotation of corrections officers assigned to SIS lieutenant positions may interfere with SIS intelligence gathering and investigative activities. Without continuity of intelligence operations and well-developed functional expertise, the institution loses an important aspect of its security capability. Therefore, we believe the BOP should consider designating SIS lieutenant positions as permanent or extending the rotation time beyond 18 months. The BOP also should provide timely and in-depth training for SIS office staff, especially SIS lieutenants, on how to conduct criminal investigations.

The SIS staff gain first-hand knowledge of drugs through their investigations. Other institution staff also need such information to perform their duties, but may not acquire this knowledge without periodic formal training. We believe the SIS staff is an appropriate source for such training.

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<sup>80</sup> All institution staff are responsible for observing inmate behavior, pat searching inmates, and searching cells and common areas for contraband (to include drugs).

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## Canines for Drug Detection

Some state correctional systems and other law enforcement agencies have had success using canines for detecting drugs. The BOP has only one canine unit in the country located at the USP Lewisburg. At every institution we visited, the majority of staff viewed canine drug detection units as an effective drug interdiction technique and wanted periodic institution searches by drug dogs.<sup>81</sup> Most institutions we visited had made arrangements with other law enforcement agencies to conduct periodic searches of the institutions using the outside agencies' canine narcotic detection units. The SIS office staff expressed concern about this arrangement because of the limited availability of outside canine units and the training of narcotics dogs by outside law enforcement differs from corrections trained dogs.

We interviewed several BOP Central Office officials about the value of canine units as part of the BOP's overall drug interdiction activities. One official stated that a general perception exists that the training and costs of a canine unit do not match the results. However, the official supported increased use of canines because he believed that they increased the likelihood of finding drugs through other interdiction activities, such as inmates who are drug tested because the canines detected the recent presence of drugs in or around the inmates' property. Another official stated that canines could be used along with other interdiction activities, although he stated that drug finds using outside law enforcement canines have been low. A third official raised some disadvantages to using drug dogs, such as the requirement that inmates be removed from the area searched and the dogs' loss of detection skills if not used or trained on a regular basis.<sup>82</sup> However, he said the drug dogs have a deterrent effect on drug use and drug introductions. By contrast, the BOP Director and the Assistant Director of the Correctional Programs Division told us they believed that canines were of minimal overall value.

In FY 1990, BOP initiated a pilot project to permit USP Lompoc to evaluate the use of trained dogs for institutional drug searches and pursuit of escapees. The program was expanded to USP Terre Haute and USP Lewisburg. While we did not visit USP Terre Haute, we did visit USP Lompoc and interviewed staff about the institution's pilot canine program. Several correctional officers employed at USP Lompoc at the time of the pilot program cited two reasons for the unit's failure. First, the officer who was assigned as the canine handler was regularly pulled from his position to work other assignments. As a result, neither the dog nor the handler maintained the required training and consequently became less effective. Second,

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<sup>81</sup> According to the BOP Program Statement 5500.08, Canine Units, "The use of canines by the Bureau and other law enforcement agencies has proven to be an effective method for narcotics detection and for tracking escaped inmates. The presence of a canine unit not only aids in locating drugs, drug paraphernalia and escapees, but also serves as a deterrent."

<sup>82</sup> While other correctional systems conduct canine drug searches with the inmates present, the BOP removes inmates from an area prior to a canine search.

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the supervision of the canine program was insufficient. Responsibility for the pilot program was assigned to a supervisory correctional officer who did not receive any training or guidance on how to implement and manage the program.

Currently, the one BOP canine unit, USP Lewisburg's canine unit, consists of two dogs and one Canine Enforcement Officer, who is supervised by the USP's SIA.<sup>83</sup> Both dogs are dual-purpose dogs trained in criminal apprehension and handler protection, with one dog specially trained in drug detection and the second dog specially trained in explosives detection. The Canine Enforcement Officer uses the narcotics dog in a variety of ways to detect and deter the presence of drugs. At both the USP Lewisburg and Lewisburg Camp, the dog is used to search the housing units, common areas, mail, warehouse, work details, parking lot, fence perimeter, and other areas.<sup>84</sup> The officer and the dogs also assist other BOP institutions throughout the Northeast Region, as well as other outside law enforcement agencies. Because of the frequent number of requests from other BOP institutions, we were told by the Canine Enforcement Officer that one canine unit for the Northeast Region is insufficient to meet the demand.

While at the USP Lewisburg, we observed the canine unit at the warehouse searching the mail for both drugs and explosives and walking through the warehouse aisles searching for drugs in large boxes and packages that had been delivered from outside vendors.<sup>85</sup> The ISOs responsible for the mail and correctional officers assigned to the warehouse believed the drug dog provides an extra level of security for the institution and has a deterrent effect on inmates. When we interviewed other institution staff at both the USP Lewisburg and Lewisburg Camp about the success of the dog, all staff believed that the dog has been effective in locating drugs and serving as a strong deterrent to drug use and smuggling.

The USP Lewisburg's Canine Enforcement Officer told us that it is difficult to measure the true success of a drug detection dog in isolation from all other drug

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<sup>83</sup> The USP Lewisburg's total FY 2001 operational cost for its two dogs was \$2,640.33. This cost included canine re-certification tuition for one handler and an alternate; travel, meals, and lodging for a handler and an alternate; and dog food and veterinary expenses for two dogs. One-time purchase of a dog is approximately \$7,500 and includes hip and spine certification, obedience training, handler protection, and three weeks of handler schooling. Institutions also must consider the cost to construct a suitable kennel to house the dogs and any annual maintenance costs for the kennel. This cost did not include the Canine Enforcement Officer's salary.

<sup>84</sup> The Canine Enforcement Officer told us that a dog cannot work all day and must be rested after a period of time. However, the handler also can be assigned other security duties in the institution after ensuring the dog's daily training (searching) and exercise needs are completed.

<sup>85</sup> The mail is delivered to the institution's warehouse to pass through an x-ray scanner and, at USP Lewisburg, to get searched periodically by the drug dog prior to delivery to the institution's inside mailroom for further processing. Deliveries from outside vendors are also delivered to the warehouse for inspection and scanning, and at USP Lewisburg, for searching periodically by the drug dog, prior to transport via institution vehicle inside the institution's secure perimeter.

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interdiction activities, such as inmate drug testing, cell searches, telephone monitoring, mail inspection, and visitor ion spectrometry screening. The success of a drug detection dog also cannot be measured only in terms of actual drug finds, because inmates often flush their drugs down the toilet when they know a search will be conducted.<sup>86</sup> In this scenario, however, the dog can detect the recent presence of drugs in a cell and officers can then drug test the inmates who reside in the cell. What can be measured as performance indicators are the USP Lewisburg's drug-related misconduct charges and rates for positive drug tests, which are among the lowest of the high security level institutions for FY 2001. While staff at the USP Lewisburg credit the intelligence gathering and investigative efforts of their SIS office overall for the lower number of drug misconduct charges and lower positive drug test rates, most staff also stated the presence of the drug dog was a significant factor.

Canine units are frequently used by other state corrections systems as part of their overall drug interdiction strategies. Drug dogs are used throughout state institutions to search in a variety of ways, including searching visitor and staff parking lots, mail and housing areas, and vendors and their deliveries. Examples of states that have canine units include: Maryland (31 handlers, 56 dogs), Florida (10 canine units), Arizona (41 dual-purpose dogs), Illinois (8 canine units), Connecticut (currently 6 dogs but training more in 2002), Pennsylvania (21 handlers, 23 dogs, and a canine training academy), Alabama, Texas, California, South Carolina, New York, New Jersey, Kansas, and West Virginia.<sup>87</sup> Of the states we surveyed, the value of the canine units was not measured solely by the number of drug finds. For example, the Texas Department of Criminal Justice, which operates canine units out of several Regional Directors' offices, measures the units' success by the low levels of drug use in Texas prisons (via inmate drug tests).<sup>88</sup> The Maryland Department of Corrections cites the decline in drug finds by the canine unit as an indication of drug interdiction effectiveness.<sup>89</sup> The Connecticut Department of Corrections measures success by the dogs' detection of the recent presence of drugs, which can then be confirmed by drug testing the inmates. The Illinois Department of Corrections states

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<sup>86</sup> The Canine Enforcement Officer provided us with a list of the narcotics detected using his canine unit over the last three years: 375.68 grams of marijuana, 3.82 grams of heroin, 0.2 grams of cocaine, and 0.4 grams of morphine.

<sup>87</sup> In a 3-year project titled the Drug-Free Prison Zone Project, ending in January 2002, Alabama, Arizona, California, Florida, Kansas, Maryland, New Jersey, and New York were each awarded \$500,000 as part of a cooperative agreement between the National Institute of Corrections, the BOP, and state prison systems to facilitate the development or enhancement of drug interdiction strategies in adult prison facilities. All eight states chose to use this money to acquire new narcotic detecting canine units or enhance existing narcotic detecting canine units as part of their overall drug interdiction activities.

<sup>88</sup> Texas Department of Criminal Justice reports a 1.3 percent positive drug test rate for inmates. This includes random, targeted, and reasonable suspicion testing.

<sup>89</sup> "National Institute of Corrections Drug-Free Prison Zone Project," Alexander M. Holsinger, Ph.D., University of Missouri – Kansas City, Department of Sociology/Criminal Justice & Criminology, May 25, 2002.

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that, while every drug find is considered a success, the presence of the canine unit serves as a deterrent to anyone who may be in the possession of narcotics or other contraband. The South Carolina Department of Corrections, which recently launched a zero tolerance campaign for drugs and other contraband, uses canine drug teams as part of a network of intelligence gathering.

### **Conclusion**

The USP Lewisburg, many state correctional systems, and other law enforcement agencies use canine units successfully as part of their drug interdiction activities. The USP Lewisburg's canine unit demonstrates potential benefits of canines as a drug interdiction activity for use throughout the institution. Other institutional technology used to search inmates and their property, mail, or warehouse deliveries, such as x-ray scanners or metal detectors, are not capable of detecting drugs. Therefore, drug dogs could be used to enhance interdiction activities in areas throughout the institutions such as in the mailroom, the R&D area, the warehouse, and the rear gate. We believe there is ample evidence to support expanding canine units within the BOP, which could help reduce drugs in the institutions.

### **Recommendation**

15. The Director, BOP, should consider the other opportunities to improve drug interdiction activities for the R&D and warehouse areas, the rear gate, volunteers, contractors, and institution intelligence operations. The BOP also should consider another pilot test of canines as a drug detection technique for its institutions.

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## APPENDIX I: BOP'S DRUG ABUSE TREATMENT PROGRAMS

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The BOP's drug abuse treatment programs consist of drug abuse education, non-residential treatment, and residential treatment.

- Drug Abuse Education. Drug abuse education is a series of classes totaling approximately 30 to 40 hours designed to provide information about the detrimental consequences of drug use through literature and videos. The classes, which follow a standardized course curriculum, are not considered treatment by BOP, but a means to motivate inmates to seek treatment. During the classes, inmates are encouraged to seek treatment through the BOP's other drug program components. The BOP Program Statement 5330.10, Drug Abuse Programs Manual, requires inmates to take drug abuse education if: (1) there is evidence in inmates' Pre-Sentence Investigation report that alcohol or other drug abuse contributed to their crime, (2) if inmates received a judicial recommendation to participate in a drug treatment program, (3) inmates violated their community supervision as a result of substance abuse, or (4) inmates have a history of abusing alcohol or drugs. The inmates must complete this course within the first 12 months of their incarceration. If an inmate refuses to participate in the drug abuse education course, the inmate is not recommended for community programs and will be compensated at the lowest pay grade (\$5.25 per month) for any work they perform in the institution.
- Non-Residential Drug Treatment. BOP Program Statement 5330.10 requires institutions to provide non-residential drug treatment, which can include individual and group therapy. Non-residential drug treatment within the institution should consist of at least one hour of individual or group counseling each month, following a curriculum developed individually by each institution's DATS. The program statement does not provide a standardized curriculum for non-residential drug treatment. Inmates must meet all of the following criteria to be eligible for non-residential drug treatment: (1) have a verifiable, documented drug abuse problem, (2) have no serious mental impairment that would substantially interfere with or preclude full participation in the program, and (3) sign an agreement acknowledging their responsibility under the program. Inmates' participation in non-residential drug treatment is voluntary. Inmates receive no incentives to participate and face no consequences if they choose not to participate or fail to complete treatment.



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A component of non-residential treatment is transitional or aftercare counseling, which is required for inmates who have completed the residential drug abuse program and are returned to the general population awaiting their release date. This can include group or individual counseling and is required for one hour a month for one year or until the inmate's release date, whichever is first.

- Residential Drug Abuse Program (RDAP). The RDAP is typically a 9-month, 500-hour program in which participating inmates are housed together in a separate unit reserved for drug treatment at a BOP institution. The inmates participate in a minimum of three hours of drug treatment per day. In FY 2001, the BOP had established 52 RDAP units in 50 of its 100 institutions. Five additional units are scheduled to open in FY 2002.<sup>90</sup> RDAP has a standardized drug treatment curriculum. An inmate must meet the following eligibility criteria to be admitted into RDAP: (1) sentenced to BOP custody, (2) determined by the BOP to have a substance abuse disorder, (3) sign BOP's "Agreement to Participate in the Bureau's Residential Drug Abuse Program," (4) reside in a BOP institution, (5) serving a sentence with enough time to fully participate in a residential drug abuse program, and (6) willing to participate in a residential drug abuse treatment program. Upon successful completion of RDAP, an inmate can receive a sentence reduction of up to 12 months, limited financial rewards, and additional privileges within the institution. If inmates fail to complete the program, they are ineligible to receive these incentives. Inmates are ineligible for the sentence reduction if their current or past criminal history includes a serious violent offense.

Other Residential Programs. According to the FY 2000 State of the Bureau, the BOP offers a variety of other residential programs, which focus on "inmates emotional and behavioral responses to difficult situations and emphasize life skills and the development of pro-social values, respect for self and others, responsibility for personal actions, and tolerance." These specialized programs borrow the cognitive restructuring approach of the RDAP and encourage inmates to become alcohol and drug free, but the programs are not drug treatment programs. Inmates may be diagnosed as needing drug treatment and may participate in drug treatment, but treatment is separate from the usual curriculum of the specialized programs. Also, participation in drug treatment is not a prerequisite for participation in these specialized programs. However, inmates who use or possess alcohol or drugs will be expelled from the programs.

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<sup>90</sup> "Substance Abuse Treatment Programs in the Federal Bureau of Prisons Fiscal Year 2001 Report to Congress," Federal Bureau of Prisons, January 2002. This report is required annually.

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## APPENDIX II: CONTACTS AND SITE VISITS

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### BOP Central Office Interviews Conducted

Correctional Programs Division  
    Correctional Services Branch  
    Inmate Systems Management Branch  
    Psychology Services Branch  
Executive Office  
    Internal Affairs  
Health Services Division  
    Drug-Free Workplace  
Human Resource Management Division  
    Labor Management Relations and Security  
General Counsel and Review  
Program Review Division  
Information, Policy and Public Affairs Division  
    Security Technology  
Community Corrections and Detention Division  
    Citizen Participation  
    Contract Services  
Administration Division  
    Trust Fund Operations

### Institutions Visited

	<u>Security Level</u>
U.S. Penitentiary Beaumont, Texas	High
U.S. Penitentiary Leavenworth, Kansas	High
U.S. Penitentiary Lompoc, California	High
U.S. Penitentiary Lewisburg, Pennsylvania	High
Federal Correctional Institution Memphis, Tennessee	Medium
Federal Correctional Institution Miami, Florida	Medium
Federal Detention Center Miami, Florida	Administrative
Low Security Correctional Institution Allenwood, Pennsylvania	Low
Federal Prison Camp Lewisburg, Pennsylvania	Minimum

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## **Institution Staff Interviewed**

Wardens  
Associate Wardens  
Captains  
Intelligence Staff  
Unit Managers  
Disciplinary Hearing Officers  
ISOs for Mail and Receiving and Discharge  
Rear Gate Officers  
Drug Treatment Staff  
Visiting Room Officers  
Canine Enforcement Officer  
Commissary Supervisors  
Human Resources Staff  
Volunteer Coordinators  
Business Office Managers  
Warehouse Supervisors

## **Institution Operational Areas Reviewed**

Front Gate Entry  
Visitor Processing  
Visiting Room Monitoring  
Mail Processing  
Warehouse Receiving  
Rear Gate Processing  
Inmate Receiving and Discharge  
Commissary Operations  
Disciplinary Hearings  
Unit Management  
Drug Abuse Treatment Programs  
Intelligence Gathering

- Drug Testing
- Phone Monitoring
- Canine Unit

Volunteer and Contractor Processing  
Human Resources  
Business Office

- Inmate Accounts

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## APPENDIX III: CATEGORIES OF INMATE DRUG TESTS

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BOP Program Statement 6060.08, Urine Surveillance and Narcotic Identification, authorizes the following inmate drug tests:

- **Random.** Each institution is required to perform a specific percentage of random inmate drug tests each month. The required percentage varies according to the security level of the institution. Effective November 1999, each high security level institution is required to randomly test 10 percent (up from 7 percent) of its total inmate population. Each medium, low, and administrative security level institution is required to perform random testing on 5 percent of its total population. Each minimum security level institution is required to perform random testing on 3 percent (down from 5 percent) of its total population. The Administrative Maximum Security Penitentiary Florence, Colorado, and the USP Marion, Illinois, are required to conduct 5 percent random testing monthly of the total population.
- **Prior Act** – Inmates sanctioned administratively for specific drug-related charges are tested monthly for 24 continuous months.
- **Suspected** – Inmates identified through intelligence (*e.g.*, telephone monitoring, mail monitoring, or following a specific incident or act of violence) can be required to submit to monthly testing over consecutive months, usually a minimum of three consecutive months. If an inmate tests positive, the inmate is placed on the Prior Act list for 24 months of consecutive testing. If an inmate on the Suspected test list does not test positive during the initial three consecutive month testing period, the inmate is typically removed from the list. However, an institution may continue testing an inmate until BOP determines that the inmate no longer represents a threat to the institution.
- **Disruptive Groups** – Inmates identified and monitored because of gang affiliations are tested. Specifically, inmates identified as members of one of five monitored gangs are assigned “Disruptive Group” status. Every disruptive group member undergoes monthly testing indefinitely. In addition, inmates with known affiliations to other identified gangs are assigned “Security Threat Group” status and are tested monthly.
- **Saturation** – The warden and staff may target specific large groups of inmates for testing, such as an inmate work group or selected housing units.

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- **Community Activities** – At least 50 percent of inmates involved in community activities are tested, including all inmates with a history of drug use.

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USP Allenwood	4.55	7.30	2.94	2.32	1.82
USP Atlanta	4.01	3.09	4.12	3.67	1.74
USP Beaumont	N/A	2.86	3.03	5.70	7.84
FCI Edgefield	N/A	N/A	N/A	1.48	1.01
USP Florence	4.11	3.93	5.21	1.80	1.07
USP Leavenworth	3.30	2.44	3.48	3.95	2.65
USP Lewisburg	4.84	3.30	3.09	1.30	1.41
USP Lompoc	4.39	8.01	9.88	6.61	6.09
USP Terre Haute	2.37	2.08	2.67	1.72	1.66

Source: BOP

Data for two high security level institutions, USP Marion and ADX Florence, which have non-contact visits and little or no inmate movement, were excluded.

N/A: Not activated for an entire year during the reporting period.

Table 1: Comparison of FCI Rates by State and Fiscal Year

State	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Allenwood Medium FCI	1.89	1.27	0.51	2.32	0.95
Beaumont Medium FCI	N/A	N/A	N/A	5.72	3.05
Beckley FCI	0.93	2.92	3.51	3.56	2.18
Butner Medium FCI	1.75	0.94	3.92	2.03	0.95
Coleman Medium FCI	1.32	3.13	1.58	0.77	1.42
Cumberland FCI	0.91	0.65	1.26	2.52	1.16
El Reno FCI	3.30	1.62	4.54	1.29	0.69
Englewood FCI	2.06	1.74	0.73	2.57	0.76
Estill FCI	2.47	1.37	0.77	0.46	1.07
Fairton FCI	1.92	1.12	0.61	1.15	0.92
Florence FCI	0.81	1.45	3.28	1.67	1.57
Greenville FCI	3.41	2.28	3.24	2.48	2.74
Jesup FCI	2.58	2.07	1.12	1.28	0.70
Manchester FCI	1.17	2.20	1.08	1.99	0.82
Marianna FCI	0.13	0.99	0.88	1.67	0.96
McKean FCI	1.14	1.03	0.99	0.89	0.92
Memphis FCI	2.41	6.47	6.25	3.05	2.89
Miami FCI	1.67	1.69	1.05	0.48	1.22
Oakdale FCI	1.75	0.58	1.15	0.93	0.95
Otisville FCI	3.29	2.68	2.46	1.08	1.34
Oxford FCI	0.74	0.99	1.39	0.32	0.64
Pekin FCI	2.15	1.78	1.01	1.78	2.77
Phoenix FCI	1.85	4.73	3.17	7.22	4.10
Ray Brook FCI	4.30	4.20	1.42	1.84	0.97
Schuylkill FCI	5.16	2.12	0.54	0.50	0.46
Sheridan FCI	6.14	2.91	2.38	4.39	2.45
Talladega FCI	0.56	0.91	0.34	0.43	1.03
Terminal Island FCI	5.81	7.84	7.97	4.74	1.97
Three Rivers FCI	4.67	3.26	1.39	0.68	2.20
Tucson FCI	9.87	6.88	2.96	2.76	4.45
Victorville FCI	N/A	N/A	N/A	N/A	5.52

Source: BOP

Data for each fiscal year excludes institutions that did not have test results for the entire year.

N/A: Not activated for an entire year during the reporting period.

Table 1: Comparison of FCI and FSL scores for various locations

Location	FCI	FSL	FCI	FSL	FCI	FSL
Allenwood Low FCI	0.78	0.55	0.36	0.14	0.24	
Ashland FCI	2.46	0.33	0.79	0.74	0.71	
Bastrop FCI	1.60	2.28	1.00	1.12	0.76	
Beaumont Low FCI	0.60	0.83	2.74	1.28	2.69	
Big Spring FCI	2.21	5.83	2.56	0.95	1.64	
Butner Low FCI	0.64	0.74	1.35	0.71	1.20	
Coleman Low FCI	1.26	0.00	0.14	0.32	0.54	
Danbury FCI	0.00	0.82	2.07	1.97	0.21	
Dublin FCI	1.66	2.40	1.76	0.69	2.16	
Elkton FCI	N/A	1.85	1.36	0.80	1.04	
Elkton FSL	N/A	N/A	N/A	N/A	N/A	
Forrest City FCI	N/A	1.86	1.77	2.29	1.78	
Fort Dix FCI	1.37	0.98	0.73	1.18	0.37	
Jesup FSL	N/A	N/A	N/A	N/A	N/A	
La Tuna FCI	2.46	4.88	1.43	0.26	1.25	
La Tuna FSL	N/A	N/A	N/A	N/A	N/A	
Lompoc FCI	0.87	1.24	0.64	1.01	0.29	
Loretto FCI	0.72	0.55	0.56	0.48	0.40	
Milan FCI	3.08	2.79	3.30	3.05	1.96	
Petersburg FCI	0.34	0.47	0.12	1.98	1.73	
Safford FCI	0.63	1.70	0.09	0.00	0.00	
Sandstone FCI	0.14	0.14	0.54	0.49	0.66	
Seagoville FCI	1.16	1.78	1.85	1.83	1.99	
Taft CI	N/A	N/A	5.68	3.89	5.94	
Tallahassee FCI	0.54	0.97	0.29	1.69	1.21	
Texarkana FCI	1.55	1.42	0.89	0.49	1.04	
Waseca FCI	0.42	0.00	0.72	0.08	0.35	
Yazoo City FCI	N/A	0.90	0.35	0.82	0.58	

Source: BOP

Data for each fiscal year excludes institutions that did not have test results for the entire year.

N/A: Not activated for an entire year during the reporting period.



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Alderson FPC	0.85	0.85	1.25	1.00	0.42
Allenwood FPC	0.35	0.11	0.90	1.97	0.28
Ashland FCI Camp	0.92	1.92	2.85	2.46	1.30
Atlanta USP Camp	1.51	1.71	1.68	2.33	0.00
Atwater USP Camp	N/A	N/A	N/A	N/A	N/A
Bastrop FCI Camp	0.50	0.00	2.19	3.24	0.00
Beaumont USP/FCC Camp	N/A	N/A	5.26	0.00	No Data
Beckley FCI Camp	0.33	0.00	0.00	2.90	1.84
Big Spring FCI Camp	1.37	1.03	0.73	0.89	0.80
Boron FPC	.08	.37	0.00	N/A	N/A
Bryan FPC	0.09	0.42	0.68	0.62	0.73
Bryan FPC ICC	0.15	0.00	0.13	0.00	0.63
Butner Medium FCI Camp	1.12	1.26	0.63	0.71	0.59
Carswell FMC Camp	No Data	No Data	0.27	0.29	0.00
Coleman Medium FCI Camp	No Data	0.00	0.99	0.70	0.88
Cumberland FCI Camp	0.00	0.00	0.00	1.19	0.37
Danbury FCI Camp	0.00	0.00	0.96	0.00	0.00
Devens FMC Camp	N/A	N/A	N/A	No Data	No Data
Dublin FCI Camp Unit	0.39	0.00	1.30	0.85	0.00
Duluth FPC	0.26	0.16	0.60	0.22	0.39
Edgefield FCI Camp	N/A	3.51	0.85	1.39	1.32
Eglin FPC	1.10	0.13	0.25	0.36	0.51
Elkton FCI Camp	N/A	No Data	1.09	No Data	N/A
El Paso FPC	0.76	0.44	0.17	0.50	N/A
El Reno FCI Camp	1.41	0.68	1.75	0.00	3.45
Englewood FCI Camp	0.73	0.00	1.65	0.50	1.28
Estill FCI Camp	0.36	0.00	0.66	0.00	2.19
Fairton FCI Camp	0.00	0.00	1.12	0.00	0.00
Florence FCI Camp	0.49	2.54	No Data	No Data	2.88
Forrest City FCI Camp	N/A	N/A	N/A	No Data	No Data
Fort Dix FCI Camp	No Data	No Data	No Data	No Data	No Data

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Greenville FCI Camp	0.40	0.42	1.75	2.62	N/A
Jesup FCI Camp	0.33	0.53	0.33	0.59	1.23
La Tuna FCI Camp	1.26	0.98	0.00	0.93	0.52
Leavenworth USP Camp	0.00	0.00	1.59	1.85	3.38
Lee USP Camp	N/A	N/A	N/A	N/A	N/A
Lewisburg USP Camp	0.46	0.00	2.28	0.00	0.74
Lewisburg USP ICC	8.88	5.49	12.30	12.68	6.40
Lexington FMC Camp	No Data	0.64	0.50	0.00	0.87
Lompoc FCI ICC	N/A	No Data	No Data	No Data	No Data
Lompoc USP Camp	1.69	0.60	3.63	0.58	0.85
Loretto FCI Camp	0.50	0.00	0.00	0.00	0.00
Manchester FCI Camp	1.50	0.51	1.17	0.31	1.12
Marianna FCI Camp	0.59	0.00	No Data	0.00	0.55
Marion USP Camp	1.29	1.08	0.56	0.65	1.75
McKean FCI Camp	0.31	0.80	0.26	1.36	1.10
Memphis FCI Camp	No Data	1.33	7.79	0.00	No Data
Miami FCI Camp	1.30	0.34	0.00	No Data	No Data
Montgomery FPC	0.39	1.35	1.82	1.68	1.98
Morgantown FCI	0.71	1.20	0.50	1.61	0.41
Nellis FPC	0.83	1.15	0.94	1.51	0.58
Oakdale FDC Camp	0.00	0.52	0.00	3.12	1.16
Otisville FCI Camp	1.56	0.00	3.72	No Data	No Data
Oxford FCI Camp	2.68	2.68	3.05	3.27	1.97
Pekin FCI Camp	1.01	0.61	0.96	0.52	1.38
Pensacola FPC	0.46	0.34	0.49	1.43	0.64
Petersburg FCI Camp	1.02	1.11	0.79	0.27	0.71
Phoenix FCI Camp	1.09	2.22	3.85	1.72	6.41
Pollock USP Camp	N/A	N/A	N/A	N/A	No Data
Schuylkill FCI Camp	1.56	0.00	0.52	No Data	No Data

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Seymour Johnson FPC	0.70	1.18	0.57	0.20	0.57
Sheridan FCI Camp	0.50	0.58	0.95	1.55	0.34
Taft CI Camp	N/A	N/A	No Data	No Data	No Data
Talladega FCI Camp	0.45	0.31	1.10	No Data	No Data
Terre Haute USP Camp	2.22	0.70	0.81	1.65	1.72
Texarkana FCI Camp	0.00	0.50	0.32	0.49	0.39
Three Rivers FCI Camp	1.83	3.10	1.86	2.07	1.34
Victorville FCI Camp	N/A	N/A	N/A	N/A	No Data
Yankton FPC	0.43	0.00	0.17	0.90	1.23
Yazoo City FCI Camp	N/A	N/A	N/A	N/A	N/A

Source: BOP

Data for each fiscal year excludes institutions that did not have test results for the entire year.

N/A: Not activated for an entire year during the reporting period.

No Data: No information was recorded for that fiscal year in the database received from the BOP.

The high drug rates at the USP Lewisburg Intensive Confinement Center (ICC), which is a Boot Camp, is attributed to the past practice of drug testing inmates upon admission. This practice has ceased.

Table 1: Average Test Scores by Fiscal Year and Institution Type

Fiscal Year	2011	2012	2013	2014	2015
Brooklyn MDC	5.77	2.40	2.08	1.72	1.08
Butner FMC	N/A	N/A	N/A	N/A	0.98
Carswell FMC	2.91	4.23	2.79	2.20	2.40
Chicago MCC	1.44	0.72	1.76	1.00	1.65
Devens FMC	N/A	N/A	N/A	1.17	1.57
Fort Worth FMC	4.64	5.13	2.00	4.29	3.80
Guaynabo MDC	3.78	2.44	1.86	2.24	2.30
Honolulu FDC	N/A	N/A	N/A	N/A	No Data
Houston FDC	N/A	N/A	N/A	0.41	0.79
Lexington FMC	1.28	1.94	1.01	2.71	2.18
Los Angeles MDC	8.33	4.60	5.66	3.95	4.19
Miami FDC	0.39	0.68	0.71	0.48	0.38
New York MCC	1.17	1.43	1.13	0.99	0.96
Oakdale FDC	0	0	0.16	0.16	0.14
Oklahoma City FTC	0.65	1.38	0.83	0.45	0.54
Philadelphia FDC	N/A	N/A	N/A	N/A	0.59
Rochester FMC	1.66	4.36	3.54	5.85	7.61
San Diego MCC	3.44	2.56	1.42	1.49	1.07
SeaTac FDC	N/A	1.16	2.58	0.83	1.25
Springfield USMCFP	5.02	5.13	9.48	10.04	6.27

Source: BOP

Data for each fiscal year excludes institutions that did not have test results for the entire year.

N/A: Not activated for an entire year during the reporting period.

No Data: No information was recorded for that fiscal year in the database received from the BOP.

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100	Killing;
101	Assaulting any person (includes sexual assault) or an armed assault on the institution's secure perimeter (a charge for assaulting any person at this level is to be used only when serious physical injury has been attempted or carried out by an inmate);
102	Escape from escort; escape from a secure institution (low, medium, and high security level, and administrative institutions); or escape from a minimum institution with violence;
103	Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, <u>e.g.</u> in furtherance of a riot or escape);
104	Possession, manufacture, or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive or any ammunition;
105	Rioting;
106	Encouraging others to riot;
107	Taking hostage(s);

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- 108 Possession, manufacture, or introduction of a hazardous tool (tools most likely to be used in an escape or escape attempt or to serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety, e.g., hack-saw blade);
- 109 (Not to be used)
- 110 Refusing to provide a urine sample or to take part in other drug abuse testing;
- 111 Introduction of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff;
- 112 Use of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff;
- 113 Possession of any narcotics, marijuana, drugs, or related paraphernalia not prescribed for the individual by the medical staff;
- 197 Use of the telephone to further criminal activity;
- 198 Interfering with a staff member in the performance of duties (conduct must be of the Greatest Severity nature.) This charge is to be used only when another charge of greatest severity is not applicable;
- 199 Conduct which disrupts or interferes with the security or orderly running of the institution or the BOP (conduct must be of the Greatest Severity nature.) This charge is to be used only when another charge of Greatest Severity is not applicable.

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USP Allenwood	11.55	117	12.07	122	6.33	68
USP Atlanta	10.91	229	9.96	191	5.76	108
USP Beaumont	8.39	123	13.75	202	23.25	319
FCI Edgefield	N/A	N/A	4.35	63	3.74	57
USP Florence	16.35	166	9.36	92	5.26	50
USP Leavenworth	7.28	131	15.34	258	12.69	213
USP Lewisburg	10.79	117	6.42	67	3.89	46
USP Lompoc	24.59	392	17.56	281	15.77	238
USP Terre Haute	7.38	81	4.69	60	4.24	55
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Source: BOP

Data for each fiscal year excludes institutions that did not have misconduct data for the entire year. Data for two high security level institutions, USP Marion and ADX Florence, which have non-contact visits and little or no inmate movement, were excluded.

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Allenwood Medium FCI	1.05	12	3.51	42	1.37	18
Beaumont Medium FCI	N/A	N/A	7.89	125	5.54	88
Beckley FCI	6.69	103	5.89	96	5.14	83
Butner Medium FCI	4.89	37	2.68	22	1.45	11
Coleman Medium FCI	2.87	46	2.15	36	2.2	37
Cumberland FCI	1.82	21	5.45	62	3.76	42
El Reno FCI	10.25	121	3.86	49	1.10	16
Englewood FCI	2.33	21	3.54	32	2.25	20
Estill FCI	1.23	12	1.53	18	1.12	13
Fairton FCI	0.51	6	2.26	27	1.44	19
Florence FCI	9.12	109	5.81	71	6.17	74
Greenville FCI	7.96	91	6.05	72	5.08	60
Jesup FCI	1.56	16	1.03	11	0.94	13
Manchester FCI	2.97	33	4.64	53	2.27	26
Marianna FCI	1.35	15	1.02	12	0.89	11
McKean FCI	2.93	32	2.38	26	2.47	27
Memphis FCI	16.85	151	8.82	83	8.8	96
Miami FCI	1.60	14	1.19	11	1.83	19



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Oakdale FCI	1.71	21	1.87	23	1.93	25
Otisville FCI	4.14	43	1.71	17	1.64	16
Oxford FCI	2.05	22	0.30	3	0.60	6
Pekin FCI	2.47	29	2.83	34	6.05	74
Phoenix FCI	9.06	105	20.13	253	11.38	142
Ray Brook FCI	3.13	34	3.39	37	2.34	27
Schuylkill FCI	0.64	7	0.76	8	0.53	6
Sheridan FCI	5.05	68	3.61	49	2.12	29
Talladega FCI	0.53	5	0.60	6	1.62	17
Terminal Island FCI	11.87	120	7.84	79	3.69	37
Three Rivers FCI	5.72	61	3.28	33	7.66	80
Tucson FCI	5.78	45	6.20	47	9.22	70
Victorville FCI	N/A	N/A	N/A	N/A	10.37	156
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Source: BOP

Data for each fiscal year excludes institutions that did not have misconduct data for the entire year.

N/A: Not activated for an entire year during the reporting period.

Table 1: Misconduct Data by County, Fiscal Year 2013-2014

County	2013-2014		2014-2015		2015-2016	
	Misconduct Rate	Number of Cases	Misconduct Rate	Number of Cases	Misconduct Rate	Number of Cases
Allenwood Low FCI	0.54	7	0.54	7	0.53	7
Ashland FCI	0	0	1.76	19	1.29	14
Bastrop FCI	1.19	13	0.95	11	1.12	14
Beaumont Low FCI	2.66	45	1.5	29	3.07	59
Big Spring FCI	3.57	34	1.19	13	2.12	18
Butner Low FCI	1.72	13	1.1	9	2.63	20
Coleman Low FCI	0.47	8	0.52	10	0.64	13
Danbury FCI	0	0	0.59	6	0.38	4
Dublin FCI	2.76	31	1.27	14	1.66	18
Elkton FCI	2.23	39	0.65	12	.79	18
Elkton FSL	N/A	N/A	N/A	N/A	N/A	N/A
Forrest City FCI	2.51	43	3	56	3.36	61
Fort Dix FCI	1.19	41	1.05	39	0.37	14
Jesup FSL	N/A	N/A	N/A	N/A	N/A	N/A
La Tuna FCI	1.6	18	.09	1	.44	5
La Tuna FSL	N/A	N/A	N/A	N/A	N/A	N/A
Lompoc FCI	1.32	10	0.79	7	0.41	4
Loretto FCI	1.34	10	1.56	12	0.47	5
Milan FCI	4.89	67	4.21	62	2.74	43
Petersburg FCI	0.27	3	2.76	33	1.62	20
Safford FCI	0.26	2	0	0	0	0
Sandstone FCI	0.61	5	0.71	6	0.82	7
Seagoville FCI	3.51	42	3.85	49	2.31	26
Taft CI	5.32	93	6.81	126	9.24	172
Tallahassee FCI	0.20	2	0.51	6	0.17	2
Texarkana FCI	1.37	18	0.45	6	1.47	20
Waseca FCI	0.84	7	0.56	6	0.47	5
Yazoo City FCI	0.85	14	0.74	14	0.59	11
Total		666		661		660

Source: BOP

Data for each fiscal year excludes institutions that did not have misconduct data for the entire year.

N/A: Not activated for an entire year during the reporting period.



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El Paso FPC	0	0	1.83	4	N/A	N/A
El Reno FCI Camp	0	0	1.63	4	2.26	5
Englewood FCI Camp	1.14	0	0	0	1.57	2
Estill FCI Camp	1.75	4	0.37	1	2.09	6
Fairton FCI Camp	1.23	1	0	0	0	0
Florence FCI Camp	1.76	6	0.26	1	0.77	3
Forrest City FCI Camp	N/A	N/A	0.46	1	0.88	2
Fort Dix FCI Camp	No Data	No Data	0	0	0.27	1
Greenville FCI Camp	1.64	4	2.17	6	N/A	N/A
Jesup FCI Camp	0.43	2	2.43	12	0.68	1
La Tuna FCI Camp	0	0	1.90	4	0	0
Leavenworth USP Camp	2.66	9	5.30	19	3.0	10
Lee USP Camp	N/A	N/A	N/A	N/A	N/A	N/A
Lewisburg USP Camp	0.37	1	0	0	0.38	1
Lewisburg USP ICC	0	0	0	0	0	0
Lexington FMC Camp	0.47	1	0.43	1	1.36	3
Lompoc FCI ICC	0	0	0.69	1	0	0
Lompoc USP Camp	0.73	2	0	0	1.34	4
Loretto FCI Camp	0	0	0.93	1	0	0
Manchester FCI Camp	0.84	3	0.42	2	2.07	10
Marianna FCI Camp	0	0	0	0	0.36	1
Marion USP Camp	0.37	1	0	0	2.31	8
McKean FCI Camp	2.40	6	1.69	4	2.09	4
Memphis FCI Camp	1.04	3	2.19	6	2.61	8

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Miami FCI Camp	0	0	0	0	1.05	3
Montgomery FPC	0.95	7	1.20	9	0.36	3
Morgantown FCI	0.22	2	1.65	16	0.19	2
Nellis FPC	1.84	8	1.30	7	0.17	1
Oakdale FDC Camp	0	0	0	0	0.78	1
Otisville FCI Camp	0.97	1	0	0	0.88	1
Oxford FCI Camp	0	0	1.12	2	1.24	2
Pekin FCI Camp	0	0	0	0	1.26	3
Pensacola FPC	0.67	3	1.47	7	1.05	6
Petersburg FCI Camp	0.70	2	0.65	2	1.29	4
Phoenix FCI Camp	0.37	1	0	0	1.89	3
Pollock USP Camp	N/A	N/A	N/A	N/A	1.37	1
Schuylkill FCI Camp	0.35	1	0.75	2	0.36	1
Seymour Johnson FPC	1.02	5	0.37	2	1.45	8
Sheridan FCI Camp	0.65	2	0.30	1	0.60	2
Taft CI Camp	0.62	3	0.38	2	0	0
Talladega FCI Camp	0.43	1	0.75	2	0.93	2
Terre Haute USP Camp	0.66	2	1.15	4	2.40	10
Texarkana FCI Camp	0	0	0.40	1	0.37	1
Three Rivers FCI Camp	3.11	9	1.58	5	0.28	1
Victorville FCI Camp	N/A	N/A	N/A	N/A	0	0
Yankton FPC	0	0	0.66	4	0.94	6
Yazoo City FCI Camp	N/A	N/A	N/A	N/A	N/A	N/A
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Source: BOP

Data for each fiscal year excludes institutions that did not have misconduct data for the entire year.

N/A: Not activated for an entire year during the reporting period.

No Data: No information was recorded for that fiscal year in the database received from BOP.

Table 1. Average number of test results per institution, by institution type and fiscal year

Institution	2013-2014		2014-2015		2015-2016	
	Average	Number of Institutions	Average	Number of Institutions	Average	Number of Institutions
Brooklyn MDC	3.71	37	2.55	30	0.91	11
Butner FMC	N/A	N/A	N/A	N/A	0.25	1
Carswell FMC	0.58	5	1.02	11	0.54	6
Chicago MCC	0.82	6	1.36	10	1.72	13
Devens FMC	0	N/A	0.69	5	0.96	10
Fort Worth FMC	3.13	46	7.14	107	5.28	83
Guaynabo MDC	1.51	15	1.57	18	1.70	21
Honolulu FDC	N/A	N/A	N/A	N/A	0	0
Houston FDC	N/A	N/A	0.69	4	0.21	2
Lexington FMC	.38	6	1.61	28	2.36	45
Los Angeles MDC	7.50	76	3.25	32	3.67	30
Miami FDC	0.59	9	0.52	8	0.18	3
New York MCC	1.60	14	0.23	2	0.68	6
Oakdale FDC	0.33	3	0.41	4	0.10	1
Oklahoma City FTC	0.21	3	0.07	1	0.08	1
Philadelphia FDC	N/A	N/A	N/A	N/A	0.41	4
Rochester FMC	0.62	5	0.98	8	2.03	16
San Diego MCC	3.08	28	3.17	29	1.81	14
SeaTac FDC	6.40	44	1.26	9	1.79	13
Springfield USMCFP	1.18	14	1.35	16	1.51	18
Total		111		111		111

Source: BOP  
 Data for each fiscal year excludes institutions that did not have test results for the entire year.  
 N/A: Not activated for an entire year during the reporting period.

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## ΒΟΡΕΙΟΑΝΑΤΟΛΙΚΗ ΕΠΙΧΕΙΡΗΣΙΑ ΤΟΥ ΔΗΜΟΚΡΑΤΙΚΟΥ ΣΥΣΤΗΜΑΤΟΣ ΤΗΣ ΝΥΟΥ ΥΟΡΚΗΣ

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BOP Program Statement 5267.06, Visiting Regulations, requires wardens to establish a visiting schedule for their institution. Visiting schedules among institutions may vary depending on factors such as the security level of the institution, the size of the inmate population, the capacity of an institution's visiting room, and the number of visitors. For example, most institutions we visited scheduled visiting days during some weekdays and on weekends, while some institutions scheduled visits seven days a week, day and evening hours. All inmates receive contact visits, unless an inmate has been charged with or found guilty of a prohibited act related to visiting procedures or otherwise has had visits restricted by the Disciplinary Hearing Officer.<sup>91</sup> If the visiting room is not overcrowded, an inmate may visit the entire day, approximately six hours, or until visiting hours are over. If a large number of visitors are waiting, inmates may be asked to end their visits to give other inmates the opportunity to visit. At the institutions we visited, inmates operated on a point system where each inmate receives 30 visiting points per month to be used toward visits. Each point is equal to one hour of visiting. On weekends or holidays, each hour is worth two points.

Each inmate has a list of approved visitors, which includes immediate family members and other relatives (numbers are unrestricted), and up to ten friends and associates, but the warden may make an exception to this number.<sup>92</sup> The inmate must submit a list of proposed visitors to the designated BOP staff member who will conduct a background check on all visitors who are not immediate family. Generally, the investigation consists of a NCIC criminal background check on all non-family members. Once visitors are approved, the names are added to an automated list. Correctional officers who process visitors into the institution and visiting room use the automated list to verify the visitor's identity. For each approved visitor, the inmate is provided with a copy of visiting guidelines, which the inmate must send to each visitor.

There are restrictions on the items that visitors are permitted to bring into the institution. The visiting guidelines include notification to the visitor that, "a penalty of imprisonment for not more than 20 years, a fine, or both, can be imposed for providing or attempting to provide any item(s) to an inmate without the knowledge and consent of the warden." Warnings against attempts to smuggle contraband are also posted in the lobby area and visitors must sign a form that they understand the conditions of their visit. Some institutions have posted news articles and pictures in

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<sup>91</sup> ADX Florence and USP Marion do not allow contact visits.

<sup>92</sup> Immediate family members include: mother, father, step-parents, foster parents, brothers, sisters, spouse, and children. Other relatives include: grandparents, uncles, aunts, cousins, and in-laws.

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plain view of incoming visitors depicting other visitors' arrests and convictions for smuggling drugs. Although visitors are not searched, a correctional officer at the front lobby visually checks the personal property of visitors. All visitors must walk through a metal detector. As part of a pilot project, some institutions use ion spectrometry technology that can detect trace amounts of drugs. At these institutions, visitors are randomly screened by this device as part of the visitor in-processing procedures.

On visiting days, an institution has several officers assigned to perform visiting functions. In general, officers are assigned to:

- Process the visitors into the institution;
- Escort the visitors to the visiting room;
- Pat search or strip search each inmate prior to entering the visiting room, later escort the inmate to the bathroom, as needed, and strip search the inmate upon exiting the visiting room;
- Sit at the visiting room desk to check-in each visitor's name against an automated visiting list; and
- Roam throughout the visiting room to observe the visits.

Video cameras inside the visiting rooms mounted on the walls or ceilings enhance the observation of visits. Video monitoring from these cameras is conducted by the correctional officers assigned to the visiting room or conducted remotely by officers located in other areas of the institution such as in the Control Center or the Intelligence office. Some visiting rooms have two-way glass, which enables officers to covertly observe visiting room activities.

All institutions make available a variety of food items that can be purchased by the inmates' visitors from several vending machines located inside the visiting rooms. Inmates are not permitted to handle any cash inside the institution. Only the inmates' visitors are permitted to handle and place money in the vending machines, although visitors can purchase food items for the inmate and themselves.

The visiting room area has separate bathrooms for visitors and inmates. Visitors use their bathrooms unescorted. Inmates must be escorted by a correctional officer and personally observed while using the facilities.

Once the visit is concluded, each inmate is escorted to a processing area and strip searched to ensure no contraband is introduced into the institution.



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The BOP Program Statements 5266.09, Incoming Publications; 5265.11, Correspondence; and 5800.10, Mail Management Manual, provide guidance to institutions for screening mail for contraband, to include drugs. The BOP encourages correspondence that is directed towards socially useful goals and permits inmates to subscribe to or receive publications without prior approval. As a result, inmates enjoy access to a wide-range of mail privileges, including first-class mail, packages, books, magazines, newspapers, and unsolicited mail.

The ISOs inspect inmate mail for contraband (e.g., drugs and weapons) and deliver inmate mail to the housing units for distribution to inmates by unit management staff. Delivery of inmate mail ordinarily is to be accomplished within 24 hours of receipt.<sup>93</sup> Generally, high security level mailrooms are staffed with at least three ISOs, while medium security level mailrooms are generally staffed with two ISOs.

When the mail initially arrives at the institution, the ISO(s) first x-ray the trays or bins containing inmate mail. This x-ray inspection occurs outside the institution's perimeter fence, typically in an institution's warehouse facility or at an institution's front entrance. The primary objective of this x-ray inspection is to detect weapons and explosive devices. Attempts to introduce drug contraband concealed within mail may be detected during this initial inspection if an x-ray scan produces a suspicious image triggering a further visual and manual inspection. However, most x-ray scanning technologies in use at the BOP's institutions are better suited to detect weapons and explosive devices rather than drugs.

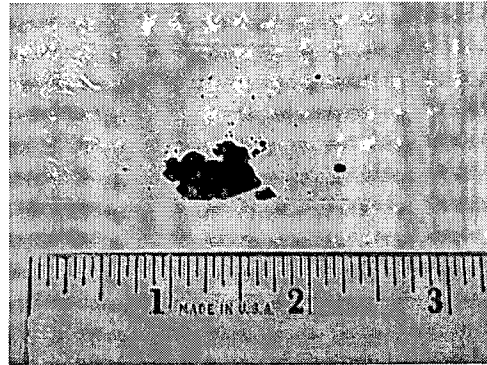
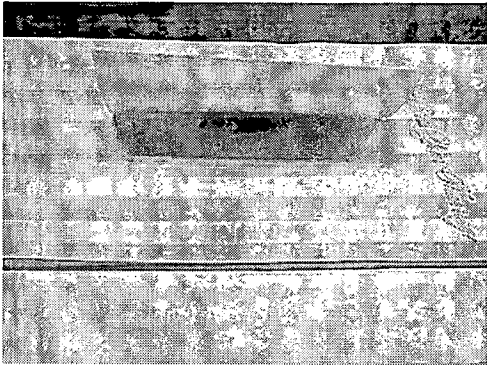
Inside the institution's mailroom, the ISOs first compare each individually addressed mail item to a current SENTRY inmate roster to both confirm the inmate name and to ensure that they only open and inspect mail for inmates who are presently housed at that institution. The ISOs are required to open all incoming mail (except legal mail, which must be opened in the presence of the inmate), newspapers, magazines, books, and packages and inspect the material for contraband prior to distribution. Drug contraband finds typically occur during these visual and manual inspections. For example, Figure 8 on the next page shows an attempt by an inmate's outside contact to introduce black tar heroin

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<sup>93</sup> According to the BOP Program Statement 5800.10, Mail Management Manual, "Delivery of letters may not be delayed and shall ordinarily be accomplished within 24 hours of receipt."

into an institution by hiding the drug inside a greeting card mailed to the inmate. This attempted drug introduction was detected by the institution's mailroom staff.

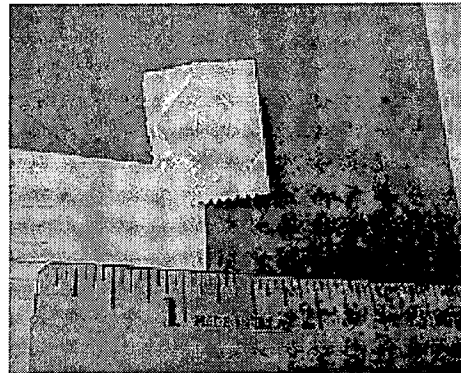
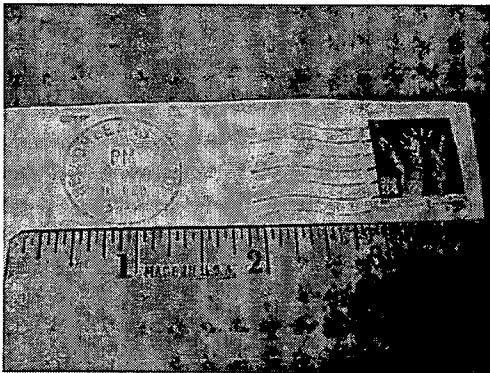
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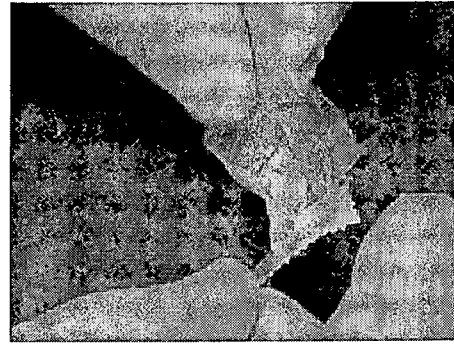
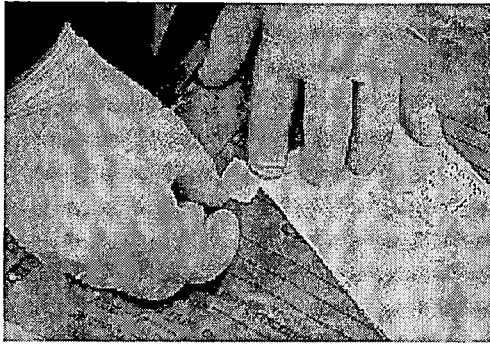
Source: BOP

In addition, Figure 9 shows an attempt (also successfully detected by mailroom staff) by an outside contact to introduce morphine into an institution by hiding the drug underneath a postage stamp affixed to a letter addressed to an inmate. Both Figure 8 and Figure 9 illustrate the need for thorough mail inspection procedures to detect drug introductions into BOP institutions.

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Source: BOP



Source: BOP

After each mail item is inspected, all mail items are subject to random reading by the ISOs (except legal mail), or held for reading by intelligence officers if the inmate is flagged in SENTRY. The primary objective of an inspection is to detect contraband, while the objective of random reading is to gather intelligence information about inmates' criminal activities and other security concerns within an institution.

Outgoing mail from inmates from low and minimum security level institutions may be sealed by the inmates. Outgoing mail, except legal mail, from inmates in a medium or high security level institution must be left unsealed by the inmates and is subject to inspection and random reading. However, inmates' outgoing mail regardless of the institution's security level may be inspected and read upon approval of the warden, if there is evidence to suggest that criminal activity is occurring or there is a threat to the orderly running of the institution.

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According to BOP Program Statement 5300.20, Volunteers and Citizen Participation Programs, the BOP has two classifications of volunteers:

Ö»<sup>a</sup> »' ' È±'«<sup>2</sup> ↘»»® are authorized to perform a service four times or less a year for an institution, community correction center, contract detention center, or administrative office. Ordinarily, a Level I volunteer is an adult 18 years or older (except at high security and administrative institutions where volunteers must be at least 21 years of age).

According to BOP policy, Level I volunteers are normally exempt (at the warden's discretion) from the background requirements discussed below for Level II volunteers. As a result, the institutions must make appropriate staff arrangements to provide adequate program supervision to these volunteers.

Training for Level I volunteers consists of receipt and completion of a "Notification to Visitors" form, as well as a brief oral orientation provided by a department program manager prior to the visit to provide the volunteer program or service.

Level I volunteers are ordinarily not granted permanent photo identification badges. Level I volunteers require staff escort to and from the appropriate program department and require constant supervision while inside the institution.

Ö»<sup>a</sup> »' '' È±'«<sup>2</sup> ↘»»® are authorized to perform service more than four times per year for an institution, administrative office or community corrections or contract detention center. Ordinarily, a Level I volunteer is an adult 18 years or older (except at high security and administrative institutions where volunteers must be at least 21 years of age).

The following steps must be completed before the volunteer is permitted to engage in the volunteer activity:

- NCIC database check,
- Fingerprint Check. Policy sets a time frame of 45 work days for completion of background investigation items for volunteer applicants. However, fingerprint check results do not need to be received prior to allowing volunteers to serve an institution if all other background investigation requirements are successfully completed.
- Application for Volunteer Service,

- Volunteer Interview Summary,
- Letters of Endorsement,
- Volunteer Agreement Training Certification Form,
- Signature, Certification and Release of Information Form,
- Certification of Receipt for Standards of Employee Conduct, and
- Current documentation of credentials or license for those volunteering to provide professional services.

Level II volunteers are required to complete a total of four hours of program area and orientation training, as well as two hours of annual refresher training each successive year.

Level II volunteers can be issued either an "escorted" or "unescorted" (approved by the warden) institution volunteer photo identification badge. Level II volunteers classified as "escorted" require staff escorts to and from the appropriate program department. Staff are required to make frequent, irregular visual checks while escorted Level II volunteers conduct their programs. The BOP states that the majority of Level II volunteers are assigned "escorted" status. Level II volunteers receiving "unescorted" status are less frequent and only issued to those volunteers with a proven record. This status requires approval by the warden. These "unescorted" volunteers are able to report directly to their program area following front entrance processing.

Institutions also may allow ex-offenders to volunteer. In addition to completion of training and background investigations, the following items must be completed:

- Documented period of at least three years of crime-free conduct after release, or a favorable report upon completion of probation or parole,
- Documentation of current employment or academic status,
- Fully completed application for federal employment or resume, and
- Check to ensure the ex-offender has no separatees within the institution.<sup>94</sup>

### Individual, Construction and Maintenance Contracts

The BOP has identified the following three types of contracts that its institutions may initiate: individual, construction and maintenance, and total or partial program services.

Individual contracts include all contracts with individuals delivering compensated services to an institution where delivery of these services requires frequent and unsupervised contact with inmates.

<sup>94</sup> Separatees are inmates who are on separation status from each other for security reasons.

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The following background investigative procedures and forms are required to be completed prior to authorizing an individual contractor permission to enter an institution:

- NCIC database check,
- Name check,
- Fingerprint check,
- Law enforcement agency checks,
- Vouchering of employers over past five years,
- Completed application for federal employment,
- Completed contractor pre-employment form,
- Release information, and
- Urinalysis test for the detection of drug use.

Short-term contracts for individual services that will last less than 30 days and contractors who will be escorted at all times while inside the institution, or will be outside the institution, are subject only to the following requirements:

- NCIC database check, and
- Completed contractor pre-employment form.

BOP policy allows wardens to exercise discretion in granting exemptions to the required investigative procedures for long-term individual contractors (three or more years), and for consulting physicians who enter an institution on an infrequent basis.

Contracts involving construction/maintenance projects of institutional facilities, which are advertised and granted competitively through appropriate federal government and contracting regulations. These contracts typically involve major projects where construction and maintenance crews have little or no inmate contact, and are subject to close BOP supervision and monitoring.

The following background investigative procedures and forms are required to be completed for all contractors' crew members prior to authorizing permission to enter an institution:

- NCIC database check,
- Name check,
- Fingerprint check,
- Completed application for federal employment,
- Completed contractor pre-employment form, and
- Release information.

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A urinalysis test for the detection of drug use is not required for construction/maintenance contractors and crew members.

BOP policy allows wardens to exercise discretion in granting exemptions to the required investigative procedures for contractors who do not enter the secure perimeters of an institution and do not have inmate contact.

Examples of contractors who are exempt from the required investigative procedures include the contracting of food and medical services for the delivery of program services (e.g., preparing food for inmates) that require frequent and unsupervised contact between the contractor's employees and inmates.

The following background investigative procedures and forms are required to be completed prior to authorizing individuals involved in the delivery of contracted food and medical services within an institution permission to enter an institution:

- NCIC database check,
- Name check,
- Fingerprint check,
- Law enforcement agency checks,
- Vouchering of employers over past five years,
- Completed application for federal employment,
- Release information, and
- Urinalysis test for the detection of drug use.

BOP policy allows wardens to exercise discretion in granting exemptions to the required investigative procedures for long-term individual contractors (three or more years), and for consulting physicians who enter an institution on an infrequent basis.

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ACA	American Correctional Association
ADX	Administrative Maximum
A.F.G.E.	American Federation of Government Employees
BJS	Bureau of Justice Statistics
BOP	Federal Bureau of Prisons
CI	Correctional Institution
DATS	Drug Abuse Treatment Specialist
DOJ	Department of Justice
DSM-III-R	Diagnostic and Statistical Manual for Mental Disorders (3rd Edition)
DSM-IV	Diagnostic and Statistical Manual for Mental Disorders (4th Edition)
FBI	Federal Bureau of Investigation
FMC	Federal Medical Center
FCI	Federal Correctional Institution
FDC	Federal Detention Center
FPC	Federal Prison Camp
FTC	Federal Transportation Center
FY	Fiscal Year
ISO	Inmate Systems Management Officer
LSCI	Low Security Correctional Institution
MCC	Metropolitan Correctional Center
MDC	Metropolitan Detention Center
NCIC	National Crime Information Center
OIA	Office of Internal Affairs
OIG	Office of the Inspector General
OST	Office of Security Technology
R&D	Receiving and Discharge
RDAP	Residential Drug Abuse Program
SIA	Supervisory Investigative Agent
SIS	Special Investigative Supervisor
TDP	Test Designated Position
USMCFP	United States Medical Center for Federal Prisoners
USP	United States Penitentiary



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U.S. Department of Justice

Federal Bureau of Prisons

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Office of the Director

Washington, DC 20534

December 6, 2002

MEMORANDUM FOR PAUL A. PRICE  
ASSISTANT INSPECTOR GENERAL FOR EVALUATION AND  
INSPECTIONS

FROM: (original signed)  
Kathleen Hawk Sawyer, Director  
Federal Bureau of Prisons

SUBJECT: Response to the Office of Inspector General's  
(OIG) Draft Report: The Bureau of Prisons' Drug  
Interdiction Activities

The Bureau of Prisons has reviewed your draft report entitled, The Bureau of Prisons' Drug Interdiction Activities. Although the report contains some good recommendations, we are unable to agree with several for reasons which will be more fully explained within this response. As always, we wish to work with the OIG in resolving these issues and look forward to closing this review to the mutual satisfaction of both our offices.

We were somewhat surprised with the methodology used to conduct this review. We fully appreciate the benefit of staff interviews/opinions in our own research but believe the report relies too heavily on staff interviews/opinions as primary evidence in supporting the recommendations. Our experience with internal review has shown staff interviews/opinions are not the best form of evidence and should be used to augment more statistically sound sources. Staff opinions naturally reflect a very parochial view, and though this view is often essential to a complete understanding of the issue at hand; we consider it ill-advised to use such testimony as a basis for national policy making.

There is also an absence of statistical support for many of the recommendations which was disturbing considering the magnitude of changes recommended. Non-contact visitation, and pat searching visitors and staff, involve changes to Bureau culture, practices, and an impact on resources we do not feel are necessary. The report provides no evidence these tactics deter the introduction of drugs in other correctional systems and no testimony is presented by state officials regarding the negative or positive aspects of these approaches on their systems. The absence of statistical support is most striking in the comparisons between selected state systems and the Bureau. Drug testing procedures, and test result reporting, pat search procedures and results, and the uses of such data vary greatly between systems. Without access to the data and sources used to support these recommendations, we cannot verify how similar systems/situations are being compared.

The limited scope of this review and subsequent recommendations provide us with the opportunity to highlight the significant progress we are making in our efforts against drug possession, use and introduction. The Bureau is constantly seeking new and reliable technologies to deploy in this effort, as well as better ways to educate staff and inmates on the dangers drugs pose for their lives and the work place. Although we agree there is room for improvement, we do not believe our efforts are inadequate or illustrate a lack of progress in this area.

**Recommendation #1:** The Director, BOP, should consider restricting contact visits for specific inmates and replace contact visits with non-contact visits for certain inmates or institutions based on an assessment of the individual institution's drug smuggling problem.

**Response:** The Bureau agrees with this recommendation and will consider restricting contact visits for specific inmates. The Bureau currently employs non-contact visitation for specific inmates and institutions; however, further restrictions involving non-contact visits could require the Bureau to incur significant costs with regard to staffing and construction. The benefits of this recommendation are considered minimal as inmates found guilty of drug use or introduction of drugs would most likely not be permitted visitation as a result of our imposed progressive loss of visiting sanctions. Additionally, instituting non-contact visiting for those institutions with a higher drug usage rate unfairly subjects the entire inmate population to a sanction applicable to only a small percentage of offenders. The limited scope of this review and the subsequent recommendation fails to recognize the adverse impact non-contact visiting would have for

an entire population not sanctioned with a charge associated with the use, possession or introduction of drugs. Therefore, the Bureau of Prisons does not believe expanding our current policy would provide an acceptable solution for resolving drug smuggling problems without causing significant concerns in other areas of prison management.

The Bureau has consistently sought to encourage family ties by placing inmates as close to home as possible and otherwise facilitating contact with their families and communities through visitation. Additionally, family members, as a natural support group for offenders have a tremendous potential for assisting in the reintegration of offenders to community life. Visitation is considered important for maintaining social and family ties, which are in turn important for inmates' success within and outside of correctional facilities.

**Recommendation #2:** The Director, BOP, should consider implementing pat searches of visitors.

**Response:** The Bureau agrees with this recommendation, and will consider pat searching visitors. The review identified visitors as a primary source of drug introduction. The Bureau concurs with this observation. However, the report appears to lack supportive documentation indicating pat searches of visitors would be a successful drug interdiction method. As we make our determination in consideration of this recommendation, we will analyze the following information in our attempt to make the best decision: additional technologies available to detect drugs; increased staff requirements necessary to implement; and use of more aggressive and proactive investigations, urine surveillance testing, and progressive administrative/legal actions.

**Recommendation #3:** The Director, BOP, should invest in technology (such as cameras, monitors, ion spectrometry, or other emerging drug detection technologies) to provide institutions with a greater capability to screen and monitor visitors. The BOP should also ensure that existing technologies, such as ion spectrometry, cameras, monitors, and visitor monitoring rooms are used to their maximum capacity. Specifically, when ion spectrometry machines break down, they should be repaired in a timely manner. In addition, they should be used to detect drugs in other areas of the institutions. Cameras should be positioned to eliminate any blind spots in the visiting room. BOP should ensure that camera monitors and visitor monitoring rooms are used to view visits in progress.

**Response:** The Bureau agrees with this recommendation. The Bureau's Office of Security and Technology identifies and tests new technologies which may provide reliable and effective resources in our effort to eliminate the introduction of drugs. Each of the technologies identified in the review are currently approved for use throughout the Bureau. Timely repairs of malfunctioning equipment will continue to be a priority. Purchase options for drug detection equipment which is low-maintenance, easily transported, and easily operated will be explored to greater enhance narcotics prevention throughout institutions. The use of observational cameras with recording capabilities has been extremely valuable to visiting room staff, allowing them clandestine zoom/pan observation of suspicious activities. Although blind areas may be present in visiting rooms, staff are authorized to arrange seating assignments of visitors and inmates to meet the agency's security concerns. The Bureau supports and continues to pursue each of these initiatives but is restricted from broad and universal application of technological enhancements by the funding allocated to the agency.

**Recommendation #4:** The Director, BOP, should staff visiting rooms with enough correctional officers so that sufficient direct observation and monitoring of each visit can occur.

**Response:** The Bureau agrees with this recommendation. Institutions are provided the local discretion to determine the appropriate staffing level of visiting rooms based on use, available intelligence, and should ensure proper monitoring.

**Recommendation #5:** The Director, BOP, should implement a policy that restricts the size and content of property staff bring into BOP institutions.

**Response:** The Bureau agrees with this recommendation. The agency will develop and negotiate policy with the Union restricting the size and content of staff property allowed inside the institution. The Bureau anticipates completion of this requirement by December 2004.

**Recommendation #6:** The Director, BOP, should implement a policy requiring searches of staff and their property when entering institutions. In addition to manual searches, the BOP should consider using ion spectrometry and all other available technology when searching staff.

**Response:** The BOP does not agree with this recommendation, however, as noted in #5, we agree with restricting the size and

content of property staff bring into the institution. Implementing staff pat searches requires us to consider the overall impact to the agency. Prior to considering such a major policy change for the agency, the Bureau would request OIG provide formal evaluation data from states who currently have such policies in effect to include pre/post studies of drug urinalysis rates prior to and after implementation of a staff search policy. Without this type of detailed information on which to base a decision, the Bureau strongly opposes this recommendation. This recommendation appears to be based on a limited number of interviews and surveys without considering the impact this would have on the agency or whether it would be a successful solution for the "small" number of drug introductions by staff. Overall, staff morale will suffer thereby creating unwarranted concerns in areas other than drug detection. Additionally, gender specific issues, the intrusive nature of such a search (comparable to those mentioned when discussing pat searching visitors), as well as issues regarding the impact such searches have in the overall reduction of drug introduction, are raised. Based on these concerns, the Bureau believes a more effective and productive means to deter staff introduction of drugs would be through the reduction of staff property entering the institution coupled with the processes currently in place, such as background investigations, integrity training, and other investigative procedures.

**Recommendation #7:** The Director, BOP, should implement random drug testing for staff.

**Response:** The Bureau agrees with this recommendation. On November 7, 2002, correspondence was issued to all institution Chief Executive Officers regarding the impending implementation of the Drug Free Workplace Program. The approximate implementation date of this program is January 2003.

**Recommendation #8:** The Director, BOP, should implement a policy that eliminates unsolicited mail.

**Response:** The Bureau agrees with this recommendation, and is currently determining what the agency can do legally to limit such mail. We will pursue the necessary regulatory and policy changes to effect such limits as appropriate. Based upon research, legal issues, and the implementation of policy to include union review, we expect an implementation date of December 2005.

**Recommendation #9:** The Director, BOP, should require additional training for BOP staff to search mail and detect drugs.

**Response:** The Bureau agrees with this recommendation, and has taken steps to ensure training classes for inmate systems officers include additional training. The Bureau implemented this requirement in November 2002.

**Recommendation #10:** The Director, BOP, should test mail room drug detection technologies.

**Response:** The Bureau agrees with this recommendation. The Inmate Systems Management Branch will work with the Office of Security and Technology to conduct research on mail room drug detection technology, conduct tests at appropriate locations, determine if technology is applicable Bureauwide, and present their findings to Bureau's Executive Staff. The Bureau anticipates a completion date of December 2005.

**Recommendation #11:** The Director, BOP, should maintain data, via improved SENTRY tracking, on the number of inmates who are diagnosed with a drug abuse problem and are referred for drug treatment, the number of inmates who participate in drug treatment, and the number who successfully complete drug treatment.

**Response:** The Bureau agrees with this recommendation. The Bureau currently has plans in place that comply with the intent of this recommendation, though through different procedures than are specified in the recommendation. The Bureau tracks, via SENTRY, the number of inmates who participate and complete all drug abuse education and treatment components. In addition, the Psychological Data System (PDS) is used by clinical staff to document a clinical diagnosis for inmates seeking and participating in Bureau psychological services.

Two policy changes are currently under review that will improve the tracking of inmates entering the Bureau with substance use disorders:

First, the Bureau has drafted a proposed regulation that would expand the group of inmates who must participate in the drug education course. The current categories include: (1) referral by the sentencing judge; (2) a violation of supervised release due to drug use; and (3) evidence that drugs or alcohol contributed to the instant offense. The proposed regulation includes one additional category for inmates with a history of substance use.

Second, drug abuse program policy has been revised and submitted for approval to improve the sequence of identification, screening, assessment and referral of inmates with drug use disorders. This sequence will occur prior to an identified inmate's completion of the drug education course.

With the expansion of the drug education categories, the Bureau will create a PDS database to track inmates with a substance abuse problem, or who receive a diagnosis for a substance abuse disorder, and are referred to the appropriate course of treatment.

The final rule to allow the additional drug education category was forwarded to DOJ on October 26, 2001. These policy revisions will take between 1 to 3 years to implement. The Bureau anticipates completion of this requirement by December 2005.

**Recommendation #12:** The Director, BOP, should sufficiently staff non-residential drug treatment programs based on a combination of the DATS staffing guidelines and the number of inmates at each institution who have been identified in SENTRY as needing drug treatment.

**Response:** The Bureau does not agree with this recommendation. The drug abuse program policy (5330.10), establishes staff-to-inmate ratios for residential drug abuse programs only. Residential programs provide intensive, long-term treatment with no less than one group a day with a specified group of participants.

Non-residential treatment is a less intensive effort (see response to recommendation 13). It is flexible in application, based on the needs of the inmate and the institutional environment. Non-residential drug abuse treatment requires the institution's drug abuse program coordinator to work closely with the drug abuse treatment specialist in the development of the program structure and content. Every institution is provided a drug abuse treatment specialist for the sole purpose of providing drug abuse education and non-residential treatment. Additionally, each institution is provided with a drug abuse program coordinator to oversee the programs and their compliance with policy.

To bring the current institution complement to the staffing guidelines for residential drug treatment is cost prohibitive. To do so would add an additional 200 staff to drug abuse programs at an estimated annual cost of \$13,463,000, based on 2003 salaries and benefits. This initiative is not funded.

**Recommendation #13:** The Director, BOP, should revise Program Statement 5330.10, Drug Abuse Programs Manual, to require that non-residential drug treatment is provided to inmates in the general population, in addition to transitional services for the RDAP graduates. The program statement should include a curriculum for non-residential drug treatment and guidance regarding the minimum number of sessions and the minimum number of weeks' duration for the groups. The Director, BOP, should also increase emphasis on self-help groups to enhance the overall drug treatment program and the inmates' recovery and rehabilitation.

**Response:** The Bureau does not agree with this recommendation. The Bureau designed its drug abuse treatment strategy based on literature and research that defines the key elements for successful drug abuse treatment outcomes. These elements are the foundation for the Bureau's residential drug abuse program. To ensure the Bureau has effective treatment programming, the majority of resources are directed to residential treatment programs that include these evidence-based elements: a cognitive-behavioral philosophy of treatment; unit-based programs; staff-to-inmate ratios of 1:24; comprehensive assessment; program participation of 9 months and 500 hours minimum; individual treatment plans; a minimum of 3 hours of drug treatment programming each day; core group and individual treatment; criminal lifestyle intervention; lifestyle balance training; transitional living issues; full team reviews; and treatment occurring at the end of the offender's sentence, followed by a comprehensive community transition program.

The non-residential drug abuse treatment program was never considered to be a parallel program to the residential program. Non-residential treatment was designed to provide maximum flexibility to meet the needs of the offender, particularly those individuals who have a relatively minor or low-level substance abuse impairment. These offenders do not require the intensive levels of treatment needed by individuals with moderate-to-severe addictive behavioral problems. A second purpose of the program is to provide those offenders who have a moderate to severe drug abuse problem with the supportive program opportunities during the time they are waiting to enter the residential drug abuse program or for those who have little time remaining on their sentence and are preparing to return to the community.

That does not mean non-residential drug abuse treatment and self-help programs are not of use to many inmates who are recruited into the program through admissions & orientation or by way of a staff referral. By policy, (P.S. 5330.10, Chapter 1, pg. 4), all



institutions in the Bureau employ a drug abuse treatment specialist who is responsible for providing drug abuse education and non-residential drug abuse treatment services to the inmate population under the supervision of the drug abuse treatment coordinator.

Guidance for non-residential treatment format, content and structure is provided in policy (P.S. 5330.10, Chapter 4, pg. 1, 4.2). This includes time frames, clinical topics and formats, and direction in the use of the drug abuse program curriculum.

In 1991 a new drug abuse program curriculum was released offering a facilitator's guide and inmate journals that can be used in non-residential treatment programs. A further revision to the curriculum now underway, will improve the applicability and guidance for drug abuse treatment specialists and drug abuse program coordinators in the structure and use of the curriculum in non-residential treatment. Additionally, policy has been revised and submitted for approval to further detail the role of the drug abuse program coordinator in non-residential drug abuse treatment in terms of program design, development, monitoring, oversight, and clinical and administrative supervision.

Self-help groups are offered for Bureau offenders in support of the treatment opportunities that are available. Self-help volunteers provide services in the institution and offer support in the community, upon the inmate's transfer to the community corrections center. Of all the Bureau's volunteers, approximately 10 percent provide self-help activities and support to inmates with substance use problems.

The Bureau believes that Program Statement 5330.10, Drug Abuse Programs, Inmate, already addresses each of the recommendations detailed. However, the policy and the drug treatment curriculum are being revised, and the Bureau will provide further definition for the drug abuse coordinators as it relates to non-residential drug abuse treatment. The Bureau anticipates issuance of the revised policy and curricula by December 2004.

**Recommendation #14:** The Director, BOP, should develop incentives for participation in non-residential drug treatment and consequences for non-completion, with the objective of increasing the number of inmate volunteers for drug treatment. As part of the incentives and consequences, the Director, BOP, should consider adding a separate score for drug treatment participation in the inmate's annual Security Designation and Custody Classification Review.

**Response:** The Bureau does not agree with the first part of this recommendation. Creating incentives and sanctions for non-residential treatment, would in essence, be a disincentive to enroll in residential programs for those inmates with the most severe treatment need. The Bureau concentrates its treatment resources into the residential program, a program that has been proven effective within a correctional environment. To better identify and treat all inmates who need residential/intensive treatment, rather than just those who volunteer, the Bureau's Executive Staff approved in 1998 a balanced approach of incentives and disincentives to encourage inmate participation in the Bureau's drug treatment programs. The Bureau is awaiting rules clearance for the incentives and disincentives program from the DOJ prior to implementation.

The implementation plan includes identifying inmates with a substance use disorder, and placing them either directly into (or on the waiting list for) the residential drug abuse program. Treating inmates with severe drug disorders with a non-residential program is ineffective. These individuals, who are also criminals, require intensive, long term, structured treatment. Using a less intensive treatment option does a disservice to the inmate and to the community. Therefore, the Bureau has concentrated incentives for residential treatment involvement.

The Bureau is in the process of modifying the Security Designation and Custody Classification form to reflect an inmate's participation in all program areas in the Bureau. This will include an inmate's participation in drug abuse treatment programming.

The Bureau anticipates policy/program implementation will be completed by December 2005.

**Recommendation #15:** The Director, BOP, should consider the other opportunities to improve drug interdiction activities for the R&D and warehouse areas, the rear gate, volunteers, contractors, and institution intelligence operations. The BOP also should consider another pilot test of canines as a drug detection technique for its institutions.

**Response:** The Bureau partially agrees with this recommendation. As outlined in the response to Recommendation #3, the Bureau supports the establishment of new initiatives in the pursuit of reducing drugs within the institutions. Canine units are a resource each region is currently authorized to pursue at one institution. Although authorization is present to maintain a

canine program at one facility per region, we do not believe an expansion of this policy is appropriate at this time. Specifically, canine units require a significant amount of financial and staff resources. Routine expenditures involving training of both staff and the canine, purchase and subsequent care is a major concern when determining the overall effectiveness of the program. Additionally, these resources are usually available within the local community for use upon request. This resource provides a service to the Bureau and also provides local law enforcement the opportunity to train and test their canines. We utilize these valuable resources and believe this cooperation strengthens our efforts of reducing drugs and enhances our relationship with local law enforcement.

If you have any questions regarding this response, please contact Michael W. Garrett, Senior Deputy Assistant Director, Program Review Division, at (202) 616-2099.

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## APPENDIX XII: OIG'S ANALYSIS OF THE BOP'S RESPONSE

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On October 31, 2002, the Office of the Inspector General (OIG) sent copies of the draft report to the Federal Bureau of Prisons (BOP) with a request for written comments. The BOP responded on December 6, 2002. Of the report's 15 recommendations, the BOP agreed with 10, partially agreed with 2, and disagreed with 3 recommendations. The BOP's disagreements largely concern the report's recommendations for searches of staff and their property when they enter BOP institutions and the increased use of non-residential drug treatment programs. In addition, the BOP expressed general concerns regarding the methodology upon which our recommendations are based. Our analysis of the BOP's response follows.

With regard to the methodology, the BOP's response states that while the BOP appreciated the benefit of staff interviews and opinions, our report "relies too heavily on staff interviews/opinions as primary evidence in supporting the recommendations." The BOP asserts that such interviews "naturally reflect a parochial view." The BOP's response also states that staff interviews/opinions are not the best form of evidence and "should be used to augment more statistically sound sources...we consider it ill-advised to use such testimony as a basis for national policy making." The BOP's response states that our recommendations involve changes to BOP culture, practices, and resources, and there is "an absence of statistical support for many of the recommendations which was disturbing considering the magnitude of changes recommended."

We disagree with the BOP's assertions. Our methodology included not only staff interviews but also direct observation of BOP operations, review of cases involving introduction of drugs into BOP institutions, and interviews of other federal law enforcement officials, such as agents from the Federal Bureau of Investigation (FBI) and the OIG with responsibility for investigating the introduction of drugs into BOP institutions. We also reviewed information about the practices of 17 state correctional systems that employ various methods of drug interdiction. In addition, we conducted statistical analyses of existing BOP data in our assessment of its drug interdiction strategy, including an extensive statistical analysis of positive inmate drug tests and drug misconduct charges; data analysis of drug finds in institutions; analysis of drug cases involving visitors, inmates, or staff; analysis of drug overdoses; and analysis of the number of inmates treated in relation to the number of inmates estimated to have drug problems. We also evaluated the BOP's drug interdiction strategy to identify the activities it uses to reduce the flow of drugs into institutions. In many cases, we found that interdiction activities used by the states are not employed by the BOP.

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The BOP's response appears to suggest that a recommendation is valid only if it is based on statistical evidence. We believe such a perspective is too narrow. First, the existing data and available statistical studies do not measure the impact of individual interdiction activities. When states have attempted to measure the effectiveness of specific interdiction activities, they have had difficulty isolating the effect of one interdiction activity from another interdiction activity or group of interdiction activities that are employed simultaneously. The BOP experienced this same difficulty when testing the ion spectrometry technology to randomly screen visitors. In its report on the ion spectrometry pilot project, the BOP stated, "Although we conclude that the visitor drug testing program was a significant factor in the decreases [of inmates' positive drug tests], given the research design, we cannot precisely say how much of the decrease was due to the use of ion spectrometry and how much was the result of other programmatic changes in the Bureau's drug policy."

Moreover, although the information from the state correctional systems does not evaluate the effectiveness of each individual interdiction activity, the state information does show that a mix of interdiction activities, many of which are similar to the ones we recommend, can reduce the amount of drugs entering institutions as measured by rates of inmates' positive drug tests. For example, one study measured the impact of the Pennsylvania state correctional system's implementation of its Drug Interdiction Program, which included activities similar to ones we recommend, including searches of visitors and staff. The study found that the combination of interdiction activities Pennsylvania implemented between 1996 and 1998 reduced the percentage of inmates who had drugs in their system, as tested by inmate hair samples, from 7.8 percent to 1.4 percent. See "Reducing Drugs in Prisons," National Institute of Justice Journal, October 1999. While the study did not attempt to differentiate the effectiveness of each interdiction activity because the activities were introduced at around the same time, it did show the overall effectiveness of a group of interdiction activities similar to those we recommend. We believe the BOP should not wait to implement reasonable interdiction activities, such as the ones we recommend, by citing the absence of state data on a specific interdiction activity recommended in our report.

Contrary to the BOP's response, we do not believe that the information provided in interviews we conducted reflected "parochial" views of BOP staff. We interviewed more than 100 BOP managers and staff who are on the front lines in protecting the security of institutions and treating inmates' drug problems. The managers and staff we interviewed had many years of correctional experience at many institutions. We believe that considering the informed views of front-line managers and staff is essential to developing effective recommendations to correct systemic problems.

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Finally, the BOP notes that some of our recommendations would involve changes to the BOP's culture and practices. We agree, but believe that such changes – while they may be difficult – should be made, given the importance of reducing the availability of drugs in BOP's institutions. The BOP's failure to implement new interdiction activities, such as those that we recommend and which have been frequently adopted on the state level, results in significant gaps in the BOP's drug interdiction strategy.

We now turn to each of our recommendations and analyze the BOP's response.

#### **Recommendation 1: Resolved – Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 1 to consider restricting contact visits for specific inmates or institutions based on an assessment of the institutions' drug smuggling problem. The BOP, however, does not believe that expanding its current policy for non-contact visits would provide an acceptable solution to drug smuggling problems and would cause significant concern in other areas of prison management. The BOP states that the benefits of this recommendation are minimal, because inmates found guilty of drug use or introduction of drugs would most likely not be permitted visitation as a result of loss of visiting privileges imposed by the Disciplinary Hearing Officer (DHO). The BOP also notes concerns with staffing and construction costs, and the effect of non-contact visits on inmates not involved in drug use or smuggling.

**OIG's Analysis.** We found that only 2 (USP Marion and AD-MAX Florence) of 102 BOP institutions impose non-contact visits for the entire inmate population due to the high security threat risk of the inmates. At other BOP institutions, contact visits are allowed and are not automatically suspended for inmates' possession or use of drugs. After interviewing eight DHOs during our site visits, we also found that the DHOs' philosophies and sanctions levied for drug misconduct charges varied widely. To suspend contact visits, some DHOs believed that the use or possession of a drug must be linked directly to an incident in the visiting room. Other DHOs do not impose non-contact visits as a sanction because they question its deterrent value when the inmate has infrequent visitors. A few DHOs consistently imposed loss of visiting privileges for a specified period of time (such as 30, 60, 90 days or more) if an inmate is found guilty of a drug misconduct charge. When this sanction is completed, the inmate resumes contact visits. We believe that such wide variance in sanctions should be reviewed by the BOP, and that non-contact visits should be used more widely for inmates who commit drug offenses in BOP institutions.

In addition to inmates who are found guilty of drug-related misconduct charges, we also believe that the BOP should consider establishing non-contact visits for other categories of inmates, such as inmates in disciplinary or

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administrative segregation, inmates who are members of security threat groups or disruptive groups, or inmates on the drug testing suspect list.

For BOP institutions with high rates of positive inmate drug tests, drug misconduct charges, and gang activity (which is often associated with drug smuggling and drug use in institutions), the BOP also should consider implementing non-contact visits on a broader basis to gain control of the drug problem. Overall, we believe the BOP should develop a systematic strategy for making better use of non-contact visits to reduce the availability of drugs in its institutions and drug use by inmates.

Please provide us with the BOP's decision for implementing broader use of non-contact visits by April 4, 2003.

**Recommendation 2: Resolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 2 to consider pat searching visitors; however, the BOP believes that the OIG report lacks supporting documentation indicating that pat searches would be a successful drug interdiction method. In deciding whether to implement this recommendation, the BOP states that it will consider (1) additional technologies to detect drugs, (2) increased staff requirements necessary to implement the recommendation, (3) use of more aggressive and proactive investigations, (4) urine surveillance testing of inmates, and (5) progressive administrative and legal actions.

**OIG's Analysis.** The BOP views visitors as the primary source of drug introductions into BOP institutions. We concluded that because existing interdiction activities have not been fully effective, the BOP should implement more aggressive measures to prevent visitors from bringing drugs into BOP institutions. Pat searching visitors is a logical step to reduce the flow of drugs into the institutions. Currently, the BOP only conducts limited searches of visitors. Visitors walk through a metal detector and some of their property (e.g., a purse) undergoes a cursory search; however, other property, clothing, and visitors themselves are not searched. These gaps in the BOP's search procedures allow drugs to be readily concealed on visitors and brought into institutions.

The BOP states it will consider various factors before deciding whether to implement pat searching of visitors. However, additional technologies to detect drugs may not be readily available, while pat searches of visitors can be implemented quickly and incrementally at specific institutions, depending on the institutions' drug problem. While we recognize that additional staff may be required at institutions with large numbers of visitors, or to provide same-sex searches, the additional staff is not required every day and on every shift, because visits generally are allowed only on certain days of the week and during daytime hours. Finally, while we agree that investigations, inmate drug testing, and administrative and legal

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actions are important tools in reducing drugs in BOP institutions, they will not directly stop visitors from bringing drugs through an institution's front entrance. Pat searches of visitors can be an effective tool to stop drugs from entering institutions.

Please provide us with the BOP's decision for implementing pat searches of visitors by April 4, 2003.

**Recommendation 3: Resolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 3 to invest in technology (such as cameras, monitors, ion spectrometry, or other emerging drug detecting technologies) to provide institutions with a greater capability to screen and monitor visitors. The response states that the BOP will explore purchase options for drug detection equipment, which is low-maintenance, easily transported, and easily operated, to enhance narcotics prevention throughout its institutions. However, the BOP response states that its limited funding does not permit broad and universal application of enhanced technology. The BOP further states that timely repairs of malfunctioning equipment will continue to be a priority. To compensate for blind areas in visiting rooms, the BOP states that staff are authorized to rearrange seating. The BOP response does not address the OIG's concerns that visitor monitoring rooms with two-way mirrors or camera monitors are underused, or that ion spectrometry technology, consistent with existing policy, should be used to detect drugs in other areas of the institutions besides visitor in-processing in the front lobby.

**OIG's Analysis.** Regarding equipment repair, during our site visits to BOP institutions, we found that a timely equipment repair was not a priority. We observed institutions that allowed malfunctioning ion spectrometry machines to sit for 3-6 months before repairs were sought. Regarding blind spots in visiting rooms, the BOP's response did not include an explanation of how it would conduct periodic monitoring and oversight to ensure that cameras and chairs are positioned to compensate for the blind spots. The BOP also did not address how it will ensure broader use of visiting monitoring rooms, camera monitors, and ion spectrometry technology.

By July 1, 2003, please provide us with (1) information about the drug detection technologies that the BOP has identified for its institutions, and a plan for implementing the technologies in a timely manner; (2) a copy of the BOP's funding request for new drug interdiction technologies; (3) written documentation that restates to the institutions that repairs of malfunctioning equipment are a priority; (4) the BOP's oversight plan for monitoring how institutions compensate for blind spots in their visiting rooms; and (5) information describing how the BOP will ensure broader use of visiting monitoring rooms, camera monitors, and ion spectrometry technology in institutions.



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**Recommendation 4: Resolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 4 that visiting rooms should be staffed with enough correctional officers so that sufficient direct observation and monitoring of each visitor can occur. However, the BOP states that institutions have the discretion to determine appropriate staffing levels to ensure proper monitoring of inmate visits, and therefore implies that the BOP Central Office has a limited role in this issue.

**OIG's Analysis.** During our site visits, we found that institutions were not ensuring proper monitoring of visits. In several institutions, there was insufficient staff to roam the visiting rooms, view camera monitors, or observe visitors from adjacent rooms with two-way mirrors. These gaps in the monitoring of visitors, who are the primary source of drug introductions, undermine the BOP's drug interdiction strategy. Please provide us with an explanation as to how the BOP will ensure that local staffing discretion will be exercised to reduce drug introductions in the visiting rooms by July 1, 2003.

**Recommendation 5: Unresolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 5 to implement a policy that restricts the size and content of property that staff are allowed to bring into BOP institutions. The BOP anticipates completion of the policy by December 2004.

**OIG's Analysis.** While we appreciate the BOP's agreement to implement this recommendation, we believe that the BOP's completion date of December 2004 – two years from now – is untimely and that the BOP needs to expedite its efforts to stop staff smuggling drugs. To resolve this recommendation, please provide us with a status update on the policy's development and an expedited implementation date by July 1, 2003.

**Recommendation 6: Unresolved - Open**

**Summary of the BOP's Response.** The BOP does not agree with Recommendation 6 to develop a policy requiring searches of staff and their property when entering institutions. The BOP states that staff morale would suffer and that staff searches would create unwarranted concerns in areas other than drug detection. The response further states that searching staff is intrusive and raises gender specific issues, as well as issues regarding the impact such searches have in the overall reduction of drugs in BOP institutions. The BOP asks the OIG to provide formal evaluation data from states that shows the effectiveness of staff searches in reducing the presence of drugs in institutions. The BOP states that a more effective means to deter staff introduction of drugs would be to implement

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property size and content restrictions (see Recommendation 5), along with existing processes, such as background investigations, integrity training, and other investigative procedures.

**OIG's Analysis.** We recognize that most BOP staff maintain high integrity standards. But when staff smuggle drugs into BOP institutions the amounts are frequently large, as OIG and FBI cases demonstrate. A significant factor that allows staff to smuggle drugs into institutions is the complete absence of any searches – including random searches or ion spectrometry searches – of staff or their property when they enter institutions. BOP staff may enter institutions with unlimited personal property, knowing that no search of their person and property will occur. While the BOP's agreement to establish a policy restricting the size and content of property that staff can carry into institutions is a positive step, property restrictions alone will not stop drug smuggling. BOP staff still can hide drugs on their person and in BOP-approved containers (such as lunch boxes) and deliver drugs to inmates, knowing that they will not be searched.

We are not suggesting that searches be required for all staff; nor are we suggesting that the searches must be pat searches. Rather, we are recommending that the BOP develop a staff search protocol. The BOP has flexibility in choosing how to comply with this recommendation. For example, the BOP may conduct random searches of staff and their property, whereby all staff on a particular shift would be searched walking through the front entrance once per week or month. Another example might be that every fourth staff member on a specific shift would be searched walking through the front entrance once per week or month. These searches can be conducted manually, via ion spectrometry, canine unit, or a combination of methods.

Although the BOP acknowledges that staff smuggle drugs, the BOP believes that searches would hurt staff morale and would cause [unspecified] concerns in [unspecified] areas other than drug detection. We disagree with this assessment. The BOP presented no evidence to support its claim that staff morale would suffer, or how unspecified areas other than drug detection would be affected by staff searches. To the contrary, approximately 90 percent of the geographically diverse BOP staff we interviewed supported a combination of restricting the size and content of property and searching staff and their property. BOP staff at every institution visited frequently stated to us that if you have nothing to hide, there should be no concern about being searched. We believe that staff searches would be – and should be – accepted as a routine and necessary safety measure, as long as there is a clear policy that is universally applied as part of a greater effort to prevent drugs from entering institutions.

The BOP also states that gender specific issues and the intrusive nature of searches may cause concern. We acknowledge that such searches are somewhat intrusive, but the safety and security of staff and inmates should be the overriding

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concern. Further, after September 11, 2001, searches of persons and property are becoming more commonplace in daily life. In addition, the BOP can address gender and intrusiveness concerns by assigning a female correctional officer to search female employees, and conducting all searches in the presence of a supervisor to ensure the integrity of the searches.

The BOP further requests that the OIG provide states' formal evaluation data that shows the effectiveness of staff searches in reducing the presence of drugs in state correctional institutions. The information we collected about the states' drug interdiction strategies is descriptive and does not measure statistically the effectiveness of each interdiction activity used in the strategies. However, as we noted above, although the state information does not evaluate each interdiction activity, it does show that a mix of activities is effective in reducing drugs in prisons. In support of this, a 1992 report by the Bureau of Justice Statistics (BJS) shows that institutions that direct special interdiction efforts toward staff (such as questioning, pat searches, and drug testing of staff) have a lower positive inmate drug test rate (1.0 percent positive for cocaine and 0.9 percent for heroin and methamphetamines) than institutions that make no special efforts to interdict drugs from staff (2.6 percent positive for cocaine, 2.2 percent for heroin, 6.6 percent for methamphetamine).<sup>95</sup> In addition, our recommendation to search staff and their property is not predicated only on the states' activities, but also on the BOP's acknowledgment that staff are a primary source of drugs entering institutions and on documented drug cases involving staff.

The BOP's current limited interdiction activities toward staff – background investigations, integrity training, and investigative procedures – do not proactively stop drugs at their point of entry, and have not been fully effective in deterring staff from smuggling drugs. The BOP's agreement to develop a policy to restrict property, although a positive first step in response to our report, should be coupled with searches of staff. The outward appearance of a container is not as important as its contents. Searching is the only method to determine the contents, and searching staff is the only method to find drugs on their person.

In sum, we believe the BOP should employ an appropriate mix of manual searches, ion spectrometry, and other technology to prevent staff from bringing drugs into institutions. While the number of staff that bring drugs in may be small, the damage can be large.

To resolve this recommendation, please provide us with how the BOP will implement searches of staff and their property by July 1, 2003.

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<sup>95</sup> "Drug Enforcement and Treatment in Prisons, 1990," BJS, U.S. Department of Justice, Washington, D.C., July 1992.

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**Recommendation 7: Resolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 7 that random drug testing for staff should be implemented. On November 7, 2002, the BOP issued correspondence to all institution Chief Executive Officers (CEOs) regarding the impending January 2003 implementation of the Drug Free Workplace Program.

**OIG's Analysis.** Please provide us with a copy of the correspondence issued to the institutions' CEOs, as well as a summary of the test results for 5 percent of test designated positions in July and December 2003 for the preceding 6 months.

**Recommendation 8: Unresolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 8 that a policy should be implemented to eliminate unsolicited mail. The BOP anticipates an implementation date of December 2005.

**OIG's Analysis.** Although the BOP agrees with this recommendation, it suggests it will take three years to implement new policy. We believe that the BOP's implementation date of December 2005 is untimely and that the BOP needs to expedite its efforts to stop drug smuggling through the mail. To resolve this recommendation, please provide us with a status update on the policy's development and an expedited implementation date by July 1, 2003.

**Recommendation 9: Resolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 9 to require additional training for BOP staff to search mail and detect drugs. The BOP stated that it has already taken steps to enhance training for inmate systems officers effective November 2002.

**OIG's Analysis.** The OIG believes, as stated in our report, that in addition to inmate systems officers, unit management staff who are responsible for opening and searching legal mail on a daily basis should be included in this training. Please provide us with a copy of the revised training curriculum, training schedule and locations, and list of participants by July 1, 2003.

**Recommendation 10: Unresolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 10 to test mailroom drug detection technologies and states that the Inmate Systems Management Branch will work with the Office of Security Technology to conduct

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research and tests and present their findings to the BOP's executive staff. The BOP anticipates presentation of the research and test findings by December 2005.

**OIG's Analysis.** Again, we believe the BOP's completion date of December 2005 is untimely. The Office of Security Technology should already be familiar with mailroom drug detection technologies. Inmate systems management officers at the institutions can determine quickly whether the technology is effective, if on-site testing of the technology is required. To resolve this recommendation, please provide us with information about the drug detection technologies that the BOP has identified for its institutions' mailrooms, and a plan for testing and implementing the technologies in a timely manner by July 1, 2003.

**Recommendation 11: Unresolved - Open**

**Summary of the BOP's Response.** The BOP agrees with Recommendation 11 that SENTRY, the BOP inmate tracking system, should be improved to accurately track the number of inmates who are diagnosed with a drug abuse problem, and who are referred for, receive, and complete treatment. The BOP states that two policy changes to the drug abuse program policy are under review. It states that these changes will improve SENTRY tracking of inmates entering the BOP with substance abuse disorders by (1) expanding the category of inmates who are eligible for the drug education course; and (2) improving the sequence of identification, screening, assessment, and referral of inmates with drug abuse disorders. The BOP further states that with the expansion of the category of inmates eligible for drug abuse education, the BOP will create a Psychological Data System (PDS) database to track inmates with a substance abuse problem or those who receive a diagnosis and referral for treatment for a substance abuse disorder. The BOP anticipates these policy revisions taking between one to three years to implement, with completion of this requirement by December 2005.

**OIG's Analysis.** With the proposed revisions to the screening, identification, assessment, and referral of inmates to drug abuse treatment, and the creation of a PDS database to track these inmates along each of the stages, the intent of our recommendation will be met. However, we question the length of time BOP anticipates it will take to create the inmate tracking system, particularly when BOP staff already have the capability to enter treatment information in SENTRY (although not diagnosis and referral information). While the actual policy revisions (expanding the category of inmate eligible for the drug education course and improving the screening and referral processes) may take longer to implement, we believe that the creation of a PDS database, improved SENTRY tracking, or any other tracking system for inmates with an identified drug abuse problem could be completed prior to implementation of the policy revisions. To wait until December 2005 for a tracking system means that the BOP will not accurately identify for three more years the number and identity of inmates who have drug abuse problems. Because demand reduction is an important component of the BOP's strategy to reduce drugs in its

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institutions, this is a lengthy timeframe for implementing the tracking system. Without the system, the BOP does not track inmates to ensure that those identified with a drug abuse problem get treatment and does not hold inmates accountable for following through with their treatment recommendations. The tracking system is critical to BOP's demand reduction efforts, and we believe the BOP should implement this initiative more quickly.

To resolve this recommendation, please provide us with an amended timeframe to expedite improved tracking of those inmates with drug abuse problems, as well as a status report on the development of the tracking database and the policy revisions by July 1, 2003.

**Recommendation 12: Unresolved - Open**

**Summary of the BOP's Response.** The BOP does not agree with Recommendation 12 that the non-residential drug abuse treatment program should be staffed based on a combination of the drug abuse treatment specialist (DATS) staffing guidelines and the number of inmates needing drug treatment at each institution. The BOP's response states that this staffing initiative is not funded, and bringing the BOP's current institution complement into compliance with staffing guidelines would be cost prohibitive. It further states that the drug abuse program policy only provides staffing guidelines for the residential drug abuse program (RDAP) because that is a longer and more intensive program than non-residential treatment. The BOP also notes that each institution is already provided one DATS and a drug abuse program coordinator.

**OIG's Analysis.** The BOP's response does not address the lack of non-residential drug treatment in its institutions. Drug treatment for inmates is a critical part of the BOP's strategy to reduce the demand for and presence of drugs in its institutions. Yet, the BOP's own internal program reviews have cited on-going deficiencies in providing non-residential drug treatment.

The staffing guidelines we cite in our recommendation and report do not relate only to the RDAP, as implied by the BOP's response. The staffing guidelines also relate to the BOP's other drug program components: drug education and non-residential treatment. The guidelines are BOP-wide psychology services staffing guidelines developed for all institutions regardless of their security level or other operational variables, and are based on the population of the institution (*i.e.*, the guidelines provide for "one DATS for an absolute increment of 500 inmates as a base and one DATS for each additional absolute increment of 500"). It is important to note that the RDAP, although recognized for its successful treatment outcomes, is not provided to inmates until sometime during their last 36 months of incarceration, with the intent that inmates will be drug-free when released into the community. As a result, we believe the RDAP is not sufficient to support adequately the demand reduction component of the BOP's drug strategy for two reasons: (1) with an

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average 10-year sentence, many inmates are not eligible for RDAP admission for seven or more years from when they enter the institution. Therefore, without non-residential treatment, inmates have no drug treatment during this lengthy period; and (2) not all inmates when diagnosed with a drug abuse problem are eligible for or volunteer to attend RDAP. Without non-residential drug treatment, these inmates have no treatment alternative.

The BOP's response suggests that one DATS and one drug program coordinator per institution are sufficient. However, the drug program coordinator does not provide drug treatment, and one DATS to provide drug education classes and non-residential drug treatment services to 1500-2000 inmates, the average inmate population at the institutions we visited, is insufficient. At these institutions, the DATS told us they are overwhelmed with the number of drug abuse education classes they must teach and with the number of inmates who need drug abuse treatment. It was clear to us that one DATS is not enough to handle the workload.

Moreover, without a continuum of treatment services for inmates, the goal to reduce the inmates' demand for drugs while incarcerated will not be achieved. We found that, despite the BOP response claiming sufficient staffing, six of eight institutions we visited did not provide any or enough non-residential treatment for inmates with drug problems, primarily due to lack of staff. Yet, the BOP has not indicated how it will solve this treatment gap so that inmates will not use drugs in the years before they are admitted to the RDAP.

We recognize that increased drug treatment staffing across BOP institutions would require additional resources. However, we disagree with the BOP's rejection of this recommendation and its unwillingness to seek additional resources for this objective. For example, the BOP could attempt a measured approach to staff increases by first determining those institutions with the greatest need and seeking additional staff accordingly. The staff may be obtained through budget requests or reallocations of positions from areas of lower priority. The BOP also could consider expanding the role of the drug abuse program coordinators to include providing drug treatment to inmates.

We believe an appropriate balance of institutions' drug treatment staffing levels to inmates' non-residential drug treatment needs is key to improving the BOP's strategy to reduce inmates' demand for drugs. To resolve this recommendation, please provide us with the BOP's plan for ensuring non-residential treatment programs are adequately staffed so inmates have access to treatment by July 1, 2003.

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**Recommendation 13: Unresolved - Open**

**Summary of the BOP's Response.** The BOP does not agree with Recommendation 13 that the drug abuse program policy should be revised to (1) clarify that non-residential treatment is required in addition to RDAP transitional services, (2) include a curriculum for non-residential drug treatment, (3) provide guidance regarding the minimum number of sessions and weeks' duration for treatment groups, and (4) increase emphasis on self-help groups such as Narcotics (NA) and Alcoholics Anonymous (AA). The BOP states that the current drug abuse program policy already addresses the OIG recommendation. The BOP's response also states that the majority of its resources are directed toward the RDAP. Further, the BOP states that the non-residential treatment program was designed to address those offenders with a low-level substance abuse impairment who do not need the intensity of the RDAP, and to provide inmates with a moderate to severe drug problem with the supportive program opportunities while waiting for RDAP admission or near-term release into the community.

**OIG's Analysis.** As with Recommendation 12, the BOP's response to Recommendation 13 fails to acknowledge that non-residential treatment is often not available to inmates who need treatment whether they have a low, moderate, or severe drug problem, and that the lack of non-residential treatment undermines the BOP's efforts to rehabilitate inmates and reduce drug use in its institutions.

In contrast to the BOP's response, we concluded, after reviewing BOP policy and interviewing DATS and drug program coordinators, that the current drug treatment policy does not provide sufficient guidance for non-residential treatment in its curriculum, application, or oversight. Specifically, BOP Program Statement 5330.10, Drug Abuse Programs, Inmate, Chapter 4, page 1, paragraph 4.2, does not provide a sufficient level of assistance to DATS for implementing non-residential treatment. The policy states, "Non-residential drug abuse services shall include a minimum of one hour of individual or group contacts each month as indicated by a treatment plan." Most drug treatment staff in the institutions we visited confused this requirement with the requirement for transitional (aftercare) services (a component of non-residential treatment) to RDAP graduates before their release to the community. Transitional services were provided in lieu of, rather than in addition to, non-residential treatment for inmates in the general population. The BOP's uneven record of providing non-residential treatment provides further evidence of a program breakdown. In six of eight institutions' drug treatment programs we reviewed, non-residential treatment was absent or minimal. In the past two years at these institutions – some with the highest drug use rates BOP-wide – a total of only 7 to 32 inmates received non-residential treatment. Further, the BOP's own internal program reviews cite on-going deficiencies throughout the BOP in providing non-residential drug treatment. Yet, the BOP's response does not offer solutions to the treatment void.



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At the institutions we visited, the DATS, drug program coordinators, and unit management staff believed non-residential treatment required stronger and more detailed policy and additional staff. Although the policy suggests non-residential treatment topics of interpersonal skill building, errors in thinking, post-release survival, and anger management, it does not provide in-depth content information for these topics. Program Statement 5330.10 hints at the expectations for non-residential treatment, but does not provide a strong foundation for the program, as demonstrated by the absence of treatment in the institutions.

The BOP also references in its response other guidance – a 1991 version of a drug abuse program curriculum (now under revision) – that can be used in non-residential treatment programs. The BOP Central Office and staff at the institutions visited never mentioned the existence of this decade-old curriculum during our discussions of non-residential treatment. Because of the BOP's lack of emphasis on non-residential treatment, the curriculum may have limited exposure among treatment staff. Improvements in this curriculum, along with staff training, could fill some of the guidance gap of Program Statement 5330.10.

The Program Statement 5330.10 does acknowledge self-help programs, such as NA and AA, as useful adjuncts to institutions' drug abuse programs. But the institutions we visited did not pursue these programs because of inadequate communication between the drug treatment staff and volunteer coordinators to recruit program volunteers from the community, or because of local security prohibitions against NA and AA volunteers who have criminal backgrounds. We believe the Program Statement should more expressly state that drug treatment staff must ensure that volunteers are solicited for self-help programs and that criminal backgrounds of NA and AA volunteers (who are often former addicts and alcoholics) should not automatically preclude their presence in institutions.

To resolve this recommendation, the BOP must agree to (1) revise Program Statement 5330.10 to clarify the requirement for non-residential drug abuse treatment for inmates in the general population, in addition to the monthly transitional services for RDAP graduates; (2) develop (or enhance) a detailed curriculum and timeframes for non-residential treatment as part of Program Statement 5330.10 or as a separate document (such as the 1991 curriculum referenced by BOP); and (3) re-emphasize to institutions the important role of self-help programs and ensures barriers to their use are removed. Please provide us with the status of these actions by July 1, 2003.

**Recommendation 14: Unresolved - Open**

**Summary of the BOP's Response.** The BOP does not agree with the first part of Recommendation 14 to create incentives for participation in non-residential drug treatment and sanctions for non-completion to increase inmate participation. The BOP response states that incentives and sanctions would be a disincentive for

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inmates with the most severe treatment needs to enroll in the RDAP. It further states that placement of inmates with serious drug problems in non-residential rather than residential treatment would be a disservice to the inmates and the community.

The BOP agrees with the second part of Recommendation 14 to add a separate score for drug treatment participation on inmates' annual Security Designation and Custody Classification form. The BOP states that modifications are currently underway to reflect an inmates' participation in all program areas. These modifications should include an inmates' participation in drug abuse treatment. The BOP anticipates completing and implementing the modifications in December 2005.

**OIG's Analysis.** With regard to the first part of the recommendation, we disagree with the BOP's view that creating incentives for participation and sanctions for non-completion of non-residential treatment would be a disincentive for inmates to participate in the RDAP. Non-residential treatment is the only drug abuse treatment available to inmates in the general population who do not meet the criteria for, choose to not participate in, or are awaiting admission to the RDAP. If inmates are referred to the RDAP, these referrals remain in force regardless of the inmates' participation in non-residential treatment. If inmates ultimately refuse to enter the RDAP, whether or not they attended non-residential treatment in the interim, the inmates should receive a failing score for the referred drug program on the inmates' annual Security Designation and Custody Classification form.

The BOP's response, which focuses on the benefit of the RDAP for those inmates with severe drug disorders, diminishes the importance of non-residential treatment. It also suggests that inmates should have no drug treatment available other than the RDAP. As noted previously, however, inmates are not eligible for the RDAP until the last 36 months of their sentence, which results in a lengthy treatment void for needy inmates.

The BOP should be encouraging inmates, through incentives and sanctions, to participate in *any* accepted drug treatment. One method of treatment provided in the near term does not detract from another method of treatment provided in the longer term. Moreover, the BOP has not presented any evidence that incentives and sanctions for the non-residential treatment program undermine the RDAP. The BOP also has not presented evidence that inmates with severe treatment needs are harmed by participating in non-residential treatment prior to admittance to the RDAP. We believe incentives and sanctions for non-residential treatment are important to increasing inmates' participation in treatment. The BOP also recognizes the importance of incentives and sanctions to treatment participation, as both the drug education course and the RDAP have incentives for participation and sanctions or disincentives for non-completion.

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With regard to the second part of the recommendation, we believe the BOP's date of December 2005 is untimely for completing and implementing modifications to the Security Designation and Custody Classification form.

To resolve this recommendation, please provide us with (1) a copy of the modified Security Designation and Custody Classification form and an expedited implementation date, and (2) the BOP's plan for improving inmates' participation in non-residential treatment through incentives for participation and sanctions for non-completion by July 1, 2003.

**Recommendation 15:** Resolved - Open

**Summary of the BOP's Response.** The BOP partially agrees with Recommendation 15 to consider other opportunities to improve drug interdiction activities for the R&D and warehouse areas, the rear gate, volunteers, contractors, and institution intelligence operations. The BOP does not agree to conduct another pilot test of canines as a drug detection technique for its institutions.

The BOP states that each of its six regions is authorized to have a canine unit at one institution. The BOP does not believe it is appropriate to expand this policy, citing the significant amount of financial and staff resources involved. It states that purchasing canines, training staff and canines, and caring for canines are major concerns when determining the overall cost/benefit of the program. Additionally, the BOP states that canine resources are usually available in the local community for use upon request, and use of these outside canines serves to enhance relationships with local law enforcement.

**OIG's Analysis.** The OIG recommended (1) using better technology to supplement manual searches for drugs in the R&D and warehouse areas, (2) establishing a volunteer and contractor database to enable timely sharing of information between institutions, (3) establishing the Special Investigative Supervisor (SIS) lieutenant position as a permanent position rather than an 18-month rotation, (4) providing more timely and in-depth training for SIS lieutenants, (5) using SIS staff to train other staff about drug interdiction issues, and (6) pilot testing canines as a drug detection technique for institutions.

Although the BOP agreed to consider the opportunities we presented in our report for improving drug interdiction activities for items 1 through 5 above, the BOP did not provide specific information about its planned actions for each item. Please provide us with the BOP's planned actions for items 1 through 5 by April 4, 2003.

The BOP response does not agree with item 6 to pilot test canines as a drug detection technique. Only one region currently has a canine unit (at USP Lewisburg). During our interviews at the BOP's Central Office, BOP officials strongly opposed expanding the number of BOP canine units. Therefore, although

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authorized, we believe it is unlikely that any region would request establishment of a canine unit. In fact, we were told that when the current canines at USP Lewisburg die, so too will the canine program.

During our review, the BOP could not locate the results of its original pilot study on canine units initiated in FY 1990. Therefore, we were unable to determine the factual basis for the BOP's opposition. The BOP's own policy statement on canine units states, "The use of canines by the Bureau and other federal law enforcement agencies has proven to be an effective method for narcotics detection...The presence of a canine unit not only aids in locating drugs, drug paraphernalia, and escapees, but also serves as a deterrent." Further, canine units are frequently used by state correctional systems as part of their overall drug interdiction strategies. Fourteen of 17 states from which we collected drug interdiction strategies use canine units.

The BOP response states that canines are usually available in the community. However, as pointed out in the OIG report, canine units from local law enforcement in fact are frequently unavailable for use by BOP institutions and are not well-suited or trained for work inside a correctional institution. By contrast, the BOP's canine unit at USP Lewisburg demonstrates the benefits of canines as a drug interdiction activity throughout the institution.

We believe that drug detecting canines are an underused resource in the BOP. Regarding cost, the purchase cost of one canine (including cost of training for the handler and canine) is one-quarter the cost of an ion spectrometry machine, and one-sixth to one-third the cost to maintain that machine annually. As stated in our report, other institutional technology, such as x-ray scanners or metal detectors, used to search inmates and their property, mail, or warehouse deliveries are not capable of detecting drugs. Therefore, drug detecting canines could be used to enhance interdiction activities in areas throughout institutions, such as in the mailroom, the R&D area, the warehouse, and the rear gate. Canines are more mobile than some machines and can also be used to search inmates, staff, visitors, all areas of the prison, and parking lots. With the BOP's concern about being "restricted from broad and universal application of technological advancements by funding allocated to the agency," and its prolonged dates to locate, test, and implement technology, the expanded use of canines, an already proven low-technology alternative in many state correctional systems, appears warranted. Canines are less expensive, trained specifically to detect drugs (and trained for multiple other uses), serve as a highly visible deterrent, and have low on-going maintenance costs.

We believe the BOP should fully implement its own policy and, at a minimum, establish a drug detecting canine unit for each region as a pilot study, concentrating

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on the institution within each region with the highest positive inmate drug test and drug misconduct rates. Please provide us with your decision to pilot test drug detecting canine units by April 4, 2003.