



SPECIAL REPORT

**INMATE CELL PHONE USE ENDANGERS PRISON
SECURITY AND PUBLIC SAFETY**

OFFICE OF THE INSPECTOR GENERAL

DAVID R. SHAW
INSPECTOR GENERAL

STATE OF CALIFORNIA
MAY 2009



May 4, 2009

Matthew L. Cate, Secretary
California Department of Corrections and Rehabilitation
1515 S Street, Room 502 South
Sacramento, California 95814

Dear Secretary Cate:

Enclosed for your review and comment is the Office of the Inspector General's special report titled "Inmate Cell Phone Use Endangers Prison Security and Public Safety."

During our review, the Office of the Inspector General found that the possession of cell phones in prison facilities by inmates has increased significantly during the past three years and poses a threat to the safety and security of California's prison staff, inmates, and the general public. We also found that the growing number of cell phones in prison facilities is a direct indicator that the methods used by the California Department of Corrections and Rehabilitation to interdict their introduction or possession have mostly proven ineffective. The report contains the results of our review including four conclusions and ten recommendations.

If you have questions concerning this draft report, please contact Debra DeRosier, Deputy Inspector General, In-Charge at (916) 830-3680.

Sincerely,

A handwritten signature in blue ink, appearing to read "David R. Shaw". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David R. Shaw
Inspector General

cc: Scott Kernan, Chief Deputy Secretary, Adult Operations
Suzan Hubbard, Director, Division of Adult Institutions
Michelle Reboin, External Audits Coordinator

Enclosure

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Executive Summary

RESULTS IN BRIEF

- *Cell phone usage between inmates poses a safety concern for staff, inmates, and the general public.*
- *Seizure of cell phones by Department staff has increased ten-fold in three years.*
- *Current physical and technological methods used by the Department to prevent the introduction and usage of cell phones are ineffective.*

According to numerous California Department of Corrections and Rehabilitation (Department) officials, the possession of cell phones and electronic communication devices by California's inmates is one of the most significant problems facing the Department today. Therefore, in February 2009, the Office of the Inspector General (OIG) began a review into the proliferation of contraband cell phones in California prisons and how their use puts Department staff, inmates, and the general public at risk. During 2006, correctional officers seized approximately 261 cell phones in the state's prisons and camps. However, by 2008, that number increased ten-fold to 2,811 with no end in sight. Inmates' access to cell phone technology facilitates their ability to communicate amongst themselves and their associates outside of prison, to

plan prison assaults, plot prison escapes, and orchestrate a myriad of other illegal activity. In addition, these devices can provide an inmate unrestricted and unmonitored access to the Internet, whereby they can communicate with unsuspecting victims, including minors.

According to the Department, inmates are paying those involved in smuggling cell phones into California prisons between \$500 and \$1,000 per phone. There are currently no criminal consequences for the introduction or possession of cell phones in prison, making this activity merely an administrative violation. Furthermore, current security entrance procedures provide ample opportunities for staff and visitors to bring contraband into prison facilities without fear of discovery. Therefore, the introduction of cell phones into state prisons is a low risk, high reward endeavor. In addition to staff, other conduits for smuggling cell phones include visitors, outside accomplices, minimum support facility inmates working outside perimeter fences, and contracted employees.

In an effort to combat this growing threat, the Department is supporting legislation making it a crime to introduce or possess cell phones in California's prisons. Unfortunately, previous efforts to pass similar legislation have failed. In addition, technology that detects or jams cell phone signals is commercially available but potentially expensive and would require federal authorization to place into use. Other detection methods that have been used or are now in sporadic use, such as hands-on searches, metal detectors, and x-ray equipment, are more labor intensive and would require an increase in staffing and funding.

Recommendations

The dramatic rise in cell phones confiscated by Department staff is a clear indicator that the current methods used by the Department to interdict the introduction of cell phones are ineffective. To truly eradicate cell phone usage the Office of the Inspector General recommends that the Secretary of the Department take the following actions:

- Continue efforts to seek legislative change to make the introduction or possession of cell phones in all correctional facilities a criminal offense;
- Collaborate with other state and federal correctional agencies to lobby the Federal Communications Commission (FCC) for an exemption in using cell phone jamming devices;
- Request additional funds to purchase cell phone detection solutions and jamming devices (if subsequently approved by the FCC);
- Request resources and funds to conduct airport-style screening including metal and canine detection, and when necessary, manual searches of persons entering California prison facilities;
- Restrict the size of all carrying cases being brought into the secure areas of prisons by all persons including backpacks, briefcases, purses, ice chests, lunch boxes, file boxes, etc., so that they may be x-rayed;
- Require staff and visitors to place all personal items in see-through plastic containers;
- Request additional resources and funds to increase detection activities similar to “Operation Disconnect;”
- Ensure all quarterly contract vendor packages be shipped directly to prisons and correctional camps; and
- Implement an anonymous cell phone smuggling reporting system for employees and inmates.

Introduction

This report presents the results of the OIG's review into the growing problem concerning the use of cell phones by California's prison inmates. The OIG became aware of the seriousness of the issues addressed in this report after several California Department of Corrections and Rehabilitation (Department) employees expressed their fears and concerns with the substantial and increasing number of cell phones found in possession of inmates. This matter is of a vital and pressing concern to the Department and the State of California because these devices pose a serious risk to the safety of Department staff, inmates, and the general public.

The OIG conducted this review under the authority of California Penal Code section 6126, which assigns the OIG responsibility for oversight of the Department.

Background

In 2005, the Department discovered an increasing number of inmates with cell phones. In response, it started collecting statistical data regarding cell phone seizures from inmates and employees, and proposed legislation that would criminalize the introduction of cell phones on prison grounds. In three years, the number of cell phone seizures increased almost 1,000 percent—from 261 in 2006 to 2,811 in 2008. During this time, the Department proposed three legislative changes to criminalize the introduction of cell phones on prison grounds. However, its attempts were unsuccessful.

Faced with this escalating issue, the Department established a Warden's Advisory Group in late 2007. The group addressed the issue of cell phone interdiction by developing ideas for prevention and detection. The following three committees were formed to address specific concerns:

- Legislation – Create new policies, regulations, and laws that strengthen administrative sanctions against employees and inmates and propose legislation to make the introduction or possession of a cell phone in California prisons a felony. The committee also researched federal legislation regarding cell phone jamming.
- Security – Review policy and practices at all prison security entry points, and implement additional security practices (empty pockets, search all packages, walk through metal detectors). Although these security measures proved to be successful, they have not been fully implemented because of equipment and labor costs.
- Technology – Reestablish the Technology Transfer Committee to research cell phone jamming devices and detection techniques, such as x-raying all bags and lunch boxes. However, the federal government currently prohibits the use of the jamming devices that have proven to be the most effective in limiting or eliminating cell phone signals.

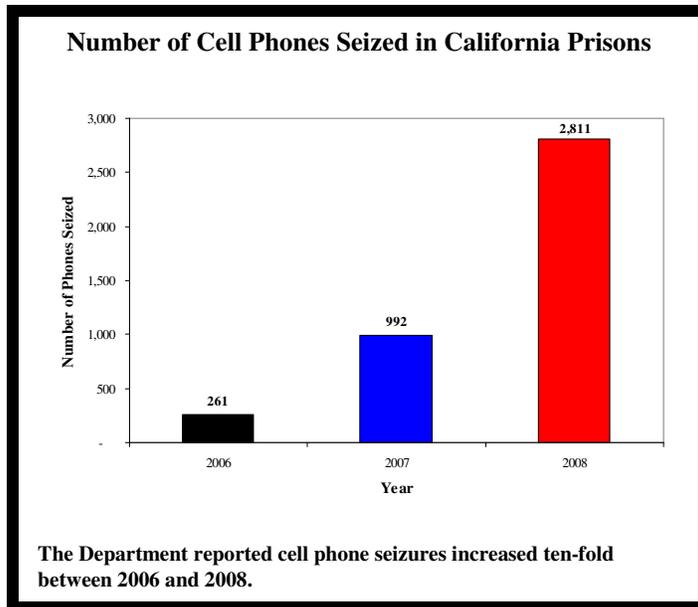
Parameters of Review

To develop the information contained in this special report, the OIG completed the following activities between February 2009 and April 2009:

- Reviewed the Department's *Adult Institutions, Programs, and Parole Department Operations Manual* (DOM);
- Reviewed the California Code of Regulations, Title 15, *Crime Prevention and Corrections, Division 3, Rules and Regulations of Adult Institutions, Programs and Parole, Department of Corrections and Rehabilitation*;
- Conducted facility visits and inspections;
- Interviewed key Department institutional, managerial, and executive staff;
- Reviewed documents and photographs produced by the Warden's Advisory Group and institutional investigative staff;
- Contacted other state correctional departments and legislative bodies; and
- Conducted research on MySpace and MocoSpace web sites.

Results of Review

The Department struggles to control cell phones



According to numerous Department officials, the possession of cell phones and electronic communication devices by California's inmates is one of the most significant problems facing the Department today. Cell phones provide inmates with the ability to communicate amongst themselves and their criminal associates outside of prison to coordinate criminal activity. OIG and Department staff believe that if inmate cell phone usage continues to escalate, activities such as the intimidation of victims and

witnesses, assaults, narcotics trafficking, and hostage taking could proliferate throughout the state. In addition, simultaneous disruptive activities, such as escapes and riots could occur. For example, Department staff often referred to a 2006 Sao Paulo, Brazil riot where an inmate with a cell phone orchestrated a multi-prison and city riot that resulted in a four-day crime spree. The rioting occurred simultaneously in ten different prisons and on the streets of various cities over a span of three different states. Approximately 39 law enforcement officials and 41 civilians were killed.

Correctional investigative staff have found cell phones in every security level of California's prisons and juvenile institutions, from minimum to maximum-security housing units. The yearly increase in seized cell phones is a clear indicator that inmates and involved staff are routinely circumventing the Department's security measures. The Department also believes it is becoming commonplace for inmates serving substantial sentences to assault staff when they seize inmates' cell phones during routine searches. Left unchecked, cell phone usage facilitates illegal activities that pose a serious threat to the general public, as well as to prison staff, visitors, and other inmates.

Smuggling cell phones into prisons is a low risk and high reward enterprise

Currently, no criminal law prohibits the introduction or possession of cell phones in California prisons. Consequently, inmates' visitors and outside accomplices face minimal ramifications such as being barred from the prison. At present, the reduction of good behavior credits and other administrative sanctions are the only potential consequences

inmates face when found in possession of a cell phone. Regulations provide that if an inmate remains trouble-free for approximately 90 days, their previously reduced credits for a particular administrative sanction can be reinstated.

The ramifications faced by Department employees and contractors found providing cell phones to inmates are administrative sanctions up to termination of employment. However, retirement age employees may separate from state service and retire with full retirement benefits, receiving little if any consequence for their improper activity. Employees and contractors face minimal repercussions compared to the danger they create to other employees and inmates by supplying inmates with cell phones.

Department employees reported greed is the common link between staff and contracted employees who smuggle cell phones. Department investigative staff estimated inmates pay between \$500 and \$1,000 per cell phone, depending on the sophistication of the device. During one year, a correctional officer received approximately \$150,000 for smuggling approximately 150 phones to inmates. The correctional officer in question was terminated, but there were no legal repercussions for his actions.

According to Department investigators, employees and contractors may also be coerced to smuggle cell phones into prison. Inmates maintain a watchful eye on correctional staff and eavesdrop on their conversations to target disgruntled staff members, or those who have marital or financial problems. Inmates engage the targeted employees in conversation eventually requesting and obtaining minor favors. In time, inmates approach these compromised employees and attempt to bribe or threaten them to smuggle cell phones and other contraband into the facility.

Various methods are used to smuggle and conceal cell phones



Contraband found in a typewriter: cellular phones, weapons, lighters, and tobacco.

Inmates' friends and family members have developed a variety of methods to smuggle cell phones into prisons. One of the newest techniques is to circumvent security measures by intercepting quarterly packages¹ from state approved vendors, stuffing them with cell phones, resealing the box, and forwarding it to the inmate. These phones are concealed inside of DVD players, televisions, radios, typewriters, books, toilet paper, cereal products, and various other items. If the received package is from an approved quarterly vendor and appears intact, Department staff will deliver it to the inmate.

¹ Inmates are allowed to receive quarterly packages purchased by outside family members. There are restrictions on how much and what can be purchased. Approved items include food, clothing, hygiene items, shoes, televisions, and radios. Family members must purchase the items through approved vendors.

If there is evidence of tampering, or if information is received by correctional staff that an inmate is expecting a shipment of contraband, the package is scanned and the box opened by correctional officers. For example, in December 2008, staff at a prison discovered ten cell phones in one quarterly package.

Another method used by civilian accomplices, staff, and former inmates is to drop off contraband, including cell phones, outside the secured perimeter of the prison for later pick up by minimum security inmates. These inmates have access outside the secured perimeter when performing landscape, maintenance, and other related duties. Despite staffs' efforts, such as unclothed body searches and use of metal detectors, inmates are still successful in smuggling these cell phones into the prison.

It is becoming common for inmates to hide cell phones and chargers at their work sites so if discovered, they cannot be readily traced to them. Recently, a prison's Investigative Services Unit conducted a search of its Prison Industry Authority facility and discovered a large tactical bag containing 22.7 pounds of tobacco, 1.8 pounds of marijuana, 35 cell phones, and one glass smoking pipe.



LUNCH BOX ASSESSOR – Left to right Lunch Box (12" wide x 12" long x 12" deep); Carrying Bag (6" wide x 18.25" long x 14" deep); Backpack (12" wide x 15.25" long x 8" deep.)



Over-sized rolling lunch container used by staff. (Not to scale.)

Staff and contracted employees bring cell phones into prison utilizing several methods including hiding the small devices on their persons and in over-sized rolling lunch containers, briefcases, file boxes, and backpacks. Some institutions are now using container measuring devices, also known as lunch box assessors, to limit the size of personal items entering the prisons. If these items do not fit into the assessor, they are not allowed into the prison. Concealment on their person has proven the most effective method because staff are rarely searched due to the cost and logistics of searching hundreds of employees. In one incident, a female contractor placed seven cell phones in her bra in an attempt to smuggle them into an institution.

Once received, the compact size of cell phones allows inmates to easily conceal them from correctional staff in their cells or a common area on the facility grounds. On at least two occasions, correctional staff confiscated cell phones that resembled wristwatches from inmates. Inmates often hide cell phones in fans, light fixtures, books, mattresses, the walls of their cells, sinks, toilets, or shelving units.



Mobile-Media Player cell phone wristwatch confiscated from inmate.



Cell phone and adaptor connected to electric desk fan motor to charge battery.

No boundaries for inmate information capabilities

Today's wireless technology allows inmates to communicate clandestinely with one another, whether they are assigned to the same prison or in other facilities across the state. Inmates also use cell phones to effortlessly make tobacco, drug, and other contraband transactions, which create additional serious problems for the Department. A Department executive stated that inmates are communicating with one another in real time by calling or sending text messages providing information about correctional officers' movements and uploading pictures of secured areas within the prison. This type of information could be used to facilitate escapes, coordinate riots, and order assaults on staff and other inmates.

For example, one inmate told correctional staff he regularly used a cell phone to conduct inquiries on inmates recently admitted to his housing unit. Subsequently, he targeted those individuals for assault if they were members of a rival gang or if they were members of his gang not in good standing.

On another occasion, inmates used cell phones to plan their escape from a southern California prison. The escaping inmates used a cell phone to arrange to be picked up off prison grounds. They also received a text message from a fellow inmate inside the prison advising them that correctional officers were conducting an emergency count because of their escape. The inmates were subsequently apprehended and returned to custody, where they informed the correctional staff that their cell phones played an integral role in coordinating their escape.

A Department investigator's forensic analysis of a recently confiscated cell phone revealed it had been used to make phone calls, send text messages (logging approximately 635,000 minutes or 10,583 hours) and take pictures from within the prison. The cell phone images revealed the inmate had taken pictures from the window of his housing unit depicting staff's response to an emergency alarm.

The Department is also concerned that inmates are uploading pictures of correctional staff and sharing them with outside criminal associates, jeopardizing the safety of correctional officers and their families.

Inmates use web pages to lure unsuspecting victims

Inmates with technologically advanced cell phones, such as iPhones and Blackberries, are constructing web pages and communicating with individuals on heavily trafficked web sites such as MySpace and MocoSpace. Inmates are posting pictures of themselves and their fellow gang members on their web pages created while incarcerated and are soliciting members of the general public to communicate with them. To an untrained person, it may not be immediately obvious that the individual depicted is a California prison inmate. Therefore, inmates may take advantage of minors and other vulnerable individuals by soliciting items such as photographs, money, or personal information.



iPhones depicting web capabilities and satellite image of Folsom State Prison.

In an effort to corroborate the ease of which an inmate can communicate with cell phones, the OIG staff created a fictitious identity on the Internet, posed as a female, and corresponded with seven inmates housed in prisons throughout the state. We effortlessly located some of the prisoners' web pages depicting inmates in various forms of dress, and posing with fellow inmates. Using the undercover identity, our staff engaged in virtual dialogue with inmates who were using data-enabled cell phones from inside prisons.

Department's interdiction efforts

A successful approach tested by the Department's correctional officers to discover contraband cell phones is hands-on security screening. When correctional officers perform pat-down searches of visitors and employees and search vehicles driven onto prison grounds, cell phones and other contraband items are discovered before they are introduced into a prison.

In July 2008, the Department's Office of Internal Affairs (OIA), in coordination with prison investigative staff, executed a two-day surprise operation dubbed "Project

Disconnect.” OIA agents and institutional staff conducted systematic searches of prison housing facilities of inmates suspected to possess cell phones. Prior to the two-day operation, OIA agents obtained confidential information of employees believed to be involved in smuggling cell phones to inmates. In addition, employees who acted suspiciously during the operation were stopped, questioned, and searched. One employee’s vehicle was searched and fifty cell phones, labeled with inmates’ names, were seized.

In order for this methodology to be an effective tool, the Department would have to employ enhanced security detection devices and manual searches, similar to those used at airports. Facility staff, contracted employees, and visitors would be required to remove their shoes, slide all their personal items through an x-ray machine, walk through a metal detector, and if necessary, submit to pat-down searches. Department management and investigative staff said this detection system is needed at points of entry to all facilities. According to the Department, this procedure would require additional staff. The Department has determined this security screening measure will cost approximately \$28,000 at each entry point plus the cost of additional correctional staff to monitor the equipment and perform the searches.

Exploitation efforts

The systematic exploitation of technical data recovered from cell phones has long been a prime source of intelligence for law enforcement officials and is frequently used as evidence in criminal prosecutions. The Department has achieved some success in retrieving technical data, such as incoming and outgoing phone numbers, contact lists, email, and instant messages from seized phones. This information has assisted the Department in exposing illicit acts such as contraband trafficking and gang activity. However, the sheer number of cell phones recovered has limited the Department’s ability to retrieve and exploit technical data from most seized cell phones. Furthermore, the Department does not have a consistent policy on processing seized phones, therefore much of the technical data stored on these phones is not recovered.

Previous legislative efforts were unsuccessful

Between 2006 and 2008, the California Legislature did not approve legislation to criminalize the introduction or possession of cell phones in state prisons. Recently, Senate Bill 434 was introduced and, if enacted, will make the introduction or possession of a cell phone in state prison a misdemeanor. Department employees believe cell phone criminalization would serve as a deterrent to most individuals.

In contrast, the Legislature did criminalize similar behavior in city and county custodial facilities. In October 2007, Penal Code section 4575 was added making the possession of a wireless communication device in a local correctional facility a misdemeanor offense.

National awareness and legislative changes

States around the country are implementing new entry security measures and/or enacting legislation that criminalizes the introduction or possession of cell phones into prisons. Florida, Nevada, and Texas have enacted laws that make it a felony to introduce or possess cell phones in a prison. Whereas, in Pennsylvania a similar offense is a misdemeanor. Because most of these laws were recently enacted, state officials reported that it is too early to gauge their effectiveness.

The states of Texas, Nevada, Florida, and South Carolina require all staff and visitors to undergo “airport style” security measures before entering prison grounds. Officials in these states consider this interdiction method effective at curbing cell phone smuggling at the point of entry. Additionally, the Correctional Corporation of America, which operates private correctional institutions across the United States and houses California inmates in the states of Arizona, Mississippi, and Oklahoma, requires all staff and visitors to its prisons to place all personal items in see-through plastic containers in an effort to prevent contraband from entering the prison.

South Carolina prison officials received FCC approval to test jamming technology that intercepts and terminates cell phone calls. South Carolina officials reported that the technology was very effective at jamming cell signals without interfering with cell signals in areas adjacent to the facility. However, the approval to test was for a limited time and the FCC has not granted approval to implement the use of jamming technology.

Prisons wrestle with funding, approaches, and federal regulations

Department personnel have met with representatives from various commercial vendors that have developed solutions to combat cell phone introduction, use, or possession in prisons. These systems include devices similar to global positioning systems that identify and locate different phone frequencies; devices that interfere with cellular frequencies; machines that detect metals, semiconductors, and radio frequencies; and canine units that sniff out cell phones.

One technology, broadly referred to as “jamming,” interferes with a cell phone’s radio frequency by transmitting a signal that confuses and overwhelms the cell phone. Another jamming technology exists that blocks incoming and outgoing cellular phone calls. While effective, jamming technology can only be used with the approval of the FCC, under strictly controlled guidelines. Radio frequency detection systems are also commercially available but are most effective when operated close to a transmitting cell phone. These devices cannot typically be used when searching large open areas such as housing units, libraries, kitchens, or prison yards. The cost of each detection device is approximately \$15,000.

Canines can be trained to smell a unique element in cell phones and are now available to correctional staff. They range in cost from \$300 to over \$2,000, dependent upon their age and training. The dogs must be acclimated to a prison environment, can only be used for a few hours per day, and work with only one handler. The skill of handling a canine and

identifying the unique element is perishable, and both the canine and its handler must obtain constant training. The Department recently implemented a canine detection project at one of its prisons. Although Department executive staff report this project has shown preliminary success, they also said the Department does not have the funding to expand this venture.

Federal Bureau of Prison's success with screening systems

The federal Bureau of Prisons is also experiencing a rise in employees and visitors smuggling cell phones. To combat this activity they have implemented airport-style metal detection screening systems at all of their facilities. They now require all staff and visitors to remove their shoes, belts, and any metallic objects from their persons. Belongings are scanned and viewed through an x-ray machine and everyone must walk through a metal detector. This screening process requires three correctional officers and a supervisor during each shift change.

After some initial resistance from the correctional worker's union, the federal Bureau of Prisons overcame the opposition through negotiations pertaining to institutional policies and procedural changes. Once staff grew accustomed to the new entry screening process, the added time it took them to report to their workstations was minimized. Even though the federal Bureau of Prisons does not keep statistics on the number of cell phones seized in their prisons, they believe the screening process has been a good deterrent.

Conclusions

This report documents the pervasive problems inherent with inmates in possession of contraband cell phones. This review brought forth the following facts:

- Inmates are compromising the safety and security of staff, other inmates, and the general public by communicating via cell phones, text messages, and the Internet;
- Criminalizing the smuggling or possession of cell phones in California prisons should reduce the number of contraband cell phones;
- The Department is unable to effectively control the proliferation of cell phones with its current interdiction and detection methods; and
- Enhanced security methods are readily available to the Department, although state and local law enforcement agencies are barred by the FCC from using technology that interferes with cell phone signals.

Recommendations

The Office of the Inspector General recommends that the Secretary of the California Department of Corrections and Rehabilitation take the following actions:

- Continue efforts to seek legislative change to make the introduction or possession of cell phones in all correctional facilities a criminal offense;
- Collaborate with other state and federal correctional agencies to lobby the Federal Communications Commission (FCC) for an exemption in using cell phone jamming devices;
- Request additional funds to purchase cell phone detection solutions and jamming devices (if subsequently approved by the FCC);
- Request resources and funds to conduct airport-style screening including metal and canine detection, and when necessary, manual searches of persons entering California prison facilities;
- Restrict the size of all carrying cases being brought into the secure areas of prisons by all persons including backpacks, briefcases, purses, ice chests, lunch boxes, file boxes, etc., so that they may be x-rayed;
- Require staff and visitors to place all personal items in see-through plastic containers;
- Request additional resources and funds to increase detection activities similar to “Operation Disconnect;”
- Ensure all quarterly contract vendor packages be shipped directly to prisons and correctional camps; and
- Implement an anonymous cell phone smuggling reporting system for employees and inmates.

California Department of Corrections and Rehabilitation's Response

OFFICE OF THE SECRETARY

P.O. Box 942883
Sacramento, CA 94283-0001



May 1, 2009

Mr. David R. Shaw
Inspector General
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834-8780

Dear Mr. Shaw:

This letter is being submitted in response to the Office of Inspector General's report titled *Special Report: Inmate Cell Phone Use Endangers Prison Security and Public Safety*, dated May 2009. In this special report, you identify the possession of cell phones and electronic communication devices by prison inmates as one of the most significant problems facing the California Department of Corrections and Rehabilitation. We agree with your assessment. As your report sets forth, the proliferation of contraband cell phones in our prisons puts staff, inmates and the general public at risk. Moreover, the problem appears to be growing worse, with the Department finding more cell phones inside of our institutions each year.

We appreciate your recognition of our success in some of our efforts to interdict cell phones. Your report, for example, applauds our work in performing searches of visitors and staff, and also recognizes the launching of our canine detection project at one of our prisons, which is showing some early signs of success. At the same time, we agree with the recommendations in your report that more efforts are necessary to combat this threat. Legislation that would criminalize the possession of cell phones inside of our prisons, for example, is critically necessary. We are committed to evaluating all of our options in order to eradicate cell phones within our prisons.

We appreciate your support in our efforts to overcome this significant problem. If you should have any questions or concerns, please call my office at (916) 323-6001.

Sincerely,

LEE E. SEALE
Deputy Chief of Staff