

**Disrupting the supply of illicit drugs  
into prisons**

**A report for the Director General of  
National Offender Management Service**

**by**

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## Introduction

As part of the Government's reforming penal policy announcement, a Review into disrupting the supply of illicit drugs into prisons was instigated. I was formally commissioned by Phil Wheatley CB, Director General of National Offender Management Service (NOMS) to undertake this work.

I was lucky enough to work with Ian Southerton of HM Prison Service, who helped with arrangements with competence and intelligence.

In this report I have avoided, I hope, the need for security markings. I have also attempted to use layman's language because in this context that is what I am. I have not commissioned research or sent out questionnaires or worked with a team. This is a report produced by one person over a period of some 40 days.

In the course of this Review I met many people who knew more about the detail of drugs in prisons than I did. They received me with patience and courtesy and in the main impressed me with their knowledge, commitment and concern for finding a balance between good security and acceptable decency.

The report and its findings are of course entirely my responsibility.



**David Blakey CBE QPM DL**

**30 May 2008**

## **Terms of Reference**

1. To review the effectiveness of HM Prison Service's (HMPS's) measures for disrupting the supply of illicit drugs in prisons.
2. To make recommendations to improve the effectiveness of HMPS's measures for disrupting the supply of illicit drugs in prisons taking account of the legal, financial and practical limitations relating to HMPS's operating environment.
3. To make recommendations regarding what additional measures might be possible, and at what cost, if resources were available for additional investment.

## Management Summary

This is a one person review of how illicit drugs get into prisons and what can be done about it.

Drugs get in:

- With visitors
  - 'Over the wall'
  - In the post and parcels
  - Brought in by prisoners
  - Through corrupt staff
- 
- Disrupting one route raises the use of the others;
  - Rehabilitation and detoxification schemes are undermined by illicit drugs;
  - Prison drug strategies should cover both disruption and rehabilitation, and be managed by a nominated Governor.

Five factors affect all or more than one route and can be employed to disrupt.

They are:

- Use of good practice
- Disrupting the use of mobile phones
- Use of searching
- Use of search dogs
- Use of legislation

In the long term there are 3 major ways to disrupt effectively.

They are:

- Development and use of technology
- Development of partnership working with Police
- Use of intelligence

## The context - Prisons

1. The key objectives for the Prison Service are to hold prisoners securely, to reduce the risk of prisoners re-offending and to provide safe and well-ordered establishments in which prisoners are treated humanely, decently and lawfully.
2. The prison estate comprises of 139 prison establishments (including contracted prisons) in England and Wales, which are sub-divided into 13 area locations of responsibility. Prisons in the male estate are categorised as High Security (Category A), Local (Category B), Training (Category C) and open (Category D). In the female estate prisons are categorised as either 'open' or 'closed'. There are also Young Offender Institutions dealing with those under 21 years of age.
3. The Prison Service has an annual budget of £2.5 billion, employs approximately 50,000 staff and at present keeps in custody over 80,000 prisoners. All prisons are subject to performance criteria such as Key Performance Indicators, Key Performance Targets and additional measures such as Standards Audit.
4. Prisons are villages of often well over 1,000 people and every day they need to admit goods and services and hundreds more people just to function. Disrupting the entry of drugs in those circumstances is much more complex than popular wisdom would suggest.

## The context - Drugs

5. Prisoners going into prison have been taken from a world where the use of illicit drugs is endemic. Many, probably a majority, will be problem drug users. Drugs may well be the reason, or one of the reasons why they are incarcerated. They will view the use of drugs to 'relieve boredom' or 'cope with stress' as normal. It would be remarkable indeed if they did not attempt to bring their 'normality' into prison.
6. I explored the possibility that drugs were tolerated in prisons by staff because they made prisoners more content with their lot and less difficult to manage. Some staff with long experience in the Service accepted that decades ago the smell of cannabis throughout a prison on a Friday evening might have suggested a quiet weekend for the staff. But if those days ever existed then they were long gone. Today, most types of drugs in prisons cause trouble. They affect behaviour, usually for the worst and they increase bullying and assaults as drugs need to be paid for.
7. It is not easy to calculate with any precision the amount of drugs getting into prisons. Anecdotally, and in the press, one hears of prisons being 'awash' with drugs and research and interviews with prisoners conducted outside of this Review would seem to indicate a ready availability. Certainly substantial amounts of all types of drugs do get into prisons.

### *Seizures*

8. One measure of drug availability in prisons might be the amount of drugs seized. It is not possible to gauge this for the Service as the amounts seized are not collated nationally. Some are given to the Police for disposal, some are sent for analysis and some are destroyed. This is a pity as much intelligence and management information is potentially being lost.

### *Mandatory Drug Testing*

9. A system of Mandatory Drug Testing (MDT) has been running in prisons for over 10 years. In it either 5% or 10% of the prisoners in each prison (the difference depends on the size of the establishment) have their urine tested at random for most, but not all, drugs each month. If prisoners fail the test or refuse to take it they can be

punished. There are sceptics both in and out of the Prison Service who will point out how this Key Performance Indicator (KPI) can be manipulated, and if a KPI can be manipulated in any organisation then it will be by someone, somewhere. Also those being tested have been known to attempt and sometimes succeed in beating the process by substituting their urine for a 'clean' sample. However, whilst recognising that the tests can be undermined I believe that they do provide a broad national measure, which has reliability. I certainly found no evidence of the wholesale conspiracy that would be needed to provide major falsification of figures.

10. The MDT rate has fallen over the past decade or so from around 24% to 8.85 in 2006/7. This is encouraging but the figures still indicate based on a prisoner population of about 80,000, that 8.8% of this population (about 6,800 prisoners) were taking illicit drugs when randomly tested each month. These are national figures. In some types of establishments the rate is much higher and in others it is very much lower.

## How drugs get into prisons

11. There are five main routes for illicit drugs to get into prisons. The use of each route and the traffic flowing along it will alter from time to time and from place to place. The routes are:-
  - Visitors
  - Over the wall
  - Post and parcels
  - Reception and remand prisoners
  - Staff

### Visitors

12. The Service has the difficult task of allowing prisoners to see their families, often including children, and friends in decent surroundings; whilst at the same time preventing anything being smuggled into the prison during the several million social visits which take place each year.
13. Some prisoners put pressure on families and friends to bring drugs in and it is not unknown for bogus 'visitors' to be paid for smuggling drugs into prisons.
14. Arrangements will change from prison to prison and from time to time but a visit might typically be conducted as follows:
  - a. The visit is arranged in advance and in the reception area are posters warning about the penalties for drug smuggling.
  - b. The visitors are 'airport' style searched and sniffed by a drug dog. They then go into a Visiting Hall where they will sit at a table with the prisoner they have come to see.
  - c. There is a canteen selling tea and coffee and sweets and snacks. There are 3 or 4 Prison Officers in the room either at raised desks or walking around the Visits Hall.
  - d. In addition, in a room next door is another Officer watching the tables on CCTV. When the visit is over the prisoners are searched before they go back to their cells.
15. From the description above it might be thought that getting drugs into a prison through the visiting process must be a rare event. It is not. I have seen videos of visits showing sleight of hand worthy of a stage

magician and I have no doubt that a significant amount of drugs get into prison with the help of visitors.

16. The reason for this is mainly that both prisoners and visitors use body orifices to conceal drugs. Prison terminology for concealing drugs in the vagina is 'crutching' and in the anus 'plugging'. Wrapped drugs may well get past a dog if internally secreted and will probably pass even a full (strip) search (see later). The transfer of drugs, often after the visitor has been to the toilet, takes place at the table in a transfer of cups or by use of a crisp packet or being kicked under the table. Using body orifices can be foiled by use of intimate searching, on visitors or prisoners, but there are substantial implications to this as I explain later. The use of closed visits, where there is a glass partition between prisoner and visitor would be effective if used for every visit but would require extensive building work and would certainly lead to questions about legality and decency.
17. The visitor checking and searching processes differ from one type of prison to another. Obviously there are additional methods in use in High Security Establishments but within the same category of prison visited I had different levels of confidence in the effectiveness of disruption measures.
18. In the establishments giving the best impression that a real attempt was being made to disrupt drugs from entering some or all of the following measures were in place:
  - a. A motivated and well led and trained dedicated visits team supervised the visits. It is asking too much to expect untrained and inexperienced officers pulled from other duties to supervise a Visiting Hall containing some determined and skilful smugglers.
  - b. The CCTV systems were modern, in colour and well positioned. Ideally the officer monitoring them is positioned in the Visiting Hall itself rather than in another room. This makes for transparency and leave no-one in doubt that they are being observed. The operator is familiar with and not frightened by the rules on directed surveillance (see later).
  - c. The canteen sells tea only in plastic cups with perforated lids, and the rules state that the lids stay on at all times. Sweet and snack wrappings are kept to a minimum.
  - d. The tables at which prisoners and visitors sit have a guard across underneath to prevent items being dropped and pushed under the table. The chairs are fixed to the floor and the prisoners sit slightly apart from the visitors.

- e. During visits prisoners wear either a one piece suit with no pockets or close fitting shirt and jeans rather than the ubiquitous tracksuits which could almost have been designed for drug smuggling.
  - f. The 'Closed Visits' rooms, where glass separates prisoner from visitor, are used readily and are seen to be used if there is good intelligence of trafficking.
  - g. Proper consideration is given to banning bogus visitors, recently released prisoners and other problem visitors.
  - h. The drug sniffer dogs are ever present and police dogs sometimes are present outside reception areas.
19. There are of course implications for officer deployment and resources in these processes. They can be mitigated to some extent by the use of intelligence systems to choose who to search, or observe.

## **Over the Wall**

20. 'Over the wall' is prison shorthand for the process whereby contacts on the outside throw, catapult or otherwise project goods, usually drugs or mobile phones, over or under, or even through prison walls and fences to be collected by prisoners.
21. The general public might imagine that this could not be possible without staff incompetence or corruption or poor planning and construction. And yet this centuries old method aided today by the use of mobile phones to arrange where and when and by Google mapping providing detailed plans, does persist and it is not easily prevented.
22. It needs to be said that many prisons have long and irregular perimeters and that providing secure exercise yards is not always easy given large prisoner numbers, and the constant need for more building of accommodation units.
23. The prisons with the real experience of 'over-the-wall' are, of course, mostly those in inner cities with streets and houses and parks around them. In prisons in rural areas incidents of 'over the wall' are generally less.
24. Drugs and mobile phones coming 'over the wall' in parcels large and small and sometimes disguised as general litter are gathered by prisoners, perhaps during exercise periods or perhaps when on

working parties. Not everything gets through, of course, but enough does to make the process worthwhile, especially to a prisoner or group of prisoners who can bring a hierarchy or organisation to the process.

25. The Service has much experience in combating the delivery of contraband 'over-the-wall'. It is very conscious that if drugs and phones can follow that route then so might weaponry or aids to escape.
26. Where 'over-the-wall' is a problem I would expect to find, and indeed generally did find:
  - a. Physical barriers being regularly assessed for height and type, and netting, motion sensors, CCTV, cameras both real and dummy being considered. New windows being fitted, which allow light, whilst preventing prisoners from using catapults to provide lines over the perimeter fence to which drugs can be attached.
  - b. Constant awareness of the need to patrol vulnerable areas, preferably with dogs.
  - c. Consideration, within the possibilities available, of changing the prison layout or the timetable for exercise.
  - d. Consideration of moving prisoners around the prison and to other prisons to thwart arrangements.
  - e. Good relations being fostered with the police and members of the public living near prison walls.
27. None of this is easy. Altering fences, netting and fitting new window grills is expensive. Sometimes planning permission is needed. The key to success is intelligence about the how and the when of over the wall deliveries.

## **Post and Parcels**

28. Prisoners are entitled to get letters and parcels from the outside and it is probable that some of them will contain drugs.
29. At present there seems to be uncertainty in the policy of relatives and friends bringing items, particularly clothing to prison reception to be passed to prisoners. At one establishment I was told of cases where drugs had been stitched into collars and cuffs of garments and that as a result only clothing, and other property, which had been ordered from, and packed by, catalogue companies such as Argos would be allowed into the prison. At other establishments I saw clothing being

handed in by relatives at visitor reception. Sometimes this is because the prisoner has come into prison wearing very little in the way of clothing and now needs some for a court appearance. However, I did find differences and some confusion regarding this issue, which needs to be cleared up. I would favour the route of not allowing visitors to hand property in.

30. Letters addressed to prisoners are x-rayed and perhaps held under a strong light at some establishments and then typically spread out along a corridor in the administration block and walked around by a drugs dog. They are then opened by staff before being handed over to prisoners.
31. There is a particular issue with prisoners receiving confidential letters, and often bundles of documents, from their legal representatives. Clearly it would be wrong for prison staff to open and read such correspondence, and yet there is a strong feeling particularly amongst junior staff that the process is being abused. Rule 39 correspondence, as it is known, does go through the dog search but there are methods of frustrating that search process. It is then handed to the prisoner unopened. The fact that it is Rule 39 correspondence is assumed because that is what is written on the envelope. So all that is required, for a prisoner to receive directly admittedly small amounts of drugs, is a legal looking envelope with RULE 39 written on it. Legal staff or legal impostors could be smuggling drugs this way.
32. The points I would expect to be covered to achieve disruption under this heading are as follows:
  - a. There is a clear and consistent national policy on goods and clothing being handed in to prison reception by families and friends for use by prisoners. The policy should be national and should be aimed, so far as is possible, at preventing goods being handed in.
  - b. Stereos and other electrical equipment can be used both to help in mobile phone charging, and concealment, as well as to store drugs and such equipment requires particular attention.
  - c. There is a problem with the operation of Rule 39 and I hope that the discussions which I am told are taking place, or about to take place, between the Ministry of Justice and the Law Society on this matter will be successful in maintaining the privilege, whilst preventing misuse. It seems to me that some system of registration or codification should be possible.

## Reception and Remand

33. Some suspects, knowing that they may be convicted and sent to prison carry internally concealed drugs when attending court. If they do go to prison they have a supply of drugs for their own personal use and some to trade, and to trade at some profit. Only a few ounces of heroin can supply the drug needs of a small prison for weeks and that amount is fully capable of being concealed by a prisoner in his or her anal/vaginal passage.
34. Prisoners leave prison during the course of their incarceration for a number of reasons. They transfer from one establishment to another; they go to hospital for diagnosis and treatment; they are taken out of a prison by the police in attempts to gather evidence and intelligence and they go to court on remand and for hearings. All of these outings provide opportunities for drug smuggling. Also, it is not unknown for minor criminals to be recruited by gangs to take drugs through reception as they begin a short sentence.
35. Normal searching will not reveal drugs hidden internally and so one way to tackle drugs coming in with prisoners is to curtail the number of times prisoners are taken out of prison. At some of the establishments I visited the Video Court facility was disappointingly underused whilst at others I was told that it was regularly used. It would be a great pity if this facility was not used. The arguments for them regarding time saving and security rehearsed some years ago still remain pertinent and are added to by the need for drug disruption. I heard at one establishment of the possibility of using telemedicine, whereby prisoners obtain treatment and medicines by video rather than attend outside surgeries. I see real advantages in this proposal being developed. I was also told that the police sometimes lack an appreciation of how prisoners in their care, on production, might obtain and 'plug' drugs. It is difficult to estimate the extent of this but it is obviously a possibility.
36. I attended a busy London court in the course of this review and saw prisoners being handled by employees of a private security company. There was no evidence of staff being regularly searched and certainly opportunities for drug handling would exist in court cell areas.
37. There are really only 4 ways of tightening up the Reception and Remand processes. They are:
  - a. A reception regime which makes clear the consequences of trafficking drugs. Section 22 of the Offender Management Act (OMA) 2007, which came into force in April 2008, now provides a 10 year sentence for the smuggling of drugs into prison.

- b. The curtailment of outings from the prison. This means negotiating with the relevant authorities for medical visits, court appearances and police productions.
- c. In this report I suggest a number of ways of tightening search policies for Prison Service staff. The same process should apply to private security staff.
- d. Developing intelligence

## **Staff**

- 38. There are some 50,000 prison staff and there are many thousands more contractors, medical and welfare staff, administrative staff, shop managers and the like who come and go in prisons every day.
- 39. Those closest to the prisoners are the uniformed staff. Increasingly they have been locally recruited and so many share neighbourhoods and interests (and perhaps even in some cases more relaxed attitudes to drugs and mobile phones) with the prisoners in their care. They are a more diverse group of people than would have been previously the case and they are encouraged to know and to help prisoners rather than just to 'turn the key'.
- 40. Inevitably some clever and manipulative prisoners attempt to cultivate and compromise prison officers. Some officers engage in inappropriate relationships with prisoners and some prisoners offer to pay to staff large amounts of money (perhaps £250-£500 or more) for a mobile phone costing £30 retail, or for premium rates for drugs.
- 41. No one I have spoken to in the course of this Review doubts that staff corruption is a live issue for the Service or that it constitutes a way of getting drugs into prisons. I was particularly impressed by the frank and realistic manner in which Governors spoke to me about this matter. There is a proper debate about the actual level of corruption but I did not encounter the 'head in the sand' response that might have been the case in many organisations both now and in the past.
- 42. From my own experience before and during this Review and from the experience of others my belief is that both real and recorded corruption levels will differ from establishment to establishment. Some prisons have more effective processes for recording and investigating corruption allegations than others. Those with the biggest real problems might have actually recorded low numbers of corruption incidents. Most staff are not corrupt and have a clear integrity. They are

let down by a minority of staff who are corrupt. That corruption will extend, in some cases, to receiving large amounts of money for carrying in phones or drugs.

43. I also believe that corruption in any organisation is not something to be tackled, and eliminated, with a return to normality until the next outbreak. To tackle corruption effectively the radar needs to be always on and the defences permanently up.
44. Acceptance of a problem is the first stage towards tackling it. I welcome the real signs of acceptance I have seen during this Review.
  - a. The Prison Service is taking a 5 step approach to tackling staff corruption. These steps are:
    - Identify the extent of the threat
    - Improve intelligence
    - Implement common standards
    - Establish a culture where corruption is not tolerated
    - Work closely with other agencies, especially the police.

These steps have provided the mandate for a 5 year Transformation Programme, run by the Professional Standards Unit.

- b. A Professional Standards Steering Group (PSSG), chaired by the Deputy Director of HM Prison Service, monitors the progress of the Transformation Programme. This Steering Group is a sub-committee of the Prison Service Management Board (PSMB).
- c. The Professional Standards Unit is soon to change its name to the Corruption Prevention Unit.
- d. Work on developing a profile of threats to staff through corruption is progressing.
- e. A Joint Tactical Unit of Prison Service and Metropolitan Police Service personnel will soon begin to investigate suspected corrupt prison staff in London.
- f. A new Memorandum of Understanding between Association of Chief Police Officers (ACPO) and the Prison Service is about to be signed. It makes clear that corruption is a crime and that the Prison Service has a duty to report, and that the police have a duty to investigate it.
- g. Training and support for staff is currently being reviewed, and awareness of corruption issues is likely to be substantially enhanced, as part of the Transformation Programme.

45. These measures are precisely what are now needed to take forward the issue of tackling staff corruption and without exception the staff I have spoken to welcome them.
46. In addition to the points above I also believe that there should be more searching of staff (see later).
47. One further measure would be the testing of prison staff for drugs. I do not make this a recommendation because there would need to be much negotiation and discussion before any implementation. However given the links between drugs and corruption a Prison Service which tested staff of all grades would be taking a significant further step towards demonstrating integrity.

### **Disrupting the 5 routes**

48. Drugs carry with them not only misery and wasted lives but they also carry a culture of deceit, concealment and corruption which persists in the long journey from place of production to individual consumption. It is not surprising that this culture accompanies drugs into prison and makes the process of disrupting their entry a challenge.
49. However there has been some success as measured by MDT rates, if not always in public perception, and more can be done in addition to the good practice points I have already highlighted.
50. There first of all needs to be a well managed strategy for drugs in each establishment, and I now turn to that issue.

### **The Strategy for Disruption**

51. The five methods of drug entry do not all sit in isolation from each other. If one route is disrupted or closed then more pressure will be placed on the other routes. It is therefore not sensible to seek to disrupt a single route with no thought for what will happen to the others. The way forward is to be aware of the consequences and to deal with them all under a single drug strategy.
52. There are also consequences for treatment. I believe that there is a strong connection between the prisoner take up of treatment services and the availability of drugs in prisons. Some prisoners are wary of treatment programmes offered in prison and prefer to try and secure their own supply of drugs to avoid withdrawal symptoms, although this is gradually changing due to the categories of treatment programmes now available in prisons:

- Detoxification
  - Treatment programmes
  - Drug-free Units – also known as Voluntary Testing Units (VTU's)
  - Counselling and Referral and Treatment Services (CARATS)
53. The number of prisoners undertaking detoxification programmes has increased over the last few years. Nevertheless, if there is a high availability of illicit drugs in prison this has the potential to undermine the preservation of the treatment economy. It can damage the regime stability of a prison and cause harm to individuals and their families.
54. It is not for me to look any further at Drug Treatment Programmes except to reiterate the point that they are affected for the worse by illicit drugs in prisons. The two issues are two sides of a coin and have to be dealt with together.
55. All of this reinforces the need for strategies against drugs which reach down from the recently published HM Government: The 2008 Drug Strategy, to national, area and prison strategies for managing this issue.
56. At prison level I found that each establishment had a drug strategy and a variety of arrangements for implementing and operating it. It could be argued that flexibility is important given that establishments differ from each other. However, I did not always find the close relationship between 'operations', 'security' and 'treatment' that I would have expected. Indeed sometimes I found that the two sides of dealing with drugs in prison saw themselves as 'hard' and 'soft' approaches to the drug problem. I would have liked to have found in every prison a clear and consistent arrangement for running the drug strategy covering both treatment and trafficking and headed by a senior governor. I hesitate to nominate the deputy because that grade attracts many other co-ordination roles but in truth such an appointment would be entirely appropriate given the seriousness of the task. The strategy should also cover arrangements working with others, such as the police, to disrupt drug trafficking.

### Recommendation 1

That a nominated senior governor leads the Drug Strategy for each prison coordinating treatment, supply disruption and working with others.

## Means of Disruption

57. As part of any prison Drugs Strategy I would expect to see a number of issues being dealt which cross all or most of the five methods of entry. They provide the means of disruption.

The means are:

- Use of good practice
- Disrupting mobile phones
- Use of searching
- Use of search dogs
- Use of legislation

### *Good practice*

58. Some officers, teams of officers, and some prisons do seem to achieve better results than others in disrupting drugs entry, and that is usually because they are well led and motivated and because they follow best practice.
59. How high quality staffing is achieved and maintained is a subject which goes far beyond my Terms of Reference. I saw impressive examples of staff working with commitment and skill and as in any organisation it is the task of management to foster those qualities across the whole workforce.
60. Good practice should not be a straight jacket or a repetition of someone's bright idea which might work at one establishment but is never likely to take off at any other. It should be a living, breathing repository of sound advice and good experience. There is an excellent basis for such a repository in the in the guide published in October 2003 by the Drugs Strategy Unit at the Home Office entitled Supply Reduction: Good Practice Guide. This guide is generally, but by no means universally, known about across establishments and is a sensible and helpful review of good practice in how to stop drugs getting into prisons.
61. The Guide needs updating and re-launching and I understand that plans are underway to begin that process. I would hope that my comments on each of the routes and means of disruption would be included in the Guide, and that the launch is high profile and aimed at all staff and training programmes.

62. It is important that whether paper based, or digital or both the Guide should have a process for regularly updating methods of drug smuggling as they often follow a fashion, which prisoners take from prison to prison and which all staff should know about. It should also incorporate checklists which are useful for managers to assess themselves. In addition, I suggest that achieving good practice is something which can be helped by peer reviews. I propose that teams of three including one governor grade (if possible the Drug Strategy lead) and two other staff from one establishment spend one full day annually at an establishment, other than their own, in the same or a nearby region looking at the five routes and the means of disruption with the help of the Best Practice Guide. They would report first findings to their counterpart on the day of the review with a short written follow-up within weeks. This should be a non-threatening, helpful peer review if it is to be of value.

### Recommendation 2

That the 2003 Home Office document Supply Reduction: Good Practice Guide be revised and re-launched. It should incorporate the more detailed points made by me in this Review.

### Recommendation 3

That Peer 'Reviews', of drug disruption, using the guide (as per Recommendation 2), should take place across all establishments.

### *Disruption of mobile phone use*

63. The number of mobile phones circulating in prisons is astonishing. Currently more than 600 mobile phones and SIM cards are being seized and forwarded to a central location every month. I believe that for various reasons not all seized phones are forwarded and so the actual number is probably higher. If 600 phones are seized every month, then that is 7,200 seized in a year. The cost of a mobile phone to a prisoner I was repeatedly told was from, £250 to £800. If I accept the lower figure of £250 then £1.8 million of prisoner's money (£250 x 7,200), likely to be from ill-gotten gains, is 'lost', largely to other criminals, (the smugglers) each year.
64. Despite the cost of 'wastage' the number of phones in prisons is not I believe in decline, rather the reverse. Phones get into prisons in the same ways as drugs do and as they get smaller they are hidden in the same places. They are recharged in a variety of ingenious ways.

65. Officially prisoners are allowed to use PIN phones situated in cell corridors, and in one establishment in each individual cell. Prisoners give a list of the numbers they might wish to call, are limited to those, and they pay for them. These calls can be monitored by the prison.
66. Prisoners would rather have their own or a shared mobile phone. The reasons are apparent. Mobile phones can receive calls as well as making them, they cost less per call, they can be used at any time, they can take photographs and do other clever things and they give closer contact to families and friends. The latter point about closer and supportive contact is not inconsiderable in the prevention of depression and self-harm.
67. Prisoners also like mobile phones because they are not routinely monitored and so can be used for criminal purposes and in particular for drug trafficking.
68. The Prison Service is very aware of the problem which has come upon it in the past decade as mobile phones have become smaller and smarter and a serious part of many people's lives. Preventing mobile phones getting in to prisons raises the same issues and the same five methods of entry as apply to drugs.
69. Finding phones already in prison is dependent upon searches of cells and other areas. Some prisons have specialist search units; others cite resource difficulties and use generalist officers. The choice must be a matter for governors and depend on the resources they have. However, specialist teams acquire experience and best practice much more readily than non-specialists.
70. Dogs can be trained to 'sniff' mobile phones and the BOSS chair (see later) and hand held detection devices are of real value.
71. As well as stopping phones from coming in and finding them if they do come in, there is the possibility of 'blocking' signals so that illegal phones become useless. There are two schools of thought on this issue. One would be to allow phones to be used but to find some way of listening in so that intelligence can be gathered. The other view is to block. I favour the latter. It is too big a job to monitor all of the traffic except very selectively and for the purpose of disruption of drugs entry taking away a main tool from the traffickers would be very effective.
72. The possibility of blocking is presently being addressed by the Service. It is not without technical difficulty, and it would be very expensive. The process should begin first with those establishments with the greatest security and trafficking problems.

#### Recommendation 4

That the work on blocking mobile phones be progressed as money is available.

##### *Searching*

73. Searching is one of the main security activities of the Service. Searches are conducted on visitors, prisoners and staff and on prisoner cells and other rooms, buildings and spaces. The object is to disrupt the passing or holding of not only drugs and phones but also weapons and other contraband.
74. There are 3 levels of searching of people. The lowest is one of two methods of rub down search similar to an airport security search. Visitors are subject to this search and sometimes they pass through a detection archway.
75. The next level is a full (strip) search. This must be carried out by two officers of the same sex as the person being searched and away from the view of any other person. At no time must a person be fully naked therefore a search of one half of the body and then clothes rearranged before the search of the other half of the body is necessary. This search is most used on prisoners rather than on visitors or staff.
76. The highest level of search is an intimate search. This involves the searching by a medical practitioner of the mouth, the vagina and/or the anus. It is known that drugs and phones are 'plugged' or 'crutched' and the only level of search likely to find them is an intimate search. Legal advice is very luke-warm on this subject and it has to be faced that a forcible intimate search perhaps conducted on a prisoner with a history of being sexually abused would spark publicity and debate of a very challenging nature. Also prison, police and medical staff would in my view be very reluctant participants. In reality no matter what frustration is generated by prison staff knowing that drugs or phones are being carried, I came across very few staff, at any level, advocating the use of intimate searching. I agree with the majority. Intimate searching in all but the most extreme circumstances would be likely to prove legally difficult and practically counter productive.
77. In practice if a segregation cell is available a prisoner with good indicators of 'plugging' or 'crutching' is placed in the cell until the object concealed appears naturally. This is often effective but can be spun out by a prisoner.
78. Technology can help with searches. People entering some prisons go through a metal detector archway, they are subject to having a wand detector passed around them and prisoners might be asked to sit on a

Body Orifice Scanner System (BOSS) chair. These non-threatening looking plastic armchairs can and do detect metal or plastic in body orifices. BOSS chairs are regarded warily by prisoners, which is a good thing. They are presently installed in a relatively small number of prisons and it would be expensive, as shown later, to supply all prisons with them.

79. Each prison produces a Security Strategy which is then agreed with Area Management. The strategy sets out the type and frequency of searching a prisoner, visitor or staff member might expect. The strategy is made available to all subject to it.
80. Increasing the number and upgrading the type of searches carried out, under each prisons Security Strategy, raises issues of cost and practical application. For example, searching every member of staff every time they enter the prison would slow down the shift changing process and would require staffing and in some cases redesign and rebuilding of reception areas. However I noted that some local prisons had a staff searching target of only 4 rub down searches per annum. This is simply not enough to provide assurance to management and fellow staff that all of their colleagues have integrity. There should be more random and targeted searching of staff including the use of the BOSS chair for staff when available.

### Recommendation 5

That the BOSS chair be installed progressively in establishments. That more staff searching including the use of the chair be conducted on staff.

### *Dogs*

81. Dogs can impact on all trafficking routes and have an important role in preventing drugs getting into prisons.
82. There are about 750 dogs on the Prison Service books at present. About 250 are patrol dogs (Alsatian type) which are mostly at High Security Prisons. The remaining 500 dogs are divided half into Passive Search Dogs, to search people and deter drug smuggling, and Active Search Dogs which search premises and places (both Active and Passive Dogs are Labradors or Springer Spaniels).
83. Passive Search Dogs (often sharing a handler with an active search dog) are managed by the prison with reference to Area Drug Co-ordinators. At some establishments senior dog handlers have responsibility for dogs and their handlers at other prisons.

84. There did not seem to be much correlation between the number of dogs and the size or reputation for trafficking of a prison. When asked why that was the case staff thought it was historical allocation or that a particular, usually previous, governor was pro or anti dogs.
85. The presence or absence of a dog van near reception at visiting times can and does deter trafficking by visitors. They 'soften down' the search process for visitors because everyone likes a Labrador. They are useful in checking post and parcels and in searching exercise yards. Most establishments would like more. Since many prisons only have two handlers, it only takes one to be sick, or on a course or on leave and the other to be a day off to reduce the dog cover to nil.
86. However, I hesitate to recommend a general increase in the number of handlers and dogs before an internal review takes place of dog handler management at establishment, area and national levels and of the present allocation of dogs and handlers. The distribution of dogs should reflect the problems in establishments and I am not sure that it presently does.
87. Also whilst I met some alert and impressive dogs and handlers during this Review, I know that specialists do have to be carefully monitored and tasked and not allowed to sit too comfortably between line management and specialist management without absolute clarity of responsibilities.

### Recommendation 6

That an internal review is established to determine whether search dogs and their handlers are distributed effectively around the estate and that the management processes for handlers are robust.

### *Use of legislation*

88. During the course of this Review the law changed and a new set of offences were added to those already existing to deal with drugs and mobile phone smuggling in prisons.
89. The Offender Management Act 2007 allows for sentences of up to 10 years for those who smuggle drugs or phones into prisons. This is an excellent provision which should make those on the outside think again about passing over drugs during a visit, throwing drugs over the fence, putting them in post and parcels and supplying prisoners when they are outside the prison. Staff will also think carefully about these provisions. I believe that the new Act gives support to families, friends and staff

who might have tempted, for whatever reason, to supply in the past and who can now point to the heavy sentences possible and perhaps decline to co-operate.

90. The Regulation of Investigatory Powers Act (RIPA) is beginning to settle down across the Service. On one issue – Directed Surveillance – there is some confusion. And the confusion is widespread at all grades. At visiting times if a camera operator concentrates on one particular visitor because of his or her suspicious behaviour, is that directed surveillance and so does the operator need permission at Governor level to continue the surveillance? No-one seems to know and that concerns me. It is possible that if directed surveillance is taking place without the necessary authorisation then evidence might be lost. This is an area which needs clarification and if there is any latitude I hope that common sense prevails and that in the case I have described as opposed to a pre-planned prison operation it is not classified as directed surveillance but only the proper application of a prison officers 'nose' for wrongdoing.
91. Legislation can help in disrupting drugs by providing strong sentences for smugglers and by allowing tabs to be kept on prisoners' finances through Financial Reporting Orders (FRO's) on accounts held both in and outside the prison.
92. They are important provisions but they need to be monitored to check full usage and full publicity.

#### Recommendation 7

That the use of legislation, particularly the Offender Management Act (OMA) should be carefully monitored and the results coordinated centrally.

## Long term disruption

93. So far I have examined the five routes by which illicit drugs can be brought into prisons. I have commented on each of them and then looked the need for an overall strategy to co-ordinate the means for disruption. I now look to the longer term.
94. If drug trafficking in prisons is to be disrupted on a long term basis then I believe that 3 things need to happen:
  - a. Technology needs to be developed and exploited.
  - b. Relationships with the Police and other agencies need to be maintained and improved.
  - c. The prison intelligence system needs to be developed.

### *Technology*

95. Technology which assists in combating drug trafficking does exist in prisons. I have seen biometric devices to monitor visitors, CCTV in Visitors Halls and around the perimeter, aids to searching and phone locators and blockers. In all it adds up to a substantial investment.
96. And yet one carries away an impression that there is generally less technology in prisons than one would expect to see and that what there is, is uncoordinated and somewhat ad-hoc.
97. It is probably right for the Service not to be on the leading edge of technology but it is necessary to be just behind the edge looking forward in anticipation. That job should to some extent performed for the Service by the Home Office Scientific Development Branch (HOSDB) for which the Service pays a contribution of £200k per annum. However it is of interest to see that the Police Service has 5 or 6 Police Officers permanently attached to HOSDB whilst the Prison Service has none. The task of attached Officers is to act as a liaison point between the Service and HOSDB and to ensure that the research being conducted remains relevant to operational needs. I am surprised that the Prison Service has no-one on attachment.
98. In addition I noted the lack of a Research & Development Department within the Prison Service. Much work on the use of technology, on techniques and methods of work is being done competently across a number of departments. A central department would focus and co-ordinate activity and effort. It would also ensure knowledgeable and

articulate responses to manufacturer's approaches, and to needs articulated by prison staff.

99. I recommend that consideration be given to attaching a Prison Service Officer to HOSDB with a brief to concentrate scientist's minds on drugs disruption, and to the establishment of a small Prison Service (perhaps 5 or 6 person strong) Research and Development Department.

### Recommendation 8

That the use of technology is enhanced by the establishment of a small Research and Development Department within the Prison Service and the attachment of one staff member to Home Office Scientific Development Branch (HOSDB).

### *Working with others*

100. There are over 200 police officers working in the 139 prison establishments in England and Wales, as Police Intelligence Officers (PIO) and/or Police Liaison Officers (PLO). Their job is to provide police liaison and to advise on criminal matters and to process and co-ordinate intelligence.
101. There is also a small Police Advisers Section led by an officer generally of ACPO rank based in Prison Service HQ.
102. However whilst these arrangements are vital and productive still more is needed if the trafficking of drugs is to be disrupted. Drugs getting into prisons should be as much a problem for local police forces as for the Prison Service. The drugs have been obtained and carried or thrown or posted on the public side of the prison wall and so constitute a matter for the police.
103. The best practice in co-ordinating the activities of local police and local prisons can be seen at some establishments. In such cases the Governing Governor or their Deputy attends the Crime Reduction Partnerships and Drug meetings for the local area. The relationship between local police commanders and Governors is a good one and has resulted in joint operations against over-the-wall and in visitor waiting rooms and reception centres. The presence of a police dog van parked next to a prison van at the entrance to reception can and does dissuade visitors from wrongdoing. And the area around the perimeter fence is used as an exercise ground for police dogs.

104. Where this strong relationship does exist the likelihood is that intelligence will begin to flow both ways in and out of prisons.
105. There is also a need for an interface with the Crown Prosecution Service (CPS). It was put to me that the CPS were sometimes not much interested in getting involved in cases relating to drug trafficking in prisons because of the relatively small individual amounts involved. The point being made was that relatively smaller amounts in prison have a far greater impact on quality of life than they would in the bigger world of the outside. Again Governors should foster good understanding by arranging for visits and briefings with the CPS.
106. I recommend that a section in the Good Practice Guide be allocated to working with others and that my recommendations be included in it.

### Recommendation 9

That working with others should be firmly included in the Good Practice Guide.

### *Intelligence*

107. It would be difficult to write a report on any matter in the general law enforcement field today without making strong references to the need to be 'intelligence led'.
108. This is more than a fashion and in my view genuinely reflects an approach dictated by tight resources, the availability (at a cost) of IT systems, the need for a proportionate response to situations in a legal, financial and operational sense and because it has been proved to work.
109. Many members of staff told me in interviews and during visits the Prison Service is not 'intelligence led'. The prisoners records themselves are still paper based and follow prisoners at intervals as they move around the prison estate. Intelligence between establishments is exchanged in hard copy. There are no systems for tracking banned or bogus visitors who simply move onto the next prison, and intelligence gathered on the use of different types of drugs across the prison estate is patchy. The Police National Computer is installed at only a limited number of establishments.
110. There are no easy ways of checking usage of official PIN and any mobile phones to see if common numbers are being called.

111. Prisoners have prison bank accounts some of which I believe are open to being used to facilitate drug dealing. These accounts should be a major source of intelligence and they are presently not.
112. The Service is still coming to terms with the provisions of Regulation of Investigatory Powers Act, covert intelligence gathering and the use of Covert Human Intelligence Sources.
113. Training in the intelligence opportunities available to mail clerks, visits booking staff, CCTV operators, and cash account clerks is urgently needed.
114. A National Intelligence Model is being piloted in the Service and is much awaited. It seeks to identify threats, analyse intelligence, produce profiles and targets, identify follow-up action and evaluate the outcome.
115. Much good work on intelligence gathering is going on in prisons. I met some excellent police and prison officers doing impressive work and heard of promising developments in progress with the Serious and Organised Crime Agency (SOCA). But the effort is not yet linked up and valuable intelligence is stored in stand alone systems and in individual memories. The lack of an integrated intelligence system is perhaps the major drawback in disrupting drugs getting into prisons. Who and when to search, which visitor to ban, which exercise yard or period to patrol all depend on intelligence. This is not to say that an intelligence system would solve the problem of drugs as soon as it was set up. It would not. The training and cultural issues which come with a major system change are substantial and have to be absorbed into an organisation before results begin to flow. But not having an effective intelligence system makes it more difficult to work with partners, more difficult to motivate staff and much more difficult to disrupt drug trafficking.
116. A great deal of work has been done in the Service to devise good intelligence systems. That they are not presently being ordered and installed is not to do with will or foresight but it is to do with finance.

### Recommendation 10

That the good work beginning to appear in using intelligence and establishing a national system be fostered and that recognition be given to the need for national and coordinated intelligence processes as the most effective means of long term disruption.

## **Recommendations**

### Recommendation 1

That a nominated senior governor leads the Drug Strategy for each prison coordinating treatment, supply disruption and working with others.

### Recommendation 2

That the 2003 Home Office document Supply Reduction: Good Practice Guide be revised and re-launched. It should incorporate the more detailed points made by me in this Review.

### Recommendation 3

That Peer 'Reviews', of drug disruption, using the guide (as per Recommendation 2), should take place across all establishments.

### Recommendation 4

That the work on blocking mobile phones be progressed as money is available.

### Recommendation 5

That the BOSS chair be installed progressively in establishments. That more staff searching including the use of the chair be conducted on staff.

### Recommendation 6

That an internal review is established to determine whether search dogs and their handlers are distributed effectively around the estate and that the management processes for handlers are robust.

### Recommendation 7

That the use of legislation, particularly the Offender Management Act (OMA) should be carefully monitored and the results coordinated centrally.

### Recommendation 8

That the use of technology is enhanced by the establishment of a small Research and Development Department within the Prison Service and the attachment of one staff member to Home Office Scientific Development Branch (HOSDB).

### Recommendation 9

That working with others should be firmly included in the Good Practice Guide and in prisons drug strategies.

### Recommendation 10

That the good work beginning to appear in using intelligence and establishing a national system be fostered and that recognition be given to the need for national and coordinated intelligence processes as the most effective means of long term disruption.

## Resources

116. My Terms of Reference (page 4) call for proper regard to be given to present and most likely future tight budgets but also to allow for at least some prospect of extra cash becoming available.
117. Whether there is any room for redeployment of people in an organisation of 50,000 with a budget of £2.5 billion is not something I can even begin to estimate. I indicate some staff costs but I am conscious that those costings could more accurately be done by Service staff. The same applies to the cost of new technology; my figures are rough estimates only.
118. Recommendation 1 - Strategy
- There are no significant costs in this recommendation.
119. Recommendation 2 – Home Office Guide
- There are no significant costs in this recommendation.
120. Recommendation 3 – Peer Reviews
- There are no significant costs in this recommendation.
121. Recommendation 4 - Searching
- The cost of equipping all prisons with a BOSS chair is about £1 million with another £1 million in running and staff costs.
- To upgrade searching of staff, visitors and prisoners in all prisons to High Security standards would cost £3 million for equipment and £20 million for staff.
122. Recommendation 5 – Blocking Phones
- The Service is calculating the cost of blocking systems to go into every establishment. There is no one size fits all costing as each prison differs from others. A full system for all establishments would be many £millions.

123. Recommendation 6 – Dogs

There is no significant cost in this recommendation.

124. Recommendation 7 – Research & Development Department

The cost of this recommendation is the total of 6 middle grade salaries and on-costs. Some of the work is presently being done in various other departments and so does not represent new money. There would also I believe be longer term savings in having good research and development advice.

125. Recommendation 8 – Legislation

There are no significant costs in this recommendation.

126. Recommendation 9 – Working with others

There are no significant costs in this recommendation.

127. Recommendation 10 – Intelligence

The amount of money that could be spent under this heading is almost limitless. There is a requirement for full time prison intelligence staff and for IT Systems. The sum of £6 million has been identified within the Service as a start. This would be a big project in financial, operational and cultural terms and as it develops could begin to cost substantially more.

## Conclusion

128. There are ways of disrupting drugs from entering prisons and in the main they are presently being applied with varying degrees of success. Some, probably more effective, ways would have high costs in either financial terms or in legality and decency or both.
129. I met some well trained and effective teams and individuals who are trying very hard to improve the disruption process. They are doing a difficult and sensitive job for which they generally do not get the recognition they deserve.
130. I wish them well and hope that this report is of help to them.

## **Appendices**

- A. Methodology
- B. Establishments and departments visited
- C. Glossary of Terms

## **A. Methodology**

This has been a short one person review. I have visited establishments and talked to staff of all grades and to others with a professional interest in prisons. The list is at Appendix B.

I have read the rather limited literature on this subject. I have not spoken to prisoners except in passing because of shortage of time. I have been helped by being allowed to see various Prison Service reports and documents.

## **B. Establishments and departments visited**

The following meetings and visits took place during the course of this review:

<b>Date</b>	<b>Department</b>
12 February 2008	Director General of National Offender Management Service
29 February 2008	Head of Security Group, HM Prison Service
4 March 2008	HMP Blakenhurst HMP Brockhill HMP Hewell Grange
5 March 2008	HMP Long Lartin
7 March 2008	Police Advisers Section, Security Group
7 March 2008	Area Drugs Co-ordinator for London Area Offender Management Office
11 March 2008	HMP Liverpool
13 March	Professional Standards Unit, Security Group  ACPO Designate, Professional Standards Unit, Security Group
14 March 2008	Strategic Intelligence Team, Professional Standards Unit, Security Group
31 March 2008	Data Management Team, Professional Standards Unit, Security Group
31 March 2008	Prison Governors Association, HMPS HQ, Cleland House
31 March 2008	Area Professional Standards Manager, London Area Offender Management Office
31 March 2008	Director of Offender Management for London
31 March 2008	National Operations Unit, Security Group
1 April 2008	National Information Unit, Security Group

2 April 2008	Interventions and Drug Strategy Unit, Ministry of Justice
3 April 2008	HMP Wandsworth
4 April 2008	HMP Holloway
7 April 2008	Young Peoples Substance Misuse Services, Cleland House
8 April 2008	Home Office Scientific Development Branch, Horsham, West Sussex
10 April 2008	HMP Frankland
11 April 2008	HMP Durham
21 April 2008	MoJ Legal Representative, Selbourne House
22 April 2008	FC&A, Abell House
22 April 2008	Project Manager for Prison Intelligence Model, Security Group
23 April 2008	NDTSG, National Operations Unit, Security Group
24 April 2008	Regional Court Manager, Highbury Magistrates Court
24 April 2008	HM Chief Inspector of Prisons
29 April 2008	National Information Unit, Security Group
30 April 2008	Director of SOCA Chief Executive of SOCA
19 May 2008	HMP Stoke Heath
20 May 2008	HMP Swaleside

## **C. Glossary of Terms**

<b>NOMS</b>	<b>National Offender Management Service</b>
<b>HMP</b>	<b>Her Majesty's Prison</b>
<b>HMPS</b>	<b>Her Majesty's Prison Service</b>
<b>MDT</b>	<b>Mandatory Drug testing</b>
<b>KPI</b>	<b>Key Performance Indicator</b>
<b>OMA</b>	<b>Offender Management Act 2007</b>
<b>PSMB</b>	<b>Prison Service Management Board</b>
<b>PSSG</b>	<b>Prison Standards Steering Group</b>
<b>ACPO</b>	<b>Association of Chief Police Officers</b>
<b>VTU</b>	<b>Voluntary Testing Units</b>
<b>CARATS</b>	<b>Counselling &amp; Referral and Treatment Services</b>
<b>MoJ</b>	<b>Ministry of Justice</b>
<b>FC&amp;A</b>	<b>Financial Control and Audit</b>
<b>SOCA</b>	<b>Serious Organised Crime Agency</b>
<b>BOSS</b>	<b>Body Orifice Scanner System</b>
<b>RIPA</b>	<b>The Regulation of Investigatory Powers Act</b>
<b>HOSDB</b>	<b>Home Office Scientific Development Branch</b>
<b>CPS</b>	<b>Crown Prosecution Service</b>
<b>CHIS</b>	<b>Covert Human Intelligence Sources</b>
<b>NDTSG</b>	<b>National Dog &amp; Technical Support Group</b>
<b>PIO</b>	<b>Police Intelligence Officer</b>
<b>PLO</b>	<b>Police Liaison Officer</b>
<b>FRO</b>	<b>Financial Reporting Order</b>