

CT FEATURE



Prison Gang and Drug Investigations:

An Ohio Approach

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Prisons are caught between two worlds. In theory, prisons are a world of their own, where individuals who cannot function in society are sent. The fence, figuratively and literally, is the dividing line that keeps these worlds separate in order to create a structured environment where detainees are able to accomplish the ultimate goal of rehabilitation. However, the reality is that the outside world is constantly influencing the environment inside the fence. As a result, correctional systems struggle to find a balance while accomplishing their mission of facilitating rehabilitation and protecting society.

One of the biggest challenges for prison staff is maintaining control of gangs. They are constantly

attempting to manage what they can through a variety of techniques. The problem with identifying a gang is that correctional staff are often restrained by their own very definition of what constitutes a so-called "gang." The main elements in most gang definitions include: gang name, bylaws, common association and criminal activity. Within the prison setting, gangs are even more dynamic. Inmates are commonly joined together by factors such as city loyalty, race or even on which side of the prison they reside. Networks are also formed through what inmates have to offer other inmates. The common element between traditional and loosely formed gangs is illegal activity.

Illegal activity often requires a certain level of organization and assistance from the outside world. Staff continually struggle to regulate the many forms of contraband entering the facility. Drugs are one of the more lucrative items smuggled into the prison. The introduction of drugs into a prison can be as simple as a family member or friend bringing them in on a visit or through an authorized package. On the other hand, it can be a sophisticated network of people conveying and supplying the product, with a distribution group of individuals responsible for selling and collecting payment. In either case, a certain level of organization must exist on both sides of the fence.

Drugs are just one example of items smuggled into prisons. Illegal items can include a vast array of contraband. Every item smuggled in, one way or another, brings in negative elements of the outside world and compromises security. Each time someone is able to bring in a form of contraband undetected, deficiencies are highlighted. Every time a staff member brings contraband in or out, no matter how small, the division between staff and inmates diminishes. Further complicating the issue of contraband is the constant flow of inmates in and out of prison.

Each activity the gang participates in brings it closer to its ultimate goal of economic control. As is the case with their street counterparts, prison gangs strive to control the prison economy. As gangs get more organized and their membership increases, they tend to participate in more illegal activity and control a larger portion of the prison population.

ODRC Overview

The Ohio Department of Rehabilitation and Correction (ODRC) manages an inmate population of more than 45,000. Within this population, there are more than 6,400 identified security threat group (STG) members, representing 14 percent of the total inmate population. The average annual increase for the past three years for identified STG members is less than 1 percent. High-security prisons average between 18 percent and 23 percent of identified STG members. Maximum-security prisons in Ohio average between 20 percent and 34 percent. These percentages indicate two things about STG members: they are more likely to have committed violent crimes and received a longer sentence, thus resulting in higher security during initial placement; and while incarcerated, they are more likely to engage in illegal activities leading to security-level increases.

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In Ohio, the average prison stay for an offender is 2.7 years. This creates both a challenge and an opportunity for correctional agencies. On the one hand, programming provides inmates with an opportunity to change adverse behaviors. On the other, it gives inmates an opportunity to increase their network base and criminal skills. If inmates choose not to take positive opportunities while incarcerated, managing these offenders becomes complicated.

Communities experience the flux of offenders leaving and re-entering their population. This is also true with gang members; however, depending on the relationship with the gang, they are still tied to the prison by those they leave behind. With this population, it seems there are certain unique expectations that include supporting those still incarcerated. From July 2004 through June 2005, there were a total of 5,599 STG members released back to Ohio communities. The cost to communities

can be seen through the release rates of gang members. Inmates who engage in illegal activities while incarcerated decrease their chances of staying out upon release.

The Problem

The constant influx of the outside world creates an environment where it becomes a challenge to keep institutions drug free. Drug trafficking threatens staff safety and the orderly operations of correctional facilities. The mere act of drug conveyance creates many dynamic issues for staff, inmates, visitors and society at large.

Most prisons have staff assigned to conduct investigations within the institution. Often, the investigators face many obstacles that are difficult to overcome. Prison investigators have to be multiskilled, particularly possessing strong interpersonal skills. A constantly changing environment of inmates and staff compounds the problem.

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Generating information is difficult when there is little reason for inmates to cooperate. Inmates often subject themselves to discipline rather than inform on their fellow inmate. Investigators often find themselves in a position with little to offer to compel information. When investigators are able to collect reliable information, they run into other obstacles such as corroborating the information and maintaining informant safety.

The workload of investigators is seemingly unending. They often juggle multiple investigations, ranging from theft and assault to drug conveyance.

New Approach

In a changing investigative environment, agencies are constantly seeking new leads and methods for generating information. The goal is to fully understand rule violations and those involved. Through information sharing and cooperation between agencies, and among divisions within an agency, the result is a greater amount of information that allows the various organizations to reach the common goal of solving cases.

One of the problems discussed previously is the constantly changing inmate population. Since

most inmates spend less than three years in prison and are ultimately released under some type of community supervision, it is important that a released and known gang-affiliated inmate not be viewed as a closed case.

Assessing the players involved and using an informant is a necessary component of a case maturing. Within ODRC, the prisons and the Division of Parole and Community Services were identified as completing the circle of information within the agency. Information concerning drug conveyance became nonexistent once the offender was finally released. Thus, the primary goal is the sharing of information between the community and institution in order to minimize victimization.

To ensure safer prisons and communities, it is necessary to develop intelligence networks and investigate activity in both settings. Without community participation the negative impact on correctional security could be significant. Thus, the importance of conducting thorough investigations cannot be understated. Therefore, the investigating approach should mimic the influences of both the community and the detention facilities.

The approach deployed to resolve this investigative plight was the creation of an investigative unit comprised of staff from prisons as well as community supervision. These teams would investigate cases on both sides of the fence, thereby increasing the possibility of successfully managing them. This strategy was tested on a few cases, focusing on identifying threats within prison and developing them further as informants when released. These cases successfully resulted in staff arrests for attempting to convey drugs into correctional facilities.

Based on the results of these cases, ODRC proceeded with grant funding for a full-time two-person investigative unit. The unit began operating in March 2003. Referred to as the Enforcement Unit, it included one parole officer and one institution investigator.

The Enforcement Unit is housed in the STG office. The rationale is that gangs and illegal activity go hand in hand. Many of the investigations and informants used are associated with gangs. The addition of this section actually enhances the level of gang investigations and the amount of intelligence developed.

The goal of the unit is to be an investigative resource for the institutions, community supervision and law enforcement agencies. The unit is responsible for helping prevent institution drug conveyance. It is tasked with investigating each suspected and identified case. Consequently, positive working relationships have proved critical, sometimes leading to the resolution of other cases.

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Another key function of the unit is to assist outside law enforcement by tapping into ODRC's vast resources. Many suspects of criminal investigations in the community are likely to have been previously incarcerated. In these cases, the enforcement unit is able to assist with the flow of information between ODRC and the investigating agency.

The core competency of the unit is informant development and management. Through the use of informants, the unit has been able to successfully complete 12 employee drug conveyance cases, as well as many other community-based cases that have led to state and federal charges, including an 18-month federal investigation that netted more than 65 federal indictments within two years. Success with using informants is considered regular contact and direct supervision. An added benefit when an informant is under supervision is the additional support the unit can give with offender supervision.

Case Study

Within a couple of weeks after the unit was established, a phone call was monitored between an inmate at a medium-security prison and a parolee. During this conversation, the inmate admitted to conveying drugs in the past and his long history of this activity. The parolee explained how to turn 80 milligrams of Oxycontin into several hundred dollars by breaking down the product into multiple packages. He also spoke about recent drug activity he engaged in while on parole.

Further investigation revealed that this parolee had a history of drug trafficking. This activity was documented on the street as well as in detention. The unit and the releasee's parole officer visited his residence to interview the offender and to conduct a search. At first, the subject refused to allow entrance into the house but eventually agreed. A search of the house turned up three pounds of marijuana hidden under a cabinet. The parolee was rearrested.

While in jail, the parolee decided to become an informant on staff conveying drugs into a state prison. Upon release, the parolee made contact with an inmate friend who was involved with conveying drugs. Within days, the informant received a call from a staff member. This staff person stated that he could bring drugs to the informant's friend on the inside for a cost of \$500. The informant was told to package four ounces of marijuana and eight 80-milligram tablets of Oxycontin and deliver it to a designated location. A few days later, the informant and the staff member met for the exchange. During the exchange, the employee discussed future meetings and possible arrangements to secure bulk amounts of

marijuana for personal use. Once the drop was completed, the staff member was arrested and eventually convicted and imprisoned.

Subsequent use of this informant led to a variety of cases during the next several months. Stolen property was recovered, drugs were confiscated and people were arrested in the community. In addition to the obvious benefit of solving these cases, the good will with law enforcement agencies is helpful.

To maintain operational integrity, it is necessary to constantly assess and monitor informant activity and behavior. The nature of reliable informants often means that they are ingrained in the criminal lifestyle. This turned out to be true with our case study subject. As he came closer to being released from parole, he tried to distance himself from the Enforcement Unit. The information on the street was that he was moving a lot of drugs; therefore, it became necessary to thoroughly examine his behavior. The result was a visit to his house.

Upon entering the residence, a loaded .45-caliber semiautomatic weapon was discovered lying on the entertainment center next to the front door. A further search of the house resulted in one-half kilogram of cocaine, a pound of marijuana, numerous prescription pain pills and an assortment of weapons. The parolee was arrested and re-incarcerated.

While in prison, he contacted the Enforcement Unit to say that a staff member he knew previously approached him about bringing drugs into the facility to make some extra money. The end result was another staff arrest.

Conclusion

If potential threats are not identified and planning is inadequate, correctional agencies are destined to fail, or, at the very least, waste resources. One key is to identify as many of the participants as possible and understand the role each person performs within the group. Many correctional agencies have rule violations that address gang-related activity. There are also state and federal laws that govern criminal gang involvement.

As a reminder, a good working relationship between correctional and law enforcement agencies (local, state and federal) is crucial to investigatory success. The Enforcement Unit's success can be directly attributed to developing relationships with multiple agencies. Most cases the unit has investigated could not have succeeded without these collaborations.

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