



PRACTICAL ISSUES RELATED TO THE PRESENCE OF DRUGS IN PRISONS

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Abstract:

In Romanian prisons there is a high risk population about licit and illicit drug use. Most European countries face a similar problem. According to data provided from the National Administration of Penitentiaries on drug use in prisons, in the last year increased the number of persons deprived of liberty who declared to incarceration as drug users.

By this article the authors identify some methods of identifying prisoners who use drugs, treatment methods immediately applicable for drug consumer's imprisoned, social reintegration measures that can be taken by prison staff and a number of prevention methods that can be taken in such situations.

Keywords: drugs, prisoner, prison authorities

I. Methods of introducing drugs into the prison environment

Drugs of various kinds are introduced in small quantities, one to two doses for personal consumption. Drugs are sold as powder in small quantities called balls or cans. The balls weigh about 1-25 grams of pure drug. The dose is consumed by sniffing or injection, it only contains around 0.2 to 1 gram quantity of the drug. In most doses we talk about 0.2 grams of a mixture of pure drug in combination with different drugs: diazepam, aspirin, etc.

The doses which are injected are prepared by mixing the drug with salt or with lemon or lime juice, after which it is heated and injected. This procedure makes the absorption into the body faster.

The main methods to introduce drugs in prisons are the following: through the private area for visiting the individuals deprived of liberty; through the Ministry of

Health network of hospitals; through inmates belonging to the open regime; by vehicles; by not properly supervising inmates who go to court; through the prison workers; or by post.

a) Through the private area for visiting individuals deprived of liberty:

- This area is used to introduce the largest quantities of drugs.

- You can put drugs in:

- bread, meat, milk, cigarettes, cans;
- drugs can be introduced directly through cigarette packs, through tight hair bun, using children, articles of clothing;

- intimate visit of prisoners: prisoners have the right to one intimate visit per month, The women who visit can hide drugs in the genital organs, hair, clothing items, the wrists, collars, intimate clothing.

b) Through the network of hospitals belonging to the Ministry of Health:

- Persons deprived of liberty get in touch by phone with people outside the prison hospital and establish a meeting after simulating a disease specific for the hospital where they are to meet. At the hospital in question between the specialized cabinet and toilet there is a man offering to help him with packs of cigarettes or he is chewing gum and inserts the balls into the gum and throws it on the floor after which the detainee asks to go to the toilet, steps on that gum and inside the toilet he takes the gum from the foot, or the person in case is a woman who asks permission from the guards to let her hug him and while kissing she takes the balls of drugs or they are put directly into her pocket.)

c) Through inmates which are used to:

- guard other inmates at the work points in the interior and the exterior of the prison
- guard the perimeter of the prison
- graze animals outside the prison
- clean the interior and the exterior of the prison

These inmates are used to trade various things. The new inmates can swallow the drugs (cocaine, heroin) placed in rubber thimbles (tight little balls up to 5 grams, so the protective coating is not attacked by acidic substances in the stomach).

d) Through auto vehicles

- vehicles for transportation of garbage
- vehicles for transportation of inmates: they remain stationed in the streets unguarded, they are hiding

- the drugs under them and then get in touch with detainees who work at the car park to come into their possession
 - vehicles for the transportation of the staff: some of them are stationed on the streets during the night and the drugs are placed in these cars
- e) By leaving them unsupervised when they are presented to courts: because of the negligence of the escorts the inmates get in touch with different persons who came at the process and pass the drugs to the inmates by hugs, kisses, cigarettes, food or directly.
- f) Through penitentiary personnel: because of the weak professional training and the personnel hired from external sources, the staff becomes vulnerable and easy to be bribed, for which they use the inmates for different trading activities between them and some persons that they know or as drug dealers, for different commissions of facilities that can be offered to the staff outside the prison.

For example: between 2001 and 2002 PI officers, the commander of the prison and his deputy were recruited by the inmates from the underworld and for different commissions and facilities they became drug dealers. Outside the prison the contact was made through a taxi driver, after which the transport was taken inside the prison where the contact with the dealers was done in the commander's office using the reason that they were coming for briefing.

- g) Using letters .The dispatch of the drugs using this method is another way to bring drugs inside the prison. The unlimited correspondence, its secrecy and the small volume of the letters make the risk of discovery to be very little. Both sender and receiver, for more safety can develop their activity

using other names. These dispatches can be postal cards or letters.

At the same time the paper used for the letter can be impregnated with a solution of heroin of white color, and each page has from 3 to 7 grams of heroin.

The first drugs discovered in the Romanian penitentiaries were at Jilava Penitentiary, in the visiting sector, hidden in the eyes of the fried fish. The methods used to hide and introduce drugs in the penitentiaries are very diverse and in an ongoing process of development. The criminal use more and more the penitentiary personnel to commit their criminal activities. The security procedures have to go hand in hand with the medical ones in order to reduce the quantity of offered drugs, using in this respect the vehicle and visitors control, surveillance, specialized searches, drug kits, close monitoring of inmates known as traffickers or addicts.

II. *Ways to discover addicts*

The early detection of addicts is difficult, especially if they use the drugs only occasionally. However, there are several clues which can suggest possible consumption:

- sudden change of behavior;
- passing from joy to sadness without a reason, sometimes unusual agresivity; loss of appetite;
- gradual loss of interest towards school, work, sports, friends;
- states of sleepness;
- disappearance of valuable objects

- unusual stains, odd smell, chemicals, on the skin or clothes;
- change of friends group, tendency to hide these friends;
- excessive kindness;
- attempt to offer different amounts of money, gifts, without pretending any favors in exchange;

- initiative to present for control certain luggage or places, willingly chosen by the convict;
- unjustified rush and persistence in getting over with the control;
- typical drug addict behavior.

Regarding the large number of incarcerated persons brought to our units and the very large number of visitors coming to the sector destined for visits, the penitentiary employees must pay attention to the behavior of the new arrived persons and the visitors because there is a large number of clues (regarding the physical aspect, behavior, movements, verbal expression) who can lead to the detection of those who try to infiltrate drugs into the penitentiary.

These findings show the importance of observing the persons which come to the visiting sector and reognising the clues. The person arrived at the sector must be under constant surveillance while being interrogated and when he answers to questions regarding his identity , what he wants, who he came to visit .

Frequent glances towards the luggage and other personal effects, may very well lead to the notice some reactions or behavior that suggests tension.

People usually react involuntarily in tension generating situations, but professional drug dealers are often capable to mask or hide these reactions very fast.

If not under carefully observation, these reactions may pass unnoticed and the initial feeling, often crucial, felt by a visitor suspected of fraud, can never be confirmed.

General clues

1. The new arrived convicts or the visitor have obvious difficulties in seeing, hearing and reflex coordination. This fact may prove that this person

- consumes drugs or that he has hidden drugs in his luggage or on his body.
2. The subject pretends that he is feeling sick or that he needs medical attention. This fact may become a good strategy for disturbing the course of the search or on contrary it may impulse it. In the search process, the subject's behavior changes:
 - from relaxed to anxious;
 - from sensible to distant;
 - from precise to vague;
 - from still* to offended ;
 3. The subject tries by any means to distract the team members which conduct the search or the control, the visitor:
 - is constantly talking;
 - is asking too many questions;
 - is making unrelated remarks to the subject;
 - is presenting a selective amnesia.
 4. The suspect tries to amplify the importance of the profession, position, declared (stated) occupation or claims to be a member of a well respected profession. He tries to minimize the importance of the search using words or expressions like: "you may search everywhere, I have nothing to hide".
 5. Wears sun glasses both indoors and outdoors (even if it is not the case)
 6. The subject walks unnaturally, possibly because he is hiding something internally or on his body.
 7. The look on his face, mimics, gestures:
 - blushing; turning white;
 - raising eyebrows
 - refuses to make eye-contact, or turns away (especially when being asked inconvenient questions);
 - evasives looks or looking downwards;
 - blinks often; stares;
 - covering his eyes;
 - bites or moves his lips;
 - smiles without a reason, too often and long lasting;
 - swallows repeatedly and too often;
 - anxious and nervous hands;
 - makes fists;
 - wipes his hands;
 - scratches repeatedly;
 - cleans his clothes of imaginary lints;
 8. While he speaks, a series of aspects can be noticed:
 - inability to answer to certain questions;
 - hesitating answer;
 - pauses before answering a question;
 - answers a question with another question;
 - answers to slowly or very accurate;
 - hesitating voice;
 - stammering;
 - hesitation in speech;
 - variation of the pitch or tone of his voice.

All these general aspects must be taken into consideration while conducting the control of the new imprisoned persons or of the visitors, as they may be of great use for establishing the suspect persons which need to be controlled more thoroughly.

This clues are also useful for detecting those who try to introduce drugs inside the penitenciaris as well as those who consume drugs.

At the present time, convicts are being used daily for performing tasks and activities both inside and outside the detention area, where they come into contact with the personnel of the beneficiaries or other persons (the large number of convicts used in semi-opened and opened systems that are not being watched*). They can hide the substances either inside means of transport that enter the unit, or by resorting to the wide range of methods presented so far.

III. The prison workers attributes in case of discovering drug traffic

The staff from The Penitentiary Administration System is made of public officials with special status and contracted staff.

The special status of an police penitentiary officer is conferred by the nature of his job attributes which involves duties and special risks. In the exercise of such duties, the civil servant with special status in the exercise of such duties is vested with a special status with the exercise of public authority, within the limits set by law. In performing security missions, escorting and supervision of inmates, and in other duly justified cases, the public servant with special status can use under the law, the technology, any means and armament endowed.

According to the Romanian Penal Procedure Code in the prison situation in which workers have the knowledge of any offense in the line of duty, have the obligation to report. In confirming the statements, art. 214, par. (1) point. (a) states that finding the bodies of crime "state inspection bodies, other state bodies and those of units referred to article 145 of the Penal Code for crimes that constitute violations of their provisions and obligations under whose control the observance the law. "

Prison authorities have the following duties according to law:

- a) The obligation to proceed to take statements from the offender and the witnesses who were present to a crime and to prepare the minutes on the concrete circumstances of its perpetration.
- b) They have the right to withhold material evidence, to conduct damage assessment, and perform

any other acts, when the law provides.

- c) The case files shall be sent to the prosecutor within 3 days from the discovery that constitutes a criminal offence.
- d) In cases of flagrant crimes, the prosecutor shall immediately submit to the offender with the work performed and material evidence.

Minutes signed by the prison authorities are means of proof under Art. 214, paragraph 5 of the Criminal Procedure Code.

IV. The findings in the act of crimes related to drug trafficking

According to art. 465 para 1 of the Code of Criminal Procedure, is a flagrant offense when discovered immediately after committing or committed a crime.

Is also considered and flagrant offender whose crime, committed imdediat after being chased by the person injured, by witnesses or publicly cry, or is found near the crime scene with the weapons, instruments or other objects of nature is a participant to the offense

In all these cases, any person is entitled to catch the offender and t him to the authorities.

Analyzing how the legislature intended the criminalization of drug trafficking activity is apparent that, necessarily, the investigation must begin with finding work in the act. Regarding ad-hoc detection of crimes about drug trafficking we distinguish the following situations:

- ad-hoc detection of a crime following the activities of searches or specific controls by the competent authorities

- ad-hoc detection of a crime following the cooperation between prison workers and other state structures involved in the fight against drugs

Ad-hoc detection of the criminal act by the prison workers

In case the prison workers discover while exercising the work duties a flagrant crime regarding drug trafficking have the obligation to inform superiors and the enforcement authorities for further research. So, art.46 letter f from the Law number 293 on the 28th of June 2004 about the Status of civil servants from the National Administration of Prisons enforces the prison worker “to inform superiors and the enforcement authorities regarding the crimes they get to know while exercising the work duties or about work, especially about acts of corruption”. Also article 70 paragraph 3 from the Law no. 275 on the 4th of July 2006 regarding execution of the sentences and measures ordered by the court during the criminal trial, with the modifications and subsequent additions provides that “for acts which, according to criminal law are crimes, prison administration staff has an obligation to refer the criminal investigation bodies. In this case it may be applied provisionally one of the disciplinary sanctions applicable to persons deprived of their liberty.

For this, prison workers go to taking statements from the offender and the witnesses of the crimes committed and to writing the minute about the concrete circumstances of the committing of the crimes.

The minutes signed by the prison workers are used as evidence according to article 214 paragraph from the Criminal Procedural Code.

There are to be retained substances discovered and immediately sent to the provincial health authority (National Institute of Toxicology).

In the official communication accompanying the shipment must be requested also the outcome of the examination, indispensable in order to determine the nature of the chemicals and therefore in order to establish the possibility of disciplinary sanction, and if needed, criminal responsibility.

It shall be immediately put at the disposal of the prosecutor and the offender together with the works carried out and the material evidence.

However, in practice, for operability, the substances are submitted for identification to DIICOT based on a written form. The substances discovered are given in a sealed envelope to the Ministry of Justice. This way, the prosecutors may establish much faster the nature of the substances discovered and can go on restraining perpetrators in case they are not persons deprived of their liberty.

Every prison shall prepare a Register that will record the following information:

- a) the date that the seizure has taken place
- b) quantity and provisional classification of the seized substance
- c) date and registration number of the shipment to the health authority
- d) date and registration number of the output communication to the judicial authorities and putting the substances at their disposal
- e) the person deprived of her liberty or in possession of substances
- f) classification of the substance seized after receiving the proper examination results
- g) observations, in which it shall be enumerated all the situations of interest

All the pages of this register must be linked so that it will not be possible to be lost or modified and will be stamped by the unit leaders and numbered in order.

V. Measures regarding the safety of possession and compliance with the regime of possession for combating drugs consumption in penitentiaries

At depositing in penitentiary, all the persons deprived of their liberty are informed about health and hygiene behavior rules in order to know and respect throughout their period of detention.

Also, persons deprived of their liberty are informed about special aid available in the penitentiary, in case of drugs consumption and addiction. Based on penitentiary files and statements from persons deprived of their liberty, it will be identified drug consumers and dealers, this way there will be established potential withdrawal of persons deprived of their liberty. These files will be marked distinctly, and on other typifieds (room sheet, visits sheet) there will be specific mentions.

During the time that convicts known to be related to drug consumption and trafficking are in quarantine, they shall be watched permanently, their behavior and possible obvious health status change shall be followed. They are daily subjected to a detailed body search, in order to discover eventual traces of stings and tourniquet.

In the rooms where are accommodated persons deprived of their liberty known as drug consumers and dealers, searches shall be performed, paying attention to objects that may be related to the synthesis of drugs (tin foil or aluminum foil, lemons and lemon juice, spoons or different containers that show traces of burns, syringe, needles).

During provided visits for persons deprived of their liberty known as drug consumers or dealers special attention will

be given to check all goods and items they receive, controlling all the places where drugs can be concealed. Also, being known the practice of persons deprived of their liberty to receive drugs in food packages and parcels addressed to other persons deprived of liberty that usually don't receive visits from their families or have a bad financial situation, persons that will also be checked with attention, especially when they are accommodated in the same room with suspects or when they start to be looked for and receive parcels and visits from different persons. Compulsory, in all these situations, at checking parcels and food packages will use the device SABRE 2000, in order to detect any hidden drugs.

Posters and billboards will be installed at the area of granting rights, for the purpose of informing visitors about the risks they expose themselves in case of an attempt of introducing with binding of the administration of the detention place of announcing the police workers in case of detecting situations like this. In the same time there will be installed posters in which family members of persons known as drug consumers or dealers will be advised to address to the penitentiary leadership and announce them eventual information for the purpose of reeducating the convict. Also there will be displayed different cases on how to introduce drugs in food packages. In cases of raids and body control, performed on the **deprived of liberty** people, known as drugs consumers, it is going to be pursued the discovery of any possible needle stings on their arms.

The staff that deals with the rights grants sectors and the supervisors from the detention sections are going to be retrained regarding the drugs presentation (aspect, color, form etc) and the physical and behavioral changes that may appear at the arrested people as a result of drug consumption.

At the same time it will be pursued the implementation of a large range of product buying system from the penitentiary shops, being known that the goods they receive from their families are a way of getting the drugs into the penitentiaries. A thorough checking of the circumstances and causes that favored the arrested people to receive the forbidden goods and objects will be done, establishing the ways and the people that made possible such things, taking the needed actions to restrain the phenomenon and punish those who are responsible.

All the drug consumers deprived of liberty will be included in programs which have the goal of making them conscious about the adverse effects that drugs have on the human body.

VI. Measures of social reinsertion of drug addicts deprived of liberty from the penitentiary.

During the quarantine period each arrested person will be informed regarding the available psychosocial assistance from the penitentiary, especially, consisting in programs and activities that are going to be developed.

The room map, available for the arrested person will contain necessary information regarding the existing educational offer and the conditions of participation in these programs. The psychologist will interview every new person in the penitentiary, about the possible antecedents as a drug addict, and the results will be recorded in the specific folder from the Evaluation and Intervention File.

In the punishment individualization process, regarding the people with antecedents in drug addiction, an intervention plan will be done, which will contain concrete measures of recovering, such as: health education, individual counseling, group therapy, occupational therapy etc. Also, the prisoners with drug addiction antecedents benefit of individual counseling given by the psychologist and

the social assistant, based on request and depending on the schedule from the detention section, so that this category be permanently monitored.

In each detention section there will be periodically developed an informing program, supported by multidisciplinary team members, a team composed of the social reintegration staff and also the medical staff, regarding the drug consumption, to avoid the risk behavior. The integrated programs of assistance granted to the former drug consumers are ensured, according to the legal competencies, by the social reintegration service staff in association with the staff of National Center of Formation and Research in Addiction of A.N.A..

The establishment of partnerships with the institutions, NGO organizations, and other civil society representatives which are meant to support, through specific programs, the social reintegration for this deprived of liberty category. The involvement of arrested people with drug addiction antecedents in the programs developed within the community (museum visits, shows, sportive competitions etc.) have the purpose to favor the social reintegration both during complying the punishment of liberty depriving and after it. Also, the drug addicts that are going to be released from the penitentiary will be informed about the projects that are developed in association with C.P.E.C.A..

VII. Implementing measures of medical treatment for drug users deprived of liberty.

At the time of submission in prison, when performing triage epidemiological detainee is informed of available medical care, especially the emergency and assistance on specific drugs available for consumption. In the first 24 hours of receipt in the place of detention, when performing medical examination, the doctor asks the detainee prison in history, information about drug



use. In case the detainee declares himself as being a drug consumer, the doctor has an obligation to bring to the attention of ability to contact territorial Center for Prevention Evaluation and Antidrug Counseling (C.P.E.C.A.) of the National Drug Agency, the nearest place of detention to be assessed and included in an integrated care program. After obtaining the consent of the detainee, drug consumer, the prison doctor announces the management to contact C.P.E.C.A., and at the level of the center will be assigned a case manager who will go to the place of detention to evaluate the drug consumer. The same procedure is followed in the case when a detainee declares himself a drug consumer in a different time than the medical examination made at the time of submission in prison.

Evaluation of the drug will be made by a case manager with staff that provides medical, psychological and social assistance in prison (a multidisciplinary team care for drug users). Following the evaluation of the drug consumer, the case manager determines, in consultation medical staff providing social and philological assistance in prison, an integrated program of assistance which will include individual assistance plan and an evaluation report. This report proposes that the integrated care program will be presented to the detainee to sign an agreement for inclusion in the program. Previously, a person deprived of liberty shall be entitled to apply for medical assistance by a doctor chosen to bear the costs associated, if drug user, signs an agreement for inclusion in the program, this program is provided by the staff that provides medical, psychological or social assistance in prison, along with C.P.E.C.A. staff and the case manager will coordinate, oversee and evaluate periodically the implementation of the program.

If for a drug consumer found in prison was established the risk reduction program

associated with the consumer in the form of opioids agonist substitution program, it will be ensured his transfer, to establish the phase of the dose at the Prison Hospital Rahova or in a medical unit of the public health network, appointed to run such a program.

When the drug consumer is in emergency situations (complicated withdrawal, overdose, complicated medical conditions) the staff who take contact with him will immediately notify the prison management in order to transport him to an emergency medical unit in the public health, his security will be provided by its own staff of the penitentiary.

In case the detainee shows withdrawal syndrome, the prison doctor will take steps to reduce withdrawal symptoms (if authorized to do so) or will apply only minimum support measures and he will contact C.P.E.C.A. to ensure necessary medical measures and appointing a case manager, if he is already nominated he will be directly contacted.

If the addict declares, when coming to the penitentiary that he is part of an assistance program, the territorial Centre for prevention will be notified in order for the detainee to continue the program. The same procedure will be enforced for the detainees that are minors. The Social assistance and child protection directorate will be notified as soon as possible. In order to prevent the illicit consumption of drugs there will be taken measures for the following types of activities:

- supplying fliers with information about risks and specific aid for cases of drug consumption;
- organizing informative and educational activities regarding the diseases related to drug consumption

- specific activities that involve specialists from the Anti-drug Agency and other public and non-governmental institutions in the field;

- specific programs to inform, educate, counsel and prevent individuals from taking again drugs.

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