

# ***Drugs, Contraband, and the Use of High-Tech Scanning Technology in San Diego County Jails***

## ***SUMMARY***

While fulfilling the San Diego County Grand Jury’s obligation under Penal Code §919(b) in which the GJ visits and investigates the conditions and management of public jails within the County of San Diego, the 2022/2023 San Diego County Grand Jury (GJ) asked the following question. “What do you think can be done to lower the death rate in the jails?” A majority of the answers focused on stopping or curbing illegal drugs and other contraband from entering the jails.

The GJ toured and learned about the San Diego County Sheriff’s Department (SDSD) detention facility’s incarcerated person (IP) population, programs available to IPs, and management challenges the SDSD faced from either the IP population or the facility itself.

The following detention facilities were included in these tours:

- San Diego Central Jail (men only)
- Las Colinas Detention and Reentry Facility (women only)
- George F. Bailey Detention Facility (men only)
- South Bay Detention Facility (men only)
- East Mesa Reentry Facility (men only)
- Rock Mountain Detention Facility (not yet occupied)
- Vista Detention Facility (men and women).

The tours included intake/holding, medical facilities, housing modules, classrooms, visiting areas, food preparation areas, mail receipt and sorting, sobering cells, safety cells, and exercise areas.

The 2022-2023 San Diego County GJ recommends:

- Adding additional whole-body x-ray scanners to the SDSD existing inventory of whole-body scanners for people.
- Adding one whole-body x-ray scanner at the East Mesa Reentry Facility and one at the South Bay Detention Center. At this time, these locations do not have their own dedicated scanners.
- Training additional employees to operate the x-ray scanners.
- Purchasing high volume mail scanning equipment and scan all mail and incoming packages before delivery to an IP or secure location.
- Purchasing high volume cargo scanners, and scan all incoming deliveries, (i.e., all items coming into the jail system that will be placed in any secure area where IPs will have access).

- Assemble an in-house team to determine the safest and most effective scanning devices and how to staff the equipment in a way to ensure effectiveness so there are no delays for employees about to begin their shift.
- Use an in-house team as noted above and consider the feasibility, legality, and cost/benefits to scanning all persons and employees who enter the jails.

## ***INTRODUCTION***

There are currently six adult detention facilities in the San Diego County Sheriff Department's (SDSD) adult jail system. When the Rock Mountain Detention Facility is opened, that will bring the total to seven operating jails. Distributed throughout the jails on any given day are approximately 3,000 – 4,000 incarcerated individuals and anywhere from 200-500 sworn, professional and support staff working, depending on the time of day.

According to a report done by Analytica Consulting, a research company retained by the Citizens Law Enforcement Review Board (CLERB) "In-custody deaths in California county jails have become an increasingly contentious topic. Reporting by journalists and advocacy organizations conclude that the risk of death is highest in San Diego County jails. Based on data from the California Department of Justice, one inmate dies about every month in San Diego jails."<sup>1</sup> "Drug overdoses are 89% of deaths in San Diego jails."<sup>2</sup> These statistics cover the years 2010-2020, and this prompted the GJ to take a closer look at the issue.

"The jail population has generally higher needs than the general population. Attending to these needs may strain the limited capacity of county jails and, as a result, may be a contributing cause to in-custody deaths."<sup>3</sup>

The GJ conducted nine interviews to learn more about the SDSD jail practices. During these interviews, the GJ learned that many individuals who enter our detention facilities enter with pre-existing conditions including drug and alcohol addiction, mental health issues, and a variety of other health problems. IPs are not always forthcoming or complete when providing information about their health status, nor are they always adherent to prescribed treatments and interventions. SDSD Medical Services also have difficulty obtaining IP past medical records in a timely and complete manner, resulting in fragmented medical information available to clinical staff.

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<sup>1</sup> 2022 San Diego County In-Custody Death Study, Produced by Analytica Consulting, Executive Summary, page iii, <https://www.sandiegocounty.gov/content/dam/sdc/clerb/docs/in-custody-death-study/Att.G-CLERB%20In-Custody%20Death%20Study.pdf>

<sup>2</sup> 2022 San Diego County In-Custody Death Study, Produced by Analytica Consulting, Appendix C: A Closer Look at Overdose/Accidental Deaths, p. 20. <https://www.sandiegocounty.gov/content/dam/sdc/clerb/docs/in-custody-death-study/Att.G-CLERB%20In-Custody%20Death%20Study.pdf>

<sup>3</sup> 2022 San Diego County In-Custody Death Study, Produced by Analytica Consulting, Comparisons of San Diego Inmate Population to Other California Counties, p.44, <https://www.sandiegocounty.gov/content/dam/sdc/clerb/docs/in-custody-death-study/Att.G-CLERB%20In-Custody%20Death%20Study.pdf>

The GJ investigation revealed that the most common cause of accidental deaths in the jails are overdoses with illegal drugs. The GJ inquired about ways to lower the death rate in the jails. A common response was to focus on curbing or stopping illegal drugs and other contraband from entering the system.

“Drug use is prolific in the United States’ correctional system and increases violent incidences with staff and between inmates, decreases the health and well-being of the incarcerated and staff, and undermines the process of rehabilitation. Strategies focused on drug detection at the points of entry have the greatest potential to mitigate drug contraband by requiring all staff, inmates, visitors, delivered consumables, mail, and personal items to be searched before entry. A multilayered approach using x-ray scanners, chemical detection devices, digitized mail programs, and facility-based drug treatment programs can significantly reduce drugs within correctional facilities.”<sup>4</sup>

### ***Methodology***

The GJ toured the seven adult detention facilities in San Diego County operated by the SDCJ and:

- Conducted nine interviews with personnel knowledgeable of San Diego County jail practice and procedures.
- Researched and reviewed applicable radiation safety guidelines and regulations.
- Visited and toured the local offices of one of the manufacturers of whole-body scanners supplying security scanning equipment to jails. During the tour, the GJ received hands on experience operating a whole-body scanner.
- Reviewed technical data for the two different whole-body scanners currently in use in San Diego jails.
- Reviewed recommendations from the Citizens’ Law Enforcement Review Board (CLERB) regarding the use of scanning equipment in San Diego County jails.

### ***DISCUSSION***

The GJ focused on how drugs and other contraband continue to be brought into the jails. The GJ determined there are areas which need improvement.

Despite procedures currently in place to prevent drugs from entering the jails IPs are still dying of drug overdoses or needing emergency medical care for drug overdoses after they have been processed and admitted to a jail.

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<sup>4</sup> Detecting and Managing Drug Contraband. National Criminal Justice Reference Service, Criminal Justice Testing and Evaluation Consortium, p. 1, Key Takeaways, September 2021, <https://www.ojp.gov/pdffiles1/nij/grants/302135.pdf>

“During calendar years 2020 and 2021, Sheriff’s Department employees in the jails responded to 314 incidents of suspected opioid overdose and deployed 848 doses of NARCAN (an opioid antagonist) saving hundreds of lives.”<sup>5</sup>

The GJ investigation revealed that common ways drugs enter the jails are when IPs return to the facility from court, medical appointments, work assignments, or any other events that cause them to be removed from a secure area. Contraband can also be exchanged during visits with family, attorneys, or other guests if there is no barrier between the IP and the visitor.

According to the National Criminal Justice Service, Office of Justice Programs, “In an ideal scenario, every person, package, and consumable entering the prison would be subject to screening protocols before entering a facility. However, every prison and jail are different and present a unique set of challenges. To implement a comprehensive screening process, facilities should consider a multifaceted approach that combines traditional searches, detection canines, scanning technology, and chemical analysis devices to provide the best solution to preventing drugs from entering a prison.”<sup>6</sup>

There are ample choices among commercially available high-tech scanning machines for the whole-body scanning of people and the high-volume scanning of mail, small packages, and larger freight type items. These machines are highly effective and efficient at detecting a wide variety of contraband which could be kept from entering the jail system.

The SDSD already has a number of people scanning machines located throughout their detention facilities and the courts, and are in the process of purchasing more. Once all of the proposed people scanners are purchased and in-place there will be ten scanners available for use throughout the jails and courts.

## **Ionizing Radiation**

A concern which is voiced whenever a discussion of security scanning of people is raised, is the scanners use of ionizing radiation.

Many people are worried that exposure to any radiation is dangerous and something to be avoided.

All scanners for human use in the United States, whether in medical settings or jails are highly regulated by multiple agencies and regulations, including but not limited to:

- Title 10 of the Code of Federal Regulation, Part 21 (10CFR21)

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<sup>5</sup> San Diego County Sheriff’s Department, p.1,

<https://www.sdsheriff.gov/home/showpublisheddocument/4717/637794797354130000>

<sup>6</sup> Detecting and Managing Drug Contraband: An Overview of Technologies for Managing Entry of Drug Contraband and Detecting Their Use in Correctional Facilities, Point-of-Entry Search Using Technologies, and Processes, p.7

<https://www.ojp.gov/pdffiles1/nij/grants/302135.pdf>

- Nuclear Regulatory Commission (NRC)
- California Radiologic Health Branch (CRHB)
- American National Standards Institute N43-17 (ANSI)
- International Commission on Radiologic Protection (ICRP)
- National Council on Radiation Protection and Measurements (NCRP).

As the U.S. Food and Drug Administration notes, “General–use X-ray Security Screening Systems (used for scanning people for non-medical reasons) deliver an extremely low dose of ionizing radiation to the person being screened. For most situations there is no need to limit the number of individuals screened or, in most cases, the number of screenings an individual can have in a year.”<sup>7</sup> To better put this into perspective “in 42 minutes of ordinary living, a person receives more radiation from naturally occurring sources than from screening with any general–use x-ray security system.”<sup>8</sup>

After reviewing applicable radiation safety standards pertaining to the safe scanning of people for non-medical reasons it was determined that those standards support that an individual may be scanned up to 1,000 times per year, including multiple times per day, without exceeding the limit for safe exposure to ionizing radiation.<sup>9</sup>

An exception to the above discussion is if the person being screened is thought to be or known to be pregnant. Standard radiation safety protocol recommends limiting exposure to any ionizing radiation while pregnant so further scanning would be withheld during the term of the pregnancy. In the event a female were to be scanned and then later found to be pregnant, the consensus of the experts in radiation safety note there would be no adverse effect as the radiation dose is so extremely low.

The San Diego County Sheriff’s Department Detention Services Bureau – Manual of Policies and Procedures, March 15, 2023, Number I.50, Body Scanner and X-rays, already has restrictions in place which prohibit scanning IPs who are pregnant. Specifically, under Procedures, General Body Scan Use, subsection II., A., states; “All persons, with the exception of those suspected or confirmed to be pregnant, will be subject to a body scan during the intake process.”

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<sup>7</sup> U.S. Food and Drug Administration, Products for Security Screening of People, Description & Uses, paragraph, General-use x-ray security screening systems. <https://www.fda.gov/radiation-emitting-products/security-systems/products-security-screening-people>

<sup>8</sup> U.S. Food and Drug Administration, Products for Security Screening of People, paragraph: General-use x-ray security screening systems, Risks/Benefits, paragraph, naturally occurring ionizing radiation. <https://www.fda.gov/radiation-emitting-products/security-systems/products-security-screening-people>

<sup>9</sup> United States Food and Drug Administration, Products for Security Screening of People, Information for Professionals. <https://www.fda.gov/radiation-emitting-products/security-systems/products-security-screening-people>

### ***Whole-Body Security Scanners Currently in Use in San Diego Jails***

The GJ acknowledges the commitment of the SDSD to the safety of the IPs. However just one individual having a lapse of judgement can bring harm to the jail population and the reputation of the SDSD.

As noted in the book, *Games Criminals Play, How You Can Profit by Knowing Them*,<sup>10</sup> the authors explain all the different ways IPs use to manipulate the sworn and professional staff to their advantage, often without the person being manipulated realizing they are being manipulated. Therefore, having a comprehensive scanning and accountability program in our jails is important.

“Drugs undermine rehabilitation efforts and destabilize the prison system because contraband is commonly used as currency and often sustains gang activity. Additionally, prison staff and family members can be coerced to participate in drug smuggling efforts by the incentive of financial gain or the threat of gang retaliation on the outside. A major concern with staff involvement in smuggling is their ability to circumvent the detection practices, thus enabling the trafficking of drugs into the prison facility with impunity.”<sup>11</sup>

The two scanner systems currently in use within San Diego County jails for the scanning of people are the Soter RS whole body scanner and the Intercept Tek84 (Tek84) whole body scanner.

Several GJ members toured the factory of a local manufacturer of one of the scanner models available. The GJ learned about the capabilities and safety of the scanners from the technical and radiation safety staff. As part of the tour, the GJ took part in a training experience operating the machine on live people.

As mentioned earlier all scanners used to scan people in the United States, are regulated by multiple agencies and regulations.

During the jail tours, the GJ asked if the scanners in the jails meet the health, safety, and exposure recommendations in place in California. The GJ was told the machines are inspected every two years, and all have been found to be in compliance.

The scanners installed in SDSD jails are easy to operate, as demonstrated to the GJ during the tour of the manufacturer and the hands-on training demonstration the GJ received. In addition, there are multiple built in safeguards to protect against anyone receiving more than the minimum designated dose of radiation. The machines, by regulation, keep track of the combined doses from multiple scanning sessions for each person scanned. The machines will also store multiple

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<sup>10</sup> Games Criminals Play, How You Can Profit by Knowing Them, By Bud Allen and Diana Bosta, Rae John Publishers, Sacramento, California, Forty-fourth printing: June 2022

<sup>11</sup> Detecting and Managing Drug Contraband: An Overview of Technologies for Managing Entry of Drug Contraband and Detecting Their Use in Correctional Facilities, Drugs are a problem for correctional facilities <https://www.ojp.gov/pdffiles1/nij/grants/302135.pdf>

images of the same person and can place images side by side for comparison, assisting the operator in seeing any changes from earlier images. Some machines also provide positive picture identification of the person being scanned so there can be no confusion as to identity. Some machines are compact and take up little space. All are self-shielded so there is no exposure to radiation other than to the person in the machine being scanned.

Considering the human and financial costs when someone dies in custody, or needs medical attention due to a drug overdose, or to defend and settle lawsuits, the costs of scanners and the investment in people and time to learn how to operate them would seem to be a reasonable investment. Money saved from defending and paying off lawsuits could be better spent by purchasing more scanning machines, enhancing scanning efforts after IP's have jail visits, court visits, or medical appointments, and hiring and training additional sworn and professional staff to operate scanners.

The two models of body scanners being used in SDCJ jails require no special educational background to operate nor do they require any special knowledge of radiation theory. All radiation safety training and operational training is provided by the manufacturer. There are additional requirements for maintaining and operating these machines and those requirements are addressed in collaboration with the manufacturer and the State of California Radiologic Health Branch.

### **Who Can Operate Scanners**

The GJ learned there are currently 213 officers trained to use the Soter RS body scanners and sixteen officers trained to use the Tek84 scanners. After reviewing the California Radiologic Health Branch guidance document, Radiation Safety and Protection Program Requirement Guidance,<sup>12</sup> it appears anyone who is properly trained is qualified to operate any of these scanners.

Although there are many sworn staff trained to use the scanners, the GJ got the impression they are often scheduled to operate the scanners on a periodic basis. While the machines are not complicated to operate, if one does not use them on a regular basis, it can be expected there will be a degree of relearning that must take place each time sworn staff has to use a scanner after time has passed since their last use.

The GJ learned it is sometimes difficult for staff to interpret the scanner images. Interpretation of images is part of the training given by the manufacturer and the machines themselves have software programs which assist with interpretation of images. Companies supplying these machines also offer a reach-back alternative meaning questionable images can be sent to the company for review by company experts to assist in interpreting questionable images.

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<sup>12</sup> Radiation Safety and Protection Program Requirement Guidance, p 5, Training, Operating and Safety Procedures. <https://www.cdph.ca.gov/Programs/CEH/DRSEM/CDPH%20Document%20Library/RHB/X-ray/RHB-Guide-RadProtectionProgram.pdf>

This concern should not be a reason to not use a scanner. When there is doubt, the SDSD has alternative methods it can use to resolve questions, such as pat downs, detection canines to name two.

Ryan Graham, the co-chair of the provincial health and safety committee for the Ontario Public Service Employees Union, (Ontario, Canada) the union representing jail guards, believes scanning technology can be “a very effective tool” but isn’t “infallible.”<sup>13</sup>

“Body scanner technology is not flawless, for instance, those monitoring the scans may have difficulty distinguishing foreign objects from human anatomy if not adequately trained in interpreting the digital scanner images. But it is only as effective as the training of the operator, he said, noting staff who use the technology regularly develop a keen eye to detect something that's out of place, that seems foreign to the body. Staff with less experience reading the scans could miss things others might spot, he acknowledged.”<sup>14</sup>

Another concern which was expressed, is the time it takes to perform a scan. The GJ questions why sworn staff, who seem to be in short supply, are being used to operate the scanners when civilian operators could be used. Having people other than sworn staff assigned to scanning would free up sworn staff to perform other duties. If the SDSD hired full time civilian scanner operators who had no other assigned duties, it could be expected the degree of expertise would be enhanced and maintained, making the entire process more precise and faster.

When the idea of using civilians to operate the scanning machines was brought up, there was concern expressed for providing security for a civilian operator. But other experts in the correctional field have noted the many roles civilian personnel play in correctional facilities.

“When we imagine the people who staff our correctional facilities, our minds probably jump to sworn correctional officers. But similar to military bases and police administration buildings, civilians and nonsworn staff play important roles inside jails, prisons, work release centers and juvenile detention centers. Some civilian correctional staff are paid, while some volunteer their services. Many civilian correctional staff members interact with the inmates.”<sup>15</sup>

Additionally, the GJ learned during their tour of the local scanner factory, that the operator/control panel for the scanner can be located anywhere. It does not have to be close to the scanner or the person being scanned. The placement location of the control panel would be one way to address the concern for security of the operator.

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<sup>13</sup> Toronto CBC Investigates, Jail Guards scanned him as negative for drugs. He died hours later with fentanyl hidden in his body, Shanifa Nasser-CBC News, January 29,2021.

<https://www.cbc.ca/news/canada/toronto/ontario-jail-drug-overdose-fentanyl-jordan-sheard-1.5891864>

<sup>14</sup> ibid

<sup>15</sup> Lexipol, The Forgotten Staff: Training Civilians and Volunteers in Corrections, Gary Cornelius. May 14, 2021, <https://www.lexipol.com/resources/blog/the-forgotten-staff-training-civilians-and-volunteers-in-corrections/>



## Scanning Mail, Packages, and Everything Else Intended for Entry into the Jails

To improve detection of drugs and other contraband that may enter the jails, and to complete the security circle, the searching/scanning of mail, packages, and anything else delivered into the jails must be considered.

In a recommendation released by CLERB on 8-19-2022, CLERB stated they believe that all efforts to reduce the likelihood of in-custody deaths must be taken, to include those that would appear fiscally cost prohibitive or delay facility operations. CLERB believes the value of human life outweighs any cost and is greater than any resulting delays.<sup>16</sup>

The GJ toured the loading dock area where daily deliveries from intra-jail locations and outside vendors are received. There appeared to be no high-tech scanning capability to quickly search/scan any of the deliveries being received on the loading dock.

For cargo inspections within the Federal Bureau of Prisons “...use of imaging and detection technology to enhance contraband interdiction activities varies by institution.” At some institutions “... inspection of daily deliveries consists primarily of manual and visual inspections and use of a hand-held metal detector.” Also available at institutions is “... x-ray technology capable of handling pallets or skids from four sides rather than from only a top view provided by typical x-ray scan devices used in most institutions. The bulk imaging device is equipped with two monitors, which provides enhanced imaging to better identify and distinguish between non-organic materials (weapons) and organic materials (drugs and explosives).”<sup>17</sup>

According to Corrections1 by Lexipol, (an online site for the correctional community) “Various detection and identification technologies can help officers discover and isolate suspicious goods and packages. This capability helps keep threats out without impeding daily operations or interrupting the flow of mail and other deliveries. These tools enable corrections facilities to quickly and easily screen for drugs and other contraband hidden in packages, envelopes, laundry, trucks or even produce.”<sup>18</sup>

“Trafficking of drugs via mail has become problematic so much so that some jails not necessarily in San Diego, have resorted to limiting how much and the kinds of things that can be mailed to IPs. However, being able to receive correspondence from family and friends is recognized as promoting IP wellbeing and reduces the rate of recidivism. Because of this benefit,

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<sup>16</sup> Citizens, Law Enforcement Review Board Policy Recommendation, Search or Scan All Persons Entering San Diego County Detention Facilities, To Include Employees, 08-19-2022

[CITIZENS' LAW ENFORCEMENT REVIEW BOARD \(sandiegocounty.gov\)](https://www.sandiegocounty.gov/citizens-law-enforcement-review-board)

<sup>17</sup> The Federal Bureau of Prisons' Drug Interdiction Activities, Report Number I-2003-002, January 2003.

<https://oig.justice.gov/reports/BOP/e0302/results.htm#inst>

<sup>18</sup> Fight the Flow of contraband by securing mail and deliveries, February 22, 2017, Corrections1 by Lexipol, <https://www.corrections1.com/products/facility-products/body-scanners/articles/fight-the-flow-of-contraband-by-securing-mail-and-deliveries-H5pHKQSuZ8Oqa9ST/>

correctional facilities implementing mail restrictions have been challenged by the American Civil Liberties Union, which states that a ban on incoming mail violates the First and Fourteenth Amendment rights.”<sup>19</sup>

“Opioid analogs, synthetic cannabinoids, and synthetic cathinones can be liquefied and sprayed onto inconspicuous items, such as dried plant material, and paper products, such as mail, or disguised as common products such as candy or toiletries, and therefore can be trafficked surreptitiously.”<sup>20</sup>

During the jail tours the GJ observed how incoming mail and small packages are managed. Las Colinas Detention and Reentry Facility is the central mail processing center for all SDSJ jails. There is one small package x-ray scanner available. This is used to scan small packages coming into the jails but is not suitable for rapid scanning of letter type mail. There are special negative pressure tables that are used by masked, gloved, and gowned sworn staff to open suspicious letters to check for drugs. Also available is an ultraviolet (UV) lamp which can be used for detecting stains and discoloration. It was explained the UV lamp is good for detecting substances that have been applied to letters and greeting cards. However, if the paper or card has been evenly coated over the entire item with a liquid, the UV lamp may not be able to detect anything because there is nothing to contrast against. They also noted individuals concealing narcotics in the mail are often sloppy, but they are getting better at concealment.

At the time of the GJ’s jail visit the decision to further investigate a suspicious piece of mail was being made based on the experience of the person inspecting the mail. There is no technology currently in place to quickly and thoroughly scan every piece of mail processed in the facility. If a piece of mail meets the criteria for further investigation, either the UV lamp or a TruNarc hand-held narcotics analyzer can be used. The TruNarc analyzers are very good at detecting a wide variety of drugs and they work very well. The drawback is they are not designed for high volume scanning of items. Once there is the suspicion of the presence of drugs, a decision to investigate further using a TruNarc instrument can be made. The TruNarc will in most cases give an accurate indication that a drug is present and even identify what it is.

However, neither the UV lamps nor the TruNarc handheld analyzers are designed for high volume mail scanning. During the GJ’s visit there were no high-volume mail screening machines. Having high volume scanners would be helpful to jail operations.

Using modern optical mail screening machines addresses the difficulties of quickly scanning a large volume of mail. They can detect illicit drugs and common cutting agents through envelopes, and paper mixed with marker, crayon, paint, and even under stamps and stickers.

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<sup>19</sup> Detecting and Managing Drug Contraband: An Overview of Technologies for Managing Entry of Drug Contraband and Detecting Their Use in Correctional Facilities, Mail Inspection and Digitized Mail Programs, <https://www.ojp.gov/pdffiles1/nij/grants/302135.pdf>

<sup>20</sup> Detecting and Managing Drug Contraband: An Overview of Technologies for Managing Entry of Drug Contraband and Detecting Their Use in Correctional Facilities, Drugs are a problem for correctional facilities, <https://www.ojp.gov/pdffiles1/nij/grants/302135.pdf>

They can do all of this quickly without opening or touching the item which would increase safety for the mail handlers who currently risk being contaminated by a drug-soaked piece of mail.

In an effort to retain physical mail delivery, multiple correctional facilities have implemented routine mail inspection using technology to detect embedded drug contraband.<sup>21</sup>

There are machines that do these things with alternative technologies that do not use ionizing radiation which means no special precautions are necessary for their use.

Considering the human and financial costs of treating an overdose or settling a lawsuit and ensuring staff and IP safety the high-volume scanning machines would seem to be worth the investment.

For any combination of search and screening protocols to be effective they must be used consistently.

### ***FACTS AND FINDINGS***

**Fact:** Drug use is prolific in the United States' correctional system.

**Fact:** San Diego County jails have one of the highest death rates among incarcerated persons in the State of California.

**Fact:** Strategies focused on drug detection at points of entry into the jails have the greatest likelihood of mitigating drug contraband entering the jails.

**Fact:** As currently written the SDSD, Department, Detention Services Bureau – Manual of Policies and Procedures, March 15, 2023, I.50, Procedure, III. Body Scan Anomalies, section C., does not expressly mandate the scanning of IPs returning to a facility after being out of a secure area. It states scanning, “should be considered.”

**Fact:** Curtailing or stopping the flow of illegal drugs and other contraband into the jails would have a positive impact on lowering the number of deaths from drug overdoses.

**Finding 01:** The San Diego County Sheriff's Department does not have a strong enough policy for searching incarcerated persons for drugs and other contraband upon re-entering the jails from unsecured settings.

**Fact:** The East Mesa Reentry Facility and the South Bay Detention Center do not have whole body scanners.

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<sup>21</sup> Detecting and Managing Drug Contraband: An Overview of Technologies for Managing Entry of Drug Contraband and Detecting Their Use in Correctional Facilities, Mail Inspection and Digitized Mail Programs <https://www.ojp.gov/pdffiles1/nij/grants/302135.pdf>

**Fact:** There are a variety of high-tech machines available to assist in the identification of drugs and contraband in and on a person.

**Fact:** The SDSD is in the process of purchasing additional scanning machines to use for scanning people.

**Fact:** The two models of scanners used in the SDSD jails make use of ionizing radiation.

**Fact:** Many people are concerned, but not fully informed about the risks of exposure to ionizing radiation.

**Fact:** When used as intended, and according to the regulations governing their use scanners in the SDSD jails are safe and pose no health or safety risks.

**Fact:** The dose (exposure) of radiation to the person being scanned is extremely low and there is no evidence it poses a hazard or risk to long-or short-term health and safety.

**Fact:** Currently only sworn staff operate scanning machines.

**Finding 02:** Anyone who has been trained can operate a scanning machine, but currently only sworn staff operate scanning machines in the San Diego County jails. Therefore, the department has inefficient staffing flexibility to operate the scanning machines.

**Fact:** The San Diego County Sheriff's Department does not currently have any high-tech high-volume scanning equipment for scanning incoming mail, small packages, or supplies.

**Fact:** There are options available for purchasing high-volume mail screening machines.

**Fact:** Drugs and contraband can enter jails through the mail, or supplies coming into the jails. High-volume scanning equipment has been shown to be effective in controlling contraband from coming into the jails.

**Finding 03:** The SDSD lacks the most effective scanning equipment for scanning mail, packages, or supplies.

## ***RECOMMENDATIONS***

**The 2022/2023 San Diego County Grand Jury recommends the San Diego County Sheriff:**

**23-83            Add one whole-body x-ray scanner at the East Mesa Reentry Center, and one whole-body scanner at the South Bay Detention Center.**

- 23-84** Consider scanning all incarcerated persons returning to the jail who have been out of the secure areas.
- 23-85** Assemble an in-house team to determine the safest and most effective scanning devices, and how to staff the equipment in ways to ensure effectiveness so there are no delays for employees about to begin their shift.
- 23-86** If the above noted in-house team is assembled, consider the feasibility, legality, and cost/benefits to scanning all persons including employees entering a detention facility.
- 23-87** Hire and train non-sworn staff to exclusively operate the scanners.
- 23-88** Purchase high-volume mail scanning equipment and scan all mail and incoming packages before delivery to an incarcerated person or secure location.
- 23-89** Purchase x-ray cargo scanners capable of searching/scanning larger institutional deliveries and scan all incoming deliveries.

### ***REQUIREMENTS AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor. (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<b>Responding Agency</b>	<b>Recommendations</b>	<b>Date</b>
<b>Sheriff's Department, County of San Diego</b>	<b>23-83 through 23-89</b>	<b>7/30/2023</b>