The Contraband Wars Prison authorities target books and mail, miss the goods coming through the staff door

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The two largest contraband problems facing prison authorities today are synthetic marijuana, also known as K2, and cellphones. Both items are valuable on the prison market, with cellphones going for upwards of $1,000 a pop, according to an *NBC News* report.

Inside a prison, control of the drug and cellphone trade is serious business. In the more violent maximum-security lockups, gangs control the movement of most contraband items. Sometimes disputes arise between rival gangs, which can lead to bloodshed.

Take the April 2018 riot at South Carolina's Lee Correctional Institution. Seven prisoners were killed and 17 injured during the hours-long melee. In a press conference immediately following the riot, state Department of Corrections (DOC) head Bryan Stirling said that the riot was over territory, cellphones and contraband.

"These folks are fighting over real money," Stirling said.

Prison officials in South Carolina and across the country recognize that cellphones, drugs and other contraband are a risk to security. Interdiction efforts vary, but primarily they target prisoners and their contacts in the community. Local sheriffs and state DOCs have begun to limit the kind of mail prisoners may receive, as well as restrict the vendors who provide books to prisoners. They are also replacing in-person visitation with video visitation, but that also—conveniently—monetizes prisoner communication, since the vendors who are "approved" are often those also willing to give a kickback in exchange for the monopoly right to exploit the prisoners.

Administrators argue that these restrictions on prisoners' interactions with the outside world are necessary to stem the tide of incoming contraband. But significant interference with prisoners' rights is a blunt response to a problem that is much more nuanced than prison authorities like to suggest. And perhaps more importantly, by focusing on interfering with prisoners' ability to associate with the free world as a method of controlling contraband, prison officials are ignoring a significant source of illegal goods inside American jails and prisons: guards and staff.

In fact, jail and prison staff may be responsible for the lion's share of contraband found inside the fences. A Prison Policy Initiative review of news stories from 2018 concluded that "almost all" contraband introduced into local jails comes through staff. *PLN's* own research unearthed an enormous number of news stories reporting on jail and prison staff who were caught smuggling illegal goods into secure facilities all over the country.

Comprehensive changes are needed to address the growing problem of contraband in jails and prisons. Instead of placing wholesale restrictions on entire prison populations in response to a few bad actors, correctional administrators should focus on the insidious problem of staff smuggling. Better staff selection practices, a commitment to a professional and well-trained workforce with increased pay would go a long way toward reducing the amount of contraband that gets behind bars.

No Mail for You

Lorraine Haw's son has been locked up in Pennsylvania for 25 years. During those two and a half decades, Haw regularly sent her son cards and letters. Thanks to a policy recently implemented by the Pennsylvania DOC, she doesn't send mail anymore.

Even if Haw did continue to send mail to her son, he wouldn't get what she sends. That's because all mail sent to Pennsylvania prisoners is now routed to a document processing and storage facility in Florida. There, a company scans the mail and forwards a digital copy to the prisoner for viewing. A copy of each piece of mail is stored on the company's servers for 45 days.

Haw and her son both feel uncomfortable with their personal information and correspondence being digitized and stored on a computer server. As painful as it is for Haw and her son, the letters have stopped.

"We've cried about it, but we've come to the same conclusion that we're not going to give in and do things their way," said Haw. "My son turned 43 on January 9, and this is the first year I didn't send him a birthday card."

The new policy in Pennsylvania stemmed from an August 2018 incident in which about 60 DOC staffers were allegedly sickened by synthetic marijuana after catching prisoners smoking it. Citing concerns for the safety and welfare of employees, Corrections Secretary John Wetzel instituted the correspondence scanning program, as a result of which Pennsylvania prisoners no longer receive physical mail.

Other states have imposed restrictions on prisoners in response to the threat of drugs arriving in the mail. In 2015, New Hampshire banned prisoners from receiving drawings, greeting cards and colored paper. A lawsuit by the ACLU resulted in a settlement allowing some handmade drawings in, but mail is still severely restricted.

The federal Bureau of Prisons (BOP) briefly instituted a similar policy at select facilities. After questions from Congress and a flood of negative publicity, BOP backed off and lifted the policy. Anecdotal evidence suggests, however, that new mail procedures for federal prisons are in the works.

State DOCs have also begun to experiment with limitations on prisoner access to books. Both Maryland and New York tried to introduce policies that would restrict prisoners to books coming from just one or two pre-approved vendors. These policies were rescinded, but it is clear that prison authorities believe books to be a common way to get contraband into a facility. Unfortunately, the easiest solution to such a problem is no books. The Human Rights Defense Center, which publishes *Prison Legal News*, has vigorously challenged book and magazine bans around the country and has successfully sued dozens of prisons and jails on this issue.

Visitation is another area of concern for many jails and prisons. To prevent visitor-to-prisoner smuggling, many jails and prisons are turning to video visitation. Prison profiteers such a Securus Technologies and Global Tel Link provide these services to correctional facilities, charging prisoners exorbitant fees to use them. As previously reported by *PLN,* video visitation services almost always replace in-person visitation (See *PLN,* April 2017, p.22).

Whether the restriction is on mail, books or visitation, these policies have something in common—they infringe on *every* prisoner's right to associate with the outside world in the name of stopping contraband from getting into a facility. Pennsylvania Corrections Secretary Wetzel believes that any risk of drugs entering a prison is too much.

"Having drugs come in and having our staff exposed and inmates overdose is unacceptable," Wetzel said. "We'll [use] whatever means necessary to stop that."

But Pennsylvania's mail policy didn't stop State Correctional Institution (SCI) at Somerset guard Stephen Palermini, 46, from smuggling contraband into the prison. Palermini was arrested in March 2019 and charged with smuggling synthetic marijuana, Apple watches and cellphones to prisoners in exchange for cash from outside sources. The arresting state trooper, Craig Yauch, wrote in an affidavit that Palermini was only one of "multiple corrections officers" suspected to be transporting contraband into SCI-Somerset.

In fact, Palermini wasn't the only Pennsylvania prison guard arrested for smuggling contraband that month. According to Corrections Secretary Wetzel, two other guards were arrested on similar charges the same week as Palermini.

Sending every Pennsylvania prisoner's mail to Florida didn't stop Lebanon Correctional Facility guard Patricio Bernal from smuggling drugs into the prison, either. Bernal was arrested in September 2018 and charged with introducing Suboxone (a drug used to treat opioid addiction), naloxone (used for treating an opioid overdose) and methamphetamine into the prison on multiple occasions. Bernal was allegedly part of an organized drug trafficking ring and was paid cash for his services.

Pennsylvania's staff smuggling problem is the tip of the iceberg. *PLN*'s review of local news stories revealed hundreds of cases where jail and prison guards were caught smuggling drugs, cellphones and other contraband into penal facilities—and these are only the cases where someone got caught and it was reported in the media.

Smuggler's Blues

In a 24-month period, there were at least 65 incidences of contraband smuggled into American jails and prisons which were then reported by *Prison Legal News*. While by no means exhaustive, the list—which includes guards, jail nurses and other prison workers, as well as a prosecutor and a defense attorney—illustrates the breadth of the problem.

Alabama:

• In February 2020, former Limestone County Correctional Facility guard Travis Wales was indicted for "possession/receipt of a controlled substance." He had been arrested five months earlier when a K9 unit from the state DOC found him trying to enter the prison with a bag of methamphetamine, a tablet of Subutex—a methadone alternative used in treating addiction—and a bottle of synthetic urine substitute called U-pass, which is used to fool a urine test.

• In December 2020, guard Billie Michelle Hester was arrested for allegedly selling cellphones at $250 a pop to prisoners under her watch at the Walker County Jail in Jasper, Alabama.

• Another Alabama jail guard, D'Mario Jones, was arrested in January 2021 for allegedly smuggling cellphones to prisoners he guarded at the Lee County Detention Center in Opelika.

Arkansas:

• In August 2020, just a year and a day after he was hired as a guard at the W.C. "Dub" Brassell Detention Center in Arkansas, Corey Hayes was arrested and charged with attempting to bring marijuana, rolling papers, tobacco and cellphones into the jail.

California:

• In September 2020, the California Department of Corrections and Rehabilitation fired Deuel Vocational Institute guard Robert Ayala after he pleaded guilty to attempting to smuggle cellphones to a prisoner in exchange for a $300,000 bribe.

• Another California jail guard arrested for smuggling contraband in September 2020, Jessica Smith, then resigned from the Santa Cruz County Jail, where she had worked for five years.

• The next month, October 2020, Smith's fellow Santa Cruz Jail guard Jenna Baldwin lost the job she held there for 12 years when she was arrested on the same charge, after it was determined that she engaged in an "inappropriate relationship" with the prisoner to whom she gave contraband.

• In April 2021, a fired guard at the Fresno County Jail, Tina Gonzalez, pleaded no contest to having sex with a prisoner and giving him a cellphone.

Colorado:

• In November 2019, a judge sentenced former Jefferson County Jail guard Myriah Lovato to 45 days in prison plus two years of probation for smuggling contraband to prisoner and gang member Justice Espinoza, with whom she was having regular phone sex.

• In February 2021, former Buena Vista Correctional Facility guard Trevor Martineau was sentenced to a four-year prison term for smuggling methamphetamine hidden in a burrito in his lunchbox.

• In March 2021, the Colorado State Bar suspended attorney Jason Conley for two years after he pleaded guilty to smuggling drugs to a client in the Mesa County Jail.

Florida:

• In October 2019, former Santa Rosa Correctional Institution (CI) guard Mia Martinez-Welch was sentenced to an 18-month prison term for smuggling tobacco, methamphetamine and other drugs to a prisoner in whose cell her cellphone was found in November 2018, when she was fired by the state DOC. Five other women who worked at the prison were then also fired and charged with introducing contraband.

• In April 2021, Escambia County Jail Annex guard Bryon Jermaine Banks was arrested and charged with abusing his position as a surveillance camera operator in order to smuggle drugs to prisoner Alexander Maynard, who ratted out Banks. The guard then admitted to investigators that he picked up the drugs at a nearby address.

Georgia:

• In October 2019, former Hays State Prison guard Voltaire Peter Pierre pleaded guilty to accepting bribes for smuggling methamphetamine, crack cocaine, and marijuana to prisoners. Because he stored the contraband at his family home before delivering it, he was also convicted of possession with intent to distribute methamphetamine on premises where a minor resides.

- In September 2019, state DOC officials arrested two Floyd County Jail guards—Michael Landon Jones and Samuel James Kendrick—for smuggling contraband including drugs, tobacco and cellphones, to prisoners.

• In August 2020, a federal judge sentenced fired R.D. James Correctional Facility guard Michael Eaddy to a six-month term for taking a $246.25 bribe to smuggle cigarettes and a cellphone to a prisoner at the lockup, which is owned and was then run for BOP by Florida-based GEO Group, the country's largest private prison operator with $2.350 billion in 2020 revenues.

• In November 2020, former DOC guard Melissa Crawford was sentenced to a 46-month term for smuggling drugs and cellphones into Valdosta State Prison in exchange for bribes paid in Green Dot cards. She was arrested and fired when DOC investigators searched her car for contraband—during an inspection when she showed up for work—and she tried to flee, nearly running over one of them.

Indiana:

• In September 2019, a judge sentenced former Ripley County Jail guard Darin S. Laird to a two-year prison term for passing notes and a contraband cellphone to prisoner Eric Schott from Scott's girlfriend, Courtney Miller.

• Then, in October 2019, another Ripley County Jail guard, William "Tiny" Dryer, was arrested and charged with committing the same crime that Laird had committed—with the same prisoner on behalf of the same woman.

• In November 2019, a contract nurse at the Kosciusko County Jail, Jessica Frost, was arrested for allegedly passing the narcotic pain reliever Gabapentin to prisoner Jonathan Fry, with whom she was allegedly involved romantically. She was also accused of letting him use her cellphone.

Kentucky:

• In October 2019, McCracken County Jail guard Raheem Turner was fired and charged—along with two prisoners and two women outside the prison—in a scheme to smuggle tobacco, marijuana, prescription pills, cellphones and other contraband into the lockup. Tenner, who was apprehended on a tip from fellow guard David McKnight, allegedly accepted bribes from the women, Savannah Sutton and Ricosha Young, in exchange for smuggling the contraband to prisoners Shawn Sutton and

Epionn Lee-McCampbell. Young and Sutton were then captured in the jail parking lot in a sting operation when they attempted to deliver more contraband.

Louisiana:

• Of 22 people indicted in August 2019 in what federal prosecutors called a "large-scale" smuggling operation at Louisiana State Penitentiary at Angola, five were prison guards: Tommy Carter, Precious Shelvin, Jeffery Day, Tichina Williams and April Mathews. All five resigned when arrested. Day was caught trying to smuggle drugs into the prison inside a Subway sandwich. Williams allegedly accepted $4,000 to smuggle drugs to an Angola prisoner whom she admitted kissing and whose name was tattooed on her arm. Before Matthews could be arrested, she led police on a high-speed vehicle chase.

• In September 2019, Elayn Hunt Correctional Center guard Adrian T. King was fired when he was arrested and charged with attempting to smuggle drugs to prisoners after a search of his car turned up 0.10 ounces of marijuana.

• In January 2021, another guard arrested for smuggling, Janice Coney, was caught trying to bring over 11 ounces of marijuana hidden inside a container of disinfectant wipes into the Angola prison.

Maryland:

• In September 2019, a judge sentenced two former guards at Jessup Correctional Institution who were convicted of smuggling contraband to prisoners in the Crips gang, which was led by one of the guards, Antoine Fordham. He received a 35-year prison term with no more than 15 years suspended. The other former guard, Phillipe Jordan, was given a ten-year sentence.

• In November 2019, former Metropolitan Transition Center guard Darryl Floyd was sentenced to three years in state prison for taking a $1,200 bribe to smuggle Suboxone into the Baltimore pre-trial detention facility.

• In September 2020, Eastern CI guard Maurice Bull lost his job after just 17 months of work when he he was arrested carrying heroin, tobacco and Suboxone strips that he admitted were bound for a prisoner in exchange for $5,400 in cash that was also found on him. Prison officials were tipped off to Bull's smuggling after monitoring a phone call between a prisoner and his sister.

• In November 2020, former Maryland CI guard Janel Griffin was sentenced to 27 months in federal prison for her role in a smuggling scheme that involved 20 people who worked or served time at the prison. The contraband included drugs, flash drives and cellphones.

Michigan:

• In January 2020, a judge sentenced former Chippewa Correctional Facility guard James Parr to a prison term of 23-to-240 months after he pleaded guilty in November 2019 to smuggling contraband to prisoners. He was arrested when he showed up for work in April 2019 and state police acting on a tip found heroin, marijuana and a cellphone in his possession.

Montana:

- In December 2019, Crossroads Correctional Center guard Diana Baker and prisoner Joshua Schied were charged with conspiring to smuggle drugs into the prison, which is run by Tennessee-based CoreCivic, the country's second-largest private prison operator with 2020 revenues of $1.910 billion. Schied's fellow inmate, Jason Hoomalu, was charged as well, along with his wife, Ariana. Their scheme unraveled when the two women contacted a confidential informant, who then sold fake methamphetamine to Baker.

New Hampshire:

• In April 2019, a former chaplain at the Federal Correctional Institution (FCI) in Berlin, Joseph Buenviaje, was sentenced to 40 months in federal prison for bringing Suboxone, synthetic cannabinoids, marijuana, tobacco and cellphones into the prison, selling enough of to earn $52,000 in bribes from prisoners he was supposed to be ministering to.

New Jersey:

- In September 2019, a judge sentenced former Southern State Prison guard Steven B. Saunders to a seven-year term for accepting bribes to smuggle oxycodone and marijuana into the prison and distribute it there. Prisoner Lakovian Shepherd was also sentenced in the scheme the month before, with three years added to the ten-year sentence he was serving for narcotics distribution. His girlfriend, Tasha N. Swain, had been sentenced to probation in July 2019 for her role in the crime.

• In December 2019, former BOP prison guard Paul Anton Wright pleaded guilty to accepting bribes to smuggle tobacco, synthetic marijuana and Suboxone into FCI-Fort Dix. He was also ordered to surrender $50,000 he had earned in the 2015 scheme, which prosecutors said he used to support a gambling habit at Atlantic City casinos.

• In February 2020, a judge sentenced former Northern State Prison guard Roberto Reyes-Jackson to a four-year term for smuggling drugs to prisoner Aaron Copeland in exchange for bribes paid by Copeland's girlfriend, Tyeesha Powell. Reyes-Jackson was fired and permanently barred from public employment in the state. Copeland, who prison officials said resold the drugs inside the prison, had three years added to his sentence for his part in the scheme. Prosecutors recommended probation for Powell in exchange for her guilty plea.

New York:

• In New York City, January 2020, six Rikers Island Prison guards were arrested and charged with taking part in a drug-smuggling scheme that also involved five inmates and seven other people outside the prison. The six guards were: Darrington James, Patrick Legerme, Aldrin Livingston, Michael Murray, Christopher Walker, and Angel Rodriguez.

• Also in New York City, September 2020, BOP guard Robert Adams pleaded guilty to accepting sex from a prisoner's visitor in exchange for allowing her to bring contraband into Metropolitan Correctional Center—the same lockup where billionaire accused child sex-trafficker Jeffrey Epstein committed suicide in 2019 while guards were sleeping and browsing the Internet.

North Carolina:

• In January 2020, former Craven County Confinement Facility guard Terrance Tremayne Outlaw was fired and charged with attempting to smuggle drugs to prisoner Joshua Joel Duncan from Duncan's girlfriend, Reba Louise Williams.

Ohio:

• In October 2020, Columbiana County Jail guard Jordan Z. Thurmond was arrested and charged with illegal conveyance of prohibited items into the facility after he was caught attempting to smuggle amphetamines, oxycodone and marijuana into the prison in his backpack.

• In December 2020, a Cleveland judge sentenced fired Cuyahoga County Jail guard Stephen Thomas to two years in prison for taking bribes to smuggle heroin, fentanyl, marijuana and cell phones into the jail for prisoners in the Heartless Felons gang. Thomas was the last of six jail guards sentenced in the scheme, which was uncovered the year before.

Pennsylvania:

• December 2019 ended with a disastrous Christmas week when one prisoner died and seven others were hospitalized after overdosing on heroin apparently smuggled by holiday visitors into the George W. Hill Correctional Facility. The state's last privately-operated lockup, it is run by the GEO Group.

• In July 2020, a federal grand jury indicted former Dauphin County Prison guard Addie Isaac Reid for attempting to extort a bribe from an undercover FBI agent in exchange for smuggling a cellphone to a prisoner.

• In November 2020, Indiana County Jail guard Alex Lewis was indicted for allegedly earning $400 in bribes from passing multiple cellphones to a prisoner during the summer of 2019.

• In February 2021, a federal judge sentenced Brenda Cruise, a former contract employee at Lackawanna County Prison, to a one-year term behind bars for taking $1,000 in bribes to smuggle tobacco, marijuana, synthetic marijuana and Suboxone to prisoners.

South Carolina:

• In September 2019, eight former state DOC employees pleaded guilty to smuggling contraband into prisons where they worked: former Ridgeland CI guard Jamal Early, former Kershaw CI guard Frank Pridgeon, former Perry CI guard Miguel Williams, former Lieber CI guard Ebonynisha Casby, former Broad River CI guard Sharon Johnson Breeland, former McCormick CI guard Catherine Prosser and two former Tyger River CI employees, former food-service worker Holly Mitchem and former horticultural specialist Robert Hill.

• In November 2019, after a surprise search by officials at Broad River CI found 57 grams of tobacco and rolling papers inside his protective vest, guard Anthony Karras, Jr. was fired and charged with introducing contraband into a prison.

• In December 2019, Faith Gerena Weston was arrested and fired from her job as a mental health worker at Lieber CI when she attempted to smuggle alcohol disguised in water bottles to a prisoner.

• In February 2020, a grand jury indicted fired Lee CI maintenance worker Michael Lynn Mattox for providing a prisoner contraband. Mattox was one of the last of 95 prisoners and workers in state prisons charged over a four-month period in a massive drug trafficking operation dubbed "Prison Empire" because it was run by state prisoners from their cells using contraband cellphones.

• In November 2020, McCormick CI guard Ashley Nickole Williams was arrested and fired after a search of her belongings when she reported for work at the high-security prison found four packages that tested positive for methamphetamines and marijuana, as well as cocaine hidden with food in containers.

Tennessee:

• In December 2019, Riverbend Maximum Security Institution (RMSI) guard Evelissee Erika Maas was arrested, charged and freed on bail to await trial after she was caught using a food container to smuggle cellphones to a prisoner.

• In January 2021, Trousdale-Turner Correctional Facility guard Joseph Blayde, Jr. was placed on leave by its contracted operator, private prison giant CoreCivic, after he was stopped on suspicion of DUI by police and an X-ray scan revealed a package of marijuana taped to his body under his guard uniform. Blayde, who had been employed over four years, was freed on bail to await trial.

• Also in January 2021, also in Tennessee, state DOC officials fired another RMSI guard, William Chamberlain, and arrested him on smuggling charges after a search when he reported for work turned up tobacco, marijuana and cash headed for prisoners.

• In March 2021, former Bradley County Jail guard David Branson was arrested for smuggling contraband to prisoners at the lockup. After the investigation that led to his charges concluded in August 2020 with his arrest, two other outside the prison, Hailey Strickland and Jesus Tyler Teague, were also charged in the scheme.

Texas:

• In November 2019, Harris County Jail guard Jason Flores was arrested after Sheriff's deputies acting on a tip caught him carrying methamphetamine, Xanax and Ecstasy into the lockup that was bound for prisoners. He was 19 at the time. Flores is no longer employed at the jail.

• In January 2020, Atascosa County Jail guard Madison Howard was fired and arrested after she was caught on surveillance video smuggling methamphetamine to a prisoner in exchange for a bribe. The prisoner was not identified, nor was the amount of the bribe. Howard had worked for the Sheriff's office less than two months.

• In March 2020, former East Hidalgo Detention Center (EHDC) guard Jhaziel Loredo and former commissary officer Jayson Catalan pleaded guilty to accepting bribes to smuggle drugs and other contraband into the prison, which is operated by the GEO Group.

• In May 2020, another former guard at the prison, Domingo Gonzalez Hernandez, pleaded guilty to smuggling contraband to prisoners in exchange for bribes that included a pickup truck.

• In November 2020, a federal judge handed down a four-year prison sentence to attorney Bryan Lee Simmons for smuggling methamphetamine to clients he represented at the Cass County Jail in Marshall.

• In March 2021, another federal judge handed down a 46-month sentence to a former guard at FCI-Texarkana, James Thompson, after he pleaded guilty to smuggling cellphones, tobacco and "other substances" to prisoner Gilbert Gomez, who also pleaded guilty to his role in the scheme and received the same sentence. Thompson was also ordered to surrender $17,200 in bribes he received in the scheme. Gomez received $15,000 in bribes he was ordered to forfeit.

• Also in March 2021, Reeves County Detention Center guards Eduardo Garcia and Armando Valdivia were charged with smuggling cellphones to an unnamed prisoner in August and September 2020.

• Again in March 2021, in Bexar County, a jail guard Thomas Lucero was charged, along with jail nurse Maricela Leija and prisoner Gabriel Moreno, for participating in a scheme dating back to May 2018 to smuggle contraband into the lockup.

• In April 2021, another former EHDC guard, Amber Marie Estrada, was sentenced to over 24 months for accepting bribes—including a horse—to smuggle food and marijuana to prisoners detained there.

Washington:

• In October 2019, a judge handed former Grant County Jail guard Jordan Delbert Tebow a ten-year sentence for smuggling drugs to prisoner Derek Batton, who overdosed on the contraband and died, adding homicide to Tebow's charges. His defense attorney blamed Tebow's heroin addiction, requesting treatment instead of a prison sentence. The court declined.

• In December 2020, Snohomish County Jail guard Alexis Wafstet was arrested for smuggling drugs to a prisoner whom she claimed extorted her with threats against her adult son.

• In April 2021, state DOC guard Alfonzo E. Cofone received a 44-month sentence for his role in a scheme to smuggle drugs and other contraband into the Clallam Bay Corrections Center. DOC investigators acting on a tip inspected his vehicle at home in August 2020 and recovered 61 grams of a substance suspected to be methamphetamine, 215 Suboxone strips, an eyedropper containing a substance suspected to be marijuana oil, an AR-15 rifle, a 9mm handgun and $2,300 in cash.

West Virginia:

• In December 2019, a federal judge sentenced former South Central Regional Jail guard James Edward Roach II to a 46-month term for accepting a $2,000 bribe to smuggle tobacco into the prison, as well as attempting to smuggle in methamphetamine in exchange for another bribe promised in a sting set up to catch him in April of that year. When making his August 2019 guilty plea, the 22-year veteran blamed his crime on money woes related to a gambling addiction, saying he was "in desperation." With his conviction, he lost all employee benefits, including his pension.

Corrections: The 'Ugly Stepchild' of the Justice System

The depth and breadth of the prison guard smuggling problem is alarming and hard to fathom. Why do they do it? And what can be done to limit smuggling?

Problem number one is the perception of corrections in the justice system. Prison guards get little public recognition and even less respect. The job is considered "dirty work," according to criminal justice professor Chris Menton, who worked as a prison guard when he couldn't find a job after graduating from college.

"The people who end up in these jobs are people who couldn't get a job as a police officer, couldn't get through law school, couldn't get a job as a federal agent," Menton told *Business Insider*. "It's been referred to as the bottom rung in the career ladder in criminal justice."

Fellow prison guard turned criminal justice professor Bruce Bayley agreed.

"Corrections in general is the ugly stepchild of the justice system," Bayley said.

The negative perception problem is compounded by the abysmal salaries that many prison guards earn. According to the U.S. Bureau of Labor Statistics, the median annual pay for prison guards in 2020 was $47,410, with the lowest 10% earning $32,380 or less. But within that national figure hide great variations by geographic area. A prison guard in Arkansas averages $17.12 an hour, while one in California averages $38.99.

Even within the averages hide big discrepancies in pay for experienced and inexperienced guards. The entry-level salary for a guard with Mississippi DOC is about $12.45 an hour, while the average pay for guards in the state is $16.56—one-third higher.

Wages have seen an increase recently. Indiana DOC raised starting pay for guards to $19 an hour in November 2020. It had been just $14 as recently as 2016. In April 2021, Louisiana lawmakers began considering a ten percent raise in the starting salary for guards at state prisons, to $15.37 hourly from $13.97, which was an increase in 2018 from $12.70. The new level would bump starting pay near $32,000 annually. Tennessee DOC began offering new guards a $5,000 signing bonus in April 2021, as well as a $4,000 retention bonus for current guards who sign up for another year.

Partly these moves reflect the reality of a tight labor market. Indiana DOC reported that 891 of its 3,190 guard positions—nearly 28%—were vacant on January 31, 2021. But the way this has often been handled, encouraging more overtime for existing guards, has also proven dangerous, with a rise in prisoner-on-guard violence accompanying the understaffing problem that is then met with a heavy-handed lockdown in response.

That's what happened in Louisiana. After 814 of the 1,117 entry level prison guards in 2016 left within the first year, the state DOC reported 762 assaults on guards by prisoners in 2018. A pay increase failed to fill vacant positions, leaving 36% open when the latest pay increase was requested in April 2021. Meanwhile, lockdowns during COVID have quelled the rising tide of violence, with prisoner-on-guard assaults declining to 521 in 2020.

Even with recent pay increases, however, prison guards in some states make less than fast food workers. In other states, guards qualify for food stamps. Yet in states with strong labor movements and more importantly, strong guard unions, such as California, New York and Massachusetts, guards are very well paid and have benefits most Americans can only dream about. Despite higher pay, corruption among staff persists and is well entrenched.

For the rest of the states—which is the overwhelming majority—the combination of lack of respect and low wages leads predictably to a problem keeping prisons staffed.

"There's just too many good jobs out in society right now where people aren't threatening to kill you," said Missouri retired Deputy Warden Bill Schmutz. "They aren't throwing bodily fluids on you and stuff like that. And the officers are leaving."

Yes, they are.

Missouri pays prison guards just over $30,000 per year, and as of February 2019 there were 770 vacant prison guard positions in the state. North Carolina pays a bit more, but on average about 25% of the state's correctional positions were vacant. Kansas fares better at the statewide level, with 450 out of 3,100 jobs unfilled. But, like Louisiana, it suffers a high turnover rate: only about 52% of the state's prison staff has worked there for over two years.

The situation is bordering on dire in some prisons. At the El Dorado Correctional Facility, 30 miles northeast of Wichita, there are almost 100 vacant positions. Hunter Defenbaugh, a 19-year-old prison guard, said he loves his job, but the staff shortages mean longer shifts. And despite having just graduated high school, he feels that he is a seasoned guard.

"I've been here for eight months," said Defenbaugh. "I'm basically a veteran now."

In some areas, prison officials have responded to the staffing shortages by lowering hiring standards. A 2017 investigation by the *Charlotte Observer* found that North Carolina had a history of hiring prison guards with questionable backgrounds.

Brett Soucier, for example, was hired in North Carolina after being fired from his Vermont prison guard job for pleading no contest to assault. During his tenure as a North Carolina prison guard, Socier was accused of beating handcuffed prisoners. Or

Jeffrey Haughton, who passed a background check and was hired as a prison guard at Hyde Correctional Institution despite clear signs that he was a gang member. Haughton was fired after a captain saw pictures of him flashing gang signs on Facebook.

A 2018 probe by New York City's Department of Investigation found similar problems in the hiring process for city jail guards. The investigation revealed that 88 of the 291 recruits spot-checked for the December 2016 class had prior arrests, had been fired from previous jobs, or had ties to detainees. A former staffer in the Applicant Investigation Unit told the *Daily News* that they were often rushed to finish screenings to meet high demand.

Bad hiring decisions, lack of public respect for the job, low pay and high attrition rates virtually guarantee a continued epidemic of staff smuggling activities. Policymakers and prison administrators would be well-served to focus on *these* issues in their war on prison contraband, rather than continuing a frontal assault on prisoners' First Amendment rights.

Show Them the Money

Gary Heyward remembers the warnings given by an instructor during his jail guard training class.

"He said, 'Look to your left. Now look to your right. One of you is going to smuggle something in,'" Heyward recalled.

He thought, "Oh no, not me," but shortly after starting his career as a guard at New York City's Rikers Island in 1996, Heyward was in fact smuggling goods into the jail. He started with a $300 pack of cigarettes, graduated to half ounces of cocaine, and finished with cellphones. Heyward was busted on camera after a detainee turned him in and spent two years in prison. He said that he started smuggling because he needed money to augment his $28,000 a year salary.

Heyward's situation is representative of many of the guards who smuggle contraband into the nation's jails and prisons—they need the money. Paying jail and prison guards bottom-of-the-barrel wages is a sure way to encourage smuggling. Yet states with higher pay for guards are not immune from corruption.

If correctional administrators and state legislatures want jail and prison guards to behave like professionals, they should start by paying a reasonable wage. Better wages would attract more qualified candidates. And while it shouldn't take expert analysis to figure this out, a 2017 Duke University report said that higher salaries for guards would cut down on incentives to smuggle.

The other issue is the same lack of accountability and transparency that permeates the criminal justice system and encourages corruption at every level, from the lowest guard to the directors and commissioners themselves. Most corruption is not even criminally prosecuted, and when it is prosecuted the results are generally light sentences that are obviously of no deterrence. Guards and staff are often exempt from the searches, drug testing and similar measures designed to prevent drugs from entering prisons via visitors, even though staff smuggle in the majority of the contraband. There is a deafening silence when it comes to increasing security measures for staff entering prisons and jails and for vigorous prosecution and harsher punishment when they are caught committing criminal acts.

Efforts by prison administrators to get the Federal Communications Commission and Congress to allow for cellphone jamming inside prisons is an admission that they are totally helpless and incapable of preventing their own employees from smuggling cellphones into prisons. Unable to police their own employees, the only option is a technological one.

In the meantime, jail and prison administrators should focus less on across-the-board restrictions on prisoners' rights, and more on stopping the flow of contraband coming in the staff entranceway. Interfering with every prisoner's access to mail, books and visitation in the name of stopping the few who use these methods to obtain contraband is utterly inefficient. It is also an exercise in futility. The war on contraband is being lost because correctional authorities have been out-flanked by their own staff and lack the will to do anything about it.