

**NEW YORK STATE  
COMMISSION OF CORRECTION**



**In the Matter of the Escape of  
Joseph Mitchell and Eddie Palmer, Inmates of the  
Monroe County Jail**

**November 2011**

**Thomas A. Beilein**

*Chairman*

**Phyllis Harrison-Ross, M.D.**

*Commissioner*

## **PREFACE**

Pursuant to Article 3, §45(2) and §45(3) of the New York State Correction Law, the New York State Commission of Correction conducted an investigation into the March 31, 2011 escape of inmates Joseph Mitchell and Eddie Palmer from the Monroe County Jail in Rochester, New York.

This report details the investigation conducted by Commission staff members Terrence Moran, Keith Zobel and Cynthia Diaz, under the direction of James E. Lawrence, Director of Operations. It describes the investigation, the Commission's findings and the actions necessitated and required as a result of those findings.

## **I. EXECUTIVE SUMMARY**

On March 31, 2011 at approximately 8:10 p.m., Joseph Mitchell and Eddie Palmer, inmates in the custody of the Monroe County Office of the Sheriff, escaped from the Monroe County Jail facility in Rochester, New York. The escape was a direct consequence of the neglect of Monroe County Jail management, supervisory and line staff to maintain consistent compliance with correctional and custody practices in accordance with New York State rules and regulations establishing *Minimum Standards for the Management of County Jails and Penitentiaries*, as set forth as in Title 9 of the New York Codes, Rules and Regulations (9 NYCRR). Failure to observe, and in some cases disregard, established internal procedures, as well as lack of enforcement of rules for the inmate population, also contributed significantly to the escape.

Eddie Palmer manipulated jail staff into housing him at the downtown facility (Monroe County Jail) instead of at the Correctional Facility in Henrietta, New York. He then manipulated jail staff into assigning him to the Street Plaza housing area. Joseph Mitchell and Eddie Palmer influenced jail staff into allowing them to relocate to various cells of their choosing within Street Plaza. It was from Mitchell's cell that they both escaped.

Prior to the escape, while housed in the Street Plaza housing area, inmates Joseph Mitchell and Eddie Palmer (and possibly others), using reciprocating saw blades, managed to saw through one of the four cell window one-inch diameter solid steel cell window bars in Joseph Mitchell's cell (#207). Law enforcement authorities allege the blades were smuggled into the facility by a Rochester-based attorney, who was charged subsequent to the escape with

*Promoting Prison Contraband (New York State Penal Law, Article 205)*. This attorney represented inmate James Thomas, who was also housed in Street Plaza, and who was also charged with *Promoting Prison Contraband* for allegedly smuggling in a cell phone and charger. Having removed the bar, Mitchell and Palmer exited through the plexiglass cell window, through which they had cut on three sides (right, left, and bottom) to create a ‘flap’ effect. After exiting Mitchell’s cell window, and gaining access to the Plaza level north side plumbing chase, Mitchell and Palmer, again using reciprocating saw blades, sawed through a second bar, one of nine one-inch solid steel bars affixed to one of the plumbing chase window frames.

Just after 8:00 p.m. on March 31, 2011, Mitchell and Palmer climbed through Mitchell’s cell window and directly into the three-foot wide Street Plaza (Plaza level) plumbing chase. They broke the plumbing chase glass window, climbed through the gap created by removal of the steel bar (bottom half of window), and then jumped approximately 15 feet to the lawn below. They then crossed Plymouth Avenue South and walked behind a nearby church.

An off-duty Monroe County Sheriff’s Office deputy returning home after his shift observed two suspicious individuals (Mitchell and Palmer) crossing South Plymouth Avenue away from the Jail Lobby entrance area. Moments later, he reported his observations to a jail corporal.

Two jail deputies were dispatched to the area to assess the situation. It was at that time that they discovered broken glass on the lawn and noticed the broken Street Plaza plumbing

chase window. A jail sergeant then arrived at the scene and ordered Street Plaza to be locked down and a headcount completed. Moments later, a jail lieutenant ordered the entire jail to be locked down and headcounts completed.

At approximately 8:45 p.m., inmates in Street Plaza housing area were secured in their cells. Staff completed a head count of Street Plaza and, at this time, observed that Joseph Mitchell and Eddie Palmer were not in their respective cells. Escape procedures were then implemented.

Monroe County Sheriff's Office staff completed a search outside of the lobby entrance area and surrounding areas. A broken cell phone was found on the ground below the broken Street Plaza plumbing chase window. It is unknown if this particular phone was used to facilitate the escape. Reciprocating saw blades were found behind a nearby church. Forensic analysis eventually determined blood found on the blades to be Mitchell's. Mitchell and Palmer remained at large until they were apprehended on April 8, 2011 in Sodus, New York and returned to the Monroe County Jail.

The escape of inmates Mitchell and Palmer is the culmination of the compounded failures of line, supervisory, and management staff to properly supervise Mitchell and Palmer, failure to consistently enforce jail policies and rules, and failure to properly inspect securing devices in accordance with New York State rules and regulations establishing *Minimum Standards for the Management of County Jails and Penitentiaries*, as set forth as in Title 9 of the New York

Codes, Rules and Regulations (9 NYCRR). Eddie Palmer was allowed to manipulate staff into selecting not only the facility in which he was housed, but also the housing areas and cells in which he was placed. Jail management allowed Palmer to serve as a “trustee” in the Street Plaza housing area despite the fact that he had been recently disciplined for refusing to relocate from the Monroe County Jail to the Monroe County Correctional Facility in Henrietta, New York, and was prohibited from being housed in Street Plaza per a written order by a facility supervisor.

Jail staff assigned to the Street Plaza housing area neglected to complete supervisory tours in the housing area in accordance with the requirements of 9 NYCRR, §7003.2(a)(1-2). Specifically, staff failed to personally observe inmates secured in their cells during the course of supervisory tours. They also neglected to perform visual inspections of inmates’ cells during such tours. This allowed the extended escape efforts of Mitchell and Palmer to go undetected.

Jail staff failed to consistently enforce, in the Street Plaza housing area, the department’s policies concerning the inspection of windows, the obstructive covering of cell fronts, inmate loitering, securement of cells, and inmate access to the cells of others. Jail supervisors neglected to observe department policy concerning the touring of housing areas when completing shift rounds. This led to a lack of oversight of staff performance in the Street Plaza housing area and their failed supervision of inmates Mitchell and Palmer. The department failed to prevent the introduction of contraband (reciprocating saw blades, cell phone and charger) into the facility and eventually into the possession of inmates Mitchell and Palmer.

This incident illustrates that several Monroe County Sheriff's Office uniformed line and supervisory personnel assigned to the Street Plaza housing area were lax in their duties to maintain facility safety and security, which directly contributed to the escape of inmates Mitchell and Palmer.

Section II of this report, entitled "Methodology," describes the manner in which the investigation was conducted. Section III – "Background" – provides a descriptive overview of the Monroe County Jail in downtown Rochester, together with the social and criminal histories of inmates Mitchell and Palmer. Section IV of this report details the course of incarceration and behaviors of Mitchell and Palmer prior to their escape. Section V of this report sets forth a factual account of the escape of Joseph Mitchell and Eddie Palmer from the Monroe County Jail on March 31, 2011. Section VI represents the Commission's findings arising from this incident and Section VII sets forth the actions required of Sheriff O'Flynn and the executives, managers and supervisors of his Monroe County Sheriff's Office. Some additional recommendations are made in Section VIII of this report.

## **II. METHODOLOGY**

The account of events and findings of this report are based on examination of staff statements, written policies and procedures, housing area logbooks, staff interviews conducted by Commission investigators, written staff statements submitted to Monroe County Sheriff's

Office investigators, operations documents, inmate records, photo and video evidence, and tours and inspection of various areas of the Monroe County Jail.

Commission staff members commenced an investigation on April 1, 2011 into the events leading to the escape of inmates Joseph Mitchell and Eddie Palmer. Commission staff members Terrence Moran, Keith Zobel and Cynthia Diaz spoke with Superintendent Ronald Harling of the Monroe County Sheriff's Office via conference call to gather status information concerning the escape. That afternoon, Mr. Zobel and Ms. Diaz traveled to the Monroe County Jail in Rochester, New York. Upon arrival at the facility, they met with the executive team of the Monroe County Sheriff's Office, including Superintendent Harling and Major John Caceci. Commission staff then toured the Street Plaza housing area, including Joseph Mitchell's cell and the Street Plaza plumbing chase, from where the escape occurred. Commission staff also took photos within Street Plaza, viewed numerous videos, and obtained various documents, including staff statements and operational policies and procedures.

On April 2, 2011, Commission supervisor Terrence Moran visited the Monroe County Jail to oversee the on-site investigation. The Monroe County Sheriff's Office provided Commission staff copies of various documents and videos during and subsequent to multiple site visits. On April 9-10, 2011, Commission staff interviewed several inmates concerning the escape. The Commission acted to avoid compromising the on-going criminal investigation.

On April 26, 2011, Chairman Beilein forwarded Sheriff O’Flynn a letter outlining the schedule of interviews of Monroe County Sheriff’s Office staff to be conducted by Commission staff. Commission staff worked with Superintendent Harling in finalizing a schedule that would least affect facility operations.

On May 3, 2011, Commission staff members Brian Callahan, Esq., of the Commission’s Office of Counsel, Terrence Moran, and Cynthia Diaz met with Sheriff O’Flynn, Jennifer Sommers, Esq., and Superintendent Harling to discuss interview protocols. Also present was Daniel DeBolt, Esq., attorney for the Monroe County Deputy Sheriff’s Association, Inc. Monroe County Sheriff’s Office staff interviewed were cooperative and forthcoming.

PERSONS INTERVIEWED

STAFF

ASSIGNMENT ON MARCH 31, 2011

Deputy Wayne Barton	Did not Work - Previously assigned to Street Plaza and Reception
Sergeant Kelly Bye	Did not Work – Serves as Area Supervisor (Street Plaza)
Sergeant Jeff Conklin	Area Supervisor and Weekly Security Inspections
Sergeant Jim McGowan	Area Supervisor, which included Street Plaza (3-11 shift)
Deputy Blake Phillips	Civil Deputy – Serving Legal Papers
Deputy Mike Siracuse	Kitchen Supervision and Perimeter Security (3-11 shift)
Deputy Sean Sweeney-Jones	Street Plaza Housing (3-11 shift)
Deputy William Vasey	Street Plaza Housing (3-11 shift)
Deputy Craig Whipple	Street Plaza Housing (7-3 shift)
Deputy Scott Willis	Kitchen Supervision and Perimeter Security (3-11 shift)

Rather than risk compromise of criminal cases pending at the time, the State Commission of Correction elected, as a matter of policy and consistent with prior practice, not to attempt to

interview inmates Mitchell, Palmer or other inmates who may or may not have played a role in the escape of Mitchell and Palmer from the Monroe County Jail.

### **III. BACKGROUND**

#### **The Monroe County Jail: Housing**

The Monroe County Jail is located at 130 Plymouth Avenue South, Rochester, New York. It is a multi-story high-rise facility built in 1971 and designated to house pre-trial and sentenced inmates, with an original capacity of 324 beds. Additional beds were added in 1991 with the conversion of administrative office space into what now includes Street Plaza housing. In 2003, a 400-bed addition consisting of in part podular direct supervision housing areas was constructed. In 2010, additional beds were added with the construction of housing for newly admitted inmates. The facility is authorized by Correction Law §500-a to house unarraigned prisoners arrested by the Rochester Police Department. The Monroe County Jail also houses inmates detained by the United States. In 2010, the facility housed an average of 87 federal inmates per day.

The Monroe County Jail is comprised of a mixture of housing area designs which include:

- Traditional linear cell blocks ranging in size from four cells to 35 cells, with an adjacent walkway for staff patrol;
- Dormitory - style housing with bunks arranged throughout;

- Podular direct - style housing in which cells/rooms are arranged around the outer wall of a common area with an officer posted inside the housing area.

### **The Monroe County Jail: Incident Locale**

The Street Plaza housing area from which Joseph Mitchell and Eddie Palmer escaped is a bi-level, stand-alone podular direct-style housing area located on the 2<sup>nd</sup> floor of the Monroe County Jail. The Street Plaza housing area is a rectangular configuration, with cells arranged around a large, open common area on the ground floor level (Street level), and around a walkway on the mezzanine level (Plaza level). A secured hallway precedes the entrance into Street Plaza.

The Street level consists of 17 cells, each measuring 65 square feet. The Street level dayspace includes tables, chairs, telephones, and a television for inmate use. The officer's post, located at the entrance to the Street level, is enclosed, and has a one-way mirrored plexiglass front overseeing the Street level. It contains the security electronics system which controls all cell fronts (gates) in Street Plaza. From inside this post, staff can observe the Street level as well as directly inside a few cells in close proximity to the post.

The Plaza level (mezzanine) consists of 18 cells, each measuring 65 square feet. It includes a walkway for inmate and staff movement, and three showers for use by all inmates in Street Plaza. An exit door on the Plaza level leads to other facility areas including visitation and outdoor exercise.

Each cell in the Street Plaza housing area has a traditional bar grill front, a bunk, and a toilet/sink unit. Each cell has a 26"x34" window consisting of four vertically hung solid steel bars approximately one inch in diameter on the inside of the window. The bars are spot welded approximately ½ inch into the window frame. Behind the steel bars is a plexiglass frosted window.

Behind the cells in Street Plaza is a plumbing chase of varying width up to three feet. The chase contains the plumbing system directly behind each Street Plaza cell. The north side plumbing chase features five 49"x54" windows overlooking the sidewalk entrance to the facility's central control lobby and Plymouth Avenue South. Each window has nine vertically hung solid steel bars approximately one inch in thickness on the inside of the window. The bars are spot welded approximately ½ inch into the window casing. Behind the steel bars is a clear glass window. It is through one of these windows that Mitchell and Palmer escaped.

There is one video camera positioned on each of the Street Plaza levels. The camera on the Street level provides a limited view of the common area and some cell fronts. It does not provide a view of the housing area entrance. The camera on the Plaza level provides a limited view of the walkway and some cell fronts. It does not provide a view of the exit door or common area near the showers. The cameras do not possess zoom-in/out features, making it difficult to view activity beyond a few feet away.

### **Joseph Mitchell's Criminal History**

Joseph Mitchell has a history of multiple arrests on charges ranging from possession of marijuana to criminal possession of a controlled substance. He had two convictions for misdemeanors. He also served sentences of county and federal probation. On January 26, 2011, Mitchell was transferred to the Monroe County Jail by the United States Marshals Service. Mitchell was in the custody of the U.S. Marshals for what appeared to be drug-related charges. Media reports indicated that Mitchell had access to significant sums of cash

### **Eddie Palmer's Criminal History**

Eddie Palmer has a record of 18 arrests, including eight (8) felonies (one of which was a violent felony). He has 12 convictions, two of which are for felonies (including a violent felony). He served a four-year sentence with the New York State Department of Corrections Services and Community Supervision on a conviction of Burglary 2<sup>nd</sup>. He also served multiple sentences at the Monroe County Jail. His current charge was Criminal Possession of Stolen Property 3<sup>rd</sup> (NYS Penal Law 165.10), a class D felony. At the time of his arrest, there were five (5) open charges, three of which were felonies.

## **IV. COURSE OF INCARCERATION AND BEHAVIOR**

### **Joseph Mitchell**

On January 26, 2011, the United States Marshals Service (U.S. Marshals) remanded Joseph Mitchell to the custody of the Monroe County Sheriff's Office on a 'Federal Remand.' The U.S. Marshals provided the Monroe County Sheriff's Office general information on

Mitchell's criminal background, but no information concerning his institutional history (i.e., health issues, discipline problems, security risks, etc.).

Upon arriving at the Monroe County Jail on January 26, 2011, facility intake officers completed an initial risk assessment of Mitchell. Intake staff determined Mitchell to be a Minimum Security classification rating, "General Population" inmate with a "low risk" classification status. Classification paperwork also noted that Mitchell was a "Federal Remand."

During the classification process, Mitchell was housed in the booking and reception housing areas. After completing the initial classification process, Mitchell was relocated to the City 3 housing area on January 27, 2011. In August 2010, the Commission advised the Monroe County Sheriff's Office to revise their written classification procedures to reflect actual facility practices concerning inmate classification. Further, during the investigation, the facility advised the Commission that their current classification practice is heavily influenced by current institutional behavior of inmates in determining their housing assignments. The county has provided no measurement tool that details how inmate behavior is measured objectively and equally throughout the inmate population. [Subsequent to the escape, Commission staff met with Monroe County Sheriff's Office staff assigned to re-write the inmate classification policies and procedures. Commission staff provided guidance in order to assist the facility in maintaining compliance with relevant sections of New York State Correction Law §500-b and 9 NYCRR, Part 7013, Classification. In October 2011, the Monroe County Sheriff's Office provided the Commission with a revised classification policy and procedure, which is currently

being reviewed. The Commission will continue to provide technical assistance with regard to inmate classification.]

Following is a chronological account of housing assignments for Joseph Mitchell from January 28, 2011 to March 31, 2011, the day he escaped:

*January 28 - Mitchell moved to a different cell within the City 3 housing area.*

*January 29 - Mitchell relocated to the City 2 housing area.*

*January 30 - Mitchell relocated to the City 3 housing area.*

*February 1 – Mitchell relocated to Street Plaza housing area, cell 101*

*February 2 – Mitchell relocated to Street Plaza housing area, cell 109*

*February 14 – Mitchell relocated to Street Plaza housing area, cell 110*

*March 24 – Mitchell relocated to Street Plaza housing area, cell 207*

After Mitchell's placement in Street Plaza housing area on February 1, 2011, he requested and received authorization from deputies to move to three different cells within Street Plaza. Deputy Craig Whipple stated to Commission staff that he (while assigned to Street Plaza) authorized Joseph Mitchell's March 24, 2011 move from Street Plaza cell #110 to Street Plaza cell #207, but could not recall the specific reasons given. During interviews, line and supervisory staff indicated that housing area deputies have the discretion to relocate inmates within their assigned housing areas and that such requests are very common. There are no written facility protocols or guidelines for this practice. Staff indicated that inmates often request to relocate to different cells within their assigned housing area. According to staff,

reasons for such inmate requests range from obtaining better views of the television to relocating to a quieter area. However, not all staff assigned to Street Plaza were aware of the protocols at the Monroe County Jail with respect to inmate requests to relocate to different cells. Whipple acknowledged he has authorized such moves while assigned to the Monroe County Correctional Facility in Henrietta, New York.

The Commission infers that Mitchell manipulated Street Plaza housing deputies into relocating to cell #207, knowing that cells on that side of the Plaza level provided him the best opportunity and avenue to escape from the Monroe County Jail. The number of instances of this inmate's moves to cells within the same housing area was unnecessary and highly questionable. It is evident that staff have received no consistent guidance and direction concerning this process nor is there supervisory or managerial oversight. It illustrates an overall atmosphere of undue influence of staff by inmates.

Until his escape on March 31, 2011, Joseph Mitchell's incarceration since January 26, 2011 at the Monroe County Jail was uneventful. Although not the subject of any disciplinary charges, Mitchell violated facility rules pertaining to the hanging of linen and other articles over cell fronts, as well as possessing excessive amounts of facility-issued or personal property in his cell. On the day of the escape, Mitchell's cell was covered almost entirely with bed sheets and a blanket to the extent that it would have been impossible for housing area deputies to observe Mitchell or the cell's interior without physically removing the sheets and blanket. Deputies assigned to Street Plaza housing neglected to enforce the rule prohibiting such covering of cell

fronts. Subsequent to the detection of Mitchell's escape, deputies searched his cell and found items in excess of that permitted by facility rules. The lack of enforcement of this policy by staff contributed to the escape of Mitchell and Palmer.

During his incarceration at the Monroe County Jail, Mitchell received visits from several individuals listing themselves as "family" or "friends" (of Mitchell). Lakeshia Binion visited Mitchell seven (7) times, once in February 2011 and six times in March 2011. It should be noted that subsequent to the escape, Ms. Binion plead guilty in Monroe County Court to providing a cell phone and reciprocating saw blades to another individual to be smuggled into the Monroe County Jail.

### **Eddie Palmer**

On June 5, 2010, Eddie Palmer was remanded to the custody of the Monroe County Sheriff's Office on a charge of Criminal Possession of Stolen Property 3<sup>rd</sup> (NYS Penal Law 165.10), a class D felony. His bail was set at \$3,000.

Upon arriving at the Monroe County Jail, facility intake officers completed an initial risk assessment of Mitchell. Intake staff determined Palmer to be a Medium Security classification rating, "General Population" inmate with a "low (risk)" classification status.

On January 8, 2011, Palmer, who was housed in the Street Plaza housing area, was informed by Deputy Wayne Barton that he was on the transfer list for the Monroe County

Correctional Facility (MCCF) and that he was to pack his belongings. According to a report submitted by Deputy Barton, Palmer stated to him that he did not want to lose his trusty status and wanted to know what would happen if he refused to transfer. Barton informed Palmer that if he were to refuse to transfer, he would be “infracted” and placed in a “corridor” cell (punitive segregation). Palmer stated to Barton, “Might as well get a box ready because I can’t go out there.” According to Barton’s report, he notified Sergeant Wheatley, who responded to Street Plaza. Palmer was escorted to Housing 2C2 and placed in administrative segregation. Deputy Barton completed and issued to Palmer an infraction report, charging him with violating rule A01 (required to obey a direct order promptly and without argument) of the inmate rulebook. Barton informed Commission staff that prior to Palmer’s disciplinary hearing, he contacted Lieutenant Phil Prinzi to see if arrangements could be made to keep Palmer in the Street Plaza housing area to continue to serve as a trusty. According to Barton, Lieutenant Prinzi informed him there was nothing he could do. A disciplinary hearing was held on January 18, 2011 and Palmer was found guilty of violating facility rule A01. At his hearing, Palmer stated that he could not live out there (MCCF) and that he couldn’t handle being in bunks. He was sentenced to 10 days punitive segregation, with loss of commissary privileges. Palmer’s punitive segregation time commenced on January 8, 2011 and ended on January 17, 2011. In essence, Palmer was sentenced to ‘time served.’

On January 18, 2011, Palmer was relocated to the Street Plaza housing area, cell #107. On January 21, 2011, Palmer requested of and received permission from Deputy Wayne Barton

to relocate from cell #107 to Street Plaza cell #205. Deputy Barton claimed he could not recall the reason(s) given by Palmer for his request.

On January 31, 2011, Palmer was transferred to the Monroe County Correctional Facility (MCCF) in Henrietta, New York. According to Sergeant Kelly Bye, the sergeants at MCCF transferred Palmer back to the Monroe County Jail approximately three hours after arriving at MCCF. Sergeant Bye was informed by Corporal Cardella that Palmer was returned to the jail because he stated there were several “non-contacts” (inmates from which he should be kept separate) at the MCCF. In an April 2, 2011 memo (after the escape) to Lieutenant Kroner, Bye noted that the ‘non-contacts’ referenced by Palmer were not listed in the computer system. Bye informed Commission staff that at the time she felt Palmer was merely manipulating staff so he could return to the jail and Street Plaza housing unit. According to Bye’s April 2 memo, she instructed Corporal Cardella to place a “chrono note” (an electronic system that allows staff to post various information and instructions viewable by staff) for staff **not** to move Palmer back to Street Plaza. The “chrono note” concerning this was completed.

On February 14, 2011, Deputy Wayne Barton, who was assigned to Reception (Classification) that day, moved Palmer to the Street Plaza housing area, cell #202, Plaza level. This move was made by Barton apparently without approval of a housing supervisor, a violation of facility policy. When asked by Commission staff why he moved Palmer to Street Plaza housing in spite of the “chrono note” by Sergeant Bye not to move Palmer to that unit, Barton stated that he never reviewed Bye’s “chrono note” and was not aware that he had the capability

to access the “chrono notes” until after the escape. However, he acknowledged that it was his responsibility to be aware of it. Barton stated that he was supportive of Palmer’s relocation to Street Plaza because he was a former trusty there.

Once Palmer was relocated to the Street Plaza housing area, cell #202, Palmer requested and was assigned to serve as trusty for Street Plaza. As trusty, Palmer was responsible for performing tasks including but not limited to, distribution of meal trays to inmates and cleaning various areas of Street Plaza. During investigative interviews, staff who had interaction with Palmer as a trusty indicated that he was “not a problem,” and that they generally engaged in “small talk” with Palmer.

On February 15, 2011, Palmer requested and received permission from Deputy Barton to relocate from Street Plaza cell #202 to Street Plaza cell #203. Deputy Barton again claimed to Commission staff that he could not recall the reason(s) given by Palmer to relocate cells, and further stated that housing deputies have the discretion to move inmates within a housing area. He also stated that he was not aware of any policy requiring authorization of a supervisor for such moves. Barton also stated that he was not aware of any policy requiring him to notify booking/reception after such moves. Documentation maintained by the facility does not cite the reason for Palmer’s relocation. Barton did offer that cells #203 to 207 did provide a view to the outside. On March 7, 2011, Palmer requested and received permission from Deputy Craig Whipple to relocate from Street Plaza cell #203 to Street Plaza cell #205. It should be noted that

his new location was two cells away from Joseph Mitchell's cell. Deputy Whipple could not recall the reason(s) given by Palmer for his request.

From his initial June 5, 2010 admission to the Monroe County Jail until his escape on March 31, 2011, Palmer was relocated to various housing areas on at least 10 different occasions. During this period, Palmer was housed in Street Plaza housing area on three separate occasions and requested and received permission from Street Plaza housing deputies to relocate to different cells within Street Plaza on five occasions.

**V. ESCAPE OF JOSEPH MITCHELL AND EDDIE PALMER - MARCH 31, 2011**

On March 31, 2011, Deputy Craig Whipple was assigned to the Street Plaza housing area on the 7:00 a.m. – 3:00 p.m. shift. He stated to Commission staff that he had been assigned to that area a few days a month for the past year.

At 7:05 a.m. on the morning of March 31, 2011, video surveillance of the Street Plaza housing area showed Deputy Whipple completing a supervisory tour of the area upon arrival for duty. The video surveillance shows Deputy Whipple walking past Plaza level cells while either looking straight ahead or away from the cells. He did not look directly into each cell nor did he personally observe each inmate. When completing his supervisory tour on the Plaza level (mezzanine), Deputy Whipple did not walk past cell #207 (housing Joseph Mitchell) or cell #208. It should be noted that the top staircase leading from the Plaza level to the Street level

intersects the mezzanine prior to a walking post's arrival at cells #207 and #208. Deputy Whipple testified that he could not recall looking into all cells during supervisory tours he completed on March 31, 2011 in the Street Plaza housing area. Failure to complete supervisory tours constitutes a violation of 9 NYCRR §7003.2(a)(1)(2) and §7003.2(c)(2), Definitions, §7003.3(a), Supervision of Prisoners in Facility Housing Areas, as well as Monroe County Sheriff's Office Jail Bureau General Order #47-09 (Security and Supervision).

Lapses in security and supervision in the Street Plaza housing area were the rule rather than the exception throughout the remainder of the day and early evening of March 31, 2011. During a period in excess of 12 hours spanning two shifts, deputies, principally Deputies Craig Whipple, Sean Sweeney-Jones and William Vasey, assigned to supervise inmates, including inmates Palmer and Mitchell in the Street Plaza housing area, failed to conduct complete supervisory tours of the housing area on no fewer than 14 occasions, either omitting tours of large portions of the Street Plaza housing area or failing to visually inspect cells numbered 207 and 208 during otherwise completed tours. All of the activity leading to the escape of Mitchell and Palmer occurred within these cells and their immediate environs. This constituted multiple aggravated violations of 9 NYCRR §7003.2(a)(1)(2) and §7003.2(c)(2), Definitions, §7003.3(a), Supervision of Prisoners in Facility Housing Areas, as well as Monroe County Sheriff's Office Jail Bureau General Order #47-09 (Security and Supervision).

Moreover, Monroe County Sheriff's Office Jail Bureau *General Order #47-09 (Security and Supervision)* and 9 NYCRR §7003.6(c) requires staff members to inspect all supplies,

equipment, locks, gates, bars, security screens, security windows and other security devices upon assuming responsibilities of a post. Deputy Whipple failed to complete even a cursory check of the Street Plaza cell bars, locks, window bars, and windows. Deputy Whipple testified that “he thought” he had completed such inspections of the cells. Failure to complete such inspections is a violation of 9 NYCRR §7003.6(c), Requirements of Facility Staff Members Prior to Assuming Responsibility in an Assigned Facility Area, and Monroe County Sheriff’s Office Jail Bureau *General Order #47-09(Security and Supervision)*.

Upon assumption of duty on Street Plaza for the 3:00 p.m. - 11:00 p.m. shift, Deputy Sean Sweeney-Jones claimed that he completed a security inspection of Street Plaza upon assuming duty in the area. When he was asked what a security inspection entailed, he stated that such inspections include in part, the following:

- a. Complete a head (population) count*
- b. Count razors*
- c. Check doors*
- d. Pull on cells – Sweeney-Jones acknowledged that he does not always pull on cells*
- e. Anything out of the ordinary (e.g., an inmate smoking)*

A video review of Sweeney-Jones’ initial supervisory tour revealed that he did not visually inspect cell windows when completing his security inspection of Street Plaza. He further informed Commission staff that he was never trained at the academy or during on-the-job training to inspect cell windows. He stated he was not aware of any written policy requiring

inspection of windows, bars, or other locking devices. Monroe County Sheriff's Office Jail Bureau *General Order #47-09 (Security and Supervision)* requires staff upon assuming duty at a post to inspect supplies, equipment, locks, gates, bars, security screens, security windows, and any other securing devices. Sweeney-Jones failed to observe this departmental requirement. Failure to inspect such devices was also a violation of 9 NYCRR §7003.6(c), the requirements of which are listed in the aforementioned jail policy. Deputy William Vasey who was also assigned to Street Plaza at times during the same shift as Deputy Sweeney-Jones informed Commission staff that he was aware of the facility policy which requires in part that staff inspect the cell windows. He further informed Commission staff that he visually inspects cell windows upon assuming duty.

As with the failure to complete supervisory tours and the omission of the inspection of cells assigned to inmates Palmer and Mitchell, deputies assigned to supervise inmates in the Street Plaza housing area routinely ignored idle gatherings of inmates around or within certain cell sections throughout the day and early evening of March 31, 2011, behavior classified as loitering and prohibited by jail administration rules. During that period housing area deputies walked past collected groups of inmates loitering exclusively in the area of cells 207 and 208 on no fewer than ten (10) occasions during the day and evening shifts. Around midday, three unidentified inmates periodically stood in front of Palmer's cell, peering over the railing onto the Street level, likely acting as lookouts. In the late afternoon, Deputy Sweeney-Jones (3:00 p.m. to 11:00 p.m.) observed Palmer sitting in a chair in front of Mitchell's cell, but took no action to address such loitering. Deputy Sweeney-Jones informed Commission staff that he was unsure as

to the policy concerning inmates loitering on the Plaza level, although he acknowledged being issued an inmate rulebook and reading it several times. He could not recall what the rulebook stated concerning loitering. Sweeney-Jones acknowledged seeing inmates loitering on the Plaza level on March 31, 2011 but took no action.

During the morning, afternoon, and evening of March 31, inmates Eddie Palmer, James Thomas, and Sasha Santiago entered Joseph Mitchell's cell on multiple occasions. In one instance, Eddie Palmer was in Mitchell's cell when Deputy Whipple walked by and either failed to notice Palmer or failed to take action. In another instance, Sasha Santiago spent over 10 minutes in Mitchell's cell without being detected. In yet a final instance, Mitchell, Palmer, and Santiago were in Mitchell's cell when the cell front gate closed, leaving all three in the cell undetected for several minutes.

Of even more concern is the fact that Deputy Vasey, a Field Training Officer, acknowledged that he was not aware that inmates were prohibited from loitering on the Plaza level. When shown the actual rule (in the rulebook) prohibiting inmates from loitering, Vasey stated that he did not think that the term "catwalk" (areas in which inmates cannot loiter) applied to the Plaza level. It was the obligation of Deputies Whipple, Sweeney-Jones, and Vasey to know and enforce this policy, irrespective of whether inmates violating the rule are trustees. Failure to enforce this policy constitutes a violation of 9 NYCRR, Section 7003.1, Policy, and Monroe County Jail policy G01 as outlined in the inmate rulebook.

During the middle and late afternoon of March 31 Deputy Sweeney-Jones was assigned to complete supervisory tours on the Plaza level. On one occasion as he walked down the north side cells, he observed inmate James Thomas sitting on a chair in front of Mitchell's cell. He proceeded to the Street level without taking action to address Thomas' loitering. Sweeney-Jones completed a supervisory tour of the Plaza level. At that time, there were 8-10 inmates seen on video loitering on the south side of the Plaza level, leaning on the railing. Sweeney-Jones had to alter his path in a maneuver to walk past the inmates on that side. By the time Sweeney-Jones completed his supervisory tour on the north side of Plaza level, there were 12-13 inmates visible loitering in the Plaza level walkways. Again, Sweeney-Jones failed to take action to address the loitering. Each of the episodes cited and several others throughout the day and evening of March 31 constituted a violation of the Monroe County Jail administration policy and inmate rule prohibiting loitering.

When the day shift officer (Craig Whipple) was questioned in regard to inmate loitering, he stated to Commission investigators that he was not aware of this policy, but that staff generally tried to keep inmates on the Street level. He acknowledged that he observed inmates loitering on the Plaza level, but took no action, as he was uncertain if they were getting ready to take a shower. He also acknowledged seeing Palmer in front of Mitchell's cell talking to him. He said that since Palmer was a trusty, he would not be concerned with him talking to another inmate, intimating that he wanted to maintain a good rapport with Palmer.

The inmate supervision obstruction and confusion created by unrestricted loitering by inmates in violation of the rules on March 31, 2011 was compounded by active manipulation, diversion and misdirection of housing area deputies. On the day and evening tours of March 31 inmates, primarily trusty inmate Palmer, acted to divert and misdirect Street Plaza housing area deputies in the proper performance of their inmate supervision duties on no fewer than six (6) occasions. In one instance, as Whipple proceeded towards Mitchell's cell, Palmer extended his right arm against the railing of the Street Plaza stairwell in an attempt to impede Whipple's progress to Mitchell's cell. However, Whipple, as he did in previous supervisory tours, proceeded to the intersecting stairs instead of walking past Mitchell's cell. Palmer interrupted the progress of Deputy Whipple's supervisory tour by calling to him and motioning him to follow him toward some fabricated problem in another area. Palmer walked alongside Deputy Whipple on supervisory tours intently engaging him in face to face conversation which diverted his attention from inmate Mitchell's cell. Palmer walked slowly and deliberately close in front of Deputy Whipple as he toured then stopped abruptly in front of Mitchell's cell whereupon Whipple exited downstairs away from Mitchell's cell before reaching it.

It is apparent that Joseph Mitchell, Eddie Palmer, and other inmates in the Street Plaza housing area acted in concert as look-outs and overtly participated in diversionary tactics throughout the day and evening shifts of March 31, 2011.

Line supervisors assigned to supervisory duties in the Street Plaza housing area also failed to diligently perform their duties. According to the Street Plaza housing area logbook,

Sergeant John Schultz visited the Street Plaza housing area at 9:27 a.m. on March 31. A review of the Street Plaza videos revealed that Sergeant Shultz did not tour the Street Plaza housing area, thus violating Monroe County Sheriff's Office Jail Bureau *Security and Supervision policy and procedure 47-09-J-03*, which requires the duty sergeant/shift supervisor to tour all housing/work areas at least once during each shift daily. The same lapse in duties and responsibilities occurred on the following shift. Sergeant James McGowan, who was the area's shift supervisor, arrived at the Street Plaza housing area. McGowan informed Commission staff that upon arrival at Street Plaza he observed Deputy Vasey with a facility nurse and that they were waiting for inmates to return from recreation. McGowan said he signed the Street Plaza housing area logbook and then left after being called away to either obtain a DNA kit or obtain jackets for staff completing perimeter security checks. McGowan acknowledged that he did not tour the Street Plaza housing area. When questioned by Commission staff as to whether he was required to do so, McGowan responded that it was his understanding that no physical tour of the area was required, only that he 'go' to the area, speak to staff, make sure everything was alright, etc. He acknowledged that he must tour certain housing areas in their entirety due to the location of housing logbooks, which he must review and sign. During the interview with Commission staff, McGowan was shown a copy of Monroe County Sheriff's Office Jail Bureau 47-09 (*Security and Supervision*), which requires duty sergeants to in part, tour all housing areas at least once during each shift and note the review in the housing area logbook. McGowan reiterated his understanding of what a "tour" was. His failure to complete a tour of Street Plaza violated Monroe County Sheriff's Office Jail Bureau 47-09 (*Security and Supervision*), which

requires duty sergeants to in part, tour all housing areas at least once during each shift and note the review in the housing area logbook.

Deputy Whipple informed Commission staff that during his shift on March 31 he observed the right side of Joseph Mitchell's cell covered with a blanket. He said he directed Mitchell to remove the blanket but does not recall if he obeyed the order. Mitchell used the blanket to obscure the view from the walkway into his cell. Based on the amount of time Eddie Palmer and other inmates spent in front of Mitchell's cell, it is unlikely that the blanket was removed. It is apparent that Joseph Mitchell, Eddie Palmer, and other inmates in the Street Plaza housing area acted in concert as look-outs and overtly participated in diversionary tactics throughout this shift.

Deputy Whipple, along with Deputies Sean Sweeney-Jones, and William Vasey (both of whom worked the 3:00 p.m. – 11:00 p.m. shift on March 31, 2011) acknowledged the facility policy (#K07 as outlined in the inmate rulebook) that prohibits inmates from draping clothing, linen or other items over cell bars. However, none of the deputies enforced this policy on March 31, 2011. They all acknowledged previously allowing inmates to cover portions of their cells, assuming it was done for privacy while the inmate was on the toilet. All three deputies stated that rather than direct inmates to take down any such covering immediately, they would instruct the inmate to remove the covering when done using the toilet. They would then assess the situation during their next supervisory tour. Deputy Sweeney-Jones informed Commission staff that he did not recall seeing blankets or sheets on Mitchell's cell on March 31, 2011.

At 8:25 p.m., Deputy William Vasey completed a supervisory tour of the Plaza level. It should be noted that this is the first time during the 3:00 p.m. – 11:00 p.m. shift that Vasey toured the Plaza level. A review of the Plaza level video revealed Vasey either looked straight ahead or away from cells as he was walking past them. When questioned about this, Vasey stated that he looked into cells that were across on the other side of the housing unit (as he was walking on the opposite side). When further questioned, Vasey stated that he “believed” he looked into every cell during his 8:20 p.m. supervisory tour and that nothing in particular stood out to him during this visit. He informed Commission staff that he looked into Joseph Mitchell’s cell and found nothing out of the ordinary. Commission staff informed Vasey that the video showed that he did not walk directly in front of Joseph Mitchell’s cell (#207) and instead walked down the stairs (a few feet in front of Mitchell’s cell). Vasey responded that he looked into cells #207 and #208 as he was walking up the stairs to the Plaza level (to complete his supervisory tour). The Commission reviewed the Plaza level video and it does not appear that Vasey looked towards cells #207 and #208 as he was walking up the stairs. Had Vasey looked into Mitchell’s cell during his supervisory tour of Plaza level, he would have either noticed Eddie Palmer in the cell with Mitchell or he would have observed the cell window bar missing and the plexiglass window cut. Photos taken after the escape was detected show a significant portion of Mitchell’s cell front covered with a blanket and bed sheets.

When questioned as to the presence of blankets/sheets on Joseph Mitchell’s cell front, Vasey informed Commission staff that during his 8:20 p.m. supervisory tour of the Plaza level, he observed a blanket covering the top part of Mitchell’s cell front. He said he did not

investigate it further, as he felt the blanket did not obscure his view into the cell. Photos taken of Joseph Mitchell's cell after the escape revealed the entire right side of his cell front was covered with sheets and blankets.

In addition to the failure to make complete supervisory tours, prevent inmate loitering, inspect securing devices and prevent inmates from obstructing sightlines, the Commission found that inmates were routinely allowed into the cells of other inmates during the day and evening shifts on March 31, 2011. The facility operates a de facto 'lock-in/lock-out' procedure in areas where inmates are housed in cells or rooms. This procedure allows inmates the opportunity to either stay secured in their cell or spend time in the common area, at which time their cell gates are to be secured. However, lack of written policies concerning this practice, along with staff inconsistencies with respect to the duration in which cells were left open, provided inmates ample opportunity to enter cells other than their own. The physical plant layout of Street Plaza also makes it difficult to monitor this procedure.

There were numerous instances of inmates entering other inmates' cells on March 31, 2011, a violation of rule #K18, as outlined in the inmate rulebook. Indeed, there was one instance in which Joseph Mitchell, Eddie Palmer, and another inmate were locked in Mitchell's cell for five minutes on the 3:00 p.m. – 11:00 p.m. shift.

Deputy Whipple acknowledged that he did not always secure cells when inmates were out (either in the common area or off unit) and would leave them open for inmates who were

preparing for a visit. Whipple acknowledged that ‘nothing can be done’ to prevent such occurrences on the Plaza level when cells are left open. Deputy Sweeney-Jones informed Commission staff that he and Deputy Vasey agreed that cells would be opened for 5-10 minutes each hour, and then closed. He said inmates were not pleased with this arrangement and that they were accustomed to having their cells opened whenever they wanted. Sweeney-Jones acknowledged that there was no consistency among shifts as to how the lock-in/lock-out procedures were implemented. Deputy Vasey acknowledged that it is extremely difficult to enforce the policy on the Plaza level because of the poor sight lines from the deputy’s station on the Street level. Deputy Sweeney-Jones informed Commission staff that he could not recall seeing more than one inmate in a cell on March 31, but did acknowledge seeing it days prior, at which time he directed inmates to leave the cell.

Deputy Vasey and Deputy Sweeney-Jones acknowledged that they did not enforce various policies while assigned to Street Plaza for those few days leading up to and the day of the escape because the housing area was a ‘mess’ and inmates were complaining about their (Vasey’s and Sweeney-Jones’) efforts to enforce some policies (i.e., covering of cell fronts). Both agreed to enforce policies gradually so as to avoid a ‘mini riot.’ Vasey stated that their strategy was discussed with and approved by Sergeant Showers.

The Commission finds that the evidence shows the many lapses in security policy, procedure and practice detailed herein , i.e., the inconsistent lock-in/lock-out policy and procedure, the permissive practices with respect to allowing inmates to occupy each other’s cells,

to congregate and loiter in groups, to drape clothing and bedding over grillwork to obstruct sightlines, compounded by failure of line supervisors to perform their duties in a satisfactory manner, together with multiple aggravated violations of New York State rules and regulations governing security and supervision, created a nearly ideal opportunity for inmates Mitchell and Palmer to work undisturbed over an extensive period of time with smuggled tools to breach the steel bar grillwork and window architecture of the Street Plaza housing area and escape from the Monroe County Jail. Mitchell, Palmer, and perhaps other inmates used reciprocating saw blades to cut through the bottom of one of the four steel bars affixed to the window frame and then removed it from the top of the window frame. They had cut both sides and the bottom of the plexiglass window, forming a 'flap.' Joseph Mitchell and Eddie Palmer exited Mitchell's cell through the cell window. They slid through the gap in the bars, pushed the flap outward, and gained access to the Plaza level plumbing chase which includes the plumbing fixtures for the Plaza level south side cells. At times unknown, they had sawed through one of nine steel bars affixed to the furthest window frame in the plumbing chase. They then broke the glass window pane, slipped through the gap in the bars, and jumped 15 feet to the ground below. They then crossed Plymouth Avenue South and walked behind a nearby church.

At approximately 8:11 p.m., an off duty Monroe County Sheriff's Office deputy returning home after his shift observed two suspicious individuals (now known to be Mitchell and Palmer) walking from the Jail Lobby entrance area and crossing Plymouth Avenue South. The deputy continued driving home but then turned around and headed back towards the Monroe County Jail. After several attempts to notify a supervisor of his observations, the deputy was

able to reach Corporal Mareello and reported his observations. Corporal Mareello then notified Sergeant James McGowan.

At about 8:45 p.m., Deputies Scott Willis and Mike Siracuse, who were assigned to complete perimeter security tours around the Monroe County Jail, were dispatched per Sergeant McGowan's orders to the area to assess the situation. It was at that time that they discovered broken glass on the lawn and then noticed the broken 2<sup>nd</sup> floor Street Plaza plumbing chase window. Deputy Willis contacted Sergeant McGowan and requested that he respond to the area.

Sergeant McGowan arrived at the scene and noticed glass on the ground as well as a piece of concrete. His initial thought was that perhaps kids had broken a window. As a precaution, McGowan ordered Street Plaza to be locked down and a headcount completed. He shined a light on the window and noticed that a bar was missing. McGowan then notified Lieutenant DiMartino to respond out front and called for the jail to be locked down, and for all counts to be sent to central control. McGowan and another deputy then ran to Street Plaza housing and noticed Deputy Vasey locking inmates into their cells. McGowan directed Deputy Vasey to open the Plaza level plumbing chase. McGowan and another deputy walked down the plumbing chase, looking upwards to the 'heat run' to see if anyone was there. McGowan then noticed that the window to the second to last cell on the left (Mitchell's) was cut on three sides. He also noticed a bar was missing. Deputy Vasey conducted a headcount of Street Plaza and determined that two inmates were missing. McGowan said the rest of the jail completed its

count and no one else was missing. The facility then initiated escape protocols, including notification to law enforcement agencies.

According to McGowan, each inmate in the Street Plaza housing area was removed one at a time, visually verified as to their identity, and relocated to other housing areas. It was at the completion of this process that the facility learned Joseph Mitchell and Eddie Palmer were the inmates who had escaped. Jail staff searched the cells of Mitchell and Palmer. A cell phone charger was found in Mitchell's cell. Palmer's cell contained excessive property.

#### **Inmate Movement – Street Plaza**

During interviews with Monroe County Sheriff's Office staff, Commission staff noted inconsistencies in the documentation of inmate movement to and from the Street Plaza housing area. Deputy Whipple informed Commission staff that there was a great deal of movement on and off the Street Plaza housing area. He stated that he would document in the computer system when such movement off the unit occurred, but acknowledged that such documentation was not always made at the time of the movement due to other activities in Street Plaza. He stated that he would make a note on a clipboard in such instances and later enter the information onto the computer system. Deputy Wayne Barton informed Commission staff that he was required to enter information concerning inmate movement into the Activity Log. He acknowledged however, that he was far too busy with unit activities to enter the information. Instead, Barton would highlight the names of inmates leaving the unit. He stated that he would enter the information into the Activity Log if an inmate had not returned to Street Plaza prior to shift

change. He further stated that if an inmate(s) did return prior to shift change, he would not enter the information into the Activity Log.

In reviewing Street Plaza videos, Commission staff noted that inmate movement would also occur through a door on the Plaza level, out of view of the deputy on the Street level. Commission staff were later informed that such movement via the Plaza level was generally for visits and recreation. Deputy Whipple acknowledged that such a procedure is a concern, as he cannot always visually verify when inmates return from visits. With respect to inmate movement via the Plaza level entrance, Deputy Sweeney-Jones informed Commission staff that deputies assigned to the gymnasium have the key to that entrance, and would inform him when inmates were returning from recreation.

### **Attorney Visits on Street Plaza**

Until the escape, the Monroe County Sheriff's Office allowed inmates' attorneys to visit their clients on the Street Plaza housing area without first having been searched and without always being supervised. The attorney arrested on charges of Promoting Prison Contraband (smuggling reciprocating saw blades into the jail) represented inmate James Thomas, who was housed in Street Plaza, and who also was charged with Promoting Prison Contraband as a result of the escape.

Deputy Whipple informed Commission staff that attorney visits in the Street Plaza housing area were a common occurrence. He said the visits would generally occur in the secured

hallway leading to Street Plaza and that he would leave the Street Plaza entrance door open so he could hear any activity. He said that such visits would occasionally occur within the Street Plaza housing area. He acknowledged that he did not search inmates prior or subsequent to a visit because he was able to maintain a “visual” of the visit. However, Whipple acknowledged that situations would arise where he would leave an inmate and his attorney alone while he completed a supervisory tour of Street Plaza. He also stated that he would never leave an inmate alone with a female visitor.

Deputy Barton informed Commission staff that he had made every effort to relocate attorney-inmate visits to the 5<sup>th</sup> floor, as he could not properly supervise such visits and manage Street Plaza housing area at the same time. Barton acknowledged that attorneys would usually end the visits with their clients on Street Plaza after 15-20 minutes when he (Barton) informed them that he had to complete a supervisory tour of Street Plaza. He further acknowledged that on occasion, he would leave a male attorney and inmate unsupervised while he completed supervisory tours of Street Plaza. He stated he never left a female attorney unsupervised. Barton stated that he did not complete searches on inmates or attorneys prior to or subsequent to visits on Street Plaza.

The practice of allowing attorneys to visit with their clients within housing units is unorthodox, insecure and unsafe. Failure to search all visitors prior to entering the facility jeopardizes the safety of staff and inmates. Failure to search visitors who have access to the secure part of the facility is an egregious security lapse. Further, to require housing area staff to

supervise attorney-inmate visits while managing an inmate population is unreasonable and jeopardizes the safety of staff and inmates. When learning of this practice during the investigation, Commission staff, unaware of the lack of searches and arbitrary termination of attorney-client visits on Street Plaza, suggested to the jail administration that such practice be discontinued due to the potential safety threat it posed. It should be noted that the facility ended the practice of allowing attorney-client visits in housing areas and implemented protocols that require the searching of all non-Monroe County Sheriff's Office staff prior to entering the facility. Finally, the practice of forcing attorneys to terminate their visits with clients to allow for housing area staff to complete required supervisory tours is a violation of 9 NYCRR, §7031.1(b), Policy and §7031.2(a), Access to Legal Counsel.

### **Excessive Property**

Subsequent to the escape, a search of Eddie Palmer's cell revealed excessive property, including but not limited to:

- *21 bath towels (only allowed 2 bath towels pursuant to the inmate handbook)*
- *40 pairs of socks (only allowed 2 pairs pursuant to the inmate handbook)*
- *16 undershirts (only allowed 6 undershirts pursuant to the inmate handbook)*
- *26 AAA batteries (only allowed 2 batteries pursuant to the inmate handbook)*
- *7 sweatshirts (only allowed 1 sweatshirt pursuant to the inmate handbook)*

Such property maintained by Palmer in his cell significantly exceeded the amount allowed pursuant to the inmate handbook issued by the Monroe County Sheriff's Office.

Deputy Sweeney-Jones informed Commission staff of the various items inmates can have in their cells. He stated he never "ran into" a situation in Street Plaza where he observed

excessive property in inmates' cells. He also stated that he was not aware that a search of Eddie Palmer's cell subsequent to the escape revealed excessive property.

When asked about the frequency of cell searches, Sweeney-Jones stated that he did not have time to search cells on Street Plaza, but Deputy Vasey requested that a shakedown of Street Plaza be completed. He stated that he was informed a shakedown would be completed within a week. He informed Commission staff that he made the request because Street Plaza was a "mess." When asked to describe this "mess," Sweeney-Jones stated that there were numerous pictures on cell walls as well as clothes hung on cell bars. He acknowledged that he and Deputy Vasey did not take action to address the pictures issue because they agreed to enforce rules gradually, and wanted to avoid a "mini riot" by inmates.

Deputy Vasey acknowledged that staff do not usually count sheets/towels in cells unless it is done during a shakedown. He further acknowledged seeing excessive sheets/towels in Street Plaza cells on March 31, 2011, but took no action, explaining that the extent of the extra sheets/towels did not warrant enforcement. When given a brief description of the amount of excessive property removed from Eddie Palmer's cell, Vasey stated that he did not notice the extra property. He also stated that even if staff found excessive property, it would not necessarily be confiscated. Vasey stated that staff are not allowed to enter cells by themselves to perform shakedowns of cells.

Such excessive property possessed by Palmer and other inmates (subsequently discovered during a post-escape facility-wide shakedown) violated the rules established by the Monroe

County Sheriff's Office. Failure of staff to recognize and enforce such blatant violation of property limitation rules violates generally accepted correctional practice and jeopardizes the safety and security of staff and inmates. Excessive property can result in a fire safety/health hazard, allow inmates greater opportunity to secrete contraband, use such property as weapons, and for bartering with other inmates.

### **Logbook Entries**

A review of the Street Plaza housing area logbook as well as videos revealed that staff completed supervisory tours every 20 minutes, a pattern which was detectable by inmates. Although the facility policy requires such visit intervals not exceed 30 minutes, the unofficial policy and practice of Street Plaza is completion of supervisory tours at 20 minute intervals. Staff interviewed claim they attempt to stagger their tours to avoid detection by inmates.

### **Weekly Security Inspections**

As part of its investigation into the escape of Joseph Mitchell and Eddie Palmer, the Commission reviewed various operational documents, including security inspections of the Monroe County Jail. Commission staff learned early in their investigation that required weekly security inspections of the jail had not been completed since January 2011. This constitutes a violation of 9 NYCRR §7003.10, Locks and Other Securing Devices.

Commission staff interviewed Sergeant Jeff Conklin, who was the last jail staff member to complete a security inspection on January 27, 2011. Sergeant Conklin informed Commission staff that he received no formal training on performing weekly security inspections and was not aware as to whether he ever received or had access to written policies and procedures concerning weekly security inspections. According to Conklin, assignments to perform the weekly security inspections of the jail were based on a rotating schedule among platoons (work shifts) and that assignments for the inspections were divided up further among various supervisors within the platoons.

Conklin stated that during weekly inspections, he completes a visual inspection of locks, and does not use keys to test locking mechanisms. Conklin further stated that when inspecting linear cell blocks, he visually inspects cell gate locks while positioned in the catwalk area and not the “pit,” which is the walkway/common area immediately outside of the cells. Conklin indicated that staff are not required to use keys to test locking mechanisms. He further indicated that he does not pull on cell gates/doors, as such practice would take too long (due to the number of cells). Conklin claimed that performing security inspections on the midnight shift is difficult, as it does not allow for them to pull on cell doors, as it would be disruptive, in his opinion.

Conklin stated that staff are not required to enter inmate cells during the weekly security inspections unless they are made aware of a particular problem within a cell. He also acknowledged that tours of plumbing chases, including those in Street Plaza, are not part of the weekly security inspections. Commission staff learned later that the plumbing chases are not

part of any inspection or review process. Commission staff also learned that the cell windows in Street Plaza are not part of any formal security inspection.

As part of its ongoing efforts to provide mandate relief to counties, the Commission has met with county jail representatives to discuss potential revisions to requirements outlined in the *Minimum Standards and Regulations for Management of County Jails and Penitentiaries* (9NYCRR, 7000 Series). In late 2010 and early 2011, part of the discussions centered on the potential adjustment of *Minimum Standards* from a weekly security inspection to a monthly security inspection. Such a *Minimum Standards* change was promulgated in May 2011. This change notwithstanding, the facility failed to meet the weekly inspection requirements of 9 NYCRR §7003.10 when it was in effect. Moreover, since no inspections were performed between January 28, 2011 and March 31, 2011 a period of two months, the regulation as it was eventually amended by the Commission was flagrantly violated by the Monroe County Jail administration.

## **POST INCIDENT EVENTS**

### **Housing Area Closures**

After the escape was detected, the Monroe County Sheriff's Office immediately vacated the Street Plaza housing area. The jail administration also closed other housing areas which had the same type of cell windows as Street Plaza.

### **Window Replacement Project**

Subsequent to the escape, the Monroe County Sheriff's Office submitted plans to and received approval by the Commission for the replacement of the cell and plumbing chase windows in the Street Plaza and other housing areas.

### **Facility Search and Inspection**

For three days subsequent to the escape, a facility-wide search and physical plant inspection was completed. A significant amount of excessive property was confiscated from inmates, in particular from Eddie Palmer's cell. Additionally, hand-fashioned weapons were found in inmate cells and common areas. During the searches, staff noted light fixtures and various fasteners were missing. The amount of contraband removed during this search is indicative of an inadequate and ineffective search process as well as lack of enforcement of property limitation policies (outlined in the inmate handbook) prior to the escape. On April 2, 2011, Sergeant Jeff Conklin was asked to complete a lock check in stairwells throughout the facility.

### **Administrative Briefings**

Immediately after the escape, briefings were held among management and supervisory staff for the purpose of assessing various operational areas, identifying potential problems, and developing plans for corrective action. Revisions to operational policies and procedures were implemented.

### **Visitor Search Procedures**

Days after the escape, protocols were implemented at the Monroe County Jail and Monroe County Correctional Facility to search professional visitors and others entering the jail utilizing electronic scanning devices.

### **Housing Renovation Project**

Subsequent to the escape, the Monroe County Sheriff's Office submitted plans to and received approval by the Commission for renovations to various housing units to improve supervision of inmates.

## **V. FINDINGS: ESCAPE OF JOSEPH MITCHELL AND EDDIE PALMER**

### **FAILURE TO SAFELY KEEP INMATES**

The Monroe County Sheriff and the Sheriff's Office Jail Bureau violated Correction Law §500-c by failing to safely keep inmates Joseph Mitchell and Eddie Palmer. Mitchell and Palmer were able to escape due to the failure of line, supervisory, and management staff in observing *New York State Minimum Standards* and the policies and procedures of the Monroe County Sheriff's Office for the jail. Jail Supervisors were negligent in failing to properly manage staff assigned to Street Plaza housing.

### **FAILURE TO SUPERVISE**

The Monroe County Office of the Sheriff failed to supervise inmates Joseph Mitchell and Eddie Palmer while they were housed in the Street Plaza housing area, which was the primary causative factor of the escape. Staff failure to enforce facility policies and their apparent lack of awareness concerning facility policies facilitated the escape. The staff decision to “gradually enforce” policy was wrong, as was their assertion that a supervisor approved such an approach to managing inmates. The supervisory and policy enforcement failures included the following:

Supervisory Tours - Deputies Craig Whipple, Sean Sweeney-Jones, William Vasey, and others failed to complete proper supervisory tours of the Street Plaza housing area during their respective March 31, 2011 shifts at the Street Plaza housing area. In several instances, the deputies walked past cells without looking into them to visually verify the presence and condition of inmates. Further, in almost every instance, the deputies failed to walk past Plaza level cells #207 (Joseph Mitchell) and #208 during their supervisory tours. There is no validity to staffs’ notion that the supervisory tours of those cells were accomplished from the stairs to the Plaza level. It is likely that the escape efforts of Joseph Mitchell and Eddie Palmer would have been detected/prevented had proper supervisory tours been completed. Such failures constituted multiple and aggravated violations of 9 NYCRR §7003.2(a)(1)(2) and §7003.2(c)(2), Definitions, §7003.3(a), Supervision of Prisoners in Facility Housing Areas, as well as Monroe County Sheriff’s Office Jail Bureau *General Order* #47-09 (Security and Supervision).

Loitering - Deputies Whipple, Sweeney-Jones, and Vasey repeatedly failed to enforce the facility policy (#G01 in the inmate rulebook) which prohibits inmates from loitering in various areas,

including catwalks (directly outside of inmate cells). Throughout day and evening shifts of March 31, 2011, numerous inmates loitered at will on the Plaza level, in particular in front of Joseph Mitchell's cell. Staff's failure to enforce this rule allowed multiple inmates to act as "look outs" for Joseph Mitchell and Eddie Palmer as they carried out their plans to escape. Palmer and other inmates repeatedly warned Mitchell when a deputy was proceeding to the Plaza level. Inmates, in particular Eddie Palmer, made obvious and successful attempts to interfere with and distract deputies' attention away from Mitchell's cell and to divert and misdirect deputy supervision. Palmer accomplished this in part by placing his body between the deputies and Mitchell's cell as well as engaging in conversation with the deputies as they attempted to complete supervisory tours on the Plaza level. Deputy Whipple acknowledged that he was not aware of the policy concerning loitering, but generally attempted to keep inmates from remaining on the mezzanine level. Deputy Sweeney-Jones was of the understanding that inmates were allowed to congregate on the Plaza level and was not aware of any facility policy prohibiting such. Deputy Vasey informed Commission staff that he was not aware of any policy prohibiting inmates from congregating on the Plaza level, but that he did attempt to keep inmates from loitering near the Plaza level shower area. Such lack of policy awareness is egregious, particularly in regards to Vasey, as he is one of the facility's Field Training Officers responsible for training and assessing performance of new recruits.

Covering of Cell Fronts – Deputies Whipple, Sweeney-Jones, and Vasey failed to enforce the facility policy (#K07 in the inmate rulebook) which prohibits inmates from draping clothing, bedding or other items over cell bars. Joseph Mitchell hung sheets and blankets on his cell front

on March 31, 2011 and no deputy assigned to Street Plaza on that day took corrective action. Such a failure was a key contributing factor enabling the removal of Mitchell's cell window bar and cutting of the plexiglass window to go undetected. Based on the interviews conducted with Monroe County Sheriff's Office staff, it appears that the lack of strict enforcement of this policy was widespread, and not limited to Street Plaza housing.

Opening of and Access to Inmate Cells – Throughout the March 31, 2011 day and evening shifts on Street Plaza housing area, inmates walked in and out of other inmates' cells. This is attributed to an operational practice (lock-in/lock-out, leaving cells open) devoid of written policy and procedures or guidance to staff, and an overall lack of consistency in practice and enforcement. Interviews with Monroe County Sheriff's Office staff revealed a wide range of time frames in which cells are left open for inmates to use the toilet. The interviews also revealed the difficulty staff have in preventing inmates from gaining access to other inmates' cells on the Plaza level when staff are on the Street level. Multiple inmates gained access to Joseph Mitchell's cell on March 31 to assist in his and Eddie Palmer's escape efforts.

### **INEFFECTIVE TOURS BY SUPERVISORS**

Sergeants assigned to the area that included Street Plaza housing failed to tour Street Plaza when completing rounds. Monroe County Sheriff's Office Jail Bureau Policy 47-09 (*Security and Supervision*) requires duty sergeants to, in part, tour all housing areas at least once during each shift and note the review in the housing area logbook. Sergeants John Shultz and James McGowan visited Street Plaza housing area on March 31, 2011. Both signed the Street

Plaza logbook acknowledging their presence, however, neither toured the housing area, a violation of Monroe County Sheriff's Office Jail Bureau Policy 47-09 (*Security and Supervision*). Interviews with Sergeants McGowan and Kelly Bye (whose area of responsibility also includes Street Plaza) indicated that both were of the understanding that tours of entire housing areas were not required by facility policy.

The purpose of supervisory tours, in part, is to assess staff performance, inmate behavior, housing area cleanliness, and overall atmosphere. Such essential assessments cannot be performed when tours by facility supervisors do not encompass entire housing areas. Opportunities by supervisors to discover the escape efforts of Mitchell and Palmer were missed on March 31, 2011 because of failure to complete tours of Street Plaza.

## **FAILURE TO PERFORM DAILY SECURITY INSPECTIONS**

Deputies assigned to the Street Plaza housing on March 31, 2011 for the 7:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p. m. shifts failed to complete inspections of locks, gates, bars, security screens, security windows and other security devices upon assuming responsibilities at Street Plaza pursuant to 9 NYCRR §7003.6(c), Requirements of Facility Staff Members Prior to Assuming Responsibilities in an Assigned Facility Area, and Monroe County Sheriff's Office Jail Bureau *General Order #47-09(Security and Supervision)*. Review of videos revealed Deputy Whipple did not perform such inspections upon assuming duty on Street Plaza. Deputy Sweeney-Jones did not perform security inspections upon assuming duty on Street Plaza. He informed Commission staff that he was unaware of any facility policy requiring such inspections.

Deputy Vasey informed Commission staff that he was aware of the facility policy which requires in part, that staff inspect the cell windows. He further informed Commission staff that he visually inspects cell windows upon assuming duty. Such information notwithstanding, Vasey, as Field Training Officer, failed to ensure that Deputy Sweeney-Jones performed the required inspections. Each instance of failure to perform required security inspections is a violation of 9 NYCRR §7003.6(c) and Monroe County Sheriff's Office Jail Bureau *General Order #47-09(Security and Supervision)*.

#### **FAILURE TO PERFORM WEEKLY SECURITY INSPECTIONS**

For a two month period, the Monroe County Sheriff's Office failed to complete required weekly security inspections of the Monroe County Jail, including the Street Plaza housing area. A review of facility records revealed that weekly security inspections of the facility were not completed from February 2011 to April 1, 2011, the day after the escape. The management of the Monroe County Sheriff's Office failed to hold accountable those staff responsible for oversight of weekly security inspections. Failure to complete weekly security inspections was a violation of 9 NYCRR §7003.10, Locks and Other Securing Devices, a requirement that was in affect at the time of the escape. Indeed no such inspections took place for two months prior to the escape incident.

During interviews with Monroe County Sheriff's Office staff, the Commission learned that cell locks are only checked visually during weekly security inspections, and that keys are not used to test cell locking mechanisms. The interviews also revealed that weekly security

inspections were rotated between platoons, including the midnight shift. Performing such inspections on the midnight shift does not allow for a comprehensive and thorough review of securing devices, as lighting is limited and staff are less apt to perform related tasks (i.e., shaking cell bars, inserting keys into locking mechanisms) that would create noise.

### **FAILURE TO DETECT CONTRABAND**

The Monroe County Sheriff and the Sheriff's Office failed to prevent the introduction of reciprocating saw blades into the facility and eventually into the possession of Joseph Mitchell and Eddie Palmer, who used them to cut through a cell window and multiple steel window bars during the escape. Subsequent to the escape, a Rochester, New York attorney was arrested and charged with *Promoting Prison Contraband, 1<sup>st</sup> Degree*. Up until the escape, attorneys were not searched prior to entering the Monroe County Jail. Further, attorneys were allowed to meet with inmates in housing units, including Street Plaza housing, at times unsupervised. Subsequent to the escape, the Monroe County Sheriff's Office implemented new protocols for attorney visits, which includes the searching of attorneys and prohibition of attorney-inmate visits on housing units.

The Monroe County Sheriff and the Sheriff's Office also failed to prevent the introduction of a cell phone and cell phone charger purportedly used as part of the escape efforts of Joseph Mitchell and Eddie Palmer. Subsequent to the escape, the Monroe County Sheriff's Office implemented protocols for the searching of professional visitors and volunteers.

## **FAILURE TO OBSERVE HOUSING PLACEMENT RESTRICTION**

Monroe County Sheriff's Office staff failed to observe the instructions of Sergeant Kelly Bye prohibiting Eddie Palmer from being housed in Street Plaza. Bye was the one staff member who saw Palmer as an individual who had manipulated the facility's line, supervisory, and management staff to be placed in the facility(s) and housing unit of his choice. Sergeant Bye specifically placed her instructions in the facility's "chrono" note system that Palmer was not to be housed in Street Plaza. Subsequent to Bye's note concerning Palmer, Deputy Wayne Barton relocated Palmer to the Street Plaza housing area apparently without authorization of a housing supervisor. He admitted to Commission staff that he did not review Palmer's "chrono" notes prior to the relocation, and that he should have. During staff interviews, Commission staff were informed that the "chrono" note system is set up for information in-put for specific inmates, and that one would have to open the "chrono" note for a specific inmate in order to view any notes.

## **FAILURE TO IDENTIFY/ADDRESS INMATE MANIPULATION**

Monroe County Sheriff's Office staff were determined to maintain Palmer as a trusty in Street Plaza housing despite his refusal to be transferred to the Monroe County Correctional Facility, a charge for which he served time in punitive segregation. When Palmer was eventually transferred to the Monroe County Correctional Facility, the transfer lasted only a few hours, citing various inmates from whom he should be separated, but the veracity of his claims was never verified.

## **FREQUENT INMATE MOVEMENT WITHIN HOUSING AREAS**

The Monroe County Sheriff's Office allows the ad-hoc practice of permitting inmates to request different cell locations within housing areas. This practice clearly provides inmates the opportunity to manipulate staff and pressure other inmates. Maintaining consistent housing assignments allows staff to better observe and manage inmates. Further, the lack of policies and procedures as well as supervisory oversight promotes staff inconsistency and inmate manipulation.

### **PLAZA LEVEL INMATE MOVEMENT**

Facility staff acknowledged failing to consistently document inmate movement to and from the Street Plaza housing area. Given the amount of activity on Street Plaza, temporary notes (concerning inmate movement) taken by staff for later transcription into the housing area logbook is a problematic practice and increases the likelihood that information will not be entered into the logbook. It is important that inmate movement is tracked and that staff are aware when inmates leave housing areas and return. Commission staff could not locate policies and procedures that address this issue.

The utilization of the Plaza level entrance door (by non-Street Plaza staff in returning inmates) without notifying Street Plaza staff jeopardizes the safe operation of the Monroe County Jail. Staff assigned to Street Plaza housing are not always present on the Plaza level when inmates are returned to the area via the Plaza level entrance, and cannot always account for all inmates.

## **FAILURE TO ENFORCE EXCESSIVE PROPERTY RULES**

The Monroe County Sheriff's Office staff failed to enforce facility rules pertaining to inmate in-cell property (outlined in the inmate handbook). The amount of excessive property confiscated subsequent to the escape is indicative of a facility-wide lack of enforcement of operational policies. The exorbitant amount of excessive property (21 bath towels, 40 pairs of socks, 26 AAA batteries, etc.) found in Eddie Palmer's cell, and other inmates' cells subsequent to the escape, is a serious cause for concern. Failure of staff to recognize and enforce such blatant violation of property limitation rules violates generally accepted correctional practice and jeopardizes the safety and security of staff and inmates. Excessive property can result in a fire safety/health hazard, allow inmates greater opportunity to secrete contraband, use such property as weapons, and for bartering with other inmates.

## **SUPERVISORY TOUR PREDICTABILITY**

Staff assigned to Street Plaza housing initiated supervisory tours generally every 20 minutes, with very little variation. Such patterns were predictable for Street Plaza inmates.

## **FIELD TRAINING OFFICER PROGRAM**

Deputy William Vasey failed in his duties as Field Training Officer in oversight of the performance of Deputy Sean Sweeney-Jones on March 31, 2011. Sweeney-Jones failed to complete a security inspection upon assuming duty on Street Plaza housing unit. He and Vasey

failed to consistently complete proper supervisory tours in accordance with Minimum Standard requirements. Both also failed to enforce jail policy concerning inmates loitering on the Plaza level.

### **STREET PLAZA CAMERAS**

The cameras on both the Street and Plaza levels have limited views of the areas, creating significant blind spots. Further, there are no scanning capabilities.

### **LEGAL VISITS**

The practice of the Monroe County Sheriff's Office to allow attorneys to visit inmates in or near (hallway) the Street Plaza housing area threatened the safety and security of staff and inmates. It made it extremely difficult, if not impossible, to properly manage the Street Plaza inmates while a visit was ongoing. It also resulted in attorney-inmate visits ending prematurely when Street Plaza deputies had to complete a supervisory tour, and could not supervise the attorney and inmate. This is a violation of 9 NYCRR, §7031.1(b), Policy and §7031.2(a), Access to Legal Counsel.

## **VI. ACTIONS REQUIRED**

1. In accordance with Correction Law §500-c, the Sheriff of Monroe County shall safely keep all inmates committed to his custody by improving the correctional management of the Monroe County Jail, including redress of the negligence and dereliction of duty evidenced in this case, discontinuation of policies (as outlined in this report) and practice that violate applicable laws and state regulations, by holding executive, managerial and

supervisory staff accountable, and by effectively communicating with and providing direction to staff.

2. The Sheriff of Monroe County shall take the necessary action to ensure that supervisory tours are completed as required by 9 NYCRR §7003.2(a)(1)(2) and §7003.2(c)(2), Definitions, §7003.3(a), Supervision of Prisoners in Facility Housing Areas. Staff shall be formally briefed to ensure their complete understanding of expectations. Jail supervisors and management personnel shall assess staff compliance with such requirements.
3. The Sheriff of Monroe County shall take the necessary action to require that staff consistently enforce the Monroe County Sheriff's Office policy that prohibits inmates from loitering in cell area walkways. Staff shall be formally briefed to ensure their complete understanding of these expectations. Jail supervisory and management personnel shall assess staff compliance with such enforcement.
4. The Sheriff of Monroe County shall take the necessary action to require that staff consistently enforce the Monroe County Sheriff's Office policy that prohibits inmates from covering their cell fronts with clothing, bedding, or other items. Staff shall be formally briefed to ensure their complete understanding of these expectations. Jail supervisors and management personnel shall assess staff compliance with such requirements.
5. The Sheriff of Monroe County shall take the necessary action to require that staff consistently enforce the Monroe County Sheriff's Office policy that prohibits inmates from entering other inmates' cells. Staff shall be formally briefed to ensure their complete understanding of expectations. Jail supervisors and management personnel shall assess staff compliance with such requirements.
6. The Sheriff of Monroe County shall establish written policy and procedures outlining the protocols for its practice of opening cells for short periods of time to allow inmate access for use of toilet facilities. Particular attention shall be paid to housing areas where the physical plant layout prohibits staff from observing all cells from various vantage points.
7. The Sheriff of Monroe County shall take the necessary action to require that jail supervisors consistently observe Monroe County Sheriff's Office policies that require supervisors to tour all housing areas at least once during a shift. Supervisors shall be formally briefed to ensure their complete understanding of these expectations. Jail management personnel shall assess supervisors' compliance with policy requirements.
8. The Sheriff of Monroe County shall take the necessary action to require that staff complete inspections of locks, gates, bars, security screens, security windows, and other security devices upon assuming responsibilities at posts. Staff shall be formally briefed

to ensure their complete understanding of these expectations. Jail supervisors and management personnel shall assess staff compliance with such enforcement.

9. The Sheriff of Monroe County shall take the following necessary action to require that required facility-wide inspections are performed in accordance with 9 NYCRR, §7003.10, Locks and Other Securing Devices. Staff shall be formally briefed to ensure their complete understanding of these expectations. Jail supervisors and management personnel shall assess staff compliance with such enforcement.

Furthermore, with the recent revisions (extending the previously required weekly security inspections to 30 days) to §7003.10, Locks and Other Securing Devices, the Commission will soon be requiring county jails to implement protocols (as part of the inspection) including but not limited to the following:

- a. All locking devices shall be tested with manual keys and electronic systems (i.e., control panels);
  - b. Plumbing chases shall be incorporated into such inspections; and
  - c. Inspections shall be completed in accordance with a written protocol.
10. The Sheriff of Monroe County shall improve efforts in the prevention of contraband introduction into the Monroe County Jail. The Commission shall be notified in writing of the steps taken to improve contraband detection and interdictions at the Monroe County Jail.
  11. The Sheriff of Monroe County shall complete an assessment of the protocols concerning the ‘chrono-note’ system used to electronically communicate information throughout the facility. The review shall focus on initial entry of information and the feasibility of creating a more efficient and accessible system that allows staff to obtain the information globally instead of having to open individual inmate ‘chrono-notes.’
  12. The Sheriff of Monroe County shall complete a review of its inmate “trusty work” program selection process, with focus on eligibility and selection, as well as improved supervision of “trusty inmates” when performing work assignments.
  13. The Sheriff of Monroe County shall complete an assessment of the jail’s practice of allowing inmates to request to be relocated to different cells within housing areas. This practice should be discontinued.
  14. The Sheriff of Monroe County shall complete an assessment of housing area staff documentation of inmate movement in the area logbook to determine compliance with applicable policy and procedure.
  15. The Sheriff of Monroe County shall complete an assessment of the practice of staff returning inmates to Street Plaza housing area via the Plaza level entrance, with the focus

on Street Plaza staff awareness when inmates are returning and present in order to account for all inmates.

16. The Sheriff of Monroe County shall take the necessary action to require that policies and procedures pertaining to inmate excessive property are observed on a consistent basis, including inmates assigned to “trusty” status.
17. The Sheriff of Monroe County shall complete an assessment of its Field Training Officer (FTO) program with a focus on FTO staffs’ overall knowledge jail policies and procedures as well as the information outlined in the inmate rulebook.
18. The Sheriff of Monroe County shall complete an assessment of the closed circuit camera system in the Street Plaza housing area, focusing on quality of area coverage and picture quality.
19. The Sheriff of Monroe County shall amend written policies and procedures to reflect the newly revised practice of attorneys visiting inmates in designated areas and not in housing units.

## **VII. RECOMMENDATIONS**

1. The Sheriff of Monroe County should consider changing the housing designation of Street Plaza housing to a segment of the jail population that does not require extended time in the day space area (i.e. newly admitted inmates, those in ‘lock-down’ status, etc.). This would generally avoid the difficulties in supervising inmates on the Plaza level (due to physical plant layout), as they would be secured in their cells most of the time.
2. The Sheriff of Monroe County should consider testing cell locking mechanisms with keys to ensure they function properly.
3. The Sheriff of Monroe County should discontinue the practice of completing facility-wide security inspections on the night shift, as it does not allow for thorough, detailed inspections.
4. Housing area staff should be encouraged to initiate supervisory tours on a staggered basis, thus reducing the predictability observed by inmates.