STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

COMMISSIONER
Phyllis Harrison-Ross, M.D.

February 13, 2013

Sheriff Robert M. Maciol
Oneida County Sheriff's Department
6075 Judd Road
Oriskany, New York 13424

Dear Sheriff Maciol:

On October 17-19, 2012, Commission staff members Steven Savoy and Todd D'Alessandro conducted an investigation of the escape of an inmate from the Oneida County Jail on October 10, 2012. A follow-up visit to the facility was also conducted on January 24, 2013.

Commission staff reviewed various reports, records, policies and printouts relevant to this event. Additionally, several tours were conducted of the facility. The account of this incident is based on the information gathered by Commission staff, and includes several recommendations as well as actions required by the Commission relevant to this incident.

Please acknowledge receipt of this report to the Commission and submit your response by March 29, 2013. Once your response is received (or if none is received by March 29, 2013) this report will be deemed finalized and will be subject to FOIL. Also, please provide the Commission with a list of the actions taken, or to be taken, in order to comply with Commission standards.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,

Thomas A. Beilein
Chairman

cc: Chief Gabrielle Liddy, O.C.S.D.

To whom it may concern,

When responding to this letter, I am requesting that you enclose this tracking slip. This will assist my staff to direct this matter to the proper person for action and will help track the flow of information between the Commission and your agency so that all correspondence can be handled in a timely manner. Thank you for your cooperation in this matter.

Mailed :2/13/2013
Required Return Date: 3/29/2013
Access Number: 3742
Agency: Oneida County Sheriff's Department
Ref: Inmate Escape on October 10, 2012

Notes: Savoy

Thomas A. Beilein
Chairman

NEW YORK STATE COMMISSION OF CORRECTION

Albany, New York

INMATE ESCAPE FROM THE ONEIDA COUNTY JAIL ON OCTOBER 10, 2012

in

ORISKANY, NEW YORK

THOMAS A. BEILEIN
Chairman

PHYLLIS HARRISON-ROSS, M.D.
Commissioner

INTRODUCTION

Pursuant to Article 3, Sections 45(2) and 45(3) of the New York State Correction Law, Commission of Correction staff conducted site visits to the Oneida County Jail to investigate the escape of an inmate that occurred on October 10, 2012.

This report details the investigation conducted by Commission staff members Steve Savoy and Todd D'Alessandro under the direction of the Director of Operations, James Lawrence. It further discusses the incident and presents the Commissions findings, resulting action required, and recommendations.

I. SUMMARY OF INCIDENT

On October 10, 2012 at 2:20 p.m., inmate John Santoro escaped from the Oneida County Jail. The Commission received a telephone call at approximately 3:15 p.m. reporting the escape, followed by an Initial Reportable Incident Report via facsimile from Officer Kim Hogan at 7:39 p.m. The incident report received outlined the following information;

On 10/10/2012 at approximately 1420 hrs Officer Rotach went to the C-D Recreation yard to escort inmate Santoro in from recreation. Officer Rotach unlocked the Recreation Yard gate and inmate Santoro exited the yard escorted by Officer Gerardi. As Officer Rotach was securing the Recreation Yard gate, inmate Santoro ran from Officer Gerardi and went through a gate that is off-limits to inmates. Officer Rotech immediately began to pursue inmate Santoro and ordered him to stop where he was. Inmate Santoro refused to stop and swung the second gate towards officers Rotach and Gerardi. Inmate Santoro began to climb the fence and Officer Rotach was unable to reach him. Inmate Santoro climbed to the roof of the Infirmary Unit as Officer Rotach called a Code Green (Inmate escape). Officer Rotach then pursued inmate Santoro by exiting the rear of the Recreation Yard gate (and) through the North Compound. Once inmate Santoro was through the North Compound he ran for the wooded area across from the jail where Officer Rotach, numerous officers and Road Patrol units lost sight of him. Several officers from our agency and the State Police continued to search the woods and surrounding areas. Approximately 7 minutes later inmate Santoro was taken into custody by Sgt. Scott Kahl and Investigator Michael Ladd of the Sheriff's Office. Inmate Santoro was returned back to the facility, seen by the facility medical staff and placed back into Constant Supervision.

In the report under the heading Prior Known History '*Mental Health Treatment*' and '*Sex Offenses*' were both checked. Under letter 'A' of the Incident Narrative section of the report stated (Santoro) *'had gone to court earlier in the day and was facing 25 years or more on numerous violent charges as he had turned down a plea bargain.'*

The report also stated the following under letter 'C'; *'Inmate Santoro has a violent history in this facility. He has broken cell doors, locking devices, has spit at his attorney and has had violent outbursts in court.'*

II. METHODOLOGY

This investigation was initiated as a result of information to the Commission on October 10, 2012 at approximately 3:15 p.m. via telephone and the subsequent written report received at 7:39 p.m. regarding inmate John Santoro's escape from the Oneida County Jail.

The information included in this report is based on a thorough review of the Oneida County Sheriff's Department policy and procedures, reports pertaining to the incident and discussions by Commission staff with Oneida County Jail staff. Commission staff also toured the facility, including the recreation yard, and inspected the overall security features of the physical plant.

III. INVESTIGATION OF INCIDENT

On October 17-19, 2012, Commission staff members Steven Savoy and Todd D'Alessandro conducted a site visit to the Oneida County Jail. Upon arrival, an initial meeting was held with Undersheriff Swenszkowski and members of the Administrative staff. Over the course of the investigation Commission staff, escorted by facility staff, made visits to the Control Center, the Recreation Yard, the North Compound area, the delivery gate area, and the perimeter fence surrounding the facility. Commission staff also took photographs of several areas.

Inmate John Santoro was admitted to the Oneida County Jail on June 11, 2012 initially charged with P.L. 130.35 - Rape 1st (3 counts), P.L. 130.50 – Criminal Sexual Act 1st, P.L. 135.10 – Unlawful Imprisonment 1st, and then arraigned on July 10, 2012 for P.L. 135.20 – Kidnapping 2nd and P.L. 130.66 – Aggravated Sexual Abuse 3rd. Additionally, Santoro was arraigned on September 24, 2012 for P.L. 215.52 – Aggravated Criminal Contempt (4 counts), P.L. 215.10 – Tampering with a Witness 4th, and P.L. 145.05 – Criminal Mischief 3rd. In addition, Santoro was again arraigned on September 26, 2012 for P.L. 251.51 – Criminal Contempt 1st. And, as a result of this incident, Santoro was subsequently arraigned for P.L. 205.15 – Escape 1st on October 10, 2012. As of this writing, the facility administration indicated that Santoro has accepted a plea bargain and is awaiting sentencing.

Admissions/Classification

Initially, Commission staff reviewed all pertinent information regarding inmate Santoro's 'Active' file. An 'Active' file is maintained for each inmate currently incarcerated at the facility. Inmates who were previously incarcerated have an 'Inactive' file, maintained separately from the 'active' files for a specific period of time within the facility and are then archived off site to a separate storage area. Each active file includes, but is not limited to, documents regarding admission, classification, medical and mental health records and disciplinary reports. Also included is a 'Repository Report' (or 'RAP' Sheet). When reviewing Santoro's criminal history record, Commission staff noted that it showed he had a prior escape history. This was as a result of an Escape 2nd charge in July, 2005, in which he escaped custody from the Rome Police Department after arrest. Santoro subsequently pled 'Guilty' to Attempted Escape 3rd on September 12, 2005 and was sentenced to ninety (90) days to run concurrent (Robbery 3rd) in which he served his sentence in the Oneida County Jail.

However, according to the documents in Santoro's active file, Commission staff noted that he was not considered an escape risk. An 'Escape Risk' notation would normally be indicated after 'Cautionary' on the booking sheet within the facility Sallyport jail management software system. Upon inquiry as to why the entry was blank, the administration stated that he (Santoro) had only "just been charged with escape" (as a result of this incident) and "not convicted of it". Immediately, Commission staff informed the administration of Santoro's prior escape-related information as outlined on his criminal history. Although unaware of this prior information, the administration took immediate corrective action and denoted inmate Santoro as an escape risk.

Sallyport Jail Management Software System

Upon further review, Commission staff noted that Santoro had been arrested and subsequently remanded to the Oneida County Jail on no less than nine (9) separate occasions between his release in 2005 after the escape conviction and his admission on June 11, 2012 to the facility for his present charges. Reviewing each one of the nine (9) separate booking sheets from the aforementioned time period of seven (7) years indicated that Santoro was never identified as an escape risk, as all nine booking sheets had no entry after "Cautionary". It is after this heading that classification staff would normally denote any major security concerns such as "Prior Escape" and/or "Escape Risk". In addition, under the entry "Prior and Attempted Escape" on each of the nine (9) "Classification Review" forms "No History" was indicated.

As this information must be manually entered, it is apparent that facility staff failed to properly review Santoro's criminal history sheet repeatedly during his nine previous incarcerations over a seven-year course up to and including his present incarceration. This was verified when Commission staff performed a "Jail Management System" inquiry for inmate Santoro during the course of this investigation, and discovered his prior escape-related information.

To re-verify, Commission staff requested the facility staff provide the name of an inmate who had frequent prior incarcerations to the facility, but was not presently incarcerated. Once provided the name, Commission staff then requested the facility staff to proceed as if that inmate had just been admitted to the facility, and to present the information from the SallyPort system to simulate the admission process. Upon review, no pertinent information was displayed, only a brief physical description of the inmate. However, when checking the inmate's prior "JMS Inmate Profile", not only was all pertinent information outlined, it was revealed that this inmate also had a prior escape history which had never been identified by staff in his prior incarcerations at the facility, as had been discovered by Commission staff regarding inmate Santoro.

During the follow-up visit, Commission staff discovered that when a new inmate is admitted, the facility booking staff has the option to utilize a feature of the jail management system called 'Speed Book', in which the normal booking process can be negated in the interests of saving time during peak activity. However, when running several simulations, it appeared that when Speed Book is utilized, any previous caution indicators (i.e. escape risk, mental health, etcetera) did not transfer on a consistent basis from previous bookings to the present one.

As such, to determine whether this was a systemic problem with the current jail management system and/or operator error, the facility administration contacted the jail management system provider who in turn conducted several system tests in an attempt to identify and correct the issue. Subsequently, Commission staff was informed that the issue appears to be caused by operator error, and is not caused by any system failures or any software issues within the system itself.

Disciplinary History – Santoro, John

A review of inmate Santoro's active file indicated that he was a known management problem when incarcerated in the past. Accordingly, Santoro continued to be a major management problem during his present incarceration.

A review of his discipline reports indicated that Santoro was issued nineteen (19) disciplinary infraction reports (most with more than one infraction) from his admission to the facility on June 11, 2012 until the time of his escape from the facility on October 10, 2012, a period of four months. Of particular interest are two incidents, one occurring on July 5, 2012 in which Santoro forced his way out of Visitation Booth # 9 by breaking the lock on the booth door, and on August 30, 2012 in which a routine search revealed a 'hole' in the grout line at the top left-hand corner of his cell.

Following the July 5, 2012 incident in which he destroyed the lock on the door, Santoro was immediately placed on a "Restraint Order", in which enhanced security measures are put in place. These measures include an "escort everywhere" order and the requirement for handcuffs to be used whenever the inmate leaves the housing area. Santoro was under a "Restraint Order" from July 5th until July 26th when he was removed by Lieutenant Zurek, because he had "no incidents since 7/5/12" (a period of three weeks) according to his "Restraint Order Review" form.

C-D Recreation Yard

When touring the C-D Recreation Yard in which the escape initiated, Commission staff noted that there was no concertina (or 'razor' wire) above the sally port area of the entrance to the yard or along the interior edge of the roof which surrounds the yard. Upon inquiry, Commission staff was informed that there had been razor wire above the entrance to the yard at one time, but it was removed following a year of heavy snow in which the excessive weight caused the chain-link fencing above to sag. No razor wire was ever installed along the interior edge of the roof on either side facing this recreation area, nor was it installed over the second recreation area, also in the rear of the facility.

An access gate is located at one end of a U-shaped officer walkway which surrounds the yard and leads to the North Compound area. An identical access gate is secured at the other end of the walkway. Both utilize a fork clamp and fork to secure the gate, which is locked via padlock. Upon inspection, Commission staff noted that both latches on both gates were secured via a circular clamp which was initially bolted on, but now both clamps had been tack-welded to the posts. Upon inquiry, Commission staff learned that the officer who initially pursued inmate Santoro managed to kick out an access gate at the onset of the escape, even though the gate was secured and padlocked. Apparently over time the fork clamp had loosened, to the point where a sufficient impact would cause the clamp to rotate, rendering the fork ineffective. It is unclear how the pursuing officer[1] perceived the gate would open by kicking it while in the pursuit of inmate Santoro.

After breaching the access gate which was left unsecured to the officer's walkway, inmate Santoro climbed up the fence adjacent to the gate and accessed the roof of the Infirmary. He then ran down to the end of the roof, jumped down onto a dumpster, and then to the ground. Inmate Santoro then ran across the North Compound to the sliding delivery gate and was able to crawl under the delivery gate and outside the perimeter of the facility. He then ran across the access road and into the wooded area across from the facility with officers in pursuit. Within just seven (7) minutes he was apprehended and returned to the facility.

[1] At the time of this investigation, a determination was made to not formally interview the two officers assigned to escort inmate Santoro from the recreation yard as a departmental internal disciplinary investigation was being conducted.

Recreation Policy and Procedure

Inmate Santoro, while being escorted from the C-D Recreation Yard, ran from the two escorting officers and through the access gate which was left unsecured. This facilitated his access to the roof of the Infirmary. Commission staff observed on facility video surveillance that the access gate to the officer's walkway had been unlocked the entire time inmate Santoro was out to recreation. Santoro apparently observed that this gate had been unlocked, and may have known he would have a possible escape route via the roof if he fled from the two officers. In addition, Commission staff noted that the delivery gate, with the 12"-14" space at the bottom, can be seen from the rear fence of the C-D Recreation Yard.

Delivery Gate

The delivery gate is a remotely operated sliding gate used mainly for delivery vehicles to gain access to the loading dock at rear of the facility. As stated above, inmate Santoro was able to slither under the opening at the bottom of the gate. At approximately 5'9" and 185 pounds, Santoro had little difficulty breaching this gate, with a 12" to 14" gap from the gate bottom to the ground. Upon inquiry, Commission staff was informed this gap is necessary because the accumulation of snow at the bottom of the gate during the winter months can at times adversely affect the sliding operation of the gate.

However, a second sliding gate, (identical to the delivery gate) which is located on the other side of the loading dock does not have any sizable gap from the bottom to the ground. This gate must also be opened during each perimeter check conducted by staff, no less than nine (9) times within each 24-hour period. Although usually not required to be opened sufficiently enough for a vehicle to pass through, it still must be opened on a regular basis. As such, it is unclear why the accumulation of snow and ice is not an issue with this secondary gate, as it is with the delivery gate.

Perimeter of the Facility/Perimeter Fence

Upon inspection while touring the facility outside perimeter, Commission staff observed the following;

- Dumpsters were positioned in close proximity to the facility near the loading dock;
- Central swing gates in the rear of the facility have an anchor in disrepair and are secured by a length of chain with a padlock; Commission staff were able to push the gates open enough to easily pass through;
- Other than the two access gates adjacent to the C-D Recreation yard, no other clamps on any other gates are tack-welded;
- The gate catch on the South Gate is misaligned;
- The video camera above the South Gate is inoperable;
- An long aluminum tube approximately two feet wide used for K-9 dog training was positioned at the base of the interior fence;
- Two department boats were positioned in tandem adjacent to the south fence;
- A long length of garden hose was zip tied along the perimeter fence.

A review of the facility policy and procedure verified that the correctional staff performs three (3) separate outdoor perimeter checks per shift, totaling nine (9) facility perimeter checks per 24-hour period. Commission staff immediately informed the facility administration of the aforementioned and also questioned why none of the above concerns were previously identified during any perimeter checks conducted prior to this investigation.

IV. FINDINGS

1. The escorting officers did not follow correct facility policy and procedure when unlocking the access gate and the sallyport gate simultaneously in the C-D Recreation Yard prior to removing inmate Santoro from the yard;

2. Concertina wire has been removed from above the access gate to the C-D Recreation Yard;

3. The interior roof edges on both sides facing the recreation yard(s) do not have concertina wire installed;

4. The delivery gate in the rear of the facility has a 12" to 14" gap from the bottom of the gate to the ground surface;

5. Several dumpsters are located directly adjacent to the facility near and around the loading dock, including the one Santoro jumped down onto from the roof at the time he escaped;

6. The South Gate has a misaligned gate catch (not parallel to the gate itself) making it possible for a person to gain access through the gate with minimal force even with the gate closed;

7. The security camera positioned above the South Gate is inoperable;

8. The double-swing gate at the central rear of the facility has a broken gate anchor making it easily breached when extended to the limit of the chain and padlock loosely securing it;

9. Only the fork clamps on the access gates to the C-D Recreation Yard have been secured by tack-welding; none of the other access gates around the perimeter have been renovated as such;

10. The facility Classification personnel repeatedly failed to review inmate Santoro's criminal history when previously incarcerated on nine separate occasions over the course of a seven year period and failed to identify him as an escape risk.

11. There were additional security concerns identified at the time of the Commission's investigation in conjunction with those as outlined above regarding the facility perimeter fence. (i.e. a garden hose zip tied along the fence, a K-9 training tube at the base of the fence, two boats parked against the fence).

IV. FINDINGS (cont.)

12. Given Santoro's previous criminal history, including his escape history, his prior disciplinary history while incarcerated, his current disciplinary record (particularly the two recent incidents in which he destroyed a door lock and the incident regarding the hole found in the grout of his cell) and in conjunction with his present charges, the facility should have considered he remain under a "Restraint Order" for a longer period of time.

13. Although utilized when needed for major management problem inmates, the written policy for placing/removing a "Restraint Order" (enhanced security measures) on an inmate is outdated and needs review and revision.

14. When admitting new inmates to the facility, specifically those inmates who have been previously incarcerated, caution indicators (i.e. escape risk, mental health, etcetera) from previous bookings are not being transferred to the present one on a consistent basis. The vendor of the jail management system recently conducted a series of tests and concluded that this issue is caused by operator error, and not a software issue.

V. ACTION REQUIRED

1. As required by Part 7003, Security and Supervision of the *Minimum Standards*, and in conjunction with Oneida County Sheriff's Office Policy and Procedure, the facility shall ensure that all locks and other securing devices including, but not limited to, bars, security windows, fences and screens are inspected at intervals not to exceed thirty (30) days to insure such are intact and in good working order.

2. As required by Part 7003, Security and Supervision of the *Minimum Standards*, and in conjunction with Oneida County Sheriff's Office Policy and Procedure, the facility shall identify and subsequently document all action taken to correct deficiencies in any locks and other securing devices.

3. As required by Part 7003, Security and Supervision of the *Minimum Standards*, the facility shall revise and update the policy and procedure for placing/removing any inmate into a "Restraint Order", in which enhanced security measures are utilized.

4. Pursuant to Section 7003.1 the facility administration shall ensure all officers assigned to the recreation yard not deviate from the facility policy and procedure which requires that no gates be unlocked simultaneously before, during and after any inmate movement.

5. As required per Part 7013, Classification of the *Minimum Standards*, and in conjunction with Oneida County Sheriff's Office Policy and Procedure, in arriving at a determination of each inmate's housing assignment the decision shall be based on a review of all information available at the facility to include, but not be limited to, the inmate's [7013.8(c-1)] criminal history and any [7013.8(c-7)] prior escapes and attempted escapes.

VI. RECOMMENDATIONS

1. When considering the continuance of any "Restraint Order" on any inmate, the facility administration should consider *all* pertinent information and not limit consideration to whether or not the inmate has been issued any infraction reports within a recent period of time.

2. The facility should replace the concertina wire that was removed above the entrance gate in the C-D Recreation Yard.

3. The facility should install concertina wire along all interior roof edges of the facility.

4. The facility should lower the delivery gate to eliminate the sizable gap between the bottom of the gate and the ground.

5. The facility should remove any items from near the perimeter fence that can create an access point to breach the fence itself. (i.e. hoses, K-9 tubes, boats, excess foliage)

6. The facility should tack-weld all clamps on all gates surrounding the facility.

7. The facility should repair or replace the South Gate video camera.

8. The facility should relocate any dumpster that is in close proximity to the building away from the building.

9. The facility should repair the broken gate anchor on the double-swing gate at the central rear of the facility.

10. The facility should realign the gate catch on the South Gate to be perpendicular to the gate itself and/or install a second gate catch near the top of the gate.

11. The facility should consider the addition of privacy screening to the rear fence of the C-D Recreation Yard.

12. The facility administration should consider refresher training for all classification officers to include theory, techniques and any policy or procedural changes resulting from this report.

13. The facility administration should continue to monitor the current jail management system to identify and subsequently correct any issues as well as ensure that any staff assigned to admitting inmates into the facility properly transfers all pertinent information on a consistent basis.