

NEW YORK STATE COMMISSION OF CORRECTION

Albany, New York



**In the Matter of the Escape of Michael M. Lovelace
an Inmate of
the Rensselaer County Correctional Facility**

April 2007

DANIEL L. STEWART
Chairman

FREDERICK C. LAMY
Commissioner

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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 October 11, 2006 escape of inmate Michael Lovelace from the Rensselaer County Correctional Facility in Troy, New York.

This report details the investigation conducted by Commission staff members William Benjamin and Deborah Clark under the direction of James E. Lawrence, Director of Operations. It discusses the incident, then presents the Commission's findings, consequent actions required and corrective action taken by the facility.

EXECUTIVE SUMMARY

On October 11, 2006, inmate Michael Lovelace escaped from the Rensselaer County Correctional Facility. At 1840 hours Corporal James Suriano telephoned M-1 Housing Unit and asked Officer Joseph Smith to send Inmate Lovelace to his office for a bail call. At 1845 hours Inmate Lovelace exited M-1 Housing Unit through door 272 into the east medical hallway. Lovelace then exited through the 275 door into another hallway. Lovelace proceeded through gate 56 into the main corridor. Lovelace was wearing his two-piece green jail uniform when he proceeded down the main corridor of the jail passing the control room, Tour Commander's office and the Supervisors' office. Lovelace then walked into the Intake/Draft area. The 208 door, which leads into the Intake/Draft area, was in a closed position but left unsecured. Staff were authorized by the facility administration to leave the 208 door unsecured when haircuts are being conducted in the Intake/Draft area.

Inmate Lovelace continued to walk through the intake area until he came to the sally port area which lead to the intake garage. Lovelace pushed on the first door (207) of the sallyport area, which was in a closed position but unlocked. Lovelace walked through the door and stood in the sallyport area. Lovelace then pushed on the second door (207A) of the sallyport area which was in a closed position but unlocked. Lovelace then walked out the sallyport area and entered the intake garage. Once in the intake garage, Lovelace entered and sat in a county vehicle that was unlocked and parked in the garage. Lovelace exited the vehicle and walked toward the 230C exterior door. Lovelace pushed on the 230C door which was in a closed position but unlocked. Inmate Lovelace exited through the door to the outside and waited outside the door. A few moments later, the west gate began to open. Inmate Lovelace ran toward the opening gate (See floor plan, exhibit A).

Transport Officers M.J. Morin and Anthony Lazzaro who had exited (in a transport vehicle) the intake garage through the east door were driving around the garage to the west gate. At 1858 hours as they approached the west gate they observed someone wearing a green jail uniform running toward the opening west gate. The officers cut the inmate off with their vehicle just outside the west gate. Officer Morin asked the inmate where he was going and inmate Lovelace stated that he

was going home. Officer Morin told Lovelace to place his hands behind his back. Lovelace complied and he was handcuffed. Officer Morin then radioed the Tour Commander (Sergeant Jeff Ranken) to meet him in front of the building. Officer Morin walked with the inmate toward the front of the building where Sergeant Ranken met him and took custody of inmate Lovelace. Inmate Lovelace was escorted into the facility through door 228. Sergeant Ranken ordered a facility lock down and a head count to be completed. The facility perimeter was secured and a perimeter and interior security inspection was ordered. The count was completed and cleared, with all inmates accounted for. Captain Hal Smith was called at 1914 hours and responded to the facility at 1930 hours. Captain Smith was briefed and ordered statements to be completed by all staff.

At 1924 hours Colonel Robert Loveridge, who was attending a conference in Lake Placid, was notified of the escape. At 1930 hours, Lieutenant Karam and Lieutenant Hetman were notified for their assistance in obtaining mechanically recorded evidence. At 1932 hours Undersheriff Russo was notified of the incident and Investigator Frank Mastan was assigned to perform a criminal investigation into the incident.

II. Methodology

The Commission of Correction's preliminary investigation commenced on October 13, 2007 with the assignment of two Field Operations staff members to gather information surrounding the escape of inmate Michael Lovelace. At the direction of Director of Operations James Lawrence, Commission staff members William Benjamin and Deborah Clark commenced an investigation into the events leading to the escape and the recapture of inmate Michael Lovelace.

The findings of this report are based on Commission staff interviews with Rensselaer County Correctional Facility staff, reviews of facility records, including written facility policies and procedures, official staff statements, inspection tours of the facility, interview of inmate Lovelace, and personal observations of facility operations.

As part of its investigation, Commission staff completed interviews with the following Rensselaer County Correctional Facility staff as to their assignment and role in this incident:

STAFF

ASSIGNMENT ON OCTOBER 11, 2006

Officer Leonard Smith	M-1 Housing Officer
Officer Amy Brennan	Main Control Room Officer
Officer William Roy	Property/Intake Officer (Draft)
Officer Thomas Sawyer	Booking/Admissions Discharge
Officer M.J. Morin	Transport Officer
Officer Anthony Lazzaro	Transport Officer
Corporal James Suriano	East Side Supervisor
Sergeant Jeff Ranken	Tour Commander

INMATE

Michael M. Lovelace

III. Investigation

Michael M. Lovelace is a 36 year old single Caucasian male who stands 5'5" tall and weighs 143 pounds. At the time of his arrest, Lovelace resided in Hoosick Falls, New York and was employed. It was alleged that, on October 10, 2006 at about 8:38 a.m. Michael M. Lovelace knowingly, unlawfully and intentionally entered the basement window of a dwelling located at 63 River Street in the Village of Hoosick Falls, New York and remained there unlawfully and without permission from the owner. Michael M. Lovelace was arrested by the Hoosick Falls Police Department on October 10, 2006 for Criminal Trespass in the Second Degree, a misdemeanor.

Michael M. Lovelace was arraigned by Justice Richard Whalen in the Village Court of Hoosick Falls, New York on October 10, 2006 and remanded to the custody of the Rensselaer County Sheriff or until bail was posted in the amount of \$5,000 cash or \$10,000 bond. The securing order stated under special orders/instructions that a full psychiatric examination was to be completed. Justice Whalen ordered the psychiatric examination under CPL Article 730 by checking on the Form (#296) that Michael M. Lovelace was displaying disruptive, confused or bizarre behavior, and threatening or violent behavior and extreme or bizarre type of offense.

Michael M. Lovelace's criminal record consisted of a few misdemeanors. In 1990 Lovelace was arrested for assault 3rd degree. In 1995 he was arrested for assault, 3rd degree and harassment, 2nd degree. On September 24, 2006 Lovelace was arrested for Driving While Intoxicated, 1st offense and Unsafe Movement of a Stopped Motor Vehicle.

Michael Lovelace was transported to the Rensselaer County Correctional Facility by Officer C.S. Fifield of the Hoosick Falls Police Department. Inmate Lovelace arrived at the facility at 1305 hours and was booked in at 1309 hours. Upon arriving at the facility Officer Christine Lafountain completed an initial risk assessment, suicide screening and an initial medical screening. The suicide screening indicates the following information:

1. that the judge ordered a psych order, which states that Lovelace is acting strangely;
2. Lovelace stated that there is no one to call in case of an emergency;
3. the detainee admits to a prior history of marijuana abuse;
4. the booking officer noted that Lovelace was acting strange and was monotone with all answers; and
5. additionally it was noted that the detainee did not understand why he was in jail because he did not do anything wrong.

The completed suicide screening instrument indicates that Don Hogan, the Director of Forensic Mental Health Services and a facility supervisor were notified of Lovelace's status. Inmate Lovelace was assigned to the Medical/Mental Health Unit, cell 13. The facility obtained Lovelace's criminal history at 1422 hours on October 10, 2007 and he was interviewed and classified at 1442 hours. Inmate Lovelace scored 6 points on the classification instrument which set his security classification as General Housing. Michael Lovelace was seen by medical at 1709 hours. Inmate Lovelace was seen by mental health and determined not to be suicidal. However due his unknown mental health status, Lovelace was assigned to stay in M1 housing unit, cell 13, which has a plexiglass front and is located on the first floor to the left of the officer's station.

Note: Lovelace had one prior incarceration at Rensselaer County Correctional Facility in 2002. Lovelace was arrested on a family court warrant and booked into the jail on December 10, 2002. He was released within hours and never left the booking area (this was a civil commitment and did not reflect in his criminal history).

The Rensselaer County Correctional Facility

The Rensselaer County Correctional Facility was opened in 1993 with a design capacity of 235 beds. Rensselaer County Correctional Facility was one of the first direct supervision correctional facilities built in New York State. Direct supervision is a concept that incorporates a correctional facility design that fosters interaction between correction officers and inmates by placing the officer directly inside the housing unit for the purpose of managing inmate behavior.

In 1996 due to overcrowding, the Commission granted the facility a variance of 32 additional beds via the use of double-celling inmates (housing two inmates in one cell). In 1999 the Commission reformulated the capacity of the facility's dormitory and the permanent capacity rating was increased from 235 to 243 beds at standard. Again in 1999 the Commission granted a variance that authorized an additional 4 beds via use of double celling inmates. Accordingly, the variance increased from 32 beds to 36 beds.

When the facility was constructed, the M1 Housing area consisted of 30 cells which were subdivided into one sub-unit of 20 cells for housing medical and mental health male inmates and one sub-unit of 10 cells for housing of pre-classification inmates. However, due to the severe overcrowding at the facility, the 10 cells originally designed for pre classification inmates are now used for housing protective custody male inmates.

In 2006 the Rensselaer County Correctional Facility had 243 permanent beds at standard and 36 double celling variance beds, for a total of 279 beds. The facility in-house population for 2006 was an average of 242 inmates a day, with an additional daily average of 53 inmates boarded out for housing to other jurisdictions. On January 25, 2006 the facility had a high of 117 inmates boarded

out to other jurisdictions.

The most recent Commission of Correction staffing analysis (1999) for the Rensselaer County Correctional Facility describes the operations of *Booking, Admissions, Discharges* and *Property* taking place in the facility's Intake/draft area. Two correction officers were assigned on afternoons to the area pursuant to the 1999 Staffing Analysis. Several years ago the operation was modified and divided into two areas which were now separated by the main hallway. One officer was assigned to the Booking area and another officer was assigned to the Intake/Draft area. Over time the Booking and Intake/Draft area became independent operations.

Rensselaer County Correctional Facility Security Control System and Lock Description

The security electronic control system was originally installed in or about the fall of 1992 as a prototype version. The system is a computerized, touch-screen control system that releases all locks and controls all motorized gates. Because this was a prototype system it lacked all of the upgrades and modifications that were incorporated into the system by the vendor since the prototype version was developed and installed. Subsequently, there were two major defects identified with this prototype system. First, if the touch screen icon for a particular door is pressed more than once, it sends multiple release commands to the electric latch over several seconds. As such, if that particular door is physically opened and then physically closed, the latch on that door retracts again, thus, leaving the door unsecured.

Second, the system had an override feature that would allow the Main Control Room officer to open two doors simultaneously. To assist with overall security, sallyport areas in correctional institutions generally allow only one door to open at a time. An override feature is available on most systems to allow the control room officer to open both doors in an emergency situation. The override system on the Rensselaer County Correctional Facility prototype, when utilized, would be reflected on the system's print-out feature. However, if the Main Control Room officer presses the icons for the sally port doors in a rapid and sequential manner, the doors could be opened

simultaneously (override) without engaging the override feature. Thus, a printout signifying that an override occurred would not be produced.

Unrelated to the facility's security electronic control system was the fact that two of the facility's exterior doors (the 230C door and the 293A door) were wired incorrectly. The control room icons only displayed the door as being open when the door was physically opened. For example, if the latch on the door was retracted and no one proceeded through the door, the control room icon showed it as being *closed* until the door physically moved.

A major security defect on almost all of the facility's exterior doors, including the 230C door, was that they lacked a **"no notch latch"** device. The use of the current **"notch latch"** device results in a condition in which, if the door latch is retracted (open) and no one proceeds through the door by physically opening and closing the door, the door latch remains retracted (open). A **"no notch latch"** device automatically locks a door within a few seconds of being unlocked if there is no movement of the door.

Further, the 207A door leading the Intake/Draft sallyport into the Intake Garage is not consistently secured, as air pressure from the Intake Garage prevents the door from closing completely.

Rensselaer County Correctional Facility Closed Circuit Television (CCTV) System and Communication Description

The facility's closed circuit television (CCTV) system has operated continually, 24 hours a day, 7 days a week, 52 weeks a year for over 14 years. As a result, all of the facility's CCTV system's black and white video monitors have burned in "ghost images", which obscures the live images shown on the monitors. The CCTV System does not have cameras focused on all doors and gates under the operation of the Main Control Room. Further, the cameras located outside the facility provide an inadequate and inferior view, especially at night.

All the doors and gates within the facility have intercoms, which allow for communication between individuals present at those doors and gates and the Main Control Room officer. All facility staff are assigned a radio. Following is a listing of the doors and gates from the M1 Housing Unit to the West Gate, and whether a camera was located at the door or gate and the quality of the image on the video monitor. It was this route that inmate Lovelace took through the facility as part of his escape.

Door/Gate Name	Door or Gate Number	Camera	Quality of the View on the Video Monitor
M1 Housing Door	272	no	-----
Door outside M1 Housing Unit	275	no	-----
Slider Gate	G56	yes	poor
Main Hallway	-----	no	-----
Intake/Draft Door	208	yes	poor
Interior Intake/Draft Sally port Door	207	yes	poor
Exterior Intake/Draft Sally port Door	207A	yes	poor
Intake Garage west door	230C	yes	poor
Exterior West Gate	-----	yes	poor and no view at night

Rensselaer County Correctional Facility Inmate Movement:

The process of inmate movement throughout the Rensselaer County Correctional Facility occurs by one of three different methods. The first method requires inmates assigned to the Restricted Housing Unit, Female Housing Unit or Special Housing Unit to be escorted by facility staff at all times when they leave their assigned unit. The second method allows for inmates to use the intercom system to contact the Main Control Room officer for unescorted movement from one area of the facility to another. The third method allows correction officers to use their radios and/or phones to communicate with the Main Control Room officer to facilitate inmate movement

throughout the facility.

Events of October 11, 2006
Sergeant Jeff Ranken, Tour Commander

- 3:31 p.m.** Corporal Suriano, Corporal Farrell and Sergeant Ranken were supervising routine cell searches and touring the M1 housing unit.
- 3:35 p.m.** Corporal Farrell was exiting M1 housing unit when inmate Michael Lovelace asked him about the status of his bail and if he could make a bail telephone call. Corporal Farrell informed inmate Lovelace that when he had time he would check on the status of his bail.
- 6:30 p.m.** Correction Officer Thomas Sawyer, who is assigned to Booking leaves the that area and walked out to the Visitation Control Room to get a cup of coffee. Officer Sawyer remained in the Visitation Control Room until 6:55 p.m.

Sequence of Co-occurring Events:

6:40 - 7:00 p.m. The following programs are being held in the facility:

- ▶ Inmate haircuts are being conducted in the group holding cells located in the Intake/Draft area.
- ▶ The Program 4 Officer who is normally stationed in the main hallway is escorting female inmates.
- ▶ Inmate exercise is being conducted in both the east and west yards.
- ▶ Inmate visits are scheduled to commence at 7:00pm and visitors start to arrive in the facility lobby at 6:45pm.

- 6:40 p.m.** Corporal Farrell called (via telephone) Correction Officer Leonard Smith, M1 Housing Officer and asked that Inmate Lovelace be sent to the Supervisor's office so

Lovelace can check on the status of his bail.

6:45 p.m. - 6:55 p.m. The Movement of Inmate Michael Lovelace

Inmate Lovelace exited M1 Housing via the 272 door, at 6:45 p.m. He entered the East Medical Hallway outside M1 Housing. Lovelace proceeds unescorted/unsupervised through the 275 door and passed through the G56 Gate.

Note: Allowing Lovelace to proceed unescorted/unsupervised through the hallway violated the requirements of 9NYCRR, Minimum Standards for the Management of County Jails and Penitentiaries, Part 7003, Security and Supervision, Section 7003.4(a) Supervision of prisoners outside facility housing areas. It also violated facility policy E-05 Movement and Control, which states that inmates assigned to the Restricted Housing Unit, Female Housing Unit or Special Housing Unit will be escorted at all times when they leave their assigned unit.

Lovelace walked down the main hall toward the Intake/draft area, passed Main Control, the Tour Supervisor's office and the Unit Supervisor's office. Inmate Lovelace entered the Intake/Draft area through the 208 door which was unsecured. Staff were authorized by the facility's administration to leave the 208 door unsecured when haircuts are being conducted in the Intake/Draft area.

Note: This practice violated the requirements of New York State Correction Law 500-c, Custody and control of prisoners.

Upon entering the area Lovelace pushed on the 207 sallyport door. The door opened and Lovelace entered into the sallyport area. Lovelace then pushed on the 207A door which opened into the Intake Garage.

Lovelace entered the Intake Garage and proceeded west towards an unlocked, parked vehicle at the end of the garage. Lovelace claims that he sat in the vehicle for a few minutes and then exited the vehicle.

Note: The vehicle in question was previously worked on by department maintenance staff, who returned it to the garage and left it unsecured. This practice violated facility policy G-03 Transportation Rules and Guidelines which states, in part, that when vehicles are left unattended they will be secured: keys removed, windows closed and doors closed and locked.

Upon exiting the vehicle, Lovelace approached the 230C door, which was closed but unlocked. Lovelace exited through the door and stood outside of the Intake Garage facing the west gate. Within a few minutes the west gate opened and Lovelace ran toward and through the opened gate, outside the facility's exterior secure perimeter.

6:40 p.m. - 6:55 p.m. The Movement of Transport Officers Morin and Lazzaro

Transport Officers Morin and Lazzaro arrived at Rensselaer County Correctional Facility at 6:40 p.m. with inmate Bowman from Troy Police Court. They entered through the west gate and Intake door, which are controlled by the Main Control room officer, into the Intake garage. The officers secured their firearms and retrieve inmate Bowman from the van. Officers Morin and Lazzaro escorted Bowman into the Intake/Draft area through sally port doors 207A and 207. As the officers walked through the sally port into the Intake/Draft area they heard a noise which indicated the outside sallyport door (207A) did not lock. Officer Lazzaro secured sallyport door 207A.

Once in the Intake/Draft area, Officer Lazzaro removed the restraints from inmate Bowman and Officer Morin called Main Control to open Holding cell 5. Inmate Rosa was removed from holding cell 5 and placed in restraints. While Officer Lazzaro was placing the restraints on inmate Rosa, Officer William Roy, who was assigned to the Intake/Draft area asked Officer Morin if he (Morin) could watch the Intake area while he retrieved inmate Bowman's property bag from the Property room. Officer Roy was gone for approximately one minute. When Officer Roy

returned, Officers Morin and Lazzaro and inmate Rosa exited through the sally port using the intercom system to contact control. The officers secured inmate Rosa in the van and retrieved their firearms. Once in the van Officer Morin radioed Main Control to exit the Intake Garage. Officer Amy Brennan, who was assigned to the Main Control room, opened the overhead door and then the West Gate.

Note: The opening of the West Gate prior to the closure of the Intake Garage overhead violated facility policy section E-08 Movement and Control Security Barriers which states, in part, that only one door/barrier will be opened at one time and must be closed and locked before another is opened.

Officer Lazzaro then drove out the garage and towards the gas pumps. As the van passed the gas pumps, Officer Morin noticed in the path of the headlights an individual (Lovelace) running toward the west gate as it opened. Inmate Lovelace had run through the gate and Officer Lazzaro drove after him, observing that Lovelace was wearing a green jail uniform. The officers intercepted Lovelace with the van just outside the gate in the employee parking lot. Officer Morin asked Lovelace where he was going and Lovelace stated "I'm going home". As officer Morin stepped out of the van, he instructed Lovelace to place his hands behind his back. Officer Morin handcuffed Lovelace without incident. Officer Morin then radioed for the Watch Commander (Sergeant Ranken) to meet him in front of the building immediately. Officer Morin escorted Lovelace to the front of the building. Officer Morin did not search inmate Lovelace.

Officer Lazzaro was driving the van and followed them. Sergeant Ranken and Corporal Suriano exited the facility through the 228 door and took custody of inmate Lovelace.

Note: Inmate Rosa stated to Officer Lazzaro while they were sitting in the van that he was in the Intake/Draft area, holding cell 5 awaiting transport to Warren County Correctional Facility and did not see inmate Lovelace exit the facility.

6:55pm Corporal Farrell was in Visiting Control awaiting the start of evening visits. Visits were scheduled to commence at 7:00pm.

Officer Leonard Smith from M1 housing Unit radioed Corporal Suriano to have him send inmate Lovelace to visits for a 7:00pm visit. Corporal Suriano noted that Lovelace did not arrive at his office for a phone call. Before Corporal Suriano can respond, he heard Officer Morin over the radio calling for the Watch Commander to come out front immediately.

6:56 p.m. Sergeant Ranken, and Corporal Suriano exited the facility through door 228, met Officer Morin in front of the building, and escorted inmate Lovelace into the building through the 228 door without incident.

Corporal Farrell and Officer Sawyer left the Visitation Control Room and exited through sallyport doors 106 and 106A. They proceeded down the lobby hall and out the front entrance. Immediately to their right they observed Sergeant Ranken and Corporal Suriano taking custody of inmate Lovelace. Inmate Lovelace was escorted back into the facility through the 228 door. Inmate Lovelace is taken to the supervisor's office. Inmate Lovelace was not searched upon return to the facility.

Note: *The failure to search Inmate Lovelace upon his readmission to the facility is a violation of Minimum Standards Part 7002 Admissions, section 7002.4 Property Confiscation. Inmate Lovelace had escaped from custody, had hidden in the vehicle sally port and in department vehicles, and had exited the secure property perimeter for an (as of then) undetermined period of time. He should have been pat-frisked immediately upon apprehension and strip-searched upon readmission to the facility as though he was a new admission - high security risk. It should also be noted that facility policy F-14 Emergency Plans (Escape), subsection 7, does not require inmates to be searched upon apprehension.*

Post Escape Response:

Upon reentering the facility Sergeant Ranken ordered a facility lock down and head count to

be completed. The facility perimeter was secured and a perimeter and interior security inspection was ordered. The count was completed and cleared, all inmates accounted for. Two subsequent counts were conducted with the same results. Captain Hal Smith was called at 1914 hours and arrived at the facility at 1930 hours. The Captain was briefed and ordered statements to be completed by all staff. At 1924 hours Colonel Loveridge, who was in Lake Placid, New York attending a conference, was notified. At 1930 hours Lieutenant Karam and Lieutenant Hetman were contacted for their assistance in obtaining mechanically recorded evidence. At 1932 hours Undersheriff Russo was notified of the incident and Investigator Frank Mastan was assigned to perform a criminal investigation into the incident.

Lieutenant Karam arrived at the facility and produced all the mechanical recordings of the facility's radio transmissions for review. Investigator Mastan arrived at the facility and was briefed. Investigator Mastan attempted to interview inmate Lovelace but was unable to because Lovelace requested an attorney. Lieutenant Hetman arrived at the facility and produced the mechanical recordings of the times doors were opened and closed.

Inmate Lovelace was sent to the facility's Restricted Housing Unit, pending the outcome of the investigation and a disciplinary hearing. On October 12, 2006 at 0100 hours, Superintendent Loveridge arrived at the facility and was briefed. The facility administration conducted a comprehensive inspection of doors and locks. The facility returned to normal operations on October 12, 2006 at 0530 hours. At 0930 hours Captain Smith and Sergeant Patricelli interviewed Inmate Lovelace.

IV. Findings

It is the finding of the Commission of Correction that the failure of corrections staff to observe facility policies concerning inmate escorts and key control, along with numerous malfunctions of the facility's locking systems, enabled inmate Michael Lovelace to escape from the confines of the Rensselaer County Correctional Facility on October 11, 2006.

1. The escape occurred, in part, due to the failure of correctional supervisors and line staff to observe established facility policy concerning inmate movement. Specifically, facility policy E-05 *Movement and Control*, states that inmates assigned to the Restricted Housing Unit, Female Housing Unit or Special Housing Unit will be escorted at all times when they leave their assigned unit. Staffs' failure to observe this policy and properly supervise inmate Lovelace enabled Lovelace to escape from the Rensselaer County Correctional Facility.

Note: Colonel Loveridge issued a security reminder to all Correction Bureau Personnel that stated: Uniformed staff escorts shall be required for all inmate movement of the following groups: Inmates housed in W-1, W-4, and M-1 housing. All prisoners who are designated as RHU, Medical, Mental Health, Protective Custody and Unclassified regardless of their assigned housing location will be escorted.

2. Facility staff failed to maintain *Active Supervision* once inmate Lovelace exited M1 Housing Unit and entered the main hallway. No staff were close enough to inmate Lovelace to maintain oral communication with him at all times. Failure to maintain this supervision allowed Lovelace to move freely about the facility towards the Intake/Draft area unnoticed by staff. This is in violation of the requirements of 9NYCRR, *Minimum Standards for the Management of County Jails and Penitentiaries*, Part 7003, Security and Supervision, Section 7003.4(a) Supervision of prisoners outside facility housing areas. The program officer that was assigned outside of M1 Housing was escorting female inmates at the time of inmate Lovelace's departure from the M-1 Housing Area.
3. Facility staff failed to maintain proper key control of the Intake/Draft area's 208 door by allowing it to remain unsecured. This allowed inmate Lovelace to gain entry through the 208 door unabated. This is in violation of the requirements of New York State Correction Law 500-c, Custody and control of prisoners.

Note: During the investigation, Commission staff found that the 208 door was locked. Facility staff interviewed confirmed that the door has remained locked since the October 11, 2006 escape.

4. A critical defect in the facility's outdated security electronics system allowed the 207 sallyport door to remain open when it should have been secured. This allowed inmate Lovelace to gain entry into the outer sallyport area leading to the Intake Garage by simply pushing against the 207 door. The 207 door lacks a "no notch latch" feature. Due to the Main Control Room officer pressing the 207 door icon multiple times the lock continued to retract. The 207 door icon in control displayed that the door was open. Since the Main Control Room officer had moved on to another screen, she did not realize that the door was open.

Note: On October 13, 2006 Colonel Loveridge issued a security reminder to all uniformed security personnel that states: When performing the duties of Central Control Officer, the following protocols regarding the touch screen operation shall be adhered to: Verify all persons identity, using cameras and intercom voice acknowledgment, prior to opening an doors; the interlock override shall only be used in emergency situations where circumstances detect or when directed by a supervisor; refrain from rapid repetitive touches of the same screen icon to open doors. A single touch of the icon is sufficient to open it.

5. The 207A door leading from the Intake/Draft sallyport into the Intake Garage was not secured due to air pressure from the Intake Garage which prevented the door from closing completely. Because of this, the lock could not engage. The pressure was coming from the combination of the large exhaust fan located in the garage and the vacuum that occurred when the doors were opened. Like the 207 door, the 207A door also lacks a "**no notch latch**" feature, although such feature would not have necessarily secured the 207A door due to the air pressure from the Intake Garage. This allowed inmate Lovelace to gain entry out of the sallyport and into the Intake Garage by pushing on the 207A door. The 207A door icon also received multiple signals from Main Control Room. The 207A door icon in the Main Control Room displayed that the door was open. However, since the Main Control Room officer moved on to another screen, she did not realize that the door was open. The 207 and 207A doors were in override status due to multiple "hits" on the control icons. This is why

both doors could be open at the same time.

Note: After the escape the facility administration was able to reproduce the 207A door not closing completely due to the air pressure. The 207A door has been adjusted and now closes regardless of the pressure.

On October 27, 2006 Captain Smith issued a memorandum to staff stating. "Effective immediately a log book has been placed in both the Main Control Room and the Visitation Control Room for recording any interlock overrides." All interlock overrides must be recorded in the log and authorized by a supervisor.

6. Facility maintenance staff failed to properly secure the unattended vehicle in the Intake Garage area. This practice violated facility policy G-03 Transportation Rules and Guidelines which states, in part, that when vehicles are left unattended they will be secured: keys removed, windows closed and doors closed and locked. This enabled inmate Lovelace to gain access to the vehicle prior to exiting the Intake Garage.

7. During the construction of the Rensselaer County Correctional Facility, the 230C door was wired incorrectly. This resulted in the security electronics system screen in Main Control displaying the door as being secured, when in fact, it was not. This allowed inmate Lovelace to exit the Intake Garage to the outside by pushing against the 230C door. The 230C door did not have a "no notch latch".

Note: In a letter from Sheriff Mahar to Chairman Stewart dated December 13, 2006, the Sheriff reports that the County ordered 23 no notch automatic lock back locking devices to be installed in all locking mechanisms that provide exterior egress including all sally-port doors.

8. Staff assigned to the Main Control Room failed to observe facility policy when opening the West gate prior to closing the overhead exit door of the Intake Garage in allowing Officer Morin to exit the garage with an inmate transport. This is in violation of facility policy section E-08 Movement and Control Security Barriers which states, in part, that only one

door/barrier will be opened at one time and must be closed and locked before another is opened. The Main Control Room officer also failed to log on to the computer when she began her shift. In such instances when on-coming staff fail to log on to the computer, the computer print-out will indicate that the off-going officer was still on duty. This could create problems relative to identifying staff as well as overall accountability.

9. Facility staff failed to search inmate Lovelace subsequent to his apprehension. The transport officers acknowledged they did not pat search Lovelace after they apprehended him in the facility's parking lot. Facility staff interviewed stated that they did not search Lovelace, as they thought that the transport officer searched him. The failure to search Lovelace as though he were a high security risk new admission jeopardized the safety and security of the facility and constitutes a violation of *Minimum Standards* section 7002.4 Admissions, Property Confiscation. Further, the facility's policy F-14 Emergency Plans (Escape), subsection 7, does not require inmates to be searched upon apprehension from escape.

10. The closed circuit television (CCTV) system at the Rensselaer County Correctional Facility has operated continually, 24 hours a day, 7 days a week, 52 weeks a year for over 14 years. The CCTV monitor displays a poor quality image and all the black and white video monitors have burned in "ghost images", thus obscuring live images. The Main Control Room officer is unable to monitor the exterior of the facility or internal movement due to the poor quality of images displayed on the monitors. Although not directly related to the escape, the problems associated with this outdated CCTV system jeopardize the safety and security of the facility and public.

Note: In a letter from Sheriff Mahar to Chairman Stewart dated December 13, 2006, the Sheriff reports that two meetings have taken place regarding the CCTV/security system since the November 6, 2006 meeting with Commission staff. The Sheriff meet with representatives of the Black Creek Integrated Systems, Inc., Kimball Associates, BBL, Jail Officials and the County Engineer to discuss the present deficiencies, desired capabilities and planned upgrades to the system. The Sheriff then met with the County Engineer and Representatives of the County's Information Technology Department to

firm up steps to ensure a timely and efficient system upgrade.

11. The facility's practice of conducting inmate haircuts in the group holding cells in the Intake/Draft area creates the potential for significant problems, given the high level of activity and movement that occurs within the Intake/Draft area. This additional activity taxes the staff who are responsible for processing new admissions, discharging inmates scheduled for release, and supervising inmates going to and returning from various transports.

V. ACTIONS REQUIRED

The Sheriff shall take immediate action to require that staff observe facility policies concerning inmate movement throughout the facility.

The Sheriff shall take immediate action to comply with the requirements of *Active Supervision* pursuant to 9NYCRR, *Minimum Standards and Regulations for the Management of County Jails and Penitentiaries*, Part 7003, Security and Supervision, Section 7003.4(a), Supervision of Prisoners Outside Facility Housing Areas.

The Sheriff shall take immediate action to comply with New York State Correction Law 500-c, Custody and control or prisoner, and ensure that all security doors within the Rensselaer County Correctional Facility are secured at all times.

The Sheriff shall take the necessary action to upgrade the facility's existing security electronics system to ensure:

the successful opening and securement of all doors and gates within the facility;

that the override of doors and gates can only occur in an emergency situation and appropriate safeguards exist that prohibit the accidental implementation of an emergency override condition; and

that computer screen displays (in Main Control) of the secure status of all doors and gates are accurate (i.e., secure or unsecured)

Pending the completion of upgrades to the facility's security electronics system, the facility shall install "no notch latch" devices on main security doors throughout the facility.

The Sheriff shall take the necessary action to upgrade the facility's closed circuit television system to allow for high quality images on monitors of all areas covered by security cameras.

The Sheriff shall take the necessary action to ensure that all department staff observe facility policy which requires the securement of unattended vehicles in the Intake Garage.

The Sheriff shall take the necessary action to ensure that staff assigned to the Main Control Room observe facility policy which prohibits the simultaneous opening of overhead doors in the Intake Garage and exterior gates. Staff shall also be directed to properly log on to the Main Control Room's computer upon commencement of their shift.

The Sheriff shall take the necessary action to ensure that staff treat escapees readmitted to the jail as high security risk new admissions and thereby comply with *Minimum Standards* section 7002.4, Property Confiscation. Further, the facility shall incorporate into its escape policy and procedure the requirement that inmates are searched upon their return to custody from an escape.

The Sheriff shall immediately discontinue the practice of conducting inmate haircuts in the facility's Intake/Draft area. A more suitable and appropriate area shall be selected and its use shall be incorporated into the facility's written policies and procedures.