

Visiting: physical plant and operational issues

Outlined below are issues identified by BOC staff on-site at the Visit Control Building ("VCB") and in three jails (AMKC, GMDC and RNDC), as well as complaints presented to the Board in letters and phone calls from visitors and inmates. Some of the issues were cited by people who testified at the Board's June 5th public hearing on DOC's requests for variances from the Visiting and Recreation sections of the Minimum Standards.

1. Inconsistent information for visitors

Information provided to visitors by DOC regarding what constitutes acceptable visitor identification is inconsistent. Information on the DOC website and in the Visitors Guide does not match information on some signs and recorded announcements. This results in some would-be visitors being turned away, especially first-time visitors.

- Information on DOC website: work ID or school ID OK
- Information at Rikers Island Visit Control Building: work ID must be accompanied by a current pay stub; school ID must be accompanied by a current class/program schedule.
- VCB staff sometimes accept IDs that are rejected by jail registration officers, who turn away those would-be visitors.

Information provided to visitors by DOC regarding items that can be worn or brought to a jail or visit floor, including baby bottles (permitted in the Visit Procedures Directive), hair "scrunchies", medications, etc., varies from jail-to-jail and appears to be revised on an ad hoc basis. Most jails have hand-written signs at front gates and pre-search waiting areas listing prohibited items.

Resolving these inconsistencies alone will not resolve the problem of would-be visitors being turned away from all visits because DOC requires an unusual and seemingly excessive amount of identifying information. As was discussed at the September BOC meeting, the Department should reconsider the purpose of requiring and retaining some of the information it currently demands, such as a current pay stub or school program schedule.

2. Technology problems with Visit Express

Visit Express uses biometrics and computer-based technology to speed the visit process, retain visitor ID on file, and enable DOC to better track steps in the visit process. Visit Express remains a "pilot project", having been implemented in January, 2009, only at the Anna M. Kross Center (AMKC).

AMKC visitors initially enroll in Visit Express at the VCB by being fingerprinted and having acceptable identification scanned into computer. Thereafter, at VCB and AMKC, AMKC visitors' identities are supposed to be verified by means of a fingerprint scan, where the scanned print is matched to the on-file print of the enrolled visitor.

- DOC staff report that the technology performs poorly, resulting in frequent and often lengthy delays. [For example, on August 26, at 1:05 p.m. only nine AMKC visitors had been processed through Visit Express, while 23 more AMKC visitors

waited to be processed. The result was that the first bus did not depart from the VCB until 1:25 to bring visitors to AMKC, where they then had to undergo additional ID and search procedures. Registration began at VCB at 12:25, and jail visits were supposed to begin at 1 p.m. Some visitors had arrived outside the VCB well before any processing began, in the hope that pre-visit security and identification might be expedited.]

- DOC staff report several significant flaws. Scanning equipment more often than not does not recognize fingerprints of already enrolled visitors, requiring staff to perform a time-consuming override and alternate processing. Also, the ID scanning equipment only accommodates IDs of limited size, so, for example, it is unable to scan large IDs such as passports or many out-of-state IDs.
- DOC staff report that the technology “slows down” significantly during the last two hours of the registration process on each visit day: DOC staff say that the system “cannot handle large amounts of data.”
- AMKC staff report that the touch screen on the new registration kiosk operates erratically, thereby delaying registration.

3. Need to improve configuration of visitor processing and waiting areas at the jails
BOC staff met with Chief Thomas and other senior DOC staff to discuss our observations about the locations of lockers for visitors to store items that are not permitted to be brought onto the jail visit floor. We explained that searches of visitors at the VCB often fail to detect cell phones, iPods and other electronic devices, as well as loose cigarettes, lighters and matches in visitors’ coat and purse pockets. We made the following observations:

- If jail visit lockers are accessible to a visitor *before* the visitor is searched at the facility, the visitor would be able to store excess outerwear and purses, together with any items inadvertently left in pockets. If these items are secured in lockers before a jail search, less time and staff would be required for visitor searches. Disagreements would be eliminated between officers and visitors who object to the way an officer handles – and sometimes comments on – the visitor’s personal possessions.
- If locker locations are changed as BOC has recommended, DOC reasonably could presume that a visitor, found to possess a cell phone after passing through the (new) locker area to the search area, did intend to attempt to smuggle the phone to an inmate. No longer could a visitor claim he/she “forgot” in a coat pocket or pocketbook the phone that VCB staff failed to find.

We gave an example of a visit appeal received by BOC from a frequent visitor “caught” during a pre-visit search, at a jail’s front gate, with a partially-smoked cigarette and a couple of loose matches in her coat pocket. This contraband had not been detected during the VCB search. No one believed the visitor intended to smuggle the items to the prisoner she had come to visit, and she would not have been allowed to wear a coat onto the visit floor. Nonetheless, the visitor was banned from all visits for 45 days – a restriction BOC overturned on appeal.

DOC officials acknowledge that visitors should be allowed to secure electronic devices and retrieve them after completing a visit; visitors should not have to discard the items in an "amnesty box" or be punished by being barred from visiting for possessing a phone, a pager, or an iPod when they arrive at a jail's front gate. Nonetheless, DOC defers to the discretion of each facility's staff as to whether to write someone up and ban them, or give the visitor the option to discard the item in an "amnesty box" or to return to VCB to store the item in a locker (after which the visitor must begin anew the initial visiting processing).

4. Need to eliminate padlock-style lockers and replace with coin-operated lockers
DOC's Central Office intends to move in this direction, thereby eliminating the need for an officer to distribute padlocks and unlock lockers with master padlock keys. This also will eliminate the arguments that sometimes occur when a visitor feels his/her visit or departure from the jail has been delayed because of the time it takes for the officer to provide a padlock or unlock one, or when a visitor believes the officer has removed items from the locker.

- AMKC has installed coin-operated lockers. However, DOC has no change machines for visitors to obtain coins to operate the coin-operated lockers. A recent BOC inspection revealed that 15 of 192 recently-installed lockers were broken; facility staff cannot repair them. Lockers were not installed in numerical order. Locker keys have loose number-tags and, to date, 13 tags have fallen off and been lost, a problem with VCB's coin-operated lockers as well.
- At RNDC, only cosmetic changes have been made to existing lockers where an officer must unlock padlocks for visitors. On a recent tour, only 92 padlocks were available for 148 lockers.
- At GMDC, no changes have been made to the padlock lockers. On a recent tour, only 109 of 150 lockers had padlocks, and 52 lockers were so small that some visitors needed to use two lockers.

5. Inadequate access to drinking water and vending machines

The Minimum Standards require access to drinking water "throughout the waiting and visiting periods."

- None of the three jails has drinking water available in all waiting areas. This is important because lengthy delays sometimes occur both in the pre-search and post-search waiting areas.
- There are no coin change machines at GMDC and RNDC and, during BOC inspections, drink vending machines did not make change.

6. Insufficient seating to accommodate all visitors in some facilities

The Visiting Standard requires "sufficient seats for all visitors". Compliance with this provision varies among facilities. AMKC appears to have enough seats; GMDC does not. A recent inspection documented that RNDC has only 12 chairs in its pre-search and departure area.

7. Visitor waiting-time

During the summer and fall of 2008, the Board received numerous complaints about lengthy wait times for visitors.

- Wait times at the three jails continue to be extended unnecessarily, inconveniencing visitors and facility staffs, and creating an atmosphere in which frayed tempers sometimes precipitate arguments between visitors and staff. For example, recently visitors to inmates at GMDC were held at the VCB for more than two hours before being transported to the jail for processing by GMDC staff. This occurred because the floors in the GMDC Visit Captain's office and adjacent offices were replaced shortly before the visit week began, but the furniture had not been moved back into the offices, and remained near the post-search waiting area. It remained "in the way" until it was removed by visit staff at 3 p.m. (Visits were scheduled to begin at 1 p.m.) No information about the reason for the delay or its projected duration was provided to the GMDC visitors as they waited at VCB for a bus to the jail.
- Wait times for visitors to inmates housed in Close Custody at RNDC were especially long. Waits exceeding 5 hours were not unusual; some visitors waited 7 or 8 hours. Now however, lengthy waits for CCH visitors are a thing of the past, but never should have occurred. Lengthy waits occurred only because the then-jail administration chose to conduct CCH visits in the Legal Aid/Counsel area, where the layout accommodates only one visit at a time. This ensured that long delays would occur whenever multiple visitors arrived at the same time or within an hour of one another, and whenever the space was being used by its primary occupants.

8. Limited use of positive Ion Scan test results

Ion scan tests detect trace amounts of chemicals on a visitor's clothing, skin or property. When a random test yields a positive result, the visitor is told he/she may wash hands and submit to another test, accept a non-contact visit, or leave the premises. If a visitor tests positive twice, on two different occasions, DOC takes a photo of the visitor and may conduct an ion scan test each time the visitor returns to a DOC facility, rather than randomly.

A positive result means only that the visitor has come in contact with the chemical for which the test is positive. It does not mean that the visitor currently possesses drugs. DOC does not use a positive test as the basis to ask the visitor to submit to a pat frisk to determine whether the visitor actually has drugs on his/her person.

Recently, the American Chemical Society reported that 90% of currency it tested contained traces of cocaine. Thus, it is certain that many visitors who have not used cocaine will nonetheless test positive. Furthermore, we are informed that Ion scan tests yield false positives for visitors taking certain prescription medications.

- BOC staff previously reported that positive test results fluctuated wildly by facility, with one jail's visitors (EMTC) accounting for more than 1400 of the 1600 positive tests from January through July 2008 – 16 times more positives than the next closest jail (GMDC), which had 30,000 more visitors during the

period. After bringing this finding to the attention of senior DOC management, we now find that the positive results are more evenly distributed among facilities.

- BOC has received numerous complaints from visitors who were told they tested positive, yet vehemently deny ever having used illegal drugs. Furthermore, many of these visitors have asked DOC staff to search them thoroughly to counter the presumption that they are carrying controlled substances. DOC policy precludes a pat frisk confirmatory test. Complainants, including grandmothers accompanied by young children, speak bitterly about the humiliation of being labeled as drug users. Others fear that their digital photo and information about a positive ion scan will cause future professional or legal problems.
- The most obvious consequence of positive ion scan test results is to reduce the number of visitors and inmates who are allowed to participate in contact visits.
- DOC already is authorized to bar from its facilities a prospective visitor who is intoxicated or appears "high".
- DOC's K-9 Unit and vigilant visit house staffs are the Department's first-line of security defense to prevent contraband drugs from being introduced into the City's jails. DOC may obtain a visitor's written permission for a pat frisk if staff suspect contraband. The Ion Scanners serve no such security purpose, and DOC should reconsider the continued use of Ion Scan testing.

9. In violation of the Minimum Standards, DOC continues to deny contact visits to inmates who fail or refuse drug tests. DOC may limit contact visits only upon a finding that an inmate's contact visit presents a threat to jail security. Whenever DOC is able to prove that an inmate received drugs during a contact visit, DOC may deny future contact visits. However, absent a nexus between a positive drug test and a contact visit, DOC may not deny contact visits solely on the basis of a positive drug test or refusal.

The Board will continue to reverse such decisions and restore contact visits to inmates so affected. DOC's failure to comply with the visiting standard requires both DOC and BOC staffs to expend much unnecessary time and effort on these cases.

10. Climate control in visit areas varies among facilities

- Spot checks of areas at AMKC revealed satisfactory temperatures and air flow.
- There is no air conditioning at RNDC. At GMDC, there is sporadic air conditioning in the first-floor visit waiting areas, but no air conditioning in the visit house on the second floor. At both GMDC and RNDC, few fans are available to circulate air. Fans provide little relief in closed, windowless officers' stations, and officers report that they have complained to COBA. There are no fans in booths at GMDC and RNDC.
- Hot, stuffy air creates an environment in which staff and visitors are uncomfortable. Officers report having "short fuses", and note that some confrontations with visitors result.
- No special consideration or procedures are in place for heat-sensitive inmates or weak visitors, who may be elderly or pregnant, or have breathing problems.

11. Sanitation of visit area bathrooms varies among jails

- Bathrooms at AMKC, home to Visit Express, are well maintained. This is not the case in GMDC or RNDC, both of which lack Visit Sanitation officer posts.
- Although DOC requires sanitation of bathrooms every two hours, GMDC and RNDC lack the staff and supplies to do this consistently.

12. Miscellaneous examples of problematic DOC staff interactions with visitors

- At some facilities, toilet paper is kept at a security desk, not in the bathroom. This practice causes some visitors to complain that officers treat them “as if we are inmates, not civilians.” Visitors complain of the humiliation of being required to ask an officer for toilet paper “in public”.
- Some K-9 searches are conducted in a manner more consistent with searches of inmates, rather than civilian visitors. BOC staff have heard officers yelling orders to nervous visitors: “line up, don’t move, stand still, keep hands at your side, don’t talk”. BOC staff have heard officers berating adults whose young children sometimes do not stand still for a K-9 search, either because the child is afraid of the dog, or is curious or excited.
- Visitors complain to BOC about allegedly rude or disrespectful treatment, including demeaning and/or suggestive comments regarding a visitor’s attire. One visitor claimed a CO asked if she was “stupid” after she inadvertently signed-in for a visit in the wrong column. Others have alleged officers call them names (e.g. “crackhead”), curse at them, tell them to “shut up”, and mishandle visitors’ property during searches.
- Other visitors complain about being ordered to open and/or take off clothing (including two recent complaints of a female officer pulling forward the top of a visitor’s underpants and visually inspecting the visitor’s sanitary pad) , and what they consider inappropriate touching during search procedures. These complaints were echoed by testimony provided at the Board’s June 5, 2009 public hearing. A visitor recounted being ordered to lift up her shirt and then pull out the bottom of her bra, to open and unzip her pants, and how an officer ran her fingers around the top of the inside of the visitor’s pants.
- Video cameras – with audio – would facilitate investigations of visitors’ complaints. Recordings would encourage courteous interactions and protect staff against false accusations.