



The City of New York
Department of Investigation

MARK G. PETERS
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

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**CONTACT: DIANE STRUZZI
NICOLE TURSO
(212) 825-5931**

**DOI REPORT FINDS SERIOUS SECURITY LAPSES AT TWO CORRECTION DEPARTMENT FACILITIES
ALLOWING WEAPONS AND DRUGS INTO THE FACILITIES**
DOI found same failures in 2014 and recommended DOC make changes, which the agency never adopted

Mark G. Peters, Commissioner of the New York City Department of Investigation (“DOI”), released a Report today on security lapses at the entrances of two City Department of Correction (“DOC”) detention facilities – one in Manhattan and the second in Brooklyn – exposing serious vulnerabilities in DOC’s security operations. The Report, based on recent undercover operations, documents the continued existence of security failures that were first uncovered during a similar DOI investigation in 2014 but were never addressed by DOC. In fact, some of the recommendations in today’s Report were ones made to DOC in 2014, and if properly implemented would have prevented DOI’s undercover investigator from entering the facilities with contraband. As a result of this new Report, DOC has now agreed to adopt DOI’s recommendations to strengthen its screening protocols and establish a dedicated, independent unit of specially trained officers to provide screening at DOC’s front gates. Importantly, DOI’s investigation revealed that certain security issues are as prevalent at the City’s localized borough facilities as at Rikers, demonstrating that a number of previously documented concerns at Rikers are equally problematic at smaller, community-based jails.

A copy of DOI’s Report follows this release and can be found at the following link:
<http://www1.nyc.gov/site/doi/newsroom/public-reports.page>

DOI Commissioner Mark G. Peters said, “This Report once again exposes vulnerabilities in DOC’s security protocols and demonstrates the continued threat that contraband smuggling poses to safety and security in our City’s jails. Three years after a DOI undercover investigation demonstrated serious flaws in DOC security screening, the problems remain and a new undercover operation smuggled in drugs and weapons just as easily. Further, DOI’s investigation found that this problem extends beyond Rikers Island and to the City’s localized borough facilities.”

In September 2017, a DOI undercover investigator posed as a Correction Officer and successfully smuggled in two scalpel blades, with handles and blade covers; 26.8 grams of marijuana; and five strips of suboxone, a prescription opiate substitute similar to methadone, into the Manhattan Detention Complex (“MDC”) and Brooklyn Detention Complex (“BKDC”). The undercover investigator passed all screening checkpoints at both facilities without being manually searched, even when magnetometers confirmed a metallic presence. At MDC, the correction officer stationed at the front desk did not acknowledge the alert on the magnetometer, did not ask the investigator to pass through again, and did not stop or search the investigator, either manually or with a transfrisker wand, before allowing him through security. DOI’s undercover investigator also smuggled contraband into the detention complex from the New York County Criminal Court entrance, though again, he triggered the magnetometer. Later that same day, the undercover investigator also entered BKDC’s front gate without being stopped or searched, despite triggering the magnetometer once again, this time with his belt and shield still on and his keys in hand. Only one correction officer inquired as to whether the undercover investigator was carrying contraband, but accepted the investigator’s answer without conducting a physical search.

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Today's Report highlights DOI's monitoring of the City's jails since 2014, which has led to more than two-dozen arrests of DOC employees on contraband smuggling charges. This Report is a follow-up investigation to DOI's November 2014 Report that exposed security breakdowns at the entrances of Rikers Island jail facilities and enabled an undercover DOI investigator to smuggle in dangerous contraband, including narcotics and weapons, into six out of the six jails entered. DOI also found through its investigation that DOC had not fully implemented DOI's essential recommendations made in 2014 to address these problems. As a result, DOI has re-issued these recommendations along with several additional recommendations, including the creation of a dedicated, independent unit to handle DOC's front-gate entrance screening.

The recommendations being re-issued from DOI's 2014 investigation are the following: placing drug-detecting dogs at the staff entrance gates to screen correction officers entering facilities for drugs, especially during tour changes; eliminating unnecessary pockets on the correction officers' uniforms, including those on cargo pants; and locating DOC staff members' personal lockers outside the front-gate entrances. A copy of the 2014 Report can be found at the following link: <http://www1.nyc.gov/site/doi/newsroom/public-reports.page>

DOI has also issued two new recommendations based on this investigation, including:

- DOC should create a dedicated, independent unit specially trained in the security and screening for correctional institutions and with in-depth knowledge of the policies, procedures, and operations of DOC's front-gate entrances. The current practices of using correction officers with jail assignments means these DOC staff members are asked to oversee the same correction officers they must depend on to protect them inside the jail housing areas. A specialized unit, dedicated to security, will eliminate this conflict. DOC informed DOI that it has undertaken efforts to train staff in front-gate security.
- The court-side entrance of MDC must be fully equipped with adequate personnel, surveillance cameras and x-ray machines, in addition to magnetometers to enable security staff to detect contraband. DOC has agreed to this recommendation.

DOC has informed DOI that it will accept these recommendations. DOI will continue to monitor the implementation of these recommendations and issues of contraband screening at DOC facilities.

Commissioner Peters thanked DOC Commissioner Cynthia Brann, and her staff, for their cooperation.

This investigation was conducted by DOI's Office of the Inspector General for DOC, specifically Investigators Matthew London and Stephen Dumas, Special Investigator Cindy Tsui, Supervising Investigator Ferdinand Torres, Assistant Inspector General Vincent Valerio, Assistant Inspector General and K-9 Officer Carmelo Galarza and his K-9 Gunner, and Deputy Inspectors General Whitney Ferguson and Richard Askin, under the supervision of Inspector General Dana Roth, Associate Commissioner Paul Cronin, Deputy Commissioner/Chief of Investigations Susan Lambiase and First Deputy Commissioner Lesley Brovner.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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New York City Department of Investigation

**Investigation Reveals Front-Gate Security Failures
at City Detention Complexes in Manhattan and Brooklyn**

**MARK G. PETERS
COMMISSIONER**

February 2018

EXECUTIVE SUMMARY

Contraband smuggling within the City jails is an ongoing problem that correlates with gang activity both inside and outside the facility, and exacerbates safety and security issues. Fighting contraband smuggling is a key part of the New York City Department of Investigation's (DOI) push to stop criminal activity and to curb violence within the City's jail system.

In November 2014, DOI issued a report that exposed security shortcomings and lapses at the entrances to New York City Department of Correction (DOC) facilities on Rikers Island, which enabled DOC staff to smuggle contraband into the jails.¹ That report also detailed an undercover operation conducted by DOI, in which a DOI undercover investigator successfully passed through DOC screening in six out of six facilities with 250 envelopes of heroin, 24 strips of suboxone, ½ pound of marijuana, a 16-ounce water bottle filled with vodka and one razor blade. The report outlined necessary reforms and upgrades to the security operations at DOC to address these problems.

DOI has continued to monitor contraband smuggling since 2014, leading to multiple investigations and the arrests of 27 DOC employees, 33 inmates, and 16 civilians for the smuggling of weapons and narcotics into the jails. DOI continues to investigate smuggling cases not only at the facilities on Rikers Island, but also at DOC's two borough facilities – the Manhattan Detention Complex (MDC) and the Brooklyn Detention Complex (BKDC), where DOI has obtained considerable evidence that smuggling operations are equally prevalent.²

¹ DOI's 2014 report, "New York City Department of Investigation Report on Security Failures at City Department of Correction Facilities" is available at <http://www1.nyc.gov/assets/doi/reports/pdf/2014/2014-11-06-Pr26rikers.pdf>.

² There is also a borough facility in Queens, the Queens Detention Complex; however, inmates are not permanently housed in this facility. It is used as a holding facility while inmates are awaiting their court appearances.

DOI's investigation finds that three years after our 2014 undercover contraband operation, many of the same vulnerabilities remain at DOC and essential recommendations DOI made in 2014 have not been fully implemented. DOI is now recommending that DOC hire a dedicated, independent team, ideally made up of non-uniformed staff, for the purpose of front-gate security screening operations.³ This dedicated team would have the sole duty of performing security at the front gates of DOC facilities and would overcome inherent conflicts now present for front-gate officers who must serve a dual role, screening colleagues one day and relying on those same officers to protect them the next day when assigned posts within inmate housing areas.⁴

BACKGROUND

The 2014 DOI Report focused on an undercover operation, in which a DOI investigator concealed an estimated \$22,000 worth of contraband, almost all of it carried in the cargo pants of his uniform, and tried to get through screening at six jails on Rikers Island. The investigation found that the undercover investigator successfully walked through the screening without the contraband being detected. The 2014 operation corroborated DOI's observation of numerous security flaws at the front-gate entrances, including security personnel allowing the undercover investigator to continue into the facility after triggering the magnetometer without emptying his pockets; improperly calibrated magnetometers, leading to the undercover investigator triggering alarms in some facilities and not others; and improper use of handheld transfrisker wands.^{5 6}

³ In the 2014 Report, DOI recommended that DOC's Special Operations Division oversee security at staff entrances.

⁴ Officers are assigned to a particular jail on a regular basis and can either be placed at various posts inside the jail housing area or assigned to perform security checks at facility entry points.

⁵ Transfriskers are handheld magnetometers that allow an individual to be more thoroughly checked for the presence of metal objects.

⁶ After the operation concluded, DOC's drug-detecting canine confirmed that the drugs concealed in this operation were detectable on the investigator.

The 2014 report identified two primary causes for the failure of DOC security personnel to prevent contraband smuggling by Correction Officers (COs) and staff. First, the existing protocols for screening staff entering a facility were insufficient to actually detect and prevent contraband smuggling. Second, the protocols already in place were routinely ignored by security staff. The 2014 Report demonstrated that a new system of security protocols – and strict adherence to these protocols – was necessary to address the recurring issue of CO and staff smuggling.

Subsequent to the 2014 Report, multiple DOI investigations have led to arrests for contraband smuggling both at Rikers and non-Rikers facilities. Undercover operations and intelligence gathering suggested the continued existence of contraband smuggling, including at MDC and BKDC.

DOI'S 2017 INVESTIGATION

As a follow-up to DOI's 2014 report, and in light of investigations conducted into contraband smuggling since that time (which suggested that the problem was as widespread at borough facilities as at Rikers), DOI conducted integrity tests at MDC and BKDC in order to determine if the vulnerabilities found in 2014 at Rikers Island jails similarly exist today at two of the borough facilities.

In September 2017, a DOI undercover investigator, posing as a Correction Officer, smuggled two scalpel blades, complete with handles and blade covers; 26.8 grams of marijuana; and five strips of suboxone⁷ into both MDC and BKDC. Combined, this contraband has an estimated value inside the jails of \$5,000. Despite DOC's specific and updated directives⁸

⁷ Suboxone is a prescription opiate substitute similar to methadone.

⁸ On September 1, 2014, DOC issued a new policy directive (Department of Correction Teletype Order No. HQ - 01961-1), which addressed some of the concerns that DOI had made in the 2014 Report. It made certain DOC practices, including a mandate that Captains supervise searches during major shift changes, official policy. And, while it did not include other DOI search recommendations, it mandated that staff food be examined by the X-ray

regarding contraband detection and front-gate security, the undercover investigator was able to pass all screening checkpoints at both MDC and BKDC. In addition to the front-gate entrances, the undercover investigator also gained entrance into MDC from the New York County Criminal Court entrance.⁹ Similar to our 2014 undercover operation, the DOI investigator concealed the contraband in the cargo pants pocket of his DOC uniform (See Appendix A).

The investigator smuggled the contraband into both MDC entrances and BKDC without incident. At the MDC front entrance, the investigator removed his belt, shield, and shield backing, and placed those items into a scanning tray. The investigator still triggered the magnetometer upon passing through, indicating the presence of metal somewhere on his body. The CO stationed at the front desk was conversing with another individual and neither acknowledged the audible ring generated by metal passing through the magnetometer nor instructed the investigator to walk back through the magnetometer to confirm a metallic presence. At no point was the investigator stopped or searched, manually or with a transfrisker wand, despite waiting approximately 10 seconds after passing through the magnetometer for security personnel to search him or instruct him what to do. The investigator then proceeded into the facility and left shortly thereafter with no search having been performed.

A short time later, the investigator entered the New York County Criminal Court through its 100 Center Street entrance and proceeded to enter MDC through the “court-side” entrance, connected to the Criminal Court internally via a corridor. At the security checkpoint there, the

machine. However, despite the directive, DOI observed COs permit uniformed staff to put food on top of the X-ray machine without scanning it; permit uniformed staff to walk through the metal detector with food in their pockets; allow people inside who did not clear the magnetometer; and permit the staff to dictate how they would be examined during transfrisker searches. For example, an arriving worker would tell a CO that a belt or a hair pin was triggering the alert, and the CO would search that area, but not other areas, and permit the worker to enter the jail.

⁹ MDC and the New York County Criminal Court, located at 100 Center Street, are internally connected. A DOC security checkpoint is located in the corridor linking the two facilities.

investigator again triggered the magnetometer due to the contraband and a set of keys being carried within his cargo pants pockets. At no time did he remove any objects from his pockets to be scanned by the gate officer, nor did the gate officer ask him to walk back through the magnetometer or use a transfrisker wand to search him. The gate officer then asked the investigator if he had any “weapons, sharp objects, or drugs” on his person, to which the investigator said “No”. The officer accepted this answer without any physical search, and only checked the investigator’s DOC identification card before allowing him to proceed into the facility.

Later that same day, the undercover investigator arrived at BKDC’s front gate and the investigator told the gate officer that he was new to the facility and the gate officer informed him how to reach the administrative area. The investigator proceeded through the magnetometer, this time with his belt and shield still on his person, his personal keys in his hand, and contraband in his pockets. The magnetometer visibly and audibly alerted to the presence of metal, but neither the front-gate officer nor another officer sitting at the front desk asked the investigator to go back through the magnetometer, searched the investigator, or even asked him to place his belongings, belt, or shield into the plastic trays to be sent through the x-ray scanner. The investigator then proceeded into the facility with all of his belongings and contraband still on him. As was the case at MDC, the officers present at the BKDC front gate failed to use the transfrisker wand.

Throughout the entirety of DOI’s undercover operation, DOC had no drug-detecting K-9 units present at any of the entrances. In prior investigations, DOI, upon entering facilities, has not seen the regular presence of K-9 detection dogs. We are aware that DOC has trained drug detection K-9s, and has utilized them at various front-gate entrances, but the small number of trained dogs is inadequate to cover the number of entrances for all shifts. Prior to the commencement of the operation, DOI’s own K-9 unit alerted to the presence of drugs on DOI’s undercover investigator, verifying that the contraband was, in fact, detectible by a drug-detecting canine. Following the

operation, narcotics testing verified that the contents of the contraband packages were marijuana and suboxone.

Despite the undercover investigator alerting each magnetometer that the investigator passed through, none of the front-gate officers made an attempt to search the undercover investigator or ascertain why the magnetometer had alerted. Only one officer inquired as to whether the undercover investigator had contraband on his person, and then accepted the undercover investigator's negative reply without any attempt at a physical search.

CONCLUSION AND POLICY AND PROCEDURE RECOMMENDATIONS

DOI's 2017 investigation revealed that many of the same security deficiencies found in 2014 exist not only on Rikers Island, but also at two of the DOC-controlled facilities in the boroughs. This investigation found that DOC has not fully implemented the recommendations from DOI's 2014 investigation.

Given the continued problem of contraband smuggling by DOC staff, highlighted by DOI's continued arrests of DOC staff and others who have been charged in smuggling schemes; and the front-gate security lapses confirmed by two DOI undercover operations three years apart; it is evident that DOC must prioritize the strict enforcement of the security protocols DOI first recommended in 2014 and has continued to recommend since then.

In fact, if DOC had properly implemented the 2014 recommendations, these protocols would have prevented DOI's undercover investigator in 2017 from being able to easily enter the facilities with contraband. DOI reiterates the following recommendations from 2014 that must be implemented by DOC immediately:

- DOC staff members' personal lockers should be located outside the front-gate entrances in order to prevent contraband from entering DOC facilities.
- Drug-detecting K-9 Units must be placed at the staff entrance gates to screen COs for drugs, especially during major tour changes. (Although this recommendation was accepted by DOC on June 9, 2015, K-9 units are rarely found at these entrances.)
- The uniform that DOC staff members are required to wear should eliminate unnecessary pockets, including those on cargo pants. This recommendation was not implemented by DOC after the 2014 Report.

DOC has informed DOI that DOC agrees with DOI's recommendations cited above, and accepts them. With respect to DOI's recommendation regarding the lockers, DOC has already made the necessary changes at EMTC and NIC to move lockers. The limitation on immediate implementation of this goal for the rest of the facilities is in the specific structural changes that must be made to each individual facility, requiring different capital-type changes to each facility depending on their physical layout. DOC has already committed to making as many of the changes as possible to do this and to at least move forward with the plans and designs to effectuate changes. DOC reports that draft design options have been developed for all of the facilities on and off island, and plans for both permanent and potentially temporary alternatives have been explored. These will all require State Commission of Corrections approval as well, and state engagement to review, tour, and approve the plans will need to be built into the timeline. For some facilities, due to the City's implementation of its plan to close Rikers Island, which includes rebuilding/renovating the borough facilities, DOC states that it may be impractical to make the locker changes given impending closure or construction (for example, DOC has already announced plans to close GMDC). For facilities under consideration, DOC will review with DOI staff the current design plans and DOC will further update DOI on capital decisions related to those changes and plans.

With respect to use of K-9 units, DOC now accepts DOI's recommendation. Specifically, DOC states that it will move forward with a plan to expand its K-9 division. The addition of K-9 units requires the addition of K-9s, staff selected and trained to handle the K-9s, a larger kennel and facility to house the K-9s as they have strict use and care requirements, and then additional transportation requirements for the K-9 units as a whole. DOC agrees that these changes will be reflected in its submission for new needs. DOC will update DOI on its progress as the year goes on, and will commit to expanding K-9 units.

DOC has accepted DOI's recommendation to remove excess pockets from uniforms, including those in cargo pants generally, but will need to maintain their use for a select number of staff who work in special units, such as DOC's Emergency Services Unit, for which extra response and security equipment require such apparel. DOC will develop a phase-out plan, which includes a determination of which special units/staff will be permitted to continue to use cargo pants. DOC will present that plan and the timeline for phase out to DOI for review by [March 1, 2018](#).

After DOI's report in 2014, DOC issued a new policy directive, Department of Correction Teletype Order No. HQ -01961-1, addressing some of DOI's concerns. Among other revisions, this directive (1) mandates that all DOC Staff must clear the magnetometer prior to entry into the facility; (2) explains the procedure upon failure of a staff member to clear the magnetometer¹⁰; (3) mandates that all containers, including food and medicine, must be scanned through the X-Ray machine; and (4) explains the procedures to follow if contraband is suspected to be in a container¹¹.

¹⁰ If an employee sets off the magnetometer, the employee should be directed to pass through the magnetometer again. If the employee still sets off the magnetometer, he or she should be subjected to a transfrisker wand search. If the wand alerts to a metal, the employee is to be asked to consent to a pat frisk - any failure is grounds for denial of entry into the facility and the notification of a supervisor.

¹¹ The Directive further expressly provides that "all items, inclusive of food and medication" are to be scanned through the X-ray machine. Where the X-ray machine gives the operator reason to suspect the potential presence of contraband, the item in question should be visually inspected, wanded, and searched by hand in order to determine the item's propriety. A discovery of contraband, or the refusal of the item's owner to consent to a search, is grounds of denial of entry into the facility and the notification of a supervisor.

If implemented properly, the existing directive will substantially improve the security at the New York City jails. However, DOI's 2017 undercover operation illustrates that DOC staff members who are assigned to the front-gate posts are failing to enforce the existing directive. Therefore, DOI again strongly recommends that DOC have 100% adherence to the policies and procedures contained in DOC Teletype Order No. HQ-01961-1.

Based on the 2017 undercover investigation, DOI makes the following new recommendations:

- DOC should create a dedicated, independent unit specially trained in the security and screening for correctional institutions and with in-depth knowledge of the policies, procedures, and operations of DOC's front-gate entrances.

DOI has learned that the same officers who are assigned to the entrances of the DOC facilities also routinely work in various posts around the same facility, creating challenging oversight issues, where correction officers must screen colleagues they may work with inside a facility. Essentially, officers are being asked to take on an oversight role of the same officers that they also depend upon to protect them inside the jail housing areas. This practice pressures officers to take a more relaxed approach to searching their colleagues. An independent unit, that is preferably not made up of uniformed Correction Officers, whose sole responsibility would be providing security at all DOC facility entrances would strengthen the enforcement of DOC's security protocols.

- If the “court-side entrance” of MDC is going to be used as an alternate entrance into the facility, then it must be fully equipped with adequate personnel, surveillance cameras, and x-ray machines, in addition to the magnetometers, that will enable the security staff to detect contraband that is being smuggled into the facility.

DOC has accepted DOI’s recommendation regarding front gate security and now states that it will further implement changes for all facilities. DOC established the first such unit at AMKC in the beginning of 2017. DOC has now deployed such teams to three facilities -- AMKC, OBCC, and GRVC, three of DOC’s bigger and more active facilities. These staff are specifically and centrally assigned to SOD (they are not facility staff and are not temporarily assigned from those facilities as parent commands). They are further given specific training to perform front gate security operations, the same training that is currently provided to the United States Transportation Security Administration (TSA).

With respect to DOI’s recommendation regarding use of Court Side Entrances, DOC is reviewing the issues DOI has raised regarding staffing of the Court Side Entrance. Unless there are unanticipated operational concerns, DOC now reports that it will implement DOI’s recommendation that the Court Side Entrance be adequately staffed and have adequate equipment. DOC will present a plan for implementation by [February 20, 2018](#).

DOI will conduct follow up investigations to determine whether DOC has implemented the above described reforms.