



**New York City Department of Investigation
Report on Security Failures at
City Department of Correction Facilities**

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COMMISSIONER**

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An investigation by the Department of Investigation (DOI) reveals that the smuggling of weapons and narcotics into Rikers Island continues to be a significant problem which threatens the safety of Correction Officers (COs), inmates, and all others who travel to the facility. Previous efforts to combat the problem have not been effective, and weapons and narcotics remain easily available to any inmate with funds to pay for them.

As a result of DOI's investigation and its subsequent policy recommendations, the Department of Correction (DOC) now has agreed to implement a series of reforms to the screening process. These reforms include, for the first time, the use of drug-sniffing dogs to check COs for contraband at staff entrances, specialized units to oversee the screening process at staff entrances, and other changes described below. We believe that these changes, once implemented, will be a serious step that is reasonably calculated to address the problems found in this report, and DOI will continue to monitor their efficacy.

The failure to prevent smuggling to date – especially smuggling by COs and staff – has two causes: First, the previous protocols for screening staff upon entrance to the facility were not sufficient to actually detect and prevent illegal conduct. Second, even these ineffective protocols were not consistently followed in practice. The results of the below investigation demonstrate, conclusively, that the new set of controls designed by DOC following this report must be implemented. Objections or potential interference from the various participants/stakeholders in the process can no longer continue to be allowed to serve as a barrier to the recommendations described below.

DOI, as part of its ongoing investigation into criminal activity and civil disorder at Rikers Island, has spent hundreds of hours reviewing security videos, conducting site visits, and performing undercover integrity tests. As part of that integrity testing, an undercover DOI investigator was able, on six out of six occasions, to smuggle both a razor blade and large quantities of heroin, marijuana, and prescription narcotics past all screening checkpoints. Given the immediate need to address this problem, the results of this part of our larger investigation are set out below. The results of DOI's full Rikers Island investigation will be available before the end of the year.

I. Background (Part One): DOI has investigated and arrested numerous COs for smuggling contraband into the Rikers Island facilities.

DOI has investigated and arrested many COs over the years for smuggling contraband into New York City jails, the majority of which are located on Rikers Island. The recent arrests, discussed below, of COs caught smuggling contraband highlight some of the security problems that exist on Rikers Island. These arrests provide the context for, and genesis of, DOI's continued concern with the issue.¹

A. CO Austin Romain was arrested on June 17, 2013.

In May 2012, DOI began to investigate allegations that CO Austin Romain was smuggling contraband into the George R. Vierno Center (GRVC). DOI reviewed recorded prison telephone calls, interviewed inmates and staff, and obtained Western Union money transfer records and telephone records.

DOI found that an inmate paid CO Romain to bring tobacco and marijuana to him in GRVC, and later into the Otis Bantum Correctional Center (OBCC). The inmate and CO concealed their transactions through an elaborate payment scheme in which the inmate's girlfriend made thousands of dollars in cash payments to CO Romain through Western Union for the contraband. Western Union records reflected a lengthy history of wire transfers between the inmate's girlfriend and CO Romain – dating back to at least March 2012 and totaling nearly \$11,000.

B. CO Khalif Phillips was arrested on June 17, 2013.

In the summer of 2012, after DOI began to investigate CO Romain, it received allegations that CO Khalif Phillips also was smuggling contraband into his assigned facility, GRVC – the same facility where Romain had been trafficking contraband. As part of this investigation, DOI reviewed and analyzed DOC staff and inmate allegations against CO Phillips and discoveries of contraband in GRVC; listened to recordings of prison telephone calls by inmates housed in GRVC; and gathered telephone records for co-conspirators living outside of Rikers Island. DOI concluded that CO Phillips was smuggling marijuana to numerous inmates.

¹ Any defendant mentioned in this report with pending criminal charges against him is presumed innocent until proven guilty and the charges against them are accusations only.

CO Phillips's trafficking conspiracy was similar to the one run by CO Romain. The inmates communicated with acquaintances outside of Rikers who procured and packaged the contraband, delivered the packages to CO Phillips, and paid him a fee – as much as \$2,000 on one occasion – to smuggle contraband into the jail. After CO Phillips delivered the contraband to the inmates, he and his inmate co-conspirators divided and re-packaged the contraband for sale to other inmates within the facility.^{2 3}

C. CO Angel Lazarte was arrested on September 17, 2013.

In early March 2013, an inmate reported that he had received weekly deliveries of contraband – including marijuana, oxycodone, tobacco, liquor, and scalpel blades – in the George Motchan Detention Center (GMDC) through CO Angel Lazarte.

DOI investigated the inmate's allegations, reviewing subpoenaed telephone records, recorded telephone calls, and Western Union records. After confirming the allegations, DOI spoke to CO Lazarte, who confessed to smuggling. Specifically, CO Lazarte admitted to meeting associates of inmates outside of Rikers Island, and picking up packages of contraband from them. He denied knowing that the packages contained weapons, but he admitted knowing that the packages contained marijuana and tobacco and that he received several thousand dollars for smuggling the items into Rikers Island.

CO Lazarte told DOI that he regularly brought the tobacco in four ziplock pouches that he hid in his cargo pants pockets and handed them to inmates when he got to his post. He hid the marijuana bag in his lunch bag because it was too big to conceal in his pockets. CO Lazarte explained that he smuggled marijuana in his lunch bag because the officers at GMDC's front gate always allowed staff to put their lunch bags on top of the X-ray machine instead of putting them through the machine.

² In recorded telephone conversations, the conspirators discussed the acquisition and packaging of the contraband, the payment, and the courier – CO Phillips. On occasion, the inmates, despite being housed in different areas on Rikers Island, spoke directly to each other over conference calls with their non-incarcerated partners. The co-conspirators even were recorded discussing confidential DOC security information.

³ In December 2012, in three marijuana recoveries linked to Phillips's operation, DOC recovered a total of over 200 grams of marijuana and over 150 grams of tobacco.

II. Background (Part Two): Following the 2012 to 2013 investigations, DOI made recommendations to DOC to address security weaknesses that permitted contraband smuggling. Many of these recommendations are not yet implemented.

On June 17, 2013, following its investigations into COs Phillips, Romain, and Lazarte, DOI sent a memorandum to former DOC Commissioner Dora Schriro, making the following five recommendations about how DOC could improve facility security and reduce corruption:

First, DOC security staff should randomly search uniformed personnel when they report to their facility for work. DOC should require selected personnel to empty their pockets and comply with a pat frisk, or discipline them for refusing to comply with search procedures.

Second, DOC should require that all outside food items brought into the facility by uniformed personnel be packaged in clear containers – as existing DOC directives require – and be inspected and passed through the X-ray and metal detectors. DOC security should confiscate the food if personnel refuse to comply.

Third, DOC should rotate staff working front gate security on a frequent basis to ensure its integrity.

Fourth, DOC should use Canine Units to conduct random security sweeps of common areas accessible to both inmates and staff.⁴

Fifth, DOC should change its uniforms to eliminate unnecessary pockets which might conceal contraband.

⁴ More recently, before DOC issued its new policy directive on September 1, 2014, DOI recommended that it place Canine Units at the employee entrances to the facilities. This directive, known as Teletype Order No. HQ – 01961 – 1, is comprehensive and includes protocols previously cited in various teletypes, directives, and operations orders. Notably, protocols had dictated that all staff were subject to “search and inspection” but did not provide the specific procedure for clearing the magnetometer that is now outlined in Nos. 5-10. It also codified certain practices, including the placement of a Captain at the front gate for major changes of tour (No. 11). Most significantly, the new directive requires all food to pass through the X-ray machine (Nos. 13-14). In past teletypes, as recent as September 2013, food specifically was exempt from X-ray inspection (*see* Teletype Order No. HQ – 01923 – 0).

The June 17, 2013, memorandum represented the latest in a series of recommendations made by DOI to DOC over the years. For instance, on September 21, 2010, DOI recommended that DOC not permit outside food into DOC facilities without approval by multiple levels of supervisors. And it recommended that DOC search all offices in its facilities – especially those allowing access to prisoners – on a regular basis for contraband.

Further, on March 11, 2013, DOI recommended that – should DOC allow staff to bring outside food into the jails – it should staff the front gates with supervisors ranked Captain and above, both at tour changes and at random times. In addition, DOI recommended that the supervisors actively search everything, including food and beverage containers, being brought into the jails by staff and visitors; any staff who refused to permit such a search should be denied entry and subjected to disciplinary charges.

DOC failed to implement any of the recommendations at the time that DOI made them. (We note that, on September 1, 2014 – after additional arrests of COs for smuggling at Rikers Island – DOC issued a new policy directive, which addressed some of the concerns that DOI had raised. This directive consolidated several policies that DOC had issued previously. It also 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 machine. As discussed below, however, this directive was simply not sufficient to remedy the problem at hand, necessitating the new proposals now made by DOC in response to this report.)

III. Recently, DOI investigated and arrested three additional COs involved in a smuggling operation in GMDC, and uncovered evidence of a broader smuggling problem.

DOI investigated and, on June 23, 2014, arrested three COs working at GMDC for contraband smuggling. DOI discovered that inmates were paying COs Delon Gifth, Steven Dominguez, and Infinite Divine Prince Rahming to smuggle narcotics, marijuana, and other contraband to them in GMDC. As in the earlier schemes involving COs Romain, Phillips, and Lazarte, these COs took payments – ranging from \$500 to \$1000 – for their courier services from associates of the inmates living outside of Rikers Island. Unlike those schemes, however, DOI uncovered strong evidence that the corrupt COs conspired with one another to smuggle contraband.

DOI's investigation spanned several months, as it gathered information from confidential informants, undercover investigators, and recorded telephone calls. DOI also conducted several sweeps of Rikers Island facilities, resulting in the additional arrests of multiple inmates for contraband possession. Not only did DOI arrest three corrupt COs as a result of this investigation, but DOI obtained compelling evidence that smuggling was widespread throughout Rikers Island. Further, DOI uncovered several key vulnerabilities for DOC facility security, including that contraband was being smuggled through food, in standard-issue cargo pants, and through lax basic procedures.

IV. DOI has reviewed DOC security procedures at the staff entrances on Rikers Island and found them to be deficient.

Following the above-described criminal investigations, DOI extensively reviewed DOC security practices at its facilities. DOI investigators in the field have watched DOC COs screen arriving staff members during more than fifteen shift changes, and have reviewed nearly 50 hours of video surveillance from facility entrances, in which time approximately 2,675 staff members entered DOC facilities. DOI focused on the five major Rikers Island facilities from which it receive the most contraband smuggling allegations – AMKC, GRVC, GMDC, OBCC, and RNDC – from June 2014 until the present.

During its review of DOC security screening practices, DOI found that COs did not conduct searches in a thorough and consistent manner; that COs frequently permitted staff members who did not comply with search protocols to enter the facilities; and that the entrance gates lacked adequate staffing and equipment to properly screen arriving workers.

Before September 1, 2014, during nearly all shift changes, investigators observed uniformed workers walk through the magnetometers⁵ with plastic bags, some of which were opaque, that had not been scanned through the X-ray machine. Workers often placed their bags on top of the X-ray machine instead of sending them through the machine. Investigators even observed one instance where an officer removed bags from her purse, placed them on top of an X-ray machine, and then sent her purse through the machine. The COs did not challenge her or inspect the bags on top of the machine.

⁵ A magnetometer is a walk-through screening device designed to detect metal contraband concealed on or within a person's body.

On several occasions, investigators saw COs fail to conduct additional searches after the magnetometer indicated that workers were carrying metal but instead simply permitted the workers to enter the jail. Although DOC policy dictates that staff members must clear the magnetometer prior to entry, investigators observed that, when staff members triggered the machine, the COs failed to search most of them with a transfrisker wand,⁶ or conducted an incomplete wand search. They permitted many of these workers to enter the jail even if they repeatedly triggered the machine after additional passes through it.

After September 1, 2014, when DOC issued its new search protocols, DOI investigators visited seven different facilities, six on Rikers Island – AMKC, RNDC, GMDC, GRVC, OBCC, and EMTC – and the Brooklyn House of Detention (BKDC), and watched fifteen shift changes, which included approximately 900 staff members.

DOI found that – even after the September 1, 2014 directive – serious deficiencies remained in the screening process. COs continued to permit uniformed staff to put food on top of the X-ray machine without scanning it. They permitted uniformed staff to walk through the metal detector with food in their pockets. Some uniformed employees refused to have their food X-rayed. And COs allowed staff members to walk into facilities without inspecting their coffee cups.

Moreover, COs continued to allow people inside who did not clear the metal detector and permitted the searched staff members to dictate how they would be examined during wand 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 wand that area, but not other areas, and permit the worker to enter the jail.

Despite these problems, DOI noted certain improvements. For instance, arriving employees were more likely to place their food in the X-ray machine than previously, and COs directed employees more frequently back through the magnetometer when an alert was triggered. These improvements, however, were not anything near the full compliance rate needed for facilities such as Rikers Island. Moreover, having observed screening procedures for six weeks, it is clear to DOI that such compliance will not be achieved absent additional drastic interventions.

⁶ A transfrisker is a hand-held metal detection device.

While the September 1, 2014 directive was a positive step, those measures were simply not adequate to prevent DOC staff from bringing drugs and other contraband into the jails. For example, the measures do not provide any drug screening or detect multiple common forms of weapon smuggling.

V. DOI discovered that a prison nurse was smuggling tobacco into Rikers Island even after the September 1st directives were implemented.

In July 2014, DOI received an allegation that a nurse in the Anna M. Kross Center (AMKC), Jeffrey Taylor,⁷ gave his cell phone number to an inmate and told him, “If you need anything give me a call.” DOI found that Taylor, on at least nine occasions, smuggled contraband for inmates onto Rikers Island in exchange for a courier fee. DOI investigators listened to over 400 DOC-recorded telephone conversations in which Taylor discusses bringing contraband to inmates in exchange for money. During these calls, Taylor discussed smuggling alcohol and tobacco.

After his arrest, DOI investigators searched Taylor’s locker in AMKC and recovered several large bundles of loose tobacco, which was packaged in medical supply bags and which he admitted were part of his smuggling operation. Taylor admitted to DOI investigators that he smuggled the tobacco in his pants pockets, and that he knew he would not be stopped because tobacco would never trigger the magnetometer. He explained that he also brought clear alcohol in water bottles and brown alcohol in Snapple bottles, and that he knew the COs would never open the bottles to check the contents. Taylor also admitted to smuggling suboxone, a prescription opiate substitute similar to methadone, into the facility for inmates. He claimed that he brought all of these products through the front gate security when he reported to work.

Notably, Taylor’s arrest date, September 23, 2014, was three weeks after DOC issued its new search policies, and DOI’s investigation revealed that Taylor’s smuggling continued throughout this entire period. Further, the investigation revealed that other staff members were involved in similar smuggling, and that it was not an isolated incident.⁸

⁷ Taylor was employed by Corizon, a private contractor that provides health services at the jail facilities.

⁸ For various technical reasons not appropriate for a public report, the other staff members were not arrested; they were disciplined, however, and no longer have access to Rikers Island.

VI. Recently, DOI integrity tests on Rikers Island resulted in security breaches at six facilities.

Recently, an undercover DOI investigator, posing as a CO and carrying various types of contraband – including narcotics, marijuana, alcohol, and a razor blade – entered AMKC, OBCC, GMDC, GRVC, EMTC and RNDC through the front gate security. The undercover had one plastic bag containing 250 glassine envelopes of heroin; one plastic bag containing twenty-four packaged strips of suboxone; two plastic bags containing a total weight of one-half pound of marijuana; one 16-ounce water bottle containing vodka; and one razor blade. He carried the marijuana and narcotics in his CO cargo pants pockets, and the alcohol in his hand. He also smuggled the razor blade through security (a picture of the contraband is appended to this report).⁹

The undercover smuggled all of the contraband into all six facilities without incident. The security process during the tests, however, differed somewhat from facility to facility. For example, the undercover triggered the magnetometer alarm at some facilities, but not at others, indicating that the metal detectors were set at different levels in the different facility entrances.

At one facility, after the undercover triggered the magnetometer a second time, a CO asked the undercover to empty his pockets. When the undercover responded that he already had emptied them, the CO accepted his answer without further inspection of his pockets. Moreover, when a CO used the transfrisker wand, he examined only the undercover's belt because the undercover told them that it had triggered the alarm.

After completing the undercover operation, DOI investigators requested assistance from DOC Canine Units to see if trained narcotics dogs would have detected the undercover's drugs. A DOC Canine dog and its handlers were directed to the undercover. The dog immediately alerted to both the right and left side of the undercover's pants, and hit specifically on the pockets containing the drugs.

Based on intelligence learned through prior DOI investigations, debriefings of confidential informants, interviews with corrupt COs, and consultation with the DOC Intelligence Bureau, DOI estimates that a DOC

⁹ We have provided a detailed verbal briefing on the details of the razor smuggling, but, for security reasons, omit this from the written report.

employee, who brought in the undercover's contraband, would make approximately \$3,600 in courier fees – an estimate of \$600 for each package. The resale value inside of Rikers Island for the contraband carried by the DOI undercover for each separate test would total over \$22,000.

VII. DOC must now implement the security reforms it has proposed in order to prevent the introduction of contraband into its correctional facilities.

Given the evidence from DOI's criminal investigations of systematic smuggling, and given the subsequent vulnerabilities demonstrated by surveillance and integrity tests, DOI has recommended to DOC a series of security enhancements. In response to DOI's recommendations, and to the findings in this report, DOC has agreed to a number of significant procedural changes. These include the placement of Canine Units at the staff entrance gates to screen CO's for drugs, the assignment of the Special Operations Division ("SOD") to oversee security at staff entrances, and consideration of upgrading of search protocols to the standards employed by the Transportation Security Administration ("TSA"). In addition – addressing a serious problem exposed by DOI's integrity tests – DOC is working to standardize the performance of its magnetometers. We believe that these changes – which represent a dramatic departure from prior procedure – once implemented will be a significant step in addressing the problems identified in this report.

We note, however, that DOC has not put a timeline on the full implementation of these proposals. We believe, given the serious issues involved, but also cognizant of the work involved in implementation, that the use of Canine Units and the shift to SOD should be fully complete within six months. We similarly believe that an evaluation of the ability to upgrade to TSA standards should be completed by six months and such an upgrade should be undertaken absent significant technical or financial barriers.

DOI will monitor the implementation of these changes.

Finally, we believe that several other reforms must be considered: For instance, DOC should eliminate cargo pockets from CO uniform pants. Such pockets are unnecessary and can facilitate smuggling. In addition, DOC should explore reasonable structural changes to the facilities in order to place CO lockers outside of the security gates. This would allow COs to enter the jails without any civilian clothing or other outside belongings.

Conclusion

The smuggling of contraband, including both weapons and drugs, into Rikers Island continues to be a significant issue which endangers the safety of both DOC staff and inmates. Further, the ubiquitous presence of illegal narcotics in the jails undermines civil order and contributes to the problem of violence within Rikers Island. Previous efforts to combat the problem have not been effective, and weapons and narcotics remain readily available within Rikers Island's jails. DOI's investigation further establishes, categorically, that enhanced security protocols must be immediately designed and implemented. We are pleased that DOC has responded to these findings with a series of significant changes and we believe these changes will enhance the security in its jails. DOI will continue to monitor contraband smuggling in the City jails and will issue its full report on Rikers Island before the end of the year.

APPENDIX



This photo captures the contraband smuggled into the six jail facilities on Rikers Island by the undercover DOI investigator. The contraband consisted of a plastic bag containing 250 glassine envelopes of heroin, one plastic bag containing 24 packaged strips of suboxone, two plastic bags containing a total weight of one half-pound of marijuana, one 16-ounce water bottle containing vodka (the contents of the bottle of vodka displayed was smuggled in, not the liquor bottle) , and one razor blade.