

The Correctional Association of New York

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Mid-Orange Correctional Facility

Mid-Orange is a medium security correctional facility housing 722 male inmates. After serving as a boy's home, the facility opened as a prison in 1977. The facility is campus-like, with several small buildings for inmate housing and programs. The Correctional Association visited Mid-Orange on October 19, 2004.

We were pleased to find a calm and peaceful atmosphere at Mid-Orange, an impression that was confirmed by both inmates and staff. The excellent inmate-staff relations foster a non-violent environment in which there are few confrontations between staff and inmates or among inmates. We were also impressed with some of the volunteer programs, such as the Parenting and Puppies Behind Bars programs which permit inmates to develop skills and be involved in activities that may improve their lives both during their incarceration and after release.

However, problems still exist at the prison, most notably excessive inmate idleness due to the lack of adequate programs for the entire population and to significant staff shortages and vacancies that substantially impair the programs being offered. The prison's health services also suffer from a lack of adequate staff.

The inmate grievances filed during the last year reflect some of these issues. There was an 89% increase in formal grievances in 2003, as compared with 2002, and a similar increase occurred in informal contacts with the grievance office. The highest number of grievances concerned medical care, representing more than 20% of all grievances filed. There was also a significant number of grievances concerning the program committee and the Alcohol and Substance Abuse Treatment (ASAT) program. Even though inmates made favorable comments about the grievance coordinator during our visit, in 2003, inmates appealed a large number of grievances (169) to the Central Office Review Committee (CORC), representing a 186% increase over the previous year. The significant increase in grievances appears to be a result of chronic resource shortages, which cause systemic problems in the services provided to the inmates and which cannot be easily resolved by the prison administration without additions to the staff for programs and other essential services.

The following is a summary of the Prison Visiting Committee's observations and recommendations:

Overview of Inmate Population

In assessing the adequacy of prison programs and services, it is essential to consider the specific characteristics and needs of the inmate population. Mid-Orange is unique in that it houses a higher percentage of inmates who are older, have been in DOCS custody longer, and have longer sentences as a result of convictions for more serious crimes than the overall population in DOCS custody. The median age of Mid-Orange inmates is 40 years old, compared to 34 years system-wide; they have a median minimum sentence of 100 months, which is twice the sentence length for prisoners at all medium-security prisons; and they have been in DOCS custody more than four times longer (113 months, compared with 25 months) than the average DOCS inmate. A greater percentage of Mid-Orange inmates have been convicted of a violent felony (83%), as compared with the system-wide inmate population (56%). An analysis of the Mid-Orange population in 2003 revealed that almost one-third had a maximum sentence of life. Because of the seriousness of their criminal convictions, many Mid-Orange inmates have been eligible for parole for some time but repeatedly have been denied release by the Parole Board. As a consequence of these parole denials, most Mid-Orange inmates have been at Mid-Orange longer than inmates at other prisons; approximately 25% of the prisoners at the prison have been there for more than three years, compared with 11% system-wide.

These data support several observations about the Mid-Orange population that were confirmed during our visit and in discussions with inmates:

(1) Many inmates have completed standard educational and vocational training programs prior to their transfer to Mid-Orange and therefore need different and/or more advanced educational and vocational opportunities than are available elsewhere in DOCS.

(2) Many prisoners are getting ready to return to their communities and need appropriate job skills and experiences to successfully seek employment once released; however, there are few, if any, programs available at Mid-Orange that prepare inmates for finding and keeping jobs in the community.

(3) Many inmates have been transferred to Mid-Orange with the expectation that they would soon be released. After multiple parole denials—a common occurrence for Mid-Orange inmates—this expectation is crushed. The disappointment felt by inmates who are denied parole is exacerbated by the prison's failure to have meaningful programs that may improve the inmates' chances of release at their next parole hearing.

Programs

Although Mid-Orange has a significant number of educational, vocational training and job opportunities for its inmate population, the most consistent complaint we received from the inmates and staff was excessive idleness and a lack of meaningful programs, especially for the many long-term inmates. Based upon our visit and interviews with inmates and staff, we believe these complaints are well-founded.

Educational Program

The educational program at Mid-Orange is limited and suffers from a lack of adequate staff. There are only 5.5 academic instructor slots and two of these positions are currently vacant. In contrast, Mid-Orange had an educational staff of 18 instructors in the 1990s. The educational program consists primarily of Adult Basic Education (ABE), pre-GED and GED courses. There is no ESL (English as a second language) class, and there are no ABE or GED programs for Spanish-speaking inmates. In addition to these basic courses, there are only three inmates participating in a cell study program and only five in the learning lab.

The educational program is inadequate for the mature population confined at Mid-Orange. Sixty-eight percent of the Mid-Orange population has a verified high school diploma or GED, compared with 48% system-wide. Mid-Orange inmates need advanced educational programs, including college preparatory and/or college courses. Some of the more educated inmates have been inmate-tutors at other facilities and could assist in the education of their fellow inmates. We were informed, however, that an inmate tutoring program is barred because not enough staff exists to supervise inmate-tutors. We urge the hiring of additional staff, as even a single additional paid staff member could permit the facility to recruit many inmate-tutors, and thus, to expand its educational program both in terms of the number of participants and the types of services provided.

Vocational Program

The vocational program is limited and has been seriously impeded by chronic staff vacancies. We visited the three operational vocational shops—floor covering, small engine and horticulture classes—and spoke with the administrator of the program and the instructors for each class. There were a total of 110 inmates enrolled in these three programs, with a combined waiting list of 23 inmates. Due to staff vacancies, two other vocational programs are closed—masonry and electrical shop—with a combined waiting list of 36 inmates for these absent programs. The small engine program was reopened in April 2004, but had been closed for more than a year due to a staff vacancy.

The aforementioned programs appeared to have adequate space and equipment, but some inmates with whom we spoke did voice concerns. First, none of the instructors speak Spanish, even though there are many Spanish-speaking inmates in the class who cannot understand much of what is said, despite the availability of teacher aides who could translate for them. Few, if any, materials are available in Spanish. Second, because some inmates have been in some of these programs for years, it appears that for these long-term participants the classes are more than training programs, but rather are de facto jobs. We can see value in the enhanced experience these long-term participants are gaining, and we believe their continued participation could increase the likelihood of them getting meaningful employment when released. But given the limited number of vocational positions in these programs and the existence of significant waiting lists, we urge that the capacity of the classes be expanded to enroll more inmates.

Of greatest concern is the limited number of vocational training classes. Both the masonry and electrical shops have been closed due to staff vacancies, and there are waiting lists

for all of the classes. The staff vacancies should be filled as soon as possible. We were pleased to learn that the prison has just hired staff to start a general business program, and we hope that classes will begin in the near future. Forty inmates have already been identified for the program.

Finally, there is a substantial need for additional, and different, programs. In particular, inmates expressed great interest in having vocational classes for computer software, additional business skills, computer repair and heating and air-conditioning repair. Moreover, some inmates are accomplished in arts and/or crafts skills and had participated in hobby programs that allowed them to put these skills to use at other facilities. They told us that these programs are generally not available at Mid-Orange. Given the mature age of much of the prison population and the significant number of inmates who have high school diplomas and completed college-level coursework, we believe that vocational classes geared toward office and/or computer skills should be offered in addition to the classes focused on manual labor.

Volunteer Programs

We gave positive marks to two programs—the Parenting and Puppy Behind Bars programs—that are not funded by DOCS but by outside sources. Our visitors had an opportunity to see the Parenting program in operation. We were impressed with the instructor and found the students to be very engaged in the program. The inmates expressed a desire to have the program expanded and, more importantly, to be able to use the knowledge and skills gained in the program while interacting with their children. We urge you to consider expanding the Parenting program curriculum and to include information about, and linkages to, other programs that can facilitate more family visits for the parents in this program. If you are interested, we can provide you with information about community-based programs that assist inmates in maintaining contact with their children.

We also observed the Puppies Behind Bars program, through which inmates train Seeing Eye dogs to be given to visually impaired individuals. The inmates are very enthusiastic about their participation and their ability to do something that will be of service to others. They enjoy interacting with the animals and felt that the program lifts their spirits and enhances their self-esteem.

We commended the Superintendent and her staff for supporting these programs. We also urged the funding of additional programs that involve community participation in the prison and that offer inmates the opportunity to have experiences and develop skills that are not provided by the traditional vocational and educational programs offered by DOCS.

Prison Industries and Inmate Employment

The prison industry/jobs program at Mid-Orange consists of Corcraft, which employs 52 inmates who construct office furniture that is sold to New York State institutions, a pre-industry program in food service for 42 inmates and a food service program employing 23 prisoners. There were 145 inmates assigned to full-day porter duties. In addition, there were 79 inmates identified as Inmate Program Associates (IPAs), of which 48 are assigned to classroom duties. However, there is no IPA supervisor and no Department of Labor apprenticeship program at the

prison. As with the other programs, there are an insufficient number of meaningful positions in prison industries and in other job assignments. Inmates expressed frustration at the lack of real jobs and the fact that they are frequently relegated to porter assignments, regardless of their skills and educational background and their desire to be employed in some activity that can lead to gainful employment after release. Large numbers of inmates assigned to porter positions is another indication of significant inmate idleness.

Substance Abuse Program

There is an ASAT program at Mid-Orange that currently enrolls 42 inmates, and there are 72 inmates on the waiting list. The program is hampered by staff vacancies; the two ASAT counselor positions have been vacant for many months, and the program is currently run by one program aide who came to the facility in early 2004. We visited the program and spoke to the staff and participants. The inmates generally spoke favorably about the program aide, and many felt that they were gaining insights from the more intimate groups, which are led by inmate facilitators who are program graduates. There is one group for Spanish-speaking inmates led by an inmate facilitator and three other groups conducted in English. There is no aftercare program for ASAT graduates.

Given the ASAT counselor vacancies, the ASAT groups are essentially being run by inmate facilitators with limited oversight by one program aide. The last ASAT counselor left in June 2004, and it does not appear that a replacement candidate has been identified. It was also unclear whether the prison is authorized to recruit for the second ASAT counselor position. These staff shortages limit both the number of inmate participants and the quality of the program. Since most of the Mid-Orange population is preparing for release from custody, completing ASAT is often a necessary, although not sufficient, condition for making parole. These personnel vacancies should be promptly filled, and the program should be expanded to eliminate the waiting list.

In addition, we noted the lack of any meaningful aftercare for ASAT graduates. The program aide reported that there are very few inmates participating in the Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) night programs staffed by volunteers and that no other follow-up exists for ASAT graduates. We believe the effectiveness of the program will remain significantly impaired unless the discharge plans for ASAT inmates include participation in a community-based substance abuse program.

Library Services

We toured the general library and the law library at the prison. We were impressed by the librarian, who is knowledgeable and enthusiastic about his job and the operation of the general library. The general library facilities, however, are not as impressive. The space appears inadequate for the number of inmates who wish to use it and for any addition to the library collection; frequently the general library is filled to capacity. The general library has no computers, but we were informed that the librarian expects them in the near future.

The law library is also limited by inadequate resources. There are no computers in the law library, and the inmates must use old typewriters that are inadequate for this population. We were informed that the law library is also usually filled to capacity. In addition, we learned that there had not been any recent legal research class.

We urge the facility to expand the general and law library areas or extend the operating hours to accommodate the demand for these services. We hope that the prison will receive the ordered computers soon and that they will be distributed to both the general and law library areas.

Visiting Program

The facility visiting program has recently been altered to limit the number of visitors to four per inmate. This number represents a reduction from previous practices—first there was no limit, and then a limit of four adults and two children per inmate. Our understanding is that these restrictions were made due to a lack of adequate visiting space in the main visiting room and a lack of security staff to operate the additional room attached to the main visiting room. As a result of the limited visiting capacity, inmates are required to terminate visits during peak visiting periods to make room for those who are still waiting. Additional space should be identified and, in the interim, more visiting room staff are needed to supervise the adjacent area to accommodate additional visitors.

The visiting room has an area that is supplied with toys and furniture for children who are visiting their fathers. Unfortunately, inmates are not permitted in this area; instead, the children are supervised by outside volunteers. Inmates in the Parenting program have expressed a strong desire to be allowed to use this area to play with their younger children. Since the area is entirely visible to the security staff, we believe this request is reasonable and should be approved. Volunteers should continue to be used to supervise and care for children in this area while inmates spend time with their adult visitors alone. In addition, the Parenting program inmates suggested that the current children's books collection be updated with new books.

Recreational Facilities

We visited the gym and the yard. The major concern of the inmate population is the early closing of the yard because there are no lights to permit them to remain outdoors while it is getting dark. Our understanding is that a proposal has been submitted to central office to enhance prison lighting, and we urged the Superintendent to pursue this issue to ensure that funding is secured and that renovations are made in a timely manner.

Medical Care Services

Medical care services at Mid-Orange are suffering due to a significant number of vacancies in the nursing staff. The facility is authorized to have seven nurses, but only two positions are regularly filled by permanent staff. Nurses for the other five positions are missing or absent—one position is vacant, two nurses are on extended sick leave, one nurse is out on workers' compensation, and one nurse has been suspended for disciplinary reasons. The vacant

positions are being covered by per diem nurses and Mid-Orange nurses working extensive overtime. The medical staff anticipate that they will have difficulty hiring permanent replacement nurses because there are four hospitals in the region and the salaries at these facilities are significantly higher than those offered by DOCS, even with the geographical differential for Mid-Orange nurses. Even with these positions filled, there would still be insufficient staff. The facility requested two additional nurse items but was authorized to hire only a part-time nurse for 16 hours per week. Permanent replacement staff should be hired promptly for these missing nurses. In addition to being costly, temporary per diem nurses are not adequate substitutes for these vital positions.

As a result of these nurse shortages, the infirmary is essentially closed, and inmates requiring any extended care are transferred to another prison infirmary. In addition, the nursing staff cannot properly screen newly admitted inmates, fill the HIV chronic care coordinator position, perform the routine physicals required under DOCS regulations, support any meaningful quality improvement program or participate in, or coordinate, medical training. The inmates with whom we spoke uniformly complained about the inadequate nursing staff and stated that services are delayed due to these shortages.

Inmates had various concerns surrounding the confidentiality of medical information. None of the nurse staff is bilingual, and Spanish-speaking inmates objected to the use of inmate translators during their medical encounters with the nursing staff. Additionally, they stated that medications are provided in an environment that permits other inmates to hear and see what an inmate-patient is receiving. In the clinic area, we observed medical encounters being conducted behind a screened-in area in the hallway that did not afford patients sufficient privacy from correctional and medical staff. We suggest that the location of these encounters be shifted to a separate room outside the hallway.

We met with Dr. Herbert Goulding, the Facility Health Service Director, who is responsible for most of the physician care at the prison. We were pleased to learn that he speaks Spanish, enabling him to communicate with inmates with limited English language proficiency. Additional physician staff has been available on a temporary basis during the weekends, but this practice will apparently end and the facility will now have a permanent nurse practitioner 16 hours per week. Inmate comments about the physician care were mixed, but we remain concerned about whether there is adequate clinical staff given the size of the inmate population and the mature age of many inmates.

Pharmacy services are provided through a contract with Diamond Pharmacy, an inadequate substitute for a permanent pharmacy staff at the prison. For inmates to refill a prescription, they must submit their request at least five days in advance of the time the medications are needed. Contract pharmacy services cost the state substantially more than medications provided through DOCS central pharmacy, and the time period required to refill medications is inordinately long.

Inmate and correctional staff expressed concern about the time it takes for community services to respond to a medical emergency. The staff noted that there is no officer assigned to the front gate during the night tour. Although the Superintendent expressed confidence in the

prison's ability to deal with medical emergencies, citing one drill run to test the process, we remain concerned. In addition, staff and inmates requested that the prison have a second portable defibrillator in the H Compound area that is outside the main prison area. Our understanding is that funds have not been identified to purchase this device, although the executive staff of the prison endorses the proposal.

Inmates also voiced concerns about the treatment of inmates infected with Hepatitis C (HCV). The inmates estimated that almost 200 inmates are infected, but the prison reported that only seven inmates are receiving HCV treatment. The inmates also reported that HCV-infected inmates experience unacceptable delays in getting access to gastroenterologists to diagnose their condition and even more extensive delays in getting a liver biopsy scheduled and the results reported. The inmates also reported that patients are being denied treatment because their parole hearing is pending within 15 months, even when an inmate has previously been denied parole on repeated occasions. Finally, the inmates told us that delays occur in reporting information about the diagnosis and treatment of HCV-infected patients to DOCS central office medical personnel due to the shortage of medical staff at the prison. Since DOCS central office must approve all treatment decisions, such delays could adversely affect the treatment of patients in need of care.

Inmate Housing

The primary concern raised by the inmate population is the requirement that they be out of their housing area during half of the day, regardless of whether they have a program assignment for that time period or are ill and therefore cannot attend their programs. As a result of this rule, idle inmates are sent to the gym area. We had reports that sick inmates are forced to rest in the gym area, although we did not observe this on the day of our tour. However, given the limited staff available for the infirmary, we believe that the closed dorm policy will inevitably result in sick inmates being forced out of their housing area and that no appropriate facility is available for them.

Inmates expressed concern about the housing of elderly and/or physically impaired inmates. Given the distance between some housing areas and the medical unit, it was suggested that a dorm near the clinic be designated for inmates who have frequent medical needs or who are at significant risk for having an emergency medical problem. No such dorm exists at present, although the superintendent reported that the prison has informal process that recognizes this need. We believe a more formal process should be established and communicated to both the inmates and medical staff, so that those most in need of medical intervention will have easy and prompt access to the medical unit.

We observed cells that contain two to four inmates. Although inmates generally prefer cells to the open dorm areas, we found these cells to be very crowded and hope that as the state prison population continues to decline, these cells can be converted back to single occupancy cells or double occupancy units for the larger cells.

Inmate-Staff Relations

We were pleased to hear uniformly from inmates and staff that the relations between the inmate population and the officers are considered good and that officer harassment or improper conduct is very rare. Use of force by officers hardly occurs, and there also appears to be little inmate-inmate violence in the prison. Inmates reported that officers frequently attempt to resolve situations informally that could have resulted in disciplinary action, and that sometimes officers seek the assistance of inmates to calm a distraught or troubled inmate. In addition, the inmates reported that experienced officers intervene in situations where younger officers are overly restrictive or too aggressive in their application of the rules. This constructive relationship between inmates and staff is due, in part, to the maturity of both the inmates and the officers. It appears the administration also supports the positive relationship between staff and the inmate population, and we commend the entire prison staff for working at, and valuing, good staff-inmate relations.

Correction Officer Concerns

We met with representatives of the union and also spoke with staff throughout the prison. The staff generally spoke positively about the prison and the inmate population. The major concerns raised were excessive idleness of the inmates, the unsafe and uncomfortable conditions in the tower in the outside yard, the failure to have an officer on the front gate during the night shift, the failure to have a second defibrillator for use in the H Compound area, the need for repairs to the aging physical plant of the prison, which has many leaks, the creation of an officer mess hall and the low pay for correctional officers, particularly in this region of the state where costs are higher, necessitating that many officers hold two jobs to support their families. When asked about additional training, the officers expressed interest in better training in "escape and pursuit." Concerning their relationship with the prison administration, they noted that the former Superintendent had an open-door policy, whereas now they must make an appointment to speak with the administration. However, they also noted that the current administration has been more rigorous in applying the rules and thereby has gotten "the place in line." They did express a desire to have greater line staff input into policy changes.

Exit Interview with Executive Staff

We met with the Superintendent and her executive team at the end of our visit and had a frank and useful discussion of our observations and suggestions. We noted positive aspects of the prison, including excellent officer-inmate relations, the impressive Parenting and Puppies Behind Bars programs, the positive efforts of the prison librarian and the well-maintained grounds of the prison. We expressed our major concerns about inmate idleness due to insufficient vocational, educational and job programs; the deficient medical services due to significant nursing staff vacancies; the inadequate services for Spanish-speaking inmates; and, the limited visiting facilities and resultant limitation on the number of visitors for each inmate. In addition, we raised physical plant concerns, particularly double bunking and the closing of the dorms for half-day periods, the absence of lights in the outside yard, and the unsafe and uncomfortable officer tower in the yard. The prison administration carefully considered our concerns and suggestions and responded in a forthright and constructive manner. We believe

resource limitations may impede some changes, but we are confident that, wherever possible, practices will be modified to address these concerns and that you will advocate for additional resources where needed.

RECOMMENDATIONS

We made the following recommendations to the administration to address problems that remain and to foster continuing improvements:

Programs

- The prison should substantially increase program opportunities for the entire inmate population by increasing program staff and by adding additional and more advanced vocational, educational and job programs.

Educational Program

- Fill the two vacant teacher positions and seek funding for additional teachers. Some of the teachers hired should be bilingual.
- Establish an English as a second language program and start ABE and GED classes for Spanish-speaking inmates.
- Create an inmate tutorial program and hire staff to supervise the program.
- Create an educational program for the majority of the inmate population who already have a high school diploma or its equivalent and/or college level experience.
- Expand the Parenting program and integrate it into the visiting program at the prison to permit greater interaction between inmate-fathers and their children.

Vocational Program

- Fill the two vacant instructor positions for the masonry and electric shops.
- Expand the vocational program to include some of the following suggestions made by the inmates—business skills, computer software training, computer repair, and heating and air-conditioning training—and thereby better prepare them for real jobs in the community.
- Reduce the number of inmates on the waiting list for existing vocational classes by expanding the number of classes and, where appropriate, the number of inmates who can be enrolled in each class.

- Create meaningful vocational training for the Spanish-speaking population by hiring bilingual instructors or by providing adequate translations services and written materials in Spanish for classes taught in English by monolingual instructors.

Prison Industries

- Increase the number of positions available in the Corcraft and the other existing job programs.
- Reduce the number of idle inmates and inmates assigned to porter positions by offering employment at jobs appropriate for the more mature inmates who have completed their educational and vocational programs.
- Hire a supervisor for the IPA program.

Substance Abuse Program

- Hire the two ASAT instructors, one of whom should be bilingual.
- Expand the number of participants in ASAT to substantially reduce the waiting list for the program.
- Create a follow-up program for ASAT graduates and coordinate it with the pre-release program.

Library Services

- Allocate more resources to both the general library and the law library. Specifically, for both libraries, computers should be purchased, hours should be expanded, and capacity should be increased.

Visiting Program

- Expand the visiting area through the temporary use of alternative areas to accommodate overflow from the current facilities and initiate the long-range solution of constructing additional visiting room space.
- Establish a Family Reunion Program for the prison.
- Permit inmates to personally interact with their young children in the area of the visiting room that is supplied with toys and furniture.

Recreational Facilities

- Install lighting in the yard so that this area can remain open later in the day.

Medical Care Services

- Fill the five nursing positions. If these positions cannot be promptly filled because candidates are unwilling to accept current salary restrictions, DOCS central office staff should request from the Division of Budget an increase in the geographical differential for nurses.
- Assess whether the current allocation of one physician and a part-time Nurse Practitioner for the prison is adequate to meet the needs of this patient population.
- Recruit Spanish-speaking staff in order to serve the large patient population that is Spanish-language dominant.
- Assess the procedures for distribution of medications to ensure that patient confidentiality is maintained.
- Perform clinic examinations in a private area removed from the hallway.
- Expedite the evaluative process for determining if inmates infected with Hepatitis C are eligible for HCV treatment.
- Renew efforts to hire prison pharmacy staff to replace the pharmacy services provided through the contract with Diamond Pharmacy.
- Purchase a portable defibrillator for the H Compound area.
- Assess the adequacy of the medical emergency response system, particularly during the night tour, and make appropriate alterations in procedures to ensure prompt access to the entire facility.

Inmate Housing

- Eliminate the requirement that idle or sick inmates are barred from remaining in their housing area during half of the day.
- Establish a housing area close to the medical clinic for elderly or impaired inmates or those who will likely require frequent or emergent medical care.
- Reduce the use of cells used to house two to four inmates.

Correction Officer Training

- Provide more training to the staff at the prison in the areas of “escape and pursuit.”