

The Correctional Association of New York

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Report on Conditions of Confinement at Bedford Hills Correctional Facility

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Bedford Hills Correctional Facility

Located in Westchester, Bedford Hills Correctional Facility is New York State's only maximum security prison for women. The current Superintendent is Ada Perez. Members of the Correctional Association's Women in Prison Project Visiting Committee conducted visits to Bedford Hills on January 9, July 2, and July 16, 2007. Over the course of our visits, we spoke and/or corresponded with more than 100 inmates. This report details our observations and recommendations based on information gathered from both inmates and staff.

Population Profile

At the time of our January 2007 visit, there were 815 inmates at Bedford Hills; the facility's capacity is 960. As of January 2006, roughly 49% of the population was African American, 28% was Caucasian, and 18% was Latina. Seventy-one percent were mothers and 59% were from New York City or its suburbs. About 63% were serving time for a violent offense (compared to 38% for women system-wide) and 21% were serving time for a drug offense (compared to over 34% system-wide). The median age was 37. Roughly 74% reported having a history of alcohol or substance abuse before prison. Seventy percent were first-time felony offenders. The median minimum sentence was seven and a half years (compared to roughly three years for women system-wide) and the median time to earliest release was almost three years.¹

Overview

This report has three sections: a discussion of our main concerns related to conditions; an overview of Bedford's academic and vocational programs; and, a summary of our meetings with correction and civilian staff members. We look forward to returning to Bedford Hills in the coming year to tour the areas that we did not evaluate during our most recent visits.

Our principal concerns about conditions include the following:

- (1) an increasingly tense overall atmosphere and the negative effect of a more punitive and hostile prison environment on inmate/staff morale and relations, facility safety and efficient operations, and the vitality of programs;
- (2) contentious officer-inmate relations, inconsistent enforcement of rules and regulations, and decreasing reliance by officers on internal dispute resolution mechanisms;
- (3) officer verbal harassment and excessive use of force, including a recent disturbing incident, currently under investigation by DOCS' Investigator General (IG), involving an officer who, unprovoked by any physical confrontation, punched a woman in the face with enough force to knock her to the ground;
- (4) a dysfunctional grievance system;
- (5) the implementation of more restrictive cell lock/movement policies;
- (6) rodent infestations;
- (7) inappropriate use of cameras and uneven application of camera policies;
- (8) delays in the facility's visiting process and Family Reunion Program;
- (9) the absence of computers in the law library; and,
- (10) restrictive clothing policies and unsuitable footwear.

¹ Figures derived from *Hub System: Profile of Inmate Population Under Custody on January 1, 2006*, State of New York Department of Correctional Services.

With its many DOCS-, volunteer-, and inmate-run programs and its track record of providing incarcerated women with opportunities to serve their time productively, Bedford Hills has been, in many ways, one of the facilities closest to achieving the Department's goal of maintaining a "stable and humane 'community' environmen[t] in which all participants, staff and inmates, can perform their required tasks with a sense of satisfaction."² The aforementioned issues indicate that the facility has veered from this path. Instead of increasing safety and a sense of community, the regulation changes, deteriorating overall atmosphere, and shifting tone of inmate-officer interactions have exacerbated problems, heightened tension, and increased the likelihood of confrontation and conflict.

Additionally, it seems that certain policy changes may have been developed in an effort to ensure that operations at Bedford Hills parallel those at other maximum security prisons in the state. While the Department should maintain policies aimed at securing the safety of inmates and staff, altering practices at Bedford Hills to bring the facility in line with other maximum security prisons is misguided: Bedford is New York's only maximum security prison for women – its policies and practices, like those at all women's facilities, should be suited to and developed with an understanding of the specific realities of women's lives and experiences. These realities include that incarcerated women are more likely than their male counterparts to have survived intimate partner abuse and experienced physical and sexual violence;³ to suffer from mental health issues;⁴ to report substance abuse problems prior to arrest;⁵ to place particular importance on sustaining relationships and maintaining a sense of community;⁶ to be less violent while in custody;⁷ to be parents;⁸ to have been primary caregivers for their children before arrest;⁹ to rely on individuals and agencies other than another parent to care for children during prison;¹⁰ and, to have entered prison in dire economic circumstances and with less education and lower employment rates.¹¹

This view is echoed in the National Institute of Corrections' recent study, *Gender-Responsive Strategies*, on effective intervention and management of criminal justice-involved women. Conducted over the course of three years, this study urges states to acknowledge that "gender makes a difference" and to improve outcomes for women "in institutional and community settings" by developing gender-responsive policies in all areas of prison life.¹²

With regard to programs at Bedford, we were pleased to hear positive comments from inmates and staff about the facility's college program, academic and vocational classes, Department of Labor apprenticeships, Puppies Behind Bars program (in which inmates train puppies to become seeing-eye dogs for the blind), Children's Center, parenting programs,

² <http://www.docs.state.ny.us/mission.html>.

³ See Browne, Miller and Maguin, "Prevalence and Severity of Lifetime Physical and Sexual Victimization Among Incarcerated Women," *International Journal of Law & Psychiatry* 22(3-4) (1999). See *Survey of State Inmates, 1991*, Bureau of Justice Statistics, U.S. Department of Justice (May 1993). See *Prior Abuse Reported by Inmates and Probationers*, Bureau of Justice Statistics, U.S. Department of Justice (April 1999).

⁴ See *CNYPC Patient Demographic and Diagnostic Profile, Year 2007*, Central New York Psychiatric Center (January 29, 2007).

⁵ *Hub System: Profile of Inmate Population Under Custody on January 1, 2006*, State of New York Department of Correctional Services (June 2006) (hereinafter *DOCS Hub Report 2006*).

⁶ See Barbara Bloom, Barbara Owen, and Stephanie Covington, *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*, National Institute of Corrections, U.S. Department of Justice (June 2003), at 54 and 56.

⁷ *Id.*

⁸ See note 5, *DOCS Hub Report 2006*, at 17.

⁹ See Christopher J. Mumola, *Incarcerated Parents and Their Children*, Bureau of Justice Statistics (August 2000), at 1.

¹⁰ See *Collateral Casualties: Children of Incarcerated Drug Offenders in New York*, Human Rights Watch (2002).

¹¹ See note 5, *DOCS Hub Report 2006*, at 47 and 51. See Lawrence A. Greenfield and Tracy L. Snell, *Women Offenders*, Bureau of Justice Statistics, U.S. Department of Justice (December 1999, rev. 10/3/00), at 8.

¹² See note 6, Bloom, at vi and 76. See also Joann Brown Morton, D.P.A., American Correctional Association, *Working with Women Offenders in Correctional Institutions* (2004), at 325-364.

and nursery.¹³ We commend the Superintendent for continuing to run these valuable programs which allow inmates to build useful skills and serve themselves and the outside community in a productive way.

Recommendations: Overall Atmosphere

Bedford Hills Correctional Facility:

- Hold a series of meetings with the Inmate Liaison Committee (ILC) to develop policies and practices that will enable the prison to raise morale and reestablish itself as a constructive and safe facility for inmates, staff, and volunteers alike.

New York State Department of Correctional Services:

- Build on the recent positive step of creating an executive level position focused on women inmates by initiating an effort to ensure that policies, practices and programs at Bedford Hills and at other women's facilities are compatible with the specific needs and circumstances of women in custody.

Section 1: Conditions-related Concerns

Officer-Inmate Relations

Deteriorating Overall Relations and Weakening of Internal Dispute Resolution Mechanisms

Although interactions with some officers continued to be smooth and professional, women reported that interactions with many officers had become significantly more tense over the past eighteen months. Inmates shared a general sense that front line officers and higher ranking correction staff had been instructed to adopt a more punitive stance in dealing with inmates and to refrain from taking an active role in resolving problems through talking and communication. As a result, certain officers were increasingly opting to issue tickets, place inmates in pre-hearing confinement, or allow situations to devolve into more serious confrontations. These changes seemed to have a particularly detrimental affect on certain officers, encouraging – instead of tempering – their negative attitudes and harmful behavioral tendencies.

Excessive Use of Force by a Small Segment of Officers

Inmates reported that a small number of correction staff consistently engaged in overly aggressive behavior and, in the most severe cases, using force not to restrain or control, but to inflict pain. Recent examples cited by inmates include: an officer who punched an inmate in the face; an officer who closed a cell door on an inmate's leg for a lengthy period of time; an officer who grabbed an older inmate forcefully by the throat; and multiple officers who had kicked, kneed, and vigorously twisted arms while restraining inmates. The view among women was also that less was being done by the prison administration to prevent unwarranted force and respond to situations when they did occur.

The incident involving an officer who used a closed fist to hit an inmate in the face warrants special attention and action. The information we have gathered thus far indicates that

¹³ At the time of our visit, Bedford had 30 of 35 Puppies Behind Bars program slots filled and 14 of 27 nursery slots filled. The capacity of the nursery increased from 25 during our July 2005 visit to 27 because the facility was able to fix a leak and restore two cells to operational status.

this officer approached two women in Bedford's 113 building yard and – unprovoked by any physical actions by the inmates – yelled at the women and punched one of them (who was in a full leg brace because of a prior injury) in her jaw with enough force to knock her to the ground. The incident occurred on June 2 in full view of dozens of inmates and a few correction staff members as well. A number of women stated that this officer had displayed unstable behavior in the past, including using excessive force, and sexually and verbally harassing inmates. The two women involved in the incident were each given three month sentences in Bedford's Special Housing Unit (SHU). As far as we know, the officer continues to work in his usual positions within the facility and to interact freely with the inmate population.

It appears clear that this officer did not employ the use of force as a “last resort to control inmates” – the standard articulated by the American Correctional Association.¹⁴ We strongly urge Bedford's administration and the Department to remove the officer involved in the June 2 incident – or at least reassign him to a non-contact position – pending the outcome of the IG investigation.

The circumstances of this incident, its damaging effect on the prison environment, and the lack of response by the prison administration and the Department are highly problematic. The message effectively communicated to inmates is that the facility will tolerate excessive use of force (at least pending an IG investigation) and will “side with officers” no matter what the circumstances. Sending this kind of message heightens inmates' frustration and increases the likelihood of verbal and physical confrontations between inmates and officers, and among inmates themselves. In addition, the overwhelming majority of women who experienced and witnessed the June 2 interaction are survivors of abuse – many suffered violence at the hands of a male partner before prison.¹⁵ This type of incident can very well retraumatize survivors and trigger symptoms of Post Traumatic Stress Disorder (PTSD), which can include flashbacks, self-destructive acts, emotional dissociation, difficulty sleeping, and irritable and aggressive behavior.¹⁶

Inconsistent Enforcement of Rules and Policies

Many women rated irregular enforcement of rules by officers as the number one problem at the prison. One woman stated, “It's not that the women here don't want to follow the rules, it's that we can't because we don't know what the rules are.” The more punitive stance from certain officers has also served to aggravate the difficulties associated with not knowing which policy is supposed to override others. Women noted that if a confusing rule was violated, officers were now more likely to issue a ticket than to work out the discrepancy through speaking with the involved parties. Bedford's administration had responded to inmates' concerns by reissuing written policy statements – which ultimately did not have the desired affect as certain officers apparently continued to disregard the documents and the directions they contained.

Verbal Harassment

Almost every woman with whom we spoke identified the use of disrespectful or threatening language by certain officers as an ongoing problem at Bedford Hills. Although the Superintendent reiterated her “zero tolerance policy” on verbal harassment, she also

¹⁴ Regulation 4-4090, Use of Force, Training and Staff Development, Section D, *Standards for Adult Correctional Institutions*, 4th Edition, American Correctional Association (January 2003).

¹⁵ See note 3. See *Extent, Nature and Consequences of Intimate Partner Violence*, U.S. Department of Justice, National Institute of Justice (2000).

¹⁶ See *Anxiety Disorders*, NIH Publication No. 06-3879, National Institute of Mental Health, National Institutes of Health, U.S. Department of Health and Human Services.

stated that the camera system would not be used to investigate “minor infractions,” including instances when inmates report that staff had spoken to them in a rude or disrespectful fashion. The Superintendent explained that Bedford did not have enough staff to sort through footage every time a claim of verbal harassment was made. Our view is that verbal harassment is not a minor issue: the use of derogatory or threatening language can harm individuals and corrode a facility’s overall culture and safety level.

Abusive Pat Frisks

Inmates reported that a small number of women officers had been overly forceful in their pat downs of breast and vaginal areas during routine pat frisks. Regardless of the intent, women – particularly survivors of physical and sexual abuse – felt violated by these frisks. The issue was less problematic among male officers as a result of additional restrictions placed on cross-gender pat frisks procedures by the *Hamilton v. Goord* settlement.¹⁷ Among other guidelines, this settlement requires male officers to use the back side of their hands instead of their palms to conduct pat downs.

Recommendations: Officer-Inmate Relations

Bedford Hills Correctional Facility:

- Take steps to re-establish an atmosphere of open and respectful communication, and bolster effective mechanisms for inmates and officers to calmly and productively work through disputes.
- Initiate regular meetings with the ILC and correction staff to discuss ways to improve relations, and hold a special meeting to discuss issues surrounding recent use of force and use of force guidelines.
- Develop programs for both staff and inmates to teach effective communication and anger management skills.
- Require officers to participate in specialized training about general and gender-specific guidelines for acceptable behavior when restraining, controlling, and otherwise interacting with women inmates.
- Investigate inmate reports of excessive use of force and officer misconduct and remove or reassign officers who are found to be problematic.
- Ensure that rules and regulations are applied in a consistent and fair manner and discipline problematic staff.
- Take pro-active steps to eliminate verbal harassment.
- Reiterate pat frisk requirements and procedures to correction staff and inmates, and monitor and retrain and, in appropriate circumstances, reassign or remove problematic officers.

Department of Correctional Services and Bedford Hills Correctional Facility:

- Remove the officer involved in the June 2 incident at Bedford Hills – or at least reassign him to a non-contact position – pending the outcome of the IG investigation.
- Develop new same-gender pat frisk procedures that enable officers to perform their duties without re-traumatizing women or placing them in serious discomfort.

Cell Lock/Movement Policies

¹⁷ 797 N.Y.S.2d 334 (App. Div. 2005).

At the time of our January visit, Bedford had recently implemented new cell lock/movement policies in the facility's 112, 113 and 114 A/B buildings. The Superintendent and executive team informed us that these policies are supposed to be as follows:

- Inmates who do not have AM programs must stay locked in their cells from 6:00am to 8:00am. They are allowed out of their cells to shower only after 8:00am.
- Inmates who do have AM programs may leave their cells to shower and then again to move off the unit to their program area.
- Inmates on the unit at any time between 8:00am to 3:30pm (with the exception of lunchtime) participate in a "free module" system where they must sign up to be let out of their cells for half hour segments. Five inmates are let out for each segment.
- Inmates on the unit from 3:30pm to about 5:00pm can choose whether they would like to be in or out of their cells; with either choice, cell doors remain locked.
- "Count" – where all inmates in the facility are counted – occurs at about 5:00pm.
- Inmates on the unit from 7:00pm to 9:00pm have "options" on their cells. "Options" allow inmates to choose, every 10 minutes before the hour, whether they want to lock in or lock out of their cells. An exception is made for inmates who shower during this time period, allowing them to reenter their cells after showering, instead of having to wait until the next 10 minute window.

The executive team noted that the facility had implemented the "options" policy in the winter of 2007 and the "free module" system in October 2006. Before the enforcement of either of these policies, inmates were generally allowed to move freely in and out of their cells within the unit for the entire day except during count. Inmates could, however, request to have their cells locked.

Clearly, maintaining safe and secure prisons is a top priority for the Department. Bedford's cell lock/movement policies, however, seem to have had the reverse of the intended effect, making the prison environment more oppressive and chaotic, and therefore less safe. Inmates indicated that the policies had contributed to their sense of anxiety and had intensified the tendencies of mentally ill inmates to isolate and withdraw. When we inquired about the mental health issues, Bedford's executive team explained that if OMH identified an inmate who should not be locked in her cell, that inmate would be transferred to the dorm setting in the facility's back buildings. This response has a largely punitive effect considering that living quarters in the dorm areas are generally viewed as inferior to buildings 112, 113 and 114 where each inmate has her own cell. Women also noted that the noise level on the units had increased (because officers had to open and close doors more frequently and because women had to raise their voices to call for officers to open their cells) and made it difficult to set aside enough time to clean and do laundry.

Bedford's administration informed us that the enforcement of these policies was not related to any sharp increase in violence or stealing. According to the Superintendent, the policies were implemented to address security concerns around having "too much movement" on the units and to ensure that movement policies at Bedford Hills were comparable to other maximum security prisons in the state. Department officials echoed the Superintendent's comments that the policies would increase safety and help to prevent stealing and "unapproved activities."

Conforming cell lock/movement policies at Bedford to those at men's facilities is misguided as it disregards the gender-specific nature of pre-incarceration circumstances, in-custody behavior, and policy impact. Because women often place particular importance on

building relationships and maintaining a sense of community,¹⁸ are more likely to be survivors of abuse and to develop PTSD as a result,¹⁹ and suffer from higher rates of mental illness,²⁰ they are more likely than men to have an adverse reaction to policies that restrict personal interaction. In addition, female inmates are generally less violent while in custody and less inclined than men to confront one another.²¹ As one woman we spoke with explained, “We are not men. We don’t cut like men do. We have different needs and we are not here to fight everyday.”

Additionally, our understanding is that DOCS does not have a system-wide cell lock/movement policy: the Department’s response to our F.O.I.L. request²² for relevant documents stated that such policies were “maintained individually by facility.”²³ It appears that Bedford retains the authority to implement movement policies that differ from other facilities and that are suited to the particular circumstances of incarcerated women.

Recommendations: Cell Lock/Movement Policies

Bedford Hills Correctional Facility:

- Eliminate the 6:00pm to 9:00pm “options” and allow inmates more free movement within their units throughout the day.

Grievance System

Over the past year and a half, Bedford’s grievance system has slowed considerably: the facility’s April 2007 monthly grievance report notes that only 30% of grievances heard by the Inmate Grievance Resolution Committee (IGRC) and 47% of grievances heard by the Superintendent were within the time frames laid out by Directive 4040.²⁴ The facility’s 2006 year-end report indicates that only 60% of grievances heard by the IGRC and 80% percent heard by the Superintendent in 2006 were within the designated time frames. By comparison, in its year-end report for 2006, Albion Correctional Facility reported that 76% of grievances heard by the IGRC and 98% of grievances heard by the Superintendent were within appropriate time frames.

Bedford’s year-end report acknowledges that the facility “has had a problem with timely and complete investigative responses,” and attributes the problem to “a high turnover rate” for correction staff and Bedford’s position as a training facility for new officers. Overall, the number of grievances filed from January to April 2007 were significantly higher

¹⁸ “Females develop a sense of self and self-worth when their actions arise out of, and lead back into, connections with others. Connection, not separation, is thus the guiding principle of growth for girls and women...when the concept of relationships is ignored in the correctional environment, the ability of the system or agency to operate effectively is undermined.” See note 6, Bloom, at 54 and 56.

¹⁹ See note 15, *Extent, Nature and Consequences of Intimate Partner Violence*. See National Violence Against Women Survey, conducted by the U.S. Department of Justice and the U.S. Department of Health and Human Services (1998). See *Survey of State Inmates, 1991*, Bureau of Justice Statistics, U.S. Department of Justice (May 1993).

²⁰ More than 42% of women in New York’s prisons have been diagnosed with a serious mental illness, compared to nearly 12% of male inmates. *CNYPC Patient Demographic and Diagnostic Profile, Year 2007*, Central New York Psychiatric Center (January 29, 2007), at 5. Women in the general public suffer from depressive disorders and most anxiety disorders at higher rates than men. See *Gender Disparities in Mental Health*, Department of Mental Health and Substance Dependence, World Health Organization. See *Women Hold Up Half the Sky: Women and Mental Health Research*, National Institute of Mental Health, National Institutes of Health, U.S. Department of Health and Human Services (2001).

²¹ See note 3, Bloom.

²² New York State Freedom of Information Law, Article 6 of the Public Officers Law, §§ 84-90.

²³ Letter from DOCS FOIL Unit dated February 8, 2007.

²⁴ State of New York Department of Correctional Services Directive 4040, *Inmate Grievance Review Committee*.

(192) than the number filed during that same time period in 2006 (124). “Rule and Regulation” grievances nearly doubled from 2005 (50) to 2006 (93); these grievances included allegations of “staff not following policy and procedure regarding dress code, media review, late claims, disciplinary process, and movement within the facility, [Keeplock] status, ILC elections and package room denials.” Similarly, “Housing/Internal Block Affairs” grievances more than doubled, from 19 in 2005 to 44 in 2006. These grievances included allegations of “being denied free module, improper cell search, options on cell doors, no escorts for [Keeplock] inmates and mice infestation.”

Women reported feeling that they had been left without an effective vehicle for redress and for voicing concerns, and expressed frustration at the prison administration’s seeming lack of responsiveness. Most women we spoke with also feared retaliation from officers in response to filing grievances, particularly complaints about officer mistreatment.

Recommendations: Grievance System

Bedford Hills Correctional Facility:

- Work with the Inmate Grievance Program Supervisor and the Inmate Grievance Resolution Committee (IGRC) to restore the grievance system’s efficiency and ensure that grievances are responded to within the time frames outlined by Directive 4040.
- Investigate concerns about officer harassment for filing grievances and take necessary steps to eliminate retaliation.
- Designate a more senior official to investigate grievances about officer misconduct instead of the direct supervisor of the officer against whom the grievance was filed.

Rodent Infestation

Bedford has a serious mouse infestation problem. Women reported seeing mice in their housing areas and in their lockers, and mentioned having to routinely clean up rodent droppings on their units. They noted that some inmates had attempted to keep mice off the units by using cardboard to block the openings at the bottom of doors – an unsuccessful strategy as the mice had eventually eaten through the cardboard. Some inmates were particularly upset about instances where correction officers made fun of women who became anxious after seeing mice. Women also reported that the roach problem in Bedford’s mess hall had worsened since our December 2005 visit.

The Superintendent and the executive team confirmed the rodent infestation problem and explained that it had intensified after the facility began construction on a new shower project. They also noted that Bedford had recently placed mice traps in the recreation area, in the kitchen, and near the phones, that the facility had two licensed pesticide applicators on staff, and that plans were in the works to fumigate the mess hall. Although we were pleased to hear about these efforts, it is clear that Bedford must take even more aggressive steps to meet American Correctional Association standards requiring facilities to “provide for the control of vermin and pests.”²⁵

Recommendations: Rodent Infestation

Bedford Hills Correctional Facility:

- Work with the facility’s licensed pesticide applicators to eradicate Bedford’s rodent infestation and roach problem.

²⁵ See note 14, Regulation 4-4332, Housekeeping, Section D, Sanitation and Hygiene.

Cameras

At the time of our January visit, Bedford had finished installing more than 180 cameras with audio/visual capabilities and 30-day recording maximums. Cameras are located in store houses, recreation areas, the gym, the mess hall, disciplinary hearing rooms, and all housing units (both in the corridors and entrance ways) but not in the general population yard, visiting room or cells. Even though installation is complete, the Superintendent and executive team reported that the camera system was not fully operational because Bedford did not yet “own” the system and was still leasing it from the contractor. They also informed us that the Department was in the process of drafting a written policy for camera operations.

Contrary to our previous impression that cameras would be used solely for the purpose of recording and pulling footage when necessary, the Superintendent explained that cameras are used for live monitoring. Recordings can be monitored from four stations in the facility: one is located in the Watch Commander’s office, another in the Deputy of Security’s office, a third in the basement of the facility (to which only the Superintendent and the Deputy of Security have access), and a fourth in SHU. The first three stations can view any of the areas at which cameras are pointed, including SHU; the station in SHU can only view entrance ways, corridors and the recreation area in SHU itself. The only staff authorized to watch live recordings are the Superintendent, the Deputy of Security, the Watch Commander, the Commander’s assistant, and the correction staff in SHU.

Inmates we spoke with reported that: (1) correction staff, particularly male lieutenant staff, were being permitted to view live recordings in the Watch Commander’s office, and that (2) while facility staff could request and view recordings, inmates were not allowed to view footage – either affirmatively or in their own defense. The executive team stated that the double standard for viewing recordings existed because Bedford Hills had not yet secured full ownership of the camera system.

Recommendations: Cameras

Bedford Hills Correctional Facility:

- Investigate inmates’ concerns about correction staff being allowed to view recordings from the Watch Commander’s office; discipline officers found to be watching live recordings inappropriately; and clearly communicate Bedford’s camera access policies to all staff and inmates.
- Apply camera footage viewing policies fairly and evenly to inmates and to staff.
- Implement a process by which camera footage may be used to investigate allegations of verbal harassment among staff and inmates.

New York State Governor, State Legislature, and Department of Correctional Services:

- Allocate necessary additional resources to enable Bedford Hills to implement a policy of using camera footage to investigate allegations of verbal harassment.

Clothing

Bedford has begun to enforce a new clothing policy that, with the exception of visits and yard time, prohibits inmates from wearing personal hats, personal coats, earmuffs, scarves or gloves with tassels, or personal clothing (other than white or beige long johns) under state-issued uniforms whenever they were off their housing units.

Women reported a range of concerns about the clothing policy, including: problems obtaining adequate state-issue warm clothing; difficulty following the policy because different officers enforced it differently; being punished as a result of inconsistent enforcement by officers; and confusion about why certain parts of the policy were implemented at all given that DOCS Directive 4911 permits inmates to receive via packages personal earmuffs, green coats, caps, shirts, turtlenecks, and sweatshirts, and solid-color thermal underwear (provided that these items fall within specific parameters).²⁶

According to the Superintendent, the policy has been changed because clothing rules had become “too lax” throughout the facility. While there is value in maintaining a certain level of uniformity in inmate appearance, the additional changes seem unnecessarily restrictive, especially considering that no increase in escape attempts, stealing or violence precipitated the policy’s implementation.

Women also reported being forbidden to wear either personal or state-issue sweatshirts, hats or scarves while being transported for outside medical trips. (A short-sleeve state-issue uniform under a state-issue jacket is the only attire permitted.) The executive team explained that the restrictions were implemented, in part, to allow correction staff to better differentiate inmates from community members and to prevent inmates from escaping. We understand the need for officers to easily recognize inmates in settings outside the facility; it hardly seems plausible, however, that a state-issue sweatshirt or a turtleneck worn under a uniform would prevent this type of identification.

Footwear

During our visit in December 2005, inmates reported problems with the state-issue boots they were required to wear. At the time of that tour, the Superintendent informed us of her plans to speak with Department officials about replacing the boots. During our January and July visits, inmates were still wearing the same footwear and reporting that the boots were “heavy,” “unforgiving,” and “uncomfortable,” and often gave them swollen feet, blisters and cuts. Women also explained that the boots are not sufficiently waterproof: when it rains or snows, inmates have to sit through programs for hours with soaking wet socks and feet. This situation is particularly problematic for diabetic inmates who are supposed to wear well-fitted, comfortable and protective shoes to prevent sores and ulcers, which can lead to infection and amputation if not appropriately treated.²⁷

The facility’s policy allows inmates to wear state boots or personal boots in certain areas of the facilities (for safety reasons); state boots, personal boots or state sneakers to program areas; and personal sneakers or other footwear only during non-program hours on the unit, in the yard, and in the visiting room. Although inmates have these different footwear options at various times throughout the day, the state-issue boots remain the only option for much of the day for some inmates who cannot afford to purchase their own boots.

Recommendations: Clothing and Footwear

Bedford Hills Correctional Facility:

- Implement a more balanced clothing policy that would maintain restrictions needed for security yet allow inmates to wear personal clothing permitted by DOCS Directive 4911.

²⁶ DOCS Directive 4911, *Packages & Articles Sent or Brought to Facilities*, August 16, 2005.

²⁷ See “Foot Problems,” *Take Charge of Your Diabetes: Diabetes Public Health Resource*, National Center for Chronic Disease Prevention and Health Promotion, Centers for Diseases Control and Prevention (CDC) (January 2005).

- Take necessary steps to ensure that all inmates are given adequate warm clothing, including sweatshirts, coats, and hats.
- Discontinue the practice of requiring inmates to wear only short-sleeved t-shirts under state-issue jackets during transportation to and from outside medical appointments and allow inmates to wear weather-appropriate clothing.

Department of Correctional Services and Bedford Hills Correctional Facility:

- Remove the current state-issue boots at Bedford Hills and replace them with gender- and weather-appropriate footwear.

Visiting Process and Family Reunion Program (FRP)

In 2006, there were 279 inmates eligible and 140 inmates participating in Bedford’s Family Reunion Program – the only program of its kind for women in New York State.²⁸ In 2005, 295 inmates were eligible and 115 were participating.

We heard troubling reports that visitors and inmates now frequently have to wait up to five hours – from 9:30am, the usual start time, to 2:30pm – to begin their trailer visits. Apparently, a new policy requiring the same FRP officer to process inmates and then visitors sequentially has contributed to this delay. Previously, both inmates and visitors were processed at the same time. A number of inmates and some outside visitors who contacted us independently following trips to the facility reported concerns about delays in Bedford’s regular visiting process as well.

Approximately 71% of inmates at Bedford Hills are mothers; many were likely the primary caretakers of their children before arrest.²⁹ Maintaining an efficient, respectful and family-friendly visiting process and Family Reunion Program is an essential part of minimizing hardship associated with parental incarceration, helping families to preserve bonds, increasing the likelihood of family reunification after release, and reducing recidivism.

Recommendations: Visiting and Family Reunion Program (FRP)

Bedford Hills Correctional Facility:

- Investigate concerns about delays in the general visiting process and the FRP.
- Return to a policy that allows FRP inmates and their visitors to be simultaneously processed and take other necessary steps to expedite the FRP and general visiting process.
- Reiterate to correction staff the facility’s expectations for respectful interactions between officers and visitors.

Department of Correctional Services and Bedford Hills Correctional Facility:

- Require all correction officers assigned to visiting-related posts to undergo specialized training on child development and appropriate visitor interaction.

Law Library

Bedford’s administration has removed both general population computers in the law library and replaced them with typewriters. The Superintendent explained that the

²⁸ Some of the women incarcerated at Taconic Correctional Facility are permitted to participate in the Family Reunion Program and use the trailers at Bedford Hills, which is located across the road from Taconic.

²⁹ More than 64% of mothers in state prisons across the country report living with their children before prison. Christopher J. Mumola, *Incarcerated Parents and Their Children*, Bureau of Justice Statistics (August 2000), at 1.

computers had been removed because certain inmates had monopolized them and because the computers frequently broke down as a result of inmates “not knowing how to use them.” We understand these concerns and are aware that DOCS’ law library directive does not require facilities to have computers.³⁰ Considering, however, that there are other measures the facility could take to address the problems that precipitated the removal – such as inmate computer classes, individual reprimands, and an increase in computers to improve durability – taking away all law library computers seems an overly harsh response.

In addition, although typewriters can be used to create court-related documents, they do not allow inmates to access legal document templates or perform basic word processing functions, which enable more timely and effective communication with the courts and with attorneys. Because creating documents on typewriters generally takes more time, it also increases the likelihood that the law library will have a long waiting list.

Recommendations: Law Library

Bedford Hills Correctional Facility:

- Install more than two computers to increase the likelihood that machines will last longer.
- Restrict only those inmates who misuse computers, not the whole population.
- Develop a computer training course for all inmates and require inmates not familiar with general word processing functions to take the course before using the computers.
- Hold a special meeting with the ILC, the Inmate Law Clerks, and the officer assigned to the law library to ensure that computer usage standards are communicated to the entire population.

Section 2: Overview of Academic and Vocational Programs

Department of Labor Apprenticeships

We were very pleased to learn that the number of Bedford’s Department of Labor (DOL) apprenticeships had grown from six in 2005 to 22 at the time of our January 2007 visit. These apprenticeships – which help women serve time productively and develop skills that will assist them in securing employment after release – received praise from the women participants with whom we spoke. We commend the Superintendent for increasing the number of apprenticeships and hope the facility continues to build this valuable program.

Vocational Programs

At the time of our January visit, Bedford had five vocational instructors running five vocational programs: Cosmetology, Printing, General Business, Horticulture, and Career Development. Three of the vocational instructor positions were vacant, including one position for a computer technology teacher. Both Public Employees Federation (PEF) representatives and the Superintendent commented that the difficulty in filling and maintaining these positions stemmed mainly from non-competitive salary rates.

Staff vacancies and limited program capacity have resulted in long waiting lists for many of Bedford’s vocational programs: there were 11 inmates enrolled in Cosmetology and 87 on the waiting list; 40 enrolled in General Business and 110 on the waiting list; 40 enrolled

³⁰ “The facility Law Library will be equipped with a sufficient number of working typewriters, word processors or computers so that Inmate Law Clerks and inmates eligible to visit the Law Library may type legal papers.” DOCS Directive 4483, *Law Libraries, Inmate Legal Assistance and Notary Public Services*, April 13, 2004.

in Horticulture and 21 on the waiting list; 40 enrolled in Printing and 18 on the waiting list; and, 40 enrolled in Career Development and 12 on the waiting list. In total, 248 women at Bedford Hills – 30% of the total population – were on a vocational program waiting list.

Academic Programs

Since our last visit, Bedford filled its only academic vacancy with an additional ABE teacher, giving the facility a total academic staff of six. At the time of our January visit, there were a total of 333 inmates participating in academic programs. We were pleased to see that enrollment had increased from 30% of the prison population in July 2005 to 41% in January 2007. Eighty women were on an academic program waiting list: 68 women were enrolled in Adult Basic Education (ABE) and 20 were on the waiting list; 54 were in pre-GED and 22 were on the waiting list; 36 were in GED and 29 were on the waiting list; 11 were in ESL and none were on the waiting list; 17 were in Special Education classes and nine were on the waiting list; 22 were in cell study programs in disciplinary confinement; and 125 were in the facility's college program – which was reinstated at Bedford in the late 1990s by a consortium of private colleges.³¹

Inmates we spoke with gave high marks to the facility's academic programs, particularly to the college program, which women deeply valued as an opportunity to stay motivated, build self-esteem, and increase their chances for a successful reentry after prison.³² Bedford's college program – the only program that allows female inmates to earn degrees – is one of the Department's most important and effective services: a recent study conducted by DOCS, the City University of New York (CUNY) Graduate Center, and a group of incarcerated women found that inmates who attended college at Bedford Hills were nearly four times less likely to return to prison than women who did not attend college in prison.³³

Inmate Program Aides

The Superintendent explained that the number of Inmate Program Aides (IPAs) at Bedford dropped from 132 in July 2005 to 76 in January 2007 because the program supervisor had left the facility. We were pleased that the facility had recently hired a new supervisor and hope that the number of IPA opportunities open to women will rise correspondingly.

Recommendations: Academic and Vocational Programs

New York State Governor, State Legislature, and Department of Correctional Services:

- Allocate resources to enable Bedford Hills to hire additional vocational staff and expand vocational program capacity to eliminate waiting lists.
- Allocate funds for Bedford to expand academic program capacity to eliminate academic waiting lists.
- Reinstigate college programs in all state prisons.
- Increase the number of Inmate Program Aide positions open to incarcerated women.

³¹ See <http://www.marymount.mmm.edu/study/resources/specialprograms/bhcp.html>.

³² In 1994, Congress eliminated inmate eligibility for Pell Grants, which, for many years, provided federal tuition assistance for low-income persons, including inmates. The Cuomo Administration maintained state funding that continued to support college programs in New York's prisons. In 1995, however, then-Governor George Pataki withdrew the state's support for these programs. See Violent Crime Control and Law Enforcement Act, USC Title 42, Chapter 36.

³³ Michelle Fine, et al. 2001, *Changing Minds: The Impact of College in a Maximum Security Prison*, New York: The Graduate Center of the City University of New York and Bedford Hills Correctional Facility.

Section 3: Summary of Correction and Civilian Staff Meetings

New York State Correctional Officer and Police Benevolent Association (NYSCOPBA)

The number of officers assigned to Bedford Hills decreased from 431 in 2005 to 421 in 2006. The Superintendent explained that the decrease was the result of having fewer “on-the-job training” (OJT) officers assigned to the facility in 2006.³⁴

The NYSCOPBA representative we met with reported that officers continue to have a strong working relationship with Bedford’s administration and also had positive remarks about the cameras, noting that they can help clarify incidents and deter inappropriate activity. The representative communicated that two main problems for officers at Bedford were feeling inadequately staffed and having to handle a constant influx of new trainees. In addition, similar to the feedback we received during our December visit, NYSCOPBA has serious concerns about the number of correction officers with 25 years or more on the job who are planning to retire in the coming months and years. In large part, this situation is due to the current Tier III retirement system, which does not allow officers to earn larger pensions after serving 25 or 30 years on the job.³⁵ We agree that losing a large number of veteran officers would represent a significant setback for DOCS as more experienced officers can play a calming role in prisons, helping to mentor and set an example for less experienced officers.

Recommendations: NYSCOPBA

New York State Governor, State Legislature, and Department of Correctional Services:

- Find alternative ways to provide incentives for qualified correction officers to continue working after 25 years on the job.
- Expand the curriculum at DOCS Training Academy to include a more comprehensive section on working in women’s facilities and require ongoing gender-specific training for officers at women’s facilities.
- Establish a formal mentoring program to enable qualified veteran correction staff to train less experienced officers and offer qualified veteran staff incentives to become mentors.
- Provide recognition for staff who maintain professionalism and perform their job particularly well.

Public Employees Federation (PEF) and Civil Services Employees Association (CSEA)

The PEF representatives we met with explained that Bedford Hills had experienced a large turnover among PEF employees over the past five years, especially among the academic program and nursing staff, who were sometimes forced to work mandatory overtime. As previously mentioned, the representatives named the lack of comparable salaries as the main factor contributing to the difficulty in recruiting and maintaining qualified personnel. PEF also noted that Bedford’s academic staff wanted additional funds

³⁴ Bedford Hills is currently the only female facility that hosts OJTs.

³⁵ See Your Retirement Plan: State Correction Officers and Security Hospital Treatment Assistants Plan for Tier 3 Members, New York State and Local Employees’ Retirement System, Office of the New York State Comptroller Alan G. Hevesi.

to replace outdated textbooks and that counselors needed new computers, which they had been promised for the past two years.

At the time of our January visit, Bedford had a total of 23 of 28 correction counselor positions filled, an increase of two since July 2005. PEF informed us that counselors carry caseloads of roughly 75 to 150 women, depending on their other assignments. These high caseloads often prohibit counselors from performing duties other than completing paperwork and handling urgent questions from inmates. This situation is unfortunate as counselors could potentially play a critical role in helping inmates set goals and create in-prison program plans; maintain bonds with family members; communicate with Family Court Judges, attorneys, and foster care caseworkers; and, in collaboration with transitional services staff, prepare for release.

Similar to the PEF members, the CSEA representatives we met with noted that staff turnover and difficulty recruiting new staff because of low wage rates were the primary problems facing the union. CSEA representatives also noted that although they supported the installation of cameras in the facility, members were disturbed that cameras had been placed in the CSEA lunch area.

Recommendations: PEF and CSEA

Bedford Hills Correctional Facility:

- Allocate funds for PEF to replace outdated textbooks and buy new computers for correction counselors.
- Find a suitable location for CSEA members to have lunch without cameras.

New York State Governor, State Legislature, and Department of Correctional Services:

- Work with PEF and CSEA to raise the pay scale and/or provide incentives for qualified members willing to work in the prison setting.
- Work with PEF to re-conceptualize correction counselor roles and require counselors to carry out additional tasks.
- Allocate funds to enable Bedford Hills and other women's facilities to expand correction counseling staff to allow counselors to take on enhanced roles.

Key Recommendations, Conditions of Confinement – Bedford Hills Correctional Facility
January and July 2007 Visits

Women in Prison Project, Correctional Association of New York

The following is a summary of the Correctional Association's key recommendations for reform at Bedford Hills Correctional Facility based on visits conducted on January 9, July 2 and July 16, 2007. We recognize that, in many cases, the authority to institute facility-specific and system-wide changes rests with multiple institutions. We have made an effort to pinpoint the agencies that are most directly responsible for making decisions regarding the various issue areas in our report.

1. Overall Atmosphere

Bedford Hills Correctional Facility:

- Hold a series of meetings with the Inmate Liaison Committee (ILC) to develop policies and practices that will enable the prison to raise morale and reestablish itself as a constructive and safe facility for inmates, staff, and volunteers alike.

New York State Department of Correctional Services:

- Build on the recent positive step of creating an executive level position focused on women inmates by initiating an effort to ensure that policies, practices and programs at Bedford Hills and at other women's facilities are compatible with the specific needs and circumstances of women in custody.

2. Officer-Inmate Relations

Bedford Hills Correctional Facility:

- Take steps to re-establish an atmosphere of open and respectful communication, and bolster effective mechanisms for inmates and officers to calmly and productively work through disputes.
- Initiate regular meetings with the ILC and correction staff to discuss ways to improve relations, and hold a special meeting to discuss issues surrounding recent use of force and use of force guidelines.
- Develop programs for both staff and inmates to teach effective communication and anger management skills.
- Require officers to participate in specialized training about general and gender-specific guidelines for acceptable behavior when restraining, controlling, and otherwise interacting with women inmates.
- Investigate inmate reports of excessive use of force and officer misconduct and remove or reassign officers who are found to be problematic.
- Ensure that rules and regulations are applied in a consistent and fair manner and discipline problematic staff.
- Take pro-active steps to eliminate verbal harassment.
- Reiterate pat frisk requirements and procedures to correction staff and inmates, and monitor and retrain and, in appropriate circumstances, reassign or remove problematic officers.

Department of Correctional Services and Bedford Hills Correctional Facility:

- Remove the officer involved in the June 2 incident at Bedford Hills – or at least reassign him to a non-contact position – pending the outcome of the IG investigation.
- Develop new same-gender pat frisk procedures that enable officers to perform their duties without re-traumatizing women or placing them in serious discomfort.

Key Recommendations, Conditions of Confinement – Bedford Hills Correctional Facility
January and July 2007 Visits

Women in Prison Project, Correctional Association of New York

3. Cell Lock/Movement Policies

Bedford Hills Correctional Facility:

- Eliminate the 6:00pm to 9:00pm “options” and allow inmates more free movement within their units throughout the day.

4. Grievance System

Bedford Hills Correctional Facility:

- Work with the Inmate Grievance Program Supervisor and the Inmate Grievance Resolution Committee (IGRC) to restore the grievance system’s efficiency and ensure that grievances are responded to within the time frames outlined by Directive 4040.
- Investigate concerns about officer harassment for filing grievances and take necessary steps to eliminate retaliation.
- Designate a more senior official to investigate grievances about officer misconduct instead of the direct supervisor of the officer against whom the grievance was filed.

5. Rodent Infestation

Bedford Hills Correctional Facility:

- Work with the facility’s licensed pesticide applicators to eradicate Bedford’s rodent infestation and roach problem.

6. Cameras

Bedford Hills Correctional Facility:

- Investigate inmates’ concerns about correction staff being allowed to view recordings from the Watch Commander’s office; discipline officers found to be watching live recordings inappropriately; and clearly communicate Bedford’s camera access policies to all staff and inmates.
- Apply camera footage viewing policies fairly and evenly to inmates and to staff.
- Implement a process by which camera footage may be used to investigate allegations of verbal harassment among staff and inmates.

New York State Governor, State Legislature, and Department of Correctional Services:

- Allocate necessary additional resources to enable Bedford Hills to implement a policy of using camera footage to investigate allegations of verbal harassment.

7. Clothing and Footwear

Bedford Hills Correctional Facility:

- Implement a more balanced clothing policy that would maintain restrictions needed for security yet allow inmates to wear personal clothing permitted by DOCS Directive 4911.
- Take necessary steps to ensure that all inmates are given adequate warm clothing, including sweatshirts, coats, and hats.
- Discontinue the practice of requiring inmates to wear only short-sleeved t-shirts under state-issue jackets during transportation to and from outside medical appointments and allow inmates to wear weather-appropriate clothing.

Key Recommendations, Conditions of Confinement – Bedford Hills Correctional Facility
January and July 2007 Visits

Women in Prison Project, Correctional Association of New York

Department of Correctional Services and Bedford Hills Correctional Facility:

- Remove the current state-issue boots at Bedford Hills and replace them with gender- and weather-appropriate footwear.

8. Visiting and Family Reunion Program (FRP)

Bedford Hills Correctional Facility:

- Investigate concerns about delays in the general visiting process and the FRP.
- Return to a policy that allows FRP inmates and their visitors to be simultaneously processed and take other necessary steps to expedite the FRP and general visiting process.
- Reiterate to correction staff the facility's expectations for respectful interactions between officers and visitors.

Department of Correctional Services and Bedford Hills Correctional Facility:

- Require all correction officers assigned to visiting-related posts to undergo specialized training on child development and appropriate visitor interaction.

9. Law Library

Bedford Hills Correctional Facility:

- Install more than two computers to increase the likelihood that machines will last longer.
- Restrict only those inmates who misuse computers, not the whole population.
- Develop a computer training course for all inmates and require inmates not familiar with general word processing functions to take the course before using the computers.
- Hold a special meeting with the ILC, the Inmate Law Clerks, and the officer assigned to the law library to ensure that computer usage standards are communicated to the entire population.

10. Academic and Vocational Programs

New York State Governor, State Legislature, and Department of Correctional Services:

- Allocate resources to enable Bedford Hills to hire additional vocational staff and expand vocational program capacity to eliminate waiting lists.
- Allocate funds for Bedford to expand academic program capacity to eliminate academic waiting lists.
- Reinstitute college programs in all state prisons.
- Increase the number of Inmate Program Aide positions open to incarcerated women.

11. NYSCOPBA

New York State Governor, State Legislature, and Department of Correctional Services:

- Find alternative ways to provide incentives for qualified correction officers to continue working after 25 years on the job.
- Expand the curriculum at DOCS Training Academy to include a more comprehensive section on working in women's facilities and require ongoing gender-specific training for officers at women's facilities.

Key Recommendations, Conditions of Confinement – Bedford Hills Correctional Facility
January and July 2007 Visits

Women in Prison Project, Correctional Association of New York

- Establish a formal mentoring program to enable qualified veteran correction staff to train less experienced officers and offer qualified veteran staff incentives to become mentors.
- Provide recognition for staff who maintain professionalism and perform their job particularly well.

12. PEF and CSEA

Bedford Hills Correctional Facility:

- Allocate funds for PEF to replace outdated textbooks and buy new computers for correction counselors.
- Find a suitable location for CSEA members to have lunch without cameras.

New York State Governor, State Legislature, and Department of Correctional Services:

- Work with PEF and CSEA to raise the pay scale and/or provide incentives for qualified members willing to work in the prison setting.
- Work with PEF to re-conceptualize correction counselor roles and require counselors to carry out additional tasks.
- Allocate funds to enable Bedford Hills and other women's facilities to expand correction counseling staff to allow counselors to take on enhanced roles.