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A Neglected Population:

Women Prisoners At Bayview

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Cathy Potler

The Correctional Association of New York
135 EAST 15th STREET, NEW YORK N.Y. 10003 (212) 254-5700

A Neglected Population:

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A NEGLECTED POPULATION:
WOMEN PRISONERS AT BAYVIEW

"Women don't challenge the conditions of our confinement because prison is so much like the oppression we experience in the outside world. With men it's different. When men come to prison and get a thumb on them, they start kicking. But here is this women's prison taking away all our responsibility and self-respect, training us for the same crummy low-paying 'girl' jobs we couldn't live on before."*

Carol Ann Wilds
(An inmate at Indiana
Women's Prison)

INTRODUCTION

Neglect has been the word most frequently used to describe the situation of women in the prison system. Because women account for only a small percentage of the prisoner population** and seldom strike or protest while incarcerated, they have been easily ignored by the criminal justice system. Despite the fact that women have been incarcerated since the late 1700s, research on women in prison has been minimal when compared to the number of studies conducted on the male offender.

*From Ann Jones, "One Woman Who Chose to Say No," The Nation, p.456, (April 17, 1982).

**Women comprised only 2.9% of the New York State prison population in 1984.

Greater attention has recently been given to the problems of female offenders. This increase can largely be attributed to several factors including the influence of the women's movement, the greater awareness by women prisoners of their rights, an increase in litigation focusing on conditions in women's institutions, and a disproportionate increase in the number of arrests of women in relation to those of men.*

Many of the problems affecting women in New York prisons must still be seen in the context of the entire state system. The recent growth in the state's prison population has resulted in overcrowded and unsafe institutions throughout New York, and has placed serious strain on essential services, including programming, medical care, visiting and food services in these facilities.**

One direct result of the large increase in the prisoner population was the opening of the Bayview Correctional Facility, a medium-security institution for women in New York City. In order to gain a sense of how women are treated in the state system, The Correctional Association decided to examine the conditions of confinement at Bayview.

Bayview is one of three general confinement institutions for women in New York State; Albion Correctional Facility in western New York is a medium-security facility while Bedford Hills Correctional Facility in Westchester County is the only maximum-security institution for women. Visits and analyses done in preparation for this report cover a period of one year, from October 1983 to October 1984. While we attempted to note

*See, for instance, Glick, Ruth M. and Neto, Virginia V., "National Study of Women's Correctional Programs," The Criminal Justice System and Women, Barbara Raffel Price and Natalie J. Sokoloss, eds., (New York, N.Y.: Clark Boardman Co., Ltd., 1982); Alpert, Geoffrey P., "Women Prisoners and the Law: Which Way Will the Pendulum Swing?," idem; Sharon L. Fabian, "Toward the Best Interests of Women Prisoners: Is the System Working?," New England Journal on Prison Law, Vol. 6, No. 1 (Fall 1979).

**The Correctional Association of New York, The Prison Population Explosion in New York State: A Study of Its Causes and Consequences with Recommendations for Change, (March 1982), pp.53-55.

all changes of conditions occurring after this period, this report's objective is to convey a picture of the facility during that particular span of time.

We conducted four on-site inspections: on December 21, 1983, February 15, June 14, and October 24, 1984. We held meetings with: prisoners, including members of Bayview's Inmate Liaison Committee (ILC);* the Superintendent and Deputy Superintendent for Programs, and civilian staff at Bayview; officials in the Department of Correctional Services (DOCS), Commission of Corrections (COC)** and the Governor's office; members of the Bayview Advisory Board;*** and experts in the field of criminal justice.

All parties consulted agreed that Bayview's single most positive feature is its location in New York City, where most of its inmates lived prior to their incarceration. Its location in the city has enabled women to maintain relationships with their families, the most significant factor in an inmate's ability to cope with the prison environment and to adjust successfully to the outside world upon release.

It should also be noted that there was practically universal agreement among all constituencies at Bayview regarding the problem areas listed below. Although the current prison administration has been sensitive to these problems and indeed has made improvements, there remain serious obstacles to change which cannot be overcome at the Bayview administrative level. The enormous constraints imposed on the facility because of

*The ILC consists of prisoners who have been elected to represent the general population. They meet with the prison administrators to discuss matters of concern to the inmates.

**A state agency, the COC has a duty to visit and inspect all jails and prisons in New York State and to promulgate rules and regulations for the care, treatment, custody and discipline of all persons confined.

***Prison Advisory Boards are made up of interested citizens who act as a liaison between the facility, the Department of Correctional Services (DOCS) and the surrounding community.

the debilitated physical plant, the high number of prisoners and the lack of resources can only be resolved through the direct support and action of the Department at its highest levels along with the full cooperation of the legislature and Governor.

FINDINGS

I. PHYSICAL PLANT

A. Location and History

Bayview Correctional Facility is located at 550 West 20th Street in Manhattan, across the street from the Westside Highway, which runs along the Hudson River. Constructed in the mid-1930s as a YMCA for merchant seamen, the building was bought by the state in the late 1960s and used as a drug treatment center. In September 1973, DOCS acquired the building from the Drug Abuse Control Commission (DAAC) and used it as a work release facility for men, and later as a detention center for men charged with parole violations. In December 1979, it became a women's prison. According to the people we interviewed, there were no major structural changes made in the building prior to its use as a women's institution or any time thereafter.*

B. Environmental Conditions

Bayview is a red brick building located on the corner of 20th Street and 11th Avenue. Large outdoor recreational areas are found in most New York State prisons; at Bayview, brick warehouses and busy New York City streets are located in its "backyard."

*A small but telling example of the lack of modifications in the building is the presence of urinals in a number of the women's bathrooms in the housing areas.

The facility consists of two adjacent structures: the main building and the annex. The main building has eight floors. Except for the 15-room Honor Unit on the third floor and four rooms on the fourth floor, all general population prisoners are housed on the fifth through the eighth floors.* There are 40-46 rooms per floor. Each floor is equipped with one bathroom containing 3-4 toilets, 4-6 sinks, 3 showers and a washer and dryer.** Each floor also has one dayroom, except for the fifth floor which has two.

A small six-cell detention unit is located on the fourth floor. This area was described as "claustrophobic" by one official and "one of the worst set of cells in the state" by another. Inmates charged with disciplinary infractions or with parole violations are housed in this unit; however, for several weeks a woman suffering from AIDS was assigned to it for want of a suitable location. Each cell has a sink and toilet; a shower with a curtain around it is located in the tiny entrance area. Inmates in this unit eat in their cells within a few feet of their sink and toilet.

The indoor recreational areas are on the third floor. These include a gym and a swimming pool -- one of the few positive vestiges from the YMCA days. There are also two small outdoor areas, one on the roof over the eighth floor and another on the fifth floor; both are approximately 24' x 45'. When the weather permits, the women can shoot baskets or play paddle ball. During the summer months, the roofs have been described as "infernos" conducive only to short spurts of sunbathing; during the winter they are too cold and windy to utilize.

The eight floors of the main building are connected by elevators and the enclosed stairwell. Use of the elevators is reserved

*More recently, however, some of the fourth floor rooms have been reserved for inmates with psychological problems.

**On a number of visits, some of the showers were not working.

for the staff and a handful of prisoners with medical dispensation. All other inmates regardless of where they are housed must travel from floor to floor by the stairs for all purposes including daily meals, visits, recreation, programs and medical visits. There is no ventilation in the stairwell and inadequate temperature control. We found the stairwell to be quite cold on our winter visits and extremely hot in June. On some floors, water had leaked from the ceiling onto the stairs causing a dangerous slippery condition.

All academic and vocational programs are held in the annex, a four story building adjacent to the main building. The administration, officers, civilian staff and prisoners acknowledged a lack of program space to adequately meet the needs of the prisoners.

The age of the building remains a significant factor in the continuing problems at Bayview. Our discussions with both staff and prisoners revealed the following problems:

- a faulty wiring system in need of replacement;
- the lack of adequate fire and safety precautions, most notably the need for a new fire/smoke detection/alarm system and a sprinkler system;*
- unsanitary conditions, particularly the presence of rodents, waterbugs, roaches and ants in the housing and food service areas;
- lack of adequate ventilation and temperature controls, particularly in the housing areas; without air conditioning, the housing areas are unbearably hot in the summer and in the winter the building is overheated.

*There is only one stairwell for evacuation of the building. During fire drills, each floor, starting with the 8th, can only be evacuated one at a time. As one inmate wrote to us: "There should be an alternative route. Because if there should ever be a real fire, I am very much afraid that there will be many deaths."

Over the past two years, these problems have been reported, by our office as well as other concerned organizations, to the appropriate people in the DOCS Central Office in Albany. The Department has taken some steps to improve matters. Based on our discussions with both staff and prisoners, however, we have determined that these problems continued to exist as of November 1984.

II. POPULATION/OVERCROWDING

Most of the women at Bayview are within two to three years of their first appearance before the Parole Board. Although a few had been previously housed at Albion, or had been assigned to Bayview directly from classification,* the majority have been transferred from Bedford Hills. Occasionally women charged with parole violations are housed in the detention unit at Bayview.

Eighty-two percent of Bayview's inmates are from New York City. The inmate profile, regarding ethnic background and economic class, is similar to the profile of women prisoners throughout the country. As revealed in most studies, penal institutions for women are "reserved" for those who are non-white and poor; most women inmates are single parents who failed to complete high school, were dependent on drugs and/or alcohol, and were irregularly employed.** (See Appendix.)

On our most recent visit, the prisoner population was 190 -- slightly above the facility capacity of 187. This number of prisoners creates serious strain on existing programs and services,

*The first stop for every prisoner coming into the New York State Correctional system is classification. The purpose of classification is to identify the appropriate program for each new commitment and includes an evaluation of his or her medical, psychological, educational, vocational and security needs. All women inmates undergo this classification process at Bedford Hills.

**See for example, DOCS, Family Situations of Selected 1981 Female Commitments, (December 1981); G.A.O., Women in Prison, (1980); G.A.O., Female Offenders, (August 1979); Glick, Ruth M. and Neto, Virginia V., op. cit.

including medical care and visiting. As the Department recognizes, and as is generally acknowledged in the corrections profession, prisons should operate at no more than 90-95 percent of their physical capacity. According to the New York State Department of Correctional Services, Strategic Plan 1980-85, this 90-95 percent figure assumes that the facility is able to provide adequate programming and support services for its population. As this report will demonstrate, DOCS is able neither to fully program nor service the population; therefore, Bayview should actually operate below 90-95 percent of its prisoner capacity.

The present population level at Bayview creates a strain on every aspect of facility operations. It means that the prison must fill every available bed space even if such space is inappropriate for general population prisoners, and even if the use of it results in reducing the ability to provide programs and essential services.

On our June visit, the five-bed infirmary was being utilized by general population inmates rather than medically ill prisoners. Five rooms on the Therapeutic Community, Inc. floor, a drug and alcohol abuse program, and seven on the Network floor, a self-awareness program, were assigned to general population prisoners, resulting in distractions and disruptions for those participating in these full-time, disciplined programs. In addition, the Aim High Program for women with alcohol abuse problems had been located in a separate unit on the fifth floor until July 1984. Because of the need for additional bed space, the dividing wall was torn down and Aim High participants commingled with general population inmates, again resulting in a reduction in the beneficial effects of the program.

Under the pressure of its ever increasing population, DOCS is also cutting into the already inadequate space available for programs and support services. Even storage areas, corridors and dayrooms -- which in the best of circumstances are unable to accommodate the activities of the prisoners housed on the floor -- have been appropriated for new bed space.

III. STAFFING

In our discussions, many of the correction officers complained of the insufficient number of guards assigned to work at Bayview and the resultant overtime that is often required. Officers have found their work schedule to be exhausting, making it significantly more difficult to perform their duties and creating an enormous strain on their personal lives.

The problem of staff turnover that plagues most of the facilities in the state is not as serious at Bayview. Presumably because of Bayview's desirable location for those officers and supervisors who prefer to work in New York City, approximately one or two officers transfer out per month. Thus, the annual turnover rate is about 20% as compared to 50-60% in many other facilities. Similarly, there has not been a high turnover rate for the supervisory staff. On February 8, 1984, there were 14 supervisory staff positions (6 sergeants and 8 lieutenants), 12 men and 2 women.

A. Sexual Abuse and Harassment

The most striking characteristic of the correctional staff at Bayview is the large number of male guards as compared to female. In December 1983, out of a total of 75 correction officers, there were 52 males and 23 females. By June 14, 1984, the total of 77 officers was composed of 57 males and 20 females, an even higher male-female ratio. The Superintendent does not expect this ratio to change.*

The administration is understandably very concerned about the small number of female officers and would like to have more assigned to the facility. Female officers have been found to be

*It was pointed out to us that the three women guards who have put in for transfers will not be replaced by women since there are none on the transfer list for Bayview.

more sensitive to the needs of the female population. While the lack of women officers affects all aspects of a prisoner's existence, the most dramatic manifestation is the continuing problem of sexual abuse and harassment. In July 1983, the Inspector General of DOCS began an investigation of sexual abuse by male guards against women prisoners at Bayview.* On November 28, 1983, and in January 1984, six male prison guards and a sergeant were suspended without pay by DOCS for "improper and unauthorized relationships with inmates, including sexual activity."**

At Bayview, sexual abuse seems to manifest itself in a variety of ways -- from verbal harassment to coerced sexual contact. For example, women inmates stated that male guards have threatened prisoners with disciplinary action or removal from a program if they refused to engage in sexual conduct. On other occasions the women were "bribed" with alcohol or drugs. It must be recognized that "the prison officer who solicits sexual conduct is 'not just a person making a request,'...when an inmate faces a guard in uniform,...her ability to choose between yes and no is greatly diminished."***

Prisoners also complained that some of the male guards do not announce their presence on housing areas, as required by DOCS. The women referred to these guards as "peeping Toms," trying to catch a glimpse of the unclothed women while they were undressing or coming out of a shower. The presence of male guards makes it difficult for the women to dress "looser" or to sleep uncovered in order to

*Although there were a number of warning signals in 1982 and early 1983, apparently it took an inmate pregnancy to trigger an investigation in June 1983.

**It is our understanding that one guard was fired, one resigned, three of the suspensions were upheld with the guards reassigned to other facilities, and two cases against a guard and a sergeant are still pending.

***Ann Jones, op. cit., quoting Professor of Criminal Justice Janet Mickish, p.456.

get some relief from the heat during the summer months.*

IV. MEDICAL CARE

The three most serious problems regarding medical care at Bayview are (a) lengthy delays in obtaining outside medical care; (b) insufficient staffing of the medical unit; and (c) serious physical limitations in the medical unit inside the prison.**

A. Outside Medical Care

A written contract does not exist between Bayview and any hospital in New York City. The absence of such a contractual relationship with an outside hospital creates serious delays in providing medical care to the women. DOCS maintained that a contract would be signed by April 1984 with St. Vincent's Hospital, a private hospital located near Bayview. In September, we were informed by a DOCS official that "the deal is on the table." As of December, the arrangement had not been finalized. While this arrangement would provide for improved medical staffing and care at Bayview by personnel from St. Vincent's, it would not include provisions

*The DOCS administration has prior experience with such privacy concerns. For example, in 1977, women prisoners at Bedford Hills Correctional Facility brought a class action suit claiming that their privacy rights were being violated because they were "involuntarily exposed" to male guards assigned to the housing blocks and hospital unit. Forts v. Ward 434 F. Supp. 946 (S.D.N.Y. 1977). Specifically, the women charged that male guards viewed them partially or completely undressed while receiving medical treatment, showering, using toilet facilities or sleeping in the housing units.

**On August 8, 1984, Prisoners' Legal Services of New York (PLS), on behalf of prisoners at Bayview, filed a §1983 action charging that the state denied plaintiffs necessary medical care. Other allegations included failure to provide plaintiffs with a "safe, functioning and sanitary physical plant, an adequate law library, and adequate supply of clothing for daily usage and for year-round outdoor exercise and protection from abuse by male guards." On October 26, 1984, plaintiffs filed a preliminary injunction requesting that the court order the appointment of a competent medical director and the establishment of proper procedures to ensure that adequate medical care is provided to the prisoners.

for maintaining a secure ward to house prisoners admitted to the hospital. Thus, even if an agreement is finally reached, it will not alleviate the serious problems with outside medical care.

Prior to May 1984, delays in obtaining outside medical care ranged anywhere from one to six months. On May 14, 1984 the outside hospital -- Bellevue -- not only refused to admit an inmate who was scheduled to undergo surgery on a uterine mass, but also informed Bayview that from that date Bellevue would not be able to provide any medical treatment to the prison population. Upon investigation, we were informed by New York City's Health and Hospitals Corporation that Bellevue had a backlog of some 250 city inmates who needed non-elective surgery; therefore, the hospital could no longer provide services for state prisoners.

Between May 14th and June 1st, no outside hospital care was available to the women at Bayview. Finally, on June 1st, an informal arrangement was made with Harlem Hospital, a municipal hospital, whereby two to three inmates per day were brought to the hospital's emergency room in an effort to reduce the backlog that accumulated during the two-week interim with no hospital care. On July 16th, Harlem Hospital stopped accepting patients from Bayview for the same reasons that Bellevue did. Another two weeks went by with no outside medical care for the women.

At the present time, the state has an agreement with Bailey-Seaton Hospital, a private hospital in Staten Island, to provide outside medical care. It takes 45 minutes to an hour to travel from Bayview to the hospital. As a result, the state must rely on nearby municipal hospitals for emergency medical care.*

*Emergency medical care applies to a life-threatening medical condition where medical care cannot be deferred because immediate treatment is necessary. Under these circumstances, women prisoners at Bayview are transported to the nearest hospital, St. Vincent's.

These breakdowns in hospital service have resulted in interruptions of ongoing medical treatment, and inmates have had to be retested and rediagnosed because of long delays in the transfer of medical records from one hospital to the next.

The following examples demonstrate the ways in which the recent delays in medical treatment have seriously affected several inmates:

- In February 1984, an inmate discovered a lump on her breast. This breast mass was confirmed by a Bayview doctor, who recommended in April that the patient be sent immediately to an outside breast clinic. An examination at Bellevue Hospital was performed in May, but the scheduled biopsy was not conducted because of the termination of Bellevue services. In July, the patient was examined at Harlem Hospital, but the scheduled biopsy was once again not performed because of the interruption in care at Harlem. A biopsy was finally performed in August confirming the presence of cancer. A mastectomy was performed over six months after the discovery of the lump.
- In March 1984, an inmate discovered a lump on her neck which was confirmed by a Bayview doctor in the same month. A biopsy of the lump scheduled to be performed at Bellevue was not conducted because of the termination of services. An appointment at Harlem Hospital was rescheduled in July, but because the prison van was inoperable on that day, the appointment was cancelled. Additional lumps have since appeared. A biopsy on one of the lumps was performed in August at Bailey-Seaton and at least three other lumps need to be biopsied. As of November, the patient had not received the results of the biopsy, nor had a biopsy been performed on any of the other lumps.

- Since February 1984, an inmate has had swelling, pain and secretions from her breasts. In April she was examined at Bellevue Hospital and in May a mammography was taken, but the results have not been reported to her. In addition, when she requested the results from a Bayview doctor, she was told that no such record of the X-ray was in her medical file. She is scheduled for a biopsy at Bailey-Seaton Hospital.

These delays in essential medical services exposed -- and continue to expose -- women confined at Bayview to physical injury and life-threatening situations, as well as to serious psychological trauma. The resulting anxiety not only affects the individual prisoner, but predictably increases the tension and anger throughout the facility.

B. Medical Staffing in the Bayview Medical Unit

Adequate staffing in the medical unit remains a problem at Bayview. Until November 1984, there was no medical director to coordinate medical services both at Bayview and outside hospitals. Although DOCS's Deputy Commissioner for Health states that Bayview is budgeted for a full-time internist, there is only a part-time internist servicing the facility.

Although Bayview has been allocated sufficient positions to provide 24-hour nursing coverage, we were informed in June by the nurse administrator that there is no nursing coverage two days per week on the 11 p.m. to 7 a.m. shift. The nurse turnover rate is high at Bayview largely because the nurses are overworked and under a great deal of pressure. On at least one occasion, the Deputy Superintendent for Programs, who is also a nurse, has worked in the medical unit because of the insufficient nursing coverage.

Mental health services are practically non-existent at Bayview. During the recent three-month period from August to October, there was no indication that the psychologist had ever been to the

facility. Staff and inmates have complained about the overmedication of prisoners by the psychiatrist. In November 1984 the Commission of Correction conducted a field investigation whose findings suggested the possible overmedication of the prisoner population. The matter was immediately referred to the New York State Department of Mental Health for its review and to DOCS.

C. Physical Limitations of the Bayview Medical Unit

There is only one examining room in the Bayview medical unit, making it difficult to accommodate more than one doctor at any one time. Because the beds in the infirmary have at times been utilized for general population inmates due to overcrowding, the medical staff told us that it is not unusual for general population inmates to overhear and comment on conversations between doctors and patients, thus interfering with treatment and doctor-patient confidentiality.

During our December 1983 visit, the medical staff complained of a serious rodent and waterbug problem in the medical unit. In fact, just weeks before, a loose tile in the recessed ceiling gave way as a mouse walked on it; both mouse and tile literally fell from the ceiling and landed on the examining floor. On our June visit, the new nurse administrator indicated that the rodent and waterbug problem had been eliminated.

V. PROGRAMS

Pursuant to sections 136 and 137 of the Corrections Law, the Department is required to assess a prisoner's "physical, mental and emotional condition" and his/her "educational and vocational needs" and to provide each inmate with a program of education which "seems most likely to further the process of socialization and rehabilitation." The objective of this program "shall be to return these inmates to society with a more wholesome attitude toward living, with a desire to conduct themselves as good

citizens and with the skill and knowledge which will give them a reasonable chance to maintain themselves and their dependents through honest labor."

As acknowledged by the administration, staff, teachers, and inmates, the programs provided the prisoner population at Bayview are inadequate. This is in large part attributable to the facility's severe physical limitations. As noted, DOCS acquired the building for use as a work release facility for a population which spent a good part of the day working on the outside. There was, then, little need for program and class areas within the facility. After Bayview was "converted" to a women's prison, adequate space was not made available to meet the needs of a population confined to the institution 24 hours per day. The recommendations of a 1981 DOCS report on female commitments that programs should seek to develop marketable job skills and parenting skills have yet to be implemented at Bayview.

An outline of the academic and vocational programs available to prisoners on our June visit to Bayview is discussed below.

A. Academic Programs

By any standard, the academic programs are insufficient to meet the needs of the prison population. More teachers are needed. The course selection is very limited and the classes tend to be overcrowded.* Morning classes are conducted from 8:30-11:30 and afternoon classes from 1:00-3:30.

There are five academic courses offered at Bayview. These include:

- Adult Basic Education (ABE) is supposed to be for persons whose reading level and mathematical skills

*DOCS recommends that the maximum number of students per class should be 15. At Bayview, there have been as many as 32 in a class.

fall below the sixth grade level; prior to November 1984, the students ranged from those who are illiterate to those who have completed their high school General Equivalency Diploma (GED). The program was recently revamped with those who are illiterate to those on the third grade level attending class in the morning and third to fifth grade level people attending in the afternoon. There are fifteen students in each session with a waiting list for entry into the program. Prior to September 1984, there were no teaching materials.

- Pre-GED is a preparatory course for those women who are not academically ready to study for the GED. This course is conducted only in the afternoons. There are 32 students, taught by one teacher who is assisted by two inmate aides.
- GED class is held only in the mornings and is taught by one teacher with the help of a student aide. Thirty-one students are enrolled in this course.
- English as a Second Language (ESL) is a course for Spanish-speaking persons who want to learn English. There is one teacher for the 17 women enrolled in this course. Five attend the morning class, six the afternoon class and six go all day.

Since 1980, Mercy College has provided a certificate degree (18 credits) and an associate degree (60 credits) program at Bayview. Anywhere from two to five courses are given per semester for students who have a high school diploma or its equivalent. The courses range in relevancy from "Popular Music since 1960," "Comedy, Wit & Humor," and "The Erotic Impulse: Ideas and Images of Love and Sex" to "Introduction to Sociology," "Social Deviance," "Child Psychology" and "Basic Writing Skills."

According to Mercy College personnel, students must carry at least 12 credits per semester (comparable to four courses) in order to be eligible for financial assistance. Students taking less than 12 credits/semester must pay (in cash) \$112/semester hour or \$336 per course. A major problem with the program is that the women are not at Bayview long enough to earn an associate degree. Since more advanced college courses are not offered, most women who transfer to Bayview from Bedford Hills Correctional Facility cannot continue their college education begun at the latter facility.

B. Vocational Programs

Except for a building-maintenance course, the vocational training program concentrates on sex-stereotyped areas, such as cosmetology and clerical skills. In the larger society, jobs in these areas have been and remain the lowest paying, with the least status. Since the Bayview population is within three years of release, the administration, staff and prisoners acknowledged the need for programs which would teach the women skills in decent paying trades that are transferable to the outside. At a meeting of the Inmate Liaison Committee (ILC) in February 1984, the women suggested that the following courses be given: plumbing and electrical training, data processing, key punching, and business courses such as accounting, management and marketing. In addition, the ILC was very concerned about the lack of programs available for the growing adolescent population at Bayview.

There are four vocational courses offered at Bayview which are conducted during both the morning and afternoon sessions. They are:

- a sewing course taught by one teacher and attended by 29 students. Both the teacher and prisoners complained of the antiquated sewing machines, many with potential safety problems, because of the lack of lights and guards. The teacher confirmed to us

that it was only in the Fall of 1983 that material had been made available. Prior to that time, the women sewed on paper.

- a clerk-typist office skills program run by the South Forty Corporation* with funding from the New York City Department of Employment. Only 14 women can participate in this five-month course, during which time they learn typing, filing and other secretarial skills. In order to be eligible for this program, prisoners must be within six months of their first appearance before the Parole Board. This requirement disqualifies a large portion of the population.
- a building-maintenance program consisting of nine inmates who work with the building's maintenance crew correcting any maintenance problems that should arise. Prisoners complained that often days go by without work.

A program with the New York State Department of Motor Vehicles has been contemplated for almost a year. It would provide telephone operating and computer training to the women as well as the possibility of employment with the motor vehicle department upon release. We learned recently, however, that even if implemented, the program would only entail the telephone answering component -- once again providing the women with another sex-stereotyped skill.

*Established in 1968, the South Forty Corporation currently operates programs for prisoners at four downstate institutions in New York State. These programs concentrate on preparing the inmate for his/her re-entry through individual and group therapy, employment counseling, and linkages with other community support services.

C. TCI, Network and Aim High

In our discussions with prisoners and staff, Therapeutic Community, Inc., (TCI), Network and Aim High were described as positive, constructive programs. The effectiveness of these programs can be largely attributed to two factors: (1) the full-time participation of the prisoners involved in the programs and (2) the character, commitment, energy, background and sensitivity of the civilian supervisors who administer them.*

Located on the 8th floor of Bayview, TCI, or Staying Out, is a self-contained, full-time program for women with a drug and/or alcohol abuse problem. There are 35 women in this program who live together and participate in counseling and educational programs, separate from the rest of the population. The civilian staff consists of a full-time director and a counseling staff of three ex-substance abusers.

Network, located on the 7th floor, is a self-awareness program where "staff and participants work together to establish an alternative environment within the prison which supports positive development." There are 33 inmates in the program who, like those in TCI and Aim High, live together and participate in therapy and classes separate from the rest of the population. There is one civilian supervisor who administers the program.

Aim High, located on part of the 5th floor, is a full-time program for women with an alcohol abuse problem. There are thirty women in this program and three counselors.

*This factor alone can be responsible for the success or failure of a program. For instance, on a visit in December 1983 the Network Program was virtually non-existent. The program supervisor had recently quit and the women sat around in the dayroom disillusioned and bored. On our June 1984 visit, the atmosphere of anger, frustration and lethargy observed on our earlier visit had been transformed into a positive and productive environment largely because of the recent hiring of an enthusiastic and well-qualified supervisor.

VI. COUNSELING

A. Counseling for General Population

The staff consists of one senior counselor whose function is primarily administrative and three counselor trainees who perform the actual counseling duties for the entire prisoner population. Each trainee has less than one year's experience in counseling and carries a caseload of about 65 persons. As acknowledged by all, this situation makes it impossible for the counselors to meet the needs of the population. In fact, many prisoners with whom we spoke were not aware of the existence of any counselors at Bayview. All prisoners emphasized their need for counseling, including a parenting program, a program to help inmates handle the post-release transition period, and therapy sessions to help deal with family concerns and with the problems of being incarcerated at Bayview.

B. Pre-Release Program

Funded since 1979 by DOCS and run by South Forty, the Pre-Release Program provides counseling, seminars and workshops which are focused on assisting the women in their transition back to the outside community. There are one coordinator, one counselor and one 1/4-time clerk for the 67* women who participated in this program in October. In order to be eligible for the program, a woman must be within 90 days of an appearance before the Parole Board, conditional release date or expiration of the maximum sentence. Since the recent hiring of new staff, many of the prisoners' complaints regarding the quality of the program have subsided. However, staff and inmates acknowledge that more counselors, more space for counseling and a secretary are greatly needed.

*In mid-October 1984, 27 of the participants were preparing for their October hearing before the Parole Board and 36 for their December appearance. Four had appeared before the August Board and were awaiting their parole release dates.

VII. THE LAW LIBRARY AND GENERAL LIBRARY

Staff and prisoners noted the inadequate research material in the law library as well as the lack of books, both fiction and non-fiction, in the general library.

The Law Library is not stocked with several volumes of McKinney's Form Books, recent issues of the New York Law Journal, and numerous other publications that are essential for legal work. The three typewriters have been inoperable on many occasions. Both staff and prisoners stated that more law clerks are needed to adequately serve the population and that the legal assistants required more training.

The general library is virtually non-existent. Both the quantity and quality of books are inadequate. There are some 5-6000 volumes from Lincoln Correctional Facility lying in boxes; however, the absence of shelves make it impossible to display them. Indeed, the lack of magazines and newspapers has left the librarian no other alternative but to purchase The New York Times and Daily News on the outside and bring them in for the prisoners. The lack of such publications as The Amsterdam News, El Diario, Time and The Village Voice exacerbates the women's feelings of isolation from the "real world."

VIII. COMMUNICATION WITH THE OUTSIDE WORLD

It is well-documented that a prisoner's ability to maintain close family ties boosts his/her morale while incarcerated and increases his/her chances for making a crime-free adjustment to society upon release.* DOCS statistics reveal that 78% of

*Fishman & Caslin, Services for Families of Offenders: An Overview, National Institute of Corrections, U.S. Department of Justice (January 1981); Holt & Miller, The Effectiveness of a Prison & Parole System, Bobbs-Merrill Co., Inc. (1964); Holt & Miller, Explorations in Inmate-Family Relationships, California Department of Corrections Research Report No. 46, Sacramento, California (1972); Le Clair, Societal Reintegration and Recidivism Rates, Massachusetts Correction Department, Boston, MA (1978); Homer, "Inmate-Family Ties: Desirable But Difficult," Federal Probation, Vol. 43, No. 1 (March 1979).

the prisoner population at Bayview are parents, most of whom are single, that 82% of the population is from New York City and that most of the women are within three years of release. Unlike many state facilities which are located in remote areas, Bayview has the advantage of being located in New York City, close to the residence of the families and children of the prisoners. Given the makeup of the population and the importance of maintaining close family ties, the Department should do everything in its power to facilitate family contact.

A. Visiting

The visiting hours from 6:30 p.m. to 10:00 p.m. on weekdays and from 9:00 a.m. to 3:00 p.m. weekends and holidays appear to be adequate; however, the administration, staff and prisoners complained of the severe physical limitations in the processing and visiting areas. In fact, there is no waiting area and visitors, many of whom are young children, must stand outside on the corner of 20th Street and 11th Avenue while the persons who came before them are being processed. During inclement weather, this corner is particularly cold and/or wet since it is an open area providing no shelter from the chilling wind which blows off the Hudson River. On a crowded weekend or holiday, processing can take up to two hours.

There is one visiting room approximately 35' x 100' located in the basement. The windows are totally ineffectual because of the stone work outside which blocks the light. The new coat of mint green paint has brightened the room somewhat.

The capacity in the visiting room is about 72 when all seats are being utilized. Because of the lack of space, visits have been cut short on weekends and holidays. On these busy days both staff and prisoners have described the room as noisy, stuffy, full of cigarette smoke and crowded, with no privacy for conversation.

There are no separate visiting facilities for children; such areas have been used with great success at Bedford Hills Correctional Facility. Infants up to two years of age can be held by their incarcerated mothers. Until recently, children had to sit across the table affording little if any physical contact with their mothers. Unlike Bedford Hills where the state requirement that children under 17 years of age must be accompanied by an adult has been suspended, at Bayview a mother of a teenager who wants her son or daughter to visit her unescorted must get special permission from the Superintendent. This restriction makes little sense when most of the children live within a subway ride of their mothers. While other medium-security facilities in New York State have a Family Reunion Program,* no such program exists at Bayview.

B. Access to Telephones

Inmates at Bayview are allowed two 10-minute telephone calls per month. While the Department has improved telephone access in many of the facilities throughout the state by installing telephones on all housing blocks enabling inmates to make at least one call every two days, no such system has been incorporated at Bayview. This situation is particularly troublesome since the majority of women at the prison are single parents, close to release and eager to maintain contact with their families and children, as well as with potential employers and social service agencies.

*A program which permits a prisoner and members of his/her immediate family to spend 48 hours together in a trailer on prison grounds.

IX. FOOD SERVICE

Our February visit revealed unsanitary and health-threatening conditions in the kitchen area. Some of the problems included: the presence of rodents, roaches and waterbugs,* equipment in disrepair,** and a lack of adequate storage space for food.*** One of the experienced kitchen employees described Bayview as the "worst place" that person had ever been employed.

We found during our June visit that the situation had improved, and we were told that waterbugs and rodents only appear "once in a while." No rodent droppings were noticed on the floor. However, inmate workers, kitchen staff and officers complained of rats "the size of cats" by the garbage cans right outside the facility.**** With the exception of the refrigerators (one of which was not operating at all), the equipment had been repaired. Although there were new storage lockers in the kitchen, the lack of adequate storage space is still a problem.

The major prisoner complaints regarding the food are that the portions are too small, meals are not nutritionally balanced, and fresh vegetables and fruit are served too infrequently. The kitchen staff confirmed that on a number of occasions some of

*Not only did we observe rodent droppings on the floor but we also noticed a sign on one of the food storage units warning the kitchen staff to cover all foodstuff to prevent rat infestation.

**The freezer leaked water; of the two cooking vats, one did not work and the other had a leak; one of the two ovens had not been working for the past six months; the dishwasher was broken; refrigerators did not maintain a sufficiently low temperature; and the ice machine was not functioning (the kitchen staff told us that ice was made by freezing mayonnaise containers filled with water, and then crushing it).

***The records office across from the kitchen was used for storing food. We observed large bags of sugar on a dolly and new plastic trash cans and clothing lockers filled with food.

****In September 1984, an inmate was bitten by one of these rats.

the food has spoiled. Neither a dietician nor a nutritionist accompanied us, so we could not assess the complaints regarding the quality and quantity of food served. Sometime in the beginning of 1984 DOCS hired one nutritionist for the entire state correctional system. In March the nutritionist visited Bayview to assist in meal planning and preparation, but no changes had been instituted by our June visit.

Our investigation indicated that no special medical diets are prepared in the kitchen -- although we were informed that such diets had been prescribed for some inmates. No special diet plans were posted in the kitchen nor were any such diets available when we requested to see them. A review of the labels on all of the canned goods in the storage rooms revealed that 11 items contained salt except for one brand (Bravo) of canned tomatoes. Apricots, corn and beans contained sugar. Questions posed to the kitchen staff indicated that no one had any expertise, knowledge or education in the preparation of special medical diets.

All inmates in general population eat their meals in the dining area located in the basement in groups of about 20 and in four shifts per meal. On our June visit many of the women complained that they are given only 20 minutes to eat, that they are not allowed to talk during meals,* and that they cannot choose their seating. These practices contrast with the recommendations of the American Correctional Association that the dining room be designed to "enhance the attractiveness of the meal and to enable inmates to enjoy meal periods to the fullest extent possible." Furthermore, "the manner in which meals are presented influences the entire atmosphere of an institution since meals assume a magnified importance in the daily routine of the inmate....When possible, there should be 'open' dining hours, thus eliminating traditional waiting lines and forced seating...."

*On our most recent visit, we were informed that the prisoners are now permitted to talk during meals.

In October 1983, a DOCS official stated that a new dining room had been designated for Bayview and estimates for conversion had been received. At the present time, no such alterations have been implemented.

RECOMMENDATIONS

1. Physical Plant, Environmental Conditions and Population

The physical structure and design of Bayview are inadequate to accommodate the needs of a general confinement prison population. Expensive expansion and renovation would be required to alleviate the serious physical and operational problems that plague the institution. Therefore, the most cost-effective approach would probably be a new or additional site in New York City.

It is critical that a prison for women be maintained in New York City. Since 82% of Bayview's inmates are from New York City and 78% are mothers -- most of whom are single parents -- the location of a prison in the city is essential to facilitate close family ties, which is the most positive factor in a prisoner's rehabilitation and post-release adjustment.

In the interim, measures can be taken to alleviate the serious problems noted in this report.

(a) The maximum population capacity for Bayview is 187. A population cap of 168 should be imposed. As discussed, a prison should operate at no more than 90-95 percent of its physical capacity in order to insure the safety of prisoners and personnel, and to provide adequate programming and support services for its population. At a poorly designed facility such as Bayview, a 90% cap, 168 persons at a maximum, must be maintained to enable proper delivery of essential services.

(b) Prisoners should only be housed in rooms designed for such use; other areas, including dayrooms and corridors, should not be diverted from their normal and important functions.

(c) The specialized housing areas of the facility, such as Network, TCI, Aim High and the infirmary, should be utilized only for those persons assigned to those programs.

(d) The environmental conditions problems must be immediately addressed. The faulty wiring system should be replaced, adequate fire and safety precautions should be taken, an on-going, sufficient and comprehensive extermination program should be instituted, and an adequate ventilation system that provides proper air flow and keeps temperature below 80° in the summer and above 65° in the winter must be installed.

(e) As discussed below, several areas, including the visiting room and cafeteria, require renovation and expansion even for short-term use.

2. Staffing

Given the history of sexual abuse in Bayview as well as similarly documented problems in other jurisdictions, all assignments to the housing areas and medical unit should be restricted to women correction officers.* A major recruitment program,

*This recommendation does not require -- or even suggest -- the conclusion that women correction officers cannot work in all areas of men's facilities. Historically, the rationale for excluding women guards has been the possibility of assaults by male prisoners. However, as has been recognized: "It is one thing to say that women should have the opportunity to work in dangerous occupations, even if there is a threat of sexual assault; it is another to say that women must be placed 'involuntarily' in a situation where they may be sexually assaulted." James B. Jacobs, "The Sexual Integration of the Prison's Guard Force: A Few Comments on Dothard v. Rawlinson," Women in Corrections, American Correctional Association Monographs, Series I, Number 1, p.72, (February 1981).

therefore, is required to insure a higher percentage of women correction officers at Bayview.

According to the relevant union contract, after guards complete their probationary period within the corrections system, jobs are assigned on a "bid" basis. The Department's explanation for the small number of female guards at Bayview is that not enough women officers "bid" for the positions.

Given the serious nature of the sexual harassment problem, the Department must take active steps to overcome the staffing restrictions that result from the current bidding procedures. First, the Department should assign as many women guards as possible to Bayview during their probationary periods. In addition, a task force should be convened consisting of representatives from DOCS, the correctional employees' union, the state's Office of Labor Relations and the state's Division for Women to determine why so few women guards "bid" for posts at Bayview. Based upon its findings, the task force should set up a system which would result in attracting more women to work at Bayview.

Sensitivity training should be given to all officers assigned to Bayview. Continuous monitoring of guards by COC and the Inspector General of DOCS should be instituted.

3. Medical Care

All measures necessary to reduce the serious delays in providing outside medical care to the women must be taken. At a minimum, a contractual arrangement with a nearby hospital that provides for uninterrupted medical care as well as a secure ward for prisoners at the hospital is required.

Adequate medical care at Bayview requires a full-time internist as opposed to the present part-time doctor situation. Improved mental health service must also be provided including increasing the number of psychologists available and stopping the

unnecessary use of psychiatric medication. Working conditions for the medical staff at Bayview must be improved in order to reduce the high attrition rate of the nursing staff.

Finally, the medical unit should be expanded to provide for additional examining space and the infirmary must be reserved solely for medically-ill prisoners and not used for general population overflow.

4. Programs and Counseling

Both the quantity and quality of meaningful programs at Bayview need to be increased. The large size of the classes and the waiting lists for admission indicate that an increase in the number of both academic teachers and classes is required. The institution should also provide more non-sex-stereotyped vocational programs, teaching skills such as carpentry, plumbing, offset duplicating and business machine repair that offer inmates the hope of obtaining employment upon release to the outside. Counseling and therapy sessions that focus on the problems of incarceration, parenting and family relations, and drug and alcohol abuse need to be expanded and more counselors with expertise in these areas should be hired. The success of Network, TCI and Aim High demonstrate the need for more full-time therapeutic programs at Bayview.

In addition, the lack of post-release care undermines the progress that participants have achieved in these three programs. The women go from a very supportive, insulated environment to an unfriendly alien outside world, confronted with housing, unemployment and family problems. Therefore, a post-release program should be instituted to provide the women with the necessary support and services during the important transition period following release.

The limited program space at Bayview remains a major obstacle to increasing the number of programs available to the prison popu-

lation. The annex should be utilized in the evenings in order to provide additional programming.

The Department should encourage greater use of its Temporary Release Program* at Bayview. It is our understanding that approximately 40 women at Bayview are eligible for this program. These women would be able to leave the facility for periods of up to 14 hours per day to work or to receive specialized training, education or counseling on the outside. This program would reduce the number of idle prisoners, while affording academic and vocational training and counseling not available at the prison.

5. The Law Library and General Library

Sufficient legal materials, books and assistance must be made available to permit research and preparation of court papers. At a minimum, McKinney Form Books and a new subscription to the New York Law Journal must be acquired and the typewriters must be maintained in working order. Additional training, particularly in the areas of criminal and family law, should be made available to the law clerks and general population.

Book shelves are required in the general library for the 5-6,000 volumes of books from Lincoln Correctional Facility which are currently in storage. Additional books, newspapers and magazine subscriptions should be purchased to supplement the collection and the possibility of inter-library loan arrangements should be investigated.

*The Temporary Release Program enables all eligible inmates to leave the facility for up to 14 hours in a day to participate in a community service program, in industrial, vocational or educational training programs, or in a community-based therapeutic program for confirmed drug or alcohol abusers.

6. Visiting and Access to Telephones

The ability to maintain regular personal contact with family and friends while incarcerated has been demonstrated to be one of the few factors that increase the inmate's ability to successfully reintegrate into the larger society upon release. Conditions that adversely affect both the quantity and quality of visits should be altered. For instance, processing time for visitors should be shortened, a visitor waiting area built, and a separate visiting area for inmate mothers and their children be constructed. The state requirement that children under 17 years of age must be accompanied by an adult should be suspended at Bayview as it has been at Bedford Hills Correctional Facility. Finally, until the visiting area is renovated and expanded, the dining area should be used for visitor overflow.

The present two 10-minute telephone calls per month are not sufficient to enable the prisoners to maintain regular contact with their families and children, and to consult potential employers and social service agencies. An improved telephone system must be installed, similar to those in other state institutions, that permits regular contact between the women and their families and other outside contacts.

7. Food Service

The unsanitary and health threatening conditions in the kitchen area must be corrected:

- the kitchen equipment, such as the refrigerators and cooking vats, should be repaired and/or replaced with new ones;
- the kitchen and outdoor garbage area require extensive extermination for rodents, the quality and quantity of food must be improved and special medical diet plans should be prepared for the inmates who need them by the appropriate medical or dental personnel.

Finally, the dining room conditions should be made less regimented, by eliminating forced seating and rushed eating time. Fostering a more attractive environment in the dining area will help boost the morale of all the people who live and work at Bayview.

CONCLUSION

The Role of the Department, the Public and State Policymakers

The principal reason for the disturbing array of continuing problems at Bayview has been the failure of the Department's central office, the legislative leadership and the Governor's office to devote the energy and resources needed to resolve them. Without the active support of state policymakers, the best intentions of the Bayview administration cannot lead to real improvements. Beset by a severe systemwide overcrowding problem and the ongoing pressures to find new space, the state has regrettably maintained the historical neglect of women prisoners and their basic needs: sanitary living conditions, decent food and medical care, substantive programming and adequate preparation for a successful return to society.

The Department has already taken some small steps to ameliorate matters. Much more remains to be done, however. Our findings and recommendations are designed to educate the public about the difficulties occurring at Bayview, and to focus the attention of New York's leaders on completing the task of making the prison a decent facility that releases women who are at least somewhat better prepared to cope with life than when they were initially incarcerated. To leave Bayview in its current condition is unacceptable. The inmates, the prison staff and the entire society suffer the consequences of that neglect.

APPENDIX

Source: DOCS 6/25/84

INMATE RESIDENCECOUNTY

Albany	1
Dutchess	1
Kings	29
Nassau	7
New York (Manhattan)	80
Onondaga	2
Orange	1
Queens	13
Richmond	2
Rockland	3
Suffolk	9
Sullivan	1
Westchester	7
Bronx	30

TOTAL	187
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SOURCE: DOCS 6/26/84

INMATE AGE (Current)Age Category

16 - 18 yrs.	3
19 - 20	13
21 - 24	25
25 - 29	57
30 - 34	42
35 - 39	26
40 - 44	11
45 - 49	7
50 - 64	3

TOTAL	187
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SOURCE: DOCS 6/25/84

INMATE MARITAL STATUSCategory

Never Married	146
Married	9
Divorced/Annulled	1
Widowed	1
Separated	13
Common Law	16
Unstated	1
	<hr/>
TOTAL	187

SOURCE: DOCS 6/25/84

INMATE ETHNIC BACKGROUNDCategory

Black	81
Hispanic	3
Puerto Rican	46
White	18
Uncoded	39
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TOTAL	187