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**DOI Commissioner Mark G. Peters' Remarks
On Announcement with Manhattan District Attorney Cyrus R. Vance, Jr.
Regarding Contraband Smuggling in the Manhattan Detention Complex
Thursday, 10 a.m., June 18, 2015**

Before I start, I would like to thank District Attorney Vance and the team of prosecutors at the Manhattan District Attorney's Office who worked this case, especially:

- Chief of the DA's Investigation Division David Szuchman,
- Chief of the Public Corruption Unit Luke Rettler and
- Assistant District Attorneys Renee Jarusinsky and Nicholas Leddy.

You are a dedicated partner in this investigation, as you are on the many other significant investigations we do together.

Thank you.

I also want to recognize from DOI First Deputy Lesley Brovner, Deputy Commissioner/Chief of Investigations Mike Carroll, DOI's squad of NYPD detectives, and DOI's Office of the Inspector General for the Department of Correction, including:

- Senior Inspector General Jennifer Sculco,
- First Deputy Inspector General Chin Ho Cheng,
- Assistant Inspector General Kate Zdrojeski and
- so many other investigators – at DOI and the correction officers assigned to DOI – who are too numerous to name, but I and the District Attorney know who you are and we thank you.

Over the past 10 months, you worked this case day and night listening to hours-upon-hours of inmate recorded phone calls, monitoring the wiretaps and conducting undercover operations and surveillance of the defendants. In the process, you developed a clear and indelible picture of how contraband infiltrates MDC.

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With today's arrests we continue the task begun 18 months ago of attacking corruption in the City's jails.

Last year, after receiving allegations that a 19-year veteran Correction Officer was trafficking in contraband at MDC, we opened an investigation. Working with the Manhattan District Attorney, we began to piece together the scope of the contraband problem at MDC, both through surveillance and through contraband recoveries made during facility searches:

- In January 2015, correction officers filling in for Correction Officer Howard first uncovered a package containing unauthorized items being sent to an inmate. That same package included a Christmas card addressed to Howard from the inmate's family wishing her a Happy Holidays, a sign that there was an expectation that Howard would be handling that package. The question: How would an inmate family member know Howard was screening and delivering packages?
- Later that same month, another correction officer filling in for Howard intercepted a package to an inmate that contained 27 grams of marijuana.

We knew we were on to something.

Then, during our investigation, DOC conducted searches at the facility that verified that contraband was accessible and plentiful within the facility.

- In March 2015, DOC notified DOI that it had recovered a major stash of contraband in a common area. The items, which have a jail value of more than \$10,000, included two weapons -- a blade wrapped in electrical tape and a pen with a sharpened metal tip; marijuana; cigarettes and loose tobacco. Based on where this contraband was recovered and other information, DOI believes these items are directly linked to the individuals in this investigation.
- In April 2015, during a another facility search, DOC found a cell phone concealed inside a sock in an inmate's cell and, in another cell block, a cell phone charger, digital scale suitable for weighing and pricing drugs, and two latex glove fingers stuffed with approximately 25 grams of marijuana. Working with the Manhattan District Attorney and DOC, two inmates associated with the locations where the contraband was found were arrested.
 - These recoveries exposed a troubling reality: the contraband smuggling at MDC is not only robust but also sophisticated, as noted by the cell phones that inmates used to communicate and the digital scale, which is similar to those commonly used for the distribution and sale of illegal drugs.
- Finally, on May 9th, DOI worked with the Manhattan District Attorney to arrest Correction Officer Howard.

After the arrest, DOI directed DOC to conduct a full facility search to recover any additional contraband. What they found in one of the inmate's cells was a stunning example of why facility searches are essential in curtailing contraband.

Inmate Ernest Murphy had been in MDC since December 2014 after his arrest for Murder in the Second Degree. In his cell, stashed under a sink, were 64 bed sheets neatly tied together, enough to shimmy down the 11 stories from his cell block to the ground.

Thankfully, it was discovered before he had an opportunity to test his skills at making a getaway. And so the City was spared the potential spectacle of joining the State for the past two weeks in a manhunt for escaped inmates.

These examples demonstrate the serious, and potentially dangerous, impact of contraband smuggling.

As alleged, this indictment reveals a story that is a familiar one -- a Correction Officer who uses inmate access to launch a profitable side business as a contraband courier, becoming the essential link between an inmate dealing behind bars, and the contraband source. These Correction Officers offer two core needs for any business – consistent supply and reliability -- thereby allowing inmates to build a lucrative contraband distribution network behind bars. They are the connection that help drive what have become a series of sophisticated contraband operations.

Many of these Correction Officers who choose to smuggle contraband are well-paid – receiving a base salary of \$76,488 plus overtime. Howard, for instance, was earning a total salary of approximately \$104,000 last year.

There is no cure-all to stopping contraband or stopping correction officers who choose to smuggle it. But there are critical reforms, once in place, that can reduce opportunity and prevent contraband rings, like this one, from thriving. As DOI found in its investigation at Rikers, lax screening of staff presents a key problem. In this case, current DOC procedures do not provide for the following safeguards, which DOI has recommended DOC remedy. Specifically:

- DOC failed to vet Howard for her post in the mail room, one that gave her extensive access to inmates and the entire jail;
- DOC failed to run Howard's phone number through its database of phone numbers called by inmates, to see if she had any inmate associations prior to assigning her to the mail room and while she was working in that position.

If that check had been done, DOC would have discovered more than 2,400 calls from inmates to Howard's phone from 1993 to 2012, certainly a fact that should have prompted additional investigation and vetting.

- At the staff entrance, where Howard walked in often carrying gift bags, she was allowed to pass through without anyone inspecting those bags. In fact, even though those packages went through the x-ray machine on several occasions, the packaged drugs and other contraband were not detected. The parallels here to the ongoing situation at the state prison in Clinton are too clear to ignore.

DOI is referring three officers for discipline who failed to appropriately search and identify these illegal items. As we recommended at Rikers, a drug-sniffing dog at the front gate, where the staff enters, would likely have uncovered the drugs concealed in some of those packages.

- Separately, Howard failed to notify DOC, in violation of regulations, that several family members had been incarcerated at MDC on multiple occasions while Howard worked there, including the father of her child.

We have shared our findings with the Department of Correction, and referred to DOC seven staff of varying ranks for discipline, and will continue to work with Commissioner Ponte, who I want to credit with being fully responsive in working with us.

Today's investigation is another stark example of how the crime of contraband smuggling erodes the safety and integrity of our jails. This illegal conduct:

- fuels an underground economy,
- promotes crimes and violence among inmates,
- endangers other correction officers and workers and
- undermines stability in the City's jails.

As we recently witnessed in a prison upstate, contraband has serious consequences. And that is why DOI and the Manhattan District Attorney will continue to pursue these important investigations. Thank you.

Indictments and criminal complaints are accusations. Defendants are presumed innocent until proven guilty.

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