

Escape from T-1

Report by

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On the April 25, 2005, escape by DOCS inmate Rimell Mitchell from the inmate holding area DOCS is responsible for operating on the grounds of Albany Medical Center in “Building T-1.”



May 6, 2005

On April 25, 2005, a state prison inmate escaped from the Department of Correctional Services (DOCS) while under its custody in the holding area designated as building T-1, located behind Albany Medical College on the grounds of the Albany Medical Center (AMC).

DOCS uses T-1 as a holding area for inmates being treated as out-patients at AMC. DOCS has been responsible for providing security in Building T-1 since the prison system first renovated the building and began using it for this purpose in the early 1990s. DOCS assigns responsibility for the control and confinement of inmates in T-1 to its security personnel from its Greene Correctional Facility in Coxsackie. Custody of an inmate leaving T-1 for a medical appointment in AMC until returned to T-1 afterwards is the responsibility of the Correction Officers (COs) who transported the inmate to T-1.

Around the state, DOCS has contracts with a total of seven hospitals, including AMC, that provide inmate out-patient services. Each week day, approximately 130 inmates are out to these contract or other hospitals around the state. An average of 15 of those inmates are at AMC.

Regardless of whether an inmate is confined in a prison or under DOCS custody elsewhere, DOCS is solely responsible for the secure confinement, control and movement of its inmate population.

This report details the profile of the escapee, the holding area from which he escaped, the pursuit and recapture of the inmate, how the escape occurred and the measures that have and will be implemented to prevent a recurrence.

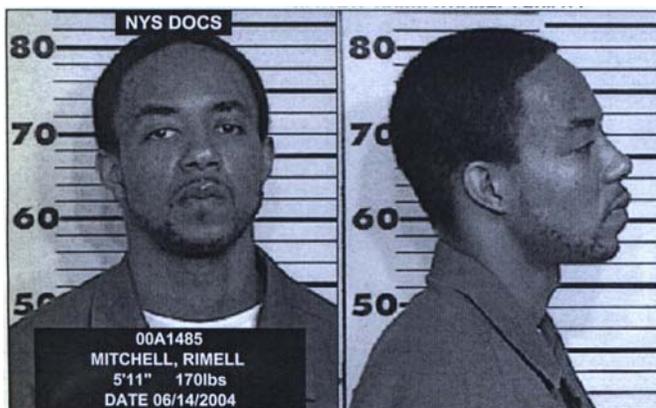
Inmate 00-A-1485

Rimell Mitchell, 26, was sentenced on Jan. 5, 2000, in Queens County to an aggregate sentence of 21-years-to-life for the rifle slaying of a male in New York City. He had been found guilty by a jury of second-degree murder and third-degree criminal possession of a weapon. Mitchell also pled guilty to three counts of first-degree robbery.

While awaiting trial he was housed in Rikers Island, operated by the New York City Department of Corrections. While there, Mitchell was arrested and plea bargained on two counts of first-degree promotion of prison contraband.

Mitchell was committed to state prison on March 17, 2000, on his 21-years-to-life sentence.

Since then, Mitchell has amassed 27 disciplinary infractions. He has been housed in disciplinary status for 55 of the last 61 months.



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Among his prison offenses, Mitchell has assaulted staff on three occasions, assaulted inmates on two occasions, possessed marijuana twice and possessed contraband weapons three times.

Mitchell had been housed at Upstate Correctional Facility since June 14, 2004. Four of his eight facility transfers in the last five years, an unusually high number, have been for disciplinary reasons. In fact, his disciplinary infractions prior to this escape meant he would remain in disciplinary housing through Oct. 8, 2010.

Mitchell is on track to serve the rest of his life behind bars, unless a parole board votes to release him. His earliest parole appearance will be in July 2017. In a state prison system with 63,534 inmates, he is one of 12,724 inmates serving sentences with a maximum of life in prison. He is also one of 10,573 inmates serving sentences for murder or manslaughter.

Mitchell is also one of 4,988 inmates housed in disciplinary status. He was housed alone in a double-occupancy cell at Upstate. He was “locked in” around the clock, except for one hour’s recreation each day or for medical, legal or one personal visit each week.



Leg irons are attached with the key holes facing the floor. A chain is then brought around waist and padlocked. Metal tongue in right hand as well as chain in left will be used to secure “black box” and cuffs.

Transport to Albany

On the day of the escape, Mitchell was the only Upstate Correctional Facility inmate with an appointment scheduled at AMC. This report will not disclose the medical treatment or status of any inmate because of federal laws that make public disclosure of such material a crime. In addition, state law also prohibits the release of individual medical records or information.

Prior to transport, Mitchell dressed in traditional inmate olive green clothing and prison-issue white socks and white sneakers.



Cuffs are fastened with key holes facing the inmate, reducing the inmate’s access to them.

COs at Upstate placed him in routine “full restraints” for transport: [1] leg irons are secured above each ankle, connected by a chain, [2] a chain wrapped snugly around the waist is then padlocked, [3] handcuffs are placed on each wrist, connected by a chain, [4] a “black box” then covers the chain connecting the handcuffs, to reduce the inmate’s ability to pick the handcuff locks, [5] a steel tongue secured to one end of the waist chain is passed through an opening in the back of the “black box” and protrudes through the front; [6] the loose end of the waist chain is passed through the opening in the metal tongue at the front of the “black box,” and [7] a second padlock secures that end of the chain to the length of chain already secured around the inmate’s waist.



The “black box” slips over handcuffs. The metal tongue shown at top is inserted from the back of the “black box” so it extends out the front. The length of chain shown at top is passed through the metal tongue at the front of the “black box.” It is then secured by the second padlock (at right).

The Upstate transport vehicle departed that prison at 4:45 a.m. and arrived at Clinton Correctional Facility at 5:38 a.m. Mitchell was transferred into the custody of Clinton COs James Earle and Bruce Labarge.

Around the state, prisons routinely consolidate medical trips to reduce the number of vehicles, and therefore staff, dedicated to individual inmate trips. Thus, the Upstate transport and transfer of custody to Clinton was normal procedure. In the event of the transfer of a high-risk inmate, increased security and individual transport is arranged.

The Clinton COs removed Upstate's "full restraints" and secured Mitchell with their own. Mitchell was placed into Clinton transportation vehicle CLT-72, with Clinton inmate George Baez (83-A-3488). Mitchell was scheduled for a 9 a.m. appointment expected to last about 90 minutes. Baez' 12:45 p.m. appointment was anticipated to last about two hours.

The Clinton vehicle departed at 6:05 a.m. and arrived at AMC at 9:20 a.m. There was a miscommunication between Upstate and Clinton staff as to the time of Mitchell's appointment. As a result, the transport vehicle arrived 20 minutes after the scheduled start of his appointment. The two COs escorted both inmates to Building T-1 upon arrival.

Building T-1

Inmate out-patients are brought to T-1 and secured in its holding area until COs escort them to appointments, remain nearby during inmate appointments, and then escort them back to T-1's holding area. Two COs are assigned to T-1 and one of them is always present in the building. When all the inmates from a particular transport trip are returned from their appointments, inmates are returned to their prisons.

The layout of T-1 is rather simple.

Upon entry into the single-story structure, a CO's work station is located immediately to the right of the entry door.

Running down the left side of T-1 is a 20-by-13-foot inmate holding area. The front and side of the building form two of the walls of the holding area. A third solid interior wall separates the back of the holding area from the storage room on the other side of that wall.

The fourth wall – facing the CO's station – consists of two sections: an eight-foot secure wire mesh wall at the front of the holding area, across from the CO's station. It includes a three-foot wide wire mesh door that opens outward to allow entrance into and exit from the holding area. The mesh also allows COs at their station to see into the holding area. The remaining 12 feet of the wall's length is of pre-fab metal construction.

A convex mirror mounted at the front outside corner of the holding area is aimed to allow the CO working at the desk to observe the holding area. The holding area is also equipped with six benches for inmate seating.

Thus, if a CO is located directly in front of the wire mesh, the CO has an unobstructed view of the entire holding area. Seated at the desk, the CO has a limited view of the holding area. Moving down the hallway toward the storage room, any view of the holding area is blocked by the 12-foot solid wall.

The ceiling in the holding area is a suspended ceiling.

The first line of security within T-1 – as in any prison or outside unit operated by DOCS – is trained and observant COs.

In addition, Greene Correctional Facility policy Number 1330-B states that COs will maintain a daily log that includes the time the unit is opened each day, names of COs on duty, names of incoming inmates and their Department identification number, names of escorting COs, time and location of inmate appointments, time inmates are called for appointments and the time they are completed, plus transport trip arrival and departures times.

The second line of security is the full restraints in which all inmates are kept while in T-1. Greene policy Number 1330-B states, “While inmates are in the holding area, they will remain in the restraint equipment that they were transported to Albany Medical Center in. Under no circumstances will an inmate be placed in the holding area without restraint equipment.”

The third line of security is the holding area in which inmates are contained while awaiting their scheduled visits.

Those procedures and policies have served DOCS well. It is used by 25 prisons from the Canadian border to the mid-Hudson and from the Massachusetts border to central New York. Last year alone, COs transported 3,561 inmates to T-1. This is the first incident to occur there in more than a decade of use.

The escape

On April 25, the holding area was staffed by COs James Trombley and Edward Scott from Greene Correctional Facility. CO Trombley’s role was to oversee the receiving of inmates and monitor their movement to and from the hospital. CO Scott’s role was to assist CO Trombley. He was also responsible for escorting inmates within T-1 if they had to leave the holding area for any reason, such as to use the bathroom. He also had duties that could take him out of T-1, such as assisting in inmate escorts to and from appointments at AMC.

On this date, eight transport vehicles would arrive at T-1, with 17 COs escorting 14 inmates from nine prisons. The COs placed all inmates in the holding area in the full restraints in which the inmates had been transported.

As inmates were taken from the holding area for their appointments, each was escorted by two COs. In each case, the COs remained on site during the appointments and then returned the inmates to the holding area.

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For their part, the Clinton transportation staff notified their facility they had arrived. Inmate Baez was placed in the holding area.

The COs escorted Mitchell a half-hour late to his appointment. To facilitate the appointment, the COs removed Mitchell's handcuffs, the "black box" and the padlock securing them to the waist chain. At the conclusion of Mitchell's appointment, the COs reapplied the handcuffs, the "black box" and the padlock securing them to the waist chain. They then escorted him back to the holding area at approximately 10:35 a.m.

They then escorted Baez to his 12:45 p.m. appointment.

Sometime between 1-1:15 p.m., CO Scott escorted Mitchell from the holding area to the bathroom.

At approximately 1:20 p.m., Mitchell complained to CO Trombley that the handcuffs were too tight and were hurting his wrists. CO Trombley loosened the handcuffs. To do so, he had to unlock the padlock that secured the "black box" and handcuffs to the waist chain. Then, he removed the "black box" that covered the handcuff chain and key holes. Only then could he use a key to loosen the handcuffs. He then reapplied the "black box" to secure the handcuffs and padlocked the chain securing both to the waist chain.

CO Scott was working a double shift this date. At about 1:25 p.m., he left T-1 to return to Greene in order to stand line up at 2:45 p.m. for the 3-11 p.m. shift. He was not replaced in T-1.

At approximately 3:05 p.m., the Clinton COs returned to the holding area with inmate Baez upon the completion of his appointment.

They observed that Mitchell was not present in the holding area.

CO Labarge had CO Trombley open the gate into the holding area. CO Labarge entered and confirmed that Mitchell was not among the three inmates locked inside.

The COs did, however, immediately discover that a 22-by-44-inch panel in the suspended ceiling was displaced in the back corner of the holding area, providing access to a crawl space.

COs immediately searched T-1. They discovered the door to a storage room, adjacent to the holding area, was ajar. That door is normally locked at all times. Searching the storage room, COs found an inmate's state-issued green shirt on a ladder in the storage room.

After a search lasting about 10 minutes to confirm Mitchell was missing from T-1, the COs implemented escape notification procedures. DOCS made the following notifications:

- CO Trombley verbally reported the missing inmate at 3:05 p.m. to his area supervisor, Sergeant Thomas Seeberger.

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- The Clinton COs notified Clinton Correctional Facility which notified DOCS Albany headquarters at 3:15 p.m. that an escape had occurred.
- Sergeant Seeberger notified AMC security at 3:16 p.m.
- Sergeant Seeberger notified the Albany Police Department (APD) at 3:22 p.m.
- The State Commission of Correction was notified by DOCS at 4:41 p.m.

Thus, notifications to all responding agencies were completed at 3:22 p.m., or seven minutes after COs knew at 3:15 p.m. that an escape had occurred.

The recapture

Staff from DOCS Central Office and its Office of the Inspector General in particular were immediately deployed to AMC.

As the lead pursuit agency, APD established a command post in Building P at AMC and took charge of the escape pursuit.

The APD, AMC security, DOCS personnel and Division of State Police troopers immediately began an area search and secured all entrances to AMC. The Albany Police Department's canine unit was deployed, as was the New York State Police aviation unit. DOCS' Emergency Operation Center was opened in Central Office and remained in constant communication with personnel in the field.

The Department's Inspector General's staff began interviewing Baez plus the three inmates that were in the holding area when Mitchell escaped. Other members of the Inspector General's Office assisted in the search of the areas adjacent to AMC.

Various pieces of information gleaned by searchers was reported and processed through the APD command post.

The most important came at approximately 4:40 p.m. An individual matching Mitchell's description was reported in a private residence at 655 Park Avenue in Albany, approximately eight blocks from AMC. The suspect was being "detained" by the homeowner, an Albany City firefighter, who discovered the inmate inside his residence.

The APD and DOCS Inspector General responded immediately and the APD took custody of the inmate at approximately 4:45 p.m. The inmate was positively identified by the Clinton COs. Mitchell was then taken by the APD for criminal processing.

The APD transferred custody to DOCS at 7 p.m. Mitchell was then transported by the Department's Correction Emergency Response Team personnel to the Great Meadow Correctional Facility. They arrived at 9:10 p.m. at Great Meadow, a maximum-security prison located in Comstock in Washington County. Mitchell has been housed since then in a single-cell in Great Meadow's disciplinary housing unit.

Disciplinary reports have been filed against Mitchell relative to the escape. He has been charged with escape, damaging property (the restraints) and refusing a direct order to provide a urine sample upon his arrival at Great Meadow. Criminal charges are pending further investigation by the Albany Police Department.

How the escape occurred

The on-going investigation into the escape had consumed 360 work hours through May 2nd. Fifteen investigators had thus far traveled to 11 prisons to interview 23 staff and 15 inmates.

Only after Mitchell was back in custody did his statements, plus those of witnesses, show that he had escaped between 2:20-2:30 p.m. – or about a half-hour before he was noticed missing from the holding area, or about 45 minutes before pursuit procedures were implemented and all responding agencies were notified.

When Mitchell was escorted from the holding area to the bathroom between 1-1:15 p.m., the inmate took his first steps in implementing his escape plan.

In the privacy of the bathroom, Mitchell admitted that he filled his left hand with liquid hand soap and carried it back with him into the holding area. Once there, he worked the soap around his wrists and beneath the cuffs. Try as he might, Mitchell told investigators that he could not slip out of the handcuffs and “black box” even after using soap as a lubricant.

Mitchell said he then used the ruse of telling CO Trombley that the handcuffs were too tight and asking that they be loosened. At 1:20 p.m., CO Trombley removed Mitchell from the holding area and inspected the handcuffs. He told investigators Mitchell’s left wrist “was red and appeared swollen.” CO Trombley then loosened the handcuffs and returned Mitchell to the holding area.

According to Mitchell and other inmates who were in the holding area at the time, Mitchell spit on his wrists to moisten the soap that had dried there. Mitchell worked on the handcuffs for approximately five minutes. As he was working the cuffs, the padlock supposedly securing the cuffs and “black box” to the waist chain fell to the floor. It had apparently not been properly secured after his cuffs were loosened.

Without the padlock, Mitchell said he was easily able to remove the “black box.” That gave his wrists more freedom of movement and he said he was quickly able to slip his soaped wrists and hands out of the loosened handcuffs. He reattached the black box to the handcuffs and waist chain, trying to stuff them in his pants and out of sight. He also took the padlock that had dropped to the floor. By taking them with him, he may have thought pursuers might believe they were looking for someone in full restraints.

At approximately 2:20 p.m., Mitchell stood on a bench in the far corner of the holding area. He could not be directly observed by CO Trombley who was seated at his desk, unless the CO took that moment to scan the security mirror. The CO, who said he was busy at his desk, said he did not.

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From atop the bench, Mitchell could reach up and dislodge the ceiling tile. After several attempts, Mitchell was able to jump up from the bench and grab a pipe in the ceiling. He pulled himself up into the crawl space and over the wall separating the holding area into the adjoining storage room.

While in the storage room, Mitchell removed his state-issued green shirt and left it on a ladder there. It is suspected that Mitchell thought there would be less chance of his being identified on the street if he was not wearing matching olive green inmate pants and shirt.

Mitchell then opened the door of the storage room, which is 20 feet from the CO's desk down the hall to his right. He entered the hallway, which is out of the CO's line of sight when seated at the CO's station.

Mitchell turned to his left and scurried down the hallway, turned right into another corridor and exited out a door.

From there, Mitchell traveled westerly to the adjacent Capital District Psychiatric Center (CDPC) parking garage.

At 2:35 p.m., COs with inmates in a transport vehicle pulled away from T-1 to return to their prison. Inmates would later tell investigators that as the vehicle pulled away they saw Mitchell, who they knew from the holding area, outside of T-1.

During its investigation, the APD received information that a male fitting Mitchell's description was seen using a cell phone at 2:45 p.m. in the CDPC garage. Another person reported at 3:35 p.m. that a cell phone was stolen from his vehicle parked in the CDPC garage. That person also reported that a chisel was left in the vehicle. During the investigation, Mitchell admitted stealing the phone and leaving the chisel, which he had picked up after his escape.

Mitchell then proceeded to the sixth level where he accosted a female by demanding a ride. She refused and Mitchell ran away. She reported the incident to CDPC security 5-10 minutes later at approximately 2:55 p.m. CDPC staff then began a search for the described individual, not realizing he was an escaped inmate. She has since identified Mitchell as the person who accosted her.

The time lines of the sightings confirm Mitchell's time of escape, if one presumes that he immediately attempted to flee from the area of T-1 and was in the garage looking to steal transportation. When he couldn't he fled on foot, hobbled by the leg irons, and eventually entered the Park Avenue residence.

The waist chain was found at the Park Avenue residence along with other restraints. Mitchell was still in leg irons but had cut the chain connecting them with tools he found at the residence. The fact that the waist chain padlock was still locked in place suggests that Mitchell did not have an implement to pick it or the padlock securing both the handcuffs and the "black box." That supports other evidence that the padlock securing them had not been properly applied after Mitchell's handcuffs were loosened.

Preventing a recurrence

DOCS reemphasizes that observant and professional Correctional staff are the first line of defense in securing inmates. Staff must be, and usually are, vigilant in providing secure containment and control of inmates across the state. The exceptions have been an average of one escape from secure custody a year in the past decade, among a high of 71,538 inmates in 1999.

Given that record, DOCS is committed to taking every step possible to secure T-1 and minimize a recurrence of last week's incident.

Toward that goal, DOCS has already implemented these initiatives since the escape:

- COs have been ordered to ensure they comply with all security directives in making certain that padlocks and all security restraints are properly fastened each and every time they are applied.
- COs have been ordered to maintain the T-1 log in accordance with the wealth of data required by Greene policy Number 1330-B. In recent days before the escape, the daily log consisted of as few as four lines of information.
- That directive has been modified to require that COs assigned to T-1 now enter into the log each inmate movement into and out of the holding area.
- Two COs must be present in T-1 at all times when the unit is operational and inmates present, generally weekdays from early morning when transport vehicles begin to arrive until their final departures in the early evening.
- Two COs must now be present when the holding area door is opened. This will provide closer scrutiny of inmates entering or exiting the holding area and facilitate a head count of those remaining. It will also ensure the proper completion of log books.
- COs staffing T-1 are now required to log the results of searches of the building that they are now conducting for contraband before inmates arrive each day and then again after the last transport vehicle leaves. This will ensure no contraband can be left today for an inmate arriving tomorrow. While there is no suspicion that such occurred in this case, it makes good security sense to add this procedure.
- All of the changes necessary to implement and describe these new procedures have been incorporated into the T-1 operations manual at T-1. All staff are held accountable for knowing its content and carrying out its mandates.
- CO Trombley has been reassigned from T-1 to a post at Greene Correctional Facility pending the outcome of the investigation. It is not unusual for COs at the center of an incident to be reassigned while the investigation into their conduct is conducted.

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In addition, the following changes have already been made to make T-1 itself more secure:

- A wooden ceiling was installed in the holding area the night of the escape. While an inmate in full restraints should never be able to reach the ceiling, the escape documents the need for this improvement.
- DOCS has already begun to confidentially notify both the APD and AMC in advance when inmates DOCS considers to be high-risk are scheduled to be brought to AMC. Discussions are being held with both AMC and APD to develop protocols as to the profile of inmates for which both will be given advance, confidential notification of trips to AMC.
- A larger convex mirror has been ordered to provide COs a better view into the holding area.
- DOCS staff has met several times since the escape with APD and AMC personnel to discuss the escape and measures to prevent a recurrence. Discussions are on-going among DOCS, APD and AMC to determine necessary additional security enhancements beyond those already completed.

Final word

First and foremost, Commissioner Goord apologizes on behalf of the Department of Correctional Services for this escape, caused solely by a breach in implementation of DOCS' established security policies and procedures.

He acknowledges that if not for the professionalism with which the Albany Police Department took the lead in directing and coordinating the escape pursuit, this incident might well have had a different conclusion.

At the same time, Commissioner Goord thanks the staffs of AMC, CDPC and the Division of State Police for their cooperation and efforts throughout this incident.

He especially commends the high level of cooperation and professionalism that Albany Medical Center has always extended during its decades-long relationship with DOCS: "We are proud of our relationship, because of AMC's national reputation for medical excellence as well as for its high standards of patient care."

While the report points out DOCS's good track record in the operation of T-1, Commissioner Goord believes the bottom line remains obvious: "One escape is too many."

Commissioner Goord said, "It is my intention to redouble our efforts in meeting DOCS' responsibility to ensure inmates brought to Albany for medical appointments are held in the most secure confinement that staffing and modern technology allow. We owe no less to AMC's employees, patients and visitors, as well as to the citizens of Albany."