



# **Improving Erie County's Jails: Findings and Recommendations from the Erie County Clergy Jail Visiting Project**

## Introduction

Section 500-j of New York's Correction Law gives clergy in charge of congregations in any county the same access to their county jails it bestows on state legislators and other public officials. Over the past two years, six visits under this statute have taken place in Erie County—three to the Correctional Facility in Alden and three to the Holding Center in downtown Buffalo. In each visit, a team of three or four clergy spent four hours inside, going into various housing areas, observing conditions, and hearing the views and experiences of people inside. The project is grateful to jail staff for their cooperative attitude and assistance during these visits, to the clergy who went on the visits, and to the people detained in the jail who shared their stories.

More than 100 interviews were conducted. In the first four visits, these were open-ended conversations, with extensive notes taken. We analyzed the statements made by incarcerated people, categorizing them by topic and quantifying the frequency with which various topics emerged. For the topics discussed below, we determined the frequency of various views on each topic. Based on the knowledge we gained about the concerns of incarcerated people in our initial free-form conversations, we developed a structured interview schedule, used in the most recent two visits. This approach allowed a more traditional survey analysis. In this report, we will speak of the “open-ended” data when using the information from visits 1-4, and “structured” data when citing results from visits 5-6. Given the limited number of people interviewed, caution in drawing conclusions is warranted; patterns described in this report are ones that seem clear despite the small numbers.

The views expressed by people held in Erie County jails are opinions, or descriptions of particular experiences. Few people like being in jail, so one expects a lot of criticism of jail conditions, practices, and policies. Nonetheless, these views represent a lived experience that deserves to be taken seriously if we, the residents of Erie County, want to have the jails—which operate in our name and use our taxes—to reflect our values. Those involved in the clergy visiting project are members of faith communities, but we believe that most residents of Erie County—of any or no faith—share our conviction that our jails need to honor the dignity, human rights, and sacred value of every human being, whether free or incarcerated.

## Major Areas of Achievement

1. To his credit, Sheriff Garcia has significantly increased the programs available to people detained in the jails, which previously warehoused human beings. Idleness and a lack of meaningful activities are known sources of violence in carceral settings, so this is a practical as well as humane advance. People inside almost unanimously praised the programs, such as Project Blue. The only concern was that limited capacity made it hard to get into them.
2. The frequency of deaths in the jails has decreased somewhat, compared with what it was under the previous sheriff. Encouragingly, so far this year there has been only one known death. These are commendable trends, since many of the deaths in our jails—as documented in reporting from *Investigative Post*—have been not just tragic but also preventable, very often resulting from medical errors or neglect. Each preventable death, in addition to its terrible human toll, ends up costing taxpayers tens of millions of dollars in jury awards or settlements. Having fewer of these deaths is an advance.

## Major Areas of Concern and Recommendations for Addressing Them

1. **Racial justice.** Our jails have not surmounted the deep racial disparities and inequities inherent in our nation's past and present. This reality is universal in US carceral facilities, and is hard to overcome. In the open-ended data, clergy recorded a few reports of having experienced or witnessed explicit discriminatory or racist events, such as officers using the N-word, "monkey," or other racist language. In the structured data, such events were reported by one-third of the respondents. Another third, while not having experienced explicit racism, believed that there were racial inequities in treatment, such as job assignments. Worse, of the five people held in disciplinary segregation that clergy were able to interview, not a single one was white, whereas the jail population overall is fairly evenly divided between white people and people of color.

### *Recommendation*

- 1.1. Jail management should examine its disciplinary processes and other areas of discretionary decision-making, such as work assignments and access to programs, to identify racial disparities in outcomes, determine their causes, and adopt procedures and oversight systems to reduce the disparities.
2. **Food.** Discontent on this topic—specifically on the *quantity* of food provided—was the strongest theme in the visits. In the 57 open-ended interviews, where no question about food was asked, 18 made this complaint—a striking proportion to express a specific common opinion in open-ended interviews. Many said that if or when they didn't have access to commissary, or couldn't afford its prices, they felt hungry all the time. In the structured data, there was a specific question about food, and over half the people interviewed said that quantity was a problem. It is hard to discount these reports, given their frequency and consistency. In our view, subjecting people inside to constant hunger is not acceptable, not to mention the likelihood that it makes people surly and uncooperative.

A nutritionist with the jails' food vendor certifies that the menus meet various standards for calories and other key nutrients. And yet, in practice, something is not working. Our data cannot give a definitive explanation for this paradox. One plausible partial solution is the meal schedule, with dinner served in the late afternoon and no more jail-provided food until breakfast the next morning, 13-15 hours later. Clergy heard several complaints about this schedule. It is also possible that the limited budget on which the food vendor operates—less than \$6 per person/day, with part of that going to profits, administrative costs, etc.—results in using food ingredients that stave off hunger less fully and for a shorter period than the foods people eat outside. For example, a randomly chosen menu for a recent week shows 32 pieces of bread, probably not whole-grain, over the week. If each slice is about 105 calories (commercial breads tend to range from 70 to 140), 480 calories per day would come from bread. Those calories are not the kind that keep one going hours later.

### *Recommendations*

- 2.1. Provide, on a trial basis, as a first attempt at solving the problem of hunger, a nutritious, substantial, and satisfying snack—not ultra-processed junk food, but things that are healthy and tasty, such as nuts and fresh fruit—just before night-time lock-in. Better solutions may evolve later.
- 2.2. Contract with independent scientists, such as epidemiologists, nutritionists, and biostatisticians at UB, to conduct a study of jail nutrition issues, seeking—inter alia—to determine why menus certified as adequate leave so many people feeling hungry.
3. **Equal treatment for women.** Fortunately, clergy heard few reports of sexual harassment. However, women inside almost unanimously report, and staff confirm, that they have far less access than men to work assignments. This costs women money, denies them the relief from

the boredom of jail life that work can provide, and reduces opportunities to visit parts of the jail beyond their housing area. Women also complained of having lower access than men to programs. In addition, clergy observed that in the Holding Center women were housed in the oldest, most decrepit section of the building, whereas most or many men were held in the more modern section. Finally, women complain of the indignity of having to request menstrual products, one by one, from an officer—usually male—in their housing area (or alternatively, buy them from commissary, as one woman did).

### *Recommendations*

- 3.1. Provide women with equal access to work assignments and all programs.
  - 3.2. Relocate women held at the Holding Center to sections of that facility that are as modern and in as good repair as any used for men.
  - 3.3. Provide good quality menstrual products as a free commissary item, and in dispensers readily accessible in all parts of the jails (not just women's housing areas).
  - 3.4. Allow women to keep a supply of menstrual products in their cells for overnight use.
4. **Medical care.** People entering jail frequently face mental or physical health challenges. Courts have repeatedly ruled that people in custody are constitutionally entitled to a community standard of medical care, but few carceral facilities meet that standard. Erie County jails benefit from providing medical care using their own staff (recently also nurses working under contract, in effect as temporary county employees), rather than contracting care out to the lowest bidder, as many New York State counties do—an approach almost guaranteed to result in stingy care. Mental health care is also provided by county staff, in this case from the Erie County Department of Mental Health, supplemented by non-profit organizations Best Self Behavioral Health and Save The Michaels. The jails also gained accreditation, in 2024, from the National Commission on Correctional Health Care. Nonetheless, revelations in lawsuits and investigations show that medical errors and neglect happen and occasionally cause death or suffering.

Clergy heard mixed reviews from people inside. In the open-ended data, 8 people spontaneously reported good care, 15 inadequate or untimely care, and 3 offered both praise and criticism. The most frequent complaint was about failure to take health concerns seriously and/or to act on them promptly. One reported breaking a finger and not receiving any treatment for two days. Another entered jail with a cast on a broken arm; the cast was removed upon admission, earlier than medically appropriate. Yet another had pancreatitis that was not diagnosed by jail nurses for 3 weeks. Several reported problems in getting medications that they had been taking before incarceration. In the structured data, close to half the respondents said they were either not getting these medications or had experienced a delay of 3 weeks or more before they were provided by the jail. Gaps of more than one or two days, especially for drugs used to treat opioid use disorder, can be very harmful or dangerous. Medical matters are complicated and some of the criticisms may be unfair. But the frequency of what clergy heard, combined with the publicly acknowledged medical understaffing of the jails, suggests that medical staff are struggling to keep pace with the needs of patients inside.

### *Recommendations*

- 4.1. Address the current shortfall in medical staff compared with authorized positions by whatever means are required, thereby reducing current workloads and stress experienced by medical staff. This would improve the timeliness of care, reduce the frequency of misdiagnoses or treatment errors, and permit staff to listen more carefully to patient accounts of their medical problems. Since community-standard care is a constitutional right, cost, although important, cannot legitimately be the primary factor.

4.2. Set up policies and procedures, internally and for cooperation with local pharmacies, that will allow prescribed medications that a newly incarcerated person was taking before arrest, including psychoactive drugs and ones for treatment of opioid use disorder, to be provided, in the great majority of cases, within 72 hours of arrest.

5. **Religious worship, chaplaincy, and religious discrimination.** Since the interviews were done by clergy, some of them in clerical garb, one would expect a tilt toward discussion of religious issues. Still, religious matters are clearly important to people inside, as evidenced by the range and frequency of statements on this topic. Clergy heard about people who organized Bible study groups and other religious activities on their own; the jails are to be commended for helping rather than hindering this form of self-organization. However, clergy also heard complaints about the lack of diversity in worship services: people inside said there were weekly Roman Catholic and Protestant services, but only rare Jewish or Muslim ones. Clergy also reported, observationally, that the worship area downtown was very small and bleak. A few respondents said they had requested chaplain visits but got no response. Jewish and, especially, Muslim people reported feeling that they were discriminated against. Clergy heard from incarcerated people, and also from a staff member, that anyone who asked for a kosher diet was denied access to commissary food items. From staff, clergy heard that the rationale for this alleged rule was that the jail cannot determine with certainty which commissary items are kosher. We did not determine whether a halal diet is offered, and if so, whether it also entails loss of access to commissary food. More broadly, if people inside have their spiritual needs met and preserve or build connections with the religious communities and traditions they come out of, they will be mentally healthier, more likely to reintegrate successfully when released, and less likely to cause problems while inside.

### *Recommendations*

- 5.1. Add a halal diet if it is not already available.
- 5.2. Remove any current restrictions on commissary based on choosing a kosher or halal diet. It's the responsibility of individuals, not the jail, to determine which commissary items are acceptable given their religious values.
- 5.3. Upgrade the worship area in the Holding Center.
- 5.4. Track requests for chaplain services, try to meet them quickly, and if that is impossible, respond promptly to the person making the request, expressing regret.
- 5.5. Undertake extensive outreach to religious communities and leaders in the county, especially non-Christian ones, to build a robust roster of clergy willing to do occasional pastoral visits when a person inside requests a chaplain, and to conduct worship of varied kinds, in either case with modest compensation or perhaps as volunteers.

### Further Information

The interview data was analyzed and this report was prepared by Stephen Hart, PhD, who is providing social scientific support for the Clergy Jail Visiting Project. Dr. Hart is an Adjunct Associate Professor in the Sociology and Criminology Department at UB and the author of two scholarly books and many research-based journal articles. His career includes about a decade of survey research, several years of teaching, and 22 years of practical involvement in data management, methods, and statistics for biomedical research.

Fourteen clergy participated in one or more of the six visits, providing the data upon which this report is based. A number of charitable funders, mostly religiously affiliated, have provided financial support for the project, but they have no responsibility for the content of this report. An appendix containing more detailed data is in preparation and will be publicly available soon. Dr. Hart can be reached at [evestay@live.com](mailto:evestay@live.com) or (716) 903-9090.