

## EXECUTIVE SUMMARY

On the evening of November 14, 2005 during routine security rounds of the lower yard of the Iowa State Penitentiary, a Correctional Officer found a make shift rope made of upholstery webbing tied to a conduit on top of the maintenance shop. The Correctional Officer estimated the upholstery webbing was about 4 inches wide and 20 feet long and had fallen from the roofline of the maintenance shop building and was loosely hanging when found. Security checks were immediately started, the Industries Building was searched, and offenders Robert Legendre and Martin Moon were discovered unaccounted for.

The Department of Corrections Office Of Inspector General was requested to undertake an immediate independent investigation into the factor(s) that allowed two maximum-security offenders to escape from the Iowa State Penitentiary.

This investigative report contains the following sections:

- Background of the Iowa State Penitentiary
- Background of the Offenders that Escaped
- Escape Timeline
- Escape Planning and Materials
- Findings Related to Tool Control and Inventory
- Findings Related to Offender Counts
- Findings Related to Offender Searches
- Findings Related to Post Orders/Policies
- Findings Related to Security Coverage
- Findings Related to Reporting of Critical Incidents
- Findings Related to Classification of Offenders
- Department of Corrections Response
- Executive Branch Response
- Conclusion
- Appendix

There were a number of errors made the evening of November 14, 2005 that caused a breakdown of security and allowed the two offenders to escape without immediate detection. Three categories of problems combined to allow the pair an undetected and well-planned escape. The breakdown of security fell into three rather broad categories: 1). Accountability of offenders; 2). Accountability of tools

The mission of the Iowa Department of Corrections is to:  
**Protect the Public, the Employees, and the Offenders**

and materials; and 3). Inadequate institutional procedures and lack of adherence to existing procedures.

**Corrective action undertaken by the Department of Corrections to address these issues include:**

- New Iowa State Penitentiary Leadership – new Warden put in place.
- New Security Leadership – new Security Director and Assistant Security Director put in place.
- New Management Team - now consists of the Warden, Deputy Warden, Security Director, Treatment Director, Business Manager, Clinical Care Unit Administrator, Executive Officer, Personnel Officer, and the Prison Industries Manager, which meets on a daily basis.
- Union Leadership - the Warden met with four members of the AFSCME local to discuss concerns and exchange of ideas.
- Staff Input – E-mail was sent out to all staff asking for their comments and recommendations regarding operations of the institution as the Iowa State Penitentiary begins the process of coming off lockdown.
- Offender Movement - There will be no offender movement during the hours of darkness except in cases of emergency.
- Prison Industries will no longer work any overtime during hours of darkness.
- Reinstatement of Duty Officers - effective immediately, the practice of having duty officers has been reinstated. A total of 14 administrators will take duty one week at a time for 24-hour readiness.
- Reassessed Supervisory Coverage - the captains and lieutenants are now responsible for a certain number of correctional officer staff with the plan that by doing so there will be more accountability and clarification of security reporting lines.
- Towers – the Iowa State Penitentiary has returned to the pre-2003 staffing levels (before the taut wire system was installed) in the towers. A Tower is being remodeled in order to be staffed, and that project should be completed by the end of the year. Another Tower (unused and won't be) will have its steps removed. In addition, the Iowa State Penitentiary is compiling a book of photos of escape risks for the tower officers.
- Reviews of Policies - in the process of reviewing the following policies: Perimeter Security; Counts; Inmate Movement; Tool Control; Receiving and Discharge; and, all Prison Industry policies.
- Review of Post Orders - all post orders are being reviewed and re-written to an understandable format that does not exceed 3 pages in length, with maximum input from assigned staff. In addition, it was found that the perimeter vehicle officer's post was worked off a memo from the Security Director and a post order is being written for that post.
- Cell House # 297 Hobby Craft/Maintenance Building - have begun the process to demolish Cell House # 297 (old death row house), which is the

building rooftop where the offenders threw the grappling hook to the west wall.

- Hobby Craft/Maintenance Building - evaluating the Hobby Craft/Maintenance Building for possible demolition due to its proximity to the wall.
- Searches - have, or are in the process of, conducting searches of Prison Industry, Library, Habitat for Humanity, Hobby Craft, the living units/cell houses, and John Bennett Prison Industry operation.
- Conducting inventories of all Prison Industry tools.
- Securing Windows - in the process of securing windows in the Prison Industry and the Hobby Craft area.
- Lighting - addressing lighting concerns and blind spots. A study will be done regarding the installation of high mast lights.
- Staffing Patterns - reviewing staffing patterns, in light of additional tower coverage, for the entire complex.
- Captain/Lieutenant Meetings - communication with this important group of supervisors needs improvement and there are plans being discussed to have more scheduled meetings.
- Hobby Craft Purchases - during shakedowns of the area, material such as was used in the escape was found in an offender's hobby locker, so items and purchasing of items will be reviewed.
- Classification - all offenders assigned to the minimum-security Farms and the medium-security John Bennett Unit were reviewed to see whether they were properly classified to their assignments.
- Classification - all offender workers in maximum-security will be reviewed to ensure that they are properly classified to that particular assignment prior to being released from the lockdown. The Treatment Director will now oversee all classification recommendations and personally approve them.
- Identification Badge - all offenders will be required to wear their ID at all times, so that it is visible to staff.
- Security – the Iowa State Penitentiary is reminding everyone, regardless of position, that security is everyone's responsibility.
- Security Review of all Prisons - both internal and external security audits were immediately conducted at all nine institutions in the Department of Corrections using the 36 standards of the Department's security audit system relative to perimeter security.
- Prison Industry Building Shakedowns - a shakedown search of Prison Industry operations, both traditional industry and on grounds private sector employers, was conducted at each prison in the Department of Corrections. All Prison Industry plant managers reviewed all institutional policies and post orders that have to do with Prison Industry operations to ensure compliance.
- The National Institute of Corrections (NIC). NIC was asked, in cooperation with the American Federation of State, County and Municipal Employees (AFSCME), to provide consultants for reviewing the security system at the Iowa State Penitentiary and other prisons. The American Correctional Association (ACA) standards for security should be imposed immediately.

- The Department of Corrections is currently in the process of being certified under ACA standards, which will result in higher standards for the control of tools, keys, and security.
- Search and shakedown procedures - are being rewritten and strengthened to allow for scheduled and random searches of buildings and areas, as well as random and routine searches of offenders. A highly randomized search system will be used to avoid the possibility that offenders would be able to predict when and where searches would be made.
  - The National Institute of Corrections (NIC). NIC was asked, in cooperation with the American Federation of State, County and Municipal Employees (AFSCME), to provide consultants for reviewing the staffing analysis of all institutions and central office and will be conducted as soon as possible to determine proper and safe staffing levels. If there are special second-shifts, such as was the case on November 14, 2005; a correctional officer should be assigned to make the necessary counts and searches. There are currently two correctional officers assigned to the Prison Industries area on the dayshift to make offender checks, counts and conduct periodic and random shakedowns and searches of storage areas and offenders.
  - Iowa State Penitentiary Work Programs - a study of Iowa State Penitentiary offender work programs will be initiated to determine if current security levels can properly support the amount of work activity.
  - Security Enhancements - High Mast lighting should be installed, or a significant upgrade made to the current lighting fixtures to include perimeter walls, interior buildings and yards. Security screens will be installed on the windows on the first two floors of the Prison Industries building immediately. Razor wire will be installed on the top of the plumbing/electrical building since it is within 30 feet of the main prison wall. The height of the Taut Wire system on the perimeter wall will be discussed with the manufacturer. Currently, it is installed half way up the wall and consideration should be given to placement higher up nearer the top. If the Taut Wire system is not raised higher, then razor wire will be placed closer to the top of the wall.
  - Tower Coverage - a study will be conducted immediately to determine which towers should be staffed including days and times. Solid walls or obstructions in towers should be replaced with security glass, and post orders should be simple and precise as to what the orders are for the assigned correctional officer. The Iowa State Penitentiary is currently looking at cost savings in other areas that might allow for increases in tower staffing.
  - Security Training for all staff - a back-to-basics security training program for all staff is being developed with the assistance of the Department of Corrections Director of Training and Professional Development.
  - Leadership Development Training - a weeklong leadership development-training program is being planned for late winter/early spring for all managers and supervisors at the Iowa State Penitentiary. Training consultants from the National Institute of Corrections have already been contacted to begin the planning.

## **BACKGROUND OF IOWA STATE PENITENTIARY**

The Iowa State Penitentiary was opened in 1839, sits on approximately 20 acres, and is the oldest operating prison west of the Mississippi River. Its classification is maximum-security and also includes the Clinical Care Unit, and the John Bennett medium-security unit<sup>1</sup>. The Iowa State Penitentiary also has two minimum-security farms, which are not part of the main institution. The Penitentiary has an annual appropriation of \$41,667,569 that funds 573 full-time employees consisting of administrative, security, treatment/counseling, medical and support staff<sup>2</sup>.

The Iowa State Penitentiary provides housing for all three custody levels. The maximum-security section inside the walled compound encompasses approximately 11 acres and includes cell house row, made up of cell house 18, 19, and 20, which were constructed between 1907 and 1920, with a combined capacity of 597. The maximum-security part of the prison currently houses 566 offenders with an additional 403 offenders housed in the John Bennett Unit, Clinical Care Unit and the prison farms<sup>3</sup>.

The medium security John Bennett Unit is located adjacent to the maximum-security institution and was established in 1978 and houses 152 offenders.

The Clinical Care Unit located immediately south of the walled compound was dedicated in September 2003 and houses those offenders in the Department of Corrections with a diagnosis of mental illness. The Clinical Care Unit has a capacity of 200 offenders.

The minimum-security farms, established in 1952, are located near Augusta and Montrose, and have a combined total of 1015 acres and a capacity for 180 offenders.

The Iowa State Penitentiary underwent extensive renovations of its maximum-security cell houses in 1982. Each cell house, 18, 19 & 20, was divided into smaller living units to more easily manage the offender population. In 1984, a visitor center and infirmary were completed.

As Iowa's main maximum-security prison, the Iowa State Penitentiary houses Iowa's most violent offenders. As of December 2005, the Iowa State Penitentiary currently housed 277 offenders serving a life sentence. Approximately 84% of the offender population is serving time for violent crimes against a person.

The Iowa State Penitentiary has a stone and concrete wall, approximately 40 feet high, which surrounds the entire perimeter of the maximum-security unit. Armed towers provide surveillance of the maximum-security unit. The wall contains taut wire,

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<sup>1</sup> See aerial photograph (attachment #1).

<sup>2</sup> See HF 811, Justice Systems Appropriations, 81<sup>st</sup> General Assembly, which took effect on July 1, 2005 (attachment #2).

<sup>3</sup> See attached Department of Corrections Daily Statistics of December 23, 2005 (attachment #3).

electronic surveillance, and a climbing barrier. Regular perimeter surveillance is provided by foot and vehicle patrols from dusk to dawn. The reception area officer, and the Master Control station along with Tower and Stockade personnel, maintains strict control over all pedestrian and vehicular traffic. Cameras are mounted at strategic locations around the perimeter wall, which are monitored by Master Control personnel. Lights are mounted on the inside and outside perimeter of the wall, approximately fifty feet apart, to ensure no blind areas exist. Six major official counts are conducted of offenders during a 24-hour period in the maximum-security unit and informal counts occur as directed.

## **BACKGROUND OF OFFENDERS**

### **Robert Legendre #6899908.<sup>4</sup>**

#### **Offense Information:**

Was convicted of Homicide, Kidnapping and Weapons Offense in the State of Nevada and placed in Iowa as a Compact Transfer case in December 2004 as a GP 1<sup>5</sup> offender. This offender reports the incarcerating offense pertains to the Robbery of a cab driver. While the cab was moving, Robert Legendre grabbed the cab driver and pulled him into the back seat and held a wire around the victim's neck and robbed him. He also reports that a co-defendant struck the cab driver with a hammer. They then dropped the driver out of the taxi and drove away.

The transfer to Iowa was due to Robert Legendre having serious problems with the Skinheads and Aryan Nation inmates. He was assaulted as he refused to join either of these two security threat groups. Also, in 2001, he was found in possession of a grappling hook and 30 feet of rope in his cell while being housed in disciplinary segregation.

#### **Prior Record:**

Information includes juvenile arrests for petty theft, possession of a weapon at school, burglary, simple assault, shoplifting, concealing stolen property, theft, probation violation, aggravated assault, aggravated escape, and possession of stolen property. He was charged in 1995 with the aggravated assault and escape charge when he was in a juvenile correctional facility and assaulted a youth correctional officer with a sock loaded with a pool ball, with the intent to escape or, if unsuccessful, to do something so bad that he would be transferred to a different facility.

#### **Personal Information/History:**

Robert Legendre is a 27 year-old white male, 5'11" and weighs 178 pounds. Offender reported that he has one half-sister and is the only child born to his parents, who divorced when he was four or five years of age. Legendre describes himself as single,

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<sup>4</sup> See Offender Robert Legendre information (attachment #4).

<sup>5</sup> See explanation of the offender level system (attachment #5).

having never been married and having fathered one child. He acknowledges having no GED or high school diploma, having last completed the 9<sup>th</sup> grade. He denied having any special education services. Legendre has spent his entire adult life locked up and reports only one job, having worked at a fast food restaurant for 9 or 10 months. He denies any history of drug or alcohol abuse.

**Discipline History:**

Since arriving in the Iowa Department of Correction in December 2004, Robert Legendre has received one disciplinary report dated January 1, 2004 for being loud in his housing unit late at night. Robert Legendre was found guilty by the Administrative Law Judge for obstructive/disruptive conduct and received a suspended sentence of 30 days of Disciplinary Detention and a suspended sentence of 16 days loss of earned time.

**Classification:**

A Classification Review was completed at the Iowa State Penitentiary on March 24, 2005 in which Robert Legendre was placed in GP 2 status<sup>6</sup> since he was found to have adjusted adequately since his arrival from the State of Nevada. Mr. Legendre reported he needs to work as he has no support from the outside and has no enemies. On April 7, 2005 Robert Legendre was reviewed by the Classification Committee, which gave approval for job placement to Prison Industries.

**Martin Moon #1005809.<sup>7</sup>**

**Offense Information:**

On April 26, 1999, authorities in rural Clarke County found the skeletal remains of a man in a cistern near an abandoned house just several miles southwest of Osceola, Iowa. These remains were discovered from information received several days earlier from a confidential informant. Apparently, Casey Brodsack had taken this informant to the scene of this body three years earlier. Brodsack showed the body to the confidential informant and told him the story of how he (Brodsack) and two other men had killed this victim back in August 1990. Clarke County authorities detained Brodsack for questioning and Brodsack testified that he and Martin Moon and another unnamed individual went with the victim to this abandoned house on August 1, 1990 to complete a drug deal. Brodsack claims he stayed in the car while Moon and the other man shot the victim several times. The men then placed the body in the cistern and covered it with rocks and other items. Martin Moon was arrested and charged with Murder 1<sup>st</sup>. As a result of his testimony, Casey Brodsack was allowed to plead to Murder 2<sup>nd</sup>. Moon was found guilty of Murder 1<sup>st</sup> in a jury trial and given a life sentence. He was admitted to the Iowa Medical & Classification Center on July 6, 2000.

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<sup>6</sup> See Attachment # 5 for explanation of Offender Level system.

<sup>7</sup> See Offender Martin Moon information (attachment #6).

**Prior Record:**

Martin Moon has a lengthy criminal history both as a juvenile and an adult. He had done time at Eldora and served a previous prison term in Iowa from July 1992 until his discharge in September 1996 – this was a 10-year concurrent sentence for two counts of Burglary 2<sup>nd</sup>. Moon was also doing time in the State of Tennessee at the time of arrest on the present charge. That charge was for Tampering with Evidence.

In early June 2000, an incident occurred at the Clark County Jail. A friend of Martin Moon had sent some personal items, including some hacksaw blades, through the mail from Tennessee. Moon was able to use the hacksaw blades to file through some cell door bars and windows. He had concealed the cuts using some toothpaste. Jail officials discovered these cuts. According to documents, the bars could have been knocked out with a hard jolt. As a result, Moon was transferred to the Iowa Medical & Classification Center as soon as possible due to his potential escape risk.

**Personal Information/History:**

Martin Moon is a 34 year-old white male, 6'0" and weighs 185 pounds. Offender Moon reports that he was born in Des Moines and raised in Osceola, Iowa. He reports receiving his GED through the Iowa Training School for Boys in Eldora in 1986, although there is no Pre-Sentence Investigation report to verify this. Martin Moon is single and has fathered no children. His only employment history consists of some construction work. He denied any physical or mental health problems.

**Discipline History:**

Martin Moon committed the following disciplinary rule infractions since being sentenced to the custody of the Iowa Department of Corrections on July 6, 2000:

- March 13, 2003. Found guilty for the exchange of money between offenders. He received 30 days of disciplinary detention and loss of 16 days of earned time.
- May 25, 2004. Found guilty for sniffing glue in the Prison Industries building. He received 30 days of disciplinary detention and loss of 16 days of earned time.
- May 26, 2004. Found guilty for being in possession of another offender's watch. He received a suspended sentence of 10 days of disciplinary detention and loss of 16 days of earned time.

**Classification:**

On May 21, 2003, Martin Moon was seen by the Classification Committee and approved for job placement in Prison Industries. The Classification Committee last saw him on July 28, 2005, which found his domicile evaluation above average and his detail evaluation outstanding. No specific programming was recommended.



## **ESCAPE TIMELINE**

According to the institutional blotter<sup>8</sup> and staff testimony, the following is a timeline of the escape on November 14, 2005:

Offenders Robert Legendre and Martin Moon were in a work assignment at Iowa Prison Industries at the time of their disappearance. Offenders Legendre and Moon were part of a work crew consisting of 20 offenders that were being supervised on the 4<sup>th</sup> floor of the Industries Shop by a Prison Industries supervisor. This crew of offenders was working a special second shift from 2:30 p.m. to 6:25 p.m. due to production deadlines for a work order. There was no other production work being performed during this timeframe on floors 1, 2 or 3 of the Prison Industries building. Since this was a special second shift work project, there were no correctional officers being utilized and supervision was left to the responsibility of the Prison Industry supervisor.

### **November 14, 2005:**

- 3:00 p.m. – Shift Captain clears the institutional count (all offenders accounted for).
- 5:18 p.m. – Camera in the Industry Building shows the 4<sup>th</sup> Floor stairwell door opening.
- 5:19 p.m. - Camera in Prison Industry Building shows three offenders coming down the stairwell on the 3<sup>rd</sup> floor landing.
- 5:19 p.m. – Camera in Prison Industry Building shows offenders on 2<sup>nd</sup> Floor landing.
- 5:19 p.m. – One offender appears to be going back up the stairs, other offender seems to be trying to hide under the camera.
- 5:26 p.m. – Three offenders observed by Industry Building cameras entering the 1<sup>st</sup> Floor.
- 5:29 p.m. – One offender back on the 1<sup>st</sup> Floor and goes up the stairwell back to the 4<sup>th</sup> Floor at 5:30 p.m.<sup>9</sup>
- 5:30 p.m. – Perimeter vehicle officer begins patrol on outside of the Iowa State Penitentiary perimeter.
- 5:35 p.m. – Two Fort Madison residents at ATM Machine just west of the prison grounds observed two males exit the creek bed and head west crossing highway 61, going in the direction of Avenue E in the City of Fort Madison. One of the males is observed limping and being helped by the other male.
- 6:10 p.m. - Offenders working on 4<sup>th</sup> Floor of Prison Industry Building begin checking in their tools and finishing their second shift work.

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<sup>8</sup> Blotter is a written chronology of events and activities at the Iowa State Penitentiary during a 24-hour period.

<sup>9</sup> There was a third offender who assisted with planning the escape and partially participated in the escape before making the decision not to escape.

- 6:25 p.m. - Prison Industry workers are released to eat dinner or go back to their cell house.
- 6:32 p.m. - Ft. Madison Police Department receives report of a stolen Pontiac Bonneville vehicle (This information was not known by the Iowa State Penitentiary staff until 8:35 p.m.).
- 7:01 p.m. - During routine security rounds of the lower yard of the Iowa State Penitentiary, a Correctional Officer reported to the K-9<sup>10</sup> Unit that a makeshift rope made from burlap was found tied to a conduit on top of the maintenance shop. The Officer estimated the burlap material was about 4 inches wide and 20 feet long, which was hanging from the roofline of the maintenance shop building when found. The Shift Captain advises the Correctional Officer to fling the rope onto the top of the building and also advises that Deputy Warden be notified. The Correctional Officer radios the K-9 Officer to view the makeshift rope.
- 7:19 p.m. - K-9 Officer views the burlap found by the Correctional Officer.
- 7:40 p.m. - Cell house 419 reports they are unable to locate Offender Robert Legendre #6899908.
- 7:40 p.m. – Shift Captain orders three to four Correctional Officers to search the Prison Industry Building where offender Robert Legendre was working and to search the lower yard of the Iowa State Penitentiary.
- 7:50 p.m. - Cell house 218 reports they are unable to locate Offender Martin Moon #1005809.
- 7:55 p.m. - Shift Captain orders an emergency count to be taken of the Iowa State Penitentiary.
- 8:00 p.m. - All Towers and the Perimeter Patrol Vehicle are notified of the two missing offenders. The Security Director notified.
- 8:00 p.m. - Shift Captain orders the Perimeter Patrol Vehicle to Monitor Towers three and four<sup>11</sup>.
- 8:08 p.m. - Security Director advised for the Warden to be notified.
- 8:09 p.m. - Security Director arrives at the institution.
- 8:15 p.m. - Warden arrives at the institution.
- 8:15 p.m. - The emergency count ordered at 7:55 p.m. clears verifying Offenders Martin Moon and Robert Legendre missing.
- 8:17 p.m. - Deputy Warden arrives at the institution.
- 8:22 p.m. - Correctional Emergency Response Team (CERT) notified. Internal affairs division at the Iowa State Penitentiary notified.
- 8:23 p.m. – Warden orders all K-9 Officers be called to the institution.
- 8:25 p.m. - Correctional Officers and Deputy Warden discover grappling hook and burlap tied off from building 297 to the west wall<sup>12</sup>.

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<sup>10</sup> K-9 Officers are correctional officers assigned to a specially trained dog.

<sup>11</sup> See aerial photograph outlining Towers three and four (attachment #7).

<sup>12</sup> See photograph of building 297 and west wall metal railing (attachment #8).

- 8:30 p.m. - Begin cell and property search of Offenders Robert Legendre and Martin Moon.
- 8:31 p.m.- Deputy Warden orders additional Correctional Officers positioned on the ground outside of the Iowa State Penitentiary west wall.
- 8:35 p.m. - Ft. Madison Police Department notified. Police advised they had a report of a stolen Pontiac Bonneville vehicle at 6:32 p.m. in the City of Ft. Madison. The vehicle had approximately a half tank of fuel and contained no cash or credit cards. A bike taken in the City of Ft. Madison was found at the scene of the missing vehicle.
- 8:42 p.m. – Department of Corrections Duty Officer notified by Iowa State Penitentiary. Director of Department of Corrections notified.
- 8:43 p.m. – Department of Corrections Duty Officer notifies Governor's Office Duty Officer.
- 9:15 p.m. - Conference call with Governor's Office, Department of Corrections Director, Department of Public Safety, and Iowa State Penitentiary. Press release will be formulated and circulated for review.
- 10:00 p.m. – Press release issued by the Department of Corrections to the Cedar Rapids Gazette newspaper.
- 10:01 p.m. – Press release issued by the Department of Corrections to the Des Moines Register newspaper.
- 10:04 p.m. – Press release issued by the Department of Corrections to the Associated Press.
- 10:15 p.m. – Press release issued by the Department of Corrections to WHO-TV in Des Moines, Iowa.
- 10:15 p.m. – 10:39 p.m. - Conference call with Governor's Office staff, Department of Corrections Director and staff, Department of Public Safety staff, and Iowa State Penitentiary staff for an update on status of the escape and apprehension.

**November 15, 2005:**

- 8:15 a.m. – 9:05 a.m. - Conference call with Governor's Office staff, Department of Corrections Director and staff, Department of Public Safety staff, and Iowa State Penitentiary staff to update on status of escape and apprehension.
- 10:30 a.m. – 11:00 a.m. - Conference call with Governor's Office staff, Department of Corrections Director and staff, Department of Public Safety staff, and Iowa State Penitentiary staff to update on status of escape and apprehension.

## **ESCAPE PLANING AND MATERIALS**

According to the offender that changed his mind about escaping, Offender Martin Moon, Offender Robert Legendre and himself had planned this escape for some time. They had done several things in preparation for the escape

- The offenders had tested the strength of the burlap material by securing it in the Prison Industries building and walking on it to ensure it would hold their body weight<sup>13</sup>.
- Each of the offenders had gradually smuggled food, bottled water and first aid items into the Prison Industry Building to take with them after escaping. They had made two pouches out of sweat pant material to hold these items and there was a rope connecting the two pouches that could be slung around their neck. This was confirmed by a search of the First Floor Industry building where the offender who changed his mind about escaping indicated he left behind his pouches.
- Each offender agreed to make a small guiding hook, which was to be used in helping them get across the burlap material to the top of the wall – this devise would have been necessary due to the offender's bodyweight and the weight of the food pouches. The plan was to loop their pant belt thru the guiding hook and fasten around their chest. This would have then allowed the offenders to place the burlap material thru the guiding hook and pull themselves along the burlap material that was used to get up and over the taut wire system on the west wall<sup>14</sup>.
- The grappling hook was fabricated out of metal piping and air nozzle tips that are common in the Prison Industries building<sup>15</sup>. According to the offender that changed his mind about escaping, the grappling hook was assembled on the evening of November 14, 2005 by Offender Martin Moon at his workstation and carried down the stairwell.
- The burlap material is also common material in the Prison Industry building and was secured to the grappling hook with a knot and some black electrical tape.
- Cameras in the stairwell recorded offenders Robert Legendre, Martin Moon and the offender that changed his mind and did not complete the escape, walking out of the 4<sup>th</sup> floor of the Prison Industries Building and going down the stairwell to the 1<sup>st</sup> Floor at 5:18 p.m.<sup>16</sup> The Prison Industries Building windows are not

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<sup>13</sup> See photograph of burlap material (attachment #9).

<sup>14</sup> See photograph of the west wall and taut wire system (attachment #10).

<sup>15</sup> See photograph of the grappling hook (attachment #11).

<sup>16</sup> The institutional procedures require that two officers in the control room issue keys, handcuffs, flashlights and other materials, while at the same time, opening a number of electronically controlled gates throughout the prison, and also observe the activities of 178 cameras on ten television monitors. The post order requires more than the officers can do, and as a result, the officers out of necessity, monitor the high traffic areas during their shift. At the time of the movement of the escapees in the Industries building, the observation of the officers was on traffic gates, and the dining hall where most of the offender activity was occurring.

within range of the security cameras but testimony of the offender that changed his mind indicates the offenders exited thru a window on the 1<sup>st</sup> Floor of the Industries Building<sup>17</sup>.

- All three offenders walked approximately 50 feet to an 8-foot chain link fence that contains strands of razor wire on top. One of the offenders threw their prison-issued denim jacket on top of the razor wire to assist with avoiding injuries when climbing over this fence and razor wire<sup>18</sup>.
- Once on top of this chain-line fence and razor wire, Offenders Martin Moon and Robert Legendre threw the grappling hook and their supplies to the top of the maintenance-building roof<sup>19</sup>. The offenders then jumped some 20 feet to the maintenance building roof. It is believed this is where Offender Robert Legendre injured his foot. Testimony of the offender that changed his mind about escaping was that he heard a loud popping sound right after Offender Robert Legendre jumped.
- The offender that changed his mind about escaping goes back through the First Floor Prison Industry building window and back up the stairwell to the 4<sup>th</sup> Floor.
- Offenders Martin Moon and Robert Legendre walked across the roof of the maintenance building and tied the burlap to a wooden clamp obtained in the Prison Industries building, which is then secured to an electrical conduit piping. The burlap material is then used to lower them to the ground<sup>20</sup>.
- Offenders Martin Moon and Robert Legendre then proceed to building 297, which is the old lifers unit located by the west wall<sup>21</sup>. There is an old steel cell that surrounds a door to building 297, which the offenders climbed to gain access to the roof of building 297.
- The grappling hook and burlap is then thrown to the top of the metal railing on the catwalk area that connects Towers #4 and #5<sup>22</sup>. Once the hook is attached to the metal railing and any slack in the burlap removed, the burlap is tied to a wooden clamp and secured to a vent pipe coming out the top of building 297<sup>23</sup>.
- Offenders Martin Moon and Robert Legendre then utilize the guide hook attached to their belt, and secured around their chest, to pull themselves along the burlap from the top of building 297 to the top of the west wall catwalk area. The grappling hook is left in place. Once successfully returning to the 4<sup>th</sup> Floor of the Prison Industries Building after changing his mind about escaping, the offender testified watching Offenders Martin Moon and Robert Legendre pulling themselves along the burlap from building 297 to the catwalk area.
- Offenders Martin Moon and Robert Legendre proceed down the catwalk to Tower #4 and tie a 35 foot piece of burlap to the metal walkway railing and lower themselves to the ground outside of the Iowa State Penitentiary<sup>24</sup>.

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<sup>17</sup> See photograph of 1<sup>st</sup> Floor Prison Industry building window (attachment #12).

<sup>18</sup> See photograph of offender denim jacket on top of chain link fence and razor wire (attachment #13).

<sup>19</sup> See photograph of maintenance building rooftop (attachment #14).

<sup>20</sup> See photograph of wood clamp and burlap secured to electrical conduit (attachment #15).

<sup>21</sup> See attached photograph of building 297 (attachment #16).

<sup>22</sup> See photograph of grappling hook secured to metal railing (attachment #17).

<sup>23</sup> See photograph of burlap secured to vent pipe on roof of building 297 (attachment #18).

<sup>24</sup> See photograph of Tower railing used to secure burlap (attachment #19).

- Offenders Martin Moon and Robert Legendre proceed to the first residential house and take a bicycle that was in the yard.
- Offender Martin Moon takes the bicycle in search of a vehicle since Offender Robert Legendre is injured.
- Offender Martin Moon discovers an unoccupied, running vehicle several blocks away and steals the vehicle. Testimony of the vehicle owner indicates the car was left running while in a friend's house.

### **Findings Related to Tool Control and Inventory**

The Prison Industry Supervisor wrote a statement and relayed to the Prison Industry Plant Manager and the Warden about last seeing offenders Robert Legendre and Martin Moon at 6:10 p.m. while they were checking in their tool carts at the end of their shift on the evening of November 14, 2005. The Prison Industry Supervisor would have been responsible for ensuring all work tools were accounted for and it was later discovered that a small utility knife and a few air nozzle tips were missing from the offender work carts that were checked in.

#### **Recommendation –**

Tool Control and Inventory. Security and Prison Industry need to ensure staff is aware of Tool Control procedures as this impacts the safe, secure and orderly operation of the Iowa State Penitentiary by ensuring offenders don't take away tools or material from Prison Industry operations. As mentioned above, the Prison Industry Supervisor would have been responsible for ensuring all work tools were accounted for. It was later discovered that a small utility knife and a few air nozzle tips were missing from the offender work carts the Prison Industry Supervisor checked in.

#### **Corrective Action –**

Iowa State Penitentiary has, or is in the process of, conducting searches of Prison Industry shops, Library, Habitat for Humanity, Hobby Craft, the living units, and John Bennett Prison Industry shop.

The Iowa State Penitentiary is also conducting inventories of all Prison Industry tools.

Review of Policies. The Iowa State Penitentiary is in the process of reviewing the following policies: Perimeter Security; Tool Control & Inventory; Counts; Inmate Movement; Receiving and Discharge; and all Iowa Prison Industries.

New Security Leadership, by way of a Security Director and Assistant Security Director, has been put in place.

All employees have been told that, regardless of position, that security is everyone's responsibility.

Security Training for all staff - a back-to-basics security training program for all staff is being developed with the assistance of the Department of Corrections Director of Training and Professional Development.

### **Findings Related to Offender Counts**

The Prison Industry Supervisor testified that he did not perform a head count of the offenders prior to leaving the 4<sup>th</sup> floor of the Prison Industries Building at the end of their work shift. The offenders were then told by the Prison Industry Supervisor to walk down the stairwell to the 1<sup>st</sup> floor and to meet there because the Prison Industry Supervisor would be taking the freight elevator down to the 1<sup>st</sup> Floor. The Prison Industry Supervisor testified taking the freight elevator, so the Prison Industry Supervisor could see if any offenders would have left the 1<sup>st</sup> floor staging area<sup>25</sup>. However, this raises a security concern for an offender being able to remain behind on the 4<sup>th</sup> floor or to exit the stairwell onto floors 3 and 2 on their way down to the 1<sup>st</sup> floor.

### **Recommendation –**

The Deputy Warden, who supervises the Security Director, needs to ensure that staff is aware of Post Orders/Policies and to work with Prison Industries on security issues. By policy, the Security Director is to make inspections of the institution at least weekly and it appears this was not being done. Security and Prison Industries need to meet and communicate on security issues and expectations when Prison Industry staff supervises offenders, which was not being done. There are two correctional officers inside the Prison Industry building during the day shift of 6:00 a.m. – 2:00 p.m. and have Post Orders available to them, but there was no indication this information was shared with Prison Industry staff. There is also no indication that Prison Industry staff sought out the Post Order information from the Correctional Officers or the Security Director.

Testimony revealed uncertainty by several staff on timeframes throughout the day of when formal counts are supposed to be conducted and the times of those counts. Again, clear communication of post order/policy requirements will address this issue.

### **Corrective Action –**

The Iowa State Penitentiary Management Team made a decision there would be no offender movement during the hours of darkness except in cases of emergency. Iowa Prison Industries Deputy Director has directed there would no longer be any overtime in Iowa Prison Industries during hours of darkness.

A New Management Team was established that now consists of the Warden, Deputy Warden, Security Director, Treatment Director, Business Manager, Clinical Care Unit

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<sup>25</sup> The staging area is the entrance to the Prison Industry building where offenders are searched and counted before going into or leaving the building.

Administrator, Executive Officer, Personnel Officer, and Iowa Prison Industry Manager, which meets on a daily basis to discuss operational issues.

The Iowa State Penitentiary is in the process of reviewing the following policies: Perimeter Security; Offender Counts; Tool Control; Offender Movement; Receiving and Discharge; and, all Iowa Prison Industry policies.

New Security Leadership, by way of a Security Director and Assistant Security Director, has been established at the Iowa State Penitentiary. All employees have been told that, regardless of position, that security is everyone's responsibility.

Security Training for all staff - a back-to-basics security training program for all staff is being developed with the assistance of the Department of Corrections Director of Training and Professional Development.

Leadership Development Training - a weeklong leadership development-training program is being planned for late winter/early spring for all managers and supervisors at the Iowa State Penitentiary. Training consultants from the National Institute of Corrections have already been contacted to begin the planning.

### **Findings Related to Offender Searches**

Once the offenders working the second shift were down on the 1<sup>st</sup> Floor of the Prison Industry building, the Prison Industry Supervisor had the offenders remove their jackets and walk through the metal detector since the metal buttons on the jackets would activate the metal detector. The Prison Industry Supervisor then conducted a pat search of each offender's jacket.

#### **Recommendation –**

This practice raises a security concern since no pat down search was conducted of the offender's body or their outer clothing, which could have concealed contraband items such as wood or plastic items the metal detector would have missed. Testimony of other staff reaffirmed this was an improper pat search that was conducted. The Prison Industry Supervisor testified a head count of offenders was not completed prior to letting them out of the building on the first floor, nor verifying that each offender had their picture Identification Card.

During an investigative search of the Industries Building on November 17, 2005, the picture Identification Cards belonging to offenders Robert Legendre and the offender that changed his mind about escaping were found. This raises a security concern of how the offender who had changed his mind about escaping was able to get out of the Prison Industries Building or go back to his cell house without his picture Identification Card. Testimony of Prison Industry and Security Staff revealed different accounts of whether the offender picture Identification Card is to be displayed or whether an



offender is only responsible to have the picture Identification Card available upon request by staff.

Once offenders are released from the Prison Industries Building, they are to be pat searched by a Correctional Officer and escorted to the main yard where offenders can go to the dining hall or back to their cell house if they choose not to eat dinner. Testimony of both Prison Industry Staff and Security Staff revealed that a Correctional Officer is not always made available to search Prison Industry offenders or to escort them to the main yard. Much of the time, it is the Prison Industry Supervisor who escorts the offenders to the main yard. On November 14, 2005, the Prison Industry Supervisor waived to a Correctional Officer who was stationed near the Shift Captain's Office (this practice of waiving is called "highballing" which indicates all offenders are accounted for). The Shift Captain indicates that Prison Industry offenders could be pat searched by a Correctional Officer if they go to the dining hall to eat dinner. However, this pat search is sometimes not done at all or done randomly due to staff shortages. This raises a security concern with contraband items for those Prison Industry offenders who do not eat dinner and go directly back to the cell house without being pat searched.

Corrective Action –

Reassessed Supervisory Coverage - the captains and lieutenants are now responsible for a certain number of correctional officer staff with the plan that by doing so there will be more accountability and clarification of security reporting lines and for ensuring proper accountability and searching of offenders.

Identification Badge – all offenders will now be required to wear their ID at all times, so that it is visible to all correctional staff.

Captain/Lieutenant Meetings - communication with this important group of supervisors needs improvement and there are plans being discussed to have more scheduled meetings.

The Iowa State Penitentiary is reviewing staffing patterns, including that of additional tower coverage, for the entire complex.

Security Training for all staff - a back-to-basics security training program for all staff is being developed with the assistance of the Department of Corrections Director of Training and Professional Development.

**Findings Related to Post Orders/Policies**

The Prison Industry Supervisor verified the Iowa State Penitentiary Post Order for the Industry Building #700-01 was not followed. This post order requires that Prison

Industry staff be responsible to account for their assigned offenders prior to escorting the offenders from their respective floor assignments. The Iowa State Penitentiary policy on Tool Control and Accountability was not followed. The Prison Industry Supervisor conducted an improper pat search.

Recommendation –

There are no policies or post orders issued from the Prison Industries Plant Manager on security procedures for Prison Industry staff to follow when supervising offenders. However, please keep in mind there was a Post Order dated February 15, 2005 and signed by the Security Director and the Warden outlining security and searching procedures for offenders working in the Prison Industry building. The Prison Industry Plant Manager testified about never receiving a copy of this Post Order nor were they consulted with by the Security Director or Warden when this Post Order was being developed. If they had, the Prison Industry Plant Manager testified their signature would have been included on this Post Order. Security acknowledges this Post Order would have been sent to the Correctional Officers assigned to the Prison Industry Building from the 6:00 a.m.-2:00 p.m. shift. The real question then is “what is the Security Director’s responsibility to get this Post Order communicated to the Prison Industry Plant Manager or was the Prison Industry Plant Manager supposed to contact the Security Director and inquire if there were any policies or post orders that would impact Prison Industry staff supervising offenders?” There appears to be a real communication gap that exists between Security and Prison Industries at the Iowa State Penitentiary. The question that arises is: “Who is responsible for security?” The Office of Inspector General would recommend a coordinated communication effort between the Security Director and the Prison Industry Plant Manager on Post Orders and Policies. Once finalized, this information needs to be available to all staff working with and supervising offenders in the Prison Industry building. The Office of Inspector General would also recommend reviewing the training requirements for Prison Industry staff. Currently, all staff receives 40 hours of new employee orientation and 40 hours of annual refresher training locally at the Iowa State Penitentiary. There was some confusion though on whether Prison Industry staff attended the 120-hour Department of Corrections Training Academy for new employees and whether all the courses would be relevant for some Prison Industry employees and other job classes.

Corrective Action –

A New Management Team was established that now consists of the Warden, Deputy Warden, Security Director, Treatment Director, Business Manager, Clinical Care Unit Administrator, Executive Officer, Personnel Officer, and Iowa Prison Industry Manager, which meets on a daily basis to discuss operational issues.

The Iowa State Penitentiary is in the process of reviewing the following policies: Perimeter Security; Offender Counts; Offender Movement; Receiving and Discharge; and, all Iowa Prison Industry policies.

New Security Leadership has been established at the Iowa State Penitentiary. All employees have been told that, regardless of position, that security is everyone's responsibility.

Review of Post Orders - All post orders are being reviewed and re-written to an understandable format that does not exceed 3 pages in length, with maximum in-put from assigned staff.

Staff Input. An e-mail was sent out to all staff asking for their comments and recommendations regarding operations of the institution as they begin the process of coming off lockdown.

AFSCME Union Leadership - the Warden met with four members of the AFSCME local to discuss concerns and exchange of ideas.

Prison Industry staff are currently members of the Department of Corrections Training Consortium and are working on specific training for Prison Industry staff for the 40 hours of annual refresher training.

The Department of Corrections Director of Training and Professional Development will be working with Prison Industry staff and other job classes such as medical and administrative support on attending the 120-hour Department of Corrections Training Academy for new employees and whether all the courses would be relevant for the particular job classes.

### **Findings Related to Security Coverage**

Tower 5 was staffed at the time of the escape and the Correctional Officer reports, that due to darkness and poor visibility, the person was unable to see the area where the escape was reported to have taken place. The Correctional Officer's supervisor is the Shift Captain. Tower #5 Correctional Officer testified about being focused on the Clinical Care Unit offenders being escorted to the gymnasium for exercise at 5:45 p.m. The Daily Log (Blotter) kept by the Shift Captain indicates the Clinical Care Unit offenders were not escorted to the gym until 5:45 p.m., which is 15 or more minutes after the offenders escaped occurred at 5:30 p.m. The exercise yard in front of this Tower #5 was closed and no activity was taking place at 5:30 p.m. Therefore, the Correctional Officer should have been looking down the wall and should have seen offenders Robert Legendre and Martin Moon atop building 297 when they threw the grappling hook and burlap material to the top of the wall. There would have been a loud noise when contact was made with the metal-pipe grappling hook and the metal walkway railing that connects the Towers at the Iowa State Penitentiary, which should have been heard by the Tower #5 Correctional Officer. The offenders then climbed across this burlap one at a time until they reached the main wall. The offenders then left the grappling hook and burlap in place and went to Tower #4 where they tied the

burlap from the catwalk railing, which they used to climb down to the outside of the Iowa State Penitentiary and escaped. The Correctional Officer did not see any of this.

The burlap was hanging from the roof of building 297 to the Iowa State Penitentiary west wall from 5:30 p.m. until about 8:25 p.m. and was never noticed by the Tower #5 Correctional Officer. Post Orders for the Tower was not followed because the Correctional Officer never made any entries about the escape and the grappling hook/burlap once it was brought to the Correctional Officer's attention around 8:25 p.m.

The Correctional Officer also testified about feeling that offenders Martin Moon, Robert Legendre and John Graves were "casing" the Correctional Officer for some time by watching the Tower or watching the lower yard for long periods of time from the Prison Industry building and from the exercise track. Yet, this activity was never reported to the Shift Captain nor entered into the logbook by the Tower #5 Correctional Officer.

The outside perimeter of the Iowa State Penitentiary is monitored by a vehicle patrol from sunset (5:00 p.m.) to 5:30 a.m. A Correctional Officer began perimeter vehicle duty at 5:25 p.m. on November 14, 2005 and testified about completing a pass around the perimeter of Iowa State Penitentiary five to six times per hour. The burlap from the Tower #4 railing over the exterior wall of the Iowa State Penitentiary was approximately 35 feet in length (the exterior wall is 40 feet high) and was discovered at 8:30 p.m. by Correctional Officers. However, the Perimeter Officer was contacted by the Shift Captain at 8:00 p.m. about the missing offenders and instructed the perimeter vehicle to station itself to monitor Towers #3 and #4<sup>26</sup>. The vehicle was stationed in the gravel parking lot across from Tower #4 and the burlap still was not seen. The perimeter vehicle would have passed the burlap hanging from Tower #4 around 12-14 times between 5:25 p.m. and 8:00 p.m. and was never discovered. Additionally, the Correctional Officer when specifically positioned to monitor, did not see the burlap hanging from Towers #3 and #4 between 8:00 p.m. and 8:30 p.m. Correctional officers inside of the Iowa State Penitentiary were the ones that discovered the burlap material.

The perimeter vehicle officer testified about being issued a handheld spotlight to shine on the wall and that the Correctional Officer never utilizes the spotlight. There was also some confusion between security and administration on whether the perimeter vehicle should be going in only direction around the Iowa State Penitentiary or changing directions to avoid offenders picking up on a routine of the vehicle. There is a memorandum directive from 2003 issued by the Security Director, which specifies that the vehicle is to go only one direction. Yet, other officers have taken it upon themselves to go both directions. The Deputy Warden and Warden were unaware of this memorandum.

Recommendation - The Perimeter Vehicle needs to go in both directions around the Iowa State Penitentiary and to utilize the spotlight that is issued to them. The use of the spotlight can assist with improving security operations.

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<sup>26</sup> See attachment #7.

### Corrective Action –

Towers - The Iowa State Penitentiary has returned to the pre-2003 staffing levels (when the taut wire was installed) in the towers. A Tower is being remodeled in order to be staffed, and that project should be completed by the end of the year. Another Tower (unused and won't be) will have its steps removed. In addition, the Iowa State Penitentiary is compiling a book of photos of escape risks for the tower officers.

The Perimeter Vehicle is now going in both directions around the exterior perimeter of the Iowa State Penitentiary.

Staffing Patterns – the Iowa State Penitentiary is reviewing staffing patterns, in light of additional tower coverage, for the entire complex.

Captain/Lieutenant Meetings - communication with this important group of supervisors needs improvement and there are plans being discussed to have more scheduled meetings.

Review of Post Orders - all post orders are being reviewed and re-written to an understandable format that does not exceed 3 pages in length, with maximum input from assigned staff. In addition, it was found that the perimeter vehicle officer's post was worked off a memo from the Security Director and a post order is being written for that post.

Staff Input - an e-mail was sent out to all staff asking for their comments and recommendations regarding operations of the institution as we begin the process of coming off lockdown.

AFSCME Union Leadership - the Warden met with four members of the AFSCME local to discuss concerns and exchange of ideas.

Lighting - The Iowa State Penitentiary is addressing lighting concerns and blind spots, but a study needs to be conducted regarding the installation of high mast lights.

Cell House # 297 and Hobby Craft/Maintenance Building - The Iowa State Penitentiary has begun the process to demolish Cell House # 297 (death row) and is evaluating the Hobby Craft/Maintenance Building for possible demolition due to its proximity to the wall.

Securing Windows - The Iowa State Penitentiary is in the process of securing windows in the Prison Industries Building and the Hobby Craft area.

Security Training for all staff - a back-to-basics security training program for all staff is being developed with the assistance of the Department of Corrections Director of Training and Professional Development.

Leadership Development Training - a weeklong leadership development-training program is being planned for late winter/early spring for all managers and supervisors at the Iowa State Penitentiary. Training consultants from the National Institute of Corrections have already been contacted to begin the planning.

### **Findings Related to Reporting of Critical Incidents**

Testimony revealed there is not a designated weekly duty officer at the Iowa State Penitentiary. Administration testified this practice was stopped several months ago due to concerns of ineffectiveness. Instead, all administration were to be on-call and available to their staff by cell phone. Concerns were raised with the practical problems of having staff on constant standby with a cell phone instead of having one designated duty officer for one-week periods. Staff made suggestions of avoiding confusion and streamlining the notification process if just one designated duty officer was utilized. Notification was timely in this escape incident and this was just more of a suggestion by line staff.

Recommendation – The Iowa State Penitentiary has its own Critical Incident Policy along with the Department of Corrections statewide policy. Concerns were raised with the language in the Iowa State Penitentiary policy saying the “Duty Officer” should be notified and as discussed above, there is no designated duty officer as a single point of contact. Confusion existed between Shift Captains and Administration on who has responsibility for filling out a Critical Incident Form and submitting the information to the Department of Corrections Central Office. The Shift Captain felt it was Administration’s responsibility and Administration felt it was the Shift Captain’s responsibility. The escape occurred on November 14th and a Critical Incident Report was not submitted to the Department of Corrections Central Office until 9:30 p.m. on November 21<sup>st</sup>. Clarification on reporting of critical incidents needs to occur.

Escape Checklist. Requires notification to local law enforcement, but does not mention notifying the Department of Public Safety. There is some uncertainty of whether the Department of Public Safety notification should have been completed by local law enforcement or by the Department of Corrections Central Office. Once reviewed and determined, this should be placed in policy and the escape checklist.

### **Corrective Action** –

New Management Team - now consists of the Warden, Deputy Warden, Security Director, Treatment Director, Business Manager, Clinical Care Unit Administrator, Executive Officer, Personnel Officer, and Iowa Prison Industry Manager, which meets on a daily basis.

Reinstatement of Duty Officers - effective immediately, the practice of having a duty officer has been reinstated. A total of 14 administrators will take this duty one week at a time.

Department of Corrections and the Department of Public Safety have developed an escape checklist notification form. A series of statewide meetings with local law enforcement will take place at each prison location, so that the Department of Corrections and the Department of Public Safety along with local and state law enforcement are briefed and aware of the procedures that will take place when an escape occurs.

### **Findings Related to Classification of Offenders**

The classification of lifers and those offenders with an escape history should be reviewed. The reception report for Offender Robert Legendre notes a prior history of an escape attempt in the State of Nevada with a grappling hook and a 30-foot rope and consideration should be given before placing an offender with an escape history into the Prison Industry work program for possible access to escape items.

The reception report for Offender Martin Moon notes an escape attempt while he was housed in the Clarke County Jail, where he filed through some cell door bars and windows with hacksaw blades that were mailed to him in the county jail. Current practice is that Prison Industries receives a list of qualified offender workers from the main Iowa State Penitentiary institution, which is then used by Prison Industries staff to select workers.

### **Recommendation –**

Review classification of offenders with an escape history for work assignments.

### **Corrective Action –**

All offenders assigned to the farms and John Bennett Unit were reviewed to see whether they were properly classified to their assignments. Also, all offender workers in maximum-security will be reviewed to ensure that they are properly classified to that particular assignment prior to being released from the lockdown. The Treatment Director will now oversee all classification recommendations and personally approve them.

## DEPARTMENT OF CORRECTIONS RESPONSE

1. **Lockdown (offenders are allowed out of their cell only to shower).**
  - A. **November 14, 2005.** An immediate lockdown of the Iowa State Penitentiary was initiated once a determination was made an escape occurred.
  - B. **November 24, 2005.** No offender movement after dark authorized.
    - **Farms.** Farms one and three were returned to normal operations.
    - **John Bennett Medium-Security Unit.** Normal visiting was restored. Two hours of yard time provided in the morning and two hours of yard time provided in the afternoon during daylight hours.
    - **Clinical Care Unit.** Normal visiting was restored. Transfers to the Clinical Care Unit are being allowed, so other Department of Corrections Institutions do not have to treat dangerous special need offenders. Doctor appointments allowed in keeping offender medications current. Offender workers resumed sanitation duties and laundry operations at the Clinical Care Unit under staff supervision. Library, education and hobby craft allowed under staff supervision. Meals brought in bulk, set up on the atrium, and offenders served trays one pod at a time.
    - **Maximum-Security Unit.** Normal visiting was restored. Offenders will be escorted one at a time both to and from the visiting room.
    - **Other.** Beginning on Monday, November 28, 2005 Warden Ault and staff began working on recommendations for the next level of step down from lockup status. The goal is a daylight operation only for inside the maximum-security unit.
  - C. **December 12, 2005.** Requests for utilization of Farm one and three offenders for work assignments at the main Iowa State Penitentiary approved. Duties included cleaning the Administration Building, cleaning the main yard and to work in maintenance, Powerhouse Building, laundry, snow removal, offender clothing room and to assist with meal preparation in the kitchen. Ten maximum-security offenders, who were requested by the Food Services Director and reviewed by the Treatment Director, were also approved to work in the dietary operation. Begin feeding some lower risk offenders lunch in the Dining Hall and giving them the opportunity to make a telephone call and have an authorized cigarette before returning to their cell house. Goal is to feed general population offenders in the Dining Hall for all three meals, but will proceed slowly on this transition.
  - D. **December 16, 2005.** Begin feeding general population and Clinical Care Unit offender's lunch in the Dining Hall. Informal count completed when offenders return to cell house after lunch. New formal and informal count



times initiated. All work supervisors are responsible for maintaining an accurate count of offenders.

- E. **December 20, 2005.** Begin feeding general population offenders evening meal in the dining hall. Allow GP 1 offenders time for exercise. Expand offender workers in the Hospice program. More offender workers assisting with institutional cleaning and sanitation. Currently estimate the Iowa State Penitentiary is at 30% of normal operations. Goal is to continue evaluating institutional operations that will allow for gradual increase of offender reintegration opportunities.
  
- 2. **Security Review of all Prisons.** Both internal and external security audits were immediately conducted at all nine institutions in the Department of Corrections using the 36 standards of the Department's security audit system relative to perimeter security.
  
- 3. **Prison Industry Building Shakedowns.** A shakedown search of Prison Industry operations, both traditional industry and on grounds private sector employers, was conducted at each prison in the Department of Corrections. All Prison Industry plant managers reviewed all institutional policies and post orders that have to do with Prison Industry operations to ensure compliance. Conducting inventories of all Prison Industry tools. Securing Windows - in the process of securing windows in the Prison Industry and the Hobby Craft area. Iowa State Penitentiary Work Programs - a study of Iowa State Penitentiary offender work programs will be initiated to determine if current security levels can properly support the amount of work activity. Reviewing training requirements for Prison Industry and other job classes. Prison Industries will no longer work any overtime during hours of darkness. Classification - all offender workers in maximum-security will be reviewed to ensure that they are properly classified to that particular assignment prior to being released from the lockdown. The Treatment Director will now oversee all classification recommendations and personally approve them. New Management Team - now consists of the Warden, Deputy Warden, Security Director, Treatment Director, Business Manager, Clinical Care Unit Administrator, Executive Officer, Personnel Officer, and the Prison Industries Manager, which meets on a daily basis.
  
- 4. **The National Institute of Corrections (NIC).** NIC was asked, in cooperation with the American Federation of State, County and Municipal Employees (AFSCME), to provide consultants for reviewing the security system at the Iowa State Penitentiary and other prisons. The American Correctional Association (ACA) standards for security should be imposed immediately. The Department of Corrections is currently in the process of being certified under ACA standards, which will result in higher standards for the control of tools, keys, and security operations.
  
- 5. **Search and shakedown procedures.** Are being rewritten and strengthened to allow for scheduled and random searches of buildings and areas, as well as

random and routine searches of offenders. A highly randomized search system will be used to avoid the possibility that offenders would be able to predict when and where searches would be made.

6. **Staffing Analysis.** The NIC was asked, in cooperation with the American Federation of State, County and Municipal Employees (AFSCME), to conduct a staffing analysis of all institutions and central office as soon as possible to determine proper and safe staffing levels. If there are special second-shifts, such as was the case on November 14, 2005; a correctional officer should be assigned to make the necessary counts and searches. There are currently two correctional officers assigned to the Industries area on the dayshift to make checks and counts and conduct periodic and random shakedowns and searches of storage areas and offenders.
7. **Iowa State Penitentiary Work Programs.** A study of Iowa State Penitentiary offender work programs will be initiated to determine if current security levels can properly support the amount of work activity.
8. **Security Enhancements.** High Mast lighting should be installed, or a significant upgrade made to the current lighting fixtures to include perimeter walls, interior buildings and yards. Security screens will be installed on the windows on the first two floors of the Prison Industries building immediately. Razor wire will be installed on the top of the plumbing/electrical building since it is within 30 feet of the main prison wall. The "death house" or building 297 will be demolished, which is the building rooftop where the offenders threw the grappling hook to the west wall. The height of the Taut Wire system on the perimeter wall will be discussed with the manufacturer. Currently, it is installed half way up the wall and consideration should be given to placement higher up nearer the top. If the Taut Wire system is not raised higher, then razor wire will be placed closer to the top of the wall.
9. **Tower Coverage.** A study will be conducted immediately to determine which towers should be staffed including days and times. Solid walls or obstructions in towers should be replaced with security glass, and post orders should be simple and precise as to what the orders are for the assigned correctional officer. The Iowa State Penitentiary is currently looking at cost savings in other areas that might allow for increases in tower staffing.
10. **Legislative Leaders.** The Department of Corrections participates on a conference call December 1, 2005 between Legislative Leaders and the Department of Corrections on the escape and corrective action being undertaken. The Department of Corrections appears at a public meeting before the Government Oversight Committee on December 15, 2005 to discuss the escape and respond to questions from legislators.
11. **Training.** Security Training for all staff - A back-to-basics security training program for all staff is being developed with the assistance of the Department of Corrections Director of Training and Professional Development. Leadership Development Training - a weeklong leadership development-training program is

being planned for late winter/early spring for all managers and supervisors at the Iowa State Penitentiary. Training consultants from the National Institute of Corrections have already been contacted to begin the planning.

## **EXECUTIVE BRANCH RESPONSE**

Governor Thomas J. Vilsack publicly states the Department of Corrections has a responsibility to protect the public – at all of their locations throughout the state. He directs the Department of Corrections to immediately undertake a comprehensive system-wide review of all security and safety measures. He announces new leadership and the ordering of security enhancements at the Iowa State Penitentiary including:

- Announces arrest of offender Martin Moon on November 17, 2005 in Chester, Illinois. Martin Moon was captured after prison officials at the Menard State Penitentiary noticed him sleeping in a stolen car.
- Announces arrest of offender Robert Legendre on November 18, 2005 in Steele, Missouri. Robert Legendre was captured at a truck stop with a stolen pickup.
- Names John Ault as the Warden of the Iowa State Penitentiary. John Ault was serving as Warden of the Anamosa State Penitentiary.
- Adding a correctional officer to the Prison Industries Building when offenders are present on special work shifts.
- Providing re-training to all staff on security procedures and protocols.
- Adopting more frequent shakedowns and searches of all places and people.
- Securing windows and doors that lead to locations that cannot be seen at all times by correctional officers.
- Analysis of additional lighting needs.
- Working with the National Institute of Corrections to conduct security audits and staffing analyses in cooperation with the American Federation of State, County and Municipal Employees (AFSCME).
- Directed the Board of Corrections and the Director of the Department of Corrections to evaluate whether a new facility to replace the Iowa State Penitentiary is needed, whether to invest in upgrades at the prison, or move maximum-security offenders to other state prisons. The Board of Corrections conducts a public meeting on December 2, 2005 at the Iowa State Penitentiary. A four-member subcommittee is established to begin their work.
- A report examining the cost and efficiencies of a new prison will be submitted to the Governor within 30 days of its request.

- Coordinates a conference call on December 1, 2005 between Legislative Leaders and the Department of Corrections on the escape and corrective action being undertaken.
- Requests the Department of Public Safety to undertake statewide escape protocol policy with local and state law enforcement personnel at each correctional facility in the state. The new policy will involve the Department of Corrections notifying local law enforcement and the Department of Public Safety upon an initial determination of a potential escape prior to a formal offender count being completed. Notification will also take place upon the Department of Corrections discovering material or supplies that could be used for an escape. This readiness alert notification will maximize civilian safety, protection and awareness while allowing law enforcement to get needed state resources placed on standby response status including, but not limited to, aerial search and surveillance, K-9 tracking, road blocks, tactical team searches, establishing an incident command post and other mobile command posts and reverse 911 recorded telephone messages<sup>27</sup>. Current practice was for the Department of Corrections to notify local law enforcement and the Department of Public Safety when an actual offender escape was confirmed.

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<sup>27</sup> A reverse 911 call is conducted by local law enforcement to a specified block of identified citizens, usually in the vicinity of the correctional facility, alerting them of the escape incident.

## CONCLUSION

There were a series of errors made the evening of November 14, 2005 that caused a breakdown of security and allowed offenders Robert Legendre and Martin Moon to escape from the Iowa State Penitentiary without immediate detection.

The escape of these offenders brought to light several inefficiencies and problem areas of the Iowa State Penitentiary. Even though both escapees have been returned to custody, several procedures have already been changed, and others are in the planning. Actions have been taken against some staff members and a new warden has been assigned.

The breakdown of security falls into three rather broad categories: 1). Accountability of offenders; 2). Accountability of tools and materials; and 3). Inadequate institutional procedures and lack of adherence to existing procedures.

1. Accountability of Offenders—The Industries supervisor did not properly count the offenders during the time offenders were working that evening. Offenders were not counted out to the dining hall or cell house at the end of the workday at approximately 6:25 p.m.
2. Accountability of Tools and Materials—The escaped offenders used a variety of tools and materials to affect the escape. These materials were gathered over an undetermined period of time with some of the materials pre-positioned for use on the evening of November 14, 2005. Half-inch pipe and fittings from the Prison Industry shop were used to fashion the grappling hook. Upholstery webbing was used as a rope to scale buildings, and ultimately the wall. The webbing was used to drop over the perimeter wall outside the prison. Carpenter clamps were used to secure the strapping to the buildings. The offenders had makeshift packs to carry materials.
3. Inadequate institutional procedures and lack of adherence to those procedures—The current institutional procedures regarding counts, inventories, shakedowns, tool and inventory control, and escort and observation of offenders was inadequate. The count procedures do not require adequate accountability over time. There was confusion on the requirement for offenders to be counted during the special overtime shift, and whether an offender count was required to be reported to the central control. Procedures regarding the inventory of tools, equipment and materials were inadequate to ensure proper accounting. These policies will need to be strengthened to require beginning and ending inventories of Industries and maintenance materials on a daily basis.

The two escapees transported the materials of escape on their person without being detected. Escape materials were allowed to be hidden within the Prison Industries building without detection over an undetermined period of time.

The officer in Tower 5 did not observe the offenders climb up the wall of building 297 or throw the grappling hook to the guard railing on top of the exterior prison wall or observe the offenders climb across the upholstery webbing to the exterior wall or observe the offenders drop over the outside of the wall. Even though it was dark at the time, the lighting in the southwest corner of the prison was good enough to see the inmates had the CO been positioned in the tower to observe this area.

The perimeter vehicle officer did not observe the 35 feet of burlap hanging from the guard railing near Tower #4 even though numerous passed had been made in the vehicle. The spotlight that is issued to the perimeter vehicle officer to view the wall was not utilized.

The institutional procedures require that two correctional officers in the control room issue keys, handcuffs, flashlights and other materials, while at the same time, opening a number of electronically controlled gates throughout the prison, and also observe the activities of 178 cameras on ten television monitors. The post order requires more than the officers can do, and as a result, the officers out of necessity, monitor the high traffic areas during their shift. At the time of the movement of the escapees in the Industries building, the observation of the officers was on traffic gates, and the dining hall where most of the offender activity was occurring.

Tower #4 in the southwest corner of the main yard was staffed from 7-3 during the week to cover the movement of offender's on that side of the yard, to include observation of offenders working in Prison Industries. Offenders normally ended work at approximately 2:30 pm. An extension of the workday for Prison Industries was requested by Prison Industries and granted by Security to allow the offenders to work until 6:25 pm. However, consideration was not given to staffing Tower #4 during this period and offenders were allowed to work after dark without proper coverage in Tower #4.

The Department of Corrections and the Board of Corrections have been asked by Governor Thomas J. Vilsack to study the feasibility of replacement of the Iowa State Penitentiary for a more secure and cost effective facility.

This concludes the Independent review by the Office of Inspector General related to the escape of two offenders from the Iowa State Penitentiary on November 14, 2005.

Thank you.