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Pataki locks up support from prison guard union

ALBANY-- The president of the union representing more than 26,000 New York state prison guards said yesterday that his group stands ready to endorse Gov. George Pataki for re-election.

In 1994, Council 82 union endorsed then-Gov. Mario Cuomo over Republican challenger Pataki.

But Council 82 President Richard Abrahamson, in a letter to Pataki Tuesday, informed the governor he had the union endorsement locked up this time.

"It is my pleasure to urge you to seek re-election to a second term. Should you decide to run for a second term, Council 82 would be honored to be the first union to stand with you," Abrahamson wrote.

Pataki, who has said he expects to seek re-election, said the union stance was "obviously a very encouraging thing."

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CORRECTION'S EMERGENCY NETWORK

WE HAVE STARTED WHAT WILL BE CALLED THE CORRECTION'S EMERGENCY NETWORK...OR C.E.N..

I NEED VOLUNTEERS FROM EVERY FACILITY IN THE STATE. YOU NEED A COMPUTER , A LIST OF EMERGENCY PHONE NUMBERS SUCH AS ;

FIRE,

AMBULANCE,

RED CROSS,

YOUR COUNTY'S EMERGENCY MANAGEMENT OFFICE,

AND ACCESS TO A GENERATOR [If possible].

AS WE HAVE SEEN IN THE NORTH COUNTRY THIS MIGHT HAVE HELPED IN GETTING THE HELP TO OUR MEMBERS THAT MUCH FASTER...THOSE THAT HAVE HELPED OUT AND ARE STILL HELPING OUT HAVE DONE A FANTASTIC JOB UNDER EXTREME DIFFICULTIES AND OUR HATS GO OFF TO THEM FOR A GREAT JOB.

BUT THINK OF THE POSSIBILITIES AND PROBLEMS OUR MEMBERS MIGHT FACE AND HAVE FACED IN THE NORTH COUNTRY DISASTER. IF WE CAN GET THEM THE HELP THEY NEED FIRST THEY COULD AND USUALLY WOULD TURN TO HELP THEIR NEIGHBORS AND FRIENDS.THIS IN TURN ASSISTS THE OTHER AGENCIES TRYING TO COORDINATE RELIEF EFFORTS.

WHEN YOU VOLUNTEER, PLEASE SEND ME YOUR FACILITY NAME AND YOUR E-MAIL ADDRESS.

WE WILL DO A CHECK IN ONCE EVERY TWO WEEKS BEGINNING NEXT MONDAY 1/26/98..

ON 1/26/98 SEND AN E-MAIL STATING IE:THIS IS Afitzy5 ATTICA CF CHECKING INTO

C.E.N.THE TIME IS 12 NOON. IN THE EVENT OF A DISASTER YOU WILL BE ASKED TO STAY ON YOUR COMPUTER AS LONG AS YOU CAN TO HANDLE EMERGENCY TRAFFIC FOR OUR MEMBERS. IF WE SET THIS UP CORRECTLY THERE WILL ALWAYS BE SOMEONE IN YOUR AREA TO HANDLE TRAFFIC IF YOU HAVE TO LEAVE. REMEMBER IF DISASTER STRIKES STAY AT YOUR COMPUTER AS LONG AS YOU CAN AFTER YOU CHECK INTO cen82@aol.com ANYONE WHO HAS IDEAS OR SUGGESTIONS JUST SEND THEM TO ME AT cen82@aol.com I will share them with you through private e-mailings.

I WILL BE SHARING WITH ALL THE VOLUNTEERS WHAT I KNOW ABOUT EMERGENCY NETWORKS IN THE WEEKS AHEAD,AND LOOK FORWARD TO YOUR IMPUT.

PLEASE DO NOT SEND YOUR VOLUNTEER INFORMATION TO THE HACK NET AND MAKE SURE YOU CHECK INTO cen82@aol.com MONDAY 1/26/98

FITZ

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Another Riotor Convicted

Printed from Rome Sentinel Newspaper (Wed. Evening 1/28/98)

A state prison inmate was sentenced in county court to 3 1/2 years in prison for his part in the July 18th riot at the Mohawk Prison. That's in addition to the term he is serving.

Anthony Copeland, 29, of Queens appeared before Judge Barry Donalty Tuesday and admitted assault. He pleaded guilty in November to the highest count in the indictment as part of an offer made by the district attorney's office.

Cases against several others also believed to be involved in the rioting are expected to be scheduled for trials to be held within the next couple of months.

NOTE: This is the second convict to plead in the rioting case. L. Agosta admitted numerous charges and will be sentenced to 13 years on March 19th.

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The Prison Guards Creed

by lila 1/28/98

I walk through the gate of wrought iron,
under arbors of razor wire.

The clanging shut of all the gates,
is the start of my day.

Wondering some where deep in my mind
if I will walk out the same way.

Voices raised in anger, are the first words of my day,
garbage flying down from the tiers reign upon my head.
Words of hate and ridicule are their daily song.
Why you here boss man?
What did you do wrong?.
Not a blessed thing

Human rights are a funny thing,
guaranteed to us at birth.
But as a guard within these walls,
I am sorely hurt,
I am spit upon, and cursed out loud.
Have urine thrown upon me.
All of this is by the ones,
the government says should not be free.

I guard the lowest of earth's scum,
the guilty and the judged.
Who have more rights than me.
I spend my life as a free man,
yet behind these walls of concrete and steel
is where I am condemned to be.

And all for the simple reason
the inmates can not be freed.
The bleeding hearts and liberal officials.
Value the convict more than me.

I am not a police officer,
and often held with distaste.
I go to work everyday,
never a prayer is said.
You don't hear the wishes of
please be safe.
No one ever remembers me.

As long as no inmate dies,
as long as none escapes.
Don't admit that they exist.
You can safely sleep.
I am there when you least care.
To serve and to protect.

I don't where the badge so bold,
or carry a gun at my side.
I only have my wits with me,
to help me to survive.

So when you hear of a corrections officer
don't look upon us with disdain.
We are not just security guards.
We are the ones that keep this land
from going totally insane.

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United HealthCare Service Corp.

I am sure that most of you like myself are unaware of the crappy health insurance coverage that we have until someone in your family becomes very ill and is in need of this coverage. Most of us think that when you use a doctor outside of the plan Empire is supposed to reimburse us 80% of medical expenses that we pay out of our pocket? Wrong!!

The Empire plan AUTHORIZES United HealthCare Service Corp. to determine if a service or supply is medically necessary. And the person that approves or disapproves your claim is a "SENIOR SERVICE ASSOCIATE" aka "CLERK". United HealthCare Service Corp. also looks to whether the service or supply is appropriate and required for the diagnosis or treatment; is safe and effective; and that there is not a MORE APPROPRIATE DIAGNOSTIC OR TREATMENT ALTERNATIVE.

Who are they to determine which treatment is appropriate for you-the patient???? I thought it was up to you the patient and your Doctor!! Wrong!!!!

In addition if you say-go to a specialist that say cost's \$300.00 for the first visit. If the going rate in that area for the same specialist is say \$100.00 Empire will only pay you 80% of \$100.00 dollars- not 80% of the \$300.00 Doctor visit that was recommended to you for his excellent reputation. We all know that it is very rare to find an excellent participating Doctor. They all quit the plan because Empire takes so long to pay or does not pay at all. Most of the doctor's that participate are losers who either can't keep patients coming back or New Jack's trying to build a practice. Who want's an inexperienced or loser Doctor when you may have life threatening health problems. I know I would want the best Doctor available. And in a time when your probably very ill and not in the best health to fight with the insurance company you are faced with a long appeals process which requires you the policyholder to write letters to justify your medical needs. In the mean time the insurance company gets to keep your money and make tons of interest on it!!!!

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Good & Welfare Program

I would like to bring to your attention a very important issue regarding the "good & welfare program", for those of you that are not familiar with this program, it's a program through our union that pays for a officers health benefits while he or she is out of work, this is used by officers who have been disabled at work, and no longer can be a corrections officer, and is awaiting for their 3/4 disability to be approved, and when someones 3/4 does get approved, the retirement system sends them a check that covers your health benefits that the union has been paying for you all that time.

You in turn, in an agreement you signed with the union, co-sign this check and send it to council 82 for having them pay for your medical coverage. I thought that this was a great benefit for me and my family to have as the 3/4 package takes 1 year or longer to be addressed.

What I have recently found out in a 1099 form sent to me and other members disabled from corrections is that I am to pay the taxes on this money that council 82 payed the health ins. for me this amounts to about \$4,000 dollars, now mind you I am only collecting workers comp. and having to claim this like one would claim un-employment has now crushed me as far as any return I might have gotten from my taxes.

My point here is that at no time was I informed that paying this lump tax was going to happen even on the agreement I signed with council 82 was there mention of this, and the worse part is that once I receive my 3/4 package, and that check that the retirement sends me to co-sign and send to the council 82, I will then receive an amendment to file next year for these taxes im paying now! Do you know how much bookwork, paperwork and money this is costing the council to do it this way, even though they have told me their auditors have found this to be the best way for them. Well what about the poor smucks, that have to claim this now that cannot afford it? had I known this up-front I would have used my wifes coverage as this would have been a lot cheaper and I feel that at least the agreement letter should state this out clearly for officers to be able to make a choice if they want to continue this coverage.

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Temp. Sgt.s Permanent ????? THE LAW

Below is from Civil Service law. It sets the requirements for TEMPORARY APPOINTMENTS. It is clear that the true intent of this section is to provide staff for positions which only have enough funding for a short duration i.e. (our DOCS construction jobs which are funded as part of the project.) it also limits TEMP positions to ONE YEAR. If you are a temp. SGT who has had his probation extended as a result of being temp check out no. 4 and remember the union has to negotiate your terms and conditions of employment and one member cannot be treated different one from another. i.e. your permanent brother. And how many of you are filling items vacant due to promotion to Lieutenant?

Sec. 64. Temporary appointments.

1. Temporary appointments authorized; duration. A temporary appointment may be made for a period not exceeding three months when the need for such service is important and urgent. A temporary appointment may be made for a period exceeding three months under the following circumstances only:

(a) when an employee is on leave of absence from his position, a temporary appointment to such position may be made for a period not exceeding the authorized duration of such leave of absence as prescribed by statute or rule;

(b) a temporary appointment may be made for a period not exceeding six months when it is found by the state civil service department or appropriate municipal civil service commission, upon due inquiry, that the position to which such appointment is proposed will not continue in existence for a longer period; provided, however, that where a temporary

appointment is made to a position originally expected to exist for no longer than six months and it subsequently develops that such position will remain in existence beyond such six-month period, such temporary appointment may be extended, with the approval of the state civil service department or municipal civil service commission having jurisdiction, for a further period not to exceed an additional six months;

(c) when the department of civil service or appropriate municipal civil service commission of any city containing more than one county finds that a reduction or abolition of positions in the state service or such city service is planned or imminent and that such reduction or abolition of positions will probably result in the suspension or demotion of permanent employees, such department or commission may authorize temporary instead of permanent appointments to be made for a period not exceeding one year in positions in state service or such city service to which permanent employees to be affected by such abolition or reduction of positions will be eligible for transfer or reassignment.

Successive temporary appointments shall not be made to the same position after the expiration of the authorized period of the original temporary appointment to such position.

2. Temporary appointments from eligible lists. A temporary appointment for a period not exceeding three months may be made without regard to existing eligible lists. A temporary appointment for a period exceeding three months but not exceeding six months may be by the selection of a person from an appropriate eligible list, if available, without regard to the relative standing of such person on such list. Any further temporary appointment beyond such six month period or any temporary appointment originally made for a period exceeding six months shall be made by the selection of an appointee from among those graded highest on an appropriate eligible list, if available.

3. Temporary appointments without examination in exceptional cases. Notwithstanding the provisions of subdivisions one and two of this section, the civil service department or municipal commission having jurisdiction may authorize a temporary appointment, without examination, when the person appointed will render professional, scientific, technical or other expert services (1) on an occasional basis or (2) on a full-time or regular part-time basis in a temporary position established to conduct a special study or project for a period not exceeding eighteen months. Such appointment may be authorized only in a case where, because of the nature of the services to be rendered and the temporary or occasional character of such services, it could not be practicable to hold an examination of any kind.

4. The state and municipal civil service commissions may, by rule, provide for the extension of some or all of the rights and benefits of permanent status to an employee who is appointed or promoted, after having qualified therefor in the same manner as required for permanent appointment or promotion, to a position left temporarily vacant by the leave of absence of the permanent incumbent thereof. Such rights and benefits shall be subject to such conditions and limitations as may be prescribed in the rules.

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Binding Arbitration

To: Local Presidents and PAC Leaders

From: Officers For Fair Contract Through Binding Arbitration

Date: January 27, 1998

Subject: Binding Arbitration As It Pertains To Contracts For D.O.C. Correctional Officers, Sergeants, Lieutenants

Dear: Brother and Sister Correctional Officers, Sergeants, And Lieutenants

The time has come, that we can no longer hope the powers to be, whom attempt to bring about a fair contract for us will succeed. We must as our brothers and sisters in the NYS Police had to use legal not political means to obtain a fair contract. A contract that would include location pay that merits acknowledgment, college reimbursement which equals law enforcement agencies around the state, also a salary step plan that would have all of us at grade in 54 months, NO 100 DAY RULE and a proper longevity pay.

We are requesting you canvas each member of your local to determine if they support binding arbitration as it pertains to contract for Officers, Sergeants, and Lieutenants. Please give each officer an opportunity to sign the petition and return the petitions to:

Local 413,
Sing Sing C.F.
Officer P. Mikolajczyk.

Thank you for your time on this important issue remember: **MORE MONEY THROUGH BETTER CONTRACTS, BETTER CONTRACTS THROUGH BINDING ARBITRATION, BINDING ARBITRATION THROUGH COMPARABLE JURISDICTION.**

Officer Mikolajczyk states that he will be mailing this letter along with the petitions to each facility. I personally feel that we need binding arbitration to get a contract we deserve. For all of you that wonder why the troopers received such a good contract it was as a result of Binding Arbitration!! I believe that C82 is afraid of binding arbitration due to the fact it takes away their powers to make deals!!!!!!

Bob Krusen

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Calif. Prisons To Remove Weights

The Associated Press

SACRAMENTO (AP) - In a reversal of a trend dating to the 1960s, California prisons are moving to eliminate privileges such as access to weight-training equipment and tighten up appearance standards.

Plans are also in the works to remove law books inmates use to challenge their confinement.

``We got into the position at one juncture of providing a rather comfortable lifestyle in prison," said Sean Walsh, Gov. Pete Wilson's spokesman. ``We should not allow prisoners to ride roughshod over the

prisons."

The moves come as officials issue warnings about crowding in California's 33 prisons, and as prisoners and their advocates say a tense atmosphere behind the walls is getting worse.

In addition, the changes are attracting the approval of some legislators as Wilson renews his call for the Legislature to approve \$1.4 billion in bonds to help finance four new prisons.

One month ago, officials began enforcing new grooming standards that require men's hair to be closely cropped, a measure that prompted at least 100 inmates at Folsom Prison to stage a hunger strike on New Year's Day. The removal of weight-lifting gear is expected soon.

"It's all part of a comprehensive review of prison operations," said Tom Maddock, head of the Youth and Adult Correctional Agency. "The core reasons are safety, security and taxpayer efficiency."

Among other steps planned this year, Maddock said prison officials plan random drug tests for inmates and will prohibit packages from being sent directly to inmates. That move is aimed at reducing drug use.

A program is also afoot to require all inmates to wear white jumpsuits, instead of blue jeans and blue work shirts, thus making it more difficult for escapees to blend in, officials say.

Prisoners' rights advocates, inmates and relatives long have criticized the Department of Corrections for what they consider its punitive approach, but these latest changes are drawing criticism from within the system.

"We're going to drag them out of their drums cells and shave their heads?" asked Don Novey, president of the California Correctional Peace Officers Association, the guards union. "The irony of it. You're massively overcrowded. You're understaffed."

Lawyers representing prisoners and other advocates are trying to block the moves, and Sen. John Vasconcellos, D-San Jose, plans to hold a hearing on the proposals.

But many other legislators support the changes, and the department has broad authority to invoke emergency powers to change its rules.

Matthew Jay, 30, serving 15 years to life at Solano State Prison for second-degree murder, is one of thousands of prisoners whose home is a bunk in a prison gym. Lifting weights is one of the few pastimes that relieves frustration, he said; without them tensions will rise.

But he's more worried about the potential loss of law books.

"If that access is taken away, we are no longer in a prison. We are in a war camp, like a prisoner of war," Jay said. "When rights are violated, we're left with no alternative but to react. We want to prevent that."

The trend toward greater prisoners' rights began in the 1960s, when inmates gained expanded privileges and prison officials placed more emphasis on rehabilitation.

Gov. Ronald Reagan signed the single-paragraph Inmates Bill of Rights into law in 1968 and Gov. Edmund G. "Jerry" Brown Jr. expanded it in 1974, stating that prisoners retained all rights except those that had to be denied in order to protect prison security and public safety.

By the 1990s, however, lawmakers took a different approach. The Legislature passed new sentencing

laws and watered down the Inmates Bill of Rights. The statute now limits inmates' rights generally to those required by the more restrictive federal laws.

California prisons had been under a 1972 federal court order to maintain full law libraries. Citing a 1996 U.S. Supreme Court decision allowing prisons to limit law libraries, the state Department of Corrections persuaded U.S. District Judge Susan Illston in San Francisco to lift the 1972 injunction, opening the way for the department to remove most law books.

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Personal Safety and Community Protection Act of 1997 (Introduced in the Senate)

Below is a copy of legislation introduced into the United States Senate. If this legislation passes it will enable all eligible current and retired law enforcement officers (this bill specifically states Corrections Officers) the right to carry a concealed handgun in all 50 states. I urge all of you to e-mail your senators and urge them to support this legislation. I have included the addresses for both New York Senators.

Sen Alfonse D'Amato senator_al@damato.senate.gov

Sen Daniel Moynihan senator@dpm.senate.gov

Personal Safety and Community Protection Act of 1997 (Introduced in the Senate)

S 816 IS

105th CONGRESS

1st Session

S. 816

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

IN THE SENATE OF THE UNITED STATES

May 23, 1997

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Personal Safety and Community Protection Act of 1997'.

SEC. 2. NATIONAL STANDARD FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS BY NONRESIDENTS.

(a) IN GENERAL- Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

'Sec. 926B. National standard for the carrying of certain concealed firearms by nonresidents

'(a) IN GENERAL- Notwithstanding any provision of the law of any State or political subdivision thereof, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a valid license or permit that is issued by a State and that permits the person to carry a concealed firearm (other than a machinegun or destructive device), may carry in another State a concealed firearm (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in accordance with subsection (b).

'(b) CONDITIONS-

'(1) STATES ISSUING CONCEALED WEAPONS PERMITS- For purposes of subsection (a), if such other State issues licenses or permits to carry concealed firearms, the person may carry a concealed firearm in the State under the same restrictions that apply to the carrying of a concealed firearm by a person to whom the State has issued such a license or permit.

'(2) OTHER STATES- For purposes of subsection (a), if such other State does not issue licenses or permits to carry concealed firearms, except to the extent expressly permitted by State law, the person may not, in the State, carry a concealed flicenses

'(A) in a police station;

'(B) in a public detention facility;

'(C) in a courthouse;

'(D) in a public polling place;

'(E) at a meeting of a State, county, or municipal governing body;

'(F) in a school;

'(G) at a professional or school athletic event not related to firearms;

`(H) in a portion of an establishment licensed by the State to dispense alcoholic beverages for consumption on the premises; or

`(I) inside the sterile or passenger area of an airport.'

(b) CLERICAL AMENDMENT- The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926A the following:

`926B. National standard for the carrying of certain concealed firearms by nonresidents.'

SEC. 3. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED HANDGUNS.

(a) IN GENERAL- Chapter 44 of title 18, United States Code, is amended by inserting after section 926B (as added by section 1(a) of this Act) the following:

`Sec. 926C. Carrying of concealed handguns by qualified current and former law enforcement officers

`(a) IN GENERAL- Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer or a qualified former law enforcement officer and who is carrying appropriate written identification of that status may carry a concealed handgun.

`(b) DEFINITIONS- In this section:

`(1) APPROPRIATE WRITTEN IDENTIFICATION- The term `appropriate written identification' means, with respect to an individual, a document which--

`(A) was issued to the individual by the public agency with which the individual serves or served as a law enforcement officer; and

`(B) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

`(2) LAW ENFORCEMENT OFFICER- The term `law enforcement officer' means an individual authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, and includes corrections, probation, parole, and judicial officers.

`(3) QUALIFIED FORMER LAW ENFORCEMENT OFFICER- The term `qualified former law enforcement officer' means an individual who--

`(A) retired from service with a public agency as a law enforcement officer, other than for reasons of mental disability;

`(B) immediately before such retirement, was a qualified law enforcement officer;

`(C) has a nonforfeitable right to benefits under the retirement plan of the agency;

`(D) meets such requirements as have been established by the State in which the individual resides with respect to training in the use of firearms; and

`(E) is not prohibited by Federal law from receiving a firearm.

`(4) QUALIFIED LAW ENFORCEMENT OFFICER- The term `qualified law enforcement officer' means an officer, agent, or employee of a public agency who--

`(A) is a law enforcement officer;

`(B) is authorized by the agency to carry a firearm in the course of duty;

`(C) is not the subject of any disciplinary action by the agency; and

`(D) meets such requirements as have been established by the agency with respect to firearms.'

(b) CLERICAL AMENDMENT- The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926B (as added by section 1(b) of this Act) the following:

`926C. Carrying of concealed handguns by qualified current and former law enforcement officers.'

(c) EFFECTIVE DATE- The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

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THE ART OF CODDLING PRISONERS

NY POST Editorial.....

If there were true justice in the world, mass murderer Lemuel Smith would have been strapped into the electric chair and dispatched to the nether regions 15 years ago. Alas, Smith - who has already murdered one prison guard - is alive, kicking and suing New York state for access to more potential victims. And the taxpayers are footing the bill for this nuisance suit filed by a public menace.

Neither space nor taste permits a detailed recounting of Smith's crimes. Suffice it to say that he has murdered at least four people, perhaps five, in appallingly vicious ways - among them state Correction Officer Donna Payant.

Smith was doing time for Albany-area murders when Payant crossed his path, with fatal results, in the spring of 1981. Needless to say, it's a meeting that never should have occurred - and Albany wants to make certain that Smith never again gets his hands on a prison guard.

Ever.

So prison officials recently extended indefinitely Smith's term in solitary (he did 15 years locked down 23 hours a day as a direct consequence of the Payant killing). The purpose was not vengeance, but prophylaxis.

Enter Prisoners Legal Services, one of those taxpayer-funded litigation factories dedicated to guaranteeing the unabridged rights of horrors like Lemuel Smith.

In a suit filed to compel Smith's release into the general prison population, PLS staff lawyer Sarah Betsy Fuller says that the mass murderer is no longer a danger to others.

It's not clear what that assessment is based on - wishful thinking, no doubt, or something much less benign, like the idea that imprisonment itself is a form of evil. Certainly we'd be astonished if, say, Sarah Betsy Fuller would ever permit herself to be left alone in a room with Smith. Among his quirks, you see, is a fondness for sexually mutilating women while he kills them.

That's why we find it more than a little offensive that Fuller & Co. are so eager to endanger the lives of others - in particular, female prison guards - by loosening restrictions on Smith.

But we're not surprised. PLS exists to do stuff like that.

That's why Gov. Pataki once again is attempting to defund the organization. He tried it last year, and the year before, but to no avail: The Assembly, which worries overly much about the likes of Smith, simply wouldn't permit it, and Pataki ultimately agreed to a \$3.7 million appropriation.

The governor should hang tough this time.

Meanwhile, stepping beyond the PLS' largely ideologically driven agenda, inmate litigation in general is driving the Correction Department to distraction. Upwards of 8,000 suits are filed by convicts each year, the overwhelming majority of which are without a whit of merit - a fact attested to by the 1 percent success rate they achieve.

Attorney General Dennis Vacco is pushing legislation that would allow the correction commissioner to sanction inmates who bring suits ultimately adjudged frivolous by the courts. Such a law, also opposed in the Assembly, would certainly cut down on suits of the sort filed in Albany recently by an inmate who alleged his civil rights were violated by the fact that his cell block's television set didn't receive as many channels as another at the same prison - and that the latter set had a remote while the plaintiff's didn't.

That's not the same thing as Lemuel Smith's seeking new victims - except insofar as it is equally ridiculous.

Here's hoping the Assembly sees the light.

"The True Administration of Justice is the Firmest Pillar of Good Government"
(Inscription above the entrance to the New York State Supreme Court, NYC)

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Subject: Sergeant's Exam

Date: Sat, 21 Feb 1998 19:53:59 -0500
From: n-drew@juno.com (Nicholas H Drewes)

To all concerned who took the last Sergeants exam, this is from 1871 President Tim O'Leary:

There seems to be some confusion and misunderstanding around the state about TEMPORARY Sergeant issue and how appointments off the NEW Sergeant's list are going to be made.

First let me give you the TRUE facts about the Temp. Sergeants that are now out in the facilities around the state. Over a year ago, President of local 1871 - Tim O'Leary and several Temp. Sergeants made a demand to Council 82 that a Law Suit be filed against D.O.C.S. - STOP THE PRACTICE OF MAKING TEMPORARY APPOINTMENTS AND STARTING WITH THE NEW SERGEANTS APPOINTMENT LIST, MAKE ONLY PERMANENT APPOINTMENTS. What Tim O'Leary was attempting to do was, to insure that starting with the NEW Sergeant appointment list, all correction officers on the new appointment list, would be offered a PERMANENT APPOINTMENT and D.O.C.S. would never again be allowed to make TEMPORARY APPOINTMENTS. This would also apply to Sergeants being promoted to Lieutenant - (NO MORE TEMP. APPOINTMENTS). Also after working on this law suit for some time, it was decided that another relief should be added to the law suit. The added relief in this law suit would be to make as many Temp. Sergeants (who were working in grade) PERMANENT BEFORE the NEW Sergeant appointment list became official. It never was Tim O'Leary's interest and it is not now Tim O'Leary's intent, to hold up or block promotions from the NEW Sergeant appointment list. Tim O'Leary has stated this to Council 82 and to D.O.C.S. Tim O'Leary again stated to D.O.C.S. on the day that the NEW Sergeant appointment list became official, that he and the Executive Board Members of local, wanted appointments from the NEW list started IMMEDIATELY. On January 28, 1998, D.O.C.S. made Council 82 an offer to - create 57 NEW PERMANENT Sergeant items by promoting 4 correction officers (with a score of 90) off the old list, 23 Temp Sergeants (with a score of 87 1/2) who were already serving in grade and promote 30 Correction Officers off the NEW Sergeant appointment list, to PERMANENT Sergeant Positions - (30 double bunk Sergeant items that have always been TEMPORARY Sergeant positions). D.O.C.S. stated that their offer would not only cause the least amount of displacement around the state but it would also basically clean up the Temp. Sergeant issue and it would insure for the most part, that except for the 25 man sick pool, most if not all appointments off the NEW list would e PERMANENT appointments and not TEMPORARY appointments. This offer would have satisfied the main reason for the law suit - no more TEMPORARY appointments only PERMANENT appointments. This offer would have also made 23 of the 72 Temp. Sergeants who were working in grade, PERMANENT. President of Council 82 Rich Abrahamson decided that he did not like the offer that D.O.C.S. made and turned down the offer that wanted 20 (Which turned out to be 12) correction officers who were on the old list with a score of 87 1/2 and who had already turned down a Temp. appointment re canvased for a PERMANENT Sergeant appointment before making the 23 Temp. Sergeants now serving in grade PERMANENT. Not all of the Council 82 Executive Team Members agreed with Rich Abrahamson's decision to turn down the offer from D.O.C.S. Some believed that the offer from D.O.C.S. was a good offer because it would cause the least amount of displacement state wide, it would make some of the temp Sergeants who have been working in grade for up to over two years and who would lose correction officer seniority, if returned back to a correction officer item and it would basically and the Department's practice of making TEMPORARY appointments. This was everything that the temp issue law suit was asking for. It should be noted that Rich Abrahamson and other members of council 82 Executive Team held meetings with D.O.C.S. on the following dates: 1/28/98 , 1/29/98 , 1/30/98 , 2/2/98 , 2/3/98. It should also be noted that Tim O'Leary invited (by Council 82) to attend these meetings. The only meeting that Tim O'Leary did attend (because Tim O'Leary was informed by a friend that a meeting was going to take place and Tim O'Leary invited himself) was that meeting that took place on 1/29/98. At that meeting, D.O.C.S. mad Council 82 the same offer that they made on 1/28/98.

One of the members of the Council 82 Executive Team who believed that the offer from D.O.C.S. was a good offer and that Council 82 should take the offer, went so far as to ask Rich Abrahamson to call in

every member of Correction Policy and ask their opinion of the offer from D.O.C.S. Rich Abrahamson said, "No I am not calling in anyone". Every member of Council 82 must be informed of the TRUE facts.

1. The President of the Sergeant's Local, Tim O'Leary, who initiated the temp appointment law suit to improve the terms and conditions of employment for ALL CORRECTION OFFERS, SERGEANTS and EVEN LIEUTENANTS. Was left out of the meetings with D.O.C.S. and left out of the decision making process that would not only effect the members of his local but would also effect every member of Council 82 who at some time in their career, would be offered a promotion to either a SERGEANT POSITION or a LIEUTENANT POSITION.

2. Form the date the D.O.C.S. first made their offer to Council 82 (1/28/98) until the death date of the old Sergeant appointment list (2/2/98), Rich Abrahamson NEVER called in the entire Council 82 Executive Team and called for a vote to accept or not accept the offer from D.O.C.S. Some of the Executive Team members may have voted YES and of the Executive Team members may have voted NO but the members of Council 82 will never know if the Council 82 Executive Team would have voted to accept the offer or not to accept the offer because Rich Abrahamson never called for a vote from the Council 82 Executive Team. Rich Abrahamson also never made any attempt to re canvas the 20 / (12) Correction Officers (87 1/2) who were his reason for not accepting the offer from D.O.C.S. D.O.C.S. also did not re canvas these Officers.

3. On 2/3/98, civil service ruled that the offer from D.O.C.S. was no longer valid because by Council 82 not acting on the offer in a timely manner, Council 82 had gone past the death date of the OLD appointment list (2/2/98) and the NEW appointment list was in affect. Now nothing could be done to make any of the temp sergeants who were working in grade, permanent.

4. Now, because Council 82 did not accept the offer made by D.O.C.S. the temp sergeants who are now working in grade will remain temp sergeants, will not be offered a permanent appointment and can no longer transfer to another facility (temp to temp transfer). All of this is because of the fact that the appointment list that they were on, ended on 2/2/98. The only chance now for these temp sergeants to ever be able to transfer to another facility or to be promoted to a permanent sergeant position is, to be reached on the NEW appointment list. If any of these temp sergeants score well and are ranked high on the NEW appointment list, one of two things will happen.

1. Another temp. appointment in which case as a new temp sergeant, he / she will be able to transfer (temp to temp transfer) to another facility.

2. He / She may be offered a permanent appointment IF the Department makes any permanent appointments and or IF ther is a permanent new position available when the temp sergeant is called for his / her new appointment. The fact of the matter is, except for maybe a handful of permanent appointments, everyone on the new appointment list, will be offered a temporary appointment only.

The Department's practice of making temporary appointments could have ended on 1/28/98 if Council 82 had accepted the Departments offer. Now, contrary to what anyone is being told and what many believe to be true, unless we win our temp appointment law suit and the judge orders the Department to stop making temporary appointments, appointments off the new appointment list will not be automatic permanent appointments and the Department will continue to make only temporary appointments as they have in the past. Council 82 had a chance to correct the temp appointment problem and end it forever without even having to go to court but they didn't. They waited and waited and waited until time ran out.

Now the only chance anyone has to stop the Department from making temporary appointments in the future is to win our law suit. Going to court is never a guaranteed win, it is a crap shoot. Now the issue of temporary appointments for all Council 82 members rests on a crap shoot and nobody at 63 Colvin Ave can guarantee the outcome.

Drew
Sing Sing C.F.

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Abrahamson visits Attica (pt1)

On 2/20/98 Our so called president (ABE) came to Attica C.F. with Kevin Breen, Asst Commish (Labor relations) to talk about labor relation problems. During our meeting many concerns were brought to light to Breen

1. D. Reilys statement concerning our constitutional rights, Reily had stated " it is our postion that your constitiutional rights end when you walk through the front gate"
2. Hub concept transportation, officers from Attica taking trips with Wyoming C.F inmates and Wyoming C.F officers taking trips with Attica inmates.
3. Vacation schedule change

And many other topics were also mentioned concerning our members... DURING THIS MEETING ABE NEVER SPOKE ONE WORD ! HE DIDNT BACK THE 558 MEMBERS OF ATTICA! ABE JUST SAT THERE, LETTING HIS BUDDY K. BREEN TO DO ALL THE TALKING. There came a point during this meeting (about after 25 mins of silence from Abe) that myself and Harcrow became upset. To put it politely ill some it up like this, we said to Abe and Mr. Breen you are the problem not the solution Collusion with management

When myself and Harcrow left this meeting , our fine president WALKED WITH MANAGEMENT TO A SIDE MEETING. And we didnt see him again. In my eyes ABE is management, DOCS management !

TO BLDG II :

YOU AGAIN HAVE C-82 AND OUR SO CALLED PRESIDENT IN YOUR POCKET. BUT WE AT ATTICA ARE FIGHTERS AND WILL FIGHT EVEN IF WE KNOW WE CANT WIN..

Thank you again President Abe for doing our members right.....

Carl E. Canterbury 1st V.P. Attica C.F.

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Abrahamson visits Attica (pt2)

On 2/25 Abrahamson again returned to Attica C.F. this time he brought staff Rep Sears.

Purpose: To sell the two paygrade increase. First, I refused a relief to walk with Abrahamson at 8:00 am, When Harcrow reported for duty at 9:15 am he was told that Abrahamson was at the facility and that Canterbury had refused to walk with him, Harcrow then also refused to walk with Abrahamson. Abrahamson then walked with people he's comfortable with MANAGEMENT, Our D.S.S until a LT. picked up from there (I dont consider the LT as Management).

Members told me of the content of there conversations with Abe, it was all the same ! He told them that a pay grade or two increase would come in 4 to 6 months.

At noon time I contacted Harcrow and told him the content of Abes conversations with members, Harcrow then called Legislative Director D. Alessandro concerning this matter. Mr. Alessandro stated, as far as I know no deal is done, we are going through the steps, to my knowledge its a 50/50 shot, we are still building PAC and a case, no one should think this is a done deal, cause it isn't.

That realy didnt matter because when Abe got to C-blk, were he spent almost a hour, the men drilled him (they are informed and educated), I work there 1/3 of the day. When he left there his ass was sore and his tail was between his legs.

Later in the day at the Albion Picket Abe had said Attica beat me up ! Mr. Sears said it was a nice tour and there are only a few dissidents, only because there not informed or educated. Abe got it ever where he went.

To the term DISSIDENTS, is that what a dues paying member is called when he or she voices there concerns. And to the Question is Attica starting a challenge, NO ! Although C-82 may think so.... shows you just how smart they are ! Right NOW, all we ask is to never again refer to our members as dissidents, call them informed and educated in the ways of C-82 politics.... Hope Abe had a good time, come again real soon.....

Carl Canterbury First V.P. Attica C.F.

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Officers unite over proposed job cuts at Wyoming C.F.

On Fri.2/13/98 the excutive board of local 1169 was informed by management of proposed job cuts to staff the new yard tower at W.C.F. Management stated that they were told by albany that there would be no new items to staff the tower and to staff it with existing staff.We have two school bld.(converted dorms) each with two sides with approx.173 inmates and 8 teachers in each bld.,current staffing is one officer on each side(4 officers) Management has proposed elimating one officer for the tower,one officer as a rover between the two buildings leaving one officer in each to supervise 173 inmates and 8 teachers on the 7-3 shift.On the 3-11 shift they proposed elimating the second parimiter patrol,thus weaking the security of are parimiter in turn threating the surrounding community.

We as the executive board made it clear to management we stood apposed to any staff cuts and our counter proposal was to get the items or dont staff the tower!!!!

At our general membership meeting we presented the facts to the rank and file and asked for them to unite to fight these proposed cuts. On Fri. 2/20/98 starting with the 7-3 shift we asked that everone punch in ,dont pick up any equip. and assemble outside and wait for a order to report for line up. I am proud to say that 99% of all the officers were out in front of the facilty on all 3 shifts. The show of solidarity by our members did get the attention of management, wether there will be a possitive or negative responce remains to be seen. The message this local is sending to management is clear, we will stand united and fight any job cut or consolidations !!

My hat is off to the members of local 1169

Gary Vargovich
Excutive Vice President
Local 1169

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Unity At Wyoming

On Feb. 23. we, local 1169, again called a union meeting, as the members demanded one. We now all know, that this in indeed a unified local, as literally hundreds of officers came to the meetings. Because of the show of unity, we as a local have been threatened by a captain with things like, having our local executive board members locked out for promoting a job action, to having our dues check off taken away. He also went on to say, that we couldn't go without a paycheck, because most officers live paycheck to paycheck. These comment were made to two executive board members and are being addressed through the proper channels.

On Friday Feb 20, the first day we showed our solidarity, we found out our new superintendant was calling other facilities, to find out what their officers were doing. Just because we stood united, the administration does not like this one bit, and we have not even done anything besides stand together in front of the facility.

The members of 1169 have decided they will not stand for anymore job cuts and job consolidation. They have decided they have taken too much bullshit over the past few years while trying to work with management, and getting absolutely nothing but a kick in the teeth. The fact that Albany would build towers with no intention of adding addtional staff is unacepatable. We will no longer accept putting our brothers and sisters lives in danger, by cutiing staff, to save money.

We can only hope that any other facilities that are having similiar problems or even any other types of problems, as each facility is different, will unite and start to stand up for themselves, because believe us, we have definately proven in just 4 days that there is strength through unity. I have never seen 400 officers smile so much while at work. I am very proud to be a member of 1169.

J. Perry
First Vice- Pres.

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Taylor Law 209-a(2)

Taylor Law 209-a(2) Improper employee organization practices.

It shall be an improper practice for an employee organization or its agents deliberately

(a) to interfere with, restrain or coerce public employees in the exercise of the rights granted in section two hundred two (Public employees shall have the right to form, join and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.), or to cause, or attempt to cause, a public employer to do so, or

(b) to refuse to negotiate collectively in good faith with a public employer, provided it is the duly recognized or certified representative of the employees of such employer.

Taylor Law Section 210(1) Prohibition of strikes. No public employee organization shall engage in a strike, and no public employee or employee organization shall cause, instigate, encourage, or condone a strike.

Taylor Law Section 201(9) Definitions. The term "strike" means any strike or other concerted stoppage of work or slowdown by public employees.

Seems like these people have already checked it out, since the Taylor Law doesn't apply before work!

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Officer's may be compensated need your help

To any officers who have friends that worked Mohawk C.F. from 1991 to 1993. Most of these officers are probably out in the western part of the state. If you know any of these officers. Ask them if they worked the outside hospital. If they did they may be entitled to some \$\$\$.

Back in 1991 I wrote a grievance concerning officers being made to go to the hospital as there duty station and being forced to use thier own cars and not receiving mileage or overtime. After 7 years this issue is going before an arbitrator on March 5. So please have anyone you know that may have been involved contact me at my email address.

STAY SAFE
AL FAYLE
ffirst@northnet.org
MOHAWK CF

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AN OPEN LETTER TO RICH ABRAHAMSON

TO: Rich Abrahamson, President of Council 82
FROM: Steve McKeel, President of Lakeview C.F. Local 3743
SUBJECT: Decertification Effort
DATE: 02/24/98

Rich,

It was with some amusement that I read your memo concerning yet another decertification effort by a newly named group of dissidents. Not a new group of dissidents Abe, a newly named group of dissidents.

You already know Abe that there is a larger number of dissidents throughout the state than some members care to believe there are. After all how did you originally get to where you are now? You were an unknown within this union and you came out of nowhere to become its leader. That was the outcry of the many dissidents who were fed up with the old guard and it's BOSS HOGG leadership!!

I would venture to say that the biggest portion of this union are dissidents, disillusioned, disenchanting, and disgusted. Many members are tired of business as usual and tired that those of you in Albany aren't really listening to their voices.

Yes Abe there have been some changes but there are many things that haven't changed!! There are so many within the ranks of our membership that still see "BUSINESS AS USUAL". I don't pin this all on you or the Executive Team either, maybe it's just the way of the politics that those of us not standing on the podium do not see.

POINT 1, at an E. Bd. meeting in Albany with the Environmental Bond issue. It wasn't even discussed with the Executive Board. It was a done deal before the board even got to Albany. No input from the board let alone the membership!!!

POINT 2, at an E. Bd. meeting in Syracuse the staff rep contract was a done deal before the board got to that meeting!! Many local presidents felt it was an issue that needed to go back to the members for their input and decision. This was not allowed to happen because there are those old guard members who do not like the idea of Council 82 being run by the members. They want to go back to the old feudal system!

POINT 3, at the last E. Bd. meeting the most important and most expensive piece on the agenda was held till the last item of business. The consideration to buy a building is not something that should be held till the last item of business unless someone is trying to pull a fast one on the members. At that point of the meeting there are many who had left and those of us who staunchly remained to the end were most definitely tired and anxious to start the trip home. That was a real foul ploy to pull on the members of this council!!!

POINT 4, when the hell did the majority of this membership decide to endorse Patacki in his re-bid???? What has he said that earned him our support?? Never mind that lone bill, what about his commitment to a livable contract next time around?? What about getting a commissioner that isn't extremely hostile to the brothers and sisters that walk the halls of our facilities?? "Ask not what we can do for Patacki but what can Patacki do for us?" He wasn't exactly C.O. friendly before the P.A.C. fund ballooned was he???

POINT 5, how come you've called for a couple of Western Region Meet-ings and I have yet to be invited

to a meeting that you call?? Does my nipping at your heels bother you that much?? Do you only ask those who don't give you a hard time to your special meetings??

What about some of the decisions that you've been making lately without the backup of the Executive Team or the approval of the Executive Board (by the way, the Executive Board is that large group of people that sit at those meetings and are supposed to be the governing body of this council). Leaders must at times make decisions for their constituents but it is not something that should be happening everytime!!! The membership has the right to be a part of the decision making process of this union if we are to be a true union. Until you and the rest of the Executive Team presently in power and any new Executive committee that may replace you realize that you work for the membership that put you where you are then you will always have dissidents!!

These dissidents are merely members crying out for true representation and to see Council 82 act in the manner that it was established to do. As a LAW ENFORCEMENT UNION dedicated to changing a rubber stamped grievance system. A LAW ENFORCEMENT UNION that will demand that its members receive a livable contract and a LAW ENFORCEMENT UNION that will no longer allow its members to be considered guilty until proven innocent and being locked out of the workplace without pay at the slightest allegations!!!!

This is what the dissidents, the disillusioned, the disenchanted, and the disgusted members of Council 82 demand and deserve. So stop trying to please the BOSS and start pleasing YOUR TRUE EMPLOYER, the MEMBERS OF COUNCIL 82 !!

Although I am dissatisfied I still advocate changing the council from within. I am writing this letter as my personal opinion and not that of my Local or any of its members even though I am their president.

Fraternally disillusioned,

Steve McKeel,
Disgruntled, disgusted, and a dissident

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Sergeant's Exam

I have been reading about how the temp Sgt. have not been represented by Council 82 and that they are going to file a law suit. Well good for them, but they may find out that the N.Y.S.D.O.C.S. has been in violation of ARTICLE 4 SECTION 56 OF CIVIL SERVICE LAW which is clear that a civil service exam eligibility life is only 4 years and D.O.C.S. HAS BEEN HIRING OFF AN EXPIRED LIST FOR 4.5 YEARS . A grievance has been filed and a law suit seeking restitution is in the process of being filed. The aggrieved are CORRECTION OFFICERS in the Correctional work force that have been denied the opportunity to take an exam to be promoted. The law suit is requesting anyone who makes SGT. from this new exam be given their rightful place by 4.5 years in seniority, increment, longevity, and back pay.

I have no ill will for the Sgts. who took the Temp promotions and I wish them all the best in their endeavors with their law suit. I do have motivational and fair representation questions about Council 82 lawyers not running with this law suit when this information was brought to their attention . I also have questions about D.O.C.S. decision making policy with this issue. I believe it was done with malice and

possible collusion on the part of Council 82.

There will be more information given at a later date.

R82Beall

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BOGUS POLL

John Butler

You defended Abrahamson's blunder in his gubernatorial endorsement by:

1)Blaming the local presidents for the process

2)Stating that the on going ballot was clearly in the favor of Pataki Now your stating there never was an endorsement. The AP article that released the information clearly stated that AFSCME Council-82's was proud to be the first to endorse Governors Pataki's bid for reelection if he seeks to run again.

This is getting pretty Orwellian. Help me understand the latest spin on this debacle. Three weeks ago you were defending an endorsement that was not an endorsement, but merely encouragement. The endorsement process included candidates that had not declared their candidacy. The membership was not give position statements from the candidates and non-candidates, but were asked to endorse a candidate or a non-candidate for a position they or may not seek. Our president in the highest tradition of AFSCME C-82, thought it was proper to (on AFSCME C-82 letterhead) urge a non-candidate to seek elected office when the AFSCME C-82 membership was in the process of selecting a candidate or non-candidate to endorse.

Is the above accurate of is my AFSCME to English dictionary out dated?

Peter Shanagher

Sing Sing CF

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Downstate locked down after inmate stabs guard

By Kristen Schweizer,Staff Writer (2/28/98)

FISHKILL - Downstate Correctional Facility was placed on lockdown status yesterday morning after a correction officer was stabbed in the head by a 17-year-old inmate. It is the first time the maximum-security prison has been under lockdown since it opened in 1979.

John Rispoll, a 20-year employee for the Department of Correctional Services, suffered a 2-inch cut to his forehead from a razor-type instrument. He was taken to St. Francis Hospital in Poughkeepsie, treated and released.

Inmate Lamar Jackson, 17, of Long Island, serving 20 years to life for second-degree murder and first-degree rape, was taken the prison's special housing unit after the incident. Correction officials said

he attacked Rispoli in the keeplock recreation yard. Jackson was in high-security yard because of disciplinary charges including fighting, threats, refusing orders and creating a disturbance. He is not eligible for parole until 2016.

The lockdown ordered by DOCS Commissioner Glenn S. Goord yesterday morning is expected to last through the weekend. During that time, inmates will be confined to their cells while correction officers search for contraband. Inmates will be escorted for all visits and medical appointments.

"We will not tolerate any assault on staff by any inmate," Goord said.

Four other inmates were in the keeplock recreation yard when Jackson attacked Rispoli, but were not involved. After the attack, Rispoli activated a personal alarm and four correction officers responded. They subdued Jackson and took his weapon.

Jackson faces disciplinary charges and possible criminal action. The incident is being investigated by DOCS inspector general's office and State Police.

Downstate houses 1,279 of the state's 69,533 inmates. Correction officials did not know when the last mid-Hudson state prison was locked down. Over the summer, however, Otisville Federal Correctional Institution was locked down for six days after inmate brawls in the prison's recreation yard and two housing units. Twenty-six inmates were sent to special housing.
