

**Prison News and News Articles
About / For Correction Officers:
{ Page 26 }**

ARTICLE LIST:

[Back to Correctional Officers Informational Page](#)

[Back to Page #1](#) , [Back to Page #2](#) , [Back to Page #3](#) , [Back to Page #4](#) ,
[Back to Page #5](#) , [Back to Page #6](#) , [Back to Page #7](#) , [Back to Page #8](#) ,
[Back to Page #9](#) , [Back to Page #10](#) , [Back to Page #11](#) , [Back to Page #12](#) ,
[Back to Page #13](#) , [Back to Page #14](#) , [Back to Page #15](#) , [Back to Page #16](#) ,
[Back to Page #17](#) , [Back to Page #18](#) , [Back to Page #19](#) , [Back to Page #20](#) ,
[Back to Page #21](#) , [Back to Page #22](#) , [Back to Page #23](#) , [Back to Page #24](#) ,
[Back to Page #25](#) , [To Page #27](#) , [To Page #28](#) , [To Page #29](#)

[Assemblyman George H. Winner Jr. wants to stop cable hookups at Elmira prison](#)

[Gov. George Pataki's State of the State Address](#)

[Pataki proposes phasing out parole during State of State address](#)

[Withdraw, cancel and rescind my authorization for union dues](#)

[Some disagree with no parole](#)

[Time Warner pulls the plug on cable for inmates](#)

[Parole board often wrong](#)

[Letter to the Editor 1 Jan 99 \(MODIFY TIER 3 RETIREMENT\)](#)

[Amend the military law, in relation to date of membership in a public retirement system](#)

[PROVIDED FUNDS FOR THEM ALL](#)

[ARGUMENT FOR NEW UNION](#)

[COUNCIL 82 REMEMBERS](#)

[Correspondence sent to the Public Employment Relations Board by Council 82](#)

[Challenge Update \(1/15/98\)](#)

[NEW JERSEY STATE PRISON GUARDS RALLY TO PROTEST STAFFING LEVELS](#)

[NYS Common Retirement Fund's](#)

[\(Provided funds for all of them, P-R 1/19/99\) A Response by Rich Abrahamson](#)

[Back to the Titles](#)

Assemblyman George H. Winner Jr. wants to stop cable hookups at Elmira prison

By WAYNE T. PRICE

Star-Gazette 1/7/99

Assemblyman George H. Winner Jr. wants Gov. George E. Pataki to pull the plug on a proposal to give inmates at the Elmira Correctional Facility bargain basement cable rates.

The Elmira Republican, in a Jan. 4 letter to the governor, wants to know who will pay for the cable hookup and as well as finding "suspect" the argument that inmates with cable access are less a disciplinary problem than other inmates.

"Could you please provide me with some statistical proof that this contention is accurate and that this new privilege will achieve the result of safer

prisons," Winner writes Pataki.

Winner's letter to the governor follows recent news reports that The New York State Department of Correctional Services is negotiating with the Horseheads office of Time Warner Horseheads, to provide cable hookups to each inmate who has a prison commissary purchased TV -- a black-and-white, 12-inch model -- in his cell.

While inmates -- not taxpayers -- will have to pay for the proposed cable service, prison officials said, the inmates would pay a \$1.75 a monthly rate compared to the \$30.47 monthly fee the average Chemung County cable customer pays.

And still unanswered is who would pay for the necessary wiring of the Elmira Correctional Facility to allow access from individual cells.

Of the roughly 1,850 inmates at the Elmira Correctional Facility, a maximum security facility, about 600 of them have television sets. The cable service will probably cost inmates about \$1,000 a month at the special rate being negotiated with Time Warner.

However, one idea floated last week by James Flateau, a prison spokesman, would be to make inmates to give up packages from home in order to get cable. Flateau called the packages a major source of prison contraband.

Winner, who says cable subscribers are outraged by the proposed Time Warner rate for inmates -- particular if other large multiple-dwelling unit customers don't get comparable rates -- doesn't buy the cable-for-packages argument.

"...if contraband through packages is a serious problem," Winner writes, "then I would support is elimination, not linking the elimination to the granting of an unrelated privilege."

Winner also wants to know if taxpayers will have to pay for the cable installation and wiring at the prison.

Flateau could not be reached for comment on Monday.

Tom Adams, Time Warner's Southern Tier region president, said the two parties haven't decided on installation and hookup costs. Asked to provide an estimate of those costs, Adams replied: "It wouldn't be cheap, but I don't have any estimates."

Also unclear is if the black and white television sets purchased at the prison commissary are newer cable-ready models, of if they're devices that only come with channels 2-13. If it's the latter, then another negotiated expense would have to be cable converter boxes which allows television sets to pick up additional channels, Adams said.

Winner said Monday that in the last week his office has received more than 30 telephone calls from constituents on the prison cable issue -- all of them against the plan.

[Back to the Titles](#)

Gov. George Pataki's State of the State Address
Delivered Jan. 6, 1999

Crime & Criminal Justice Portion

Protecting our children from violent crime is more than an obligation. It's the highest duty entrusted to us, and the most fundamental function of government.

Four years ago, we sought to reform a criminal justice system that underscored a basic truth -- that weak laws are an incentive for crime.

At the time, New York was leading the nation in violent crime. And not by coincidence, New York was leading the nation in the mass production of theories on the root causes of crime.

When I stood here four years ago, I made it clear that when it comes to saving lives, we cannot risk the safety of our people on the word of a flimsy excuse.

Voices were raised, telling us that putting violent criminals in prison is a simple solution to a complex problem. That is absolutely correct. It is a simple solution, which is precisely why we have embraced it.

The laws we've passed are based on the simple logic that a violent criminal can't be in two places at one time -- that if he's in prison, he can't be out on our streets turning innocent people into helpless victims.

Our no-nonsense approach to fighting crime is working. In just four years, New York's rate of violent crime has dropped to its lowest level since 1970.

That's a remarkable accomplishment. Now we must build on it. Four years ago, when I addressed you for the first time, I asked you to end parole for repeat violent felons. We accomplished that, and the rate of violent crime has continued to drop every year since.

Last year, I asked you to pass Jenna's Law and end parole for all violent felons. We have accomplished that as well. And many more lives will be saved as a result.

Now, we must take the next and last step in reforming our system of parole. We must end it. Forty percent of all felons return to their criminal ways and return to prison within three years of their release. Forty percent! And that's just the ones who get caught. Experts predict that the real number is well over 50 percent.

And so, we must ask ourselves: Knowing that so many criminals are likely to commit another crime after they're released, where do we want them to be? In prison, or standing on a sidewalk next to a child?

There's only one right answer to that question. Which is why I will soon be sending you legislation that will end parole for all felons.

I will also propose expanding the jurisdiction of our state's DNA data bank so we can use the full force of today's technology against criminals.

In the years since our DNA data bank was created, technology advances have greatly expanded the ability of police and prosecutors to prove crimes and solve crimes through DNA.

But under current law, only 8 percent of convicted felons are required to submit DNA samples to our state's data bank. Why only 8 percent?

There's no logical reason.

Felons convicted of burglary don't have to submit to DNA testing. This makes no sense.

And criminals who've been convicted of attempting to commit violent felonies don't have to submit to DNA testing either. This makes even less sense.

Essentially, it's a technicality that rewards criminals for being incompetent. These legal loopholes are begging to be closed. Let's close them.

The expansion of our state's DNA database will do for law enforcement in the 21st Century what fingerprinting did for law enforcement at the turn of the last century. It will give police the upper hand. Which is why I will propose legislation to expand New York State's DNA data bank by more than 10 times by including all felonies and attempted felonies.

And I sincerely hope that you and I can come together this year -- and send a clear message to the perpetrators of hate and intolerance. Violence rooted in bigotry and racism is a cancer on our society that threatens to tear apart the bonds of unity that we work so hard to nurture. I'm confident that, working together, you and I can pass a Bias Crime Law by the end of this year.

We must also take bold, swift and decisive steps to protect our women and children from sexual predators.

I don't need to tell you about recidivism rates. You and I both know that sexual predators simply are not deterred. The only way to rehabilitate them is to incarcerate them. The Senate acted on this measure last year with an overwhelming majority.

I urge the State Assembly to do the same this year, and pass the Sexual Assault Reform Act.

I urge you, also, to change the laws that allow young criminals to commit violent acts with virtual impunity. We must crack down on vicious criminals whose only defense from justice is their birth certificate. Any law that grants an unconditional pardon based on age is an assault on our people and on the rule of law itself.

Many of you in this chamber have spoken eloquently and passionately on the need for Juvenile Justice Reform. I would simply suggest to you today that well done is better than well said.

Let's get the job done this year. Again, the Assembly should follow the Senate's lead and pass our Juvenile Justice Reform bill. New York leads the nation in fighting crime because we had the courage to take on a criminal justice system that was failing.

Thank you. God bless you and God bless the people of New York.

Wednesday, January 6, 1999

[Back to the Titles](#)

Pataki proposes phasing out parole during State of State address

By JEFF MURRAY
Star-Gazette 1/7/99

Should convicts be paroled?

That's a question state lawmakers will debate now that Gov. George Pataki proposed phasing out parole for even nonviolent offenders as part of his State of the State address Wednesday.

Local legislators said Pataki's fifth annual address had a lot of good ideas, but not many details. Lawmakers will now wait for the governor's budget and specific legislation that will flesh out the details.

"I thought it was his best presentation yet," said state Sen. John R. Kuhl,

R-Hammondsport. "He was relaxed and fully confident on the direction we should be taking the state."

Pataki's address covered issues from education to the economy, but the most controversial idea he raised was a proposal to phase out parole for even nonviolent offenders.

Some legislators already are questioning the wisdom of that proposal. Among them is Assemblyman James Bacalles, R-Corning, who is anxious to see more details.

"I've toured prisons and I have a lot of correction officers that live in my district. We've talked about parole," Bacalles said. "It's a tool they use.

"If we completely eliminate it, what effect will that have? I'm reserving judgment until I see more specifics."

Steuben County District Attorney John Tunney is likewise ambivalent about the parole proposal.

"On one hand, the desire to control better the timing of release of inmates is a desirable result," Tunney said.

"On the other hand, the issue of when a person should be released is a function of how much information you have about that person. If that decision is deferred, more information often becomes available later," he said. "So I'm caught between two goals."

Council 82, which represents correction officers statewide, is withholding judgment until more details are forthcoming.

However, union officials say loss of parole won't make it any harder to control inmate behavior, as some people fear.

"Inmates don't usually worry about parole until they get close to it," said John Butler of Erin, a former state correction officer and now Council 82 correction policy chairman. "They don't worry about it until they go to the (parole) board.

"If they're going to be good, inmates will be good regardless."

Kuhl already has made up his mind about the parole concept, however. Even without details, he fully supports Pataki's proposal.

"You have to deal with crime before a crime is committed," Kuhl said.

"Deterrents need to be fully and firmly in place. I don't see that in the system now.

"If you can save one life by keeping one person in jail for his full term, than you have succeeded," Kuhl said.

Assembly Democrats already are voicing objections to the parole plan, but Assemblyman George Winner, R-Elmira, believes they can be persuaded.

"You've got to find a quid pro quo," Winner said of negotiating with Assembly Speaker Sheldon Silver, D-Manhattan. "Everything with this speaker is for sale ... As long as the (tradeoff) is not too expensive, the governor has been very successful at getting what he wants."

Kuhl and Bacalles both applauded Pataki's proposal to place a \$1.5 billion budget surplus into a reserve fund to protect already enacted tax cuts.

"The surplus is money that belongs to the people, and it should be used to preserve their tax cuts," Bacalles said. "It's important that he said it. This is not the time to start new programs."

The governor also specifically plugged a Southern Tier project when he addresses economic issues.

He mentioned the Airport Corporate Park in Big Flats as one of the premier sites for corporate growth in the state.

"That's the kind of recognition we like to get," said Chemung County Executive G. Thomas Tranter Jr.

Pataki will offer more details on his initiatives when he presents the state Legislature with his proposed budget at the end of January.

[Back to the Titles](#)

Withdraw, cancel and rescind my authorization for union dues

Date
New York State
Office of the State Comptroller
Alfred E. Smith Building
Albany, NY 12233

Dear Sir:

I hereby withdraw, cancel and rescind my authorization for union dues and or agency fee deduction from my pay check, effective immediately, until such time as the New York State Public Employment Relations Board conducts an election, per the Fair Employment Act, and a determination is made as to what employee organization has majority support. At the time said determination is made I wish the opportunity to reinstate an authorization for union dues and or agency fees.

At the current time there is a reasonable doubt as to what labor organization has majority support and I am not afforded my right to freely choose an organization. This right is protected under the First Amendment of the Constitution of The United States of America.

Name _____ Address _____

Facility _____ Item no. _____

Signature _____

[Back to the Titles](#)

Some disagree with no parole

January 6, 1999

Opponents feel it takes away prisoner's incentive to behave for early release.

Gov. George Pataki's plan to end parole in New York state has drawn criticism and praise from the Central New York legal community, law enforcement, a half-way house official and crime victim supporters.

Pataki will ask the state Legislature today to end parole for new inmates with violent and non-violent felony convictions in his State of the State address.

Local defense lawyer Kate Rosenthal said inmates will have no incentive to do anything positive if parole is eliminated.

"This is pandering to political forces for his own interests," Rosenthal said. "With a straight sentence, when you're out, you're out. If you're in now and you behave, one-third gets knocked off."

Under the current system, a person sentenced to five to 10 years must serve two-thirds of the maximum, and one-third of the sentence can be dropped for good behavior. An inmate who behaves will only serve 6 1/3 years in jail, but the remaining 3 years on parole.

If the same inmate were sentenced to a definite term of eight years and was required to serve 85 percent of that time, the inmate would serve 7.16 years.

To be released early, inmates must go before a parole board and prove he or she is doing something positive, such as learning to read or learning a trade.

Onondaga County Sheriff Kevin Walsh said that inmates who are not reformed could end up in jail after they have served their sentence.

But the proposal could save the county money, Walsh said. The Justice Center currently houses on average 65 inmates who are parole violators.

"It is a cost that is partially reimbursed but not totally and it takes up space," Walsh said. The state pays the county \$37.50 a day to house parole violators. The cost to house parole violators is \$75 a day, Walsh said.

"They are state inmates released by the state parole board from state prison and arrested when they violate parole," Walsh said.

The parole violators are held in the Justice Center until they can get a hearing date, Walsh said. Some inmates do their best to delay their hearings to avoid being moved to a state facility and farther away from family and friends, he said.

"We have had many who stay there the entire time they are on parole," Walsh said.

Louise Donahue, who founded Circle of Hope, upstate's only halfway house to help inmates adjust to life outside prison, said releasing people without support "doesn't make a lot of sense."

Being at Circle of Hope "takes the stress off of where is my next meal coming from and I need a new winter jacket and where am I going to get it.

"It's so easy to get back in the same old rut of past behavior," Donahue said. "We at least take some of the stress off."

Bruce and Janice Grieshaber of Camillus, parents of a slain nursing student, Jenna Grieshaber, expressed cautious support for the measure Tuesday.

"It's not really getting rid of parole, it's the judge saying this is the sentence and that's what the sentence is," Janice Grieshaber said. "A judge would still have the right to choose whatever sentence fit the individual crime. That makes sense to me."

Jenna Grieshaber, a 22-year-old graduate of West Genesee High School, was murdered in her Albany apartment in 1997 by a convicted violent felon who had been released early on parole. The couple's efforts to change the system, dubbed Jenna's Law, was championed by Pataki and passed by the Legislature last year.

The Grieshabers were Pataki's guests at his 1998 speech, when he called for ending parole for all

violent felons.

Eliminating parole for nonviolent offenders is something the couple approaches less enthusiastically.

"We don't want to shoot a mosquito with a cannon," Janice Grieshaber said. "We've made it clear that we're pretty hard-nosed. But you've got to recognize people sometimes get themselves into these situations for reasons beyond their control."

County Judge Joseph Fahey said any decision to end parole will have little affect on judges. He said prisons that house inmates will see the biggest changes.

"It is not something we have had any control over in the past or will have control over in the future," Fahey said. "The largest impact will be on the Department of Corrections because if they do away with parole, they will require larger sentences."

[Back to the Titles](#)

Time Warner pulls the plug on cable for inmates

By MARGARET COSTELLO
Star-Gazette (1/8/99)

Angry cable customers have persuaded Time Warner Cable to disconnect its proposed cable service deal with the Elmira Correctional Facility.

Time Warner on Thursday informed officials at the Elmira prison that the cable company will not provide inmates with cable television in the cells. Inmates will continue to have cable access in community rooms.

Time Warner started negotiating last week with the New York State Department of Correctional Services to provide cable hookups for about \$1.75 a month to each of the nearly 600 inmates who have televisions in their cells.

Residents expressed their outrage to Time Warner after learning that inmates would pay almost \$30 less per month than the typical Chemung County household.

"We made this decision based on the number of phone calls from residents in the Elmira and Horseheads area," said Thomas Adams, president of the Southern Tier Division of Time Warner Cable. "We listened to their concerns and decided it was not in our best interest to provide this kind of cable service to the prisoners."

Adams met with Elmira city officials Wednesday night to discuss the public's concerns and to come up with a solution.

"We're very pleased with Time Warner's response," said Councilman Jim Hare, D-6th, who had registered his opposition to the proposal with Time Warner and with Assemblyman George Winner Jr., R-Elmira.

Prison officials were ambivalent about Time Warner's decision.

"If cable service can be obtained at no cost to the taxpayer, then they can have it," said Jim Flateau, spokesman for the Department of Correctional Services.

"But Time Warner has made it clear that that option is not available. That's the end of it."

Last spring, inmates voted to give up their right to receive packages from home in exchange for the privilege of having 12-inch, black-and-white televisions in their private cells. Of the roughly 1,850 inmates at the Elmira Correctional Facility, an estimated 600 have television sets.

The prison will maintain the status quo, said John Butler, the correctional policy chairman of the local correctional officers union.

The inmates "still can pick up local channels in their cells," he said. "They never afforded the right to a rate reduction in the first place. If anyone should get a rate reduction, it should be the retired people at a place like Villa Serene or other law-abiding groups."

Mayor Stephen Hughes said Time Warner's decision might provide the groundwork for better relations with the cable company.

"The experience of renegotiating the franchise agreement with Time Warner 10 years ago left a bad taste in the mouths of all the participants," he said. "We're very pleased at how Time Warner responded to this issue. We appear to be beginning a whole new relationship with them."

[Back to the Titles](#)

Parole board often wrong

Fewer paroles have been granted since Pataki took office.

By Matthew Spina and Juliana Gittler
Syracuse Sunday, January 10, 1999

15 other states ended parole

New York's parole commissioners grant freedom to more than half the prisoners they see. And so often, it seems, they guess wrong.

"Forty percent of all felons return to their criminal ways and return to prison within three years of their release," Gov. George Pataki said during his State of the State speech last week. "Forty percent! And that's just the ones who get caught. Experts predict that the real number is well over 50 percent."

Pataki went on to request a dramatic change in the parole system: eliminating it and replacing the 19th-century innovation of indeterminate sentencing with one that sets a specific sentence with a specific release date and is less baffling to ordinary citizens.

If Pataki has his way, judges will no longer sentence a defendant to, say, 3 1/3 to 10 years, knowing that parole might be granted any time after 3 1/3 and the inmate can't serve more than 6 if he behaves. The sentence might instead be a fixed five years, or whatever the Legislature comes to decide.

Abolishing parole was a logical step in Pataki's approach to crime. In the Pataki years, the parole board has slowed the percentage of paroles granted from more than 60 percent to about 55 percent in the year ended March 31. Pataki and lawmakers have abolished parole for repeat violent felons. And with Jenna's Law, the state abolishes parole for all violent felons and forces them to serve at least 85 percent of their sentence before being released for good behavior. Jenna's Law is named for Camillus native Jenna Grieshaber Honis, slain by a parolee in Albany in 1997.

The governor said New York's rate of violent crime has hit its lowest point since 1970. But the

number of prisoners has increased during the Pataki years, from about 64,000 at the tail end of the Mario Cuomo era to 70,369 on Thursday. Not all inmates are in prisons, however. The current total includes 5,700 who are at home in work-release programs or sitting in local jails awaiting transfer to a state prison.

If the Legislature follows Pataki's latest lead, New York will hardly be the first state to abolish parole. Fifteen states so far have abolished parole boards; 12 others have partially eliminated parole.

Amid "tough on crime" rhetoric, Florida abolished parole in 1983. But with Florida's shores making the state a gateway for drug trafficking, arrests soared and the prison population ballooned to the point where the state had to release inmates from crowded prisons to comply with a federal order. A few years later, with parole still abolished, the state tilted its "gaintime" rules in the prisoner's favor, to further ease crowding by giving more time off for good behavior.

By 1991, the state returned to a parole system, pending the construction of more prison space. In October 1995, Florida's legislature approved a "truth-in-sentencing" law, again abolishing parole and requiring inmates to serve at least 85 percent of their court-imposed sentence, much like Pataki's plan for all New York felons.

Virginia abolished parole in 1995 and has become a poster child for the movement. Unlike Florida in 1983, Virginia had modern alternatives to prison for nonviolent convicts: boot camps, day-reporting centers and residential programs, all of which are available in New York.

To not overburden the system, Virginia established sentencing guidelines based on actual time served in the past. For example, if a criminal typically served three years on a 10-year sentence for a given crime, the sentence under the guidelines became three years. Judges, however, can set aside the guidelines if they see a need to do so.

For violent crimes, sentences were lengthened. And like those in Florida and now New York, violent felons must serve at least 85 percent of their time.

"There was a lot of doom and gloom forecast," said Larry Traylor, a spokesman for Virginia's Department of Corrections. But he said the prisons have not become more violent, as some critics had warned. He also said a study completed last month showed 80 percent of nonviolent offenders did not repeat their crimes within two years of release from those non-prison programs.

When Virginia abandoned parole, its prisons had enjoyed a surplus of beds, which is gone now. The inmate population has grown from about 25,000 in 1996 to about 28,000 today. Four new prisons, with about 4,400 beds total, are being phased in. But Traylor said that's partly to house inmates from other states, which pay for the space.

So far, a great unknown in Pataki's plan is how sentences might change for specific crimes. Experts warn that ending parole while keeping all sentences essentially the same will swell the prison population. State Sen. John DeFrancisco, R-Syracuse, a member of the Senate Codes Committee that will take up Pataki's proposals, said the penal code will need a major revision to create new, fixed sentences.

"Considering a proposal like ending all parole, you really have to find out what is the definite sentence that's going to take place," DeFrancisco said. "It may be what the person would have served before, it may be a year more, it may be a year less. But there at least has to be a debate of that issue. It can't be done in a vacuum."

DeFrancisco, a former prosecutor, said he's hoping that during the debate the Legislature looks at easing some sentences now regarded as severe - namely, the Rockefeller drug laws that can punish defendants more harshly for drug-possession charges than for some violent crimes.

Another unknown: How the state will deal with its approximately 60,000 prisoners sentenced under the old system, those who still have a right to a parole hearing when they reach their minimum sentence. A prisoner sentenced in 1980 to 25 years to life has a right to a parole hearing in the year 2005. The existence of those inmates could keep a parole board in place for years to come. Parole Division spokesman Tom Grant said the division still will employ its parole officers, too, because post-release supervision will not be abandoned.

Parole board interviews in New York are much alike. With an inmate seated before them, two or three commissioners ask about the crime, the inmate's success in prison reform programs and the marks on their prison record.

Most inmates in medium- or maximum-security prisons have at least a blot or three in their files - fights, weapons possession, narcotics, contraband - and they get a chance to explain those away.

Commissioners will then ask where the inmate will live if released? Can they find a job? Would they return to old and dangerous friends? Sometimes inmates might hear a lecture about their crime, or a pep talk, before the interview ends maybe 20 minutes after it began.

With the prisoner led out and others waiting their turn, the decision on early release typically falls to the commissioner who has read the inmate's file and now must weigh the risks. Has the inmate behaved well enough to have earned parole? Would parole demean the severity of the crime? And perhaps most importantly, would the inmate threaten society?

Parole has its proponents, none more committed than the American Probation and Parole Association in Lexington, Ky. "Parole makes release from prison a privilege that must be earned," the association says in one of its position papers. "Parole provides constant review of the criminal in prison; continual re-evaluation of the risk that criminal presents to society; leverage over criminals before they are released to assure good behavior in the community; careful supervision of criminals after they are released; and the potential to re-imprison those who appear to be a threat."

A study sponsored by the association in 1995 showed that, from 1980 to 1990, 12 states abolished parole. Three of them, including Florida, later reversed their policies to reinstate parole. Connecticut reinstated parole after finding that its prisoners on average served even less time than before - hardly a way to get tough on crime.

Prison officials in Albany are quick to discredit the notion that prisons will become more dangerous if inmates don't have parole as a potential reward.

Taking parole away from violent inmates, as the state did in 1995, has not led to a rise in prison violence, said Corrections Department spokesman James Flateau.

"The actual number of assaults (in prison) has dropped in the last three years," he said. "We have not seen the problems the naysayers are predicting with violent inmates, and they are predicting it is going to happen with nonviolent inmates. That's why I'm saying it's nonsense.

"Whenever the governor or the Legislature proposes anything in criminal justice that the knee-jerks don't like," Flateau said, "they immediately claim, fallaciously, that the system is going to fall apart."

[Back to the Titles](#)

Letter to the Editor 1 Jan 99
Plattsburg

MODIFY TIER 3 RETIREMENT

Within the last ten years, I have written to Governor Pataki, Comptroller McCall and many other government officials; besides attending many local union meetings and on the state union level making phone calls, sending mailings, and paying a personal visit to Council 82 all concerning Tier 3 Retirement.

As a Tier 3 correction officer with 25 years of correction service you may retire at any age at 50% final average salary (F.A.S.). But if you are age 55 with more than 25 years of service, you will receive the greater benefit of either 50% or 2% for each year of service (up to a maximum of 60% @ 30 years), less any reduction which may apply. Never to be reduced below 50% with 25 years of service or greater. The reduction for ages 60-62 (6.66% per year) and 55-59 (3.33% per year) thus a 30% reduction or 50% whichever benefit is greater. The maximum payable benefit is 60% at age 62.

Example: Officer #1 retires after 30 years of correction service at age 55 @ \$40,000 F.A.S. He receives 60% F.A.S. (\$24,000), less the reduction of 30%. \$24,000 multiplied by 30% equals \$7,200 subtracted from the original amount of \$24,000 equals \$16,800 or 50% F.A.S. (\$20,000) whichever benefit is greater. In this scenario 50% is the greater benefit. The officer in this example would have to work 37 years to receive the maximum allotment of 60% F.A.S..

Changing our current Tier 3 Correction Officers Retirement package has to be implemented through Council 82, by their getting involved writing, and supporting retirement legislation, and by getting their membership involved by voting. What has our steroid injected Million dollar PAC fund done to secure better benefits for correction officers since its inception? Nice tattoo!!

Signed -- Darren Butchino

[Back to the Titles](#)

Amend the military law, in relation to date of membership in a public retirement system

STATE OF NEW YORK

S. 755

A. 126

1999-2000 Regular Sessions
SENATE - ASSEMBLY
(PREFILED)

January 6, 1999

IN SENATE -- Introduced by Sens. JOHNSON, ALESİ, DeFRANCISCO, LARKIN, LEIBELL, LIBOUS, MALTESE, MARCELLINO, MAZIARZ, PADAVAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans and Military Affairs
IN ASSEMBLY -- Introduced by M. of A. HARENBERG, TOCCI, DiNAPOLI, SIDIK-

MAN, KAUFMAN -- Multi-Sponsored by -- M. of A. BOYLAND, CLARK, DENIS, HILL, LAFAYETTE, MAZZARELLI, McENENY, MILLMAN, ORTIZ, PERRY, PHEFFER, TONKO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the military law, in relation to date of membership in a public retirement system for persons appointed from civil service lists following military duty

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 7 of section 243 of the military law, as
2 amended by chapter 283 of the laws of 1972, is amended to read as
3 follows:

4 7. Status of existing lists. Any person whose name is on any eligible
5 list shall, while in military duty, retain his rights and status on such
6 list. If the name of any such person is reached for certification during
7 his military duty, it shall be placed on a special eligible list in the
8 order of his original standing, provided he makes request therefor
9 following termination of his military duty and during the period of his
10 eligibility on such list. Such list shall be certified before certifi-
11 cation shall be made from a subsequent open competitive or promotion
12 eligible list for the same position or from the original eligible list
13 for such position. Such names shall remain on such special eligible list
14 for a period of two years after the termination of such military duty.
15 Any such person thus appointed shall, for the purpose of computing

PAGE-2

1 seniority credit and training and experience credit for promotion AND
2 DATE OF MEMBERSHIP IN THE RETIREMENT SYSTEM and seniority in the event
3 of suspension or demotion, be deemed to have been appointed on the
4 earliest date upon which any eligible, who was the lower on such
5 original eligible list, was appointed, PROVIDED, HOWEVER THAT SERVICE
6 CREDIT SHALL BE COMPUTED FROM THE ACTUAL DATE OF APPOINTMENT.
7 § 2. This act shall take effect immediately.

[Back to the Titles](#)

PROVIDED FUNDS FOR THEM ALL

Retired Corrections Lt. John Walcott was a member of Council 82 for 28 years, many of those years at Clinton Correctional Facility as a member of Local 1272. John paid thousands of dollars in union dues during his years of service. John earned the respect and admiration of his peers and subordinates.

He stood with us in this difficult occupation where one can be called upon at any time to put his life on the line for his brother or sister.

Recently John ran for Clinton County Sheriff against two other candidates, neither of whom ever served in the Department of Corrections. John approached Council 82 Clinton Local 1272 asking for support for his campaign. Local president Guynup visited John to wish him well and regretfully inform him that no local support would be forthcoming because of a decision made in

a Council 82 northern regional meeting.

John then approached Council 82 President Abrahamson and Legislative Director D'Alessandro requesting them to provide support for his campaign from the much touted million-dollar Council 82 PAC fund. A donation was promised and John received a much appreciated \$350. It was later learned that each of the other two candidates also received \$350 from the same source. This maneuver remains unexplained.

Council 82 has spent a lot of our dues money recently to run a campaign for their survival. They have been reminding us over and over how strong and rich they are. Apparently our leaders have forgotten that their strength comes from our numbers and their wealth comes from our pockets. We now know what happens when one of our own asks for a small return on his investment.

Linda Coryer
Corrections Sgt.
Clinton Correctional

Plattsburg (1/18/99)

[Back to the Titles](#)

ARGUMENT FOR NEW UNION

I am employed by New York State as a sergeant in the NYSDOCS. My name is Ken Howarth and I work at Elmira Correctional facility. I am for change and that change can only come with a new union called NYSCOPBA. Our past history with C/82 has been nothing but corruption and deception. C/82 supporters tend to try to sway votes from supervisors by stating we will no longer be separate locals. C/82 supporters tell us that supervisors will not be fairly represented by officers. I must ask why? The head of the C/82 in Albany is an officer named Abrahamson. So with that kind of logic by the supporters of C/82: Rich Abrahamson must not be representing the supervisors fairly! Most if not all of the area representatives for C/82 are officers in suits and ties. So then what exactly is the argument of C/82 supporters? Its OK to be represented by officers with C/82 but not with NYSCOPBA? Sergeants and lieutenants are vastly outnumbered by officers and their vote in any negotiations or elections will decide everything from raises to issues. As of now as a separate weak local of C/82 the sergeants have no voice of power. Abrahamson proved that by sending the temp. sergeants back as officers in 1998. The local president of the sergeants T. O'leary had no say and was not even invited to the meetings. These sergeants being sent back as officers and their families were hurt by this decision and the sergeants local had no say. The sergeants had no voice then with C/82 and we don't have one now. With NYSCOPBA we have a chance for change. The time for change is now because we have nothing to lose. Any sergeant or lieutenant who thinks differently take a look at the last contract.....We all received a 0% raise not just the officers!

Ken Howarth

Star Gazette (1/19/98)

[Back to the Titles](#)

COUNCIL 82 REMEMBERS

In your Dec. 31 edition, letters to the editor section, John Spence from Keeseville took issue with an "In My Opinion" piece I recently submitted for publication concerning Council 82. Mr. Spence made reference to the three union officials who were exposed for missappropriation of union funds in the early 1990's. Mr. Spence inference that Council 82 may have fogotten these individuals and that they are going unpunished for what they did couldn't be further from the truth. We in council 82 will never forget the damage and irreparable harm these people inflicted on our organization and the members themselves.

These three individuals were the catalyst for the subsequent constitutional reform and strict fiscal restraints now in effect for all of council 82 leadership, but perilously absent from NYSCOPBA's constitution. Currently one of these individuals has been formally indicted in the federal courts, another has been forced to repay a substantial amount, while yet more evidence is being gathered in the pursuit of further indictments.

While I take pleasure in Mr. Spence's assumption that Council 82 has the power to influence or accelerate the judicial process of the federal courts, we unfortunately do not have that capability. Mr. Spence alo mistakenly noted that the law firm for NYSCOPBA has negotiated contracts for the New York State Police. The original police Benevolent Association negotiates contracts for the State Police using this law firm solely as their legal representative, not as negotiators.

Mr. Spence incorrectly assumes that local union officials do not pay dues. reimbursement of dues and or the numerous hours of personal and/or vacation leave sacrificed in pursuing preservation of the rights and benefits of our members is illegal. It is without that reimbursement that I sign this letter fully confident that Mr. Spence's superior reading comprehension skills will take notice of my correct name and address.

Randy L. Barie
President
Local #1660
Altona

Plattsburg (1/19/98)

[Back to the Titles](#)

Correspondence sent to the Public Employment Relations Board by Council 82

HITE & CASEY, P.C.
63 Colvin Avenue
Albany, New York 12206

(518) 435-1573

January 11, 1999

VIA FACSIMILE
AND
FIRST CLASS MAIL
(518) 457-2664

State of New York
Public Employment Relations Board
80 Wolf Road
Albany, New York 12205-2604

Attention: Hon. Monte Klein, Director, Public Employment Practices and
Representation

Re: Council 82 v. nyscopba
PERB Case No. C-4800
Our File No. 98-25

Dear Mr. Klein:

We are writing on behalf of Council 82 in response to the various documents submitted by or on behalf of nyscopba in regard to the remanded representation proceedings.

In their letter dated December 16, 1998, the nyscopba attorneys request the immediate scheduling of an election based upon nyscopba purportedly having achieved numerical sufficiency. Although it is difficult to fully understand nyscopba's contention due to the redaction of numbers, our reading of Mr. Golderman's December 16th letter leads us to believe that this contention is based upon the inclusion of designation cards, the addition of signatures previously deemed illegible but now identified, the addition of the eight employees who signed Council 82 forms and later acknowledged signing the nyscopba showing of interest petitions, and the inclusion of members who purportedly signed the initial showing of interest petitions using first initials and later completed forms. There is no mention made of not counting the signatures of individuals who subsequently revoked their signatures.

For the reasons set forth below, we dispute nyscopba's contention that it has achieved numerical sufficiency. Additionally, regardless whether nyscopba has achieved numerical sufficiency, the further investigation mandated by the Board is not yet completed, and it would be premature to order an election at this point in time. Also, we believe that further investigation is warranted on the issue of members revoking their signatures on the showing of interest petitions.

THE INVESTIGATION REGARDING FRAUD AND FORGERY IS NOT YET COMPLETED

In its decision dated October 27, 1998, the Board remanded this proceeding "to the Director for the conduct of investigations consistent with our decision herein." The investigations required related to several separate and distinct issues. One issue involved the validity of "signatures" which consisted of first initials and last names. A second, separate and distinct issue was that

of fraud and forgery.

It was the Board's conclusion that the "widespread use" of initials on the showing of interest petitions and written statements from eight individuals (now retracted) warranted further investigation regarding the issue of fraud and forgery. Although the issue of the forms submitted by the eight individuals has been resolved, the matter of the widespread use of initials remains unresolved. Specifically, we understand that there were more than 1,700 initialed markings on the showing of interest petition and that nyscopba has submitted approximately 1,200 forms relating thereto. Consequently, there are approximately 500 initialed markings which continue to cast doubt on the validity and legitimacy of signatures.

We believe that the Board was very clear in its decision that the Director cannot simply discount markings which are of "dubious validity" such as the initialed markings with respect to which forms have not been submitted. This was the Board's express conclusion regarding the signatures of the eight individuals who signed forms denying that they had signed the nyscopba showing of interest petition. The logic behind the Board's conclusion applies equally to the nearly 500 initialed markings with respect to which nyscopba has not submitted forms. Further investigation is required "to determine whether and to what extent there are, in fact, forgeries within the showing of interest and, if so, whether nyscopba bears responsibility for those forgeries". Therefore, we believe that it is incumbent upon the Director to conduct this further investigation and that this investigation utilize the method suggested by the Board in its decision (comparison of signatures using a statistically relevant random sampling of signatures on the showing of interest petitions with signatures of unit employees on documents submitted to or obtained by the Director). Also in this regard, we believe that it would be appropriate that the random sampling include initialed and full signatures.

THE EXTRINSIC EVIDENCE SUBMITTED REGARDING THE INITIALED SIGNATURES IS DEFICIENT

At the November 9, 1998 conference, the Director was quite specific regarding the information which was to be included on the forms relating to the initialed markings. Among other things, he indicated that any forms should include an initialed marking as it appeared on the showing of interest petition. The blank form which we understand was utilized did not include any such marking. Therefore, we submit that any such forms submitted by nyscopba are deficient, and the initialed markings to which these forms relate should not be included in the showing of interest.

MARKINGS WHICH WERE PREVIOUSLY DEEMED ILLEGIBLE SHOULD NOT BE INCLUDED IN THE SHOWING OF INTEREST DETERMINATION

Mr. Golderman's letter of December 16, 1998 indicates that on November 23, 1998, he met with Assistant Director Toomey and somehow was able to convince Mr. Toomey that markings previously deemed to be illegible were then legible. We find this contention to be quite incredible assuming that there is integrity in this investigation process. We believe that a determination of illegibility cannot and should not be changed simply as a result of an ex parte meeting between the Assistant Director and an attorney for the petitioning party.

THE DESIGNATION CARDS SHOULD NOT BE INCLUDED

IN THE SHOWING OF INTEREST

The Board remanded this matter for further investigation on the designation cards to determine the precise manner of their distribution and return and the circumstances upon which the declaration of authenticity pertaining to these cards was made in order to ascertain whether there exists a reasonable degree of assurance that the cards were executed by an employee in the Security Services bargaining unit and that the declaration of authenticity requirements are satisfied as to those cards. In regard to this issue, nyscopba submitted affidavits from Brian Shanagher and William Golderman. In essence, the affidavits state that the designation cards were obtained in three different ways, one of which was by use of a mail-out/mail-back process. The affidavits further state that designation cards were mailed out to persons whose names appeared on a list obtained from the State, and signed designation cards were returned by first class mail. There is nothing in either of the affidavits indicating any sort of control mechanisms utilized to reasonably assure that the persons whose names appear on these designation cards were, in fact, the persons who signed the cards. Therefore, any designation cards which were mailed out and mailed back should not be counted.

FURTHER INVESTIGATION IS REQUIRED REGARDING SIGNATURE REVOCATIONS

In its October 27, 1998 decision, the Board determined that in certain circumstances, signature revocations should be given validity. Submitted herewith is a copy of a letter which we believe meets the Board's criteria, and only nyscopba is in a position to know whether it received any other such letters, notices or other communications. At a minimum, inquiry must be made of nyscopba to determine whether these circumstances exist and, if so, revocations should be given effect and signatures not counted.

SUMMARY

For the reasons set forth above, you should not count as valid signatures in support of the showing of interest petition any of the initialed markings, signatures on designation cards which were mailed out and mailed back and/or markings which were previously deemed illegible. The foregoing notwithstanding, and in the event the Director determines that nyscopba has achieved numerical sufficiency, further investigation is required on the issues of signature revocations and fraud and forgery in light of the widespread use of initialed markings on the showing of interest petitions.

Very truly yours,

HITE & CASEY, P.C.

By Signed
ROBERT S. HITE

RSH/ws
Hon. Monte Klein, Director
January 11, 1999

[Back to the Titles](#)

Challenge Update (1/15/98)

M E M O R A N D U M

Date: January 15, 1999

To: Executive Committee
Executive Board

From: Robert S. Hite, General Counsel

Re: Challenge Update

At this point in time, the Director of Public Employment Practices and Representation at PERB ("Director") continues his required investigation of the nyscopba showing of interest petitions and signature cards which were submitted in support of nyscopba's challenge. The Director has not indicated when this investigation will conclude; however, his Assistant recently required more information from nyscopba and has allowed them until January 22, 1999 to provide this information.

Since the Board's remand in late October, 1998, nyscopba has been submitting affidavits, letters and other documents and has had several meetings with the Assistant Director in an effort to validate a large number of "signatures." We have reviewed the correspondence and documents which were submitted in this regard, and on January 11, 1999, we submitted Council 82's written response.

In our response of January 11, 1999, we raised serious concerns about fraud and forgery in this matter. In particular, we asserted that nyscopba was unable to obtain verification of approximately 500 signatures which appeared on the initial showing of interest. It is our belief that the reason for this is because the "signatures" were obtained by fraud and forgery, and, therefore, PERB should dismiss nyscopba's petition.

Another major objection which we have raised in our response concerns the matter of illegible signatures. Nyscopba's attorneys indicated in one of their letters that they met with the Assistant Director in late November, 1998 in order to review approximately 200 previously-deemed illegible signatures.

During this meeting, which was not attended by any Council 82 representatives, the nyscopba attorney was somehow able to convince the Assistant Director that as many as 150 signatures were legible. We believe this is totally inappropriate and improper.

We have maintained from the beginning that the Director should conduct some sort of a handwriting analysis of a fair and random sampling of the nyscopba's petitions. However, at this point the Director has refused to do this. We believe that the failure of nyscopba to verify approximately 500 "signatures" further justifies our request for a handwriting analysis, and we continue to make this request.

In closing, we do not expect the Director to make any decision on this

matter until late January at the earliest. At that point, he could decide that even more investigation is necessary; he could dismiss the petition based upon the investigation conducted to this point; or he could order an election. We will keep you advised of any further developments.

RSH/tm

cc: Warren McMillan

[Back to the Titles](#)

NEW JERSEY STATE PRISON GUARDS RALLY TO PROTEST STAFFING LEVELS

By DOM YANCHUNAS
AP 01/21/99

TRENTON, N.J. (AP) -- More than a thousand prison guards shouting "Safety First!" rallied on the Statehouse steps Thursday to urge New Jersey officials to fill about 500 vacant positions at the state's 15 correctional facilities.

The members of the Policemen's Benevolent Association said the unfilled positions jeopardize security in the prisons and surrounding communities.

"This demonstration is not about salaries and benefits. This demonstration is about the safety and security of the officers," Joseph Bukowski, president of the statewide PBA Local 105, told the crowd.

State officials have acknowledged that they are paying too much overtime to their existing corps of 6,073 corrections officers, sergeants and lieutenants.

Corrections Commissioner Jack Terhune, speaking at a news conference held here after the rally, said his department is reluctant to hire 500 more officers, but nothing is definite until a departmentwide evaluation of staffing needs is finished later this year.

Speakers at the PBA rally frequently mentioned the name of the most recent corrections officer killed in the line of duty. An inmate was convicted of stabbing Frederick Baker, 35, to death during a 1997 clash at Bayside State Prison.

"This is what comes from not having enough staff in these prisons," Baker's sister, Cindy Numbers, told the crowd while holding a picture of the murdered officer.

"It's time to do something about this so that it doesn't happen to you people," said Numbers, of Wildwood Crest.

A 1997 state audit showed that the Corrections Department could save money by paying overtime to its existing corrections officers rather

than hire 500 new ones.

But the department has estimated that it will exceed its \$52 million overtime budget by \$20 million this fiscal year. Though the staffing study should help him solve that problem, Terhune said it is geared more broadly toward determining what the facilities truly need.

"This process is not being driven by overtime," the commissioner said. "This process is being driven by cost-effective and efficient management."

Several PBA officials who spoke at the rally said they believe Terhune is poised to cut positions, even though the state's inmate population has grown 17 percent in two years.

Terhune denies that he plans to cut jobs, though he promises only that there will be no layoffs.

Terhune expects that the increasing inmate population will force state officials to hire more corrections officers in future years. The statewide prison population Thursday was 24,268.

Corrections officers attending the protest described a number of recent incidents in which they were endangered. They said one guard in the East Jersey State Prison at Rahway who happened upon a hallway drug deal needed eight stitches in his face after an inmate whacked him with a boom-box radio.

Another Rahway guard had sizzling grease from a hot plate thrown on him. An officer at Southern State Correctional Facility was slammed against a wall while breaking up an inmate brawl.

"We become a casualty," said James Goff, a 15-year corrections officer veteran who is the union vice president at Southern State. "It's nice to know that when you're fighting and your (expletive) is on the ground, you've got somebody coming to help you. Time is of the essence."

Corrections officers in New Jersey facilities endure about 800 assaults per year, according to the PBA.

Terhune said his department actually has increased its number of "custody positions" by 268 since 1997. Gov. Christie Whitman said that redeployment out of "desk positions" and into cell blocks proves the state is committed to maintaining security.

"They can back up one another and assure safety, and enhance safety in some areas," Whitman said.

The PBA is trying to convince the Corrections Department not to eliminate positions from guard tower duty. Assemblyman Nicholas Asselta, R-Cumberland, said guard tower staff are important to residents who have a prison as a neighbor.

"It's about safety and security of the people inside the facility and the people outside the facility," Asselta told the rally.

Terhune said fewer guard tower personnel are needed because the department is adding more electronic surveillance to go along with double fencing and "razor ribbon" barriers.

Rally organizers said between 1,500 and 2,000 people participated in the protest.

[Back to the Titles](#)

NYS Common Retirement Fund's

Dated: 7 December 98

Dear Mr. Butchino:

Thank you for your letter regarding the NYS Common Retirement Fund's investment in CCA. As sole trustee of the Fund, I have a fiduciary responsibility to ensure that our investments are in the best long-term interests of the Funds nearly 1 million retirees and members. My overriding concern is -- and must continue to be-- the Funds long term financial performance.

The Fund currently holds 498,900 shares of CCA stock. All of these shares are held through a passive index fund which is intended to replicate the market. The Fund is invested in all 400 companies in the S&P Mid Cap Index, including CCA. Fiduciary responsibility requires that any deviation from the index through divestment of particular stocks must be justified by "compelling economic circumstances." While CCA has had mixed performance, there do not appear to be circumstances present to support changes in our investment strategy.

However, I understand your concerns about CCA's continued presence in our investment portfolio. The Fund is comprised of monies contributed by hard working public servants. It is troubling to invest those monies in a company whose very existence is intended to privatize correctional facilities and thus, jeopardize the livelihood of Fund members. I'm grateful for Council 82's efforts to bring this matter to my attention.

Earlier this year, the Fund sold 160,000 shares of CCA that were held by our managers. In addition, I have instructed our asset managers not to purchase any CCA stocks on our behalf, and none of them currently hold CCA shares for the Fund. In the coming months, I will monitor closely CCA's economic performance and the company's response to non-economic issues.

In addition, I will use my role as a major shareholder to condemn inferior service and promote enhanced professionalism among all employees. On December 1, 1998, I voted to oppose CCA's proposed merger with CCA Prison Reality Trust. I agree with the AFL-CIO's argument that this deal unfairly favors management at the expense of shareholders.

I appreciate your interest and look forward to continuing to work with the members of Council 82.

Thank you for your support.

Sincerely,

Signed; H. Carl McCall
State Comptroller

[Back to the Titles](#)

(Provided funds for all of them, P-R 1/19/99)
A Response by Rich Abrahamson

I read with interest a recent letter to the editor (Provided funds for all of them, P-R 1/19/99), which addressed the issue of Council 82's campaign contributions to candidates in a local sheriff's race.

While this writer mentioned one candidate's ties to Council 82, she failed to mention that all THREE of these qualified and pro-labor candidates had ties to C82. One is the father of a member, one is the brother of a retired member and one a retiree.

Perhaps the most interesting aspect of this letter is what was not said. Council 82 members are becoming more politically active and more aware that to get things done for the good of their communities they must become involved.

Richard S. Abrahamson
President
Law Enforcement Officers
Union C82
Albany
