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NYS Correction Officers Contract Negotiations

Honorable Governor Pataki,

I have been a correction officer for 19 years. As negotiations begin please remember that our past contracts have been very inadequate. My standard of living has diminished over the past eight years.

All correction officers risk their lives to protect New York State citizens from the criminals who have been removed from society. Our job puts us in daily contact with diseased individuals and individuals who have no regard for the value of human life. We deserve a contract that will restore our standard of living and restore our morale as part of New York State's law enforcement family. My suggestion is a three year contract at 6% per year, every April 1st, with a two grade upgrade. We do a despicable job and we should be remunerated for it.

Respectfully,
Kathy Kinzel, Downstate

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Letter to the Editor 19 Feb 99

ACCOUNTABILITY IS NECESSARY

In response to R. Barie's letter, dated (Jan. 19, 1999), Mr. Spence is a man held in highest esteem by his peers at Clinton's "maximum security" prison. AFSCME/Council 82 has stumbled and fallen over the issue of the three bandito's thievery; Kennedy (\$195,665.79), Puma (\$132,875.32), and Germano (\$106,520.62) all had unauthorized or undocumented credit card expenses totaling \$435,061.73 as of May 10, 1996, American Express, "don't leave home without it!" This theft was no minor mishap, or "distraction" as Bob Hite Council 82's attorney claims. This is happening again with another AFSCME organization, DC37. Without education and communication true accountability is impossible.

Council 82 has filed several exception's delaying our vote, one charge being the presence of 22 alledged forged signatures on NYSCOPBA's petition, 14 of these alledged signatures were not even on the petition to begin with. The remaining eight (one from Altona) either submitted written affidavits or were subpoenaed for testimony. All eight confirmed that they 'had' in fact signed NYSCOPBA's petition. Not one forgery was found! You seem to be an intelligent person, Mr. Barrie. Why the confusion over the kindergarten block letters A, B or C on these forms? William Sheehan attorney for HSP&M (NYSCOPBA's law firm), is indeed the NYS Police, Chief contract negotiator. Maybe it's different today than during your brief career with the NYS Police, Mr. Barrie. For verification, check WWW.NYSCOPBA.ORG/NYSCOPBA.HTM.

According to Clinton 1272's local constitution, "Reimbursement of Dues to Chair Officers: Article 7 Section 11, On June 1st of each year, all chair officers of local 1272 shall be reimbursed for membership dues paid." Isn't it great having sixty-nine self-governing locals, each and every local with their own set of rules and regulations? Some do the job to help the members, while others milk the job, just like Fred Tuttle milks his cows.

John Downs
Clinton CF
Dannemora

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We are just as good as anybody

The legislature voted themselves a 38% raise in one year, Troopers are making \$17,000 more a year than a C.O., Judges and DAs across the State got more than a 20% raise, Cops in NYC where most of our inmates come from are making \$23,000 more a year, city Correction Officers are making from \$15,000 to \$20,000 more a year! The public is screaming for a halt to crime and thousands of new convictions with more time given is the word of the day for violent offenders. Well, people this system won't work without us and we are being left behind.

Our contracts with the State employer have become progressively worse since the late 80's. Our salaries and benefits have fallen behind for no reason other than poor representation. I am not saying that a Trooper or cop is not worth every penny, what I am saying is we are worth just as much! in 1998 we had one officer killed in NYC, one attempted murder of an Officer in Elmira, One attempted murder of a lieutenant in Mohawk and hundreds of assaults on Officers across this State. I'm saying that a Correction Officer facing a convicted criminal who has a knife with just a baton is just as brave as any police Officer who faces a criminal who has a knife or a gun with a 9mm! A Correction Officer being stabbed is in as much pain as any police Officer who has been stabbed or shot. Correctional Officers do not have vests like the police do. We only have a vest when we know an inmate is in a cell and must be extracted.

A block Officer walks his beat with no vest and just a wooden baton. Our department does not see its hero's and awards only a few. We are the silent part of the criminal justice system that the public rarely hears from. The public is so naive they don't have a clue what goes on in these prisons. Each prison is a small city filled with convicted criminals that rove the prisons in gangs just as they did on the street. The difference between a cops beat and ours is the fact everyone you meet on our beat is a criminal. A police Officer rolling around on the ground with a criminal who has a knife is a hero with medals and recognition from politicians and the media. His Employer puts pictures of the Officer on walls of the precinct and shows great respect for this new hero. A Correctional Officer in the same circumstance is told to get checked by the nurse and get back to work after he/she writes a report. A police Officer stabbed 7 times in the line of duty is considered wounded in the line of duty and held up by his employer as the bravest of the brave. Medals adorn his neck with great fanfare and respect is shown by all. This kind of tragedy is national news and front page material for the public to see what a member of the finest has been subjected to!

1991 during the Southport riot an Officer is stabbed through the lung, an Officer is stabbed and slashed so many times across the head and face his friends don't recognize him, an Officers leg was purposely cut from the knee to his ankle with a razor.... Our employer said ... when are they coming back to work! No medals no recognition ... nothing! 1998 a Correctional Officer at Elmira was Stabbed 7 times about the head, neck and face ... nothing from our employer ... oh well just another day at work! These are just a couple of examples of what our employer thinks of us ... we are nothing to them!

I am a sergeant and I am telling you now that an Officer is nothing to your administration but a number in a budget. Albany personnel sees a number on a piece of paper ... your line number for your pay! That's it you are no more and no less! That number is important to them because if you get stabbed or hurt you will cause overtime because your number is at home! Any individual who thinks he or she is an indispensable number is a fool! Its time to stand up and say no more. You will become indispensable and important the day you walk out that door to form a picket line for the strike! There are a small number of supervisors out there that care but they get stepped on fast and crushed to the point of total burnout to the enjoyment of the employer! Don't let anyone tell you your not as good as a cop or fireman or any other profession! When the Correctional Officers in this State finally stand up and walk out that door. The public, the politicians, the media and the cops who have to try and walk our beat during the STRIKE will show a new respect for our job.

NYSCOPBA ISN'T ASKING OR BEGGING FOR RESPECT THEY ARE READY AND ABLE TO DEMAND IT! We have the power to demand that respect because without us the system doesn't work.

Sgt. Howarth, Elmira

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Teenagers Leaving Home without Consent

My name is David Harris and I am a disability retired C.O. I am in need of help. I have had a 16 year-old daughter who has left home without parental consent.

In NYS teens can legally leave home at age 16, but parents are held financially responsible to age 21. My wife and I are involved with a group of folks like ourselves who are trying to change this awful law.

Please help us by visiting our websites, download our letters, and make copies and get as many people to sign them as possible.

Websites:

www.passgroup.com and

www.gisco.net Link Labeled (PASS).

Thank you,
David Harris

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State COs' Union Wants Grade Raise

Cites Recruiting Value

The state will confront serious obstacles in recruiting adequate staff for its correctional facilities unless it moves to increase salaries for prison officers, a union official told a joint legislative hearing in Albany.

Richard S. Abrahamson, president of Law Enforcement Officers Union Council 82 of the American Federation of State County and Municipal Employees, testified at a Feb. 2 hearing held by the Senate Finance and the Assembly Ways and Means Committees on the impact of Governor Pataki's proposed Executive Budget on the state work force.

Likes Jail Expansion

The union praised Mr. Pataki for continuing capital funding for a second 750-cell maximum security prison schedule to open next year in Seneca County and for introducing new funding for a third such facility which should be operational by 2001. It was critical, however, of what it sees as a lag in providing comparable funds to ensure adequate staffing.

"In the past, the state had more than enough people seeking to work in law enforcement and corrections," said Mr. Abrahamson. "Today, because of what the state pays these employees, the state will soon face a shortage of qualified applicants."

Governor's proposed budget adds 542 new correction positions and provides for hiring 264 more officers to offset attrition. This bring the state Department of Correction Services headcount up to 32,104, second only to the State of New York among state public employers.

The Council 82 president said that given current entry levels, the state will have problems filling these positions. A State Correction Officer Trainee exam has been scheduled for next month

The union is expecting decision this month on its demand that the state grants' members a three-grade pay reallocation, which would amount to a raise nearly 18 percent.

If granted, the reallocation' request would raise State Correction Officers From grade 14, starting \$30,570, to grade 17, with starting salary of \$36,220 Similarly, Correction Sergeants would go from grade 17 to grade 20 (\$42,579); and Correction Lieutenants from grade 20 to grade 23 (\$49,961).

The union filed its request in February 1998. State Department of Civil Service Classification and Compensation Director Michael J Roche denied the request following a technical review Council 82 in turn appeal the decision to the full Civil Service Commission. That body heard the union's arguments on Dec.14 and is expected to release its decision in the near future.

Backed by DOCS

Council 82 has won the backing of the state, Department of Correctional Services for its salary request. In a letter to the Civil Service Commission supporting the union's appeal, state Correction Commissioner Glenn S. Gould wrote that the upgrade was justified because of the "increased professionalism ... as well as the heighten sophistication of skill, knowledge and assignments that have occurred" since the Correction Officer title was established at the grade 14 level in 1972.

Echoing the union's argument that a salary hike is needed to recruit new employees, Mr. Gould said, "I believe we could justify an upgrade simply to attract sufficient numbers of qualified men and women to staff our prisons in the face of the growing numbers of inmates housed in our system and the complexities of maintaining safety and security."

Speaking at the Feb. 2 hearing, Pat Rybak, vice chairman of Council 82's Corrections Policy Committee, criticized a proposal to close down the Parkside Correctional Facility in Harlem, one of the state agency's few facilities in the city.

He also opposed the Governor's proposal to shut down hospitals at nine correctional facilities, as well as, planned cuts in community crews.

The Chief-Leader 2/19/99

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ILL-INFORMED MEMBERSHIP

Letter to the Editor (21 Feb 99)

Recently, Richard Abrahamson, President, AFSCME/Council 82 Law Enforcement Officers Union, replied to a letter by Linda Coryer, Correction Sergeant from Clinton Correctional Facility regarding campaign contributions for a retired member, John Wolcott, and two other candidates. Sgt. Coryer's letter states that the other two had not served in the Department of Correctional Services. Mr. Abrahamson says the two other candidates had "ties" to Council 82.

Mr. Abrahamson said: "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". It's difficult to understand what was "not said" interesting; he heads an organization whose existence depends on what's not said, banking on an ill-informed membership.

Council 82's political strength? Support of the Military Buy Back legislation, useless to the membership. A correction officer with 23 years service could buy two years at \$31,719. A tier 3 member get additional credit after age 60. Another: the challenge by NYSCOPBA. Council 82 has taken exception to the use of first-initial signatures on the "show of interest" petitions submitted to PERB. It hasn't taken exception on the same for nominating petitions for Council 82 office.

The Council 82 Enforcer recently featured Michael Axelrod, their attorney of choice for contract negotiations. He was also the TUFCA attorney of choice. The information in the Enforcer does paint a realistic picture. Of the three examples of Mr. Axlerod's recent work, the Suffolk County Superior Officers Association contract was an arbitration award, which includes modifying the drug testing policy. The Nassau County Detectives Association contract is prior to 1996, their '96 to 2001 contract in arbitration. The Old Brookville PBA contract was a "partial" arbitration award.

While the Enforcer gives salary examples of \$83,350 for Sgts and \$92,792 for Lts, not the rank and file. Missing? These organizations are: In the richest communities in New York, have binding arbitration and are all INDEPENDENT!

Diane Davis
Correction Sergeant
Downstate Correctional Facility

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COUNCIL 82 CONTRACT TO EXPIRE

STATE WON'T NEGOTIATE UNTIL VOTE SETTLES UNION REPRESENTATION

By Matt Smith
ALBANY

The contract for more than 3,500 north country correction officer's will expire in six weeks, but with a contentious union challenge dragging on, negotiations on a new deal can't begin. Since August, a dissident group made up of prison guards- called the New York State Correction Officer Police Benevolent Association- has been trying to oust Council 82, the union representing 25,000 correction, environmental, park and state university of new york law enforcement officer's.

Though C82 has challenged NYSCOPBA's petitions forcing a decertification vote- alleging that the documents were fraught with forgeries and other irregularities-union representatives Wednesday laid blame for the votes delay at the door of the Public Employment Relations Board. C82 president Rich Abrahamson accused PERB director Monte Klien of conducting a haphazard review of NYSCOPBA's petition, prompting a series of challenges that prolonged the matter.

Abrahamson said Klein never used a handwriting expert to verify signatures as the PERB board requested and never determined a way to establish the validity of ballot cards used by NYSCOPBA to show the necessary 30% of the union membership wanted a decertification vote.

Now Abrahamson said, because of Kleins use of "questionable methods," reliance on "potentially fraudulent materials" and his "ignoring PERB directives," the union "will go without a contract" after March 31. Actually, even though the contract will expire before a new deal is in place, the terms of the union's existing pact will remain in effect.

The state will not negotiate with C82 until a decertification vote is held. And, even though PERB released a ruling last week declaring that NYSCOPBA's petition are valid, the agency's assistant director, Kenneth Toomey, said it's "probably not conceivable" that a vote could be held before the union's contract expires. C82 claims PERB has purposely delayed the vote in order to distract the union and give the state the upper hand once negotiations happen.

Correction officers throughout the state have griped that negotiations should have begun as early as January. While C82 blames PERB for the delay, NYSCOPBA claims the union has tried to block the vote in order to hold on to power and the \$9 million it generates. The next step toward bringing the decertification petition to a vote is a meeting between PERB, C82 and NYSCOPBA so that an election schedule can be set. It's not known, however, when that will happen.

Klien was not available for comment Wednesday. But as for C82 allegations, Toomey said: "We disagree. But what can we say" They have nothing to base that on because there is nothing to base that on."

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Proposal would increase public employee morale

Times Union Editorial-2/21/99

With great interest we read the recent Times Union article regarding Comptroller H. Carl McCall's proposed amendment of the legislation that would lower the cost for public employees to buy back war service years for pension purposes. State Sen. Ray Meier was responsible for the initial buy-back legislation. While the potential increase in pension benefits is welcome, there are other benefits that will result from this legislation.

During the 1970s and '80s, many public and private-sector workers experienced a cool reception when they mentioned their military service during the Vietnam War. Veterans often lost out on promotion opportunities when the selecting officials reflected the unspoken anti-military bias of the times.

These war veterans learned to downplay any discussion on their military service at the workplace. The efforts by Meier (and other legislators) and McCall go a long way to ameliorate past inequities.

Through this legislation and in a bipartisan manner, New York state strengthens its image as a strong supporter of veterans and the value of military duty to the nation, state, and local community. There are many public employees with a National Guard affiliation who have been activated in state emergencies for ice and snowstorms, hurricanes, and floods. This legislation increases public employee morale by

acknowledging their worth in their roles of civil servant and military member.

TED SOBOL
Guilderland

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Correction officers face untenable hazards

Times Union Editorial 2/21/99

This letter is in response to Sal Mazzara's letter of Feb. 13. Would he be locked in a cellblock with 30-90 rapists, robbers, murderers, drug dealers, addicts, and child molesters for eight hours with nothing but a set of keys and a radio for communication? Would he work in a recreation yard with two or three officers with 100-200 of the same murderers, rapists, etc., who have access to baseball bats, weights and barbells, for a starting salary of \$30,570? Many of these inmates can make dangerous and deadly weapons out of almost anything. How about being exposed to the blood of inmates, who you are unaware of, have diseases such as AIDS, tuberculosis and hepatitis? Or at any time have an inmate throw feces or urine on you or assault you with their hands. If a 13.5 percent raise is too much to ask for New York state correction officers, who put their lives on the line 24 hours a day, 365 days a year, maybe Mr. Mazzara should work the cellblocks, walkways and rec yards. Everyone should be thankful there are people who will do a correction officer's job for \$30,000 a year.

BARRY HOWARD
Coxsackie

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.....and justice for all.....

Governor Pataki:

I am a professional New York State Correction Officer.

I go to work every day, as I have for the last ten years, in a Max A facility. I put my life on the line with my brothers and sisters every day. Every day I chance being assaulted by some of the most violent felons in the State. Every day I risk bringing home an incurable disease to my family. Every day I am subjected to types of stress that no one who has not walked in my shoes could even imagine.

I do this because I am a professional New York State Correction Officer.

Since I have come in the Department I have been financially abused in so many ways it would be easy to lose track. I stayed at hiring rate for three years due to the lack of a contract. The amount of time it took me to reach job rate was extended by a full three years. Over the last two contracts I have had to take three years with no salary increase. I have seen a consistent increase in out of pocket expenses for everything from union dues to medical and prescription co-pays. Yet I have gone to work to protect the people of the State of New York from the most depraved individuals to be found anywhere on the planet.

I do this because I am a professional New York State Correction Officer.

I go to work every day knowing that if I am injured or assaulted on the job, my administration will ask, "How soon can you get back to work?" or they will say, "Go fill out an accident report and get back to your post."

I do this because I am a professional New York State Correction Officer.

Every year I read the memo that comes from your office announcing "Correctional Employee Appreciation Week". It is always filled with wonderful platitudes outlining what a professional and thankless job we do as Correction Professionals. It always states that New York Correction Officers are the most highly trained and professional people in the profession. Very inspirational. I then turn away from the memo and spend the rest of the year in reality.

I do this because I am a professional New York State Correction Officer.

I administer justice every day in a fair, firm, and consistent professional manner. I watch as my standard of living falls behind the rate of inflation. I watch as other civil servants receive a 38% salary increase. I watch as top governmental aides receive a salary increase fully equal to half of my annual salary.

Governor Pataki, I am requesting a taste of justice for myself and my brother and sister officers across the state. If we are truly the "highest trained and most professional" officers in the world then logic would dictate that we should also be the best paid officers with the best benefit package and retirement system in the world. We should not have to go to the negotiating table with our hats in our hands, shuffling our feet and hoping that the least of crumbs would be brushed off the State's table and into our pockets.

Governor Pataki, I ask for justice, fair treatment, and a tiny taste of REAL respect, not just lip service.

I do this because I AM A PROFESSIONAL NEW YORK STATE CORRECTION OFFICER.

Sincerely,
Michael C. Miron
Great Meadow Correctional Facility
miroonm@westelcom.com

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Web holds inmates

Online info includes date state prisoners due to be freed

ALBANY (AP) - The "Son of Sam" serial killer; David Berkowitz, will be eligible for parole in August 2002.

John Lennon's murderer, Mark David Chapman, could see the light of day as early as Dec. 4, 2000.

Amy Fisher; convicted for shooting the wife of her Long Island lover Joey Buttafuoco, has them both beat. She is up for a parole hearing in June.

Information on everyone's favorite New York state inmates - including their conviction backgrounds, actual sentences and parole dates - is just a click away under a new "inmate lookup" file at the Department of Correctional Services' Web site.

New York is one of the first states to offer inmate information over the Internet.

Since the file was unveiled last month, about 1,600 inmate searches a day have been conducted at the site, state prison spokesman Jim Flateau said.

"Before, it would take up to a week for us to mail this information," he said. "Now, anyone from the criminal justice types to police and journalists can have it at their fingertips."

That includes inmates' relatives and victims.

If Buttafuocco, for instance, wanted to check out when Ms. Fisher was being released, he would simply go to the site- www.docs.state.ny.us - and type in her name.

In a matter of seconds he could see that his 24-year-old former fling was convicted in 1992 of first-degree assault for shooting Mary Jo Buttafuocco, that she is being imprisoned at the Albion Correctional Facility; and that she is due for a parole hearing in four months.

At a glance

The Department of Correctional Services' Web site is offering an inmate lookup" file that provides information on New York state inmates.

Such details as conviction backgrounds, sentences and parole dates can be accessed at www.docs.state.ny.us

The Web site plugs directly into the correction department's computers and can track nearly a half million inmates going back to the 1940s, Flateau said.

It is updated each time an inmate is transferred.

Illinois started the inmate-tracking trend about two years ago.

The search feature there received more than a million hits in 1998, said Illinois Department of Corrections spokesman Brian Fairchild

"We've done a few studies that suggest a wide variety of people use these look-up devices," Fairchild said. "Employers use it to discover whether potential employees have been in the prison system ... I think women even use it to do quick background checks on blind dates. Why not?" The information provided also includes personal facts on race, sex and birth dates. For example, Berkowitz - who claimed he killed on orders from a demon named "Sam" - is a baby boomer. He was born June 1, 1953.

Berkowitz was sentenced to six consecutive 25 years-to-life terms at Sullivan Correctional Facility in Fallsburg for killing six people and wounding seven others in the mid-1970s.

The files also include information or former inmates like Thomas Bianco, convicted in 1986 of murdering an Auburn teen-ager.

Bianco was set free and his court records were sealed after a judge threw out the indictment because the prosecution withheld evidence at his trial.

Yet, the prison Web site provides a slew of information about Bianco including the crimes of which he was convicted: murder and kidnapping.

Some critics think that's unfair.

"I think it's counterproductive to make such detailed information available about people who have already paid their debt to society;" said Robert Gangi, executive director of the Correctional Association of New York, a prison watchdog group in New York City.

Flateau says disclosure of inmate information is not a choice, it's the law. "This is information that has been available all along under the Freedom of Information Act," he said.

"There is nothing here that wasn't available before with a phone call."

Chapman, the man who shot and killed Lennon in 1980, is currently serving his 20 years-to-life sentence at the Attica Correctional Facility

The 43-year-old's first parole hearing will be in October 2000, and he is eligible for release as early as December of that year.

A New York City-based crime victim's advocacy group, Take Back New York also posts parole dates for the state's felons with violent offenses. The Web site can be accessed at www.parole.watch.org.

Times Herald-Record 2/23/99

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Upgrade for Correction Officers

Governor Pataki,

Sir I am not much for long speech's or statments, so I will keep this short and brief, and I speak for myself only, I am a NYS Correction Officer, and I am appauled at the fact that you approved a 38% increase for all of your top aides, and yet you have done nothing concerning the upgrade request for NYS Correction Officer's.

I can not figure out why you as a elected official, would take such a risk as to eliminate future votes from not only approximately 26000 Corrections Officers, but their family and friends, not to mention any other departments that are currently under council 82 and AFSCME .

I myself have been a Corection Officer for approximately 4yr's and it is my understanding from the upgrade submitted to your office and to Mr. Michael Roach that Correction's has not had a grade increase for approximately 20yrs.

With this in mind sir, I am urgently requesting that you step and take control of this issue, as for a person who has never been a correction officer and had to work in the enviroment that we as Correction officers do, you can never understand the work that we do or the emotional frame of mind we must maintain

every day we report to work, the way a Officer judges a good day from a bad day is if we leave work with the same amount of holes that we came in with.

Yourself and your administration, nor the public can never understand the emotional as well as physical aspect's of our job, when we report for work we have to wonder in the back of our minds , are we going to be attacked ,!!! are we going to have some type of body fluid thrown at us, are we going to have to go home to our family's and wife's and tell them, sorry honey or kids, dad/mom are not going to be around much longer because I contracted Aides from a inmate, or to be the wife/husband of a correction officer and one day recieve a call saying, this is so an so facility and your /wife /son/daughter was just rushed to the hospital by ambulance.

MY job entails much more then those mentioned, I have to be a mediator, an investigator, protect inmates from other inmates, supervisor well on a dorm, where the odds are minimum of 45 to 1, I must perform cell search's and area search's daily for contraband and weapons. I myself am train in urinalysis, and Becton Dickinson testing (field testing of unknown substance's, and the list goes on of the daily duties a Correction Officer must perform.

In closing sir, I ask that you take a minute and ask yourself, who really deserves a pay raise/upgrade, a person who work's in an office! or the men and woman who risk their lives daily to protect the public as well As other inmates from people who have been convicted of murder, rape, robbery, drug dealer's,burglary and countless other crimes, I really don't consider the upgrade asking a lot for the job that we as Correction Officers do on a daily basis.

Sincerely,
Michael E Bell
Correction Officer

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WORKING ON A 2ND PLAN.....

Letter to the editor 25 Feb 99 Plattsburgh Press-Republican

In response to Darren Butchino's letter to the editor "Questioning Council 82," dated Feb. 10 regarding the \$10,000 "life insurance," I wish to state the following facts:

Retiree Chapter 82 in conjunction with the leadership of Council 82 President Richard Abrahamson, Vice President Mike Graney, the complete Exectutive team, the Council 82 Executive board, and Council 82 members, a \$10,000 Death Benefit Program has been drafted.

AFSCME paid for the necessary actuarial study which cost thousands of dollars. The Council 82 attorney was very helpful in contacting the appropriate agencies to ensure that everything was in proper order. Unfortunately, many obstacles have occured, none of which were created by Council 82. A state agency would not allow us to proceed with our plan.

We, collectively, are not deterred from reaching our goal of a \$10,000 death benefit for retirees. All of us are currently working on another plan that will benefit all retirees present and future. I wish to thank everyone in Council 82 for their continuing support of our "plan" and programs.

Gary Tavormina
President
Retiree Chapter Chapter 82
Albany

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NYSCO&PBA Testimony

JOINT SENATE FINANCE \ ASSEMBLY WAYS AND MEANS
BUDGET HEARING – PUBLIC PROTECTION
FEBRUARY 23, 1999

Good morning Chairman Stafford, Chairman Farrell, members of the Senate Finance Committee and the Assembly Ways and Means Committee. I would like to thank-you for this opportunity to offer some remarks concerning the proposed Executive Budget and its impact on New York's criminal justice system.

My name is Robert Cronin and I am the Treasurer of the New York State Correction Officers and Police Benevolent Association (NYSCOPBA). NYSCOPBA was established in 1998 by law enforcement officers from across the state. We are an independent union whose primary purpose is to bring together and promote the welfare of law enforcement officers while at the same time prevent the privatization of any law enforcement functions in New York. Further, it is our goal to represent these dedicated public employees in collective bargaining pursuant to Article 14 of the Civil Service Law.

NYSCOPBA grew out of the efforts of a group of concerned members of AFSCME Council 82 to determine membership satisfaction with their union. The result of this statewide interaction was extremely Disturbing. It clearly showed that the vast majority of members felt that Council 82 and its parent union, AFSCME, had abandoned the principles of unionism that they were founded on. Ultimately, this growing sentiment became the catalyst for the establishment of a new organization to better represent the interests of law enforcement officers in New York.

On June 1, 1998, NYSCOPBA announced its intent to challenge Council 82 for the right to represent more than 20,000 law enforcement officers. On August 10, 1998, NYSCOPBA submitted petitions to PERB bearing the signatures of more than 8,000 union members who are requesting that an election be held to choose the bargaining agent for the Security Services Unit. If NYSCOPBA is successful in its quest, it would be the most significant change to New York's union landscape in more than half a century.

Regardless of who represents the men and women who are the backbone of the State's criminal justice system, it is critical that new channels of communication be opened between those that make policy and those that implement it so that we can all serve the people of New York in the best way possible. Whether we are discussing the budget at hand or the enactment of laws creating stiffer penalties, your actions have a daily impact on the health, safety and ability of every law enforcement officer in New York to do their jobs. Unfortunately, as I travel around the State meeting with law enforcement officers there is a growing sense that criminal justice decisions in Albany are increasingly made based on a narrow view instead of a system wide picture. My primary goal today is to remind you that the decisions

you make are like throwing a boulder in a pond. The waves created by the initial action often cause bigger and more negative affects down the shoreline. Nowhere in government is this felt greater than in the criminal justice system.

During the past four years the “get tough on crime” philosophy of this administration and the Legislature has produced a significant reduction in criminal activity across the state. Yet, while the throwing of this boulder has made New York a safer place to live, the ripples it has created have greatly increased the scope of responsibility of the law enforcement community. From Forest Rangers and EnCon Officers to University Police, law enforcement officers have been asked to do more with much less. The area that I am intimately familiar with is New York’s correctional system and I am sorry to say that it offers one of the best examples of this point.

At present, New York’s system is running at more than 125% of capacity despite the addition of maximum security and special housing unit cells during the past two years. The danger created by this over capacity is further inflamed by the chronic under-staffing of correction officers throughout the system. When you look at the 1999- 2000 Executive Budget it would be easy to assume that the proposed addition of correction officers is a concrete step towards addressing the problem of under-staffing. Unfortunately, this is not the case. Upon closer analysis, you would realize that the addition of these officers is to staff the Special Housing Units (SHU’s) that have already come on line during the past eighteen months. These SHU’s were built on the grounds of existing medium security facilities and have been staffed primarily by diluting the existing officer pool and closing posts at the host facility. It is not uncommon for the SHU’s to operate with limited line officers and no supervisory personnel on site. If an emergency should erupt additional officers and supervisors would have to travel from the main facility to the SHU to respond. In some cases this distance is a half a mile or more.

Budget decisions are not the only ones that stress the correctional system. When the Legislature passes stiffer sentencing laws, such as doing away with parole, the system is further pushed to the breaking point. Sometimes it is easy to overlook the fact that you remove lawbreakers from your community by sending them to ours. Incarcerating more individuals for longer periods of time, without providing the proper resources, space and staff, is similar to imposing unfunded mandates on localities. The job still needs to be done but it gets harder and harder to do it safely and efficiently. It is imperative that all of us who are involved with the criminal justice system remain focused on the overall picture and on how the individual parts are interconnected. Towards this goal, NYSCOPBA would like to recommend that every bill that alters or expands criminal law be required to contain a criminal justice impact note. Similar to the fiscal impact notes that are required when the Retirement and Social Security Law is changed, these analyses would quantify how an action would affect all the areas that comprise the criminal justice system. From police officers on the streets to the court system, this information would be the starting point in determining if additional resources are needed to institute the change.

The criminal justice system runs on a delicate and ever changing formula that combines the ingredients of apprehension, judgement and punishment. The rights and safety of the public, law enforcement officers and the accused depend on this formula staying in balance. Actions by the Legislature and the agencies that comprise the criminal justice system must always be viewed in this context. The leadership of NYSCOPBA thanks you for the opportunity to make these remarks and we look forward to working with you to make New York the safest state in the union.

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CSEA raises fail to keep pace with U.S. inflation

I read your Feb. 18 editorial, 'Fair deal for CSEA,' and felt nauseous.

Over the last eight years, state workers have received four-and-a-half years of zero pay hikes while the state said, "We're in a financial crunch. We don't have the money." If their contract is approved, CSEA members will get 11.45 percent over four years, 19.39 percent over eight years, and 31 percent over 12 years while commissioners get 33 percent over five years, the governor gets 38 percent over four years, his staff gets 40 percent over four years, and the lieutenant governor gets 38 percent over the two months between her election and taking office.

CSEA sold out and accepted a four-year contract that provides for raises that fail to keep pace with inflation at a time when news reports indicate that for the first time in years, raises nationwide, for union and nonunion workers, are out-stripping the inflation rate. This you see as fair?

KEVIN E. JONES
Albany

Albany Times Union - Sunday, February 28, 1999

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A Message To Council 82 Members.....

Dear Council 82 Members,

As you are aware, CSEA has reached a tentative agreement with the State of New York on its next contract.

CSEA may have addressed the needs of its members. We believe that Council 82 members have needs different from any other state employees. The Council 82 negotiating committee has unanimously agreed that, if this contract is presented to Council 82, it will not be accepted. Our members deserve more.

Recently, our state legislative leaders and the Governor's staff received substantial salary increases, making them the highest paid in the country. We expect nothing less.

This struggle will require experience, political clout and membership support. It is time that we unite as a union and in a forceful, unified voice - demand more from the state.

It is not the time for inexperienced leadership, verbose promises or sarcastic innuendoes by a dissident group.

Council 82 members do the hardest jobs in New York State. We face danger daily from overcrowded facilities, violent inmates and criminals. We face exposure to HIV, hepatitis, drug-resistant tuberculosis, and a variety of other diseases.

Stand together and we will prevail.
VOTE COUNCIL 82"

Buffalo News on 2/26/99

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GOP lawmaker seeks to reform drug sentencing

Albany -- Bill would allow judges to reduce prison terms for low-level dealers

LARA JAKES

Capitol bureau

Non-violent, low-level drug dealers could get more lenient prison sentences under a measure to reform the state's Rockefeller laws announced Friday by a conservative Republican lawmaker.

In the most recent effort to change the strict sentencing mandates of the 26-year-old laws, Sen. John DeFrancisco of Syracuse would increase the quantity of drugs that would have to be sold or possessed before the tougher terms kick in.

Currently, an offender convicted of selling two ounces or possessing four ounces of a narcotic faces a mandatory minimum term of 15 years to life. DeFrancisco's bill would double the weight minimums before the mandatory term applied.

The result: Sentencing judges would not be required to impose lengthy prison sentences on first-time offenders, DeFrancisco said.

"Individuals should be sentenced on an individual basis and not be fit into a certain class," he said. "Every case is different and every individual is different. This is not 'soft on crime,' and sentencing judges still would have the discretion to give the maximum if the particular case warrants it."

DeFrancisco is the newest Republican to join the ranks of a growing group of lawmakers, advocates and judges calling for change to the drug laws. For more than a decade, many liberals and conservatives have been pushing for reforms, but 1999 could be the year that the laws -- widely considered a failure at diminishing either the demand or supply of narcotics -- are changed.

Many observers believe reforms could be implemented this year if used as a bargaining chip with Gov. George Pataki as he pushes his own legislative agenda in a year when he is gearing up for a possible run at national office. In the beginning of his first term, Pataki called for drug law reforms, but he has failed to address the issue since. His aides, however, believe the governor will revisit the idea of reforms after the budget is passed this year.

Chief Judge Judith S. Kaye also made Rockefeller reforms the focus of her State of the Judiciary address earlier this month, proposing that appellate-level judges be given the authority to reduce by up to two-thirds sentences now mandated for high-level drug felonies. She also proposed allowing judges, with the consent of prosecutors, to divert some low-level drug felons to treatment programs.

DeFrancisco, however, said Kaye's plan doesn't go far enough and puts too much authority in the hands of appeals judges.

"It makes more sense to leave sentencing where it should be: with the sentencing judge," he said. "When these laws were imposed, the concept was: 'You throw the key away and the world is rid of drugs.' I don't

think anyone would agree that this has happened."

DeFrancisco's bill is the first piece of legislation on Rockefeller reforms to be filed this session.

The Democratic-led Assembly has long supported some kind of change, but a spokesman for Speaker Sheldon Silver said Friday that Pataki must make the first move. "We're waiting to see the governor's program bill," said Silver spokesman Charles "Skip" Carrier, declining to comment further.

Likewise, Senate Majority Leader Joseph Bruno, R-Brunswick, is "open" to reviewing the laws, but most likely only in the context of approving other criminal justice initiatives, said his spokesman, John McArdle. "We will do it in totality, and not just in individual pieces," McArdle said.

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