

Prison News and News Articles For Correction Officers in New York State: { Page 3 }

ARTICLE LIST:

[Back to Correctional Officers Informational Page](#)

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

[Private Prisons Expect No Increase in Costs\(6/24/97\)](#)

[Private Prison Guards May Be Sued \(6/24/97\)](#)

[Massachusetts Correction Officers Federated Union](#)

[M.C.O.F.U. Mission Statement](#)

[C.C.J.COALITION PRIVATIZATION RESOLUTION](#)

[Woman kills death row inmate at Arizona prison](#)

[Lieutenants Benevolent Association\(7/10/97\)](#)

[Prison Const. Dispute Blocking State Budget\(7/9/97\)](#)

[Silver, Pataki bicker about prisons\(7/10/97\)](#)

[PRISONS CAN'T PUT 2 IN CELLS, COURT SAYS](#)

[2 AGENCIES REVIEWING PRISON ATTACKS](#)

[GUARDS CHALLENGING COUNCIL 82 PRESIDENT](#)

[COUNCIL 82 LEADER IN RUNOFF ELECTION](#)

[CELL SHORTAGE COSTS STATE \\$1.5M MORE](#)

[State was fined another \\$1.5 million](#)

[CRIME](#)

[Authorities toughen policy against unruly inmates](#)

[Back to the Titles](#)

Private Prisons Expect No Increase in Costs

By SAM HOWE VERHOVEK

HOUSTON -- From their prisons to their lotteries to their welfare offices, state and local governments across the nation have been looking more and more to private companies to do the job for less money.

And while a major Supreme Court ruling Monday might appear to threaten the privatization vogue by increasing these companies' costs, several executives and industry analysts said the effect would be much more limited.

On a 5-4 vote, the court ruled Monday that guards in privately run prisons and jails are not entitled to the same level of legal immunity granted to guards at government-run institutions.

Though the decision technically dealt only with correctional facilities, it raised the possibility that private companies and their employees engaged in a host of other jobs traditionally in the sphere of government, such as reviewing welfare applications, could also face increased liability for their actions.

One dissenting justice, Antonin Scalia, certainly left that possibility open. "The only sure effect of today's decision -- and the only purpose so far as I can tell -- is that it will artificially raise the cost of privatizing prisons," he wrote.

But Brian Rutenbur, an analyst with Tennessee-based Equitable Securities Corp., who monitors the private prison industry, said that all of the major companies in the field already operate on the premise that their employees are liable and that the companies pay for insurance based on that premise.

"They already pay for it right now," he said. "So I really don't see any cost increase for them arising from this decision."

If the court had ruled the other way, he added, and granted the higher level of legal immunity, it might have had the effect of reducing insurance premiums and lowering their costs. About 80,000 prisoners across the country are held in private facilities, which amounts to less than 5 percent of the prison and jail population nationwide.

At Corrections Corp. of America, which runs 60 correctional institutions in 17 states and which operates the prison at issue in Monday's ruling, the company already carries a \$30 million general liability policy on each center, said Susan Hart, the company's vice president for communications. She said the company did not anticipate any changes in its procedures -- or in its costs -- because of the ruling.

"We haven't had qualified immunity since we began in 1983," she said. "It's not like the court is taking something away here, or adding a service or requirement that we didn't already know about."

Even a small increase in their costs could be enough to eliminate the price advantage that many companies can now offer over the cost of the government providing the same services, which is almost uniformly the factor that leads governments to privatize.

Here in Texas, for instance, which has 39 privately run prisons and jails and nearly 10 percent of its total prison population of 136,000 in private settings, putting the state in the forefront of privatization, state law requires that the companies charge at least 10 percent less than the state would pay to do the job itself.

On average, the state pays the private companies about \$30 per bed per day, said Glen Castlebury, a spokesman for the state prison system, compared to \$39.50 for the average at state-run facilities. However, he said, that comparison can be misleading because the costs for running comparable institutions are actually much closer; the \$39.50 figure incorporates expensive maximum-security prisons, housing felons who were convicted of the most serious crimes, which the private companies do not operate.

Thus, even if the costs rose by a few dollars, that could be enough to force the state not to renew some its contracts. However, Castlebury said as state lawyers were reviewing the Supreme Court ruling, there was no immediate expectation that such costs would indeed jump.

"Our contracts now require that our vendors provide both the standard indemnification and insurance supporting us from any claims, including civil-rights claims," he said. "It's a very comprehensive requirement."

Still, even with these legal protections in place in Texas and elsewhere, the ruling could have a financial impact, if only because it might spur more prisoners to file more lawsuits.

And in other areas of government it is conceivable -- though still highly speculative, many analysts cautioned -- that the ruling could spark lower courts to look at private industry in a new and possibly more burdensome way. The Supreme Court ruling states that such private employees are not entitled to the "qualified immunity" that protects government employees who can show that they acted with a good-faith belief that they were not violating anyone's rights.

Thus, private company employees who, for example, mistakenly deny a welfare applicants petitions for benefits might find themselves in a lawsuit while public employees could not be. On the other hand, because Monday's rulings dealt with prisons, the legal effect of such a claim is itself debatable; such a case could end up someday, as Monday's did, in the Supreme Court.

[Back to the Titles](#)

Court Says Private Prison Guards May Be Sued by Inmates

By LINDA GREENHOUSE

WASHINGTON -- The Supreme Court ruled Monday that employees of companies that run prisons under contract with a state or local government are not entitled to the immunity from prisoner lawsuits that shields prison guards who are on the public payroll.

The 5-4 decision, rejecting an immunity claim by two employees of the biggest private manager of correctional centers, could help shape the law and economics of the fast-growing move to the privatization of government services.

Writing for the majority, Justice Stephen Breyer said that "given a continual and conceded need for deterring constitutional violations," the traditional immunity doctrine that enables government employees to do their job without fear of lawsuits should not be extended to employees of private companies.

Competitive pressures of the marketplace, making errant behavior expensive to defend and leading to the loss of contracts for poor work, should be permitted to operate, Breyer said.

In the dissenting opinion, Justice Antonin Scalia said the decision would make privatization more expensive for taxpayers and lead to windfalls for prisoners who bring suits and lawyers who represent them.

Workers who perform a public function should receive a public employee's immunity, Scalia said.

The immunity doctrine in dispute shields state officials from liability for civil rights violations as long as their conduct does not violate "clearly established" rights that a "reasonable person" should have known.

In legal terms, this is called "qualified immunity," as distinguished from the absolute immunity accorded to judges, prosecutors and some other officials.

In practical terms, qualified immunity is a powerful shield that makes it extremely hard to win a suit against a protected official.

In the case Monday, an inmate of a prison in Tennessee that the Corrections Corp. of America of Nashville operated sued two guards for injuring him by keeping him in unduly tight physical restraints. The federal district court in Nashville and the U.S. court of appeals for the sixth circuit, in Cincinnati, ruled that the privately employed guards were not entitled to qualified immunity and rejected their motion to dismiss the suit.

In upholding the lower court rulings, Breyer's opinion surveyed the histories of the immunity doctrine and of the private operation of prisons, which he said was common in the 18th- and 19th-century United States and earlier in England. There was no corresponding tradition of immunity for the private jail operators, Breyer said.

Concluding that there was no reason to extend immunity now, Breyer said the most important function of the doctrine was to prevent government employees from being unduly fearful in carrying out their normal duties.

He said that "unwarranted timidity" was less likely to be a problem with a private operator, because "competitive pressures mean not only that a firm whose guards are too aggressive will face damages that raise costs, thereby threatening its replacement, but also that a firm whose guards are too timid will face threats of replacement by other firms with records that demonstrate their ability to do both a safer and a more effective job."

The majority opinion, *Richardson vs. McKnight*, No. 96-318, was joined by Justices John Paul Stevens, Sandra Day O'Connor, David Souter, and Ruth Bader Ginsburg. Scalia's dissenting opinion was joined by Chief Justice William Rehnquist and by Justices Anthony Kennedy and Clarence Thomas.

"Function, not status" should determine the scope of immunity, Scalia said. He said it was "fanciful to speak of the consequences of 'market' pressures in a regime where public officials are the only purchaser and other people's money the medium of payment."

The decision did not necessarily guarantee how the court would rule on the status of employees of companies carrying out other privatized functions like determining welfare eligibility, for example, as is being discussed in some states, and where the competitive marketplace might operate differently. But the majority's rejection of Scalia's emphasis on "function" as the determining principle means that it will be an uphill battle for any private worker to claim a public employee's immunity.

The case was closely watched, in part because privatization is becoming so popular. Twenty-two states have laws to authorize contracts with companies to run correction programs. New York, New Jersey, and Connecticut are not among that group. The Corrections Corp. of America operates 49 correctional center in 11 states and in England. June 24, 1997

[Back to the Titles](#)

Massachusetts Correction Officers Federated Union

M.C.O.F.U. History

Massachusetts Correction Officers Federated Union

With Correctional Officers in Massachusetts becoming increasingly concerned with the lack of representation they were receiving at the hands of an international union, several Officers around the state began grumbling that it was time for us to strike out on our own and begin to represent our own interests.

At the Bridgewater Complex, Central Transportation Unit and MCI Norfolk the dissidents were getting louder. After continuously hearing complaints about the ineffectiveness of the current Union two of these individuals, Correctional Officers Richard Merrett and Brian Dawe from MCI Norfolk, began to assert themselves by running for office in local elections. They quickly realized that the system was rotten from the head down and in order to effectuate any real change control would have to be wrestled away from the old regime beginning at the local levels.

Richard Merrett and Brian Dawe threw their hats in the ring against members of that well established regime. Running for President and House Officer Representative respectively at Local 464 MCI Norfolk, Rich and Brian felt that they could bring about the kind of change needed. The election heated up with all indications pointing towards a Merrett/Dawe victory. Remarkably, one week to the day prior to the election, Rich was mysteriously transferred 25 miles away to the Shattuck Hospital Correctional Unit where he would be unable to represent the needs of the membership at Norfolk.

Suspecting foul play Brian Dawe filed charges with the International Union's headquarters in Washington D.C. A judicial panel Chairman was sent to hear the charges. On the day of the hearing Rich and Brian held their ground while several individuals from the local and international came prepared to defend their position. Brian had filed ten charges against the local representatives for their alleged involvement in this matter.

When the hearing Officers report was issued several weeks later, Rich's and Brian's suspicions were confirmed. The verdict was in and the hearing Officer ruled in their favor in all but one of the charges. However, the only remedy set forth by the hearing Officer was that this would never happen again! Brian was first to receive the verdict. He called Rich and read the verdict to him. They decided right then that the hearing Officer was absolutely correct, this would never happen again. It was at that moment that the brush fires which had been simmering for so long across the state ignited into a full blown fire storm. Thus the Massachusetts Correction Officers Federated Union (MCOFU), was born.

Rich and Brian sought out several loyal sympathizers to assist with the formation of the new Union. Dan O'Neil, Gary Murphy, Jack Flanagan and two other individuals, no longer with the organization, put their best foot forward and took on the task of ousting the International Union.

Through referrals given to Rich the law firm of Grady & Dwyer, (now Dwyer & Jenkins) was contacted. Matthew Dwyer accepted the dubious task of assisting us in achieving independent representation for Correctional employees in the Commonwealth of Massachusetts. The organizing and strategy that went

into this venture added up to many thousands of miles of travel, hundreds of meetings, late night hours and early mornings distributing literature and speaking with the membership. All while this hard core group of seven determined Correctional Officers maintained their positions as full time Officers with the DOC. They had no money, no sponsors, not even a typewriter. (Brian had to schedule time at the local library to use their typewriter so that he could type out the new Unions messages for distribution.)

After months and months of constant vigilance on everyone's part, the newly formed union, the MCOFU, defeated the incumbent union AFSCME on May 25, 1989 by a vote of 1148 to 1032. On October 2, 1989 after 4 months of appeals, the Massachusetts Labor Relations Commission issued its certification naming the MCOFU as the exclusive bargaining agent for employees in state bargaining unit 4.

It was common knowledge among the Executive Board members of the MCOFU that everyone in state government, from then Governor Michael Dukakis to the lowliest Superintendent, wanted us to fail. They did everything in their power to derail the MCOFU. The Governor's first act was to strip the membership of their dental and optical benefits, benefits that all other state employees enjoyed. The Union simply dug in its heels a little bit deeper and refused to succumb to the mounting pressure. Not only did the Governor, Secretary of Administration and Finance, Secretary of Health and Human Services, Office of Employee Relations and the Department of Corrections throw every stumbling block that they could in our way, the 1032 Officers that voted to retain the old union were doing everything they could deep within our own ranks to destroy us.

This struggle continued for approximately three years, until the Union successfully negotiated its first contract for bargaining unit 4. As it turned out the wait was well worth it. The memberships support paid off with a 21% pay raise and three new monetary benefits we never had before, plus of course the return of our eye and dental benefits.

Today we are proud to say that the Massachusetts Correction Officers Federated Union is one of the best Unions in the country representing Correctional Officers. We believe this is true because we have never lost sight of our goals, to wit; to represent to the best of our abilities all Correctional employees who join the MCOFU. Since that time three counties have also joined our ranks as well. Plymouth, Bristol and Worcester counties have come on board raising our numbers to over 4,800 and making us the largest law enforcement union in New England. When you have a commonality of interest and a sincere desire to get the job done, an independent organization geared towards one goal can move mountains. The success of the MCOFU is testimony to the results that are possible when you stay focused on the job at hand.

[Back to the Titles](#)

M.C.O.F.U.

MISSION

The revised Constitution of the Massachusetts Correction Officers Federated Union states: The purpose and objectives of the Union shall be to promote the organization of workers, to bring together and unite all employees for the purpose of advancing their interests, promote their welfare, improve their wages and other conditions of employment.

BACKGROUND

What the mission statement doesn't tell you is that the MCOFU was started by a bunch of Correctional Officers who were fed up with poor representation and of having been thrown into the negotiating melting pots that comprise so many international unions. (See our History page) We were sick of Correctional Officers having to negotiate and work under the same contract with street cleaners, librarians, social workers and zoo keepers. They are all good honest jobs, but they do not reflect the unique and difficult occupation of Correction Officer.

CORRECTIONS ONLY

We recognize the uniqueness of our profession and are convinced no one can represent the Correctional Officer better than Correctional Officers. No one can bring the knowledge, experience, and passion to the table better than the men and women who walk " the toughest beat in America." Our success and the success of Corrections-Only unions from California, Rhode Island, Delaware, New Jersey, Washington, Montana, Oregon etc etc, bear testimony to that fact. For that reason we only represent Correctional Officers and a limited number of support staff. MCOFU expansion into other areas beyond Corrections was dismissed as the first step back down the road to poor representation. We'd much rather be a master of one trade and dedicate out time and expertise to that rather be a jack-of-all-trades and give short service to all.

REPRESENTATION

Currently the MCOFU represents all state Correctional Officers in Massachusetts and county Correctional Officers in Plymouth, Bristol and Worcester counties. We believe that there should be only ONE Corrections Union in the Commonwealth of Massachusetts, and that Union is MCOFU. However, we are not predatory. Our expansion into the county system has come as a result of County Officers coming to US seeking help. Only then, and with the blessings of the Union's governing body, the Executive Assembly, did the MCOFU embark on expansion into the counties. To this day we do not seek out more counties to represent...they seek us.

ORGANIZATION

We believe first and foremost in a democratic Union: One member--One Vote. The membership votes on contracts, dues increases, constitutional amendments, and statewide political endorsements for all elected officials. The Executive Assembly is the governing body of the Union when in session. The Assembly is comprised of 34 voting members---Chief Stewards from 24 state and county prisons, 3 Chief Stewards from the disciplines of Industrial Instructors, Correction Maintenance Workers and Recreation Officers and the 7 member Executive Board. The Board meets monthly to act upon issues of statewide impact. The Exectutive Board controls the day to day operation of the Union and coordinates the Union's activities from our Boston office. If you have any comments or questions about the MCOFU, contact Vice President Brian Dawe at the Union's office in Boston: 1-617-436-7818

[Back to the Titles](#)

THE CORRECTIONS AND CRIMINAL JUSTICE COALITION PRIVATIZATION RESOLUTION

Whereas, the undersigned members of the Task Force consider privatization and contracting out of public corrections to be the gravest threat facing our profession; and

Whereas, by extension, this threat to our profession jeopardizes the safety and security of all law-abiding citizens; and

Whereas, costs for incarceration have been and are predicted to be the fastest-growing budget item for many state agencies; and

Whereas, private corporations have the personnel and where with all to scrutinize state budgets and have targeted corrections and law enforcement as growth areas where they purport to be able to demonstrate significant cost savings and improve efficiency; and

Whereas, there is currently a dearth of unbiased, objective comparisons of the advantages and disadvantages of public vs. privately run corrections operations; and

Whereas, private corporations have been famously successfully in portraying themselves as experts in our industry in spite of the fact that there is no proven track record to substantiate such claims; and

Whereas, these corporations increasingly are being exposed for their deficiencies as incidents arise ranging from failure to maintain order to failure to report escapes in a timely fashion to repeated necessity to augment private companies operations with resources from other state agencies, further clouding the ability to genuinely differentiate alleged cost savings; and

Whereas, many of these corporations may have expertise in such areas as elder care, transportation, airport security, food services but not in the arena of public safety yet have successfully and insidiously parlayed that work into our industry; and

Whereas, the states ultimately bear liability and responsibility for all matters relating to public safety and, in fact, abrogate their duties when privatizing and contracting out, leaving their sole concern to oversight; and

Whereas, in places where privatization has occurred, elaborate, costly administrative oversight systems have had to be established, further draining already tightened state coffers; and

Whereas, through our representative bodies, the Task Force has worked to professionalize our industry by seeking to attract, retain and motivate a high caliber workforce that consistently performs an excellent job in a difficult environment of understaffing, inadequate pay and the changing profile of a shockingly violent and predatory inmate population; and

Whereas, the issue of privatization of corrections is a uniquely quiet crisis because the American public, by and large, does not wish to engage in a debate of unsavory topics that, to us, constitute our routine working conditions:

Resolved, that the undersigned members of the Task Force work to develop a national voice for corrections and law enforcement at the federal level to fight privatization wherever it occurs; and

Resolved, that the Task Force undertake activities that heighten the national debate over the privatization of corrections by ensuring that our concerns become the public s concerns; and

Resolved, that the Task Force become a clearinghouse for state organizations in their efforts to fight privatization schemes; and

Resolved, that the Task Force work to educate the public, the press, our members, state legislators and

federal lawmakers about the essential work we do in our communities and about the committed, dedicated and professional people we represent; and

Resolved, we undertake this mission of education so that no one can ever say, We didn't know the problems existed ; and

Resolved, that we hold that the American people do not believe that public safety is an arena that lends itself to corporate profit margins; and

Resolved, that the Task Force will encourage further study of the issue of privatization by independent organizations; and

Resolved, that we firmly believe that part of the job of our members is to have an institutional memory, to remember the past, to warn the public about where the problems lie, to define what can and cannot be done; and

Resolved, that the Task Force welcomes discourse on this subject because we believe that our members are best qualified to do this work and that states abrogate their responsibilities when they supplant the public safety to corporate profits; and

Resolved, that the Task Force will continue to expose the litany of abuses and political cronyism so rife within this industry of corporate privatizers; and

Resolved, that we will continue to walk the toughest beat in the nation and let the public judge our performance up and down the line in the fair, unblemished light of objective public scrutiny.

| Name | Organization | State |
|-----------------|--------------------|---------------|
| Mike Jimenez | CCPOA | California |
| Jack Rosser III | DC FOP | D.C. |
| Carlton Butler | DC FOP | D.C. |
| Donald Reiman | ESBPBA | Delaware |
| Al Shopp | Florida PBA | Florida |
| Scott Stone | KAPE | Kansas |
| Brian Dawe | MCOFU | Massachusetts |
| Mel Grieshaber | MCO/SEIU | Michigan |
| Michael Marette | AFSCME | Minnesota/DC |
| Jim McGarvey | Fed. of State Emp. | Montana |

| | | |
|--------------------|------------------------|--------------|
| Howie Wigert | Fed. of State Emp. | Montana |
| A. Skip Neel | NV Corrections Assoc. | Nevada |
| Jay Glass Jr. | PBA Local No. 105 | New Jersey |
| Richard Harcrow | AOU/Local 1040 | New York |
| Brian Shanagher | Green Haven Local #152 | New York |
| William West | ULEA | New York |
| Scott Barger | OK. Public Emp. Assoc. | Oklahoma |
| Michael Van Patten | AOCE | Oregon |
| Edward Small | OR. Corr. Off. Assoc. | Oregon |
| Richard Loud | RIBCO | Rhode Island |
| Ron DeLord | CLEAT | Texas |
| James Fotis | Exec. Dir. LEAA | Virginia |
| Jeffrey L. Doyle | Natl. Board LEAA | California |
| Greg Schneider | AFSCME | Oregon |

The men and women above signed this document at the Third Round Table Conference of the Corrections and Criminal Justice Coalition in Phoenix, Arizona on May 19, 1997. They represent over 150,000 professional Correctional Officers in the United States. It was only the third meeting of CCJC, which has grown from four states representing 40,000 Correctional Officers to our current numbers in just six months.

The CCJC is committed to doing all that it can to address the universal issues facing professional Correctional Officers in this country, to establish a national voice, to enhance our public image and to ascend to our rightful place in the law enforcement community. Our issues will be dealt with and our voices heard. This journey has just begun. If you are a Correctional Officer, get involved---our time has come.

If you would like copies of this document, including signitures, or want more information on the CCJC, contact Brian Dawe, 15 year Correctional Officer and Vice President of the Massachusetts Correction Officers Federated Union at 1-617-436-7818 or e-mail at: dawevp@mcofu.com Or contact Mike Jimenez, 12 year Correctional Officer and Executive Vice President of the California Correctional Peace Officers Association at 1-800-821-6443.

[Back to the Titles](#)

Woman kills death row inmate at Arizona prison

A woman shot and killed a death row inmate at a state prison near Phoenix Wednesday and was then shot to death by a prison guard, authorities said. Authorities said the female civilian brandished a rifle and killed the male inmate at 10:52 a.m. ET as he was tending a vegetable garden outside a cell block. The female then was shot in the legs and chest by a prison guard after being told to drop the rifle, said a state Department of Corrections official. Authorities were not sure what prompted the incident.

[Back to the Titles](#)

Lieutenants Benevolent Association

The following appeared in the Civil Service column in Thurs. 7/10 DAILY NEWS:

Leaders of the Lieutenants Benevolent Association thought they had a deal with the city on a new contract but apparently the membership felt otherwise.

Despite a resounding 76-to-5 endorsement of the package by the LBA's delegates, the rank and file overwhelmingly rejected the offer.

In fact more than 85% of the 1400 LBA members returned ballots, with nearly 63% of those voting the contract down.

"I guess this was a clear message from the membership that they want to share in the successes of the city in reducing crime," said LBA President Tony Garvey. "They obviously felt that two years of zeros was unacceptable."

Garvey said he thought the signing bonus in the package worked out with the city would overcome the zero-zero pay increases for the first two years of the deal which was retroactive to 1995.

"We clearly believed the signing bonus would be enough to alleviate some sting of the two zeros," said Garvey. "Obviously it was not."

He adds that he was pleased with the size of the response. "This was the highest vote response I can ever remember," he said. "I guess it shows the frustration among the membership."

The rejection by the rank and file city police lieutenants raises the question of the effect of the vote on the pending Patrolmen's Benevolent Association arbitration. While publicly offering no comment on the LBA rejection, PBA officials privately believe it may help them. "It's just another example for the arbitrators that the members of this department aren't happy with what's been put on the table," said one insider.

But New York city Labor Relations Commissioner James Hanley, who negotiated the deal, said the LBA vote will have no effect on the PBA situation.

"There is no relation to the superior officers and the PBA," said Hanley. "The Police Officers have been linked with the Fire Department, who we have a contract with since 1898. That's who they'll always be

linked with."

As for the Lieutenants, they'll now have to wait until the PBA arbitration is completed.

"Our posthearing briefs are due July 15, and the arbitrators decisions should be returned within 30 days after that." said Hanley "Right now we're focusing on the PBA, that's our #1 priority".

Meanwhile Sergeants Benevolent Ass. officials said they were not surprised by the LBA vote, and SBA President Joe Toal said his union also would wait for the PBA ruling.

"I think the membership of the LBA realized that one of the smaller unions with 1400 members shouldn't be the one to come back first with a contract. Those 1400 didn't want to settle and set a pattern for a department of more than 30,000.

"Even with our 4300 members, it's not the way to do things," said Toal. "So now we'll all wait until the PBA arbitration and see where it goes." -----

63% voted, 63%!!!
2 Years of zeros -
UNACCEPTABLE!!!

They, too, can be like 82 with a little help!!!!

I can show them where they went wrong:

1. They should have offered them \$250. "In Pocket" cash
2. They should have provided a "Calendar Book"
3. They need to get affiliated with afl-cio & assme so that the assme "expert" eliot (whose side is he on) seide could have sold the Lt's on the beauty of more zeros!!!!
4. They need to discourage such rank & file participation.

[Back to the Titles](#)

Prison Construction Dispute Blocking State Budget

Assembly Plan for 800 Maximum Security Beds Isn't Enough To Ease Overcrowding, Pataki Says

Associated Press- Watertown Daily Times 7/9/97

ALBANY--An Assembly plan to build 800 maximum security beds over the next year is unacceptable and does not do enough to address serious overcrowding in state prisons, Gov. George Pataki says.

Pataki and state Sen. Majority Leader Joseph Bruno, both Republicans, rejected the proposal put forth by Democratic Assembly Speaker Sheldon Silver on Monday during talks on state budget, which was due on April 1.

New York state's prison system, with some 70,000 inmates, is operating at about one-third above capacity. In addition to building the maximum security beds, Silver's plan would include 800 beds for drug treatment facilities and more beds in domestic violence shelters.

Silver's plan would put more state prisoners in vacant county jail cells and pay counties a higher reimbursement rate for housing them. It would also allow work release for domestic violence victims who have committed violent crimes against their abusers.

"It's a combination of all factors that will get us a reasonable criminal justice plan," he said.

But Pataki, whose has put forth a plan to build some 7,000 prison beds through the rest of the decade, dismissed Silver's plan.

"It's very simple. Either we're going to continue to keep violent felons behind bars to protect our children and families of people of New York, or if the Assembly has its way, they have to be turned back on the street," the governor said.

Bruno agreed.

"That is not a response, it's not accurate, it doesn't do it, it's not the answer," Bruno said. "That is just trying to sort of brush things aside in a very inconsequential way, and we have a very serious problem that has to be addressed."

Silver defended his plan, noting an Assembly crime proposal introduced earlier in the year would put more police on the streets to deter crime. He also said he would not accept any plan to build prisons over a multi-year time span.

"We can build (to) capacity at anywhere from seven months to two years. So there is no need now to build facilities that may be needed in five years, and may not be needed in five years," he said.

This is the 13th straight year the budget has been late. It is poised to break last year's July 13th record of being the latest budget ever adopted.

[Back to the Titles](#)

Silver, Pataki bicker about prisons

By Joel Stashenko Associated Press Writer

ALBANY, N.Y.(AP)

With the state budget an even 100 days late as of today, some legislators say they feel like captives of the Capitol.

It may be fitting, then, that the latest roadblock to passage of a new spending plan for New York state is how extensive a prison-building program the state should embark upon.

Assembly Speaker Sheldon Silver referred Tuesday to Gov. George Pataki's proposal to build three maximum-security and some 7,000 new prison spaces by the end of the decade as "plan to build a prison empire."

"This state does not have to build the magnitude of prison cells that the governor is proposing," Silver said. "None of his proposals will take care of the current problem. He's talking about building prison cells that are two years away from being on line."

But state prisons are at 133 percent of capacity, according to the Pataki administration. As the budget talks have turned toward prison construction proposals in recent days. Pataki and his Republican ally, Senate Majority Leader Joseph Bruno, have spoken of the dire necessity of expanding the state's prison system.

Bruno termed it a "potential explosive situation."

Silver sees it differently. He is under pressure from some liberal and minority members of his Democratic conference in the Assembly to expand alternative sentencing and drug treatment programs.

Silver said Tuesday that crime is going down, not up, and that prisons will feel less strain in the near future, not more. He said the jail population in New York City - which produces 60 percent of the state's prisoners - has gone down from 20,033 in June 1996 to 17,418 last month.

"Every elected official in this city and this state has claimed credit for a reduction in crime," Silver said. "It has to show up in the prison population."

Silver also said the Assembly estimates that about 30 percent of the state's prison population is comprised of people convicted of violent felonies. That is a figure Pataki called "completely wrong," on Tuesday. According to the governor, the actual percentage is between 50 percent and 51 percent of the approximately 70,000 inmates in New York state prisons.

"That is a enormous mistake of fact," Pataki said. He insisted that more secure prison space is needed to protect New Yorkers from violent criminals. He also rejected as "non-sense" assertions by Silver that his prison-building proposal is a pork barrel or economic development plan cloaked as a public safety initiative.

"I don't think there's ever been a governor who wants to build prisons that cost the state money unless they are essential as part of a criminal justice system," Pataki said. "I think the people of New York want violent criminals behind bars and off the street."

[Back to the Titles](#) Friday, March 21, 1997

PRISONS CAN'T PUT 2 IN CELLS, COURT SAYS

State judges' ruling that minimum space requirements have been violated creates a crisis for overcrowded system

JOHN CAHER Staff writer

ALBANY -- Underscoring the need for New York to get on with constructing new prisons, an appellate court on Thursday said the state cannot house two inmates in a cell meant for one, regardless of a severe overcrowding problem.

The decision by a divided court provides further impetus for the state to get on with a long-delayed

prison expansion project, but does nothing to resolve, and could exacerbate, a current crisis, officials said.

Kevin S. Casey, an Albany attorney who successfully challenged a regulation authorizing double-celling, said the state has no one to blame but itself. Casey, of Hite & Casey, represents Council 82, a labor union that includes prison guards as its members.

"The overcrowding issue did not evolve overnight," Casey said. "We knew it was coming and we know it is going to get worse."

Over the next three years, Gov. George Pataki wants to expand state prison capacity by about 7,000 beds, including three new 1,500-bed maximum-security prisons.

Right now, however, with New York prisons at 132 percent over capacity, authorities had begun to alleviate some of the strain by double-celling inmates.

The Appellate Division of state Supreme Court on Thursday shot down the practice as inconsistent with regulations establishing minimum space requirements for prisoners.

"In our view the final rule relating to double occupancy housing units . . . is internally inconsistent with the existing regulations for multiple housing units and, therefore, unreasonable," Justice Edward O. Spain wrote for the majority.

The 1995 rule does not establish a minimum floor space that inmates in double-occupancy cells must have available to them, the court noted. It also says inmates of only "suitable" background should be placed in such cells, but it does not define what those qualifications are.

Elsewhere in state laws, it is stipulated that prison officials must provide inmates at least 60 square feet of floor space in individual cells or at least 50 square feet in a multiple occupancy housing unit. Not specifying a footage minimum violates those standards, the appellate division judges found.

In dissent, Justice Anthony J. Carpinello said the court has put the prison system in an untenable position.

"Compelled to both accept an ever-increasing number of new prison inmates and to prevent the early release of existing inmates, (the) state Commission of Correction has been left without any other short-term solution to this crisis."

The state will appeal the ruling and planned to seek an immediate stay to prevent it from taking effect while the litigation continues, according to James Flateau, spokesman for the state Department of Correctional Services.

Flateau said double-celling is occurring in about 870 of the 20,000 maximum-security state prison cells in New York. Inmates are double-celled for no more than 60 days at a time, unless they request to be assigned to such cells longer.

Copyright 1997, Times Union, Albany, N.Y.

[Back to the Titles](#)

Friday, April 18, 1997

2 AGENCIES REVIEWING SERIES OF PRISON ATTACKS

Latest confrontation at Coxsackie results in injury to 5 guards

MARK MCGUIRE Staff writer

COXSACKIE -- A pair of state agencies is interviewing prison guards and inmates after five more Coxsackie Correctional Facility guards were injured in what officials say is yet another unexplained attack by an inmate.

The latest confrontation Wednesday afternoon happened while the prison was still in lock down from the recent spate of attacks on guards.

One union official said there is a possibility the prison could experience even more widespread violence, adding the attacks could be coordinated.

Five guards were injured in the 5 p.m. incident in Cellblock C of general population when an inmate went after a correction officer collecting dinner trays, officials said. One guard suffered a broken knee, another a broken elbow and a third a possible concussion and detached retina. The other officers suffered assorted bruises and sprains.

Since April 5, 23 correction officers in the Capital Region have been hurt in confrontations with inmates: 17 at Coxsackie and six at Great Meadow prison in Comstock.

"The unexplained violence continues," said Robert Lawson, spokesman for Council 82, the officers' union. "That is what has everyone perplexed -- these things are just happening."

Representatives from the state Department of Corrections were in the facility Thursday searching for clues in the recent attacks.

"They are talking to staff and inmates alike to get a better handle on recent incidents," department spokesman James Flateau said. "They are isolated incidents to the extent we don't pick up any organization among the inmates involved that they conspired to assault staff."

Donald Premo, a Coxsackie officer and union treasurer, said he believes the assaults may be linked.

"We have half the commissioners in the world down here trying to figure out what's going on, but I don't think they are having any more luck than we are," said Premo, a 13-year veteran. "In my memory I've never had this many (incidents) in this rapid succession."

"I can't believe it is not organized," he continued. "How it is organized, I don't have a clue."

In addition, the state Commission of Correction, a watchdog agency that oversees local, county and state facilities, is conducting its own investigation.

"We had a team down there on Monday, and we are planning to send another team down there (today)," commission spokesman Scott Sandman said. "Our field staff will be interviewing officers and inmates and sharing any findings with the Department of Correctional Services."

After the weekend assaults, union officials said they are especially concerned because the attacks don't seem to have been precipitated by any one event, and therefore couldn't have been foreseen. Premo said

officials are also worried the prison could erupt into more widespread violence.

``Why would these (corrections) people be here if there wasn't a real and present danger this jail could be lost?" Premo said.

Copyright 1997, Times Union, Albany, N.Y.

[Back to the Titles](#)

Friday, July 4, 1997

4 GUARDS CHALLENGING COUNCIL 82 PRESIDENT

Votes will be tallied Tuesday by an arbitration group

SARAH METZGAR Capitol bureau

ALBANY -- Richard Abrahamson, president of Council 82 for only a year, is being challenged by four other prison guards in a union election battle.

The votes will be tallied Tuesday by the American Arbitration Association in New York City. If no one gets a majority of the vote, the union's constitution calls for a runoff between the top two vote-getters. With five presidential candidates, it is virtually certain there will be a runoff, and the ultimate victor probably won't be selected until late August.

Abrahamson is a 46-year-old guard from the Collins Correctional Facility near Buffalo. He is being challenged by a fellow union executive, correction policy vice chairman Louis Delmonte, and a Collins co-worker who supported Abrahamson in his run last year: David Stanson. The other candidates are Frank Coleman from Cape Vincent Correctional Facility and Thomas VanCamp, a lieutenant from the Gowanda Correctional Facility.

Abrahamson was the first president elected under the union's new one-member, one-vote system. Previously, presidents were elected by delegates. Abrahamson also was the first president elected after a spate of union troubles: political infighting, financial losses, allegations of misappropriation and investigations by the Federal Bureau of Investigation and U.S. Department of Labor. The allegations led to the expulsion of the union's three former top officers for ``massive misuse of the funds of Council 82," and a yearlong takeover by the parent union, the American Federation of State, County and Municipal Employees.

``We've turned the corner a bit," Abrahamson said. ``A lot of the nonsense is over with now. Fiscally, we're a lot better than we were. I can look in the mirror and say I feel OK with what I helped do here."

Abrahamson said he only wants to serve one more term.

In addition to the five-man presidential race, five candidates will battle to become vice president. Michael Graney is running for re-election to that post, but must best David St. Louis from Mt. McGregor in Saratoga County and three others -- Ronald Brereton from Sing Sing, Paul Pawlowski from Attica and John Moore from Hudson.

Three candidates are running for treasurer, two are running for secretary, five are running for correction

policy chairman and six men are running for correction policy vice chairman.

Council 82 represents 26,000 state prison guards and law enforcement officers. It is frequently beset by takeover challenges, which are likely to start anew when the union's labor contract with the state expires in 1999.

Copyright 1997, Times Union, Albany, N.Y.

[Back to the Titles](#)

Wednesday, July 9, 1997

COUNCIL 82 LEADER IN RUNOFF ELECTION

SARAH METZGAR Capitol bureau

Albany Three candidates were eliminated in a Tuesday election for the presidency of Council 82, leaving two men to battle in a special runoff race.

Incumbent President Richard Abrahamson was the top vote-getter in Tuesday's race, garnering 2,927 votes. But the union constitution requires the winner to get a majority of votes cast, and Abrahamson didn't get the 3,625 votes necessary. He will now battle second-place finisher Louis Delmonte in a runoff.

Delmonte, currently the union's correction policy vice chairman, received 1,407 votes on Tuesday.

For the post of executive vice president, incumbent Michael Graney (3,175 votes) will face a runoff against Paul Pawlowski (1,309 votes).

For the post of treasurer, incumbent Michael Suprenant (3,417 votes) will face a runoff against Kevin Walker (2,584).

Curtis Bowman and John Butler will battle for the post of correction policy chairman, and Donald Rowe and Patricia Rybak will compete for the post of correction policy vice chairman.

In Tuesday's contested races, there was only one clear winner: Leonard Crouch, former president of the Albany Police Officers Union, handily defeated incumbent Elijah Mayrant for recording secretary with a vote of 5,021 to 1,934. Two other officers were re-elected unopposed: Ronald Hoyt as law enforcement policy chairman and John Reidy as law enforcement policy vice chairman.

Union spokesman Bob Lawson said new ballots will be mailed out to members on July 23, and will be counted on Aug. 28. The new officers will start their two-year terms in late September. The union represents 26,000 state prison guards and law enforcement officers.

Copyright 1997, Times Union, Albany, N.Y.

[Back to the Titles](#)

Saturday, February 8, 1997

PRISON CELL SHORTAGE COSTS STATE \$1.5M MORE

Officials say latest fine for leaving inmates in county jail too long brings total to \$5.8 million

Wednesday, January 29, 1997

INCREASED PRISON SPACE WILL BENEFIT EVERYONE

RICHARD ABRAHAMSON President, Council 82 Law Enforcement Officers Union **ALBANY**

In your Jan. 15 edition, in a chart depicting winners and losers in Governor Pataki's proposed budget, you cited New York state correction officers and their union, Council 82, in the winners category.

While we at Council 82 have fought long and hard for increased prison space and adequate security staffing, I want to make it clear that this fight was never waged to promote our union or bolster our membership, hence we take issue with Council 82 being listed among the winners. There is, however, no quarrel on our part that correction officers and their families will be winners when expansion is approved.

There will, however, be many other winners as well. Not only the security staff, but also the civilian staff in our correctional facilities and the inmate population, because expansion means safer and more secure facilities, not dangerous prisons now crammed to 131 percent of capacity.

Let us not forget the taxpayers of New York state. They are paying every day because county jails are forced to house state-ready inmates. That is because there is no room in our state facilities to house them and it only adds to the tax burden at the local level. Moreover, the people of New York deserve nothing less than safe and secure prisons.

So let's reserve judgment on winners and losers until the issue of expanded prison capacity is resolved. When the Legislature approves the 7,000 new beds proposed by Governor Pataki, everybody will win and no one will lose.

Copyright 1997, Times Union, Albany, N.Y.

[Back to the Titles](#)

SARAH METZGAR Capitol bureau

ALBANY -- The state was fined another \$1.5 million Friday for leaving state prison inmates in a county jail, and the Pataki administration blamed the Democratic Assembly and its hesitancy to build more prison cells.

However, the fine and several others recently assessed against the state arose from lawsuits brought before the state dramatically reduced the number of such inmates remaining in local jails.

Gov. George Pataki's prison expansion plan will be a hot issue in the upcoming legislative session, and the Assembly will be pressured incessantly from three sides: Pataki and his top aides at the Department of Correctional Services, the Republican-controlled Senate and the prison guards union, Council 82.

Last week, Council 82 publicized three violent uprisings that injured nine guards in a 24-hour period,

offering them as proof of overcrowding and the need for more space. On Friday, state Corrections Commissioner Glenn Goord issued a scathing statement about the \$1.5 million fine, which the state has been ordered to pay Erie County for not taking timely custody of its ``state-ready" inmates. State-ready inmates are prisoners sitting in county jails who belong in state prisons -- convicted felons who have received a sentence of more than one year.

``Legislative inaction last year, caused by the Assembly majority's unwillingness to enact Gov. George Pataki's prison expansion program, makes the taxpayer the financial fall guy today for the state's inability to accept felons in a reasonable time period," Goord said.

Prison officials and guards say new cells are desperately needed to alleviate the space crunch that already exists. The state's 70,000 prisoners are crowded into a system that is designed to hold about 55,000, and thousands of the inmates are double-bunked.

But Democrats in the Assembly have balked. They are suspicious of some of Pataki's prison statistics, and think the inmate population won't grow as fast as he says it will. They also want to focus more on alternative programs for nonviolent offenders, and ease overcrowding through reform or repeal of the state's harsh Rockefeller drug laws.

Patricia Lynch, a spokeswoman for Assembly Speaker Sheldon Silver, said Democrats were reviewing the decision. ``It appears it's a matter of the state reimbursing the county for criminal justice services," she said, declining to comment further.

Last year, Pataki proposed an 8,650-bed prison expansion, and the Legislature agreed to build only 1,505 new beds. This year, Pataki is proposing a three-year, \$635 million, 6,950-bed expansion: three 1,500-bed maximum-security prisons, 11 200-bed special housing units at existing facilities and a 250-cell expansion at Clinton Correctional Facility. One of the new prisons would open in the fall of 1998, according to Pataki's plan, and the two others would open in the fall of 1999.

Goord said the state has now been fined \$5.8 million for not accepting ``state-ready" inmates from counties within the proscribed 10 business days.

Pataki aides said earlier in the week that much of the state-ready problem had been solved with the modest expansion approved last summer by the Legislature. The count of wrongfully placed inmates has dropped from 1,328 last July to 165 now. But officials fear the problem it will worsen again without more expansion.

The 70,000 inmates in state prisons are more than four times the number behind bars in 1970. Goord estimates that the population will grow to 77,300 by 2000, and even more if the Legislature approves Pataki's proposal to abolish parole for first-time violent felony offenders.

Copyright 1997, Times Union, Albany, N.Y.

[Back to the Titles](#)

Wednesday, January 15, 1997

CRIME

Including Department of Correctional Services, Crime Victims Board, Division of Criminal Justice Services, Division of Parole, Division of Probation and Correctional Alternatives, State Police.

WHAT PATAKI WANTS

Tougher sanctions against violent felons and dangerous juvenile delinquents; add 6,950 more beds to the state prison system. Abolish early parole for first-time violent felony offenders. Reform the state's youthful offender laws, and transfer some juvenile offenders to the adult prison system. Grant "merit time" to certain non-violent offenders, releasing them early if they've made significant efforts toward rehabilitation. Build three 1,500-bed maximum-security prisons by the year 2002, 11 200-bed maximum-security units at existing prisons and a 250-bed addition at Clinton Correctional Facility.

WINNERS & LOSERS

WINNERS:Prison guards and their union, Council 82. There would be more prison guards and overcrowding would be alleviated.

LOSERS:Possibly taxpayers, if Pataki's prison-building plan is approved.

REALITY CHECK

Democrats are likely to balk at the criminal justice plan, looking for alternatives to incarceration and reform of the state's strict drug laws. In a year of massive spending cuts and continued tax cuts, the governor may have a hard sell to make on spending hundreds of millions on new prison cells.

KEY PLAYERS Fred Jacobs, counsel to Assembly Speaker Sheldon Silver, will work to block key proposals. Corrections Commissioner Glenn Goord, who will battle to ease overcrowding with prison construction. Michael Graney, vice president of prison guards union Council 82, who will preside over union rallies. Senate Crime and Correction Committee Chairman Michael Nozzolio, a Rochester-area Republican, who also will fight for more prison beds.

Copyright 1997, Times Union, Albany, N.Y.

[Back to the Titles](#)

Authorities toughen arrest policy against unruly inmates

By Don Lehman

Staff Writer

COMSTOCK -- Hoping to send a message to unruly young inmates at the Washington Correctional Facility, authorities have changed their arrest and prosecution policies for inmates caught with weapons at the medium-security prison.

State Police will now immediately arrest prisoners for possessing weapons, instead of waiting weeks or months to present the case directly to a grand jury before prosecution begins.

The Washington County district attorney's office contacted corrections officials and State Police about making the change several weeks ago after reading of unrest at the prison caused by younger inmates.

" It's something we've decided to do until tensions at the facility die down," District Attorney Robert M. Winn said.

The first arrest was made Wednesday night, when 20-year-old Lavar Malloy was charged with promoting prison contraband for having a 2-1/4-inch piece of sharpened metal, said Harold McKinney, acting superintendent of the Washington Correctional Facility.

" We want the youthful inmates to be aware this is what will happen if they act in this manner," McKinney said.

A majority of the Route 22 prison's population are inmates under age of 21 who have proved more difficult to manage than older prisoners.

Since the population switch was made earlier this year, prison officials have reported a rise in gang-related violence, including two stabbings in which the victims suffered serious injuries. Both cases are awaiting grand jury action.

During Winn's two terms in office, the policy when dealing with prison crime has been not to immediately arrest the offender but present the case directly to a grand jury.

This saves police and prosecutors from having to make the arrest, arraign the defendant in lower court and make further court appearances prior to grand jury action. Additionally, the inmates aren't typically going anywhere soon, so there's usually no rush to begin the prosecution.

But Winn said the offending inmates will often be transferred to another prison before they are indicted, so their cohorts in Comstock don't know they were prosecuted.

Winn said he went to prison officials to suggest the change after reading a recent story in The Post-Star about violence at the facility.

The state groups younger inmates together at prisons because it receives federal funding if more than half of a prison's population is made up of inmates under 21.

It is also easier to offer programs geared to them if they are together, officials have said.

Malloy, who is serving a 5- to 15-year term for drug possession, was arraigned Thursday at the prison. He could face an additional seven years in prison if convicted, and faces prison disciplinary proceedings as well.

Meanwhile, McKinney said there have been fewer problems at the jail in recent weeks.

" Things have been pretty good lately," he said. " We have our flare-ups, but these kids are prone to react differently than older inmates."
