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HEART BILL FOR CORRECTION OFFICERS PASSES LEGISLATURE

(ALBANY) - Council 82, the state law enforcement officer's union, today thanked the members of the State Legislature for approving legislation that would give state Correction and Security Officers the benefit of a Heart Bill.

"Our members walk the toughest beats and have the roughest jobs in the state," said Executive Vice President Michael Graney. "This bill is recognition that the stress they face on the job directly affects their health."

"Passage of this bill is a real tribute to the men and women of Council 82," said President Rich Abrahamson. "They realize that by becoming involved in the legislative process they can bring about real change."

"I was happy to lead the fight in the Senate for this long overdue benefit," said Senator Vincent L. Leibell (R-C, 37th Senate District). "Considering the jobs that these Officers perform, this benefit is well-deserved."

"We've long recognized that jobs in law enforcement bring tremendous strain," said Assemblyman Eric Vitaliano, (D, 60th Assembly District). "For most law enforcement personnel in the state, we've provided a recognition in law that heart conditions are often related to their employment. Now we've extended that same recognition to the people who patrol some of the toughest precincts in our state - the men and women of Council 82."

"There's no greater public service someone can perform than as a New York State correction officer," said Senator Michael Nozzolio (R, 53rd Senate District). "That is why I am extremely proud to work with Council 82 to pass long overdue legislation to provide Correction Officers with the protection they rightfully deserve - a three-quarters disability for Officers with a serious heart condition. Safeguarding our state's most violent criminals is dangerous work, and we owe it to our Correction Officers to afford them the highest level of protection under the law."

The legislation, S. 3877/A.7048, gives Council 82 members equity with New York City Correction Officers and municipal Police Officers and Firefighters throughout the state. The bill establishes that, for Correction Officers and Security Hospital Treatment Assistants (SHTAs) who suffer "an impairment of health, due to heart disease, which results in a total or partial disability or a death of the member," their heart disease was related to their employment.

The bill now goes to the Governor for his approval.

Council 82, the 26,000-member Law Enforcement Officers Union, represents individuals employed by a variety of state, county and municipal agencies, including Correction Officers, Sergeants and Lieutenants; Senior Investigators; Deputy Sheriffs; Police Officers; Forest Rangers; Park Rangers; Environmental Conservation Officers; Security Officers; Mental Health Facility Security Officers; SUNY Police Officers; Lifeguards; Park Police Officers; and Warrant Transfer Officers.

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NYSCOPBA Supports Heart Bill

The following letter was sent by NYSCOPBA to Governor Pataki, Senator Vincent Liebel and Assemblyman Eric Vitaliano in support of Assembly Bill S03877, a "Heart Bill" for NYS Correction Officers and Security Hospital Treatment Assistants.

Governor George E. Pataki
State Capitol
Albany, NY 12224
Senator Vincent Leibell, Chairman
Senate Civil Service and Pensions Committee
Legislative Office Building, Room 802
Albany, New York 12247

Assemblyman Eric Vitaliano
Chairman, Governmental Employees Committee
LOB 839
Albany, NY 12248
March 16,1999

Dear Governor Pataki:

The New York State Correctional Officers and Police Benevolent Association (NYSCOPBA) was formed to better represent the goals of law enforcement officers throughout New York. I am writing, on their behalf, to express deep concern over an inequity in the Retirement and Social Security Law.

Last year the Legislature established a disability retirement option that covered heart related ailments for New York City correction officers. Despite facing the same overcrowded conditions, increasingly violent inmate populations and growing risk of personal injury, the Legislature did not include State correction officers under this protection. While we do not believe that this exclusion was deliberate, the way it happened does not mitigate the need to correct it.

The men and women who are the backbone of the State's correctional system willingly perform the most dangerous job in State service. Their professionalism and dedication provide the moral basis for protecting them, and their families, should they suffer from job related illness. The fact that the Legislature acknowledged this responsibility for certain correction officers provides the legal basis for extending it to all.

NYSCOPBA is committed to working with you on this, and other issues, affecting law enforcement officers in New York. I look forward to hearing your thoughts on how to resolve this very serious situation.

Sincerely,
Brian Shanagher, President

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NYSCOPBA COMMENDS LEGISLATURE FOR HONORING ITS HEART BILL REQUEST

FOR IMMEDIATE RELEASE:
March 25, 1999

ALBANY - NYSCOPBA commends the Legislature for acting upon its request to extend heart related disability retirement coverage to New York State Correction Officers and SHTA's. The request was made in a letter transmitted to Governor Pataki, Senator Vincent Liebel (Chairman, Civil Service & Pensions Committee) and Assemblyman Eric Vitaliano (Chairman, Governmental Employees Committee) on March 16. The very next day the bill was introduced in the Senate by Senator Liebel and two days later Assemblyman Vitaliano sponsored it in the Assembly. With passage by the Legislature today, NYSCOPBA implores the Governor to sign the bill into law as quickly as possible.

In his letter NYSCOPBA President Brian Shanagher stated, "The men and women who are the backbone

of the State's correctional system willingly perform the most dangerous job in State service. Their professionalism and dedication provide the moral basis for protecting them, and their families, should they suffer from job related illness. The fact that the Legislature acknowledged this responsibility for certain correction officers provides the legal basis for extending it to all."

Last year the Legislature established a disability retirement option that covered heart related ailments for New York City Correction Officers. Despite facing the same overcrowded conditions, increasingly violent inmate populations and growing risk of personal injury, the Legislature did not include State Correction Officers or SHTA's under this protection. While we do not believe that this exclusion was deliberate, the way it happened does not mitigate the need to correct it.

NYSCOPBA grew out of the efforts of a group of concerned Council 82 members to start a dialogue about membership satisfaction with their union. This interaction 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.

Ballots for the representation election will be mailed on March 26 and counted on April 29. 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.

Contact: Brian Shanagher (914) 534-9967 or Bill West (914) 895-2516

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Albany Bill to Allow Sizable Pensions to Prison Guards With Heart Illnesses

By CLIFFORD J. LEVY

ALBANY -- The State Legislature plans to pass a bill giving 25,000 state correction and security officers the coveted and controversial right to retire with a tax-free disability pension of three-quarters pay if they suffer any kind of heart ailment.

Lawmakers conferred that benefit, which classifies all heart trouble as job-related, to police officers and firefighters more than 20 years ago, stirring a long-running dispute over whether the policy is easily abused. Critics of the policy assert that it allows some workers to collect sizable disability pensions for illnesses unrelated to their jobs.

Now, both the Republican-dominated State Senate and the Democratic-led Assembly are moving to approve a "heart bill" for correction officers, whose union has sharply stepped up its lobbying and political donations in Albany in recent years.

Passage of the legislation would represent only the second expansion of the policy, which is among the most generous in the country, officials said.

Last year, with little notice and over the opposition of Mayor Rudolph W.

Giuliani, the Legislature approved a similar bill for 10,000 correction officers in the New York City jails,

and Gov. George E. Pataki signed it.

The Governor has not said whether he would sign the new bill, which also applies to security officers at state mental institutions. But a veto appears unlikely, considering that he supported the earlier legislation.

It is unclear how much the bill would cost the state. The State Comptroller's office, which manages the state pension fund, said it had not yet analyzed its impact. The Giuliani administration estimated last year that the legislation affecting New York City would add at least \$3.5 million annually in pension costs, and probably more.

The unions representing state and city correction officers have pushed for the benefit for years, saying that their members face the same kinds of dangers as police officers and firefighters and thus deserve similar protections. They say jails and prisons are so stressful that it is indisputable that officers' heart ailments are job-related. The average state correction officer makes \$40,000 a year.

The state union, Council 82, has become one of the biggest campaign contributors in Albany, giving more than \$600,000 to state candidates in 1997 and 1998 alone, including \$85,000 to the Republicans who control the State Senate and \$90,000 to the Democratic majority in the Assembly.

Daniel Curran, a spokesman for Council 82, attributed the union's success on the legislation to its improved lobbying office in Albany, saying that the contributions were not a factor. He said union members had repeatedly called lawmakers around the state to muster support.

"Opposing this would be like saying that mom doesn't deserve flowers on Mother's Day," Curran said. "Our guys walk the toughest beats, deal with the people that are not fit to walk our streets. Enactment of this legislation is completely and totally justified."

With legislative leaders favoring the bill, it is expected to pass handily when it reaches the Senate floor on Thursday and the Assembly soon after, another testament to the influence of unions in the Capitol. The New York City bill was approved last year with only a single lawmaker, Senator Franz Leichter of Manhattan, dissenting. Leichter has since retired.

Fiscal monitors, who have long criticized the disability policy as pandering to the unions, were scornful of the new legislation.

"The state has an obligation to its workers when they receive injuries on the job," said Andrew Rein, a senior research associate at the Citizens Budget Commission, a watchdog group financed by businesses. "But to presume that every heart ailment is job-related flies in the face of common sense."

The Legislature first approved the pension change for police officers and firefighters in the 1970's, setting off repeated imbroglios with New York City officials, including Mayor Edward I. Koch, who complained that the uniformed unions were getting from Albany what they failed to win at the bargaining table with municipalities. They pointed out that the localities, not the state, would have to shoulder the additional expenses, because they pay for pensions for police officers and firefighters.

The policy has become so sacrosanct that these days, the Legislature and Governor renew the law every few years without much fuss, despite the opposition of the city.

Giuliani also tried in vain last year to persuade Pataki to veto the correction legislation.

"There is no valid medical study that has confirmed that a police, fire or correction officer's heart disease is a direct result of performance of duty," the Mayor wrote in a letter to the Governor. "However, medical evidence has demonstrated that heart disease results from factors such as heredity, diet and personal habits. Therefore, it is unsound to extend this presumption further to a new class of employees."

The bill's sponsors, Senator Vincent L. Leibell and Assemblyman Eric N. Vitaliano, said today that in moving to approve the bill, the Legislature was recognizing the difficulty of correction officers' jobs.

Vitaliano, a Staten Island Democrat, said that while the policy provides for a legal presumption that heart ailments stem from work, it includes a provision allowing the state to bring a challenge showing other causes. The burden of proof, however, is on the state.

"This is not a perk," Vitaliano said. "The Legislature has found that this is a condition of employment."

Vitaliano played down the role of Council 82's campaign contributions, saying that he did not know whether the union gave to him personally (it did, \$1,500).

"The lobbying effort provides the most important contribution to legislators, which is accurate information," he said.

Leibell, who got \$3,850 from Council 82, acknowledged that the money did not go unnoticed. "I don't think that it influences any particular piece of legislation, but obviously it's another aspect of support," he said. "Frankly, it's more effective to have people making phone calls to you than giving money."

Leibell, who represents a Hudson Valley district, added that it was the correction officers' descriptions of their daily travails that convinced lawmakers. "This is not a normal white-collar job," he said.

Thursday, March 25, 1999

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Summary of Bill S00300

BILL NO S00300

SPONSOR KRUGER

COSPNSR GENTILE, MARKOWITZ, MENDEZ, MONTGOMERY, ROSADO, SANTIAGO
MLTSPNSR

Add S207-p, Gen Muni L

Provides that any condition of impairment of health caused by diseases of the heart, resulting in disability or death, to a bridge or tunnel officer, sergeant or lieutenant who successfully passed a physical examination on entry into service, shall be presumptive evidence that such condition was incurred in the performance and discharge of duty, provided such employee served for a period of at least five years; provides that upon retirement due to such condition the retiree shall receive a pension equal to three-fourths of final salary; and provides for the repeal of such provisions upon the expiration thereof.

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Senate Bill 3383, Assembly Bill 6219 (1997-1998)

Senate Bill 3383, Assembly Bill 6219 (1997-1998) introduced by Senator Seabrook and Assemblyman Arthur Eve states that when our prisons become overcrowded, a "state of emergency" can be declared by state officials. State inmates can then be moved into "Community Correctional Organizations" facilities. THESE FACILITIES WILL NOT BE MANNED BY NYS CORRECTIONAL OFFICERS. Hence, privatization and outsourcing of our jobs.

This could very well open the door for the privateers, Corrections Corporation of America (CCA) and Wackenhut, to move into our state.

Corrections Law, Executive Law, Penal Law and Criminal Procedure Law prevent us now from allowing this to happen. This Senate - Assembly Bill also seeks to amend these laws so the door can be opened to privatization.

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Letter to the Editor 25 March 99----Press Republican

NEGATIVE ATTITUDES

I was distressed to see a recent letter written on behalf of a group called NYSCOPBA, which was critical of C82's efforts to communicate with its members on the subject of contract negotiations. C82 is an open and a democratic union, committed to the ideals of solidarity and to the mission of protecting the rights and safety of its members. In addition we feel that it is vital to use whichever tools are available to communicate with our members and expedient efficient manner. Our members are anxious for contract negotiations to begin, all though they are being blocked by the challenge group's mere existance, and seek as much information as possible. Guarenteed, due to the sensitive nature of negotiations all details can not be stated publically, but C82 remains steadfast in its commitment to share information with the members. These same memebers of C82 believe in democracy, unlike the challenge group with its 11 self appointed leaders who seek to block elections and are determined to foist themselves upon a membership that has said, "Leaders of NYSCOPBA we don't want you." The most fascinating part of Mr. Wild's letter is his open hostility towards other members of the state work force. One could almost perceive the writer to not only be determined to insult his fellow union employees, but anti-union as well. We at C82 believe that every effort to improve our publics perception of our members is necessary and that sharing information with the membership is integral part of our mission. I thank the Press-Republican for publishing Mr. Wilds letter, which illastrates the challenge groups negative attitude towards the concept of open communications with a membership.

Richard Abrahamson
President
C82
Albany

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Upstate Correctional Facility

This is the planned Exec. Team for Upstate C.F.

SUPERINTENDENT: -- Thomas Ricks

FIRST DEPUTY SUPERINTENDENT: -- Thomas Sanders

DEPUTY SUPERINTENDENT FOR SECURITY: -- Darwin LaClair

DEPUTY SUPERINTENDENT FOR ADMINISTRATION: -- Anthony Boucaud

DEPUTY SUPERINTENDENT FOR PROGRAMS: -- Ralph Santor

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HR979 Public Safety Act

(Introduced in the House)

106th CONGRESS

1st Session

H. R. 979

To ensure that services related to the operation of a correctional facility and the incarceration of inmates are not provided by private contractors or vendors and that persons convicted of any offenses against the United States shall be housed in facilities managed and maintained by Federal employees.

IN THE HOUSE OF REPRESENTATIVES

March 4, 1999

Mr. STRICKLAND (for himself, Mr. KING, Mr. SWEENEY, Mr. HOLDEN, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mrs. MALONEY of New York, Mr. WALSH, and Mr. COYNE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To ensure that services related to the operation of a correctional facility and the incarceration of inmates are not provided by private contractors or vendors and that persons convicted of any offenses against the United States shall be housed in facilities managed and maintained by Federal employees.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the `Public Safety Act'.

SEC. 2. FINDINGS.

The Congress finds the following:

- (1) The issues of safety, liability, accountability, and cost are the paramount issues in running corrections facilities.
- (2) In recent years, the privatization of persons previously incarcerated by governmental entities has resulted in frequent escapes by violent criminals, riots resulting in extensive damage, prisoner on prisoner violence, and incidents of prisoner abuse by staff.
- (3) In some instances, the courts have prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community.
- (4) Frequent escapes and riots at private facilities impose expensive law enforcement operations on State and local governments.
- (5) The need to make profits creates incentives for private contractors to underfund mechanisms that provide for the security of the facility and the safety of the inmates, corrections staff, and neighboring community.
- (6) The 1997 Supreme Court ruling in *Richardson v. McKnight* that the qualified immunity that shields State and local correctional officers does not apply to private prison personnel, and therefor exposes State and local governments to liability for the actions of private corporations.

(7) Additional liability issues arise when inmates are transferred outside the jurisdiction of the contracting State.

(8) Studies on private correctional facilities have been unable to demonstrate any significant cost savings in the privatization of corrections facilities.

(9) The imposition of punishment on errant citizens through incarceration requires State and local governments to exercise their coercive police powers over individuals. These powers, including the authority to use force over a private citizen, should not be delegated to another private party.

SEC. 3. ELIGIBILITY FOR GRANTS.

(a) IN GENERAL- To be eligible to receive a grant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, a grantee that receives funds under such subtitle may not contract with a private contractor or vendor to provide services related to the operation of a correctional facility or the incarceration of inmates.

(b) EFFECTIVE DATE- Subsection (a) shall apply to grant funds received after the date of the enactment of this Act.

SEC. 4. ENHANCING PUBLIC SAFETY AND SECURITY IN THE DUTIES OF THE BUREAU OF PRISONS.

(a) IN GENERAL- Section 4042(a) of title 18, United States Code, is amended--

(1) by redesignating paragraph (5) as paragraph (7);

(2) by striking `and' at the end of paragraph (4); and

(3) by inserting after paragraph (4) the following:

(5) provide that any penal or correctional facility or institution except for community correctional confinement such as halfway houses, confining any person convicted of offenses against the United States shall be under the direction of the director of the Bureau of Prisons and shall be managed and maintained by employees of the United States as defined in section 2105 of title 5; and

(6) provide that the housing, safeguarding, care, subsistence,

protection, instructing, and disciplining of any person charged with or convicted of any offense against the United States, except such persons in community correctional confinement such as halfway houses, will be conducted and carried out by individuals who are employees of the United States as defined in section 2105 of title 5; and'.

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Attica guards' president endorses state opponent of council 82.

Batavia Daily News, 3-23-99, By Paul Mrozek.

ATTICA---The president of the prison guards' union local at Attica Correctional Facility came out Monday in support of a group that is challenging Council 82, the labor organization that represents more than 21,000 correction officers throughout the state.

Richard Harcrow, president of Attica Local 1040, made the announcement Monday afternoon that he supports the efforts of the New York State Correctional Officers and Police Benevolent Association in its attempt to decertify Council 82's right to speak for state prison guards.

Harcrow issued the statement while accompanied by about 70 other members of his local, including first vice president Carl Canterbury. Council 82 is affiliated with the American Federation of State, County and Municipal Employees. NYSCOPBA,S, a grassroots group that formed last year, is dissatisfied with Council 82's and AFSCME's services, including the parent unions' efforts on behalf of the rank and file during grievance and disciplinary proceedings and contract negotiations.

" We were tired of the misrepresentation. They don't represent us properly," Harcrow said. Local 1040 went so far as to hire its own, private attorney to represent its officers during grievance and disciplinary hearings, instead of using Council 82's legal staff, Harcrow said.

Daniel Curran, spokesman for Council 82, disagreed with Harcrow's contention about the state of the union. He said Council 82 "is committed to the union principles of unity and brotherhood. We do not believe in division," he said. NYSCOPBA,S has filed a petition with the state Public Employees Relations Board, signed by about 9,000 guards, requesting that Council 82 be decertified. Council 82, s membership will vote on the matter beginning Friday.

Ballots will be mailed out to the union membership so they can vote and mail them back. Counting of the votes is scheduled for April 29. If decertification passes, it would pave the way for NYSCOPBA,S to fill the void left by Council 82.

Harcrow said he has thrown his support at this time to the challenging organization, with the goal of getting union locals at other state prisons to follow suit.

" We want the rest of the state to know. We hope our brother officers join with us," he said.

Harcrow said Attica's 1040 is the first local to come out and openly support NYSCOPBA,S against the parent union.

More than 90 percent of Attica Correction's rank and file officers signed the NYSCOPBA,S petition for decertification.

I don't represent AFSCME.I represent the 550 officers that elected me," he said.

Harcrow said support for the challenging group is strong at maximum security facilities like Attica, in part because they have the most dangerous inmates. " We recognize the need for change. At maxis, you have the most problems," he said.

Curran contended that NYSCOPBA,S can't do the job that Council 82 has because the challenging organization spends all of its time complaining, but has no legislative goals and no experience in negotiating contracts. He said most of Council 82's rank and file has offered a "tremendous groundswell" of support for the union,

" The membership is not going to put their future in the hands of a group of self appointed people," Curran said.

Council 82, as a result of Harcrow's actions on Monday could force him out as president of Local 1040, he said. The local's president said it didn't matter, as long as NYSCOPBA,S efforts were successful. Curran said he didn't know if Harcrow could be forced out as head of Local 1040, but did call on him to step down voluntarily.

" If he has the best interest of Council 82 at heart, then he should resign," Curran said. Harcrow, in a written statement, took aim at Council 82 president Richard Abrahamson and Council 82, hear this: Your days are numbered. Join us, or get out of our way."

Council 82's union contract with the state expires March 31. Negotiations on a new agreement cannot take place while the decertification effort goes on.

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ATTICA Union Leader for prison guards supports joining independent union.

Buffalo, News 3-23-99, By Fred Williams.

The leader of a prison guards union at Attica split with American Federation of State, County and Municipal Employees (AFSCME) Council 82 on Monday, throwing his support behind an independent organization that's trying to unseat the public employee union.

Richard Harcrow, president of New York State Law Enforcement Officers Union Local 1040 at Attica Correctional Facility, held a rally Monday outside the Wyoming County prison to support the New York State Correctional Officers & Police Benevolent Association, or NYSCOPBA,S

"The contracts are getting terrible," he said. " We've got a company union. The independent organization faces Council 82 in a mail in election that culminates April 29. Ballots in the Public Employment Relations Board election are to be mailed to union members this week.

With 558 members, the Attica local is one of the larger units within the 26,000-member Council 82,

which represents prison guards, SUNY police and other state employed security officers. The union has about 7,000 members in Western New York.

A spokesman for the union countered that independent unions lack the political skill to keep states from privatizing their prison systems, a move that guards oppose. " independence just means that they're vulnerable," spokesman Dan Curran said. The correction officers' contract with the state expires March 31.

Negotiations for a new agreement are on hold pending the outcome of NYSCOPBA,S challenge.

Harcrow's move reverses his past support for Council 82 President Richard Abrahamson, who was elected in 1997.

Harcrow's support for NYSCOPBA,S reflects growing disenchantment with AFSCME pattern bargaining that has left correction officers behind, Harrow said.

Officers in Attic chafe at clerical workers and county jail guards earning higher pay than they do, he said." We've got the knuckleheads, the murders; we've got the bad guys," Harcrow said.

The union drew a record crowd of 250 attendees to its political and policy session in Albany on Monday, demonstrating that support for Council 82 remains high, Curran said. The election comes after a petition in which 30 percent of Council 82 members expressed interest in a vote to decertify the American Federation of State, County and Municipal Employees.

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WON'T PLACE FAMILY AT RISK

To my fellow correction officers throughout NYS: There has been a lot of discussion for the past several months about the challenge to our union (C82). We have heard arguements for and against C82. Now that decission time is approaching I would like to take this opportunity to address you.

NYSCOPBA says it wants to break pattern bargaining. The state already knows what it has to offer correction staff, whether C82 or NYSCOPBA is across the table. NYSCOPBA says it will decrease our dues, the grand total of \$2 a pay period, \$4 a month. Where are the millions and millions we are saving going? All we have to do is put our faith in men and women that have run for local union positions and couldn't get elected.

I was elected to the executive board here at Clinton with well over 300 votes. We have an officer at Clinton that attempted to get elected and received less than 40. Now that officer that you failed to trust on the local level is pushing very hard to get NYSCOPB into place and a lot of naive officers are listening to him!

When the ballot arrives in the mail, take a moment and look at your family; I will. Think about them. Are you willing to put them at risk for \$4 a month and a dream of a few want-to-be millionaires, which like the before mentioned person, you didn't trust? I don't want to and I sincerely hope that you don't either.

I am more then willing to give an established and proven union four more years (C82). I hope that al my fellow officers are too. Finally, to the NYSCOPBA backer that truely believes that we should strike to

gain respect from the state, I'm going to work! Try to stop me. See just how hard a man will fight for his family.

Dale DuBrey
Morrisonville

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Letter from Senator Stafford

Dated 16 October 98

Dear Rich,

Allowing me to join your many supporters in commending C82 for the outstanding job you have done over the years.

C82 has earned a reputation as one of the most effective unions representing public employees in NYS, and I can affirm that it is one that is richly deserved.

Without your hard work and able assistance, NYS would not have enacted the multitude of measures designed to protect the health and safety of law enforcement officers.

I very much appreciate your support for legislation enacting 3/4 disability.

As the representative of the 45th senatorial district, I have worked closely with you to make certain that my constituents who work within the law enforcement professions receive every protection and benefit they deserve.

I know that you are tireless in your goal of improving the quality of life for your members, and I look forward to many years of successful cooperation with you.

Sincerely,
Ronald Stafford

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Letter from Assemblyman Ortloff

Dated 17 March 99

Dear C82 member,

Over the past several months, I have talked with many C82 members regarding dramatic changes that have occurred in the state, in DOCS, and in your union over the last few years. C82 has become a powerful and respected union voice for all NY CO's, forest rangers and local law enforcement officers.

Your organization has secured many legislative victories that have helped improve the lives and livelihood of all C82 members. The legislative process can be slow, however, your union now has the

respect of legislators on both sides of the aisle. This could not have been said in years past. Things are getting done and moving forward.

Financial reforms have returned C82 to fiscal solvency and helped members by giving the local units financial support. The implementation of the one man/ one vote election system has eliminated weighted voting and made the electoral process more democratic.

Things could always be improved in any group, but the facts are: your union has made great strides in advancing issues important to its members, while at the same time increasing its role in the legislature as a respected advocate for your interests.

Sincerely,
Chris Ortloff
Member of Assembly 110th AD

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Letter from Assemblyman Burling

Daniel J. Burling
Member of Assembly
3414 Pike Road
Batavia, New York 14020

March 17,1999

Dear Council 82 Member,

Over the past several months, I have had numerous conversations with Council 82 members regarding the dramatic changes that have occurred in the union over the last year and a half. With the current elected leadership, Council 82 has been transformed into a very powerful and respected union voice for New York's correction officers.

Your organization was able to secure many legislative victories that have helped to improve the livelihood of all Council 82 members. The legislative process can be slow. But, your union has the respect of legislators on both sides of the aisle; this could not have been said in years past.

Financial reforms implemented by the elected leadership have returned Council 82 to fiscal solvency and helped the members by giving the local units financial support. The implementation of the one man/one vote election system has eliminated weighted voting and made the electoral process more democratic.

Council 82 has made great strides in advancing issues important to CO's, while at the same time increasing its role in the legislature as a respected advocate for your interests.

I look forward to a mutually beneficial relationship to continue to promote the welfare of your membership and the people of New York State.

Sincerely,
Daniel J. Burling

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Republican lawmakers weigh in on challenge to union

By JAMES M. ODATO , Capitol bureau

First published: Tuesday, April 6, 1999

Albany -- Assemblyman John Faso, others, send letters to members of Council 82, the state prison guard union.

In an unusual involvement by legislators in union matters, Assembly Minority Leader John Faso and some of his Republican followers sent letters to members of a correction officers organization facing an internal challenge.

The legislators put in a good word for Council 82, which represents about 26,000 state guards and security officers. The council is in the midst of trying to beat back a dissident group among its members.

"It's all been done through Faso," said Brian Shanagher, president of the New York State Correctional Officers & Police Benevolent Association, also known as NYSCOPA. "It has to have his blessing on it."

Harry Spector, spokesman for Faso, R-Kinderhook, said he is aware of the letter but added that he isn't sure whose idea it was. A handful of Assembly Republicans, including Faso, sent letters to Council 82 members that declared the council, a unit of AFSCME that raised \$1 million for campaign contributions last year, is doing a good job representing union interests with the Legislature.

"Your union now has the respect of both sides of the aisle," the letter says. "Council 82 has been transformed into a very powerful and respected union voice for New York's corrections officers."

Assemblyman Joel Miller, R-Poughkeepsie, said he and about nine other Assembly Republicans were called into a meeting by Faso recently.

"John liked Council 82 and felt their challengers were not of the same caliber," Miller said, adding the union has a "legitimate concern" as it competes for votes with Shanagher's group.

"We think that the current leadership is an honest, responsible leadership and there are some serious questions we have about the people that are trying to throw them out," Miller said. "We like this group."

Responded Shanagher, who thinks NYSCOPA will surface the winner when votes are counted April 29: "Faso's never talked to me. Today we're the enemy; tomorrow we're the heroes."

Spector said Faso didn't mean to get involved in the union vote and that the timing of the letters was not because of the election. Ballots were sent out on March 26 and are due back April 19.

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Subject: Endorsement letter of AFSCME/Council 82

From: Mark Lewandowski
To: Chris Ortloff
Subject: Endorsement letter of AFSCME/Council 82
Date: Wednesday, March 31, 1999 10:46 PM

Dear Assemblyman Ortloff;

I've just read your form letter of support of AFSCME/Council 82 in our decertification effort and to be truthfully honest, it made me quite angry. Mr. Ortloff, you have never been a Correction Officer nor do you know of the travesties that we have been subjected to under the current leadership of our ineffective, company union.

Lies, secrets, misrepresentation, incompetency, spitefulness and total underhandedness has ruled supreme within our union and we Correction Officers will soon purge ourselves of this cancer.

We have yet to see any of the "Dramatic Changes" that you boast about in your letter, nor have I seen any of the "Legislative Victories" that you claim AFSCME/Council 82 have won for us Correction Officers.

Furthermore, any respect we have gained with the assembly is purely because of our new Political Action Fund and campaign donations. Guarding the people you civilians no longer want roaming the streets is a filthy job that in itself deserves respect and if we actually had your respect for that reason, we would be getting paid like other Law Officers across the state.

I find it repulsive that you, an elected Assemblyman of the great state of New York would go out on a limb as to endorse this corrupt bunch of bumbling fools led by Rich Abrahamson. It appears to me that you are merely supportive to reap the fruits of our PAC fund yourself.

The new relationship Rich Abrahamson has gained with the assembly and other politicians has only filled his pockets with money, I STILL have to feed my four children on little more than I earned when I started in the Dept. 16 years ago at the age of 18, while our union President is raking in \$100,000,000 per year for sitting in a leather chair eating doughnuts.

The "Financial Reforms" that you refer to, is in actuality a monetary bailout by AFSCME as they weren't keeping track of who's hand was in the cookie jar and our union was raped by power mongers not much unlike Rich Abrahamson, who has no genuine concern for his members and is only looking to feather his own nest.

We have yet to receive full restitution for the past misappropriations of our union funds, nor do we realistically expect any. We have just learned to accept it as our past and have grown tired of the excuses and stories of why those thieves are not in jail themselves.

You state that "things are getting done and moving forward". 21,000 Correction Officers will soon vote AFSCME/Council 82 out as our bargaining unit, because things are NOT getting done and moving forward. If you handle business in a similar fashion and judge your success in the same manner, I'm glad that you don't represent my district.

Shame on you for sticking your nose where it doesn't belong without doing your homework and finding

out for yourself exactly what AFSCME/Council 82 is all about.

This will only discredit you in the eyes of the rank and file Correction Officers who can read right through your form letter.

I will save this endorsement letter of yours and I am looking forward to meeting you after NYSCOPBA wins this election and I travel to Albany for any PAC functions. I will be sure to remind you of your endorsement and will ask if you still feel the same at that time. What do you think your answer will be?

Thank you for your time.

Mark Lewandowski
Elected President Local 1140
WEnde Correctional Facility

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Judge rejects inmate's request for controversial literature

The Associated Press
4/3/99 3:43 PM

BUFFALO, N.Y. -- A federal judge has turned down a convicted killer's request to have controversial literature from a black pride organization sent to him in his prison cell.

Magistrate Judge Carol Heckman recently refused to strike down a state Department of Correctional Services rule that bans literature and symbols from the Five Percent organization in prisons across the state.

The 34-year-old movement promotes education and family. The word "peace" is central to the teachings. It rejects drinking, drugs and fornication.

But state officials say it also promotes racial hatred and gang violence.

Lord Natural Self Allah, a Five Percenter who is serving time in the Woodbourne Correctional Facility for manslaughter, says the ban amounts to a violation of his First Amendment rights.

Heckman said she weighed the free-speech rights of the Five Percent against her concerns for the safety of inmates and employees.

State prison officials say inmates associated with the Five Percent have committed dozens of stabbings, beatings and extortions. They say the group is so dangerous, a mere display of its insignia in cells has been known to trigger violence.

Some prison systems label all Five Percenters as gang members. In South Carolina, New Jersey, Ohio, Massachusetts and North Carolina, prison officials have censored the group's teachings despite complaints by inmate advocates that they are trampling on freedom of religion.

Heckman said that although the Five Percent as a group preaches against violence, distribution of its materials inside prison walls poses a legitimate security risk.

"Five Percenterism, in its pure, uncorrupted form, represents a system of beliefs which, outside the prison context, does not advocate or promote violence," Heckman wrote in a 26-page ruling.

"However, testimony by (prison officials) showed a clear relationship between Five Percenter literature and prison gang activities," Heckman wrote.

Self Allah's lawyer, Glenn Murray, said it's unfair to ban the movement's literature for all inmates just because some of its followers have committed violent acts.

"I think the ruling shows the extent to which the courts defer to prison officials," Murray told The Buffalo News. "By branding them as a gang, they deny the Five Percenters from any impartial review."

Prison officials blame Five Percenters for violent acts at Attica State Correctional Facility and other facilities in the state.

The Five Percent rejects most accepted history, authority and organized religion. The black man, the Five Percent teaches, is god.

Prisons are where many members first learn and study. The lyrics of hip-hop music by such stars as Busta Rhymes, Wu Tang Clan and Erykah Badu spread the word on CDs and radio.

Although the lessons teach a moral code, the Five Percent reject being called a religion. They call themselves "a culture" and "a way of life." They also call themselves the Nation of Gods and Earths.

Self Allah, 29, said the Five Percenter teachings are a "way of life" rather than a religion.

The lawsuit was filed in Buffalo while Self Allah was serving time in the State Correctional Facility in Elmira.
