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PETITION TO AMEND THE NYSCOPA CONSTITUTION

PROPOSED AMENDMENT TO THE NYSCOPBA CONSTITUTION

The following Amendment proposed to amend the NYSCOPBA Constitution:

Amend the Article VI Section A. Sector Stewards of the NYSCOPBA Constitution to read the following:

Repeal of current Article VI Section A Sector Stewards first paragraph and substituted:

Elections for sector stewards shall be held for each sector (a work site or facility where Association members are employees except for members who are Correction Sergeants who shall for the purposes of

this article have the Hub considered to be their work site; each facility electing one steward) as soon as practicable and in any event not more than sixty (60) days following the certification of the Association, and the term of office for sector stewards shall be two (2) years. Except for the initial election, to be eligible to run for and hold office as a sector steward, one must be a members for not less than six (6) consecutive months. The Sector Stewards shall elect one steward from that sector as chief steward. Sergeants stewards shall meet at the Hub level and elect a Chief Steward.

We the undersigned in accordance with Article XV Constitutional Amendments petition the Constitutional Committee of NYSCOPBA to present this amendment to the General Assembly and the general membership for a vote.

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Prison Industry

Poughkeepsie Journal (7/17/99)

ALBANY - New York's \$70 million inmate-work program known as Corcraft makes everything from office furniture to modular prison cells - and that produced a problem at Green Haven Correctional Facility last year. Protesting New York's prison-expansion program, some inmates in the Dutchess County maximum-security lockup refused to build the new cells, violating Green Haven's literally ironclad rule about following orders. "We explained to them you may have a philosophical difference in making license plates, but if you're an inmate at Auburn you're going to be making license plates... and if you're an inmate at Green Haven, you're going to be making cells," state prison spokesman James Flateau said this week.

The protesters were told to obey orders or be locked up and transferred to prisons further Upstate, far away from family in New York City where 70 percent of prison inmates come from. They would also lose their jobs with Corcraft, where pay averaging 50 cents an hour is double what other inmates can make in prison jobs.

"It became a triple whammy of location, housing and pay for (doing) something we told them was relatively stupid," Flateau added. The protest fizzled.

The dispute over Corcraft inmates building modular prison cells was a rarity for a program that is among the biggest in the nation. Corcraft is better known for turning out no-frills government office furniture and license plates than producing controversy

The inmate protests against making cells were also a sign of how times have changed. New York's earliest prisons at Auburn - the prototype for American prisons upon its opening in 1817- and Sing Sing were literally built by hand by prisoners who were brutally treated, forced to stay silent at all times, and subject to whipping and other corporal punishment.

Today, Corcraft's 2,500 inmate workers hold coveted jobs in the prison system. The program is also viewed as job training to prisoners who typically enter the system with no job experience and little education. Still, some feel they are exploited by the low wages, said Alice Green, an Albany civil-rights leader who works with state prison inmates. "Inmates talk about unionizing," she said. "That's been of

great interest, but that hasn't gone anywhere, obviously" Green said higher wages would let inmates send money home to help support their families.

"I would certainly advocate for higher pay," said Assemblyman Keith Wright, D-Manhattan, head of the Legislature's Black, Puerto Rican and Hispanic Caucus. "They're doing work. Otherwise it becomes akin to indentured servitude."

But John Conroy, the head of Corcraft at the state Department of Correctional Services, said higher pay would be counterproductive since it would harm the sale of Corcraft products.

"If we boosted the payroll to the point where it was minimum wage, quite obviously we couldn't do that and make our prices competitive," he said. He said overhead for the program is high due to the cost of prison security turnover, and productivity that is below outside standards. Still, Corcraft has been successful in selling its products to government customers.

With sales approaching \$60 million in 1997, Corcraft ranked that year behind only California (\$155 million), Florida (\$83 million), Texas (\$82 million), and North Carolina (\$73 million), according to the Baltimore-based Correctional Industries Association Inc.

Corcraft sales rose to \$70 million in the 1998-99 fiscal year, Conroy said, yielding a \$600,000 profit for the state treasury "Our mission is not to make money," Conroy said. "Our mission is to break even and we did it."

Part of the difference between New York and other states is a century- old constitutional prohibition here selling the prison-made products on the open market or using prison labor for private interests.

The ban followed decades of complaints by businessmen who felt prison labor was encroaching on their turf. Some such as brush-makers in the City of Cohoes also resented the competition from the prison system, since they could pay women and children even less, according to a history of the prison-labor system done by the state.

In the 19th Century private entrepreneurs routinely contracted with the state to purchase inmate labor.

The materials turned out then included everything from guns and clocks to farm equipment and silk. For the latter, silk worm were imported to Auburn prison along with mulberry trees for them to feed upon.

Today, inmates are limited to making goods used by the prison system and state and local governments. That includes everything from cleaning products to bedding to dust pans and dog tags. For the past 13 years, prison inmates working for Corcraft have also answered calls from people with questions for the state Department of Motor Vehicles.

Special security arrangements are in place to prevent inmates from using the information gleaned from calls, including a ban on paper and pencils and restricting access to state data records.

State officials are now exploring ways to comply with that ban on outside commercial business or possibly seeking its repeal so the state can participate in the federal Prison Industries Enhancement (PIE) program.

The PIE program encourages prison work programs to set up partnership with private companies, paying inmates prevailing wages while deducting room and board and payments to victims from their salaries.

"We think its a program that could have some benefits here... We're searching right now to see if there's a way to do it," said Conroy

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Sergeant Issue

Public Employee Relations Board 6-25-99

I am a Corrections Sergeant employed by the New York State Department of Correctional Services. Recently Council 82 has been replaced by the New York State Corrections Officers Police Benevolent Association (NYSCOPBA) as my union.

I am writing this letter as I feel that I am not being afforded fair representation under NYSCOPBA. The reason that I feel this way is:

As Sergeants we no longer have a separate local within NYSCOPBA as we did within Council 82. This means that we are grouped with the 250 officers at Watertown Correctional Facility for union representation. The 16 Sergeants at this facility will hardly receive fair and equal representation. As a Sergeant I have to supervise Corrections Officers. I am now placed in a position of having my subordinates represent me to my superiors for any local union matters. I am concerned that a person who I have formally counseled could conceivably be in a position to make agreements that would govern how my time off, scheduling, grievance resolutions, etc., will be done. I feel that this should only be done by a person in my position and salary grade, a Sergeant, not a Corrections Officer. I could continue with examples of why I feel that Sergeants need a separate local within their bargaining unit, or a separate bargaining unit from Corrections Officers, but I hope that you realize the problems that will be caused statewide when staff (Corrections Officers) are in a position to represent their immediate supervisors (Sergeants) for any and all of their union representation.

As you (PERB) are in charge of assigning union representation I am writing this letter to inform you of the dissatisfaction me and my fellow Sergeants feel as we believe we are no longer being fairly represented by our union. As supervisors we feel that it is not fair or rational to be represented by the people we are charged with supervising. I feel that Sergeants would be more equitably represented if they were separated from Corrections Officers entirely as has been done with Corrections Lieutenants. This would end any conflicts caused by different job duties. This can be done within NYSCOPBA but I feel that a person,(or union) who has been given some authority over his supervisor s will not relinquish it voluntarily. Consequently I do not expect NYSCOPBA to rectify this situation. I do however feel that something needs to be done and am interested in your opinions on the matter. Thank you.

name withheld

This is Perb's response.

Your letter complains that Sergeants no longer have a separate local within NYSCOPBA and that, as a result, you are not being afforded fair representation because Sergeants are within the same bargaining unit as their subordinates.

Please be advised a "local union" and a "bargaining unit" are two separate entities with different

purposes. The existence and composition of a local union are purely internal union matters over which Perb has no jurisdiction. A bargaining unit's composition on the other hand, is governed by the Public Employees' Fair Employment (Act), which PERB administers.

A bargaining unit is composed of employees who share a community of interest. It is my understanding that when you were represented by District Council 82, Afscme, Sergeants and Correction Officers were within the same bargaining unit. Under the Act, it is not unusual to have supervisors and subordinates represented for collective bargaining purposes within the same unit.

If you seek to have Sergeants represented in a separate bargaining unit, you would need to file a petition seeking fragmentation of the existing unit. The time for filing such petition and its contents are governed by PERB's Rules of Procedure, Part 201 (4 N.Y.C.R.R. 201 et seq.). (PERB's Rules of Procedure are available for purchase through PERB, or are available for your review in many courthouse law libraries.) Once such a petition is filed, the petitioner must establish by proof that there is a basis for fragmenting the existing unit and creating a new unit, for example, by demonstrating that an actual -- not potential -- conflict of interest exist.

Sandra M. Nathan
Administrative Law Judge
(518) 457-0972

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The rise of a cellblock work force

Byline:James L. Tyson, Staff Writer for The Christian Science Monitor
Date: 07/12/1999
(DILLWYN, VA.)

Kevin Cindric chose not to walk in his father's path. In fact, he fell away from it headfirst.

Mr. Cindric helped stage a 1986 robbery that went awry when his accomplice killed a homeowner. Convicted of second-degree murder, Cindric has spent the past 12 years in prison.

Today, amid the flash of welding torches and slam of metal presses, Cindric is remaking himself. He's learning his father's trade - die setting - while working at a prison metal shop.

Pointing to a turnaround by working inmates like Cindric, executives, politicians, and prison-industry officials are trying to expand job opportunities behind bars. Factory work, they say, helps reform inmates, generates compensation for crime victims, and enables business to make productive thousands of idle workers.

"My father has done this on the outside for 34 years," says Cindric, who sends some pay home to his parents, and says his work gives them peace of mind. "When I get out in three years I figure I can make \$16 an hour."

The push for prison industry rides powerful trends: a labor market tighter than any time in a quarter century, a surge in the number of imprisoned Americans, and the spread of market forces into spheres long reserved for government.

This decade, champions of privatization have farmed out many public tasks to private enterprise with promises of efficiency and budget austerity. But critics say that without tight regulation, the profit motive could provoke abuse of the ultimate form of "captive labor."

Already, critics decry the robust growth in the number of privately run prisons and the rise of a "prison-industrial complex." Such a self-generating force of officials, executives, and shareholders will, in its push for profit, condone higher rates of imprisonment and longer jail terms, say some inmate advocates, labor activists, and other critics.

A tilted playing field?

Moreover, such critics warn that cheap prison labor will push private businesses into bankruptcy and law-abiding people out of jobs and possibly into crime.

"Private industry, using law-abiding workers, would be forced to compete for contracts ... on a playing field tilted toward inmates," says Rep. Pete Hoekstra (D) of Michigan. "American workers may lose their jobs to felons."

Under current proposals, job growth in state and federal prisons would surge. First, the government's manager of inmate workers - Federal Prison Industries - aims to compel companies that contract with the federal government, and some squarely in the private sector, to buy its goods and services.

Also, a bill soon to be introduced in Congress would allow state and federal prisons to offer prison labor on a large scale to private companies. And for the first time prison-made goods could be sold on the open market, rather than just to government offices or nonprofits.

The programs would mobilize a large and expanding force of would-be workers. The US prison population has doubled in the past decade to more than 1.2 million. But only 19 percent of 120,000 federal prisoners and 6 percent of 1.1 million state prisoners work in behind-bars industry. Their jobs range from telemarketing to the manufacture of such products as furniture, swimsuits, and auto parts. Up to half of all inmates could be employed, according to many estimates.

Working inmates go straight

The benefits from expanded prison labor are clear. Less idleness means less wrongdoing, so prisons are safer and easier to control. And after they leave prison, inmates involved in industries are about 20 percent less likely to commit another crime than other convicts, according to a Federal Bureau of Prisons study.

With new training and solid work habits they apparently are better able to get and keep a job. (See story at left.)

"The thrust of the legislation is to reduce recidivism," says Rep. Bill McCollum (R) of Florida, who intends to propose a bill soon expanding prison industries.

Working inmates can partially compensate the sufferers from crime, including 2.2 million unsupported children and the estimated 1 million women raising them. Under a limited program in which states contract out prison labor to private firms, officials divert much of an inmate's minimum-wage pay to victims and inmate families.

Also, expanded prison labor would help offset the spiraling costs to the criminal justice system from the boom in incarceration. And it would help companies looking for workers.

But "factories within fences" also pose risks. The workshops could indirectly spur the crime rate by taking jobs away from outside labor. Many private businesses would fold when pitted against the subsidized prison workplaces, say critics. (See story page 16, bottom.)

Also, inmates lack the rights and protections of unionized workers. Workplace disputes could prove too complex and nettlesome for the prison grievance system, say critics.

In any labor/management talks "all parties have to have an independent source of power, otherwise it gets to be more like duress than bargaining," says Ray Marshall, Labor Secretary during the Carter administration.

History also poses a warning. Poor regulation of private involvement in prison labor has at times led to abuse. Early this century public outrage and small-business pressure inspired laws restricting private-sector prison employment and interstate trade in prison-made goods.

An incentive for jailers?

But the most extreme concern is that private hiring of prison labor could whip up incentives for incarceration. Prisons would depend on the revenue. Shareholders in corporations profiting from prison labor could condone longer sentences and other measures to expand their work force. Taxpayers would welcome savings from a faster-moving criminal justice system. In short, critics say, the system would build upon itself.

"The people who build prisons, the people who run the prisons, the politicians who benefit from building prisons - you put it all together and you have a powerful force to perpetuate the system," says Mr. Marshall, now a professor emeritus in economics and public affairs at the University of Texas.

Mr. McCollum disagrees, calling such warnings "really a stretch."

"You've got to think about the alternative," says inmate Cindric. Speaking in a voice unusually soft for a burly Navy veteran, he says, "right now you've got thousands of guys going to waste, sitting around and doing nothing."

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YOUR CORRECTIONS DOLLARS AND NONSENSE

by Blynn B. Beck

Recently, there have been several paid advertisements in The Buffalo News for CSEA, also known as "Council 82". This is the union that represents the correction officers in the New York State prison system.

These quarter page ads were inserted under the guise of letters, but lest we be deceived, they were quite distinct lobbying efforts on the part of the turnkeys union to have the general public endorse their proposed eleven percent pay raise.

Their what?

Why, the raise in salary that they feel so rightly entitled to because of their "dangerous" jobs.

In fact, the first "letter-ad" spoke of these inherent dangers: exposure to HIV, tuberculosis, hepatitis, and other dangerous diseases. These are dangers that everybody faces daily without getting a pay raise for them. Certainly, the men and women that these turnkeys are keeping do not get a raise for their exposures, and they do not have the excellent health benefits that Council 82 members enjoy at state expense. These were the only "dangers" mentioned in the first ad.

One wonders if these turnkeys are planning on having sex or sharing needles with convicts behind bars. In 1997, the department of correctional services spent \$6.4 million "training" these turnkeys about HIV/AIDS, according to N.Y. CURE. Surely then, they should be aware of how to avoid the dangers of transmissibility? Maybe the raise is for paying attention to the training? Expensive enough, it computes to slightly over \$30,000 per turnkey for this awareness training. Quite a taxpayer bargain!

The next ad that Council 82 slid into The Buffalo News was a historic little ditty about how the union opposes the privatization of New York prisons. So what? There are no plans that have been made public to anyone, as the legislature would require, about such a move. And, naturally, if there were, the Council would oppose it. Who encourages needed competition?

Certainly, there is already enough prison space in New York, isn't there?

There must be because the Bureau of Criminal Justice Statistics reports a decline in crime across the board, nationwide. There are plenty of prison beds already if they are used for their intended purpose; the housing of violent criminals as opposed to warehouses for other people.

So what is all this commotion about a raise for the turnkeys? A raise of eleven percent, which the turnkeys themselves do not consider enough.

Half of New York State's prisons are medium (or minimum) security institutions. Turnkeys there are largely sheep herders; the televisions (paid for out of inmate funds) are the real guards, the real baby sitters. Here's some of the most popular activities, on a day-to-day basis, of these medium security turnkeys.

Hand-held video games have become the latest rage. They are easy to conceal when coming and going to work and to hide when supervisors make their rounds. They are much easier to hide than the routine newspapers, magazines, crossword puzzles, and cards. Talking on the phone with cohorts is popular and time consuming, although the turnkeys are upset that they can no longer get an outside line behind the fences. Cooking in the break rooms is a popular pastime, what with the fridges, microwaves, coffee pots, fry pans, private lockers and more -- right where the prisoners live. Real handy to serve up platters of deluxe cheesburgers or bacon and egg brunches for your fellow turnkeys. These are things that the prisoners never see in their own chow halls.

The telephone is the primary tool of the turnkeys. Besides schmoozing and palavering it is the instrument with which the turnkeys arrange their "swaps".

"Swaps" are where turnkeys work several double shifts in a period of a few days in exchange for future time considerations from other turnkeys. One officer recently bragged to this writer that, in 1998, he was off for 277 days! This is a guy making his full salary. As you can imagine, this destroys the continuity of

prison management, but it sure is a swell perk. It's far better than those perks for a school teacher or fire fighters, for example.

The really lucky turnkeys, however, are those who work the 11 p.m., to 7 a.m. shift. Not only do they enjoy all of the malingering benefits of their cohorts, they also get to sleep for most of the night while drawing their checks. If they have trouble with insomnia, then they must resort to all-night card games. their biggest danger is leaning back too far in their chairs and risking injury from backward falls when they doze off. But then, Council 82 also has excellent comp benefits for their hard working turnkeys.

If the public wonders how a disturbance at a medium security prison, such as Mohawk could occur, perhaps they should re-evaluate the number of turnkeys on the state dole. There are too many, doing too little. The prisoners notice this too; it's where the resentments begin. The danger is self-created by the very persons demanding a raise for loitering on the state payroll.

Finally, thier's the tear-jerking video on the local networks portraying these turnkeys with flashing police lights. There is no relation to these turnkeys at all, although the illusion is interesting. the only things missing are the cheesburger platters. I wonder how they rounded up all all of the guys off their swaps to even produce the video.

The question of a raise for these turmnkeys? For what? Certainly not merit or initiative. How about their video scores?

Editors note: Your correction officers have since voted out Council 82, they're still demanding a raise.

After this letter was posted it was found out that this Blynn B. Beck is an ex-inmate out on parole. thanks Ed Kasper

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SENIORITY SECURITY RESOURCE POOL

(VARIOUS/VARIOUS)

It is agreed by C82 and DOCS that seniority shall be the basis by which those employees in the portion of security resource pool known as various/various will select pass days, shift and job assignments.

The bidding process will be decided upon at each facility through the L/M process.

This agreement is a guideline and does not supercede current local agreements regarding the assignment of employees in the security resource pool.

Signed by;

Joe Puma, Executive Director, C82

Tom Kennedy III, President, C82

Joe Kraft, CPC, C82

Tom Coughlin III, Commissioner, DOCS

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THE LIFE OF A CORRECTIONAL OFFICER: A PROFESSION LIKE NO OTHER

OP-ED SUBMISSION

BY: DENNY FITZPATRICK

Every morning I see the barbed wire, the tower and the yard as I pull into the parking lot to start work. I walk through the steel doors and hear them slam shut behind me. It is a sound that has started my day as a New York State Correctional Officer for the last 26 years at Great Meadow Correctional Facility.

The people of New York pay me to do this job. It is a good profession - better than many professions in Upstate, given our slow economy. However, sometimes I wonder if the general public truly understands the life of a Correctional Officer. My ordinary workday would be an extraordinary experience for many New Yorkers.

A Correctional Officer holds a unique position in the State work force given our duties and responsibilities. Few state workers go to work with the possibility of never returning home. Few work in an environment that can instantly turn violent. Few have witnessed the darkest side of human nature.

I walk among violent criminals every day with nothing but a baton for protection. I am surrounded by New York's hard-core criminals, murderers, rapists, child molesters, and sociopaths. These are the most depraved and remorseless human beings I will ever encounter in my life, but I do not think about it. The key to being an effective Correctional Officer is to perform the job with a maximum focus on the tasks at hand. There is no time for fear or hesitation.

Contrary to the public impression, inmates are not locked in their cells for 24 hours a day. The rights and privileges afforded an inmate would fill a novel. In comparison, the rights afforded a Correctional Officer would barely fill a page.

Convicted violent felons are free to walk about to the gym, the commissary, the recreation room and the yard. It is my job to ensure a safe environment for my fellow officers, as well as the inmates.

I am aware of what goes on around me as I do my rounds and head counts. There is gang activity, so-called mules carrying drugs, and some inmates inflicting the most degrading assault on Officers by throwing urine and feces and other body fluids in their faces. This act alone can cause immediate stress to an Officer. The fear of contracting a contagious disease and bringing it home to my wife and children can be devastating.

I have broken up bloody confrontations between inmates and have seen inmates brutally assault one another. I have heard countless stories from other Officers about the violence at other maximum and medium facilities throughout the State. Many are too graphic to describe here.

My wife and four children are afraid for my safety. They know what I walk into every morning. We rarely talk about it. Nothing can be gained by dwelling on the morose.

My chosen profession allows me to provide for my family, however, the price is high. I have only 12 weekends off a year, and seldom get a holiday off with my family. The chronic stress of the job takes its toll.

My story would describe every Correctional Officer in New York. I truly believe we are the forgotten Law Enforcement Officers. Out of sight, out of mind is the norm. Correctional Officers in New York are a proud bunch of professionals. They certainly do walk the toughest beat in the State.

For further information contact: Denny Fitzpatrick, Director of Public Relations, NYSCOPBA at 194 Washington Avenue, Albany, New York 12210, or call him at (518) 427-1551, Extension 246.

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Florida Guards Fatally Beat Inmate

.c The Associated Press
By DAVID ROYSE

TALLAHASSEE, Fla. (AP) - A death row inmate known as a troublemaker was beaten to death in his cell by prison guards, authorities said Wednesday in announcing a murder investigation.

Frank Valdez, sentenced to die for the 1987 slaying of a prison guard, was found dead in his cell at the Florida State Prison in Starke after a brawl Saturday. Nine guards have been suspended pending an investigation.

Tim Moore, commissioner of the state Department of Law Enforcement, said his agents were questioning the guards, trying to find "somebody to come forward and tell the truth."

"The time has come for them to decide who wants to be a defendant and who wants to be a witness," he said. "And I'm talking about a defendant in a murder trial, not a minor infraction."

Valdez, 36, was in a wing for particularly violent prisoners and had been known as a troublemaker. Guards said he had been found with knives in his cell in the past.

A lawyer for the guards acknowledged a fight in which Valdez was badly bruised but said that the injuries didn't lead to his death and that Valdez was given a checkup and cleared to return to his cell.

Prosecutors said Valdez had broken ribs and boot marks on his body.

Bill Johnson, a police union lawyer for the guards, said during searches of guards' homes, law enforcement officers seized the clothes and boots they were wearing the day Valdez died.

Valdez shot and killed a prison guard while trying to help a friend break out. Valdez was free at the time.

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Ousted prison guards leader wins new union office

By JAMES M. ODATO, Capitol bureau
First published: Thursday, July 29, 1999

Albany -- Joseph Puma, former head of Council 82, is elected chief sector steward at Cossackie facility

An executive removed in a financial scandal from the former organization representing state prison guards is back by popular demand.

Joseph Puma won overwhelming support to become a steward at Coxsackie Correctional Facility. Fellow guards elected him July 14, according to the New York State Correctional Officers & Police Benevolent Association.

In a statewide election, the group took over union representation of almost 25,000 guards, replacing Council 82, which Puma once ran.

Now the chief sector steward at Coxsackie and a sergeant, Puma had been Council 82's executive director. He and former president Thomas Kennedy and associate director Lawrence Germano were expelled by Council 82 for alleged misuse of union funds. The FBI and the U.S. Department of Labor also investigated allegations that personal purchases were made on union-funded credit cards.

In 1995, Kennedy was suspended, Puma resigned, Germano was deposed and the American Federation of State, County and Municipal Employees took over operation of Council 82.

Largely because of its association with AFSCME, Council 82 lost the challenge in April and now only represents fewer than 800 prison supervisors.

Correctional Officers & Police Benevolent Association President Brian Shanagher said Puma received about 221 votes out of 240 cast at the prison two weeks ago.

He will receive no pay as steward and is not expected to handle any funds.

"Do I find it ironic? We have a complete and open democratic system," Shanagher said. "Anybody who's a member of the organization is allowed to run for any office. They had nomination meetings, he was nominated. ... We have no influence over who can run."

Under Puma, the union's finances deteriorated while leaders ran up travel and entertainment bills. Council 82 achieved a \$1.9 million deficit in the fiscal year that ended June 30, 1994. From 1992 to 1994, the union's reserves dropped by \$3.6 million

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Letter to Albany Time Union about Joe Puma

James,

My name is Michael B. O'Sullivan I am a NYS Corrections Officer at Auburn Correctional Facility.

I read your article concerning Mr. Puma being elected it is somewhat correct when you say he was overwhelming elected by Coxsackie Correctional Facility. I am writing this E-Mail to inform you that yes Mr. Puma received 221 votes but there are approximately 20,000 Correctional Officers in the State.

We the majority of the Correctional Officers in the State are outraged over what our Brothers and Sisters at Coxsackie have done and the fact that our new union is supporting this outrages us even more. We have started a petition drive across the state to have Joe Puma removed from office at Auburn of 543 Officers I have in a weeks time been able to secure 385 signatures now this is one Prison of the 70

remaining.

Our new union is attempting to hide behind their new Constitution but within this Constitution it calls for an Ethics Committee to be formed and we the remaining Correctional Officers in the State feel that it is unethical to allow Joe Puma to hold a union office.

I wish I had numbers from the other Facilities petitions but at this time I will not speculate other than saying that when these petitions were delivered these Facilities were outraged.

Please feel free to contact me if you desire my work phone is (315) 253-8401 ext.5200
msulliv2@twcnv.rr.com or osully@bigfoot.com

I just felt you were only receiving a part of this story

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Central Treasury Funding Policy

Policy:

The Executive Board, in recognizing it's responsibility to the membership of the Association, has adopted the following written plan concerning the policy of funding to the sectors of the New York State Correctional Officers and Police Benevolent Association.

Procedure:

Each sector within the organization will have a designated treasurer selected by the sector's elected stewards. Prior to the sector receiving Association funds, the chief sector steward and the sector treasurer must sign and have notarized, the Association's sector funding agreement. This agreement will provide the parameters of legitimate union expenditures in order to receive sector reimbursement for these expenditures. Only legitimately receipted expenditures in accordance with the agreement will be reimbursed.

It will be the responsibility of the sector treasurer to open a local bank checking account to be used exclusively for sector expenditures. The sector treasurer will be responsible for providing the Association treasurer with copies of all checks drawn, any bank correspondence relating to the account and a copy of the monthly bank statement, complete with bank reconciliation, by the 10th business day following receipt of the monthly bank statement at the sector. The sector treasurer will provide the Association treasurer with receipts from all legitimate expenditures for which reimbursement is claimed by the 30th of each month.

All checks drawn from the sector checking account will require two signatures; the signature of the chief sector steward and the sector treasurer. A copy of the bank signature card designating signatories will be forwarded to the Association treasurer at the time the account is opened. The Association treasurer is to be notified of any changes in the signatories.

Each sector will receive the following initial dollar amount to open their respective sector checking accounts based on the following formula:

1-200 members	\$500.00
201-500 members	\$1000.00

501 and over members \$1500.00

These numbers are based upon the number of members in good standing at the time the accounts are established. These initial dollar amounts will be reimbursed by the amount of approved receipted union expenditures as set forth in the sector funding agreement. Each sector will be budgeted on a fiscal year, 12 month period, based on their original monthly allotment.

Approval:

Upon receipt of the monthly sector reimbursement request with appropriate receipts, the Association treasurer must act upon the request for reimbursement and if approved, remit payment within a reasonable period of time. If denied, the treasurer will inform the sector treasurer of the denial and the underlying reason.

Denial:

In the event the sector reimbursement request is denied, the requesting sector treasurer or chief sector steward, can seek approval from the Executive Board (in writing) by requesting that the matter be added to the agenda of the next regularly scheduled Executive Board meeting. To gain approval, a majority vote of the then present board members must be obtained, for the reimbursement to be approved. In the event the requesting sector treasurer or chief sector steward is not satisfied with the Executive Board decision, they may take the matter to the Finance Committee for review and consideration. In order to do so, the requesting sector treasurer or chief sector steward must initiate the action (in writing) by requesting the matter be added to the agenda of the next regularly scheduled meeting of the finance committee. If the Finance Committee's recommendation is favorable, the Finance Committee will petition the Executive Assembly for approval. The Committee Chairperson will abstain from any vote on this matter.

Unauthorized action:

In the event that any individual misrepresents himself/herself as having incurred a legitimate expense in connection with the business of the union or the Association treasurer discovers that reimbursement of expenses were in excess of the actual amount expended, the sector treasurer and/or the chief sector steward will be responsible for reimbursement to the Association.

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Shortage of Correction Officers in Kansas

Subject: low salaries hinder recruitment in Kansas

With record numbers of convicted felons coming into the state's penal system, the Kansas Department of Corrections is having trouble recruiting and retaining enough officers to watch them.

A recent study of staffing at state prisons by the Division of Legislative Post Audit, the investigative arm of the Legislature, concluded that personnel shortages are causing concern for staff safety at all the major correctional facilities.

"The Department of Corrections experiences staff shortages which sometimes impair our ability to operate correctional facilities in the manner we would like," Secretary of Corrections Chuck Simmons said in his response to the audit, a study he said he welcomed.

"We have difficulty recruiting and retaining sufficient numbers of staff," he said. "We are at a competitive disadvantage in the salaries we can offer corrections officers. I think there are more position vacancies, recruiting is tougher now, and I think there are lots of jobs available and the pay is better for those jobs than four or five years ago."

The Department of Corrections is authorized a total of 1,944 correctional officers, the uniformed personnel who staff the guard towers and the inside of the state's eight major prisons and four smaller, subsidiary correctional facilities.

At the end of June, there were 85 vacancies in correctional officer positions -- a vacancy rate of 4 percent.

While that vacancy rate doesn't sound high, it amplifies the temporary shortages that occur from vacations, sick time and training sessions.

At the end of June, there were a total of 8,486 inmates in Kansas correctional facilities. That is only 20 fewer than the state's total prison capacity of 8,506 beds. That capacity will increase as the Department of Corrections continues an ongoing program of squeezing additional bed space out of its existing facilities.

"A high percentage of the corrections officers responding to our survey expressed concerns about staff safety because of staff shortages," the post audit report said. "At Lansing, the number of incidents of weapons and contraband being found doubled from 1996 to 1998, and the number of inmate assaults on staff more than doubled.

"Most officials we talked with at other correctional facilities said they were having trouble hiring staff to fill vacant positions."

Rep. Lynn Jenkins, R-Topeka, a member of the Legislative Post Audit Committee, said, "I think if we let it go it could become a crisis situation. We simply have to address it in the coming session of the Legislature.

"With the current budget situation, it's going to be difficult, but we're going to have to make it a priority," Jenkins said, referring to the \$73 million shortfall in revenue collections last fiscal year and the possibility that the 2000 Legislature may have to cut budgets.

Rep. Kenny Wilk, chairman of the Legislative Post Audit Committee, whose House district contains the Lansing Correctional Facility, said, "If we don't staff those prisons correctly, we're asking for some pretty serious trouble. This is an issue of public safety. Heaven forbid if we have a catastrophe at one of those prisons where people get hurt and there's a major break-out and those inmates get into the public."

The post audit report said low salaries appear to be contributing to turnover and recruitment problems.

"Generally, from 1994 to 1998, Kansas had the highest turnover rate for corrections officers compared to surrounding states," the report said. "Pay appears to be a significant factor in corrections officers' decisions to leave the department.

"Department records show that the amount of overtime paid from 1994 to 1998 tripled, from about \$850,000 to about \$2.5 million."

Simmons noted that Colorado and other states have come to Kansas recruiting correctional officers.

"Colorado had job fairs at a number of locations and offered starting pay that was \$10,000 a year more than what we were paying people," Simmons said. "Sedgwick County was hiring people for its jail that was almost \$4,500 more than what we were paying our people 20 miles up the road at El Dorado."

The post audit report said Colorado pays its starting correctional officers \$28,212 a year. That is \$8,036 a year more than the \$20,176 a year that Kansas pays its starting correctional officers.

Sedgwick County pays its starting correctional officers \$23,894 a year.

After a direct request from the department, the 1999 Legislature increased pay for starting corrections officers to \$21,100 a year from \$18,300 a year -- an increase of about \$1,800 a year.

Simmons said he will seek across-the-board salary increases for correctional officers in the enhanced services budget request he submits for the coming fiscal year.

Salary comparison

Here is a comparison of the salaries, at various stages, for a corrections officer I.

State/Jail	Starting Salary	Mid-point Salary	Maximum Salary
Colorado	\$28,212	\$33,288	\$38,364
Nebraska	\$22,381	\$25,761	\$29,141
Shawnee County Jail	\$20,800	\$25,490	\$30,181
Kansas	\$20,176	\$24,294	\$28,413
Missouri	\$19,764	\$23,754	\$27,744
Oklahoma	\$17,805	\$20,552	\$23,299

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State outlines timetable for ban on smoking in prisons

The Associated Press
7/21/99 12:55 AM

By JOEL STASHENKO
Associated Press Writer

ALBANY, N.Y. (AP) -- The Pataki administration is moving to snuff out the cigarettes of inmates and staffers inside the state's prisons by Jan. 1, 2001.

A smoking ban announced Tuesday by state Corrections Commissioner Glenn Goord will apply to all 70,000 inmates as well as about 30,000 state prison employees. Both groups face the potential dangers from tobacco smoke in the confined spaces inside prisons, the commissioner said. The ban will not cover exercise yards and other outdoor areas within prison boundaries, Goord said.

Eliminating indoor smoking will also reduce the potential for fire, according to Goord.

"In addition, the ban will remove a cause of tension and arguments between inmates who smoke and those who don't, thereby reducing fight and the potential for violence," Goord said.

Goord, himself a smoker, said the U.S. Supreme Court has ruled that failing to provide prisoners with a smoke-free environment could be a violation of the constitutional guarantees against cruel and unusual punishment. In addition, the state's own Clean Indoor Air Act says employees have a right to a smoke-free work place.

According to the American Correctional Association, 10 states have completely banned cigarettes at prisons. Thirty-six have partial bans and only five allow unrestricted access to cigarettes.

New York looked at the experiences of other states and of large municipalities in banning smoking in prisons and decided that the restrictions were accepted better when prisoners had time to adjust to the prohibitions, state prisons spokesman James Flateau said.

"The ones that seemed to have the most problems were those that made an announcement in a very short period of time that they were going to ban smoking," Flateau said. "But if you give people some advance warning, tell them how it's going to happen, and allowing people to continue to smoke outside, you are not telling people that they have to make the choice to quit."

The ban would be imposed in New York as follows:

--Starting Jan. 1, 2000, inmates' smoking will be limited to housing units. No smoking will be allowed in day rooms and television rooms of medium- and minimum-security prisons. Maximum-security inmates can smoke in cell blocks, galleries and tiers.

--Starting July 1, 2000, inmates will only be able to smoke in their assigned sleeping areas.

--Starting Jan. 1, 2001, smoking will be prohibited inside all state prison buildings.

Prison officials said they will use outside smoking by inmates as a carrot so prisoners will adhere to the new rules. If inmates are not in "substantial" compliance with the smoking ban, Goord said they might face losing their privilege of smoking outside on prison grounds.

The ban will not apply to smokeless tobacco products such as chewing tobacco.

Prison officials said they would make smoking cessation devices such as nicotine patches and stop-smoking programs available to inmates.

Smoking among inmates can be a touchy issue.

Just last week, for instance, the Montana State Prison was locked down due to prison unrest in part stemming from that prison's 2-year-old ban on smoking. Nearly two dozen inmates in New Hampshire are suing the state seeking an easing of a smoking ban set to begin Sept. 1.

"There is going to be some resistance and some problems, but I think the steps they're making will minimize them," Robert Gangi, head of the state Correctional Association. The group monitors prisons and advocates for inmates.

Smoking is almost certainly far more prevalent among prisoners than in society in general, Gangi said, primarily because inmates have "so few diversions and so few pleasures."

"It's going to be hard for some of the guys inside the institutions to quit," Gangi said.

Prison officials say cigarettes will not be banned under their decree. Cigarettes will still be sold in prison

commissaries after Jan. 1, 2001.

That should eliminate a problem that's cropped up in other prisons where smoking has been banned outright, Flateau said. In those cases, cigarettes became contraband and were traded on the black market behind bars.

Tobacco in state prisons is now treated as something akin to currency with items being bought and sold among inmates for so many cigarettes.

The ban would not apply to the state headquarters of the prison administrators in Albany. That building is governed by the state Clean Indoor Air Act, which decrees that smoking areas be offered in certain indoor, enclosed areas.

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Union slams Pataki for vetoing DOT sign-selling legislation

Newsday
July 30, 1999

ALBANY, N.Y. (AP) - Gov. George Pataki's veto of a measure to allow the state Department of Transportation to bid against state inmates and private companies for street sign-making contracts has drawn criticism from a state workers' union.

"The idea that the governor would put prisoners ahead of law-abiding, taxpaying New Yorkers is outrageous," said Danny Donohue, president of the Civil Service Employees Association.

Pataki on Wednesday vetoed a bill that would have allowed the DOT's Hamburg Sign Shop near Buffalo, where 12 employees produce as many as 75,000 street signs for the state each year, to bid against private companies for sign contracts for municipalities and other agencies.

Pataki said DOT's shop already is at optimal capacity. It would need startup costs and have to retrain workers, all to take business away from private companies, he said.

"In its fostering of state subsidized manufacturing at the expense of private sector development, this bill is antithetical to my frequently-stated policy of making this state attractive to new business," Pataki said in his veto message.

The state shouldn't compete against the private manufacturers like Corcraft, the Department of Correctional Services' inmate-product arm, Pataki said. Other major sign-making ventures in New York include Eastern Metals of Elmira, the Seneca and St. Regis Indian Nations and Signs and Safety Equipment of Big Flats, he said.

But CSEA spokesman Ronald Kermani said Thursday most of the cities send their work out of state and competition from DOT might keep some of that work in New York.

"This bill would have saved taxpayers' money and rewarded the initiative and hard work of state workers," he said.

Kermani also said it wouldn't cost any money to do additional work at the DOT sign shop, since it's

already running and new material would not be needed until additional work came in.

The Hamburg Sign Shop workers are among the 77,000 state workers represented by CSEA. The union and the Pataki administration are locked in a bitter dispute over a new contract and CSEA members have been working without a labor agreement since April 1.

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State to expand age limits on participants in shock programs

Newsday
July 31, 1999

ALBANY, N.Y. (AP) - The state Legislature and Gov. George Pataki are in agreement to make the boot camp-like prison experience called shock incarceration available to older inmates.

The new state budget will include a provision allowing the maximum age of shock participants to increase from 35 to 39, according to state Senate and Assembly officials.

That would make another 300 inmates eligible for shock programs each year, according to James Fleteau, spokesman for the state Department of Correctional Services.

The administration has been seeking to boost the use of shock incarceration as a means of easing pressure on a prison system which is running at more than 130 percent of capacity. Pataki proposed expanding the age eligibility for shock incarceration earlier this year, and the joint Senate-Assembly conference committee discussing budget issues in the crime and corrections field agreed late last week.

Under the shock regimen, inmates get up early, exercise and have work assignments similar to the routine of basic training in the military. Discipline is rigidly enforced.

In return, inmates who complete six months of shock become eligible for parole.

To be eligible for the program, the minimum portion of the prisoners' sentence can be no more than three years, they must be serving time for a nonviolent crime and be in their first stint in state prison.

The Pataki administration estimated that getting 300 older inmates through the program would save \$1.6 million through incarceration time the prisoners would avoid by completing the program.

Shock programs are currently being run for 1,333 inmates at four state prisons. The largest is at the Lakeview Correctional Facility in Chautauqua County, where 600 inmates are enrolled.

Unlike the state's prison system as a whole, none of the four shock programs are running at capacity, Fleteau said.

Robert Gangi, director of the state's Correctional Association, said shock is a "good" and a "rigorous" program that can help many inmates.

"Older guys, generally, are looking for help to turn their lives around," he said. "They're in prison, they're of a certain age, they've screwed things up. They want to be responsible, to be straight, to take care of business when they get on the outside. Shock gives them some tools they can use and builds up their

self-image and confidence."

Gangi said, however, he would have also liked to see shock extended to people returning to state prisons for a second time and those convicted of some offenses classified as violent.

The Legislature has also agreed to include in the overdue state budget, whenever it is adopted, \$1.2 million for a program under which the state sent out work crews from medium-security prisons to work on community projects.

The program was popular among inmates because it helped them pass the time and among local government officials because it provided them with a cheap source of labor to pick up trash along roadways, renovate parks, build Little League fields and carry out similar projects.

The crews were accompanied by guards whenever they were sent out into the community.

Pataki had proposed cutting the program as a cost-saving measure.

The Legislature also agreed to appropriate \$1 million for the state Defenders Association, which Pataki once again this year declined to fund in his budget proposal.

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Attica Brutality.. Inmate Awarded

Taken from the Buffalo News Saturday, July 31.1999:

A Federal jury has awarded \$70,000 to a prisoner who claimed officers at Attica Correctional Facility beat him and tortured him, dunking his head in a toilet, holding him down and pulling out 7 of his dreadlocks, one by one. Wayne Ford, 32 an African-American, said his hands were cuffed behind his back throughout the entire 10-minute attack. He also charged that prison employees screamed racist insults at him.

The convicted armed robber from Brooklyn alleged that prison officials endangered his health by putting him on a punishment diet that included a loaf of nutrient-enriched bread and a head of raw cabbage 3 times a day. After a dramatic 2 week trial that featured Ford acting as his own attorney through much of the proceedings, jurors late Thursday awarded Ford \$70,000 in punitive damages. They found that a sergeant and three corrections officers at Attica "sadistically and maliciously" brutalized the prisoner in January 95.

Prison officials described Ford as extremely violent; since 1989, he has been disciplined 75 times for assault, refusing orders, throwing excrement at officers and other infractions.

When the case was presented to the jury and they heard the guards trying to explain away what happened I think the jurors began to see all the holes in their story Krikpatrick said. Krikpatrick is the Buffalo Lawyer who helped Ford prepare his case.

The jury imposed damages against Sgt. Philip Greis and C/O's..Gilles Woodrich, Dean Acquard, and Patrick Vaccaro.

Paul Larrabee a spokesman for the state attorney general's office said, "A determination has not yet been

mad on whether we will appeal the case. When asked whether the state Corrections Dept. plans any punitive action against any of the officers, Larrabee responded: "the officers were cleared in the investigations conducted by their Watch Commander, by their department and also by, an inspector general's review of the incident. All three investigations supported the officers' actions as being appropriate".

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Guard Stopping a Fight Collapses and Dies

8/2/99

A guard who was trying to break up a fistfight between two inmates at an upstate New York prison collapsed yesterday after complaining of shortness of breath, and died later at a nearby hospital, state correction officials said.

Frank Mayiarz, a guard at the Great Meadow state prison in Comstock, N.Y., about 60 miles north of Albany, was helping to transfer two prisoners from the mess hall to an open area about 12:30 P.M. yesterday when a fight broke out between the prisoners.

While holding one prisoner against a wall, Mr Mydlarz complained that he was having trouble breathing and was taken to the infirmary, where he collapse, said James B. Flateau, a spokesman for the New York Department of Correctional Services. Mr. Mydlarz was pronounced dead at Glens Falls Hospital.

The names of the two prisoners were not released.

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Lawmakers defend hike in per-day benefits

By JOEL STASHENKO, Associated Press

First published: Thursday, August 5, 1999

ALBANY -- Lawmakers who nearly made the 1999-2000 state budget the latest in state history also quietly early Wednesday voted themselves higher per-day expense benefits when they are on state business.

The provision under which legislators raised their own "per diems" also tied future increases to a schedule maintained for federal employees on official business, meaning the Legislature and governor will not have to specifically authorize hikes again.

Current per-day reimbursement of \$89 for legislators working outside of New York City and \$130 for those in the city will go up to between \$97 and \$240. The highest rate -- up to \$198 for lodging and \$42 for meals and other expenses -- will apply to New York City and Long Island.

The per diem for working in Albany goes up from \$89 to \$106.

In a few places, like Elmira, Ithaca and Kingston, legislators' per diem will go down slightly under the

new federal schedule. In others, like Saratoga Springs in the summer (\$142) or Westchester County (\$156) it is considerably higher than under the current reimbursement scale.

Senate Majority Leader Joseph Bruno, R-Brunswick, defended the increases Wednesday, saying the old rates did not accurately reflect how much it costs to eat and find lodging in the metropolitan New York region.

He said the increases, which he said would cost about \$150,000 a year, were made "because it's fair and because it's equitable."

But the manner in which the per diem increases were slipped into a tax portion of the budget without the issue being raised during the conference committee process in the Legislature irritated so-called good government groups.

The increases also come in the same year in which lawmakers started making \$79,500 annually after voting themselves a pay raise last December.

"It would appear what these guys are getting is a lot of money on top of a lot of money," Barbara Bartoletti of the state League of Women Voters said. "You have the public saying, 'For what? Remind me what they did to deserve this.' And that makes the public even more cynical about their public officials."
