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A6888--C Vet Buy Back

S T A T E O F N E W Y O R K

6888--C

1999-2000 Regular Sessions

I N A S S E M B L Y

March 10, 1999

Introduced by M. of A. TOCCI, BRAGMAN, VITALIANO, CARROZZA, CHRISTENSEN, DESTITO, MAGNARELLI, TONKO, TOWNS -- Multi-Sponsored by -- M. of A. BEA, BRODSKY, D. BUTLER,

CANESTRARI, CLARK, M. COHEN, COLMAN, CONNEL- LY, DiNAPOLI, ENGLEBRIGHT, ESPAILLAT, GANTT, GROMACK, GUNTHER, HAREN- BERG, HILL, HOCHBERG, JACOBS, KAUFMAN, KLEIN, LUSTER, MAGEE, MARKEY, MAYERSOHN, MAZZARELLI, McENENY, NESBITT, NOLAN, PARMENT, PERRY, PHEF- FER, PRETLOW, RAMIREZ, ROBACH, SCARBOROUGH, SCHIMMINGER, SEDDIO, SIDIKMAN, SMITH, SWEENEY, TOKASZ -- read once and referred to the Committee on Veterans` Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amend- ments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to providing credit to members of public retirement systems of the state for military service rendered during periods of military conflict

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

1 Section 1. The retirement and social security law is amended by adding

2 a new article 20 to read as follows:

3 ARTICLE 20

4 CREDIT FOR MILITARY SERVICE RENDERED DURING

5 PERIODS OF MILITARY CONFLICT

6 SECTION 1000. MILITARY SERVICE CREDIT.

7 S 1000. MILITARY SERVICE CREDIT. NOTWITHSTANDING ANY LAW TO THE

8 CONTRARY, A MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE, AS

9 DEFINED IN SUBDIVISION TWENTY-THREE OF SECTION FIVE HUNDRED ONE OF THIS

10 CHAPTER, SHALL BE ELIGIBLE FOR CREDIT FOR MILITARY SERVICE AS HEREINAFT-

11 ER PROVIDED:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets { } is old law to be omitted.

LBD07322-24-9

A. 6888--C 2

1 (1) A MEMBER, UPON APPLICATION TO SUCH RETIREMENT SYSTEM, MAY OBTAIN A
2 TOTAL NOT TO EXCEED THREE YEARS OF SERVICE CREDIT FOR UP TO THREE YEARS
3 OF MILITARY DUTY, AS DEFINED IN SECTION TWO HUNDRED FORTY-THREE OF THE
4 MILITARY LAW, IF SUCH SERVICE WAS PERFORMED IN A TIME OF WAR, AS DEFINED
5 IN SECTION EIGHTY-FIVE OF THE CIVIL SERVICE LAW, OR IF SUCH SERVICE
6 OCCURRED IN A COMBAT THEATRE OR COMBAT ZONE OF OPERATIONS AS DOCUMENTED
7 BY THE AWARD OF A UNITED STATES CAMPAIGN RIBBON OR SERVICE MEDAL, OR THE
8 MED FORCES EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL OR MARINE
9 CORPS EXPEDITIONARY MEDAL.

10 (2) A MEMBER MUST HAVE AT LEAST FIVE YEARS OF CREDITED SERVICE (NOT
11 INCLUDING SERVICE GRANTED HEREUNDER) TO BE ELIGIBLE TO RECEIVE CREDIT
12 UNDER THIS SECTION.

13 (3) IN NO EVENT SHALL THE CREDIT GRANTED PURSUANT TO THIS SECTION,
14 WHEN ADDED TO CREDIT GRANTED FOR MILITARY SERVICE WITH ANY RETIREMENT
15 SYSTEM PURSUANT TO THIS OR ANY OTHER PROVISION OF LAW, EXCEED A TOTAL OF 16 THREE
YEARS.

17 (4) TO BE ELIGIBLE TO RECEIVE CREDIT FOR MILITARY SERVICE UNDER THIS
18 SECTION, A MEMBER MUST MAKE APPLICATION FOR SUCH CREDIT BEFORE THE
19 EFFECTIVE DATE OF RETIREMENT. NOTWITHSTANDING THE FOREGOING PROVISIONS
20 OF THIS SUBDIVISION, AN INDIVIDUAL WHO RETIRED ON OR AFTER DECEMBER
21 TWENTY-FIRST, NINETEEN HUNDRED NINETY-EIGHT AND BEFORE THE EFFECTIVE

22 DATE OF THIS SECTION MAY MAKE APPLICATION FOR CREDIT PURSUANT TO THIS
23 SECTION WITHIN THREE YEARS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION.

24 (5) ALL COSTS FOR SERVICE CREDITED TO A MEMBER PURSUANT TO THIS
25 SECTION SHALL BE PAID BY THE STATE AND ALL EMPLOYERS WHICH PARTICIPATE
26 IN THE RETIREMENT SYSTEM IN WHICH SUCH MEMBER IS GRANTED CREDIT.

27 (6) A MEMBER WHO HAS PURCHASED MILITARY SERVICE CREDIT PURSUANT TO
28 SECTION TWO HUNDRED FORTY-FOUR-A OF THE MILITARY LAW SHALL BE ENTITLED
29 TO A REFUND OF ANY MONEY PAID AND SHALL BE DEEMED TO HAVE OBTAINED SUCH
30 MILITARY CREDIT PURSUANT TO THIS SECTION.

31 S 2. This act shall take effect immediately and shall be deemed to
32 have been in full force and effect on and after December 21, 1998.

FISCAL NOTE.--This bill would allow up to three (3) years of service credit for military service performed during certain periods of military conflicts for certain members with five years of credited service in public retirement systems in New York State. There would not be any payment required by an affected member for such service.

Insofar as this legislation relates to the New York State and Local Employees` Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS), there would be an estimated total cost of approximately \$480 million for affected members in the ERS and approximately \$57 million for affected members in the PFRS.

For the ERS, there will be eventual increases in annual contributions of approximately \$22 million to the State of New York and \$27 million to the participating employers in the ERS. For the ERS, due to significant investment gains, we do not expect the enactment of this single measure to affect employer contributions during the near term. For the PFRS, the estimated first year cost would be approximately \$800,000 to the State of New York and \$4.8 million to participating employers in the PFRS.

This estimate, dated May 14, 1999 and intended for use only during the 1999 Legislative Session, is Fiscal Note No. 99-348 prepared by the Actuary for the New York State and Local Employees` Retirement System and the New York State and Local Police and Fire Retirement System.

FISCAL NOTE.--This bill would add a new article 20 to the Retirement and Social Security Law to allow members of public retirement systems of New York State to claim service credit for up to three years of military

A. 6888--C 3 service performed during war at no cost to the member. A member must have at least five years of credited service to be eligible and make application for such credit before the effective date of retirement. A member who retired on or after December 21, 1998 and before the effective date of this act may apply for credit pursuant to this section within three years of the effective date of this act.

The additional annual cost to the employers of members of the New York State Teachers` Retirement System for this benefit is estimated to be \$19.5 million or .19% of payroll if this bill is enacted.

The source of this estimate is Fiscal Note 99-106 dated May 19, 1999 prepared by the Actuary of the New York State Teachers` Retirement System and is intended for use only during the 1999 Legislative Session.

.SO DOC A 6888C *END*

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Almost 28 years after the Attica Correctional Facility Riot

(Aug. 10, 1999) -- Almost 28 years after the Attica Correctional Facility erupted in a bloody uprising, a federal judge in Rochester has been asked to carve a settlement to the riot's lingering civil litigation.

U.S. District Judge Michael Telesca has been asked by U.S. District Judge David Larimer, the chief judge for the Western District of New York, to try to resolve two lawsuits stemming from the 1971 riot.

Telesca has ordered key figures -- the attorneys for two inmates who brought lawsuits and the counsel for the state and a former prison official -- to appear before him at 10 a.m. Thursday.

"Like most cases, everybody's interest would be best served with a settlement," said Mitchell Banas, a Buffalo lawyer who represents Karl Pfeil, a former prison assistant deputy superintendent. "But this doesn't seem to be like most cases."

Elizabeth Fink, a New York City lawyer who has represented inmates in the civil litigation, said she hopes Telesca can bring an end to the case.

"We've been waiting for justice for 28 years," she said.

The Attica conflagration stands as the worst prison riot in the nation's history.

On Sept. 9, 1971, more than 1,200 inmates seized parts of the prison. After five days, authorities stormed the prison. Ten hostages and 29 prisoners were killed by gunfire.

A federal appeals court earlier this month overturned jury awards totaling more than \$4 million to two Attica inmates who alleged they were tortured by guards and police during the riot.

The court ruled that U.S. District Judge John T. Elfvin in Buffalo gave improper instructions to two juries.

The jury verdicts stemmed from trials on allegations that supervisory officials did nothing to curb mistreatment of inmates.

In 1992, a federal jury in Buffalo found Pfeil liable for having overseen anti-inmate reprisals.

The recent appellate ruling that overturned the jury verdicts focused on the federal judge's actions. In that ruling, the appellate court determined there was "substantial evidence" that prison authorities brutally retaliated against Attica inmates involved in the riot.

"The (appellate) decision finds totally for us in the sense of our evidence and our facts and rules totally on technical grounds," Fink said.

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1998 Correctional Officer of the Year

Rexford Edward Spofford
Correctional Officer II
Spring Creek Correctional Center
Seward, Alaska

Officer Rexford Spofford is a highly organized individual who applies his talents in the operation of his shift. Be it routine documentation or reporting of special incidents, his work is of the highest quality. He organizes work loads insuring effective and efficient use of staff time. His professional demeanor and work ethic is an inspiration to his fellow officers. Staff rise to his high standards voluntarily by his positive influence.

Officer Spofford is known for his honesty, dependability and professionalism and new staff often express their goals as being "as good as Officer Spofford." His command of verbal communication is of the highest level. Even under the most critical situations he maintains his composure and speaks in professional tones. He does not lower himself with the use of profanity. His composure, verbal command, and professional appearance is a constant asset in his work environment of a maximum security prison. It was an effective influence while working in the segregation unit where

his interaction defused hostile prisoners in a punitive setting. His maturity and "lead by example" style have made him an effective leader among his peers.

Officer Spofford's attributes tend to defuse situations prior to their becoming dangerous. He has, however, been in several situations which are commendable. He was assaulted by a prisoner in the segregation unit which resulted in his being injured. Despite this, he remained in control of himself and the situation and successfully secured the prisoner. He was also a first responder to a fire in the hobby craft area of the facility. By his actions and direction, the fire did minimal damage. Outside the institution, Officer Stafford has volunteered many years as a community firefighter. He was also a pilot in the military and is a veteran of the Desert Storm Conflict.

Officer Spofford is continually on the road to self-improvement. He is an Alaska Police Standards Certified Trainer and develops and teaches training programs for his shift. He is rated by his co-workers as the best instructor in the institution. In addition to his regular duties, Officer Stafford performs duties as a Field Training Officer. As such, he is responsible for the training and evaluation of the new staff members assigned to him. As a constant student, Officer Spofford has taken many classes, including Managing Youthful Offenders in Adult Institutions; Cultural Awareness; Supervision of Chronically Mentally Ill Prisoners; Jail Suicide Prevention; Tactical Police Training for Critical Situations; Training for Trainers; Certified Correctional Instructor; and Motivating Staff.

The Spring Creek Correctional Superintendent stated, "Officer Spofford's projection of confidence and professionalism dispels the myth that the public has of 'prison guards' and presents the positive image of a correctional officer."

[Crime & Justice International](#)

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Half-Mast Flag issue

Below is the interdepartmental communication from Clintons Super to our Watch Commanders on 16 July 99...

DATE: 7/16/99

TO: Watch Commanders-MAIN/ANNEX

FROM: Daniel A. Senkowski, Superintendent

SUBJECT: RECOGNITION OF DECEASED EMPLOYEES/FORMER EMPLOYEES

There has been some confusion over a long standing custom which has existed within the Department of facilities lowering the flag in recognition of past and current employees who pass away. Although this custom has unofficially occurred for many year, the facts remains that only the Governor of the State of New York has the authority to order the lowering of flags in State Buildings and Institutions. The Department's recognized procedure for paying respect to deceased employees is to provide Honor Guards at funerals when families request attendance. Our facility has always participated in the Honor Guard Process and will continue to do so.

In Addition, the following facility procedure will be implemented as a means of paying respect to deceased employees in lieu of the custom of lowering the flag. Our facility Community Message Board will be utilized to display an appropriate remembrance for those employees who pass away. The posting will uniformly be displayed for a two day period. Anyone who receives information on the passing of a former employee should ensure that this information in forwarded to the First Deputy Superintendent's Office so that arrangements for the posting can be made.

Signed

D. A. Senkowski, Superintendent

DAS/sgk

cc: First Dep Supt.

All Depts Supts
All Captains
All Department Heads
G. Hamel, EAP

Below is a letter sent from Clinton sector to NYSCOPBA
TO: NYSCOPBA Executive Board
FROM: Clinton Sector
SUBJECT: Lowering the flag for our deceased employees

Below you will find a recent interdepartmental from Clinton's Superintendent Senkowski, changing a policy which has been in place and documented (in a log book), since November of 1972, possibly further. Many of Clintons membership do not feel that the implementation of this new policy is appropriate and/or respectful to those fallen employees who we once worked side by side with. The recognition of our own deceased former and/or current employees at the facility level is a time of closure. In the past our time and attendance lieutenant would contact the appropriate officer in area's bearing flags, to notify him/her on lowering the flag to half mast.

The flag has been lowered on many occasions such as;

- 1) Korean air crash 1983
- 2) Space shuttle 1986
- 3) US Marines bombed Lebenon 1987
- 4) USS Stark 1987
- 5) USS Iowa 1989
- 6) Newburgh school (7 killed) 1989
- 7) Ohio prison riot 1993
- 8) Terrorist bombing Oklahoma Fed building 1995
- 9) US diplomats killed 1995
- 10) Albany police officer killed 1996
- 11) TWA victims 1996
- 12) TWA in memory of 1998
- 13) Joe DiMaggio 1999
- 14) Colorado school shooting 1999
- 15) JFK, jr 1999 (20July99 thru 26July99)

Besides the sample listed above, our flag's have been lowered to half mast for the past 27 years in memory of both correctional officers and civilians who have/had worked at Clinton Correctional Facility. It is the righteous, morale thing to do. Governor Pataki needs be made aware of this policy change ASAP. There is NO cost factor associated with the lowering of the flag. Again we are not being recognized as the professional "Law Enforcement Officers" that we are!!

Thank you for any help you may provide towards resolving this matter.

XXX As a result Gov. Pataki has given Commissioner Goord the authority to fly the flags at half-mast at all correctional institutions for those who have/had worked for DOCS and passed away. Contact NYSCOPBA ASAP so they can contact Goord's office. This was a long standing policy where before it was just done. Tell me the state isn't playing games where they can.

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Federal prison inmates abuse phones

WASHINGTON (AP) - A significant number of federal inmates use prison telephones to arrange murders, traffic in drugs or commit fraud, and the Bureau of Prisons has failed to curb the abuse, an inspector general concluded Thursday.

"Inmate abuse of prison telephones appears to be widespread," Justice Department Inspector General Michael Bromwich concluded. Despite learning of the problem in 1976, the Bureau of Prisons "has taken only limited and insufficient corrective efforts."

"We found various cases in which inmates retained full telephone privileges even after they were convicted of a crime involving the use of prison telephones," Bromwich's report said, adding that the Bureau of Prisons must "take immediate and meaningful actions."

Bromwich proposed limiting telephone privileges for all inmates, having guards monitor more calls and imposing harsher discipline on abusers.

Bureau of Prisons spokesman Todd Craig said the report had "some good suggestions" that are being reviewed.

"But we have taken steps to address problems, and a majority of inmates do not abuse the system," he said. Federal prisons allow calls to "help inmates maintain family ties so they have a job and a home when they get out and don't have to return to crime," he said.

Telephone privileges have expanded dramatically since the 1970s when inmates were permitted only one call every three months and it was placed by guards. Now most federal inmates can make as many calls as they can pay for or get outsiders to accept charges for.

A survey of U.S. attorneys found 117 federal prosecutions involving prison phone use in recent years, including 11 for murder or attempted murder arranged by inmates over prison phones, Bromwich reported.

Ten inmates were prosecuted for plotting to threaten witnesses and 12 for trying to influence witnesses. Another 25 cases prosecuted inmates for fraud, often involving credit cards. One inmate directed a fraudulent employment matching service scheme that involved \$1.6 million. Another swindled trucking companies out of more than \$100,000.

BOP's Craig noted that 40 of the 117 federal inmates prosecuted were housed in state or local prisons at the time of their phone abuse. He said the 77 cases growing out of phone use in federal prisons represent one one-hundredth of one percent of the 400,000 inmates who moved through federal prisons during the three years the inspector general audited them.

In one egregious case, Baltimore drug dealer Anthony Jones used phones at the prison in Allenwood, Pa., to order associates outside to murder two grand jury witnesses against him. One was killed and the other shot several times.

Even after Jones was convicted of murder and attempted murder and sentenced to life in prison for that in May 1998, he retained full phone privileges and his calls were not monitored, Bromwich found. Jones' access was not restricted until Bromwich's investigators asked about it in July 1998.

"BOP's limited attempts to monitor inmate calls are virtually useless in preventing inmates from committing crimes," Bromwich concluded.

Guards monitor only 3.5 percent of tens of thousands of prisoners' calls made each day, Bromwich found. All calls except prearranged ones to an inmate's attorney are recorded, but they are rarely reviewed later.

In visits to nine prisons, Bromwich's investigators found excessive phone use by 15 inmates, who each spent more than 66 hours a month on the phone.

Notorious Washington, D.C., drug dealer Rayful Edmond told investigators he arranged drug deals on the phone

almost every day from the penitentiary in Lewisburg, Pa., and held conference calls to Colombia, South America. Edmond said he knew most calls weren't monitored and expected only a short restriction of phone privileges if caught.

But Bromwich did say that 74 percent of inmates used the phone less than 5 hours a month. Most prisons have two pay phones per 150 inmates who have to line up for them after their 7 hours of work each day, Craig said.

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Bill A03154 - Prison Anti-Privatization

BILL NO A03154

SPONSOR Ortiz

COSPNSR Gunther, Eve

MLTSPNSR Aubry, Cohen M, Gottfried, Jacobs, John, Mayersohn, Sanders, Weisenberg

Add S120, Cor L

Requires the maintenance of detainees in state and local correctional facility to be performed by police or peace officers who are state or local civil servants.

Actions on Bill A03154

BILL NO A03154

01/28/1999referred to correction

03/02/1999reported referred to ways and means

06/28/1999reported referred to rules

06/29/1999rules report cal.1261

06/29/1999ordered to third reading rules cal.1261

06/29/1999passed assembly

06/29/1999delivered to senate

06/29/1999REFERRED TO RULES

Votes on Bill A03154

BILL: A03154 DATE: 06/29/1999 MOTION: YEA/NAY: 141/000

Abbate	Y	Christe	Y	Englebr	Y	Hikind	ER	Mayerso	Y	Ramirez	Y	Thiele	Y
Acampor	Y	Clark	Y	Espail	Y	Hill	Y	Mazzare	Y	Ravitz	Y	Tocci	Y
Alfano	Y	Cohe A	Y	Eve	Y	Hochber	Y	McEneny	Y	Rhodd-C	Y	Tokasz	Y
Arroyo	Y	Cohe M	Y	Farrell	Y	Hoyt	Y	McLaugh	Y	Rivera	Y	Tonko	Y
Aubry	Y	Colman	Y	Faso	Y	Jacobs	Y	Miller	Y	Robach	Y	Towns	Y
Bacalle	Y	Colton	Y	Ferrara	Y	John	Y	Millman	Y	Sanders	Y	Townsen	Y
Barraga	Y	Connell	Y	Fessend	Y	Johnson	Y	Mills	Y	Scarbor	Y	Vann	Y
Bea	Y	Conte	Y	Flanaga	Y	Kaufman	Y	Morelle	Y	Schimmi	Y	Vitalia	Y
Boyland	Y	Cook	Y	Galef	Y	Kirwan	AB	Murray	Y	Scozzaf	Y	Warner	Y
Boyle	Y	Crouch	Y	Gantt	Y	Klein	Y	Nesbitt	Y	Seaman	Y	Weinste	Y
Bragman	Y	Cymbrow	ER	Glick	Y	Koon	Y	Nolan	ER	Seddio	Y	Weisenb	Y
Brennan	Y	Daly	Y	Gottfri	Y	Labriol	ER	Norman	Y	Seminer	Y	Weprin	Y
Brodsky	Y	D`Andre	Y	Grannis	Y	Lafayet	Y	Nortz	Y	Sidikma	ER	Wertz	Y
Brown	Y	Darcy	Y	Green	ER	Lentol	Y	Oaks	Y	Smith	Y	Winner	Y
Burling	Y	Davis	Y	Greene	Y	Little	Y	O`Conne	Y	Spano	Y	Wirth	Y

Butl DJ	Y	Denis	Y	Griffit	Y	Lopez	Y	Ortiz	Y	Stephen	Y	Wright	Y
Butl MW	Y	Destito	Y	Gromack	Y	Luster	Y	Ortloff	EL	Stranie	Y	Young	Y
Cahill	Y	Diaz	Y	Gunther	Y	Magee	Y	Parment	Y	Stringe	Y	Mr Spkr	Y
Calhoun	Y	DiNapol	Y	Harenbe	Y	Magnare	Y	Perry	Y	Sull EC	Y		
Canestr	Y	Dinga	Y	Hayes	Y	Manning	Y	Pheffer	Y	Sull F	Y		
Carrozz	Y	Dinowit	Y	Herbst	Y	Markey	Y	Prentis	Y	Sweeney	ER		
Casale	Y	Doran	Y	Higgins	Y	Matusow	Y	Pretlow	Y	Tedisco	Y		

BILL NUMBER: A3154

PURPOSE OF THE BILL: To specifically preserve as a non-transferable governmental responsibility the duty to maintain custody and supervision of persons committed or sentenced to state and local correctional facilities by prohibiting the replacement of state and local correction officers by private guards.

JUSTIFICATION: In the effort forced upon state and local governments to cut operating costs, some are turning to the privatization of prisons. Inevitably, hungry, bottom line adventurers appear ready to take the public money. The Immigration and Naturalization Service recently canceled a contract with a private company after an investigation by I.N.S. found that as part of the process of cutting costs, the government had on its hands untrained \$8.00 an hour guards, totally unaware of their responsibilities in an emergency. Furthermore, an analysis shows that where a private system is run fairly well, there is little or no savings to the government. Nor do we know how well privatization will function in time of crisis. At the same time, we must not forget that private employees are not subject to the Taylor Law.

SUMMARY OF SPECIFIC PROVISIONS: The correction law is amended by adding a new section 118 to provide that the duty of maintaining the custody and supervision of persons detained or confined in a correctional facility shall be performed by peace officers who shall be in the competitive class of the civil service. This duty shall not be delegated, transferred or assigned.

FISCAL IMPLICATIONS FOR STATE & LOCAL GOVERNMENTS: Because this bill simply codifies existing practice, there are no costs associated with its enactment.

EXISTING LAW: While the sheriff or commissioner of correction is responsible for the detention and custody of inmates, existing statutes do not specifically prohibit the hiring of private guards.

PRIOR LEGISLATIVE HISTORY: In 1996, A. 8696 (S. 5965-B) passed the Assembly and was substituted for the Senate companion. It was ordered to third reading and then recommitted to rules. In 1998, A.401 (S.5558) was referred to crime victims, crime and correction.

EFFECTIVE DATE: Immediately.

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6 major arbitrations wins

I think it is time to project some very positive news to the net. In the past year, our members have won at least 6 major arbitrations. It is my belief that a substantial percentage of the membership (and local leaders for that matter) are in the dark as to the content of these major contractual wins, as well as to their impact upon our everyday employment. Here we go----enjoy the GOOD NEWS:

- 1) On June 15, 1998, Arbitrator Peter Prosper, in a case originating at Green Haven CF, ruled against the state for their practice of inclusion of Military Leave in the computation of probationary period extensions. Countless employee probations have been shortened as a result. If you're currently on probation, be advised of this right.
- 2) On August 25, 1998, Arbitrator Joel M. Douglas, in a case originating at Watertown CF, ruled against the state

who refused to pay overtime to officers whose post was a SHU so remote from the Administration Bldg. they were consistently relieved late at the end of their tour of duty. The state argued unsuccessfully the shift ended when the relief was made in the SHU. Not so-the arbitrator stated the time to walk the compound, turn in required paperwork and punch a time card was time worked and required the payment of overtime. I believe this is a problem in many of our large medium security facilities, so be advised!

3) On October 15, 1998, NY Supreme Court Justice Harold Hughes upheld an August 20, 1998 decision of Master Arbitrator Jeffrey Selchick, who ruled against the states policy of revoking swapping privileges to anyone placed on Time and Attendance controls. Practice was classified as discipline being invoked without preservation of rights contained in Article 8 of the contract. This case originated in Wende CF.

4) On July 17, 1998, Arbitrator Michael Lewandowski, in a case originating at Southport CF and Elmira CF, ruled against the state's practice of inserting copies of "findings of guilt" resulting from inmate court litigation into the personal history folders of the affected employees. DOCS initiated this practice in 1996, succumbing to political pressure from Prisoners Legal Services. This also violated Article 8 of the contract. Check your folders. If any of this obnoxious material is in your folder, have it removed immediately!

5) On May 18, 1999, Arbitrator Joel M. Douglas, in a case originating at Mid-Orange CF, ruled against the denial of 4 hours of recall overtime pay to officers called into work from home to work VOLUNTARY OVERTIME and were subsequently released from work having worked less than 4 hours. This win removes the distinction between VOLUNTARY and MANDATORY recall from home. Make sure your facility is observing this practice (bet they're not!).

6) Lastly, on March 19, 1999, Arbitrator Peter Prosper, in a case originating at Coxsackie CF, ruled against the facility's refusal to repost turned in vacation and incidental time. Arbitrator Prosper ruled the practice "unreasonable denial" under Article 14.1(d) and ordered the practice ended immediately. Since that date, the officers at Coxsackie have had access to hundreds of days off previously denied them. The state is shelling out thousands of dollars in overtime to cover these days and there isn't a damn thing they can do about it. This practice is WIDESPREAD throughout the state. If it's being done at your facility, get the paperwork rolling to stop it NOW. It's a tough case to prove-I know, because I was the guy who fought this one! Contact me if you need help-we'll get them for millions before we're done!

Bottom line here is---DO YOUR HOMEWORK! All the above people did and they kicked some ass for all of us. There's a ton more to do, but it's going to get better and better. Help your local officials accumulate required documentation for your grievance which might be the one on which we base the next arbitration. Become part of the team and fight the boss intelligently. As I tried to show by all the above, they're not as tough as they think they are!

In fraternity,
Sgt. Don Premo (Green Haven CF)

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State managers organization affiliates with labor union

Albany -- While it can't bargain, outfit looks to gain clout in push for benefits legislation Mirroring a national trend, an organization of management and confidential state employees on Thursday affiliated with a labor union -- even though it is barred by law from collective bargaining.

What the Organization of Management/Confidential Employees seeks by its alliance with the AFL-CIO-affiliated Office of Professional Employees International Union is the power and political clout to more effectively push a legislative agenda for better benefits.

"The name of the business is clout ... and this is going to increase our clout," said Joseph B. Sano, executive director of OMCE. "It is going to increase our clout organizing, as well as our legislative impact, and that's what it's all about."

But that remains to be seen, according to Craig Dickinson of the Governor's Office of Employee Relations.

"Our relationship with them is informal, as it must be by law," Dickinson said. "We will continue to talk with them as we always have. I assume they have affiliated because they think it will do them some good. We'll see." Michael McKeon, spokesman for Gov. George Pataki, said the administration has no immediate objection to the affiliation. "God bless them," he said.

For virtually its entire 23-year history OMCE has struggled in near-obscurity, hindered by the fact that under federal law management/confidential employees cannot engage in collective bargaining.

The organization has only about 1,600 dues-paying members, even though there are roughly 10,600 eligible workers in the executive branch alone and perhaps several thousand more scattered among the legislative and judicial branches and in local government.

The affiliation brings OMCE members immediate access to certain union benefits, such as discounts on insurance, legal services, cut-rate tickets to movie theaters and theme parks. For the long term, however, organizers hope the alliance will boost the power of the labor union while increasing the visibility and viability of the professional association.

Barbara Zaron, president of OMCE, said the link brings her organization the "strong voice of OPEIU and the stronger voice of the AFL-CIO" as it lobbies for better benefits and better protections for management/confidential employees.

"We are not becoming a union by this affiliation," Zaron stressed. "We will continue to be a not-for-profit professional organization, but we will be an affiliate of a union. It is kind of an interesting situation for all of us ... an interesting and exciting journey."

Zaron said there will be no additional cost to OMCE members and no increase in dues. Currently, dues range from \$6 to \$12, payable every other week. The affiliation has been in the making for approximately a year.

"The labor union has courted us, and it's great to be courted," Sano said. "It's nice to consummate the relationship."

Richard J. Lanigan of the AFL-CIO said professionals are increasingly allying with labor unions. For example, doctors in Pennsylvania recently affiliated with a labor organization and psychologists in New York recently linked with New York State United Teachers.

"There is a trend nationwide for guilds and professional associations to come in to the house of labor," Lanigan said. "Our vision of the house of labor in the new millennium will be organized labor, blue-collar trades, guilds and professional associations ... accomplishing common goals, work on legislative goals, work on political campaigns. We think we are on the early part of the curve."

Arthur Wilcox, director of the public employee division of the New York state AFL-CIO, said it is important for the union to have ties with the entire work force population, even if there is a segment -- such as New York's management/confidential employees -- for which it cannot collectively bargain.

"Until we mirror the whole work force population, we don't have the power that we could have."

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The Citizen, Auburn, New York Golf/Tennis Sunday September 12,1999

Don't Judge All Corrections Officers By The Actions Of A Few

Article By John Lombardo

Golf is a game that is experienced at many levels. We like to ponder the golf swing, and dream of doing what the guy's

on tour do every week. We try to improve our own level of play, and work the best we can at getting along the road to competency as far as playing the game.

Experienced at another level, golf has become a game of tournament outings, with greater and greater numbers of people participating. Tournaments range from stroke play, to match play, to charity scrambles, to bar tournaments, with categories falling everywhere in between. These tournaments get bigger and bigger, and many turn into communal gatherings of friends and neighbors, who venture on to the course just to revel in the outdoors and spend a morning or afternoon in each others company.

While golf is most certainly a game of technique and score, it is also about the people who play it, from the tours, to all our experiences on a local level.

The Associated Press ran an article a few weeks ago about "a golf tournament for prison guards" that took place in Canton, New York on August 13. According to the AP "corrections officers urinated in public view, damaged the greens with golf carts and used the carts as bumper cars."

Kathy Lawrence, director of the Partridge Run Golf Course in Canton, said "the outing turned into a drunk fest. Upon registration I counted 93 coolers, numerous bottles of vodka, rum and gin. This picture that I was drawing in my mind was one of disaster." Lawrence said.

We all get the picture. The incident is being investigated by the Department Of Correction Services.

While all this may have happened, and while the AP article just covers the negative, I feel it is important to shed some other light on a few things.

It has been my experience as a golf professional to come into contact with the many corrections officers in and around our county. From their weekly leagues, which are many at Dutch Hollow, to the charity tournaments that they run, I get to visit with and see them on a regular basis, and I get to see first hand what kind of people they are.

Just for public knowledge, three of the most successful tournaments that we have in the area are The Mike Semple Memorial, The David Mancini Memorial, and The Annual Michael Petrosino - William Eisenschmidt Memorial. All three tournaments have in attendance more than 160 officers for each, that play on the course, with many more that come for dinner just to support the cause. That of lending help and support to the families of their fallen friends and co-workers.

These tournaments are necessary, and are obviously for a good cause, and do raise money for the families of the deceased officers. And as any of you who has ever directed any event where large numbers of people are involved, you know the tremendous amount of work, organization, and cooperation that are required of all who participate, on any level.

Over the years, the officers have exhibited the best behavior, and have conducted themselves as professionals and class individuals. Their conduct in their weekly league play is just as exemplary. While none of us is perfect, I would hazard a guess that most of us are just human beings, with human frailties, weaknesses, and emotions.

I speak from first hand experience. Also, while I know many of these officers as friends, I do not speak from a personal bias.

I honestly knew nothing of the events in Canton until they were brought to my attention by Sue Hare, food and beverage director at Dutch Hollow. I decided to find out what happened.

When I read the AP article, I was kind of surprised. The officers I know have conducted themselves as gentlemen, and are honestly and sincerely concerned about their fellow man.

They are never too busy to ask how you are doing, or to stop for a few minutes, and listen when I feel a need to expound on any particular subject, which happens more often than I would like it too. But it is all part of human interaction, and the process of getting to know people personally during a hectic summer schedule and in a business environment.

You can always joke around with a correction officer, and put a little fun into an otherwise busy day. Most have a smile and a kind word to offer.

I just wanted to set the record straight, at least from my own personal view, about golf and correction officers. We all have a different point of view, but as an old sage once said somewhere, someplace, "experience is the best teacher."

I could not agree more.

John Lombardo

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Prisoners must pay to sue

A new law to deter frivolous legal claims requires a fee of \$15 to \$50 to file lawsuits

By Kyle Hughes
Democrat and Chronicle

ALBANY, N.Y. (Sept. 19, 1999) -- State prison inmates now have a financial reason not to file frivolous or unnecessary lawsuits under the terms of a law approved by legislators and Gov. George Pataki. The law sets a \$15 to \$50 fee when inmates file court cases, depending on how much they can afford. The measure also requires inmates to first try to resolve their grievances -- which usually involve matters such as missing personal property -- with the Department of Correctional Services.

"This is a step in the right direction," said Darren Dopp, a spokesman for Attorney General Eliot Spitzer, who endorsed the Pataki measure.

Dopp said a third to one-half of all the trial work in the attorney general's 11 regional offices is related to prisoner lawsuits, most of which are found to be meritless and dismissed by judges.

"I think it will have an extremely beneficial effect in easing the court system and reducing the cost to the taxpayers," said Sen. Michael Nozzolio, R-Fayette, Seneca County, who has long sought to restrict prisoner lawsuits.

The agreement to make it harder for prisoners to go to court was part of the state budget deal approved by Pataki and lawmakers last month. Pataki sought the restrictions in return for restoring \$3.5 million in state funding for Prisoners Legal Services, a private group that assists prisoners with legal grievances.

Robert Gangi of the Correctional Association of New York, a watchdog group, said requiring a fee was "bad policy" and would discourage inmates from pursuing legitimate civil litigation. But he said the greater good was restoring legal services funding.

"Our understanding is it was a kind of a tradeoff for PLS, and we think the restoration of PLS is a very positive development," Gangi said. "They perform a very important function because they provide a legal redress for inmates who have legitimate complaints about the system."

Nozzolio said he hoped the Legislature would someday pass his bill, which would allow the seizure of any financial awards given to inmates by the courts. The money would be deposited into a state fund to help crime victims.

State prison inmates who hold jobs earn \$1.05 a day, with the money deposited into special accounts. The money can be withdrawn to buy food or personal items in commissaries. A judge would have the final say in determining the size of the fee an inmate should pay.

Nozzolio said the new law should reduce the number of cases filed in the state Court of Claims, as well as help the Attorney General's Office. Nozzolio and other critics of prisoner lawsuits have pointed to civil cases filed over melted ice cream and bad haircuts as evidence of the need to crack down on such suits.

Dopp said many of the cases involve inmates representing themselves in court without a jury present.

He estimated there were about 1,000 such cases being handled by the attorney general.

Regular cases in the Court of Claims filed by non-inmates carry a \$50 filing fee.

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Cos got bad rap in column

This Article was published 08/18/99 in THE CITIZEN, which serves Cayuga & Seneca Counties

The Point: Officers put their lives and health on the line for the fair wages they receive.

by John Bielowicz

My name is John Bielowicz and I am the newly elected chief steward representing the New York State Correction Officers Police Benevolent Association (NYSCOPBA) at Auburn Correctional Facility.

I recently read the letter to the editor titled "A Choice of One's Own" written by Ms. Cynthia Mazzeo. Upon reading this article I felt the need to respond to the inaccuracies and misunderstandings as stated by Ms. Mazzeo.

First, I feel that Ms. Mazzeo was confused by the article written by my colleague Dennis Fitzpatrick.

Mr. Fitzpatrick, a veteran correction officer with many years of service to the advancement of fellow correction officers, described in his article the daily routine and harsh working environment correction officers face.

According to Ms. Mazzeo, we chose to go work in this harsh environment and therefore; we should forfeit our rights to a safe working environment, rights that are afforded to all other employees in the private and public sector. I did choose my career, a career of which I am proud. I was raised to provide for my family the best way possible and law enforcement was a strong ambition of mine. Does that mean that I should or deserve to be subjected to horrendous working conditions? Do I deserve to have other human beings hurl their feces and urine on me? Ms. Mazzeo believes I do, because I chose to work in prison. Do I deserve to live with the daily fear of contracting a deadly disease and then bringing in home to my wife and children? Ms. Mazzeo believes I do because I chose to work in prison. It is easy to dismiss the violent behavior that goes on inside these big walls, the stabbings and slashings with crude weapons and the violence associated with the enormity of the drug trade. A drug trade that finds its beginnings in the overcrowded visiting room described by Ms. Mazzeo.

The second issue I feel I must address are Ms. Mazzeo's comments on wages and benefits.

Ms. Mazzeo describes our salary at \$50,000 a year with overtime. A beginning correction officer starts at \$30,570 plus overtime. It takes approximately seven years for an officer to reach the top pay scale. Job rate as of March 31, 1999, the time our contract expired, is \$37,860 and there is no guaranteed overtime. Overtime is on an "as needed" basis and is rotated so all members have a fair opportunity to work. In order to reach the \$50,000 mark as noted by Ms. Mazzeo, a correction officer at job rate would have to work approximately 300 hours overtime, or seven and a half weeks extra per year.

A gross misstatement of fact. Ms. Mazzeo also alludes to the accumulation of sick time at the rate of 225 days per year. This is ridiculous. A correction officer would have to work over and above 17 years, without ever once calling in sick to accumulate that number of sick days. As for vacation time, officers earn one and a half days per month vacation. No one starts from day one with six of vacation. You must have the time accumulated in order to take the vacation. Correction officers earn a decent living and receive fair benefits for the difficult job we do.

We are, however, always vigilant in advancing our work environment, no different than any other union would do. The third and final issue I have with Ms. Mazzeo is her interpretation of unprofessional behavior by correction

officers. Many people who come to visit and do volunteer work in this environment sometimes forget about the many rules that we as corrections officers are charged with enforcing. Some are big rules and some are very small. Never the less, we must enforce them all. In doing so, we sometimes are unpopular with those being forced to do something they think is not necessary. These confrontations are often unavoidable and difficult to remedy. I must remind you that correction officers are the front-line staff. We do not make the rules, we are only charged with enforcing them. Thank You.

Mr. Bielowicz is NYSCOPBA chief steward at Auburn Correctional Facility.

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Officers unfairly criticized

This Article was published 08/20/99 in THE CITIZEN, which serves Cayuga & Seneca Counties.

by Michael Koziol

The Point: Description of pay and benefits of corrections officers is exaggerated.

This is a response to the letter written by Cynthia Mazzeo.

First off, I would like to say that I have been a correction officer at Auburn Correctional Facility for the past 11 years and I am at top pay for a correction officer. For me to make \$50,000 a year with overtime I would have to work seven days a week for nine months straight. I think that may be a little difficult as well as a little stressful. The 225 days of sick time you refer to is accrued time at the rate of one day per month the same as many school districts, factories and offices. To get to these 225 days a person would have to work 19 years without ever being sick, hurt or have any family member fall sick or die.

Yes, we can retire after 25 years, the same as many other professions can, but unlike many other professions our life expectancy is only 59 years or less due to the stress that is associated with our jobs. I think most people look forward to a long and healthy retirement; we may not have that luxury.

The six weeks of vacation that you talk about is also accrued at the rate of one day per month. To accumulate six weeks you would not be able to take a vacation for the first two years of your career and take no holidays off either. I'm sure you would not begrudge a working person time with their family on a holiday.

The phone system you seem to be concerned about is a deal between the state and the phone carrier. Correction officers have nothing to do with that. If you are concerned, direct your comments to the state. The inmate perks you say are few and far between suggest that you look at your own program - the "free" buses that come from New York City and western New York so these families can see their loved ones. I have no problems with visits but I do have a problem with them being paid for by taxpayers money.

Finally, I would just like to remind you of a few other problems we as corrections officers face - HIV, TB, Hepatitis B and C. So in closing I would just like to say that if you have an opinion, please use the facts in the proper context and not manipulate them for your own personal agenda.

Mr. Koziol, of Auburn, is a correction officer.

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TWO PLEAD GUILTY TO DEFRAUDING PRISON-GUARD UNION

(10-1-99) ALBANY

(AP)-----Two men have pleaded guilty to trying to defraud a union that represents prison guards. Anthony Pizzolo, 51, and Ronald Pizzolo, 65, both of Dix Hills, were accused of fraudulently taking up to \$120,000 from Security and Law Enforcement Employees Council 82 for computer services and equipment. The union represents correctional officers in state prisons and others in law enforcement.

Both men entered guilty pleas Wednesday in federal court, according to U.S. Attorney Daniel J. French. Also facing fraud charges in the alleged scheme is Lawrence Germano of Ronkonkomo, who is a former associate director of Council 82.

Prosecutors say the three men unlawfully benefitted for a computer consulting contract and hid their roles in the contract from union members. The mail fraud count carries a possible penalty of up to five years in prison and a possible fine of up to \$250,000. Sentencing is scheduled for January 27, 2000.

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Crash-reporting law protects state's correction officers

ALBANY: A new law shifts responsibility for accident reports from correction officers to the Department of Corrections.

By Matt Smith Ottaway News Service

Correction officers who crash state vehicles while on duty will no longer be required to personally report accidents to the Department of Motor Vehicles, under a new law signed by Gov. George Pataki.

The legislation provides prison guards the same exemption from state vehicle and traffic law to which police officers and firefighters are already entitled. It places responsibility for the reports with the Department of Corrections.

But the new law isn't only about equity, it's about protection, as well.

In the past, correction officers' home addresses and telephone numbers were accessible to anyone obtaining a copy of an accident report. And that included any inmate who was inside a state vehicle when an accident occurred.

"One of the most chilling taunts that a correction officer is faced with is the anonymous cell-block boast of, 'I know where you live!'" Republican state Sen. Michael Nozzolio of Seance Fails said in a memo attached to the legislation, which he introduced.

"Correction officers who come into prolonged and close contact with violent felons on a daily basis can feel that they and their families are secure ... by the passage of this bill," He said. Police officers are exempted from the reporting requirement for personal-safety reasons, too. If they crash a police cruiser; the department they work for must submit the report to DMV.

However, Nozzolio, who chairs the Senate Corrections Committee, points out that concerns for personal safety can sometimes be magnified "15-fold" for prison guards.

For example, a state Corrections bus headed a few months ago to a maximum-security prison in Dannemora crashed on Interstate 87. Under state law, each inmate on that bus was entitled to a copy of that accident report, which would have included the home address and telephone number of the officer who was driving.

The New York State Correction Officers and Police Benevolent Association - the union representing 21,000 officers in the state - considered this bill one of its top legislative priorities of the year; and had actively lobbied for its

passage.

Union officials said that besides offering officers protection, the new law also will prevent guards from being wrongfully penalized by their personal insurance company because of confusion over the ownership of the vehicle involved in an accident.

The bill, which was sponsored in the state Assembly by Democratic Assemblyman Anthony Seminerio of Queens, will take effect Nov. 28.

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Deal may end suit on inmate religion

State offers to hire a Native American chaplain, allow possession of sacred items

By Kyle Hughes
Democrat and Chronicle

ALBANY, N.Y. (Oct. 17, 1999) -- State officials will hire a Native American chaplain for the New York prison system and will allow Native American inmates to possess sacred and ceremonial items, according to a proposed settlement of a religious freedom lawsuit.

"As a result of this lawsuit, Native American inmates are going to have their religious rights protected to a far greater extent," David Leven of Prisoners' Legal Services said. "Specifically, they are going to be able to possess certain religious items that up until now have been prohibited."

As part of the deal, the state will pay \$50,000 for attorneys' fees, court costs and other expenses. The prison system, which includes clergy of different faiths, also will create a part-time position for a Native American chaplain.

The agreement -- filed in July in U.S. District Court in Rochester with Judge Charles J. Siragusa -- has been signed by attorneys for the inmates and the state and is awaiting the approval of a federal judge after Native American inmates have a chance to comment on the deal.

The lawsuit was filed in 1997 by Native American inmates over what the agreement calls "the systematic deprivation of religious rights of traditional Native American prisoners."

The deal permits Native Americans to observe sacred seasonal ceremonies of the Longhouse religion and possess medicine bags, herbs, bones, pebbles, pendants, smoking pipes, and ashtrays for smudging or ceremonial cleansing rites.

The new policy will become a problem for corrections officers only if they are hampered in searching inmates for contraband, said Denny Fitzpatrick, director of public relations for the New York State Correctional Officers & Police Benevolent Association. It remains to be seen whether that happens, he said.

The state did not admit to violating any law or rule, and said the deal shall not be considered a precedent for any other inmate religious groups since the needs of Native Americans are unique.

Native American inmates who want to practice their traditional religion will have to produce a birth certificate, a tribal registration, a letter from a tribal leader or government records, or receive the approval of prison officials.

Midge Dean-Stock, director of the Seneca Iroquois National Museum in Salamanca, Cattaraugus County, said medicine pouches can be as important to a Native American as a cross to a Christian.

"They are a connection with your faith," she said. "They are a protection, a blessing. In many traditions, they make you whole."

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Audit critical of corrections dept.

ALBANY, N.Y., Nov. 8 – State prison system investigators routinely filed for nonexistent overtime, improper travel expenses and other questionable reimbursements, Comptroller H. Carl McCall charged Monday.

‘Employees were paid for hours not worked, supervisors were automatically paid overtime even if they did not work the extra hours and employees used state vehicles to drive thousands of non-work related miles.’ —CARL McCALL

D-State Comptroller

MCCALL SAID an audit by his staff shows an egregious breakdown in management by the prison system’s in-house Inspector General’s office, which allowed for more than \$100,000 in questionable spending during the 16 months audited.

The audit alleged violations both large and petty: investigators arriving late and leaving early, dubious payments for car repairs, personal packages mailed through the state’s account, questionable reimbursements for street informant payments and use of state equipment for a mailing about Inspector General Brian Malone’s private charter boat business, which was later reimbursed.

“Employees were paid for hours not worked, supervisors were automatically paid overtime even if they did not work the extra hours and employees used state vehicles to drive thousands of non-work related miles,” said McCall, who turned his findings over to the state attorney general.

Corrections Commissioner Glenn Goord accused auditors of “tunnel vision” for ignoring the effectiveness of the investigative unit. His department challenged many of the auditors’ recommendations and the evidence they presented – down to questioning the veracity of time stamps on receipts.

The department’s Inspector General’s Office was set up in 1972 in the wake of the Attica state prison riots. The unit employs about 100 people, with most investigators tracking down escapees – called absconders – or looking into allegations of wrongdoing by corrections employees.

McCall’s auditors reviewed office operations from April 1996 through August 1997, often comparing employee time sheets against other records.

Auditors found: Thirty-eight employees with the office’s Escape/Absconder Unit were paid \$65,000 for hours not worked. Auditors determined this by comparing times sheets and activity logs with electronic toll records and state cellular phone records. For instance, one team reported working more than eight hours in a New York City hospital when EZ-Pass toll records from the Triborough Bridge place them at the hospital for fewer than four hours. In another instance, the assistant deputy inspector general recorded working on a morning his cell phone was used to make two calls from Atlanta. Auditors concluded that senior investigators in that unit were routinely paid up to 50 hours of overtime a month whether or not they worked them. Investigators drove state vehicles thousands of miles without documenting whether it was work-related. The office incurred \$43,000 in unnecessary travel expenses. One investigator made four separate gasoline purchases in a single day – 58 gallons – when his only recorded mileage was a 64 mile round trip between home and work. The department paid \$18,000 to repair state cars involved in accidents that occurred when the driver was off duty. Some cars receive an “inordinate amount of repairs,” like a vehicle that had six sets of back brake shoes replaced over 63,644 miles. The office has an accounting system that makes it unclear if payments were made to street informants as recorded. An employee put in for eight hours of work on Fridays for traveling home from Albany to Buffalo. When confronted by auditors with hotel and Thruway toll receipts showing he arrived home much earlier than his shift ended at 4 p.m., the employee claimed the receipts were wrong.

In fact, the corrections department said a hotel the employee stayed in would issue checkout receipts before guests left to speed departures. And they quoted a Thruway official saying toll collectors will occasionally pre-punch

commonly-requested receipts.

McCall's office also quoted a Thruway official saying it would be impossible to have 46 inaccurate receipts.

That back-and-forth typified the contentious dealings between the Democratic comptroller and the corrections department, which is under control of Republican Gov. George Pataki.

Goord said Monday that EZ-Pass toll records cannot accurately track when employees work because they can be transferred among vehicles and that auditors ignored that employees were on-call when accidents involving state vehicles occurred. He also noted that law enforcement agencies routinely mandate such frequent car repair work, and that it was difficult to get receipts from informants.

"Unfortunately, auditors sometimes suffer from tunnel vision," Goord said. "They do not place their findings in perspective or give fair credit to the overall effectiveness of, and the public service performed by, the entities they scrutinize."

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Prison staff grieves loss of its own 'Fonzie,' Chris Gaffney

NAPANOCH: Actor Henry Winkler's telephone call from California came too late to cheer up the real-life embodiment of the character Winkler played in a television sitcom - Chris "The Fonz" Gaffney. But it helped Gaffney's friends through their grief at his loss.

By Barbara A. Wood
The Times Herald-Record
bwood@th-record.com

There's an emptiness at Eastern Correctional Facility these days. Sure, there are 369 corrections officers, 1,217 inmates and another 560 staff members. But there's still a void.

"The Fonz" is gone. His familiar smile, brashness, and take-charge voice were lost, with the recent death of longtime corrections officer Christopher Gaffney, of Accord.

Gaffney was a real character, his friends say. Larger than life. When you first met him, you'd wonder how anybody could be so brassy, so blunt - even rude. But you had to love him, they say, because he let you know right where you stood.

"Hard as nails, but scratch below the surface and you'd find a real pussycat who'd do anything for anybody, no matter who you were," said Eastern correctional officer Tom Mansell.

Gaffney's personnel files from 18 years at Eastern - and former service with the Ulster County Sheriff's Department, the Ellenville Police Department and the Marines, during the Vietnam War - overflow with commendations from incidents over the years, when Gaffney pulled off things that nobody else could, said Eastern Superintendent David Miller.

That's the way Gaffney always was, friends say. That's why, when "Arthur Fonzarelli," also known as "Fonzie" or "The Fonz," appeared in the 1980s as the slick lead character in the hit television sitcom "Happy Days," Gaffney's friends jokingly dubbed him "The Fonz." And it stuck for the rest of his life.

Gaffney died at 49. Winkler is 54.

"Henry Winkler played Fonzie. ... Chris Gaffney was Fonzie," said his longtime friend, Eastern Sergeant Kevin Barnes. "I never saw him kick a jukebox and get it going, like Fonzie ... but you just knew he could." >From gaining access to supplies for officers on the scene in a prison hostage situation, to convincing an usher he needed box seats that weren't his at Shea Stadium for a little boy's first game, to putting his own life in jeopardy while regaining

custody of an injured inmate at Ellenville Hospital, Gaffney had the innate ability to get things done, friends say. Gaffney also volunteered personal time to help inmates - like reading to a blind man who was adjusting to prison life.

For friends and co-workers, he was infamous for arriving complete with supplies, or holding fund-raising parties to collect money. Gaffney even convinced other corrections officers to trade in their vacation days to donate money to a co-worker in need.

And need was never too far away. He started collection drives after the Oklahoma City bombing, for Midwest flood victims and for hurricane victims.

Nobody knew quite how he did it. He just did it.

"That's was just Chris," said longtime friend, Eastern corrections officer, Vinnie Nigro. "He always took the spotlight ... but he deserved it. And he was proud."

About four weeks ago, things changed dramatically. Gaffney learned he had terminal cancer, after collapsing at home, said a close friend, Eastern correctional officer Debbie Marcus. Again, Gaffney assessed the situation and took charge. Since chemotherapy wasn't working, he told the doctors at Benedictine Hospital in Kingston that "he wanted only to be kept comfortable ... he was checking out," said Miller.

"He was determined to have everything go on as usual, with his friends around him," said Marcus, who stayed at Gaffney's side until his death on Nov. 3. On Monday, Nov. 6, amid laughter and tears, with more than 200 people and a sea of blue uniforms packing Gaffney's funeral service in Kerhonkson, Miller recalled his first visit to see Gaffney at the hospital.

"I was expecting him to be depressed, as he faced his mortality," Miller said, "but there he was, taking charge again, ordering friends to bring some hot dogs and somebody else, potato chips, to keep his friends there happy."

What Gaffney didn't know was that Barnes had spent sleepless nights, compelled to pull off one last "something big" for his dying friend. "I'm still not sure what made me decide to contact Henry Winkler," Barnes said. "But I knew I had to do it. A call from him, 'The Fonz', would really blow Chris away."

Later that day, a secretary at MGM studios in Santa Monica, Calif., told Barnes to express-mail a written request to Winkler. Winkler received the letter Nov. 1, amid what he described in a telephone interview on Friday from California, as "a ton of faceless fan mail, each with its own energy."

The actor carried Barnes' letter with him, picking it up time and again between filmings of his new Disney Channel television weekly. "So weird," he said.

Why this letter?

"I don't know. It was weird. It kept gnawing at me ... it had such energy in the person behind the letter ... you have to do this, for 'The Fonz'," said Winkler. "What a friend this Chris Gaffney had, what a guy he must have been."

Two days later, on the afternoon of Nov. 3, Winkler picked up the letter again and dialed the number listed for Gaffney's room at Benedictine Hospital.

"I couldn't believe it. ... When I did get through, they told me Christopher Gaffney had passed away earlier that morning," Winkler said. "I felt so bad I hadn't called earlier ... so I called his friends at Eastern and expressed my sympathy at their great loss. "

Though the call did not get through in time to make Gaffney smile in his last hours, as intended, that call from Winkler brought Gaffney's perspective on life full-circle, friends say.

"It's exactly what Chris would have done," one friend said, "... picked up the phone for somebody he didn't even know, to help in whatever way he could. That's what it was all about."

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All Inmates Locked Up After Gunpowder Find

11/14/99 NY Times

ALBANY - A state prison has confined all its 2,160 prisoners to cell for three days because two plastic containers of gunpowder were found near the inmates' gym, state officials said yesterday.

The unusual step at the maximum security Green Haven Correctional Facility in Dutchess County will continue until cells and other inmates areas have been searched, said the state correctional services commissioner, Glenn S. Goord.
