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**120 new positions for corrections officers will be added per year
through 2006**

By KRISTEN SCHWEIZER

Staff Writer

WALLKILL – George Badillo walks his beat with pride. It's a tough assignment, said the 45-year-old, one that puts his life in danger every day. One in which common sense is a virtue. And one that forces him to deal with society's worst. Badillo's beat isn't on any street.

His time is spent behind prison walls, patrolling concrete hallways separating inmate rooms at Wallkill Correctional Facility, keeping an eye out for trouble or anything amiss.

"It's a different world in here than out in the streets," said Badillo. "I really believe I was born to be a correction officer."

He's been doing it for 22 years, almost all of them at medium-security Wallkill Correctional. He supports a family, has raised two children and has no intention of leaving the job anytime soon.

In fact, Badillo is out in the community several times a year speaking about prisons and what his job is like. Earlier this month, he spoke to high school students at Newburgh Free Academy. He also makes frequent visits to criminal justice classes at Pace University and attends job fairs at John Jay School of Criminology. Across the mid-Hudson, including Dutchess County, there are 12 state prisons employing close to 5,000 correction officers and prison administrators.

Labor statistics show corrections is a growing career, as New York state continues to build new prisons and add on to existing facilities. The state's 70 prisons, which employ 20,000 officers, are estimated to be 130 percent over capacity, according to prison union officials.

"Corrections is not only a rewarding career, but it can also be a stepping stone for people who want to go into police work," said Badillo.

Perhaps the most important qualities a correction officer can possess are common sense and street smarts. Badillo said growing up on the streets of Queens gave him an edge over others.

He said that edge has kept him out of harm's way inside the prison and earned him respect from inmates. "I tell the inmates, 'I didn't put you here; I'm just minding you,'" he said.

A day in the life

Dressed in a crisp, gray correction officer's uniform, Badillo begins his workday at 6:15 a.m. with a briefing on what happened during the night shift.

Fifteen minutes later, he picks up a list of inmates who signed up to see the prison's medical staff the night before. Badillo is responsible for bringing half of the inmates on the list to the prison hospital. Once inmates are delivered, Badillo leaves for the cafeteria to patrol the 7 a.m. inmate breakfast. Afterward, he supervises an inmate cafeteria cleanup crew.

From 9 to 11 a.m., Badillo is on patrol through one half of the prison, the AB side. The other side of the prison is called the CD side. He is the only correction officer not assigned to a specific post on the AB side. Instead, he roams. At 11:30 a.m., there is a prisonwide count of all inmates. Five times a day inmates at Wallkill are counted.

"I tell people that most of my job is counting and turning keys and opening and locking doors all day long," he said.

His job is dangerous. Inmates have attacked him in the past, though he says none have been serious. "I've had inmates challenge me before, and one even tried to go after me, but we put him down quickly," Badillo said. At noon, Badillo returns to the prison's mess hall for lunch patrol. Afterward, he supervises cleanup before returning to his patrol on the AB side of Wallkill.

He punches out from work at 2:30 p.m.

"This job is challenging every day. You truly never know what to expect," he said.

A career in corrections

As a child, Badillo wanted to be a police officer. When he was older, he took the state Civil Service test and was called for a job in corrections.

"This is a good job to get into if you like working with people and dealing with and resolving problems," Badillo said.

He found the job as a correction officer to his liking.

"It's something that fits me, I can't see myself doing anything else."

A New York state correction officer's salary starts at \$25,000 a year. Minimum qualifications are a diploma or equivalent. After the first year, an officer earns \$30,500.

Badillo said at times it is difficult for him to deal with inmates' attitudes.

"You always have to try to reason with them and keep talking them down. It can be challenging," he said. But one indication of the respect Badillo has gained from many inmates is his position as staff adviser for the Latinos en Progreso inmate group. The LEP group is made up of about 100 inmates and works at things like preserving Latino culture inside prison.

Badillo is also a member of the prison's response team, which handles routine incidents in the prison, and a member of the Critical Emergency Response Team, which handles crucial incidents.

He admitted, however, that prison does not rehabilitate inmates. And it isn't because of lack of funding, staff or education inside the system.

"I truly believe that no individual can be rehabilitated unless he wants to," he said.

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Nazi flag-flier shouldn't be rehired, state argues

ALBANY: The Court of Appeals expects a decision on the case in the next few months.

By David Kibbe
Ottaway News Service
dkottaway@aol.com

The state yesterday told New York's highest court that lives would be endangered at Eastern Correctional

Facility if the prison was forced to employ a correction officer who flew a Nazi flag from his front porch. Correction Officer Edward Kuhnel was fired after he flew a Nazi flag at his Stone Ridge home Dec. 10, 1996. The date was the 55th anniversary of Adolph Hitler's declaration of war against the United States. Kuhnel said he flew the flag because he liked the colors.

In 1997, an arbitrator ordered the state to rehire Kuhnel with back pay, finding his off-duty conduct did not violate prison policy or disrupt prison operations. The state appealed the case, leading to yesterday's hearing before the Court of Appeals. The court is expected to issue a decision in the next few months.

The case has become a flash point for arguments over First Amendment rights and the authority of prison officials to fire employees whose off-duty conduct may pose a danger.

Kuhnel did not attend the court hearing. He is being represented by the correction officers' union.

Richard Casagrande, a lawyer for the New York State Correctional Officers and Police Benevolent Association, told the court it didn't have a legal basis to overturn the arbitration ruling that rehired Kuhnel. He said the arbitrator acted within his authority and did not make an irrational decision.

"I'm not here to defend the Nazi flag or the evil of racism," Casagrande told the court. "That's not the issue in this case."

Assistant Attorney General Denise Hartman told the court safety concerns at the maximum-security prison in Napanoch outweighed First Amendment rights and the arbitrator's ruling.

Hartman said it was likely inmates would hear about the Nazi flag, which "raises the likelihood that there might be potential violence in the prison."

The state Department of Corrections fired Kuhnel, who had been a corrections officer since 1981, after publicity about the flag. Kuhnel has been suspended with pay since Jan. 2, 1997, pending the state's appeal. His annual salary is \$41,500.

So far, the state has lost every round in the case. A Supreme Court justice ruled in 1998 that Kuhnel's First Amendment rights outweighed the state's arguments. Last spring, the Appellate Division of Supreme Court agreed in a 3-2 decision.

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"Correction Officer Shoots Gunman on Street:"

From the New York Times Metro Section Wednesday, Oct. 27, 1999

"An off duty correction officer in Queens shot and wounded an armed man who tried to rob him last night, the police said."

"A police spokesman, Officer Valerie St. Rose, said that the state correction officer, Kevin Burke, was approached in front of 71-37 70th Street by a man who brandished a gun and said, "This is a robbery".

Mr. Burke then pulled out his 9-millimeter pistol and shot his assailant, Leo Naro Galaraza. once in the left arm, the police said .

A silver hand-gun, presumably Mr. Galaraza's was recovered by the police at the scene.

Mr. Galaraza was taken to Jamaica Hospital, where he was listed in stable condition last night. He was arrested on charges of first-degree robbery, Officer St. Rose said."

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Albany(AP) - The reward for information leading to a man accused of shooting two police officers is now \$25,500.

Police in Albany and St.Louis were still searching Wednesday for the suspect,33-year-old Tracy Grady.Police said Grady's family has had no further contact with him since Monday,when he called them from a St. Louis funeral home and ask for assistance.

Officer Stanley Nadoraski was still hospitalized in fair condition in Albany Medical Center Hospital Wednesday.He was shot in the jaw,shoulder and abdomen.Officer Thomas Shea was wounded in the shoulder area and was recovering at home.

The reward for information about Grady's whereabouts was previously set at \$10,500.The increase was made possible through a \$10,000 donation from the New York State Correction and Police Benevolent Association.Local police departments pitched in another \$5,000 towards the reward,officials said.

The police department has also established a fund to receive private donations for Nadoraski and Shea.

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" Prison officers can combat inmate drug problems"

Star Gazette Editorial by Denny Fitzpatrick 10/99

He's back. That is the first thing that pops into your mind when you look into the eyes of a man who has abused himself with drugs and abused society with crime as he reenters prison for the third, fourth or fifth time.

For years correction officers have walked the yards and cell blocks with some of the most hideous criminals society has known. They are sent away for three purposes: to keep them off the streets, to confine and to rehabilitate. It is a costly proposition for tax- payers at \$32,000 per inmate per year.

Almost three out of four who enter a New York state prison have abused drugs or alcohol. Many of these inmates go through with- drawal in prison, and when they cannot get high on heroin or crack, they get their high from violence.

Everyone talks about the importance of drug rehabilitation, and millions are spent on programs all across the land. The people we see are in need of it more than most, and an investment within the prisons can have a far greater benefit to society than turning these people back into the streets where they will certainly be tempted again. If the war against drugs is sincerely going to be fought, it only makes sense to train officers on drug detection and drug awareness. This would be the first step in creating a drug-free environment. By doing this, we believe we can cut the recidivism rate. Even if we only cut the rate by 5 percent, the budget savings will exceed \$112 million.

Denny Fitzpatrick
N.Y. State Correctional Officers and Police Benevolent Association,
Albany N.Y.

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BIG JAIL WILL GO PRIVATE

PUBLICATION The Toronto Sun
DATE Thu 18 Nov 1999
BYLINE BY JEFF HARDER, QUEEN'S PARK BUREAU

The province will announce plans today to privatize a 1,200-bed mega-jail under construction in Penetanguishene, sources told The Toronto Sun last night.

Corrections Minister Rob Sampson will detail plans that could see the \$80-million provincial jail staffed or run by a private-sector security firm, sources said. Sampson is expected to argue the private-sector can meet public safety standards and deliver efficient services.

OPSEU president Leah Casselman said private jails in the U.S. have been plagued with problems and the government hasn't proved privatization will save money. OPSEU officials say the new jails will have fewer staff. Casselman said 10 existing jails and facilities are slated to be closed to fill the new super-jail.

Government officials denied the jails are on the chopping block.

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Chairperson, constitution and bylaws

To: The chairperson of the constitution and bylaws committee

Date: Oct 9, 1999

Subject: Amendment to the constitution under the rules of article xv (15) adopted august 18th 1998. (to be placed on the November assembly meeting agenda).

Amendment to article iii (3) to be amended as follows: members who are disabled in the line of duty directly related to or caused by inmate or criminal violence in the course of his or her duties performed past or present who are now currently or awaiting disposition of retirement disability shall be considered honorary members and not subject to any dues payment.

Amendment to article iv (4) to be amended as follows: members injured in the line of duty who become disabled as a direct result or related to inmate or criminal violence shall retain all rights of active duty members while their disability retirement cases are waiting to be concluded, not subject to dues once employment is terminated if case goes beyond one year, once the member is permanently retired or the disability case is concluded all active duty rights will cease as the member retains all the same rights as retired members with the exception of having to pay any dues!

Since this will require resources of the association a copy of these amendments has been sent to the finance committee as well.

Author; Sergeant Ken Howarth, NYSCOPBA steward, Elmira correctional facility

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Governor Pataki Veto's Heart Bill

"Under current law, police officers, firefighters, deputy sheriffs who perform police duties and New York City corrections officers receive the benefits of such a presumption. Serious and difficult issues are presented by legislation extending such a presumption to other state and local employees. Regardless of whether state corrections officers and security hospital treatment assistants should receive such a presumption, this bill is fatally flawed. Unlike other statutes which confer a heart presumption, this bill does not contain a provision permitting the retirement system to challenge the presumption by "competent evidence" that the heart disease was not incurred in the line of duty. Given this omission, there is an unacceptable risk that the bill would be construed to create an unwarranted and unpreidential irrebuttable presumption. Moreover, any disability pension resulting from an irrebuttable presumption would be subject to federal income taxes, since the Internal Revenue Code requires that disability retirement presumptions be rebuttable for benefits to be tax-exempt."

This bill is disapproved

(signed) George E. Pataki

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Uniform Allowance

Fellow Officer's:

Even though NYSCOPBA has been engaged in good faith negotiations with the State for a new contract, the State has decided not to make the December 1 uniform allowance payment required under Article 20.2 of the 1995-99 agreement. The State says that Council 82 agreed, in negotiations, that the uniform allowance did not have to be paid after the contract expired.

NYSCOPBA's attorneys have advised me that the State is legally obligated to make this payment, even though the new contract is not yet in place. This is based on a number of recent PERB decisions, including a 1997 decision ordering the State to pay the Troopers' clothing allowance under almost the same contract language. Our attorneys filed an improper practice charge at PERB on December 3, 1999.

The State obviously believes that the uniform allowance gives the State leverage to force NYSCOPBA to agree to a contract that is less than what our members deserve. As I have said before, we will not allow the State to hold us hostage for what amounts to \$350, after taxes.

We will continue to negotiate with the State and we will continue to demand a contract that recognizes the difficult and dangerous jobs the members of this unit perform.

Brian Shanagher
President, NYSCOPBA

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EMPIRE PLAN IMPORTANT UPDATE

For those who don't read the periodical Insurance booklets you may delete this now and ask for the K-Y later. For those that are interested in your medical coverage especially the negotiating team, there are tremendous increases in the CO-payments of our coverage. These are some of the little things that peck away at your (IN POCKET) money or one step forward and two steps back.

Skilled nursing care must now have prior approval before utilizing, If you fail to call Benefits management program in advance you will need the K-Y even faster.

Emergency care- out patient has been increased from \$25.00 CO-payment to \$35.00 an increase of 40%

Physical Therapy increase from \$5.00 to \$8.00 a 60% increase

Prescription drugs from \$8.00 to \$15.00 that's a whopping 95% increase CO-payment increase from \$233 to \$249 Annual Co.-Ins. Maximum (out of pocket) expenses was \$865.00 per year has now been raised to \$1,198 per year.

The hearing aid allowance has been increased from \$600.00 to \$800.00, The only explanation I have for this is that they want you to hear them creeping up behind you when they slip you the baloney pony.

All these increases take effect January 1, 2000

Benefits mean money, If anyone thinks these increases do not effect them or their families they need to have their head examined, But then if you do make sure you get prior approval from the benefits management program or you will not be covered. I sincerely hope that the negotiating team can look beyond the forest and see how a continued deterioration in health benefits can have a devastating effect on anyone, or their loved ones especially those that desperately need these services. If you are in doubt as to what services need approval or what drugs are not covered, Make a phone call to united health care administrator at 1-800 638-9918 and save yourself a lot of grief.

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Search at prison called routine

By Jon Hand

Drugs, weapons and a homemade bomb were among items found by officers at Auburn Correctional Facility during a scheduled lockdown of the prison.

Prison officials began the lockdown Thursday morning, and inmates will be kept in their cells until at least Monday morning, said James Flateau, state corrections department spokesman in Albany.

Flateau called the lockdown routine and said it was not prompted by a specific incident or concern over

prisoner violence.

Some prison officials, however, said the lockdown is in part a response to concerns over prisoner activity during the beginning of 2000.

Prisoners across the state have threatened a work strike if several grievances, including parole concerns, aren't addressed, a prison official said Saturday.

A strike might include prisoners refusing to work in vocational shops. The first day of the strike is rumored to be Jan. 3 - the first day of work in the new year.

Auburn prison was last locked down in August 1998, after a large fight in the recreation yard.

So far, the current lockdown has not included any violence, Flateau said. Each of the 1,779 inmates and their cells will be searched, as will the prison's common areas such as the kitchen and recreation areas.

"All of the inmates are brought the meals in their cells," Flateau said. "It could very well go beyond Monday. Actually, I would assume it will."

Flateau said Saturday he had not been aware that a homemade bomb was found in the prison.

Other officials would not say whether the inmate divulged the intended use for the bomb, which was described as a "simple incendiary device."

The bomb appeared to be functional, however, one officer said.

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Inmates might strike over parole policies

ALBANY: Inmates have been tipping guards to plans for work stoppages and possibly violence on New Year's Day.

The Associated Press

Rumors are circulating in New York state prisons about a possible work stoppage by inmates on New Year's Day, primarily to protest the Pataki administration's get-tough parole policies.

Lucien Leclaire, deputy commissioner of the state Department of Correctional Services, wrote officials at Auburn state prison and other facilities late last month that the agency is closely monitoring rumors of a possible strike on Jan. 1. He said inmates have also been warning guards about the strike, accompanied by the possibility of violence.

A letter titled "Wake Up" advocating a nonviolent protest has been circulating among inmates in some facilities. It lists several inmate grievances, including problems winning parole, which it attributes to the state's desire to keep prisoners locked up longer so they can benefit from cheap inmate labor.

"Wake Up" also calls on the state to provide more meaningful rehabilitation and education programs, according to Alice Green of the Albany-based Center for Law and Justice. She has seen a copy of "Wake Up."

"It spells out this issue of parole release," she said yesterday. "It says, 'If we've taken part in all the programs, we are doing work in the prisons and we go before the parole board and get turned down. So why should we be doing anything?' There's a lot of frustration setting in. They also have the same feeling of hopelessness."

Green said she's gotten letters from the relatives of inmates in several prisons referring to a Jan. 1 work stoppage, so "it's not isolated (to one or two facilities) by any means."

Rumors of a work stoppage have been circulating for several weeks. Prison administrators have refused to discuss the likelihood of a stoppage nor what their response would be if there is one.

"At any given time, there are various rumors, undercurrents of this, that or the next thing," prison spokesman James Flateau said yesterday. "Sometimes the media picks up on them and sometimes it doesn't. This is one of them." According to The Citizen newspaper, an internal document at Auburn state prison reported an inmate's warning that the Latin Kings, a gang, will refuse to go to Auburn's mess hall and commissary on New Year's Day in an attempt to shut down the prison.

On New Year's Eve, inmates "will be moving weapons, most of which are located in B-block and the back of E-block. The back of E-block is loaded with them now," the inmate is quoted as saying in the document. The inmate warned the officer not to come into work on New Year's Day, and said "there was going to be a full-blown riot in Auburn."

Parole is becoming tougher for violent convicts to get in New York. In the state's 1991-92 fiscal year, 54 percent of those convicted of violent crimes won parole on their first attempt. In fiscal 1997-98, that number had dropped to 33 percent.

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***** STATE ASSEMBLY PASSES NYSCOPBA's HEART BILL *****

From: nyscopba.org 12/16/99

PRESS RELEASE

For Immediate Release December 16, 1999

For More Information Contact Dennis Fitzpatrick 518-427-1551 Ext. 246

"Heart Bill" Receives Rapid New York State Senate and Assembly Approval, Support Rights of State Correction Officers and Security Hospital Treatment Assistants

New York State Correctional Officers and Police Benevolent Association Played Critical Role in Obtaining Legislative Support

(Albany, NY) - The New York State Correctional Officers and Police Benevolent Association (NYSCOPBA) announced today that important legislation supporting job-related disability rights of correction officers and security hospital treatment assistants who contract a heart condition has passed both the State Senate and Assembly, and now awaits the Governor's signature. Both legislative bodies moved rapidly to approve the bill, which impacts over 21,000 men and women statewide.

Senator Leibell introduced the bill as S.6181 on Saturday, December 11, and the Senate passed the bill on Tuesday, December 14. The Assembly introduced the bill (A.9687) on Wednesday, December 15 and passed it today.

The disability benefit, which allows for a rebuttable presumption of job-related disability for correction officers and security hospital treatment assistants who contract a heart condition, is currently provided to police officers, firefighters, deputy sheriffs who perform police duties, and New York City correction officers.

The "Heart Bill" passed today will extend the same rights to all correction officers as well as security hospital treatment assistants, in recognition of the job-related hazards and stresses they encounter.

"Correction officers and security hospital treatment assistants perform some of society's most hazardous jobs. Our men and women uphold their important responsibilities while dealing with overcrowded conditions and dangerous populations.. This benefit, which has previously been extended to other public servants that put their lives on the line every day, is long overdue. We are encouraged that our state legislators have recognized the importance of protecting correction facility and security hospital personnel," stated Brian Shanagher, President of NYSCOPBA.

Passage of the "Heart Bill" is a key victory for NYSCOPBA's members. On November 24, 1999, Governor Pataki vetoed a version of the heart bill introduced earlier this year by Council 82.

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State Assembly Passes Heart Bill For Corrections and SHTAs

From: council82.org 12/16/99

ALBANY--The New York State Assembly Thursday passed a heart bill that will benefit uniformed personnel in the State Department of Correctional Services and security hospital treatment assistants(SHTAs).

In a special session, the Assembly acted on A.9087, which establishes the presumption that heart attacks and other heart problems are related to the work of correction officers and SHTAs.

Having been passed by both houses of the State Legislature in special session this week, the bill goes to Governor Pataki for his signature.

"Both the Senate and Assembly have done the right thing in overwhelmingly approving the heart bill this week," said Michael Marette, administrator of Council 82. "Our union has been working to get this bill passed for many years, because the stress of the jobs of our members is no less than the great stress of police officers or firefighters."

The state employees covered by this bill work in seriously overcrowded prisons and hospitals, facing the dangers of infectious diseases, gangs, and the ever-present threat of violence.

"It has to be the most stressful job in state service," said Marette. "We know Governor Pataki understands this and we're sure that he will be willing to protect our members and their families, by signing this bill."

Council 82 has been working in the Legislature to pass a heart bill for nearly two decades, to gain parity with police and firefighters and to protect correction officers and security hospital treatment assistants.

State Senate Passes Council 82's Heart Bill

Council 82 would like to thank the New York State Senate for the passage of the "Heart Bill", Senate 6181. We would especially like to thank Majority Leader Senator Bruno, Finance Chair Senator Stafford, Corrections Chair Senator Nozzolio and Civil Service and Pensions Chair Senator Leibell for their efforts to make this bill a reality.

The passage of this legislation ends a campaign of almost twenty years by the Council. NYSCOPBA would like you to believe that they wrote and introduced this legislation. The facts are that this legislation was drafted by Senator Bruno's and Senator's Leibell's staff at the request of Council 82 to respond to the Governor's veto message. This has always been a Council 82 bill.

It is not important if some Johnny come lately's want to claim credit for this bill. What is important is that this legislation was passed because of the efforts of Corrections Officers, Security Hospital Treatment Assistants, and their families who have worked together for twenty years to let their legislators understand the stress of their jobs and the importance of this legislation.

The Assembly today introduced Council 82's "Heart Bill", Assembly 9087. We urge you to call your Assembly member and ask for support of its passage so that it can be sent to the Governor for his approval.

If you have any questions on the "Heart Bill", please contact the Legislative Department at extension 293 or 294.

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Heart Bill passes, in Senate

From: nyscopba.org 12/16/99

The New York State Senate passed NYSCOPBA's Heart Bill on Tuesday, December 14, 1999. NYSCOPBA's attorneys and Legislative Department wrote the new Heart Bill which was introduced on Saturday, December 11, 1999, by Senator Leibell as S.6181.

NYSCOPBA would like to thank the hundreds of Correction Officers and SHTA's who took the time to call their local Senators. Your overwhelming support made the Senate take notice and realize we are a Union that is united. Together we can and will accomplish our goals.

NYSCOPBA will again call upon members for their phone calls and support when this bill is introduced to the Assembly and the Governor, which is expected to take place by the end of the year.

December 13, 1999

MEMORANDUM IN SUPPORT S. 6181 (Leibell)

This legislation provides a rebuttable presumption of job-related disability for correction officers and

security hospital treatment assistants who contract a heart condition. On behalf of NYSCOPBA, which represents over 21,000 correction officers and security hospital treatment assistants, we strongly support passage of this legislation.

This legislation has been amended to correct the irrebuttable presumption, which is the flaw highlighted in the Governor's veto earlier this month of a similar bill. The bill now contains the language relating to the ability of the Comptroller to rebut the presumption of disability related to conditions of the heart.

This benefit is currently provided to police officers, firefighters, and deputy sheriffs who perform police duties and New York City correction officers. This bill would extend the rebuttable presumption to correction officers and security hospital treatment assistants. Similar to police and firemen, correction officers and security hospital treatment assistants are constantly exposed to a high degree of stress and danger. As such, this burden-shifting benefit should be extended to these positions.

Correction officers and security hospital treatment assistants are responsible for the custody and supervision of the worst element in our society. At correctional facilities, there are overcrowded conditions and a growing risk of personal injury from an increasingly violent and gang oriented inmate population. The inherent danger and stress in the work environment of correction officers and security hospital treatment assistants is equivalent or greater than other law enforcement officials who have already been provided with this benefit. In fact, correction officers and security hospital treatment assistants have the shortest life expectancy of any state employee. This measure also would help promote job stability. This benefit would be helpful in retention of correction officers and security hospital treatment assistants.

For these reasons, we strongly support the enactment of this legislation.

Respectfully submitted,

The New York State Correctional Officers and Police Benevolent Association, Inc.

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Fellow Sergeants!!

I'm Tim Cherry and I'm a Sergeant at Sullivan Correctional Facility!!! I've been off and on the Hack net for a couple of years. I would like to address the Sergeants out there, but what I have to say is open to all.

I'm interested and curious in getting information from Sergeants throughout N.Y.S. Corrections that might be having conflicts or any problem related to being members of the same union as the Officers.

Weather the problems are at a state level (union) or the local facility level (union). Things that might be happening concerning having discipline problems with Officers. Weather having to write an Officer up or poor representation by local union official for you. Who side those local Officials take in these problems. Weather the local officials come to you before they grieve decision that you make during the work day. Or having second thoughts about making management type decision that you know are correct and fair, but really don't work to the Officers favor. Lets face it, we (Sergeants) are now complete allied with the Officers. They as Officers are the majority and hold power over us as Sergeants!!!.

As Sergeants, we have a different role then the Correction Officer. Most Officers don't have any idea of

the concerns that go along with the job we do as Sergeants at the Facility. I really can't see how an Officer is going to labor management and look out for us (Sergeants) I'm really concern that we are going to become 2nd class citizens within our own union.

To a point, that did happen with C-82, accept we had our own local and we did hold cards when it came to labor management. Especially at the facility level. Now with live or dye, by what's good for the Officers!!! You can't tell me that we all haven't thought about this already or seen things happen already at the facility level. too support this issue. Just none of us have spoke out about it in a public forum. I think it's time to start.....

I not writing this as an advocate for C-82 or NYSCOPBA. I'm an advocate for Sergeants!!! What I'm hoping to do, is to open a dialog between us Sergeants, with the possibility of either, organizing a group of us within NYSCOPBA too look out for our concerns , or if that can't be done within their rules, then I'll attempt to do just what they did to remedy what they saw as a problem!!!. You can respond either to my email address tec@warwick.net or to my Post Office Box P.O. Box 248. Grahamsville, New York. 12740. I'll also be scanning the Hack net for any dialog written there.

Tim Cherry (Sullivan)

RESPONSE FROM NORTHERN VP PHIL BIJEAU NYSCO&PBA

#1 A Union represents its members before DOCS, which includes facility management, labor relations and IG.

#2 Management sets the policies that the rest of us must follow. The only supervisor who should be named in a grievance is the Supt., the ultimate authority at Step I. You won't nab the middle level supervisor who's jerking you around by writing your grievance against the Sgt. Remember, shit rolls downhill. The Supt. will soon take appropriate action when his/her name is appearing on all the grievances.

#3 Disciplinary actions are a fact of life in our professions. Just cause is the basis for determining how much discipline should be imposed, if any. Such decisions are made by management. The Union's role is that of watchdog to ensure that its members' due process rights are protected.

#4 Neither Sgt.s nor COs hold power over each other in this Union, and are considered as allies in their various endeavors against management to ensure their mutual rights.

#5 A steward is a labor leader representing his or her members before management. It's your responsibility to make sure that your stewards understand your concerns when representing you in a labor/management meeting.

#6 Subordinates and superiors are a function of the DOCS chain of command. They don't exist in our Union. We are all union brothers and sisters joining together to improve our wages and working conditions. Phil Bijeau

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Man convicted of 1968 cop killing granted parole for second time.

By Cristina C. Breen, Associated Press, 12/22/1999

ALBANY, N.Y. (AP) For the second time in one year, convicted police killer and notorious prison escapee Albert Victory has been ordered freed on parole.

This time, it may be for real.

In a decision made public Tuesday, a state Supreme Court judge ruled that state officials wrongly rescinded Victory's parole.

Victory, who was convicted of killing a New York City police officer in 1968, was granted parole during a hearing of state parole board commissioners in January.

But after word spread of Victory's impending release, board officials said they had to hold another hearing to consider "new information" in the case Victory's 1978 escape from prison that hadn't been considered at the January hearing. His parole was rescinded in March.

But last week state Supreme Court Justice Mark Dadd ruled in Wyoming County that the state parole board had improperly rescinded Victory's parole. The judge ordered him released.

In his ruling, Dadd noted that Victory's case file available to parole board officials at his January hearing contained numerous references to his escape and that such information could hardly be considered "new."

"He hasn't walked out the doors yet, so I don't want to be premature in victory," Norman Effman, a Wyoming County public defender who represented Victory, said Tuesday. "We presume that the state will abide by the judicial determination."

Parole officials said Tuesday they can't comment on why Victory's 1978 escape wasn't considered in the January parole hearing, or what or who brought it to their attention after they had originally approved Victory's release.

"The division is disappointed by the (court) decision, and believes that Mr. Victory continues to be a danger to the community," Tom Grant, spokesman for the state Division of Parole, said Tuesday.

Grant said the parole division had asked state Attorney General Eliot Spitzer's office to appeal the court ruling and apply for an immediate stay, which would prohibit Victory from being released until any court appeal is heard.

As of Tuesday, Victory remained in Attica state prison in Wyoming County.

Victory and Robert Bornholt were convicted in 1970 of the 1968 murder of New York City police officer John Varecha.

Victory made headlines again in 1978, when he and Joseph Tremarco, a fellow prisoner at the Greenhaven Correctional Facility, escaped while they were being taken to a dentist appointment by two prison guards.

The two inmates offered the guards \$50 each to drive them to a hotel in Newburgh, where Victory had arranged to meet his girlfriend in a hotel room, an investigation found.

The officers and Tremarco spent an hour in the hotel bar, and when the officers went to Victory's room, he was gone.

The officers, meanwhile, concocted a story claiming their police cruiser had been forced off the road and they had been assaulted and handcuffed while Victory fled.

Victory remained on the lam for nearly three years, spending time in California and other states.

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Guard With Nazi Flag Reinstated

By MARC HUMBERT

ALBANY, N.Y. (AP) - The state's top court today unanimously refused to overturn an arbitrator's order reinstating a prison guard who officials had tried to fire because he flew a Nazi flag at his home.

In its 7-0 decision, the state Court of Appeals said that ``as abhorrent as (Edward) Kuhnel's personal conduct is, judges cannot reject the factual findings of an arbitrator simply because they do not agree with them."

An aide to Gov. George Pataki said ``the governor believes it's absolutely absurd to allow this type of hate-mongering in our prison system."

``We're going to look at legislative and administrative remedies," Pataki spokesman Michael McKeon added.

Pataki had earlier said it is ``simply absurd to allow someone in public employment who supports bigotry and hatred of that type."

Kuhnel declined to comment on the ruling, but his attorney, Richard Casagrande, said that ``the court reached the right result" and that Kuhnel wanted to get back to work.

Kuhnel was suspended from his job as a guard at the Eastern Correctional Facility in December 1996 after the Middletown Times Herald-Record published a photo of the Nazi flag flying outside his home.

A state arbitrator had ordered Kuhnel reinstated in June 1997 with full back pay and benefits. He has been paid since then, but continued on suspension, while the court fight went on.

Today's Court of Appeals decision upheld lower court rulings.

The state had argued that Kuhnel's continued presence in the prisons could trigger racial violence. But the Court of Appeals said that by submitting the issue to arbitration, both sides agreed to let the arbitrator make the decision.

There was no immediate comment from state Corrections Commissioner Glenn Goord to today's court ruling.

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Two maximum-security state prisons locked down

By Associated Press, 12/25/1999 18:54

Two maximum-security state prisons remained locked down Saturday following the discovery of live ammunition in one facility and a strike plot allegedly brewing among inmates at the other.

Most of the inmates at the Green Haven state prison in Stormville, about 50 miles north of New York City, and the Sing Sing state prison in Ossining, about 25 miles north of the city, will be confined to their cells as the investigation continues, according to prison officials.

Thirty-four alleged ringleaders from Green Haven have been transferred to disciplinary units in other upstate prisons. Seventeen are in Upstate prison in Malone, eight are in Marcy state prison in Rome, seven are in Midstate prison in Rome and two are in Southport prison in Southport, just south of Elmira.

Corrections Commissioner Glenn Goord said the transferred inmates were trying to pressure peers into involvement in an unspecified work stoppage.

"I will not allow inmates to strong-arm others under any circumstances, especially not in an attempt to gain support for the breaking of facility rules," Goord said in a written statement.

The indefinite lockdown of the 2,100-plus inmates at Green Haven would also allow authorities more time to question prisoners and to try to identify other inmates who are agitating for a prison strike.

"(The lockdown) will remain in effect until we decide to lift it," said prison spokesman James Flateau.

Meanwhile, the 1,728 inmates in the maximum security "Sing Sing Main" portion of the Sing Sing facility were locked down, while the 534 inmates in the prison's medium-security "Tappan" complex were let out in groups of 30 for meals.

Sing Sing's lockdown began after five rounds of 9 mm ammunition were found hidden in an undisclosed common area of the prison. No weapon was found, Flateau said.

During lockdowns, prisoners are confined to their cells 23 hours a day, let out only for visits, medical emergencies, and an hour of recreation.

Prison officials have been on edge for weeks as rumors have persisted about a planned work stoppage by inmates, possibly timed to coincide with the arrival of the new millennium.

Materials circulated by inmates and statements they have made to their families and prison advocates say the work stoppage would be designed to protest what they believe is a policy by the Pataki administration to refuse parole to virtually any inmate with a violent felony in his criminal history.

Strike advocates suggest the state also wants to incarcerate inmates so it can benefit financially from cheap labor in prison factories.

A pamphlet advocating the strike, titled "Wake Up," was found in Sing Sing, prison officials said.

Prisoners advocates, including Robert Gangi of the state Correctional Association, say organizers are urging a peaceful protest.

However, Green Haven was locked down from Nov. 10-22 after discovery of gun powder in two containers about the size of small shampoo bottles hidden in a wall of the prison's gymnasium.

It is unclear what, if any, connection there was between the explosives at Green Haven and the inmates who are believed to be promoting a prison strike. It was also unknown whether the ammunition at Sing Sing was related to strike activities.

Flateau said an inmate at the maximum-security Auburn state prison was also caught recently with an explosive-type device comprised of butane lighters in a thermos.

It is against the disciplinary rules of any prison to disobey an order by prison staffers which inmates participating in a strike would be violating.

There have so far been no reports of injuries or violence in either prison.

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Forty inmates transferred from maximum-security prison

From: newsday.com 12/25/99

STORMVILLE, N.Y. (AP) - Forty inmates were transferred from the state's Green Haven prison Friday for what officials said were their attempts to get other inmates involved in a prison strike. The maximum-security prison was also locked down.

State Corrections Commissioner Glenn Goord said the inmates, who were all sent to other maximum-security facilities, were attempting to "strong-arm unwilling inmates at this facility into supporting some unspecified work stoppage in the future."

"I will not allow inmates to strong-arm others under any circumstances, especially not in an attempt to gain support for the breaking of facility rules," Goord said.

The transferred inmates will be confined to special disciplinary units of their new prisons for 23 hours a day for an unspecified period.

The 2,100-plus inmates at Green Haven, about 95 miles south of Albany, will be confined to their cells until Goord lifts the lockdown. A few dozen inmates will be allowed out to distribute meals to inmates in their cells, prison officials said.

Inmates at Green Haven can get out of their cells to see visitors and for emergency medical treatment.

Prison officials have been on edge for weeks as rumors have persisted about a planned work stoppage by inmates, possibly timed to coincide with the arrival of the new millennium.

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Inmates transferred, accused of fomenting strike

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(Observer Dispatch, Utica, NY 12/25/99)

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Green Haven prison locked down, 40 inmates transferred

From: docs.state.ny.us/PressRel
Department of Correctional Services
Glenn S. Goord, Commissioner
Contact: Spokesman James B. Flateau at 518-457-8182

FOR IMMEDIATE RELEASE: FRIDAY, DECEMBER 24, 1999

Commissioner Glenn S. Goord today ordered the lock down of the Green Haven Correctional Facility and the transfer of 40 inmates to other maximum-security prisons.

"In the past 24 hours," Mr. Goord said, "facility staff have picked up intelligence that this small group of inmates was attempting to strong-arm unwilling inmates at this facility into supporting some unspecified work stoppage in the future. I will not allow inmates to strong-arm others under any circumstances, especially not in an attempt to gain support for the breaking of facility rules."

The inmates being transferred are those thus far identified as attempting to gain support for a work stoppage. The lock down is designed to allow staff to continue their investigation, interview more inmates and identify others supportive of the work stoppage. The lock down will continue until it is lifted at the Commissioner's direction.

During the lock down, which began at 1 p.m., inmates will be confined to their cells around-the-clock. The inmates will be fed in their cells and will only be allowed out of them for visits or emergency medical care, except for approximately 25-30 inmates who work in the mess hall who will be allowed out of their cells to perform their work duties.

Inmates being transferred are being sent to other maximum-security locations. A list of those sites will not be available until Saturday, when the transfers have been completed. Upon their arrival, the inmates will be placed in disciplinary housing where they will be confined to their cells around-the-clock, except for one hour each day of court-mandated outside exercise, or for visits and for trips for emergency medical facilities.

Green Haven, located in Stormville about 95 miles south of Albany in Dutchess County, houses 2,170 adult male felons.

Green Haven was last locked down from November 10-22, 1999, after the discovery on November 10 of two containers of gun powder hidden in a wall in the gymnasium. To date, the investigation has not

developed any connection between the gun powder and the attempt by small groups of inmates to call for a work stoppage.

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Bullets found in Sing Sing - 12/25/99

Today at approximately 2:30pm a CODE BLUE was called at Sing Sing. Later I found out that 9 9mm hollow point 115 grain rounds were found in HBA. From what I was told an inmate informed some one what cell the rounds were in, currently Sing Sing is locked down.

Last week the front gate officer was checking the civiliam volunteers and found in thier possession pamphlets that they were giving to the inmates around the state with instructions about thier so called demonstration. I was told that it will take place in all the mess halls during the am meal and that once the convicts gain control they will use HBB as thier so called area. As for the peacefull demonstration, I was also told that the instructions said AT ALL MEANS.

The time that this so called demonstration is to take place is after RAMADAN is over.

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Needy New Yorkers getting a helping hand this holiday season

From: docs.state.ny.us/PressRel 12/26/99
Department of Correctional Services
Glenn S. Goord, Commissioner
Contact: Spokesman James B. Flateau at 518-457-8182

FOR IMMEDIATE RELEASE: WEDNESDAY NOVEMBER 24, 1999

The Department of Correctional Services has joined forces with dozens of community-based agencies to ensure that needy New Yorkers and their families don't go hungry this holiday season.

Inmates at Arthur Kill Correctional Facility in Staten Island this week sorted through more than 54,000 pounds of donated Maine red potatoes for distribution to the hungry and needy in New York City. The spuds have been repackaged in 50-pound bags and shipped to various area food pantries, churches, soup kitchens, shelters, hospitals, rehabilitation centers and other community agencies. The potatoes will be used to supplement hardy Thanksgiving Day meals that will be offered free of charge tomorrow for the needy throughout New York City. Community volunteers also will be delivering some of the potatoes to those hungry and needy individuals who are homebound.

Last week, a Maine farmer donated the 27-plus tons of red potatoes to the ComLinks Gleaning Program in Franklin County, which abuts the Canadian border. The not-for-profit agency helps ensure that donated food products from farmers and others are distributed to needy individuals through New York state. The potatoes were packaged in large wooden crates and then transported by tractor trailer to the

Arthur Kill prison for sorting and repackaging by prison inmates. Inmates at the five other state prisons in New York City - the Edgecombe, Lincoln, Bayview, Fulton and Queensboro correctional facilities - also helped deliver the potatoes to community-based agencies for disbursement to the needy.

"This is a prime example of the good that can be accomplished when the public and private sectors join forces," said Governor George E. Pataki. "Officials with the Department of Correctional Services, the ComLinks Gleaning Program and those community-based agencies that are distributing these potatoes are to be commended for working together to help the needy this holiday season."

Dozens of organizations are assisting in the distribution of the potatoes to the needy, including Hale House in Manhattan, the Community Baptist Church in Astoria, Queens, the Upper Manhattan Medical Center and the Addicts Rehabilitation Medical Center in Harlem.

"As a result of this cooperative venture and the dedicated and selfless efforts of a multitude of community-based agencies, needy New York City residents are receiving nutritious food for themselves and their families this holiday season," said DOCS Commissioner Glenn S. Goord. "This Department has always strived to be a good neighbor in those communities where our facilities are located and we will continue to do all we can to provide those New Yorkers in need with assistance in the future."

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Four get clemency for the holiday

From: timesunion.com 12/24/99

Albany -- Inmates chosen in Gov. George Pataki's yuletide decision were all serving time under Rockefeller drug laws

Four prison inmates serving time under the state's harsh Rockefeller Drug Laws were granted clemency Thursday in a yuletide gesture of mercy by Gov. George Pataki.

The governor's decision to commute the prison sentences of Elaine Bartlett, Robert Bavisotto, Jan Warren and Arlene Oberg does not mean they will be released automatically. All four will appear early next month before the state Parole Board.

But generally, the Parole Board gives quick releases to inmates who have been granted gubernatorial clemency.

"We're just very happy -- it's so great that she's coming home," an emotional Robert Bartlett said Thursday of his mother, Elaine, who has been incarcerated at Bedford Hills Correctional Facility since 1984 and had twice applied for clemency.

"We have to try to make up for the last 15 years," said Robert Bartlett, who was nine when his mother went to prison. "She's missed a lot, and we've missed a lot. It's like a brand-new start."

Elaine Bartlett was convicted of selling four ounces of cocaine in a Latham motel and was sentenced to 20 years to life in prison. Bartlett, 42, was one of four inmates profiled by the Times Union this year in a series on the Rockefeller Drug Laws.

Under the laws -- which set mandatory minimum sentences of 15 years to life for possessing or selling relatively small amounts of narcotics -- drug felons in New York are often more severely punished than defendants convicted of violent crimes like rape and robbery.

Nearly one-third of the 71,000 people in state prisons are serving time under the Rockefeller Drug Laws, according to data provided by the Correctional Association of New York State. While most gubernatorial clemencies were granted to murderers 25 years ago, nearly all in the last two decades have gone to drug felons, state records show.

Pataki did not grant clemency to any of the inmates that applied for release in 1998. In October, however, he gave clemency to Patricia Feerick, a former police lieutenant in New York City who was serving a two-year jail after being convicted of vandalizing a Harlem apartment during a drug raid.

Criminal justice experts had feared Pataki would not give clemency to the more than 175 other inmates who applied for mercy this year as the GOP governor seeks to be considered for national office.

Still, "While I remain firmly committed to continuing our successful efforts to fight crime, these individuals have worked hard to earn a second chance," Pataki said in a statement released Thursday.

The three women up for release also had a powerful ally in their corner: Senate Majority Leader Joseph Bruno, R-Brunswick, who in July called on the governor to give clemency to Bartlett, Warren and Oberg.

"When we looked at their backgrounds, we just feel that they have paid their penalty sufficiently to society," Bruno said Thursday. "There just isn't any merit to keeping them incarcerated."

Pataki said all four inmates to win clemency Thursday excelled in educational, vocational and volunteer programs while in prison. All four were also first-time offenders who were given long sentences for drug sales.

Bavisotto, 50, served 18 years of his minimum 20-to-life sentence. He tutored inmates in math and electrical work, taught himself computer science and completed his first year of college.

Warren, 47, earned an associate degree from Mercy College and began work on her bachelor's degree from Marymount College while at Bedford Hills. Warren served 12 years of her 15-to-life sentence.

Oberg, 33, earned her high school equivalency degree and her associate degree and is working toward her bachelor's degree. She gave birth to her daughter, Lisa, while serving 11 years of her 20-to-life sentence at Bedford Hills. Now 11, Lisa met with Bruno last year to ask for her mother's release.

Bartlett, who served 16 years of her 20-to-life sentence, earned her bachelor's degree and is working toward a master's. She volunteered as a child care aide and in Bedford Hills' literacy program.

For the immediate future, "she just wants to spend a lot of time with us," Robert Bartlett said. "We've only been able to see her once every other month."
