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Prison system to activate SWAT teams for New Year's holiday

By Associated Press, 12/28/1999 00:57

ALBANY, N.Y. (AP) About 1,000 specially trained prison personnel will be stationed around the state to respond to possible trouble around the New Year's holiday.

The 20 units called Correction Emergency Response Teams (CERT) in the terminology of the state prison system will be positioned so they can deal with disruptions behind bars or to possible Y2K-related problems in nearby communities, prisons spokesman James Flateau said Monday.

The prison SWAT teams are trained to deal with prison search-and-seizure operations, inmate demonstrations and other violent situations that could arise in correctional facilities.

Though prison administrators are concerned about a possible inmate strike or other disruptions on or about the New Year's, Flateau said they also want the units to be in place in case they are also needed

elsewhere.

"We have found in the past that our staff has very often served as back-up to assisting communities" during emergencies, Flateau said. "With the Y2K thing, we just thought that if we wind up with snowstorms, ice storms, that we don't want to be in the position of that night or nearly the next morning having to assemble staff."

As far as the Y2K bug and prison computers and other electronics are concerned, "We think all of our systems are going to work," he said.

Flateau would not say when the CERT teams would be in place nor when they would be disbanded. He said each prison also plans to have between 15 and 20 extra guards on duty to deal with any other problems.

Prisoner crews often have to be called on to clear snow, remove debris or to otherwise cope with weather emergencies, and Flateau said officials want adequate manpower on hand to act as escorts for those inmates if they are needed outside the facilities.

Word of the stationing of the riot teams seemed designed to deter inmates from engaging in demonstrations which have been rumored for weeks. A pamphlet found on some prisoners titled "Wake Up!" calls for an inmate strike to protest Gov. George Pataki's tougher parole policies and prison labor issues.

Both Green Haven state prison in Stormville, about 50 miles north of New York City, and at Sing Sing, 25 miles north of New York City, remained locked down Monday for a fourth day. Inmates there were eating in their cells and only being allowed out to see visitors and for emergency medical care.

Forty inmates were transferred from Green Haven on Friday to other maximum-security prisons after officials said they were trying to "strong arm" other inmates into participating in a strike.

Sing Sing was locked down after five rounds of 9 mm ammunition was found hidden in a common area of the facility. Flateau said the lockdown would continue as long as it took to conduct a cell-by-cell search of the 1,800-inmate facility, perhaps between 10 and 14 days.

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Prison SWAT teams will be on duty

Tuesday, December 28, 1999

The Associated Press

ALBANY, N.Y. -- The state prison system's 20 SWAT teams will be on duty when New Year's Eve arrives to respond to possible unrest inside prisons or disruptions in communities outside prison walls, officials said Monday.

The units -- called Correction Emergency Response Teams -- will be stationed geographically so they can respond quickly to problems in any of the state's 70 prisons, prisons spokesman James Flateau said.

About 1,000 guards and supervisors make up the teams. They are trained to deal with prison

search-and-seizure operations, inmate demonstrations, and other situations that could arise in correctional facilities.

Although prison administrators are concerned about a possible inmate strike or other disruptions on or about the holiday, Flateau said they also want the units to be in place in case they are needed elsewhere.

"We have found in the past that our staff has very often served as backup to assisting communities" during emergencies, Flateau said. "With the Y2K thing, we just thought that if we wind up with snowstorms, ice storms, that we don't want to be in the position of that night or nearly the next morning having to assemble staff."

As far as the Y2K bug and prison computers and other electronics are concerned, "We think all of our systems are going to work," he said.

Flateau would not say when the CERT teams would be in place nor when they would be disbanded. He said each prison also plans to have between 15 and 20 extra guards on duty to deal with any other problems.

Word of the stationing of the riot teams could be designed to deter inmates from engaging in demonstrations which have been rumored for weeks. A pamphlet found on some inmates titled "Wake Up!" calls for an inmate strike to protest Gov. George Pataki's tougher parole policies and prison labor issues.

Both Green Haven State Prison in Stormville, about 50 miles north of New York City, and at Sing Sing, 25 miles north of New York City, remained locked down Monday for a fourth day. Inmates at those prisons were eating in their cells and being allowed out only to see visitors and for emergency medical care.

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State prison guards demand cell-by-cell searches

Guards, already angered by sick leave policy, say state must take measures to avert inmate strike

ALBANY -- The union representing state prison guards, angered by a new sick leave policy, contended Wednesday that prison administrators have not done enough to cope with a potential New Year's strike by inmates.

The union asked the state Department of Correctional Services to conduct a "general frisk" of every prison in advance of the holiday weekend, which rumors have long identified as the date of a possible inmate strike to protest Pataki administration parole and prison labor policies.

Such a general frisk entails conducting cell-by-cell searches to find weapons and other contraband. Dennis Fitzpatrick, a spokesman for the state Correctional Officers & Police Benevolent Association, said guards felt the general frisks were necessary "to ensure that the facilities were as safe as possible for both officers and inmates."

The union said its members were also angered when the prison department notified prison personnel that between Dec. 30 and Jan. 5, all employees who call in sick must get a doctor's note or be considered away without leave. That, in turn, could subject guards to loss of a day's pay plus being brought up on departmental disciplinary charges.

Prison officials don't normally ask for doctor's notes unless they suspect abuse.

"Corrections officers have never or would never leave their fellow officers in harm's way" by unnecessarily calling in sick, Fitzpatrick said. That is especially at a time when guards and prison administrators suspect there could be trouble, he added. Guards have been "riled up" by the special sick leave policy because it "lumps everyone together as a sick time abuser," Fitzpatrick said.

James Flateau, a spokesman for the state prison system, said the sick leave policy was designed to assure that uniformed and civilian personnel working in prisons around the New Year's holiday have adequate backup.

Only one state prison -- the maximum-security Sing Sing state prison in Westchester County -- has been locked down for a cell-by-cell search. That began last weekend after five rounds of 9mm ammunition were found hidden in a common area of the prison. Strike activities have also been detected at the prison, Flateau said.

General frisks are rarely needed, he said. "It doesn't make any sense if a facility is operating normally and there are no problems to raise the anxiety level by shutting the facility down for a frisk," Flateau said.

Prison advocates say some inmates want to protest what they see as the Pataki administration's policy of denying parole to some classes of violent inmates, no matter how many programs they've completed or how well they've behaved while behind bars.

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Prison guards union blasts state

Staff and wire reports

ALBANY - The union representing state prison guards, angered by a new sick leave policy, contended Wednesday that prison administrators have not done enough to cope with a potential New Year's strike by inmates.

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Dennis Fitzpatrick, a spokesman for the state Correctional Officers & Police Benevolent Association, said guards felt the general frisks were necessary "to ensure that the facilities were as safe as possible for both officers and inmates."

Herb Wild, a steward at the Southport Correctional Facility and member of the union negotiating team, said, "A general frisk is always a good idea to keep you on the safe side. We have to protect ourselves, too."

The union said its members also were angered when the prison department notified prison personnel that between Dec. 30 and Jan. 5, all employees who call in sick must get a doctor's note or be considered away without leave. That, in turn, could subject guards to loss of a day's pay plus being brought up on departmental disciplinary charges.

Prison officials don't normally ask for doctor's notes unless they suspect abuse.

Wild said correction officers earn four hours of sick leave every two weeks, and at the end of their careers they can use part of the accumulated sick time to buy health insurance. "So a lot of people tend not to abuse the sick policy because that's your family's health insurance you're playing with," Wild said.

"Corrections officers have never or would never leave their fellow officers in harm's way" by unnecessarily calling in sick," Fitzpatrick said. Especially at a time when guards and prison administrators suspect there could be trouble, he added.

Garrett Conover, chief steward at the Elmira Correctional Facility, said many people are worried about not only a prison strike but the effects of Y2K, the problems the year 2000 could cause to computers. "We're going to be there for the public," he said. "We don't want to add pressure to the already tense situation."

The "unnecessary" change in policy added insult to injury at a delicate time when overdue contract negotiations are in the works, Conover said. "The state doesn't treat us as professionals, won't pay our clothing allowance, and we're working dangerous jobs inside a prison without a contract," he said, saying the state should be grateful for the level of cooperation it is receiving.

James Flateau, a spokesman for the state prison system, said the sick leave policy was designed to ensure that uniformed and civilian personnel working in prisons around the New Year's holiday have adequate backup.

"It is to their benefit that we reduce the number of unanticipated vacant posts," Flateau said.

Only one state prison -- the maximum-security Sing Sing state prison in Westchester County -- has been locked down for a cell-by-cell search. That began last weekend after five rounds of 9mm ammunition were found hidden in a common area of the prison. Strike activities also have been detected at the prison, Flateau said.

General frisks are rarely needed, he said.

"It doesn't make any sense if a facility is operating normally and there are no problems to raise the anxiety level by shutting the facility down for a frisk," Flateau said. "That does nothing for staff or inmates."

The state Correctional Officers & Police Benevolent Association took over as the bargaining agent for 21,000 state prison guards earlier this year, after rank-and-file members voted out Council 82, their old union.

Guards have been working since April 1 without a contract. Fitzpatrick said negotiators don't even expect to begin talking about monetary issues of a new contract until next month.

Fitzpatrick said guards do not plan nor would plan any contract-related job action during a period as edgy as this one.

Prison advocates say some inmates want to protest what they see as the Pataki administration's policy of denying parole to some classes of violent inmates, no matter how many programs they've completed or how well they've behaved while behind bars.

Pataki said on Wednesday that he believes prison administrators have taken proper steps to prepare for a possible strike. On Monday, officials said all 20 of the prison system's SWAT teams would be stationed around the state to respond to any problems in prisons over the weekend.

Star-Gazette staff writer Heather Duncan and the Associated Press contributed to this report.

Elmira Stargazette www.stargazette.com

Resolve a dilemma

- Our view: With prison strike a real threat, it's time to settle officers' contract dispute

Of all the potential Y2K problems, the one that seems most ludicrous at first glance is the threat of a strike by New York state prisoners on New Year's Day.

But look again. The threat seems real. The problem appears potentially dangerous. And, with two prisons in our back yard, the impact could be felt locally.

Add the fact that New York's correction officers have been working without a contract since April, and it's easy to understand why tensions are running high.

"It's getting to be a scary situation," said Herb Wild, a correction officer and representative of the New York State Correctional Officer & Police Benevolent Association at the Southport Correction Facility. The union represents correction officers at all prisons in the state.

And it's not just the correction officers who are anxious. Some prisoners apparently are concerned, too.

Beverly O'Neil of Elmira told the Star-Gazette her husband, Maple O'Neil, fears for his safety at Elmira Correctional Facility, where he's an inmate. She said he doesn't want to take part in a work stoppage but that inmates organizing the strike have threatened the lives of those who don't go along.

So the dilemma for inmates like Maple O'Neil is this: Participate in the strike and risk losing privileges and jeopardize chances for parole, or refuse to take part and risk being killed.

About 2,700 inmates are housed at Elmira and Southport correctional facilities. At Elmira, they work in mess halls and laundry rooms and on a state-owned farm behind the prison; do electrical, carpentry and plumbing work; and receive vocational training. At Southport, they're locked in cells for 23 hours a day, but about 130 minimum-security inmates serve food and perform other tasks.

Nearly 1,000 correction officers work at the two prisons. State correction officials said they've been

preparing for a possible inmate action, but they didn't say how. At Green Haven and Auburn, prisons recently imposed lockdowns after employees found explosive devices.

A letter being circulated by inmates at some prisons has called for a nonviolent protest, citing grievances. Chief among them: problems with the state parole system, which in recent years has slowed the release of inmates.

Meanwhile, correction officers have grievances of their own. Union spokesman Denny Fitzpatrick said it's high time the state resolved issues that have kept the two sides apart on a new contract.

"I'd think that (state officials) would want to create a calm environment now, of all times," he said.

We think so, too. We're not taking sides on the contract issue, but we urge both parties to turn this New Year's threat into a positive and to come together on an agreement in the few days remaining before year's end

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Guards union criticizes state's preparations for possible strike

By Joel Stashenko, Associated Press, 12/30/1999 00:18

ALBANY, N.Y. (AP) Administrators have not done all they should to prepare for a possible inmate strike in New York state prisons starting this weekend, the union representing guards is claiming.

A request by the state Correctional Officers & Police Benevolent Association that "general frisks" be conducted of every state prison was rejected as unnecessary by prison officials, union spokesman Dennis Fitzpatrick said Wednesday.

Such a general frisk entails conducting cell by cell searches to find weapons and other contraband.

Fitzpatrick said guards felt the general frisks were needed "to ensure that the facilities were as safe as possible for both officers and inmates."

Fitzpatrick said his union wasn't going to mention publicly its dissatisfaction over the general frisks until members became angered by a special sick time policy for this weekend for prison personnel.

Between Dec. 30 and Jan. 5, all employees who call in sick must get a doctor's note or be considered away without leave, according to the Department of Correctional Services. That, in turn, could subject guards to loss of a day's pay plus being brought up on departmental disciplinary charges.

Prison officials don't normally ask for doctor's notes unless they suspect abuse.

"Corrections officers have never or would never leave their fellow officers in harm's way" by unnecessarily calling in sick, Fitzpatrick said. That is especially at a time when guards and prison administrators suspect there could be trouble, he added.

Guards have been "riled up" by the special sick leave policy because it "lumps everyone together as a sick time abuser," Fitzpatrick said.

James Flateau, a spokesman for the state prison system, said the sick leave policy was designed to ensure that uniformed and civilian personnel working in prisons around the New Year's holiday have adequate backup.

"It is to their benefit that we reduce the number of unanticipated vacant posts," Flateau said.

Only one state prison the maximum-security Sing Sing state prison in Westchester County has been locked down for a cell-by-cell search. That began last weekend after five rounds of 9mm ammunition were found hidden in a common area of the prison. Strike activities have also been detected at the prison, Flateau said.

General frisks are rarely needed, he said.

"It doesn't make any sense if a facility is operating normally and there are no problems to raise the anxiety level by shutting the facility down for a frisk," Flateau said. "That does nothing for staff or inmates."

The state Correctional Officers & Police Benevolent Association took over as the bargaining agent for 21,000 state prison guards earlier this year after rank-and-file members voted out Council 82, their old union.

Guards have been working since April 1 without a contract. Fitzpatrick said negotiators don't even expect to begin talking about monetary issues of a new contract until next month.

Fitzpatrick said guards do not plan nor would plan any contract-related job action during a period as edgy as this one. Guards are wary of the potential for violence due to an inmate strike, Fitzpatrick said, most likely to be triggered if one block of inmates refused to participate, angering another segment of the prison population which favors a strike.

Prison advocates say some inmates want to protest what they see as the Pataki administration's policy of denying parole to some classes of violent inmates, no matter how many programs they've completed or how well they've behaved while behind bars.

Pataki on Wednesday said he believes prison administrators have taken proper steps to prepare for a possible strike. On Monday, officials said all 20 of the prison system's SWAT teams would be stationed around the state to respond to any problems in prisons over the weekend.

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NY prisons prepare for New Year's

Albany, NY, Dec. 28 - Approximately 1,000 specially trained personnel will be stationed in prisons around New York state to respond to possible trouble around the New Year's holiday. The 20 units - called Correction Emergency Response Teams (CERT) - will be positioned so they can quickly respond to disruptions behind bars or to possible Y2K-related problems in nearby communities.

THE PRISON SWAT teams are trained to deal with prison search-and-seizure operations, inmate demonstrations and other violent situations that could arise in correctional facilities.

Although prison administrators are concerned about a possible inmate strike or other disruptions on or around New Year's, they also want the units to be in place in case they are also needed elsewhere.

As far as the Y2K bug and prison computers and other electronics are concerned, prisons spokesman James Flateau said, "We think all of our systems are going to work." Flateau would not say when the CERT teams would be in place or when they would be disbanded. He said that each prison plans to have between 15 and 20 extra guards on duty to deal with any other problems.

Prisoner crews often have to be called on to clear snow, remove debris or to otherwise cope with weather emergencies, and Flateau said that officials want adequate manpower on hand to act as escorts for those inmates if they are needed outside the facilities.

Word of the stationing of the riot teams seemed designed to deter inmates from engaging in demonstrations, which have been rumored for weeks. A pamphlet found on some prisoners titled "Wake Up!" calls for an inmate strike to protest Gov. George Pataki's tougher parole policies and prison labor issues.

Both Green Haven state prison in Stormville, about 50 miles north of New York City, and at Sing Sing, 25 miles north of New York City, remained locked down Monday for a fourth day. Inmates were eating in their cells and only being allowed out to see visitors and for emergency medical care. Last week 40 inmates were transferred from Green Haven to other maximum-security prisons after officials said they were trying to "strong arm" other inmates into participating in a strike.

Sing Sing was locked down after five rounds of 9 mm ammunition was found hidden in a common area of the facility. Flateau said that the lockdown would continue as long as it took to conduct a cell-by-cell search of the 1,800-inmate facility, perhaps between 10 and 14 days.

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Prison system converts to Y2K compliance without incident

From: docs.state.ny.us 01/05/00
Department of Correctional Services
Glenn S. Goord, Commissioner
Contact: Spokesman James B. Flateau at 518-457-8182
FOR IMMEDIATE RELEASE: JANUARY 1, 2000

Prison system converts to Y2K compliance without incident

The 70 facilities housing 71,834 inmates operated by the Department of Correctional Services completed the Y2K conversion without disruption overnight, while the inmate population slept quietly and without incident into the new millennium, Commissioner Glenn S. Goord said today.

"Under the direction of Governor George E. Pataki's Office of Technology and in coordination with the State Emergency Management Office that coordinated implementation last night, the dedicated and professional men and women of this Department have ensured that our computer and embedded systems were compliant, allowing us to maintain the safety and security of our facilities for the benefit of staff,

inmates and surrounding communities," Mr. Goord said. "We remain prepared throughout the next several days to assist other agencies and localities who encounter any problems in implementing their plans."

The only inmates confined to their cells today will be those in two maximum-security facilities that were locked down on December 24th. The 2,131 inmates at Green Haven Correctional Facility were locked down once inmates complained about being "strong armed" by other inmates into participating in some future and unspecified disruption of facility operations. Sing Sing's 2,380 inmates were locked in for a facility search after five rounds of 9mm ammunition was found in an inmate access area.

Normally, the night staff at prisons consists of 2,000 security personnel and a few hundred civilians. The weekend day staff consists of 4,600 security personnel and 700 civilians. They were augmented last night by approximately 20-30 more security and civilian employees at each of 70 facilities to monitor, track and troubleshoot any problems with the Y2K conversion, which added an additional 622 Officers and 1,300 civilians. In addition, 1,000 Correction Emergency Response Team Correction Officers and supervisors were also placed on duty at 20 staging sites around the state. That brings today's total number of security personnel on duty to 6,100 and civilians to 2,000. The department has a total work force of 32,147 employees B 22,328 security personnel and 9,819 civilians. The additional personnel as well as the CERT teams are being relieved of duty as the situation warrants.

The additional personnel is on duty in case they are needed by the prison system for any purpose, but also to support the State Emergency Management Office in addressing the needs of other state agencies as well as local governments and other groups during the Y2K changeover, or in the case of unexpected inclement weather. The Department has ready for deployment portable generators located on flatbed trucks, extra food stockpiled at prisons, vehicles and drivers, supervised inmate work crews as well as mattresses, blankets and pillows.

Two of the Department's computer systems successfully converted are among Governor Pataki's Office of Technology's 40 Top Priority Systems for Y2K compliance. Those two are:

The inmate population management system database. This comprehensive database includes a variety of inmate information including crime or crimes of commitment, current facility location, court-imposed sentence, date of birth, release dates, county of commitment, disciplinary history, program/work assignments, etc., and, The inmate commissary and payroll accounting system. This system records various types of receipts and disbursements by individual inmates, documents wage schedules, maintains a general ledger of inmate funds and maintains a commissary ledger.

Other vital Department computer database systems that checked out include, but are not limited to:

The employee payroll system, which assists in providing wage information, including any salary changes, to the state payroll system, known as PaySR.

Inmate health care and prescription records.

The Security Staff Chart System, which aids each facility in the assignments of Correction Officers to staff various posts.

The Security Staff Reassignment System, which summarizes security employee transfer requests by seniority and facility preference.

Employee training records.

The Financial Management System (FMS), which prepares the basic documents and transactions

required for submission to the Office of the State Comptroller to encumber and disburse funds.

Inmate academic and vocational training records.

Merit time/good time accruals.

The Phone Home Program, which maintains a list of individuals whom inmates can call on a collect-only basis.

The Inmate Drug Testing System, which maintains information on periodic drug testing results.

The Civilian Employee Reassignment module, which helps manage the Civil Service lists used to select candidates for hiring and promotion.

The Vendor Sub-System, which provides access for all facilities to statewide sources of needed materials and products.

Manufacturing and on-line catalogue systems used by Corcraft, the Department's Division of Industries.

Inventory levels at facility storehouses, pharmacies, mess halls and commissaries.

The Contracts Sub-System, which automates the process of determining the availability of products for which state contracts already exist.

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Attica today: In the forefront of national correctional policy

From: docs.state.ny.us 01/05/00

Department of Correctional Services

Glenn S. Goord, Commissioner

Contact: Spokesman James B. Flateau at 518-457-8182

FOR IMMEDIATE RELEASE: JANUARY 4, 2000

Attica today: In the forefront of national correctional policy

"The settlement announced by U.S. District Court Judge Michael Telesca in Rochester begins to close the book on a chapter in the history of Attica Correctional Facility that was first written long before current administrators, staff and policies transformed it into the prison it is today," Commissioner Glenn S. Goord said today.

"Rather than comment directly on today's settlement that pre-dates us," Mr. Goord said, "I want to commend Attica's current staff for the professional, dedicated and forward-looking manner in which they maintain the safety and security of that facility, mindful of our goal of providing inmates with meaningful programs in an atmosphere that is both humane and constitutional. Attica today is a far different facility than it was in 1971, and it is representative of how our 69 facilities operate across the state today. That crucial fact should be acknowledged in light of today's court action."

Mr. Goord noted two facts illustrating the crucial differences in the Attica prison of 1971 and today:

In 1989, Attica Correctional Facility was accredited for the first time by the American Correctional Association, confirming that its operations, administration and management met nationally-accepted standards. Every one of New York's 69 state prisons are accredited. In 1999, then-Attica Superintendent Walter J. Kelly, since retired, was elected Warden of the Year by the prestigious North American

Association of Wardens and Superintendents.

Attica opened in 1931 and, as with virtually all prisons of that era, security was of paramount concern and programs were a low priority. The then-1,980 inmate facility encompasses 55 acres and is surrounded by a cement wall rising 30 feet above ground and 13 miles long. At the time of the 1971 riot, among the inmate issues were lack of out-of-cell time, a lack of programs and a general feeling of a lack of any attempt at meaningful rehabilitation or programs designed to meet their basic needs.

At the time, Attica had 390 security and 88 civilian employees. Today, there are 2,198 inmates at Attica (an increase of 11 percent), 587 security employees (up 51 percent) and 193 civilians (up 119 percent). The medical staff at Attica today is 42 people, while programs alone count for another 80, including 21 teachers, 23 counselors and six chaplains. The Mental Hygiene Unit is staffed by the Office of Mental Health. A 78-bed operated jointly by OMH and this department provides a closely-managed and protected setting for emotionally and mentally dysfunctional inmates. A sheltered workshop program provides programming for inmates who have completed the Mental Hygiene Unit.

Inmate programs were virtually non-existent in 1971. Now, during the day, programs consist of facility service jobs such as cleaning, porters, carpentry work plus electrical and other trades (involving 425 inmates), plus food service (78 inmates), academic education (200), vocational programs (123), Industries shops (186), treatment programs including drug abuse (154). Another 1,395 inmates are similarly programmed during the day's second module plus 165 in the third. (Inmates may be programmed in more than one module.)

Those programming increases are in part responsible for increases in security staff. Added staff became necessary to provide coverage for academic classrooms, vocational shops, Industries programs and the host of other out-of-cell activities, such as outdoor recreation, visiting and the Family Reunion Program, now available to inmates. While inmates were locked in their cells up to 17 hours a day prior to the riot, that number is now reversed, with inmates out of their cells that many hours each day.

The U.S. Supreme Court has held that prison crowding is not measured solely by the number of inmates in a facility, but instead relies more heavily upon the facility's ability to deliver ancillary services to inmates. Those include determining if the mess hall allows inmates to be fed in a reasonable amount of time, if the program space is sufficient to allow programs to operate properly and if there are enough showers and toilets, for example, to provide reasonable access. That test was met in 1995 when 107 of Attica's cells were doubled. Attica's operation and administration was first reviewed by the American Correctional Association in 1989, when it was accredited after meeting 100 percent of mandatory and 98.2 percent of non-mandatory standards set by this national accrediting association. Attica passed three-year reaccreditation reviews in 1991, 1995 and 1998. In addition, Attica's inmate grievance program adheres to the Department's statewide standards, which have been certified by the U.S. Department of Justice.

Attica now operates 132 honor cells housing 157 inmates as an incentive for good inmate behavior, offering inmates increased living space and limited cooking privileges. Every inmate in the general population is eligible to purchase 12" black-and-white televisions for their cells. GED, bilingual and other educational programs are also broadcast over the TV system controlled by the facility. The cost of basic cable TV service is paid through the commissions the state receives from the long distance company which provides service to the collect-call only system available to inmates during certain times of the day.

Selected Attica inmates and their families have the opportunity to meet during the Family Reunion Program, which allows extended family visits of as much as 30 hours in duplex housing located within the facility's wall but not accessible to the general population. More than 730 such visits took place in 1998. Visitors also arrive at the facility on buses provided by the state, also funded through telephone commissions. When visitors arrive at Attica, there is a visitor center located outside the prison, where visitors can freshen up following rides that can be as long as 8-10 hours. Adjacent to the visiting room inside of the prison is a children's play area equipped with toys and videos.

Inmate communications are fostered by their purchase of small radios for their cells, which augment the prison's three-station radio system piped into each cell. Besides access to TV in their cells and day rooms, inmates have relatively open access to newspapers, books and magazines through their own subscriptions and those available in the prison general library. The inmates also have access to a law library, as well as to trained clerks available to assist them in research and in writing papers. Inmates can also receive visitors in the visiting room seven days a week, from 9 a.m. to 3:30 p.m. each day. Private rooms are available for meetings with attorneys.

The Inmate Liaison Committee consists of inmates elected by their peers to represent their issues and serve as a conduit to the facility administration. Other inmate organizations are formed along cultural, general interest and ethnic lines and involve more than 500 inmates at any given time. At the same time, more than 200 active volunteers from the community bring programs into prison for inmates, covering such subjects as academics, drug treatment and awareness, literacy enhancement and counseling services.

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26 years of Attica: Case closed

State agrees to \$8 million deal for ex-inmates

By MICHAEL BEEBE

News Staff Reporter

1/5/00

Two years ago, former Attica inmate Frank Smith was a rich man. At least on paper.

A federal jury in Buffalo awarded him \$4 million after he testified how he was tortured and abused when troopers and prison guards retook the Attica Correctional Facility's D Yard on Sept. 13, 1971, following a prison riot.

But Smith, whose 300-pound frame and shaved ebony head gives rise to his nickname "Big Black," no longer has that \$4 million. The case was overturned on appeal.

On Monday, Smith's \$4 million turned into \$6,250, the average amount each inmate would get if the long-standing Attica case is settled.

Yet after U.S. District Judge Michael A. Telesca announced the proposed settlement Monday, Smith said he was satisfied.

"Attica is not about money," said Smith, one of the uprising's leaders. "It wasn't a rebellion about money;

it was a rebellion about conditions."

Smith now stands to share with 1,279 other former inmates in a proposed \$8 million settlement that would end 26 years of Attica litigation, one of the longest lawsuits in the federal system.

Smith testified that he was stripped naked and forced to lie on a table balancing a football under his chin for hours, threatened with being shot if he let it fall to the ground.

But he said the Attica lawsuit was not just about him, but about the others who were there with him.

"I feel better with the settlement than with having \$4 million myself," he said, "because now it's for everyone."

Twenty-nine inmates died after Gov. Nelson A. Rockefeller ordered state troopers to storm the Attica facility and end the four-day siege.

Ten corrections officers also lost their lives during the retaking. During the riot itself, three inmates and one corrections officer were killed.

The union representing the state's corrections officers has long opposed any settlement, and on Monday, it criticized the state for giving up.

Although the state admitted no wrongdoing, it agreed to pay \$8 million to the inmates, and an additional \$4 million for attorneys representing the inmates.

"Very honestly, I think it's a travesty," said Denny Fitzpatrick, spokesman for the New York State Corrections Officers and Police Benevolent Association.

"It blows your mind when you think inmates can start a riot, take lives, threaten to take lives and then turn around and be rewarded for whatever anguish they thought they felt afterward," Fitzpatrick said.

"The officers and their families were never awarded anything other than death benefits or workers' compensation."

Bruce Jackson, a professor of English and sociology at the University at Buffalo who monitored the Attica trials and has written on prison issues, said the corrections officers are missing the point.

"Their fellows shouldn't have died, either," Jackson said. "Nobody should have died. There is no balance there; nobody should have died. Their mistake is, they look at these as competing interests."

Jackson said Attica brought only one good result: "Since Attica, not one major prison disturbance has been resolved by people going in and shooting up the place. People who run prisons now negotiate; the governors who employ them tell them to negotiate. There was a lesson learned from all that bloodshed."

Jackson said the state got off cheaply because a federal appeals court had ruled that each case would have had to be tried separately.

Though the settlement was \$12 million for the inmates and their attorneys combined, that amounts to \$3.59 million in 1974 dollars, the year the suit was filed.

When the Attica inmates brought their case, Elizabeth M. Fink, an attorney from Brooklyn, had just been admitted to the bar.

"I entered this case two weeks after I was admitted to practice, and I said I was only going to work on it for two weeks," Fink, the lead counsel for the inmates, told Telesca on Monday. "Twenty-six years later, I stand before this court having appeared in front of any number of judges, any number of forums.

"I have to thank you," she told the judge. "You are the first person who has ever been able to take this case where it needs to go."

Fink and her co-counsels have borne most of the costs of the trials, the transcripts and their food and lodging throughout the 26 years of litigation. The state paid the fees for private attorneys representing various defendants through the years.

Telesca brought both sides together and met with them almost daily since he took over the case in August. Telesca, who presides in Rochester, came into the case after an appeals court overturned Smith's verdict and that of another man and criticized U.S. District Judge John T. Elfvin's handling of the case.

"The settlement lifts a tremendous emotional burden for the parties and the community," Telesca said from the bench. "We have all suffered."

The Second Circuit Court of Appeals in August criticized the state for delaying the case for all those years, and Elfvin for what the court said was his going along with the policy.

Elfvin's handling of the case also was criticized in 1992, when, after a lengthy trial, he left on a planned monthlong vacation to Barbados once the jury began its deliberations.

The judge checked in by phone in what became known as the Dial-a-Judge case and was widely criticized when a faulty speakerphone had attorneys shouting questions into a little box. Telesca, then the chief judge, urged him to return and cut the vacation short.

After last summer's reversal, the appeals court strongly suggested that the case be reassigned, and after Elfvin agreed to step down, Telesca stepped up.

"He did something out of the ordinary," attorney Mitchell J. Banas Jr., representing Karl Pfeil, a former assistant deputy superintendent at Attica, said of Telesca. "He took an intense personal interest in getting the case resolved. It became almost a crusade for him."

Telesca told the attorneys that they would deal directly with him, demanded their cellular phone and pager numbers, and gave them his home telephone number.

He met almost daily with Fink, representing the former inmates, and Richard Rifkin, the deputy New York State attorney general, to bring the case to a close.

Had the case not been settled, Telesca said, each of the plaintiffs would have had to stand trial separately, or in clusters, because the appeals court had ruled that it could not be tried as a class. The trials would have stretched out for years.

"The cost of trying these cases alone would far exceed the parameters of this settlement," Telesca said.

Each of the 1,280 inmates present in D Yard, or their heirs, are eligible to be part of the settlement, he said. Fink was directed to notify as many as possible, and ads will be run in New York State newspapers to find those eligible.

Inmates will fill out questionnaires, and Telesca will supervise how much each should receive. He set Feb. 14 for a hearing on the claims and said he hopes to have the issue settled once and for all by the end of the year.

"Attica," said Jackson, "is going to be remembered as a sorry affair in U.S. criminal justice. What happened on that September day 28 years ago shouldn't have happened. It could have ended peacefully. It didn't. To drag it out for all these years is a second stain on the state. It should have ended decades ago, but nobody wanted to bite the bullet."

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Attica Riot Lawsuit Settled for \$8M

1/7/2000 ASSOCIATED PRESS

ROCHESTER, N.Y. (AP) -- New York state agreed Tuesday to pay \$8 million to inmates caught up in the 1971 Attica riot, settling a 25-year-old lawsuit over the nation's deadliest prison uprising.

The money will go to 1,280 inmates -- or their survivors -- who claimed they were tortured, beaten and denied medical treatment in the aftermath of the revolt and authorities' bloody efforts to put it down. The original class-action suit, filed in 1974, sought \$100 million.

State police launched an all-out assault on the maximum-security Attica Correctional Facility near Buffalo on Sept. 13, 1971, the fifth day of the uprising. More than 2,000 rounds of ammunition were fired over six minutes.

In all, 32 inmates and 11 correction officers died, most of them killed during the raid. Hundreds more were wounded.

In agreeing to settle, the state admitted no wrongdoing. It also agreed to pay the inmates' lawyers up to \$4 million in legal fees and costs.

Inmates or their heirs must contact plaintiffs' lawyers to be included in the settlement. U.S. District Judge Michael Telesca will hold hearings in February to give claimants a chance to object to the terms of the settlement. He said he expects a final deal to be reached by the end of the year.

"There is no ideal time to solve a case like this ... but I am assured the time is now," Telesca said. He added that any deal would not determine "who was right and wrong. I will leave that to history."

Frank "Big Black" Smith, who helped lead the revolt, thanked the judge for helping resolve the protracted dispute. "God bless you," he said. "I think where we're at today is where we need to be."

Smith, who was released in 1973, had been forced to lie on a table while officers beat and burned him. He was also ordered to hold a football under his chin and threatened with death if he allowed it to fall.

It was not clear how many people would come forward and claim compensation. Elizabeth Fink, attorney for lead plaintiff Akil Al-Jundi, who died in 1997, said she believes several hundred have died.

"No settlement compensates people for what really happened," Ms. Fink said. However, the offer "brings closure to what is a significant event in American history, one that still lives today."

In 1997, a federal jury awarded \$4 million to Smith and \$75,000 to David Brosig, another inmate who was injured. Telesca was brought into the case in August when an appeals court reversed those verdicts.

Hours after the prison was recaptured, Saladin Hadid was one of hundreds of inmates forced to run naked through a gantlet of law enforcement officers who hit them with clubs and nightsticks.

"They beat you to your knees, called you degrading things," he said.

Hadid, who was 19 when he was transferred to Attica in 1971, served 16 years for robbery, burglary and drug-related crimes. Since being released in 1997, he has worked at a hotel.

The settlement offer, he said, "doesn't seem adequate at all. Money will never compensate for the things that were done. I would take whatever is offered but that doesn't mean I have to like it."

Inmates can have access to their settlement money. The state recently enacted some controls on how inmates can use the money.

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Sing Sing officer accused of planting bullets

By SHAWN COHEN 1/6/2000

OSSINING --A correction officer at Sing Sing Correctional Facility was accused of planting live bullets in the maximum-security prison, an act that helped lead officials to lock inmates in their cells starting Dec. 24, the state correction commissioner said yesterday.

Hanser Hernandez, 24, reported to supervisors that he discovered five rounds of 9mm ammunition in a fire hose box that was accessible to inmates, said Glenn S. Goord, the commissioner of the Department of Correctional Services. That same day, the prison ordered a lock-down that is still in effect.

Hernandez, marking his two-year anniversary yesterday as an officer at Sing Sing, resigned from his \$30,570-a-year job. He was charged Tuesday with filing a false report and offering a false instrument for filing, both misdemeanors, after an investigation by the department and the Division of State Police. He faces a Jan. 13 appearance in Ossining Village Court.

The state correction officers union called Hernandez's arrest a "black eye" for the department.

"If in fact this is true, it's a very sad day for the department," said Bill West, executive vice president of the state Correctional Officers Benevolent Association in Albany. "Any time accusations like this are made, it takes away all the good we do."

However, inmate advocates said it's unfortunate that prisoners suffered the consequences.

"It looks like he's about to pay the price for his crime, but inmates of Sing Sing have also paid a price," said Robert Gangi, executive director of the Correctional Association of New York. "That's a real hardship on people being confined to their cell 23 hours a day."

In fact, prison officials listed several reasons for the lock-down of about 1,700 inmates at Sing Sing, including that prisoners were planning to participate in a rumored statewide New Year's work stoppage,

Goord said. There also were threats of violence, he added.

Inmates at a second maximum-security prison, Green Haven in Stormville, were also confined to their cells after an alleged threat to strike.

"While my concern over the possibility of inmates possessing additional ammunition and the ability to fire it contributed to the lock-down, that issue was just the final one leading me to conclude a lock-down was in order," Goord said.

The bullets and Hernandez's weapon were handed over to the state police on Christmas Eve. The state police Forensic Investigation Center in Albany examined them on Christmas but could not make a conclusive match, Goord said.

He ordered a search of all cells and common areas at Sing Sing the next day. It was a follow-up investigation that led to Tuesday's charges, he said, sharing no more details about the circumstances.

Department spokesman James Flateau would not say whether officials will reconsider the lock-down as a result of the arrest.

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Officer resigns after being charged with planting ammunition in prison

From: boston.com 01/06/00

By Associated Press, 1/6/2000 02:25

ALBANY, N.Y. (AP) An officer at the Sing Sing Correctional Facility has resigned after being charged with planting ammunition within reach of inmates on Christmas Eve and lying to cover up the offense, officials said.

Officer Hanser Hernandez was charged Tuesday night with filing a false report and offering a false instrument for filing, corrections Commissioner Glenn S. Goord said. He resigned on Wednesday.

Sing Sing has been locked down since Dec. 24, and the discovery of ammunition was one factor in ordering the lock down, officials said.

On the afternoon of Dec. 24, Hernandez told his supervisors that, based up on a tip from an inmate, he had discovered five rounds of 9 mm ammunition hidden in a fire hose box accessible to inmates.

Hernandez, 24, had earlier deposited his personal 9mm handgun at the facility arsenal when he came on duty hours earlier, as prison workers are required to do before coming into the prison.

The ammunition and Hernandez' weapon were handed over to state police, but no conclusive match could be immediately made. A follow-up investigation led to Tuesday's charges, officials said.

Hernandez, who joined the department in January 1998, was issued an appearance ticket and ordered to return to Ossining Village Court on Jan. 13.

Sing Sing, located 30 miles north of New York City, is one of two maximum-security prisons that had been locked down since Dec. 24.

Green Haven, located about 50 miles north of New York City, had been locked down since Dec. 24 as officials dealt with a possible strike and threats of violence.

The lock down was lifted Wednesday at Green Haven, but remained in effect at Sing Sing, corrections spokesman Jim Flateau said. Inmates there were being confined to their cells except to see visitors and receive emergency medical care.

Sing Sing houses 1,733 inmates, while Green Haven houses 2,131 inmates.

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Pension Sweetener OK for Correction

By BILL FARRELL
Daily News Staff Writer

Gov. Pataki helped make sure New York City's 11,000 correction officers had a happy new year, handing them a long-sought pension plum.

It took five years of lobbying from City Hall to the Capitol, but Thursday, Pataki signed legislation making correction officers eligible to receive variable supplement payments after they retire.

"This feels really, really good," said Correction Officers' Benevolent Association President Norman Seabrook, this week. "The governor is a wonderful human being and a great leader."

Seabrook had no shortage of praise for Pataki, who signed the bill over the objections of Mayor Giuliani. Giuliani had argued that the benefit should be a product of collective bargaining and not legislation, saying it could cost the city \$100 million.

"All I ever said is I wanted our members to be treated fairly," said Seabrook. "We have always felt and believed we are equal to the police and fire departments. Now our members will enjoy the same benefit police and firefighters have long enjoyed."

Until last week, only retired members of the Police Department and Fire Department had been eligible. The variable supplement payment is made once a year to retirees with nondisability pensions with a minimum of 20 years service.

Under agreements with the unions, the variable supplement payment increases \$500 per year, and is guaranteed to a cap of \$12,500 in 2008. Last year the payment was \$8,000.

The first variable supplement fund was created from earnings above 3% on the NYPD retirement fund from 1971 through 1988. The Patrolman's Benevolent Association then used \$500 million from that fund to purchase the variable supplement payment and guarantee it as a defined benefit.

Right now, the Correction Officers' Benevolent Association doesn't even have a fund. Currently, the union pension fund is part of the New York City Employee Retirement System.

Seabrook expects it will take as long as a year before actuaries, accountants and lawyers figure out how much of the money in the New York City Employee Retirement System should go to the Correction Officers' Benevolent Association fund.

"We sent letters to the city are awaiting a response," said Seabrook. "We're looking forward to sitting down with everyone and working toward making this a defined benefit."

Seabrook said he hopes to work quickly at determining where the fund will start and how much those first payments will be.

"We don't know how much is there," he said. "The point is to get the payment to the maximum of \$12,500 as soon as possible."

The victory has not sat well with some other union officials, who have tried to get the payments at the bargaining table, only to be turned away.

"There are a lot of union officials who have promised this for a long time and now they are going to hear it from their members," said one official from another union. "Everyone wants this."

Seabrook knows he is not the most popular guy in local union circles. "It's sad when you have other union leaders attack," he said. "I'm the president of COBA, and it's my job to get equal treatment with the police and fire departments.

"Let those union leaders say and do what they have to say and do. All I know is I am going to do what I can for my members."

Anti-Pataki Protest Planned

Pataki may have a friend in Seabrook. He certainly has few friends among the state workforce, which has been seeking a contract for more than a year.

At least 10,000 members of the Public Employees Federation and are expected to stage a noisy demonstration when the governor delivers his State-of-the-State address today.

"We plan to make some loud, meaningful noise for a new contract," said Public Employees Federation spokeswoman Denyce Duncan-Lacy. "We want everyone to know, no matter how great the governor says things are in New York, things are not hunky-dory for state workers."

Leaders of both the Public Employees Federation and the Civil Service Employees Association are frustrated with a current state offer calling for what amounts to a 12% raise over four years.

"The raise includes a six-month pay lag, increases in health and welfare co-payments and other givebacks," said Lacy.

Original Publication Date: 01/05/2000

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Attica: Exorcising the Demons, Redeeming the Deaths

By CLYDE HABERMAN

The immediate spark, not that it matters after so many years, was a series of misunderstandings. One evening, hours after a prison guard mistakenly thought they had been fighting, two inmates were taken from their cells for punishment. A rumor, no more true than the phantom fight, spread through the cellblock that both had been beaten.

In a way, the whole thing was pretty silly. The consequences were anything but.

The next morning, on Sept. 9, 1971, angry inmates at the Attica Correctional Facility, 30 miles east of Buffalo, N.Y., rioted. They seized control of an exercise yard and took guards as hostages. Thus began a chain of often-bizarre events that produced the worst prison insurrection in U.S. history, indeed the bloodiest single clash between Americans since street riots in New York City a century earlier.

Altogether, 43 people died at Attica, nearly all -- inmates and hostages alike -- when state troopers stormed the prison Sept. 13 and fired indiscriminately through a thick haze of tear gas. It was, a state investigating commission would later conclude, an assault both ill-conceived and poorly executed, leading to needless loss of life. One disenchanted state prosecutor ended up calling it "a turkey shoot."

As if the mass death were not shocking enough, officials at first lied about what had happened. They said inmates had killed the hostages, slitting their throats and castrating them. None of that was true, as autopsies showed the next day. Arguably worse, troopers and Attica guards resorted to brutal reprisals. They forced inmates to strip and crawl over broken glass. One man had a screwdriver repeatedly shoved into his rectum. Another, forced to lie naked for hours with a football propped under his chin, was warned that if he let the ball drop, he would be killed or castrated.

Why rehash those events now? Because the demons of Attica have never been exorcised. Memories of them may have faded, but their shadows are felt just the same.

They were back last week when a federal judge in Rochester announced a settlement that may at last bring finality to Attica's painful aftermath. Under the deal, the state will pay \$8 million to inmates who were beaten and tortured, plus \$4 million for lawyers' fees. "We have all suffered," said the judge, Michael A. Telesca. "The end is in sight."

Maybe. Some who lived through the 1971 debacle -- inmates, guards, officials, lawyers, reporters -- wonder.

It is hard to exaggerate the body blows that some American institutions endured. The seemingly endless war in Vietnam had already taken its toll by 1971. A year earlier, National Guardsmen in Ohio had opened fire on Kent State students, killing four of them. Now, at Attica, more than three dozen people were shot dead within minutes in the name of the state -- and officialdom's first instinct was to not tell the truth about it.

There was, for many, a queasy feeling that government might be capable of just about anything. Nor did the news media emerge looking good. Tales of inmates' atrocities were reported as fact. There was not nearly adequate attribution to officials who were spreading the lies.

"It was a little like the Vietnam war coming home," recalls Robert Gangi, executive director of the

Correctional Association of New York, a prison monitoring group. "You had a brutal application of government power and then the sheer audacity of government cover-up."

For a sense of how deep the cynicism ran, catch "Dog Day Afternoon" the next time it is on television. In that 1975 film, Al Pacino, playing a loser who takes hostages after a botched bank robbery, whips up a street crowd to pressure the New York police to hold their fire. He does it by rhythmically chanting, "At-ti-ca, At-ti-ca, At-ti-ca."

And yet good came out of the 1971 siege. This is separate from the political good it probably did New York's Republican governor, Nelson Rockefeller, who ordered troopers to storm the prison. That action, and tough drug laws that he promoted two years later, helped make the relatively liberal Rockefeller more palatable to conservatives. By coincidence or not, President Gerald R. Ford, invoking the 25th Amendment, named him vice president in 1974.

Attica's broader good was that the public could no longer ignore awful prison conditions. The initial rioting did not really result from minor misunderstandings. Attica, like other prisons, was seething because of overcrowding, bad food and medical care, rigid censorship and meager visiting rights. True, loopy radical demands were made during the riot, symptomatic of the times; the authorities were hardly about to provide transportation to a "nonimperialist" third world country. But the anger stemmed from basic conditions, like rules limiting inmates to one shower a week and one roll of toilet paper a month.

In the years that followed, the situation improved. In New York, special agencies kept an eye on prison operations. For a while, some newspapers covered prisons as a regular beat. A new state-financed group, Prisoners' Legal Services, gave inmates a voice in court. In time, as the state and the country shifted to the right, such efforts were ridiculed as whining on behalf of killers and rapists wanting color TV and pepperoni pizza. But Legal Services has never had a lawsuit tossed out for being frivolous.

Until Attica, "a lot of people didn't see the way that prisoners were dehumanized to no constructive end," said David Leven, who was Legal Services' executive director for years.

Inevitably, time dulled Attica's shock effect. A "lock 'em up and throw away the key" attitude has sent the prison population skyrocketing. And rehabilitation is rarely mentioned in political discourse. Nationwide, there were 198,000 people in federal and state prisons at the time of Attica. In mid-1998, the figure was 1.2 million, not including 600,000 more held in local jails. The New York state prison population today is approaching 72,000, compared with 12,500 in 1971.

Yet, aside from advocates like Gangi, you don't hear much about prisons these days, and even in last week's settlement the state acknowledged no guilt. Here and there, there has been a prison riot, but nothing comparable to 1971. It may be that Attica's most enduring legacy was to make everyone starkly aware of the terrifying possibilities should there ever be a fire next time.

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Prisoner strike threat blows over Elmira inmate says peaceful protest staged at facility.

By KYLE HUGHES
Star-Gazette Albany Bureau

ALBANY - The threat of an inmate "strike" is over, state prison officials reported, countering fears by inmate family members that the situations at Green Haven, Sing Sing and other prisons were worsening. But there was a peaceful strike at the Elmira Correctional Facility, an inmate there maintains.

Department of Correctional Services spokesman James Flateau said Green Haven returned to normal operations earlier this week, and Sing Sing has been operating without problems since last week. Inmates at both prisons had been locked in their cells since Christmas.

Flateau said the isolation of prisoners organizing the protest helped defuse the situation, as well as the fact that "after a while inmates got rather tired of being in their cells all day."

"The ones who we could identify, we transferred and locked up, which is something we do every day and will continue to do every day," he said.

Dennis Fitzpatrick, spokesman for the New York State Correction Officer and Police Benevolent Association, said officers are still closely monitoring the situation.

Prison officials were responding to a widely circulated flier that was being used to organize a prison "strike" starting Jan. 1.

The organizers, who were never identified, wanted inmates to stop working and following the normal routine to show their anger at changes in state law that require them to serve longer sentences. Prison officials blamed outsiders for stirring up trouble inside the 72,000-inmate system.

Flateau reported that inmates were working, leaving their cells for meals and showering - a routine that had been disrupted by the protest over Gov. George Pataki's policies of making prisoners serve longer terms.

Prison officials initially reported that there were no signs of a protest on Jan. 1 at any state prison, including Elmira and Southport correctional facilities.

But Dominic Bretti, a 66-year-old inmate at Elmira, said in a letter to the Star-Gazette that about 90 percent of the 1,800 inmates in the prison remained in their cells during the first three days of the new year.

"The strike was a peaceful and voluntary demonstration by the inmates to bring attention to a variety of injustices and practices," Bretti wrote.

The inmates gave up their recreation periods and meals that were served in the mess halls from Jan. 1 through Jan. 3, Bretti said.

Flateau wouldn't comment whether the peaceful protest occurred at Elmira.

Garrett Conover, the union spokesman for correction officers at Elmira, also declined to comment on the early January protest.

Instead, Conover said, the officers faithfully served the state during the New Year's threat and are growing more and more frustrated with the status of contract negotiations.

"It's got some of the officers wondering: 'Are they (state officials) trying to provoke us?' " Conover said.

Alice Green of the Center for Law and Justice in Albany, a prisoner advocate, said she had been hearing

that things were particularly bad at Green Haven in Dutchess County.

"Prisoners are refusing to leave their cells," she said of the reports she received. "They are not being fed because the prison administrators say they must come out of their cells to eat."

Star-Gazette staff writer Margaret Costello contributed to this report.

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ATTICA PRISONERS DON'T DESERVE PAYOFF

They're not my brothers.

These ex-cons who got the big settlement, the ones they paraded out on the news the other night.

They're no brothers of mine.

It was a great victory for the hippie set, grown old and heavy in three decades of irrelevance. In Rochester on Tuesday a federal judge announced a settlement, a payoff, to settle a civil suit stemming from the Attica prison uprising.

The fat lawyers stood there talking about justice for the "Attica Brothers" and everybody was getting all teary eyed and squishy, reporters tripping over one another to lionize geriatric ex-cons. The wannabe columnists talked about great wrongs and the evil government and brutes in uniform.

And everybody felt sorry for the Attica Brothers.

At least everybody in the media.

Regular people spat on the ground.

Because they're not our brothers.

Our brothers weren't the ones in prison, our brothers were the ones outside the prison. Our brothers weren't rioting convicts who beat a prison guard to death, or slit the throats of corrections officers, or trapped fellow inmates in their cells and stomped them to death.

Our brothers didn't defy the law and act like animals and resist legal orders to surrender.

Our brothers weren't on the side of chaos, our brothers were on the side of order.

Our brothers were the correctional officers trapped inside by rampaging felons. Our brothers were the civilian staffers caught up in a savage riot. Our brothers were the citizens of Attica who had their peace shattered by out-of-town criminals. Our brothers were the uniformed troopers who stood there outside the wall, ordered to do the impossible by a governor who was out of options. Our brothers were the National Guardsmen plucked away from their lives and put on duty because others had chosen violence over peace.

Those are our brothers.

These others are people with blood on their hands.

Because the state police didn't start that riot. Neither did the Department of Corrections and neither did Governor Rockefeller.

It was the prisoners.

And they reaped a whirlwind of their own creation. They are at fault. We are rewarding them with tax dollars for instigating murder.

Conditions inside Attica in 1971 were not a garden. Yet neither were they terrible by the standard of their time. As bad as Attica may have seemed to current sensitivities, it was far better in that day than prisons in vast areas of America. Attempts by media apologists today to blame the Attica riot on prison conditions - and therefore on the state and its prison officials - are false and misleading.

Blame lies with the inmates.

Period.

And to focus on the consequence without referring to the cause is deception. The consequence of those hellacious days was the storming of the prison. The cause of those hellacious days was the criminal misconduct of prisoners.

The inmates had taken over the asylum.

And this agreement in court is not a settlement. It is an offense. An offense to the memory of the non-prisoners who died there. An offense to the suffering of those held hostage by the prisoners. An offense to the trauma of the troopers whose job it was to retake the prison.

The bad guys have been rewarded and not a word has been spoken in memory of the good guys.

The survivors of civilians killed at the prison got \$125 apiece from the state. Rioting inmates who survived will get a piece of \$8 million. Their crusading lawyers will get \$4 million.

If the state Attorney General believes that money brings closure, then I am sure he will support payments to others who were at the prison. Survivors of dead civilians and officers deserve closure, as do traumatized hostages and liberating troopers.

If there is no statement of guilt or responsibility - as the judge insisted - if it's just about closure, then let's not pretend we get closure by buying off the hoods.

It's not about closure, it's about a bribe - unless there is compensation for law-abiding citizens whose lives were stained and cheated by the Attica Brothers.

And closure also requires thanking the State Police for ending the riot.

Yes, the troopers. The ones being cursed by the media.

It was a blood bath, no doubt about it. But the troopers didn't sign up for that. They came on the force to patrol small towns and keep the highways safe and man the occasional speed trap.

But one day their duty required them to put on what passed for riot gear in those days and do the impossible. See that fortress over there, with the 30-foot walls, they were told, go take it over. Attack it. Bring it back under state control.

And with no special training or equipment, under the direction of a frustrated governor and commanders who had fought in World War II, they did it. They took the prison back from the prisoners. And they did it with fire and lead, which was how things were done in that day.

It was an era when a fleeing felon could be shot on sight. It was before community policing and Officer Friendly and pepper gas and various other castrations of police.

It was a different day and time, and good men were called upon to take control. And they did. They improvised, and probably no one regrets the outcome more than they do.

But we asked them to do a job for us, and they did it. And they have lived to be cursed for it.

But not by me.

They are my brothers.

They, and their counterparts today. The corrections officers and the state troopers.

There is no closure.

Not until they are honored. Not until the true victims are memorialized. Not until there is compensation for the people who were truly innocent.

Not until we realize these puke inmates were the not heroes.

Not until we can wash from our mouths the bitter taste of the Attica Brothers beaming triumphant from our television screens.

[- by Bob Lonsberry © 2000](#)
