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Corrections officers want more prisons

SARAH METZGAR

Capitol bureau

ALBANY -- As state leaders meet behind closed doors to decide whether to build more prisons, guards

are applying pressure with radio ads and visits to newspaper editors.

Council 82, the statewide union that represents about 22,000 correction officers, is airing radio ads in the western part of the state. And on Thursday, union officers met with Times Union reporters and editors -- their 13th of 14 newspaper visits across the state.

"We believe we are out of control. We believe the inmates are running the asylum, basically," said Richard Abrahamson, president of Council 82.

The union is behind a 6,950-bed expansion plan proposed earlier this year by Republican Gov. George Pataki -- a plan that also is backed by the Republican-led state Senate. But the Democrat-run Assembly has been opposing any further prison construction, and wants to focus instead on alternative community problems, removing non-violent offenders from state prisons, and diverting inmate overflow to county jails.

The union officers say they're trying to forge a compromise -- and get extra space that could be used for the "worst of the worst." The prison system doesn't have enough disciplinary housing for problem inmates, they say.

"There is no consistency in discipline for acting out or assaultive behavior," said union spokesman Bob Lawson.

Guards and "good inmates" feel fearful and abandoned, they said. Abrahamson, a guard for 23 years before becoming union president last year, told horror stories of gang violence and drug-running. The state prison system is currently at 130 percent of capacity, and 11,000 inmates are in double bunks and double cells.

"It's inevitable something is going to burst here," said John D'Alessandro, a Council 82 lobbyist. "Every maximum-security facility is bursting at the seams."

Pataki is proposing a three-year, \$635 million, 6,950-bed expansion: three 1,500-bed maximum-security prisons, eleven 200-bed special housing units at existing facilities and a 250-cell expansion at Clinton Correctional Facility. One new prison would open in 1998, with the two others set for 1999, according to Pataki's plan.

The Democrats want 400 new "special housing" beds for discipline. Otherwise, they back prison alternatives, prevention and drug treatment. The state can send the overflow to underutilized county jails, Democrats say.

But union officers said Thursday that they need thousands of new "special housing" beds. "We put millions of dollars every year into programming, to hopefully get these guys some training, some self-respect, some self-worth so they don't come back," D'Alessandro said. "What we can tell you, unequivocally today, is that the way the system is now -- with the gang problems, with our inability to get the leaders and predators out of the population -- we're wasting our money."

First published on Friday, June 27, 1997

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Politicians at odds over need for sentence law to get federal funds

Pataki, Silver now spar over crime

SARAH METZGAR

Capitol bureau

ALBANY -- Gov. George Pataki and Assembly Speaker Sheldon Silver, who rarely agree on anything, are battling now over criminal justice reforms.

Republican Pataki claims the state has to pass a "truth-in-sentencing" law by midnight Monday, which would increase prison sentences for first-time violent offenders. The law has to be in place by then, he says, for the state to qualify for \$24 million in prison-building funds from the federal government.

Democrat Silver says the state already may qualify for the funding -- without passing the new law.

To comply, New York has to require that violent felons serve, on average, 85 percent of their sentences.

But Pataki and Silver disagree over how the calculations are made.

"The issue is the definition of 85 percent -- 85 percent of what?" Silver said Thursday. Silver points to the state of Utah, a state with a similar sentencing structure, which has gotten federal approval for aid by calculating 85 percent of the conditional discharge date.

Silver also says New York's statistics are bound to go up when the full effects are felt from the 1995 Sentencing Reform Law. That law hiked sentences for repeat violent felons.

"I do not wish to lose \$24 million in federal aid," Silver said. "We are actively examining New York's compliance with it and whether we're in compliance right now. I think there's a good chance that we are."

Pataki says Silver's calculations are flawed, and says that currently -- even using Silver's method of calculation -- violent felons are serving 73 percent of their sentence in the state of New York.

Silver is trying to get advice from the U.S. Department of Justice itself, and hopes to have word from the feds before state leaders go back to the negotiating table Sunday night or Monday.

Doug Johnson, a spokesman for the Department of Justice, said he couldn't pronounce the state's compliance until its application is in.

Pataki, trying to sully Silver as soft on crime, has been questioning why Silver isn't in favor of passing the bill Monday -- regardless of whether the federal aid is at stake. Silver says he wants to consider the reform in the context of other criminal justice reforms, which are part of the negotiations over the 3-month-late state budget. Prisons debate heats up

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Republicans, Democrats intensify battle over need for more cells

SARAH METZGAR
Capitol bureau

Albany Republicans, eager to build new prisons, continued to slam Assembly Speaker Sheldon Silver on Wednesday -- and even tried to bolster their cause with a report written last year by one of Silver's fellow Democrats.

The report, released in January 1996 by Sen. Catherine Abate of Manhattan, included a statistical analysis that the 1995 Sentencing Reform Act -- which increased sentences for repeat violent offenders -- would require the construction of six additional 1,500-bed prisons.

Gov. George Pataki wants to build three new prisons -- 6,950 new beds -- over the next three years, but Democrat Silver is resisting.

"The Speaker is naive to the fact that we have pre-Attica riot conditions, with tinderboxes waiting to be ignited," said Sen. Michael Nozzolio, a Rochester-area Republican who heads up the Senate Crime & Correction Committee. Without prison building, Nozzolio said, "we'll compromise the security and safety of the people who work in the correctional facilities."

Nozzolio pointed to Abate's report as additional evidence that the state needs large-scale prison expansion.

Abate, formerly commissioner of the New York City departments of Correction and Probation and a possible candidate for attorney general ext year, said they missed the point of her report: that state officials will have to needlessly spend billions on prison construction if they don't invest in community alternatives like treatment.

"The governor wants to invest only in the back end and decrease spending in the front end," Abate said. "We need a comprehensive, deliberative approach."

Republicans say the prison-building debate is the main sticking point to resolving the state budget, which is now 101 days late. Pataki said Wednesday he wouldn't give in.

"There's a very simple, philosophical difference between what I and Sen. Nozzolio and others believe, and what we have seen out of the Assembly leadership," Pataki said in an address to hundreds of state prison guards. "It's very simple. We believe that violent felons belong in prison and behind bars, and not out on the street."

Silver aides point out that the Assembly, under his leadership, has passed some of the toughest anti-crime laws in a generation. But they also maintain that there are other ways to approach Pataki's goal to increase sentence lengths.

Silver, emerging Wednesday afternoon from a private meeting with Pataki and Senate Majority Leader Joseph Bruno, had only this to say on the issue: "We talked about a lot of things in an attempt to narrow some of the issues. Hopefully it will bring us closer to a deal."

First published on Thursday, July 10, 1997

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5 Guards Hurt in Prison Uprising

Incidents at Mohawk Correctional Facility near Rome draw a massive police response.

Published July 19, 1997, in The Post-Standard.

Staff and News Service Reports

ROME - Five prison guards were injured Friday during a series of disturbances at the Mohawk Correctional Facility, a state corrections official said.

The first incident occurred on a walkway near a dormitory-style housing unit around 6:30 p.m. A fight broke out between inmates, and a corrections lieutenant was hit in the head with a baseball bat, corrections spokesman Jim Flateau said.

Four other guards were injured breaking up the altercation, though Flateau said none of the injuries were life-threatening.

About 300 inmates were then brought outside into two prison yards, but moved together into a single yard - against orders from the guards. The inmates were told to lie down in the yard, but it took two warning shots and a spray of tear gas to get the inmates to comply, Flateau said.

Forty to 50 state troopers were called to the prison about 7:15 p.m., according to Trooper Jeff Brown. Troopers were not inside the prison, Flateau stressed, but instead formed a security perimeter around it.

The inmates were still being held in the prison yard late Friday, Flateau said. He did not know when they would return to their cells.

By midnight, at least 60 troopers had been called in to form a barricade around the prison to prevent any "unauthorized personnel from getting in or out," Brown said.

A helicopter circled the area earlier in the evening, but had left the area by late Friday, Brown said.

At least three guards were hospitalized. Two guards were listed in good condition at the Oneida Health Care Center in Oneida late Friday. One guard was in stable condition at Rome Memorial Hospital. An inmate was treated at Faxton Hospital in Utica and was returned to the prison system.

The facility, which houses 1,305 inmates, is about 37 miles east of Syracuse.

Dorothy Britton, who lives across School Road from the prison, was sitting in her garage late Friday watching Oneida County sheriff's deputies with shotguns and canine units.

Since 6:30 p.m., Britton had seen about hundred vehicles from the sheriff's department and state police and ambulances drive through the area. About 8 p.m., deputies blocked about a mile of School Road from Rome Veterinarian Hospital to Route 26, she said.

"I saw at least a half-dozen deputies standing outside with shotguns, Britton said. "Here it is 11 p.m. and it does not seem to be getting better."

About 11:45 p.m., the road around the prison was blocked off with flares. State police were stopping

cars, letting only media and a select others through once they showed identification.

State police cars, with their red lights flashing, ringed the prison. The cars were stationed every couple of hundred yards outside the prison fence.

The yard, which was hidden by an opaque white fence, was lit by bright stadium lights.

- The Associated Press and staff writers Glenn Coin, Greg Munno and Peter Ortiz contributed to this report.

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Crowding Blamed for Melee at Rome Prison

Across the state, officials say, more violent inmates are being pushed into medium-security prisons like Mohawk.

Published July 22, 1997, in The Post-Standard.

By LAURA T. RYAN

ROME - A union official and a Republican senator say a shortage of suitable prison space for the state's most dangerous offenders made Friday's melee at Mohawk Correctional Facility inevitable.

Inmates who should be in maximum-security prisons are in medium-security prisons such as Mohawk, said Bob Lawson, communications director for Council 82, the union representing 21,000 corrections officers statewide.

"Prison space is so very tight, inmates are being misclassified," Lawson said. "Can I say that every one of those who participated (in the uprising) should have been in a max? No. ... But there are people there who've committed crimes so heinous, people with records not so spotless."

In the wake of Friday night's uprising at the 1,314-bed prison, 90 inmates have been shipped from Mohawk to maximum-security prisons, according to Glenn S. Goord, commissioner of the Department of Correctional Services. Three others were moved from general-population dorms into special quarters at Mohawk late Sunday after arguing with staff members, officials said.

But shuttling prisoners between facilities, Lawson said, doesn't solve the underlying problem: lack of space.

"What do you do with them?" Lawson said. "Even if you put them in special housing, someone else who is assaultive, who is unruly will have to be let out. ... We are seeing people at mediums who had bad track records at other facilities. We know this. We communicate. We represent officers at 70 facilities."

Wallkill Correctional Facility in New Paltz, for example, used to house prisoners who had no more than three years to go on their sentences; people who were "looking at the light at the end of the tunnel," Lawson said.

Now Wallkill is crowded with inmates with seven to nine years remaining in their terms.

"Where the rubber hits the road is at the maximum-security prisons," Lawson said. "There's not enough

room there, so the whole classification system is compromised."

The trouble at Mohawk began around 6:30 p.m. Friday, when a lieutenant tried to break up a fight as prisoners were being led into a recreation yard. He was bludgeoned with a baseball bat and suffered broken ribs, bruises on his neck and back and a possible concussion.

The presence of potential weapons such as baseball bats - which inmates can use for recreational purposes - is "always a problem," Lawson said. "Another problem is free weights. Nautilus machines can't really hurt us, but (dumbbells) can be thrown like discuses at someone's head."

Three hundred inmates eventually joined Friday's fray, attacking guards and one another. Ten guards were treated at local hospitals for broken bones, bruises and a broken nose.

The lieutenant, who was working as shift supervisor, was listed in fair condition Monday in intensive care at St. Elizabeth Hospital in Utica.

The 85 prison guards on duty were joined during the night by 110 other Mohawk guards and 100 security staff from neighboring Mid-State, Oneida and Marcy prisons. More than 120 officers from emergency response teams from the Attica and Auburn prisons eventually joined the force.

"The unfortunate incident at Mohawk is the consequence of the prison system busting at the seams," said state Sen. Michael F. Nozzolio, a Seneca County Republican who chairs the Senate Committee on Crime Victims, Crime and Corrections. "Right now in New York state, we are at 130 percent of (prison) capacity."

New York has witnessed numerous assaults on officers in the spring and summer, Lawson said. Two prisons in the Albany area reported 30 attacks on guards in April alone. At a prison in the Buffalo suburbs, a guard recently was bitten by an HIV-positive prisoner, Lawson said.

"Mohawk isn't unique," Nozzolio said. "The brave men and women who staff these prisons throughout the state have been telling us for years that overcrowding will cause another Attica. ... It is only a matter of time before this happens again unless we adopt Gov. Pataki's prison expansion plan."

Greg Munno contributed to this report.

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GOP: ATTICA COULD HAPPEN AGAIN

Albany Republicans, correction officers lobby for more prison cells

SARAH METZGAR and MARK McGUIRE Staff writers

Republican Sen. Michael Nozzolio, desperately fighting for a controversial prison-building plan, invoked an emotional word on Tuesday: Attica.

Recalling the bloodiest prison revolt in U.S. history -- an uprising that claimed 43 lives over a five-day period in September 1971 at the Attica Correctional Facility in Wyoming County -- Nozzolio claimed that current overcrowding could spark another confrontation.

``A state that does not remember its history is destined to repeat its history. We are now at a crisis point

in our corrections system," said Nozzolio, who held a press conference with Commissioner of Correctional Services Glenn Goord.

Gov. George Pataki wants to expand the state prison system by 6,950 beds over the next three years, and the proposal has become the linchpin in the combative talks for a state budget.

Assembly Speaker Sheldon Silver, a Manhattan Democrat, has resisted large-scale expansion, citing the dropping crime rate and empty beds in county jails. He has offered to add as many as 800 new beds, but thinks the prison population will level off.

Also on Tuesday, correction officers -- with executives from their union, Council 82 -- met with reporters. "The inmates are more violent now. It's the worse I've seen in my 15-year career," said Michael Graney, executive vice president of Council 82 and a guard at Auburn Correctional Facility. "We must build cells. We don't want to see it escalate to the point we do lose control."

The most pressing need, the officers said, is more special housing units -- cells where problem inmates are housed. The lack of these cells has resulted in special punishment time for inmates being cut so new troublemakers can move in.

Nozzolio dramatically called upon Silver to re-read the McKay Commission report, which cited overcrowding as a precursor to the Attica revolt. Republicans say today's prison system is at 131 percent capacity with 69,800 inmates; they estimate that the prison population will grow by 13,000 inmates by 2002.

When asked if he agreed with Nozzolio that the system was at a crisis point -- and ready to crack -- Goord chose his words carefully: "You have a delicate balance in the system. Certainly any day, if inmates want to get involved in any kind of illegal or destructive behavior, that can happen."

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Inmate Population Statistics

NYC Dept.	NYS Statewide	Date	Counties	Correction	DOCS	Total
		6/15/95	13,853	18,223	68,335	
100,411	9/16/95	13,863	18,335	68,715	100,913	1/15/96
		12,351	17,128	68,429	97,908	4/15/96
18,948	68,568	101,646	7/15/96	14,438	19,775	68,788
		103,001	10/15/96	14,779	20,680	69,530
		104,989	1/15/97	14,216	19,715	69,800
		103,731				

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Union: Suicide Sparked Riot

An official of the correctional officers union says rumors of a coverup led to a prison uprising in Rome.

Published July 23, 1997, in The Post-Standard.

By LAURA T. RYAN

The suicide of an inmate at Mohawk Correctional Facility in Rome last Thursday was the spark that lit the fuse for a riot the next day, a union official said Tuesday.

A conspiracy theory quickly circulated among inmates about the death: Prison guards had killed the inmate and covered it up, according to Bob White, president of the local Council 82 union, which represents 400 correctional officers at Mohawk.

"The inmates had thought we had taken the life of another inmate here," White said. "That started the heated progression of events... Specifically why this (belief) is so deeply rooted among them, we don't know."

White's version of events is the most detailed yet of the melee that injured 10 guards, including the shift supervisor. Prison officials previously said they didn't know what caused the disturbance.

At 2:35 p.m. Thursday, a correctional officer found Josiah Benefield, 22, hanging from a bedsheet in his cell. The sheet, attached to a wire cover on a ceiling smoke detector, was looped around Benefield's neck, according to the state Department of Correctional Services.

Benefield was serving a four-to eight-year term for two 1996 robbery convictions in Erie County. He arrived at Mohawk in January, and his first chance at release would have been October 1999, according to correctional officials.

On Friday, an officer and inmate got into an argument about Benefield's death as guards led prisoners from a housing area into a recreation yard, White said.

Bats, weights, horseshoes

The quarrel quickly mushroomed into a fracas involving 300 inmates. The inmates charged out of one prison yard and into another, using assorted recreation equipment, such as weights, aluminum baseball bats and horseshoes, to attack guards in their path and bust open gates, White said.

"Anybody in their way was taken down and beaten," White said.

Mohawk inmates have access to weight areas and handball courts in the yard, where they also play soccer, basketball and softball, White said.

The shift supervisor on duty, Lt. Richard Prusko, was beaten in the head with a baseball bat, then struck repeatedly after falling to the ground. He remained in fair condition at St. Elizabeth Hospital in Utica, where Gov. George Pataki visited his bedside Monday morning in the intensive care unit.

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Moravia, Rome Prisons a Lot Alike, Workers Say

One union leader cites crowding and a lack of programs at the Cayuga County site. But a leader of the guards' union says the site is "under control."

Published July 23, 1997, in The Post-Standard.

Auburn guards helped in Rome

Guards from Auburn Correctional Facility helped quell Friday's violence at the Mohawk Correctional Facility in Rome.

Christopher Barrette, head of the Auburn chapter of Council 82, was a member of an emergency response team sent to Mohawk. Barrette would not say how many guards were part of the team. He said they spent about 24 hours in Rome before being replaced.

"They did a good job of getting lots of personnel there quickly and then relieving us after a reasonable amount of time," Barrette said.

By GREG MUNNO

MORAVIA - Some workers at the Cayuga Correctional Facility feel conditions at the prison are no better than those at a similar prison in Rome where 10 officers were injured by inmates Friday.

The Cayuga Correctional Facility, like the Mohawk Correctional Facility in Rome, is a medium-security state prison housing more inmates than it was built for.

Friday, inmates at Mohawk rebelled against the guards there. Ten needed treatment; one was beaten with a baseball bat and is still recovering at a hospital.

Council 82, the union that represents corrections officers, and state Republican leaders have said the violence occurred because of overcrowding in the state prison system. The state houses 70,000 prisoners, up from 40,000 only 10 years ago, according to the state Department of Correctional Services.

Democrats have taken a different tack, saying the best and fastest way to relieve prison violence - which statistically has decreased in the last three years - is to add more staff, not prisons.

The head of the union that represents Cayuga Correctional Facility's teachers and nurses says both parties have the answer: "We need more prisons and more staff," he said.

"There's no question in my mind that the situation here at Cayuga is similar to that at Mohawk," said David Stallone, president of the local Public Employees Federation.

"We're overcrowded, yes. But worse, we don't have the programs in place to occupy the prisoners' time. We have less counseling and educational opportunities for the prisoners than ever before and, unlike a maximum-security prison, we don't have factory and other jobs to occupy inmates."

The Cayuga Correctional Facility, built in 1988, was designed for 750 inmates, said Stallone and Thomas Mulhern, local Council 82 head. The facility now holds 1,302 inmates and employs about 480 people.

Stallone, a business teacher at the prison, said the lack of staff and overcrowding make the situation even more dangerous when combined with other changes in the system.

When the facility opened, it housed inmates who had three years left before they were eligible for a parole hearing. Now, the prison takes people with up to seven years left in their sentences.

"It's one thing to have idle prisoners who are getting out soon," Stallone said. "But for this facility, which doesn't have real jobs for the prisoners, to house people for more than three years creates a dangerous situation."

Medium-security prisoners with lots of idle time also have plenty of opportunity to organize. Unlike

maximum-security facilities, which have cells, medium-security facilities have more open, dormitory-style housing.

Stallone also said the facility has been getting younger prisoners. Such prisoners, he said, are more likely to join gangs.

Mulhern didn't share Stallone's view. He also said more staff and fewer prisoners would make Cayuga Correctional Facility safer, but he said he doesn't believe an incident like the one in Rome will happen there.

"We have this place under control," Mulhern said. "It's true that more demands have been made on us than before. And for a while the prison population here did get much younger and more violent."

But recently, Mulhern said, the prison population has become slightly older again, helping to quiet things down.

"I think if we could skim off a portion of the population here that really belongs in a maximum-security cell we would be fine," he said.

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Police release name of shooting suspect

ELMIRA -- A Rochester man, who absconded from a prison work release program last month, is the suspect police are searching for for allegedly firing shots into the air early Sunday outside an Elmira club.

Investigators confirmed that Steven "Steesel" Mason, 25, is the suspect in the 2:30 a.m. shooting outside the Elks Club on Benjamin Street.

Mason, who police suspect is still hiding in Elmira, has family in Baton Rouge, La., and may try to flee there, said sources close to the case.

Another man was with Mason during the shooting. Police have not released the identity of the accomplice.

According to New York state Department of Correctional Services records, Mason fled a work release program on June 19 from the Buffalo Correctional Facility, a minimum-security prison.

He was originally sent to state prison for 1-3 years on Aug. 31, 1995, after pleading guilty to third-degree attempted criminal possession of a weapon. -- Jim Pffifer Elmira Star Gazette 7/26/97

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Fights at Elmira Correctional Facility gang related

ELMIRA -- Fights that injured nine correction officers and four inmates at the Elmira Correctional Facility Friday were gang related, not because the prison ran out of food, according to an officer at the prison who asked to remain anonymous.

"We've had problems all over the state, in most cases gang related," said Rich Abrahamson, president of Council 82, the union that represents all state correction officers in New York. "It's over power. It's over drugs. It's a wild thing."

Abrahamson said a lockdown established at the Elmira prison Friday continued Saturday. After the lockdown Friday, a search turned up three razors, an eight-inch piece of Plexiglass shaped like a knife and an eight-inch sharpened steel rod, called a "shank."

Two officers were treated at a local hospital after the fights, then returned to duty. The other seven received cuts and bruises and remained on duty. The injured officers' and inmates' names were not made public.

-- Garth Wade, Elmira Star Gazette 7/27/97

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Labor, management and Gov. George E. Pataki don't often concur on the same issue.

Yet, when it comes to the prison system's shortage of maximum-security cells, they speak with one voice.

Over the next five years, correctional experts anticipate the prison population will grow by 13,000 inmates. Projections of new prisoners don't take into account the overcrowding already existing in the prisons.

The state is rapidly approaching a critical July 1 deadline to extend the "Truth in Sentencing" bill and guarantee the state's eligibility for nearly \$100 million in federal aid for prison construction.

"Truth in Sentencing" laws, which ensure the sentence handed down by a judge is the sentence served by the criminal, is keeping the more violent felons in prison longer.

Failure to extend Truth in Sentencing could force the state to forfeit the aid. The Senate has passed the legislation; the bill has stalled in the Democrat-controlled Assembly.

Governor Pataki has proposed construction of 6,950 new maximum-security prison beds over the next three years in a \$635 million expansion plan to handle the influx.

The beds would house the worst of the worst - murders and rapists - those already in custody and those expected to be arrested, convicted and sentenced under the tough, anti-crime laws enacted in the last two years.

Too few maximum security cells has pushed inmates serving lengthy sentences for violent crimes into inappropriate dormitory settings, frequently two in a cube built for one inmate.

Mohawk Correctional Facility Superintendent Edward Reynolds, who oversees the area's four prisons, estimates that half of the inmates in 200 secure housing cells locally should be in maximum-security units. One unit under construction at Midstate Correctional Facility will open in September.

Rome has lobbied for one of the three proposed maximum-security prisons to be constructed here. The

area also could see additional maximum security units built at existing facilities.

Special housing is needed for the troublemakers - the inmates who tend to be the toughest to control. They are the young and the violent - men who present a danger to corrections officers and other prison staff, other inmates and prison unrest.

These disciplinary-problem inmates must be separated from the routine prison population who are trying to repair their lives through education and vocational training.

The public has told state representatives that fighting crime is a priority. Now, the state should tackle the second half of the equation and approve the appropriate holding cells for the violent offenders.

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New York finally has budget,

at least 121 days late. Now it goes to full legislature, where it will take several more days

Published July 30, 1997, in the Herald-Journal.

By Erik Kriss and Luther F. Bliven, Albany Bureau

ALBANY - Money for 1,550 new maximum security prison cells, including a new 750-bed prison at an undetermined site and 800 more cells at existing prisons.

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Times Union 7/31/97

Guards say new cells will fill fast

Albany -- Correctional officers say prison expansion is a good first step, but more is needed to stem growing prison crowding

MARK McGUIRE

Staff writer

Less than 10 hours before state leaders announced a budget agreement that would lead to more than 1,500 new maximum-security prison cells, a correction officer was slashed by an inmate from eye to chin with a homemade blade.

Guards said it was a prime example of the violence that often flares in crowded prisons.

"It used to be you never hit a C.O.," said Robert McGeady, president of the guards' union at Downstate Correctional Facility in Dutchess County, where the attack occurred. "I've been doing this 21 years and have never seen it as worse as this."

Over the past several months, correctional officers have been unusually vocal about conditions at the state's prisons, particularly the maximum-security facilities. They say overcrowding -- the system is now at 130 percent of capacity -- is creating a dangerous environment.

As a scaled-back prison expansion plan was agreed to by legislative leaders and Gov. George Pataki Tuesday, correctional officers expressed disappointment, but said at least they were getting some relief.

"It's better than nothing," John McNally, president of the correction officers union at Cossack Correctional Facility, said Wednesday. "It's delaying the inevitable."

"When you're full, you're full," added Dan Styczynski, vice president of the guards' union at the maximum-security Great Meadow Correctional Facility at Comstock. "It's like putting a Band-Aid on an artery." In six months, he said, the extra cells will be full.

Pataki had pushed a 6,950-bed expansion plan, a proposal backed by the Republican-led state Senate but opposed by Assembly Democrats. Assembly Speaker Sheldon Silver questioned the need for all the maximum-security prison space, in light of crime rates dropping.

In the end, Pataki backed down from his bid for 3,600 new maximum-security prison cells and three maximum-security prisons during the next three years. The budget agreement calls for one 750-cell maximum-security facility and for another 800 maximum-security cells to be placed at existing prisons during the next two years.

On Wednesday, Pataki cited the case of Steve L. Williamson, 33, the man accused of the March killing in Troy of Patricia Santana in front of her 3-year-old daughter. Pataki said prison space had played a role in Williamson serving only three years of an eight-year sentence for a 1991 murder conviction in Florida, which he said "amazed" him.

"We are going to be able to keep violent felons behind bars," he said. "Public safety is a priority for the people in this state."

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Death Penalty Likelier Upstate

Legal experts cite ideologies, politics and race.

Published July 28, 1997, in The Post-Standard.

ALBANY (AP) - Upstate prosecutors are twice as likely than their downstate counterparts to pursue the death penalty in cases that qualify for capital punishment, state statistics show.

The apparent upstate bias is likely to become a potent weapon for opponents of the state's capital punishment statute, criminal justice experts say.

"A showing of geographic disparity in capital prosecution would raise a question of the evenhanded application of the death penalty in New York," said James Acker, a criminal justice professor at the state University at Albany.

Since Sept. 1, 1995, when the death penalty law again took effect, district attorneys in New York City, Long Island and Westchester County have pursued death in 7 of 61 first-degree murder cases, or 11.5 percent, according to statistics from the Capital Defender's Office and the state Division of Criminal Justice Services.

During the same period, prosecutors in the 55 counties north of Westchester County sought capital punishment in 9 of 39 first-degree murder cases, or 23 percent. By comparison, there were four times as many murders in New York City and its suburbs than there were in upstate in 1996.

"The death penalty has become in New York state an upstate phenomenon," Deputy Capital Defender Barry Fischer told the Times Union of Albany. Fischer represents 21-year-old Kristian Hansen, who faces the death penalty and is charged with the robbery-slaying of Albany cab driver Santo Cassero on Aug. 1, 1996.

Legal experts say the geographic discrepancy derives from district attorneys' different ideologies, their constituents' political and racial composition, and a sense that downstate dwellers may be more desensitized to crime.

Some lawyers say state-mandated guidelines are needed for prosecutors.

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Guard Held Hostage Says Prison More Dangerous Today

Albert Dilorenzo, who survived being beaten and held by an Auburn inmate in 1992, sees growing problems.

Published July 28, 1997, in The Post-Standard.

By GREG MUNNO

AUBURN - Albert Dilorenzo has worked behind the walls of a state maximum security prison for 19 years, but the past five years have been the hardest.

After 14 years patrolling the unpredictable and violent Auburn Correctional Facility, Dilorenzo developed a sense of security and safety.

"You go to work 40 hours a week for 14 years and eventually anything will seem routine," Dilorenzo said from his Auburn home last week.

All that changed Feb. 15, 1992, when Dilorenzo did a final count of prisoners in a section of the prison reserved for "honor," or well-behaved, inmates.

As Dilorenzo, 49, passed Andrew Tenney, who was serving a 15-years-to-life sentence for the 1981 murder of a bartender, Tenney came up behind Dilorenzo, grabbed him and tried to stab him in the neck with a steel wire.

What happened that night would forever shatter Dilorenzo's sense of security - and serve as a reminder of the stress and danger prison workers face.

New York has more than 70,000 prisoners. Last year, 889 prison workers were assaulted by inmates, according to the state Department of Correctional Services. On July 18, 10 guards were injured - one seriously after being beaten with a bat - during an uprising at the Mohawk Correctional Facility in Rome.

According to news accounts, state reports and Dilorenzo's own memory of the 1992 incident, Dilorenzo

was able to prevent Tenney from stabbing him. The two scuffled in the hallway, with Tenney yelling, "Get in that cell or I'm going to kill you," and Dilorenzo asking, "What the hell are you doing?"

No other guards were around. Tenney finally dragged Dilorenzo into his cell, split Dilorenzo's eyebrow with a head butt to the face and kicked Dilorenzo in the groin. Tenney then grabbed a broom handle and whacked Dilorenzo in the face and chest three or four times.

Meanwhile, inmates locked in their cells on the floor above urged Tenney to kill the prison guard.

Other officers rushed to the scene, and a 6½ hour standoff began.

At 5:25 a.m., Tenney got too close to his cell door, a guard grabbed his arm and sprayed a Mace-like gas into the cell.

The most traumatic incident in Dilorenzo's life was over, but he'd never be the same.

"That was the longest night of my life," Dilorenzo said. "It started with a convicted murder holding a sharp object inches from my throat and ended by (me) being gassed, which may have been the scariest part of the whole ordeal."

Dilorenzo said the gas caused his windpipe to constrict, reducing his intake of air.

"It disables you by making you feel like you are dying from lack of oxygen," Dilorenzo said. "I was in that state as Tenney fell on me recoiling from the gas and guards in masks rushed into the cell.

"I know it had to be done, but boy was it scary. During the standoff, I recalled my hostage training and just tried to remain calm, so the waiting wasn't too bad. But certainly several times during that night I thought I would die."

Tenney, 36, has been transferred to another state maximum security prison and has been convicted of several crimes stemming from his attack on Dilorenzo, most seriously a second-degree kidnapping charge that carries an additional 15 to 25 years in prison, said Jon Budelmann, Cayuga County's chief assistant district attorney.

It took Dilorenzo six months to return to work. He said he had to undergo several psychological evaluations to see if he was still up to the task.

Dilorenzo said the attack on him prompted the state to take away privileged prisoners' right to stay outside of their cells during the final count. But he said he still felt uncomfortable performing that duty when he returned to work.

"I'd walk by that cell and my heart would start racing like I was going through the whole thing again," Dilorenzo said.

So Dilorenzo transferred to the hospital ward, where he feels a little safer.

"I couldn't go back into 'the jungle,' as we call it, and mix with the population again," Dilorenzo said. "Especially since tension seems so high now. When I came, there were about 1,500 prisoners. Now we have 1,800 prisoners and some cells with two prisoners.

"I can tell you from experience that those cells are only big enough for one. Everything is more dangerous now. The cramping increases the chance for disease and it makes the place a pressure cooker."

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Romulus Pitches For New Prison

The facility would house "the worst of the worst," and lock them down.

Published July 31, 1997, in The Post-Standard.

By SCOTT RAPP

Seneca County officials hope the state chooses Romulus when it starts looking for a place to build a 750-cell maximum-security prison.

The \$67 billion state budget agreement announced Tuesday calls for construction of the new prison and adding 800 maximum-security cells to prisons around the state.

The Seneca County Board of Supervisors passed a resolution April 9, 1996, asking the state to build a 1,500-cell prison at the former Sampson Naval Training Station "Q" area off Route 96A in Romulus. The state bought the 435-acre site in 1991 to erect a prison.

"I don't know of anything that has changed," County Manager Dennis Aloia said Wednesday. "It will be a big boost to our economy."

Romulus, about 65 miles southwest of Syracuse, is one of several communities the state was considering for a new prison before putting the plan on hold. State Sen. Michael F. Nozzolio, whose 53rd District includes all of Seneca, Cayuga, Wayne and Ontario counties and part of Monroe County, said he's hopeful Romulus will land the new prison.

Nozzolio is chairman of the Senate crime, crime victims and corrections committee, and said he pushed hard for Gov. George Pataki's prison expansion proposal. "It wasn't an easy thing to do, but it was the right thing," he said.

He said the 1,550 additional cells will help ease, but not alleviate prison overcrowding in the state. There are about 70,000 inmates statewide, about 33 percent over capacity.

Plans call for building the prison 18 to 24 months from now, said John D'Alessandro, legislative and political director for Council 82 of the Law Enforcement Officers Union based in Albany. He said the state will add eight 100-cell modular units to mostly medium-security prisons within the next year.

He referred to the new prison as a "super maximum-security prison that would house the worst of the worst" inmates in the state. Most of them would be violent felons who prey on other inmates and guards, he said.

"They'll be locked down for 23 hours a day," D'Alessandro said. "This is for the upper 10 percent of the inmates who see the other inmates as potential victims."

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At last! A deal in Albany on a state budget

By JOEL STASHENKO
Associated Press Writer

ALBANY, N.Y. (AP) - Four months into its new fiscal year, New York's legislative majority leaders and Gov. George Pataki finally reached a tentative agreement on a new state budget Tuesday night.

(Shorten version to only include prison information)

Pataki accepted a scaled-back version of his ambitious plans to build 3,600 new maximum-security prison cells and three maximum-security prisons during the next three years. The budget agreement calls for one 750-cell maximum-security facility and for another 800 maximum-security cells to be placed at existing prisons during the next two years.

Silver had questioned the need for all the maximum-security prison space Pataki wanted to build, especially when crime rates are dropping. No site for the new prison was stipulated in the leaders' agreement. Silver indicated that the decision would be up to the Pataki administration. To make it more attractive for the local officials which have extra space in their jails to house state prisoners, daily reimbursement rates to localities for each inmate would increase from the current \$34 to \$100.
