

Prison News and News Articles About / For Correction Officers: { Page 40 }

ARTICLE LIST:

- [Hunger striking inmate out of The Box](#)
 - [A Friend of Corrections!!!](#)
 - [State's sex offenders to be listed online](#)
 - [Clergy denounce long lockdowns](#)
 - [It's your deal!](#)
 - [Union opens door to correction officers' lives](#)
 - [Increments to be paid on time](#)
 - [Tree Kills Prison Guard; Car Crash Kills Woman](#)
 - [Report cites tie between tough drug laws and building new prisons](#)
 - [Prisoner Count Tips Census Scales Funds don't go to their hometowns](#)
 - [Study faults the siting of N.Y. prisons](#)
 - [New prisons fuel upstate economy, civic group says](#)
 - [A prison draws interest](#)
 - [Drug laws linked to prison jobs](#)
 - [Prison officers to rally over stalled contract talks](#)
 - [PEF radio blitz takes aim at governor over contract](#)
-

[Back to the Titles](#)

Hunger striking inmate out of The Box

Gerald Balone wins reversal of charges after protesting his confinement and will be moved to another prison

Gerald Balone, a state prisoner who waged a 40-day hunger strike to protest being confined to The Box since December, has won a total reversal of charges and will be transferred out of Upstate Correctional Facility in Malone, Franklin County.

"It's fantastic and we're both elated about this," said Chris Stimeling, Balone's fiancée, on Tuesday.

The couple were profiled in the Sunday Times Union's special report, "Lockdown: The Hardest Time."

Balone could be moved as early as today out of Upstate and transferred to another prison, where he will once again have access to educational programs and other general prison privileges.

"We knew we could do it if we could get the word out," Stimeling said of Balone's being cleared of the

charges. "The hunger strike was all about Gerry's innocence."

Jim Flateau, a spokesman for the Department of Correctional Services, would not comment specifically on Balone's case and said that DOCS policy prevented him from saying when or where Balone would be transferred.

Despite the timing, Flateau said Balone's release from The Box was unrelated to the Times Union special report.

"This was part of an ongoing appeal process and he (Balone), along with many others, get their charges reversed," Flateau said. "The system works."

Flateau could not cite specific figures, but he said roughly 10 percent of approximately 5,700 prisoners currently housed in disciplinary lockdown in Special Housing Units (SHUs) across the state have their time in The Box reduced and another 10 percent have their charges reversed during the internal appeal process.

Balone spent three months at Upstate, where 1,500 inmates are double-bunked in 750 cells that each measure 120 square feet and have a sink, toilet, shower and cell door slot through which food is passed. The inmates are stripped of privileges and can leave the main cell only for one hour each morning to move into a smaller caged balcony at the back of the cell for sunlight and fresh air.

Balone, 47, a convicted murderer who has been in state prison since 1974, was sentenced to 18 months in The Box and sent to Upstate on Dec. 20, 1999, after a confidential informant claimed he was organizing a prison protest at Sing Sing.

Balone, who earned two bachelor's degrees and a master's degree in theology in prison, denied those charges and through Stimeling and a privately retained attorney, Bob Selcov of New Paltz, appealed his sentence of six months in The Box.

"I'm satisfied with the reversal for my client, but that doesn't address the three months Mr. Balone already spent in The Box," said Selcov, a former Legal Aid Society lawyer now in private practice who has won reversals for other inmates in The Box.

Selcov said he was not given any additional information from DOCS about why Balone was released, and other issues he raised in his case on Balone's behalf were not answered.

Selcov said DOCS continues to withhold information, including testimony of a confidential prison informant who claimed Balone was part of a Y2K protest that included wearing prison greens instead of civilian clothes.

"I never got any explanation about what the confidential informant said, and I question the validity in this case and many other cases using confidential informants," Selcov said.

Another point raised by Selcov in his appeal was the delay between Balone's alleged protest activity in September and the charges filed against him in December. The issue of the delay of several months was never answered, Selcov said.

Selcov also cited flaws in the hearing process regarding sentencing of prisoners to The Box.

"Mr. Balone, like other inmates, could not have an attorney present, the charges against him weren't

disclosed before the hearing and he couldn't cross-examine," Selcov said. "The whole hearing process is stacked against the inmate."

Flateau said prisoners are supposed to receive a report of the charges against them before the hearing, but he could not say how much lead time Balone received.

Selcov said the inmates he usually represents have little formal education and some are illiterate, making it difficult for them to mount a credible defense on their own at their hearing regarding sentencing to The Box.

"I'm happy for Mr. Balone, but most inmates don't have the benefit of an attorney as good as Bob Selcov," said Ken Stephens, an attorney at the Legal Aid Society in New York City, who has represented prisoners on appeal in The Box.

"I remain concerned for many other prisoners, perhaps hundreds, who remain confined in disciplinary lockdown over the Y2K protest because of unreliable information from confidential informants," Stephens said.

DOCS has refused to provide statistics or details about the number of inmates sent to The Box for the Y2K prison protests.

But Flateau contended the use of confidential informants in prison has been upheld in court.

Stimeling said her fiance's time in The Box won't end when he's moved out of Upstate this week. Former SHU inmates like Balone face a quarantine period in an isolation cell at a transitional prison until they're relocated to another prison permanently.

Now Stimeling must wait. DOCS won't give her information on Balone's whereabouts until he's placed permanently in a new prison and Balone won't be allowed to make phone calls during the quarantine period.

"It might be two weeks until I know where he ends up," Stimeling said. "But I won't give up the fight. Even though Gerry's getting out of The Box, we won't forget about all the other men who are in The Box who are also innocent."

[Back to the Titles](#)

A Friend of Corrections!!!

The following letter (from Assemblyman Brian Higgins) was in response to a letter from Fred Kintzel Sr, of Attica. Legislators DO listen. Get YOUR letters out TODAY!

March 23,2000
Honorable George E. Pataki
State of New York, State Capitol
Executive Chambers
Albany, New York 12224

Re: Contract Negotiations with New York State Correction Officers

Dear Governor Pataki:

New York State Correction Officers are professional and dedicated public servants who maintain order in every correctional facility in New York State. These dedicated public servants place their lives in great danger every day so all New York State residents may live safely.

In past years, Correction Officers have negotiated contracts in good faith that helped the State of New York in times of financial difficulty. Their willingness to help the State in its time of need put these workers well below the national cost-of-living increases. Over the past decade, Correction Officers have received raises averaging less than 2 percent annually. The results of their cooperation has left them with contracts far less compatible with other law enforcement agencies. Now, at a time when our State is experiencing economic prosperity, we should reward these individuals who guard some of the world's most dangerous criminals with a fair and equitable contract.

It is my understanding that Correction Officers were to receive a payment of \$550.00 on December 1, 1999 for their annual uniform allowance. With or without a contract, Correction Officers must wear and maintain their uniforms with honor and pride. I believe it would be in everyone's best interest to pay the uniform allowance at this time to show that the State is sincere and ready to negotiate a long overdue contract.

I am asking you to personally intervene in the contract negotiations being held between your Office of Employee Relations and the New York State Correctional Officers & Police Benevolent Association. Many of my constituents have contacted me about their dissatisfaction with how the state is handling these negotiations. Corrections Officers have been without a contract since April of 1999. I feel this is unacceptable and request that you personally intervene and do whatever is necessary to see that a fair contract is negotiated and implemented.

Thank you in advance for your consideration concerning the aforementioned.

Sincerely,
Brian M. Higgins
Member of the Assembly
145th District.

[Back to the Titles](#)

State's sex offenders to be listed online

Officials hope Web site will make for easier access to information

Want to find out if a convicted rapist lives near you?

Four years after New York state first passed a law creating a registry of convicted sex offenders, access to information on a list of 10,306 people has not always been easy -- local police department rules vary and a 1-900 hot line requires callers to provide an offender's name.

But now, the state is creating a Web site that will make this information available to the general public and may make the registry more useful.

Similar initiatives have proved popular in other states -- two months after Virginia became the 10th state to create such a Web site, it recorded more than 660,000 visits and more than 3.4 million searches.

When up and running in late spring, New York's Web site will complement a state-mandated reporting system that is both controversial and inconsistent. The hot line is a 1-900 number that has received only 2,831 calls at \$5 apiece since it was created two years ago this month.

Whether you can now get the information from police depends on where you live.

Rotterdam and Niskayuna police departments allow any town resident to come in and look at the list -- a big binder, updated twice a year, that contains names of all convicted sex offenders in the state. The Albany County Sheriff's Department and Bethlehem will only tell residents whether there's an offender living in the neighborhood. Rensselaer requires filling out a Freedom of Information request and a meeting with the chief of police before any information changes hands.

In a spot check, people answering the phone at some police stations knew nothing about the list. Others said anyone interested had to call a state 1-800 number. (None exists.)

But while the issue of making sex offenders' whereabouts public has galvanized some communities -- including, last year, Bethlehem and Clarksville -- all police agencies contacted say no one has ever asked for the information.

"I'm still learning this thing as well," said Rotterdam Investigator Donald DeMarco, who's in charge of the list in his town. The town police department only recently reviewed its policy about the registry and decided to make it available to the public.

Access in Rotterdam is a lot easier than via the state's hot line. Call the 1-900 number (which is run by a private company hired by the state Division of Criminal Justice) and you must provide both the name of a convicted offender and the offender's address, date of birth, social security number or driver's license number. A caller without the information would be out of luck -- and out of five bucks.

"We have gotten no complaints concerning somebody not getting access," said Caroline Quartararo, a spokeswoman for Criminal Justice.

The Web site will make access easier, but still raises some other questions -- such as, what do you do if you find out that there is a convicted sex offender in the neighborhood?

Last year, residents of Bethlehem and Clarksville answered that question by hounding one offender out of town.

James W. Sheridan, who served 24 years in a Massachusetts prison for rape and assault, moved into his parent's Bethlehem house last May after his release. Local residents were alerted when school officials, informed by police of his arrival, sent letters to parents warning them that there was a convicted sex offender in the neighborhood. A public outcry ensued.

Sheridan soon moved to Clarksville, but protests about his presence continued. After his probation rules were changed, requiring him to stay near his house, he left the state for Massachusetts, accepting the punishment of breaking probation over his exile in a place where he was not wanted. Last July he was sentenced to 18 months in a Massachusetts prison.

Most states have laws requiring some sort of registry. And, around the country, issues continue to dog such lists. In Colorado, four Denver-area suburbs have enacted laws permitting only one sex offender to live in any one home. The law may cause foster-care homes to split up and juvenile group homes to move elsewhere.

In Illinois, some criticize a sex-offender Web page they say fails to discriminate between a serial rapist and an 18-year-old who had consensual sex with a minor.

And in Santa Rosa, Calif., last year, a sex offender hanged himself a few days after police distributed fliers warning against him.

In New York, Criminal Justice provides information about protecting children against sexual deviants. But no program exists that offers the public information about what to do when a child molester has moved into the neighborhood.

Deborah Jacobs, an expert in sex crime registries at the American Civil Liberties Union, said that's one of the problems with the lists.

"They don't tell you what to do next because they don't really know," she said. "What a sex offender needs is stability. What sexual notification does is rob them of this."

Criminal Justice's Quartararo said the issues of child safety outweighed any problems that offenders might suffer.

"Certainly there are questions," she said. "But if you ask parents what's more important -- the safety of their children or the anonymity of a sex offender -- they'll say the safety of their children."

[Back to the Titles](#)

Clergy denounce long lockdowns

Albany -- Two state senators also decry system that keeps some prisoners in cells 23 hours a day

Two state senators, two local bishops and clergy representing eight denominations denounced on Wednesday the extent of 23-hour disciplinary lockdowns in state prisons and urged a review of corrections policy.

"We're very concerned about what's happening in New York's lockdown units. It's been an invisible issue," Bishop Howard Hubbard of the Albany Roman Catholic Diocese said at a news conference on the steps of the Cathedral of the Immaculate Conception.

Hubbard was joined by Bishop Susan Morrison of the United Methodist Church's Troy Conference and other clergy with the Capital Region Ecumenical Organization in issuing a pastoral appeal at the news conference.

"Our evaluation has led us to the conclusion that the state is presently using such confinement for too many people, for too long a period of time and without adequate safeguard to prevent abuse," Morrison said.

The clergy members referred to a Times Union special report published Sunday focusing on special

housing units, and said they will press Gov. George Pataki and the state Legislature for reform of current policy.

About 5,700 prisoners -- roughly 8 percent of the state's 72,000 inmates -- are confined to SHUs for months or years.

They also said they will urge their parishioners to learn more about what Hubbard called the "very depressing, very demoralizing and very dehumanizing" conditions inside SHUs. Hubbard, Morrison and the other clergy visited SHUs last summer.

Additionally, the clergy proposed several specific points of SHU policy reform, including:

Prisoners should not be confined in SHUs unless they have engaged in highly dangerous, violent or serious escape-related behavior while incarcerated.

Mentally ill inmates should not be held in SHUs.

There should be a comprehensive evaluation of inmates in all 23-hour confinement situations to identify those who suffer from mental illness.

Confinement in 23-hour settings should be limited to 90 days, except for extremely violent and dangerous offenders.

For those confined longer, there should be a review every 90 days by an independent body.

Department of Corrections spokesman Jim Flateau said the number of inmates confined in SHU hasn't increased in five years. And he stressed that only inmates who pose a threat are placed there. "Inmates are not confined in SHUs unless they are engaged in violent behavior or behavior that threatens the safety and security of prisons," he said in a phone interview after the news conference.

Inmates in SHUs also receive psychological evaluations by specialists from the state Office of Mental Health within 48 hours of being put in confinement. If there is a need, inmates are placed in secure psychiatric facilities, Flateau said.

He said federal courts have ruled that SHU sentences of 10 years or more are constitutional.

Meanwhile, just across the Empire State Plaza, two state senators met with representatives from several criminal justice groups to discuss the issue of SHUs and to strategize about policy reform.

Sen. Velmanette Montgomery, D-Brooklyn, called the meeting and was joined by Sen. Larry Seabrook, D-Bronx. Both legislators have been involved in criminal justice issues for many years, but Montgomery said she recently has received a large number of letters from inmates and families of inmates raising concerns about SHUs.

Montgomery said she was dissatisfied with the outcome of a recent meeting with Department of Correctional Services Commissioner Glenn S. Goord and his staff. "It's very difficult to get any information from them," Montgomery said.

Montgomery said she plans to push for legislative hearings on the issue. "If we can create a movement at my level, they can't ignore us any longer," she said.

"We've got to fight this attitude that DOCS can take care of itself and they should have total control,"

said Seabrook, who taught in a prison two decades ago and who said he has relatives who are DOCS employees who don't share his point of view on criminal justice issues.

"The commissioner has always said he welcomes any kind of legislative review," Flateau said.

Both Montgomery and Seabrook, minority party members in the upper house with limited political leverage, said they anticipated an uphill fight on reforming SHU policy.

"People hide from issues of corrections because it's politically incorrect to raise it" and to be perceived as soft on crime, Montgomery said.

"We're going against members in the Legislature who want more prisons and view it as economic development," Seabrook said. "The reality is that 90 percent of the legislators in both houses, black and white, believe what's being done in SHUs is right."

That political climate doesn't dissuade longtime advocates like Alice Green of The Center for Law and Justice in Albany. "I expect a bumpy ride, but I'm excited that we're finally getting this issue out to the public and letting legislators know what's going on," Green said.

[Back to the Titles](#)

It's your deal!

The following letter was written, sent to the Governor, and contributed to the Hacknet by Fred Kintzel SR

March 29, 2000
Governor George Pataki
Executive Chambers State Capitol
Albany, N.Y. 12224

Dear Mr. Pataki,

I am a State Correctional Officer at the Attica facility. I have been in this position for the past 11 years. Before this job I worked 33 years in the steel industry. I'm 62 years old and I plan on retiring in a couple of years.

Before this job, I never gave one thought about a "Law Enforcement Contract". Mainly because my job, as a steelworker entailed normal working conditions, much like the conditions found in the jobs covered by CSEA and PEF employees. During those 33 years, I never had to face murderers, thieves, rapists, etc. I never had to put my life on the line to complete my duties. I never had to break up fights or disarm assailants in my work area. I never had to worry about T.B., Hepatitis, AIDS, or other deadly diseases. Gang violence and drug abuse was something I read about in the newspaper. I never faced those perils because the New York State Correctional Officers did it for me, on a daily basis. You see, Mr. Pataki, those who have not worked behind the walls, including yourself, may find it difficult to believe exactly why we are looking for a contract that is in line with other Law Enforcement agencies.

In case you, or anyone else, feel that our job is not Law Enforcement, keep the following in mind. NYS Correctional Officers take an oath to enforce State Penal Law and Correctional Law. That oath calls for

us to maintain law and order within our jurisdictional areas. We must protect all those who live and work in these areas, and the public in general, from all violence or threats of violence that may come from within these areas. We are empowered and indemnified by this State to use force and, if necessary, deadly force to maintain this law and order. Mr. Pataki, if this isn't Law Enforcement, what is?

For the past 10 years Correctional Officers of this State have demonstrated their willingness to help this State in its times of need by settling for contracts that put us far behind what other Law Enforcement agencies were getting. Our relationship with this State has been like a card game. To keep this State in this game, we have been dealing it all winning hands. Now that we don't have any cards left, it's time for the State to give us back a few so we can stay in the game. It's now our time of need, and we're not asking for any more than what other agencies have. All we want is parity.

With our new union, NYSCOPBA, we have found a new sense of unity and resolve. Mr. Pataki, you can join us or you can continue to fight us. But 44 years of working experience has taught me that when the final second ticks off the clock, and there is no agreement, we will all lose. That includes you, Mr. Pataki. And if you think this old officer, with only a couple of years left before retirement is ready to roll over and play dead, you guessed wrong. Just look at the front of the crowd and you will find me standing strong with my fellow officers. And I will do so, come hell or high water. My inspiration comes from all of my fellow officers across this State. Mr. Pataki, it's your deal!

Sincerely
Frederick Kintzel, Sr.

[Back to the Titles](#)

Union opens door to correction officers' lives

By MARGARET COSTELLO
Star-Gazette

The minute the steel door slams, correction officers enter a small city of convicted felons with few barriers between the peacekeepers and the troublemakers. Few people outside the prison system know the feeling. With that in mind, the union that represents 21,000 New York state correction officers and security personnel this week launched an informational campaign designed to educate the public and polish the image of correction officers, who claim they are often treated as second-class law enforcement officers, even though the typical correction officer rubs elbows with more felons in one day than most police officers do in a career.

MARIA STRINNI/Star-Gazette

Herb Wild, a correction officer, waves good bye to his wife, Brenda, as he heads off to his job at the Southport Correctional Facility last week. Members of the union, the New York State Correctional Officers & Police Benevolent Association, have been working without a contract for nearly a year and recently declared an impasse in talks with New York state, but union officials say the image campaign wasn't intended to increase their leverage in contract talks.

The union represents 825 officers at the Southport and Elmira correctional facilities and the Monterey Shock Incarceration Correctional Facility in Schuyler County.

"We're the silent side of law enforcement," said Garrett Conover, union steward at Elmira. "We're the law enforcement behind the scenes, not in the spotlight."

To shed light on what its members do, the union produced a short video, "Inside the Walls," that shows footage of several state prisons, including some footage of inmate assaults captured by surveillance cameras.

The union is sending copies of the video to every legislator and district attorney in the state to help them understand the environment in which correction officers work, said union spokesman Dennis Fitzpatrick, who works at the organization's headquarters in Albany.

The union also hopes to produce commercials for national television, and union members will soon begin making presentations about the state correctional system to community groups, such as Kiwanis and Rotary clubs. None has been scheduled yet.

"We're trying to initiate an image enhancement program for a very large law enforcement group that has never been acknowledged as such," Fitzpatrick said.

Correction officers have been working without a contract since April 1, 1999. The union rejected a state negotiators' offer of a four-year contract with annual 3 percent raises retroactive to October.

The union has demanded a contract that would limit the length of time an officer can be suspended without pay and benefits. Such limits are common in most other law enforcement contracts.

Currently, a correction officer can be suspended for as long as two years without pay and benefits before an administrative hearing takes place, Fitzpatrick said.

Some officers have said the state's actions during contract negotiations reflect a general lack of respect for correction officers.

"It's more than just money," said Southport correction officer Mike Warren of Elmira Heights, who recently joined co-workers at a rally along Pennsylvania Avenue in Southport.

Warren said the state does not acknowledge the service that correction officers provide and the risks that they face every day, including assault by inmates; exposure to the blood of inmates infected with the AIDS virus; and exposure to inmates who have tuberculosis.

The state announced plans March 17 to test staff members and inmates at the Elmira Correctional Facility who had contact with an inmate who died in January and who may have had tuberculosis.

Two area correction officers, who spoke condition of anonymity, say the health threats are real.

A Southport officer said he contracted TB a few years ago and had to worry about whether he was bringing the disease home to his family.

Another said he was bitten in the face and had to take a potent cocktail of anti-AIDS drugs. But the medicine made him so sick that he could not go to work for the 30 days he took the drugs.

Officers who take the cocktail are told they should never have unprotected sex with their wives again, he said.

Such stresses put some officers at increased risk of heart attack, alcoholism and suicide, Fitzpatrick said.

"It's a subject that most people don't like to talk about," Fitzpatrick said. "But it's there. It's a problem."

Brenda Wild, 42, the wife of Southport correction officer Herb Wild, said she has learned to listen, talk about and forget the often unpleasant stories her husband brings home.

Brenda Wild said she thinks it is important that correction officers have someone to talk to about work.

"You try not to dwell on them," she said. "It could drive you crazy."

She has grown accustomed to receiving prank calls at home from inmates, but she will never get used to the uncertainty she feels when her husband leaves for work.

"It's the unknown," Wild said. "That's the worst part about it."

[Back to the Titles](#)

Increments to be paid on time

Office of the State Comptroller

March 30,2000

To: Payroll Officers

From: Robin R. Rabii Director

Subject: 4/1/2000 Performance Advances for Security Units (NU 01 and NU 61)

This memorandum revises information contained in my March 10, 2000 memo regarding upcoming performance advances and longevity payment.

The State has entered into non-precedential agreements to pay increments to eligible employees in the Security Services (NU 01) and Security Supervisors (NU 61) Units. Payment will be made to employees in checks dated 4/26/00 for Administration agencies and 5/4/00 for Insitutional agencies.

[Back to the Titles](#)

Tree Kills Prison Guard; Car Crash Kills Woman

A state trooper in a cruiser responding to a fatal logging accident Thursday morning collided with a station wagon in Oneida County, killing a 70-year-old woman in the car.

The trooper was on his way to state forest land in Nelson where a tree fell on Raymond J. Curtis, a corrections officer supervising inmates from a minimum security state prison, Camp Georgetown. The car and logging accidents were about 20 miles apart.

Curtis, 53, of 23 Huntington Camp Road, Eaton, was supervising eight inmates when he was hit by the tree, Madison County Undersheriff Doug Bailey said. An inmate called the Camp Georgetown dispatcher from the corrections officer's car radio at about 10 a.m., Bailey said. Curtis was pronounced dead at the scene.

"The call came in as an accident, but we're not satisfied with that call until we do a complete investigation," Bailey said. "We're trying to piece this whole thing together."

Around 10:20 a.m., a state trooper was driving to the accident in a police car with lights and sirens on, police said. At crest of a hill at the intersection of routes 20 and 12 in the town of Sangerfield, he collided with a station wagon making a U-turn, police said.

Shirley Lockwood, 70, of Richfield Springs was pronounced dead at St. Elizabeth Medical Center in Utica at 12:17 p.m., police said. Her husband, William, 72, who was driving, was treated and released from the hospital, police said. The trooper was evaluated for foot and hand pain.

Both Lockwoods had to be extricated from their car.

Police said the trooper was unable to avoid the Lockwoods' car, which was turning into the path of the trooper's car. The police car hit the passenger side of the Lockwoods' car. Shirley Lockwood suffered head trauma and internal injuries from the impact.

The car accident is under investigation, police said. No charges had been filed Thursday night. The Lockwood family declined an interview Thursday night.

As state police responded to the fatal car accident, the Madison County Sheriff's Office took over the logging accident.

Curtis died from apparent head trauma, according to sheriff's deputies. An autopsy will be performed today at the Onondaga County Medical Examiner's Office.

Inmates were trimming trees and thinning the woods in the Tioughnioga State Wildlife Management area, on the border of the towns of Cazenovia and Nelson. The logging accident happened in a ravine about 150 feet off Damon Road.

The area is about nine miles north of Camp Georgetown.

Sheriff's deputies, state police, the state Department of Environmental Conservation and the state Department of Corrections office are continuing to investigate the logging accident, Bailey said.

Curtis had worked for seven or eight years as a corrections officer, according to his younger brother, Jay Curtis. Raymond Curtis also did a lot of construction work. He owned a backhoe and other pieces of heavy construction equipment.

Raymond Curtis owned about 100 acres on Bradley Brook Reservoir in Eaton, where he did a lot of logging and construction work. Curtis had a small mobile home on the land that he maintained.

Raymond Curtis had been planning to retire from Camp Georgetown in a few years to go back into construction full time, Jay Curtis said.

Raymond Curtis was a Marine Corps master sergeant who served in Vietnam. He was an Eaton native who came from a family with a long history in the community, Jay said.

"We've been here since the 1700s, actually," he said.

Jay Curtis said his brother was an honest man and a hard worker. When he wasn't at one of his jobs, he

got a kick out of line dancing. He used to line dance three or four nights a week, and had even gone to Montreal and New York City to dance, Jay Curtis said. Friday, March 31, 2000

[Back to the Titles](#)

Report cites tie between tough drug laws and building new prisons

Albany -- Report cites tie between tough drug laws and building new prisons New York's expanding corrections system appears to be a prison-building industry that boosts economically struggling upstate communities and their politicians at the cost of nonviolent inmates, says a report to be released today. The report by City Project, a coalition of the state's most ardent advocates for reforming New York's criminal justice system, calls for the repeal of the Rockefeller drug laws, which set mandatory minimum prison sentences --even for first-time drug offenders.

State officials, including the Crime and Corrections Committee chairman in the Republican-led Senate, defended the sharp increase in prison expansion as a way to avoid inmate overcrowding, which could lead to increased threats of violence. The prison inmate population was 71,766 on Friday. In 1973, when the Rockefeller laws were enacted, the year-end population was around 12,500. According to the 12-page study, New York opened 38 new prisons and three annexes since 1982 at a cost of \$4.5 billion in construction fees. All but one were built in upstate election districts held by Republican state senators, said Bob Gangi, executive director of the state Correctional Association and one of the authors of the report.

By comparison, the state opened 33 new prisons in the 164 years before 1982, the report said.

Prisons mean jobs for the communities in which they are built, and competition for them is strident among state lawmakers who, almost always, represent upstate areas. A new maximum-security facility set to open in Seneca County this summer will mean 540 new full-time jobs and 190 secondary jobs with a combined annual payroll of \$28.5 million, the report estimated. "Republican state senators have a vested interest in preserving things like the Rockefeller drug laws because those laws maintain the flow of inmates, Gangi said Friday. "That keeps pressure on the state to build new prisons. They've had a major, major role in deciding the location of the prisons. That's not accidental."

However, corrections officials have often chosen upstate sites because of a lack of space in New York City and powerful opposition to prisons from residents in suburban counties, said state Correctional Services spokesman Jim Flateau. Upstate communities, he said, generally welcome prisons to help stimulate the economy.

Moreover, Flateau said, the state must continue to build prisons to keep up with the growing number of repeat and violent offenders, who carry longer sentences as a result of two laws approved by the bipartisan Legislature this decade. Overhauling the Rockefeller statutes and granting clemency to some of the 22,000 inmates incarcerated under the drug laws would free up thousands of cells for more violent inmates and save the state from having to pay millions for new facilities, Gangi said.

Still, the prisons built under Gov. George Pataki are maximum-security facilities and would not house Rockefeller law inmates, Flateau said. Senate Crime and Corrections Committee Chairman Michael Nozzolio, R-Seneca Falls, lashed out at the report, calling it "absolutely absurd, insulting and a political

attempt to hide the real issues."

While acknowledging the economic attraction prisons hold for rural upstate communities -- like his own, which this year will see its sixth new facility since he was elected to the Legislature in 1982 -- Nozzolio said the state has a responsibility to ensure that inmates have ample space. "It's an irony that, apparently, if I can logically conclude that they do not support prison expansion, then they want to see prisoners in overcrowded and dangerous conditions," Nozzolio said of the advocates, adding that state prisons are now at 130 percent capacity.

[Back to the Titles](#)

Prisoner Count Tips Census Scales Funds don't go to their hometowns

By Zachary R. Dowdy. ALBANY BUREAU

Albany-In the census, prisoners-or, more precisely, the location of their cells-will count, too.

This week, correctional officials begin dropping U.S. census forms into the prison cells of the state's 72,000 inmates, much like the questionnaires sent to American homes that federal officials use to dole out hundreds of billions in aid. A bipartisan task force also uses the census to draw legislative boundaries.

But while most prisoners in New York State lived in poor New York City neighborhoods when they were convicted, the fact that federal law requires them to be counted as residents of the towns hosting the prisons reaps economic and political benefits for those communities, most of which are rural Republican strongholds.

In what several observers call an "unintended consequence" of the methods used in the decennial count, money that will be distributed using the census' population and income figures will end up in financially strapped, mostly white communities where the prisons are located, rather than the largely poor, mostly minority urban communities from which most prisoners come. Eighty-two percent of state prisoners are black and Latino.

"By building prisons and taking people and counting them outside of where they live, you're taking a minority population and making it smaller," said David Bositis, an analyst at the Joint Center for Political and Economic Studies, a black think tank in Washington, D.C. "There are places that are advantaged by this, and if somebody is advantaged, somebody is disadvantaged." Just how much one community benefits and another is hurt due to the shift in federal dollars is unclear. Jim Baldwin, manager of the U.S. Census office in Albany, said nearly \$2 trillion in federal funds will be distributed nationwide over the next decade.

Ronald Roth, planning director for Greene County, just south of Albany, said the 3,000 prisoners at two correctional facilities in Coxsackie make the community "more competitive" for federal grants distributed on a per capita basis. Prisoners, who earn little if any money, inflate the town's population and drive down its median income on the census, a baseline indicator for the next 10 years, Roth said.

"For the town of Coxsackie, the prisons make the poverty level much higher," Roth said. Coxsackie

received several Department of Housing and Urban Development grants of up to \$600,000 each based on figures from the 1990 census, which showed the 2,100 prisoners in Coxsackie were 27.5 percent of the town's population of 7,633.

With 3,000 prisoners now, Coxsackie is all but sure to benefit from the population boost generated by the prisons. How Coxsackie benefits from its prisons is the subject of a recent TV documentary, "Yes, In My Backyard," by filmmaker Tracy Huling, a criminal justice policy analyst.

"That increase would give us an added bonus and make us even more competitive," Roth said. "All things being equal, is it enough to push you over the edge? Sure." The population surge can also affect the electoral power of a community.

Since legislative districts are redrawn by state lawmakers after the census, an increase in prisoners, who can't vote, could affect how the lines are drawn and how political power is distributed, said Gary King, a redistricting expert at Harvard University.

On Dec. 31, 1990, the prison population in New York State was 54,895, while this Jan. 1 it was 71,466, state data show.

A little more than 65 percent of the state's prisoners come from New York City, while only six of the 71 state prisons are in the city. There are no prisons on Long Island, but 6.6 percent of prisoners come from Nassau and Suffolk. Twelve percent come from poor urban areas upstate.

Up to 93 percent of the prisoners are spread thinly throughout Republican districts. The fact that so many come from relatively few New York City neighborhoods and other urban centers reduces urban electoral power while slightly boosting it for rural enclaves, observers said.

"This is what I would call an unintended effect of incarceration," said Marc Mauer, assistant director of The Sentencing Project, a Washington, D.C., group that advocates for criminal justice reform. "Nobody ever said that one of the consequences should be to dilute black and Latino voting strength, but that's what we're doing." Officials with the U.S. Census in Washington, D.C., declined to discuss how the methods they have selected to count prisoners could affect either the distribution of federal aid or the drawing of political boundaries.

Nationwide, similar concerns about the census count of prisoners have sprung up. Rep. Mark Green (R-Wis.) sponsored a bill to allow Wisconsin prisoners housed in other states to be counted in the 2000 census as Wisconsin residents. Green said Wisconsin could otherwise forfeit between \$5 million and \$8 million each year, and possibly a congressional seat. The pending bill has backing from lawmakers from other prisoner-exporting states.

Arizona passed a law allowing cities to annex prisons on government or unowned land within 15 miles of their borders, to maximize aid doled out on a per capita basis.

Yet in New York State, aides to Republican legislators in districts with several prisons said the impact of the population shift is likely minimal and merely happenstance, despite the claims of a new report that politics plays a role.

The report, to be released today, finds that "the state has transferred a population the size of Portland, Maine, from downstate communities of color to white communities upstate, and with it the financial benefits and electoral influence that comes with those numbers," said Robert Gangi, chairman of City

Project. The organization, a coalition of groups that deal with urban issues,, prepared the report, called "Following the Dollars: Where New York State Spends Its Prison Moneys." Gangi also heads the Correctional Association, a state-chartered prison watchdog group.

But Joe Maltese, spokesman for Sen. Dale Volker (R-Depew), whose district contains six prisons, said in response that prison location is not a partisan issue since the Democrat-controlled Assembly endorsed every prison built.

Volker chairs the codes committee, which handles criminal statutes.

He said the number of New York City residents in upstate prisons may be "statistically insignificant" because they are spread out over so much area and because their communities of origin may not be any less eligible for funds.

Moreover, Maltese said, attempts to build prisons in New York City, Long Island and Westchester or Rockland Counties have often been met with cries of "Not in my backyard." "This is a consequence of financial, infrastructural and logistical components," Maltese said. "The communities that do want prisons are rural, upstate communities that welcome them because they have the land, the land is cheap and it doesn't conflict with the community." In Malone-home to three prisons, one of which was built after 1990- the effect has been mixed. Twenty percent of the population of 15,000 people is incarcerated, said Boyce Sherwin, director of community development.

The most obvious benefit of having a prison is employment, said Sherwin, who downplayed the overall benefit to his town, saying the extra residents also take a toll on the city's infrastructure.

"Has it been a great boon to this area? Absolutely not," he said. "Are there problems? Yes." But Sherwin added that the 2000 census will usher in new figures and may alter the town's eligibility for funding since the prison population has grown significantly since 1990, from under 3,000 to nearly 5,000. He said Malone has secured federal grants from \$200,000 to \$400,000 as many as 18 times since the 1990 census and that the prisoners' economic profiles and numbers contributed to making the town eligible.

"Population and median income were 150 out of 600 points-that's a quarter of the application," Sherwin said, referring to the grant criteria. "So it's a big deal."

[Back to the Titles](#)

Study faults the siting of N.Y. prisons

By JOEL STASHENKO
The Associated Press

ALBANY - Pork-barrel politics and racial discrimination account for virtually all of New York state's prisons being in upstate communities represented by Republican state senators, a new report is contending. The study released Sunday said that of 71 state prisons, 64 are in state Senate districts represented by Republicans. Those communities are mainly rural and predominantly white; the state's prison population is about 83 percent black or Hispanic and about 70 percent come from New York City.

"The poor people of color we send to prison in large numbers are the flesh-and-blood fodder for an open and cynical pork-barrel process that produces political and economic rewards for upstate, rural, mainly

white communities," said Robert Gangi, the chairman of the group producing Sunday's report, the City Project. "This is a clear-cut example of institutionalized racism as practiced by government."

The study's conclusions drew sharp criticism from legislators and state officials, who said building prisons in New York City and its suburbs has become impractical because of opposition from local residents and construction and land costs approaching 10 times what they are upstate. Most of the large, rural expanses of land across upstate New York are represented by Republicans, they argued.

Gangi is better known as head of the state Correctional Association. Both the association and the City Project are New York City-based groups which advocate on behalf of prison and jail inmates, especially minority drug offenders who the groups say are being unfairly punished under laws instituted during the Rockefeller era.

The study out Sunday was designed to keep pressure on the Legislature and governor to soften drug laws, Gangi said. In addition, the groups are opposing Republican Gov. George Pataki's proposal to get a commitment in the new state budget to construct a 1,500-inmate maximum-security prison.

The City Project said 26 of the state's 71 prisons are located in the districts of three especially well-connected Republican state senators: 12 in the district of Plattsburgh's Ronald Stafford, chairman of the Senate's Finance Committee; eight in the district of Erie County's Dale Volker, chairman of the Senate's codes committee; and six in the Finger Lakes district of Seneca County's Michael Nozzolio, chairman of the crime victims, crime and corrections committee.

The first two prisons built during Pataki's five-plus years as governor have been in Malone, in Stafford's district, and in Romulus, in Nozzolio's. Both are 750-cell maximum-security prisons that the administration and Senate Republicans say are needed to house the violent offenders entering the state prison system.

"Our intent was not to personalize the analysis, but was to expose a process about what really goes on and who benefits and who gets hurt," Gangi said.

He also called on minority state assemblymen to fight new prison-building plans and to insist on an overhaul of the drug statutes.

"The Democrats are complicit," Gangi contended. "They usually approve new prisons for some program they see as beneficial."

Nozzolio called Gangi's report "irresponsible."

"It's reprehensible that he would play race-baiting with any report," Nozzolio said.

Stafford's spokesman Thomas Bergin said it is "absolutely ridiculous" to suggest that Republican senators are engaged in an effort to exclude downstate communities from hosting prisons or that prisons are being built by powerful whites to incarcerate black and Hispanic downstaters.

"Does anyone truly believe that we build a prison because we want to just have economic benefits?" Volker asked. "It is absolutely silly."

A spokesman for the state prison system, James Flateau, said a Democratic governor - Mario Cuomo - was with the Republican Senate every step of the way in the 1980s and early 1990s when the state prison

system was undergoing a vast expansion. The kind of facility chiefly built during those years - medium-security prisons with dormitory-style housing - is not suited to the harder cases being consigned to New York prisons under Pataki, Flateau said.

"By lengthening the sentences for violent offenders, you need more cells, because violent offenders must be housed in cells instead of barracks-style housing," Flateau said.

State officials revised their prison-siting policies with the establishment - and, later, the closing due to community opposition - of the Long Island Correctional Facility on the grounds of the Pilgrim State Psychiatric Center. Since the early 1980s, only communities which want prisons are in the running for new prisons.

The communities must meet other criteria - 150-200 acres of flat and relatively cheap property available, access to nearby roads, sewer hookups, etc. - before they go on a list, Flateau said. The final sites selected from the list are worked out in negotiations between the Legislature and the governor.

A maximum-security prison has an annual payroll of about \$25 million.

[Back to the Titles](#)

New prisons fuel upstate economy, civic group says

By KYLE HUGHES

ALBANY -- Influential state legislators oppose the repeal of harsh drug-crime laws because longer sentences produce more inmates and prisons -- and that means more jobs for the economically depressed upstate region, a report on the state's prison-building program concludes.

"Upstate lawmakers have a vested interest in keeping those laws on the books because it continues the flow of prisoners into their communities and increases the pressure to build more prisons," charged Robert Gangi of the City Project, a Manhattan-based civic group that issued the report, called "Following the Dollars: Where New York State Spends its Prison Moneys."

The group is seeking the repeal of the 1973 Rockefeller Drug Laws, which require judges to impose long prison terms for drug crimes, such as 15 years to life for selling 2 ounces or possessing 4 ounces of a narcotic.

The report out today says 93 percent of the state's 71,000 inmates are confined in prisons built in state Senate districts represented by Republicans and 98 percent of prisons built in the last 17 years were in upstate GOP Senate districts.

Gangi said the trend has meant that mostly-white rural communities have benefited economically at the expense of mostly-poor minority neighborhoods. Blacks and Hispanics make up 25 percent of the state's population, but 83 percent of people in prison and 94 percent of those incarcerated for drugs are black or Hispanic. The report notes that 20 years ago, roughly the same number of whites, blacks and Hispanics went to prison for drugs in New York.

"This highly skewed racial breakdown persists despite the fact that research by the federal government's Department of Health and Human Services has consistently shown that whites make up the vast majority

of people who use drugs," the report said.

The report said white drug use usually takes place behind closed doors -- in business districts or suburban settings away from law enforcement -- while such activities generally occur on the streets under the watchful eye of police in minority communities.

Poor defendants also lack access to drug treatment and good legal representation, the report said.

The building program, approved by both Republican and Democratic legislators, means that prisons in those rural communities take in more than \$1.1 billion annually in state funds, including prison payrolls worth hundreds of millions.

Gangi, whose group opposes new prisons, says the massive prison-building program for upstate New York launched by Democratic Gov. Mario Cuomo and continued by Republican Gov. George Pataki represents a "confluence of economic need and political influence."

The report said the state should find better methods of economic development for upstate communities and consider alternatives to incarceration, such as community drug-treatment programs.

Pataki has proposed building another \$180 million, 750-cell maximum-security prison to hold 1,500 double-bunked inmates. The location has not been determined, but is expected to be in western New York or the Mohawk Valley if approved as part of a new budget.

That drive to build more prisons to provide jobs upstate has come as the number of people sent to prison for drug offenses has increased significantly. In 1998, 47 percent of the new inmates were sent there for drug offenses, compared to 11 percent in 1980.

The report said 70 percent of state-prison inmates come from New York City, but two-thirds of all prisons are more than a three-hour drive from downstate, cutting off family ties for many inmates.

The report notes that 37 percent of New York's 71 prisons are in Senate districts represented by Senate Finance Committee Chairman Ronald Stafford, R-Clinton County, (12 prisons); Senate Codes Committee Chairman Dale Volker, R-Erie County, (8); and Senate Crime Victims, Crime and Corrections Committee Chairman Michael Nozzolio, R-Seneca County, (6).

Another nine prisons are in the district represented by Sen. John Bonacic, R-Orange County, a junior member of the Legislature whose predecessor Charles Cook was a long-tenured Republican lawmaker.

That means 49 percent of the state's prisons are in just four GOP senators' districts.

Nozzolio called the report "totally irresponsible. It's race-baiting at its worst."

"I don't see many neighborhoods in New York City requesting prisons," Nozzolio added.

Gangi said there was undeniably a racial factor in the prison-building program, since it benefited white areas of the state by locking up poor nonwhites.

"That's not race-baiting, that's an incredibly sound analysis that points to the racial injustice practiced by the government," Gangi said.

The report said state officials were quick to note the economic benefits of a new prison opening this summer in Seneca County in Nozzolio's district.

The project brings "540 new jobs and an annual payroll of some \$25.2 million ... (and) 190 secondary jobs with an annual payroll of \$3.3 million," the report says, quoting a Department of Correctional Services publication.

Thomas Bergin, a spokesman for Stafford, said he was not sure what the point of the City Project report was.

"This sounds like an overview of what you face when you have prisons in one area and prisoners coming from another area," Bergin said.

"We certainly welcomed (new prisons) because Senator Stafford's area was economically depressed," Bergin added. "They provide solid and steady employment. Why wouldn't we take them? Why would we turn our back on that?"

State Department of Correctional Services spokesman James Flateau said prisons were built upstate by necessity. Downstate, open space is at a premium, community opposition is strong and construction costs are more expensive.

"Everybody knows that for whatever reason construction projects seem to take longer to build in New York City than elsewhere in the state," he said. "You equally know upstate we can get a prison in the ground and open in less than two years."

When Cuomo proposed building a prison in the South Bronx in the 1980s, the per-cell cost was estimated at \$275,000 -- about three times as expensive as construction upstate.

Flateau also noted that Democratic Gov. Hugh Carey opened a prison on the grounds of a Long Island state hospital in 1980. It shut three years later after a campaign by community opponents.

The report said another injustice of the prison-building program was that census figures counted inmates as residents of the areas where they are incarcerated, rather than their home addresses.

This policy "effectively transfer(s) the public funds and electoral influence, which are based on the number of individuals living in a district, from one place to another, from low-income, inner-city neighborhoods of color to white, rural, upstate areas," the report says.

[Back to the Titles](#)

A prison draws interest

Montgomery officials would consider idea if Fulton rejects it

By MICHELE MATTESON

Gazette Reporter

FONDA - If Fulton County leaders decide they don't want a state prison built there, Montgomery County officials say they'd like to entertain the idea. The Fulton County Board of Supervisors voted in March 1999 to endorse the concept of building a maximum-security state prison in the town of Johnstown. The board is also scheduled to discuss the issue at its April 10 meeting.

But just last month, some Johnstown city officials said they wanted more information on the proposal

before they would endorse such a project.

On the heels of the Johnstown Common Council meeting, Montgomery County Board of Supervisors Chairman Ronald J. Barone Sr. said he was listening to a local radio talk show and heard a state legislator say he didn't know Montgomery County was interested, too.

After hearing that, Barone asked the board if it would be agreeable to sending a resolution to the state expressing the county's interest in a prison.

None of the supervisors voiced any objections.

"I want to stress we're not pirating it," Barone said. "We'll entertain it if Fulton County doesn't want it."

Montgomery County leaders also sent a letter to the state in 1999 requesting that the county be considered for the siting of a prison.

The difference this year, Barone said, is that the document will specifically state Montgomery County is interested only if Fulton County isn't.

Last year, Gov. George E. Pataki had proposed a new prison construction project as part of his executive budget for the 1999-2000 budget year. That proposal did not meet legislative approval.

This year, Pataki renewed the proposal in his executive budget for 2000-2001. State Sen. Hugh T. Farley has said Fulton County is high on the list of possible host communities.

The chairman of Montgomery County's Public Safety Committee, Amsterdam town Supervisor Thomas P. DiMezza, said he's not opposed to the idea and would like to discuss the issue more with other supervisors and his constituents.

DiMezza said he realized, though, some people would be automatically against the idea because of the notion prisoners' families would move to the area and bring down the quality of life in the area.

"It would be a stereotype to say that just because one person in a family has run into trouble, everyone in that family is bad," DiMezza said.

The likelihood of a surge in prisoners' families moving near the prison would also be low, DiMezza said, because many of the prisoners would probably have been sentenced in the Capital District and have families who live within a reasonable driving distance.

Florida Supervisor Ronald J. Mead said that while supervisors should reassess the situation again this year, he wouldn't have any problems with that type of project.

"I think it would probably fit well, given our transportation network and our available land," Mead said.

No site has been officially chosen in Montgomery County, but one site that was mentioned last year as a possibility was land in the town of Glen, near the business park.

Mead said that site would be a logical choice, since the State Police barracks and the county's Public Safety Facility are both in the area and there are water and sewer hookups available.

Barone said he doesn't see the need for the board to come up with a list of possible sites now unless the county is notified by the state that it's in the running.

Canajoharie Supervisor Robert F. McMahon said he doesn't have strong feelings one way or another about a prison in Montgomery County.

"But if the state is going to build one, why not Montgomery County? It does mean jobs," McMahon said. "I've lived around state correctional facilities, and there really is no local problem because of their presence."

But before the county makes a lot of effort in lobbying itself for the siting of a prison, McMahon said officials should first learn if the state has even the slightest interest in Montgomery County.

"Let's at least see what the state has in mind. Then we can decide how far to go with this," McMahon said.

[Back to the Titles](#)

Drug laws linked to prison jobs

Lawmakers support long sentences that generate income for upstate, report says

By Kyle Hughes
Democrat and Chronicle

ALBANY, N.Y. (April 3, 2000) -- Influential state legislators oppose the repeal of harsh drug-crime laws because longer sentences produce more prisons -- and that means more jobs for the economically depressed upstate region, a new report on New York's prison-building program concludes.

"Upstate lawmakers have a vested interest in keeping those laws on the books because it continues the flow of prisoners into their communities and increases the pressure to build more prisons," said Robert Gangi of the City Project, a civic group based in Manhattan that issued the report, called *Following the Dollars: Where New York State Spends its Prison Moneys*.

The group is seeking the repeal of the 1973 Rockefeller-era drug laws, which require judges to impose long prison terms for drug crimes, such as 15 years to life for selling 2 ounces or possessing 4 ounces of a narcotic.

The report to be released Monday says that 93 percent of New York's 71,000 state inmates are confined in prisons built in state Senate districts represented by Republicans and that 98 percent of all prisons built in the past 17 years are in upstate GOP Senate districts.

Gangi said the trend has meant that mostly white rural communities have benefited economically at the expense of mostly poor minority neighborhoods. African-Americans and Hispanics make up 25 percent of the state's population, but 83 percent of people in prison, and 94 percent of those incarcerated for drugs are black or Hispanic. The report says that 20 years ago, roughly the same number of white people, black people and Hispanics went to prison for drugs in New York.

"This highly skewed racial breakdown persists despite the fact that research by the federal government's Department of Health and Human Services has consistently shown that whites make up the vast majority of people who use drugs," the report says.

The building program -- which was approved by Republican and Democratic legislators -- means that prisons in those rural communities take in more than \$1.1 billion annually in state funds, including prison payrolls worth hundreds of millions.

Gangi, whose group opposes new prison construction, said the massive prison-building program for upstate New York launched by Gov. Mario Cuomo and continued by Gov. George Pataki represents "a confluence of economic need and political influence."

The report said that the state should find better methods of economic development for upstate communities and should consider alternatives to incarceration such as community drug-treatment programs.

Pataki has proposed building another \$180 million, 750-cell maximum-security prison to hold 1,500 inmates. The location has not been determined, but it is expected to be in western New York or the Mohawk Valley if approved as part of a new budget.

That drive to build more prisons to provide jobs upstate has come as the number of people sent to prison for drug offenses has increased significantly. In 1998, 47 percent of new inmates were imprisoned for drug offenses, compared to 11 percent in 1980.

The report said that 70 percent of state prison inmates come from New York City but that two-thirds of all prisons are more than a three-hour drive from the New York City area, cutting off family ties for many inmates.

The report says that 37 percent of New York's 71 prisons are in the Senate districts represented by Senate Finance Committee Chairman Ronald Stafford, R-Plattsburgh, Clinton County (12 prisons); Senate Codes Committee Chairman Dale Volker, R-Depew, Erie County (eight); and Senate Crime Victims, Crime and Corrections Committee Chairman Michael Nozzolio (pictured), R-Fayette, Seneca County (six).

Another nine prisons are in the district represented by Sen. John Bonacic, R-Middletown, Orange County, a junior member of the Legislature whose predecessor, Charles Cook, was a long-tenured Republican lawmaker.

That means 49 percent of the state's prisons are in four GOP senators' districts.

Nozzolio called the report "totally irresponsible. It's race-baiting at its worst."

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"They provide solid and steady employment. Why wouldn't we take them? Why would we turn our back on that?"

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Downstate, open space is at a premium, community opposition is strong and construction costs are more expensive.

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[Back to the Titles](#)

Prison officers to rally over stalled contract talks

By Don Lehman, Staff Writer

State correction officers from across New York will rally outside each of the state's 70 prisons Thursday to protest stalled contract negotiations.

More than half of the state's 21,500 correction officers are expected to take part in the four-hour "informational picket," with staff from Great Meadow, Washington, Mount McGregor and Moriah correctional facilities to take part locally.

The officers, who are represented by the New York State Corrections Officers and Police Benevolent Association, have been without a contract since last April. The union and the state are still quite far apart on salary increases and benefits such as prescription and health insurance plans, length of the contract and payments to the state retirement system.

"We're just looking for something that is equitable," said Chris Hansen, the union shop steward at medium-security Washington Correctional Facility in Comstock. "We want to be seen as law enforcement officers. These days of ludicrous contracts are over."

The negotiations are the first for NYSCOPBA, which replaced Council 82 of AFSCME last year.

Union officials were particularly irked that the state initially offered 2- and 3-percent salary hikes, less than the 3.5 percent the Civil Service Employees Association was offered. Most CSEA members don't put their lives on the line every day, Hansen said.

"That was like a slap in the face," he said. "We're dealing with the dregs of society every day, TB (tuberculosis), hepatitis, AIDS. We're literally in there tooth and nail every day."

The union is seeking 7 percent raises each year for three years, officials said.

Dennis Fitzpatrick, spokesman for NYSCOPBA, said the union simply wants its officers to be recognized as law enforcement officers.

"We're not looking for the moon. We're looking for a law enforcement contract," Fitzpatrick said.

Fitzpatrick said the union was heartened last week when the state made incremental performance payments to members that had been called for in the prior contract. But since no contract is in effect, the state didn't have to make the payments, he said.

The NYSCOPBA negotiations will also have a bearing on negotiations with other unions that represent prison employees. Officers who have achieved the rank of lieutenant are still represented by Council 82, while nonsecurity employees are represented by PEF.

Fitzpatrick said the union is prepared to stage more rallies if an agreement isn't reached soon.

"We hope this is the last of things to come," he said.

[Back to the Titles](#)

PEF radio blitz takes aim at governor over contract

Albany -- Two weeks after the Pataki administration tried to get the Public Employees Federation to agree to a public blackout on contract talks, the union is launching a \$250,000 radio ad campaign aimed squarely at the governor.

Set to begin Thursday and run through April 16 on stations across the state, the campaign uses quotes from Gov. George Pataki last June in which he praised state workers and said, "I'm proud of them and we will have a good contract with them."

Saturday marked a year PEF employees have gone without a contract.

The ad lays the delay in Pataki's lap, with a narrator stating: "If the governor can't keep his word to the people who have dedicated their lives to serving the people of New York, how can he be trusted to keep his word to anyone?"

Mary Hines, a spokeswoman for the Governor's Office of Employee Relations, branded the ads a campaign tactic by PEF officers, who are up for reelection. "If they put the energy into negotiating that they put in whining lately, then we'd have a contract," she said.

Hines noted that several other unions, including the Civil Service Employees Association, the state's largest employee union, already have worked out agreements.

PEF spokeswoman Denyce Duncan Lacy responded that the ad has nothing to do with the election, noting that PEF President Roger Benson isn't even expecting a challenge this year. She said the union has consistently been outspoken during the contract talks.

"This didn't just start this month and it isn't related to PEF's internal elections," she said. "Apparently they're doing everything in their power to make this an internal election issue. We're not."

Both sides are slated to meet Wednesday and Thursday
