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1 inmate charged in sex assault; 2 officers hurt in separate scuffle

April 8, 2000

By HEIDI SINGER

ADVANCE STAFF WRITER

A Staten Islander imprisoned for manslaughter in the Arthur Kill Correctional Facility, Charleston, was arrested yesterday on charges of sexually assaulting another inmate.

Meanwhile, two Arthur Kill Correctional Officers were injured yesterday afternoon during a scuffle with another prisoner who refused to return to his cell.

Their injuries are not believed to be serious. The incidents come at a time when correctional officers at the 1,000-bed medium-security prison have marched and demonstrated against staff cutbacks that make the facility a more dangerous place to work and live in, they say.

Ronald Thomas, 43, formerly of Roxbury Street in the Mariners Harbor Houses, who is serving an eight-to-25 year sentence for manslaughter and robbery, was arrested by detectives in the 123rd Precinct for allegedly sodomizing and sexually abusing another inmate on March 15.

The alleged incident was in the prison's gymnasium, one of several spots in which guard positions have been reduced since March 1.

At approximately 3:30 p.m. yesterday, two correctional officers were injured while attempting to get an inmate back in his cell after that inmate had returned from an outside hospital trip. "He refused a direct order to return to his cell, there was a scuffle and two officers were injured," a source said. "We are aware that an inmate was arrested today and two officers were injured [in a second incident]," said John Schiavone, a spokesman for the New York State Correctional Officers & Police Benevolent Association, the union which represents Arthur Kill's correction officers. "This is what we've been bringing to the public's attention over the last month, that when management shuts down a post and eliminates staff, officers, the public and inmates are having their safety placed in danger."

Mike Houston, a spokesman for the New York State Department of Correctional Services (DOCS), could not be reached for comment yesterday.

The Richmond County District Attorney's office is investigating the sex assault arrest, said spokeswoman Marlene Markoe-Boyd.

"We've deferred prosecution until further evidence is brought forth to our office by the police detectives looking into this matter," she said.

Thomas pleaded guilty in 1989 to killing his neighbor, David Lee Jackson, while intervening in a fight between Jackson and his wife the previous year. Jackson died after being shot twice in the head.

The alleged sexual assault occurred just two weeks after prison officials eliminated eight to 12 guard positions per day, in a cost-cutting effort.

James Flateau, a spokesman for the state Department of Correctional Services (DOCS), has said that the eliminated positions are in less important areas, such as the clothing attendant, and that current staffing levels are adequate to ensure prison safety.

Union officials disagree, saying that those officers are important because they form the prison's emergency response team, which responds to incidents such as the alleged sexual assault. As well, the roughly 300 Arthur Kill guards have had to deal with an increasing number of violent, mentally ill and physically sick prisoners in the last few years, Schiavone said.

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After Attica inmate deal, guards and widows agitated

ATTICA, N.Y. (AP) -- Her husband among the guards killed at Attica, Helen Cunningham always believed the state added to her torment by breaking a promise.

As her son Mark recalls, prison chief Russell Oswald visited them shortly after the 1971 prison riot, put his arm around the grieving mother of eight and told her:

"Don't worry Helen, we'll take care of everything."

Many survivors of Attica feel New York state did no such thing, feeding resentments that have lingered quietly for years. But now old scars have been reopened with a \$12 million settlement between Attica inmates and the state. Victims on the other side are upset. And almost 29 years after the tragedy, they are resuscitating their own battle for recognition.

"We got knocked down and they didn't give a damn about us," says Gary Walker, a retired guard who was kicked, punched and urinated on as a hostage. "The inmates got (a settlement). These guys started the trouble!"

Inmates took over portions of the maximum-security Attica state prison in western New York on Sept. 9, 1971. A standoff with state officials ended four days later when state police launched an all-out assault on orders from Gov. Nelson Rockefeller.

The result was later described by an investigatory commission as the "bloodiest encounter between Americans since the Civil War." Officers fired more than 2,000 rounds of ammunition over six minutes. Of the 32 inmates and 11 prison employees killed at Attica, most died during the shooting.

"I'm 5-foot-8," says G.B. Smith a hostage guard who survived the siege. "If I were 6-2, we wouldn't be having this conversation right now. I can hear the bullets flying over my head."

Five years later, Gov. Hugh Carey closed the book on Attica criminal cases by pardoning inmates and halting prosecutions of police actions. But a thick tangle of civil lawsuits against the state continued.

Inmates who sued claimed they were brutalized by officers retaking the prison. Their 25-year legal odyssey finally appears near completion with a federal judge's approval in February of the \$12 million settlement from the state -- with \$4 million of that going to pay legal fees.

The state admits no wrongdoing under that settlement, which is expected to cover hundreds of inmates.

By comparison, 20 negligence lawsuits filed by guards and families were tossed out by New York's highest court in 1983. The Court of Appeals ruled that the Attica widows and guards forfeited their right to file wrongful death actions against the state when they cashed their benefit checks.

This is a sore point with many survivors, who say they drew the benefits unwittingly.

Smith's recollection is typical. He says Oswald gathered guards at a local church a few days after the siege and told them not to worry about a thing and that they could take six months off with pay.

So, Smith says, he took 10 weeks off, not realizing about a fourth of his weekly paycheck during that period consisted of Workers' Compensation.

Widows like Helen Cunningham, whose husband was a hostage shot in the head during the siege, likewise claimed they unintentionally settled for far less than they could have received.

Ann Valone, whose husband Carl also was a slain hostage, says she merely signed the papers state officials had asked her to: "They came by the houses and were real solicitous and said `Sign this. Sign this.'"

One hostage widow was awarded \$1.1 million. She refused to cash any benefit checks.

With the 1983 ruling, the court fights ended. Life went on. But Attica was a ghost that has never stopped haunting survivors.

For Walker, it meant returning to work at the prison six months later.

"I was nervous when I went back," he says, recalling a stint guarding a dining area. "The clanging of the pans and pots and silverware dropping. I stood there and I just shook."

State Police Lt. Joseph Christian, shot in the leg while saving a hostage, had to retire early.

Helen Cunningham became a tireless activist for the Attica families until her death last July at age 74. She lived to see four of her sons become prison guards.

One of them, Mark Cunningham, is now a sergeant at Attica, just like the father he lost at age 14. He can see the prison walls from his front window.

Nancy Quinn faced being a widow at age 27 after inmates busted down a gate at a central junction dubbed "Times Square" and beat her husband William to death. Nancy had to tell 5-year-old Deanne and 3-year-old Christine that their father would never be coming home again. She didn't know it when her husband died, but she was already pregnant with their third daughter, Amy.

Nancy raised her girls and remarried. But of Attica, she says: "It's part of my life. I think about it every day."

The Quinn daughters still tear up talking about the loss, but at the same time want to know more about it. Deanne will toss away pennies stamped "1971," yet her search for answers led her behind the walls of Attica last month on a special tour by surviving family members.

Deanne knew it would be tough, but she made a point of going to Times Square and touching the gate that failed to protect her father.

Deanne is among the survivors agitated into action by the inmate settlement. The deal got people talking, and then a few dozen of the survivors who still live near Attica started meeting regularly.

Some of the families don't begrudge the inmates their money. Others see it as an injustice. Amy Quinn recalls her reaction on reading one inmate's claim of being morally violated.

"I wanted to throw up," Amy says. "How about losing your father? How about not knowing the man everyone says I'm so much like?"

The group has received help from local state Assemblyman Daniel Burling, who is circulating a bill offering the 11 families of the killed guards an additional \$90,000 in death benefits -- an amount equal to ten times the average guard's salary in 1971.

And this past week, Republicans in charge of the state Senate proposed giving each of the 11 families \$50,000 as part of the state budget now being negotiated. Sen. Dale Volker said he'd like to do more, but that this more modest proposal stands a good chance of being approved by the full Legislature.

The Senate proposal has rankled some survivors, who believe New York state should be doing more.

A letter being drafted by a group of families to Gov. George Pataki and state lawmakers places an

apology from the state at the top of its list of requests. They want all state records on Attica opened, support for annual memorial services outside the prison, and compensation for the widows and surviving hostages.

No word yet from Pataki, who has yet to be sent the letter.

The activists admit there are problems with the request. The men who could make a meaningful apology -- Oswald and Rockefeller -- are dead. Dwelling on the details of Attica can dredge up painful memories. And money cannot bring back the dead.

Still, there's a feeling it would be meaningful for New York state to at least have the state recognize the scars Attica left behind -- even 29 years later.

"I tell you," Cunningham says, "if we do get anything, I'm going to put a plaque on the back of my mother's grave saying `We finally got it Ma.'"

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Attica Hostage Survivors

The following is an excerpt from John Carberry's column in the Batavia Daily News. Take a few moments and let the politicians know how NY's correction officers and their families feel about this latest injustice. While you're at it, a few words of support to John Carberry for helping to spread the word would be nice.

I've never done this before, but now I have to. I'm begging for your help. Thanks to the arrogance of Albany politics, the state is about to wrong a group of very decent people who have been very wronged already. Here's the story...

Seven weeks ago I had the honor of meeting an incredible group of people. For more than two hours in the Signature Cafe in Attica, I sat and listened to the people for whom the Attica Prison riot isn't a political event, it is a personal tragedy.. Widows and children of guards and civilian employees killed in the riot. Hostages who somehow survived the violent state-run retaking.

They talked about those five days in 1971 and they talked about how the state lied to them and has mistreated them ever since. Widows with children to feed coerced into signing paltry death benefit checks. Survivors told to take a little time off with pay. All tricked into signing checks that threw away their right to ever take the state to court and seek justice. Behind repeated promises that "we'll take care of you," they were tricked by Albany into keeping quiet. Meanwhile, the state botched investigations and commuted sentences so that no one was held responsible for what happened. Carefully, for 28 years, everything was swept under the rug.

That ended this year, after the state decided to get rid of a lawsuit filed on behalf of the inmates injured or killed during the riot. Albany offered them \$8 million, and another \$4 million for their lawyers. A federal judge said OK. The details are being worked out right now.

Seeing this, the widows and families and former hostages decided maybe they could get some long overdue justice. So they decided to talk to the public--and in many cases, to each other--for the first time in decades...

..they've worked patiently to develop a small list of issues all the members of the group think the state needs to address--compensation, opening records, support for a remembrance ceremony and an apology...

When Assemblyman Dan Burling introduced his bill to give the 11 widows or families of slain hostages up to \$90,000 each, the surviving hostages--who would get nothing under Burling's bill--said they will support the legislation if that's what the widows and families wanted...all the widows and families that have answered have said they don't want the \$90,000 if it makes it harder for the survivors to get compensation and for everyone to get answers...Dan Burling told me recently that whatever the group wanted, he would do...even if it meant a tougher fight.

Meanwhile, State Sen. Dale Volker went into a budget meeting...and cut himself a smart political deal. Volker, the Republican chair of this committee, decided \$50,000 per widow was enough. He tucked \$550,000 into the GOP's wish list, and ran to the press after it was done. "If I could have done a million, I certainly would have, but you have to be realistic," Volker said.

Volker passed on an invitation to that meeting seven weeks ago...he derided Burling's bill in the press and refused to help Burling by swiftly submitting a version in the Senate...Worse, he made all these decisions about what was possible for the folks from Attica without ever talking to them, not once...Volker disregarded their courage and their wishes, rounded up an easy 30 pieces of silver, and made himself their saviour...

If you think the widows and families and survivors of the Attica riot deserve better than Volker's quick dismissal, if you think Burling should still help the widows and families and former hostages get what they need, then let Dale and Dan know.

Sen. Dale Volker,
620 Main St.,
East Aurora 14052;655-0993.
E-mail: volker@senate.state.ny.us

Assemblyman Daniel Burling,
2371 N. Main St.
Warsaw, 14569; 786-0180.
E-mail:burling@assembly.state.ny.us

And, if you can, take a minute to let the folks in Attica know how the real folks in New York feel about their 28-year torment. Drop me a line

e-mail:johncarberrry@hotmail.com

or by mail 4152 W. Main St.

Box 153,
Batavia,NY 14020)

and I'll pass it along. Please, I'm begging, don't let this happen. Don't let these brave, decent people be swept under the rug once more.

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Dear George Letter

Honorable George Pataki
The Executive Chamber
New York State Capitol
Albany, New York 12224

April 6, 2000

Dear Governor Pataki,

I am an 18 1/2 year veteran working as a New York State Correctional Officer at Clinton Correctional Facility. From the first day at the training academy, one of the staples we were taught was to be "fair, firm & consistent" in our approach and demeanor to any given circumstance, because a simple situation can become volatile in an instant, a feeling a correctional officer knows all to well.

Governor, in the March 2000 edition of DOCS Today, you mention that violent crime has dropped nearly 34% since 1995. You also praise police officers around the state for this historic drop in crime. Because of stricter laws dangerous, violent criminals are being locked away for longer periods of time. New York State's economic boom also plays a huge part in crime reduction. When the economy is good the crime rate is low. Once again you fail to mention that it is NYS Correctional Officers who is hidden from the public behind thirty-foot walls and fences 7 days a week, 24 hours a day, 365 days a year; maintaining security over those who have threatened society. The Correctional Officer is continually treated as second-class law enforcement officers. There are three legs to law enforcement: the police officer that makes the arrest, the attorney general who prosecutes the case and finally the correctional officer who keeps the convicted behind bars.

As professional law enforcement officers we're highly trained in the care, custody and control of New York's minimum, medium and maximum-security inmates. The new wave of the business community is to downsize to save the almighty dollar. This may be acceptable in an agency where one's life isn't dependent upon the response of others. In many correctional facilities the dismantling of key strategic response team items may cost a fellow officer his/her life. Post closures constitute an unsafe working condition. These officers are our 911!! Management Confidential refers to this style as "Risk Management." It is the correctional officer whom is being placed at a deplorable risk, not management.

Morale continues to be at an all time low due to working in such a negative, stressful and violent environment. Many officers have to work an extra outside job for the additional income or for the feeling of accomplishment. Officers have been locked out, suspended or terminated without pay or medical benefits for up to two years for doing their jobs. Imagine being so badly injured by a convicted felon that you can't return to work until after one year, at which time you've been terminated for doing your job! If you're able to return to work after your termination your seniority date will now be modified to reflect the time missed due to being legitimately injured on the job. You, Governor, may be able to survive without pay with your six-figure income but imagine trying to maintain a household and family obligations on the income and savings resulting from \$40,000 per year.

We must work most holidays, and weekends; our daughters dance recital or our nephews wedding. I must submit a request for time off slip in advance, if its not approved or the time off book is full I must try to find a mutual swap for any of the above-mentioned time off requests unless I'm lucky enough that

they might fall on my regular day off. Unlike the secretary who takes a day off and is not replaced for that day, the correctional officer does not have that luxury. We've had officers ordered to clean human excrement an order management certainly wouldn't follow themselves. Officers fear being contaminated by the various diseases (AIDS, TB, Hepatitis), which is commonplace in a correctional setting. Correctional Officers are hired for security purposes not janitorial services. Correctional Officers suffer from depression, alcohol, drug and heart related problems due to the immense stress of the job. Active Officers' in-service death rates are unbelievable at age 46 with fifteen years of service, on the average. This profession takes its toll mentally, physically and physiologically.

In 1979 New York State's Legislature, NY State Police and Correctional Officers were on the average within one thousand dollars of each other in annual salary (\$18,042, \$18,349 and \$17,462 respectively). Whereas in 1999, on the average the Legislature (tier 1&2, 80a plan) earns \$67,000, State Police earn \$64,000 and the Correctional Officer earns \$41,000. Within our last two contracts we accepted three zero percent raises diminishing our buying power by nearly 11% or \$4,500. Compare our 271/4% increase to that of the recent 38% increase for the legislature for the identical ten-year timeline. The cost of living during this same ten-year period was 34%. Not much different than in 1979 when NYS legislature voted their selves a hefty 40% increase. Many of New York's administrative positions received raises between 27-42% or \$22,000 and up, a raise that would be nearly enough to hire a correctional officer trainee. New York's economy is not in a recession this time around. We did the right thing when the economy was in ruins. Now that the State is in the black with a billion dollars surplus, it's your turn to do the right thing for us.

Everyone is interested in a permanent COLA. Thirty-eight states currently offer some type of permanent COLA for their retirees. New York State has the second largest pension system in the nation. With the Retirement System having \$120 billion dollars it can easily absorb a permanent COLA at no cost to the taxpayer. Soon the New York State Correctional Officers & Police Benevolent Association will be submitting legislation to enhance their memberships benefits including: retirement, anti-privatization, safer working conditions, etc... NYSCOPBA has also implemented a legislative tracking grid to review how our elected officials vote on our legislative issues. I am also very interested in the legislation that was offered to CSEA and OM/C. Which in turn should also be offered to our membership. I am not willing to accept 3% raises this time around. I am optimistic that you will eventually offer NYSCOPBA's membership a true "Law Enforcement" contract as well as legislative enhancements. I am a registered voter who participates in the election process.

Sincerely,
Darren Butchino

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Dear George Letter #2

Governor Pataki:

As a New York State Correctional Officer working for 17 years at Attica Correctional Facility, I proudly patrol the toughest beat in New York State. I am writing to ask you to provide us with a contract that is fair and addresses issues that are unique to our profession.

Simply put, CSEA's pending contract does not address our issues. Our lives are on the line every day we go to work, as we protect the public from violent convicted felons. Approximately 1,000 officers are assaulted every year. Sometimes officers are killed or permanently injured in the line of duty. We need a safe working environment. Our officers deserve a contract that makes improvements to the correctional system and prison environment in our State.

The daily pressures and dangers an officer faces are difficult to understand, but need to be recognized by our employer. While the Department of Corrections in New York is the 3rd largest in the nation, officers that work in our prison system are paid less - sometimes significantly less - than officers in 13 other states. That is unfair. Like everyone else, we deserve to be paid fairly for the job that we do.

We are long overdue for a fair contract from the State. The end result of better pay and better working conditions is greater public safety, a more efficient prison system and less on-the-job injuries. I urge you to personally join us on a tour of the prisons in our state if you have any doubts or hesitations about providing us with a contract that addresses our needs. Governor, Correctional Officers respect you; please respect us with a contract that we can all be proud of.

Professionally
Richard Harcrow

CC: Senator Volker
Assemblywoman Wirth

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Corrections Officers Contract

Governor Pataki:

The corrections officers of New York are deserving of a fair and equitable contract. We do a very tough and most times dangerous job that many people tell me they wouldn't even think of doing.

We are professionals who should be treated in a professional manner. The inadequate contracts of the past can no longer be tolerated by the men and women who put themselves in harms way each and every day. The cost of living is racing away from us each year.

I am a registered Republican who supported you at the polls in the past. I can no longer lend that support to you as I feel that you are not supportive of me or my brothers and sisters who work the toughest beat in the state.

You could show your support of New York State Corrections Officers by presenting a contract to the members of NYSCOPBA that is worthy of the professionalism that we members exhibit daily. Your support of us or lack of same will be reflected by 20,000 officers and their family members and friends come your next election, be it on a state or national level. We will not have short memories either way.

Steven McKeel
Chief Steward
Lakeview CF

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Letter to George #3

Dear Gov. PATAKI, My name is Christopher Mariano and I am a NYS corrections officer, Although I think you have done a great job with the state, until now of course, I have to personally ask you to help us, I really dont think its to much to ask for, piece of mind thats all, what we truly deserve, We as correction officers see things that most people dont see in there worst nightmares, we see things that change us, make us hard inside and the feeling that we aren't appreciated by the state we work so hard to protect is devastating, it truly is. Now I'm not a union steward or anything like that, im not a jump up and down person but I did attend the informational picket outside our jail, Gowanda CF, we had over 700 participants, officers, Sgt., secretaries, civilian workers, farmers from the community, local politicians, wives and children, it was awesome to see so many people standing together I only wish you were standing with us not above us. Your withholding our clothing allowance hurt deeply at Christmas time but we persevered and we will persevere for we are strong now, stronger then the dept. has ever been. Sir all I am asking is that you truly look into our eyes and see the nightmares we endure everyday for you and the people of NYS and give us what we deserve.

Respectfully
Christopher Mariano
NYS corrections officer at Gowanda CF

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Widows of Attica Guards to Get \$50,000

April 11, 2000

A New York State legislative budget conference committee approved Monday a \$50,000 award to each of the families of 11 guards killed in the Attica uprising in 1971.

"Fifty thousand dollars would amount to a typical death benefit in 1971," said New York State Sen. Dale Volker, a Republican, who heads the Senate Codes Committee. "At that time state correctional officers made about \$9,000 a year."

The money may not be enough for some of the wives of the guards who were killed, however. A group will meet this weekend to discuss the payment. They have said they want an apology from the state and the records unsealed from the Attica uprising and the retaking of the prison by state troopers.

Most of the corrections officers died during shooting by state police officers during the retaking of the prison ordered by then-Gov. Nelson Rockefeller. Thirty-two inmates died in the uprising.

"Fifty thousand is pretty paltry. The bottom line is that corrections officers are paid to go into harm's way and on many occasions are in more dangerous situations than what police officers go through," Thomas Burton, a Buffalo, N.Y., civil attorney told United Press International. "When a public servant dies in the line of duty the state of New York should have done better by the families; \$50,000 doesn't come close to what they lost."

The total proposed settlement of \$550,000 will be included as part of the state's overall 2000-2001 budget expected to be approved by the New York State Legislature in the next few weeks.

The assistance to the guards' families comes after a federal judge approved a \$12 million settlement in February by inmates who claimed they were brutalized and tortured by corrections officers during the retaking of Attica.

"Until the inmate situation was straightened out, there were many people who felt that we shouldn't do this," Volker said. "I disagreed, we could have done this years ago."

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Inmates boost local coffers

Thursday, April 13, 2000

State prison inmates counted in the 2000 census will generate millions of dollars in state and federal aid for Central New York communities in the next decade - though 70 percent of those inmates are from New York City.

Prison reform activists say the additional aid for upstate communities is another way harsh drug laws and longer prison sentences are benefiting politicians here - and hurting low-income neighborhoods downstate where most inmates come from. Loose translation: Each downstate inmate can put \$800 annually into an upstate community's pocket.

"The census is clearly the biggest and most unencumbered windfall for these upstate communities," said Tracy Huling, an independent criminal justice analyst in Albany. "There is a clear benefit because the counties and the towns can use it (aid) however they choose, they don't have to use it on the prisoners, certainly.

"They can raise people's salaries, they can pave a road, they can build a community center, they can do whatever they want, because it's free and clear money. The problem with that, of course, is it's somebody else's money - namely the people in communities where the inmates came from," she said Wednesday.

There are about 72,000 inmates in the state's 71 prisons; nearly 10,000 of those are in Central New York's seven prisons.

Census officials say the aid generated by the inmates rightly goes to the communities which house the prisons.

"They (the prison populations) are definitely helping our communities," said Cheryl Myers, a census manager in Elmira, Chemung County. "The reason being, the people who come visit those people use our roads, they use our services in the community while they are here visiting the prisoners and we have people who use the roads to get back and forth to work at the prison."

But prison reform activists disagree, and tie plans for new prisons together with politicians' reluctance to repeal what some consider harsh drug laws.

"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 recently issued the report, "Following the Dollars: Where New York State Spends its Prison Moneys."

"At the same time, that contributes to the decline of low-income communities of color where most of the prisoners come from," Gangi said.

The "Following the Dollars" report focused only briefly on census issues, but it claimed influential state legislators oppose the repeal of harsh drug-crime laws because longer sentences produce more prisons in upstate New York.

The report says 37 percent of the state's 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, R-Fayette, Seneca County (six).

Nearly all of the prisons built in the past 17 years have been in upstate GOP districts.

Nozzolio has called the study "totally irresponsible" and a "race-baiting" tool.

He was involved in budget talks and could not be reached for comment Wednesday.

The United States takes the census every 10 years and uses the demographic information for many purposes.

For example, it is used to determine each state's number of congressional districts, how much of about \$185 billion in federal aid will be available to local communities and whether new schools, nursing homes and hospitals need to be built.

A household generates about \$2,200 in aid, about \$800 per person, census officials and demographers loosely estimate. Using that formula, inmates in Cayuga County, alone, would generate more than \$2 million in aid a year.

Experts warn, however, that formula does not work with inmates exactly the same way it does with the general population because inmates are counted differently.

"It probably doesn't compute that way," said Warren Brown, a demographer at Cornell University, which represents the state to the census bureau. "Different kinds of characteristics entitle you to different kinds of monies."

"Some is for rural population, some is for aged population, some is for low-income population; so to say 'What is the average person worth?' it doesn't work because different programs apply to different people."

"The bottom line is there isn't a nice, neat single number," said Robert Scardamalia, chief demographer for the state's Department of Economic Development.

Prison reform activists want the repeal of the 1973 Rockefeller-era drug laws, which require judges to impose long prison terms for drug crimes.

Gangi has said the trend has meant that mostly white rural communities have benefited economically at the expense of mostly poor minority neighborhoods as prisons have shot up across the country.

In 1998, there were 1,378 state-run prisons in the nation, up from 426 in 1985, according to the American Correctional Association. Prison populations have increased from 195,000 in 1970 to 1.2 million in 1998.

Gangi's report also says that African Americans and Hispanics make up only 25 percent of the state's population, but 83 percent of prisoners and 94 percent of those incarcerated for drugs are black or Hispanic.

The report says 20 years ago, roughly the same number of white people, black people and Hispanics went to prison for drugs in New York.

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

Prisons and other specialty groups like colleges, nursing homes and hospitals are similar because they have changing, but steady populations which are incorporated into the population of the county in which they reside, say census officials.

"It's a modified, simplified census because these are people living in a restricted setting," said Kimberly Strong Flint, census manager in Utica.

"Because there are so many different categories of people and residences in our country, the questionnaires that we use are tailored for the groups that we're counting. Obviously, a group of prisoners wouldn't be asked "How much did you pay for electricity last year," she said.

The "long" form given inmates is considerably shorter than the one distributed to the general population and asks basic questions like age, gender, education history and other questions like "Were you here last year?" and "Do you have family members residing elsewhere?"

Inmates in the state's medium- and maximum-security prisons will be asked to complete the census forms. The forms are distributed to inmates the same way they are to the general population - five "short" forms are handed out for every "long" form.

For security and accessibility reasons, prisons are "self-enumerated," meaning officials become part-time census workers, Flint said.

"We use the same methodology to count colleges, hospitals and nursing homes, anything we consider group quarters where people are residing in groups," Flint said.

The census forms do not conflict with the corrections department's policy of monitoring inmates' communications, said Linda Foglia, a spokeswoman for the department.

Letters, phone calls and visits with inmates are monitored by guards to prevent the passing of contraband, which isn't a concern related to the census information, Foglia said.

It is important in a community such as Auburn for population figures to reflect prisons and other groups, even though they may not be part of the general population, Flint said.

"Even though they're not driving around, using our roads or have children locally in schools, they are receiving services that are funded by federal and state dollars," she said.

"There are education programs that are offered, and there are various health and recreation programs that they receive while they are in prison. The prisons themselves need the dollars and the way they get that is by showing what their capacity is," she said.

Huling disagrees, and is advocating to have laws changed to have the inmates be counted in the county of their origin.

"Those communities that lose these people may, in fact, suffer big losses when all is said and done with, and the census is over," Huling said. "These people haven't done anything. They haven't broken any law, why should they be punished?"

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State guidelines on shift-swapping promised after audit uncovers scam

ALBANY, N.Y. (AP) -- State prison workers face new rules on shift swapping after auditors found 10 Adirondack Correctional Facility officers worked abbreviated schedules and paid colleagues under-the-table for exchanging shifts.

Comptroller H. Carl McCall's office on Wednesday released an audit on what it called the "no-show" scheme and called on the state Department of Correctional Services to crack down on shift-swapping policies. Corrections Commissioner Glenn Goord quickly responded that he was "reluctantly ordering the development" of a statewide policy.

Whether the officers allegedly involved in the scheme will face criminal penalties has been left up to the state Inspector General's office.

Each prison now maintains its own shift-swapping policies, agreed upon with local union officials. Under the rules at the Adirondack prison, in Raybrook, correction officers could trade shifts with other workers as long as they worked shifts in return on another date.

But McCall's office said a review of payroll records for certain officers from 1995 to 1999 showed that the officers maintained their benefits while giving away many of their shifts and did not work others' scheduled hours in exchange. Additionally, McCall's office said that officers giving away their shifts likely paid others to take on the extra work -- about \$100 per 8-hour shift.

One officer is accused of working only 6 percent of scheduled time while eight officers swapped out more than 200 shifts. One officer allegedly owed more than 800 shifts.

"These corrections officers would have to work up to four years of extra shifts, along with their regular work days just to pay back the time they owe," McCall said in a statement. "At best this is a gross abuse of the system and more likely it is a violation of state law."

McCall's office would not release the identities or ranks of the officers involved.

While no officer admitted paying or taking payments for the swaps, McCall's report stated -- and state prison officials conceded -- that it was unlikely officers were working for others "for free as a gracious gesture."

McCall's audit pointed out that officers that worked the shifts avoided paying taxes on the additional income.

McCall was critical of the Department of Correctional Services and the Adirondack Correctional Facility leadership for not keeping a closer eye on the shift exchanges. The comptroller, a Democrat, also lambasted the Corrections Department's Inspector General's office in the Republican Pataki administration for looking into similar complaints in 1997 and failing "to uncover these blatant abuses of the system."

The Adirondack prison, which houses up to 713 inmates and employs 192 officers, changed its swapping policy in October 1999 so that officers with large numbers of unworked swapped shifts were not allowed to participate in swapping, prison officials said.

Goord said he would change the statewide policy "reluctantly because I know the vast majority of our employees realize that no one should be allowed an open-ended opportunity to swap shifts." The department said those changes would include limited time periods for the repayments of swaps and ban "two for one" shift swaps.

The supervisor of the Adirondack prison, Gale McGuane, who has been in charge of the facility since April 1999, would not comment on the charges.

McCall recommended disciplinary action and forwarded the audit to the state Inspector General's office to possibly pursue charges against the officers. The Inspector General's office said they are investigating.

The Correctional Services department said it would not allow the officers to swap away more shifts until they pay back the old ones, but did not promise any further penalties.

Two officers resigned after the audit began, though it could not be determined whether those who resigned knew about the audit or resigned because of it, McCall's office said. As for penalties against those two officers who resigned, spokesman James Flateau said, "That's something we'll explore."

McCall staff said the investigation began after they received a complaint about the swapping practices.

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Commissioner orders creation of statewide rules for employee shift swaps

Department of Correctional Services

Glenn S. Goord, Commissioner

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

FOR IMMEDIATE RELEASE: WEDNESDAY, APRIL 12, 2000

Commissioner orders creation of statewide rules for employee shift swaps

Commissioner Glenn S. Goord announced today that he was reluctantly ordering the development of a structured statewide policy on shift swapping amongst most security personnel in light of a Comptroller's audit critical of the old swapping policy at the Adirondack Correctional Facility.

"I do so reluctantly because I know the vast majority of our employees realize that no one should be allowed an open-ended opportunity to swap shifts. They know swaps should be repaid within a reasonable amount of time to ensure each employee is properly compensated in salary, earned time off plus retirement and other benefits. The vast majority of our employees agree with and follow these rules. But there is a small percentage which does not. These abusers have tainted a local-option system that worked well for their peers. As the Comptroller's report concludes: the time for a statewide policy has come," Commissioner Goord said.

A state arbitrator has ruled that security staff swapping is a term and condition of employment. Thus, the final guidelines for swapping procedures must be discussed and finalized among the Department, the New York State Correctional Officers and Police Benevolent Association which represents Officers and Sergeants and Council 82, representing Lieutenants, Captains and above are Management Confidential employees and do not participate in shift swapping. The Department will initiate discussions with the unions within the next few weeks.

Commissioner Goord said he has ordered his staff to ensure statewide compliance with federal and state rules for swapping. Those policies are to include a maximum time period for the repayment of swaps at each facility, a limit on the number of unrepaid swaps outstanding per Officer and strict oversight of the program to ensure compliance. The policy will ban cash for swapping as well as barring "two for one" shift swaps.

The Comptroller found deficiencies in the pre-1999 swapping policy at Adirondack. Auditors said they had found 10 cases among the facility's 192 Correction Officers where large numbers of swapped shifts were not paid back from 1995-98. In 1998, the Superintendent at Adirondack also began examining swapping policies there, which led to the implementation of new policies at the facility in April 1999. Since then, all swaps must be repaid within one year. The swapping privileges of Officers with large numbers of swaps owed were suspended in October of 1999 until past swaps are repaid.

Swapping, also known as exchange time in federal rules and regulations, allows peace officers to trade shifts among themselves. Today's audit, while critical of Adirondack, also lauded the swapping policies at other facilities such as Fishkill and Mohawk. Traditionally, each correctional facility developed its own swapping policies with local union officials. The practice allows Officers to swap shifts so that each can take time off when they want it without loss of pay or use of accruals, in return for later working another shift for the Officer who filled in for them. For the state, the more than 20-year-old practice means the swapping Officer is on duty at straight pay - rather than paying overtime, leaving a security post uncovered or closing another, less-vital security post to cover for the Officer who wanted the shift off.

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STATE JAIL OFFICERS PICKET OVER CONTRACT STALEMATE

NOTE: The below article (run on page 5) was accompanied by a photo of Brian Shanagher, with the caption "BRIAN SHANAGHER: Sees recruiting problems."

From: The Chief-Leader, dated April 14, 2000

Prison Exodus Foreseen

by William Van Auken

Thousands of jail officers picketed at Department of Correctional Services facilities throughout the state April 6 to protest the lack of progress in contract negotiations.

The New York State Correctional Officers and Police Benevolent Association has begun to turn up the heat after a period of relying on the pro-correction policies of the Pataki administration leading to a contract superior to what has been offered civilian state employee unions.

'WAITED LONG ENOUGH'

"We have negotiated in good faith, in a professional manner, but we don't seem to be able to get across to the state negotiators that we have waited long enough," said NYSCOPBA President Brian Shanagher.

The union, which has been without a contract since April 1999, filed a declaration of impasse with the state Public Employment Relations Board in February.

Over 100 sign-carrying officers and their supporters picketed outside the Queensborough Correctional Facility on Van Dam St. in Queens chanting, "Pataki must go," and "Pataki is a unionbuster."

The officers are very angry about the Governor's bad faith during negotiations," said NYSCOPBA Vice President for the Southern Tier Edwin Mercado.

A spokesman for the union in Albany, however, said that the Pataki administration had extended an "olive branch" to NYSCOPBA by agreeing to pay performance increments that it had originally said would be curtailed because of the old contract's expiration.

Officials of the jail union, which also represents Environmental Conservation Officers and other state peace officers, have rejected the tentative agreement negotiated by the Civil Service Employees' Association as a pattern, insisting that they will hold out for a "law-enforcement contract."

NYSCOPBA says that its members are paid \$10,000 less annually than their counterparts in New Jersey, Massachusetts and California, while the state's jail officers suffer the highest rate of assaults in the country.

Without substantial salary increases, combined with pension improvements and changes in the DOCS disciplinary system, Mr. Shanagher said, the department will face increasing problems recruiting and retaining officers.

To bolster support for its demands, the union released a documentary film last month, entitled "Inside the Walls," providing a glimpse of the job state corrections officers do and some of the dangers they face.

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State, guards to talk again with mediator

A session is slated for later this month to try to reach a labor contract agreement.

By Scott Rapp

The state and the union representing the state's corrections officers and higher-ranking sergeants are planning to meet before a mediator again later this month.

After meeting last Thursday, the two sides are scheduled to return to the bargaining table April 27 before Richard A. Curreri, the mediator appointed by the state Public Employment Relations Board. Curreri has held PERB's director of conciliation position the past 10 years.

Curreri said Tuesday he asked the union and state separately to list and prioritize their main contractual concerns and also to identify the areas where they feel there is the most room for negotiating.

"To that extent, it was productive," Curreri said.

The union, which represents about 1,000 sergeants and corrections officers at Cayuga County's two prisons - Auburn Correctional Facility and Cayuga Correctional Facility - has worked without a contract the past 12 months. The union declared negotiations at an impasse with the state several weeks ago. The two sides can't agree on many contractual issues, including pay and fringe benefits.

Denny Fitzpatrick, a spokesman for the New York State Corrections Officers Police Benevolent Association, said the union remains hopeful of settling the labor dispute.

"We're going to allow the mediation process to work. Hopefully, we'll have a successful agreement," he said from Albany.

John Bielowicz, the union's chief steward at Auburn Correctional Facility, a maximum-security prison, said, "I want a fair law enforcement contract. We deserve one."

Corrections officers start at a base annual salary of \$24,000 and can earn up to \$43,300, plus overtime, after 20 years. Sergeants start at \$42,000 a year.

Union members have received pay increases averaging 1.6 percent annually over the past eight years, Fitzpatrick said. The union got no raises in three of those years.

Mary M. Hines, a spokeswoman for the Governor's Office of Employee Relations, declined comment.

Statewide, the union represents about 20,000 corrections officers and sergeants at 69 prisons, including the two in Cayuga County, Camp Georgetown in Madison County, and Marcy, Midstate, Mohawk and Oneida correctional facilities in Oneida County. There are also about 4,000 members who are state conservation and park police officers, state campus security officers, university police and forest rangers.

Fitzpatrick said the last meeting with the state and Curreri was encouraging to the union. He said the two sides met separately with the mediator, and the Albany meeting lasted about five hours.

"We're a little more hopeful. They didn't throw up the flag and say 'That's it,' and that's a good sign," Fitzpatrick said.

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Inmate with sword provokes melee at Attica prison

ATTICA, N.Y. (AP) -- Inmates and corrections officers scuffled in an Attica Correctional Facility yard after an inmate displayed a homemade sword.

Fourteen guards suffered minor injuries in the skirmish, which began about 8:30 p.m. Monday. One guard was transported to a hospital for a back injury, an official told The Daily News of Batavia.

One warning shot was fired and several weapons were seized.

The incident began when an inmate pulled a 15-inch sword from his waistband. Two guards were attempting to subdue him when several other inmates and guards got involved.

Nine inmates were committed to the facility's special housing unit.

In addition to the sword, eight other home-made knives, called shivs, were found in the yard after the incident. Two other weapons were discovered in the yard Tuesday morning.

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ATTICA GUARDS COMMENDED FOR QUICK ACTION

Department of Corrections said they prevented minor incident from becoming a much larger one.
By Paul Mrozek

ATTICA - The Commissioner of the Department of Correctional Services commended the quick action of officers at Attica Correctional Facility for their handling of a Monday night incident between black and hispanic inmates in the prison's A Yard.

The guard's response to a knife-wielding inmate "more than likely prevented a minor incident from becoming a much larger one." Commissioner Glenn S. Goord said in a press release issued Tuesday. According to the guards' union, The New York State Correctional Officers and Police Benevolent Association, 14 officers suffered minor injuries during the fracas or in its aftermath.

One officer was transported by ambulance to a hospital for treatment of a sprained back, according to James Flateau, spokesman for the corrections department. He said the other injured officers all remained on duty.

According to NYSCOPBA, about a half-dozen inmates also suffered minor injuries.

According to the commissioner's press release, Monday's incident began about 8:20 p.m. in Attica's A Yard. About a half-dozen African American inmates were lifting weights in the yard when they were approached by about six Latino inmates.

The inmates appeared to be talking when an officer in the A Yard tower saw one of the black inmates pull out what appeared to be a homemade knife. The tower officer radioed other guards who immediately

moved toward the weightlifting area, according to the press release.

As most of the inmates fled the area, one of the black convicts threw a weapon onto a catwalk. One inmate who remained in the weight area, Yusef Rahman, 31, allegedly brandished a 15-inch-long metal knife at the officers.

The guards used their batons to attempt to disarm Rahman. The tower officer fired a warning round from his rifle, causing the inmate to drop his weapon and fall to the ground, according to the release.

An officer seized the weapon, which Rahman had tried to regain control of after dropping it. Rahman was forcibly removed from A Yard, the release said.

More than 160 inmates were in A Yard at the time.

"The observation by the tower officer and the quick and coordinated response by the four yard officers to break up the two groups of inmates and disarm Rahman ended the incident in just a few minutes, before other inmates realized what was happening and before anyone else could become involved." Goord said in the release.

In connection with Monday's incident, Rahman and nine other inmates were confined to Attica's special housing unit. The corrections department Inspector General's staff is handling the investigation, the release states.

Rahman is serving a 44-years-to-life sentence for his 1990 Suffolk County conviction for second-degree murder, reckless endangerment and assault. The inmate is not eligible for parole in New York until 2033.

Rahman, while incarcerated in New York, also faced a 1991 trial in Missouri, where he was also convicted of murder and given a life sentence.

NYSCOPBA officials said six officers were assaulted during Monday's incident at Attica and nine weapons weapons, all homemade knives, were recovered. Two more of the knives, called shivs, were found Tuesday morning in A Yard.

The other eight officers were injured while coming to the aide of guards who were being attacked or while assisting in subduing inmates, union officials said.

NYSCOPBA officials also gave a different account of the incident than the corrections department.

According to NYSCOPBA, one A Yard inmate was observed with a weapon. When officers attempted to escort the man out of the yard, the inmate threw the weapon onto a catwalk. Following that, a second inmate being escorted by the officers, apparently Rahman, broke free from the guards and pulled out a 15-inch-long knife and threatened the staff. That's why the warning round was discharged, according to NYSCOPBA.

"He (Rahman) challenged our people. That's when the warning shot was fired," said Richard Harcrow, special assistant to NYSCOPBA president Brian Shanagher.

Most of the guards were injured when they were escorting A Yard inmates back to their cells. Inmates attacked the officers while walking to their cells, or during frisk searches, according to NYSCOPBA. "It could have been real bad. We're just lucky. Well-seasoned officers... they knew how to respond," Harcrow said.

Ironically, Monday's episode occurred during an MSNBC broadcast of an hour-long news program about the 1971 Attica Prison Riot.

On Tuesday, A Block inmates were slowly let out of their cells for meals. They proceeded to their day programs without incident, according to Goord's press release.

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DOC HAD ISSUED 'EARLY WARNING' ABOUT ATTICA

By Paul Mrozek

ATTICA - The New York State Department of Corrections, on April 8, issued an "early warning" about Attica prison, according to a document obtained by The Daily News.

The warning stated that inmates at two other facilities, Sing Sing and Green Haven, were organizing to incite a major incident, in hopes that other prisons would follow suit.

The alleged plan of the inmates was "to kill an officer" in retaliation for the recent rash of black citizens being shot and killed by New York City Police.

The memo states that the incidents failed at the other two facilities, "but if Attica would take the lead the rest of the prisons would follow." Three officers at Attica were allegedly the potential targets, according to the warning.

The early warning specified groups of inmates allegedly planning the attack were congregating in Attica's A Yard. Monday's incident involving two inmates with homemade knives, and multiple assaults on guards, started in A Yard.

Rich Harcrow, special assistant to the president of New York State Correctional Officers and Police Benevolent Association, said the union is "not really sure" if the early warning was connected to Monday's melee, but he believed they were.

"We'll never know," he said.

The investigation into Monday's incident is continuing.

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Inmates quizzed in Attica fight

By Alan Morrell
Democrat and Chronicle

ATTICA, N.Y. (April 19, 2000) -- Officials found more weapons and continued to interview inmates Tuesday at Attica Correctional Facility after a Monday night incident involving prisoners and guards.

The Monday night skirmish started after one inmate pulled out a homemade knife and another displayed

a homemade 15-inch sword. Guards fired a warning shot and 10 inmates were confined to the disciplinary housing unit pending charges.

A report from the state Department of Corrections makes no mention of injuries. However, The Daily News of Batavia reported that 14 guards suffered minor injuries. The fight started in the A Yard about 8:20 p.m. Monday, when a tower guard saw an inmate pull out what appeared to be a homemade knife. The tower officer used his radio to notify guards in the yard, who moved in.

Inmates in the area scattered, and one threw a weapon onto a catwalk. One inmate, however, continued to brandish a homemade sword.

Guards used batons to try to subdue the inmate. An officer in the tower fired a shot, and the inmate dropped his weapon and fell to the ground.

Glenn S. Goord, commissioner of the state Department of Correctional Services, praised the guards' work for preventing further violence.

"The observation by the tower officer and the quick ... response by the four yard officers ... ended the incident in just a few minutes, before other inmates realized what was happening and before anyone else could become involved," Goord said in a prepared statement. There were more than 160 inmates in the yard at the time, he said.

The A Block inmates were lined up and searched while they were being returned to their cells. The searches netted three weapons, according to the Department of Correctional Services.
