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### **State reaches contract agreement with prison guard union**

ALBANY, N.Y. (AP) -- The union representing more than 24,000 state prison guards has reached tentative agreement with the Pataki administration on a four-year contract.

Members of the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA) still need to ratify the contract. Guards have been without a contract since April 1, 1999.

The contract provides a 3 percent salary increase retroactive to October 1999, 3 percent increase effective April 2000 and 3.5 percent raises in both April 2001 and April 2002.

Guards would also receive a \$500 lump sum payment once the contract is ratified. The downstate salary adjustment would go from \$823 to \$1,000 in April 2000, \$1,100 in April 2001 and \$1,200 in April 2002.

NYSCOPBA and the state also agreed to seek legislation that would amend the retirement law to allow for zero contribution by employees in Tier 3 and Tier 4 after 10 years of service. Tier 1 and Tier 2

employees would be given one month of retirement service credit per year up to a maximum of 24 months. Both measures would be effective Oct. 1.

A Pilot Productivity Gain Program would be established to encourage more time on the job. Guards with six or fewer days of sick leave used during fiscal year 2001-02 and 2002-03 will be eligible for bonus payments.

The guards' old contract was negotiated by a different union, Council 82 of AFSCME, which was usurped by NYSCOPBA in 1999 as the guards' bargaining agent.

The union is one of several the state has been trying to reach new contracts with since last spring. The largest state employees' union recently voted overwhelmingly to approve a four-year contract with the state.

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## **Guards, state reach deal**

ALBANY -- The union representing more than 24,000 state prison guards reached tentative agreement Thursday with the Pataki administration on a four-year contract.

The pact contract still needs to be ratified by members of the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA). Guards have been without a contract since April 1, 1999.

Daniel Fitzpatrick, spokesman for NYSCOPBA, acknowledged that the contract showed some initial promise, but added that he was skeptical whether the union rank and file would ratify the pact. "I'm sure some are going to be happy with it, and some are not going to be happy with it," Fitzpatrick said. "But we're a membership-driven organization, and it's up for the membership to have a look at it and decide for themselves."

Fitzpatrick said the contract made "some very good inroads." But he said it did not accomplish everything the union wanted.

"We've done an admirable job, but is it everything we wanted to do? No, it's not," Fitzpatrick said. "By the same token, we've gotten at least an open ear by the governor of the state that we're a law enforcement group and we should be recognized as such."

The contract provides a 3 percent salary increase retroactive to October 1999, 3 percent increase effective April 2000 and 3.5 percent raises in both April 2001 and April 2002.

Guards would also receive a \$500 lump sum payment once the contract is ratified. The downstate salary adjustment would go from \$823 to \$1,000 in April 2000, \$1,100 in April 2001 and \$1,200 in April 2002.

To Samuel Irwin, the chief sector steward for Great Meadow Correctional Facility in Comstock, the raises failed to meet expectations. "My vote will be no," Irwin said. "The legislators get a 38 percent raise and we get 3 percent? We haven't even kept up with the cost of living." In spite of his misgivings, Irwin said the contract will probably pass. "It's already been over a year without any contracts, and the retroactive pay should be a decent chunk of change," he said. "So some people will probably vote 'yes' based on that alone. But I'll wait to go to the bank because I don't think they're being fair."

Workers hauled out picket signs in April, and more than 21,000 officers took part in four-hour protests at the two prisons in Comstock, Mount McGregor prison in Wilton and the correctional facility in Moriah, among others statewide.

NYSCOPBA and the state also agreed to seek legislation that would amend the retirement law to allow for zero contribution by employees in Tier 3 and Tier 4 after 10 years of service. Tier 1 and Tier 2 employees would be given one month of retirement service credit per year up to a maximum of 24 months. Both measures would be effective Oct. 1.

A Pilot Productivity Gain Program would be established to encourage more time on the job. Guards with six or fewer days of sick leave used during fiscal year 2001-02 and 2002-03 will be eligible for bonus payments.

The guards' old contract was negotiated by a different union, Council 82 of AFSCME, which was usurped by NYSCOPBA in 1999 as the guards' bargaining agent. The union is one of several the state has been trying to reach new contracts with since last spring. The largest state employees' union recently voted overwhelmingly to approve a four-year contract with the state.

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## **State, guards' union reach tentative pact**

ALBANY - The union representing 24,000 state prison guards, police officers and security staff announced a tentative contract settlement with the Pataki administration Thursday that would raise base salaries by 13.6 percent over four years.

The settlement with the New York State Correctional Officers & Police Benevolent Association (NYSCOPBA) closely follows the contract already ratified by the Civil Service Employees Association, the largest union for state workers.

The deal calls for members to receive a 3 percent raise retroactive to Oct. 1, 1999; a 3 percent raise retroactive to April 1, 2000; 3.5 percent raises in April 2001 and April 2002; and a one-time signing bonus of \$500 later this year.

The contract must be ratified by a vote of the union membership and approved by the state Legislature before it takes effect.

As with CSEA, NYSCOPBA and Gov. George Pataki also agreed to seek legislation to change the pension system in two ways:

Members in Tiers 3 and 4, hired after 1976, would no longer contribute 3 percent of their salary to the pension fund after 10 years of service.

Members hired before 1976, in Tiers 1 and 2, would receive an extra month's service credit for every year on the job, which will increase their pension benefits upon retirement.

In the area of health insurance, the new contract would expand coverage while increasing copayments and requiring employees to pay part of their premium for drug coverage.

It was the first contract ever negotiated by NYSCOPBA, which ousted Council 82 as the union for these workers in an election last year.

"Our members perform essential, dangerous and stressful services," union President Brian Shanagher said. "This agreement constitutes an important step toward recognizing the unique needs of NYSCOPBA members."

Gov. George Pataki also hailed the agreement, which came more than a year after the previous contract expired, March 31, 1999.

"Our corrections officers have one of the toughest jobs - if not the toughest job - in state government," Pataki said. "They deserve a fair contract, and today we have reached an agreement that recognizes the hard work they do to keep all of us safe."

Earlier this year, the union had declared impasse in its negotiations with the administration, triggering the appointment of a mediator.

"Mediation did help," said Mary Hines, a spokeswoman for the Governor's Office of Employee Relations. "It got the parties back to the table, and they negotiated this agreement themselves"

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## **Prison officers, state agree to contract**

Albany -- Tentative 4-year pact is first for union since it took over representing the guards and police from Council 82

The union representing more than 24,000 prison guards and police officers announced agreement Thursday on a new contract.

The pact, which still needs to be ratified by the New York State Correctional Officers and Police Benevolent Association, offers the same raises and pension improvements as the Pataki administration worked out with the largest state employee union, the 77,000-member Civil Service Employees Association.

The four-year contract provides a 3-percent salary increase retroactive to October, a 3-percent increase effective this past April and 3.5 percent raises over the next two years. Also included are a \$500 signing bonus, differentials up to \$575 a year, a \$1,000 longevity increase for employees with 20 years' service and a two-year pilot program starting in 2001 offering bonuses up to \$1,000 for members who use little or no sick leave.

As with other unions, the administration plans to seek legislation to end pension contributions for employees in the Tier 3 and Tier 4 retirement system after 10 years of service.

The contract was the first for the union, which took over representing prison guards in 1999 after ousting Council 82. Brian Shanagher, president of the union and a sergeant at Taconic Correctional Facility, said the pact "begins to recognize the essential services our members perform for the citizens of this state."

Still unresolved is a contract with the state's number two union, the 54,000-member Public Employees

Federation, which represents professional, scientific and technical workers. After complaints from the administration about PEF's militant and highly public stance, the union in April agreed to a one-month blackout. Although it ended last Friday, the union decided to continue to observe it, said spokeswoman Denyce Duncan-Lacy, because negotiations are continuing and "at a delicate stage."

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## **Prison union, state reach tentative deal**

### **Local union officials say members will turn down proposal.**

As Gov. George Pataki trumpeted a tentative deal Thursday between the state and the union representing correction officers, two local union stewards predicted members would reject the deal.

The four-year proposal calls for annual raises of 3 percent to 3.5 percent, plus some modifications to benefits. Members of the New York State Correctional Officers and Police Benevolent Association are expected to review the proposal and vote on it within a few weeks.

The union represents more than 24,000 correction officers statewide, including more than 800 at the Monterey Shock Incarceration, Elmira and Southport correctional facilities.

Pataki hailed the tentative agreement.

"Our correction officers have one of the toughest jobs, if not the toughest job, in state government," Pataki said in a statement. "They deserve a fair contract and today we have reached an agreement that recognizes the hard work they do to keep all of us safe."

But local union stewards said they don't think the plan will be approved.

"The officers at this facility will vote no," said Garrett Conover, chief steward at the Elmira Correctional Facility. "Every officer that I have talked to has been extremely upset, and feel extremely betrayed by NYSCOPBA."

Conover said his main concern is that the pay increases do not go toward retirement pay.

"Our officers that have retired aren't living the high life," he said. "When the officers retire, there is no cost-of-living increase."

"We're hoping that it will get voted down because it nowhere near reflects the work we have done for the state," he added. "I think the leadership of NYSCOPBA will have to do some answering to the membership."

John Winant, chief steward at Southport, said many of his co-workers feel "sold out" by NYSCOPBA, which replaced Council 82 one year ago as the officers' bargaining unit.

He said correction officers want a contract similar to those of police officers. One clause he wants in the contract would limit the length of time an officer could be suspended without pay and health insurance.

"A CO can be locked out for nine months without pay pending an investigation," Winant said. "With any other law enforcement officer, the limit is 30 days."

"We feel this contract is a shame," Winant added. "In my personal opinion, I don't think it's going to fly. We feel the contract has been brought back prematurely, and I hope membership will take a good close look at the fine print of this proposal."

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## FOR IMMEDIATE RELEASE

The New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA), which represents over 24,000 State law enforcement personnel, including correction officers, police officers and security staff, today announced that it had reached a tentative four year contract with the State, subject to approval by the Union's general membership.

The major terms of the agreement include:

- October 1, 1999: a 3% across-the-board salary increase, plus a \$500 signing bonus, plus a \$125 security and law enforcement differential;
- April 1, 2000: a 3% across-the-board salary increase plus a \$500 security and law enforcement differential;
- April 1, 2001: a 3.5% salary increase, plus a \$550 security and law enforcement differential;
- April 1, 2002: a 3.5% salary increase, plus a \$575 security and law enforcement differential;
- Effective October 1, 2000: members who have or who later achieve 20 years of service will receive an additional \$1,000 on base salary;
- Increases in shift pay, inconvenience pay, location pay and meal allowances;
- A two year pilot program under which members who use little or no sick leave will receive bonuses of up to \$1,000. This program, called the Productivity Gain Program, is similar to that found in many law enforcement contracts;
- Additional protections for members who are facing disciplinary charges;
- Agreement with the Governor to sponsor legislation to eliminate, for members with 10 years of service credit, the 3% retirement contribution currently deducted from the salaries of all Tier 3 and 4 members.

NYSCOPBA President Brian Shanagher, a Correction Sergeant from Taconic Correctional Facility, said "This agreement begins to recognize the essential services our members perform for the citizens of this State. The law enforcement differential, the Productivity Gain Program, the 20 year longevity boost and the other gains are major steps toward the law enforcement contract our members deserve, especially after two contracts which contained three zeros in eight years."

NYSCOPBA was elected last year to replace Council 82, the former bargaining representative. This is the first contract negotiated by NYSCOPBA.

"The duties NYSCOPBA members perform are unique in the State. Our members perform essential, dangerous, and stressful services. This agreement constitutes an important step toward recognizing the unique needs of NYSCOPBA members," Shanagher said.

The tentative agreement will now be sent to the membership for its approval.



Further information can be obtained from Denny Fitzpatrick, NYSCOPBA Director of Public Relations, at (518) 427-1551 extension 246.

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## **Upstate Prisons Blossom Amid a Field of Schemes**

By Robert Gangi. Robert Gangi is executive director of the Correctional Association of New York, a nonprofit advocacy organization

BY ALMOST any criteria, New York's multi-billion-dollar prison expansion program represents a clear-cut example of institutionalized racism. In many ways, the policy delivers benefits to one community-rural, white, Republican -while contributing to the decline of another -urban, poor and minority.

Since 1981, New York State has added more than 46,000 prison beds at a capital cost of more than \$4.5 billion, not including debt service. The increase in the prison population has been driven largely by the surge in the number of low-level drug offenders locked up under the state's harsh mandatory sentencing laws -laws passed in 1973 that are long overdue for change. For example, in 1980, the courts sent 886 drug offenders to state prison, 11 percent of the commitments for that year. By 1998, that number had reached 9,063 (46.6 percent of the total).

Why has New York been willing to allocate billions of dollars on prisons over the last 20 years? A principal reason is the tangible economic benefits these facilities provide. Factory closings during the past several decades dealt a hard blow to upstate areas usually represented by Republican legislators. Prison dollars have had a strong appeal as an antidote to the resulting recession.

Upstate towns and their political leaders have lobbied aggressively to have prisons built in their districts and they have succeeded. Since 1982, New York has opened 38 prisons, not counting annexes, all in rural, mainly white areas, all represented by Republican state senators. At the beginning of this year, 93 percent of all New York State inmates were confined in prisons situated in Republican Senate districts. Facilities in these areas receive more than \$1.1 billion annually to cover their operating expenses. They employ almost 30,000 people.

These correctional facilities are not sited in just any Republican district, but in the districts of the most influential state senators.

Thirty-seven percent of New York's prisons are in just three Republican senators' districts: the chairmen of the finance, codes and corrections committees.

Prison siting and spending significantly benefit upstate, white Republican areas, while the vast majority of the state's inmates come from New York's poor communities of color. Although African Americans and Latinos make up only 25 percent of New York State's citizens, they make up 83 percent of the people in its prisons and more than 94 percent of the people incarcerated for drug offenses. This highly skewed racial breakdown persists despite the fact that research by the federal Department of Health and Human Services has consistently shown that whites make up the vast majority of people who use drugs.

The remote location of the state's prisons creates serious problems.

Although 70 percent of the state's prisoners are from New York City, two-thirds of the facilities are situated more than three hours from the city by car. Inmates have difficulty maintaining family ties, which, studies show, is an important ingredient in a prisoner's ability to live a crime-free life after his release. Friends and family members often cannot afford the transportation and lodging costs involved in visiting an institution hundreds of miles from their homes.

Inside the prison walls, clashes and racial tension become inevitable between white correction officers from small towns and black and brown prisoners raised in an urban environment. African-American and Latino inmates are often subjected to debilitating, sometimes brutal conditions of confinement. Each year, after being kept for years in upstate "correctional" warehouses, thousands of former prisoners return to their communities, often embittered, with few employable skills and stigmatized as ex-convicts.

How the government counts people for the official census represents another way New York's prison expansion benefits one community at the expense of another. The United States Census Bureau records inmates as residents of the town where the prison that confines them is located, not as members of the community they come from, where their families still reside. New York has, in effect, transferred a population roughly the size of Utica from its inner cities to upstate areas and, along with it, the government funding and electoral influence based on those numbers. And convicted felons can't vote.

And so, the poor people of color we send to prison in such large numbers become the flesh- and-blood fodder for an open and cynical pork-barrel process that benefits upstate, rural white communities.

Albany policymakers should repeal the state's severe drug statutes. Such a reform would reduce the number of minor offenders entering the prisons and lessen the pressure -and rationale -to build new facilities. This legislative action would be an important first step toward reversing not only an ill-advised, wasteful imprisonment policy, but a pattern of racial injustice carried out by the state.

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## **Move Due On Vets' Pension Credit**

By BILL FARRELL  
Daily News Staff Writer

As Memorial Day approaches, we hear the State Legislature may finally pass a bill allowing veterans to buy back pension time lost to the military.

According to officials in New York City and Albany, the Senate and Assembly are working out details of a bill that could affect as many as 30,000 civil servants across the state.

"There had always been a split between the two houses as to how much it would cost the veterans," said John Rowan, president of the New York State Council of Vietnam Veterans of America.

Those differences came before the Governor's Task Force on pensions recommended approval of the buy-back. The legislation also has the support of the governor, state Controller Carl McCall and even longtime opponent Mayor Giuliani.

The mayor informed AFL-CIO officials of his change of heart earlier this month.



"There should be no further obstacles to stand in the way of legislation being passed into law," said AFL-CIO Legislative Director Ed Donnelly.

Under a bill passed by the Assembly last year, veterans would have to pay 3% of one year's salary to "buy back" each year of pension credit.

The Senate version had a 5% price tag.

Now, with everyone calling for the bill, vets are hoping all sides can agree on 3%. "The task force said it should be fair and equitable," said Rowan. "We think 2 1/2% or 3% is fair and equitable."

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## **Insurance costs might doom pact with prison guards**

By Matt Smith Ottaway News Service msottaway@aol.com

Albany -- Just days after reaching a tentative contract with the Pataki administration, concerns over health insurance and discipline emerged yesterday among members of the state's correction officers' union.

"There's anger and disappointment," said Michael Mazzella, chief union steward at Green Haven Correctional Facility. "The feeling I'm getting from people I've talked to is that they shouldn't even have brought this back to us."

The New York State Correction Officers and Police Benevolent Association, which represents 24,000 prison guards, has been without a contract since April 1, 1999. Two months ago, an impasse was declared.

Under the new tentative deal, members would receive 3 percent salary increases retroactive to October 1999 and April 2000, and 3.5 percent raises in April 2001 and April 2002.

Members also would receive a \$500 lump sum payment upon ratification, and annual differentials of \$125, \$500, \$550, and \$575 throughout the life of the contract.

But Mazzella said under the Empire Plan, the health insurance that covers most officers, the cost of emergency room and outpatient visits would increase to \$25 from \$15 on Jan. 1.

In 2002, emergency room visits would cost \$35.

Also, co-pays for brand name prescription drugs would rise to \$15 from \$5 on Oct. 1.

Another sore point, Mazzella said, is union members could still be suspended without pay.

"We believe that's unconstitutional," he said. "Basically, you're taking away someone's pay before they are found guilty."

Randy LaCount, steward at Altona Correctional Facility in Franklin County, also agreed health insurance could be a hurdle to passing the contract. "If we have to pay a large amount then I know the membership will have to shoot (the contract) down," he said. "We always hope we'll get better, but for the most part,

it's a realistic contract and we did get a lot of what we wanted."

Mazzella agreed the tentative pact also makes some progress. There would be increases for shift pay, meal allowances and pay adjustments based on job location.

The governor also will sponsor legislation to eliminate the 3 percent retirement contribution deducted from all Tier 3 and Tier 4 member salaries. Union leaders did not respond Monday to calls seeking comment.

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## Attica inmates get day in court

Two present at retaking of the prison in 1971 are to tell judge their stories

By Gary Craig  
Democrat and Chronicle

(May 24, 2000) -- In Frank "Big Black" Smith's cramped temporary office, the horrors of Attica have been reduced to endless telephone calls and a stack of file folders.

The phone rings constantly with calls from inmates or relatives of inmates who were imprisoned at the Attica Correctional Facility during the nation's bloodiest prison riot.

The folders contain their stories -- the injuries or reprisals they suffered after the State Police stormed the prison during the Sept. 13, 1971 retaking of Attica.

Smith, at 67, has in many ways become the spokesman for these men. He, too, was an inmate at Attica and the story of the torture he was subjected to after the retaking of the prison prompted a federal jury in 1997 to award him \$4 million in a civil suit. However, that verdict was overturned last year by a federal appeals court.

"I've been at this since 1971," said Smith, a barrel-chested man with a booming baritone voice. He spoke yesterday at the Greater Upstate Law Project on St. Paul Street. "Thirty years of my life have been looking for justice, seeking justice."

Today, Smith will tell his story to U.S. District Judge Michael Telesca. Telesca was assigned the civil case after the appeals court ruling. This year, Telesca brokered an \$8 million settlement in the civil suit, a class-action lawsuit first filed in 1974 on behalf of 1,280 prisoners.

In 1997, the federal jury also awarded \$75,000 to David Brosig, who also was incarcerated at Attica during the riot. Smith and Brosig will address Telesca this morning.

Other inmates -- or the families of inmates who have since died -- will do so at later court dates.

Telesca has set a date of July 7 for responses from people seeking damage awards.

Meanwhile, the pending settlement has re-opened other wounds, as families of Attica guards say they have been forgotten; they are also seeking redress.

Ellen Yacknin, a Greater Upstate Law Project lawyer involved with the Attica civil case, said more than 200 people have sent in information in hopes they can be compensated.

Smith, a paralegal from Brooklyn, has moved to Rochester in recent months to help gather the information from inmates and their families seeking damages.

In all, 32 inmates and 11 corrections officers died at Attica.

"Attica was a tragedy for all of us," he said.

After the prison was stormed, corrections officers forced Smith to lie naked on a table, and he was beaten and burned. In one photo, which Smith will show today, he lies dazed on his back, naked, his arms crossed across his chest.

"I was praying for faith," he said.

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## **Widows and children of slain Attica guards lobby in Albany**

by MICHAEL HILL  
Associated Press Writer

ALBANY, N.Y. (AP) -- Saying justice has been delayed for too long, widows and children of guards slain in the 1971 Attica prison riot asked state lawmakers to help their campaign for restitution.

The relatives of the guards want an apology from the state and a more comprehensive compensation package than what New York has already approved. The relatives -- many who have been silently discontent for years -- were galvanized into action this year after inmates won approval of a \$12 million settlement from New York.

More than 50 members of a group called Forgotten Victims of Attica came to Albany on Tuesday to make their case. Deanne Quinn Miller, whose father was slain by inmates as they took over Attica, told the group that the state should accept some liability for the loss suffered by her mother and sisters.

"My father was stolen from us," Miller said, her voice choking. "He missed our growing up. He missed our marriages. He has missed his grandchildren."

Surviving hostages and widows did receive some benefits from the state. But many of them claim they were never told they forfeited their right to sue for damages by cashing their benefit checks. Many of the survivors have nursed feelings for years that New York state treated them shabbily.

"We were pushed under the rug. We were lied to. We were scammed," said Ann D'Arcangelo, the widow of slain hostage John D'Arcangelo.

This year after a federal judge approved the inmates' \$12 million settlement -- with \$4 million of that going to legal fees -- lawmakers responded by approving in the new state budget a \$50,000 payment to each of the 11 families of slain prison workers.

Those payments have been scoffed at by some survivors as too little, too late. Some relatives say they

won't cash the checks. The victims group wants:

- A formal apology from New York state;
- All records related to the riot and subsequent investigations opened;
- Support of a memorial service outside the prison each Sept. 13, the date of the bloody retaking of the prison;
- The availability of psychological counseling to family members;
- Additional money, including payments for the guards who were injured or taken hostage.

"I would hope that someone has the moral conviction to help us see this through to some sort of resolution that gives us all some closure," said Michael Smith, a prison guard who was taken hostage.

Assemblyman Daniel Burling, a Republican whose district includes Attica, told the group the expanded compensation package they seek could cost from \$50 million to \$60 million. He said they would have to "raise a ruckus" with lawmakers to get what they want.

But both he and Republican state Sen. Dale Volker promised to do what they could to help the group.

"Whether or not we can get an apology from the state of New York, I don't know," Burling told the gathering. "But I think we can come pretty darn close to it."

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## Cost Savings Seen in Shorter Sentences

BY JOHN CAHER  
New York Law Journal  
Friday, May 26, 2000

ALBANY - A report released yesterday by the Citizens Budget Commission suggests New York State could cut \$96 million annually from its prison expenses - without compromising public safety - by better utilizing alternatives to incarceration.

The report by the non-profit, non-partisan organization urges the state to consider expanding current alternatives to prison while empowering a correctional research and development branch to implement others. It stems from an 18-month study into the dramatic increase in prison population resulting from New York's harsh drug laws and recent statutes that keep more criminals behind bars for longer periods.

Largely in response to increased demand for prison space, New York for nearly three decades has embraced a massive expansion policy: Since the 1970s, New York has constructed 37 new prisons, costing taxpayers roughly \$2 billion and nearly doubling the size of the Department of Correctional Services (DOCS). In fiscal year 2000, New York spent more than \$2.3 billion to house and supervise roughly 70,000 prisoners at 79 correctional facilities, according to the report.

"The increased reliance on prisons in New York State is the result of two trends also evident nationally," according to the report, primarily written by research director Charles Brecher. "First, imprisonment has been used as a deterrent to drug abuse. Second, prison sentences have been made longer, with less opportunity for parole, in response to pressures for greater retribution and incapacitation."

## **Harsh Drug Laws**

Diana Fortuna, president of the Citizens Budget Commission (CBC), said much of the increase in prison population is attributable to drug laws enacted in the early 1970s under Governor Rockefeller and enforced with renewed vigor in more recent years. Although there is widespread legislative and political support for revising the Rockefeller Drug Laws, there is disagreement at the Capitol on the specifics. Consequently, major reform in the near future is unlikely.

"Legislatively, Albany is in a difficult place on this issue," Ms. Fortuna said in an interview yesterday. "The Governor and the (Senate) Majority Leader have called for quite narrow changes to the Rockefeller Drug Laws, and the Assembly has a very different approach. Things seem to be frozen at this point."

In the meantime, Ms. Fortuna said, the state can take reasonable steps to control its correctional costs, while providing at least the same measure of security.

"Albany needs to look at broad changes in the way it incarcerates people," Ms. Fortuna said. "Without any reduction and possibly an increase in public safety, the state could save as much as \$100 million a year by making smarter use of alternatives to incarceration at the end of sentences."

Ms. Fortuna and Mr. Brecher were at the Capitol yesterday to distribute the report and nurture legislative support.

## **Current Programs**

The CBC started its inquiry with a premise that it would only recommend reforms that maintain or enhance public safety.

With that proviso, it recommends, among other things, expanding use of tested alternatives like "shock incarceration" and treatment programs.

DOCS already makes extensive use of a boot camp or "shock incarceration" initiative started in 1987. Under that program, offenders are subjected to military-like discipline for six months, followed by another six months of intensive supervision with support services. Only convicts under the age of 39 who were not convicted of a violent crime and who have a history of drug or alcohol abuse are eligible.

According to the CBC, the recidivism rate for those eligible for a shock program is lower for offenders routed to the program than those who are not: 10 percent versus 15 percent. Additionally, since the shock program results in less prison time, the state saves money, according to the report.

The CBC observed that nationally the recidivism rate for offenders who complete boot camp programs and those who do not is virtually identical. However, it suggested that New York has a better record because it combines shock incarceration with intensive support services.

## **Drug Treatment**

Additionally, the state offers the Comprehensive Alcohol and Substance Abuse Treatment (CASAT) program. The three-phase plan includes approximately six months of substance abuse treatment, gradual community integration and ultimately parole. Follow-up studies, according to the report, show that prisoners who complete the CASAT program spend less time in prison and are less likely to return, saving New York about \$32,000 per participant.



New York also sponsors a program at the former Willard Psychiatric Treatment Center, where second-time, nonviolent drug offenders can be sentenced for 90 days of therapy.

Although the program has promise, judges and prosecutors are reluctant to utilize it because they feel 90 days is too short a period for either viable treatment or meaningful punishment. Today, the CBC said, Willard is used primarily for parole violators referred to the program by their parole officers.

## **Suggested Changes**

According to the CBC study, both shock incarceration and treatment programs could be used more effectively. The study also recommends:

- Establishing new alternative-to-incarceration programs for some offenders convicted of violent crimes and property offenses. The CBC said the state could save money without sacrificing public safety by making more convicts, such as elderly inmates and prisoners who have been substantially punished and rehabilitated, eligible for alternative programs and home confinement.
- Reworking the parole system. The CBC says the state parole system should be re-engineered, perhaps in line with the remodeling of the New York City probation system between 1994-98. Using technology such as kiosks that can recognize handprints, New York City has freed probation officers from many routine tasks, fostering a more efficient and effective system of supervision. The CBC suggests the state could do the same.
- Expanding the research and development arm of the Department of Corrections to scope out options other than incarceration for convicts serving the latter part of their prison term. The CBC is calling for an expanded planning department, with the authority to test new programs without special legislative approval.

James Flateau, spokesman for DOCS Commissioner Glenn S. Goord, said the state has already implemented many of the CBC suggestions, and notes that by the end of this fiscal year New York will have freed nearly 26,000 prisoners on early release programs since Governor Pataki took office in 1995. He said many of the programs have already been "expanded about as far as they can go."

Mr. Flateau said some of the CBC suggestions raise unanswered questions, such as whether a convict with a violent past currently serving time for a non-violent offense should be eligible for an alternative program. The Administration's position, he said, is that the convict should not be eligible.

"There is a reluctance to open the floodgates to prior violent offenders incarcerated for non-violent crime," Mr. Flateau said. "It is not enough to say, 'Corrections, put more people in these programs because we think they are cool.'"

Further, Mr. Flateau said the Administration strongly opposes the idea that correctional authorities be allowed to experiment with new alternative programs without legislative and executive approval.

"The purpose of our research units is to be a service unit, not the makers of policy," Mr. Flateau said. "Certainly research units within a state agency should not have the authority to implement programs without the approval of the Governor, and you can't fund them unless they have been approved by the Legislature. The law prevents what they are recommending from even being considered."

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## Watchdog questions pricey prisons

ALBANY - The state spends \$96 million a year on "unnecessary and sometimes counterproductive" imprisonment, a fiscal watchdog group reported Thursday.

By expanding shock camps, drug treatment, electronically monitored house arrests and an agency to evaluate prison policies, the Department of Correctional Services could trim 4 percent from its \$2.3 billion prison budget, the Citizens Budget Commission said.

This is the first time the 68-year-old Citizens Budget Commission, which has criticized the state budget process in the past, has analyzed criminal justice.

The panel blamed a rise in imprisonment on policies such as Jenna's Law, which effectively eliminated parole for a person who committed one violent crime.

Janice Grieshaber, whose daughter's murder by a parolee spurred Jenna's Law, was not impressed with the recommendations. "If you want to weigh dollars and people, in my opinion people win," she said. "Nicholas Pryor saw his parole officer at 3 and murdered my daughter at 6 p.m., so I don't know how you can use cost in this particular case."

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## Fiscal group says state could do more to lighten prison load

by JENNIFER JORDAN  
Associated Press Writer

ALBANY, N.Y. (AP) -- State prison officials say they are doing as much as they legally can to curtail prison terms through parole, shock camps and drug treatment while still protecting public safety.

The Department of Correctional Services was responding to a report out Thursday from fiscal watchdog group Citizens Budget Commission saying the state could trim \$96 million -- 4 percent -- from its \$2.3 billion prison budget and improve public safety if it eliminated "unnecessary and sometimes counterproductive" imprisonment.

"We're trying to say you can run the prison system smarter by offering alternatives," Citizens Budget Commission spokesman Charles Brecher said.

The group estimated potential savings in the following areas:

- \$65 million if nonviolent drug offenders were offered prison alternatives like drug treatment or shock camp after one year. Many are in prisons at least two years, the report said.
- \$20 million if electronically monitored house arrests were substituted for prison for the last six months of sentencing for nonviolent property crimes like burglary without intent to harm and cemetery desecration.
- \$11 million by cutting by two months prison time served by parolees convicted of violent crimes, and employing electronically monitored house arrest and stricter parole supervision. Citizens Budget Commission also said this could improve public safety.

The group also said inmates 50 years or older may be good candidates for alternate sanctions like home confinement or intensive parole since studies suggest criminal activity declines with age.

The Citizens Budget Commission admitted its cost calculations are "necessarily highly speculative."

Correctional Services spokesman James Fleteau noted that 26,000 inmates are already in shock or alternate treatment programs or have had their sentences shortened for participating in them. He said corrections officials believe trustworthy nonviolent inmates in the system are already taking advantage of programs to shorten sentences and that the Citizens Budget Commission is advocating that prisoners who would pose a risk to the public inappropriately now be included.

"Who are the inmates they are talking about?" he asked. "Violent inmates ... people who already flunked out (of treatment)?"

He denied that there is \$20 million available in savings involving the nonviolent property crimes described by the group because virtually all of those offenders are sent to local jails, not state prisons.

Fleteau also said that the department would have to be directed by Gov. George Pataki and the Legislature to make some of the changes the group suggested.

"There certainly is some expansion (Corrections) can do without authority," Brecher said. "But it certainly would be better to have everybody on board."

The Citizens Budget Commission also recommended expanding what it said was a 19-person agency with a \$1 million budget in Corrections and directing it to come up with new alternatives to imprisonment.

Fleteau, however, said the Division of Program Planning, Research and Development is sufficient, though he could not confirm how many people work there.

This is the first time the 68-year-old Citizens Budget Commission, which has criticized the state budget process in the past, has analyzed criminal justice.

The report adds a new argument -- cost -- to growing complaints about the Rockefeller Drug Laws. Often those laws have been called too harsh on moral or philosophical grounds by groups as diverse as the state's Roman Catholic bishops to the top judges in the state.

The Citizens Budget Commission blamed a rise in imprisonment on policies like the Rockefeller Drug Laws and Jenna's Law, which effectively ended parole for a person convicted of one violent crime. The report suggested those laws are based on emotional or political reasoning instead of deterrence.

Janice Grieshaber, whose daughter's murder by a parolee spurred Jenna's Law, was not impressed with the Citizens Budget Commission's recommendations.

"If you want to weigh dollars and people, in my opinion people win," she said. "Nicholas Pryor saw his parole officer at 3 and murdered my daughter at 6 p.m. so I don't know how you can use cost in this particular case."

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## The Selling out of Correction Officer's

Submitted to the editor of the Times Herald Record in Middletown, NY.

My name is David Melendez and I have been a correction officer for going on 12 years, during my career I have been assaulted, had urine thrown at me, and countless other degrading acts. But I have never been more insulted then by the comments George Pataki has when the subject of Correction Officers comes up. Publicly he states that he is on the side of Correction Officers and praises the work we do patrolling the toughest beats in NY, But privately he acts much different.

While George and his cronies in Albany saw fit to give themselves a 38% pay raise they come to our table with statements such as the state can't afford to give us the raises they admit we deserve. Well, for the time I have been on this job we have watched the state go through hard financial times, and we have been asked to do more with less, and we have done so in a professional manner that the public rarely gets to see.

Now in times of prosperity we are told, "we want to give you more but we can't afford it." NYS Correction Officers are true professionals who do a job that most law enforcement officers including police openly admit they could not do. While we wallow in underpaid career our counterparts in New Jersey and Connecticut make on average approximately \$10,000.00 more per year to do the same job, with better retirement and health insurance.

The life of a correction officer is not an easy one, it is a thankless one. Your reward for this is substandard pay, a department that views us as numbers and nothing else. And after 25 long years you receive half pay if your lucky enough to make it that far. Correction officers die at a much younger age then the average American. Our divorce and suicide rates are just as bad. We are exposed to countless communicable disease's that we may possibly bring home unknowingly to our loved ones.

George Pataki say's this is a good contract, to this I say don't believe the hype.

When you bring the same exact contract to us that you would bring to a secretary or clerk you insult us. All we are asking is to be compensated by the state for the job we do, and to give us the parity with other law enforcement agencies which we deserve. Recently The union that represents correction officers was thrown out and an independent union was born, while I don't always agree with the decision that the people running the union make I know we are on the right path.

And to the Politicians that for years have ignored us, Be forewarned we will definitely have an influence in NY's Politics in the future and as far as we are concerned you either with us or against us, in you are against us star looking for a new career because a sleeping giant has been awakened and it is the NYSE Correction Officer. I for one will not accept this insulting offer, and will vote NO on this contract

David F Melendez  
Chief Sector Steward  
NYSCOPBA

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## Major vs. Basic Insurance

### Common Policy Provisions

A good health insurance policy contains several types of coverage. Basic insurance includes hospital, surgical, and physicians' expense coverage. In addition, major medical coverage is necessary in case of a catastrophic accident or illness. These may be purchased separately, but you will generally get more complete coverage if they are combined in a single policy. Your policy should discuss the cost of each type of coverage and describe exactly what each pays for.

Your health insurance policy also contains important information regarding your out-of-pocket costs, namely deductibles and co-payments. The family coverage provisions will be important to you as well, if your spouse or dependents are covered by the policy. Information about out-of-pocket maximums and benefit ceilings should also be included.

### Basic Coverages

#### Hospital expense insurance

Hospital expense insurance pays your room and board costs if you are hospitalized. Some plans pay on an indemnity basis, meaning the insurer pays a specific amount per day for a specified maximum number of days. Other plans pay on the actual charges, or a percentage of the actual charges, regardless of what those charges might be. In addition to room and board, hospital expense insurance typically covers incidental expenses, such as use of the operating room, x-rays, drugs, anesthesia, and laboratory charges.

#### Surgical expense insurance

Surgical expense insurance pays surgeons' fees and related costs associated with surgery. Related costs might include fees for an assistant surgeon, anesthesiologist, or even the operating room if it is not covered as a miscellaneous hospital item. Surgical expense benefits are generally paid according to a set schedule, although some plans pay surgical benefits based on what is considered "usual, customary, and reasonable" (UCR) in a particular geographic area.

#### Physicians' expense insurance

Physicians' expense insurance, sometimes called "regular medical expense insurance," pays for visits to a doctor's office or for a doctor's hospital visits. Usually, the policy specifies a maximum benefit per visit (e.g., \$25 or \$50), as well as a maximum number of visits per injury or illness.

#### Major medical insurance

Major medical insurance is designed to protect you against losses from catastrophic illness or injury. It is usually an extremely broad policy with a very high maximum benefit. Most major medical policies provide at least \$250,000 of coverage, although \$1,000,000 or more in coverage is preferable. Although coverage varies from one plan to another, the following list features items that are included in most major medical policies:

- Hospital services and supplies (medical and surgical)
- Hospital room and board, including intensive and cardiac care
- Physicians' services (diagnostic, medical, and surgical)



- Nursing services
- Other medical practitioners' services
- Anesthesia and anesthesiologists' fees
- Ambulance service
- Laboratory and diagnostic tests, including x-rays
- Radiology and other therapy
- Blood and plasma
- Oxygen
- Dental treatment resulting from injury
- Prescription drugs
- Outpatient services
- Convalescent nursing home care
- Home health care
- Purchase of prosthetic devices
- Casts, splints, and crutches

### **Deductibles, co-payments, and coinsurance**

Your health insurance plan will include information about deductibles, co-payments, and coinsurance requirements. These can greatly affect the overall cost of a health care plan. The deductible is the amount that you have to pay towards your medical expenses (usually annually) before the insurance company begins to pay claims, while the co-payment is the amount you'll have to pay each time you visit a health insurance provider. Coinsurance is the percentage of your medical costs you'll have to pay after you satisfy any deductibles that apply.

### **Out-of-pocket maximum**

Also called a "stop-loss" or "coinsurance maximum," this provision limits your liability for medical expenses. Imagine, for example, you run up \$1,000,000 in medical bills. If you're required to pay 20% of your medical costs after you satisfy your deductible, you'd end up paying \$200,000. Most people could not afford to pay this much. A good health insurance plan might pay 80% of the first \$10,000 and 100% of any further expenses. Thus, your maximum liability would be \$2,000 (plus any deductible).

### **Benefit ceiling**

The benefit ceiling, or "maximum lifetime payout," is the maximum amount the insurance policy will pay. Most experts recommend a policy with a benefit ceiling of at least \$1,000,000. While this may seem like an exorbitant amount, keep in mind that the expenses resulting from a catastrophic illness or injury can easily reach this level.

### **Family coverage**

Many group insurance plans allow you to cover your spouse and other dependents, but family coverage will cost more than individual coverage. Many policies specify a family deductible, which is the maximum amount that the family as a whole must pay before insurance coverage begins. Rather than

multiplying the individual deductible by the number of family members, the family deductible is often two or three times the individual deductible, regardless of how many family members are covered.

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