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# Attica Guards'Kin Seek Payment

Friday, January 26, 2001

By CELESTE KATZ and JOE MAHONEY

Daily News Staff Writers

Their voices quavering with emotion, relatives of the Attica guards slain or injured by state police gunfire during a prison riot nearly 30 years ago begged the state yesterday for a long-awaited apology as well as financial reparations. Attica inmates were awarded \$8 million in damages last year by the state, but most of the families of the 11 prison employees killed were barred from suing the state because they cashed small workers' compensation checks after the riot.

Many of them took the money to survive, said Deanne Quinn Miller of the Forgotten Victims of Attica. She was 5 when her father, William Quinn, was killed at the prison - the only guard the rioting cons killed.

The group also wants Gov. Pataki to open Attica investigation records sealed in 1976 by then-Gov. Hugh Carey.

"That kind of shooting should have never been allowed in an area with 1,300 human beings in it," said Malcolm Bell, who worked on the Attica investigation as a special assistant attorney general and now advocates for the group.

Forty-three people - 32 of them inmates - were killed in the tumultuous crushing of the riot - a clash called the bloodiest encounter between Americans since the Civil War. In addition to the 10 guards, a civilian prison employee was killed.

Police fired more than 2,200 rounds of ammunition in regaining control of the prison. But the survivors said state officials first claimed the slain guards were butchered and castrated by rampaging inmates.

Ellen Yacknin, a Rochester lawyer who helped secure the settlement that provided Attica inmates with awards ranging from \$6,500 to \$175,000, told The News the prisoners involved in the litigation are sympathetic to the guards' families and believe that they should receive reparations.

"In fact, we wanted that built into the settlement, but the state didn't want to deal with the issue of the guards," Yacknin said.

Ann Valone, left to support four young children when her correction officer husband was shot to death by police, sobbed as she said she views the killing as murder.

"The retaking was not well planned," she said.

Only one Attica guard's widow received a substantial award - she refused to cash the workers' comp checks and got a settlement of about \$1 million.

When the state Senate offered the survivors a total of \$550,000 last year, they rejected it as insufficient.

Sen. Michael Nozzolio (R-Wayne), chairman of the Correction Committee, said he will push for reparations again this year.

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## **Inmate convicted of throwing feces at officer**

By SARA BONISTEEL  
Star-Gazette

ELMIRA -- A Chemung County Court jury on Thursday found a 21-year-old inmate at Southport Correctional Facility guilty of intentionally throwing feces on a correction officer.

Conceptualization Gibbs, 21, was found guilty of one count of felonious aggravated harassment of a correctional employee by an inmate, according to Chemung County District Attorney John Trice. In December 1999, Gibbs threw feces at Correction Officer William Painter, Trice said. Another correction officer and an inmate were also hit.

"Honestly, I can say for the first time in my career that I sincerely believe the jury convicted an innocent man," said Richard W. Rich Jr., Gibb's public defender. "He's not guilty as far as I'm concerned."

The defense contended that Gibbs did not intentionally hit the officer, and the physical evidence proved that, Rich said. "The physical evidence is quite clear that he threw on another inmate and a small amount of splash landed on the correction officer," Rich said.

Gibbs, who will be sentenced April 2, was charged under the 1996 state law that makes it a felony for an inmate to throw bodily fluids -- blood, urine, feces and semen -- at prison staff. It is not illegal for an inmate to throw feces at another inmate. The Chemung County district attorney's office prosecuted the state's first successful conviction of an inmate under the law in 1998. Roger Stokes, a then 38-year-old inmate at Southport Correctional Facility, was convicted of squirting a mixture of feces and urine on Virginia Livermore, a prison counselor, in 1997.

"Since it became a felony, it's slowed down a lot, but it's still happening," said John Winant, chief steward of the Southport Correctional Facility.

"We were becoming victimized by the inmates," he said. "We had no power as far as control of the situation." Winant said with the rising incidences of diseases such as tuberculosis and hepatitis B in prisons, the deterrent also protects prison employees' health.

Gibbs faces three to five years in prison in addition to the three- to nine-year sentence he is already serving for a second-degree robbery conviction in 1995.

But Thursday's conviction may not be the end of Gibbs' legal troubles.

"There may be assault charges coming out of what he (allegedly) did during trial," Trice said. After the jury left court Wednesday, Gibbs got into a scuffle in a room adjoining the courtroom and allegedly assaulted the two correction officers escorting him back to the correctional facility, Trice said.

"Mr. Gibbs alleged earlier that one of the officers threatened him, and he refused to return to the facility under their transport," Rich said.

One of the unidentified officers was taken to the hospital, where he was treated for his injuries and released, Winant said. State police are investigating the charges, Trice said.

Rich said he plans to appeal the jury's decision.

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## **Inmate Trades Stock From Prison**

ELMIRA, N.Y. (AP) \_ The guards at the maximum-security prison here call Inmate 90T1282 ``our resident millionaire."

Michael Mathie, serving a 10- to 30-year sentence for manslaughter, claims to have traded upward of \$8 million in securities since 1998. In 1999, he had an adjusted gross income of \$899,969.

Mathie, 33, makes trades by calling his father collect from a pay telephone. His father then places trades on the Internet.

"I could be paying a mortgage with what I pay MCI," Mathie told The New York Times in Tuesday's editions. He said he pays his father \$500 to \$1,200 a month for the calls.

Inmates cannot run their own business from prison, but Mathie's investing is not considered a business since his father conducts the transactions.

"Certainly, since the transaction is occurring outside prison, it's not something over which we would exercise any control," said Jim Flateau, spokesman for the state's Department of Correctional Services.

Inmates have a First Amendment right to discuss whatever they want on the phone, as long as it is legal, he said.

Mathie was well acquainted with risk but not the financial kind when he landed in jail in 1989. He was 21, a high school dropout and former cocaine addict.

He and three others were arrested in the murder of Paul Vincent Lamariana, 49, who was hit in the head with a tire iron, choked with an electrical cord, stuffed in plastic bags, wrapped in all-weather carpet and dumped on the side of a road on Long Island.

Mathie admitted he hit Lamariana with the tire iron and choked him. He pleaded guilty to manslaughter and conspiracy, but said he did so to get out of jail, where he said he was raped and repeatedly sexually abused.

In 1996, Mathie won a \$750,000 settlement in a civil suit over the abuse. No criminal charges were filed because the district attorney's office said there was insufficient evidence to prosecute.

After an appeal, Mathie's award was reduced to about \$500,000. With \$75,000 of that, he began trading stocks.

Such behind-bars business is very unusual, said Robert Gangi, executive director of the Correctional Association of New York, a nonprofit policy analysis group.

"Most inmates are poor people, and most inmates wouldn't know a stock exchange from a soccer ball," he said.

An unsuccessful bill proposed by Gov. George Pataki last year would have allowed crime victims to sue convicts for money and property from any source. That bill will be proposed again this year, said a spokeswoman for the state's Crime Victims Board.

# Fights trigger lockdown at Elmira prison

By MARGARET COSTELLO  
Star-Gazette

Four fights in five hours Wednesday prompted state prison officials to order a lockdown at the Elmira Correctional Facility. All 1,849 inmates at the maximum-security prison will be confined to their cells while correction officers search each cell for weapons and other contraband, according to a press release issued by the state Department of Correctional Services.

The search also will include all common areas, such as the mess hall, which was the site of all four fights on Wednesday, the release stated.

The first incident occurred during breakfast around 7:45 a.m. An inmate assaulted another inmate, who sustained two facial cuts that required 77 stitches. The injured inmate was admitted to the infirmary, and the assailant was placed in a special solitary-confinement housing unit and likely will face criminal charges, the release stated. The other fights occurred in the mess hall during lunch and involved 10 inmates. No one received injuries that required medical attention in those attacks, the state said. No weapons were recovered, although some of the fights involved weapons, the state said. No officers were injured.

"Officers have kind of wanted (a lockdown) for a while now," said Garrett Conover, a correction officer at Elmira Correctional Facility and the chief steward of the New York State Correctional Officers and Police Benevolent Association. "It gives us an opportunity to clean house," Conover said. "Every facility should do this every now and then. In the prison environment, we need to do this in order to protect the officers and the inmates." The last lockdown at Elmira spanned eight days in the fall of 1999. Conover said that allowing the officers to "clean house" earlier would not have prevented Wednesday's fights, although it might have eliminated some of the weapons. "When two factions want to go at each other, you're not going to stop that," Conover said. "The officers acted very professionally and quickly." Conover described the mood inside the facility Wednesday night as a little louder than usual and said he expected the lockdown to last four or five days. During that time, inmates can only leave their cells when escorted by officers to medical appointments and to meet with visitors.

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**Elmira lockdown uncovers weapons**

By MARGARET COSTELLO  
Star-Gazette

Officers at the Elmira Correctional Facility continue to search the maximum-security prison for weapons as the 1,800 inmates remain confined to their cells. They have turned up several homemade weapons made from razors and bits of sharpened plastic or jagged metal, said correction officer Garrett Conover, the chief steward of the New York State Correctional Officers and Police Benevolent Association at the prison. No inmates have been charged, Conover said.

The officers began their search Wednesday after state prison officials ordered a lockdown at the prison in response to four fights among inmates in five hours. One of the fights resulted in an inmate receiving two lacerations that required 77 stitches. Most of the weapons found so far have been located in common areas, such as the gallery walkways, Conover said. That's because when inmates know their cells will be searched, they toss their contraband into an area where it can't be traced to them, Conover said. Others will flush the smaller weapons or drugs down the toilet, Conover said.

Workers at the Milton Street water treatment plant told the Star-Gazette that they used to know when correction officers were searching inmates' cells because of an influx of homemade knives and toothbrushes with razor blades melted into them. Conover said there have been times when the prison's sewer system has backed up from inmates flushing their contraband. If officers can trace a weapon -- flushed, thrown or just hidden -- to a particular inmate, that inmate will be punished within the prison and will sometimes be charged with a crime through the Chemung County District Attorney's office, Conover said. "To be honest though, I don't care how we find the weapons," Conover said. "Weapons are made for one purpose and one purpose only, and that's to hurt someone." Conover said he expects the lockdown will last at least until Tuesday because officers still have a few sections of the prison to search. Until then, inmates can only leave their cells when escorted by officers to medical appointments and visitations.

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## **Inmate's plight puts spotlight on prisons**

By MARGARET COSTELLO  
Star-Gazette

Jerome Williams deserved to be punished. The prosecutor said so. The state correctional system said so. His attorney said so. Even his own sister said so. However, some of those same people say that prison is no place for someone like Williams, a 34-year-old Rochester man who doctors say suffers from schizophrenia.



CARLOS ORTIZ/Gannett News Service

Janet Williams of Rochester holds a photo of her brother, Jerome, who she believes is suffering unnecessarily in solitary confinement in prison. "They've already destroyed my brother," she said of the prison system. "When he's released, it will be someone else in my brother's body. I've seen him change too much."

Mike Houston, a spokesman for the state Department of Correctional Services in Albany, said he could not comment on whether the former Southport Correctional Facility inmate suffered from a mental illness or whether the inmate was receiving treatment for an infirmity. Williams is serving a 4 1/2- to 9-year sentence at Auburn Correctional Facility in Auburn on a 1991 drug conviction out of Monroe County. He will likely face additional time after getting into trouble while he was an inmate at Southport Correctional Facility in 1998. At that time, Williams created a risk to staff and other inmates and was placed in a special housing unit. The unit confines inmates to their cells for 23 hours a day, leaving one hour a day for court-mandated exercise, Houston said.

State prisons have become warehouses for the mentally ill and the correctional facilities do not have adequate resources, such as trained staff, to handle such inmates, prison officials say. "We're not curing them, we're incarcerating them," said John Winant, a correction officer and the chief steward of the New York State Correctional Officers and Police Benevolent Association at Southport Correctional Facility. Winant said that about 20 percent of the inmates at Southport receive medication for mental illnesses. Officers have not received training in how to handle mentally ill inmates or how to recognize mental problems, Winant said. They are trained in suicide prevention, he said.

Houston would not answer general questions regarding mentally ill inmates in the state correctional system. He required that all questions be included in a Freedom of Information request. The Star-Gazette filed such a request on Jan. 31. The state said it would respond to the questions by Feb. 27.

In the late 1950s, there were 100,000 mental hygiene patients at state mental hospitals. Today, after decades of deinstitutionalization, there are fewer than 10,000 beds at state mental hospitals, said Paul Pavinelli, chief of the Elmira Psychiatric Center. "Where did they all go?" Pavinelli asked. "Those patients had to go somewhere. They went to the street or the prisons. And they're not getting adequate treatment in either place." Chemung County Public Defender Richard W. Rich Jr., who is representing Williams for charges he faces after an incident at Southport, went a step further to say that sometimes an inmate's "crazy behavior" leads not only to punishment but a legalized form of torture. "There's a fine line between torture and discipline, and they crossed it in Jerome Williams' case," Rich said. Prison punishment

Jerome Williams received a 4 1/2- to 9-year sentence in 1991 for a conviction of third-degree criminal possession of a controlled substance in Monroe County.

He got into trouble while in state prison, and by 1998, he had spent five years in "The Box" at Southport Correctional Facility. "The Box" refers to a 10-foot-by-10-foot solitary confinement cell that prevents the inmate from interacting with people. The only window is a small peephole on a solid door that looks out to a cement wall, Rich said. Inmates constantly bang objects and rant loudly in the special housing areas, Rich said. Williams received food through a slot and was escorted in shackles to a 12-foot-by-14-foot outdoor cage for one hour every day, Rich said. If he created a disturbance or misbehaved inside his cell, he was put on a restricted diet that allotted him one loaf of bread for the day. The water he could get from the sink in his cell. The diet could last for up to seven straight days, Rich said. After Williams destroyed a couple of mattresses during three years in solitary confinement, prison employees denied him a mattress.

Every day for more than 700 days, they signed an order to withhold his mattress, Rich said. "To expect normal, rational conduct in such conditions is absurd," Rich said. "This is punishment that amounts to torture." In July 1998, correction officers wanted to check Williams' cell to make sure that he had not damaged it, but Williams would not let the officers enter, according to documents filed in Chemung County Court. The officers used tear gas to get him out. As the officers escorted the inmate from an adjacent cell, Williams took a metal frame that he had ripped down from a fire alarm system in his cell and smashed through the cement wall, the records state. Williams got into the empty cell and ran out the open door, swinging a metal rod at a window and at an officer's knee. Surveillance cameras filmed the incident, court records state. "It's tragic that it had to reach that point," Rich said.

After being charged with attempted escape, assault and promoting prison contraband, Williams was found incompetent to stand trial in September 1999 and was committed to the state Department of Mental Hygiene. Doctors say Williams has schizophrenia, and he is receiving medication for the illness, Rich said. After several months at the mental institution, he was re-examined by two more psychiatrists and was found competent to stand trial in June 2000. He was then sent back to a prison.

Rich defended Williams during a four-day trial in December. Before returning the jury's verdict, the foreman read the following statement: "We believe that no one should be deprived of a mattress for over 700 days. Such conditions have probably contributed to Jerome Williams' attempt to escape to draw attention to himself. Please keep this in mind in his sentencing." The jury then acquitted him of the assault charges and found him guilty of first-degree attempted escape and first-degree promoting prison contraband. Rich filed a motion on Feb. 5 asking Chemung County Court Judge Peter Buckley to set aside the jury's verdict. Both sides will have an opportunity to argue their case before the judge on March 12. If the judge rules against Williams, the inmate could face an additional seven years in prison. Meanwhile, he continues to serve his sentence for the drug possession conviction at Auburn.

The Department of Correctional Services also added 11 years of solitary confinement for Williams because of the July 1998 incident, said Houston, the spokesman for the

Department of Correctional Services. Williams has racked up 25 years of solitary confinement, Houston said. Williams also was sentenced to 21 straight days of restricted diet, meaning he received a loaf of bread enriched with "all the basic nutrients" each day, Houston said. "If he continues to misbehave, more days can be added on," Houston said. "Inmate Williams will be in special-housing status until 2026 a result of this incident and incidents that occurred prior and successive to this one," Houston said. Progress in hospitals

"My brother made a mistake," said his sister, Janet Williams of Rochester. "He's made a few of them that caused him to be in this hell that he can't seem to get out of." "He was doing extremely well when he was in the hospital (in the state Department of Mental Hygiene)," Williams said. "He was still following rules. He was still behind bars." Williams said she gets sick thinking about the kind of treatment her brother is receiving inside the prison. She said the practice of solitary confinement should be banned or at least restricted to a certain number of days.

The New York State Department of Correctional Services does not have a limit to the number of days an inmate can be in solitary confinement, Houston said. In fact, New York state ranked No. 1 in the country during 1998 for having the most inmates in solitary confinement, according to the Human Rights Watch.

New York had 5,661 inmates in the isolated housing units, more than California, Texas and Florida combined, the organization said. Dr. Stuart Grassian, who received his medical degree and psychiatry training from Harvard University, has studied extensively the damaging effects of solitary confinement in state and federal prisons and in prisoner-of-war camps. In a recent report about inmates in special housing units, Grassian said that such solitary confinement can cause severe psychiatric harm that can exacerbate a previous mental condition and cause permanent damage.

That's exactly what Williams fears for her brother. "They've already destroyed my brother," Williams said. "When he's released, it will be someone else in my brother's body. I've seen him change too much." Mentally ill inmates aren't receiving proper medicine, therapy and support, said Pavinelli, chief of the Elmira Psychiatric Center. Mental health advocates say the country faces a crisis with mentally ill people filling prisons. There are 33 percent more people with mental illnesses in jails than in psychiatric hospitals, according to Michael Faenza, president and chief executive officer of the National Mental Health Association. According to a recent U.S. Department of Justice report, 16 percent of all state prison and jail inmates have mental illnesses and, of those, about 13 percent require psychotropic drugs but do not receive them.

Faenza is calling for better training for correction officers, for specialized police units who are trained to deal with mentally ill and for mental health courts. Winant said that mentally ill people who get in trouble with the law need to be diverted earlier in the justice process so they don't end up in the correctional system. "They may be sane enough to stand trial but not sane enough to go to jail," Winant said. There needs to be a

better way of handling these people, Winant said. Some say it all comes down to money. The cost of inpatient care in a state mental hospital is \$125,000 per patient per year compared with housing a prison inmate, which costs \$30,000 a year, according to Joe Glazer of the Mental Health Association in New York State Inc. Pavinelli said the issue is attracting attention in Albany and at the federal level. The 2000 state budget had the first increase in the mental hygiene budget in 20 years, Pavinelli said. The amount is expected to increase slightly again this year, and Gov. Pataki has stopped downsizing state mental hospitals, Pavinelli said. "First, we have to acknowledge the problem," Pavinelli said. "Then, we can start working on the solution."

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## **Prison Guards See Trailer Park as Symbol of Hard Times**

By CHARLIE LeDUFF

OSSINING, N.Y. - A trailer park sits so close to Sing Sing that the lodgers there could play handball against the prison wall if the man in the rifle tower allowed it.

The trailers rest on cinder blocks and two-by-fours and have no toilets or telephone lines or running water. They are separated from the Sing Sing Correctional Facility by a chain-link fence and an asphalt road. The trailers do not house inmates or welfare recipients or even schoolchildren. They house correction officers who are too poor to afford decent accommodations in town. They call it Tobacco Road, or sometimes Tin Pan Alley.

Mathematically, it appears that the correction officers should be able to afford an apartment somewhere. The pay for state prison guards is \$26,500; after five years it goes to \$36,302.

But the job is a hard sell. It has a bad image among the public. The county jails pay their guards much more. Few downstaters want to work for the state system. So the state depends on people from the depressed upstate regions to make their careers in the penal vocation.

This little stretch of 28 trailers is only meant to be temporary housing for about 100 of the officers, many of whom support a family and a mortgage back home. They will move out as soon as they accumulate enough seniority and are transferred to a prison near their homes, the thinking goes.

But the trailers have become something more permanent. With the number of state prisoners dropping for the first time in 27 years - to 70,283 inmates on Feb. 1 from 71,750 inmates a year earlier, a decrease of 2 percent - the state has decided to cut \$20

million and 414 jobs from its prison security budget. Most of the cutbacks will be aimed at the medium-security prisons upstate that house nonviolent criminals and drug offenders, the prisons near the correction officers' homes. This is tantamount to a life sentence at Sing Sing, the denizens of the trailer park said.

"It's just gone from bad to worse," said Paul Mikolajczyk, a bristle-haired man who looks as if he is built from an erector set with an elephant hide stretched over it. "Now, with the cutbacks, there are a lot of guys around here wondering if they're ever going to get out of here."

Officer Mikolajczyk, 37, who has worked in the prison system for eight years, explained that the typical workweek for an officer was four days on and two days off. To get a four-day weekend that allows him enough time to make the 500-mile round-trip drive to Rochester, he will "swap" days. Under this arrangement, he works four days of double shifts and has four days off. This also allows him to stagger the use of the trailer with men working opposite shifts.

"Without the swaps you'd never be able to do this job," he said. "Impossible."

The trailers are spartan, usually equipped with electric stoves and 75-watt heaters. Many men do not hang pictures of their families. "You never want to keep the trailers too nice because you don't want to feel too comfortable or too soft," Mr. Mikolajczyk said. He split with his wife last year, an occupational hazard common to many of the men. It is the strain of the distance and the strain of working around bad people, he said.

Corrections officials project that the prison population will continue to drop, to roughly 65,200 in 2002 and perhaps even lower if the governor and legislative leaders agree this year on overhauling the state's Rockefeller-era drug laws. But the number of violent felons behind bars grew by 9 percent from 1995 to 2000, said Katherine N. Lapp, the governor's criminal justice coordinator. Sing Sing has reached its capacity of about 2,500 inmates. "Still," she said, "in terms of Sing Sing, which houses the more violent population, violence dropped by more than 30 percent from 1999 to 2000."

The criminals in Sing Sing are mainly from the New York City area, while 70 percent of the men and women who work there and in the other downstate maximum-security prisons, Green Haven and Bedford Hills, are rural New Yorkers, according to officials with the New York State Correction Officers' Benevolent Association, the union representing the correction officers.

The four major downstate prisons employ 2,300 officers, and 1,500 of them are awaiting transfer up north, union officials said. At Sing Sing alone, half of the 700 officers are on that list.

Besides struggling to find housing they can afford, state officers are paid much less than county officers, making it harder to recruit downstate. The starting salary for New York

City correction officers, for instance, is \$27,838 and increases to \$52,268 after five years. In Suffolk County, they start at \$32,990 and increase to \$56,141 after six years. And in Westchester County, starting pay is \$36,980 and reaches \$58,135 after five years, nearly \$22,000 more than a guard at Sing Sing makes after five years.

The fact that their work is worth so much less while the clientele they serve is so much worse snuffs the humor of the men at Sing Sing. "The pay and the stress grind you down," said Officer L. Peguero as he stood smoothing himself in a mirror hung on a trailer door. "You can't live off what they're paying, so the funny thing is I'm praying for more prisoners and less officers and this way I'm making it on the overtime. I got two kids and an alimony payment."

About 50 yards from Tobacco Road is a green shed with a shower and a toilet, and behind that is a pay phone protected by a wooden booth. On the western slope of the prison, which is along the Hudson River, about 30 miles north of New York City, is a state-owned building that serves as commanding officers' quarters, with 42 bunk beds, two toilets, two showers, racks with reams of clothes and no walls. The place smelled of microwaved Salisbury steak.

The state is not obligated to house its correction officers, and issues of housing are a matter of negotiation between the union and the State Office of General Services, said Jim Flateau, a spokesman for the Department of Correctional Services.

"Most states do not provide housing," Mr. Flateau said. "We provide some. If they want more, they should ask their union to take it up with the appropriate agency."

The lives and careers of prison guards are not coveted ones. The guards produce nothing, and this gnaws at them. A good day, they say, is a day when they and their colleagues have not been hurt and when they have not been pelted with feces or doused with urine by an upset inmate.

The ratio of inmates to officers at Sing Sing is 14 to 1 on any given shift, and in the exercise yard of A Block, the ratio is 125 to 1. The union says that the life expectancy of a correction officer is 10 years shorter than for the average American, and that the occupation has one of the country's highest rates of divorce, heart disease and suicide.

"The opinion of the C.O. is low," said Dennis Fitzpatrick, a spokesman for the union.

"They're considered the James Cagneys of the world, the Brubakers. They're not treated with the same amount of respect or enthusiasm as other law enforcement officers, and quite frankly, instead of cutting jobs, the state should be offering more pay."

Paul M. came to Sing Sing to work a few years ago from Buffalo. He stood in the cold in his civilian clothes and told this story. He used to own a house upstate and made the commute a few times a month. When he couldn't meet the mortgage, the bank took the

house and he stopped going home.

"I couldn't get a house now if my life depended on it," he said. "My credit is zilch." He did not want to give his last name because he lives full time in the trailer now and is afraid that if the state finds out, he will be made homeless.

"I'm afraid to get married, too," he said. "Can't have a family with this job. It's a living. But looking back, I should have went to college, you know?"

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## **Southport Official/CO Charged with Abuse**

by Kati Phillips Star Gazette

A Southport councilman and Correction Officer was arrested Wednesday for sexually abusing a 17-year-old boy, state police said.

Jeffrey Squires, 38, was arrigned Wednesday on a charge of first-degree sexual abuse in the town of Catherine. The Felony carries a maximum sentence of seven years in prison. The Southport Correctional Facility Employee was sent to the Schuyler County Jail and is now out on \$3,000 bail.

Squires is accused of providing alcohol to three minors in Elmira on Jan. 11' says Investigator Ferguson of the Horseheads State Police. He allegedly took one of the minors, a 17-year-old male for a drive in Sshuyler County late that night, stopped on a road in Montour Falls and initiated sexual contact with the boy while he was passed out, Ferguson said. Squires was arrested after the four-week investigation was complete.

Squires, a Republican, was elected to the Southport Town Council in Nov. '93 and was serving his second 4-year term and he has worked at the Southport Correctional Facility for more than 4-years, according Supt. M. McGinnis. These charges put Squires political and professional careers in jeopardy. A felony conviction is cause for automatic dismissal from both possissions. Squires is scheduled to appear Feb. 26 in Elmira City Court on Three counts of unlawfully dealing with a minor, by providing them with alcohol. The other charges are scheduled for Schuyler County Court, Ferguson said.

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# Prison population rate slows in U.S.

Star Gazette

Local News for Monday 3/26/01

Staff and wire reports

The number of Americans in state prisons last year increased at the slowest rate since 1971, though the total number of U.S. prisoners remained at a record high in 2000, the Justice Department reported Sunday. As of June 2000, 1,931,859 people were in federal, state and local jails or prisons, a 3 percent increase over June 1999. The increase was primarily in the number of people in federal prisons, researchers said. Most people behind bars in the United States are in state prisons, and this population grew by just 1.5 percent, the smallest annual growth rate in 29 years, according to a report by the department's Bureau of Justice Statistics. In New York state, the average growth rate in the state prison population was less than 2 percent annually between December 1994 and '99, state officials reported.

If the projected decline in the jailed population continues in state facilities, it will bring the population down from 71,423 inmates on April 1, 2000, to a projected 69,000 inmates by April 1 of this year, according to the state.

Racial disparities in prison populations were profound, the report showed: - Black males were incarcerated in record numbers - a total of 791,600 black men were in prison, a new high. Nearly one in eight black males age 20 to 34 was in prison on any given day, the report said. - Racial minorities account for 79 percent of all state prison drug offenders.

The total number of prisoners in state correctional facilities was 1,242,962 as of June 2000. Eleven states reported a decline in their inmate populations from 1999 to 2000, including two of the nation's largest state prison systems - California and New York. New York state prison officials attributed the declining numbers to the success of programs that divert nonviolent offenders from traditional prison settings into more rehabilitative programs. Those alternative punishments include the state's boot camp-like "shock incarceration" centers, such as Monterey in Schuyler County, and the Willard Drug Treatment Campus. Inmates can also get one-sixth of their minimum sentences eliminated by not misbehaving while incarcerated. Such programs in New York will allow 36,832 nonviolent offenders to earn early release from April 1995 through 2001, the state Department of Corrections reports.

At the same time, state prison officials say they have been committed to getting more violent offenders into individual cells in maximum-security state prisons, such as the 2,700 inmates housed at the Elmira and Southport prisons in Chemung County. To accommodate the increases in violent offenders, the state last August opened Five Points Correctional Facility in the town of Romulus in Seneca County. The 1,500-bed maximum-security facility was built to help house a record high of 4,425 "state ready," or state inmates who are being held in the county jails until a state bed becomes available.



Allen J. Beck, a co-author of the bureau report, said that state prison populations fell because crime is down across the country. Crime has been falling for several years but, until last year, that did not have the effect of slowing the rate of growth in the prison population because stricter sentencing rules were keeping inmates in jail longer. "The drop in crime is finally starting to show up in a smaller growth rate in the number of prisoners," Beck said. Prisoner advocates say the trend is encouraging but they contend that far too many people are incarcerated in the United States compared with other countries.

"We have 25 percent of the world's prisoners but we're only 5 percent of the world's population," said Kara Gotsch of the American Civil Liberties Union's National Prison Project, which advocates alternatives to jail. Gotsch said the slower growth rate at state prisons could also represent a trend toward dealing with offenders outside the prison system. "Many states are now realizing that it makes not only good criminal justice sense but also good financial sense to find alternatives," such as sending drug offenders into treatment programs, Gotsch said. "It's too expensive to jail everyone." Star-Gazette staff writer Margaret Costello and Associated Press writer Karen Gullo in Washington contributed to this report.

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## State's pension feeling pinch

From: timesunion.com 03/27/01  
By JAMES M. ODATO, Capitol bureau  
First published: Tuesday, March 27, 2001

Albany -- Comptroller says local governments may have to contribute to fund, which has been hurt by slowing economy

Comptroller H. Carl McCall warned Monday that the cooling economy and a downturn on Wall Street may force the state to resume charging local governments a contribution to New York's pension fund.

McCall, who controls one of the nation's largest pension funds, said that like many investment portfolios, the state's isn't earning enough to keep picking up the tab for others. The potential shortage also follows several costly changes in the pension system, including the state's decision last year to implement permanent annual cost-of-living increases for public employment retirees.

McCall said a 1 percent to 1.5 percent payroll contribution might be required once he

calculates the impacts on the fund. He plans to do the calculation shortly after the fiscal year ends March 31.

"It is quite possible that there could be an increase," McCall said about contributions from public employers, who have not been called on to contribute in four years because of the fund's ample surplus.

Such a charge could prove significant for the local governments and school districts whose employees are in the plan and whose major costs typically are payroll and benefits.

The city of Albany, for example, with a roughly \$53.5 million payroll, could be hit with new costs of \$530,000 to nearly \$800,000, enough on its own to need a tax increase of between 1.5 percent and more than 2 percent.

The assessment comes after disclosures that the pension fund's equity portfolio has lost about \$7 billion in value. The news also comes after the state last year guaranteed cost-of-living adjustments to all retirees while waiving pension contribution requirements from employees with at least 10 years of public service. Those changes became effective last October.

The state pension fund, invested in an array of ways, was valued at \$127 billion about a year ago. By the end of December, it was down to \$121 billion. Stock investments fell in value to \$54.7 billion from \$61.9 billion during the period.

"This was inevitable; I don't think the comptroller would pretend otherwise," said David Shaffer, president of the Public Policy Institute of the Business Council of New York State. "It's nothing to be embarrassed about or to be ashamed of in any way. If the market is not booming then employers will have to kick in. The (retirement) benefits are paid out of earnings, interest and dividends and contributions."

McCall said that if revenues fall off enough, the contributions can't come from the employees who won the new benefit. So governments will be asked to kick in if necessary.

"He is being fiscally prudent," said Dennis Tompkins, a McCall spokesman. He said the comptroller advised the Pataki administration in December that contributions might be required. "We said: 'We don't anticipate this happening, but you should be prepared for it.' "

David Ernst, a spokesman for the New York State School Boards Association, which had warned that the contribution waiver given Tier 3 and Tier 4 might be too generous, said: "We were kind of a lonely voice out there. ... We warned at the time in the event of a slowdown or a decline in the market ... that employers might have to bear the cost."

The retirement system run by McCall, a Democrat interested in running for governor next year, covers about 900,000 people.

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## RESPONSE BY GUARDS AVERTS FATALITIES

The Buffalo News March 27, 2001

By Gene Warner

News Staff Reporter

Quick action by corrections officers after an assault on a fellow officer inside Wende Correctional Facility on Friday morning might have prevented one or two people from being more seriously injured or even killed, a top union official said Monday. While a female corrections officer lay on the floor, unconscious, a convicted murderer who had threatened to attack her Thursday grabbed her baton and started beating a fellow officer rushing up the stairs to her aid.

Two other officers then ran up the stairs to protect the second officer, and they, too, absorbed hits from the baton-wielding inmate. "It potentially could have been a fatal situation," said Joseph Green, regional business agent for the New York State Corrections Officers and the Police Benevolent Association.

"Had these guys not exemplified the bravery they did, supporting their fellow officers, we could have had a couple of fatalities there." Green provided more details about the incident that began at about 8:50 a.m. Friday, one day after inmate Christopher Simpson, 37, was accused of threatening Corrections Officer Tina DeJesus.

Simpson, who was convicted of murder in Kings County in 1984, on Thursday threatened to crack her skull, knock her out and sexually assault her, authorities say.

The officer then wrote a misbehavior report that left Simpson placed in "keep lock," meaning that he could leave his cell for only one hour per day, to exercise.

After Simpson was let out of his third-floor cell in B Block on Friday morning, DeJesus watched him begin to descend the stairs, to head for the yard. That is when she turned around briefly to lockbox behind them.

"He turned around halfway down the stairs and ran back up the stairs toward the unsuspecting officer." Green said. Before she could recover, Simpson allegedly struck her with his fist on the side of the head, near the temple, knocking her out. Armed with the

baton that he took from her as she lay on the floor, Simpson began swinging it at the first responding officer, Paul MacNeil, as he came up the stairs to the third-floor area, according to authorities.

MacNeil was able to pull the pin on his emergency radio but had no opportunity to grab his baton as he tried to fend off the inmate. "The only thing he could do was raise his arms to defend himself against the blows from the inmate," Green said.

Two other corrections officers, Charles Rizzo and Daniel May, quickly responded and took some more blows before Simpson was subdued and transferred to the prison's Special Housing Unity. He since has been transferred to Auburn Correctional Facility, authorities said.

All four injured officers were taken to area hospitals, where they were released later in the day. Besides DeJesus, who suffered the concussion, the most seriously injured was MacNeil, who suffered a large gash on his head and now is wearing a cast on his wrist and hand, Green said. Rizzo lost a tooth and suffered a puncture wound to his forearm. May was struck several times on the elbow and arm.

None has returned to work yet, Green said Monday. "Their bravery and their dedication kept this from becoming a more serious incident, a potentially deadly situation," he added. Prison officials were conferring with the Erie County district attorney's office about any charges to be filed against Simpson. "This brutal and unprovoked inmate attack of our officers cannot and will not be tolerated," Glenn S. Goord, commissioner of the state Department of Correctional Services, said after the attack Friday.

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## **Prison staff seek safer environment**

Local News for Thursday 3/29/01  
By MARGARET COSTELLO  
Star-Gazette

**SOUTHPORT** - Correction officers at Southport Correctional Facility are demanding that the state change its safety procedures after inmates threw urine and feces at several officers over a five-day period.

Joe Green, a regional representative for the New York State Correctional Officers & Police Benevolent Association, the state correction officers union, criticized the state for not responding to officers' concerns prior to last week's incidents. "Only in instances where staff are hurt does the state look at making changes," Green said. "This might have been

prevented if they had listened to our concerns the first time." Green was referring to incidents last Thursday, Saturday and again on Monday. The first incident last Thursday involved an inmate throwing 13 cups of urine and other excretions at two officers and a sergeant, Green said. The inmate was recently transferred to Southport, a maximum security prison where inmates remain in their cell for 23 hours a day, because he had thrown bodily fluids at officers at another prison, Green said.

In an incident on Saturday, an inmate threw excrement at an officer, Green said. The union wants plastic barriers installed on any inmate's cell who has thrown urine and excrement in the past, Green said. Michael Houston, a spokesman for the Department of Correctional Services in Albany, said he had no records concerning the two incidents to which Green was referring.

However, Houston provided information on an incident that occurred Monday at Southport. Correction officers were installing a plastic barrier over an inmate's cell because the inmate had tried to stab an officer in the face with a homemade spear, Houston said. While they were doing this, the inmate allegedly threw liquid smelling of urine onto four officers' uniforms and into a sergeant's face. The inmate also spit in another officer's face, Houston said. To install a shield, officers have to stand in front of the cell, loosen the bolts that will hold the shield, then install the shield and retighten the bolts. During the procedure, the officers are easy targets for the inmate inside the cell to throw bodily fluids, Green said.

Officers wanted to use gas to remove the inmate from his cell Monday. The inmate had removed a steel seat from a desk in his cell to use as a weapon, Green said. However, the inmate has asthma, so officers were not permitted to use gas, Green said. Two officers who came in direct contact with the fluids were immediately checked by the Blood Exposure Response Team, Houston said. One of the officers is taking the HIV cocktail, a mixture of potent anti-AIDS drugs as a precaution, Green said. The inmates will be charged under the 1996 state law that makes it a felony for an inmate to throw bodily fluids - blood, urine, feces and semen - at prison staff, Houston said. "The case has been turned over to the state police," Houston said.

"Commissioner Gourd has made it very clear that any inmate assault on staff will be prosecuted to the fullest extent of law." Green said after Monday's incident, the mechanism for attaching the shield changed to reduce the possibility of the officers' exposure to inmates' excretions. It was a change requested by officers several times before, he said. "Our input is continually ignored by the state," Green said. Southport Correctional Facility Superintendent Michael McGinnis referred all comments to the state Department of Correctional Services in Albany.

Houston said he would not comment on procedural matters and said the superintendent is always willing to discuss labor management issues with the union.

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## **Sing Sing sergeant kills inmate's 5 kittens in trash compactor, authorities say**

WHITE PLAINS, N.Y. (AP) - A Sing Sing prison officer who allegedly killed five kittens in a trash compactor was charged Thursday with cruelty to animals.

Sgt. Ronald Hunlock, who has worked at Sing Sing Correctional Facility, in Ossining, N.Y., for five years, found a box of kittens in an inmate's cell during a search March 11, Department of Correctional Services officials said. Hunlock, 56, allegedly told the inmate to carry the kittens outside to a trash compactor.

When the inmate refused to drop the kittens in the hydraulic compactor, Hunlock dumped them in and turned it on, killing the kittens, corrections officials said.

Authorities said they began investigating the incident that day.

Hunlock was arrested Thursday afternoon and was to be suspended without pay from his \$51,000-a-year job.

The animal-cruelty charge against him is a felony and carries a maximum penalty of two years in prison.

Hunlock pleaded not guilty before Yorktown Town Justice Jeffrey Cohen, who set bail at \$25,000.

Hunlock was sent to the Westchester County correctional facility. His next court appearance is April 3 in Ossining Village Court.

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## **Retired correction officer to vie for Elmira council seat**

By CHARLIE COON  
Star-Gazette

Dick West stood Friday under a leaking roof at the Grove Park pavilion, looking at a pond of rainwater that had nowhere to drain. "When I was young, there was something going

on here all the time," West said of the park. West, a retired New York state correction officer, used the park as a backdrop to announce his candidacy for the Elmira City Council's 1st District seat.

West, who describes himself as an independent Republican, will oppose Democrat William Hopkins Jr. in the November election. The 1st District encompasses the western part of the city north of the Chemung River. West was a political newcomer in November 1999 when he lost the Elmira mayoral race to incumbent Democrat Stephen Hughes, 3,403-2,051. During the campaign, West criticized Hughes and the City Council for approving the demolition of buildings on North Main Street before financing for the Coach USA Center was in place. West also suggested lowering property taxes by using state grant funds, and increasing police visibility in neighborhoods. He vowed after the election to remain a community watchdog. Hopkins, an artist and gallery owner, said he was surprised to learn West was running for the council. Hopkins said he was also surprised to learn during his 1999 campaign that many of his neighbors didn't even know what a council member was. "It was a very personal campaign and it took a lot out of me to do the legwork," Hopkins said. "I walked the district door to door." "It seemed to me that was the only way to contact people, get in touch and let them know it was a sincere effort and I was deeply concerned." West said Friday that he considers himself a political outsider because some local Republicans failed to back him in 1999 after he opposed the arena. "I'm not one of the chosen few," West said. "I'm doing this on my own." "I believe in working together but I'm not going to back down." West called the City Council workshops held on Thursdays "a joke," saying they are just a chance for council members to build a united front in advance of their regular Monday meetings. West is still skeptical of the Coach USA Center, which opened in November at North Main and West Gray streets. "They built it in the wrong place," West said. "It was very poor planning, where they put it. It's totally out of place." "The hockey team (Elmira Jackals) had a successful season, but will it continue?" West's platform includes finding ways to spruce up Grove Park, eliminate drugs from his neighborhood and support stronger law enforcement. Dick West

- Political party: Republican.- Candidate for: Elmira City Council, 1st District.- Age: 56.- Address: 447 W. Fifth St.- Occupation: Retired New York state correction officer; retired U.S. Army.- Education: Stuttgart High School, Stuttgart, Germany; some college.- Family: Wife, Sandra; sons, Christopher and Scott.

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## **Hidden weapon nets inmate 2-4 more years**

A state prison inmate serving a seven- to 14-year term for sex abuse was sentenced Friday to an additional two to four years for having a concealed weapon.

Dutchess County Court Judge Thomas J. Dolan imposed the sentence on Daniel Mercado, 47, an inmate at Attica Correctional Facility in Wyoming County.

Mercado admitted last month that when he was at Fishkill Correctional Facility on Nov. 21, 1999, he fashioned a folded tin can lid into a weapon. He entered a guilty plea to third-degree criminal possession of a weapon, a felony.

Under state law, Mercado's new prison term will run consecutively to his sentence on the sexual abuse charge. He was convicted of first-degree sexual abuse in 1994.

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## **Fight triggers lockdown at Elmira prison**

By CHARLIE COON  
Star-Gazette

A fight involving about 50 inmates Thursday night at the Elmira Correctional Facility forced the maximum-security prison to lock down, a spokesman for the correction officers' union said.

One sergeant was tackled from behind in the melee, forcing officers to use a type of tear gas to control the crowd of inmates, said Fred Kintzel of the New York State Correctional Officers and Police Benevolent Associations.

Kintzel said some officers received bruises and minor injuries in the incident, and several inmates required stitches, but there were no serious injuries.

Kintzel said the melee started as a fight between two inmates in the field house recreational facility, but it soon escalated. He said the melee lasted about five minutes before order was restored.

After tear gas was used, inmates were ordered to lie on the floor and were eventually moved back to their cells. An official from the New York State Department of Correctional Services in Albany said the department would distribute a press release on the incident on Friday afternoon.

During a lockdown, inmates are confined to their cells in order for tempers to simmer down, Kintzel said.

"We'll bring food to the inmates inside their cells," Kintzel said. "Lockdowns can go on for



numerous days.

"You want them in their cells. One fight leads to another fight, and then you have a full-blown disturbance that can turn into riot. You want to avoid that situation."

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## Correction officer charged with sodomy

**NAPANOCH:** A correction officer charged with sodomizing an inmate was suspended in 1996 for flying a Nazi flag over his home in Stone Ridge.

By Bianca Sausa  
The Times Herald-Record

The correction officer who flew a Nazi flag in front of his home in 1996 was charged yesterday with sodomizing an inmate at the Eastern Correctional Facility, state police said.

Edward Kuhnel, 44, of Stone Ridge, turned himself in to the barracks in Ellenville yesterday. Kuhnel is accused of sodomizing a male inmate twice in May, police said.

James Flateau, spokesman for the Department of Correctional Services, said Kuhnel is now suspended from his \$44,034-a-year job without pay and will lose the job if convicted.

The investigation began after a complaint was made to the prison department's inspector general. Ulster County District Attorney Donald Williams said the victim's statement was taken and certain forensic evidence from the defendant was gathered by court order.

Authorities would not comment on how the investigation was initiated.

The victim, who was in his early 30s, was moved from Eastern in June, at the beginning of the investigation, and has since been paroled.

Kuhnel was charged with two counts of third-degree sodomy, a felony, and one count of attempted third-degree sodomy and official misconduct, both misdemeanors.

Williams said the sodomy charge means the act was not forcible. Because Kuhnel was a correction officer and the alleged victim was an inmate and therefore deemed incapable of giving consent, that makes it a crime.

Kuhnel was arraigned yesterday in Wawarsing Town Court and sent to Ulster County Jail in lieu of \$10,000 bail. He is to reappear Friday.

Kuhnel's lawyer, Cappy Weiner of Kingston, declined to comment.

Kuhnel has been a correction officer since 1981. In December 1996 The Times Herald-Record published a picture of a Nazi flag flying in front of Kuhnel's home in Stone Ridge. Within days Kuhnel was suspended. The Department of Corrections tried to have him fired but the state Court of Appeals upheld a ruling by a New York City arbitrator that Kuhnel be reinstated. "We certainly didn't anticipate this type of allegation. Nothing surprises me when you're dealing with the state of mind of an individual who's a Nazi sympathizer and an avowed racist," Williams said.

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## Officers upset over handling of lockdown

By MARGARET COSTELLO  
Star-Gazette

Elmira Correctional Facility and 32 inmates have been transferred to other state prisons in response to a brawl that occurred last Thursday, a state official said Monday. Despite the state's actions, some correction officers at Elmira expressed dissatisfaction with the state's response to what a union official called a planned rumble between two factions of inmates. Correction officer Garrett Conover, a spokesman for the New York State Correctional Officers and Police Benevolent Association, said the state should have continued the lockdown for more than one day to allow officers an opportunity to search the cells of the 320 inmates housed in the I-Block.

The I-Block, a section of the maximum-security prison, was locked down Thursday night and all day Friday to allow staff to interview inmates and review videotapes of the fight, which broke out inside a recreational room, said Michael Houston, spokesman for the state Department of Correctional Services in Albany. About 60 inmates were involved in the fight, in which three inmates received cuts that required stitches and several others sustained bruises and minor injuries. Correction officers deployed two cans of tear gas to stop the fight. Some officers suffered minor injuries.

Officers seized eight razor blades and some homemade shanks from the inmates involved in the fight, union officials said. Correction officers identified only about half the inmates involved in the fight, Conover said. Those inmates were transferred Friday to other prisons across the state, he said. The facility had resumed its normal operations by

Saturday, Houston said.

The facility and the state police are conducting investigations of the incident to identify and punish those involved, Houston said. Conover said the state should have made a greater effort to ensure that there were no additional weapons in the cells of other I-Block inmates. Officers were allowed to search only the cells of those inmates that they could identify, or about half the actual participants in the fight, Conover said.

First Deputy Superintendent Calvin West said that he and Superintendent Floyd Bennett worked with the correction officers involved in the fight in reviewing surveillance video of the incident and identifying inmates until 4 a.m. Friday. "The officers did a great job," West said. "We've talked with most of the officers who were there and we haven't heard any negative feedback." West said there are no specific rules about when a lockdown or search should be conducted.

The last lockdown at Elmira occurred Feb. 7-13 after four fights in one day erupted in the prison's mess hall. Officers searched the facility and turned up several homemade weapons. The superintendent will periodically lockdown the facility to remove any contraband from the inmates' cells, but that had been done recently, West said.

Conover said because the fight involved so many weapons, the union believes the fight was planned and that some of the weapons may have been hidden in the common area before the brawl. However, the officers who responded to the fight said everything was running smoothly Thursday night until moments before the fight broke out, and they said they had no reason to believe it was planned, West said.

"Correction officers know if something's brewing," West said. "They can feel the mood inside. Whether it was planned or not, I don't know." West said he had not received any complaints from officers. Conover said he had heard a different story about the incident. "This was a major situation, but Albany didn't think it was a serious enough action for (a block-wide search)," Conover said. "A lot of guys are upset about that."

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## **NAZI-FLAG GUARD IN SEX-RAP BUST**

From: nypost.com 04/17/01

By KENNETH LOVETT

April 17, 2001 -- ALBANY - A Luger-toting prison guard who once sparked controversy by flying a Nazi flag at his house - in a case that went to the state's top court - was arrested yesterday for allegedly receiving oral sex from a male inmate.

Edward Kuhnel was suspended without pay from his position at the Eastern Correctional Facility in Ulster County and forced to give up his weapons.

Kuhnel is accused of having received consensual oral sex from an inmate twice in May, and for attempting consensual anal sex with the prisoner.

Kuhnel made headlines in 1996 after he was suspended by state prison officials for flying a Nazi flag on the porch of his house.

But the state Court of Appeals unanimously upheld an arbitrator's decision that Kuhnel's actions did not violate state law, and he was reinstated.

Kuhnel, 44, pleaded not guilty yesterday in Warwarsing Town Court to two felony counts of third-degree sodomy and one count each of attempted sodomy and official misconduct.

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