



# NEWS ARTICLES

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**Prisons spur population growth**

By JOHN F. BONFATTI  
News Staff Reporter  
7/9/01

Western New York lost nearly 19,000 people during the 1990s, but one segment of the population experienced dramatic growth. Unfortunately for the towns where they're located, inmates in state prisons don't pay taxes.

The state prison population grew by 67.5 percent, or 5,179 inmates, in the eight-county area. About half the growth can be attributed to the conversion of the former Gowanda Psychiatric Center into Gowanda Correctional Facility in 1993, but all the region's state prisons gained inmates during the 1990s.

The increase in prison beds has translated into more jobs for Western New York: the equivalent of 1,367 more full-time workers over the decade, according to state Department of Correctional Services statistics.

What kind of impact are these prisons having on their host towns?

Joanne Kibler, deputy town clerk in Collins, points to one noticeable licensing development in her office.

"I'd say we have at least a dozen marriages a month - and that's a low count," she said. "Apparently, the newly acquired spouse is able to obtain some benefits. Usually these marriages dissolve when the inmate leaves the prison."

Otherwise, officials and business owners say the effect of the prison populations - or, more specifically, the staff that deal with them - has been negligible on their towns' economies.

"It didn't double my business, if that's what you're asking," said Shannon Goode, owner of Goode's Meat Market and Restaurant, right across Route 62 from the entrance to the two prisons in Collins.

"I don't see that it helps us much," he said. "I don't know how many people work there, but I bet 90 percent are from outside of town."

New York's prison population also grew substantially during the 1990s, from 52,593 to 71,421, following a trend nationally in which the number of inmates in state prisons increased 75 percent during the decade. But that growth has stalled in the last few years. Some of the growth can be attributed to a "get tough on crime" approach that has led to mandatory sentencing, according to Buffalo State College criminal-justice professor James G. Fox.

"They're dealing with, and will continue to deal with, earlier legislation, which gave long sentences to a variety of offender categories who are remaining in the system," he said. "You might reduce the number coming in, but if you keep them longer, you're going to build up a residual."

Department of Correctional Services spokesman Mike Houston said the department has had to add cells at a number of facilities to handle the increase.

Locally, the expansion has taken the form of "X blocks" at Collins, Lakeview and Orleans prisons. Each new block has 100 cells and 200 beds.

An annex with 100 beds also was added at Albion, a women's prison that almost tripled its population during the '90s, to 1,355.

Lakeview Correctional Facility, which the state says is the largest shock incarceration facility in the world, nearly doubled its inmate population, to 1,120.

The increase in inmates has resulted in more jobs at most area prisons. Lakeview, Albion and Wende combined added close to 500 jobs.

Two exceptions are Attica, which lost 102 jobs, and Collins, which dropped 56 employees.

A prison's primary value to a community lies in its ability to create jobs, said Kent Gartner, a policy analyst for the Center for Governmental Research in Rochester.

"For depressed rural areas, those jobs are nothing to be sneezed at," he said. "They are decent jobs, they are stable jobs. It's not a job that a lot of us would seek out, but from a pay and benefits standpoint, it's a good job."

In Portland, town Clerk Pat Kurtz said the Lakeview complex hasn't exactly heated up the town's economy.

"People thought they were going to sell their homes and make fantastic amounts of money, but they didn't," she said.

And in Attica, where the Attica and Wyoming County facilities added 602 inmates over the last decade, town Supervisor Paul Agan said the town hasn't benefited that greatly.

The construction crew at the prison buys its building materials locally, Agan said. And prison administration has told him that 371 of the 1,685 staffers at the two prisons live in Attica. Otherwise, he said, "There's a slight impact."

Officials and residents of towns with prisons say the biggest change noticed is the increased traffic, especially on the weekends, when friends and relatives visit inmates.

Dan Macakanja, president of La Valle's Restaurant and Sports Bar at Routes 62 and 39, was one of the few merchants who said he benefits from the prison. He hosts union meetings and retirement parties and "Corrections Officers" nights with specials for guards.

And, he said, "We have guys that come in here regularly after work."

But some residents are disappointed there hasn't been a greater economic impact from the prisons, he said.

Collins Town Supervisor Donald Tew agreed: "Slowly we're seeing an increase in growth in the area of guards settling in town, but . . . it's not what we expected."

"The downside is that when the psychiatric center was there, a lot of people who worked at the center lived in the Town of Collins, and when it closed, they were forced to move out of town," Tew said.

The most visible sign of growth at the Lakeshore complex is the Country Fair convenience store in the nearby village of Brocton. Management replaced the old store with a newer, bigger one about three years ago.

Manager Shirley Anderson said the owners had talked about a new store for quite some time, and she wasn't sure if the decision to build a new one was related to the prison. But the store, which is the only convenience store in the village, is busy, she said.

"Usually at their shift change, we get the ones coming and going," she said.

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## **Arrest State Jail Officers For Shift Swap Swindle**

By William Van Auken

Four state Correction Officers have been charged with fraud and official misconduct in connection with a one-way shift-swapping scheme that allowed them to collect full time pay and benefits while showing up for only half of their assigned shifts.

State Attorney General Eliot Spitzer and State Department of Correctional Services Commissioner Glenn Goord announced the arrest of the four officers, who were employed at the Adirondack Correctional Facility in Raybrook, N.Y. at the time of the alleged offenses.

## Two Quit, Two on Leave

Two of the jail officers - Raymond Perkins, a 21-year veteran; and Roy Holzer, a 13-year veteran - are on extended sick leave, collecting half pay. Two others - Warren Churco and John O'Neil - have resigned from the department. The officers earned between \$38,000 and \$48,000 annually.

According to the department, the officers manipulated a shift-swapping program allowed under state Civil Service Law to work less than half their assigned tours over a four-year period, while taking home full-time pay and having the unworked shifts credited toward their retirement.

The swapping arrangement allows officers to ask colleagues to work their shifts, with the understanding that they will return the favor at a later date.

But, according to a department source, the four worked out "under-the-table" arrangements with fellow officers to work their shifts under the swapping program for a set cash fee, with the understanding that they would not reciprocate by working one of the other officers' shifts. "It was whatever kind of deal they could work out," the sources said. "Maybe they'd give them as little as \$50 for it, or as much as \$200."

The officers "took advantage of a prison policy that provided Correctional Officers with some flexibility in meeting job assignments," said Attorney General Spitzer.

"We have been aware for some time that a small minority of our 23,000 correction officers were abusing prison policy, and we have instituted tough new rules to address this situation," said Commissioner Goord.

The department has introduced a new procedure that requires officers to reciprocate for swapped shifts within one year, and has instituted a tighter monitoring of the swaps, a department spokesman said.

Meanwhile, a union official charged that the state had seized on the incidents at Adirondack to force through a long-sought curtailment of swapping throughout the state jail system. "They went after these officers in order to get the union in a vulnerable position so they could change the swapping rights statewide," said New York State Correctional Officers and Police Benevolent Association Vice President Edward Mercado. He added that NYSCOPBA is considering a challenge to the new swapping policy before the Public Employment Relations Board.

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# Elmira prison celebrates 125 years

By ANTONIO M. PRADO  
Star-Gazette

Correctional Facility will mark its 125th anniversary Saturday at a party at Lib's Supper Club in Elmira. The facility opened on July 24, 1876, when Elmira received its first 30 prisoners from Auburn. It was called the New York State Reformatory until the state changed its name to the Elmira Reformatory in 1933. In 1970, it became the Elmira Correctional Facility, and two years later the facility and its sister complex, the Elmira Reception Center, which was created in 1945, were merged into one facility under one superintendent.

The maximum security prison, located on Davis Street and commonly known as "The Hill," currently houses about 1,800 inmates. "I just thought we should do something to recognize that we have been here for 125 years," said facility Superintendent Floyd Bennett. "What I'm looking for is just to bring some people together who have worked here in the past or work here now and just have a good time.

"This facility has been a pillar for the community in terms of jobs for 125 years and the people who have worked here have been very important to this facility," Bennett said. "The fact that this facility has stood for 125 years is a testament to them." Bennett said two former superintendents, George Bartlett and John D. Wilmot, have said they will attend the party.

William Hopkins, deputy superintendent for administrative services, said organizers have also invited state Department of Correctional Services Commissioner Glenn S. Goord. Correctional Services spokeswoman Linda Foglia said she was unsure whether Goord would attend.

During the celebration, Chemung County historian J. Arthur Kieffer will talk about the history of the prison, Hopkins said. In addition, the prison will unveil a multimedia presentation that includes photographs and other items gathered over 125 years, Hopkins said. Inmates in a computer business class helped create the presentation, he said. During the celebration, organizers will sell commemorative merchandise. An original drawing of the facility by an inmate was placed on T-shirts, sweat shirts and hats, Hopkins said. Proceeds from the sale of merchandise will go to the Elmira Correctional Facility Historical Committee Fund, he said. To attend party

- When: Saturday, 6 to 7 p.m. cocktail party; 7 to 8 p.m., dinner; dancing starts at 8 p.m.-  
Where: Lib's Supper Club, 106 W. Fifth St., Elmira.- Tickets: \$15 per person and include a buffet dinner, beer, wine, soft drinks and music. For tickets, call 607/734-3901.

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## Elmira prison celebrates 125 years of service

By ANTONIO M. PRADO  
Star-Gazette

The Elmira Correctional Facility continued to celebrate its 125th anniversary on Saturday night, praising years of reforming inmates and the prison's contribution to the local economy.

About 160 people attended the anniversary celebration Saturday evening at Lib's Supper Club in Elmira.

The maximum-security prison, on Davis Street and commonly known as The Hill, houses about 1,800 inmates. The New York State Reformatory first opened on July 24, 1876, when the state anticipated an increase in crime as soldiers returned north from the Civil War.

Chemung County Historian J. Arthur Kieffer showed the audience a picture of the architect of the prison, William L. Woollett, an Englishman who had immigrated to Albany.

Kieffer said some may wonder why anyone would want to celebrate the history of a prison, but he offered a few reasons. "The Elmira Correctional Facility can boast of being a leading reformatory since its beginning," Kieffer said, noting that the first superintendent, Zebulon R. Brockway, originated the concept of parole. The superintendent also introduced the concept of organized education and training as a means of prisoner reform, Kieffer said.

Former superintendents John D. Wilmot and George Bartlett were on hand Saturday for the festivities. Bartlett said it was good to see old friends and colleagues. He also said he was grateful that corrections had provided him and some of his family members with employment.

Bartlett left Elmira in 1996 to become a state deputy commissioner of corrections and he retired in 1999. "My wife and daughter still work up on The Hill," Bartlett said. "My wife, Angela, is educational supervisor and my daughter Debbie is acting nurse administrator. So corrections has been very, very good to me.

"The mission of the reform-minded prison is still strong, and true to its roots. Vocational instructor Lee Houseknecht's business computer class, a pilot program for the state, is putting together a CD-ROM that features old photos and documents from the prison. He displayed the work in progress on a computer set up at the celebration.



Houseknecht said he and his students discovered, among other things, that reputed mobster Meyer Lansky, who partnered with Bugsy Siegel and Lucky Luciano, was a prisoner at Elmira. Also, Barbra Streisand's father was a music teacher there. "The response we had was overwhelming," Houseknecht said of the photographs and documents that poured in.

"It really is amazing how much history the Elmira Correctional Facility has." Among the crowd were several past and present employees of the prison, including David Mills of Elmira and his wife, Sheila Mills, both 49. David Mills has served as a correction officer for 19 years at the prison. "I wish there didn't have to be prisons, but that's idealistic," Sheila Mills said. "It's not the easiest job in the world but at least he's never been laid off."

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## **The Buffalo News Sunday July 15, 2001 - Editorial - MUGGING THE TAXPAYER**

Never think things are so bad they couldn't get a little worse. It's a depressing way to go through life, but it's a concept with which New York's put-upon taxpayers are intimately familiar.

Time to get out the Prozac.

The Assembly and State Senate last month approved bills that would extend the state's costly binding arbitration law, which now covers police and fire unions, to include sheriff's deputies and state correction officers. Binding arbitration is a process in which stalled contract negotiations are referred to a state arbitrator who then usually finds in favor of the unions and against the taxpayer.

The Democratic Assembly approved the two measures with only one dissenting vote that of Steve Levy, a first-term Democrat from Suffolk County while the Senate, in Republican control and theoretically more conservative unanimously voted to mug the state's taxpayers.

Depressed? Don't take that pill just yet.

Not only did Western New York legislators vote en masse to support this raid on local treasuries, some even signed on as sponsors. One of the Assembly bills included Paul Tokasz, Brian Higgins, Sam Hoyt and William Parment among its sponsors, while the corresponding Senate bill counted George Maziarz, Patricia McGee and Dale Volker.

And just in case that's not sufficiently depressing, lawmakers passed these bills without

making any effort to fix the glaring problems of the existing binding arbitration laws. Those laws require arbitrators from the Public Employment Relations Board to take into account a municipality's ability to pay, but too often the ability to pay is misunderstood as the right to raise taxes.

The public has routinely been socked by this law, as police and fire unions frequently hold out for arbitration, then win contracts more generous than negotiation would provide. The process creates what Levy calls a leapfrogging effect. As one juicy contract feeds another, while the awards also pressure municipalities to open their wallets to understandably dissatisfied nonunion workers.

Perhaps worst of all, the law completely disregards the concept of public accountability, since contracts are dictated by PERB, rather than by elected officials who are responsible to their constituents for controlling payroll costs, typically the single largest expense in any enterprise. Nevertheless, the taxpayer pays, through bloated municipal budgets and, as employers flee, a dwindling tax base. Now bad will become worse.

It will, that is, unless Gov. George E. Pataki vetoes this bill. The New York State Association of Counties is pressuring him to do just that, as is Erie County Executive Joel A. Giambra. There is at least some reason for optimism.

Having just this year proposed a bill to reduce county taxes in this state, it would be unthinkable for Pataki to turn around and sign a bill that would inevitably raise them. He has also criticized the state's penchant for imposing unfounded mandates on localities and, for all intents and purposes, that is what these laws are.

Defenders of binding arbitration, and its expansion, say the law is necessary to force municipalities to negotiate in good faith since the usual leverage, the right to strike, is denied to public employees. The point is fair, but the real-life impact of the law is anything but. What is more, its inequities are magnified in a state where the combined tax burden is the nation's highest.

Pataki should veto these bills and make clear that any other such legislation will be similarly rejected, at least until the law provides due consideration to the interests of New York's chronically depressed taxpayers.

**The Buffalo News Saturday, July 21, 2001**

**Letter to the Editor, by C.O. Fred Kintzel**

**PATAKI SHOULD SIGN BILL ON BINDING ARBITRATION**

In a recent editorial, The News made very negative and misleading comments about binding arbitration for state correctional officers, and encouraged Gov. George Pataki to veto a bill that would provide this. This bill passed the State Senate and Assembly with

only one dissenting vote. Apparently, the author of this editorial wants readers to believe that he knows more about this subject than all of these elected state officials.

Binding Arbitration will not provide the windfall for these officers that The News would lead everyone to believe. All it will do is provide the fair negotiating grounds needed so these officers can get a contract that is fair and equitable. A fair contract involves much more than just money. Fair negotiating grounds have been denied to correctional officers, who walk one of the toughest beats in the world. In contrast to what the editorial implied, during the arbitration process, the state is afforded the opportunity to provide the financial state of the budget, which is taken into consideration.

Finally, binding arbitration will never have to be used if the state bargains in good faith. The members of the Assembly and Senate should be commended for having the foresight and knowledge needed to provide their constituents with what is fair and equitable. I encourage Pataki to sign this bill for those same reasons.

Fred Kintzel, Sr.  
Officer, Attica Correctional Facility

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## Former guards cut a deal

Four plead guilty to misconduct in shift-swapping scheme Will repay \$141,000

By SAM DiMEO, Staff Writer

ELIZABETHTOWN - Four former state prison guards pleaded guilty Tuesday to illegally swapping shifts "hundreds of times" from 1995 through 1999 and agreed to repay nearly \$141,000.

Essex County Court Judge Alexander Halloran set an Oct. 9 sentencing date for the four - Raymond G. Perkins, 50, of Clintonville; Roy Holzer, 35, of Wilmington; Warren M. Churco, 36, of Saranac Lake; and John P. O'Neil, 35, of Bloomingdale - who remain free on their own recognizance.

"I have indicated, with respect to all of these cases, it is not my intent to impose a jail sentence," said Halloran. But the judge also said the decision to waive jail time was a "limited commitment" pending a probation report on each man.

During the two-and-a-half-hour hearing, the four entered into plea bargains with the Attorney General's Office, which agreed to drop a felony charge of defrauding the government against each man in exchange for restitution and a guilty plea to official

misconduct.

A conviction for defrauding the state carries a minimum jail term of 16 months and a maximum of four years.

None of the former guards, who were employed at the Adirondack Correctional Facility in Ray Brook, can work for the state again. Perkins was the only one still working at the facility pending the results of the court hearing Tuesday.

Assistant Attorney General Nancy D. Snyder told the court the four illegally swapped shifts by paying others to work them so that each could retain full-time benefits while essentially working part time - often working less than half their assigned shifts.

The Department of Correction allows limited shift swapping, but requires guards to work other shifts for each shift swapped. Observers noted that several guards would pay others to swap shifts in order to work other, more lucrative jobs.

"You know you weren't supposed to be doing this huge shift-swapping scheme," Halloran told Churco prior to accepting the guilty plea.

"Yes, sir," the former guard replied.

"Did you know what you were doing was illegal and improper?" the judge earlier asked Holzer.

"Now I do, your honor ... I paid people to work for me," responded Holzer, a former Wilmington town supervisor.

In addition to the restitution - \$51,476.20 for Perkins; \$36,333.72 for Holzer; \$33,475.15 for Churco; and \$19,530.04 for O'Neil - the four agreed to give back a total of 2,465 retirement days.

As part of their pleas, Holzer, Churco and Raymond agreed to cooperate with a continuing investigation, according to Snyder.

During a break in proceedings, the state prosecutor acknowledged that the case was meant to send a message to other guards involved in illegal shift swapping.

Snyder would not say whether more prosecutions were in the works. But she did indicate illegal shift swapping was widespread among the more than 190 guards in Ray Brook.

"It was rampant at that facility," said Snyder.

Illegal swapping first surfaced in a Comptroller's Office report several years ago. The

report was sent to the Inspector General's Office, which made a recommendation for prosecution to the Attorney General's Office in April 2000.

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## **The Buffalo News Letter to the Editor, 07/25/01**

### **Prison Guards Deserve Arbitration Benefits**

I am writing in response to the editorial, "Mugging the taxpayer," which urged the governor to veto recently passed legislation extending the state's binding arbitration law to New York State correction officers and sheriff's deputies. Unfortunately, The News argument against all binding arbitration unfairly characterizes binding arbitration for correction officers.

First, the state's agreement to binding arbitration on a segment of its own work force can, in no way, be construed as a local mandate or impact local property taxes. In fact, binding arbitration is a proven method of creating a balanced negotiation process for the state and its employees.

Second, The News is incorrect in regard to approval by elected representatives. Any contract agreed to by the state and NYSCOPBA would still require approval by the State Legislature. A number of other states already have binding arbitration for correction officers, and awards in these states have not broken the bank.

Finally, The News was not fair to its readers when it failed to disclose that the recent binding arbitration legislation passed in New York State includes a built-in "ability to pay" clause. The state's ability to pay its employees is quite different than municipalities' ability to pay.

I challenge the editors to work behind the walls of one of our prisons and then sit idly by while the state offers them nothing in comparison to their worth to the state and the public they protect.

It is important to remember that the work of correction officers is very dangerous, difficult, and for the most part, unnoticed. Is it really too much for these dedicated workers who place their lives on the line every day to ask for a fair and equitable contract negotiations process?

We salute the State Legislature for passing this legislation and for recognizing correction officers as law enforcement officers. We strongly urge the governor to sign this bill.

Brian Shanagher  
President, New York State Correctional Officers & Police Benevolent Association

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## **Darren Butchino, Retirement Specialist RESIGNATION**

TO: NYSCOPBA Executive Board

FROM: Darren Butchino, Retirement Specialist

DATE: July 13, 2001

SUBJECT: RESIGNATION

During the challenge, NYSCOPBA's number one priority was retirement reform something our predecessor had never made a top priority. Before accepting the position of NYSCOPBA's Retirement Specialist, retirement reform weighed very heavily in my families final decision and mine. I thought finally some resolve in a long-standing issue. I have been actively pursuing Tier 3 retirement reform for thirteen long years.

When I was hired in August 1999, as NYSCOPBA's Retirement Specialist, I did so believing that NYSCOPBA's #1 priority would continue to be and remain retirement reform. I have worked diligently in my half-time position as Retirement Specialist and have given many personal hours to you, the Association and the members. I have kept the Executive Board informed and a aware of my progress as well as any letters I have written to our members and the varying Departments obtaining relevant information.

From the beginning, I had advised the entire Executive Board that I did not or would not support any type of 20 year retirement legislation and if such a legislative bill was ever submitted and/or supported by NYSCOPBA I would resign. This was a non-negotiable term and condition of my acceptance of employment. Unfortunately NYSCOPBA has submitted such a bill, which gives the appearance/perception that this is a doable bill. Today's cost has grown to \$590 million.

I have lost half of my accruals (vacation, personal, sick leave, pre-shift briefing, shift differential) since August 1999. The benefit most important to my family and me is my sick leave accruals. In all I will have lost over one full year of sick leave. Sick leave works in several different ways. 1) It provides full pay should you, a spouse, child or a relative becomes injured or sick; 2) It may be added on to your total service time if we happen to be successful in attaining 1/60th beyond 25 years of service with no regard to age; and 3)

It permanently reduces the cost of medical insurance once retired. To me this is an invaluable benefit that will never be replaced.

According to the language (Pilot Productivity Gain Program -- side letter) contained in the agreement between New York State and NYSCOPBA; only full time, annual salaried for the entire program year, shall be eligible. As a consequence of my employment, I do not qualify for this negotiated benefit. The result is a loss of a possible \$1,000 to my family.

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Executive Board

June 13, 2001

I will have worked 20 years for DOCS this year. I have a responsibility to my family and myself to think about building my Final Average Salary (FAS) for retirement purposes. It takes a five (5) year computation to calculate our FAS. My family and I are losing money as well as time together since I began working as an employee of NYSCOPBA. Retirement reform seems like a subject of the past. There are no longer any incentives for me to remain once I've attained 20 years.

Unlike the officers and officials of NYSCOPBA, employees do not have set term limits. Employees could possibly work for the Association into retirement. I have given more than three years (during the challenge and as an employee) of my family's life and mine. It is time for a change.

I have always believed in independence, democracy and the right of choice, however, my personal feelings are that NYSCOPBA's Constitution & Bylaws unduly limits and restricts candidates/members who wish to run for statewide office. If the criteria to run for a statewide office were solely based on knowledge and dedication then every Business Agent and active member employed by NYSCOPBA would thereby meet and/or exceed the necessary credentials.

Lastly, I expressed my feelings concerning an individual (project staff) posting on the HackNet during working hours from NYSCOPBA's main office to several board members and the individual himself. I was reassured that it would never happen again. I am sorry to say, "It continues to happen."

Therefore, for the above stated reasons, I must respectfully resign my position as NYSCOPBA's Retirement Specialist effective November 2, 2001.

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# **Thomas A. Coughlin, III, 'the good public servant,' dies at 63**

Department of Correctional Services

Glenn S. Goord, Commissioner

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

FOR IMMEDIATE RELEASE: AUGUST 24, 2001

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Thomas A. Coughlin, III, 'the good public servant,' dies at 63

Thomas A. Coughlin, III, whose devotion to people and their needs led him to remake New York's mental retardation and prison systems into national models, died Thursday, August 23, at St. Joseph's Hospital Health Center in Syracuse. Coughlin, 63, succumbed to complications following heart bypass surgery.

With him at the time of his death were his wife of 43 years, the former Joan Frey of Watertown, daughters Laurie and Kelly.

Mr. Coughlin, a member of the state police from 1962-68, was appointed Deputy Commissioner in the old Office of Mental Hygiene (OMH) in 1975 by Gov. Hugh L. Carey. In 1978, he became the first Commissioner of the new Office of Mental Retardation and Developmental Disabilities.

In 1979, Gov. Carey named him Commissioner of the Department of Correctional Services. He was reappointed in 1983 by Gov. Mario M. Cuomo and retired in 1994 as the longest-tenured prison chief in state history.

Former Governor Cuomo said, "Tom Coughlin was truly a heroic figure. He was devoted to people with disabilities. It was that intense caring that brought him into state service. He was knowledgeable and sensitive. He enjoyed helping people, he was generous and outgoing. The more you knew him, the more talented you realized he was."

Cuomo had been Governor for eight days in 1983 when inmates at Sing Sing Correctional Facility took 19 employees hostage. "I foolishly wanted to rush to the scene. He wouldn't let me! I was on an open phone line with him during the 53 hours that incident lasted. I relied on his good judgment under fire. He demonstrated intelligence, courage and leadership."

One of the many people Mr. Coughlin brought into his central administration of the prison



system is now his successor, Commissioner Glenn S. Goord. He said, "Tom Coughlin epitomized the good public servant. He took the challenge faced by the parent of a disabled child and transformed it into an impressive record of public service that remains unmatched today. His many friends in and outside of government extend our condolences to Joan and their family, thanking them for the years that they allowed him to devote to the people of New York state."

New York state government will remember him as the author of the Willowbrook Consent Decree, still recognized nationally as a model declaration of human dignity and of the rights of the disabled. Others will recall his oversight of the largest prison expansion program in state history, one in which he demanded an equal growth in programs designed to prepare offenders for their eventual return to society.

None will forget his affable manner, sharp and probing intellect, easy laugh sometimes offset by a quick temper, and a ready supply of blarney that was always betrayed by the twinkle in his eyes.

During a distinguished public service career that brought him countless honors and awards, his hallmark no-nonsense and often blunt approach were regarded by many as a breath of fresh air in a government bureaucracy that could oftentimes be stuffy and stagnant.

Mr. Coughlin's goal throughout his career was to harness the best the state had to offer to serve the vital needs of its own citizenry. "I have an affinity for people in situations not of their own making," he once said of the disabled as well as of nonviolent inmates incarcerated simply for their addiction to drugs.

"Our goal should be habilitation, not rehabilitation," he would say. "Why would I want to return the disabled to their unassisted state? Why would I want to return inmates to the streets that they were never prepared for in the first place? We need habilitation, not rehabilitation."

Mr. Coughlin was born in Brooklyn's Flatbush section on February 12, 1938, the first son of Beatrice and Thomas Coughlin Jr. He attended Midwood High School and then spent eight years in the U.S. Air Force beginning in 1956.

Following a stint in Korea, the Air Force assigned him to its Dry Hill station in Watertown, where he met and married the woman who would become his life partner and best friend. They lived with their three daughters on the military installation. In one of life's many ironies, he would open that installation as a state prison in 1982 when, as prison commissioner, he negotiated the purchase of the surplused Air Force installation for one dollar.

It was during this time that he found a new form of stress relief in stock car racing. He built and raced his own cars at local tracks.

Mr. Coughlin was an active member of the New York Division of State Police from 1962-68, assigned to Mayfield, Cadyville and eventually Alexandria Bay. The birth of his third daughter, Tracy, in 1961, and the diagnosis of her mental retardation, led him on a new path.

In 1964, he assumed the unpaid position of executive director of the Jefferson County Association for Retarded Children, which at the time served 15 clients from a church basement. Through his persistent application for federal funds, the Jefferson ARC became the first such organization in a rural area in the nation to be awarded a grant to bring retarded persons back to their home community. By 1975, more than 600 Jefferson County residents were being served at a new, multi-million-dollar facility in Watertown.

Gov. Carey, hearing of this innovative approach to meeting the needs of the retarded, visited the facility in 1975. On the spot, he asked Mr. Coughlin if he would join the state's Office of Mental Health (OMH) to expand his approach across the state. Mr. Coughlin answered affirmatively.

Gov. Carey, however, was taken aback when Mr. Coughlin turned down his offer to make him an OMH Assistant Commissioner. Asked why, Mr. Coughlin responded, "Because I know Deputy Commissioners make more money."

With that, his appointment as Deputy Commissioner of the Office of Mental Health in October 1975 began a 19-year career as one of the closest advisors to two governors and a voice respected on both sides of the legislative aisle.

In 1978, he was appointed the first Commissioner of the newly-formed Office of Mental Retardation and Developmental Disabilities. His revulsion at conditions in the Willowbrook Developmental Center on Staten Island led him to invite reporters into the facility to increase public awareness and support for the changes he ultimately made in the delivery of services to the retarded across the state. He first leaked that explosive story as an exclusive to a young, brash TV reporter named Jerry Rivers, now known as Geraldo Rivera. Willowbrook was closed in 1987.

While the state had opened only 50 residences for the retarded in 10 years, Mr. Coughlin opened more than 400 in four years, providing residences for 4,000 retarded persons.

In 1979, correction officers struck New York's prison system. Gov. Carey decided that, in its aftermath, he needed a seasoned administrator and visionary as his new Commissioner, to restore faith in the system and oversee the growth that was forecast for it.

He again turned to Mr. Coughlin. A system that housed 21,158 inmates in 33 prisons in 1979 grew to nearly 67,000 offenders in 69 facilities by the time Mr. Coughlin retired in 1994. During that period, Mr. Coughlin established a system of prisons with varying

security levels unlike the state had ever seen before. He rebuilt the work release system, established the nation's premier "boot camp" program of Shock Incarceration and maintained staff safety and security levels that were unmatched across the nation. His commitment to professionalism has led to New York being the largest prison system in the nation where every prison has been accredited by the non-partisan American Correctional Association, which sets nationally-accepted standards for the administration and operation of prisons.

Throughout his various careers, Mr. Coughlin found his center at Shangri-La, the combined marina, campground and restaurant resort that he and wife Joan established in 1982 at Three Mile Bay on Point Peninsula along the northeastern shore of Lake Ontario. It was the mecca to which he returned throughout his career, and his base since retirement for enjoying more time with his family and directing yet another career, as a consultant on correctional issues around the world.

Besides his wife, Mr. Coughlin is survived by his mother Beatrice; his sister Helen Latham, daughters Laurie and Kelly and their families, and four nieces and nephews. He was predeceased by his father Thomas, brother John and daughter Tracy.

A private family memorial service was held this morning.

Donations may be sent to the Thomas A. Coughlin III Memorial Fund, 18835 South Shore Road, Three Mile Bay, NY 13693.

<http://www.docs.state.ny.us/pressrel/coughlinphoto.html> Click here to retrieve a photograph of Mr. Coughlin, made during a July 28, 1994, testimonial dinner when he retired from the Department of Correctional Services.

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## **Correction officers' union, state at odds over benefits**

Association says most claims are unjustly challenged

By JEFF MURRAY  
Star-Gazette

Bob Johnson believed he was a healthy 40-year-old when he suffered a heart attack in June. He was on the job, dealing with a rowdy prisoner at the Elmira Correctional Facility.

The correction officer had no history of heart problems and didn't smoke. Getting workers' compensation for such a job-related medical problem would be a snap, or so he

thought. Instead, the Elmira resident has been without benefits for two months after the state's insurance carrier challenged his claim that the heart attack was job-related. Now, Johnson said, he's stuck in limbo and facing financial burdens on top of his medical problems. "I had a heart attack while escorting an unruly inmate to the box (special housing unit)," Johnson said. "I had angioplasty and all that. Now I'm going through cardiac rehabilitation. They said it wasn't job-related. I had no history of heart problems. I'm not a smoker. I'm waiting to get through this stuff. The question is, 'Is anybody going to pay for me to go through this?'" Johnson has worked at the Elmira prison since January 1997 and spent seven years working at the Sing Sing Correctional Facility in Ossining, N.Y., before that. His union said the case is typical of a state bureaucracy that, as a matter of routine, challenges -- the term the state uses is "controverts" -- the workers' compensation claims of correction officers and forces endless delays. It's a charge state officials flatly deny. But neither side -- the union nor the various state agencies involved -- could produce statistics to back up their positions when the Star-Gazette asked. The union makes its case

Johnson's case is only the tip of the iceberg, said Grant Marin, western regional vice president of the New York State Correctional Officers and Police Benevolent Association. The "vast majority" of all workers' comp cases filed by correction officers are initially controverted by the state, Marin and other union officials said. Many more claims filed by correction officers are challenged than those filed by state workers in other departments, he said. Union officials estimate the number of workers' compensation claims submitted by correction officers that are disputed is about 80 percent, but they acknowledge they don't have the hard numbers to prove that. The New York State Correctional Officers and Police Benevolent Association represents 461 correction officers and 29 sergeants at the Elmira Correctional Facility and 267 officers and 23 sergeants at Southport Correctional Facility, Marin said. Statewide, 21,700 correction officers and sergeants who are part of the union guard inmates in the state's 72 facilities. Marin and other union officials believe the state Department of Correctional Services is in collusion with the New York State Insurance Fund. The fund, established in 1914, is a nonprofit, independent state agency that provides workers' compensation insurance and disability benefits for correction officers and most other state employees. It is self-supporting and competes with private insurance carriers. "The Department of Correctional Services tells the state Insurance Fund what to do. What happens is when the department doesn't want to get its hands dirty, they make a recommendation to the state Insurance Fund," Marin said. "I get calls every day from guys saying 'My comp's been controverted.'" "I'm just at my wit's end," he said. "This thing with Bob Johnson put me over the edge." Under state law, when an employee has a work-related health problem, a claim is filed with the insurance carrier, in this case the state Insurance Fund. Either the employer or the insurance carrier has the right to challenge the claim. When that happens, the case is adjudicated by the Workers' Compensation Board. In the meantime, employees who have to miss work because of injury or illness have to use their own accrued sick days and vacation time, and when that's gone, they are reverted to half-pay until a decision is rendered on their workers' comp claim. That can create substantial financial hardship, as Robert Mellis of Bentley Creek found out. Mellis is a correction officer at Southport Correctional Facility. He was exposed to hepatitis C in 1992 when several inmates doused him with feces and bodily fluids, he said. He didn't even know he had the disease until a

blood test was done last November, after he was cut while trying to break up a fight between inmates. And now, he said, the state is trying to claim his illness isn't job-related. "I'm shocked. I feel violated, alone, ashamed and abandoned," said Mellis, who is 53. "I've been blessed with an understanding wife, but this has altered our whole lives. The MasterCard, car payments and mortgage payments still have to be made. I'm up to here in debt. My savings is gone." The medicine Mellis is taking has made him too ill to work, he said, and he has been on half-pay since his sick time ran out. There is also a sergeant at the Elmira Correctional Facility who was exposed to hepatitis A on the job, but whose claim was controverted by the state, said Ed Lattin, union representative at the Elmira prison. "We're not asking for anything different than anyone else," Lattin said. "They're doing everything within their power to delay this. These guys have legitimate problems and they are being denied their benefits." The state fires back

Regardless of what the correction officers' union claims, there is no systematic denial of benefits for correction officers or any other state workers, said Ann Formel, director of marketing for the state Insurance Fund. "The way we operate, there are specific times when claims are controverted. It seems unlikely to me that we would target one specific classification," Formel said. "Some classifications are more dangerous than others. That's just the nature of insurance." My sense tells me some claims are harder to determine if they are work-related or not than others would be," she said. "All claims are handled similarly across the board. We don't have special conditions or rules set up for any agency." The union's claim that 80 percent of its members' cases are initially controverted is "ludicrous," Formel said. However, her office did not have any comparable statistics that are broken down by job classification. Overall, the Insurance Fund challenges about 17 percent of the cases it receives, she said. Once a claim is made, representatives from the state Insurance Fund will interview the employee, the employer and the employee's doctors. The Insurance Fund may opt to have its own medical consultants review the case, Formel said. The Department of Correctional Services doesn't direct or recommend how the state Insurance Fund should handle cases, she said. James Flateau, a spokesman for the Department of Correctional Services, said the cooperation between his department and the Insurance Fund is to "follow the law." Flateau referred all other questions to the Workers' Compensation Board. The review process can take months, said board spokesman Jon Sullivan. "When these issues are presented to us, we seek to resolve them as fairly and efficiently as possible," Sullivan said. The Workers' Compensation Board also does not break down claim statistics by job category. In the meantime, a bill pending in the state Legislature would require certain medical conditions -- such as a heart attack or exposure to hepatitis -- to be automatically presumed as job-related risks inherent in prison work, said state Assemblyman George H. Winner Jr., R-Elmira. Winner said he is unaware of complaints that correction officers' workers' compensation claims are being arbitrarily challenged. "Insurance companies are entitled to due process to make sure injuries are work-related. They also have a responsibility to deal promptly and in good faith with respect to moving cases along," Winner said. "I'm not aware of any complaints, but I would find that to be extraordinarily unlikely. But if there is evidence of that, it would be totally improper." The fight goes on

The correction officers union continues to battle with the state over the workers' comp

issue, and union officials claim they have been stonewalled at every turn. "For New York state to put the burden of proof on the employees on top of the stressful situations the job puts them in is ridiculous," said Joe Green, regional business agent for the union. "The No. 1 excuse we hear is, 'We didn't receive all the proper paperwork from the employee or the doctor.' But all the paperwork is deemed proper when the administrative law judge reviews the cases." Southport correction officer John Wynant said he ran into the same bureaucratic roadblocks when he was exposed to tuberculosis in a late 1980s outbreak. The state's attitude toward its correction officers hasn't changed since then, Wynant said. "They've got to realize they're killing us," he said. Robert Mellis is tired of fighting. He just wants the benefits he believes he deserves after contracting hepatitis. "I'm going to die of this. For the rest of my life I've got to treat this," he said. "I had to educate myself. I go to the Workers' Compensation Board at the end of August. I've got every document concerning this claim and my health. I just want them to do something for me.

"On the Net:

[www.nyscopba.org](http://www.nyscopba.org)

[www.docs.state.ny.us](http://www.docs.state.ny.us)

[www.nysif.com](http://www.nysif.com)

[www.wcb.state.ny.us](http://www.wcb.state.ny.us)

The workers' compensation process

1. A worker sustains what he or she believes to be a work-related injury or illness.
2. The worker must notify his employer and file claim forms with their insurance carrier.
3. The insurance carrier will gather information from the employee, the employer and the employee's doctor.
  - 3a. If the claim is accepted, the worker will receive full compensation for medical expenses and for lost work time.
  - 3b. If the claim is controverted or challenged, it will go to the Workers' Compensation Board for review.
4. An administrative law judge will review all the evidence and rule on the validity of the claim.
5. If either side appeals the ruling, a three-member panel of the Workers' Compensation

Board will take up the case.

5a. If the panel reaches a unanimous decision, there will be no further review by the board.

5b. If there is any dissent, the full 13-member board will hear the case and render a final agency ruling.

6. Either side can appeal the Workers' Compensation Board ruling to the Appellate Division of the state Supreme Court.

Source: New York State Workers' Compensation Board.

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## **Families find prison jobs captivating**

August 27, 2001

WOODBOURNE: A son who follows his father to work in a prison has dreams of his own.

By Jay Stapleton  
The Times Herald-Record

As any man who spent much of his life behind prison walls knows, time passes more quickly on the outside.

The sun goes down. The kids grow overnight. Seasons bloom and wither like the marigolds that line the prison drive.

Jim Rennison sat at his kitchen table with a cup of coffee in one hand and a cigarette in the other, pondering life as a correction officer and firearms trainer at Woodbourne Correctional Facility. "It can be very monotonous work," he said.

He started working in prisons when he was 21, just out of the Marines with a wife and baby son. Now he is 63, and since he retired in 1993, the time has zoomed past. "It's amazing," he said, taking a drag of his cigarette. "How fast the time goes."

His 31 years at Woodbourne bought him a good life. His job provided for his family. It gave him an education on how to treat people.

Inmates, some of whom were "good as gold," were easier to work with than other correction officers with egos that bars couldn't hold. "A happier inmate," he said, "is an easier inmate to handle."

To battle the boredom of shifts that never seemed to end, he and other officers would invent things "just to pass the time of day."

"Different guys handled the monotony in different ways," he said, scanning a hallway locked deep in memory. "We'd do things we weren't supposed to do ... some guys would read, we'd flip quarters ... steal a little bit of state food, a little coffee or a bun." There were also troubles to be dealt with - fights, riots and escapes. "It could be scary."

As his wife, Claire, brought out cake, he spoke of the 985-bed prison matter-of-factly, the same way someone might talk about a coal mine or a tire factory. To him, prison work was about getting a steady paycheck every two weeks. A life spent getting paid, waiting to get out.

"It's not the best job in the world, but it's a fine job in the area," he said. "You can raise a family, there's always a paycheck there."

Up on "The Hill," as Woodbourne is known, the prison rises from the rugged landscape of eastern Sullivan County, representing stability, responsibility and doing what's right. S

ince it was built in 1935, the prison has offered local workers a chance at things they couldn't get at the summer camps and small stores that dot the region; a pension, generously paid vacation time, medical benefits. Steady pay.

With that stability in mind, Rennison encouraged his two sons to get jobs at the prison when they were old enough. "You've got two choices," he told his oldest boy, Jimmy, almost two decades ago. "Go in the service or go to the Department of Corrections." The next day, there was a note on the table from his son, giving in. "Sign me up," it said. Sons following their fathers into the cell blocks, gymnasiums and towers of Woodbourne with a baton in their hand is common in the hills that surround the prison. Of the six retired corrections families that the Rennisons see regularly, four have children who work in prisons.

With a pension of half pay after 25 years and six weeks of vacation after the first year, the benefits of job security seem to outweigh the monotony of long hours spent waiting to get out.

"You don't have to worry about them selling the prison to Mr. Gates and downsizing," said Don Ter Bush, who retired from the prison in 1980. Now 74, he lives in Grahamsville, next to the farm where he grew up. "You can't beat the benefits."

The tradeoff for job security amounts to years spent behind the same high snitch-wire



fences that hold violent criminals inside. One former correction officer, who spoke on condition of anonymity, said she figured out the time spent in prison during a 25-year career amounts to eight years. That's taking into account vacation and sick days.

Waiting lists to get in attest to the desire of stability, in spite of the fact that many prison workers count the days until they can retire, as one correction officer put it, "to die in the sand someplace."

Ter Bush, like many, still has the date of his retirement memorized. "April 9."

A job nobody seems to like but everyone is afraid of losing, the vast majority of correction officers interviewed did not want their names printed.

Woodbourne employs more than 400 people, 293 of whom are correction officers. Correction officers' salaries start at \$33,000 and rise to \$48,000 after 20 years.

"Where else do you get six weeks' vacation after one year?" said Claire Rennison. "You don't get rich, but you can live comfortably. We do what we want." At 3:15 p.m., the shift changes at Woodbourne and like any factory, the cars start filing through the gate.

Many of the drivers, clad in telltale blue uniforms, travel in shiny new American-made pickups that roll like caissons down the sloping drive from the prison gate.

Some officers head to bars, softball games or rural firehouses, where many volunteer.

One red pickup turned right on Main Street and then left into Eastern New York Federal Credit Union. It was Rennison's son Jimmy. It was payday. Jimmy Rennison, who has three children - two boys, 15 and 3, and a 7-year-old daughter - says he doesn't want his kids working in the prison like he does. Like his father wanted for him.

He studied computers but was cutting grass in a cemetery when his father gave him the ultimatum nearly 20 years ago. Now he is 40 years old. He will be able to retire in seven years.

"Anybody can do this," he said. His dream for his children is financial freedom, so they can see "the world." He wants them to have "bigger ideas" rather than simple stability. He wants them to be willing to take a chance at life and not be resigned to days spent behind prison walls.

"My goal is to do that at 47," he said.

# Vigil Marks Attica Anniversary

THE ASSOCIATED PRESS  
9/4/2001

ATTICA, N.Y.

With the 30th anniversary of the nation's deadliest prison uprising approaching, surviving hostages and families of those killed are holding a five-day vigil at the Attica Correctional Facility.

The Forgotten Victims of Attica hope their vigil, which began Sunday, will bring attention to the state's handling of the riot and its aftermath. A new documentary about Attica was broadcast Sunday night on Court TV.

"People have forgotten about it," said Vickie Menz, whose late father, guard Arthur Smith, was held hostage by inmates. "There are a lot of misconceptions. We're attempting to bring the truth out," she told the Rochester Democrat and Chronicle.

"The public still has to understand that justice hasn't happened for this group in any form," said Brad Lichtenstein, producer of the documentary, "Ghosts of Attica."

The Forgotten Victims group was formed last year after inmates received \$8 million from the state to end their civil suit stemming from the riot. The group believes the state should do more to address the tragedy that claimed the lives of 32 inmates and 11 prison employees, most of whom died during the violent retaking of Attica by state troopers on Sept. 13, 1971.

The Forgotten Victims want the state to open sealed records related to the case, apologize for the violent retaking of the prison, provide counseling for survivors and injured guards, support a yearly ceremony outside the prison and provide "fair" compensation for the families and the surviving guards taken hostage.

Menz said she believes the public is still largely unaware of the anguish endured by the surviving hostages or the relatives of those killed.

"The need is for justice for us, a chance to tell our story," she said.

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## Ride keeps memories of Attica uprising alive

Motorcycle tour, starting from Albany, to mark 30th anniversary of nation's deadliest prison riot

By Paul Grondahl, Staff writer

First published: Friday, September 7, 2001

Dee Quinn Miller was a baby when her father, William Quinn, a 28-year-old correction officer at Attica state prison, was killed on Sept. 9, 1971.

He was one of the first hostages who died among the 32 inmates and 11 prison employees who died in the bloody, four-day uprising.

To mark the 30th anniversary of the nation's deadliest prison riot, Quinn's daughter will participate in the 250-mile Attica Memorial Ride from Albany to Attica Correctional Facility this weekend.

"It brings back a lot of difficult memories for many people, including Dee Miller, who was deprived of a father growing up," says organizer Tony Strollo of Albany.

The third annual motorcycle journey is expected to draw the largest turnout yet.

"It's going to be big-time because its the 30th anniversary. There's been a lot of interest," says Strollo, vice president of a local chapter of the Blue Knights Law Enforcement Motorcycle Club, whose members lead the ride.

More than 150 motorcycle riders are expected, double last year's turnout, according to Strollo, 58, author of a 1994 memoir, "Four Long Days: Return to Attica."

Strollo is a former State Police trooper who was among the first shotgun-wielding, gas mask-equipped troopers who stormed Attica, amid a cloud of tear gas and a spray of bullets, on orders from Gov. Nelson A. Rockefeller to retake the prison.

Strollo's brother, Frank, was a guard at the maximum-security prison when 1,800 inmates seized control and held 39 hostages during a tense four-day standoff. A total of 28 hostages, including Frank Strollo, got out alive.

The Strollo brothers grew up in nearby Batavia. Both worked at Attica. Tony quit to join the State Police in 1968, while his brother remained a correction officer.

At Attica, Tony Strollo and the other local motorcycle riders will join surviving hostages and families of slain victims who are part of a group called The Forgotten Victims of Attica. The group formed last year after inmates received \$8 million from the state to end their

civil suit over the riot. The survivors' group is seeking additional compensation for the families and surviving guards taken hostage.

The memorial ride starts at 10 a.m. Saturday at Spitzie's Motorcycle Center on Central Avenue in Albany. A memorial service will be held at noon Sunday outside the prison. More than 1,000 correction officers from New York state and across the country are expected to attend Sunday's ceremonies.

New participants like Vikki Kuilema of Colonie will be among the long, loud caravan of motorcycles heading west on Route 20. "I'm going to support the cause because a family friend is involved," says Kuilema. She will ride a Harley Sportster with her 11-year-old daughter, Kayla, on back.

A contribution of \$20 per rider (\$30 for rider and passenger) is suggested. Riders can sign up the morning of the ride at Spitzie's or join up with the parade of bikers along Route 20. For more information, call Strollo at 489-8303.

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## **Stalled workers' comp claims get fast-tracked**

State board commits resources and technology to resolve cases that have become mired in hearings

By JOEL STASHENKO, Associated Press  
First published: Monday, September 10, 2001

ALBANY -- A program is producing results at resolving long-lingering workers' compensation cases in New York, the head of the state's Workers' Compensation Board says.

Since July 2000, the board has been targeting so-called excessive hearing cases -- those in which 15 or more hearings have been held without a final resolution. Of more than 5,000 such cases then open, 1,782 cases or 35 percent have been settled as the result of the board's Excessive Hearing pilot program, board Chairman Robert Snashall said.

Thanks to new computers, the state has been able to identify cases that have gone on the longest. Those cases have been assigned to specific hearing officers and marked urgent. In some instances, hearing officers are given extra time to study the cases and to try to work out resolutions.

Documents in those cases also have been added to the board's computer database,

improving access to records compared to the use of paper files.

"We realized more than 12 months ago that ... we could not allow systemic challenges to impede progress in our toughest cases," Snashall said. "Injured workers want and deserve results."

Workers' compensation was developed nearly 100 years ago as a way of paying the medical costs of workers who are hurt on the job, providing them with benefits while they are unable to work and avoiding lawsuits filed by the injured employees.

There are about 200,000 active cases before the board, according to spokesman Douglas Fitzgerald. He said only a small percentage -- about 10 percent -- become the subject of disputes between employers and employees. Most cases are now settled without hearings, according to Fitzgerald.

A spokesman for a corporate lobbying group in Albany, Matthew Maguire of the state Business Council, said the board's cutting of the backlog of long-standing cases is part of its efforts to use technology to speed the resolution of workers' comp claims.

"The results appear to be both real and favorable," Maguire said. "There is a statewide electronic imaging system that makes it easier for involved parties to access their case records from board offices anywhere in the state. It wasn't too long ago that all these files were good old-fashioned paper." Before computerization, the board's files contained about 38 million pieces of paper, Fitzgerald said.

The board also is going to start using video conferencing for some hearings, Maguire noted.

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## Remembering Attica Victims

### **Anger still over NY's handling of 1971 riot**

THE ASSOCIATED PRESS

September 10, 2001

Attica, N.Y. - For Donald Werner, the anger came soon after his brother, a guard, and an uncle, a civilian employee, were killed in the Attica prison rebellion.

He asked the funeral director how his brother Ronald had died. Had his throat been slit by the inmates who had taken him hostage, as early news reports said?

The director, a lifelong friend, replied, "Donnie, I'm not permitted to answer that," Werner recalled yesterday, 30 years after the uprising began.

"That was the start right there," said Werner, who remains as angry at the state for its handling of the rebellion and its aftermath as he was 30 years ago.

Werner would learn his brother and his uncle Elon died when state troopers stormed in to retake the prison, firing more than 2,000 rounds of ammunition in six minutes. It was then that most of the 11 hostages and 32 inmates died.

"There was no reason for all that shooting," said Werner, who was among more than 100 people who gathered at a park near the prison yesterday to begin a round-the-clock candlelight vigil in honor of the victims.

Twelve white candles burn, one for each hostage slain during the uprising, and another for those who survived but have since died. They will be extinguished Sept. 13, the anniversary of the rebellion's end.

For Werner and others, anger lingers toward the inmates who rioted seeking better conditions, but there is outrage toward New York State, which they say has turned its back on them.

After a court last year awarded inmates and their families \$8 million, the guards' families united to form the Forgotten Victims of Attica. The group is seeking an apology from the state, along with financial compensation, access to sealed records of the rebellion, counseling and an annual memorial ceremony at the prison. The death benefit checks given to widows and the six months of paid leave for injured guards was inadequate, the group says.

A three-member task force appointed by Gov. George Pataki in March is looking into the group's requests.

State correction officials, meanwhile, say the uprising spurred changes at Attica and other prisons. Most significant have been improvements in the handling of inmate grievances crisis intervention and better-trained officers.

While inmates spent 14 hours a day in their cells in 1971, today they spend eight, and inmates now have access to vocational classes, a gymnasium and substance-abuse treatment, the Department of Correctional Services said in a report comparing the Attica of today with conditions 30 years ago.

"DOCS has recalled its past in order to write a better future," the report said. "The true legacy of Attica is that today's prison system in New York bears no resemblance" to the

system in which the riot occurred.

Correction officers, however, are not as optimistic, said Joe Green, a business agent with the guards' union. Green cited inadequate staffing and equipment and said union suggestions for improvements often fall on deaf ears.

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## **Victims group starts Attica vigil**

### **30 years after riot, hostages and families pause to recall tragedy**

ATTICA (Monday, September 10, 2001) -- They came together here yesterday morning in front of the fortress that is the Attica Correctional Facility and looked back 30 years to the day when the bloodiest riot in U.S. prison history broke out here.

Time stood still outside the walls and inside the wall," said Sister Rosalind Rosolowski, the prison chaplain today. "I don't think that I can understand the total impact it must have had on you. It must have paralyzed you possibly for months, years after that."

She addressed some of the men who had been taken hostage during the riot, which ended on Sept. 13, 1971.

With the hostages were members of their families, as well as survivors of the 11 corrections employees who died in the riot, 10 by police gunfire in the retaking of the prison.

Thirty-two inmates also died in the riot, 29 in the retaking.

All of those in attendance yesterday are members of the Forgotten Victims of Attica, a group that organized the service and is also conducting a round-the-clock vigil at the Attica Village Park.

The vigil ends Thursday -- the anniversary of the retaking -- with a march to the prison and a service there.

After Rosolowski talked yesterday of time's power to wound and to heal, survivors of each hostage were called forth to light a memorial candle.

Sometimes three -- perhaps four -- generations grouped around a candle.

Jamie and Denise Valone of Irondequoit carried 3-month-old Mia Nicole Valone, granddaughter of Carl Valone, a hostage slain in the retaking of the prison.

"She's the biggest joy I've had in 30 years," Jamie Valone said of his daughter.

When her family stepped forward to light a candle, Amy Quinn Miller of Batavia carried Liam Miller, 8 weeks old.

"Liam" is Gaelic for "William." He is named after his grandfather William Quinn, a corrections officer who was fatally injured by inmates in the first day of the riot.

Amy Miller wasn't born when her father died. She arrived in May 1972, eight months later.

After the 11 slain hostages were remembered, a 12th candle was lit to honor hostages who survived the retaking but have since died.

The Forgotten Victims, which comprises hostages, their families and the survivors of the hostages who were killed, came together last year after the state agreed to settle a long-standing suit filed by inmates who had been in Attica during the riot.

The inmates had cited reprisals against them after the prison was retaken.

More than 500 inmates divided \$8 million in the settlement, the awards varying. Their lawyers received \$4 million.

The settlement angered some of the hostage families, who argue that the state did little to help them after the riot. They are seeking compensation, an apology from the state and access to records.

For years, the survivors had remained quiet about their suffering.

"It didn't really matter," said Ron Kozlowski of Albion, Orleans County, one of the former hostages. "It seemed like nobody cared."

Kozlowski turned 23 on Sept. 11, 1971, the third day of the riot. By coincidence another hostage, Gary Walker, also had a birthday on the 11th, his 34th.

Two days later, Kozlowski's throat was cut by an inmate's knife during the retaking.

Each man returned to work a few months after the riot.

"It took me a good year to calm down," Walker said. "Don't get me wrong, I was always scared, but eventually my stomach didn't turn if I knew two inmates were walking toward me."



Late yesterday morning, in another Attica observance, a group of about 250 law enforcement officers on motorcycles completed its across-state Attica Memorial, having started in Albany Saturday.

Some members of the Forgotten Victims joined them yesterday morning for the ride from Batavia to Attica.

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## Union Wants Guards Tested For Hepatitis C

September 9, 2001

By DAVID ROHDE

The union representing New York State correction officers is calling for mandatory testing of all 32,000 prison employees for hepatitis C, citing fears that they could contract the disease from inmates' bodily fluids.

An estimated 10,000 prisoners in New York and thousands more across the country are infected with hepatitis C, a liver infection that is difficult to treat, has no definite cure and, over many years, is eventually fatal to 5 percent of those who contract it.

The proposal was made after one correction officer, Robert Mellis, became the first officer to publicly admit he has the disease. Seven other officers have hepatitis C, but wish to remain anonymous because of the stigma associated with the infection, union health officials said.

Hepatitis C is common among intravenous drug users and is typically transmitted by sharing needles. But Mr. Mellis and the other correction officers said that they contracted the disease when they were cut during struggles with inmates or when prisoners sprayed them with feces and bodily fluids.

"I got it and I want to tell you how profound an effect that has had in my life," Mr. Mellis told a gathering of union leaders in Albany on Wednesday. "No one should have to go through what I've gone through. I'm almost bankrupt."

Mr. Mellis, 53, has been a correction officer for 18 years, most recently in the Southport Correctional Facility in Pine City, N.Y. He said he learned he had the disease in 1998 and has not worked since April.

Brian Shanagher, president of the New York State Correctional Officers and Police Benevolent Association, said he would ask the State Legislature for a law requiring the testing of all prison employees for all blood and airborne infectious diseases.

"The bottom line is it's an unknown amount of money," Mr. Shanagher said, referring to the cost of treating the officers if they are found to have contracted hepatitis C and other infectious diseases on the job. "They don't want to deal with this until they are boxed in the corner."

James Flateau, a spokesman for the State Department of Correctional Services, said the department has a policy of not commenting on proposed legislation unless the governor requests it. Gov. George E. Pataki's office did not return calls requesting a comment.

Mr. Flateau said the department conducts comprehensive testing of infectious diseases for inmates and employees. He said inmates and guards were tested for tuberculosis, and each year 25,000 inmates were tested for H.I.V. Prisoners who showed signs of liver disease or requested hepatitis C tests received them. "We do not test employees for hepatitis C and H.I.V. because of the mode of transmission," he said.

He said only one employee had reported having hepatitis C to state officials, , and there was no evidence that the disease had been contracted from a prisoner.

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## **30th Anniversary of Attica Riot**

By CAROLYN THOMPSON  
.c The Associated Press

ATTICA, N.Y. (AP) - Hundreds gathered Thursday to recognize the 30th anniversary of Attica Correctional Facility's violent retaking, and dedicated a moment of silence to victims of the prison tragedy and the terrorist strikes.

Against the backdrop of the prison's 30-foot walls, uniformed guards and others in street clothes bowed their heads, with only the flapping of flags flying at half-staff interrupting a moment of silence.

There had been talk of canceling services to mark the anniversary of the nation's deadliest prison riot, but organizers decided the day was too important to go unnoticed.

For families still feeling the loss of 11 corrections employees three decades ago, Tuesday's

attacks made a difficult time even harder to bear. Thirty-two inmates died.

``It's like another layer of grief," said Laurie Cunningham, daughter-in-law of Sgt. Edward Cunningham, a corrections officer taken hostage by inmates Sept. 9, 1971, and killed by police gunfire when state troopers stormed the building on Sept. 13.

Some drew parallels between the Attica riot and the terrorist attacks on the World Trade Center and the Pentagon.

``The victims of these things always understand that pain endures and nothing can replace human life," said Jonathan Gradess, who has been involved with a group of relatives of slain hostages.

A relatives' group, the Forgotten Victims of Attica, began a round-the-clock candlelight vigil Sept. 9, which ended following a march to the prison and the prayer service.

The group formed last year, outraged by a multimillion-dollar court award to inmates hurt or killed in the riot. The guards' families have since demanded compensation, an apology and counseling from the state, an annual memorial service on the prison grounds, and access to sealed state records of the riot.

Forgotten Victims said the state mishandled the riot and has refused to apologize or make amends.

A three-member task force appointed by Gov. George Pataki in March is looking into the requests.

State Sen. Dale Volker, a member of the task force, attended Thursday's service, skipping a special joint session of the state Legislature in Albany called in response to the terrorist attacks.

``I really thought I should be here," said Volker, who was a police officer during the uprising.

Maryann Valone, a daughter of slain correction officer Carl Valone, said the victims of the riot and Tuesday's attacks were both ``innocent victims of political carnage."

The children, especially, have a painful road ahead, said Valone, who was 15 when her father died.

``Their dads and moms went to work never thinking that some political baloney was going to come in and shatter their world," she said. ``It will never be the same. It's just a tragedy."



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