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Prison lockdown follows clashes

Inmate briefly holds worker hostage; another inmate tries to attack officers.
By JEFF MURRAY, Star-Gazette

The Elmira Correctional Facility was locked down Monday night after prison employees were involved in separate clashes with two inmates brandishing weapons.

In the first incident, an inmate armed with a pen and two screwdrivers briefly took a civilian employee hostage. Later, another inmate struck out at a correction officer and a sergeant with a razor blade in an apparently unrelated attack.

The civilian employee suffered only minor injuries, while the officers and inmates were not hurt.

In the first incident, vocational instructor Charles Whitford was taken hostage for 10 minutes at 12:55 p.m. by inmate Amare Selton, according to a news release from the state Department of Correctional Services. Selton took Whitford hostage in front of about 10 other inmates in Whitford's classroom, state officials said. Whitford activated his personal alarm device, carried by many civilian employees, and prison security staff immediately responded to the scene.

Selton released Whitford, a print instructor, and surrendered peacefully an hour later after he was allowed to speak to the facility's Muslim chaplain. Whitford was treated at the prison infirmary for superficial cuts on the back of his neck and shoulder.

Whitford was unavailable for comment, but Ed Lattin, chief steward for the union that represents correction officers, said it was a tense standoff. "Twice he (Selton) put the screwdriver right up to (Whitford's) eyeball," Lattin said. "He said he would run the screwdriver right through his eyeball if he didn't comply with his orders."

Prison officials didn't know why Selton took the instructor hostage. Selton, 29, is serving a 25-year-to-life sentence for six 1993 convictions out of New York City, including first-degree murder, first-degree escape and four counts of first-degree robbery.

Selton was transferred to the Auburn Correctional Facility pending disciplinary action and likely criminal charges. State police have jurisdiction over criminal matters in the prisons. Investigators from the Horseheads barracks are looking into the situation.

State Corrections Commissioner Glenn S. Goord praised the Elmira staff for their professionalism in peacefully resolving what he said could have been a "very volatile incident."

In the second incident, which happened around 5:30 p.m., the union reported that inmate Anthony Smith was being escorted from the dining area after he became unruly when he turned on Sgt. Ken Howarth and Officer Joe Martin and lunged at them with a razor blade.

Smith slashed the officers' shirts, but didn't cut them before he was restrained, Lattin said.

Smith was taken to the prison's special housing unit pending further action. Department of Correctional Services spokesman Mike Houston said he couldn't confirm the names of the people involved Monday night, but supported the version of events described by union officials.

The two officers remained on duty after the incident, Houston said. Prison officials will gauge the mood of the facility this morning and decide if the lockdown should end and normal activities resumed, Houston said. The Elmira Correctional Facility has about 1,800 inmates and 460 correction officers.

The two incidents prove life inside the prison is dangerous for everyone, said Grant Marin, western regional vice president of the New York State Correction Officers and Police Benevolent Association.

"We're very lucky to have the crew we have in Elmira," Marin said. "We have to rely on each other. Any time you walk inside the prison you put yourself in danger."

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Correction officer accused in fatal crash is suspended

Wednesday, October 03, 2001

By FRANK WILLIAMS, ADVANCE STAFF WRITER

A state correction officer from West Brighton -- accused of killing a Tompkinsville man early Sunday morning while driving drunk -- was sent home when he reported to work yesterday.

Sean Duffy, 39, was sent home from the Arthur Kill Correctional Facility, Charleston, after being suspended without pay, a state Department of Correctional Services spokesman said.

Duffy was off duty when he smashed his sport utility vehicle into 29-year-old Ricardo Herrera's disabled 1988 Lincoln Continental on the shoulder of the West Shore Expressway, police said.

An officer at the 1,000-bed, medium security prison since 1982, Duffy did not work on

Saturday night, according to the spokesman, Mike Houston.

Police said Duffy's 1998 Nissan Pathfinder veered onto the right shoulder and pushed the Lincoln forward into Herrera, who was standing in front of his car, putting anti-freeze into the radiator. He was knocked off his feet and thrown about 25 feet forward.

Herrera, the owner of Disco Loco, a Tompkinsville record store specializing in Spanish music, was pronounced dead at the scene.

"Officer Duffy went to work and reported his arrest as required," said Houston. "The department is also seeking his dismissal."

Duffy was charged with criminally negligent homicide, vehicular manslaughter and two counts of driving while intoxicated.

He was released from custody Sunday after posting \$25,000 bail at his arraignment in Stapleton Criminal Court. His next court appearance is scheduled for Nov. 14.

"If he is convicted of a felony, he automatically will be dismissed from state service," said Houston.

Duffy's attorney, John Murphy Jr., said his client will survive, with the help of those close to him.

"His family and friends continue to stand by him at this time and will support him and his family through this ordeal that faces him," said Murphy.

"Mr. Duffy is a family man with an unblemished record of 20 years of service" to the state prison system, said the attorney. "He's held in high regard by all who work with him and know him. He's a good and decent man."

Murphy continued: "Duffy and his family want to express their heartfelt condolences to the family of Mr. Herrera. The lives of two good families have been tragically impacted by the events of Sunday."

A police source said the impact of the collision left the Lincoln smashed "like an accordion," while the SUV sustained only moderate front-end damage.

Murphy said he still did not know if Duffy was administered breath or blood tests to check his blood-alcohol count.

"We are not in receipt of any chemical test analysis results," said Murphy. "But my client has no right to see them unless he's indicted."

Police are still investigating the crash and what may have led to it.

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Outlook unclear for prison jobs

Shrinking inmate population leads to cutbacks as crime rate plummets

By JASON McCORD, mccord@poststar.com

The state's prison system, which for years has provided a steady source of jobs in the North Country, faces uncertain times as the number of inmates has begun to decline.

State officials and prison experts aren't predicting any dramatic changes in employment levels in the years ahead, but it's far from clear whether the number of inmates will ever resume the steady growth pattern that was seen in the last three decades of the 20th century.

And there are some indicators, especially the dramatic reduction in the state's crime rate during the past decade, that suggest the state's prisons will no longer be a growth industry.

Already, the state has imposed hiring freezes in the past year at many of its 70 prisons, including the Mount McGregor Correctional Facility in Wilton and the Moriah Shock Incarceration Camp, a boot-camp-style facility in Essex County.

In addition, the state has moved to eliminate about 600 correction officer positions statewide, or about 3 percent, through attrition. The cuts are affecting four correction officer positions and 13 other jobs at Mount McGregor.

The cuts come as the number of inmates in the state's prisons, after steadily increasing for most of the past three decades, has leveled off and begun to decline.

As of last month, according to the state Commission of Corrections, there were 68,417 inmates in state prisons. That figure is down by nearly 3,500, or 5 percent, from the high of 71,864 at the end of 1999.

The state Department of Correctional Services, which runs the state's prison system, says the decrease is the result of a deliberate state effort to reduce the number of inmates by offering certain nonviolent offenders alternatives to prison. Those alternatives include intensive drug treatment programs and "shock incarceration" programs in boot-camp-

style facilities.

The Correctional Services Department says those alternatives have led to more than 36,000 nonviolent offenders earning early release from prison since 1995. Of those offenders, 5,097 would still be in prison without the initiative, officials said.

But the incidence of violent crime in New York has been declining steadily for the past 10 years, especially in New York City, which traditionally has accounted for the bulk of the inmate population in upstate prisons. Statewide, the number of reports of the seven "index" crimes the FBI ranks as the most serious -- murder, rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft -- has fallen from a peak of 1.14 million in 1990 to just less than 602,000 in 1999, the most recent year for which statistics are available.

The New York State Correctional Officers and Police Benevolent Association, the union that represents state correction officers, says it's concerned about the cutbacks. But Dennis Fitzpatrick, a spokesman for the union, said last week that he believes the inmate population will level off over time and that correctional officer jobs will be relatively safe. He noted that the state currently is hiring some new correction officers.

Robert Gangi, a spokesman for the watchdog group Correctional Association of New York, also said he thinks future layoffs are doubtful. He predicted that state officials will try hard to accomplish any job cuts through attrition rather than layoffs.

Gangi said he expects prison populations to continue to decline for at least another two years. Beyond that, he said, it is difficult to predict.

One unknown is whether the state will make major changes to drug laws enacted in the 1970s that set long, mandatory prison terms for many drug offenses. Gov. George Pataki and state legislators have been seriously discussing a reform of the so-called Rockefeller drug laws to allow for drug treatment programs as an alternative to mandatory sentences for nonviolent offenders. Supporters of the reform effort also want to allow appeals court judges to reduce some longer drug-related sentences.

"The effect that that would have is to continue to drive the prison population down, because low-level, nonviolent people who are now doing prison time would get diverted from the system," Gangi said.

One part of the proposed reform could offset the use of alternative sentences, however, by removing the possibility of parole for drug felons who possess firearms.

Gangi said the New York City mayoral race that's now under way could also have an effect on prison populations as well.

Since Mayor Rudolph Giuliani took office, he explained, police arrest policies in New York

City have focused on "quality-of-life crimes" that typically don't result in prison sentences. But if the next mayor puts more focus back on serious crimes, the number of future prison inmates could increase, Gangi said.

Since 1994, New York City has led the state in statewide reduction in reports of serious crimes. According to statistics from the state Division of Criminal Justice Services, New York City has experienced a 45 percent decrease in index crimes since 1994, compared with a 19 percent drop in the Capital Region, which includes Saratoga, Warren and Washington counties.

One factor that could lead to new increases in the prison population, however, is the economy.

Fitzpatrick predicted that as the economy sours, the crime rate -- and the growth in the prison population -- may rebound. Typically when the economy goes down, he said, crime goes up

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Muslim put on leave as chaplain after speech

By MICHAEL BEEBE
News Staff Reporter
11/2/01

State prison officials have put a Muslim chaplain at the Albion Correctional Facility on paid administrative leave after she reportedly told inmates that Osama bin Laden "is a hero to all Muslims."

She also is said to have told a gathering of inmates that the United States was making a scapegoat of bin Laden, and that the Taliban government in Afghanistan is right in not turning him over to the United States.

Corrections authorities say Sister Aminah Akbar of Rochester was locked out of the women's prison Thursday. She was put on leave while prison authorities investigate more than a half-dozen complaints about the speech, made before corrections officers as well as inmates.

"This afternoon, we put on administrative leave Chaplain Aminah Akbar, who is a Muslim chaplain, pending an investigation into her conduct," said James Flateau, spokesman for the state Department of Correctional Services.

Flateau, who said Akbar is paid \$29,395 for the part-time job, said he was barred by union contract from discussing the complaints against her.

Joseph Green, a business agent for the union representing corrections officers, said a half-dozen corrections officers had filed written complaints against her. Inmates also reportedly had submitted at least three written complaints.

Green said Akbar spoke to a group of about 120 inmates and a half-dozen corrections officers at the prison Saturday during an event called "American Solidarity Day."

According to notes taken by officers during the talk, Green said, Akbar told the gathering:

"Bin Laden is a warrior for Allah, as all Muslims should be. Bin Laden is a hero to all Muslims. The Taliban are right in not letting the U.S. take bin Laden. The U.S. has no proof that he destroyed the World Trade Center."

Akbar could not be reached to comment at two phone numbers provided by acquaintances in Rochester.

Green, a business agent for the 25,000-member State Corrections Officers and Police Benevolent Association, said Akbar began her address by noting that the name of the meeting had been changed.

"This event has been changed from Black Solidarity Day to American Solidarity Day," she said, according to the account written down by officers. "I am not an American, I just live here. We have been beaten and harassed for over 500 years, and we should not take it anymore."

Green said she also told inmates the American government had lied about the assassination of President John F. Kennedy and was now "making a scapegoat out of Osama bin Laden."

"The United States is a giant country," she reportedly said. "Why are they bombing a country the size of a pea?"

"The inmates got restless, as well as the officers, upon hearing this," Green said.

The union representative criticized the prison administration for failing to pass the complaints immediately to department officials in Albany.

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No lockdown during meltdown

By DAVID MCKAY WILSON
THE JOURNAL NEWS

Prisoners and correction officers would be evacuated from Sing Sing prison in Ossining if a meltdown occurred at the Indian Point nuclear power plants nine miles away, the state Department of Correctional Services announced yesterday.

The announcement came several days after James Flateau, the department's director of public information, told The Journal News that the state intended to lock down and seal the facility, with its 2,200 inmates and hundreds of employees inside, during a severe emergency at Indian Point in Buchanan.

The state's policy not to evacuate the sprawling facility had come under stinging criticism from correction officers, advocates for prison reform and friends of inmates. Flateau's announcement was welcomed by critics who objected to the lock-down policy.

Denny Fitzpatrick, a spokesman for the New York state Correction Officers Benevolent Association, said the state was forced to change its policy once it came to public view. "The bottom line was that we were nothing more than collateral damage of a meltdown," he said. "Those in charge could care less about the officers or the inmates." Flateau said yesterday that the state would move Sing Sing prisoners and guards in the event of severe radiation threats of the magnitude that would lead to the evacuation of public schools, hospitals and nursing homes within the 10-mile radius of the nuclear complex. He said such a decision would come in meetings with state and county emergency officials in Westchester, Putnam, Rockland and Orange. "If the recommendation is that institutions, prisons, hospital, and nursing homes are to stay in place, we'll stay in place," Flateau said.

"But if the recommendation is that we evacuate, then we evacuate." He said the Department of Correctional Services would transport the inmates to other prisons in the region, using the department's fleet of secure buses and vans. "We have enough buses,"

Flateau said. In the event of less severe releases of radiation, Flateau said inmates would be locked down inside Sing Sing. In a letter to The Journal News, Glenn Goord, the Department of Correctional Services' commissioner, said that under that scenario, "the thick concrete and steel construction of the prison may provide more protection than that offered by some other buildings in the Ossining area."

Flateau's statements yesterday come as residents who live near the plant take a new look at evacuation plans for the 10-mile area around Indian Point in light of the World Trade Center attack. Indian Point is now under armed guard, and the Coast Guard patrols the Hudson River. Dr. Leslie Plachta, an Ossining resident who has visited with Sing Sing

prisoners, said he still doubted whether the regional evacuation plans which call for the transportation of more than 60,000 students, hospital patients and nursing home residents would actually work. But he said the state at least now had acknowledged that it needed to plan to safeguard the inmates and correctional officers. "I still doubt any evacuation plan has any chance for success in the densely populated area that we live in," he said. While the state would evacuate prisoners in a serious emergency, Flateau said, it has no intention of changing its policy regarding potassium iodide, medication known to minimize the onset of thyroid cancer from exposure to ionizing radiation from a nuclear plant meltdown. The State Emergency Management Office has made potassium iodide available to state prison authorities who want to stockpile the medication in case of a radiation release.

The Department of Correctional Services has declined to make potassium iodide part of its emergency plans. Flateau declined to state the reasons behind that decision. "It's an option under SEMO's plan, and they can explain to you all the reasons they have made it optional," Flateau said. State Emergency Management Office spokesman Donald Maurer did not return phone messages.

Gov. George Pataki's office referred all questions to Flateau.

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State's evacuation plan meets protest

By DAVID MCKAY WILSON
THE JOURNAL NEWS

If a radioactive cloud were to stream from the Indian Point nuclear complex in a catastrophic meltdown, more than 60,000 students, sick and elderly are supposed to be evacuated from within the plant's 10-mile radius, while others would be blocked from entering the danger zone.

But 2,200 inmates at Sing Sing Correctional Facility in Ossining would be locked in and left under the guard of hundreds of correction officers, The Journal News has learned.

The state also has decided not to provide medication that could minimize the effects of radiation on the inmates and guards at Sing Sing, which sits just eight miles south of the Buchanan-based nuclear complex, said James Flateau, a spokesman for the state Department of Correctional Services. Sing Sing is the only one of New York's 71 prisons within 10 miles of a nuclear power plant.

"We would not evacuate," Flateau said. "The plan in place is to keep people in place and

secure entrances and windows."

Elizabeth Gaines, executive director of The Fortune Society, a prisoners rights group, said she was "stunned" by the state policy.

"I thought I was beyond shock, but this shocks me," she said. "To put 2,200 people in a cage and let them stay while the world blows up — it's like they are not talking about human beings."

Flateau said the state's evacuation plan was similar to those in place for hospitals and nursing homes within Indian Point's 10-mile emergency evacuation zone. Westchester County's official evacuation plan, prepared by the county's Department of Emergency Services, includes a detailed evacuation plan for all 57 hospitals, nursing homes and other residential treatment facilities within the zone.

Concern about the safety of Indian Point has risen in the wake of the Sept. 11 terrorist attacks on the World Trade Center. The Indian Point complex, which has two operating nuclear generators and 600 tons of spent fuel rods on site, is now under armed guard by local, state and federal authorities. The Coast Guard is conducting patrols along the Hudson River.

Officials from Entergy Corp., the plant's owner, have not revealed details about Indian Point's security plans, but say they include protection against an aerial attack.

Union leaders for Sing Sing's correction officers said they learned of the state's lockdown policy for the prison from The Journal News. Brian Shanagher, president of the New York State Correction Officers Benevolent Association, urged the state to reconsider its plan.

He said the state has an extensive fleet of secure buses and vans at nine facilities within 50 miles of Sing Sing. The vehicles are used to transfer inmates between institutions and to court appearances, and could be used to evacuate the prison, Shanagher said.

"I hate to think that the lives of the officers and the inmates are that cheap to them," Shanagher said. "They should not be discarded."

Another union leader questioned whether correction officers would stay at their posts if deadly radiation from Indian Point was settling over the area. "If I'm working there, I'm not going to sit there and wait," said Booker Curtis, the union's business agent in southern New York. "I'm trying to leave like anybody else."

Flateau, though, insisted that correction officers would stay in the midst of a nuclear emergency at Indian Point. He noted that correction officers in upstate New York stayed to guard prisoners during a historic winter storm in January of 1998. During that ice storm, several upstate counties were coated with up to 3 inches of ice, some roads were closed, and the region's power system was crippled, leaving hundreds of thousands

without power for several days.

"We had a number of employees who stayed at the scene," Flateau said. "The correction officers looked after each other."

The prison system's emergency plan is part of an overall response by the State Emergency Management Office. That plan, Flateau said, allows the Department of Correctional Services at Sing Sing to stockpile potassium iodide, a medication known to minimize thyroid cancer in humans exposed to radiation.

The medication was widely distributed in Poland following the meltdown of the Chernobyl nuclear power plant in Ukraine in April 1986, and limited cancer there, according to the U.S. Nuclear Regulatory Commission. Flateau said the state has decided not to stockpile potassium iodide, known as KI, at Sing Sing.

"We don't have any KI at Sing Sing," Flateau said. "Under the plan, we have the option of remaining in place and sealing, and stockpiling KI, or not, and we chose not to stockpile."

The state's policy at Sing Sing has drawn criticism from residents, clergy who work with prisoners, and prison reform advocates.

The Rev. Michael Kendall, archdeacon for mission for the Episcopal Diocese of New York, called the state policy "inhumane."

"It would be unthinkable that prisoners would be kept in lockdown if there was any kind of terrorist or nuclear disaster, or any life-threatening incident," Kendall said.

Dr. Leslie Plachta of Ossining, who over the past years has visited prisoners at Sing Sing, said he doubts that Westchester's plan to evacuate the region in the event of a meltdown would work. Nevertheless, he opposes the state's policy of leaving the guards and inmates behind.

"The state should not be allowed to sacrifice the prisoners and the guards," Plachta said.

Robert Gangi, executive director of the Correctional Association of New York, said the state must do more to protect the prison employees and the inmates in its custody.

"This is very troubling," Gangi said. "And this is literally a matter of life and death."

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Auburn Correctional Facility inmate found dead in cell

Department of Correctional Services

Glenn S. Goord, Commissioner

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

FOR IMMEDIATE RELEASE: TUESDAY, NOVEMBER 20, 2001

Auburn Correctional Facility inmate found dead in cell

An inmate at the Auburn Correctional Facility was found hanging in his cell this morning by a shoestring.

The inmate, Odel Rogers, was observed hanging in his cell at 5:53 a.m. by a Correction Officer who was making regular rounds of the general population cellblock. The shoestring was attached to a clothing hook in the rear of the cell and around the inmate's neck. The Officer immediately called for assistance, and staff entered the cell and cut the inmate down. Employees started cardiopulmonary resuscitation on the inmate, who was unconscious and not breathing, and summoned Metro Rural Ambulance to the facility. Outside medical personnel arrived at 6:14 a.m. and pronounced Rogers dead at 6:19 a.m.

The cause of death has not been determined, pending the results of an autopsy. The inmate was last seen alive in his cell at approximately 4:45 a.m. by an Officer on rounds of the cellblock.

Rogers, 22, was sentenced in 1998 to a term of 25 years to life for a second-degree murder conviction out of Kings County. He was received into the state prison system on

Jan. 29, 1998, and had been an inmate at Auburn since Oct. 29 following a transfer from Southport Correctional Facility.

Rogers would not have been eligible for parole until March 6, 2022.

If the death is ruled a suicide, this would be the fifth suicide this year in the state prison system now housing 67,781 inmates. The last suicide, also by hanging, occurred on Aug. 11 at Attica Correctional Facility. The last suicide at Auburn, also by hanging, occurred on Oct. 5, 2000.

There were 18 suicides in the state prison system last year.

Auburn, a maximum-security prison in Cayuga County, opened in 1817. It currently houses 1,767 male inmates.

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Kuhnel not guilty of sex crimes

The jury didn't buy either the DNA evidence against correction officer Ed Kuhnel or the story from the inmate who accused Kuhnel of sodomy, according to one juror.

After three hours of deliberations, the jury threw out 13 of the 15 charges against Kuhnel, including the sodomy, attempted sodomy and most of the official misconduct charges. They found him guilty of only promoting prison contraband and the one official misconduct charge related to the contraband.

Jose Perez, a transvestite inmate, had accused Kuhnel of forcing him to have sex. The incidents were supposed to have taken place at Eastern Correctional Facility outside Ellenville in May 2000. Kuhnel testified Friday morning that he was being harassed by Perez and had masturbated into a condom and thrown it at Perez in retaliation. Perez trumped up the charges so he could sue the state, Kuhnel's lawyer said.

Perez said he had secretly kept the condom following an oral sex encounter with Kuhnel. If that was the case, said Paul Caltagirone, Kuhnel's lawyer, there should have been some of Perez' DNA on the outside of the condom. There wasn't any. "That was a huge discrepancy," he said. Juror Michael Arzillo said jurors discredited Perez. "It was difficult to believe what he was saying," Arzillo said.

Kuhnel will be sentenced on the two guilty charges Jan. 11. Prosecutor Michael Miranda said only that he was satisfied that the jury had done its job.

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Guard waits to see if this time he actually loses job for good

By John Milgram

Albany The Nazi flag-flying prison guard, who narrowly avoided losing his job twice before, will soon learn whether the third strike against him means he's out.

Ed Kuhnel, a 20-year guard at Eastern Correctional Facility outside Ellenville, was cleared by a jury Friday of 13 of 15 charges against him, including felony counts alleging he forcibly sodomized a cross-dressing inmate. He was, however, convicted of misdemeanor promoting prison contraband and official misconduct charges.

"The commissioner (of state prisons) is reviewing his options," said James Flateau, spokesman for the state Department of Corrections.

"If it is a felony (conviction), you automatically lose your job, pure and simple," Flateau said, adding he's heard of times correction officers convicted of misdemeanors related to the job have been fired too.

Until then, Kuhnel, a 20-year prison guard, remains suspended without pay from his \$44,034-a-year job. The state unsuccessfully tried to have him fired in 1988 after he distributed materials at the prison indicating he belonged to the National Association for the Advancement of White People. A court ordered him back on the job.

Then, in 1996, Kuhnel was again removed from his job when a newspaper published photos of his home with a Nazi flag flying in his front yard. State officials vowed they'd never let Kuhnel back in uniform but the state's highest court later ordered him reinstated with more than \$110,000 in back pay, citing his first amendment rights.

It was early this year a cross-dressing robbery convict serving time at Eastern alleged Kuhnel forced him to perform deviate sexual acts with him. He even kept a condom with Kuhnel's DNA in it which was used as evidence at trial. Jurors, however, said they did not find the inmate, who testified in women's clothing, credible. They tossed the most serious charges, which included the felonies.

Sentencing is scheduled for Jan. 11th in Ulster County Court.

Prison programs a possible victim of tight budget

By John Milgram

Ottaway News Service

Albany State agencies and employees may not be the only ones to see cuts in programs in what's expected to be a stripped-down budget for next year. Prison inmates will too.

The state commissioner of corrections said some inmate programs are likely to get the ax come budget time, but he won't say what those cuts are likely to be. The prison guards' union, on the other hand, can think of several cuts for the inmates.

"Inmate services are in no way immune from the cuts that must be made," Commissioner Glenn Goord wrote in an internal prison system newsletter. "We are evaluating inmate programs and services to make decisions on what is essential and what is not. I expect that inmates will share in the effect of reducing our costs."

Goord and prisons' spokesman James Flateau did not offer any specific programs that may be targeted. Flateau said only that the cuts will be apparent when Gov. George Pataki's budget proposal is released, which is now expected to be in early January.

Flateau said Goord wrote the notice of the cuts "to put everybody on notice, staff and inmates," about the state's fiscal shape. Like most state agencies, next year's Corrections Department budget is supposed to match this year's approximate \$2.2 billion.

"On Oct. 3, the budget director told all state agencies that they were not to expect any increases above the current year levels," said state Budget Division spokesman Kevin Quinn. To make that happen in the prisons, Goord wrote, cuts will be made to offset any increases in payroll or utilities and the like.

Denny Fitzpatrick, spokesman for the New York State Correction Officers and Police Benevolent Association said there have already been 800 officers cut from the payroll with the prison system's recent downsizing.

As for cuts to inmate programs, Fitzpatrick said the prison population is accustomed to change.

"There are some programs out there that are kind of freebies, like the free bus for visitors to come up and visit (inmates)," said Fitzpatrick. "There are some other programs that are really not absolutely necessary that are funded by the state."

Years ago several inmate frills were cut, Fitzpatrick said, like unlimited free mailing privileges and a snack program. But some programs that may seem like frills to some, are necessary.

"Essential programs like education and vocational programs are part and parcel of being in prison," he said. "When you have nothing but idle inmates ... then you have the potential of a very serious problem."

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Car Hits Corrections Bus Head-on

Husband dies, wife critically injured on 209

A Wurtsboro man died and his wife was critically injured after his car veered into the oncoming lane yesterday and struck a corrections bus head-on, state police in Ellenville said.

Investigator Brian Shortall said that for reasons unknown, the southbound 77-year-old man crossed the double yellow lines on Route 209 and struck the bus.

The bus was on its way back from Queens, dropping off inmates from Ulster Correctional Facility.

The bus driver, James Ferrera, and three corrections officers were on board. Shortall said Ferrera tried to avoid the collision by driving onto the right shoulder. He struck an embankment and could not go any further when the 1998 Chevrolet Monte Carlo hit the bus. All on board the bus suffered minor injuries.

Shortall said that the driver of the car, Philip Shuster, was pronounced dead at the scene. His wife, Rhoads, 69, had to be extricated and taken by Stat Flight to Westchester Medical Center, where she was in critical but stable condition last night.

State police were assisted by the state Department of Transportation, the Department of Corrections, Napanoch and Ellenville fire departments, Ellenville Rescue and Kerhonkson-Accord Rescue.

The cause of the accident is unknown pending the results of the autopsy. Route 209 was closed from Institution Drive to Main Street for about three hours.

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Two prison guards among five accused of dealing narcotics

By JAY REY

Two corrections officers, an ex-prison guard and two others accused of dealing narcotics for the past decade were indicted on drug charges in federal court Friday.

At least one of the corrections officers, Joseph Lattanzio, 41, of Buffalo, is accused of selling cocaine to several other officers, but none of the indictments involved distributing drugs within the prisons, prosecutors said.

"Three of the defendants charged today are either current or former sworn law enforcement officers who were authorized to carry weapons and occupy positions of trust in society," U.S. Attorney Kathleen M. Mehlretter said. "It is intolerable that such persons would be engaged in any narcotics trafficking."

Joseph Lattanzio, his brother John, 40, of West Seneca, and Anthony Andriaccio, 39, also of West Seneca, were arraigned Friday afternoon before U.S. Magistrate Judge Hugh B. Scott on charges of conspiracy to distribute cocaine and marijuana.

All three pleaded innocent to the charges and were released, pending further proceedings scheduled for Tuesday. The charges carry a minimum of 10 years in prison.

Arrested on the same charges were Mark Cater, 42, who was picked up and arraigned Friday in Las Vegas, where he now lives, and Kenneth Lombardo, 34, of West Seneca, who is still being detained on a separate drug charge, said Assistant U.S. Attorney William J. Hochul Jr.

The five are accused of selling drugs since at least 1990. Joseph Lattanzio also was charged with four counts of witness tampering, accused of threatening and intimidating witnesses involved in the case, Hochul said.

The Lattanzio brothers are corrections officers at the Wende Correctional Facility in Alden, and Cater is a former state corrections officer, court officials said.

Joseph Lattanzio has been a corrections officer since 1982 and John since 1986, said James B. Flateau, a spokesman for the state Department of Corrections. Flateau would not discuss the specifics of this case but said after similar felony arraignments, officers are told to report to administrators and are then suspended.

Flateau would not comment on what steps the department is taking to investigate the

cocaine-trafficking charges or allegations that drugs were being sold to other officers.

After the arraignment, Thomas Eoannou, Joseph Lattanzio's attorney, said it is too soon to comment specifically on the government's allegations. He said the three in court Friday are hard working, come from good families and have no previous criminal record.

Federal law enforcement officials are trying to seize Joseph Lattanzio's home on Buffum Street, where he allegedly sold and stored drugs, court officials said.

Court papers accuse Joseph Lattanzio of dealing small amounts of cocaine for at least several years and list five corrections officer at Wende and two other prisons as his customers.

After receiving court authorization to tap Lattanzio's cellular telephone, federal agents said they overheard five corrections officers - on separate occasions - discussing apparent cocaine deals, according to court documents.

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PRISON COMMISSIONER GLENN GOORD EARNS TOP NATIONAL AWARD

Highest Award Presented by the Association of State Correctional Administrators

Governor George E. Pataki today announced that Prison Commissioner Glenn Goord has been honored with the Michael Francke Award, the highest award presented annually by the Association of State Correctional Administrators. The award was presented to Commissioner Goord last night during the ASCA meeting in New Orleans.

"Prison administrators across the nation have acknowledged what we in New York have known for almost six years; that Glenn Goord is the best corrections commissioner in the nation," Governor George E. Pataki said. "Glenn has been a tireless and dedicated public servant for nearly three decades and the people of New York State are fortunate to have such an outstanding professional at the helm of our corrections system."

Governor Pataki, who named Mr. Goord his acting Commissioner on April 16, 1996, noted that Mr. Goord is the first Departmental employee ever to rise through the ranks and be nominated as Commissioner by the Governor and to be confirmed by the Senate (on Dec. 3, 1996).

This is the first time that the award, which has been presented since 1992, has been

given to the Commissioner of New York State's Department of Correctional Services. It is given to "a member who has demonstrated outstanding leadership, contribution to corrections, accomplishment and service to the Association, his or her state, and to the field of corrections." Michael Francke was the Director of Corrections in Oregon when he was stabbed to death in 1989 outside of his state office building in Salem.

Commissioner Goord, 50, joined the Department in 1973 as a drug abuse rehabilitation counselor. His subsequent field positions include serving as supervisor of the inmate grievance program, coordinator of volunteer services and then deputy superintendent for administration. He was reassigned to Albany in 1985 as an Assistant and then Deputy Commissioner for security for the entire prison system. The Department operates 71 facilities with approximately 32,500 employees and 67,600 inmates.

In Commissioner Goord's 27 years in the prison system, he has helped manage its expansion to record levels. He is now implementing the first-ever planned reduction in the nonviolent population. He oversaw the largest expansion in the State's history of maximum-security space to house violent offenders. He is accomplishing all of this with a well-trained work force whose professionalism led to a 21-year low last year in the rate of inmate-on-staff assaults and a 20-year low in the rate of inmate-on-inmate assaults. At the same time, the number of inmates in rehabilitative programs is at an all-time high.

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Ruling due for guard in kitten case

By Deborah Medenbach
The Times Herald-Record

White Plains A decision is expected in U.S. District Court today in the case of a correction officer from High Falls accused of killing a litter of kittens in a trash compactor.

According to court documents, an inmate at Sing Sing Correctional Facility in Ossining, in Westchester County, found a pregnant cat and hid it in his cell. The cat, known as Midnight, gave birth to five kittens.

During a search of the cell March 11, Sgt. Ronald Hunlock found the litter and kicked the mother cat 15 feet to get it away from its young, the district attorney's office said. He ordered the inmate to put the kittens in a box. Hunlock then took the box of kittens and the mother cat and put them in a trash compactor in view of the inmate who'd nurtured them. The mother cat managed to jump out unharmed but the kittens were crushed to death, the district attorney's office said.

Hunlock is charged with five counts of aggravated cruelty to animals and one count of attempted aggravated cruelty to animals, felonies, and five counts of animal cruelty, a misdemeanor, for allegedly torturing the kittens. If convicted, Hunlock faces up to two years in state prison.

State Department of Correctional Services officials in Albany said Hunlock has been suspended without pay from his \$53,519 a year job since March.

If found guilty of the felony charges, he faces immediate dismissal. Even if he is found innocent, his job still remains on the line as the case is reviewed for binding arbitration by the Public Employees Relations Board.

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Correction Officer Convicted in Cruel Act

WHITE PLAINS, N.Y. (AP) -- A prison guard was convicted Tuesday of aggravated cruelty to animals for crushing five kittens to death in a compactor at Sing Sing.

Ronald Hunlock, 47, could be sentenced to up to two years in prison under a new state law that makes the crime a felony.

"In the overall scheme of things in today's world, the lives of five kittens could easily be considered of slight significance by some," said Westchester County Court Judge Peter Leavitt, announcing his verdict after a non-jury trial. "This court feels differently."

Hunlock was also convicted of attempted aggravated cruelty for trying to kill the kittens' mother, who escaped from the compactor at the last moment and has since been adopted. He showed no reaction on hearing the verdict, but some relatives in the gallery shook their heads.

Barbara Stagno, Northeast director of the group In Defense of Animals, said she found the decision "very meaningful," especially since the judge had expressed some reservations about the new statute.

"It's about more than the five kittens," she said. "It's about society's attitude toward animal cruelty."

Hunlock found an inmate with contraband on March 11 at the Sing Sing Correctional Facility in Ossining. He then searched the inmate's cell, found the six cats and ordered the inmate to put them in the compactor. When the inmate refused, Hunlock did it himself. He claimed the cats were deathly ill and the prison had no guidelines for the situation.

Leavitt scheduled sentencing for March 19. He is retiring before then, but he suggested in his decision that Hunlock could be sentenced to probation coupled with community service "at an animal shelter or cleaning stables for the mounted police."

Since he was charged, Hunlock has been suspended without pay by the state Department of Correctional Services. Department spokesman James Flateau said Hunlock would officially lose his job upon sentencing.

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Pataki will not close prisons because of fewer inmates

By Matt Smith

Albany Despite a sharp drop in New York's prison population and the potential loss of \$8 billion in state revenues, Gov. George

Pataki said he does not anticipate closing any of the state's 71 correctional facilities in order to save money.

But, he added he's not ruling out the further elimination of prison jobs through incentive programs such as early retirements.

"We do believe we can reduce the size of the work force through attrition," Pataki said yesterday during a meeting with reporters at the Capitol.

But Dennis Fitzpatrick, a spokesman for the New York State Correctional Officers and Police Benevolent Association, said yesterday the union can't withstand further cuts.

Fitzpatrick said within the last year, roughly 800 guards have retired.

The state's prison population had dropped to 67,666 inmates as of Dec. 4 from a high of 71,423 inmates in March 2000.

Earlier this year, state Department of Correctional Service officials projected the prison population would fall to 64,800 by April 2002. But union officials maintain the decline won't be that dramatic.

Pataki, about to enter the last year of his current term, also said yesterday that recovering from the Sept. 11 terrorist attacks is "more than a one-year scenario" and that

he wants to be around to deal with it.

It was the strongest statement to date that the Republican governor will seek a third term, although he refused to declare his candidacy for it, saying that had to wait "until the appropriate time."

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Corrections officers suffer smoke inhalation

BEACON -- Authorities Monday were investigating a morning fire at Fishkill Correctional Facility that sent 11 corrections officers to the hospital to be treated for smoke inhalation, state officials said.

No serious injuries were reported, but a total of 16 corrections officers suffered smoke inhalation while fighting the fire. State officials said the blaze started in an inmate cubicle area. The cause remains under investigation.

"They actually had to put out the fire," said Bill West, executive vice president of the New York State Correctional Officers and Police Benevolent Association, the union for corrections officers.

State Department of Correctional Services spokesman Mike Houston said 16 officers suffered from smoke inhalation. He said 11 were treated and released from local hospitals and five others said they would visit their own doctors.

Houston said the cause of the fire remains under investigation. The fire started at 10:05 a.m. in one of the cubicles in Building 21, a dormitory unit at the medium-security facility.

Houston said none of the 48 inmates in the dorm were injured, but three cubicles were damaged in the blaze, which was brought under control a short time after it started.

Houston said the inmates would be relocated to other dormitories at the facility until repairs can be made in the damaged building.

The City of Beacon Fire Department responded to the blaze.

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