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Hans-Beck Decision

Machinists v. Street

Machinists v. Street was originally brought in the state courts of Georgia. The union security agreement was between the International Association of Machinists and a group of carriers called the Southern Railway System. The dissenting workers were forced to pay 100 percent of the regular union dues as a condition of continued employment. They presented a carefully documented record that proved that a "substantial part" of the union dues exacted from them was used to pay for partisan political activities. They asked to have the whole union security agreement thrown out on constitutional grounds. The trial court and the Georgia Supreme Court agreed with the complaining workers. The 1961 U.S. Supreme Court decision was written by Justice Brennan, who would also write the Beck decision 27 years later. The union argued that the Court had cleared union security agreements in the Hanson case, so the dissenting workers had no case. The Court, however, did not buy that argument in its entirety: [A]ll that was held in Hanson was that Section 2, Eleventh was constitutional in its bare authorization of union-shop contracts requiring workers to give "financial support" to unions legally authorized to act as their collective bargaining agents. We sustained this requirement --and only this requirement. . . .

Clearly we passed neither upon forced association in any other aspect nor upon the issue of the exacted money for political causes which were opposed by the employees.(24) Hanson had allowed forced dues to be used for Box 3 (collective-bargaining) expenditures of the taxonomy of expenditures set forth above and suggested that there might be difficulties associated with using forced dues for Box 2 (political advocacy) expenditures. "Forced association in any other aspect" could be interpreted to refer to expenditures in the other two boxes, but the Court did not analyze such expenditures in either Hanson or Street. The Street Court agreed with the dissenting workers that using exacted money for political purposes raised constitutional "questions of the utmost gravity," but it also reiterated its long-standing position that "Federal statutes are to be so construed as to avoid serious doubt of their constitutionality."(25) If Section 2, Eleventh could be interpreted, on its own terms, as forbidding unions to use money exacted from dissenting workers for political purposes, the First Amendment questions of free speech and association would not have to be addressed. The constitutional questions would have to be faced only if Section 2, Eleventh permitted forced dues to be used for politics. After reviewing the history of union security in the railroad industry and the legislative history of the RLA, especially Section 2, Eleventh, the Court did indeed interpret that section narrowly to permit the exaction of forced dues from dissenting workers only for the limited purpose of avoiding the free-rider problem. The only justification of union security advanced by the unions and by Congress was the capture of free riders. In the words of the Court:

The conclusion to which this history clearly points is that Section 2, Eleventh contemplated compulsory unionism to force employees to share the costs of negotiating and administering collective agreements, and the costs of the adjustment and settlement of disputes. One looks in vain for any suggestion that Congress also meant in Section 2, Eleventh to provide the unions with a means for forcing employees, over their objection, to support political causes which they oppose.(26) . . . Congress did not completely abandon the policy of full freedom of choice in the [RLA prior to the 1951 amendments], but rather made inroads on it for the limited purpose of eliminating the problems created by the "free rider."(27) Thus, the Court bought the unions' free-rider argument in support of forced dues, but it did so very narrowly. The free rider of concern is one who gets the benefits of the collective-bargaining services of an exclusive representative and otherwise would escape paying for such benefits. According to the Court,

forced dues, at least under the RLA, are not authorized on any other grounds. The Court did not grant the dissenting workers every thing they had asked for. The union security agreement at issue was not declared unconstitutional. It could stand as long as the forced dues were used for collective-bargaining purposes, not for political purposes. How about Box 1 and Box 4 activities of unions? Are forced dues for Box 1 activities permitted because they are for collective bargaining or prohibited because they are for political purposes? Are forced dues for Box 4 activities permitted because they are not for political purposes or prohibited because they are not for collective bargaining?

The Court demurred:

We have before us only the question whether the power [to expend forced dues] is restricted to the extent of denying the unions the right, over the employee's objection, to use his money to support political causes which he opposes. . . . We express no view as to other union expenditures objected to by an employee and not made to meet the costs of negotiation and administration of collective agreements, or the adjustment and settlement of grievances and disputes. . . . We do not understand . . . that there is before us the matter of expenditures for activities in the area between the costs which led directly to the complaint as to "free riders," and the expenditures to support union political activities.(28) It was not until 1984, in the *Ellis* case, that such expenditures would be examined by the Court. The majority opinion in *Street* concluded by giving some suggestions and guidelines for an "appropriate remedy" for the political use of forced dues. Unions were to be permitted to collect full union dues from workers who did not object to the unions' political activities, and they were to be permitted to collect dues for collective-bargaining purposes from dissenting workers. But forced dues would have to be less than regular dues. The union could not collect full dues from dissenters and then use all those forced dues for collective-bargaining purposes. That would permit the union to use for political purposes more of the dues collected from voluntary payers than it otherwise could have. In effect, the dissenters would still be subsidizing political expenditures. The Court suggested that one possible remedy would be restitution to each individual employee of that portion of his money which the union expended, despite his notification, for the political causes to which he had advised the union he was opposed. . . . [T]he portion of his money the employee would be entitled to recover would be in the same proportion that the expenditures for political purposes which he had advised the union he disapproved bore to the total union budget.(29) Three points in the Court's suggestions for remedy played a role in subsequent cases. First, each individual dissenter had to file a complaint referring to specific political expenditures to which he objected. No class action was possible. Moreover, a worker could not opt out of all political expenditures as a general category. He had to object to specific political expenditures. Second, a rebate scheme was all right. That is, a union could exact full union dues and then later give a refund to any individual dissenter. There was no mention of interest to be paid on the refunded money. Third, the amount of the refund could be determined by a percentage reduction formula based on the percentage of the total union budget that was spent for political purposes. The problems surrounding the first point were partially addressed in *Railway Clerks v. Allen* (1963). There the Court loosened the *Street* constraint on dissenters by permitting them to "opt out" of all political expenditures. They no longer had to object to specific political expenditures, but dissenters still had to object as individuals, not as a class. The *Allen* Court also suggested that initial reduction of dues rather than a rebate scheme would be an appropriate remedy. That was only a suggestion, however, and most unions ignored it. The third point in the suggested remedy in *Street* proved especially important to future cases. Although the Court said that forced dues could be used only for collective-bargaining purposes, its suggested remedy did not require a union to defend the expenditures it labeled as collective-bargaining expenditures. The base line was not zero forced dues to

which could be added proven collective-bargaining expenditures. Rather, the base line was full union dues from which could be subtracted expenditures that the union admitted were for political purposes.(30) Moreover, the unions themselves got to define all the terms and construct all the procedures within the Court's broad guidelines. Justice Black vigorously dissented in Street. In his view the Court had to strain to define Section 2, Eleventh narrowly to permit the use of forced dues only for collective-bargaining purposes. He thought the Court should have decided the case purely on First Amendment grounds. The union security agreement in dispute should have been disallowed in its entirety because it was tainted by political uses of forced dues. He thought that a narrow statute that explicitly limited the use of forced dues to collectivebargaining purposes would pass constitutional muster because the government's interest in maintaining industrial peace was sufficiently strong to justify the limited infringement of First Amendment rights for that purpose. However, he opined that in practice the accounting burdens involved in separating permissible from impermissible uses should result in unions' deciding to devote all dues collected under union security agreements to collective-bargaining purposes. In expressing his views on the First Amendment, Justice Black quoted James Madison and Thomas Jefferson. If [using forced dues for politics] is constitutional the First Amendment is not the charter of political and religious liberties its sponsors believed it to be. James Madison, who wrote the Amendment, said . . . that "the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever." And Thomas Jefferson said that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." These views of Madison and Jefferson authentically represent the philosophy embodied in the safeguards of the First Amendment.(31)

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Research Studies Request Form

New York State Department of Correctional Services Research Studies Request Form

Please use the attached checklist to request copies and mail it to:

Elizabeth Langevin
 Program Planning, Research & Evaluation
 New York State Department of Correctional Services
 Building #2
 1220 Washington Avenue
 Albany, NY 12226-2050

- _____ 1. The Ninth Annual Shock Incarceration Program Legislative Report:1997
- _____ 2. NYS DOCS Shock Incarceration 1997 Legislative Report - Summary
- _____ 3. Semi-Annual Legislative Report on Earned Eligibility Program:April 1996 -September 1996
- _____ 4. Semi-Annual Legislative Report on Earned Eligibility Program:October 1996 -March 1997
- _____ 5. Comprehensive Alcohol & Substance Abuse Treatment Program (CASAT):1996
- _____ 6. Psychological Screening Program for Correction Officer Applicants:1996

- _____ 7. 1992 Releases: Three Year Post Release Follow-Up
- _____ 8. Stay'N-Out - A Program Study - 1996
- _____ 9. HUB System: Profile of Inmate Population Undercustody on January 1,1997
- _____ 10. Admissions and Releases - 1996
- _____ 11. Characteristics of New Court Commitments - 1995
- _____ 12. Summary of Characteristics of New Court Commitments - 1995
- _____ 13. Characteristics of Inmates Discharged - 1995
- _____ 14. Unusual Incident Report: 1996 Calendar Year
- _____ 15. Inmate Escape Incidents 1992-1996
- _____ 16. Summary of OCA Felony Processing 1995-1996
- _____ 17. New York State Felony Processing - January-December 1996
- _____ 18. Parole Board Dispositions at DOCS Facilities - 1996
- _____ 19. Identified Substance Abusers - December 1996
- _____ 20. Willard Drug Treatment Campus Update - April 1997
- _____ 21. The Impact of Foreign-Born Inmates on the NYS Dept. Of Correctional Services
- _____ 22. Elderly Inmate Profile 1985 and 1995
- _____ 23. Long-Term Inmates - 1996
- _____ 24. Annotated Listing of Department of Correctional Services' Research on Female Commitments
- _____ 25. Female Offenders
- _____ 26. JTPA Summer Youth Employment Program: 1996
- _____ 27. Patients at Central New York Psychiatric Center Discharged from the NYS DOCS
- _____ 28. Incident of Tuberculosis Infection Among New York State Prison Employees -December 1996
- _____ 29. Vocational Programs: Description and Exploratory Study - May 1997

NAME _____

ADDRESS _____

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Expend dues money for political purposes

The following e-mail was sent to various US Senators re: Campaign Finance Reform & AFSCME:

Sir,

I watched C-Span 10/7/97 and I cannot believe that you would not accept Sen. Lott's ammendment on Labor Unions, thereby killing Campaign Reform Legislation.

I cannot comprehend why you think it is wrong for the Unions to FIRST get permission from a member to expend dues money for political purposes. Let me explain what currently takes place and then, perhaps you will understand why I feel that the Unions should get the permission FIRST.

I work for New York State. I am a member of Council 82, AFSCME. In 1995 AFSCME expended funds from my dues for partisan political purposes. As it happens I did not agree with the purposes which they expended it for. In April 1996, AFSCME told us that we had 15 days to request in writing, via "CERTIFIED MAIL" a refund of our individual dues expended for the political purposes. We had until 4/15/96 to make that request. I received my refund AFTER election day around, 11/15/96. It was for under \$15. Accompanying the check was a letter which said that the amount was determined by the Treasurer, I called and asked for a written explanation of this determination but was told there was none available.

AFSCME takes my dues directly from my paycheck, at no cost to them, but when I sought a refund I had to expend over \$2.00 in postage, at my expense to request it.

It took AFSCME over 11 months to return the political portion of the dues. While they held on to this money it was used for purposes that I don't approve of, and it earned interest for AFSCME.

Plain and simple THIS IS NOT FAIR. They start taking and using the money in January of 1995, for non-union related causes which I don't approve of, and then they don't return it until Nov. 1996 22 months later!! In a free society how can this be?

Lest you think that this was a mistake or an uncommon error, I am still waiting for my refund for partisan political activity from my union dues from 1996. I again had to pay "CERTIFIED Mail" postage in April. It is mid- October 1997.

This is why I urge you to support Sen. Lott's ammendment which, as I understand it, would cause the union to get my OK before using my dues for partisan political activities. It seems to me, based on the arrogance of the American Federation of State County and Municipal Employees (AFSCME) in their inept and deliberately slow compliance with the Beck decision, this is the ONLY way that they will acted in a proper and fair manner to we the members.

Finally let me leave you with a quote: Thomas Jefferson said that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

Thank You.

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Bloods And Crips Arrested In NYC

By Newsradio 88 Staff

Cops say they've busted more than a hundred members of the "Bloods" and rival "Crips" gang in an sweep called "Operation Red Bandanna," named for the red bandanna many Bloods wear, reports WCBS' Dave Browde.

Police moved on word that the Bloods were moving into New York in greater numbers, recruiting members in prison and on the street.

Authorities say the gang made their money on narcotics, and were becoming increasingly violent.

They made a total of 265 arrests -- 167 are gang members, police say

Police say the gang initiated new members by having them slash someone at random with a box cutter, and 135 such slashings are now considered solved.

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History of Privatization

The term "Privatization" was originally first used by N.Y. Governor Seward who I might add was from Auburn, N.Y. Around 1800's he composed magnificent writings about the subject and simply concluded that it was evil in it's nature and nothing more than legalized slavery and tyranny against it's own people. His writings are well documented and you will see in the future exactly what I am implying by this. It is ironic that privatization started in Auburn N.Y. and will die in Auburn, N.Y. It goes back to the old addage "History Repeats Itself".

Now in our modern age the Southern Dixie Republicans who call themselves conservative republicans resurrected the idea of privatization, started and led by Newt Gingrich. Well Newts Idea got him in much trouble in that he will be shortly replaced with Bill Paxon who will be the new Speaker Of The House. A couple of months back Paxon had resigned as the #2 man in control of the republican party because he realized that these Dixie Republicans were absolutely out of Control, however he will now be brought back in as the new Speaker of the Republican Party and this is nothing more than a godsend to the ailing party.

When a conservative dixie republicans don't like what truths they read, their typical response that comes out is "You are a liberal" This ideology has been entrenched by the Newt Gingriches and has resulted in nothing more than big "L's" being tattoed to their forheads designating them as BIG TIME LOOSERS. For you to imply that I am a liberal because I want to protect your brothers, wife, children, cousins, and your own job I can't accept that. I am and have been an elected State Of New York Conservative Committee Person for the conservative party and when these dixie republicans who masquerade themselves as a faction of the so-called registered conservative party attempted to solicit the voters in my area to have some dixie republican/conservative run against me you know what almost every voter said in this district said, "We support Tom he is unbeatable, best for our interests, and would not support anyother candidate". Then these party people walked out of the district with their heads down and a big "L"for Looser on their heads. Why can't I be defeated because I don't support myself I support the people

I represent.

Furthermore, I have been asked repeatedly for four years now to run against my district county legislator who might add is a doctor on the street and also services 3 of our state prisons and I have flat out refused. I explained to those that continually request me to run that there is too much corruption in our county legislature and that for me to run and benefit the voters I would need a few other good men (that don't take criticism as being at war as a military servicemen, because if criticism is an attack obviously you saw no real action, as a real attack provokes a lifetime of nightmares) so we could secure some power in order to pass provisions which benefit the taxpayers of this district. I honestly care about people, it is my nature not cutting deals that do not benefit the majority of constituents. I could not sleep at night as many politicians do knowing I would have compromised my beliefs, values, and principles for the sake of some corrupt politician or party. Well enough said I must go and rake stone for 5 or so hours as I have for the past two weeks.

Tom Short
Cayuga CF

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Times Herald Record
October 10,1997

Proposed Prison Blends into Rural Landscape

Albany (AP)- Missing are the massive light towers and water tanks of typical state prisons. In their place will be landscaping that hides the razor wire and the smaller buildings that won't obstruct the mountain views.

The state Department of Correctional Services is making concessions to the Adirondack wilderness in its plans, unveiled yesterday, to build a new prison in Tupper Lake.

The maximum-security facility, which would occupy 76 acres of Adirondack land just north of the village of Tupper Lake, will house 1,500 inmates and cost \$130 million, according to Corrections Commissioner Glenn Goord. It will bring an estimated 367 jobs to the area.

Unlike most prisons, there will be no need for 60-foot-tall light towers to illuminate evening recreation yards because maximum-security inmates are only allowed out of their cells one hour per day. The water tank will be built close to the ground to keep it hidden behind trees, Goord said.

Details about the proposed prison were included in a filing state prison officials made before the Adirondack Park Agency yesterday. The agency, which regulates land-use issues in the Adirondack Park, must authorize the project.

The Adirondack Council accused the state of trying to steamroll the project through the Adirondack Park Agency to start building as quickly as possible. Prison officials want to put the prison construction project out for contractors bids in January.

"The site selection process is a sham," said Adirondack Council staff attorney Bernard Melewski. "There seems to be no activity on their part to look outside the park for a site."

Prisons spokesman James Flateau said the state Legislature mandated that the new prison be built near Tupper Lake, which is 25 miles west of Lake Placid.

Goord said he ordered his staff to begin a review next week of six other sites, outside the boundaries of the park, in case the APA does not approve the Tupper Lake plan.

Bill Curran, director of regulatory reforms for the Adirondack Park Agency, said that while more information would be needed for a better agency assessment of the proposed prison, it appeared the buildings would not disturb nearby wetlands.

"In the Adirondack Park it's difficult to find relatively flat sites that don't involve significant amounts of wetlands," Curran said.

Curran said the state's plans were received yesterday morning, and were quickly incorporated into the agency's committee meeting later in the day. Curran said he recommended that the chairman of the agency or one of the directors handle review of the project, and that a public hearing be held on the proposal.

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Inmate indicted in attack on nurse

By Don Lehman
Staff Writer

FORT EDWARD -- A state prison inmate who allegedly stripped naked and attacked a nurse at a prison in Comstock has been indicted on attempted murder and attempted rape charges.

Daryl B. Wood, 20, of New York City, faces five felony charges in the indictment handed up Wednesday in Washington County Court.

Authorities said Wood attacked a 48-year-old female nurse at medium-security Washington Correctional Facility Sept. 28.

He hid in a women's bathroom at the prison's infirmary, took his clothes off and grabbed the woman from behind, choking her and repeatedly slamming her head into a sink and wall, authorities said.

She managed to fight her attacker off and escape with just minor injuries. She has not yet returned to work, Washington Superintendent John Malloy said.

Wood, who is serving a 6- to 18-year sentence for rape, was initially charged with a single felony assault count.

But Washington County District Attorney Robert M. Winn said the grand jury believed Wood was trying to kill the nurse, whose name hasn't been released.

" I believe it too," Winn said Wednesday. " She felt her life was in jeopardy."

Wood had gone to the infirmary that morning to receive results of a tuberculosis test. Afterward, he slipped into the bathroom unbeknownst to prison staff, officials said.

Officials with the union that represents state prison guards questioned whether staffing in the area was appropriate. James McCabe, president of Local 3046 of Council 82, the guards' union, said two officers were supposed to be stationed in the area, but one had been assigned elsewhere.

McCabe said Wednesday no changes had been made since the attack. Malloy said officials are "reviewing internal movement" and "may be reviewing internal distribution of staff."

McCabe said union officials hope to meet with prison administration to discuss the issue later this month.

No arraignment date has been set for Wood, who was transferred to maximum-security Clinton Correctional Facility after the attack. He'll also face prison disciplinary proceedings in addition to criminal prosecution.

He could face up to 25 additional years in prison on the attempted murder charge, and 15 additional years for attempted rape. In addition to those two counts, he faces two felony assault charges and an unlawful imprisonment count.

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Warning shot fired during prison yard fight

Staff Report

COMSTOCK -- A brawl at the Great Meadow state prison Wednesday prompted prison officials to bring in extra officers as a security measure, officials said.

No inmates or guards were injured in the fight, which involved 48 inmates, some with weapons, and required an officer to fire a warning shot to stop it, prison officials said.

Robert Lawson, a spokesman for Council 82, the union representing corrections officers, said he believes the fight -- and a smaller one earlier in the day -- were gang-related.

But James B. Flateau, spokesman for the state Department of Correctional Services, said an investigation has not been completed, adding that attributing the prison disturbance to gangs is "irresponsible opinion" at this point.

The major fight began about 1:50 p.m. in the general prison recreation area known as the "big yard," which contained about 300 inmates, Flateau said.

Two inmates displayed weapons and ignored verbal commands from guards to stop fighting. Then, another 46 inmates, some brandishing weapons, joined in the fight, Flateau said.

To prevent the fight from escalating further and jeopardizing other inmates and the six guards in the yard, a guard in a tower fired a rifle shot into a safe area near the scene of the disturbance, Flateau said.

When the shot was fired, the inmates complied with orders to lay down. As they were being rounded up, one inmate kicked a guard, Flateau said.

The 252 inmates who were in the yard at the time of the fight but did not participate in it were escorted back to their cells. The two initial combatants were taken to the prison infirmary, where they were treated for minor injuries, Flateau said.

The other 46 inmates were placed in restraints and escorted from the yard into a processing area at the facility to be searched for weapons and examined for injuries.

Off-duty guards were brought in as a precautionary measure, Flateau said.

Lawson said officers confiscated several handmade weapons, including plexiglass shanks, a broken cane and hard-backed razors, which are blades inserted into something solid, such as a toothbrush.

Lawson said he was told by guards that the two incidents were gang-related, a problem he said is growing in the state's prisons.

" We've been having increasing problems with prison gangs, even though the (corrections) department likes to say they don't exist," he said. " It is becoming a problem at virtually every prison in New York state."

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Mid Hudson Mtg. - QWL Downstate 10/9/97

For those of us not at this meeting, please give us a comprehensive account of the meeting.

Actually the meeting focused on PAC, Public relations, and L/M for statewide. An upgrade is a major issue for all of us and the word that I have been getting is positive from all sources. The one fear that I have is that they will somehow try to tie it to our contract. The question that may be brought to the members is; "Would you be willing to take a zero for the step upgrade?". Watch for it, I think it will be coming :-(.

The questions on PAC were the same as we are seeing here, more concern for how and who the monies will be spent than what was added to the dues. I think the vast majority understand the importance of why the money is needed. A MAJOR topic concerning PAC was how to get the members to sign a voter registration card. A lot of good ideas came out and I am sure some will be implemented. The only problem I have is that we have to BRIBE and BEG our members to fill out the voter registration cards!!! This should not be the case with something of this importance!! With the current political atmosphere, our members should be flocking to the cards!!

We are going to try to get a statewide L/M going. I will be calling the other Regional Chairs to get to their meetings to get an overall view of the issues. We are also getting input as to HOW this L/M should be done, and so far a conference type meeting is supported (i would prefer this too). The issues so far are also the same as you have seen here, gangs, weights, safety, health, and so on. We want to concentrate on the more pressing with assistance from local leaders to present them in a two or three day meeting. This will cost Correction Policy plenty, but what good is the money if we don't use it to help us???? Also I won't be going to hear "I'll get back to you from the Commissioner", when we go in together, we will leave together!!! If they send Bartlett, he'll be sitting by himself!!! Just another point, nothing will be signed unless the majority agrees!!!!

John Butler
Correction Policy Chairman

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PERB / CORNELL ILRS TAYLOR LAW SEMINAR

The Public Employment Relations Board and Cornell University, New York State School of Industrial and Labor Relations presents programs on: The Taylor Law and Its Administration Program Location and Sessions:

November 5
Binghamton
Holiday Inn Arena
2 Hawley Street.

December 2
New York City
Cornell Conference Center
16 East 34th Street, 6th Floor.

The cost is \$100.00 per person For more information and registration form call (607) 255-4423

Looks like it will be an interesting program and a good place to make contacts for information!!

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Special grand jury would investigate gangs

NEW YORK, Oct 7 (Reuter) - A New York prosecutor, alarmed by a surge of attacks by Bloods gang members that mimic the violence of their notorious Los Angeles counterparts, Tuesday said a special grand jury would investigate gangs in Brooklyn.

Police believe that the Bloods, which emerged two decades ago in the poor black neighborhoods of Compton, California, and Watts in Los Angeles, have recruited members in New York jails who in turn are now coaxing more young people into the gangs.

Authorities have reported an increase in slashings, stabbings and sexual abuse that appear to be Bloods initiation rites, some of them allegedly perpetrated by high school students.

"We will not tolerate these mindless acts of terror," said Brooklyn District Attorney Charles Hynes, who announced that his office was empaneling the grand jury to weed out members of the Bloods and other criminal gangs.

Hynes said he would start issuing subpoenas Thursday for gang members currently serving jail sentences to begin testifying about gang activity. He said the inmates could have four years added to their jail terms if they refused to testify or seven years added if they were found to have testified falsely.

Hynes also announced the indictment of three Bloods members who are accused of the attempted murder of a 20-year-old woman in Brooklyn Sept 28. The woman was held captive for nine hours, slashed in the throat, stabbed in the head and sexually abused.

The Bloods are suspected in more than 130 random slashings with box-cutters on city streets and subways in recent months. In September New York police arrested 167 suspected gang members in a

citywide crackdown.

The announcement by Hynes to pursue suspected gang members and prosecute gang violence more vigorously coincided with a report on an investigation into the Latin Kings gang and other gangs in New York City schools.

The report by special commissioner of investigation Edward Stancik cited a lack of uniform policy by school authorities and said ``some school administrators have conceded some portion of their control of the school to violent gangs."

Among the recommendations the report made to city education authorities were a ``no tolerance approach" to gangs in schools and the removal of gang-related graffiti from school buildings. It also urged school officials not to meet gang members to mediate disputes.

``Our investigation revealed that violent street gangs, including the Latin Kings, are a dangerous presence in New York City's schools, and that this problem must be addressed swiftly," the report said.

In one incident at a Manhattan high school, authorities were investigating the possibility that the sexual assault of a 13-year-old girl reported Monday was a Bloods initiation rite. Police said the girl was taken into a boys' bathroom by two other girls a week ago and forced to perform a sexual act on three male students. Three are being held on charges of sodomy.

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Mandatory testing if staff are exposed to any blood or other transmissible sources for H.I.V. ect.

I'd like everyone of you out there to take five minutes of your time to respond to the printed information below. If a bill were presented by either the assembly or the senate like what is written below would Everyone that works in Corrections support this, and think this was a good bill or bad bill, and would it provide some security to us as Officers and staff knowing that inmates would have to have mandatory testing if staff are exposed to any blood or other transmissible sources for H.I.V. ect. If a person put a bill out like this could we say he might be looking out for us and our families to because transmissible diseases can do just that be transmitted to others like our families, wives, children ect. Please respond I realize it may be a little long but please read it your life may depend on it.

Add SS71-a - 71-d, Cor L; add S2785-b, Pub Health L

Provides for testing of inmates and respondents for transmissible diseases in certain cases where an employee of a correctional facility or juvenile detention facility may have been exposed to HIV.

PURPOSE OF THE BILL: The bill conforms with the AIDS Advisory Council's principles on HIV testing and is based upon CPL 390.15. in the interests of public health, the bill provides for testing of inmates for transmissible diseases where an employee of a correctional facility has been exposed to blood or significant risk body substances of an inmate through medically recognized circumstances which constitute significant risk and where the testing would provide the employee medically beneficial information which can affect a pending decision to begin, continue, or discontinue medical intervention. It is intended that this shall be accomplished without jeopardizing the confidentiality of the suspected inmate's medical condition.

The bill also provides for a training and education component for employees subject to occupational exposure as directed by the CDC.

SUMMARY OF SPECIFIC PROVISIONS: The bill amends the correction law by adding four new sections providing for testing of inmates in certain cases,, employee training, post exposure evaluation and vaccination and screening. The bill provides for the testing of inmates for transmissible diseases in correctional or local correctional facilities, and hospitals. if there is an employee of a facility who has been exposed to blood or significant risk body substances of an inmate through medically recognized circumstances which would constitute a significant risk of transmitting or contracting a transmissible disease which would place such employee at risk of contracting a transmissible disease, the local court of jurisdiction must, upon written request of the employee, order that the inmate to submit to testing for the presence of such disease provided that such inmate has been offered counseling and voluntary testing and the testing shall be the only means by which the employee will receive medically beneficial information which can affect a pending decision to begin, continue, or discontinue medical intervention and the decision can not be made based upon the test result of the employee.

The testing shall be conducted by a state, county or local health officer designated by the court order. Test results, which shall not be disclosed to the court, shall be communicated to the inmate or respondent and to the employee in accordance with the provisions of S 2785-b of the public health law. Counseling or referrals for counseling will be provided to the inmate and the employee.

The court shall hold a hearing on the request where there is question as to whether circumstances existed which constitute an exposure to blood or significant risk body substance of the inmate who is being ordered to submit to testing and whether testing of the inmate shall be the only means by which such employee can obtain medically beneficial information which can affect a pending decision to begin, continue, or discontinue medical intervention, a test of the inmate could reasonably affect the decision and the decision can not be made based on the test result of the employee.

Such an employee of a facility may direct a request to the commissioner or sheriff for a transmissible disease test to determine his/her status. Such official shall authorize the employee to undergo prompt, scientifically recognized laboratory testing including polymerase chain reaction or other advanced testing technologies for the diagnosis of transmissible diseases. Section 2 of the bill amends the public health law by adding a new section 2785-b which sets forth the administration of testing of inmates or respondents by state, county or local public health officers who will immediately provide to the issuing local court a written report specifying the date the test was completed. The report shall not disclose the results of such test. The results of such test shall only be revealed to the person tested and the employee unless the person tested declines the information. At the time of communicating the results to the inmate or respondent and the employee, the public health officer shall in conjunction with DOCS, office of mental health or a local correctional facility provide counselling referrals.

The bill also provides for employee education and training on bloodborne pathogens and tuberculosis and protocols on screening post exposure evaluation as put forth by the Centers for Disease Control.

JUSTIFICATION:

While performing their difficult and unique duties in various confinement settings, employees at correctional facilities and forensic hospitals are often at risk of coming into contact with persons who engage in conduct which is likely to expose them to transmissible diseases. Indeed, circumstances have

arisen which have resulted in the exposure of an employee to an inmate's or respondent's blood or bodily fluid in a manner that may have involved the transmission of HIV or other diseases from the offender to the employee.

Presently, when an employee suspects exposure to a transmissible disease, he or she must submit to a strict testing regime to determine whether he/she has contracted a serious disease. Because reaction to these diseases is often slow to register, employee testing at various intervals will not always provide the necessary information for such employees to assess risk of transmission. Furthermore, this response will not allow the worker and his/her family to determine if he/she should avail himself/herself of the new prophylactic treatments which can prevent the development of full-blown diseases.

Where there is a rational basis, testing of inmates and respondents at an appropriate time will provide employees with information quickly, thereby enabling the employee and his/her family to promptly explore and consider all available options in a fair and reasonable manner.

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Closer Review of Prison Plan Urged

Three groups question the speed at which a state application for a prison in Tupper Lake is making its way through the system.

Published Oct. 15, 1997, in The Post-Standard.

"This is the weakest application for a major project we have ever seen in the Adirondacks. And yet the APA acted within 10 minutes to advance the application."

TIMOTHY BURKE
Adirondack Council

ALBANY (AP) - Three environmental groups charged Tuesday that the Adirondack Park Agency is cutting corners in its review of a planned maximum-security prison in the Adirondacks.

The Adirondack Council, Sierra Club and Adirondack Mountain Club called on the APA to stop processing the state's application to build a prison in Tupper Lake until an environmental study can be done on the proposal and public hearings are held.

"There seems to be a great weight and a great amount of power behind this steamroller, and it's moving very quickly," Timothy Burke, Adirondack Council executive director, said.

The groups said the APA suddenly took up the prison application last week at a meeting, even though the matter was not on the agency's agenda. Although the APA says it will need more information about the plan, the matter has been assigned to one of the agency's directors for review.

"This is the weakest application for a major project we have ever seen in the Adirondacks," Burke said. "And yet the APA acted within 10 minutes to advance the application."

A proposed private development would be treated more critically by the APA, and a study of other sites would be demanded by the agency, according to the environmentalists.

John Stouffer, the Sierra Club's legislative director in Albany, said bulldozers have already been at work on the Tupper Lake site that the state Department of Correctional Services prefers for the prison, even though the state has received no go-ahead.

"It appears that the department of corrections had adopted a bulldoze-first, do-an-environmental-review-second policy," Stouffer said.

A spokesman for the prison system said the state intends to follow the steps the APA requires in reviewing a major project in the Adirondack Park.

James Flateau said the only special consideration prison officials have asked for is that the review be expedited because of crowding in existing state prisons. As of Wednesday, state prisons were at 130 percent of capacity and there were 2,200 other prisoners in local jails who courts say should have been transferred by now to state prisons, Flateau said.

The \$130 million prison project will take 18 months to complete, according to state estimates.

"We are expecting that the APA will do its normal review, and that that review will be based on whether or not the project meets the rules and regulations of the agency," Flateau said. "It is not a political plebiscite on a prison that some might want to see built elsewhere."

While focusing on the Tupper Lake site, prison officials are also going to review at least six other possible sites for the prison which are still in Franklin County, but outside the boundary of the Adirondack Park. When authorizing the prison this summer, the state legislature required only that it be in Franklin County.

Flateau said bulldozers have been working at the Tupper Lake site, but only to identify boundaries and wetlands. No preparatory work has been done yet, he said.

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Error in dental coverage

An officer at our facility asked me to post this. Between November of 96 and June of 97 about 75 officers had transferred in. Little did they know for some reason their individual and family dental insurance had been cancelled. It was later found out this past month that someone in civil service was responsible for the screw up. He was also told by Albany that this was reported by members at many facilities. If any of you know anyone that transferred during this period and has not used their dental plan to check thing out.

Tom

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Some Bills to look at

A05794 Prohibits the replacement of N.Y. city correction officers by private guards

A06035 Enacts provisions to promote drug-free workplaces within government through fair and reasonable drug testing

A06176 Authorizes employees to use sick leave to care for sick children or parents

A06599 Requires victims of crimes involving a risk of transmission of a serious disease to be offered free counseling and medical treatment

A07977 Protects employees against retaliatory action by employers

S01130 Authorizes the attorney general to provide defense to state employees in a criminal matter where charges arise from entry onto private land required by employment

S01671 Protects employees against retaliatory action by employers

S01672 Protects employees against retaliatory action by employers

S04004 Relates to the powers and duties of enforcement officers

S05201 Establishes a prison industries enhancement program

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Privatization Theory

Our Theory is that with all the stalling and bullshit going on and with the introduction of anti-privatization state legislation for New York City Corrections the ASACTSC and Minimum Camps will be privatized in New York State. There is no doubt about it.

Let us review the basis for our concern

- 1) we have been fighting for years against privatization asking legislators especially the republican senate for legislation, they say they support anti-privatization legislation yet we don't have a bill,
- 2) Now we find out another bill A05794 is introduced by the assembly to outlaw any privatization in NYC against the Correction Officers in City Corrections,
- 3) then this past September the Governor sign s a bill into law outlawing privatization in his home county to protect Correction Officers there,
- 4) then there is a change in section 70 of Correction Law from facilities no longer being classified as Correctional Facilities but Drug Treatment Center D.T.C..
- 5) We have this false promise of an M.O.U. memo of understanding against privatization that we have never seen and probably never will. It's time to wake up and smell the roses. Any form of privatization in this state and the union will simply not be able to govern and not be tolerated.

We really hope we are wrong and embarassed with our theory, but we'd rather take a little egg on the face than to allow what is about to happen.

However we absolutely 100% stand by this theory.

Tom "THE DEFENDER OF REAL TRUTH" (ACOAP)

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Nationwide gang linked to crimes in region

Colonie-- Police say that although Latin Kings' local presence is minor, they have made inroads

EDWARD FITZPATRICK

Staff writer

In June, three men chased down and slashed a teenager on Hamilton Hill in Schenectady. In August, masked men barged into rooms at a Colonie motel, brandishing pistols, pulling the wedding rings off the fingers of men and putting pillowcases over the heads of children. And last month, a man stabbed another motorist after a fender bender outside a Colonie hotel. According to police, there is a common denominator in the three incidents: the Latin Kings. The nationwide gang is making inroads in the Capital Region, local police say. Its presence remains far smaller than in cities such as Hartford, Conn.; Providence, R.I.; and Springfield, Mass., but police fear they may be detecting early signs of Latin King activity here.

"A lot of people think this is a big-city problem," said Lt. Steven Heider of the Colonie Police Department. "But 90 miles away, Springfield has significant gang activity and Holyoke is a nice little community with gangs. Based on their experience, we know we're not immune and take an aggressive approach whenever we see anything resembling gang activity."

To keep the presence from growing, Capital Region police say they are sharing information and remaining vigilant. They estimate that there are now between 15 and 75 Latin Kings in Schenectady, and another 20 or more in the Albany-Troy area.

"Three years ago, we were where Springfield had been three years before that," said Patrick Smith, assistant chief of the Schenectady Police Department. "But it seems to have stagnated. The process is taking longer here."

Police say the gang hasn't grown faster because the concentrations of Hispanics are not as high as in some other communities, and also that unemployment rates are not as high. Police also credit aggressive crackdowns on drug dealing.

But they say local jails and prisons serve as a recruiting ground, and people moving into the community sometimes bring along gang affiliations.

Latin Kings have been recruiting members in Schenectady schools for at least three years, Smith said. "We went to the school district in 1994 and said, 'Be prepared: Once they are here, they recruit in high schools,'" the chief said. "But we found we were six months too late." Since then, the number of Latin Kings in the Capital Region has ebbed and flowed, Smith said. Schenectady has two factions -- one from New York City and one from Hartford, Conn.; the Albany-Troy area has a New York City faction, he said.

Other national gangs, such as the Bloods and Crips, have fewer members in the region than the Latin Kings, police said. The area also contains local gangs such as Albany's Orange Street Boys and Schenectady's Mad Mob, but some consider the national gangs a greater concern.

"They're larger, better organized and they fit the idea of what the public thinks of as a gang," Albany Detective P.J. McKenna said. "They act together and they send 'tithings' back to New York City like the

Mob. A lot make money through criminal enterprises -- not just drugs, but stickups." As local police worry about the emergence of Latin Kings here, experts disagree over what sort of danger they represent.

In New York City, Latin King leaders are trying to recast the group -- from violent street gang to positive street organization -- as they emphasize helping the homeless, protesting police brutality and building cultural pride.

David C. Brotherton, a sociology professor at the John Jay College of Criminal Justice in Manhattan, predicted that Latin King leaders in New York City will frown upon the crimes that local members are accused of committing.

Brotherton, who stays in contact with the leaders, said the group has changed in the last few years under the direction of a new charismatic "Inca," Antonio Fernandez, known as King Tone. The new leaders are trying to curb the violence, he said. For example, members of a new gang recently shot two Latin Kings; rather than retaliating, about 500 Kings staged a peace rally in response, the professor states in a lecture he plans to deliver Oct. 28.

But others call the new focus a farce.

Edwin J. Delattre, a professor of education and philosophy at Boston University, said the Latin Kings try to convince people that they are harmless when they are trying to establish themselves in a new area. "They use deception to gain a foothold in a city, to recruit local members," but their real agenda ranges from drug trafficking to extortion to robbery, he said.

In the Capital Region, the Latin Kings are becoming better known for committing crimes than community activism. "That's the official spin of the Latin Kings: This is Latin pride," Lt. Heider said. "But I can give them four or five examples of falling off the pride train."

The most terrifying example took place at the Super 8 motel on Troy-Schenectady Road in Colonie Aug. 5. According to Investigator Michael Ruede of the Colonie Police Department, four men entered the motel at about 10 p.m. wearing gloves and stocking masks. They not only stole from the motel, they forced an employee to open the doors of hotel rooms.

Among those robbed was a mother and her two daughters, ages 15 and 9, and her 16-year-old nephew. The nephew had visited the family in Saranac, Clinton County, for the summer and was to fly out of Albany Airport for Florida the next morning, Ruede said.

"The only thing I looked at were two big shiny silver guns," the woman later told police. "They were telling us to get on the floor."

She heard the rip of tape coming off a roll; the men were tying up the children with duct tape and putting pillowcases on their heads. They stole \$100 in cash and a credit card, then tied up the woman with shoelaces from one of her daughter's shoes, Ruede said.

Police charged two men with the Super 8 robbery: 27-year-old William Lind (also known as King Will), who gave a Troy address; and 26-year-old Jorge L. Gonzalez (King Chachi), who gave a Schenectady address. Police are trying to identify the other two.

Lind also was charged in a June 30 robbery at the Friendly Restaurant on Wolf Road. The break in both cases came when robbers hit the same Friendly's again Sept. 28. Lind, Gonzalez and Jose L. Colon -- a

23-year-old Watervliet man described by police as a Latin King "wannabe" -- were later charged in the robbery, police said.

Another man identified as a Latin King -- Juan Irizarry (King Johnny), a 32-year-old from Albany -- was charged in a Sept. 7 stabbing. A Schenectady man was stabbed twice following a traffic accident outside the Holiday Inn Turf hotel on Wolf Road, police said.

Schenectady police say Latin Kings chased down an 18-year-old and slashed him across the chest June 25. The teenager had filed a complaint against the relative of a Latin King, and the slashing was retaliation, police said. No arrest has been made.

Lind, Gonzalez, Colon and Irizarry declined requests for interviews at Albany County jail. Police said they believe Lind is among the local leaders.

First published on Thursday, October 23, 1997

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Victim Information & Notification

The Associated Press

By TOM HAYS

NEW YORK (AP) - Victims of violent crime may sleep a little easier thanks to a new pilot program that automatically notifies them within hours of their assailant's release.

The computer tracking system - called Victim Information & Notification Everyday, or VINE - features a 24-hour hot line for registered victims who wish to track an inmate's passage through the criminal justice system.

Victims can also receive a computerized telephone warning minutes after the offender posts bond, escapes or is released from custody.

About 15 New Yorkers have already registered for the computer notification service since it was unveiled two weeks ago, according to Michael Jacobson, the city's corrections commissioner.

"The idea is, give victims peace of mind," Jacobson said.

While an inmate's status is public information, victims complain they must often make repeated phone calls to numerous agencies.

"It was very, very difficult for (victims) to get anybody on the phone to give them answers," said Anne Swern, an assistant district attorney in Brooklyn.

Twenty-four other jurisdictions - including those in Texas, California and New Jersey - have set up similar systems, said Juliette Grace, a spokeswoman for VINE company, based in Louisville, Ky.

Most of the people who have used the VINE system are victims of domestic violence, stalking or sex crimes, officials said.

Victim advocates praised the system, noting that violent offenders often return to harass their victims

upon their release.

The three-year, \$900,000 contract with the New York City Department of Correction - which processes about 135,000 inmates each year - is the largest project to date, Grace said.

"The most important information we can offer is whether we have the inmate or not," Jacobson said Monday, adding that some victims have already received the automated warnings.

VINE is expected to offer information on arraignments, trials, bail hearings and probation.

Kentucky's Jefferson County launched the country's first victim notification program after a woman was slain in 1993 by a man who had been convicted of raping her. Authorities allegedly never notified her that he had been released from prison.

AP-NY-10-20-97 1939EDT

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McCall Retirement Proposal

Law Enforcement Officers Union Council 82
HOLLIS V. CHASE BUILDING
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFLCIO
63 COLVIN AVENUE, ALBANY, N.Y. 12206
(518) 489-8424 (518) 489-8430 FAX

TO: All Council 82 Local Presidents

FROM: President Richard S. Abrahamson

DATE: October 17, 1997

RE: Comptroller McCall's Proposed Retirement Benefits Package

Attached for your review is the latest proposal by Comptroller H. Carl McCall for Performance COLA.

This proposal, though better than the Comptroller's original one, still needs improvement. If you have any comments or suggestions for improving this latest Performance COLA proposal, you may forward them to either myself or John D'Alessandro.

Attachment

cc: Executive Committee
Staff Representatives
John D'Alessandro

RSA/law

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NEWS

From the Office of the New York State Comptroller H. Carl McCall '

FOR RELEASE: Immediately

CONTACT: Steven Greenberg

(518) 474-4015

September 16, 1997

McCall Unveils Proposed Public Employees Retirement Benefits Package

State Comptroller H. Carl McCall today unveiled a package of reforms which promise to strengthen retirement security for New York's public employees. McCall, sole trustee for the 880,000-member New York State and Local Retirement Systems, presented his proposal today at the Comptroller's Advisory Council for the Retirement Systems.

"Every day I hear from retirees who are having financial difficulty," McCall said. "People who have worked hard for the public over their lifetimes deserve a fair and secure retirement.

McCall's plan provides retirees with a pension increase based on the performance of the Common Retirement Fund, a proposal which was introduced but not enacted in the Legislature in 1997. The Comptroller's proposal also includes provisions to improve benefits for Retirement Systems members who began working after 1976 (Tiers 3 and 4), decrease the required time for vesting from 10 years to five years, and provide a death benefit for vested members who leave public employment.

In addition, McCall proposed an incentive program for public employees to participate in the Deferred Compensation programs with an employer match of up to \$25 per month for employees who enroll. Participating in the State's Deferred Compensation plan is optional for local government employers.

"I've talked for years about the need for each of us to take a broad approach in planning for our own retirement," McCall said. "In the same vein, public employers must take the same comprehensive view in developing the system to benefit retirees of public service. We have a great opportunity now. Because the Common Retirement Fund has achieved outstanding investment returns over the past few years, we can now make benefits fairer and more uniform, while still keeping costs to a minimum.

"The costs for providing these benefits are already among the lowest in the country and will remain among the lowest in the country after these programs are enacted," McCall said.

"A crucial component of the package is my proposed Deferred Compensation incentive program," McCall said. "Personal savings, along with pensions and Social Security, make up the three-legged stool of retirement. Deferred Compensation is an ideal way to help people increase personal savings and take more control over their retirement years. New York's participation in this program is now under 30 percent. We can do better."

Albany Phone: (518) 474-4015 Fax: (518)473-8940

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E-Mail: press@osc.state.ny.us

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Comptroller McCall's Proposed Retirement Benefit Package

Performance COLA (Cost of living adjustment)

- * When five-year market return exceeds 10 percent, the first .5 percent above that level would fund an increase of up to three percent for retirees that would stay with them for life.
- * If the return exceeds 12 percent, the next .25 percent would go to a reserve fund to pay retiree COLA's in years when the return does not hit the 10-percent trigger.
- * Had this COLA been in effect, retirees would have received increases in each of the last 12 years, even as employers would have seen continuous reductions in retirement costs over the same period.

Equalizing benefits for Tiers 3 and 4

- * Equalizes the benefits of more than 430,000 Tier 3 and 4 employees and retirees (those who joined the Retirement Systems after July, 1976) with those of Tier 2 members, although Tier 3 and 4 employees will continue to make contributions to their retirement.
- * This change would allow a Tier 3 or 4 employee to receive a benefit of 2 percent of their final average salary per year of service at 20 years rather than the current 25 years.
- * Lessens the reduction of benefits when employees retire between ages 55 and 62.

Five-year Vesting

- * Conforms with federal vesting standards of private sector employers and provides employees with more career flexibility.

Death Benefit

- * Provides death benefit for Retirement Systems members who have vested but are no longer in public employment.

Deferred Compensation Incentive Plan

- * Provides an employer match of up to \$25 per month (\$300 per year) for participating employers when employees enroll in the Deferred Compensation plan, providing savings of more than \$60,000 over a 30-year career for employees who contribute \$25 per month.
- * In Missouri, participation in Deferred Compensation increased to 57.5 percent from 28.7 percent when a similar plan was enacted.
- * New York's participation in Deferred Compensation is 27 percent.

Cost to Employers

- * Rates for employers would be expected to increase from the current 1.7 percent of payroll to just above three percent of payroll for the Employees' Retirement Systems, far below both the six percent contribution rate projected just three years ago, as well as historical levels

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Southport Correctional officers assaulted by inmates

Emira Star Gazette

SOUTHPORT -- Inmate disturbances continued at Southport Correctional Facility Friday, a day after angry inmates assaulted three correction officers.

Most of the trouble is being blamed on prison gangs, said Daniel Morgan, president of Council 82, Local 3544, the 268-member officer's union.

One officer was kicked in the head and another officer was punched in the mouth, and two razors were taken from an inmate during the disturbances, said Morgan.

Also Thursday, negotiators spent 5.5 hours convincing 14 inmates to leave the outside exercise pens and return to their cells, said Morgan.

"It's all gang-related," Morgan said during a 3 p.m. press conference outside the all-solitary confinement prison in Southport. "They assaulted the officers because that's how they get into the gangs. It's their initiation.

"It's a situation we've always felt the state has had its head in the sand about," he said. "The state has to act on it and act fast to control it."

James Flateau, state department of corrections spokesman, said Council 82 has "had a knee-jerk reaction that everything is gangs for at least the last four months." He said that by blaming every problem on gangs, the union is giving status to what is only a small number of gang members.

Jim Pfiffer

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The following is an article printed in the Elmira "Star-Gazette" on 11/1/97 by Jim Pfiffer.

"PRISON VIOLENCE BLAMED ON GANGS"

"ATTACK ON SOUTHPORT OFFICERS WAS PART OF INITIATION, UNION SAYS"

A prison union is blaming gang-related activity for assaults on three officers at the Southport Correctional Facility on Thursday, and said some minor disturbances continued on Friday.

One correction officer was kicked in the head and another was punched in the mouth, and two razors were taken from an inmate during Thursday's disturbances, said Daniel Morgan, president of the 268-member officer's union at Southport known as Council 82, Local 3544.

"It's all gang related," Morgan said Friday afternoon outside the nearly all-solitary prison. "They assaulted the officers because that's how they get into the gangs. It's their initiation.

"It's a situation we've always felt the state has had its head in the sand about," Morgan said. "The state has to act on it and act fast to control it."

A state official disagreed, saying Friday that there are only a small number of gang members and that by Council 82 blaming everything on gangs, it gives the gangs more status.

"Council 82 doesn't consider the safety of their employees when they blame every incident on gangs whether it's gangs or not," said James Flateau, state Department of Correctional Services spokesman. "It could be payback. It could be extortion. It could be lots of things other than gang activity."

The two officers injured Thursday morning were treated at Arnot Ogden Medical Center, Elmira, then released. In a later incident that day, an inmate punched a third officer in the face.

Morgan said the punching incident could have been prevented if the prison's administration had agreed to suspend the exercise program Thursday as Morgan requested after the disturbances began.

Southport administration officials couldn't be reached for comment Friday.

On Friday, an inmate stabbed an officer in the hand with a pen--Morgan didn't know if it was gang related---and another inmate elbowed an officer, who wasn't hurt, Morgan said.

Southport's 900 prisoners, considered the worst in the state system, are locked in their cells 23 hours a day and let out--handcuffed--for one hour exercise in outside pens.

The trouble began at 8:50 a.m. Thursday when an officer frisked an inmate going to exercise and found two razors in his pocket, Morgan said. That inmate struggled and was subdued, and so was another inmate who tried to intervene, Morgan said.

A short time later, as another group of inmates was returning from exercise, a handcuffed inmate jumped up and kicked an officer in the head, Morgan said.

"The officer was standing at his post and the inmate does a Bruce Lee, and 'Wham!' kicks the officer in the face." Morgan said. "Down he goes and then the inmate doubles up his fist and hits the officer in the head."

At 3:15 p.m. Thursday, as more inmates were about to be brought in from exercise, they begin gang chants. "They're saying stuff like, 'We are the BLOODS,' 'We are the Best,'" said Robert Lawson a spokesman for the officer's union in Albany.

The inmates stopped chanting and one of them spit in an officer's face, Morgan said.

As the officers began to remove the inmates from the 75-unit exercise pens, one inmate hit an officer in the face, knocking in his teeth and cutting his lip, Morgan said. That inmate runs back inside the pen and now about 30 inmates in the pen refuse to come in," Morgan said.

At 4:30 p.m., half the 30 inmates returned to their cells. An hour later, a prison crisis intervention team began to negotiate with the remaining inmates and convinced them to return to their cells around 10:00 p.m., Morgan said.

On Friday, officers did a cell-by-cell search of A-block, where the trouble began. At least 84 of the 250 cells were searched Morgan said. He had not been told if any weapons or contraband had been found.

Exercise was also discontinued in A-block on Friday, Morgan said.

Council 82 has asked the state to spend more time and money to train correction officers in how to deal with gang members, but Lawson and Morgan said the union hasn't received the state's answer.

Flateau said the state has already responded by providing gang training to correction officers.

"We have already provided gang training to more than 3,000 correction officers," Flateau said. It's a four hour course. We've been giving it to all new recruits as they come in."

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Eastern inmate hangs self

Eastern inmate found hanging in cell

By KRISTEN SCHWEIZER Staff Writer

NAPANOCH _ The 25-year-old Eastern Correctional inmate who carjacked a Walden family this summer and subsequently led police on a 73-mile chase, was found hanging inside his special housing cell early yesterday from an overhead air duct.

Eron Seeley, a Westchester County native, hanged himself with shoelaces and part of a sheet. He was found by correction officers shortly after midnight hanging in a "blind spot" to the left of the cell door, state prison officials said .

Seeley was facing 18 straight years in special housing for his role in the escape from a prison bus in late July, and for slashing two correction officers several days later when they tried to remove a razor blade and handcuff key Seeley had hidden in his rectum

Inmates in special housing units are confined in their cells 23 hours a day and let out only for one hour of mandated recreation and legal, family/friend or medical visits.

Seeley's is the eighth suicide in the state prison system this year. The last, also a hanging, occurred earlier this month at Attica Correctional Facility, in western New York. Absent any signs of suicide from an inmate, said state prisons spokesman Mike Houston, the only precautions taken are cell checks every half hour by correction officers. Inmates who show suicidal tendencies, he said, may be handled several ways, he said, said as meeting with a counselor, a one-on-one watch or a transfer to the mental health unit. Seeley was sent to state prison in 1993, sentenced to a 28 year term for charges including second degree murder. More recently, he was indicted on charges in Orange and Sullivan County courts in the escape and slashing of two correction officers.

In late July, en route from Downstate Correctional Facility in Dutchess County to Sullivan Correctional Facility, Seeley escaped from a prison bus somewhere on Route 208 and fled on foot toward Walden. There, he carjacked a woman and one of her two children. He proceeded alone in the car. After leading police on a chase through Orange County and into Pike County, he was caught and hospitalized for injuries. He was still wearing a waist chain, padlock and handcuffs. The next day, two correction officers from Ulster Correctional were suspended without pay pending an investigation into how Seeley could escape from the bus they had been manning without either one noticing. The officers were later suspended for two months without pay. Three days later, Seeley slashed the correction officers while they were searching him. He was then transferred to Eastern Correctional. There, twice in one day, he threw feces at two correction officers. The last suicide at Eastern, also a hanging, was in 1994.
