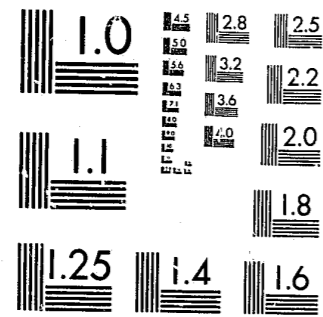


National Criminal Justice Reference Service

ncjrs

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

2/28/84

**Report to Governor Mario M. Cuomo
The Disturbance at Ossining Correctional Facility,
Jan. 8-11, 1983**

91691b



**Lawrence T. Kurlander
Director of Criminal Justice
September, 1983**

91690

PREFACE

No deaths, few serious injuries, and relatively little property damage occurred as a result of the January 8-11, 1983 disturbance at Ossining Correctional Facility. Fifty-three hours after inmates took 19 guards hostage in B-Block, inmates and the State negotiated a written agreement and the hostages were released, unharmed. The State regained control of the maximum-security housing unit without further resistance from the more than 500 inmates inside.

The Ossining crisis has had several official inquiries, of which this is one. Investigations were undertaken by the Department of Correctional Services, which operates Ossining and 41 other correctional facilities; the Commission of Correction, which is the State's official corrections watchdog agency; a joint legislative task force consisting of the Senate Crime and Correction Committee and the Assembly Codes Committee; and the Westchester County District Attorney, among others. On January 10, 1983, you directed me to prepare a full report on what happened. This is that report.

In preparing this document, we reviewed the reports about the disturbance that were compiled by the Department of Correctional Services, the Commission of Correction, and the New York State Police. All of the hostages, and most of the inmates involved in the disturbance, were interviewed, and we examined their statements. We also reviewed reports and other materials about various aspects of Ossining Correctional Facility that were prepared by DOCS, COC, the Department of Health, the

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
State of New York/Executive Chamber

Lawrence T. Kurlander

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Comptroller, the Office of General Services, and others. All told, these documents numbered in the hundreds.

In addition, we reviewed literature about prisons and prison disturbances generally, and interviewed a number of people familiar with New York State correctional practices and conditions at Ossining Correctional Facility. Finally, on May 25, 1983, I visited Ossining and saw the facility firsthand.

I am satisfied that this report fairly reflects the events of January 8-11, and the conditions that led to those events.

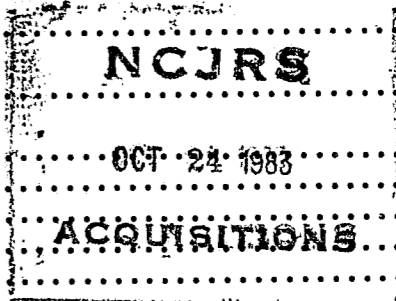
New York's prisons are at a critical stage. Despite substantial funding increases for corrections, the system is strained beyond its capacity to hold and meet the basic needs of the swelling inmate population. The debilitating effects of prison overcrowding were painfully evident at Ossining, and while Ossining's problems were unique in many ways, they were, and are, representative of the whole system.

The problems of prison overcrowding at Ossining, or of the entire correctional system, cannot be blamed on any particular person, policy, or practice. Laws have been enacted which send more and more criminals to prison for longer and longer terms. While several new facilities have been opened, available space has not kept up with supply. Everyone wants to feel safe from law breakers, but few want a prison in their neighborhood. We need to take a hard look at our criminal justice needs, to see how many people should be incarcerated and at what costs.

Government's unplanned, unreflective approach to criminal justice in general, and corrections in particular, cannot continue. If it does, more prison disturbances are inevitable.

CONTENTS

PREFACE	i
I. PRISON DISTURBANCES	1
Incidence	2
Social Indicators.....	2
Causes of Prison Unrest.....	3
Hostages.....	4
Fear of Reprisals.....	4
Expectations of Rewards.....	4
Use of Hostages as Barter.....	5
Why Are Undesirables Hurt Instead?.....	5
Causes.....	6
II. PROFILE OF OSSINING CORRECTIONAL FACILITY.....	12
Sing Sing's Legacy.....	15
Recent Calls for OCF Closing.....	16
Renovation.....	17
Layout.....	18
B-Block.....	21
DOCS' Legal Mandate.....	23
Function of OCF.....	24
Departmental Organization.....	29
Ossining Correctional Facility.....	31
Organization of OCF Security.....	32
Female COS.....	35
Minority Staff.....	36
Entrance Standards.....	36
Training.....	37
Assignment Process.....	37
Staff Turnover and Experience.....	38
Absenteeism.....	40
Who Runs Ossining?.....	40
CONDITIONS BEFORE THE DISTURBANCE.....	43
Conditions at Ossining.....	44
FIRE SAFETY.....	46
Hazards.....	46
VENTILIZATION & HEATING.....	49
SANITATION.....	50
Why Was OCF So Dirty?.....	51
FOOD.....	52
CLOTHING.....	55
MEDICAL CARE.....	57
Medical Service Evaluation.....	57
Recent Complaints.....	59
Deaths.....	60
SECURITY PROBLEMS.....	62
VIOLENCE.....	69



II. PROFILE OF OSSINING CORRECTIONAL FACILITY

CONDITIONS BEFORE THE DISTURBANCE (continued).....	
ATTEMPTED ESCAPES & SUICIDES.....	73
Escape Attempts.....	73
Suicide Attempts.....	73
TRANSIENT INMATE STATUS.....	74
Duration of "Transient" Status.....	75
Potential Litigation.....	76
Outcome.....	77
IDLENESS.....	78
RECREATION.....	79
PACKAGES/MAIL.....	80
Complaints & Unfavorable Findings.....	81
COMMISSARY.....	83
ALLEGED CORRUPTION & MISCONDUCT.....	84
EDUCATIONAL PROGRAMS.....	88
COUNSELING PROGRAM.....	88
FEMALE OFFICERS.....	89
VISITING.....	90
TI Restrictions.....	91
Petition to Commissioner Coughlin.....	92
INMATE LIAISON COMMITTEE.....	93
LAW LIBRARY.....	94
INMATE GRIEVANCE MECHANISM.....	95
DECEMBER 6 INCIDENT.....	97
OSSINING CAPITAL CONSTRUCTION.....	98
Genesis.....	98
Initial Designs.....	99
Revised Plans.....	100
Design Problems.....	101
Design Defects.....	102
Budget Problems.....	102
Cost Plus Fixed Fee Financing.....	103
Problems With Cost Plus.....	105
Communication Problems.....	108
Conclusion.....	109
III. THE DISTURBANCE AND ITS AFTERMATH.....	110
People in B-Block on Jan. 8, 1983.....	111
B-Block Inmates.....	111
Racial/Ethnic Characteristics.....	111
Age.....	112
Time in Ossining.....	112
Subculture & Gangs.....	112
Inmate/CO Relationships.....	113
Staff, January 8.....	114
Other Officers on Duty.....	115
Staff Experience.....	115

III. THE DISTURBANCE AND ITS AFTERMATH

THE DISTURBANCE STARTS.....	117
Different Procedures.....	117
Tickets Ordered.....	118
Recreation Changed.....	119
Dispute Over Medical Passes.....	120
Inmates Meet in Q-South.....	121
Report About the "Flooded" Garage.....	122
All Inmates Released.....	123
Some Help Arrives.....	124
Cunningham Removed.....	125
Hostages Taken.....	126
Officer Cut Off.....	128
Way Radios for Help.....	129
Way's Escape.....	129
MOBILIZATION.....	132
Governor Cuomo Notified.....	135
Initial Attempts to Control.....	135
Early Demands.....	137
Commissioner Coughlin Arrives.....	138
"Riot Control" Organization.....	139
Sit-Con Mobilized.....	141
CERT Mobilized.....	142
Containment.....	144
Cunningham Ordered to Leave Messhall.....	145
Listening Posts.....	146
Hostage Peryea Released.....	147
Situation Described.....	149
NEGOTIATION.....	151
Pressure Applied.....	152
Discussions About the Media.....	153
Assault Readiness.....	154
Governor Establishes Command Post.....	155
Inmates Released.....	155
Face-to-Face Negotiations.....	156
Berkowitz and His Crew Arrive.....	160
Setback.....	161
Restoring Order.....	164
Officer Taylor Released.....	165
Negotiations Resume.....	166
Hostages Paraded.....	168
Four Hostages Released.....	170
Settlement Reached.....	172
Hostages Freed.....	173
THE RETAKING.....	177
B-Block Secured and Searched.....	177
5 Building Searched.....	179
Searches on Jan. 12.....	179
UNION REACTION.....	182
Council 82.....	182

III. THE DISTURBANCE AND ITS AFTERMATH

UNION REACTION (continued).....
 Local 1413.....182
 LEGISLATIVE REACTION.....184
 Initial Response.....184
 Senator Marino's Response.....185
 Joint Hearings Planned.....185

IV. FINDINGS.....187

REPORTS ABOUT A "DRUNKEN INMATE WHO STARTED IT".....188
 REPORTS ABOUT A "DRUNKEN SERGEANT WHO STARTED IT".....190
 Inspector General's Report.....191
 Superintendent Walters.....192
 Watch Commander.....192
 Hostages' Statements.....193
 Inmates' Statements.....194

INMATES INJURED DURING THE DISTURBANCE.....195
 Commission of Correction Official Report.....195
 DOCS' Official Report.....195
 OCF's Official Report.....196
 UI Report on the Disturbance.....196
 Other UI Reports.....196
 Rapes.....197
 Stabbings.....199
 Other Assaults.....200

OSSINING DISTURBANCE INDEX.....201

V. CONCLUSIONS.....223

Ossining's Challenge.....224
 Ossining's Problems.....224
 Statewide Problems.....229
 Better Planning Is Needed.....234

STATE COMMISSION OF CORRECTION.....236
 Functions, Powers and Duties.....236
 Limitations.....237
 Audit and Response.....238
 Pre-Disturbance Performance.....238
 Status at the Time of the Disturbance.....240
 Needed Changes for the Commission.....240

SUMMARY OF FINDINGS ON THE DISTURBANCE.....242

APPENDIX.....245

LIST OF TABLES

1 - Some Effects of Prison Overcrowding..... 7
 2 - Symptoms of "Inept Administrative Practices" That Can Lead to Prison Disturbances, According to the ACA..... 8
 3 - Indicators of Prison Tension Often Preceding Riots and Disturbance.....10
 4 - Stages of Prison Disturbances.....11
 5 - Ossining Housing Unit Capacity.....20
 6 - OCF Security Staffing on Dec. 31, 1982.....33
 7 - Ossining Inmates and Staff.....34
 8 - Recent Inmate Mortalities at OCF.....61
 9 - Some Inmates Caught with Drugs/Contraband in OCF.....65
 10 - Some Recent Incidents Involving Firearms and OCF Personnel.....68
 11 - Some Recent Assaults at Ossining Involving Weapons.....71
 12 - July 1982 Indictments of Staff for Alleged Crimes at OCF.....86
 13 - Some Other Ossining Staff Arrested on Criminal Charges in 1982.....87
 14 - Employee Hostages.....131
 15 - Ossining Disturbance Index.....204

LIST OF CHARTS

1 - Proposed Functional Organization of DOCS.....30
 2 - Organizational Chart for Riot Situations.....140

LIST OF FIGURES

1 - Aerial View of Ossining Correctional Facility.....13
 2 - OCF Building Key.....14
 3 - B-Block Layout.....22
 4 - Inmate-on-Inmate Assaults and Inmate-on-Staff Assaults at Ossining, 9-1-72 thru 12-31-82.....72
 5 - Communications During the Disturbance.....175
 6 - Negotiation Area.....176
 7 - Ossining Disturbance Index.....203

OTHER TABLES, CHARTS & FIGURES ARE IN THE APPENDIX - SEE APPENDIX TABLE OF CONTENTS, p. 245

I. PRISON DISTURBANCES

Incidence

Prison disturbances have occurred for nearly as long as prisons have existed. But today there are more prisons, more prisoners, and more disturbances than ever before in recorded history. More than 90 percent of all recorded prison disturbances have happened since 1952. They have also been increasing in extent and destructiveness, with the bloodiest and most costly erupting at Attica in 1971 and at New Mexico in 1980.

Social Indicators

Although waves of prison disturbances have often occurred amidst general societal unrest, such as happened during the turbulent early 1970s, they sometimes precede it, as occurred in New York State in 1929. Thus, a prison disturbance may represent an early warning signal of turmoil in other settings. Prisoners generally represent the lowest socio-economic class in the society, those who are often the first to experience problems which may, as they spread to other layers of the social system, agitate other disaffected groups. As such, prisons may be used as a barometer to measure the scope and direction of collective violence.

Since the 1970s, the racial composition of prisons in the United States has changed dramatically. Blacks and Hispanics have come to represent a large and growing majority of those incarcerated. In New York, minorities accounted for 75 percent of the population in State correctional facilities on Dec. 31, 1982.* Racial cleavages are a striking feature of American society, and the prisons are no exception. Indeed, many penologists contend that racial divisions and conflicts may have become the dominant feature of prison life, and some of them warn that such cleavages promote the development of collective violence inside the walls.

* "Blacks" comprised 54.5 percent, "Puerto Ricans" 19.7 percent, "Whites" 25.3 percent and "Others" .5 percent, according to official reports.

Causes of Prison Unrest

Most experts agree that the underlying causes of prison disturbances are varied and complex. The growing isolation of prisoners from the rest of society - legally, socially, economically, and politically - may make prison violence all the more likely as a means of expression. Precipitating causes can be too diverse and multi-faceted to pinpoint. However, prison disturbances (like other civil disturbances) still tend to be sparked by conflicts and confrontations between the police and the policed - between the staff and inmates.

Noteworthy findings of recent research on American prison disturbances include:

- Prison disturbances often occur in systems which are under a new administration.
- Recent disturbances have happened in institutions undergoing construction or renovation.
- The higher the level of security classification of a prison, the more likely the chances of a disturbance. (They are less likely in minimum-security settings.)
- Disturbances often follow sudden changes in the configuration of power within an institution (i.e., sudden changes in rules or rule enforcement).
- Disturbances occur in institutions which have been experiencing high levels of violence - both inmate-on-inmate violence and staff-inmate conflicts.
- Participants seldom consciously plan to revolt, but disturbances are used to achieve desired goals when more legitimate means are unavailable or have been met with failure.
- Participants often expect the disturbance to lead to improved conditions, in the belief that the event will dramatically arouse the concern of the power structure.
- Delays in the processing of inmate grievances and requests for transfers can contribute to frustration which may lead to aggression.
- During a disturbance, inmates are more likely to victimize other inmates than they are to harm staff or civilians.

Hostages

In major American prison uprisings, inmates have often taken guards and other employees as hostages and threatened their lives. However, the standard pattern is for the inmates to eventually release the hostages - unharmed.*

Some guards are more popular with the inmates than others, and that factor may influence the way a particular hostage is treated. But the fact that guards are almost never killed by inmates - regardless of popularity - indicates that friendship is less important than other factors.

Fear of Reprisals

The killing or threat to kill a hostage is usually interpreted by the authorities as a threat to the remaining hostages, and such acts are likely to result in the use of force. Inmates know that the death or injury of a guard can bring repercussions ranging from execution, to physical reprisals, longer sentences, solitary confinement, and loss of privileges. Inmate leaders, who know they may be held especially accountable after the disturbance, feel particular pressure to protect their hostages. To ensure this protection, they have often appointed inmate allies to watch over them.

Expectations of Rewards

Conversely, some inmates may seek to convey the impression that they are protecting a hostage with the expectation that after the uprising is

* Prison incidents are not the only ones in which hostages are seldom killed or injured. Many major police departments utilize hostage negotiation units to deal with hostage situations. One of the best is the New York City Hostage Negotiating Team, which has handled 300 such incidents since 1972 - without a single hostage being killed. (The only fatality has been a hostage-taker who committed suicide in 1978.)

over they will be rewarded by the administration or the guards, in the form of special privileges, favorable parole recommendations, better job assignments, and so on.

Use of Hostages as Barter

Employee hostages are the primary - sometimes the only - article of barter which inmates hold. Without hostages, they could not continue the siege, nor would they have any real chips in their negotiations.

There are usually others beside the employee hostages who become caught up in prison disturbances. Many - perhaps most - of the inmates are also held against their will, and some of those inmates are much more likely to be beaten, tortured, raped, or murdered by other prisoners. (New Mexico, 1980, is the most tragic example.) Those inmates who are most likely to be victimized are usually individuals whom the convicts consider to be undesirables - child molesters, informers, homosexuals and other minorities.

WHY ARE "UNDESIRABLES" HURT INSTEAD?

Inmates who are considered undesirables do not enjoy the benefits of protection which are given to employees. The inmate code specifies who is undesirable. It also demands revenge or punishment for informers and other enemies. Child molesters, for example, are generally detested by the inmates - in part, because such people run counter to inmate values such as toughness and physical courage. They are easily victimized. When such individuals are targeted for punishment, they are not likely to receive support or protection from other prisoners. Nor is the State very likely to intercede to stop inmate victimization. During the Attica riot of 1971, for example, an unpopular inmate was observed running around screaming that his throat was being slashed. Police did not intercede. However, when it was thought that the hostages were in danger of being cut, the State responded forcefully.

There are also fewer rewards likely to be bestowed for protecting inmate undesirables. Neither the inmates nor the State is as concerned with their welfare, particularly when the primary concern is the safety of the hostages.

Inmate victims are usually attacked during the early stages of the uprising. (See Table 4.) In some cases, the desire to get at them may actually contribute to the takeover. The potential for death or injury to these inmates often continues until the disturbance is resolved.

CAUSES

Several factors have been widely recognized as consistent disturbance producers. The American Correctional Association has warned that the "volatility of the problems of overcrowding, inmate idleness, under-staffing, severe budget constraints and other issues endemic to the management of contemporary corrections requires extraordinary vigilance concerning the potential for and response to riot and disturbance situations." Overcrowding, for example, has been found to have many harmful effects which can contribute to the likelihood of prison disturbances.* Edwin O. Megargee, a leading prison psychologist, has written: "In a prison setting where crowded conditions are chronic rather than temporary, and where people prone to antisocial behavior are crowded together, there is a clear association between restrictions on personal space and the occurrence of disruptive and aggressive behavior." Some other effects of prison overcrowding are listed in the following table.

* The DOCS 1980-85 Master Plan noted that "overcrowding" is difficult to define. It added: "The simplest definition of overcrowding refers to the cubic feet of living area available to each inmate. 'Overcrowded' can mean requiring inmates to share cells or dormitory spaces designed for single individuals...New York State has not been forced to 'double-cell' its inmates even though its total population approaches 100% of its cell-space capacity...On the dimensions of 'levels of occupancy' alone, therefore, the Department is not overcrowded. For purposes of better managing facilities, however, the Department seeks to reduce the occupancy level of its facilities to between 90 and 95 percent of their capacity." Today, DOCS officials report the system is at 115 percent of capacity.

Table 1
SOME EFFECTS OF PRISON OVERCROWDING

PHYSICAL	SOCIAL	ENVIRONMENTAL	ADMINISTRATIVE
-Stress	-Assaultiveness	-Bed shortage	-More paperwork
-High blood pressure	-Antisocial behavior	-Poorer ventilation	-Overburdened classification
-Poor health	-Increased aggressive behavior	-Poorer sanitation	-Slowed movement of offenders
-Anxiety	-Increased withdrawal	-Idleness	-Slowed exit of offenders
-Headaches	-More uncooperativeness with authorities	-Deterioration of showers and laundry equipment	-Greater difficulties trying to discipline
-Rash	-Higher rates of inmate-on-inmate violence	-Kitchen equipment breakdowns	-Increased problems with supervision of inmates and staff
-Nausea		-Insufficient counselors	-Higher turnover of staff
-Sinus condition		-Less privacy	-Shortage of trained staff
-Constipation		-Inadequate medical care	-Fewer available cells restrict flexibility of movement
-Asthma		-Noise pollution	-More potential legal challenges to deal with
-Mood states		-Inadequate law library space and materials	-Massive budget and spending increases
-Higher rate of suicide		-More package and mail problems	
-Higher mortality rates (natural causes)		-Insufficient recreation space, equipment and programs	
-More injuries from inmate violence		-Clothing shortages	
-Self-mutilations up		-Food quality goes down	
-Deleterious effects on metabolism			
-Deleterious effects on body's thermal state			
-Contagious diseases up			

Table 2
SYMPTOMS OF "INEPT ADMINISTRATIVE PRACTICES" THAT CAN LEAD TO
PRISON DISTURBANCES, ACCORDING TO THE ACA

- Vague lines of authority and administrative responsibility
- Unclear rules and regulations
- Poor communications
- Partiality in dealing with staff and inmates
- Indecisive action on legitimate grievances
- Failure to respond promptly and positively to inmates' complaints and grievances
- Frequent turnover of management
- Inadequate staff hiring and training
- Broken promises
- Precipitous changes in policies or procedures
- Sudden reductions of privileges
- Improper tool control
- Improper contraband control
- Failure of high-level institutional administrators to make themselves available in cellblocks for communication with inmates and staff
- Inability to implement proper inmate classification
- Failure to create and maintain systems for the collection and analysis of reliable information that is of vital importance in preventing possible riots and disturbances
- Encouragement of, or abdication to, punitive attitudes and inequities in the criminal justice system
- Failure to sense and act upon signs of growing tension within the institution(s)
- When tension is rising, failure to maintain proper supervision that will ensure that employees use restraint and discretion
- Failure to identify and counsel employees who appear to be aggravating a tense situation
- Failure to remove from sensitive assignments those staff who appear to be incapable of acting with restraint and discretion

Some of the problems faced by correctional administrators may be inherited and beyond their power to control. However, the American Correctional Association has taken the position that the "present level of knowledge and experience in corrections is sufficient to enable competent correctional administrators to operate their institutions in relative calm and with ever increasing effectiveness." In other words, "many riots could have been prevented with proper knowledge, prudence, and preventive measures taken in time."

According to the ACA, most of the underlying causes of prison disturbances are within the control of correctional administrators, and many of the conditions and practices which precipitate prison disturbances can be directly attributed to inept management.

Table 3

**INDICATORS OF PRISON TENSION
OFTEN PRECEDING
RIOTS AND DISTURBANCES**

Disturbances in correctional institutions can be prevented if staff are able to interpret and act on change in institutional atmosphere and behavior patterns. Among the signs indicating growing tensions and potential disturbances are the following:

- Increased separation by racial or ethnic groups;
- Increased purchases of foodstuffs at inmate canteens;
- Increased requests for transfers;
- Decrease in the number of workers;
- Many inmates spending more time in their cells;
- Inmate groupings with point men facing away from the group;
- Increase in disciplinary cases;
- Increase in inmate/employee confrontations;
- Increase in inmates trying to intimidate officers who are in the process of writing up an inmate;
- Increase in veiled threats against officers;
- Increase in voluntary lockups;
- Increase in inmate sick calls;
- Increase in inmate violence;
- Increase in number of weapons found in shake-downs;
- Harsh stares from inmates;
- Drop in attendance at movies or other popular functions;
- Unusual and/or subdued actions by inmate groups;
- Reluctance on the part of inmates to communicate with staff;
- Inmates avoiding eye contact with staff;
- Inmates making excessive and/or specific demands;
- Appearance of inflammatory and anti-authority materials;
- Warnings to "friendly" officers to take sick leave or vacation;
- Increased safety demands from employees;
- Significant increase in employee resignations;
- Letters and/or phone calls from concerned inmate families demanding protection for inmates;
- Unusual number of telephone inquiries about prison conditions;
- Outside agitation.

SOURCE: American Correctional Association, *Riots & Disturbances in Correctional Institutions* (College Park, MD: ACA, 1981), p. 39.

Table 4
STAGES OF PRISON DISTURBANCES

1. PRECIPITATING INCIDENT

Tends to involve staff/inmate conflict.

2. SEIZURE OF HOSTAGES

Tends not to involve killing or serious injury.

3. PRIVATE VIOLENT ACTS

Rapes, killing of snitches and other undesirables. Acts which may occur under non-riot conditions, though there now exists greater opportunity for them because staff control has been removed.

4. EMERGENCE OF INMATE LEADERS AND STATE AUTHORITY FIGURES

Inmate leadership is often temporary and disjointed, especially during the initial phases.

5. INTERACTION/NEGOTIATION

Among the most common issues under negotiation are access to the media, prison conditions, and amnesty.

6. RESOLUTION

Negotiated or by force.

7. RETAKING OF THE PRISON BY STATE FORCES.

Often accompanied by physical reprisals by official forces.

8. INVESTIGATIONS

Usually conducted by a variety of agencies and the news media, with mixed results.

II. PROFILE OF OSSINING CORRECTIONAL FACILITY

FIG. 1: AERIAL VIEW OF OSSINING CORRECTIONAL FACILITY (4-30-82)

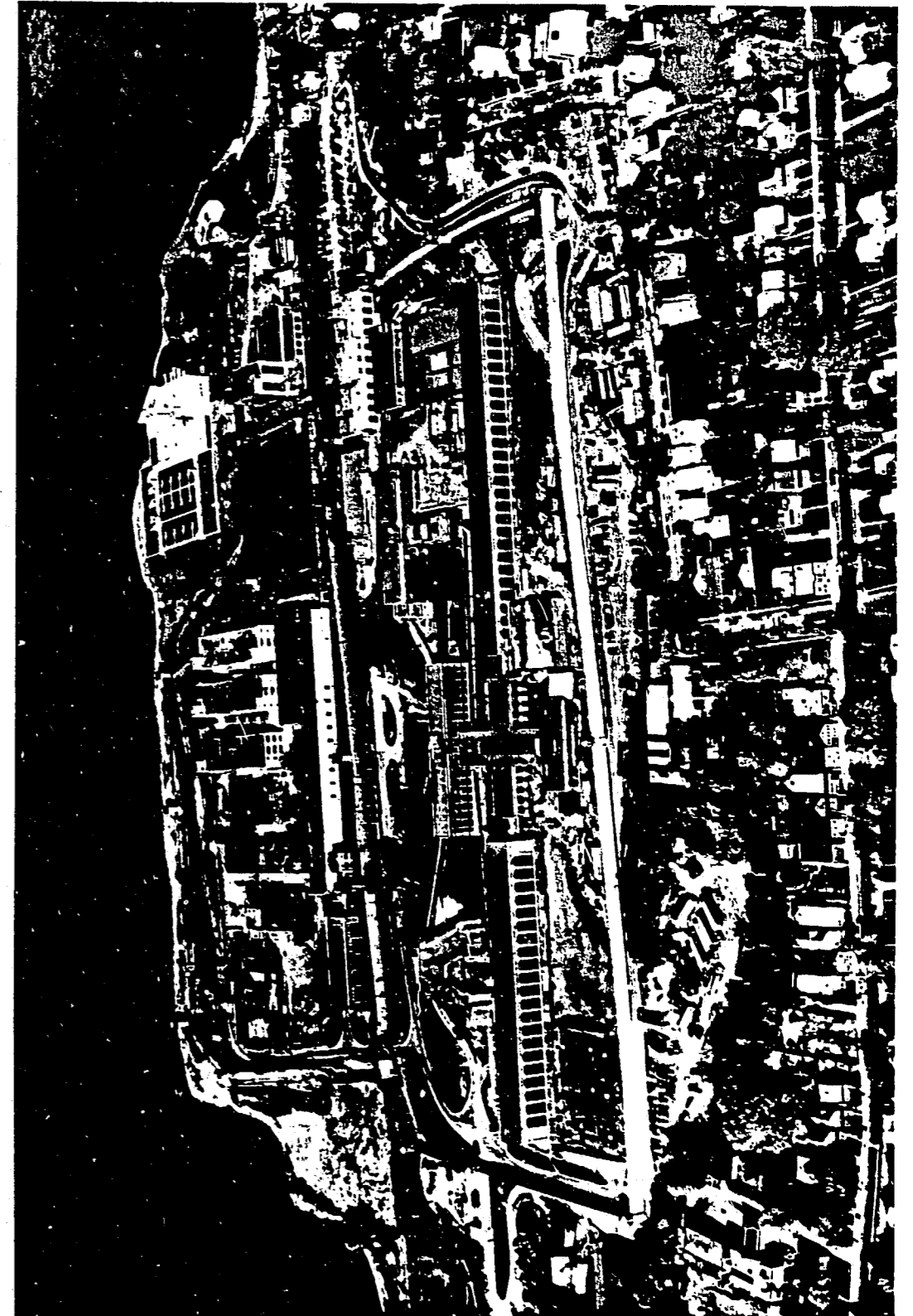
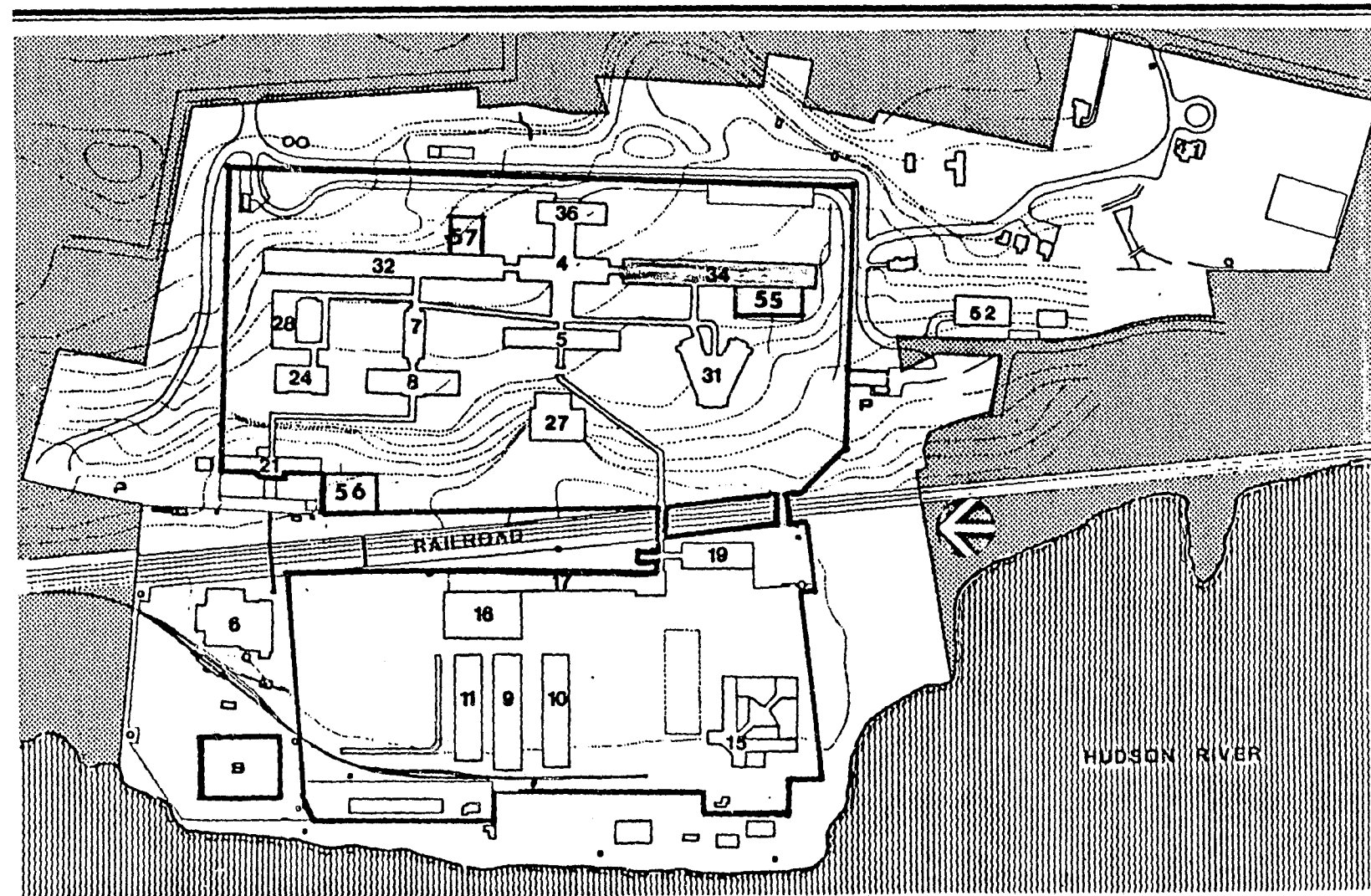


Figure 2

OSSINING

BUILDING KEY

HOUSING 5,7,8,9,10,11,20,32,34	INDUSTRY 17	LAUNDRY 24	B BLOCK REC. 55
FOOD SERVICE 4,36	ADMINISTRATION 21,41	EDUCATION 19	VISITING 56
RECREATION 15,16,31	POWERHOUSE 6,52	COUNTY SEWAGE PLANT 8	A BLOCK REC. 57
VISITING 19,21	PARKING P		
B-Block 34	Garage 27		



Sing Sing's Legacy

Ossining Correctional Facility (OCF) is located in the Town of Ossining, Westchester County, on the east bank of the Hudson River, just north of the Tappan Zee Bridge, an hour by car or train from New York City and two hours from Albany.

Formerly known as Sing Sing, the site has been used as a prison since 1825, making it the second oldest State correctional facility still in operation (after Auburn, started in 1817). Part of the reason for its location and design was to prevent riots. When it was constructed, by convict laborers, the institution was intended to be self-sufficient, and for many years it actually returned a profit to the State. Convicts were housed in individual cells, subjected to a rigid system of silence and absolute obedience that was enforced by the lash and other punishments, and every convict was forced to serve out his sentence at hard labor in the quarries and other industries which flourished there during the 19th century. With few exceptions, it remained a profitable institution until after the Civil War, largely due to the brutal discipline and Spartan living conditions that made Sing Sing one of the world's most famous prisons.

By the early 20th century, the physical plant had deteriorated so badly that many official panels called for its abandonment as a place of confinement. In 1905 a State commission appointed to investigate structural and sanitary conditions at Sing Sing urged that a new prison be built to replace it. In 1912 a State investigation resulted in the indictment of the warden for neglect of duty, and Sing Sing was described as "unfit for the housing of animals...a scandal to the State." In 1913 convicts reacted to the practices of a new warden by rioting and burning two prison shops to the ground. In its report to the Legislature in 1914,

the Governor's Commission on Penal Reform concluded: "Sing Sing Prison, with its archaic equipment, continues a reproach to the State which maintains it...(and) a disgrace (which) should be abandoned." Before a packed house in Carnegie Hall, Governor Glynn told concerned members of the Prison Association of New York (now the Correctional Association of New York): "If the number of letters I receive saying 'Sing Sing must go,' and the size of this audience mean anything, I suppose Sing Sing must go." In 1927 the new Commission of Correction reported that Sing Sing was beyond improvement and should be replaced.

On many other occasions since, numerous other suggestions and plans for the closing of the prison have been made but never carried out. According to a recent internal report by the Department of Correctional Services (DOCS), during the mid-1970s "it was decided to close A and B blocks at Ossining as the conditions of confinement violated a number of standards and the cost of rehabilitation for those facilities was prohibitive. The entire plant at Ossining was deemed suitable for condemnation due to its age and chronic lack of maintenance. Moreover, there was a major initiative underway in the community to use that space for other purposes."

Recent Calls for OCF Closing

In January 1978, Westchester County Executive Alfred DeI Bello endorsed efforts by the Ossining Chamber of Commerce and the "JERICHO Committee" of citizens to phase out the prison. That July, Governor Carey publicly said he favored closing OCF. He said any proposal to modernize was "nonsense," and would be "a waste of money." Carey pledged he would have the new DOCS Commissioner (Richard Hongisto) look into deeding over to the community of Ossining 10 acres of land bordering the facility "first thing." Congressional Representative Richard Ottinger thanked Governor Carey for his strong statement in support of closing the prison. He also wrote to Hongisto, urging him to close the facility and then deed the land to the Village of Ossining. In October 1978 Robert Morgado,

Secretary to the Governor, wrote to the JERICHO Committee, reiterating Carey's stand to close the prison. However he added that temporary renovations were necessary to accommodate growing population until the State's acquisition and renovation of Riker's Island were complete.

In September 1979 DOCS Commissioner Thomas A. Coughlin III stated that OCF would be the first of DOCS' large and aging security facilities to be closed, once Riker's Island was available and new prisons were constructed elsewhere. Coughlin was immediately thanked by the Ossining Chamber of Commerce.

As late as May 1981, Governor Carey still publicly favored closing OCF and said he was prepared to set a definite closing date. In the interim, the facility would have to be expanded to handle the burgeoning prisoner population.

Renovation

The pressing need to acquire more maximum-security space as soon as possible had already led DOCS officials to decide in late 1979 to rehabilitate OCF to accommodate approximately 2,100 inmates for a period of five to seven years, as a short-term and cost-effective solution to ease expected prison overcrowding. Ossining appeared to represent a viable alternative to part of the overcrowding situation, for it had two unused old cell blocks (A and B), which, after renovation, could yield an additional 1,272 spaces.

The projected capacity of Ossining after this construction and renovation was 2,096 spaces, which meant that the project would cost \$150 million less than it would cost the State to build that many new cells at the estimated price of \$75,000 per cell.

The Department had sought to extend the useful life of OCF for a period long enough for it to acquire and renovate Riker's Island, after

which Ossining inmates could be transferred to Riker's and OCF could be shut down. But with the collapse of negotiations with the City of New York, more long-term use of Ossining seemed unavoidable. Consequently, DOCS revised its construction and renovation plans to accommodate a useful life expectancy of 10-12 years. This planned construction was plagued by long delays and cost overruns, which are detailed later in this Report. Appropriations of \$24.6 million were approved during a special session of the Legislature on July 28, 1981 - and the State deeded over to the Village of Ossining approximately nine acres at the facility for the nominal fee of \$1, further adding to one of the prison's biggest problems - a shortage of usable space.

Layout

Today the entire facility covers about 55 acres, edged by what some correction officials have called "nothing short of a security nightmare." (The complex sits near high-traffic areas which include private housing, public roads, a river, railroad tracks, a county sewage treatment plant, and a public park, all of which were built after the prison.)

Inside the perimeter the site is divided into two sections, separated by railroad tracks.* The level between the tracks and the river is called Tappan. It is surrounded by a 16-foot-high fence, and houses up to 482 medium-security inmates. This area also contains athletic, education, and storage buildings. The other section, OCF, is a maximum-security institution designed to hold up to 1,757 inmates. This compound is enclosed by a 24-foot-high concrete wall on the east, northeast, and southeast, while the west, northwest, and southwest perimeters are contained by a 16-foot-high mesh fence topped with razor wire. Eighteen guard towers are strategically distributed along the perimeter. These towers are staffed by armed watchmen whose number varies according to the

* They operate as one entity for budgetary, administrative, program and support purposes.

time of day and the activities or areas within their view. The entire fenced perimeter is lighted and electronic sensors operate in the area near the railroad tracks. The grounds and buildings outside the walled perimeter are patrolled by guards in vehicles.

There are six entrances to the facility: the front gate on the north side, the visiting room gate on the north side under Tower 12, the rear gate on the east side (reserved for emergency and construction vehicles), the truck trap on the south side (for freight and special event visitor processing, inmate entrance and exit frisking), the sewage disposal gate on the west side, and the sally port on the northwest side (for facility maintenance vehicles). Gate and corridor posts are located in strategic locations throughout the facility. All interior gates are controlled manually.

The maximum-security compound includes four multi-tier cellblocks, an administration building, hospital, chapel, two messhalls, a special housing unit, and various other structures. (See attached maps.) Maximum-security inmates are housed in individual cells with barred doors and windows. The cells are stacked in tiers with several tiers to a block. Each block is physically separated from the others.

The 1977-78 Executive Budget stated that "continued deterioration of the main cellblock at OCF has become hazardous to health and safety." These areas were later closed. Funds were later appropriated to renovate Blocks A and B to accommodate more prisoners, and both housing areas were reopened in 1982. But as recently as Jan. 8, 1983, the structures remained outmoded and in poor condition compared to those in other New York State facilities. The locking system, for example, was - and is - obsolete. Each cell door must be individually closed and locked by key, or the inmates can pull the doors to their cells closed themselves. Each gallery's cell doors can then be locked at one time by pulling a lever

(the "brake"), thus ganglocking the whole set of doors on that gallery. Fully automatic locking could save a tremendous amount of time, as well as free up four of the five COs who are presently needed to lock and unlock the doors. But it would cost about \$1000 per cell to install automatic locking.* Additional problems existed in the blocks' heating and ventilation systems.

Unit	General Capacity
A Block (North)	342
A Block (South)	343
B Block (North)	304
B Block (South)	314
5 Building	282
7 Building	81
HBC (GC)	44
Building 9	187
Building 10	138
Building 11	157
SHU	15
Hospital	36
TOTAL	2,243

* Internal DOCS memorandum at Ossining, dated May 22, 1980.

B-Block

Block B is a massive structure, about six hundred feet or two football fields in length, and standing five stories high. It contains 618 cells. The cells are arranged with two galleries, or rows, back to back on each tier. From top to ground level, they are:

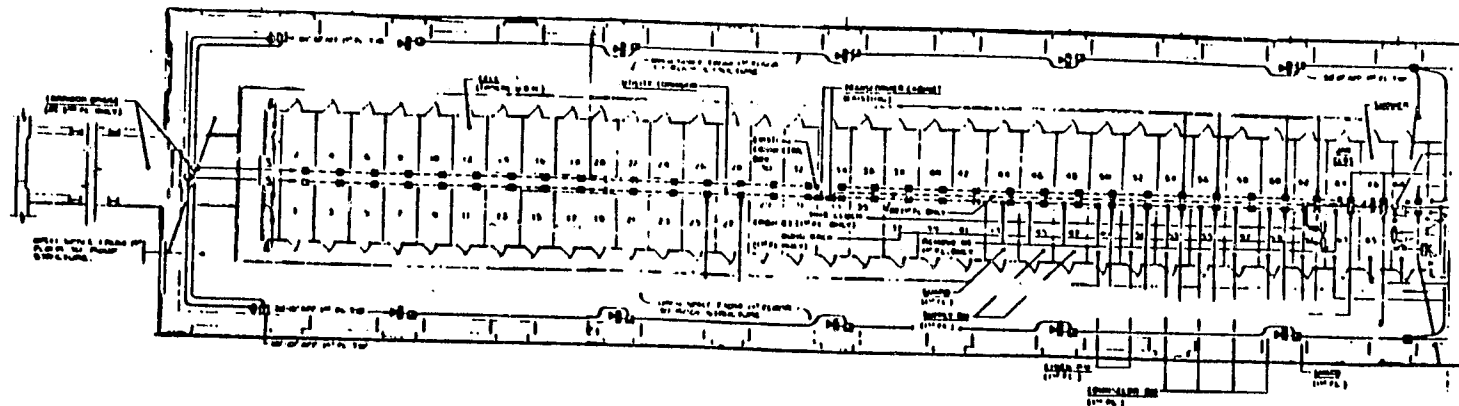
U and Z
T and Y
S and X
R and W
Q and V.

The block was connected to the B-Block Messhall by means of a short, enclosed bridge which has gates at each end and a steel door on the housing block side. It was located on the third floor, north end. The Messhall could serve a maximum of only 288 inmates at a time. The usual size was limited to 216, so that the block's eating accommodations constituted one of the administration's biggest daily headaches. Inside the Messhall were parallel rows of tables with benches, as well as a telephone to B-Block. (New mess facilities have been completed since the disturbance.)

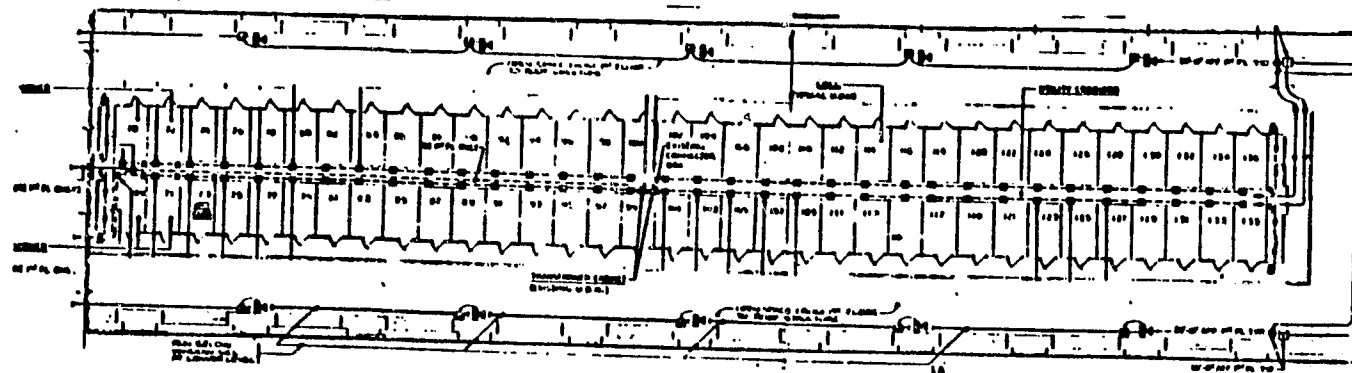
The block is linked to the Chapel by a tunnel, as well as by telephone. Before January 8, several internal DOCS reports had noted that the facility's entire telephone system was "obsolete," and in need of almost daily visits by repairmen.

Another major physical deficiency of B-Block in January 1983 was its lack of suitable recreational and visiting space. Blocks A and B had been converted to use before adequate space or services were available to service their populations. Plans and construction of a new Recreation Area had been underway for several years. In the meantime, B-Block inmates were assigned to take their recreation - consisting of weight-

Figure 3:
B-BLOCK, OSSINING CORRECTIONAL FACILITY



NORTH
END



SOUTH
END

22

END VIEW

Z	U
Y	T
X	S
W	R
V	Q

BACK
(EAST)

FRONT
(WEST)

SIDE VIEW

(Z)	U	U (Z)
(Y)	T	T (Y)
(X)	S	S (X)
(W)	R	R (W)
(V)	Q	Q (V)

FRONT Q-U
BACK (V-Z)

lifting and a few other athletic activities - in an unheated, detached Garage, northwest of the housing area. Additional indoor recreation space - for watching television and playing cards - was provided in the form of rows of picnic tables that were placed along the ground floor (the "flats"). New recreation facilities were under construction at the time of the disturbance. The new visiting area had also not been completed, leaving the facility severely overburdened.

DOCS' Legal Mandate

Section 137 of the Correction Law, establishing requirements for the program of treatment, control and discipline at correctional facilities, calls for:

The Commissioner...[to] establish program and classification procedures designed to assure the complete study of the background and condition of each inmate to such a program that is most likely to be useful in assisting him to refrain from future violations of the law... Each inmate shall be entitled to clothing suited to the season and weather conditions and to a sufficient quantity of wholesome and nutritious food...

Section 18 of the Correction Law specifies that each correctional facility shall have a Superintendent appointed by the Commissioner. Each Superintendent is in the non-competitive-confidential class but is appointed from employees of the Department who have a permanent Civil Service appointment. Superintendents serve at the pleasure of the Commissioner, and are subject to the rules and regulatory powers of the Commissioner. "Subject to the direction of the commissioner...and of the deputy and assistant commissioners in their respective fields of supervision, the superintendent...shall direct the work and define the duties of all officers and subordinates of the facility."

DOCS Directive #4009, dated May 5, 1975, requires personal and frequent inspection by the Superintendent and daily supervision by assigned staff to ensure compliance with minimum standards considered necessary for the inmates' cleanliness, health, and morale. Each cell

must be equipped with lighting sufficient to read by during the evening hours prior to "lights out," a washstand, toilet, and a bed with mattress and pillow. The following "flatwork" must also be provided: a mattress cover, pillow case, two sheets, one blanket, and a bath towel. At the time of reception, each inmate is also given a bar of soap and a toothbrush (each of which is replenished on an as-needed basis), as well as a razor blade (which is replenished on an exchange basis).

Function of OCF

In 1970 the names of New York State prisons, including Sing Sing, were changed. Wardens became "superintendents," prisons became "correctional facilities," and other changes placed greater emphasis on rehabilitation and less on mere custody.

Each State correctional facility is supposed to have a specific function. An institution may be classified as maximum-security, medium-security, or minimum-security, pursuant to criteria set forth in Directive #0040. Each prison may also be designated to perform one or more functions, i.e., a Reception Center, Detention Center, Work Release facility, General Confinement facility, Care and Treatment Center for Mentally Ill, and so on. Over its 157-year history, Ossining has undergone more changes in its stated function and purpose than any other prison. Many of these changes have occurred within the last few years, and consequently, its identity has lately been somewhat confused.

In 1972 the Select Committee on Correctional Institutions and Programs questioned the planned use of Ossining Correctional Facility as a statewide reception center. Nonetheless, the Department's Multi-Year Master Plan of April 1, 1973 designated OCF as one of five receiving institutions in the State. It provided that inmates would enter Ossining to be "classified and programmed for the complex, but coordinated system

of intervention strategies that were geared to enable DOCS to achieve its goal of the offender's successful re-entry and retention in the community."

With the closing of the Tombs jail in New York City (due to substandard conditions), and the resulting cell shortage in city detention facilities, OCF was temporarily made available to the City of New York during the 1970s as a stopgap holding pen for some of its overflow of detainees and sentenced prisoners. This use by the City, as well as its deteriorating physical condition and the institution's relative unpopularity in Westchester County (the valuable riverfront property might have been put to more lucrative use, according to some observers), all combined to lend further support for the phasing out of Ossining as a State correctional facility.

In the meantime, its identity continued to be blurred. On March 11, 1980, the State Commission of Correction asked Commissioner Coughlin to explain how the Department was planning to cope with a number of long-standing problems. The first problems cited by the Commission related to Ossining:


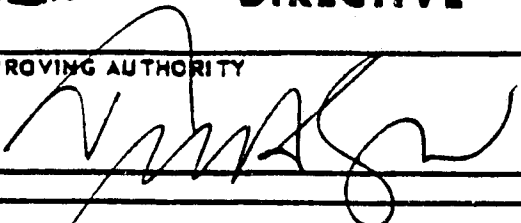
- Is there any timetable established for the full use of both A and B Block?
- Is there adequate program space available in A and B Block to house a general confinement population?
- If fully activated, will A and B Block be a transient unit, or what type of inmate will be housed there?

Two months later, on May 22, 1980, the facility's function was still so unclear that an internal memorandum from DOCS Facility Operations Specialist Bert Ross to Assistant Deputy Commissioner Clayton Hill stated: "The Department must address the issue of what is Ossining going to be." A recent departmental analysis has noted that:

Ossining, during this period, had become a place where no one had any idea what was supposed to occur. Its programs attrited as its community preparation functions were transferred to community-based

facilities. Its reception function continued, but neither the facility nor the Department could provide direction as to what tasks specific to reception/classification or for housekeeping...should be initiated at Ossining...Accordingly, Ossining became and was perceived to have become increasingly unmanageable. Senior departmental staff invested negligible effort to correct operational deficiencies at the facility and basically focused their attention elsewhere. In spite of the lack of interest..., Ossining continued to function without any "serious" incidents. It had its own way of life which was perceived by many to enable the facility to function in spite of departmental guidelines. Accordingly, senior staff were reluctant to disturb what appeared to be Ossining's equilibrium.

On November 8, 1982, Commissioner Coughlin issued Directive 0056, which specified the description and functions for OCF:

 STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES DIRECTIVE	CLASSIFICATION	DISTRIBUTION	DATE
	#0056	A & B	11/8/82
SUPERSEDES #0056 Tappan I dtd. 4/25/75 & #0057 Tappan III dtd. 4/25/75			PAGE 1 OF 2 PAGES
APPROVING AUTHORITY	SUBJECT		
	OSSINING CORRECTIONAL FACILITY		

I. DESCRIPTION

Ossining Correctional Facility is classified as a maximum security correctional facility and is located at Ossining in Westchester County. This facility is used as a general confinement facility for males 21 years of age or older; provided, however, that males between 16 and 21 may be placed therein for general confinement purposes in accordance with 7 NYCRR Part 110. Ossining is also used as a detention center for males 16 years of age or older.

II. FUNCTIONS

Ossining Correctional Facility is a multifaceted facility. Its components and their designated security classifications are as follows:

A. General Confinement - Maximum and Medium Security

Ossining offers its general confinement population academic education, vocational training, industrial programs and volunteer services.

B. Detainees - Maximum Security

C. Parole Violators - Maximum Security

D. Transient Inmates - Maximum Security

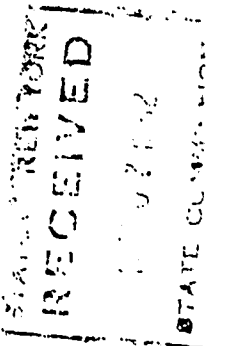
Ossining's transient unit provides temporary housing for classified inmates who are awaiting transfer to other general confinement facilities.

III. CRITERIA

For placement into Ossining's maximum security general confinement an inmate must possess skills needed by the facility administration or have specific needs that can be best met at Ossining.

For placement into Ossining's medium security general confinement an inmate must be classified medium security and have no more than 36 months to release eligibility.

For placement in all other units there are no restrictions other than those imposed by law.



SUBJECT	CLASSIFICATION	DATE	PAGE 2
OSSINING CORRECTIONAL FACILITY	#0056	11/8/82	CF

IV. PHYSICAL ENVIRONMENT

Housing at Ossining Correctional Facility includes both individual cell units which house the maximum security and transient inmates and dormitory cubicle style accommodations for the general confinement medium security inmates.

Departmental Organization

In January 1983 the Department of Correctional Services was operating under a budget of \$490 million (excluding capital construction funds), and the agency employed more than 12,000 people. The State of New York Department of Correctional Services Master Plan 1980-85, dated January of 1981, introduced a reorganization of DOCS through a system of regional administrative offices which would allow the decentralization of executive decision-making and the application of Department policy to local conditions.

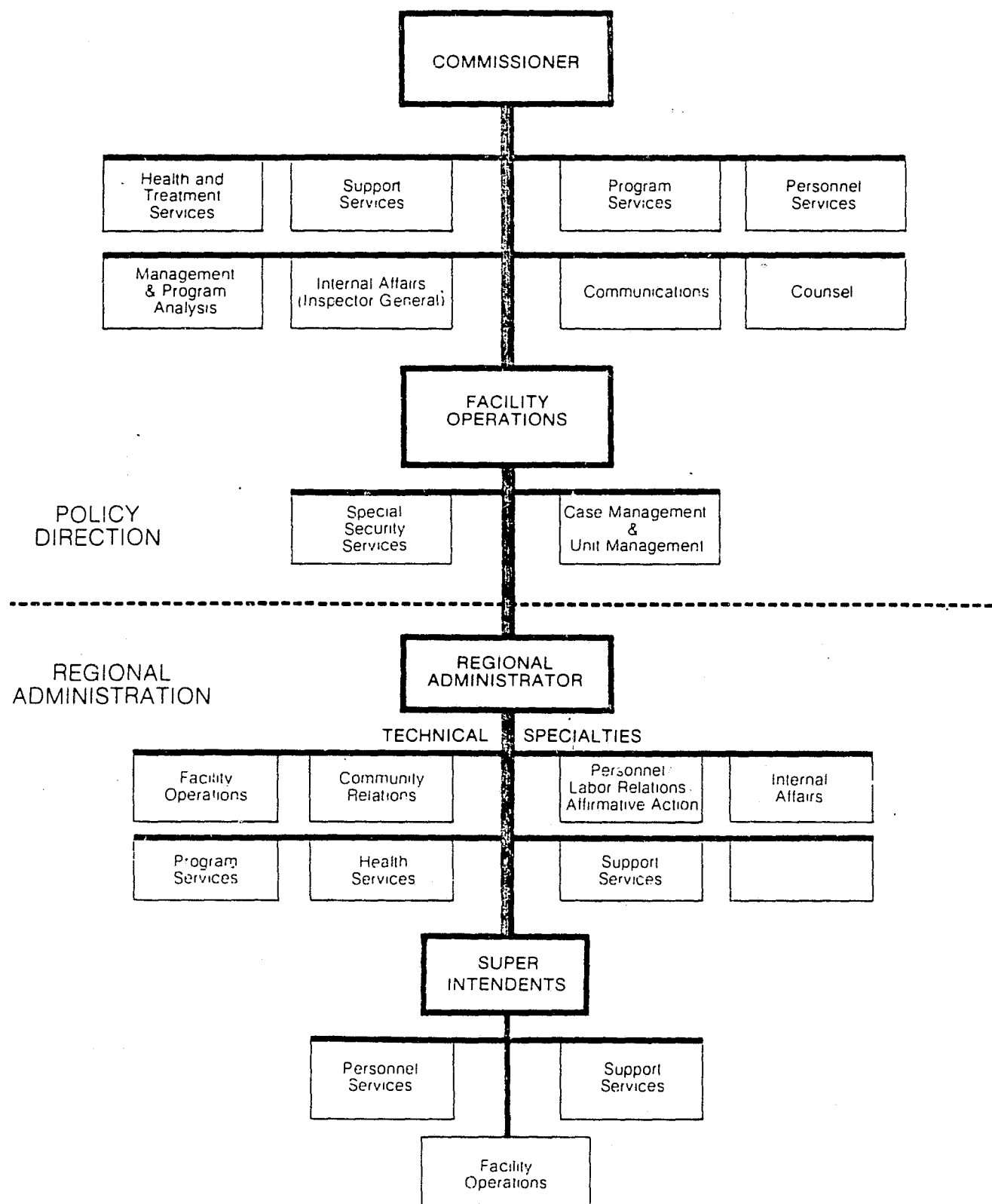
According to this strategy, the traditional security-versus-program dichotomy was replaced by a uniform service delivery system, and both facility and departmental service delivery management were to be integrated. The central level of DOCS (see Chart 1 on the next page) would provide executive direction to the system. The plan stated:

All administrative functions would emanate from the Division of Facility Operations. The rest of the activities on this level would consist of developing and disseminating policy, coordinating the provision of technical assistance through the Facility Operations Division and the regional offices, and performing staff functions for the Commissioner. The proposed grouping of functions on the central level seeks to strengthen executive direction by emphasizing policy management and operations analysis and internal audit activities, as well as standards development and evaluation procedures. It would enable the better integrating of planning, programming, budgeting and evaluation systems and promote clearer understanding of how departmental programs relate to each other.

Specific functions were assigned to three levels: (1) Central Office, (2) Regional Administration, and (3) Facilities. Central Office was assigned "all activities pertaining to policy and procedure development and maintenance, in staff offices to the Commissioner and in line administrative offices (Facility Operations Division); coordination with other agencies and the public."

Staff functions of the Commissioner included: program services, health and treatment services, personnel administration, support

PROPOSED FUNCTIONAL ORGANIZATION OF DEPARTMENT



operations, management and operations analysis, communications, internal affairs, and counsel. Line administrative functions for the direction of correction facility administration, through regional administrative offices, included supervision of regional offices and facilities, special security services, and inmate management.

Regional Administration was to apply the central policy, provide technical assistance to the facilities, and audit facility performance. Region I was responsible for Ossining.

The Master Plan proposed the functional reorganization of the duties and responsibilities of facility executive staff to reflect more accurately the organization of DOCS central administration and the reality of facility operations. Exhibit C indicates the proposed functional organization of correctional facilities, as provided for in the Master Plan. (See Appendix.)

Under this scheme, the Superintendent is in charge of facility operations, including health services, security services, volunteer services, ministerial services, and the grievance mechanism. He or she also oversees personnel operations (including personnel administration, employee relations, and training) and support operations (including fiscal administration, plant maintenance, purchasing, food services, and correctional industries). The Superintendent also oversees academic and vocational services (i.e., management of education and training programs), and he or she supervises intervention services and case management of the general population.

Ossining Correctional Facility

Wilson E. J. Walters III was Ossining's Superintendent since July 24, 1980. His career included service as a parole officer, parole administrator, deputy superintendent of programs (at Attica, for three months following the 1971 riot), director of staff development, director of the

DOCS Training Academy, deputy superintendent of administrative services at Mt. McGregor Correctional Facility, director of staff development, and director of correctional programs.

John McGinnis was Deputy Superintendent for Security (DSS) at OCF. He has been at Ossining since 1963 and rose through the ranks to become DSS on Jan. 27, 1980. Other executive staff assigned to facility direction at the time of the disturbance included Wilson Deane, Deputy Superintendent for Administrative Services/Construction (since April 1976), Joseph Curry, Deputy Superintendent for Program Services (since January 1977), and A. Carriero, Deputy Superintendent for Administrative Services. Sergeant Alexander Cunningham was also assigned to the Superintendent's office.

Organization of OCF Security

Exhibit F (see Appendix) shows the organization of the OCF security staff. The chain of command extends from the Superintendent, through the Deputy Superintendent for Security Services (DSS), to Correction Captains, Watch Commanders, Sergeants, and line officers.

In February 1982, the OCF administration presented DOCS central administration with its Security Staffing Deployment Plan for 2,243 inmates at Ossining. This plan had been approved by OCF's executive staff and Local #1413 of the correction officers union. In submitting it, the OCF Administration strongly urged that prompt action be taken on the latest proposed expansion, saying: "Delaying implementation has been accepted as well as can possibly be expected by the facility; but continued delays could severely impair the Department's credibility to follow through on a mutually accepted system of security manpower resource allocation and control."

DOCS formally submitted its proposal to the Division of the Budget ten days later. It requested the allocation of 685 correction officer

positions for the facility. Ten weeks later, on April 28, 1982, DOB responded to the request. The authorized level of 684 COs - up from the previous level of 601 - was approved, according to a timetable worked out by Budget. Of the 83 additional personnel lines, 54 were immediately established and the remaining 29 were for staff in areas still under construction and thus the positions were to be established as those areas became operational.

There were some security vacancies in January 1983, as indicated in the following table:

Position	Filled	Vacant	Total
Captain	2	0	2
Lieutenant	11	2	13
Sergeant	28	5	33
C.O.	629	78	707
TOTALS	670	85	755

Chart 3A (see Appendix) lists the number of officers assigned to each post for each shift. The 3-11 p.m. shift for B-Block was to include a Watch Commander (to supervise the shift), an Assistant Watch Commander (to prepare daily charts and assist the Watch Commander), a Sergeant-in-Charge of B-Block, and an assortment of officers to serve in housekeeping and recreation. Although the facility's inmate/staff ratio was officially about 2:1 (see table on next page), the 3-11 p.m. shift roster for B-Block listed 618 inmates and 27 correction officers, or an inmate/staff ratio of 22:1.

TABLE 7 OSSINING CORRECTIONAL FACILITY INMATES AND STAFF			
Fiscal Year	# Inmates	# Staff	Inmate/Staff
71-72	1,578	505	3.1
72-73	1,550	527	2.9
73-74	800	576	1.4
74-75	1,250	628	2.0
75-76	1,250	670	1.9
76-77	1,335	637	2.1
77-78	750	632	1.2
78-79	1,125	637	1.8
79-80	1,105	641	1.7
80-81	1,400	634	2.2
81-82	1,499	680	2.2
82-83	1,499	NA	NA
83-84	2,160	1,019	2.1
% Change	+36.9%	+101.8%	
Source: DOCS Exec. Budgets			

Female COs

Although all inmates in OCF are male, and females were traditionally banned from participating in their supervision, during the last few years females have begun to join the security staff as correction officers. Directive #2230 established guidelines for the assignment of female COs. It provides:

1. All correction officers will perform the duties that are assigned to them, regardless of sex, provided however, that the following assignments will not be made to officers who are not of the same sex as the inmates:
 - a. strip searches
 - b. congregate shower facilities
2. Where inmates are transported outside of the facility, at least one transporting officer shall be of the same sex as the inmate(s) being transported.
3. Pat frisks of inmates will be performed by officers regardless of sex.
4. Individual shower stalls will have translucent shower curtains of sufficient length to cover the bodies of inmates...
5. Unless conditions dictate otherwise, correction officers of the opposite sex shall announce their presence in housing areas to avoid unnecessarily invading the privacy of inmates of the opposite sex.

III. Emergencies

During emergencies, correction officers regardless of sex may perform any necessary duties including those otherwise prohibited by reason of sex.

In January 1983, Ossining's security staff included several female officers. Six were regularly assigned to B-Block. Two were assigned to its 3-11 p.m. Saturday shift, but no female officers were on duty there at the time of the disturbance.

Minority Staff

Unlike other major prisons, such as Clinton or Attica, where most prisoners are black or Hispanic city-dwellers and most guards are rural whites, OCF inmates and staff alike are predominantly black or Hispanic and from urban areas. They also closely resemble each other in age. Over 75 percent of OCF's staff is composed of minorities, according to a spokesman for Local 1413 of Council 82 (the guards' union). On Jan. 8, minorities were occupying several supervisory positions, including the superintendency. Black and Hispanic officers and sergeants were also assigned to B-Block.

Entrance Standards

Entrance requirements for New York State correction officers have been lowered in recent years. Council 82 officials have stated that the relaxed entrance requirements have resulted in a lower "quality" of rookies. Under the present labor contract, a new category of "Correction Trainee" was created and the base salary for entering security staff was lowered to \$12,900. As a result, they say, DOCS has not been recruiting a high-quality group of new recruits. Wilfred Flecha, the President of Union Local 1413 reports: "Most of these guys take the job because they needed a job. They can't get other work, so they become correction officers."

The Civil Service entrance examination has recently been reduced to 50 questions. According to Flecha, "My 10-year-old son could pass the test, it's so simple." Several observers contend that DOCS' recruiting policies had significantly reduced the caliber of OCF staff during the months leading up to the disturbance. Flecha complained: "The Department has been emphasizing quantity over quality. They don't thoroughly check people out before hiring them. Some of these people should not be correction officers. I've seen guys with serious mental problems being

let in. One fellow recently terminated was a 'Matteawan shuffle,' with a history of institutionalization for mental problems."

Training

Newcomers from the DOCS Training Academy arrive at OCF with a maximum of 33 days of training, including about one hour of hostage-survival training. Jack Burke, executive director of Council 82, points out that State Police recruits receive 22 weeks of training and he has recommended that COs receive 26 weeks. State and local union officials who were interviewed for this Report said they favor more extensive training, especially in hostage-survival, interpersonal relations, and correction law.

DOCS spokesmen, however, have stated that the present training levels are adequate. They also point out that Academy training is supplemented by a six-week, on-the-job "training program" in which new guards are paired with veteran officers. (However, many officers insist that this on-the-job "training" is not sufficiently structured or supervised to qualify as meaningful training.)

Assignment Process

Assignments of COs are determined primarily by seniority. DOCS recognizes that any CO may wish to change his or her place of work from one facility to another. Accordingly, the Central Office Personnel Bureau maintains a reassignment program under which COs may request reassignments and have their requests processed in a "fair and orderly manner." Under this reassignment program, which is approved by the Department of Civil Service and Council 82, incumbent COs are always given preference over newly-hired Trainees in filling vacant CO positions.

Correction officers at OCF are assigned to particular posts in accordance with the provisions of Article 24 of the Agreement between New York State and the Security Unit Employees of Council 82, AFSCME. When permanent vacancies in job assignments arise, the facility administration posts them for a period of 30 days, during which employees may submit bids. Following the 30-day period, the assignments are made by seniority, provided the employee is qualified to properly perform the work involved. Seniority is defined as the officer's uninterrupted service in title in the Department. To be eligible to bid, a CO must have completed eight-and-one-half months of service (the initial training period of 10 weeks at the DOCS Training Academy and six months of actual on-the-job service). The officer must also have completed a minimum of 60 days of service at Ossining before he or she can bid. There is no provision for a waiver of either of these conditions.

Under the staffing deployment plan in effect at OCF in January, those officers who had not bid for or been awarded permanent job assignments were placed in a resource pool from which they could be assigned as needed. The supervisor had discretion in assigning people to jobs from this resource pool. An officer in the resource pool had to be prepared to be assigned to a variety of jobs.

Staff Turnover and Experience

Of the 19 employees taken hostage, one had been on the job less than a month; six had been officers only since November, and more than half had less than a year's experience as a CO. The hostages' lack of experience was not unusual for Ossining; it was symptomatic of a very serious and growing problem.

From October to January, 243 guards were transferred from OCF at their own request. Union officials and other observers point to poor working conditions and the prison's status as a maximum-security

institution for transient inmates as being responsible for many of the transfers. Also the high cost of real estate in Westchester County prevents most COs from living in the area. Thus, they seek to move to other locations closer to home. The president of Local #1413 has estimated that more than 95 percent of OCF's guards live outside Westchester County, and very few live in Ossining. The relatively low pay for COs fails to attract many local residents into service at the prison.

During the same October-January period, more than 40 new COs - most of them fresh from the DOCS Training Academy - arrived at OCF. In addition to the influx of new guards assigned to make up for OCF's high turnover rate, a larger number of guards have been needed to watch over the growing inmate population.

As a result, OCF has increasingly become the workplace of young, inexperienced COs,* many of whom put in for a transfer to another facility on the same day they arrive at Ossining. According to union officials, about 90 percent of the supervisory staff are also seeking to be reassigned to another prison. Many of the new arrivals either quit or receive transfers within a few months, to be replaced by others with even less seniority or experience.

Employees who do have seniority have generally opted for assignments which have the least contact with inmates. As a result, the positions which require the most physical contact with prisoners tend to be filled by the least experienced officers. One of the effects of the lack of experience in the guard force is that staff and inmates alike feel less secure and safe. According to Flecha: "He [the rookie CO] has never been confronted. This is the type of job where you'll always be confronted." A volunteer who visits the prison regularly was recently

* One of the most striking features of my visit to the facility was the youthful appearance of a majority of the guards. Many seemed barely out of high school. By contrast, the inmates looked substantially older.

quoted as saying: "They [the inmates] feel less secure because the new guards are not familiar with the routine." Both employees and inmates are less sure about what to expect and how to behave. "There's no consistency for the inmates or for the officers," Flecha said. "No one knows, really, what to do."

Absenteeism

Absenteeism and other "time abuse" by OCF staff has been cited as a serious problem in recent years. January 1981 marked the beginning of stricter enforcement by Labor Relations about leave abuse, and the facility terminated several chronic leave abusers. During calendar year 1981, 1251 employees were docked a total of 1750 days for time abuse. As of March 1982, more than 25 percent of Ossining's security personnel were designated as leave abusers. A recent audit by the State Comptroller, covering the period April 1, 1979 to March 31, 1982, found the facility's absentee rate was significantly higher than at other male prisons. Administration and union sources alike have stated that a disproportionate share of "time abuse" cases involve staff who have recently been assigned to OCF from other institutions. Many commute from long distances, some of them in car pools, and this has often resulted in tardiness or absence from work. On Jan. 8, several employees assigned to B-Block's 3-11 p.m. shift were not present for duty, requiring replacements.

Who Runs Ossining?

Control of Sing Sing Prison used to be concentrated and hierarchal, generally conforming to a power structure modeled along para-military lines. For more than a century, with few exceptions, the Warden ran the prison. Some were more autocratic or benign than others, but there was seldom much doubt about who was in charge. In many respects, Sing Sing and the other scattered State prisons operated as fiefdoms, isolated from each other and the rest of the world. Over the last few decades, however,

and particularly since the Attica riot, control of the State prisons - including OCF - has become more widely distributed. Authority is now exercised by:

- The corrections commissioner and his staff, who increasingly have sought to direct and manage the entire prison system from DOCS Central Office, in accordance with the regional approach established by the 1980-85 Master Plan;
- The superintendents, whose once-absolute authority has shrunk to a fraction of what it was in earlier generations;
- The custodial force, which has become increasingly organized into a vocal, powerful, and sometimes militant labor union;
- The Commission of Correction, the State's official "watchdog" over the prisons;
- Representatives of the judicial, legislative, and executive branches, many of whom are regularly or occasionally involved in matters affecting prison administration;
- Activists from a potpourri of special-interest groups, such as Prisoners' Legal Services of New York, the Correctional Association of New York, the American Civil Liberties Union, and so on;
- And, of course, the inmates themselves, who are given a voice through the Inmate Liaison Committees, the Inmate Grievance Resolution Committees, and other officially recognized organizations, and who also seek to affect their lot through other, less formal, means.

This diffusion of authority has resulted in competition which is both complex and intense, and the distribution of power has blurred many traditional roles. For example, some superintendents are little more than figureheads, caught between Albany and those who live and work in the prison. Others are stronger and assert more control.

By all accounts - statements from inmates from B-Block, interviews with union leaders and PLS attorneys, statements from OCF staff, and other sources - the power structure of Ossining Correctional Facility in January 1983 basically resembled that of other State institutions. No one individual or group exercised complete power over facility administration. Power and authority were diffused among an assortment of actors.

There were some differences, however. Central Office administration was not sufficiently responsive to Ossining's problems. Superintendent Walters was an unusually passive superintendent. According to staff and inmates alike, John McGinnis, the DSS, was "the one guy who was trying to run the place," and security staff supervisors, from captains through sergeants, were generally regarded as extensions of DSS McGinnis. Union Local 1413 performed many of the functions which unions performed at other prisons, but it was not as strong as some other locals. The relationship between guards and inmates at OCF was not as strained or marked by physical conflict as it was at some other maximum-security facilities. Ossining's inmates - at least those in A and B Blocks - were also denied many of the privileges enjoyed by other New York State prisoners, due to their "transient" status.

In short, power was diffused and leadership weak.

CONDITIONS BEFORE THE DISTURBANCE

Before January 8, frequent signals were sent out by practically all parties involved in New York prison affairs - prisoners' rights advocates, inmates, guard union officials, DOCS administrators, and others - warning that disturbances were inevitable in some institutions, unless prison conditions were improved. In 1979, Commissioner Coughlin had described the condition of the correction system as "dangerous," adding: "We could have a minor incident blow up into a major incident because things are tense."

In October, 1982, the Correctional Association of New York, the nation's oldest prison reform organization, reported: "There is a crisis in New York's prisons...the State is living on borrowed time - and cannot stop the clock." The study focused specifically upon Attica, noting that its "historic significance cannot be overlooked." Its author suggested that Attica was fairly representative of New York's maximum-security facilities, and he concluded that conditions there were similar to those that had existed before (and contributed to) the 1971 riot. Immediately after the report's release, Commissioner Coughlin responded with a 32-page report of his own, contesting some of the study's findings and intent. At a press conference he stated that prison conditions were "tense enough right now that something like this report could touch off" a major disturbance. Robert Gangi, Executive Director of the Association, defended the report, saying:

The intent of the report was not to incite a riot, but to sound the alarm about conditions at Attica and other prisons so something can be done to head off outbreaks of violence. The prisons are ultimately failing in their role as a crime-control tool. There is the possibility of violence, although not necessarily on the scale of what happened in 1971.

Since then, many other reports about specific prisons and the system as a whole have warned that a prison disturbance was bound to occur somewhere in New York as a result of deteriorating conditions.

Conditions at Ossining

For this Report, we searched several hundred documents about OCF for a period of years prior to January 1983, including:

- DOCS reports, internal audits, memoranda, correspondence, directives, employee rules, and other departmental information;
- Inspection reports, executive findings, staff memoranda, and other materials from the Commission of Correction;
- Statements by former hostages and other OCF staff which were taken after the disturbance;
- Statements by nearly 600 B-Block inmates who were interviewed after the disturbance;
- Prisoners' Legal Services of New York letters, reports, and other information;
- Reports and correspondence relating to OCF, prepared by the Division of Audit and Accounts, Office of the Comptroller;
- Westchester County court records relating to OCF criminal cases;
- Legislative reports, appropriations, and other documents relating to OCF and pertinent agencies;
- Nearly 200 newspaper articles about OCF;
- Inmate grievances and internal communications from within OCF's Inmate Liaison Committee, as well as assorted inmate petitions, letters, and publications;
- Budget requests and other fiscal records;
- Studies, reports, and other materials from the Correctional Association and other prison reform organizations;
- Information received from correction union representatives;

- Executive Chamber logs and other documents about OCF; and
- Interviews with various parties knowledgeable about OCF conditions.

Generally speaking, the picture of conditions that emerged from these diverse sources was extraordinarily consistent. The reports that were received seldom contradicted each other; they simply provided more or less information than the others, and from different perspectives. The specific conditions examined include the following:

FIRE SAFETY
 VENTILATION AND HEATING
 SANITATION
 FOOD
 CLOTHING
 MEDICAL CARE
 SECURITY PROBLEMS
 VIOLENCE
 ATTEMPTED ESCAPES AND SUICIDES
 TRANSIENT INMATE STATUS
 IDLENESS
 RECREATION
 PACKAGES
 COMMISSARY
 ALLEGED CORRUPTION AND MISCONDUCT
 EDUCATION
 COUNSELING
 FEMALE CORRECTION OFFICERS
 VISITING
 INMATE LIAISON COMMITTEE
 LAW LIBRARY
 INMATE GRIEVANCE MECHANISM
 DECEMBER 6 INCIDENT
 CAPITAL CONSTRUCTION

FIRE SAFETY

Hazards

Recent publicity surrounding the dozen mass-fatality fires that have occurred in American correctional facilities during the last 15 years has underscored the price of neglect in prison fire safety. In its February 1983 issue, Corrections Magazine noted "the appalling lack of attention that fire safety has received" in correctional facilities. Ossining - in part due to its age and construction, and perhaps for other reasons as well - has often been cited for unsafe fire conditions. Any fire in a correctional facility must be considered serious. However, the apparent vulnerability of Ossining to fires, and its lack of adequate fire safety and fire emergency procedures, make fires there especially threatening. Before Jan. 8, several cases of suspected arson were reported.* During the recent disturbance, fire could have resulted in extreme emergency and perhaps deaths and injuries to inmates and employees.

* On Jan. 2, 1982, a mattress fire was discovered in cell Q-6 of B-Block. Arson was suspected and the inmate occupant, who was out of the cell at the time, was placed in protective custody. On Aug. 11 a fire was discovered in A-L-273, the cell of inmate Guillermo Valdez, a Cuban deportee. Valdez was placed in protective custody. (Nine days later he was stabbed to death in the Chapel). On Jan. 1, 1983 another mattress fire was discovered in cell J-152 of Block A. Arson was again suspected and the inmate was placed in protective custody. Four days later, on Jan. 5, another cell fire was discovered in A-Block, N-507. The occupant was charged and placed in the Mental Observation Unit. The day before the uprising, an officer observed an inmate setting fire to a pile of papers in his cell in A-Block. That inmate was also placed in the Mental Observation Unit.

In 1978 the State Commission of Correction informed then-Superintendent Dalsheim that its inspection had revealed many fire hazards, including:

...the Special Housing Unit was not supplied with its own Scott Air-Packs for emergency situations...COs need to become familiar with the handling of this type of equipment...need for exhaust fans in Special Housing...fire extinguishers should be mounted on walls along the corridor of Special Housing...COs in Special Housing had not received any fire and safety training in the past two years...fire drills had not been conducted in Special Housing...the entire area (of A Block) was being serviced by four fire extinguishers and ...there was no standpipe system or other related fire preventive equipment...need to follow Directives #3154 for fire drills and #3154 for Standpipe systems.

A year later the Commission again wrote to Dalsheim, saying:

There were no evacuation procedures, written fire and safety guidelines, execution of inmate fire drills, or recent fire and safety training for facility personnel...A-Block was still serviced by four fire extinguishers and there was still no standpipe system or other related fire prevention equipment...double-locking system, which in case of fire would be extremely time-consuming to employ in the evacuation process...exhaust fans stored in the Arsenal and Scott Air-Packs and extra fire extinguishers kept on the fire vans...Extreme dependency on the fire van for necessary equipment...Special Housing Unit did not have any written emergency evacuation or fire and safety guidelines, exhaust fans, or Scott Air-Packs... the Chapel Building presented an extremely serious fire and safety hazard - no fire extinguishers, exhaust fans, Scott Air-Packs, Standpipe system, written or verbal guidelines for fire and safety procedures. Piles of wood from the repair of benches in front of the stage. Platform in front of stage deteriorated and splintered...curtains tattered, torn and flammable with dirt and filth all over the back stage area.

The then-Superintendent responded to the Commission by saying that many of these problems were being remedied by planned renovation of the Chapel and other areas. A-Block deficiencies were also acknowledged and they too were scheduled to be remedied by planned refurbishment. Point by point, the facility responded that appropriate actions had either been taken or

were being followed. A DOCS spokesman also informed the Commission:

It appears to me...that the facility is taking reasonable steps to improve the fire safety program at Ossining. As you know, the Department has been conducting a system-wide fire safety audit in response to our perception that existing standards and practices were inadequate. We will continue to support all efforts to bring fire and safety hazards to the attention of local facilities and to take corrective action as necessary.

Despite these repeated assurances from the facility and Central Office, Ossining's fire safety continued to be the subject of criticism by agencies outside the Department. In its Audit of Financial Management and Related Practices at OCF for the period 4-1-79 through 3-1-82, the Office of the State Comptroller made these recommendations about fire and safety:

1. The Facility should have a master listing and maps denoting the location of all fire fighting equipment. Their location should be made known to the local volunteer fire fighting units which would be called upon to assist in an emergency.
2. Comprehensive fire fighting plans should be developed with the local volunteer fire department.
3. All employees should attend a fire training course administered by the FSO.
4. All Deputy Fire Chiefs should attend a fire training course at the Montour Falls Fire Academy.
5. The FSO should conduct monthly fire drills in each area of the Facility.
6. Evacuation plans, hose systems, ventilation systems and fire-fighting equipment should be installed in the Industry Building. All hallways and walkways should be cleared of debris.
7. All fire extinguishers should be inspected semi-annually.
8. Fire extinguishers and hose systems should be installed in all highly-populated areas.
9. Mobile Fire Fighting equipment should be obtained until adequate equipment is made available.

10. Inventory cards should list purchase, discharge, recharge and repair dates...
11. Employee Occupation and Inmate Accident reports should be completed timely.
12. Form 1598, Report of Fire, should be completed for all fires.
13. The employee and inmate accident summary report should be prepared for all accidents occurring...during the month.
14. All cluttered, inadequately lit and slippery areas in the complex should be corrected.

Audit and Control noted a large barrel of diesel fuel in the Industry Building which was not locked or inventoried. Barrels of a flammable substance were found to be stored near electrical wiring. The facility's fire truck had been transferred to Green Haven.

In a Dec. 14, 1982 letter to Commissioner Coughlin, a PLS attorney listed fire safety as a major concern. He stated:

Blocks "A" and "B" have a double-locking system on the cells. This means that each cell has an individual lock which must be opened with a key. There is also a master control which slides a metal bar over the doors of all the cells. When both locking systems are in place (which appears to be at night), each cell must be opened with a key after the metal bar is moved. The potential for disaster is obvious.

VENTILATION & HEATING

Inmates had complained for several years about heating and ventilation problems at OCF. In 1981 the State Health Department suggested that the window opening and closing system was contributing to cooling and ventilation problems. A year later, an attorney for Prisoners' Legal Services informed Commissioner Coughlin that he had received numerous complaints that the mechanism which opens the venting windows on Blocks A and B was broken. Windows had to be opened individually with a wrench. During the fall and winter months, the closed windows were said to cause temperatures in the blocks to exceed 80 degrees. The attorney added: "The heating system is ancient and, as a result, the pipes clang very loudly and incessantly while the heat is on."

Insufficient heat in the A-Block Gym was a longstanding complaint before the disturbance. The lack of heat in the Garage used for B-Block recreation also contributed to inmate unrest on January 8, when the temperature was close to freezing. Many inmates in B-Block resented having to take their recreation under such cold conditions.

SANITATION

Ossining was remarkably unsanitary, both in general and compared to other State prisons. Based on its regular inspection of OCF in 1981, the New York State Department of Health reported "The windows in the pot wash room were wide open, permitting the entrance of insects and rodents...construction and renovation work causing extra dirt, dust, and cleaning difficulties." Inmate Liaison Committee representatives complained in 1981 that residents of Tappan had to ask at least every two weeks for the exterminator to be sent to their unit to kill roaches. During 1982, Prisoners' Legal Services formally complained to Commissioner Coughlin that Blocks A and B "are filthy and there is a high degree of insect infestation. There are also many complaints of rodent infestation." Inmate representatives also formally complained to facility and DOCS officials about roach infestation and a lack of sanitary maintenance supplies in those housing areas.

Another Health Department inspection, conducted in November 1982 (after pressure from PLS attorneys), reported: "On the first floor of A-Block, a dead, dried mouse was found...Improved rodent control measures and more diligent floor cleaning procedures are needed...roach signs were observed in the access ways between the cells, indicating the need for residual-type insecticide treatment of this area."

During the same month, PLS notified the Health Department that it had received numerous complaints about large numbers of mice and roaches in Blocks A and B; that the water line servicing the cells produced water which was a deep brown color, which did not clear even after prolonged

running, and that men housed in those areas had complained of headaches and stomach pains.

Why Was OCF So Dirty?

The poor sanitary conditions at OCF were part and parcel of an overall deterioration. Several specific factors may have contributed to the particular sanitation problems which existed before the disturbance:

- (1) Age of the facility - an old physical plant, and equipment which was so poorly maintained it was "uncleanable";
- (2) Presence of a large, static population - little inmate movement to and from programs, and the crowding of that population into housing units and other too small areas over long periods of time, resulted in an inordinate amount of debris and filth, as sometimes exists in a large city jail;
- (3) Shortage of inmate workers to clean up the institution - the lack of incentive wages for inmate maintenance workers, restrictions on the movement of House Gang floor-sweepers, and the refusal by the OCF administration to grant inmate requests for cleaning materials to sanitize their own housing units;
- (4) Lack of a "home atmosphere" - the perception that many inmates were transients, who were not likely to remain in OCF for extended periods, may have discouraged inmates and administration alike from keeping the place clean;
- (5) Shortage of maximum-security space - DOCS' critical shortage of maximum-security space may have reduced its ability to keep that available space clean; and
- (6) Lack of adequate sanitary inspection and upkeep - apparent lack of regular inspections by the Superintendent and his staff, DOCS

Central Office, and other agencies such as the Commission of Correction, may have failed to detect and correct unsanitary conditions.

Statements by inmate representatives, PLS attorneys, and B-Block residents indicate that most inmates considered Blocks A and B to be "hellholes." The most frequent comparison was to Rikers's Island, and even that institution was said to be cleaner than OCF.

FOOD

In 1979 the Commission of Correction advised the Superintendent that its inspectors had found the kitchen "filthy," equipment uncleaned, vermin all over the area creating a major health hazard, and numerous other unsanitary conditions in food preparation, storage, and serving. Facility officials had responded that steps had either been taken, or were being taken, to remedy these conditions. For example, a new exterminator contract was being prepared, and uncleanable equipment was being upgraded. Two years later, inmate representatives were still complaining that the Messhall was unclean, trays were dirty, flies and vermin droppings were showing up in food, and so on. The inmates suggested that at least one employee over the status of sergeant eat at least one meal a day with the inmate population. A Health Department inspection in 1981 documented numerous examples of poor sanitation in the kitchen.

In response to similar criticism from the Office of the State Comptroller during this period, DOCS replied: "Floors and walls are cleaned on a routine basis. Floors are cleaned on a continuous basis and walls are cleaned as needed, but at least once weekly. Window sills and frames are being replaced...A continuous program of cleaning and maintaining the existing area is in progress..." Yet, based on inspections

conducted two months before the disturbance, the Health Department and the Commission of Correction reported serious deficiencies in food service sanitation, including: food temperatures below acceptable levels, grease and dirt encrusted floors, walls and fixtures, open garbage cans and food storage, cockroaches and cat feces in food preparation areas, odors, inadequate personal cleanliness by food service workers, and so forth. (These Reports are included in the Appendix.)

The Commission described OCF's kitchen and messhalls as antiquated and outmoded. Equipment and features of the physical structures have been cited repeatedly by inspectors from different agencies as being broken, dysfunctional, or outmoded. Some typical observations by the Commission in 1979 were:

The floors under the steam kettles, and in many other areas of the main kitchen, were broken or worn badly. Ceiling surface paint peeling and walls dirty around the work table areas, water discharge leaking on the floor around the dishwashing machine, ovens only three years old in need of repair and cleaning...The refrigeration units are outdated and are still using the old Brine System, creating a dangerous threat to health.

Two years later, the Health Department inspection revealed:

Counter protector devices were not provided for the serving lines to protect food from contamination during display and service...The tops of storage bins were cracked and in need of replacement...Insulation wrapped around the heating pipes is split and coming off...The proofing oven was not cleanable and insect and rodent proof. Though first noted in 1977, no substantial improvement has been made since that time. The floor was chipped and in need of repair to make it cleanable... window sills and frame were in a state of disrepair and could permit insects and rodents entry...fire extinguisher by the door was discharged...vegetable washing sink does not have an indirect drain...There are no insulated transport or holding facilities for the meals brought to the Tappan Kitchen. Lack of these facilities can cause problems in holding temperatures allowing hot foods to get cold and cold foods to get warm. Counter protection devices are still not provided in the serving line. A handwash sink should be set up in the serving area for washing hands...Many ceiling panels were also missing or badly damaged...Proper wiring connections should be provided.

In its most recent inspection, conducted on November 17 and 18, 1982, the Health Department noted that these conditions had not been remedied, and Ossining's kitchen was again found to be poorly constructed, equipped, and maintained. Many of these deficiencies were cited as unsanitary:

Three steam kettles were installed with submerged inlets of copper tubing...Acid foods contacting the copper could result in copper poisoning...A hose with no back flow protection was left on the floor in dirty, pooled water exposing the water system to contamination...The shower should not be located in the kitchen. It should be removed and the area around it and under it thoroughly cleaned...The reach-in refrigerator used to cool cooked meats is damaged so that two (2) of the six (6) doors do not close and seal properly...Many pieces of equipment have been damaged to the point that they are uncleanable... dishwashers temperatures were insufficient to wash or sanitize the utensils and dishes properly...the floor throughout the kitchen is rough, uneven, poorly drained and has the grouting missing from between the tiles. Water pools in many areas of the floor to a depth of an inch or more...walls and window sills and door frames in the kitchen are not cleanable...The ceiling in the kitchen is peeling badly and needs to be rescraped and resurfaced...Many windows behind the ovens were knocked out. The wastewater from the potato peeler drains onto a wooden pallet and then to the kitchen floor, where it mixes with all the other pooled water... The serving line was not provided with sneeze guards to protect the food from aerosol contamination during service...No thermometer was provided in the refrigerator...dishwashing equipment was found to have deficiencies requiring repair... floor is chipped and uneven making it uncleanable...wall behind the dish tables is peeling badly and should be scraped and resurfaced...old soap injection system should be removed to avoid a potential cross-connection being made at that point endangering the water system...hot holding cabinets do not function well. Thermometers should be provided to assure that the food is 140 degrees F or greater...worn, cracked, wooden cutting blocks are still in use...floor seams in Box #5 are not sealed allowing moisture to seep down into the floor or squirted up when the floor is walked on.

Recent disclosures by the State Comptroller and other sources have also reported substantial amounts of lost or excess food (e.g. \$150,000 worth per year), some of which was attributed to unauthorized consumption by staff.*

CLOTHING

The complete standard issue of clothing is supposed to accompany the inmate from the reception center to the facility to which he is assigned. When an inmate is transferred to a subsequent facility or camp, all standard issue clothing is supposed to be transferred with him.

Department Directive #3081, dated 1-8-79, is designed to standardize clothing issued to inmates, to ensure their proper dress, health and safety, and to enhance their morale. Upon reception, each male prisoner was to be issued the following quantities of items:

- 1 Winter Coat
- 1 Knit Cap
- 1 Chino Jacket
- 4 Trousers, pair, green
- 3 Work Shirts, green, short sleeve
- 1 Dress Shirt, white, long sleeve
- 1 Sweatshirt
- 4 Underwear sets, summer
- 2 Underwear, sets, winter, if requested or needed for outside work detail
- 6 Socks, pair
- 1 Shoes pair, work
- 1 Shoes, pair, casual, or one pair of sneakers
- 1 Belt
- 6 Handkerchiefs

* Since the disturbance, a new kitchen has been opened, the messhall has been refurbished and a new food service manager hired. During my visit to the facility, members of the Inmate Liaison Committee told me that most of the food problems have been solved.

Inmate complaints about State-issued clothing had been increasing before Jan. 8. Inmate grievance case files, for example, reflect several disputes which ended up as matters requiring the attention of the Inmate Grievance Resolution Committee (IGRC):

A parole violator, who came to OCF on July 16, 1980, was never issued any footwear, despite his repeated requests. His grievance, filed on Dec. 2, 1980, was ignored by the Superintendent and not decided by DOCS' Central Office Review Committee until March 11, 1981. (His shoes were finally ordered.)

On Aug. 17, 1981, another prisoner resorted to the formal grievance mechanism to request that all inmates upon entering the facility receive a full issue of State clothes. The IGRC contended that one set of underwear for transient inmates was insufficient for a two-month period. The Superintendent agreed in part, saying that all inmates were entitled to suitable clothing; however, he added that the facility was not receiving sufficient new clothes for its transient inmates. DOCS' Central Office Review Committee rejected the inmate's appeal on Sept. 10, 1981, saying that he did not have the right to submit a class action grievance. As a result, transient inmates continued to get only one set of underwear.

On Nov. 21, 1981, an inmate asked for winter issue clothing, saying he was cold and needed warmer apparel. The Superintendent denied his request. DOCS accepted his grievance on appeal, but added that the case "shall have no precedental value."

A State Comptroller's audit for a three-year period ending in April 1982 found unexplained shortages in the inmate clothing delivered to the Storehouse and distributed by the State Shop, which was responsible for processing incoming and outgoing inmates. As much as 75 percent of the clothing issued by the facility was for Transient Inmates and its distribution was unrecorded.

Inmate Liaison Committee representatives voiced numerous complaints to the OCF administration concerning clothing. In August 1982, the ILC notified Superintendent Walters that the "State Shop is not issuing clothes to inmates when scheduled to receive them." Such complaints increased with the onset of winter. Block A and Block B prisoners

appealed to the Administration on Dec. 14, 1982 to allow inmates to receive personal winter clothing through the package room, saying that they understood that the State Shop had limited stock of winter underwear and other winterwear; nevertheless, they wished to keep warm during the cold weather. Inmate Liaison Committee representatives also continued to ask for a full issue of State clothes for transient inmates, as well as the right to receive winter clothing via packages. But these appeals were unsuccessful. The lack of winter coats and other cold-weather wear on Jan. 8 caused some B-Block inmates to refuse to take recreation in the unheated Garage.

MEDICAL CARE

Ossining's Hospital is operated as an infirmary to provide basic medical care, as well as pharmacy, dental, optical and psychiatric services. Inmates with major medical problems (such as those requiring surgery) are transported to other hospitals for treatment. The psychiatric unit is staffed by employees of the State Office of Mental Health. Benjamin Dyett, M.D., has been the facility's chief medical officer since August 14, 1974. At the time of the disturbance, the facility payroll included three dentists, one dental hygienist, two dental assistants, two part-time physicians, two administrative nurses, two physicians' assistants, one pharmacist (and one vacant pharmacist's position), nine nurses (and one nurse position vacancy), one medical laboratory technician, one senior radiology technician, one licensed practical nurse (and two vacancies), one senior clerk in medical services, one pharmacy aide, two medical records clerks (and a vacancy for senior medical records clerk), and one optometrist.

Medical Service Evaluation

In 1979 the Medical Review Board of the State Commission of Correction conducted an in-depth evaluation of medical service delivery at OCF. Some of the conclusions are summarized as follows:

- OCF's large pre-classification population was not receiving an admission history or physical exam.

- OCF's medical staff were provided information about incoming patients (inmates) which was sketchy at best.
- OCF received a large number of inmates requiring psychiatric services by referral from Riker's Island, but it did not have a unit adequately staffed and appropriately equipped to deliver such services.
- There was no process to evaluate inmates for psychiatric problems if not already diagnosed prior to being admitted to OCF.
- OCF's Inpatient Unit was receiving an increased number of chronic care inmates.
- OCF is geographically situated so it can provide access to the sophisticated services of the New York City health care system as well as being the closest male facility to the Westchester County Medical Center. Consequently, OCF had a large population of inmates with severe chronic and debilitating diseases requiring continual sophisticated services. The "current levels of care available at Ossining do not adequately meet the needs cited."
- There were no policy guidelines for physician responsibilities in several areas, including coordination of health services, sick call, and hospital duties such as rounds, orders, progress notes and discharges.
- There was a shortage of nurses, especially on weekends.
- Dental, psychiatric, and other medical records were often lacking and were not being transferred to or from the facility as the inmates were moved.
- Security safeguards in the laboratory were deficient in several respects.
- There were many problems with OCF's sick call procedures.
- OCF's Inpatient Unit was one of the busiest in the State correctional system, and it included many inmates suffering from chronic kidney disease, severe heart problems, lung disease, and cancers. "The Commission evaluation found serious deficiencies in... (several) areas, and clear evidence that the health care at Ossining Correctional Facility Inpatient Unit is below acceptable standards."
- Clinical records in the facility Hospital were incomplete and in need of immediate improvements.

- Mental health screening, evaluation and treatment services were seriously deficient.

In 1980 the Commission communicated another evaluation of OCF medical services, and found many of the same deficiencies, as well as some others. These reports triggered an intensive review of OCF's health delivery services, according to DOCS. On March 26, 1980, the DOCS Assistant Commissioner for Health Services informed the Deputy Commissioner for Administrative Services:

The gravity of the problems relating to the deficiency of the present medical services component at...Ossining...cannot be left unaddressed for any appreciable length of time. To do so could result in potentially damaging and costly consequences for the State and the Department.

The Department is mandated to provide adequate medical services for its inmate population. This mandate is, presently, not being met at this facility. Aside from the basic humane considerations involved in this request, we want to point out the adverse reactions that may result if remedial action is not quickly taken....

It is possible that Prisoners' Legal Services could initiate court litigation in a class action suit...

Secondly, should a widespread epidemic of communicable diseases occur at the facility under present staffing conditions, the need for the use of outside hospitals to handle these cases would likely be extremely expensive. Also, it is likely that numerous individual lawsuits against the Department and State would materialize. This could prove to be not only costly but a glaring embarrassment.

Recent Complaints

A common complaint about OCF medical care before the disturbance was that it was so slow. Inmates stated that sick call procedures were carried out on a first-come-first-serve basis: inmates put in slips to the COs, indicating that they needed medical attention for a particular problem, and the slips were responded to in the order in which they were received. As one attorney representing OCF inmates has stated: "Inmate Number One on the list might only have a slight headache, whereas Inmate

Number 22 might be sick as hell. But Number 22 would have to wait, because there wasn't adequate screening."

A Comptroller's audit covering a three-year period ending March 31, 1982, reported that the facility's two physicians were actually working 25 and 37 1/2 percent of the time required by their contracts, and that the State was paying \$69,500 a year in salaries for services not available. The physician in charge did not examine any inmates during the week covered by the audit. The Department responded to these findings by saying: "The physicians are required to be on standby status 24 hours per day as a result of local agreements made over the past several years. It is felt that the services provided to the Facility at the salary allowed are commensurate with, if not substandard to, the salaries and services available in the health care field."

Medical care at OCF has continued to arouse serious concern. The Commission of Correction reported after the disturbance that it had received "widespread complaints" concerning medical services at the prison. It added that many of the issues revolved around sick call procedures, lengthy delays for outside hospital trips, and unresponsiveness on the part of some medical staff.

Deaths

For several months leading up to the disturbance, OCF had recorded an unusually high death rate. During 1982 no inmate death was recorded until July 19. Yet, from that date to the end of the calendar year, there were nine inmate deaths. Two of these deaths were homicides which occurred within a 12-day period in August. The others were listed as deaths resulting from "natural causes." OCF's death total for 1982 placed the prison at the top of the list for inmate mortalities.

Because the Commission's Medical Review Board has not reported on a fatality at OCF since June 1981, official information about these deaths -

their causes and what can be done to prevent others like them from occurring - is unavailable.

DATE	NAME
6-19-81	ANTHONY GRACIA
10-25-81	DAVID CRUMP
7-19-82	EVERETT COLBURN
8-9-82	ISAAC WADDELL
8-20-82	GUILLEMO VALDEZ
8-30-82	LEONARD L. RICHARDSON
9-17-82	ARMANDO BERMUDEZ
9-23-82	EUGENE MARTIN
10-4-82	ROGER CHADWICK
10-13-82	EMANUEL WILLIAMS
12-29-82	BERNARD THOMAS
1-7-83	LORENZO PENDER
2-11-83	JOSEPH MIANO

Source: Commission of Correction

SECURITY PROBLEMS

Recent independent inspections of OCF's security practices have found a number of problems. Prior to 1980, four Commission of Correction inspections reported:

- An alarming increase in the availability of contraband such as drugs, liquor, hypodermic needles, homemade weapons, etc.
- Extremely unsupervised movement of inmates, lack of inmate and cell frisking procedures and schedules, lack of periodic frisking of correction officer and civilian staff.
- No security coverage in most of the tunnels (especially to and from Tappan, the Bathhouse, B-Block recreation area, and the Commissary), resulting in a history of Unusual Incidents in those areas;
- Accessibility to drugs from the Hospital Pharmacy and other sources, resulting in one or two overdose deaths.
- Security personnel turning their backs on incidents, to avoid physical confrontation with armed inmates.
- Poor security coverage in housing areas. After an inmate suicide on Dec. 16, 1979, the body of the deceased was hanging unnoticed in his cell for more than six hours before being discovered by inmates.

An audit of the OCF security practices, conducted in 1981 by the State Comptroller's office, noted:

- Logs for hand stamps, metal detector inspections and other search procedures were not properly kept.
- Infrequent cell searches, and when the cells were frisked, proper logs were not maintained listing the results.
- Keys were not properly controlled.
- Count cards showing the total inmate count in a block at any given time were not properly maintained.
- A State garbage truck which was not driven by a facility employee was unescorted while in the facility. The container section could not be probed prior to its leaving the facility. It was further noted that the driver left the truck unattended several times in an area where inmates were present. (The

Deputy Superintendent for Security replied: "This driver, while not a facility employee, is a State employee and may be allowed to enter the facility unescorted. This vehicle enters several facilities.")

Despite some improvements, and a massive increase of custody staff, Ossining's security remained plagued by many problems. Based on its visit in October, 1982, the Commission of Correction reported:

- Serious disturbances have often arisen because officers are not on assigned posts.
- Contradictions occur in orders. Directives are seldom followed. Result: inconsistent disciplinary enforcement.
- Changing cadre of new officers breaks up inmate habits and routines.
- Officers lack training in interpersonal relationships with inmates. Some officers adopt a "John Wayne" posture. This behavior perpetuates incidents.
- Lack of communication skills in new officers.
- Personnel not able to keep track of employee time and attendance.
- Officers on probationary status comprise about 70 to 80 percent of OCF staff.
- Unstable supervisory staff.
- Little indication that sergeants or lieutenants received appropriate direction or guidance from captains, the Deputy Superintendent for Security, or the Superintendent.
- COs generally apprehensive of the inmates and tend to cluster in large groups in the middle of the block rather than deploying themselves in strategic positions.
- No indication that written policies and procedures were developed and implemented for COs; operations changed from day to day; rules and regulations inconsistently applied.
- Inmates are permitted to work in extremely sensitive areas of the facility, such as the ID Room and Inmate Movement and Classification. This presence makes them privy to information which could compromise the security of the institution.

Union officials had complained that security was lax and needed to be tightened. Among the examples they cited were the ability of some inmates to operate vehicles on the grounds, an inmate pass system that tolerated some prisoners' use of invalid or forged passes, and inmate access to facility telephones. All of these concerns were reported to Ossining Administration Officials. Officers, inmates, and others acquainted with the facility also noted that Sing Sing used to hold a number of organized crime figures who were allowed special privileges, and that some of the "old Sing Sing ways" still lingered in the prison at the time of the disturbance. One inmate enriched himself by \$6,000 through a kickback scheme in which he was allowed to sell more than \$50,000 of food to other inmates over a period of three years, according to audits by both DOCS and the Office of the Comptroller.

Table 9
SOME INMATES CAUGHT WITH DRUGS/CONTRABAND IN OCF

Date	Location	Description
3-8-82	B-Block, Z-660 cell	Cocaine found in routine search
3-13-82	Admin. Bldng.	Marijuana & \$15 found in inmate's shoe after visit
3-16-82	B-Block, T-252 cell	1/2 oz. marijuana found in routine cell frisk
4-16-82	A-Block, H-7 cell	6 packets cocaine found in routine cell frisk
4-30-82	5 Bldng., D gallery	Marijuana, \$15, rolling paper found in cell search ordered by Sgt. Jackson
5-22-82	Tappan, 10-3 F3	1/4 oz. marijuana found in routine cell search
5-23-82	Gym bathroom	14 packets of marijuana, packet of barbiturate found after COs noted inmates acting suspiciously in bathroom
6-2-82	Visiting Room	1 oz. marijuana turned over by inmate
7-7-82	A-Block	2 cigs and 1 bag of marijuana found after inmate resisted routine frisk
8-3-82	Tappan, 9-3, D4	1/2 oz. marijuana found in cell after alert by K-9 "Kelly"
8-18-82	7 Bldng. yard	Marijuana plants 3'-high found growing in yard
9-7-82	Visitor's Room	Routine frisk of inmate after visit finds \$1 bill and cocaine
11-12-82	Visiting Room	Routine frisk of inmate after visit finds \$1 bill and cocaine; subsequent invest. reveals gin in cup in V.R.
11-12-82	Frisk Room	Routine frisk of inmate after visit finds 2 balloons of marijuana in shoe
12-29-82	Frisk Room	Routine frisk of inmate after visit finds cocaine in his sneaker

SOURCE: Unusual Incident Reports

An audit of OCF security practices, conducted by the Office of the State Comptroller in 1981, reported:

There was poor inventory of kitchen knives. Only 18 of 24 kitchen knives were accounted for. There were no I.D. markings on many of the knives maintained in the Butcher shop and kitchen area. Shadow boards were not used. There were no periodic reviews for unused items such as hand saws. We also found a crow bar in the butcher shop not listed on the records and not locked in a cabinet. The Deputy Superintendent did not maintain a listing of Class A tools. Facility tools had not been classified as either A (hazardous) or B (less hazardous)...most tools did not have I.D. markings. There were no inventory records of maintenance tools.

Deputy Superintendent McGinnis responded that the kitchen knife problem would be addressed with the Food Service Manager. But he added, "It should be noted that the age of the complex and the present construction activities have hampered the proper efficient running of the same." The lack of control of tools, he said, was also being addressed.

But several stabbings, including at least one fatality, were later attributed to kitchen knives, and not all of the weapons involved were recovered. During the January 1983 disturbance, several inmates reported seeing at least one - maybe more - kitchen knife (or knives) in B-Block. Several potentially lethal cutting tools were recovered when the block was frisked after the uprising, but no "store-bought knife" was among them.

In its 1981 security audit, the Comptroller's office reported:

it is impossible to determine if a visitor is armed until the visitor is already within the facility. Employee frisks are rarely performed. Inmates were not frisked when leaving the Industry area...Inmates working in the kitchen were not routinely frisked.

Deputy Superintendent McGinnis responded that numerous requests had been made to construct a processing hut outside the front gate area. "However," he added, "due to the repeated indication from the Governor that Ossining Correctional Facility will be closing, this has been regularly denied." He said additional frisks were not feasible.

The matter of unauthorized weapons would later arise during the disturbance. Department regulations forbid COs to carry knives over three inches and other unauthorized weapons while they are on duty. However, one officer admitted having a non-regulation knife on him when he was taken hostage, but it was not recovered during the search of the prison after the disturbance. Some other recent problems involving OCF staff and firearms, are shown in the following table.

Table 10 SOME RECENT INCIDENTS INVOLVING FIREARMS AND OCF PERSONNEL (from Unusual Incident Reports)			
Date	Location	Description	Action
1-1-82	Brooklyn	CO went to a party with an unknown person, fell asleep after drinking. His personal handgun was stolen	Counseled
1-2-82	Wall Post #15	CO discharged one round thru window with DOCS .38-caliber	Misconduct Report
1-29-82	Bronx	Missing CO weapon	No discip.
2-16-82	Brooklyn	Off-duty CO fired 2 shots at assailant. No injuries. The weapon was not registered.	Invest.
3-31-82	Brooklyn	Crim. poss. weapon & cocaine	Arrested
4-24-82	Brooklyn	Off-duty CO shot at man who stole his car. Weapon not registered at facility.	NA
5-11-82	Brooklyn	Off-duty CO fired 2 shots during an arrest.	NA
5-21-82	Arsenal	CO weapon missing from Arsenal. Other CO questioned trying to claim it.	NA
6-21-82	Queens	Off-duty CO involved in shooting incident.	No crim. charges
6-22-82	Bronx	Off-duty CO shot at wouldbe mugger.	No crim. charges
6-28-82	Bronx	Lost weapon chasing mugger	NA
8-24-82	Brooklyn	Off-duty CO fired once at car thief	NA
9-14-82	Arsenal OCF	Weapon discharged-accident	NA
1-11-82	NYC	Off-duty CO arrested for menacing with gun	Arrest
12-17-82	NYC	Off-duty CO arrested Assault 1 and poss. weapon	Arrest
1-15-83	Queens	Armed off-duty CO shot in back	NA
1-21-83	Bronx	Accidental discharge by off-duty CO wounds niece.	NA
1-25-83	Arsenal	Missing weapon	NA
2-1-83	Queens	4 off-duty COs saw indiv. who allegedly shot CO on 1-15-83. CO who had been shot earlier shot indiv. in chest	NA

VIOLENCE

Prison violence - both inmate-on-inmate and inmate-staff - has been increasing statewide in recent years. At OCF, the violence had been escalating, both in incidence and seriousness. In the year before the disturbance, there were 21 recorded stabbings of inmates, two of them fatal. In 10 of these, no weapon was recovered. In the others, the weapons recovered included homemade icepicks, homemade knives (shivs), a kitchen ladle, and two kitchen knives - one of them 15 inches long. (For the period Feb. 22, 1981 through Dec. 31, 1981 only six stabbings were recorded.)

Immediately after the disturbance, a prisoner wrote in the Village Voice:

Tension has been building in here for the last six months. There have been continuous outbreaks of violence since last July. Two prisoners were killed and any number of stabbings, beatings, and pipings have taken place. Before the rebellion, it had all been inmate against inmate.

Another inmate, recently transferred to Woodbourne, wrote in The New York Times of being the "victim of an unprovoked and near-fatal stabbing attack."

On Aug. 9, at 8:15 p.m., inmate Issac Waddell was fatally stabbed in the neck in Tappan 11-2 unit. Three inmates were arrested and charged with murder. The case is pending in the Westchester County Court.

On Aug. 11, 1982, a Cuban deportee named Guillermo Valdez was ordered to protective custody after his cell (A-L-273) was the target of an arson. Nine days later, at 6:15 p.m. on Aug. 20, Valdez was stabbed

to death with a kitchen knife during a movie in the Chapel. On Nov. 11, 1982, another Cuban inmate was charged with the murder. Another serious violent incident involving A-Block inmates occurred at about 6:45 p.m., on October 23 in the A-Block recreation area. Fourteen inmates were hospitalized following a melee in which the combatants used baseball bats, shivs, pipes, and other weapons. On Jan. 1, two inmates were involved in a fistfight in Tappan. On Jan. 5 at 8:25 p.m., a fistfight between two other prisoners was broken up in C gallery of 5 Building.

In the Fall of 1982, the PLS attorney assigned to Ossining began to receive mounting inmate complaints about high levels of violence in Blocks A and B. He was told, for example, that stabbings were occurring at a rate of about one per week. Prisoners' Legal Services communicated its concern about rising violence to facility and DOCS officials on several occasions before the disturbance. But even after the two homicides, OCF officials continued to say they were not aware of increased violence. However, according to PLS, on Dec. 21, 1982 the DOCS counsel verbally acknowledged that violence in Blocks A and B had been discussed in Executive Staff meetings and was under study. Ossining's union president says he also communicated his concern about rising violence to the OCF Administration. In his judgement, that Administration did not take the violence as seriously as they should have. The availability and use of weapons, especially kitchen knives and other dangerous tools, as well as the failure of the OCF Administration to recover many of the weapons involved, provide further signs of serious security deficiencies in the way the Administration handled inmate violence. There were ample indications that inmate-on-inmate violence was rising, and that this escalating violence was not limited to B-Block. The Unusual Incident Reports indicate that violent incidents occurred throughout the facility during 1982 - especially in areas previously identified as having inadequate supervision. Increased violence clearly contributed to mounting tension and fear, among inmates and staff alike.

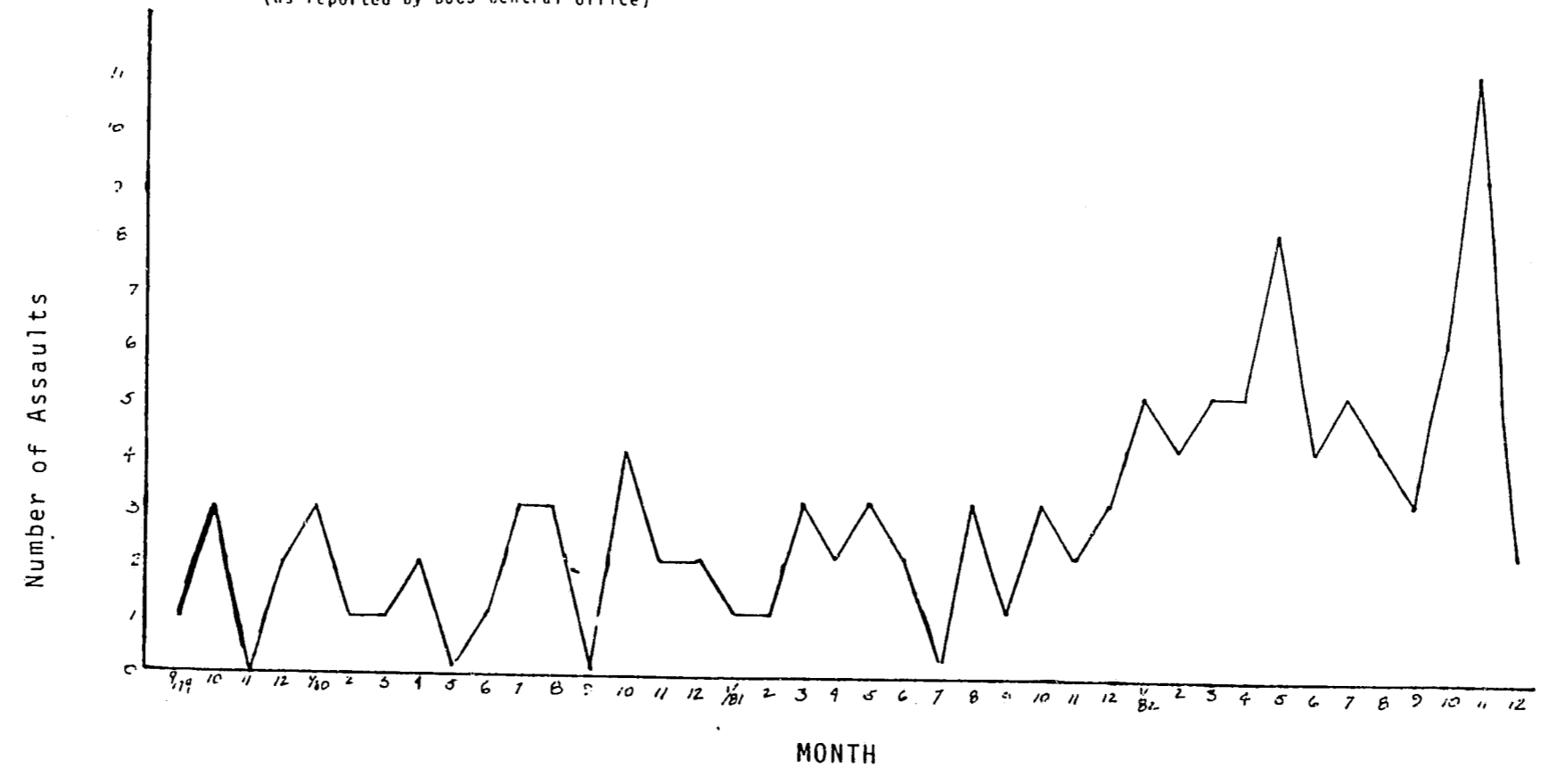
TABLE 11
SOME RECENT ASSAULTS AT OSSINING INVOLVING WEAPONS

Date	Time	Location	Description
1-8-82	5:45 p.m.	7 Bldng. G-56	Stab victim found bleeding, no weapon recovered.
1-19-82	9:15 p.m.	5-A Gallery	Stabbing reported, no weapon recovered.
2-19-82	9:30 a.m.	Commissary	Civilian clerk hit with jar.
3-5-82	9:30 a.m.	Stairwell, Unit 5	Piping
5-22-82	9:00 p.m.	A-Block, L gallery	Stabbing, no weapon recovered
6-1-82	11:15 p.m.	A-Block, H gallery	Stabbing, no weapon recovered
7-9-82	9:05 p.m.	A-Block, J gallery	Two stabbings, homemade icepick recovered
8-9-82	8:15 p.m.	Tappan, 11-2	FATAL STABBING, 6-inch shiv
8-20-82	6:15 p.m.	Chapel	FATAL STABBING, kitchen knife
10-18-82	4:40 p.m.	Tappan handball court	Serious stabbing, no weapon recovered
10-23-82	2:30 p.m.	HBC tunnel	Stabbing, ice pick
10-23-82	6:25 p.m.	A-Block gym	14 inmates hospitalized after rumble with weapons
11-2-82	1:35 p.m.	B-yard	Stabbing, no weapon recovered
11-8-82	3:40 p.m.	Tappan power-house walk	Stabbing, no weapon recovered
11-21-82	3:00 p.m.	Unknown	Stabbing, no weapon recovered
12-3-82	8:00 p.m.	HBA flats, outside gym	Stabbing, no weapon recovered
12-8-82	8:30 p.m.	A-Block, N company	Two stabbings, no weapon recovered
12-22-82	8:00 a.m.	B-Block Z gallery	CO hit by cup
12-27-82	8:40 a.m.	HBC, 3 gallery	Stabbing, 15-inch kitchen knife recovered; assaults with broom handles

Source: DOCS Unusual Incident Reports.

FIGURE 4

INMATE-ON-STAFF ASSAULTS & INMATE-ON-INMATE ASSAULTS AT OSSINING 9-1-79 thru 12-31-82
(as reported by DOCS Central Office)



72

ATTEMPTED ESCAPES & SUICIDES

Escape Attempts

Four apparent escape attempts were reported from February to September of 1982. The first involved the discovery of an inmate from Building 11 hiding in a dumpster outside the Industry Building, on Feb. 7 at 2:35 a.m. The second involved an incident at 8:30 p.m. on July 23 in which an inmate was discovered breaking windows in the Bath House. On Sept. 13 at 11:55 p.m., two inmates from A-Block were spotted running across a road in front of Building 5. Investigation revealed two dummies in their cells. Five days later an inmate was observed lowering himself from a window of Building 10-2 first floor at about 5 a.m. He had apparently used a television wire to exit from the 10-2 TV lounge area window.

On May 11, 1982, a CO uncovered four live rounds of .22-caliber ammunition hidden behind a radiator in the toilet area of Building 10-3, east. The facility had received a note, claiming that a gun and five rounds of ammunition had been brought into the prison. Neither a gun nor an additional bullet was recovered.

Suicide Attempts

At least two attempted suicides occurred immediately before the disturbance. On Jan. 5, 1983, an inmate in the Mental Observation Unit was discovered bleeding from a self-inflicted razor wound. The next day - two days before the disturbance - an inmate in 5 Building broke the windows in his cell and slashed his wrist with the broken glass.

TRANSIENT INMATE STATUS

Many of OCF's problems and inmate complaints during the last year or so before the disturbance were related to the so-called "Transient Inmate" status - an administrative designation which had the effect of reducing rights and privileges for a large and growing proportion of the facility's inmate population. It is unclear when and how this TI status originated, and there is no clear-cut written definition available. The distinction was being used at least a year before Nov. 8, 1982, when official reference was made to it in DOCS Directive #0056, which stated: "Ossining's transient unit provides temporary housing for classified inmates who are awaiting transfer to other general confinement facilities." It added that there were no restrictions on placement of an inmate into this unit "other than those imposed by law."

Increasingly, at least since last July, 1982, OCF inmates had addressed numerous petitions, letters, and other written complaints to Superintendent Walters, Commissioner Coughlin, the State Commission of Correction, and other officials, protesting the lack of privileges for TI prisoners. Among the conditions cited were several which were the subject of negotiation and/or agreement during the disturbance.

TIs were allowed to receive only one week-end visit per month (compared to every week-end for other inmates, including even those kept in Special Housing).

TIs were not allowed to have holiday visits (unlike other inmates).

TIs were not allowed to receive food packages comparable to those allowed for the general population.

TIs were denied permission to receive typewriters via the mail, even though there was not an adequate number of working typewriters available in the Law Library for them to pursue their court appeals.

TIs were not entitled to receive the same State-issued clothing as other inmates.

TI inmates were not allowed to participate in prison educational programs.

TIs were being denied participation in prison work programs, and denied incentive wages for work.

The inability of TI inmates to participate in prison programming was likely to negatively affect their possibility for release on parole.

TIs were not allowed to attend regularly scheduled meetings of inmate organizations of which they were registered members.

TIs were not allowed to have the same number of showers as other inmates, their limit being two per week.

TIs who had been classified for levels less than maximum-security were being held in a maximum-security setting, which actually had fewer privileges than the Special Housing population of a maximum-security facility.

TI requests to see counselors were routinely discarded or ignored.

TIs' recreation time was generally less than that allowed for other inmates.

Duration of "Transient" Status

One of the most persistent inmate complaints about the TI status was its indeterminacy. Although facility or DOCS officials often stated that the inmates would remain in transient status for only a few weeks, at the time of the disturbance some "transients" had been at OCF for more than a year, and many had been there for several months.

"It is apparent that no one from the Commissioner on down can quote with any certainty or clarity how long we will remain in these... circumstances," said one petition signed by 200 residents of Block A in October 1982. Another petition to Superintendent Walters, dated Nov. 10, 1982, added: "Sir, we are sure that you are aware of the fact that many of us have been here at Ossining in this restricted TI status for as long as six months..."

An inmate wrote to the Commission of Correction on Dec. 19, 1982: "Initially when I was received here I was told that I'd only be here for the purpose of classification and physicals, a period of six-seven weeks, and then I would be transferred to a general confinement facility. As you can see, my six-seven week stay has turned into seven months and from the way I see things, there's no relief in sight!" Inmates claimed they were not responsible for the prison overcrowding or administrative problems that were said to be contributing to the TI status or its extended length. As one explained to the Commission of Correction a few days before the disturbance: "Once they were telling me it's due to overcrowding!! I accepted that for awhile, but since then I've seen hundreds of inmates, who entered the system after me, leave before me to a medium facility. That overcrowding excuse is no longer valid as far as I'm concerned."

Potential Litigation

The PLS attorney assigned to OCF has stated he did not become aware of the existence of a "Transient Inmate" status until about August 1982. On November 23, 1982, he wrote to the OCF Director of Programs, to ask whether the facility had any intention of relaxing the rules relating to packages and programs for long-term TIs. The lawyer noted:

Many of the men who have written to me were classified at Downsate in May or June of this year and have been at Ossining since then. As a result, although these people are, for all intents and purposes, general population inmates, they are denied rudimentary privileges enjoyed by people who are "officially" classified as general population. It is my opinion that the denial of these privileges is illegal, at least with respect to men who have been at Ossining for many months.

The Program Director responded by telephone on Nov. 29, saying that the package rule was a facility rule. According to the PLS attorney, he also said that the original promise from Central Office was that "TI" status would not exceed 10 weeks. But, DOCS had not been moving them fast

enough, and many inmates were remaining in OCF for longer periods. In another telephone conversation on Dec. 13, the Program Director said the TI population had reached 1100 men, and that only 270 TIs would be allowed to receive a visitor over the upcoming Christmas weekend. The PLS attorney said that the Program Director also reported that there were no plans for allowing TIs to receive packages by mail.

Attorney Adrian Johnson of PLS followed up on these conversations with a call to the DOCS counsel and a letter to Commissioner Coughlin, Ramon Rodriguez, and Superintendent Walters, on Dec. 14, 1982. Johnson reiterated many complaints by TIs in Blocks A and B and he sought a timetable for the amelioration of several conditions, without success. He discussed the TI situation with Superintendent Walters on Dec. 22, 1982. In that conversation, Walters said the key to the TI problem was that there was an acute shortage of maximum-security space available in Upstate prisons.

Outcome

Shortly before the disturbance there was growing recognition that something had to be done to address the problem of protracted TI stays at the prison. In November 1982 DOCS drafted a proposed "population movement model transportation schedule system," intended to provide a more orderly system of processing inmates from sentencing to placement in a general confinement facility.

In December 1982 Superintendent Walters wrote a letter to DOCS Central Office, requesting the same treatment of TIs as was in effect at Great Meadow Correctional Facility.* Transient inmates at Great Meadow were being placed in general confinement facilities after significantly shorter waiting periods than those at OCF. On Dec. 14, 1982 Deputy Commissioner Gard informed Commissioner Coughlin of the reasons for the TIs extended stays at OCF. These included an absence of maximum-security

* DOCS noted this letter in a report dated March 10, 1983.

space within the Department and a policy of priority transfer out of OCF of those inmates deemed "health problems" or "bad guys"; as well as continued construction delays. Chester Clark, director of Classification and Movement for DOCS, recommended to Assistant Commissioner Horn on Dec. 28, 1982 that transfers from Great Meadow be restricted in order to accelerate transfers at OCF. On Jan. 6 Horn responded to Clark, directing accelerated TI movement out of OCF and restricted movement from Great Meadow. He also directed that placement of OCF inmates in general confinement facilities be conducted on a "first in, first out" basis. But before these changes were announced or carried out, inmates in B-Block revolted.*

IDLENESS

One of the oldest and most universally accepted axioms in penology is that idleness among prisoners can lead to trouble. Sing Sing was organized and built with the purpose and rationale of eliminating idleness in favor of hard labor, and inculcating in the convicts new habits of industry and obedience. Later, Ossining underwent a period in which the rehabilitation of inmates was sought through a variety of educational, vocational, counseling, and other programs and services. Over the last few years, OCF experienced dramatic cuts in programs and services for inmates who want them. As a result, idleness greatly increased, inmates became more resentful, and staff grew more apprehensive.

A DOCS internal report of May 22, 1980 stated a common refrain: "Everyone agrees that more programs are needed to displace inmate idleness." When interviewed for this Report, the president of the local officer's union cited the prison's 90 percent idleness rate as its biggest problem, and Burke of Council 82 added:

* During my visit to the facility, Commissioner Coughlin asked several inmates in both A and B Blocks when they had arrived at Ossining. "In January" was a common answer. We simply do not have enough permanent maximum-security space to which to transfer Transient Inmates.

There has been a sincere effort by [Supt.] Walters, the union, the administration, and everyone to push programs. But programs are being cut. The biggest problems standing in the way of more programs at Ossining are the cost of the items, and space - the place doesn't have room for anything. They can't find space to put lockers for the COs, much less room for programs.

Many facility superintendents, including Walters, have publicly stated that they are painfully aware of the effects of inmate idleness on their facilities. DOCS spokesmen have also acknowledged that increasing idleness is causing problems throughout the system. B-Block inmates were virtually unanimous in their complaints about the lack of programs to fill their time and improve the quality of their lives. Those who did have jobs said they resented not being paid wages due for work they had performed.*

RECREATION

The most common complaints concerning recreation at OCF were that the facility lacked suitable recreation areas and that access to existing recreation programs was severely restricted. At the time of the disturbance, B-Block prisoners had to take their outside recreation in an unheated Garage, because no other facilities were available. The A-Block Gymnasium contained only 5,000 feet of floor space and was described as inadequate before it was opened, due to the enlarged inmate population. A new recreation area for B-Block inmates was not yet complete when the disturbance occurred (and it has since been opened for use).

On Dec. 14, 1982, a PLS attorney wrote to Commissioner Coughlin, complaining that "many inmates have stated that their outside recreation time (morning and afternoon) is much less than 2 hours." On Jan. 8, this issue sparked the inmate takeover of B-Block, during a dispute over the procedures being used for afternoon recreation.

* Inmate food service workers earned a maximum wage of \$1.45 daily and "unemployed" inmates were entitled to a minimum wage of 35 cents a day.

CONTINUED

1 OF 4

PACKAGES/MAIL

Ossining's package policies and practices were the source of incessant grievances and complaints. During the disturbance they figured in the negotiations, eventually winding up as a subject in the agreement between the State and the inmates. Department Directive #4911 sets forth the DOCS policy concerning packages and articles sent or brought to facilities. Among its provisions are these:

- II. A. Inmates may receive two packages a month containing foodstuffs, the combined weight of which shall not exceed 35 pounds. Food packages received from both visitors and through the mail shall be included in the two package limit. Additional packages containing non-food items such as books, clothing, tobacco, etc. may be received by an inmate and shall not be counted against the food package limit.
- B. Clothing, tobacco, and other non-food items may be received provided they are on the Department list of approved items...
....
- E. Packages may be received from persons authorized to visit or correspond with the inmate...
....
- G. Packages shall be searched thoroughly to ensure that all articles conform to regulations. Contraband articles shall be confiscated...In searching and examining packages, care shall be taken not to damage or destroy the contents.
...
- I. Inmates may receive checks or money orders from persons (excepting other inmates) appearing on the mailing or visiting lists and other approved sources. No money is to be received directly by the inmate but shall be given to the institution authorities for deposit and credit to the inmate's account.
- J. Articles not permitted, if sent to the institution, will be returned at the expense of the addressee or otherwise disposed of as requested by the inmate...

DOCS has also ruled that certain items cannot be approved Department-wide due to programmatic and physical plant characteristics of individual facilities. To assure that facilities able to accommodate special items are not governed by those which cannot, each facility may issue special

"local permits" in accordance with Department guidelines. Such procedures are intended for such items as typewriters, certain musical instruments, calculators, clothing items such as sweatshirts with hoods, and others. There were many disputes about the application of these policies at OCF, especially with respect to Transient Inmates.

Complaints and Unfavorable Findings

On Aug. 27, 1982 a Transient inmate was denied a package containing five hard-covered law books. He immediately filed a grievance. Superintendent Walters denied the grievance, responding:

The Executive Team has determined that the status of "transfer inmates" precludes the acquisition of more than three (3) soft-covered books due to their short stay at this facility. The package list for transfer inmates was designed to curtail the accumulation of personal property that requires repacking.

The inmate appealed, saying that two DOCS directives allowed him to receive law materials (books). He added, "Considering the fact that Transient Inmates are housed here for an indeterminate period, and my rights to process my appeal pro se are being violated, I beg that amendments be made to allow us the privilege of receiving such." On Oct. 6, the DOCS Central Office Review Committee accepted the inmate's grievance to the extent that "CORC has been advised by the facility administration that transient inmates may now obtain and possess hard and soft covered books in accord with the provisions of Directive #4911 and #4572 which allow receipt of same through the package room..."

The Transient Inmate issue was the subject of another package-related grievance filed on Sept. 21, 1982. The inmate stated: "I am being denied packages by mail. My family are in Atlanta, GA, and I can't get visits." He requested to be permitted to receive packages by mail from his family. On Oct. 5 Superintendent Walters responded that, "recognizing the impact of lost packages, the grievance must be denied. This is not an arbitrary or easily-reached decision which affects all of us here, including the

more than 700 transients." The inmate's appeal was denied by CORC, which stated:

CORC accepts the facility policy which does not allow transient inmates to receive packages by mail because of the fact that such inmates are moved out of the facility as soon as possible. A substantial portion of the package mail for such inmates would thus have to be forwarded or returned as inmates were transferred. CORC believes that the facility should not be required to shoulder the heavy administrative burden that such a change would bring about.
(Dated 10-6-82)

On Oct. 27, 1982, 200 TI inmates petitioned for the right to receive personal typewriters through the package room. Superintendent Walters apparently did not respond. The issue of typewriters being denied through the package room was also the subject of a grievance filed on Nov. 5, 1982, which was rejected by the Superintendent. Walters explained:

By virtue of their status, property for transient inmates are kept to a minimum. These inmates are permitted to receive items of necessity. Typewriters are not considered needed items... (T)he acquisition of typewriters, by this group, would not be feasible at this time.

Central Office concurred with the Superintendent.

On Nov. 24, 1982, another petition, signed by 291 TIs, was submitted to Superintendent Walters, repeating the request for the right to receive personal typewriters through the package room. Again, apparently there was no response.

Shortly before the disturbance, OCF inmates continued to contend that the denial of package privileges to transient inmates was unfair, prejudicial, and adding to inmate frustration. On Dec. 14, 1982 an attorney for PLS informed Commissioner Coughlin:

"In transit" people are not permitted to receive packages by mail. They may only receive them as part of a visit. This rule applies to all "in transit" people, including those who were classified in May or June of 1982 and who remain at Ossining in this status. The rationale of this rule is the cost of forwarding a package in the event that the inmate is transferred. This rationale does not appear to be a reasonable response to the reality of the situation.

The attorney complained about the package policy again in a Dec. 22, 1982 telephone conversation with Superintendent Walters. At that time, the attorney says, Walters stated that the rationale for the rule barring TIs from receiving packages by mail was grounded in the expense of forwarding a package in the event that a TI inmate was transferred. The attorney replied that First-Class mail is forwarded by the Post Office free of charge. Walters countered that requiring TI inmates to receive packages only by First Class Mail would pose a financial burden on their families, but the attorney insisted that the extra few cents would be welcomed by the inmates and their families - in part, because it would save considerably larger transportation costs and losses incurred from lost packages.

Some inmates contended that OCF's package policy was not only absurd - it also invited corruption. Among the examples they cited was the indictment of a Package Room correction officer by a Westchester County grand jury in 1982 on charges of bribe receiving and promoting prison contraband.

COMMISSARY

Ossining operates a Commissary for the sale of sundry items to inmates. Since August 1974, DOCS has operated all commissaries on a non-profit basis, which has meant that the Department has assumed all operating costs and required that prices be kept as close as possible to cost. Non-food items are sold at 5 percent over cost and tobacco items at cost; all food is sold at a 10 percent discount. The commissaries are

reimbursed by DOCS for the amount of the discounts granted to inmates. Sales are transacted through inmate fund accounts maintained in the facility's Business Office.

Audit and Control reported in 1981 that it was impossible to determine the true financial state of the OCF Commissary. Many irregularities and deficiencies in the operation of the OCF Commissary were reported in the audit. Lacking complete financial information, OCF and DOCS were unable to evaluate the effectiveness of Commissary operations or take appropriate corrective actions. Another, more recent, Comptroller's audit found poor internal controls for Commissary operations, insufficient proof that competitive bidding and other requirements were being met, and frequent stock shortages. In 1982 the Senior Clerk of the Commissary was indicted by a Westchester County grand jury on charges including bribe receiving, promoting prison contraband, and possession of dangerous drugs. During the months leading up to the disturbance, OCF inmates continued to complain that the Commissary prices were too high and that many items were out of stock.

ALLEGED CORRUPTION AND MISCONDUCT

In July 1982 a Westchester County grand jury indicted ten people on an assortment of criminal charges stemming from an 18-month investigation by the DOCS Inspector General and the State Attorney General, which assigned a Special Prosecutor to the case. The grand jury charged a correction lieutenant, four correction officers, the facility cook, a Commissary clerk, a former CO, an inmate, and a former inmate with bribery, bribe receiving, criminal possession of cocaine and marijuana, promotion of prison contraband, and other criminal offenses. All have been convicted except one, who died of natural causes before trial. The period in which the crimes occurred extended from Dec. 1980 to the time of the arrests. Several of the defendants worked in areas that were cited by the inmates as major problem areas - i.e., Food, Commissary, Package Room, and Transfers. Some of the incidents involved large cash payments to correction officers in exchange for certain items and favors, such as drugs.

At least eleven other OCF employees were arrested outside the facility in 1982 on charges ranging from possession of cocaine and illegal weapons, to perjury, assaulting a police officer, resisting arrest, and attempted murder. There were several open cases of alleged corruption at OCF still under investigation by the IG at the time of the disturbance. Most involved possible drug trafficking; another involved allegations of mismanagement of the Occupational Therapy Account, some of which were supported by audits by DOCS' Internal Audit Unit and the State Comptroller.

Before the disturbance there were several instances in which large amounts of cash were found in the possession of inmates (who are forbidden to have money), or hidden in areas accessible to inmates. On Nov. 4, 1981, at 3:10 p.m., an inmate was searched in the School 2nd floor and found to have \$2,000 in cash (all in \$20 bills, except for two \$10 bills) in his pants pocket. A few minutes later, an envelope containing \$710 in \$10s, \$20s and \$50s was discovered hidden in a 5-gallon milk container in the Kitchen basement. A PLS attorney assigned to OCF has also reported hearing of at least two other cases in which inmates were apparently caught with large amounts of cash hidden in their cells. Both reportedly involved big bills (mostly \$100s).

PLS reports that it had also received complaints from inmate clients concerning alleged pay-offs to staff for placement in OCF programs, and for alleged thefts of inmate money from Inmate Accounts or the Commissary.

Rank	Offenses Charged	Nature of Alleged Crime	Outcome
Lt.	Bribe receiving 2d; promoting prison contraband	\$200 for delivering \$1000 to an inmate; \$1000 for confining an inmate; \$500 for arranging transfers	Died of natural causes 11-3-82
Senior Commissary Clerk	Bribe receiving 2d; promoting prison contraband; criminal poss. marijuana	\$75-\$200 to supply marijuana to inmate	Guilty - Sentenced 30 days in jail & 59 mos. prob.
CO	Bribe receiving 2d; promoting prison contraband; criminal poss. cocaine	\$300 to supply 1/2 oz. cocaine to an inmate	Guilty - Sentenced 60 days in jail & 58 mos. prob.
CO	Bribe receiving 2d; promoting prison contraband; criminal poss. marijuana	\$250-\$1000 to supply an inmate with amounts of marijuana up to 1/2 oz.; \$200 to deliver \$1000 to an inmate	Guilty - Sentenced 60 days in jail & 58 mos. prob.
COs (2)	Bribe receiving; conspiracy 5th; Attempt. crim. poss. cocaine	\$250 to deliver cocaine to an inmate	Guilty on other chg. listed above
Civilian Cook	Bribe receiving 2d; promoting prison contraband	\$400 to deliver marijuana to an inmate	Guilty - Sentenced 5 yrs. prob. \$500 fine
Package Rm. CO	Bribe receiving 2d; promoting prison contraband; criminal poss. marijuana	\$50-\$100 to deliver packages containing over 2 oz. marijuana	Guilty - Sentenced 60 days in jail, 58 mos. prob. & restit.
CO	Bribe receiving 2d; promoting prison contraband; criminal poss. marijuana	\$250 to deliver over 2 oz. marijuana to an inmate	Guilty - Sentenced 60 days in jail, 58 mos. prob.
Ex-CO	Crim. poss. of cocaine; promoting prison contraband	Cocaine	Guilty - Sentenced 3 yrs. prob. & \$1000 fine

SOURCE: Special NYS Prosecutor 5/24/83

Rank	Offense Charged	Date	Location
CO	Menacing with a gun (service station dispute)	1-11-82	NYC, 44th Precinct
CO	Possession of cocaine, poss. weapon	3-31-82	Brooklyn, 88th Precinct
CO	Assault on 3 police officers, resisting arrest	6-21-82	Bronx, 42d Precinct
CO	Criminal mischief	7-1-82	Peekskill
CO	Assault & menacing (on 7-21-82)	10-6-82	Queens, 104th Precinct
CO	Family Action - Order of Protection	8-14-82	Bronx, 50th Precinct
CO	Public lewdness (exposure to a 10-year-old girl)	10-8-82	Yonkers
CO	Harassment	10-23-82	Mt. Vernon
CO	Perjury 1st - related to NYS Special Prosecutor's investigation	11-9-82	Long Island City
CO	Assault 2d, possession of a weapon	12-17-82	NYC, 107th Precinct
CO	Assault 1st	12-20-82	NYC

SOURCE: DOCS Unusual Incident Reports

EDUCATIONAL PROGRAMS

Section 136 of the Correction Law, entitled "Correctional education," provides, in part:

The objective of correctional education in its broadest sense should be the specialization of the inmates through varied impressional and expressional activities, with emphasis on individual needs. The objective of this program shall be the return of these inmates to society with a more wholesome attitude toward living, with a desire to conduct themselves as good citizens and with the skill and knowledge which will give them a reasonable chance to maintain themselves and their dependents through honest labor. To this end each inmate shall be given a program of education which, on the basis of available data, seems most likely to further the process of socialization and rehabilitation. The daily time devoted to such education shall be such as is required for meeting the above objectives.

The reality at Ossining is that there is practically no educational program provided, to anyone. According to a recent estimate (by the Commission of Correction), only 60 of 1,500 prisoners attended school.

COUNSELING PROGRAM

At the time of the disturbance there were 12 people on OCF's payroll listed as "Correction Counselors," two "Senior Counselors," and one "Education Counselor." According to DOCS, the counselor caseload was 225 inmates each. Based on interviews conducted in October 1982 and other sources, a Commission inspector concluded that the counselors "provide mechanical, automatic responses without trying to establish rapport." A later Commission report also noted:

- Inmates and staff alike reported that counseling services were inadequate.
- Inmates found it difficult to see counselors.
- When counselors were seen, inmates found it difficult to receive responses to their concerns.

- The small counseling staff was unable to address concerns of a large transient population that remains at the facility for an extended period of time.

Inmates from B-Block, when interviewed by the Inspector General's staff after the disturbance, consistently stated that the counselors appeared unconcerned with inmate problems. Many said they had not seen a counselor at all, or they had had only one session.

FEMALE OFFICERS

Prior to the disturbance, several inmates had complained to the OCF Administration and DOCS Central Office about female correction officers. Most of these complaints concerned privacy issues - an alleged failure of females to announce their presence on the block, females viewing inmates taking showers, and inmate requests to be able to put curtains on their cell doors while using the toilet.

On Jan. 19, 1982 an inmate filed a grievance seeking to put up a curtain on his cell. The grievance was denied. Prisoners' Legal Services wrote to Superintendent Walters on July 15, 1982 about inmate complaints regarding female officers - specifically, that the female COs were not complying with Directive #2230, which requires them to announce their presence upon entering housing units, and that female COs were deliberately watching naked inmates taking showers. Superintendent Walters responded on July 26, 1982, stating that shower curtains had been placed on all stalls, and that female officers do announce their presence, except when security demanded otherwise. However, on Aug. 3, 1982 a prisoner stated that female COs assigned to the housing unit were still not announcing themselves when entering the gallery and that they were positioning themselves around the showers and viewing naked male inmates. The grievance was unanimously accepted by Central Office.

On Oct. 22, 1983 PLS wrote to Commissioner Coughlin about the continuing complaints it was receiving. The DOCS counsel replied on Nov. 19, 1982 that female officers must announce their presence in housing units when security makes such announcement feasible. PLS saw this as a violation of DOCS Directive #2230. In mid-November 1982 PLS began to meet with other attorneys to explore the possibility of litigation to enforce the privacy rights of inmates housed in areas where officers of the opposite sex are assigned.

Several female officers were assigned to B-Block during the months leading up to the disturbance. Statements from B-Block inmates interviewed by the IG, as well as statements from the PLS attorney assigned to OCF, indicate that most residents of the block respected the women COs. Some prisoners thought the presence of females might have a positive, mollifying effect; others said they thought their privacy was being invaded in ways that served to embarrass themselves and the females. Inmates and officers alike strongly agreed that any women present in B-Block during the disturbance probably would have been raped and/or killed.

VISITING

Ossining's close proximity to the New York City metropolitan area, as well as the high number of relative newcomers to prison, helped to keep the number and frequency of visitors at a high daily rate. All visitors entered at Ground Post #22 and were shown to the Visiting Room gate under Tower #12. There they were registered, their packages were received for processing, and money they had brought could be credited to a particular inmate's account. Then they were directed to a metal detector where they were frisked and sent to the visiting area through a sally port. During milder weather visitors were allowed to meet inmates in an outside area which is enclosed by a fence.

Inmates and their families registered several complaints about OCF's Visitor Program. At the time of the disturbance, visiting space was severely restricted as the facility awaited completion of a new Visiting Room (measuring 8,000 square feet). The existing Visiting Room measured only 2,100 square feet, supplemented by an attached trailer with 1,800 square feet. This space was inadequate for OCF's needs and it resulted in long waits (and sometimes, no visits at all) for people who had traveled to Ossining to visit a loved one, friend, or client. Many visitors complained that they were forced to remain in line for several hours before gaining admittance to the visiting area, and then had their visit cut short.

TI Restrictions

In 1981 and 1982 the Inmate Liaison Committee asserted to Superintendent Walters that the Visiting Room was not being properly cleaned after visits - garbage cans and ash trays were not emptied, rugs in the frisk areas were not swept, floors were left dirty, and so on. The ILC also contended that the room was not being opened at the scheduled time, Special Events visitors were not being escorted in at the scheduled time, some visits were being terminated prematurely, and some Visiting Room employees were not displaying proper courtesy toward visitors.

Sometime in 1981 distinctions began to be made between general confinement prisoners and "Transient Inmates." On June 26, 1981, OCF's Deputy Superintendent for Programs informed his staff of the different visiting privileges in effect for each of those two groups. General confinement inmates were allowed to receive two visits per week, any one of which could be on a holiday or weekend. TI's were allowed two visits per week exclusive of holidays and weekends, with one exception: TIs might have one Saturday visit per month.

During the months leading up to the disturbance, facility and DOCS officials received petitions protesting the fact that TI's were not being allowed the same visiting privileges as other prisoners. A petition from inmates in A and B Blocks, dated Nov. 10, 1982, protested to Superintendent Walters:

ONE WEEK-END VISIT PER MONTH-(totally ignoring the fact that most of us have wives and loved ones who are employed Mondays through Fridays, and are only free to visit on week-ends. The same is true as to denying us visits on HOLIDAYS. Even men confined to Special Housing Units are afforded the same visiting privileges as the rest of the inmate population. Why are we being made an exception of?

Following verbal communications with the DOCS Counsel, a PLS attorney informed Commissioner Coughlin:

At present, "in transit" inmates are allowed visits only one weekend per month. They are not allowed visits on holidays. As a result, approximately 800 people will not be allowed to receive visitors over the Christmas holiday weekend. Although the new visiting room was supposed to be completed by June, it is still not ready.

Petition to Commissioner Coughlin

On Dec. 22, 1982 a petition from the General Population at OCF to Commissioner Coughlin pleaded:

We the following inmates at the Ossining Correctional Facility need to bring to your attention such conditions that surround our visiting privileges. The following conditions have been formally brought to the Inmate Liaison and Grievance Committee, but to no avail; the conditions remain the same.

The problems are:

- (1) On a daily basis visits are terminated and the people are forced to leave an hour after their arrival, not including the time, the half-hour it takes to notify the inmate of his visit.
- (2) Visitors have been harassed upon their entry as well as inside, while inmates on a daily basis are forced to stand for a count in front of their loved ones.
- (3) Inmates are searched out in the open before entering the toilet.

(4) We are only allowed two visits per week which wouldn't compensate for one complete visit.

(5) Transit inmates, which are 1,400 in number, can only receive visits on weekdays, which in today's working society leaves the TI inmates chances very slim in getting their visit.

We the following feel that the visiting program here at the Ossining Correctional Facility does not fulfill its purpose of helping us maintain our family ties and the outside world. But it is becoming a tool to discourage the visitors who travel a great distance to see their loved ones.

Department officials did not respond to the petitioners before the disturbance.

INMATE LIAISON COMMITTEE

Following the Attica tragedy of 1971, one of the reforms instituted in New York State prisons was the creation of a statewide system of elected inmate representatives who could meet with their respective prison administrations to discuss matters of concern. Each facility's organization was called an Inmate Liaison Committee (ILC). Guidelines for the operation of the ILCs are set forth in DOCS Directive #4002, and are summarized as follows:

ILC objectives are to provide effective communications between inmates and administration for accurate dissemination and exchange of information, and to facilitate consideration and analysis of suggestions from inmates relative to facility operations.

Each ILC is established by the Superintendent for the limited purpose of discussing and advising institutional officials on matters concerning the general welfare of the inmate population; individual employees or inmates and their problems are not to be discussed at ILC meetings.

ILC members are selected by secret ballot by the general population, subject to certain eligibility requirements established by the facility administration.

Terms are for 6 months and an inmate may serve for two consecutive terms.

The ILC is to be provided with adequate facilities to carry out its function. A room, typewriters, desks, supplies and stationery may be especially designated for this purpose.

At the time of the disturbance, there was no ILC representative residing in B-Block. However, three inmates in the block had recently been selected as members of a liaison subcommittee, and they were scheduled to meet with two ILC officers when the takeover occurred. During the early stages of the disturbance, the watch lieutenant summoned a group of ILC representatives to come to the block from other locations. The ILC inmates unsuccessfully attempted to defuse the situation, and they eventually fled the block.

When interviewed after the disturbance, an inmate from B-Block who was a member of an ILC subcommittee reported that: "The Liaison Committee was generally not receptive and was indifferent to the requests of the subcommittees." These actions, and the disturbance itself, indicate that the ILC was not performing effectively, at least as far as many B-Block inmates were concerned.

LAW LIBRARY

The significance of the Law Library and of the general availability of legal materials at OCF was considered all the more important to many inmates because such a high proportion were relative newcomers to prison whose appeals were still being perfected.

Many grievances involving the Law Library had been brought in recent years. One of the more revealing was filed on Dec. 12, 1980 by an inmate who asserted that the relief officer on duty in the Law Library had denied the inmate's request for access to books - because the officer "did not know what the Law Library policy was." This grievance was submitted to Superintendent Walters. When he failed to respond, the grievance was forwarded through channels without the Superintendent's input. DOCS' Central Office Review Committee ultimately accepted the grievant's request on Feb. 24, 1981, holding that "correction officers assigned to the Law Library should be aware of the policies, rules, and regulations of the Law Library."

The Commission of Correction had received widespread complaints about the small size of OCF's Law Library and its lack of reference materials.* Inmates had also repeatedly complained about the lack of copying machines in the library, lack of workable typewriters, and inadequate notary public service. On Dec. 14, 1982, an attorney for Prisoners' Legal Services communicated some inmate complaints about the Law Library to the DOCS counsel. He also wrote to Commissioner Coughlin that "the length of time available to them (OCF inmates) for Law Library use is often 40 minutes or less." He apparently received no response.

INMATE GRIEVANCE MECHANISM

Section 139 of the Correction Law provides for the organization of Inmate Grievance Resolution Committees (IGRCs) in each prison "to resolve grievances of people within such correctional institution." Each committee consists of five persons, four of whom are entitled to vote, two of whom are inmates of such correctional institution, and a non-voting chairman. The Commissioner of DOCS is charged with establishing rules and regulations to provide for the fair, simple, and expeditious resolution of grievances. Initial decisions may be appealed to the Commissioner, and to the Commission of Correction.

Directive #4040 describes the grievance procedure, noting that the IGRC is intended to supplement, not replace, existing informal channels of grievance resolution. No level of review in the grievance machinery is an adversary process; mediation and conflict resolution are used. "A grievance is a complaint about the substance or application of any written or unwritten policy, regulation, or rule of the Department of Correctional Services or any of its program units, or the lack of a policy, regulation or rule, or a complaint about any behavior or action directed toward an inmate."

* According to DOCS, Ossining's Law Library has a seating capacity of 60 inmates and State law requires it to be open at least 42 hours per week. A total of 120 inmates per day (60 in the morning and 60 in the afternoon) are permitted to use the facility.

Dissatisfaction with the performance of the inmate grievance mechanism has been registered, in varying degrees, across the entire New York State prison system. A recent report by the Correctional Association of New York, written by one of the most experienced prisoners' rights attorneys in the State, concluded that, "rather than being a way to reduce conflict within the institution the grievance process has become another source of prisoner frustration."

DOCS' IGRC policies are the subject of several pending lawsuits. Ernst v. Coughlin, 82 Civ 528 (NDNY) deals with the Department's alleged pattern of "retaliatory transfers" and other actions against IGRC representatives. Matter of Ode et al v. Smith et al, which is pending in Wyoming County Supreme Court (10132), concerns alleged tampering with the IGRC by DOCS officials. In a letter to the U.S. Department of Justice, on Dec. 22, 1982, PLS' Associate Director asserted:

Between them, the Ode and Ernst cases create grave doubt whether New York's grievance program, as actually operated, is anything but an impassable barrier to relief from illegal policies or conditions. DOCS non-compliance with almost every federal requirement is alleged in one or the other of these cases... Uncontroverted documentary proof exists to establish a number of clear violations of the state statute and federal statute and regulations...

At the time of the disturbance, the IGRC Coordinator's position at OCF was vacant and that function was being performed by a counselor on a part-time basis. B-Block did not have an IGRC representative residing in the block.

The Commission of Correction has noted that "inmates stated that the grievance mechanism was not responsive to the concerns they had - issues were not resolved and were ongoing." Numerous inmates from B-Block later complained to the DOCS Inspector General that the IGRC was ineffective and/or unresponsive. Said one inmate: "Grievances were filed with the grievance committee and we were always told to wait on Albany...We dropped

grievances through the IGRC but never got any answers. The standard answer was we had to wait for an answer from Albany." When answers from Albany did come, they were seldom satisfactory, particularly as far as Transient Inmates were concerned. In 1980 there were 170 grievances filed, and in 1981 a larger inmate population filed 125. In 1982 only 94 grievances were filed - an unusually low number for a facility with an inmate population the size of Ossining's.

DECEMBER 6 INCIDENT

On Monday, Dec. 6, 1982, an event occurred at OCF which was similar to the initial stages of the incident of Jan. 8, 1983.

Lieutenant L. Stow reported that at 12:05 p.m., upon returning to A-Block after the noon meal, approximately 150-200 inmates refused to lock in their cells. Then almost the entire population of the block refused the order to lock in. The inmates stated to Lt. Michael McGinnis (brother of DSS McGinnis) that they had grievances and wanted to be heard. Lt. McGinnis agreed to hear grievances from selected block representatives. At that time, the inmates returned to their cells and locked in. Following the afternoon count, the A-Block population was released for afternoon activities, without further incident. The facility's Unusual Incident Report, which was submitted to DOCS Central Office by telephone at 12:20 p.m. that day and in writing in greater detail on Dec. 7, noted the following items:

- Inmates became increasingly noisy as they refused to lock in, citing numerous grievances.
- Their grievances included food, the Sergeant assigned to A-Block during the day tour, and the inordinate time the post-classification inmates spend at Ossining, among other complaints.*
- Lt. McGinnis met with four inmates who served as apparent spokesmen for the block, and their discussions "defused an explosive situation."

* This Sergeant-in-Charge - Berry Madden - was later among those taken hostage on Jan. 8. He was the last hostage released.

OSSINING CAPITAL CONSTRUCTION

One reason why Ossining was so disorganized and turbulent in January 1983 was that its operations had been disrupted by extensive construction and renovation over the last two years. Needed improvements, such as a new visiting area, recreation area, kitchen and other changes, were not ready when DOCS began housing inmates in Blocks A and B, and they still were not completed on January 8, due to continuing delays that had put the renovation more than a year behind the deadline set by Commissioner Coughlin. The faltering construction program was a major headache for facility personnel and Central Office officials alike, draining much of their time, energy, patience, morale, and resources away from other problems. As far as many inmates in B-Block were concerned, the ongoing construction had only made their problems worse, not better.

Genesis

Ossining's capital construction program dated back nearly three years. In 1979 DOCS found itself on the verge of having its inmate population exceed available space, and its projections showed no relief in sight. The political decision was to use prisons more, not less, which forced the Department to convert all readily available expansion space as soon as possible.

Ossining seemed to represent a viable means of alleviating at least part of the overcrowding problem. Renovation appeared to be sensible on the grounds of expediency and cost-effectiveness, because it would not take as long as it would to build a new prison of that size, and because improvements would cost much less than the estimated \$75,000 per cell for a new maximum-security institution.

To carry out this program, the Department sought technical assistance from the State Office of General Services (OGS). These discussions began in February of 1979. J. Alan Buck, director of the Department's Division of Facilities Planning and Development, provided a preliminary list of the desired renovations to James Panagopoulos of the OGS Design and Construction Group. Over the

ensuing months, their offices explored various scenarios for the proposed rehabilitation of OCF, and OGS eventually provided DOCS with seven different estimates. The estimates varied in scope, cost, life expectancies, and usage priorities. That September the State adopted the least ambitious construction proposal within the then-existing appropriations ceiling of \$7.9 million. On Sept. 18, 1979, DOB authorized funding for OGS to hire design consultants for OCF capital improvements. The OGS Design and Construction Group completed a feasibility study for the preliminary scope of the project, and on Jan. 28, 1980, OGS contracted with the firm of Hellmuth, Obata and Kassabaum (HOK) to develop alternative designs for the project.

Initial Designs

OGS had the responsibility of providing HOK with the plan for a comprehensive construction action program along with its feasibility studies. Once HOK received this guidance from OGS, it was HOK's responsibility to investigate the costs and time necessary to accomplish DOCS' objectives. Then the firm was to detail the project design in accordance with its findings.

By March, 1980, HOK developed three design options with corresponding cost estimates, all for short-term (5-7 years) life expectancy. Option I, with a projected cost of \$7.116 million and a completion date of March 1, 1981, was selected. A few days later the Division of the Budget (DOB) made a commitment to spend up to \$8,137,054 on the project - \$7,629,120 for construction and \$507,934 for design.

Two months later, however, the collapse of negotiations with New York City to acquire Rikers Island made more long-term use of Ossining unavoidable. As a result, DOCS revised its plans to accommodate a new useful life expectancy of 10-12 years. This required significant alterations in HOK's designs, cost

estimates, and completion dates. DOCS, OGS, and HOK began to design these adjustments and projected cost estimates. Facilities Planning & Development also developed a new scope of work plan to incorporate requirements of the revised proposals.

Revised Plans

On Aug. 25, 1980, Buck presented his assessment of the situation to Deputy Commissioner Marion Borum, the official in charge of Region I. He said Ossining's physical and operational components needed to be altered as soon as possible to permit a higher capacity level for at least ten years, adding that Governor Carey's "adoption of an Expansion Plan for the Department that does not incorporate sufficient construction of new system capacity elsewhere to phase Ossining out within the next decade makes this effort an urgent necessity." Buck's recommendation for the already agreed upon total capacity of 2,096 inmates specified 688 transient inmates ("unprogrammed"), 964 general confinement maximum-security, and 444 general confinement medium-security. He concluded:

It is necessary to go to the "Full Program" if we are to have any opportunity to program that many inmates. Proceeding with Option I only would leave approximately 400 idle inmates in addition to 688 transients.

This approach will also fit into a future phased reduction of operations at Ossining by replacing transient inmates with general confinement on the upper [OCF] site and withdrawing housing from the lower site [Tappan]...

Close examination of the various elements outlined as the Full Program, however, also leads to the inescapable conclusion that, in order for the facility to have adequate functional capability, some items need to be added to the "full program" [because it] was not even remotely generous in the allocation of resources for what is, in the least, a complicated undertaking.

The cost of implementing this revised work scope was estimated as follows:

Original scope of work (short term):

HOK Option I cost as per OGS	\$7,200,000
+ Design fees	702,000
+ Funds utilized for work by DOCS	600,000
	<u>\$8,502,000</u>

Proposed scope of work (medium-range):

HOK "Full Program" cost outlined	\$13,277,000
+ Additional scope	18,404,000
+ Design Fees	3,088,000
+ Funds utilized for work by DOCS	600,000
	<u>\$35,369,000</u>

Buck calculated that \$27,247,000 in additional funds would be required to complete the expanded project. In September, 1980, DOCS asked the Division of the Budget for additional capital construction funds of \$25.5 million and reappropriations of \$8.34 million. DOB scaled down the request to \$24.9 million in new funds and reappropriations of \$7.96 million. Based on these recommendations, in January 1981 DOCS asked OGS to proceed with drafting design proposals to encompass the expanded scope of OCF construction and renovation, to be completed in two phases. (See Appendix, Exhibit R.)

Design Problems

DOCS' view had been that the original Option I would be encompassed in the revised design and that work on Option I could continue as the new plans were being developed. In January 1981 OGS began to recognize distinctions between Option I and the expanded scope of construction under Phase I and Phase II. Meanwhile, HOK was refining its design proposals for Option I to accommodate changes requested by DOCS and OGS.

When OGS had contracted for the initial designs, it was assumed that Robert Mesner of HOK - an experienced prison designer - would do the job. But after the contract was signed, the work was performed by other personnel in HOK's New York City office. According to DOCS, these personnel "failed to perform the

design work of Phase II with adequate haste."* Based on dissatisfaction with the firm's progress for Phase II design, OGS took over the design function itself, using its own personnel. It was already March 1981 - the Department's original projected completion date.

Design Defects

As it turned out, designs for the project proved faulty. Several problems arose from the designs for the location and placement of the B-Block Recreation Building and the Visiting Room. For example, the topography for the site selected for the recreation facility was inadequate to support its foundation. As a result, additional piles had to be driven into a hillside. This work resulted in a delay of four to five months and a cost increase of about \$1.5 million. The proposed site for the visiting facility also proved to be inadequate, and a replacement site later was also found to be insufficient. After construction proceeded at a third site, a new perimeter fence had to be erected to accommodate the proximity of the new Visiting Room to the old perimeter fence. All these changes resulted in significant delays and cost increases.

Budget Problems

The rehabilitation of A and B Blocks was underway when FY 1980-81 ended and appropriations for construction lapsed. All work of an ongoing nature ceased. Theoretically, those funds should have been made available on April 1, 1981. However, the Legislature and the Governor were in major disagreement over the budget, and it was not passed until May 15. The budget reappropriated \$7.964 million for Ossining construction but only allowed \$302,000 in new appropriations.

* DOCS explains: "They-[HOK] were concerned with having to proceed with the design of Phase II construction without having legislative appropriations in place to adequately fund the construction efforts. The concern was based on the fact that HOK would have problems designing Phase II without knowing the appropriations level within which they could design project costs. HOK was hesitant to accept the DOB funding appropriations target."

The Department of Correctional Services - aided by Council 82 and other allies - lobbied in favor of a special bill to reinstate the \$24.6 million that the Legislature had failed to approve in May. Eventually, OGS agreed to deed over approximately 10 acres of land bordering on the facility in exchange for the Legislature's approval of the special bill. An act authorizing the OGS commissioner to sell the land for \$1 to the Village of Ossining was subsequently approved by the Legislature on July 21, 1981, and another act appropriating the \$24 million was passed moments later. (Copies of these bills are in the Appendix.)

Cost Plus Fixed Fee Financing

To speed completion, OGS and DOCS resorted to Cost-Plus Fixed Fee (CPFF) contracts. Under a CPFF arrangement, the contractors would do the work and bill DOCS their costs. Both agencies had some experience with this method of financing and they were familiar with many of its advantages and disadvantages. These pros and cons included:

Advantages to Consumer:

1. It takes substantially less time to produce CPFF bid documents than it does standard bid documents, because CPFF's do not have to be as detailed.
2. Bids could be let and contracts awarded without having the designs complete.

Disadvantages to Consumer:

1. Some experts contend that the State's use of CPFF is forbidden by the Public Building Laws and the Finance Law.
2. Allowing bids to be produced without sufficient detail and contracts to be awarded without complete designs can result in expensive and time-consuming errors and abuses.

Advantages to Consumer:

3. CPFF contracts provide greater flexibility than lump sum contracts.
4. CPFF contracts assume there is an incentive for the contractor to complete work as soon as possible and thereby maximize his profits. Thus, CPFF can save time.

Disadvantages to Consumer:

3. Although a contractor's profits do not increase by stretching out a job on CPFF, all of his expenses incurred during construction are paid by the State. The fact that his overhead is being paid can encourage him to prolong his work - especially when the rest of the construction industry is suffering severe setbacks and bankruptcy.
4. It may be to labor's advantage to prolong the job as much as possible.

Successful utilization of CPFF requires competent contractor(s), able to complete work within pre-established time frames and cost estimates. Avoidance of abuses requires continual and independent field supervision and inspection. Due to the relative lack of fully developed designs, bids, contracts, and planning, a complex major project that involves several parties (such as OCF's) must have an expeditious system for communicating information and executing decisions. Absent these, the price of construction delays and other unforeseen impediments is borne by the consumer - not shared by the contracting parties.

There was no doubt as to the project's mandate: it was "progress at any cost." OGS and DOCS concluded that, because the urgently needed construction was

already far behind schedule, they had no choice but to resort to CPFF. According to OGS: "This CPFF involves a significant risk, but [it offers the] only chance to complete work on schedule." On July 23, 1981 - two days after the Ossining funds were approved and the nine acres approved for the sale to the Village - OGS began letting most of the contracts on a CPFF basis.

Problems with Cost-Plus

DOCS says it thought the risks inherent in CPFF contracts could be guarded against by continual on-site supervision. This was a duty that fell to OGS. DOCS has stated in retrospect that "OGS performed its supervisory function in a wholly inadequate manner," and the Comptroller has conducted two audits which tend to support that conclusion.*

In addition to having its own auditors on the job, OGS contracted with Karteganer and Associates to perform some on-site inspections and to guard against delays and time abuse, and Audit and Control was also supposed to have

* OGS has itself convened a Fact Finding Board to determine whether any unreasonable cost and time increases may have occurred. Although the Board's preliminary findings indicate that substantial cost increases occurred, they do not comment on OGS's supposed supervisory duties or quantify the delays.

auditors on the scene to guard against cost overruns.* Responding to a request for assistance from OGS, the Comptroller's Office instituted a cost control system to record information needed to verify the contractors' payment applications independently of the contractors' records. This system included but was not limited to: timekeeping, material receiving, site inspections, and equipment and equipment usage verification. It was designed to allow payment applications to be "pre-audited" before submission for payment. But due to the contractors'

* OGS has cited various extenuating circumstances for its performance. On April 20, 1982, Joseph F. Popp, project director of its Design and Construction Group, explained that everyone involved in the project had been instructed to follow a course of "progress at any cost." Everyone was focused on completion dates. When work progress slowed, more manpower was added. Consequently, inordinate inefficiencies developed. "I have previously labeled this perception as 'progress at any cost' and, unfortunately, this is all too apt a description," he wrote to DOCS' Facilities Planning director. "We now realize, even under the watchful eyes of the Comptroller's field staff, that we errantly focused our staff almost exclusively on the target date for completion without correctly considering its impact on cost, and in so doing, [we] may have grossly misread your department's intent. However, after we were so successful in getting our personnel caught up in the need to complete the housing facilities in "B" Block, I am afraid that this momentum or 'sense of urgency' was not properly restrained by us. I now believe that we have redirected the focus of our field personnel towards 'cost conservation,' and, as I am all too familiar with your limits on funding for this project, I want to assure you that OGS will do everything possible to control its future costs."

By this time, inmates were already being housed in B-Block, but the accompanying facilities for their program needs were still under construction. Five months later, on Sept. 29, 1982, DOCS officials warned OGS and DOB that unless certain work was "completed as soon as possible, there would be a major riot in the institution." These projects included the glazing required to complete the windows in the messhalls and the completion of the B-Block Reception and Visiting buildings. OGS agreed to do everything possible to accommodate this work within the shortest time periods available. But the work was not finished on Jan. 8, 1983.

cash flow problems, the timing of the pre-audit was changed to be performed after submission for payment. Initially, this pre-audit function was performed by an auditor from the Comptroller's Office, with the plan of transferring the responsibility to OGS's own internal auditor in October 1981. But this did not actually occur until Dec. 7, 1981. At that time, construction was accelerating, and nine payment applications from the contractors, totaling about \$1.250 million, were already awaiting audit.

OGS awarded eight CPFF contracts for \$21.648 million. By April 1, 1983 they had been increased to \$29.492 million. (See table in Appendix.) In Spring 1983 the State Comptroller released two audits of OCF construction - one evaluating the effectiveness of OGS' on-site pre-audit of contractor claims and another examining the costs claimed under one of the contracts for rehabilitation of housing, recreation, food service, and life safety at OCF. This contract, which was awarded to Universal Concepts Construction, Inc. of Schenectady on July 23, 1981, was originally estimated at \$5 million and later increased to \$10.5 million by a series of change orders.

The first audit found that OGS's failure to perform timely pre-audit work resulted in substantial overpayments to contractors, due to contractor errors and nonperformance to contract specifications, which were not detected and corrected in a timely manner. This lack of timely pre-audit work also permitted contractors' subsequent transactions to include the continuing effects of the poor cost control procedures. The second audit recommended that the State recover \$345,846 from Universal, concluding that the company had claimed some costs which were not allowable, double billed the State for other costs, and charged higher than allowable rates for self-owned equipment. Universal was also found to have overcharged the State for some payroll costs and to have charged for a major purchase which was made from an affiliate company without the

required competitive bidding. (Universal was terminated by OGS in August of 1982 and a new contractor had to be found as a replacement.)

During one five-week period (Oct. 1981-Feb. 1982), Universal documented a total of 387.5 man hours lost due to difficulties such as getting into the facility and getting free access to the construction site. DOCS has attributed these administrative failures to OGS and its critical path consultant, who, DOCS says, failed to notify OCF officials of the construction timetable and the locations of the construction work ongoing on a given day. The Department has also criticized OGS and its consultant for failing to curtail serious union/worker abuses, noting:

For example, the electricians' union was responsible for having as many as 84 electricians on the job at one time. Some electricians had the duty of merely throwing a switch at the start and end of their shifts and then sitting around in case a problem developed. The union also insisted that an electrician shuttle workers from the construction entrance to the job site and back (he had no other duties).

Communication Problems

Construction of any complex major project - particularly one undertaken in a functioning maximum-security prison - whether financed by CPFF or lump sum contracts, requires effective communication between the parties. At Ossining, these parties included DOCS, OGS, Audit and Control, and scores of contractors and sub-contractors. Everyone involved in Ossining construction agrees communication was slow and inadequate. However, there is less agreement over who is to blame for the confusion.*

* An analysis of OCF construction was submitted to the DOCS high command in December 1982 by the Department's Internal Audit Unit. The study offered detailed examples to support its conclusion that "Throughout the course of Ossining's rehabilitation it is apparent that the flow of communications between all concerned parties was less than adequate... It is apparent that there were breakdowns in communications, misinterpretation of requests for essential planning information, lack of information sharing and bypassing established lines of authority regarding decision making." (A chart of the report's tracking of communication is found in the Appendix.) J. Alan Buck, the Department's then-director of Facilities Planning, agreed after the disturbance that communication for the project represented a "serious deficiency." He added that "DOCS made adequate communication of its interests, intent. The problems at Ossining Correctional Facility were related to implementation (decision and construction) not with project definition and justification."

Conclusion

Ossining's proposed expansion and improvements were plagued by many extraordinary and unanticipated problems, some of which contributed to the conditions that existed on Jan. 8. According to one internal DOCS report, "Ossining's chronic administrative deficiencies worsened with the increased stress due to disruption of its inadequate service delivery, and became increasingly problematic with the occupation of B-Block: food services, medical services, mental hygiene services, counseling services, corresponding/packaging/visiting privileges, recreation, disciplinary procedures, housekeeping, draft processing, etc." all deteriorated. Other reports - by the Comptroller, OGS, and DOCS as well - have criticized the construction program for poor planning, inadequate communication, insufficient fiscal accountability, weak supervision, labor abuses, and other deficiencies.

III. THE DISTURBANCE AND ITS AFTERMATH

PEOPLE IN B-BLOCK ON JANUARY 8, 1983

B-Block Inmates

On January 8, B-Block housed about 600 inmates,* about whom relatively little was known, by either Ossining's staff or Central Office. One consequence of the inmates' "transient" status was that their individual criminal histories, educational and vocational backgrounds, program needs and preferences were not yet documented or readily retrievable to those entrusted with their custody and care.

For this Report, an effort was made to determine who these inmates were, at least insofar as certain basic characteristics are concerned. To do this, we relied upon the inmates' statements that were taken after the disturbance by IG Investigators, which usually included a very brief "Inmate Record Display" sheet. From the available 598 statements, a representative sample of 83 individuals was drawn. Inmate Record Displays were available for only 64, or about 77 percent, of the sample. There were no indications that this sample was biased and the data obtained is thus presumed to be representative of inmates in B-Block. The records were, without exception, incomplete, and the amount of information they provided varied from case to case. Many included no indication of the individuals' prior criminal histories, or even documentation of the offense for which that man had been imprisoned. Nevertheless, the sample did provide the following information:

Racial/Ethnic Characteristics

Fifty-six percent of the inmates were black, 25 percent were Hispanic, and 19 percent were white.

* Various reports offer different counts of the inmates in B-Block. These numbers range from 590 to 618.

Nearly all of the Hispanics in the block were Puerto Rican. The most notable exceptions were four Cubans who had been deported to the U.S. in 1980, as well as a few Panamanians. About 15 percent of the Hispanic inmates did not speak English, and although the IG used Spanish-speaking personnel to interview them, very little information was obtained from that group.

Age

About 48 percent of the inmates in the sample were 30 years of age or older (23 percent were over 35). Fourteen percent were 27-29, 23 percent were 24-26, 13 percent were 22-23, and 2 percent were 21 or younger.

Time in Ossining

Although they were classified as transients, a significant proportion had been in Ossining for several months. Of those included in the sample, 2 percent had been there for 11 months, 5 percent for seven months, 16 percent for six months, 19 percent for five months, 14 percent for four months, 16 percent for three months, and 29 percent had arrived within the last two months. Some inmates housed in B-Block had been at OCF for a year or more.

Most of the inmates in B-Block that Saturday had been in prison before, for other crimes. Some had spent virtually their entire adult lives behind bars; others had never been in trouble with the law before being arrested, convicted, and sentenced for the crime that recently had resulted in their being sent "up the river" to old Sing Sing.

Subculture & Gangs

To survive in prison, most inmates stuck together with others like themselves - Black Sunni Muslims with Black Sunni Muslims, homosexuals with other homosexuals, Hispanic street gang members with others from that background, whites with other whites, and so on. The most fundamental divisions were racial. Even within those groups, however, fierce

differences and loyalties set some blacks apart from other blacks, some whites from other whites, and some Hispanics from other Hispanics. Different groups, or gangs, occupied different positions in the inmate hierarchy, with some groups controlling (or trying to control) the flow of certain kinds of contraband, services, and functions in the block. In some instances, an attempt to "invade" another group's "turf," or "ratting" to the authorities, might be considered grounds for a threat, a beating, a shivving, or another form of reprisal. Inmate codes seemed strong.

In the months immediately prior to the disturbance, the level of violence in OCF had become so high that many prisoners were afraid for their safety. Many had fashioned scraps of stolen metal into sharpened weapons, which they hid in their cells, behind pipes, or in other locations - for self-protection or retaliation. Many (perhaps most) inmates just wanted to do their time, with as little hassle and conflict as they could manage. Others were more active in circulating petitions, filing grievances, or trying to organize various activities and schemes.

Inmates/CO Relationships

Compared to other maximum-security prisons in New York State, OCF had a heritage of relatively cordial relations between its guards and prisoners - a relationship which dated back to old Sing Sing days. Prisoners at Ossining, like those in other maximum-security settings, naturally distrusted symbols of authority. Yet, the inmates in B-Block had not been as involved as their counterparts in Attica, Clinton, or Great Meadow, in physical confrontations with their keepers. The relationship at Ossining was more mutually accommodating, at least between prisoners and line officers.

At least two inmates in B-Block said they were related by marriage to

officers assigned there.* The officers have not reported any such relationship. One other inmate claimed to have had a previous acquaintance with an individual assigned to the block as a guard.

STAFF, JANUARY 8

January 8 was a Saturday, and many of the facility's executive staff were not on duty. In their absence, the supervisor in charge of the 3-11 p.m. shift was the Watch Commander, Lt. Lowell D. Way. Way, 37, had joined the Department in August 1970 as a correction officer, assigned to Green Haven. At Clinton in 1977, he was promoted to sergeant, and on March 2, 1982 he was promoted to lieutenant. Before coming to Ossining in March 1982, he had also served at Great Meadow, OCF (briefly), and Clinton. Although he had submitted several reassignment requests, Ossining had not been on his list of preferred facilities, and since arriving at Ossining he had requested reassignment to Camp Gabriel. His performance ratings had been excellent to outstanding, and previous supervisors had noted his "ability to calm disturbed inmates" and "willingness to perform all tasks."

The Sergeant-in-Charge was Alexander Cunningham. Cunningham had been permanently appointed a sergeant in December 1981 and had served most of his

* Rajace Jamilik (AKA Albert Mecklin), 82-A-3568, DOB 10-13-54 Bronx, was sentenced to 5-10 years in Queens County Court on 7-6-82 for armed robbery. (He was a heroin-cocaine user who said he committed the crime because he "needed money.") Jamilik arrived at OCF on 8-23-82, where he was assigned as a House Gang worker for B-Block. On his receiving blotter he is listed as a Black Muslim. According to Jamilik, CO Trainee Marcus Mendez was "raised by my parents." Before Jan. 8, Jamilik says he did not reveal his relationship to Mendez to other prisoners, but he adds that some inmates knew about it. He later would tell the IG: "We are definitely kind of close...Mendez also attends my father's martial arts school." Jamilik later served as an inmate negotiator during the disturbance. Philip Robinson ("Bee"), 82-A-2899, DOB 7-23-59, of New York City, was sentenced to 6-12 years for robbery and received at Ossining on 6-1-82. He has listed himself as a drug user, Protestant, single, and serving his fourth term in New York prisons. DOCS shows 30-39 adult police contacts. According to Robinson, "My wife's cousin is CO (Roy) Coffey." He also stated that he "went with my sister's man, Goldie Willoughby, to a cell..." Willoughby was a negotiator during the disturbance.

career at Ossining. His performance ratings had been "excellent." Cunningham had been transferred from Fishkill to OCF on July 22, 1982, at his own request. His file does not reflect that he was seeking reassignment to another facility at the time of the disturbance. Cunningham had previously worked in B-Block in a relief capacity, and he was known to officers and inmates alike as a "book man" with "overemphasis on detail."

Other Officers on Duty

The regular officer-in-charge was off-duty on January 8, and had been replaced by Officer Karl H. Farquharson. The IG has further reported there were 25 correction officers assigned to B-Block for the 3-11 p.m. tour. However, his own list does not add up to 25 and there is some confusion as to which officers were assigned and/or present in the block on Jan. 8.*

Staff Experience

According to the IG, of the COs assigned to B-Block for the 3-11 tour, "one had never worked there before and 15 had less than six months experience as correction officers." None had requested assignment to Ossining and most wanted to leave.

* The DOCS list and their assignments include: (1) Mendez, HBB-X-North escort; (2) Coffey, HBB-W-South; (3) Farquharson, HBB-Y-North escort; (4) Romero, HBB-S-North escort; (5) Clark, HBB-S & Y Gallery; (6) Oney, HBB-R & W Gallery; (7) Struna, HBB-R-North escort; (8) McNamara, HBB-W-North escort; (9) Coleman, HBB-X-South escort; (10) Peryea, HBB-Q-North escort; (11) Gorr, OIC-HBB; (12) Snyder, HBB-Q & V Gallery; (13) Nevers, HBB-U & Z Gallery; (14) Taylor, HBB-T-South escort; (15) McNeil, HBB-Z-North escort; (16) B. Liefeld, HBB-T-North escort; (17) L. Green, HBB-U-North escort; (18) M. Maner, HBB-T & Y Gallery; (19) P. Devito, HBB-2-North escort; (20) R. Hamlet, HBB-Q-South escort; (21) W. Day, HBB-Y-South escort; (22) T. Clark, HBB-V-South escort; (23) K. Stark, HBB-R-South escort; (24) D. Ramo, HBB-U-South escort; (25) S. Robillard, HBB-Z-South escort; (26) S. Whigham, HBB-S-South escort "went home sick." [Emphasis indicates later taken hostage.]

Most of B-Block's staff had spent less time there than the prisoners they watched, and some were less familiar with the block's climate and procedures than their inmate counterparts. Although few of the guards had been exposed to procedures in other facilities, some of the prisoners were veteran convicts, having been previously incarcerated in Attica, Clinton, and other maximum-security prisons. A number of the inmates had been present during other prison disturbances - at Attica, Great Meadow, Riker's Island, the Westchester County Jail, and other institutions. As a result, some inmates may have had a clearer sense than the guards that "something might go off" in B-Block. Some inmates had said they could feel the tension in the air, whereas a number of the new recruits seemed not to notice the signs of trouble brewing.

At 3 p.m. on Saturday, Jan. 8, B-Block was inhabited by 644 individuals - 618 inmates and 26 staff. With one possible exception (CO Whigham, who would go home sick at 5:30 p.m.), they were all males. Inmates and staff roughly resembled each other in race and age, and very few of those present wanted to be in Ossining. Most officers and staff had requested transfers to other facilities. At least two inmates were related by marriage to officers in the block. Many inmates had been in B-Block longer than the guards who watched them, and several of the staff - including the Sergeant-in-Charge, the Officer-in-Charge, and an unspecified number of officers - were not the usual personnel assigned to those positions.

THE DISTURBANCE STARTS

Different Procedures

At the 3 p.m. lineup, Sgt. Cunningham told the assembled COs he wanted all inmates on the block locked in their cells before the start of the evening "feeding."* He also said he wanted them to give him the name of any prisoner who was not in his cell at the 3 p.m. lock-in. To the officers accustomed to working that shift in B-Block, this represented a change of procedure. Normally, the "House Gang" (the inmate maintenance crew, composed of up to 35 inmates), the "Messhall Gang" (about 15 inmates who worked in the block's Messhall), and a few other categories of inmates, such as those receiving medication or visitors, were allowed to remain on the galleries during the 3 p.m. lock-in.

Upon receiving these instructions from Cunningham, some officers advised him against the practice. They said it was not what the inmates expected, and warned that the change might create trouble. Cunningham remained firm: he ordered the officers to lock in every inmate who was on the block, and give him the number of every empty cell, so that he could find out who was missing. Any unoccupied cell was to be deadlocked.

After the officers entered B-Block, the Officer-in-Charge gave them their assignments and announced over the public address system that all inmates were to lock in.

* In a statement written on Jan. 12, Cunningham explained: "When I arrived, I found the block not secured...which it should have been after the 2:30 p.m. recreation period. I estimate there was approximately (3) three hundred inmates not locked in. All said inmates was standing around on the flats in B-Block." Sgt. Bartlett, the usual Sergeant-in-Charge, later stated that the normal procedure upon starting the shift was to first secure the block. All prisoners were to be locked in their cells, with the exception of 25-60 inmates who were on the House Gang or Messhall Gang.

Tickets Ordered

The lockin process went on without major incident, but some inmates asked the officers what was happening. It was nearly 4 p.m. by the time the COs had completed their lockins, list compilations, and other chores. Almost as soon as their count was complete, it was time for the inmates to be locked out for chow.

Before the lockout, Cunningham ordered that after dinner, the officers were to issue misbehavior reports ("tickets") for all of the inmates who they had identified as being out of their cells at 3 p.m. These inmates were to be keeplocked (locked in their cells, for disciplinary purposes) upon their return from the evening meal. Some of the officers balked at this command, saying they considered it unwise, unfair, and likely to cause problems with the inmates. A few considered how they might later take the matter back to the sergeant or some higher authority for reconsideration. The inmates were escorted to and from the Messhall without major incident, but many complained about Sgt. Cunningham and his different procedures.

After the prisoners had been locked in for the evening count, Cunningham yelled "No showers!" This too was a change in routine, since the usual procedure called for some inmates (including those who were back from their jobs on the House Gang or Kitchen Gang) to bathe when they returned from dinner. Cunningham's order was audible throughout the block, but he offered no explanation for why the showers were being denied, and some inmates reacted accordingly. "Fuck you, Cunningham!" one inmate yelled, to which the sergeant replied he would let them do so, provided they would give him their cell numbers.

Cunningham then left the block. He was gone for about an hour. While he was gone, some of the officers issued slips to those the sergeant had ordered ticketed. Some COs issued as many as three dozen or so, and never had time to eat lunch. But others dragged their feet. During the

officers' lunch, Cunningham was the main topic of conversation. Upstairs, some of the inmates who had received tickets shouted about him.

Recreation Changed

The 5 p.m. count normally lasted about an hour, after which evening recreation was scheduled to begin. An order from Superintendent Walters and DSS McGinnis called for half the block to be recreated in the Garage, while the remaining half stayed in their cells until the galleries were clear enough for them to be let out onto the flats, where they could play cards or watch television.* To determine which inmates wanted to go to the Garage, Cunningham directed that officers canvass each gallery. Those who said they wanted to go would be let out one gallery at a time, rather than one-half of the block being let out at once.** This would necessarily take much more time than the usual method.

Upon learning of this procedure, many inmates started shaking their cell doors and shouting such remarks as, "This Sergeant always changes things!" and "Get him out of here!" "You're denying our rec!" Cunningham further enraged the prisoners by shouting: "I took your showers, and now I will take your rec!" Some officers also openly complained to each other and to inmates about Cunningham. Officer Charles McNeil, a nine-year veteran, responded to some prisoners' complaints by saying that if they thought Sgt. Cunningham was so bad, they should write a petition to the Superintendent, listing their grievances. Other officers agreed with the inmates that the slower procedure for letting

* The existence of this written order was later mentioned by Lt. Way.

** In his statement written later that night, Cunningham explained: "We was unlocking (1) gallery at a time. This procedure is used in order to flush all inmates due to go to garage out of Block. This practice had been discussed with my Watch Commander and he had approved with the condition that those that elected to remain in Block return to cell."

inmates out for recreation was bound to cut into their scheduled recreation period.

V-gallery was the first to be broken out, shortly before 6:30 p.m. Some inmates who had opted to go to the Garage, stopped by the Sergeant's Desk. The discussion quickly heated into an argument, and several inmates said they would not go to the Garage because it was unheated and they lacked winter coats.* Cunningham told them if they refused to go to the Garage, they would have to return to their cells, because the other half of the block was due to be locked out on the flats for recreation and they were in the way.

Some inmates still refused to comply, and at 6:30 p.m. Cunningham telephoned the Watch Commander, Lt. Way, and advised him there was a problem with recreation in B-Block. At about 6:35 p.m., Way arrived and went to the Sergeant's Desk, where he found Cunningham arguing with a group of about eight inmates.

Way listened to the accounts and heard the inmates say they wanted to stay in the block, because they lacked coats and the Garage was cold. He and Cunningham told them they would have to return to their cells if they refused to take recreation in the Garage. Way also told them if they would give their names and numbers to their company officers, he would try to see that everyone without a coat would get one on Monday, when the prison offices were due to reopen.

Dispute over Medical Passes

Cunningham had also ordered the officers to thoroughly check all inmates' medical passes, so that invalid ones would not be accepted as an excuse to keep inmates from going to the Garage. (A recent order, effective Jan. 1, had been posted on the bulletin board, announcing that only passes signed by a Dr. Dyett would be honored.)

* The outdoor temperature at 6 p.m. was about 35 degrees Fahrenheit.

A dispute developed over such a pass, involving one of the inmates who had refused to go to the Garage. This inmate had presented a medical pass signed by a physician's assistant and not the doctor. The lieutenant informed the inmate that his pass was no longer valid, since the new rule in effect since Jan. 1 had required the doctor's signature. The inmate disputed this interpretation, saying that the pass, which was dated Dec. 9, indicated it was good for one month. But Way still denied his pass. At that point, the inmate said if he had to return to his cell, he would have to be escorted. Way ordered two nearby officers to do so.

Cunningham walked down Q-gallery, ahead of the inmate and the two escorting officers, past a line of inmates who yelled at him from their cells. About two-thirds of the way down the gallery, the inmate raised both hands and started shouting. From where he stood, Way heard something about not locking in tonight. In his judgement, the inmate was inciting the other inmates. Way immediately called the officers and told them to bring the inmate back to him. When they arrived at the Sergeant's Desk, Way quietly told the inmate that he wanted no more hollering. Then he ordered the officers to escort the prisoner to HBC (Special Housing).* Upon hearing this, the inmates became more agitated, and soon a glass jar landed near Lt. Way. Inmates began rattling their doors and yelling that they were being denied their recreation. Some chanted, "Attica, Attica, Attica," or cried out: "Let's get him!" Way then directed Sgt. Cunningham to start releasing another company of inmates for evening recreation. Officers started breaking out W-gallery at about 6:50 p.m., following the same procedure as had been used for V.

Inmates Meet in Q-South

One inmate out of his cell approached Way and identified himself as a member of the House Gang. He complained that Cunningham had locked in all inmates, including the House Gang, because everyone had not been in his

*This inmate was not interviewed by the Inspector General after the disturbance.

cell at 3 p.m. This inmate also said Cunningham had denied showers to members of the House Gang, who would usually have received them, on the ground that some inmates had been slow to lock in. Way listened to the complaints and replied he would get back to him the next day.

Officers were releasing another company for recreation and Way thought the noise level was down. "Everything seemed normal," he later reported. As the next batch of inmates departed for the Garage, one prisoner told him: "If you keep Cunningham out of here, there won't be any problems." All other reports indicate that tension in B-Block was rising, not subsiding.

At 7:02 p.m., two ILC representatives arrived in B-Block. They were there for a pre-arranged meeting with the block's ILC subcommittee, for the purpose of following up a grievance relating to the late lockout for recreation. The pair found the block in a state of apparent agitation, and saw a group of inmates arguing with Sgt. Cunningham. The ILC inmates identified themselves to Way, and informed him they wanted to speak with the three ILC subcommittee members. An officer said he was too busy to page all three over the PA, and the ILC inmates went to a picnic table at the back of Q-gallery to await their meeting. It was 7:05 p.m. and X-gallery was being released.

Report about the "Flooded" Garage

At this point, someone behind Way shouted that the Garage was flooded.* Some inmates heard this and said they would not go there if it was flooded. As a result, Way ordered Cunningham to call the Garage to verify the "flood" report. In the meantime, he ordered the rest of the inmates bound for the Garage held at the door.

* In fact, the report of a "flood" was false.

Cunningham said he tried calling the Garage, but no one answered the phone. He tried again, without success. Other attempts to reach the Garage - including radio calls - failed to get any response.* Therefore, Way concluded that the Garage was flooded, which meant that it could not be used for recreation. If that were true, about 100 convicts would be returning any moment from outside, and many of them probably would be angry at having lost their recreation time. Inside the block, another 200 inmates were out of their cells and growing more restless.

All Inmates Released

Way decided to allow all of the inmates out of their cells. All inmates would be allowed to recreate on the flats. Way ordered Cunningham to lock out the block and Cunningham went off to comply. Way would later recall that this action had seemed to calm the inmates. But a number of officers and inmates alike later recalled they had been very worried, for it meant that everyone was going to be released, in an atmosphere of confusion and high-tension.

Now, 300 more inmates were being let out, and some of them gathered around the lieutenant to complain about the Commissary, mail, money orders, Cunningham, and other problems. Soon the crowd turned louder, and

* At least one officer in the Garage had a portable radio, and some of the officers who were there that night later reported hearing a number of calls for assistance from the block. Yet, no officer went to B-Block. Nor do any of the officers in the Garage appear to have alerted the Assistant Watch Commander of the calls they had heard. During the takeover, the issue would arouse some strong emotions, for later that night, a Sgt. berated the officers who had stayed in the Garage, calling their conduct "lax." One of the officers replied: "I would like to state that when you have 120 inmates and six officers to control them, when they know something has happened, you have to be ready and alert and ready to respond. But I feel you can't start to show a tentative attitude towards the inmates..." Another stated: "We knew if it [the disturbance] was organized, they would take us also hostage. We were the ones in the Garage who maintained and secured the Garage...We were the ones who heard the screaming on the radios. We were the ones who kept composure. I did not appreciate such a statement being made about the 6 COs..."

their words were difficult to hear. Way tried speaking with one inmate at a time, away from the others, and he jotted down names and numbers, telling each man he would get back to him on Monday. But the noise level rose to an uproar, as the prisoners yelled about recreation, coats, medical passes, Cunningham, and other gripes. Inmates began chanting, "Get Cunningham out of here! He's drunk - get that drunken sergeant out of here!" Some inmates told CO "Pop" Taylor, who at 59 was one of the oldest men in the place: "This place is going to blow, Pop. You'd better get out of here." Apparently, some officers did leave the block at this point.

Some Help Arrives

At about this time, a sergeant and six officers who were in the Chapel (supervising 240 inmates who were watching the evening movie), received a telephone call indicating that a "beeper" had been activated in B-Block and that there was possible trouble there. The sergeant has stated that he immediately dispatched three officers to B-Block.

The three officers were let in the front entrance of B-Block, and they walked inside to find a scene of mass confusion. Groups of inmates were shouting, and Way was trying to get them to calm down. He spoke with the two ILC representatives, who informed him they wanted the recreation period extended and Cunningham out of the block. Way also asked for an inmate to speak for the block. At first, no one volunteered, but then the House Gang captain went into the office with the lieutenant and gave to Way a list of grievances: (1) that the workers and House Gang were locked in and written up, when they were not supposed to be; (2) that old and sick people were forced to go to the Garage for rec; (3) that rec was let out an hour late and that they wanted an hour more of rec; (4) that everyone wanted Sgt. Cunningham out of the block; and (5) that all inmates who were keeplocked because they had been on the gallery at 3 p.m. should be released. According to this inmate, Way agreed to extend the

recreation period by one hour, to release the keeplocks, and to send Cunningham out.

Cunningham Removed

Way came out of the sergeant's office and told Cunningham to leave the block. As the sergeant started for the exit, Way noticed it was blocked by four wooden picnic tables which inmates had placed there as barricades. Way then asked the inmates, how do you expect him to leave if the door is blocked? According to Way, some of the inmates who were leaning against the tables responded that if they moved the table, officers who were outside in the corridor would come in and hurt them. Way replied no one was going to hurt anybody - he would insure it.

Way ordered Cunningham to leave over the Messhall Bridge. On his way out of Q-gallery, Cunningham was the target of loud heckling, jeers, and shouts, and he apparently responded with some intemperate words of his own. Lt. Way went to the PA and announced that, "Sgt. Cunningham has left the block," and unsuccessfully urged the inmates to be quiet.

Cunningham had arrived at the Messhall gate to find that the officer with the keys was not there. As he returned to the OIC's desk, several inmates spotted him and began to shout that the lieutenant had acted in bad faith, since Cunningham had not left the block. Way was startled to see Cunningham still in the block and he asked the sergeant what he was doing back. Cunningham replied he was looking for the officer with the Bridge key. Way asked who had the key, and an officer said he did. Way then directed this officer to let Cunningham out of the block. For the second time, Way went to the PA and announced that Cunningham had left the block and that he (Way) would gladly help them with their problems, provided the inmates removed the tables blocking the doorway.

Meanwhile, Cunningham walked toward the Bridge. According to the corrections officer who had the key, along the way Cunningham made various comments about the inmates, and this officer said he smelled alcohol on the sergeant's breath.

Hostages taken

Upon walking the 75 feet from the PA to the sergeant's office, Way heard a loud crash from the north end of the flats, and when he looked in that direction he saw inmates wearing hoods and bandanas covering their faces. Masked inmates were carrying more picnic tables and barricading the door; others were smashing tables and objects from the walls against cell doors.

As he stood in front of the sergeant's office, Way was grabbed by each arm by two inmates, and someone began pushing him toward the south end of the block, away from the exit. While he was being shoved, he noticed masked inmates holding broken mop handles and 2 x 4's, and an inmate who had a correction officer in a headlock. Way tried to stop, but he was being swept along. "I don't want any officers getting hurt!" he shouted. Turning his head, he saw an inmate with a homemade shiv pressed to an officer's throat.* Simultaneously, another officer saw Way being pushed by a crowd and he heard voices say, "All police to the end of the gallery!" "Let's take over the block!" One CO, who was stationed near the sergeant's desk, was rushed by the mob and struck on the head with a piece of wood while being shoved to the rear of the block.

* As this Officer had been moving with the other toward the rear of the block, he was grabbed from behind. An inmate had his arm around his throat and a knife to the side of the officer's face. The officer was struck on the left side of his forehead by what appeared to be a nightstick. A hand removed his wallet from his left rear pocket and his front pants pocket, containing his money, was ripped from the seam of his trousers. Dazed and on his knees, the officer was dragged to the end of the gallery where the other hostages were standing.

Another was jostled and an inmate took his keys and portable radio. A third officer was asked for his keys, but he had none, and he too was herded with the others toward the south end of the flats. After hearing an inmate order all COs to the rear of the block, one officer had seen Lt. Way nod that he should obey, and he was complying when his baton was pulled from its holder and he was kicked and pushed.

One officer, who spoke Spanish, heard some Hispanic inmates say in Spanish, "Let's stick the lieutenant!" The officer stashed his baton and ran up the stairs, heading toward the Bridge, looking for help. At V-gallery he was grabbed by three inmates, one of whom took out a long homemade knife. At that moment, another Hispanic inmate jumped on top of him, pushed him to the ground, and said to the inmate with the knife: "You'll have to stab me first." Then the officer was taken downstairs to the other hostages.

Two other officers had tried unsuccessfully to flee via the Bridge, but were stopped at the Messhall gate by two masked inmates carrying clubs. The inmates demanded that the officers turn over their keys. One officer had none, but the other handed his set over after a struggle. Together, they were hustled downstairs to join the others.

Two officers were trapped on the second floor by inmates who directed them to the stairs. One was shoved down the stairs, and he tumbled to the bottom floor landing, where both these officers were robbed. One had his watch, shield, ID, and wallet (containing \$147) taken; the other relinquished his baton, keys, and \$400. Then they were herded down the back of the block, in the direction of the other hostages.

Way asked the officers if anyone was hurt. One officer was pushed into the group and Way noticed a reddish bruise on his forehead. "Are you all right?" Way asked. The officer said yes, but he was a little dizzy, so Way asked him to sit down.

Officer Cut Off

Eighteen hostages were being held by armed inmates on Q-gallery, and at least 11 others assigned to the block were unaccounted for. Some officers had apparently made it to safety in the Garage, or otherwise escaped from the block. But Way could not be sure.

Unknown to the hostages on the flats, an officer had tried to escape into the Messhall shortly after Cunningham's departure. However, Cunningham had refused to open the gate, so that he had become stranded in the block.* What happened to this officer after this is somewhat unclear, for his interview statements do not explain when or where he was taken hostage. However, based on all available accounts, it appears that he turned to one of the inmates at the gate and asked: "Where are we going to go?" The inmate replied, "We'll go to my cell." According to the inmate, they then went there and remained for about three hours. At

* There are several accounts of this incident. The officer himself made no mention of it in three interviews. During his fourth and final interview on Feb. 10, however, he stated that he had been escorted to the Bridge by two inmates at about 9:30 p.m. (sic?). At that point, he said, he saw Cunningham and another sergeant, standing at the other end of the locked gate. The officer added they would not open the Messhall side of the gate to let him out. Cunningham later reported that he and another sergeant refused to open the gate to let the officer out, for fear that the crowd might storm out of the block, and possibly spread the disturbance to other parts of the facility. According to Cunningham, the lightbulbs in that area of the block had been put out (apparently, by inmates), and it was difficult to see what was going on inside the block. Officers reportedly were unable to enter B-Block, due to a crowd of inmates around the Bridge.

least four other inmates later reported that this officer had been held apart from the other hostages. Later Saturday night, the officer was apparently still in his uniform and detached from the other hostages, when a group of inmates entered the cell and ordered him downstairs.

Way Radios for Help

Lt. Way still had his portable radio, and he used it to report: "We are in a hostage situation and are all being held at the south end of B-Block." This call was received by Sgt. Holman, who also heard Way ask that A. Quddoos Farrad, the ILC Chairman, be brought to the block as soon as possible. Meanwhile Way and 17 other officers remained crowded together, protected from the mob by a wall of inmates, while on the gallery 150-200 inmates were smashing and throwing things. Some prisoners were looking for the female COs who were usually working that shift, and a few feet away one inmate was being sodomized by a gang of attackers.*

Way's Escape

At about 8:09 p.m., Farrad entered the block and approached the group of officers congregated at the south end of Q-gallery. He asked if anyone was hurt. Then he went to the far rear of the block to speak with some of the inmates who had been surrounding the officers.

An inmate told Way, "This has been building for some time." The same inmate later said: "We've got to get you out of here." Way hesitated, and the inmate repeated: "We've got to get you out of here, because if you remain here the other inmates will hurt the officers. Once you're gone, the officers stand a better chance of not being hurt." Another inmate asked: "Would it be better if the officers remained on the

* This sexual assault is discussed later in the report.

gallery, or locked in cells, where these fools would not be so apt to get at them?" Way said he thought it would be best for the safety of the officers if they were locked in cells.

Then Farrad grabbed Way's left arm, another inmate grabbed his right arm, and three more inmates began pushing and pulling him toward the sergeant's office, saying "Don't worry - no one will touch you. We've got you." As they turned to go up the stairs to R-gallery, Way felt someone pulling on the keys on his belt. He reached behind himself and managed to grab the keys, but he could only hold onto one set, which turned out to be his personal keys. The other set was ripped off.

The group moved up the stairs and toward the gates, but no one had the key to open the padlock, so Way was pulled back to the stairway and they went up the stairs to X-gallery and started down X-north toward the Bridge. All along the way, Way's protectors were yelling "Don't touch him," in English and Spanish to the inmates on the galleries.

At the Bridge gate, their path was blocked by 15 inmates. Farrad, and the other escorting inmates told them: "Unlock the gate. We're taking him out of here." But an inmate with a bandana over his face put another chain and padlock through the gates and said: "No one is going anywhere." "He is the Watch Commander and is the only one that can communicate with the Superintendent and tell them of the problems here," Farrad told him. The masked inmate replied: "We will not open this gate as long as those officers are right there in the Messhall." Farrad looked through the Messhall gate and saw Sgt. Holman standing with some other officers. He yelled for Holman to lock that gate and come and unlock the Bridge gate so Farrad could get Lt. Way out of the block. As soon as Sgt. Holman locked the Messhall gate, the masked inmate removed the two padlocks and chains and untied the rag holding a piece of metal rod in the bit lock. When Way and his escorts went out through the Bridge gate, it was immediately pulled shut behind them and locked. At the other end, Sgt. Holman unlocked the Messhall gate and the group went directly to the Deputy Superintendent's Office to report on the situation.

Table 14 EMPLOYEE HOSTAGES							
Name	Rank	Race	Age	Height	Weight	DOCS Entry	OCF Entry
CLARK, BARRY E.	CO	B	34	6'0"	180	7-20-81	9-3-81
COFFEY, ROY F. JR.	CO	B	36	5'8"	172	7-25-77	5-7-81
COLEMAN, RONALD P.	Trainee	W	32	6'1"	160	9-13-82	11-29-82
CROSS, EDWARD L.	CO	B	42	5'7½"	180	3-14-77	1-2-79
FARQUHARSON, KARL H.	CO	H	40	5'10"	228	1-22-81	2-23-82
GORR, RANDY L.	Trainee	W	22	6'0"	252	8-2-82	10-21-82
MADDEN, BERRY	Sgt.	B	52	5'9"	147	1-27-66	1-27-66
MARSHALL, WILLIAM L.	CO	B	28	5'9½"	162	8-8-77	7-3-82
McNAMARA, JOHN L.	Trainee	W	34	5'11"	198	9-27-82	12-23-82
McNEIL, CHARLES M.	CO	B	32	5'9"	145	2-25-74	4-8-74
MENDEZ, MARCUS	Trainee	H	26	5'9"	200	8-2-82	10-21-82
NEVERS, LAWRENCE	CO	B	40	5'9½"	175	9-11-80	10-15-81
ONEY, ROBERT N.	Trainee	W	22	6'0"	265	9-27-82	12-23-82
PERYEA, PATRICK S.	Trainee	W	32	6'0"	167	9-13-82	11-29-82
ROMERO, ISRAEL	Trainee	H	22	5'7"	127	7-6-82	9-30-82
SNYDER, JEROME O.	Trainee	W	21	5'9"	160	9-13-82	11-29-82
STRUNA, CURTIS F.	Trainee	W	27	5'10"	146	9-27-82	12-23-82
TAYLOR, JAMES M.	CO	B	59	6'0"	210	8-26-77	10-5-77
WAY, LOWELL D.	Lt.	W	38	5'8½"	150	8-6-70	3-4-82

MOBILIZATION

For more than an hour before Way's exit at 8:15 p.m., Ossining's communications system had been crackling with radio signals, telephone calls, beepers, and other messages of distress from the troubled block. As early as 6:35 p.m., from outside the prison, Superintendent Walters had heard "loud noises" coming from B-Block. The Watch Commander had been in the block for more than an hour and a half, making several phone calls and radio calls for assistance. Others in the block had also called for aid. Some of these signals had been received - in the Watch Commander's office, the Garage, the Chapel, Tappan, and other locations.

The precise number, time and nature of these calls, and the staff's response to them, is difficult to determine, due to voids and conflicts in the available reports. In some instances, the chronology which was later assembled by the DOCS Inspector General helps to clarify what happened. But even that version of events does not always match the available records, leaving it unclear as to how the facility staff responded during the initial stages of the disturbance.* The DOCS chronology, for instance, indicates that at 7:20 p.m. Lt. Way telephoned Sgt. David Knab, the assistant Watch Commander, with a message to notify DSS McGinnis of a troublesome situation. Way's statements do not specify at what time he called Knab, and Knab has reported that Way called at 7:40 p.m.**

* Many key figures at OCF were not interviewed by the IG, and they apparently did not file any reports about their activities during the disturbance. According to Inspector General Malone, Superintendent Walters and DSS McGinnis were given a draft of the "Time-Flow" chronology, and Malone incorporated their comments into the final version, without specifying what changes they had made.

** Knab also reported that he received a call at 7:30 p.m. saying that B-Block inmates were not going to the Garage - because it was unheated and they lacked coats. But the identity of the caller is not included.

DSS McGinnis ordered Knab to have the rest of the facility locked in, to notify the local and State police, Superintendent Walters, Lt. McGinnis, and the Department's Communications Control Center in Albany. Knab reports he called the Ossining Police and State Police at 8:00 p.m., and that after making other calls, at 8:20 p.m. he began calling to tell all housing areas to lock in, to close the lower yard, and to secure all areas of the prison.*

The log of the Department's Communications Control Center in Albany shows that the following Unusual Incident Report was received at 8:05 p.m. by Lt. Mickle:

Sgt. Knab reported that a possible hostage situation existed in B-Block. Lt. Way is in the block. Entrance to Block has been barricaded. Incident started at 7:40 p.m. Twenty-seven staff and 610 inmates are believed to be in B-Block. Supt. Walters is at facility. AOD Dep. McGinnis has been notified.

Commissioner Thomas A. Coughlin III has said that at 8:05 p.m., he was at his home near Albany, when he received a telephone call from his office, informing him of the inmate takeover at Ossining. Commissioner Coughlin

* State Police Capt. T.R. Neilen of Troop K (Poughkeepsie) has reported that Hawthorne SP was notified at 9:00 p.m. - by Lt. Lowell Way. At 9:15 p.m. Neilen was notified of the situation by Senior Investigator Vincent T. Burke. Neilen says he told Burke he would advise Major P.P. Gromacki. Neilen arrived in Ossining at 10:15 p.m. Senior Investigator Burke and Investigator R.L. Welsh were already on the scene. Major Gromacki was advised of all developments while he remained at SP Peekskill.

said he notified several key aides, and arranged to have a State plane fly him and his assistants to the Westchester County Airport. Commissioner Coughlin also telephoned Michael J. Del Guidice, Secretary to the Governor, to inform him of the disturbance. His wife also telephoned several other people for him as he prepared to leave for Ossining.*

Other DOCS officials who were notified to go to OCF included William Gard, the Deputy Commissioner of Correctional Facilities, and Lou Ganim, the public information officer. Knab's call to the Communications Control Center had also set in motion an alert for the Correctional Emergency Response Team (CERT), and the Crisis Intervention Unit (the Sit-Cons).

Commissioner Coughlin and his executive staff already were familiar with many of Ossining's problems. In addition to the recent flood of petitions, letters, grievances, and other complaints from Ossining inmates, and numerous reports from OCF staff, the Central Office had been producing its own "early warning reports" about conditions there. Superintendent Walters had been submitting monthly reports to Marion Borum, deputy commissioner for Region I, and Borum had reported directly to Commissioner Coughlin. The Department's Internal Audit Unit had reported about Ossining to Inspector General Malone, who had also reported to Commissioner Coughlin. Gard and Ganim had also received some of this intelligence, as well as other reports from additional sources. Gard was a former superintendent of OCF, and he had intimate knowledge of its physical structure, history, and conditions.**

* Among those apparently called at this time was John Burke, Executive Director of Council 82, AFSCME. Burke says he had already heard about the disturbance as a result of a call he had received at his Elmira home from someone at Ossining.

** Gard retired from DOCS in March 1983.

Governor Cuomo Notified

Moments after he was called by Commissioner Coughlin, Michael Del Guidice, Secretary to the Governor, telephoned the State Police officer on duty at the Executive Chamber in Albany with a message that he had to speak with the Governor as soon as possible.* The trooper quickly radioed the Governor's bodyguard in New York City.

Governor Cuomo was dining with his family in a restaurant in New York when his bodyguard relayed the urgent message for him to call Del Guidice. Upon doing so, Del Guidice briefed him about the reported disturbance at Ossining. The Governor immediately returned to his home in Queens, to devote his attention to the crisis. He had been Governor for eight days.

Initial Attempts to Control

Superintendent Walters arrived in the facility at 7:55 p.m. and had gone directly to the Hospital's first floor to await the arrival of Lt. Michael McGinnis, Ossining's Officer-of-the-Day and CERT commander. At 8:09 p.m. Walters received a telephone call from an unidentified inmate who said, "We have the block. We have hostages." An unknown inmate had also told Movement and Control that the inmates wanted an outside line to the news media.

After Way and his inmate escorts were released, they were brought to the Administration Building for debriefing by Lt. McGinnis, who ordered OCF's CERT brought out immediately.** Sgt. Knab called all housing units with instructions to lock in all inmates, and measures were taken to close the lower yard and secure all areas. Knab also called Albany's Communications Center at 8:25 p.m. to report that "Lt. Way is out of the

* This account is based on The New York Times article of Jan. 10, entitled "Cuomo Assumes a Key Role in the Ossining Prison Crisis." The author, Edward A. Gargen, attributes the details to Timothy J. Russert, the Governor's press secretary.

** Lt. McGinnis was not interviewed by the IG and no statement from him was available.

block with two inmates. Lt. McGinnis is at the facility. Facility is being secured." Then he began compiling a list of officers in B-Block. Knab called the Garage for the names of the officers there, and told the officers to hold the inmates there until space for them could be found. He also sent additional officers and a sergeant to the Messhall area to try to contain the disturbance.

No record was provided concerning the debriefing of Lt. Way and the inmates by Lt. McGinnis, so it is unknown exactly what information was available to the OCF administration concerning the number and condition of the hostages, the "causes" of the uprising, or the temperament and level of organization of the inmates involved, and other important factors.

Following his debriefing of Way, Lt. McGinnis took a bullhorn and went with Farrad to the B-Block Messhall, in an attempt to communicate with the inmates inside. Farrad telephoned Walters at 8:40 p.m. to report that they were "trying to resolve the situation." But five minutes later, while McGinnis was peering through the gates into the darkened block, he was sprayed by a firehose which some inmates had turned on the officers, and Farrad called back to say there was nothing more he could do. McGinnis remained at the gate for nearly four hours, attempting to prevent the rebels from storming out of the block, trying to speak to them through the gate or by telephone, and relaying information to prison authorities. At 9 p.m. he spoke via his portable radio with Sgt. Madden (a hostage), who described conditions inside the block.*

* No transcription or other record of this conversation was provided.

Meanwhile, as Lt. McGinnis was dealing with the inmates, his brother, DSS McGinnis, had arrived in the facility and was coordinating efforts to contain the disturbance. Deputy Commissioner Gard called at 9 p.m. to announce that the CERT teams at Green Haven, Fishkill, and Downstate had been placed on standby. At 9:45 p.m., Ossining's Sit-Con Team arrived in the Messhall.

Early Demands

At 10:22 p.m., a voice inside the block said that no demands had yet been formulated, and the inmates wanted controlled medication. Sgt. Madden reported that the inmates would be back in five minutes with a list of demands. Ossining's Sit-Cons did not know which inmates were in charge and they wanted eyeball contact with someone on the block side of the gate.

At 10:45 p.m., Lt. Walter Wilkerson reported from the Messhall Bridge that black inmates appeared to be in charge and that they were writing up their demands; Hispanics were observing. Fifteen minutes later he radioed back that the prisoners wanted John Johnson of ABC television and attorney William Kunstler brought to the scene. At 11:10 p.m. Lt. McGinnis said the inmates were still demanding the media and Kunstler. Thirty minutes later, McGinnis reported that the demands were becoming more urgent: he had heard a Spanish inmate say that if the disturbance was not on the news in 10 minutes, the inmates would "eliminate" one hostage. The prisoners' demands for the media and Kunstler continued for several hours.*

* According to DOCS, the first journalist on the scene - a reporter from Gannett's Westchester newspaper (the Yonkers Herald Statesman) - arrived at the facility at 11:20 a.m. The reporter stayed at #22 Post. Over the next hour, several other newspaper reporters called the prison for information. Eventually, several dozen reporters, photographers and sound crews - including representatives of the three major networks - would be at Ossining.

Commissioner Coughlin Arrives

Commissioner Coughlin, Gard, and Anthony ("Ken") Umina, the director of the Department's Crisis Intervention Team, arrived at the prison at 11:30 p.m. and immediately went to the Superintendent's office, where they were briefed by Walters. Command of the institution thus passed from the Superintendent and his administration to the Commissioner and his staff, and the office in which they met became (Coughlin's) Command Post.

This was Commissioner Coughlin's first major disturbance, and he later recalled that his first concern upon arriving had been the first important step of anyone who is attempting to control such an uprising - namely, containment: establishing what doors, gates, or other barriers or exits already exist; immediately securing the facility to prevent the disturbance from spreading; and so on. The Commissioner quickly determined that his first objective was to isolate B-Block - to forestall a wider takeover by the rebel inmates. His second task was to try to identify the hostages. Neither of these objectives had been completely achieved before his arrival, and both would prove challenging in the hours ahead.

Commissioner Coughlin knew of the Westchester County Jail uprising of July 1981 - an incident in which the Department had become involved at the request of local officials. The experience had reinforced his views that correction authorities should avoid talking with the news media during a disturbance, and that all discussions with inmates should be handled by trained negotiators. He strongly opposed any suggestion that Governor Cuomo should come to Ossining, and he and his staff had decided from the outset that the Commissioner himself should not be part of the negotiating team. The idea was for the Sit-Cons to communicate with the inmate leaders and then transmit their grievances to Gard, who would transmit them to Deputy Commissioner Marion Borum, who would relay them to the Commissioner, who would then evaluate them with his staff. The Sit-Cons would serve as go-betweens between inmates and the State, but the Commissioner and the Governor would be kept out of the direct picture as much as possible.

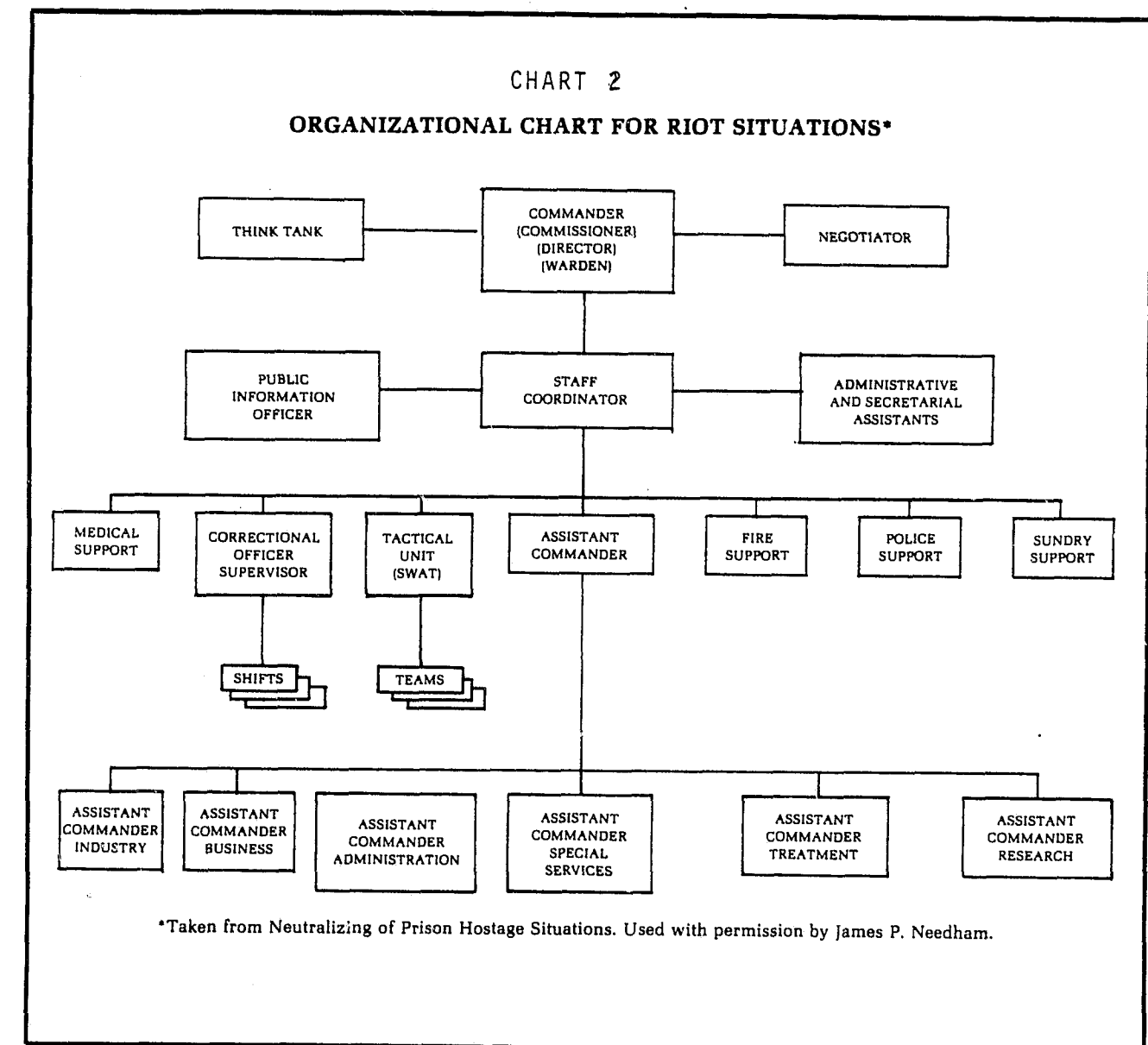
"Riot Control" Organization

At the time of the Attica uprising in 1971, prison tradition strongly held that authorities should not negotiate with inmates holding hostages. According to the McKay Commission: "Based on this tradition, the staff at Attica expected that the prison would be retaken immediately, regardless of the danger to hostages. Instead Commissioner Oswald negotiated with an informally elected inmate committee for four days, seeking a peaceful solution to the uprising." Ultimately, the Attica negotiations - which involved a committee of more than 30 civilian "observers," as well as scores of State authorities (none of whom were trained in hostage-negotiation) - were abandoned, and the prison was stormed and retaken by force. This experience resulted in a fundamental rethinking of "riot control" organization and strategy.

Since Attica, corrections officials in New York and other states had become much more sophisticated in their formal emergency response apparatus and techniques. Aided largely by federal funding during the late 1970s, DOCS had created a number of important mechanisms that were designed to control and defuse prison disturbances, by improved intelligence gathering, expert situation control and negotiation, hostage training, physical assault, and other means. Compared to other states, New York's system for emergency control (as opposed to emergency prevention) was quite advanced, but relatively untested. Its structure basically conformed to that recommended by the American Correctional Association, as depicted in the following chart.

The ACA had recommended, and DOCS now elected to establish at Ossining, a Command Post consisting of a commander (Coughlin), cover units with spotters, negotiators, tactical units, command communicators, and other personnel, as well as an Operations Post staffed by additional specially trained personnel.

CHART 2
ORGANIZATIONAL CHART FOR RIOT SITUATIONS*



Sit-Cons Mobilized

The Department's Crisis Intervention Unit, or Situation Controllers (Sit-Cons), consisted of 29 men - four from Central Office, three each from Downstate, Eastern and Green Haven, two from Otisville, one from Clinton, five from Fishkill, and six from OCF. In addition to the director (Umina), another key member was Dr. Raymond Broaddus, the DOCS assistant commissioner for health and psychiatric services and a trained negotiator who would also serve as the team's clinical psychologist. Other members included the assistant commissioner for health services, the assistant director of mental health, two correction lieutenants, one senior investigator, five sergeants, four counselors, two education directors, and a teacher. (Lists of the members and their assignments are in the Appendix.) Collectively, the team had a wealth of diverse experience in prisons and extreme crisis situations.* They had also been undergoing training in hostage negotiation and other activities necessary for the crisis ahead. At Ossining, the team members were assigned to be negotiators, recorders, intelligence or listening post operatives, or debriefers.

Superintendent Walters activated the facility's Sit-Cons at 7:55 p.m. The non-OCF contingent rushed to Ossining after being alerted shortly after 8:05 p.m. Some members were temporarily delayed by missed turns and confusion at the prison entrance, and once inside they did not know where to report for duty. But eventually, everyone made his way to the Situational Controller Command Center, which had been established

* Dr. Broaddus, pointed out after the disturbance that only six of the 29 members were black or Hispanic, and he suggested that the team might have been more effective if it had more closely matched the racial composition of those inside B-Block. Broaddus also indicated that the team could have made better use of some of Ossining's officers, who knew and had rapport with inmates in the block.

in the Adjustment Committee Office of the prison's Administration Building, close to Coughlin's Command Post.

CERT Mobilized

After the Attica experience, DOCS had instituted another specially trained unit for use in emergency situations. In 1975 then-Commissioner Benjamin Ward had called for correction personnel to volunteer for intensive training under Department direction. The elite units he established were called Corrections Emergency Response Teams (CERTs). These CERT teams were trained in unarmed defense, riot control formation, use of chemical agents and firearms, fire fighting, first aid, and search procedures. Special efforts had been made to develop high esprit de corps.

According to CERT's lesson plan, which had been prepared by Wilson Walters (as director of DOCS' Training Academy, before he came to Ossining) and last revised in December 1982, CERT was not to be used in routine housing unit operations, such as removing recalcitrant inmates from cells. CERT was also to represent a resource to the general community in times of natural disasters. The various facilities with CERT units were structured into six geographic zones, to mobilize and utilize them most effectively. (OCF was in Zone 4.) Each facility's members were organized into teams, consisting of 15 men.

Facility mobilization is initiated by the facility superintendent or his designee, subject to the approval of the Deputy Commissioner of Correctional Facilities. General CERT mobilization involving CERT from other facilities can only be initiated by the Deputy Commissioner of Correctional Facilities. The Deputy Commissioner (Gard), who authorizes mobilization and assumes direct command of operations during emergency situations, reports directly to the DOCS commissioner (Coughlin). The

facility Superintendent (Walters) reports directly to the Deputy Commissioner and remains responsible for the general operation of the facility. He is also responsible for establishing effective communication between members of his staff and CERT, as specified in written guidelines. The Director of CERT Operations reports directly to the Deputy Commissioner, implements notification procedures as directed by the Deputy Commissioner, acts as liaison between the CERT Field Commander, the Deputy Commissioner, and the Superintendent, and arranges transportation, lodging, and logistical support in conjunction with Support Operations and facility administration. Finally, the chain of command extends downward through the CERT Field Commander, CERT Lieutenant(s), CERT Sergeant(s), Assistant Squad Leader(s), and CERT Officers.

Ossining's CERT alert commenced at 8:05 p.m., with Sgt. Knab's call to Central Office. At 9:00 p.m., Gard placed the CERT teams at Fishkill, Green Haven, and Downstate on stand-by as more information was awaited from the facility. These teams were located some distance from OCF - 42 miles, 59 miles, and 42 miles respectively. CERT mobilization schedules provided the following timetables for their arrivals:

- Fishkill - 3 squads available, maximum of 45 COs, 3 Sgts., 1 Lt., with a maximum response time of 4 hrs.
- Green Haven - 3 squads available, maximum of 45 COs, 3 Sgts., 1 Lt., with a maximum response time of 5 hrs. 30 min.
- Downstate - 2 squads available, 30 COs, 2 Sgts., 1 Lt., with a maximum response time of 2 hrs. 30 min.

As the crisis continued, five additional CERTs would also be mobilized.*

* The others were from Arthur Kill (55 miles away), Coxsackie (121 miles away), Eastern (110 miles away), Great Meadow (223 miles away), and Woodbourne (112 miles away).

Containment

One of the greatest dangers confronting prison authorities during the early stages of the disturbance was the possibility that it might spread to other areas of the facility. It still was not known whether the takeover had been planned, or spontaneous, and B-Block's connection to the Chapel and the Messhall leading to A-Block created a risk of other inmates becoming involved. The securing of other housing units and populated areas that began at 8:20 p.m. appeared to have tightened security over the other 1700 inmates. But B-Block's rebels had to be kept from getting out.

Initial concern focused on the Bridge between the block and the Messhall. Each end of the Bridge was barred by a locked steel gate. However, it was unknown whether the gate at the Messhall end was strong enough to withstand assault. (Attica's Times Square gate had proved to be insufficiently welded in 1971, enabling inmates to break through into C Tunnel and beyond.) Although there was a steel door inside the block-side gate, there was no such obstacle at the Messhall end.

At 10:30 p.m., Sit-Con Neil Breen decided that the Messhall area was not secure, and he and the other Sit-Cons left there and went to the Watch Commander's office. But Lt. Wilkerson and others returned a few minutes later and continued attempts to communicate with the rebels nearby. At 11:55 p.m., Lt. Anthony Acosta reported that the inmates had keys to the doors and he was worried they might be able to escape from the block. There were only 20 COs present, armed with batons, and he wanted more back-up support.

Another location which caused some concern was the so-called "plywood area" on the block's southwest side - a boarded up hole in the cinderblock wall which had been left there the previous week by construction workers

who were preparing to build a corridor to the new Gymnasium. At 10:55 p.m., Lt. Wilkerson called the Sit-Cons to ask about its status, and Lt. Acosta was quickly sent to inspect the area. Throughout the disturbance, prison officials worried that the inmates might attempt to exit from the plywood area. And the inmates, fearing that correction authorities might use it to enter, barricaded the site with picnic tables.*

At 12:33 a.m. the Sit-Cons heard from Lt. Artuz that the inmates apparently had an outside telephone line. Artuz said a lieutenant at Woodbourne had called to inform him that a Correction Officer's wife had reported receiving a call from inmates. However, Lt. Wilkerson of OCF told the Sit-Con Control Center there was no outside line in B-Block.

Cunningham Ordered to Leave Messhall

Meanwhile, since his departure over the Bridge at about 7:30 p.m., Sgt. Cunningham had remained in the B-Block Messhall.** It is unknown why he was there or the role he played. But Cunningham was there when Lt. McGinnis had arrived at 8:40 p.m. and tried to speak with the inmates, and he had seen McGinnis drenched from the firehose. McGinnis ordered Cunningham to stay out of the prisoners' sight, which Cunningham said he did, keeping in other areas of the Messhall as the lieutenant kept trying

* On Sunday, at 2:57 a.m. Lt. Acosta reported that the plywood area was not secure, resulting in another staff exit from the area. Three minutes later, the Sit-Cons discussed the feasibility of covering the hole. The arrival of Green Haven's CERT at 3:12 a.m. provided some welcome relief. Yet, at 6 a.m. on Sunday, Sit-Cons were still reporting that "inmates have access to B-Block yard."

** Other than what appears here, there were no other records available concerning Cunningham's activities after he left the block.

to negotiate with the inmates through the gates and by telephone. Lt. McGinnis was known to have settled earlier troublesome situations, and the inmates apparently considered him to have some clout with the Administration. At 11:40 p.m. Lt. McGinnis heard an inmate threaten to eliminate a hostage in 10 minutes unless the newsmedia became involved, and five minutes later he heard someone screaming from the block. His observations were reported to the Sit-Con Command Center. At this point, Lt. McGinnis ordered Sgt. Cunningham to leave the Messhall area.*

Listening Posts

One of the sources of intelligence about activity inside the block came from listening posts set up along its perimeter. At 12:33 a.m. on Sunday, Umina met with his staff to discuss the establishment of an eavesdropping post at the block's rear door. DOCS lacked advanced electronic surveillance equipment, and had to rely on other means to monitor activity inside the block.** By 1:51 a.m. Sit-Con Lawrence Drake was in position at Listening Post #1 and radioing information to the Sit-Con Command Center. His early reports included word that the inmates were spraying water on the Sit-Con negotiating team, as well as information about the plywood area and loudspeaker announcements inside the block.

* This instruction apparently came from Lt. Wilkerson. A Sit-Con log notes that at 11:50 p.m. "Lt. Wilkerson agreed to order Sgt. Cunningham out of the negotiating area," but it does not indicate who directed Wilkerson to do so, or why. Neither McGinnis nor Wilkerson were interviewed by the IG and no statements from either officer were available. Wilkerson, of the OCF staff, served as a Sit-Con negotiator and liaison to the Ossining Administration; McGinnis was Ossining's CERT lieutenant and Officer-of-the-Day.

** Commissioner Coughlin remarked after the disturbance that four or five CERT members had "risked their lives, lying in the rain and mud" to eavesdrop on the prisoners. Coughlin said the lack of proper eavesdropping equipment had forced CERT to crawl under the block, out of sight from the inmates, but the prisoners had poked through cracks in the floor in an attempt to locate the eavesdroppers.

Hostage Peryea Released

With the inmates continuing to demand access to the newsmedia and controlled medication, at 12:22 a.m. Umina called Deputy Commissioner Gard to recommend providing medication in the hope of getting more information and a possible hostage release. Gard agreed to authorize some medication, but only in exchange for hostages. A few minutes later, Lt. McGinnis was on the telephone again with an inmate in the block who said that the prisoners were going to bring a correction officer to the Messhall gate. McGinnis stressed to the inmate the need to release a CO as a show of good faith, and the two agreed on the release of one officer in exchange for the drugs. The inmate also said that in half an hour he expected to sit down for discussions with the media and Central Office personnel.

Within the next few minutes, two Sit-Cons called the Command Center to confirm that inmates were saying they were willing to turn over a hostage in exchange for medication. Umina instructed his men to give the medication, but to be sure they got the officer. He also discussed the swap with Gard and OCF Administration, who gave their approval. The Sit-Cons were instructed to send the released hostage to the prison Hospital for debriefing by Counselor Richard Roy, and DSP Louis Mann, the CERT Field Commander, was directed to supervise the exchange.

Twenty minutes later, however, the swap still had not occurred, and Sit-Cons reported from the Messhall that the inmates seemed disorganized. Then, at 1:18 a.m., a CO at the plywood area reported hearing voices yelling, "Don't hit! Don't hit him anymore!" As Umina was informing Commissioner Coughlin of this news, he received another intelligence report that the hostages had been moved to another area of the block. He quickly called the Negotiating Team and told them that hostages were being assaulted.

Umina continued to prepare for the possible exchange. At 1:28 a.m. he contacted Commissioner Coughlin again to request more officers to assist in debriefing and post-release care for the hostages. Nine minutes later, the negotiating team reported that inmates had dressed the hostages in inmate clothing and that the swap was scheduled for 2 a.m. Umina dispatched a three-man debriefing team to the Hospital to await the hostage(s).

At 1:55 a.m. inmates in the block telephoned Lt. McGinnis, asking for the promised medication. At 2:02 a.m. the Negotiating Team was still asking for the drugs, and moments later inmates began spraying them with water through the gates, prompting Umina to order the Sit-Cons out of the Messhall area.

By 2:45 a.m. the situation had stabilized and the hostage release again appeared imminent. Commissioner Coughlin, Executive Deputy Commissioner Lightfoot, and IG Malone went to the Messhall, where a video crew from Green Haven waited to film the anticipated release. At 3:00 a.m. Commissioner Coughlin and his two top aides left the Messhall, and two minutes later, upon making their first visual contact with a hostage who was dressed in inmate clothing, the Sit-Con Negotiators turned over the medication to the inmates. Lt. Wilkerson supervised the trade.

The hostage - Officer Patrick Peryea - was let out of B-Block at 3:08 a.m. and immediately escorted to the Administration Building. As soon as he exited, the masked inmates closed the gate. Peryea was taken to the Superintendent's office and examined by a nurse, then interviewed by a team of DOCS Sit-Cons, Coughlin, Gard, and others.*

* At 4:20 a.m. he was also examined by Dr. Dyett.

Situation Described

Officer Peryea, 32, a trainee who had been at Ossining for five weeks, had been assigned as an escort officer for R-South when the takeover occurred. He was debriefed by Sit-Cons Vincent Juchnewicz and Howard Cohen (two sergeants from Green Haven). During the taped interview, Peryea said he only knew of two people who had been injured - himself, and Officer Ronald Coleman - neither of whom had been seriously hurt. To his knowledge there were 17 hostages - 16 COs and one sergeant - left in the block.* The hostages were being kept in pairs in locked cells on the second floor, dressed in inmate greens and protected by groups of inmates. Some prisoners were armed with shanks, pipes, and mop handles, and many were wearing masks. Inmates and hostages alike feared a possible armed assault by CERT, and some prisoners had warned their captives that if it occurred, they would be the "first to go." The inmates had also barricaded all entrances to the block. There appeared to be few dominant inmate leaders, and arguments had broken out among them over what to do with the officers. Some militants were threatening to kill the hostages, but most inmates seemed to want peaceful resolution. Their main goal appeared to be news coverage, and some were switching television and radio dials to find if the media were reporting the takeover. The inmates were also saying that Sgt. Cunningham "is the reason for this whole thing" and they wanted Sgt. Cunningham permanently off the block.

Seven hours after Way's escape, prison authorities had peacefully negotiated the release of a hostage who appeared to be in good physical and emotional condition, and in so doing they had acquired some valuable

* Those Peryea identified as hostages included (1) Sgt. Madden, (2) Officers Taylor, (3) Gorr, (4) Coleman, (5) Nevers (6) Farquharson, (7) Oney, (8) Clark, (9) Romero, and (10) Fernandez [sic - Mendez]. Although corrections officials would be unable to verify the total number of hostages he had provided, Peryea's figure proved to be correct.

information about conditions inside the besieged block. Meanwhile, as Peryea was being debriefed, two CERT teams (from Green Haven and Downstate) arrived at the facility and were ordered to stand by. Moments later, water in the block was shut off and various equipment, including field radios, field phones, tear gas, and riot gear, was readied. Deputy Commissioner Gard called Capt. Mann, the CERT Field Commander, to hear his plan for deployment. Mann recommended gas and asked about fire power to back up his men.*

By dawn, most of the Department's high command were present, along with Sit-Con and CERT teams. Chairman J. Kevin McNiff of the State Commission of Correction and some of his staff were also on hand, as were many Ossining guards and supervisors, State Police, local police, and anxious relatives. Members of the newsmedia had begun to congregate outside the walls of the prison, scribbling notes and setting up cameras and sound equipment.

* Issuance of firearms during an emergency CERT operation was forbidden without the authorization of the Deputy Commissioner of Correctional Facilities (Gard). With such authorization, the CERT Commander (Captain) with the Deputy Commissioner's approval, issues orders as to which specific firearms will be issued, and to whom they will be distributed, and to which area(s) they will be deployed. Care is to be taken to insure that the firearms are issued to the most qualified CERT personnel.

The CERT Commander (Captain) is charged with directing and supervising the discharge of any firearm for any purpose. In the event he becomes incapacitated, a senior ranking supervisor shall direct and supervise the use of the firearm. Only official Department-approved firearms are to be issued during emergency CERT operations. These firearms are 870P Remington 12 Gauge Shotguns (pump action), Colt AR-15 semi-automatic rifles, and Smith & Wesson Model 10 revolvers. (The approved ammunition for the shotguns are high velocity 00 buck shot, containing nine .33 caliber pellets, and high velocity 7 1/2 C birdshot, containing approximately 435 lead pellets.)

CERT guidelines provide: "When the use of a firearm becomes necessary, CERT personnel assigned the responsibility of discharging the firearm, whenever possible, will take every precaution to shoot to disable rather than to kill."

NEGOTIATION

In most hostage situations, time works in favor of the authorities. Hostage-takers usually consist of an individual or small group, whereas the authorities may employ readily replenished teams of negotiators who can work on their subjects from several directions. Gradually the hostage-takers are worn down - by fatigue, hunger, and the psychological manipulation that specially trained personnel exert through effective communication. The hostage-takers are also always vulnerable to possible capture or assault.

In the Ossining hostage incident, however, the authorities found themselves in an especially difficult situation.

1. The Sit-Cons were greatly outnumbered by the inmates they sought to control, and thus, the inmates might have been able to replace their negotiators with fresh men if the need arose. If fatigue was going to be a factor, it might work against the State, not the inmates. However, after the disturbance, some DOCS officials questioned whether so many (29) Sit-Cons should have been involved, since the larger number may have contributed to confusion, mixed signals, and other problems.
2. Some inmates had reportedly stockpiled food from the Commissary (and possibly from the Messhall), and were capable of trying to bargain in exchange for even more food. Therefore, hunger might not become a critical factor - at least for several days.
3. The State did not know if the takeover was planned or spontaneous. Nor did they know the identity or motives of the inmate leaders. Based upon what Peryea had reported, it seemed that no one individual or group was in complete control. The inmates seemed divided, with some threatening to kill the hostages and others trying to protect them. Because they were "transients," the inmates had not yet established a clear-cut social order. It was difficult to know who to bargain with, or who to avoid.
4. Some hostage-takers were convicted murderers, armed robbers, and other violence-prone criminals who were serving long prison sentences. Thus, they were extremely dangerous.

5. Because of their transient status and lack of recognized representatives residing in the block (ILC, IGRC), the inmate authority structure was not as strong as it might have been. Relationships among the inmates in B-Block were unstable. Negotiations were more difficult because it took longer for the inmates to supply a truly representative negotiating team.
6. Another major factor was the prison itself. The hostages were being held in a locked and barricaded fortress, scattered in locked cells on the second floor. To be successful, a rescue would have to occur during the daylight hours, because at night the inmates could simply extinguish all lights in the block. Even if the block were assaulted during the daytime, it would be very difficult to distinguish hostages from inmates, because the officers had been placed in inmate clothing. Finally, the locked gates, barricades, and archaic locking system for the cells inside the block would make it virtually impossible to quickly reach the hostages and overpower their captors. Many inmates were armed with shivs and other weapons; they were also capable of dropping heavy objects (such as cell doors) on CERT from the upper tiers.

Pressure Applied

During the first nine hours of the takeover, communication between the parties was conducted by telephone. There were no face-to-face negotiations. At 5:06 a.m., however, Sit-Con Gordon Wells informed the Situation Control Center that inmates had demanded direct negotiations with Commissioner Coughlin. Umina told him to reply that a panel of Sit-Cons would meet with them, and that, as a goodwill gesture, a representative of the Inspector General would also be present. But the Commissioner himself would not be available. Umina had also directed the Sit-Cons at the Messhall to threaten the inmates with a cut off of water if they did not comply.

B-Block contained two televisions and an undetermined number of radios. Correction officials did not want the prisoners to know what was being said about the situation, fearing that such reports might inflame or strengthen the hostage-takers, and thus they decided to cut them off from the outside world. At 7:25 a.m. Deputy Commissioner Gard called Umina to inform him that electricity was being shut off in B-Block. Umina in turn informed his Sit-Cons. A few minutes later, reports were received that power in the block and the Chapel had indeed been shut off.

Shortly after the decision had been made to turn off the electricity, Sit-Cons reported that inmates had been repeating their demands for the media and Kunstler, as well as demanding that CERT be removed from the prison perimeter. As word spread that the power had been cut, the inmates charged that the State negotiators had acted in bad faith, and said they wanted the electricity restored. They also offered a proposal: in exchange for electricity they would hand over an injured CO (Coleman) and try to negotiate an end to the crisis. The inmates also requested food for the hostages.

Attempts to negotiate were complicated by the intercession of a number of different inmates on the phone between the block and the Messhall. One of them - who sounded "excitable" - threatened harm to the hostages unless electricity was restored. But Umina and his team decided to try to talk their way through the deadline he had set, and the power remained off. Meanwhile, reports from the Department's listening posts indicated that the inmates' morale was high, and they were being exhorted in English and Spanish by a prisoner using a bullhorn. Sit-Cons at the Messhall gate were sprayed with water from a fire hose inside the block, and they informed the Situation Control Center that some inmates might resort to violence unless they received needed medication.

Discussions About the Media

Food for the hostages was sent to the Messhall at 8:53 a.m., but the inmates inside B-Block refused to discuss an exchange of sandwiches for hostages and again unleashed water from a fire hose at the Sit-Cons. Umina called Commissioner Coughlin to discuss various options, including a trade of food for half of the hostages, and access to ABC News in return for the rest. After this discussion, the Sit-Cons called the inmates to ask for a sign of good faith to open media negotiations. The inmates responded they would talk after the media had been brought to the

Messhall. At 9:45 a.m., Umina telephoned Gard to discuss the media issue. While they were talking, inmates broke off discussions with the Sit-Con negotiators over the issue of what would come first - the release of a hostage, or access to the media. The negotiators called Control to recommend visibility of a reporter in exchange for one hostage release. But Gard said he would only settle for half of the hostages in return for such a visual. Commissioner Coughlin approved Gard's suggestion. However, when this proposal was offered to the inmates, they did not respond. Then, half-an-hour later, the inmates told the Sit-Cons they had sick people to send out of the block, and they also suggested they might be willing to release Officer James Taylor.

Assault Readiness

Meanwhile, as the Sit-Cons and inmates were trying to negotiate media access and other issues, DOCS' Command Post had been preparing for a possible CERT assault on B-Block. At 6:30 a.m., Green Haven's CERT Team had arrived at the nearby Chapel, one squad at a time, and assumed positions to secure the building and all entrances to B-Block. Downstate and Fishkill CERT remained outside the outer perimeter of B-Block, in the National Guard Armory. As CERT was completing its contingency plans, Commissioner Coughlin met with the hostages' anxious relatives to explain the status of the negotiations.* These plans were ready at 9:45 a.m. and Coughlin was briefed at that time. The CERT Commander briefed the

* Throughout the crisis, DOCS Officials attempted to provide information and emotional support to the hostages' families. Three hours after the takeover, Deputy Superintendent Carriero arrived in the facility and was advised by Superintendent Walters to notify the families of officers who had been calling the prison for information about their loved ones. During the early hours of the disturbance, a flood of such calls streamed into the OCF switchboard, and a system had to be worked out to deal with worried relatives. This process was complicated by the fact that prison officials were not sure until the very end of the disturbance that they had a complete list of the hostages, and there was scant information available about the condition of those being held.

Officer Peryea spoke with the hostages' relatives at 8 a.m. on Sunday, and Commissioner Coughlin's personal meeting occurred at 8:30 a.m. Executive Deputy Commissioner Lightfoot would meet with the families several times during their long ordeal.

commissioner and his staff again at 10:14 a.m., and afterward Commissioner Coughlin and Executive Deputy Commissioner Lighfoot again met with the hostages' families. Lightfoot and Gard resumed their discussions with CERT about assault strategy.

Governor Establishes Command Post

As the takeover approached its twelfth hour and tensions at the scene seemed more acute, Governor Cuomo assembled some of his key staff in his New York City office. His secretary (DeI Guidice), press spokesman (Russert), special counsel (Fabian Palomino), and special adviser (Andrew Cuomo) were already in New York, and they went to the executive suite on the 57th floor of the World Trade Center to join the Governor. At 7:40 a.m., I was contacted at my home and flew to New York to join the others. Alice G. Daniel, counsel to the Governor, was also kept informed of developments. She remained in Albany.

Inmates Released

At 10:30 a.m., four inmates carrying an inmate on a stretcher were spotted coming out of B-Block. The inmates said they were suffering from medical problems - chest pains, a need for insulin, and other discomforts. Their reports that the hostages were safe and unharmed had an immediate calming effect on the State's forces, some of whom had become extremely concerned over the lack of information from inside B-Block.

These inmates also provided useful intelligence about the causes of the disturbance and conditions in the block. Their consensus was that the disturbance had been spontaneous. The precipitator had been Sergeant Cunningham, and who had arbitrarily cut their recreation privileges and then turned back the inmates from the Garage because of a flood. They said the inmates had many complaints about limited programs - visits, recreation, commissary, medical attention, food, Transient Inmate status, and so on. It was unclear who was in control, but it was clear that the hostage-holders wanted media access and promised program improvements

before they would negotiate or release their hostages.

Even as this information was being elicited and passed on to Situation Control and Command, four more inmates with medical problems and waving a white flag were let out of the block's northeast side, into the waiting arms of CERT. The four basically repeated what the others released earlier had said, adding a few other bits of information. The officers were reportedly being held in locked cells on U and Z galleries, guarded by inmates who did not have the keys necessary to let them out; three Puerto Ricans appeared to be in control; Muslims were keeping the peace, but might want to be in charge; some of the inmates were demanding amnesty.

Immediately after these inmates were picked up by CERT, a telephone call from B-block was received in the Watch Commander's Office. Hostage James Taylor stressed the need for electricity to be restored and for the inmates to be allowed news coverage to express their gripes. An anonymous inmate also said the prisoners wanted a recognizable news representative to be allowed into the B-Block Messhall.

The multiple release of people with medical problems had resulted in intensified actions to accommodate the injured or sick. At 11:31 a.m., all DOCS medical personnel were placed on alert and full emergency measures went into effect. A few minutes later, Superintendent Walters asked cooperation from the Ossining Volunteer Ambulance Corps, and Phelps Memorial Hospital announced it would relieve medical staff at the scene, if necessary. Volunteer assistance was also pledged from Dutchess and Putnam counties.

Face-to-Face Negotiations

At 1:20 p.m., five inmates appeared at the gate to the Messhall for the first face-to-face meeting between the prisoners and the State.

During discussions with the Sit-Cons they asked to speak with the Commission of Correction, the DOCS Inspector General, and attorney William Kunstler, and suggested that it might be possible to exchange all of the hostages for a meeting with the media. The Sit-Cons also spoke briefly with hostage Barry Clark at the gate, and for awhile it seemed that the officer might be released as a show of good faith. But the deal broke down and several inmates came out instead. Over the next two hours, no positive developments occurred and the Sit-Con Control Center recorded that the situation appeared to be deteriorating.

At 3:40 p.m., Commissioner Coughlin entered the Control Center to propose a two-phase plan of action. In the first phase, inmates would tape record their grievances and the tape would then be released to the media in exchange for all of the hostages. Phase Two, which would be added if the inmates rejected the first offer, called for a television crew with a known news personality to film the release of the hostages. But precautions were to be taken to ensure that no inmates would be filmed. The release would be witnessed by the IG and the Commission of Correction. The inmates would also be allowed to select a spokesman who would have a taped (but not filmed) interview with the media.

A new negotiating team was dispatched to the Messhall to try to sell the deal, but the inmates appeared so impatient that Deputy Commissioner Gard authorized the negotiators to proceed directly into Phase Two. After half-an-hour of discussion, the inmate negotiators said they wanted a face-to-face meeting in B-Yard with the State's negotiating team, the IG, and the Commission of Correction. The Sit-Cons offered instead to meet in B-Block Messhall. Those present were to include the Inspector General, a Commission representative, and one Sit-Con for the State, and two inmate representatives.

Over the next hour, however, efforts to get the inmates to accept a tape recorder were unsuccessful, and inmates in the block were yelling for the media. An inmate at the gate claimed to have heard a noise on the

catwalks and threatened to cut off negotiations as a result. The Listening Posts detected sounds indicating that the hostages were being moved and inmates were shoring up their barricades, especially at the plywood area.

Attempts continued to start face-to-face negotiations in the Messhall, and finally, at about 7:20 p.m., a five-man negotiating committee emerged from the block and went to a table to begin sit-down talks.

Behind the scenes, status reports on the negotiations were being relayed to Situation Control, which relayed its information and analysis to Commissioner Coughlin's Command Post. Commissioner Coughlin, in turn, remained in close contact with Governor Cuomo's Command Post in New York City. (See Figure 2.) Throughout the balance of the crisis, this collaborative arrangement generally produced excellent communications between the various parties, and enabled many important details to be worked out quickly and effectively.*

At 7:55 p.m., the inmate committee gave the Sit-Cons a list of six demands:

1. Sergeant Cunningham removed from the block.
2. More recreation time
3. More programs
4. Changes in transfer status
5. Package privileges for transient inmates
6. Easement of prison overcrowding.

* Commissioner Coughlin's Command Post was also visited by Chairman McNiff of the Commission of Correction, John Burke of Council 82, and other key parties. Kenneth Jackson of the Commission's Citizens' Policy and Complaint Review Board was also present.

The inmates also said they wanted Superintendent Walters to guarantee that these issues would be addressed, and they wanted media coverage of the hostages' release. But, the Sit-Cons responded that the inmates would have to release the hostages before an agreement could be reached. Meanwhile they sent the list to Assistant Commissioner Broaddus for review. While this was going on, the prisoners continued to request medication for inmates with health problems, and food for the hostages.

At 8:10 p.m., the inmates reported that all hostages were safe and accounted for, and they turned over a list of 17 men - 16 officers and one sergeant. A few minutes later they added amnesty to their list of demands. In response, the Sit-Cons said amnesty would not be used as a condition of release, and both sides agreed that CERT would not use physical force to retake the block. This would be insured by precautions taken by the inmates and the State. First, the prisoners would have their leaders get all of the inmates to lock in their cells and prepare themselves for a thorough shakedown of the block. Second, the Inspector General and Superintendent Walters would monitor re-entry.*

The discussion then moved on to media issues, with the understanding that amnesty would be considered later. The Sit-Con's proposal was for DOCS personnel to enter the Messhall and signal the inmates to bring out the hostages. As they were being released, the hostages would be filmed by a member of the news media. Then the television camera would be removed and the reporter would remain in the Messhall to discuss listed

* The Governor and his aides also devoted special attention to the prevention of physical reprisals, and conveyed their thoughts and concerns to Commissioner Coughlin.

issues with an inmate spokesman. The reporter would later be able to report the inmates' grievances, but without a filmed version of the interview.

The inmates' elected five-man sit-down negotiating committee continued to air their grievances to the Sit-Cons. Transient Inmate status was one of them, and they particularly complained about some TIs spending several months at Ossining with restricted privileges for receiving packages, visits, recreation, and other programs. Slow health care and bad food were also cited. Several complaints were registered concerning Sgt. Cunningham.

Commissioner Coughlin discussed each point with Governor Cuomo and his advisors, and a clear understanding was reached about the State's position on each issue. Special attention was devoted to the matters of physical reprisals and amnesty. Internally, it was decided that corrections personnel found to have engaged in physical reprisals would be prosecuted, and care would be taken to utilize officers from facilities other than Ossining to retake the block. Amnesty was not even to be discussed until the hostages were released.

Berkowitz and His Crew Arrive

Reports from the scene were optimistic. It appeared that the parties were close to a negotiated settlement. In anticipation of the selection of a suitable media representative to complete the deal, at 9:10 p.m. Public Information Officer Ganim of DOCS took down the names of all television reporters on the scene and transmitted them to Commissioner Coughlin. A few minutes later, Bob Berkowitz of ABC News was selected as

the media representative to enter the negotiating area.* He arrived in the Messhall with IG Malone at 10:15 p.m. and was introduced to the members of the inmate committee. Malone and the inmates went over the wording of a No-Retaliation document he had been asked to sign. Then he put his signature to the following document:

Jan. 10, 1983

TO B BLOCK POPULATION

This will guarantee that the Department of Correctional Services will not engage in any retaliatory actions against any of the B Block population as a result of an incident that began on Sat. Jan. 9 [sic], 1983.

BRIAN D. MALONE
Inspector General
[witnessed and dated]

Upon arrival of the ABC-TV camera and sound crew, the process for hostage release was set to begin. The inmates unlocked the gate and re-entered B-Block to remove the hostages, and the television cameras began to roll in preparation for the hostages' appearance. Inside the block, inmates cheered when notified about the media's arrival, and the hostages were removed from the cells and told they would soon be released. A male nurse entered the Messhall to await the hostages and word was passed to the inmates that their requested medication was on the way.

Setback

Just when it appeared that a settlement had been reached, and the release of the hostages was imminent, the situation changed dramatically.

* Berkowitz, 32, was a veteran of both broadcast and print journalism. After the disturbance he explained: "We resisted as much as we could the temptation to become part of the [negotiation] process. It was an uncomfortable position."

Shortly before 8 p.m., Commissioner Coughlin had received a call at Ossining from an aide to Senator Ralph J. Marino (R-East Muttontown), the chairman of the Senate Crime and Correction Committee, advising Coughlin that Marino and Senator James J. Lack (R-East Northport) were en route back to Albany and that they intended to stop by the prison to check on the situation. Upon being informed of this development, Governor Cuomo instructed Mr. Del Guidice and Commissioner Coughlin to tell the senators that the Governor would be pleased to speak with them directly. He also told them to keep the legislative leaders away from the situation, which was in a delicate stage.

Senator Marino telephoned the Governor at about 8:15 p.m. Senator Marino said that during their conversation, the Governor told him that if he and Senator Lack did go to the prison, they would be met by Commissioner Coughlin and told to contact the Governor. Aides to the Governor recalled that Senator Marino had been told it would not be helpful for him to go to Ossining. Commissioner Coughlin had been instructed not to allow him to become involved in the situation. Commissioner Coughlin later said that accordingly, Executive Deputy Commissioner Lightfoot was asked to go to the prison's outer gate to bar Senator Marino if he did arrive.

Senators Marino and Lack arrived at Ossining shortly after 9 p.m. (as negotiations were going on in the Messhall, and shortly before the media representative was selected to film the hostages' release). According to the Inspector General's log, at 9:13 p.m., Lightfoot denied entrance to the two senators and updated them on the situation.*

* According to another account, published in The New York Times on Jan. 12, "Mr. Coughlin said that Mr. Lightfoot arrived at the gate too late to intercept the Senator and that once Mr. Marino was inside, Mr. Lightfoot further disobeyed instructions by briefing Mr. Marino on the negotiations." Senator Marino later said that Lightfoot briefed him on the situation and authorized him to speak to the press, adding that "whatever I did I felt I did after consultation with a responsible person from the Correction Department in an effort to let the public know what was going on at that point. Since I had concluded that negotiations had pretty much terminated, I didn't see that there would be any harm to the hostages as a result of anything I might say."

Senator Marino emerged from the prison and told a television reporter that the hostages would be released "in a short time, one by one." He also said on live TV that the hostages were being protected by Muslim inmates, that 80 percent of the inmates did not want to be involved in the disturbance, that most of their demands seemed reasonable, but that the inmates would not be granted amnesty.

An hour after Senator Marino's interview, Berkowitz and his crew were set up at the Messhall gate, ready to film the hostages' release that was thought to be imminent. Although amnesty had not been formally discussed or part of any written agreement, both sides in the negotiation had arrived at a No-Reprisals document and agreed to consider the amnesty question after the officers were released.*

Shortly after 11 p.m. both televisions in B-Block transmitted Senator Marino's comments on the late news, and some of the inmates who were listening immediately became enraged.** Some of the Muslims, who had been a moderating force and helped to safeguard the hostages, felt that they had been unfairly singled out as ringleaders of the takeover. Others resented the suggestion that the majority of inmates did not support the uprising or the demands for better treatment. And some inmates felt betrayed by the State or their negotiators, since it now seemed that the State never had any intention to grant amnesty, regardless of what had been said during the negotiations.

The situation immediately became very tense. From B-Block a cry went out: "Throw out some bodies!" Members of the inmate negotiating team quickly sought clarification about amnesty. Support for the inmates' sit-down committee eroded, and the Sit-Cons reported that the prisoners seemed leaderless. Inside Situation Control, Commissioner Coughlin's Command Post, and the Governor's Command Post, staff scurried to determine what

* Chairman McNiff later commented to the press: "All we were saying was we'd discuss (amnesty) if they'd let the hostages go. We held it open to the crazies who thought they might get it."

** The sets were on because electricity to the block had been restored.

had gone wrong. The State took the position that it had fulfilled its part of the agreement - amnesty was not supposed to have been discussed until the hostages were released. The Sit-Cons also tried to assure the inmates that Senator Marino was not in command of the negotiations. Governor Cuomo was angry that his instructions regarding Senator Marino had not been followed, and Commissioner Coughlin said he would get to the bottom of the matter. With conditions seeming unstable, at 12:18 a.m., Berkowitz and his crew were removed from the negotiating area.

Restoring Order

Throughout the night, both sides struggled to restore order. The inmates moved the hostages to other locations and placed them under tight guard, and their negotiating committee tried unsuccessfully to get the population to agree to a settlement. Berkowitz was ushered into the Command Post to speak with Commissioner Coughlin and Governor Cuomo.* Meanwhile, the CERT teams, which had been at the scene for 24 hours, were relieved by fresh teams from Arthur Kill and Eastern, and Mr. Del Guidice and Commissioner Coughlin each spoke with Senator Marino to ensure that he understood the situation. Increased attention was devoted to food, water, heat, electricity, and medication inside the block.

As daylight approached, concern focused on the need to send the inmates a signal by cutting off water, heat or power - especially since the TV morning news would soon be on and it might contain something that could further inflame the inmates. Commissioner Coughlin shut off heat to the block, knowing that it would take an hour or so for the inmates to feel the cold. Other shutoffs were delayed, at least for the time being.**

* Berkowitz took the position that he had been drawn from a pool of reporters and allowed into the facility; he had a duty to report what he observed. By mutual agreement, he remained in the facility.

** Inmates in the block set fires to keep warm, posing a fire hazard.

At 7:30 p.m., after consultation with Commissioner Coughlin, Governor Cuomo released a brief statement, saying:

Negotiations continue.

We believe the seventeen hostages have not been harmed. Last night, the inmates agreed to allow them to be fed.

The inmates have submitted a list of requests. We will make no decision or response to any of these requests until the hostages are released.

Our two fundamental concerns remain the same. First, the safety of the hostages. Second, concern that other guards and inmates could be endangered by an agreement that would unduly erode the authority of the State.

We have not left the Command Post. The situation continues to have my complete energy and attention.

Meanwhile, some of the inmates were preparing to send a signal of their own. Inmate Luther Morrison, who was not a member of the five-man negotiating committee, spoke with the Sit-Cons about the wording of the No-Retaliation agreement. In exchange for a better agreement, he proposed to deliver one officer and a sick inmate as a show of good faith.

Officer Taylor Released

A few minutes later, at 8:20 a.m., the gate from B-Block opened and seven individuals entered the Messhall. Four of the men sat down at the negotiating table and the other three continued through the Messhall toward the Administration Building. Two of them were sick inmates and the other was Officer James "Pop" Taylor, the oldest hostage. Taylor and the two inmates were escorted to the Hospital, where they were examined and questioned by the IG.*

* No notes or transcripts were provided of these debriefings. However, other records indicate that Officer Taylor said the hostages were in good condition and that they had been well protected by their inmate guards, who had often fought off attempts by other prisoners to get at the officers. This report that some inmates had wanted to harm the hostages was not reassuring to State officials.

Negotiations Resume

Meanwhile, the inmates had replaced two members of their sit-down committee, and the new group resumed face-to-face negotiations with the Sit-Cons. Two lists of demands and complaints were offered. The first covered packages, mail, TI status, Sgt. Cunningham, no retaliation, personal property and contraband, recreational hours, and food service improvements. The second dealt with a meeting with the Attorney General to discuss amnesty, medical help before release, and inmate crimes related to the disturbance. (See Appendix.) No agreement was reached.

The talks were interrupted at 12:40 p.m. by the release from the block of an inmate who had been stabbed in the head.* He was immediately taken to the prison Hospital for treatment and debriefing, and a status report on his injury was given to Situation Control, Ossining Command, and New York Command. A few minutes later, negotiations were adjourned to give both sides an opportunity to meet with their respective groups.

While this was going on, inmates in B-Block continued to request controlled medication for prisoners with diabetes and other health problems, as well as heat and food for the general population. The response: such requests would be honored only upon release of all hostages from the block. The inmates also said they were awaiting a memo of agreement from the Inspector General that would go into effect when the hostages were released.

Following a point-by-point review and input from Governor Cuomo, Commissioner Coughlin, and their advisors, the following document was drawn and signed at 3:45 p.m. by IG Malone and Superintendent Walters:

** This inmate's wound is discussed later in this Report, in the section about inmates injured during the disturbance.

THE TERMS OF THIS AGREEMENT BECOME VALID UPON RELEASE OF ALL DOCS STAFF
IN B BLOCK

1. Inmates in transit status to be transferred on a numerical basis, longest in, first out.
2. Inmates in transit status will receive packages as follows: one a month, after three months, same as general population.
3. Supervisors of Transit Unit will adhere to all rules.
4. Program space for inmates in transit will be increased as required and based on completion of current construction.
5. Recreation hours for inmates in transit status will be adhered to.
6. Mail will be delivered as normal.
7. All inmates in B Block will receive required medical attention.
8. Members of the Inspector General's Office, as well as the Commission on Correction will monitor the CERT procedures during the re-entry in B Block.
9. Media will be present during the release of DOCS staff but not in B Block.
10. No form of retaliation whatsoever will occur against any B Block inmates as a result of the incident on 1/10/83 [sic].

WILSON E. J. WALTERS
SUPERINTENDENT

BRIAN MALONE
INSPECTOR GENERAL

After the agreement was signed by Malone and Walters, the ABC-TV crew was allowed to return to the Messhall to prepare for the possible filming of the hostages' release. The members of the inmate negotiating team returned to the bargaining table to meet with the Sit-Cons. These talks continued until 5:20 p.m., when the inmates were given a 15-minute deadline to accept the agreement or return to B-Block to discuss it with the population. One minute before the deadline, one of the inmate team went to the block to try to sell the deal. A few minutes later, he returned to the Messhall to take another team member back to the block with him. Inside the block, a group of inmates congregated around the grill gate, yelling. Then, at 5:50 p.m., negotiations ended without agreement and the remaining members of the inmate committee departed.

Hostages Paraded

As State officials awaited their response, shortly after 6 p.m., DOCS broke an 11-hour official silence by holding a press briefing in the prison's Administration Building. "We've been negotiating all day with the inmates," the Department's official spokesman reported. "We've made a deal with them and we're waiting to hear from them. We're waiting for them to come back to us with, we hope, the release of the hostages... As far as we know, the hostages are in good shape. We expect to get a positive answer. We would like to have the hostages released all at once." The Public Information Officer declined to give details about the proposed deal, or to speculate on how long it might take before the hostages were freed. But as he spoke, other members of the news media, who were assembled on a hill overlooking the east side of B-Block, were seeing, hearing, and recording contrary messages from the inmates.* State officials had been aware throughout the day that the inmates had unfurled banners, calling for the media to report their plight, and corrections staff had also been in the vicinity when prisoners yelled audible messages

* The journalists and other members of the public occupied this area for the duration of the siege, despite some efforts by State officials to get them to move. Authorities concluded that because the land was not owned by the State, they could not force the spectators to leave the area.

to the crowd. But no system was established to monitor the information coming from that source, and officials in Situation Control and both Command Posts were unaware of what was being communicated from that area of the block. As a result, reporters from major news networks, newspapers, and wire services received and transmitted information to the public which State authorities did not have. While Ganim was telling some journalists that a deal had been reached, inmates in B-Block used a bullhorn to accuse the State of deception and callousness.

"They're trying to insult our intelligence," one inmate yelled. "Come down, Governor Cuomo!" Then, an individual identifying himself as Officer Marcus Mendez, badge number 10826, shouted to the crowd in an emotional voice: "Mr. Cuomo! I'm begging you to get me out. Help us. Everybody's OK, nobody's hurt. Mr. Cuomo, you are my only hope."*

Another person, identifying himself as a prisoner, yelled: "We're trying to resolve this peacefully. We want the officers' families to know there will be no harm to them, but we want to see Governor Cuomo with the media." Then he turned the bullhorn over to another man, who said he was Officer Barry Clark.

This is Officer Clark. Stop lying to them. Is my wife out there? Why do you keep playing with our lives? Don't you have any sympathy? There are 16 bodies in here. You aren't even concerned about that. You want my job? You can have it. It's not worth much anyway if they take my life. They want the media in here. We want the Governor to come down here. I have respect for the inmates. They're keeping us warm, they're feeding us.

Then a third hostage, Officer Randy Gorr, addressed the crowd:

* Mendez and several inmate witnesses later said he had been brought to the window at knife-point and threatened with harm unless he made these statements. Officer Mendez later told a reporter for Newsday, "When I went to speak into the bullhorn...[an] inmate went to stick me. But then someone threw a harpoon at him and it stuck into a wooden table. When I was coming down from the cells, the protectors surrounded me."

This is Officer Gorr... I'm not being forced to talk. They have 16 officers in here and I think we can get this wrapped up and over with without anybody getting hurt.

Gorr asked for his wife, but she was not in the vicinity. Then another voice was heard. Sergeant Berry Madden said calmly, "The inmates are treating us well..."

A few minutes later, when told of this spectacle, Department officials discounted the reports, saying the speakers had actually been inmates, posing as officers. A television reporter who had broadcast an account of the incident was also accused by some corrections personnel as having "faked" the story. But the new accounts, which were accurate, were widely reported, and the incident was one of the most dramatic scenes of the entire siege.

Four Hostages Released

While outsiders were focusing on the statements being made in the Administration Building or the east windows of B-Block, official attention was fixed on the Messhall, to which the inmate negotiating team returned at 6:11 p.m. The prisoners' immediate demands were for medication and live television coverage, but the group seemed torn. One asked for the Commissioner, others wanted food. Officials in Situation Control and Command began to fear that the five-man committee was losing control.

The State's own negotiating forces reported that they were also in disarray. At 6:35 p.m. the Sit-Cons were removed from the Messhall and Dr. Broaddus took over the negotiations. Inmates seemed to be controlling the negotiating process, correction officers assigned to the Messhall to identify released hostages had been speaking directly with members of the inmate negotiating team, the neutral negotiating zone was violated by inmates who came and went at will from the Messhall, negotiators were distracted by the crackling of a facility radio and other annoying noise, and the Sit-Cons reported that their negotiating team concept appeared to have been "ignored."

CONTINUED

2 OF 4

Nevertheless, the negotiations continued. Food became the main carrot which the State offered, and shortly after trays of sandwiches and Kool-Aid began to arrive in the dining area, the inmates announced that four hostages would be released as a sign of good faith. Moments later, Officers Clark, Mendez, Gorr, and Romero were freed.

Although comprehensive hostage release procedures had been devised,* the initial scene was one of high emotion and confusion. As the first ex-hostage came through the Messhall gate, and was approached by a Sit-Con greeter, the officer hollered: "Don't touch me! You people are not doing anything, and you're going to get them all killed." Another ex-hostage was scurrying in circles, crying, and saying: "You've got to get the media to tell them inside that they won't get beat up." Upon looking around, another former hostage exclaimed that there were no news media visible. One of the officers went over to shake hands with the members of the inmate negotiating team, especially a Muslim leader. He told the inmate he would not leave the scene until he spoke with the media and promised, "I'll go back inside if I have to." Another refused to leave the Messhall until he was told why the news media was not present. "What is this?" he shouted. "There's no media here. I've got to tell them, I promised these guys, they kept me alive, they protected me!" One of the officers kept saying he had to speak with his Muslim brother in B-Block, to tell him that he would be sure to tell the Commissioner how important it was for the media to be involved and for precautions to be taken to prevent reprisals. Department personnel listened as the former hostages recounted their ordeal and pleaded for a peaceful solution to the crisis.

* These written procedures called for the following: "(1) Hostages released via Storehouse exit from Messhall complex. (2) Hostages taken by van to Commissary receiving entrance at south gate of Chapel. Medical staff will be waiting. Ample space to change to new uniforms and receive cursory medical screening and whatever debriefing is required. (3) Hostages escorted in three vans to rear door. Area of Administration Building. Meet Commissioners and families on second floor. (4) Hostages, along with their families go to Phelps Memorial Hospital. At the hospital, in addition to indicated medical care, there are available Mental Hygiene Support Systems for released hostages and families. PLEASE NOTE: Early Intensive Psychotherapy is usually indicated for hostages and families following hostage situations. Our E.A.P. can initiate this activity if staff and families are willing to participate. (5) Exit via Ground Post 18 in appropriate vehicle to Phelps Memorial Hospital. (6) Hostages should be told when they are expected to return to duty."

Sergeant Ray Peters, a Sit-Con debriefer from Eastern, later noted that three of the hostages appeared to be exhibiting signs of "Stockholm Syndrome," and that their emotional state seemed so unstable they would have to be closely watched. Peters instructed the officer at the Chapel door to lock it, and

not to let any of the former hostages out unescorted, fearing that they may run towards one of the wall posts or back toward B block and get shot. I also had a Correction Officer stationed at the top of the stairs to prevent them from going to the phone, and in an area where they may see the CERT team. I called [Deputy] Commissioner Gard, and explained the urgency of the TV broadcasts and the emotional condition of [the released] hostages. I also asked him if any of the families were there, so that we can get them reunited as soon as possible.

Upon returning, I found [one hostage] at the top of the stairs [wanting] to get to Chapel to find a phone to call the media. Fortunately enough, Correction Officers were on hand to help restrain him and talk him down... I got him a pair of gray pants to get him out of those green inmate pants, but he refused them. After a while Sit-Con Rich Cash came on the scene and stayed with [the officer] until he came around.

Commissioner Lightfoot arrived on the scene at the Chapel and spoke to the former hostages. He mentioned that he had been a hostage before, but [this] didn't go over too good. The former hostages started becoming angry, and Commissioner Lightfoot left. Again I talked to Commissioner Gard and he said [two former hostages'] families were there. I had suggested getting [one of them] out of the Chapel as soon as possible, and he agreed and sent a van to get them to the Visiting Room where they could be reunited with their families. A few minutes later I was informed, that Commissionr Gard would come down to the Chapel himself. Commissioner Gard, Ron Mosses from Building 2 and I believe Commissioner McNiff came down rather soon. They listened to [two officers] vent their frustration about Sgt. Cunningham. [One ex-hostage said] Cunningham made him and [another officer] write up a bunch of inmates who weren't in their cells, even when they had legitimate reasons to be out... They felt him to be an unreasonable supervisor, and they claim that he is the reason that the entire incident occurred...

Settlement Reached

After the four ex-hostages were gone from the Messhall, corrections personnel continued to bring trays with sandwiches, meatloaf, juice,

medication, and cigarettes to the exchange area. At 8:30 p.m. utilities to the block were fully restored as a show of good faith. The trays remained in the Messhall, in view of the inmate negotiators.

At 9:38 p.m., the inmate negotiators again returned to B-Block to attempt a settlement. Outside the prison, correction officials and the news media heard inmates announcing in English and Spanish that all hostages would be released after the 10-point agreement was read over the news at 10:30 p.m. and 11 p.m. A few minutes later a spokesman announced over the block's public address system that the inmates had been justified in their actions, and that the prison Administration had made several concessions. These announcements were picked up and recorded by the electronic news media. They were subsequently read over WCBS-Radio, Channel 4 television, and other major New York outlets.

Hostages Freed

Following these broadcasts, movement was detected inside B-Block. At 11:12 p.m. inmates on the block side of the Bridge stated that they were waiting for the hostages to be brought down. Members of the inmate negotiating committee arrived at the gate, and at 11:26 p.m. the gate from B-Block to the Messhall opened and two correction officers were released. Karl H. Farquharson and Lawrence Nevers walked into the waiting arms of Department personnel, their eyes squinting from the bright lights of the ABC-TV camera.

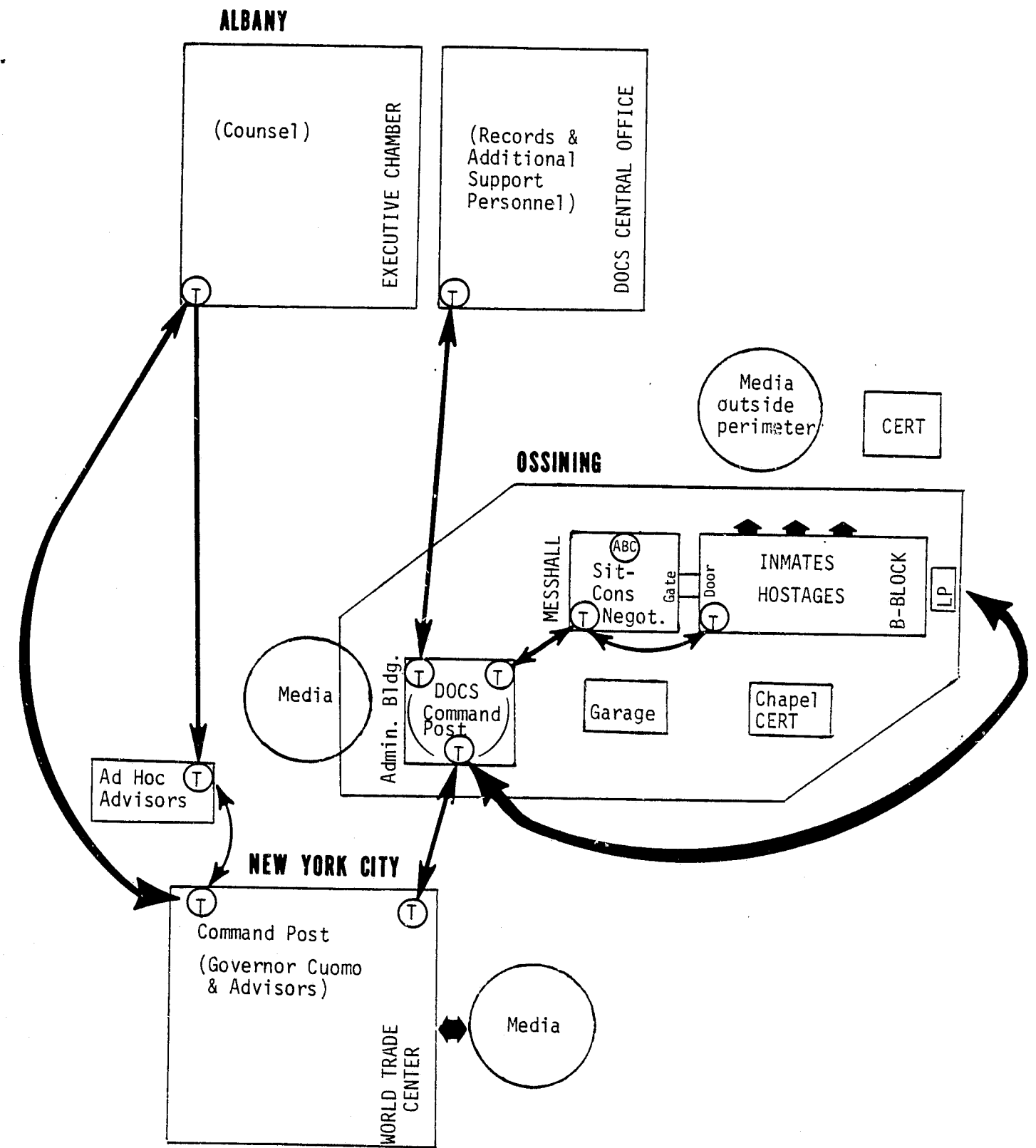
A few minutes later, John L. McNamara and William L. Marshall emerged. At 11:42 p.m. Curtis F. Struna and Edward L. Cross were greeted. Correction officials matched their faces against photographs or memory and checked off each name from the list of hostages. Over his open line to the Governor, Commissioner Coughlin relayed the news with an account of each man's appearance and behavior. Some of the former hostages started ripping off their inmate greens as they strode out of the block.

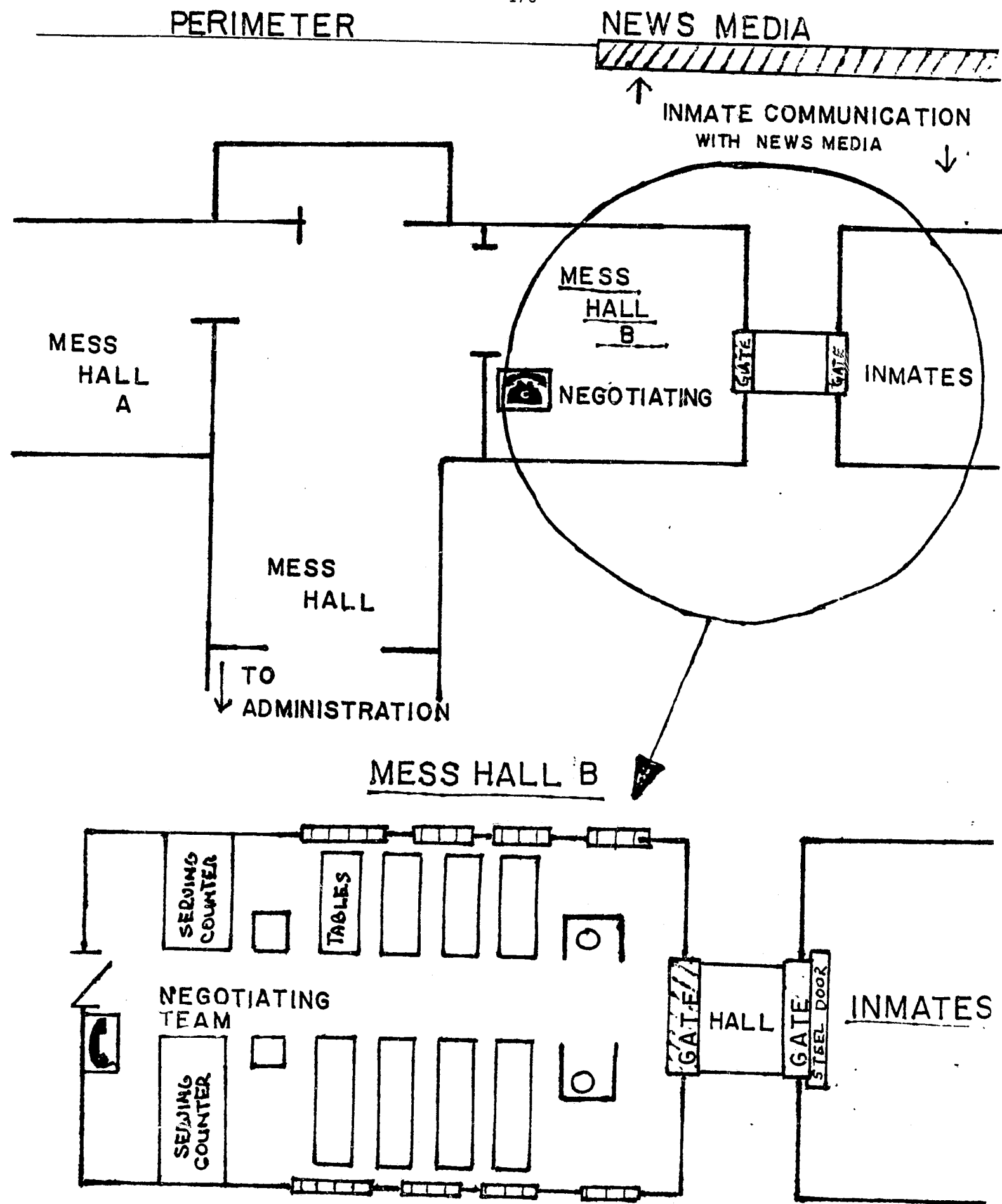
Robert N. Oney and Charles M. McNeil were the seventh and eighth officers in the procession. Nineteen minutes later, at 12:07 a.m., Ronald P. Coleman and Jerome O. Snyder appeared, leaving two more hostages inside B-Block.

Inmates told corrections officials there would be no more released unless food was sent to the block, but at 12:28 a.m., Sergeant Berry Madden and Roy F. Coffey, Jr. walked to freedom, and the Messhall resounded with cheers, clapping, shouts, and sounds from the rolling camera that was continuing to film the former hostages.

After the final release, the parties continued to conform to the agreement. Berkowitz was allowed to interview an inmate spokesman, Angel Montalvo, to record their grievances, and the trays of food and other necessities were given to inmates for distribution inside the block. By 1:15 a.m., all inmates were reported to be back in their cells and ready for CERT re-entry.

FIGURE 5: COMMUNICATIONS DURING THE OSSINING DISTURBANCE





THE RETAKING

B-Block Secured and Searched

At 1:30 a.m., CERT teams from three facilities (not including Ossining) entered B-Block with the Inspector General to lock and secure the housing area.* Great Meadow CERT was ordered to stand by with chemical agents, ready to assist if the other units met with hostility.

Upon entering the block, they encountered no resistance or hostility, and the inmates were already in their cells. At 1:35 a.m., one of the teams which had entered the block arrived at the Messhall, where it was joined by two other teams which came into the block via the Bridge, accompanied by Deputy Commissioner Gard and other Central Office personnel.**

Ten minutes later, Arthur Kill CERT proceeded to X-gallery, where it began to secure the inmates' cells. When this was completed, it went on to do the same for S and W galleries. When the entire block was secure, Coxsackie and Great Meadow CERT went to the Gym to sleep for a few hours before beginning their search. After eating breakfast, at 10:38 a.m., the teams reentered B-Block to conduct their frisk.

Procedures for the CERT search were set forth in DOCS Directive #4910, which called for a thorough and orderly search, the results of which were to be recorded in written logs. The teams conducting the frisk of B-Block included Great Meadow, Coxsackie and Woodbourne.

* Arthur Kill, Wallkill, and Coxsackie CERT were those assigned to this operation. The Department did not have a written directive governing procedures for the retaking or securing of a cellblock or facility, nor did CERT's Manual Emergency Plan.

** Coxsackie, Great Meadow, and Woodbourne CERT.

At 1:45 p.m., hundreds of makeshift weapons were brought out of the block and deposited in the Messhall, and a half-hour later more weapons were cleared from the galleries where they had been thrown by inmates before CERT's arrival. DOCS investigators took photographs of the exterior and interior of the block. They showed moderate damage to the housing area, particularly the Sergeant's desk, graffiti on several walls (much of it containing threats to female correction officers), uncoiled firehoses in pools of water, and piles of debris strewn about the flats.* (See photographs following page 181.) The search took five hours and ended at 3:42 p.m. It was monitored by four staff from the Commission of Correction, one of whom later reported: "This staff member did not personally see any unusual incidents on any of the blocks that I monitored," including B-Block.** Commission Chairman McNiff later reported: "Observation did not reveal any retaliation towards B-Block inmates."

Very few inmates from B-Block complained about the CERT shakedown, when interviewed by the Inspector General. One inmate, who had served as a member of the inmate negotiating team, said that CERT had "damaged \$1200 worth of legal material and personal property," and he added: "At no time did I see no investigators from the IG office or State Commission of Correction." Another inmate told the IG he was keeplocked for 12 days for not removing his rosary during the CERT search.

* The damage was later estimated at \$54,108 - \$40,500 for replacement and repair of materials, and \$13,608 for labor costs of maintenance and repairs.

** The above sentence is the only statement from any of the monitors which pertains to the search of B-Block.

The only other known account by an inmate in B-Block describing the shakedown is a 60-page manuscript, parts of which were published in Newsday on March 27, under the pseudonym of Thomas Lee. Writing that he awakened by the sound of marching footsteps, the author says, "I consciously glanced quickly around my cell, searching for any possible elements of contraband...I could hear them clearly below me now, shouting orders to the inmates who occupied the cells directly below me: 'Boy, didn't I tell you to stand there and don't move...That's right, boy, you always say yes sir when an officer speaks to you.'"

5 Building Searched

From 4:34 to 6:30 p.m., Great Meadow and Coxsackie CERT frisked 5 Building, which had not been taken over by inmates during the disturbance. This operation was not monitored by members of the Commission staff, but no unusual incidents were reported by DOCS personnel, other than one inmate who temporarily refused to submit to a search. The final entry in the Inspector General's chronology of the disturbance reports that at 8:30 p.m. on Jan. 11: "All CERT TEAMS have departed Ossining Correctional Facility. NO complaints of any violations of DOCS Rules & Regulations [were] received by the Inspector General's Office."

Searches on Jan. 12

However, additional CERT searches of OCF housing areas were in fact conducted the next day, and they resulted in at least three reported Unusual Incidents as well as several inmate complaints.* An inmate

* At 9:15 a.m., during a second frisk of 5 Building, an inmate allegedly became disruptive and attempted to incite others to riot, according to a facility report. The inmate was reportedly placed in flex cuffs and removed to the Special Housing Unit, where, after the cuffs were removed, he allegedly struck two correction officers and bit one on the neck. Two other incidents involving Fishkill CERT's search of A-Block also resulted in alleged inmate attacks on COs, and in both cases the inmates were sent to Special Housing.

housed in 7 Building (the Honor Block) reported in a front-page article in the Village Voice that he was not personally harrassed, but:

The guy in the next cell had drawn two vicious, redneck crackers. And the young white inmate next to him had two who were even worse. They tore into cells with a fury, wrecking everything the inmates had, all the while trying to provoke them into responding. Later I learned that some of them, quite a few in fact, had tried to provoke black inmates to respond by repeated racial insults. They shoved one black inmate up against the wall and, in addition to calling him all kind of niggers, told him they would ram their nightsticks up his ass. Two of them stood in front of another black inmate's cell and started jumping up and down and making sounds like a monkey and asking the inmate was he ready for his banana.

After the article appeared, three Commission of Correction staff members filed memoranda with their bureau chief concerning the shakedown of 7 Building. According to one of them, he and the other Commissions staff arrived at 7 Building (the Honor Block) at about 1:30 p.m., and advised inmate trustees on the block to arrange their personal property so it could be searched with little or no problem. "Some inmates complied and others didn't," this COC staffer wrote. Commission personnel then advised a number of inmates to prepare themselves and their property for the scheduled shakedown. He added:

At about 2:35 p.m. the CERT team arrived and began the "shakedown" of Building #7. Commission...staff stationed ourselves on each of the three tiers and moved freely from tier to tier at random. During the shakedown, [I] saw no destruction or confiscation of personal property that was not considered contraband. All contraband was removed from the housing areas. On the whole, this operation went smoothly. No horror stories have arose from the inmates as they did from the CERT operation that was conducted at the Westchester County Jail in July of 1981.

Another inspector agreed, saying:

I did not witness any physical or verbal abuse by either inmates or officers. Any confiscated property was observed to be documented and stored in bags with the inmate's name, number, location, and contents. In my opinion, the operation went well. I personally observed and stood in front of various cells during the frisk operations. At no time did any inmate voice any objections to the search being conducted.

A third inspector from the Commission also reported that he had not witnessed any physical or verbal abuse of inmates by CERT, nor any destruction of inmate property. He added:

This staff member is of the opinion that abuses could have occurred because he was moving to various areas of this unit. However, he did not see or hear of any incidents in this unit. It is felt that the CERT operation in Building 7 went smoothly and without confrontation because Commisison staff members were present.

Although a Commission of Correction staff member later reported that he had monitored the A-Block search, without seeing any unusual incidents, the facility later reported two such incidents in that block - both of them involving alleged attacks by inmates on correction officers during the frisk by Fishkill CERT.*

* An anonymous inmate also published an account of the A-Block shakedown in Newsday, in which he wrote: "The men in orange marched through our block with pulsating thump that assured us of their presence. As the groups of angry officers (passed) our cells, then it started, a call for keys and the opening of cells, the ripping and tearing, glass breaking as the rest of us waiting in our locked cells, waiting our turn as the sounds slowly came closer. I got dressed and stripped my bed and cleared off my storage table, neatly placing all my belongings on the floor and placing all my clothing on the bedsprings after folding the mattress. Then the wait and the fear of what they might break or rip up...Then they were next door and I knew I was next...One stood outside clutching this jet-black riot stick, twisting it in the palm of one hand while the other began searching my cell. My efforts had paid off in preparing my cell for the job he had to do...Soon the search was over, everything in its place."

UNION REACTION

Council 82

After the disturbance, John Burke, President of Council 82, publicly gave Governor Cuomo high grades for the way he handled the crisis. He termed the Governor's response "immediate and effective" and cited him for his personal involvement in trying to resolve the crisis. In an interview with the Troy Times Record, published on Jan. 17, Burke said: "The specifics in that involvement included sending a helicopter to my Elmira home to speed me to Ossining. I, in turn, was able to speed our union's communication and continue in lessening apprehension and tensions of corrections officers across the state, comforting hostages' families and having first-hand involvement." Communication between the Governor's office and DOCS' Command Post "could not have been better," as far as he was concerned. Burke has also cited the Sit-Cons and CERT for working well toward a safe resolution of the insurrection.

He said the union is "concerned" over the placement of older inmates from Ossining with the younger population at Coxsackie, adding, "there's always the possibility of older inmates intimidating the younger inmates." He insists: "We cannot afford to gamble or risk another hostage-taking incident in this State."

In a recent interview for this Report, Burke called Superintendent Walters "an incompetent," and said he had recommended to Coughlin that Walters be replaced with a more decisive individual (whom he declined to identify). Burke's heaviest criticism relating to the disturbance was directed at some members of the news media, whom he calls "irresponsible...subversive...locusts...out to sensationalize," and other less flattering names.

Local 1413

Since the disturbance, president Wilfred Flecha of Ossining's union local has stressed, "This rebellion was not against the officers; it was

against the system. We share the same common concern for the lack of support services and programs. I'd categorize our relationship [with the inmates] as friendly." In an interview for this Report, Flecha said that OCF was suffering from "terrible mismanagement" at the time of the riot, and he warned that this mismanagement is continuing. Superintendent Walters, he says, is incapable of taking decisive action to remedy problems. "The Administration won't take a stand, and it isn't able to reach a solution. We had communicated our problems to them, but they would not - do not - act upon them." Flecha pointed to continuing problems within OCF, noting that A-Block inmates recently submitted a 25-page petition of demands to the prison Administration, calling for improvements and setting a deadline for action by Walters. "Many of the officers are apprehensive about further trouble," he said. "I think the inmates will go off again."

Shortly after the disturbance, Flecha tried to counter reports that some former hostages are not cooperating with prosecutors by saying, "Some of the officers are taking the attitude that they will wait and see what the investigation reveals. Some will...point out individuals involved, but not at this time [also] because of the trauma they're overcoming. They're professionals. They know the obligations to themselves and their families, and they realize there is an obligation to their fellow officers."* A union official was reported as saying that his own local had conducted an investigation of the incident, which has determined that some of the inmates' charges about Cunningham, including his alleged drinking, "may have some validity." However, Flecha later backed away from making allegations against Cunningham, and concentrated instead on Supt. Walters. Some of the documents Flecha provided to the Senate Crime and Corrections Committee were intended to support his conclusion that Walters was warned about trouble in the institution before the disturbance.

* The Westchester County Grand Jury has completed its investigation of the disturbance. It handed up no indictments; nor did it issue a report.

SELECTED PHOTOGRAPHS OF B-BLOCK

AFTER THE DISTURBANCE

(In order of appearance)

Exterior of B-Block after the disturbance.

Desk of the Officer-in-Charge, Q-Gallery. The location where arguments escalated into a major disturbance. The names on the staircase refer to female correction officers regularly assigned to B-Block.

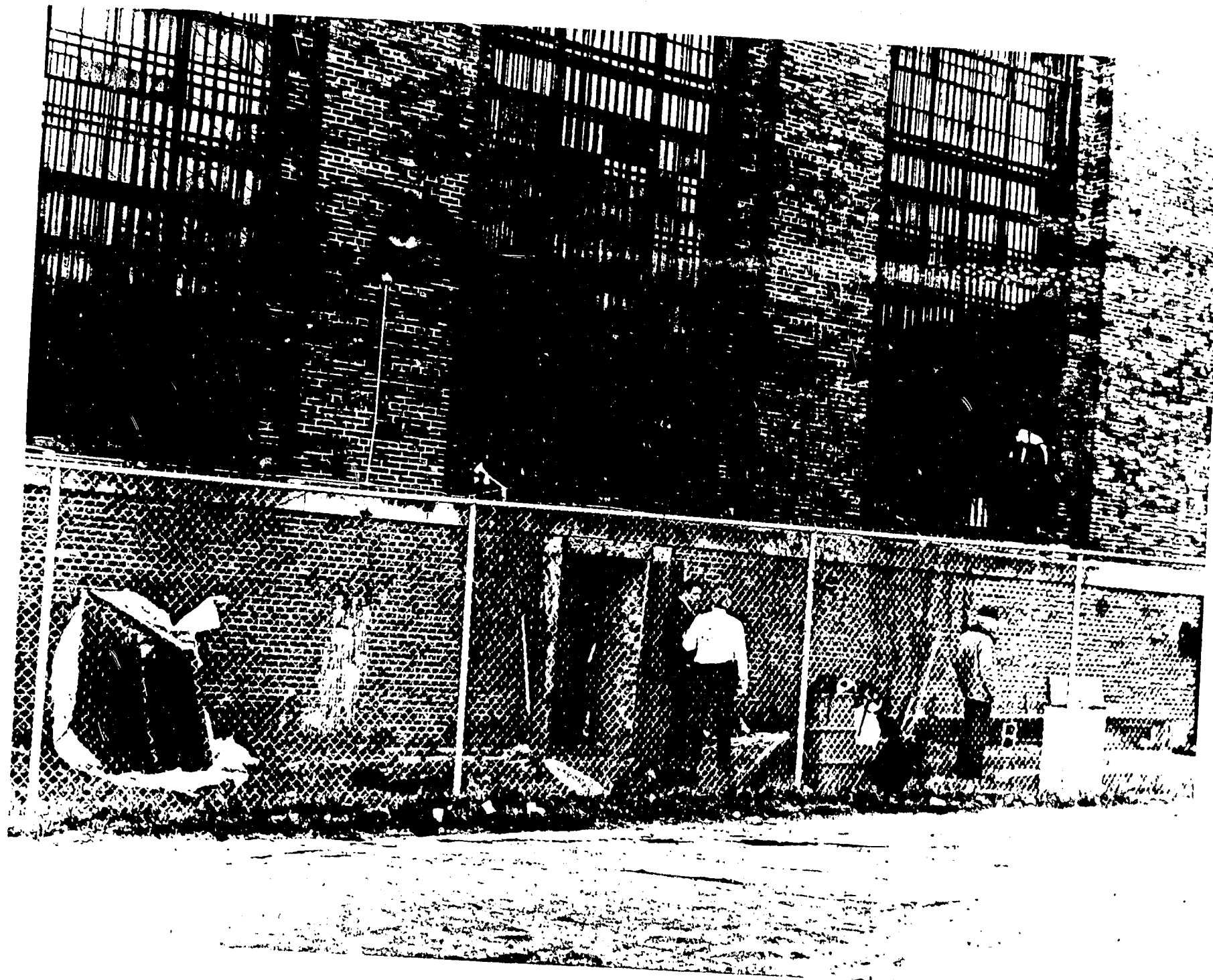
Some destruction on the flats. Picnic tables, which the inmates used as barricades, were later put outside the cells and used for feeding purposes after the hostages were released. The bins, containing sandwiches and other food, were sent in by State authorities.

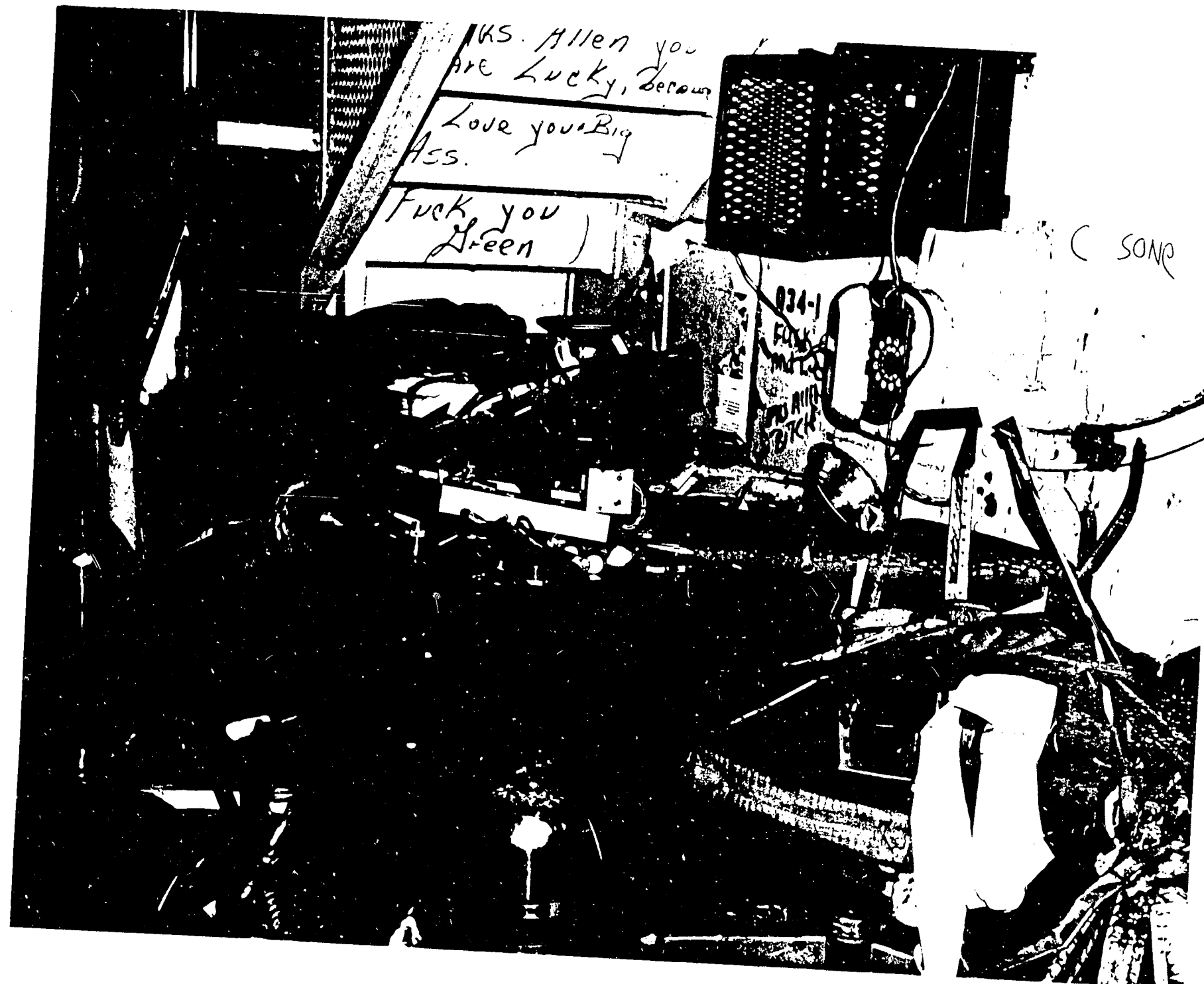
Two of the cells doors which inmates had removed during the siege.

Makeshift weapons (3 views).

One of the banners inmates fashioned from sheets to hang from the windows for the benefit of the news media and other bystanders.

Graffiti (3 locations).



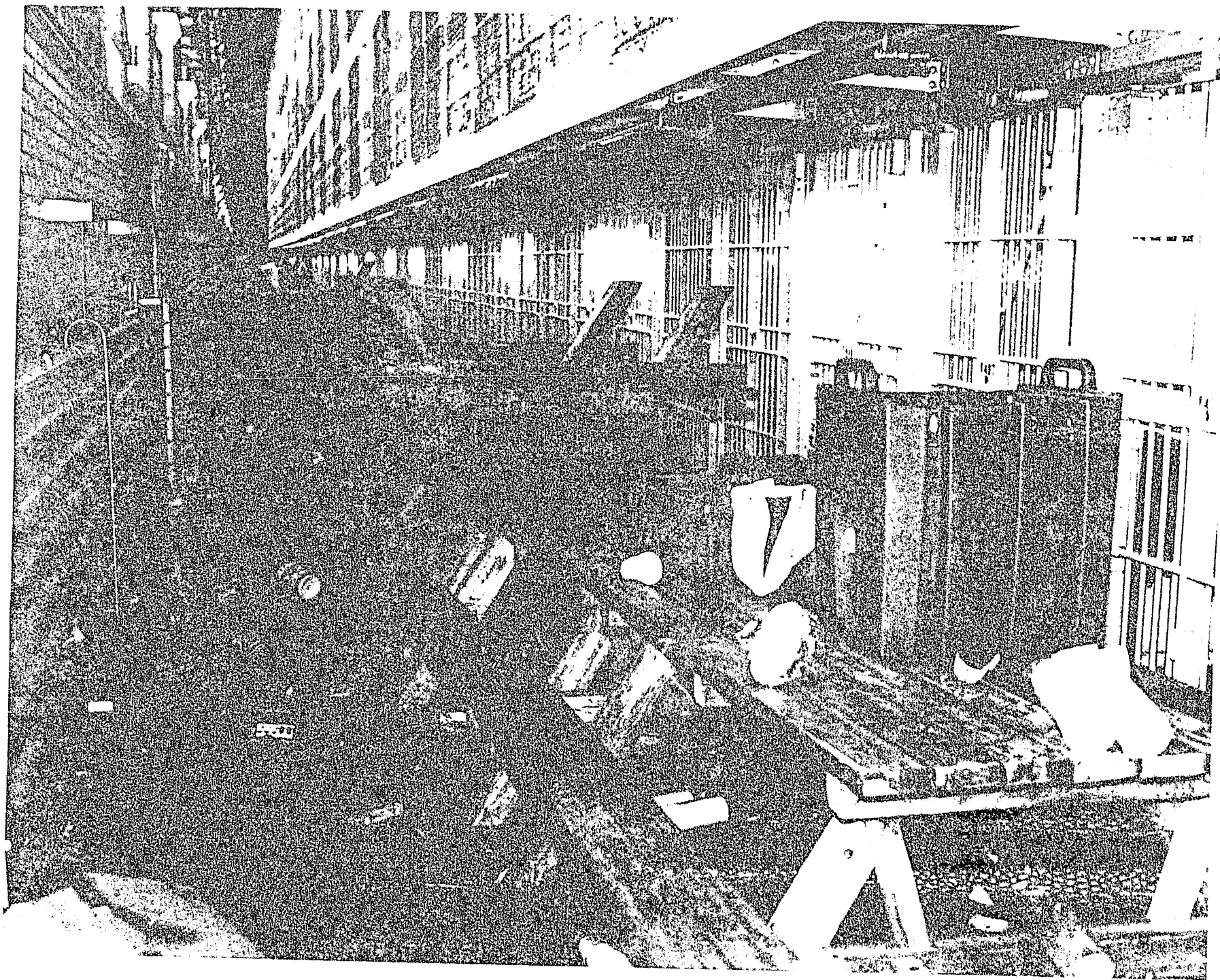


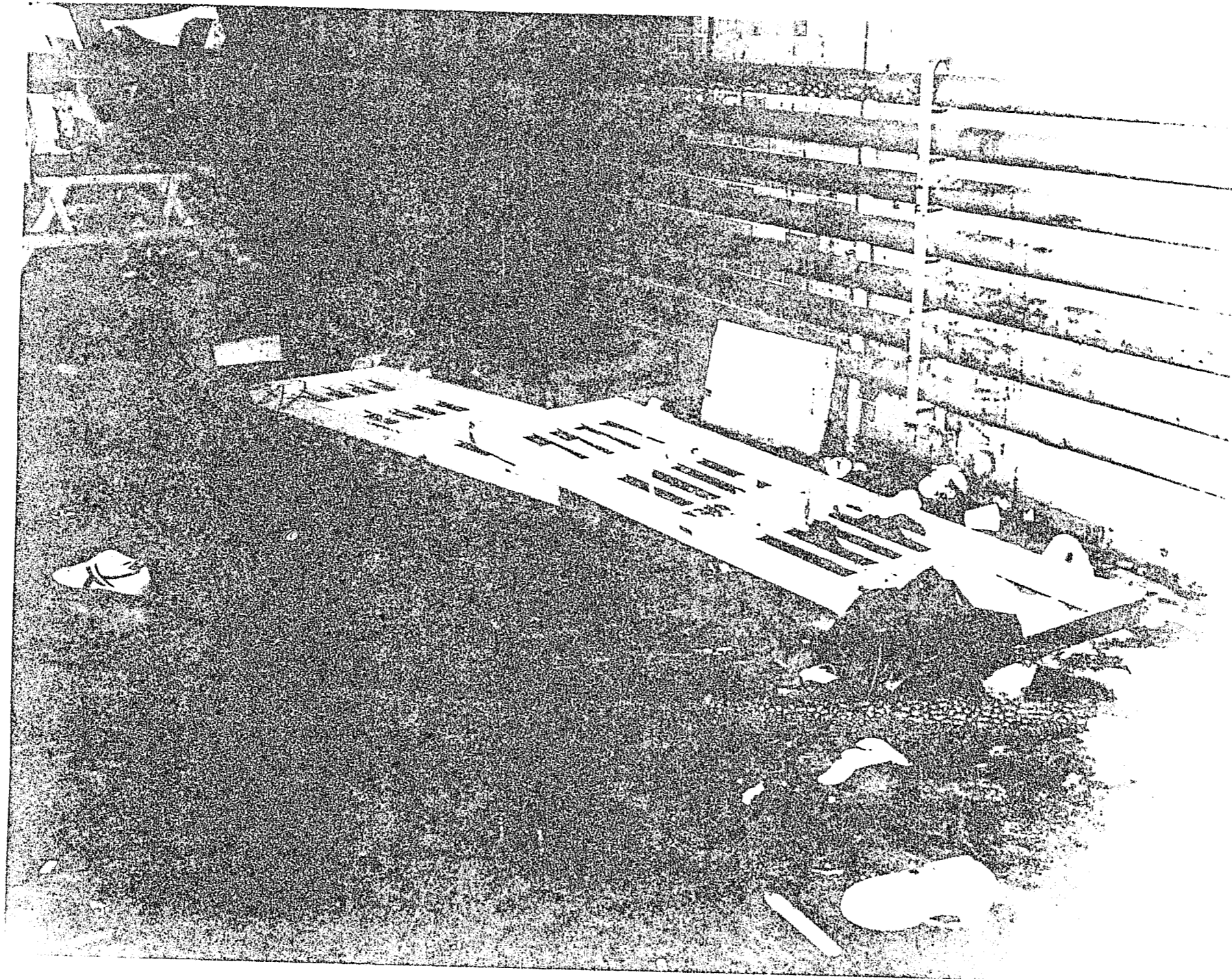
KS. Allen you
are Lucky, because
Love you a Big
Ass.

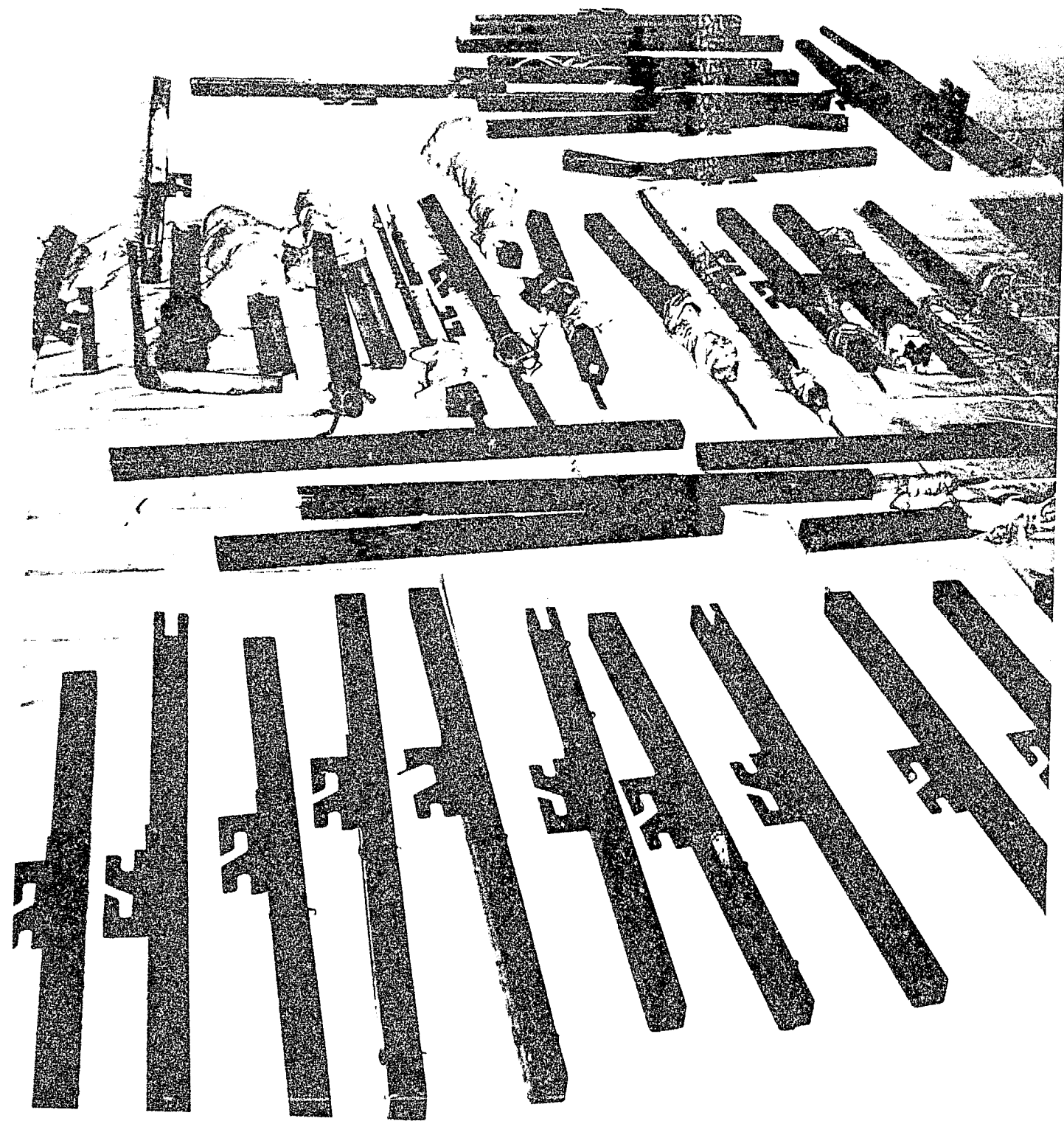
Fuck you
Green)

(SONG)

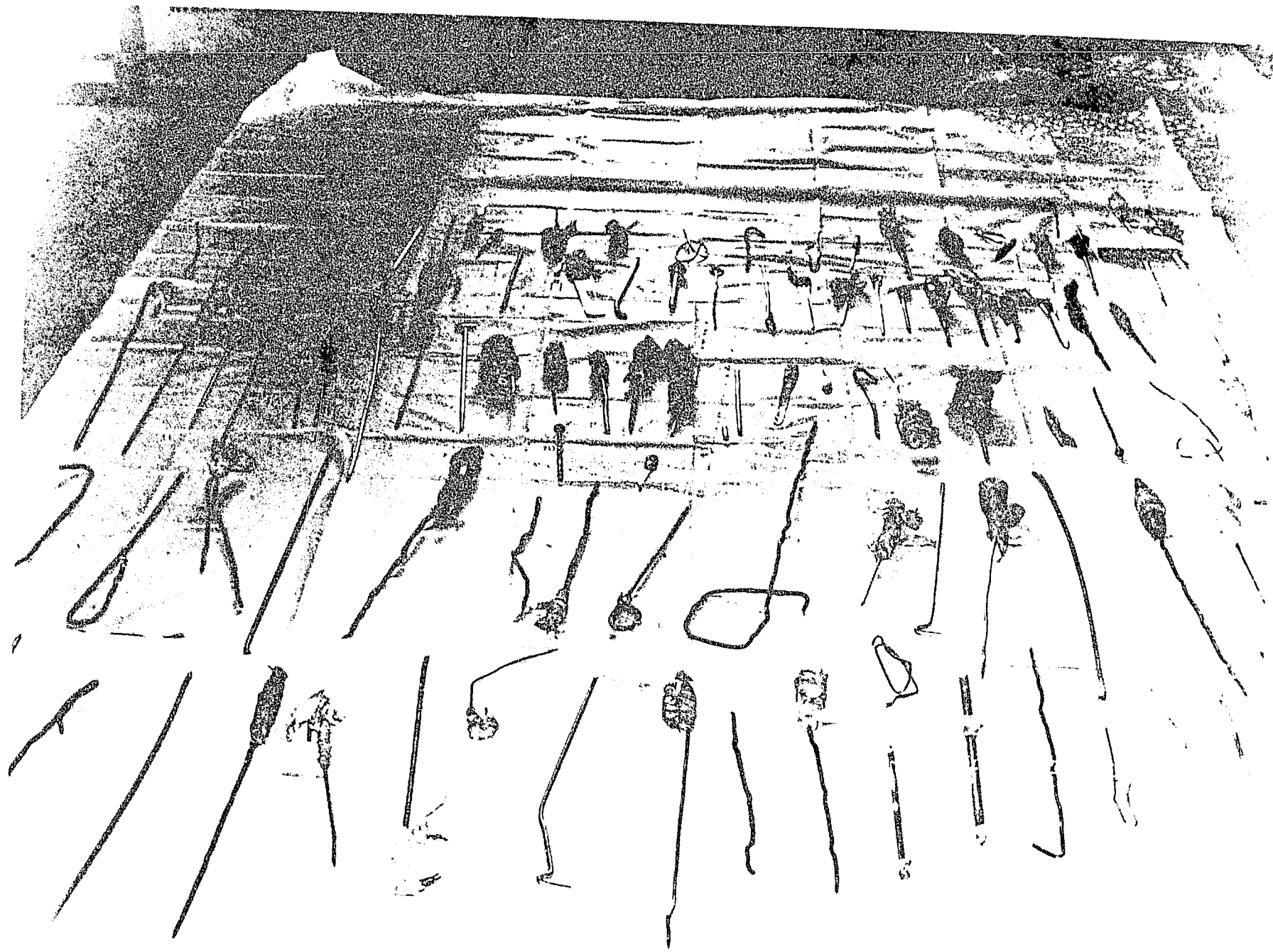
934-1



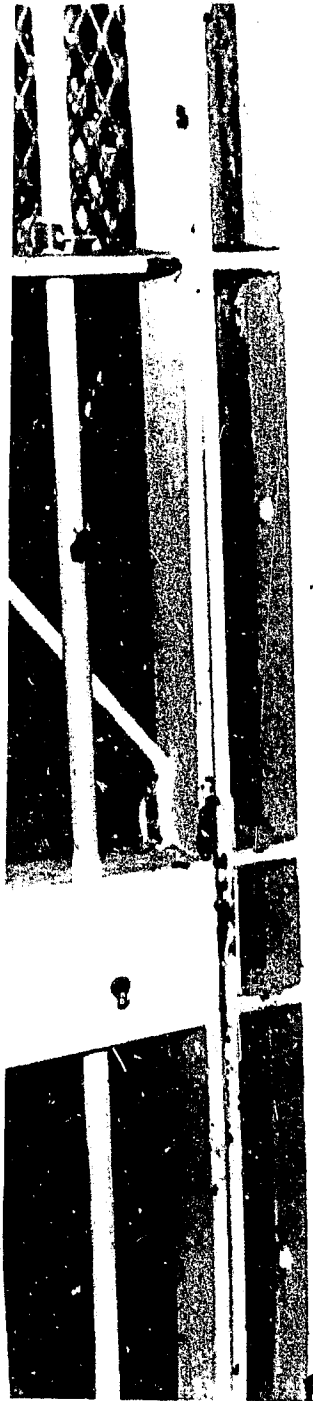












F.A.L.N. and
The Puerto Rican Liberation

Thank to Sgt

Cumingham.

HAVE it YOUR way

U-NORTH

W443-470

ERTAD

VERTE

ALN

PA
PANCE
Que

TREAT US LIKE MEN!
WE NEED EQUAL RIGHTS AND JUSTICE!

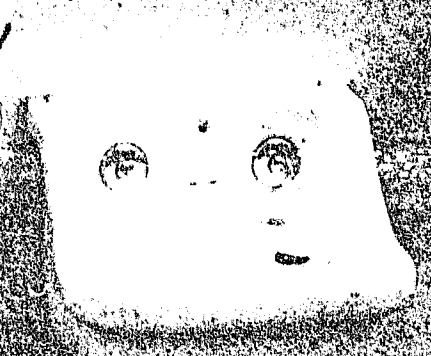
3.30.13
OUT OF PLACE

North
SEX511-544

LET'S
LET'S
LET'S
LET'S

C.O. T. CUTTS, M. LEE, WILSON, AND WASHINGTON
YOUR DAY IS COMING REAL SOON. YOU BETTER
THAT GOD THAT YOU ALL WASN'T HERE : 1/8/83
OR ELSE WE ALL WOULD OF HAD FUN FUCKING YOU
ALL, AND THEN MADE ^{YOU} EAT ONE ANOTHER BEFORE YOU
ALL DIE.

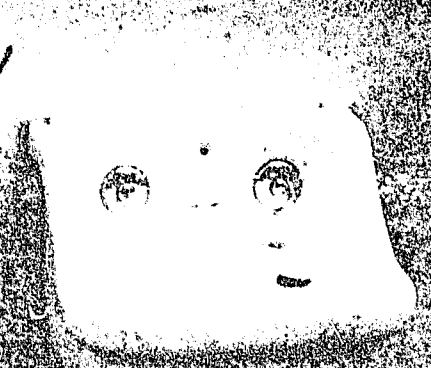
Sign
Daddy Sweet
PICK HA, HA,



C.O. T. CUTTS, M. LEE, WILSON, AND WASHINGTON
YOUR DAY IS COMING REAL SOON. YOU BETTER
THAT GOD THAT YOU ALL WASNT HERE : 1/8/83
OR ELSE WE ALL WOULD OF HAD FUN FUCKING YOU
ALL, AND THEN MAKE ^{UP} eat one another before you
all die.

Sign

Daddy Sweet
PICK HA, HA,



LEGISLATIVE REACTION

Initial Response

Several legislators commented publicly about the disturbance shortly after it happened. Senator John Dunne, Assemblyman Arthur Eve, and a number of other lawmakers criticized former Governor Nelson Rockefeller for his handling of the Attica riot of 1971, and raised questions about the role a governor should play in a prison disturbance. Overall, the reaction to Governor Cuomo's actions was overwhelmingly favorable.

Assemblyman Stephen Saland stated that New York cannot "wish away" the problems of crime and prison overcrowding. Clarence Rappelyea, the Assembly Minority Leader, said he had formed a Task Force of ten fellow Assembly Republicans to consider the State prisons. On March 22 they offered findings and recommendations relating to prison overcrowding and expansion, program staffing, inmate classification and idleness, correction officer recruitment and training, package policy, institutional discipline, and other topics. Based on their study, which included visits to five maximum-security facilities (including OCF), the Task Force criticized DOCS for inadequate long-range expansion plans for housing and programming inmates. The members concluded: "These two priorities must be simultaneously addressed as one; otherwise we create only a warehousing situation where inmates must constantly be bused around the State akin to a mobile facility in order to keep tensions from boiling over."

Most of the legislative responses in the press came from Senator Ralph Marino and Assemblyman Melvin Miller and their aides. Miller suggested that the State must be more imaginative in sentencing, saying New York will now be forced to do many things it previously rejected, such as speed up parole release and possibly institute emergency release of

inmates to relieve prison overcrowding. He noted that DOCS has the fastest growing budget in State government, and indicated that the Department must be made more fiscally accountable. Specifically with regard to the Ossining disturbance, Miller said he was most interested in causation - and what can be done to prevent future disturbances. He also expressed concern that Ossining "could have been an Attica."

Senator Marino's Response

Marino was quoted extensively about the disturbance and he was the subject of widespread editorial criticism for this conduct during the uprising. In his own defense, Marino insisted that his visit was "absolutely appropriate," and he denied that he had ever been told by Governor Cuomo not to go to the prison. If the Governor had directed him not to visit Ossining, he said, he would not have gone. Marino said he had been briefed at the prison by Executive Deputy Commissioner Lightfoot, who had authorized him (Marino) to relate that information to the press.

Joint Hearings Planned

Leaders of the legislative committees monitoring the State prison system announced shortly after the disturbance that they would hold joint public hearings on Ossining. These committees included the Senate Crime and Corrections Committee and Assembly Codes.

Marino and Miller first called their staffs together on Jan. 14 to begin planning a possible investigation of the uprising. Marino said after the meeting, "We're trying to work out the ground rules." He added that he didn't want any legislative investigation to be precluded from a discussion of his involvement with the uprising. Marino also said he thought Senate Majority Leader Warren Anderson and Assembly Speaker Stanley Fink had already talked about such a joint investigation. But aides to the two leaders denied any such high-level talks. Anderson's

spokesman said the majority leader was "leaving it up to Marino."

Marino said, "We're going to see what officials knew prior to the outbreak. There was a riot. That means something went wrong. That means that we should look into this...We knew there were petitions circulating from the prisoners. There were letters to various officials indicating there were problems. The question is, did the Corrections Commissioner receive this type of information and did they react? Did they try to ascertain what was going on? If there were these problems at Sing Sing, then what about elsewhere?"

Miller said, "I'm interested in just causation. I'm not getting into the Ralph Marino versus the Sgt. [sic] Lightfoot thing." He added, "We're not going on a witchhunt. We're going to take a hard look at causation - how could it have been avoided. It should never have happened and we can't afford to have it happen again."

At the press conference they held to announce their bipartisan probe, Marino and Miller charged that State corrections officials were informed of the potentially explosive conditions at Sing Sing nearly a month before the riot, but they chose to disregard the information. Both legislators were also critical of the Commission of Correction and the IG's office, saying both should have been aware of impending difficulty.

Members of the joint legislative task force met with Coughlin on Jan. 24 to set up the groundwork for a visit to Ossining later that week. Assembly Codes Committee Counsel James Yates and Senate Crime and Corrections Counsel Jeremiah B. McKenna said they would go on the tour. The committees later subpoenaed documents from DOCS, the Commission, and other sources. Their public hearings, which were held on April 21-22, included testimony from Commissioner Coughlin, Chairman McNiff and his staff, union officials, Ossining staff and inmates, and PLS attorneys.

IV. FINDINGS

REPORTS ABOUT A "DRUNKEN INMATE WHO STARTED IT"

Some initial published accounts of the incident contained references to a "drunken inmate" who allegedly "started" the incident on B-Block. The first report about such an inmate apparently developed from the debriefing of an inmate who had been released from the block at 11:55 a.m. on Sunday, Jan. 9, because he was a diabetic and needed insulin. The inmate is reported as saying that Sergeant Cunningham had been causing problems, that the riot was spontaneous, a couple of inmates had been raped, and that a drunken Puerto Rican inmate had started a problem. This inmate's statement to the IG, taken on Jan. 31, does not mention any drunken inmate. Nor do two other memoranda from DOCS correction officers who interviewed the inmate on Jan. 26 and 31.

Sit-Cons Juchnewicz and Howard Cohen (both sergeants from Green Haven) conducted a debriefing interview with CO Patrick Peryea, the first hostage released from the block, on Jan. 9 at about 3 a.m. According to the transcript of the taped conversation:

- Q: How about, were any of the inmates do you know have booze or any kind of drugs that might, they might, be under the influence of?
- A: A couple of guys smoking reefers while we were locked up.
- Q: It was marijuana?
- A: Yea. I guess the guy that touched it all off, I heard the inmates talking, they said he was all high on wine.
- Q: And you said the guy who touched it off, do you happen to know his name?
- A: I don't know who it was, no.
- Q: Is he Black?
- A: I really don't know.

The transcript also says:

Q: The inmates who are out, what's their mood, what are they saying, what are they chanting, what are they yelling? Anything that you heard that might stick in your mind.

A: All right, what they want is news coverage. That's the big thing right there. They aren't asking for that much. Yet. They want better food, and they want Sgt. Cunningham off the block. They say he is the reason for this whole thing.

In two later statements to the State Police and IG, Peryea is not recorded as saying anything about either a "drunken inmate" or inmates smoking marijuana.

The next known reference to a "drunken inmate" occurred in an article published in Newsday's Hempstead edition on January 13. The story included the following:

New details of the events leading up to the incident continued to emerge. According to [Chairman J. Kevin] McNiff [who had arrived at OCF at 3:45 a.m. on Jan. 9], who monitored events at the prison until the siege ended early Tuesday, one of the inmates who precipitated the melee by breaking up furniture in the 'flats,' or hallway of the cellblock, was drunk at the time. McNiff said it is known that prisoners make their own liquor using bread and alcohol.

No evidence has been found to indicate that such an individual, if he existed, started or helped to precipitate the disturbance in B-Block.

REPORTS ABOUT A "DRUNKEN SERGEANT WHO STARTED IT"

Shortly after the disturbance ended, allegations began to appear in public print that the Sergeant-in-Charge of the block (Cunningham) had been intoxicated while on duty and that this "drunken sergeant" had "provoked the riot." Available evidence, however, is inconclusive.

In the Feb. 8 issue of the Village Voice, Ossining inmate John Mack (who had not been housed in B-Block at the time of the disturbance) reported:

One of the sergeants who works the block on the 3-11 p.m. shift had been coming on duty drunk. About a week and a half before the rebellion, this sergeant came on duty, ordered all the inmates into the cells, even those inmates who have jobs in the block, and told the C.O.s to keep-lock any inmate who was not near his cell. And when it came time for the six o'clock recreation lock-out, he didn't let the men out until after seven o'clock. The men screamed, yelled, rattled the doors, and banged on the bars. You could hear them all through the joint. When they were let out, they grumbled but did nothing. On Saturday, January 8, the sergeant came on duty in his usual condition, and gave a repeat performance, not letting the men out for the six o'clock recreation until 7:15. When the inmates came out, they crowded around on the flats (the bottom gallery) and started raising verbal hell. A lieutenant came on the scene and tried to calm the men by promising to extend the recreation period. The sergeant, standing on the top gallery, the grog probably blocking out all sense of caution and reason, yelled down to the lieutenant, "Like hell you will!" When he said this, the inmates broke.

On Feb. 27, Frank Lombardi of the New York Daily News reported:

Until the gym [was ready], the major recreation area for B-Block was "the Flats," the ground-floor corridors that circumscribe the tiers of cells, stacked five floors high. That's where the riot began after a sergeant named Alexander Cunningham - "who was under the influence of alcohol," according to inmates and other sources - kept the inmates locked in their cells an hour longer than the unwritten routine called for.

Lombardi added:

[Superintendent] Walters said Cunningham's conduct was one of the matters still under investigation by his superiors. "I don't know if he was or wasn't culpable," he commented. He said Cunningham has not been brought up on any departmental charges or suspended, although he is currently on vacation. But an investigation by his own union local reportedly has determined that the inmates' charges about Cunningham, including his alleged drinking, "may have some validity," said one union official who requested anonymity.

On Jan. 12, after the disturbance had ended, Cunningham wrote and signed a six-page memorandum to DSS McGinnis on the subject of "Incident HBB/Block, Saturday January 8, 1983 approx. 7:00 pm." In it Cunningham said he reported for duty as Sgt., B/Block at approximately 2:30 p.m. After finding out his job assignment for that shift, he arrived in B-Block as the Sergeant-in-Charge at approximately 3:05 p.m. His memorandum states that after the inmates' evening meal was completed, he returned to B-Block to supervise the lock-in, which went without incident.

After my count was called in I left B/Block to take my count to Movement & Control to double check count with Lt. Way who was the Watch Commander and who had taken the count. I then had lunch and returned to HBB/Block Corridor - to supervise the movement of my recreation and medication movement after the count cleared at approx 6:05 pm.

The memorandum makes no mention of alcoholic beverages. On January 18, he gave a signed statement to an investigator of the New York State Police. No reference to alcoholic beverages was included.

Inspector General's Report

Cunningham was not among the 621 OCF staff and inmates whom the IG interviewed after the disturbance. According to IG Malone, "Sgt. Cunningham has not been interviewed by this office, pursuant to the request of the Westchester County D.A. Office." The IG's chronology of

events surrounding the evening meal does not indicate when or where Cunningham arrived in OCF or B-Block, nor does it show when he was out of the block - for lunch or any other reason.

Superintendent Walters

Superintendent Walters apparently did not file a written report with Commissioner Coughlin about the disturbance. A copy of any such report was requested for this investigation, but on Feb. 15 DOCS replied:

No report has been requested by the Commissioner - so there will not be any information on this.

However, an Unusual Incident form for the disturbance, signed by Superintendent Walters on Feb. 2, 1983, does not contain any allegations about Cunningham, or any mention of alcoholic beverages. This UI reports that at

approximately 3:05 p.m., Sergeant-in-Charge, A. Cunningham, arrived at the Block...At approximately 3:30 p.m., the evening meal was started and upon completion all inmates locked in for the count. Upon completion of the count clearing and the running of 5 and 7 Buildings to the evening meal, the Sergeant began breaking out the galleries who were to be recreated in the garage area.

Watch Commander

Cunningham's supervisor, Lt. Way, (the Watch Commander), made at least three reports on the disturbance. On Jan. 9, from approximately 4-7 a.m., he wrote or someone else took down in an interview at the facility, a nine-page statement. The first reference to Cunningham is for 6:30 p.m., when Way said he received a call from Sgt. Cunningham stating that he was having trouble letting the inmates out to recreation. The statement said nothing about alcohol.

On Jan. 18, a six-page typed statement from Lt. Way was taken by a State Police Investigator. It began at 6:30 p.m., with Cunningham's

telephone call and contained no assertions or allegations from others that Cunningham had been drinking. However, near the end of this statement, Way reported:

As I was being pulled and pushed down R North gallery, I smelled booze about halfway down the gallery.

On Feb. 2, 1983 Lt. Way was interviewed in Albany by IG Malone and Assistant IG Bisceglia. The interview lasted from 9:30 a.m. to 1:30 p.m. The IG's notes indicate - after a notation about inmates hollering, "Get Cunningham out of block" - that Way smelled "no alcohol on Sgt.'s breath." Way also apparently stated that he had seen Cunningham at the line-up at the beginning of the shift, and later, on the block. A later page of the IG's record of the interview indicates that Way "could smell home-made booze." But the notes are unclear as to whether he detected this odor on R-North, or at the Messhall bridge gate (through which Cunningham had passed a few minutes earlier).

Hostages' Statements

Signed statements taken from the hostages by State Police investigators in January do not contain any statements by any of them concerning Cunningham and/or alcohol. However, later statements that were taken in February by State Police and IG Investigators did produce comments from several former hostages indicating that Cunningham may have been intoxicated while on duty.

1. Officer Taylor said Cunningham was "a drinker," and "appeared to have been drinking that night."
2. Officer Gorr said he smelled liquor on Cunningham's breath and observed his red eyes, heavy sweating and refusal to listen to anybody.
3. Officer Clark said Cunningham "had been drinking." Clark said he "could smell it." Cunningham's eyes were "bloodshot," and he "had come in in this condition before." Clark said he "smelled liquor twice" - once in the office and once when the sergeant came to the gallery to order writeups.

4. Officer Romero said that, as he escorted Cunningham to the Messhall bridge (following Way's order that the sergeant leave the block), he "detected liquor" on Cunningham's breath.
5. Officer McNamara said he had not smelled any alcohol, but he added that he had a cold at the time and was not able to smell anything very well. He also said that Cunningham's "irrational behavior" seemed to indicate that he had been drinking.
6. Officer Coffey said he had a bad cold, but added he could see Cunningham's glassy eyes and hyper-appearance when the shift started.

Inmates' Statements

Many of the inmates who were in B-Block told OCF or DOCS Central Office officials that Cunningham was drunk on duty. At least one inmate who was released from the block during the disturbance complained about it. Cunningham's alleged drinking was also the subject of complaints and demands by inmate negotiators. On Jan. 10, for example, they told the Sit-Cons that Cunningham had been drinking and harassing the prisoners.

In their statements to the IG, many inmates reported that Cunningham had been drunk, and some said they had smelled liquor on his breath, or observed his bloodshot eyes, wobbly walk, or erratic behavior. Several inmates said they complained about this to Lt. Way when Way was listening to their grievances, and many inmates said that the prisoners had chanted, "He's drunk!" "Get the drunk out of here!" and other such messages. Some suggested that their protests about Cunningham being drunk had caused Way to remove Cunningham from the block. One inmate told the IG after the disturbance that Sergeant Cunningham had come to his cell to discuss the purchase of a picture he (the inmate) had drawn. He placed the time at before 6 p.m. According to his statement:

Cunningham told me he had just come from a party, had been drinking and hoped there would be no trouble that night. The inmate added: "When I saw the [hostage] COs, they were complaining about that [expletive deleted] Cunningham. He came to work drunk and got us trapped off."

INMATES INJURED DURING THE DISTURBANCE

Commission of Correction Official Report

None of the reports provided by the Commission of Correction make any reference to any inmate injuries, either during the disturbance or in its aftermath.

DOCS' Official Report

On Feb. 24 IG Brian Malone submitted to Commissioner Coughlin the report of his "Investigation of an Incident at the Ossining Correctional Facility, January 8, 1983 thru January 11, 1983." This report consisted of a two-page cover memorandum, a three-page "Narrative," and a 69-page "Time-Event-Group" chronology covering the period Jan. 8, at 3:00 p.m. through Jan. 11, 8:30 p.m. The cover memorandum begins as follows:

The inmate uprising in B-Block at the Ossining Correctional Facility ended without serious incident at approximately 2:30 a.m. on January 11, 1983, with the release of the hostages and the return of the inmates to custody.

Neither the cover memorandum nor the narrative make any mention of any inmates being injured during the disturbance; its only references to inmate injuries are as follows:*

1. SATURDAY, JAN. 8 9:45 p.m. - General confusion. Inmate victim of sexual assaults. (Information attributed to later inmate statement.)
2. MONDAY, Jan. 10 12:40 p.m. - Inmate [name deleted] release to hospital - injured... 12:46 p.m. - IG staff to hospital to... interview inmate [name deleted] who was being treated for stab wounds...1:19 p.m. - Received report on status of released inmate [name deleted]...1:30 p.m. - Inmate [name deleted] states they started "stabbing me."

* Inmate names have been deleted from this Report for the sake of privacy and to prevent possible reprisals.

OCF's Official Reports

All reports by the OCF Administration are made directly to DOCS Central Office. Among the facility reports submitted to Albany are the following Unusual Incident Reports (longforms) which contain pertinent information about inmate injuries:

1. UI Report on the Disturbance

This report, dated Jan. 21 and signed by Supt. Walters on Feb. 2, states: "All inmates in Housing Block B were interviewed by medical staff personnel after the Block was secured by the C.E.R.T. teams. No serious injuries were sustained." The report also provides "a list of inmates and complaints for which they received treatment." This list identifies 25 inmates and specifies their complaints/treatment as follows:

- Diabetes - (3)
- Dialysis Patient - (1)
- Cirrhosis - (1)
- Skin Disorder - (1)
- Toothache - (3)
- Cold - (4)
- Headache - (2)
- Migranes - (1)
- Bloody Urine - (1)
- Injury to Ankle (Sprain) - (1)
- Out of Eye Medicaiton - (1)
- Epilepsy - (1)
- Chest Pain - (1)
- Sore Throat - (2)
- Knee Pain - (1)
- Knee Injury - (1)
- Fever, Chills - (1)

2. Other UI Reports

In another UI Report, dated Jan. 13 and signed by Walters on Jan. 18, Albany was notified: "Inmate [name deleted]...reported that shortly after the takeover of B Block by the inmates, he was dragged into a cell on X gallery and forced to commit oral and anal sex acts. He was then

told that if he did not do the same for the other inmates waiting outside the cell that he would be killed during the riot." The time of the incident was specified as 9:45 p.m. on Jan. 8. Seven inmates were identified in the UI Report as assailants.

Another UI from the facility, dated Jan. 11 and unsigned, stated: "Inmate [name deleted]...reported that he had been stabbed by an unidentified inmate in Housing Block B." The time of the incident was placed at 1:00 p.m. on Jan. 10. However, all available DOCS logs indicate that he had been released from the block at 12:40 p.m.

Rapes

At about 11:45 a.m. on Jan. 12, shortly after the block had been retaken by CERT, Lt. B.A. Kessler received a sick call request from an inmate [name deleted]. According to the Kessler's report:

he began making frantic gestures cautioning me not to say anything that would expose the true nature of his request...[H]e was standing 3 to 4 feet back from the cell bars, in turn shaking his head, pointing to his ear, and placing his forefinger in front of his mouth in a gesture of silence while holding up a note with his right hand...It stated that he had been the victim of homosexual rape at least 25 times after the inmates had taken control of the block.

Lt. Kessler removed the inmate from his cell and escorted him to the prison hospital. Upon arriving there the inmate broke down and began to shake and cry. Precautions were taken to prevent him from harming himself and he was later questioned about the incident. He was later transported to Westchester County Medical Center for examination and tests, and placed in protective custody. Six days later, while being held in protective custody in OCF's Special Housing Unit, the inmate told the IG he was grabbed by a group of inmates at about 9:30 p.m. on Jan. 8, and raped continuously until about two hours before the block was retaken.

On Jan. 14 Lt. Wilkerson was informed by a staff member that another inmate from the ground floor of B-Block had requested medical attention for injuries resulting from a rape by seven inmates during the disturbance.

Kessler reported that he interviewed the inmate in his cell that day, but the "inmate did not want to file charges nor did he want to identify any of his attackers or make any statement other than, "I don't want any more trouble.'" Kessler added: "This inmate is a known homosexual and has refused Protective Custody." Ten days later, while being interviewed by the IG in the Chapel, the inmate said he was on the south side of Q-gallery at about 7:30 p.m. on Jan. 8, when two black inmates pushed him into the officers' coat closet. One, who was armed with a shiv, pulled the victim's pants down and he was forced at knife-point to commit various sexual acts. Four other black inmates also took turns raping him over the next 15 minutes. The inmate said he came out of the closet crying and immediately saw about 13-15 officers being held hostage on the gallery. (At least two of the hostages - Lt. Way and CO Gorr among them - later reported seeing this inmate crying where the hostages were gathered at the very beginning of the takeover.) No record has been received to indicate that he received medical treatment or protective custody.

Some accounts conflict over whether the sexual activity was forced or consensual. The victims stated they had been raped. One of the most striking findings about the alleged rapes is that they seem to have started on the "flats" during the early stage of the disturbance - in one instance, simultaneous with the seizing of the hostages in that vicinity of the block.

Additional inmate statements to the IG refer to other possible rapes, including:

- (3) an "elderly white inmate on U-Company";
- (4) an unidentified black inmate; and
- (5) "a young Hispanic on R-Gallery."

Stabbings

All available sources agree that hundreds - perhaps most - of the inmates in the block were armed, at some time or another, during the disturbance. The weapons included kitchen knives, street knives, crudely fashioned shivs, spears, and a wide assortment of other potentially lethal tools.

Official reports by the OCF Administration and the IG include one reported stabbing. The inmate was examined and treated by prison medical staff, and he signed a written statement but was unable to identify his assailant, according to the UI Report written on Jan. 11. The only reason he could provide for the stabbing was that he had been with the hostages shortly before the incident. Several inmates gave information to the IG about this stabbing.

Another inmate told the IG on Jan. 20 that at about 9 a.m. on Jan. 9 he had been the victim of an attempted rape and stabbed three times in the left arm by an inmate who came at him with an 18-inch-long icepick. Several other inmates gave information to the IG about this incident, but it was not mentioned in the IG's official report or the facility's Unusual Incident Report on the disturbance. No record was received of the inmate getting any medical treatment for wounds.

It is possible that other stabbings may have occurred, but it is difficult to determine this for certain. One inmate that he cut himself in order to try to gain his own release, because he was afraid of being raped.

Other Assaults

Numerous other assaults, pipings, fistfights, and attempted stabbings occurred between inmates during the disturbance. Several of them were apparently related to the release of four hostages on Jan. 10 at 7:56 p.m. The inmates who said they were the target of these assaults later told the IG that other prisoners were angry that they had released the four without first holding a vote on the issue. At least two of the victims were negotiators, and others were among the Muslims responsible for "guarding" the hostages.

Many inmates reported that some of the assaults were inter-racial in character (between Hispanics and blacks), and the widespread fear expressed was that some of them could have escalated into a full-fledged race riot, along the lines of what had happened in the New Mexico State Penitentiary in 1980.

OSSINING DISTURBANCE INDEX

The disturbance in B-Block consisted of a series of various kinds of unrest over a period of many hours. State authorities reacted to inmate actions, and vice versa, and the level of turbulence inside the block fluctuated accordingly. For this Report, an effort was made to record and analyze these dynamics.

We constructed an hourly chronology of events which occurred from 4:30 p.m. on January 8 to 2:30 a.m. on January 11, by culling information from all available sources. We then assigned values, ranging in seriousness from 1.0 through 6.0, to the various types of events that occurred inside the block. By plotting these values within the hours the events occurred, we have roughly charted the "flow" of the disturbance inside B-Block. This "seriousness scale" is necessarily subjective; however, we have tried to rank the acts according to their seriousness in law and correctional practice:

<u>Type of Event</u>	<u>Value</u>
Collective inmate complaints	1
Yelling/banging	1
Arguing with staff	1
Unruly crowds	1
Throwing objects	2
Making weapons	2
Significant movement	2
Spraying water at staff	2
Barricading	3
Vandalism	3
Moving hostages	3
Setting fires	3
Releasing inmates from cells	3
Panic	3
Robbing hostages of keys, batons, etc.	4
Threats to hostages lives	4
Holding hostages	5
Sexual assault of inmate	5
Armed assault on inmate	5
Armed assault on guard	6

The most constant factors were the fact of the takeover, the holding of hostages, and inmate-on-inmate violence. But there were several peaks of activity over the 57-hour period we examined. The second and third hours were the most frenetic, as the inmates secured the block, seized hostages, committed sodomies against other inmates, and DOCS began to mobilize. Activity quickly slacked off for a short time after the initial takeover, but picked up again at about hour eight, when the hostages were moved and inmates were spraying water. Neither of these surges of activity appears to have been connected to any particular governmental action. The situation was still unstable.

Power to the block was shut off about hour 14, and this was followed by the third peak of activity inside the block. There was significant inmate movement, increased vandalism, a threat to kill a hostage, an inmate stabbing, reinforcement of inmate barricades, and spraying of the Sit-Cons with a firehose. This heightened activity continued for about two hours, when negotiations over media access and hostage release began to have a calming effect.

Threats to the hostages in hours 22 and 23 caused the disturbance index to rise again, but the fourth major peak did not occur until about hour 30. Just before that, the no-retaliation document had been signed and both the inmates and DOCS were preparing for release of the hostages. Then Senator Marino appeared on television, making various comments about the situation and stating that the authorities would not grant amnesty. Almost immediately, inmates threatened to kill the hostages, the hostages were moved, and there was general panic inside the walls. After this tense situation was relieved through negotiation and presence of the news media, the disturbance level remained relatively low to the end.

The following graph and chronology roughly depict the dynamics of the disturbance from the time of Sergeant Cunningham's orders to the time the block was pronounced secure by CERT.

FIGURE 7
OSSINING DISTURBANCE INDEX
Jan. 8 4:30 p.m. to Jan. 11, 1983 2:30 a.m.

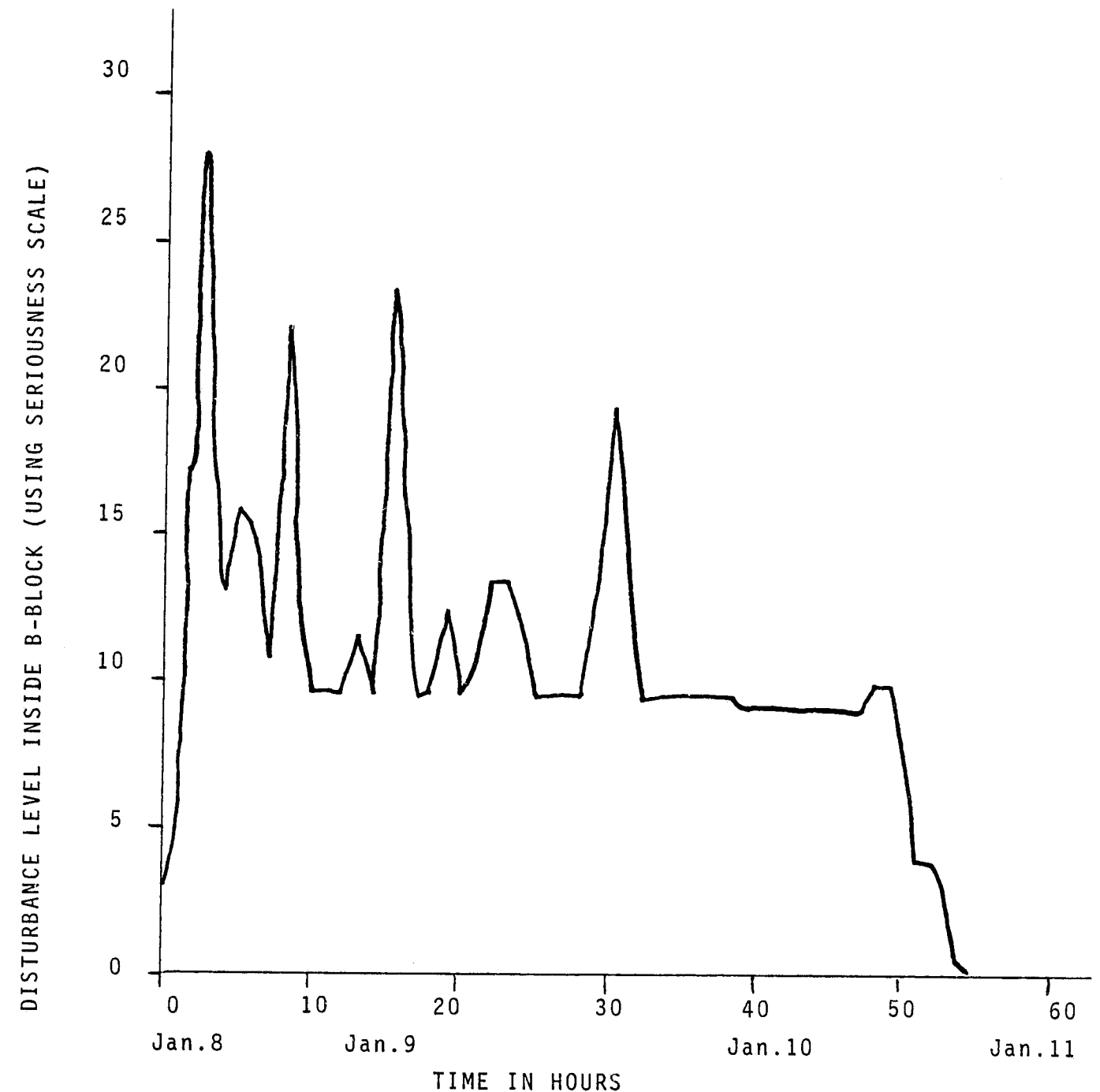


TABLE 15 - OSSINING DISTURBANCE INDEX
 CHRONOLOGY COVERING THE PERIOD 1-8-83 4:30 p.m.
 to 1-11-83 2:30 a.m.

HOURL	VALUE	INMATE ACTIONS (B-Block)	ACTIONS BY STATE AUTHORITIES
0	1	Inmates complain about infraction tickets	4:30 p.m. - Sgt. Cunningham orders keeplocked inmates to receive notice of infractions
	1	Noise level increases	5 p.m. - Chow
			5:45 p.m. - Sgt. orders inmates released by gallery for evening recreation - a change in procedure; only spec. medical passes honored
1	1	Inmates complain about change in rec procedure	6 p.m. - Evening rec begins; cell-by-cell lockout
	1	Inmates arguing with Sgt. Lt.	6:35 p.m. - Lt. Way arrives in Block
	1	Inmates yelling	6:55 p.m. - Lt. orders inmate to keeplock after dispute over his medical pass; COs then take inmate to HBC
	1	Inmate refuses to lock in	
	1	Inmates shake cell doors in protest	
2	2	Inmates throwing bottles, jars	7 p.m. - Lt. informed that garage used for rec is "flooded"
	1	Inmates yell for Sgt. to be removed from block, say he is drunk	7:13 p.m. - Lt. calls for assistance
			7:15 p.m. - Lt. orders all inmates locked out at once; lockouts commence
	1	Inmate crowd gathering on flats	7:20 p.m. - Sgt. Madden & 2 COs arrive from Messhall B; Lt. calls for assistance from Chapel;
	1	Inmates arguing with Sgt. Cunningham	Lt. calls Sgt. Knab to notify DSS McGinnis
	3	Inmates start barricades on flats	7:25 p.m. - Lt. advises Sgt. Cunningham to leave Block
	5	Inmate being sodomized in closet on flats	7:35 p.m. - Lt. calls Sgt. Holman; asks for I.L.C. rep to be sent to B-Block
	5	Inmates start seizing COs	
	6	COs assaulted	7:40 p.m. - Sgt. Knab calls Superintendent; CCC notified

DISTURBANCE INDEX (CONTD.)

HOURL	VALUE	INMATE ACTIONS (B-BLOCK)	ACTIONS BY STATE AUTHORITIES
2	4	Inmates robbing COs of radios, batons, keys	7:45 p.m. - Superintendent Walters in facility
3	3	Destruction on flats	8 p.m. - Lt. McGinnis arrives in facility
	5	Hostages being held	8:05 p.m. - Coughlin (TAC) notified
			8:09 p.m. - I.L.C. Chairman arrives in B-Block; inmates want media.
			8:15 p.m. - Lt. Way escapes with I.L.C. rep. and other inmates
	3	Hostages being placed in cells	8:25 p.m. - Lt. McGinnis issues first CERT alert
	3	More barricades being built	8:30 p.m. - DCS Gard orders Supt. to secure Sit-Cons for duty
	3	Forcing inmates from cells	
	2	Spraying water at Mess-hall gate	
4	4.75	Hostages (minus Way) being held	9:03 p.m. - reported that inmates spraying Lt. McGinnis at H-B bridge
	3	Destruction in Block continues	9:30 p.m. - Inmates have demanded ABC's John Johnson and Atty. William Kunstler
	5	Second inmate being sodomized	
5	4.75	Hostages being held	
	6	Hostage Peryea assaulted	10:45 p.m. - Request for medication received
6	4.75	Hostages being held	11:00 p.m. - Discussions about demand for media & Kunstler; decision to give some meds.
	5	Inmate being held for sodomies	11:20 p.m. - Reporter from Gannett arrives at prison
			11:30 p.m. - Coughlin (TAC) arrives
	4	Inmates threaten to kill a hostage	11:55 p.m. - Newsmedia is calling OCF; Cunningham ordered out of negot. area
	1	Loud screaming	

-continued-

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	INMATE ACTIONS (B-BLOCK)	ACTIONS BY STATE AUTHORITIES
Jan. 9 7	4.75 5 1	Hostages being held Inmate held for sodomies Inmates getting louder	12:01 a.m.-Umina on duty 12:15 a.m. - I.G. Malone arrives Lt. McGinnis relieved by Wells (Sit-Con) 12:33 a.m. - Lt. Artuz reports inmates have outside telephone line; wife of hostage Gorr said to have received call 12:39 a.m. - First swap arranged: medication for one hostage 12:45 a.m. - Lt. Gov. Del Bello calls prison to speak with Coughlin
8	4.75 5 3 5 2 1	Hostages being held Inmate held for sodomies Hostages moved Inmate being assaulted Inmates spraying water at COs outside Block Inmates noisy	1:00 a.m.- DCS Gard says no CERT deployed yet 1:15 a.m. - Sit-Cons want field phones 1:17 a.m.-Umina asks TAC permission to use field phones 1:18 a.m. - CO at plywood area reports hearing "Don't hit him anymore" 1:51 a.m. - First Listening Post established
9	4.75 5 2 1	Hostages being held Inmate still held for sodomies Inmates spraying water Noise increasing	2:10 a.m.-Typed list of 17 hostages 2:30 a.m.- Coughlin meets with OCF Union president 2:46 a.m.- DOCS video team in Messhall B
10	4.5	Hostages being held (less Peryea)	3:02 a.m. - Medication provided 3:08 a.m. -CO Peryea received (ex-hostage) 3:12 a.m.-GHCF CERT Team arrives at OCF

-continued-

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	INMATE ACTIONS (B-BLOCK)	ACTIONS BY STATE AUTHORITIES
10	5	Inmate being held for sodomy by other inmates	DSCF CERT Team arrives and directed to stand at Gate 18 3:20 a.m. - NYSP is bringing field radios 3:20 a.m.- Water & Lights OFF 3:35 a.m. - DCS Gard approves use of firepower to back up teargas
11	4.5 5	Hostages being held Inmate being held for sodomy	4:16 a.m.- Results of Peryea debriefing given
12	4.5 5	Hostages being held Inmate being held for sodomy	5:25 a.m.- Report that COs Cross & Marshall are not accounted for
13	4.5 5 1 1	Hostages being held Inmates being held for sodomies Inmate noise (yelling about CO movement) Inmates on bullhorn, ordering inmates to their posts	6:00 a.m.- GHCF CERT ordered to enter OCF; take position in Chapel 6:15 a.m.- CERT Director Capt. Lacy arrives 6:26 a.m.- Coughlin speaks with Governor Cuomo for first time 6:30 a.m.- DSCF CERT transferred to National Guard Armory outside OCF 6:40 a.m.- Listening Post #1 spotted by inmates 6:50 a.m. - CERT arrives at Chapel

- continued -

DISTURBANCE INDEX (CONTD.)

- 208

HOUR	VALUE	INMATE ACTIONS (B-BLOCK)	ACTIONS BY STATE AUTHORITY
14	4.5 5	Hostages being held Inmate being held for sodomy	7:22 a.m. - Order to pull electricity decided 7:40 a.m. - Power off in Block & Chapel; Sandwiches ordered made for hostages, following inmate request 7:56 a.m. - Sit-Cons offering electricity in exchange for injured CO
15	4.5 5 4 3 2 3 2	Hostages being held Inmate being held for sodomy Threat to kill a hostage because electricity was shut off Barricades being reinforced Significant inmate movement Vandalism in Block Inmates spraying Sit-Cons with water	8:41 a.m. - Removed perimeter CO 8:48 a.m. - Sit-Cons report inmates need medication or they might go off 8:53 a.m. - Food for hostages sent to Block
16	4.5 5 5 2	Hostages being held Inmate held for sodomy Inmate stabbed Inmates flooding with hose	9:19 a.m. - Coughlin and Umina discussing whether J. Johnson of ABC News is available 9:23 a.m. - Sit-Cons ask inmates for sign of good faith for talks about media

-contd.-

DISTURBANCE INDEX (CONTD.)

209--

HOUR	VALUE	INMATE ACTIONS (B-BLOCK)	ACTIONS BY STATE AUTHORITIES
16			Inmates have asked for media to be sent to messhall 9:40 a.m. - Inmates want media for one hostage, triggering discussions between Umina and Gard
17	4.5 5	Hostages being held Inmate being held for sodomy	10:30 a.m. - Inmate being carried out on stretcher by 5 inmates 10:40 a.m. - Released inmates have reported hostages safe and unharmed 10:55 a.m. - Debriefings of released inmates reported: inmates in Block want media and programs, say no intoxicants on block; say riot was spontaneous - not planned
18	4.5 5	Hostages being held Inmate being held for sodomy	11:06 a.m. - Debriefings still report no intoxicants on block; unplanned riot; leaders unknown; inmates have weapons, want programs, visits, recreation. There are complaints about transient Inmate status. 11:19 a.m. - Debriefings report there was no warning; main complaint was black Sgt. on shift who was always drunk 11:33 a.m. - Negotiations continuing, still not face-to-face 11:40 a.m. - Superintendent asks cooperation from local volunteer ambulance corps.

- contd. -

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	INMATE ACTIONS (B-BLOCK)	ACTIONS BY STATE AUTHORITIES
18			<p>11:55 a.m. - Debriefing reports hostages dressed in inmate greens, locked on R-gallery; inmates very explosive; angry at Sgt. Cunningham; angry about limited programs; want to speak with ABC's J. Johnson</p> <p>11:56 a.m. - Sit-Cons bring medication for epileptic to gate</p>
19	4.5 5	Hostages being held Inmate held for sodomy	<p>12:20 p.m. - 4 inmates who were released are received</p> <p>12:25 p.m. - Hostage CO Taylor telephones Watch Commander to say all COs are OK</p> <p>12:26 p.m. - Debriefing of released inmates reports hostages locked in Z & U galleries in greens; COs spread around; 3 P.R. inmates in control; inmates want better food, packages, programs, media, and amnesty</p>
	3	Fires being set in Block	
20	4.5 5	Hostages being held Inmate held for sodomy	<p>1:16 p.m. - Report received that an inmate was stabbed</p> <p>1:20 p.m. - First face-to-face meeting of negotiators</p> <p>1:30 p.m. - Sit-Cons speak with Hostage Clark at Messhall gate</p> <p>1:35 p.m. - Westchester fire volunteers on call if needed</p> <p>1:50 p.m. - 8 released inmates received with medical problems</p>

- contd. -

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	INMATE ACTIONS (B-BLOCK)	ACTIONS BY STATE AUTHORITIES
21	4.5 5 1	Hostages being held Inmate held for sodomy Inmate noise - complaining about construction going on	2:40 p.m. - Superintendent Walters denied access to Prisoners' Legal Services
22	4.5 5 4	Hostages being held Inmate held for sodomy Inmates threaten to cut hostages and throw out gate, piece by piece	<p>3:00 p.m. - inmates want radio announcement of demands</p> <p>3:03 p.m. - PLS still denied entry by Walters</p> <p>3:08 p.m. - Sit-Cons report situation deteriorating</p> <p>3:40 p.m. - Coughlin proposes media plan: (1) inmates to record tape describing grievances, tape will be released to media in exchange for all hostages; (2) if phase 1 is rejected by the inmates, TV crew with known news personality to be allowed to film the release of the hostages, no inmates allowed to appear on TV; release to be witnessed by IG and Commission of Correction; subsequent taped interview with inmate spokesperson also will be allowed. No media allowed in facility except those selected</p>
23	4.5 5 4	Hostages held Inmate held for sodomy Threats to hostages	<p>4 p.m. - Sit-Cons have new negotiating team</p> <p>4:17 p.m. - Inmates accept Phase 2 media plan</p> <p>4:44 p.m. - Inmates want to go to B-Yard for face-to-face negotiations with Commission of Correction, I.G., and Sit-Con negot. team; Sit-Cons offer alternative - neutral meeting area (Messhall)</p>

- contd. -

DISTURBANCE INDEX (contd.)

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
26			<p>Inmate demands include: (1) Sgt. Cunningham out of area (2) More rec. time (3) Programs, (5) Package priv. for Transfer unit (6) Reduce overcrowding</p> <p>7:57 p.m.-Inmates say they want statement from the Supt. that issues will be dealt with</p>
27	4.5 5	Hostages held Inmate held for sodomy	<p>8:01 p.m. - inmates are requesting food for hostages</p> <p>8:02 p.m. - Channel 7 calls Coughlin about J. Johnson</p> <p>8:04 p.m. - Senator Marino calls Coughlin</p> <p>8:05 p.m. - J. Johnson calls Coughlin</p> <p>8:11 p.m. - Inmates have given list of 17 hostages</p> <p>RELEASE OF HOSTAGES APPEARS IMMINENT</p> <p>8:15 p.m.- Senator Marino calls Governor</p> <p>8:19 p.m. - Inmates have demanded amnesty</p> <p>8:24 p.m. - Additional inmate demands: (1) No physical force by CERT, (2) Inmate leaders will get everyone in cells before retaking</p> <p>8:28 p.m.- Sit-Cons will discuss amnesty after release of hostages</p>

- continued -

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
24	4.5 5	Hostages being held Inmate held for sodomy	
	3	Hostages moved	<p>5:05 p.m.-Governor issues first public statement on the disturbance</p> <p>5:24 p.m.-Sit-Con offers inmates tape recorder but it is refused</p> <p>5:25 p.m. - Some IDs of inmate including "neo-Nazis"</p> <p>5:30 p.m. - Top 3 tiers, north end of B-Block seen to go dark</p> <p>5:42 p.m. - News request from inmates</p>
25	4.5 5	Hostages held Inmate held for sodomy	<p>6:05 p.m.- Noise detected on catwalk</p> <p>6:30 p.m.- PLS Attorney appears on Channel 7 TV stating OCF inmates have longstanding grievances</p>
	3	Hostages moved	
26	4.5 5	Hostages held Inmate held for sodomy	<p>7:18 p.m. - 5 inmates at gate area for face-to-face negot.</p> <p>7:32 p.m. - Sit-Cons report possible deal</p> <p>7:55 p.m.- List of demands received:</p>

- contd. -

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
27			<p>8:28 p.m. - Details of media procedures worked out in Command Post</p> <p>8:40 p.m. - Deal seems imminent</p> <p>8:42 p.m. - Inmate receives medication</p>
28	4.5 5	Hostages held Inmate held for sodomy	<p>9:13 p.m.- Sit-Cons receive 5 inmate names for sitdown negotiations</p> <p>9:15 p.m. - Coughlin and Gov. talk. Reprisals to be prosecuted</p> <p>9:29 p.m. - Gard arrives at Crisis Command Post</p> <p>9:30 p.m. - Sit-Cons told Bob Berkowitz will be the media person entering OCF. Lightfoot briefs Sen. Marino</p> <p>9:50 p.m. - Senator Marino speaks with media</p>
29	4.5 5	Hostages being held Inmate held for sodomy	<p>10:15 p.m.-Berkowitz of ABC arrives with I.G. Malone; inmates heard announcing the arrival over bullhorn</p> <p>10:16 p.m. - Berkowitz meets Inmate Sit-Down Committee</p>

- contd. -

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
29	3	Hostages moved	<p>10:18 p.m. - Inmates meet with I.G. Malone</p> <p>10:20 p.m.- No retaliation document signed by I.G. given to inmate negotiators</p> <p>10:25 p.m. - ABC crew arrives and begins to set up</p> <p>10:28 p.m. - PROCESS FOR RELEASE OF HOSTAGES STARTS</p> <p>10:35 p.m. - Inmates heard cheering</p>
30	4.5 5	Hostages held Inmate held for sodomy	<p>11:14 p.m.-Coughlin informs Governor that Berkowitz is the choice. Still talking when <u>TENSION NOTED AT OCF</u></p> <p>11:15 p.m.-Sen. Marino is seen on TV saying State will not grant amnesty, saying Black Muslims were guarding the hostages...</p> <p>Coughlin is informed about the appearance on network news; Commissioner Coughlin informs the Governor that Exec. Dep. Comm. Lightfoot had briefed Sen. Marino</p>
	4 3	Death threats to H's Panic	<p>11:25 p.m.-Medication sent to inmates</p>
	3	Hostages moved	<p>11:30 p.m.- Reported that hostages are back in cells; DEAL HAS BROKEN DOWN</p>

- contd. -

DISTURBANCE INDEX (CONTD.)

HOOR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
30			11:59 p.m.- I.G.Malone orders camera reporter to leave
Jan.10 31	4.5 5	Hostages held Inmate held for sodomy	12:18 a.m.- Berkowitz and crew removed from B-Block Messhall
	3	Hostages moved	12:55 a.m. - DOCS Ganim (p.r.) returns with Berkowitz for discussion with Coughlin in Command Post
32	4.5 5	Hostages held Inmates held for sodomy	1:15 a.m. - Governor speaks with Berkowitz
33	4.5 5	Hostages held Inmate held for sodomy	2:20 a.m. -DeI Guidice speaks with Sen. Marino 2:40 a.m. -AKCF CERT team arrives at OCF
34	4.5 5	Hostages held Inmate held for sodomy	3:10 a.m.-AKCF CERT relieves DSCF CERT 3:16 a.m.- Inmate "Luther" calls, asking to speak with I.G. 3:20 a.m.- GHCF CERT leaves Chapel, relieved by ECF CERT 3:25 a.m.-Inmate Luther discussing terms with Sit-Con

- contd. -

DISTURBANCE INDEX (CONTD.)

HOOR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
34			3:45 a.m.-Inmate Luther tells Sit-Cons hostages are coming out now 3:55 a.m. - Sit-Cons say there is an impasse
35	4.5 5	Hostages held Inmate held for sodomy	
36	4.5 5	Hostages held Inmate held for sodomy	
37	4.5 5	Hostages held Inmate held for sodomy	6:10 a.m.-Sit-Down Committee meets with Sit-Cons in Messhall 6:15 a.m.- Meeting breaks up, inmates told to call back at 6:30 a.m.; Governor suggests to Coughlin that inmates be sent a signal (water, elect. shut off?)
38	4.5 5	Hostages held Inmates held for sodomy	7:00 a.m.-Luther calls, speaks with Sit-Con 7:20 a.m.-Coughlin tells Governor he's shut off heat - water off next 7:30 a.m.-Governor issues press release 7:45 a.m.-Luther says he will release one CO & one inmate
39	4.25 5	Hostages held (value reduced with Taylor's release) Inmate held for sodomy	8:20 a.m.- CO Taylor is released with 2 inmates 8:21 a.m. - 2 inmates as replacements on Sit-Down Committee

- contd. -

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
40	4.25 5	Hostages held Inmate held for sodomy	
41	4.25 5	Hostages held Inmate held for sodomy	10:30 a.m.-Coughlin called by Marino
42	4.25 5	Hostages held Inmate held for sodomy	11:25 a.m.-New strategy: demand release of hostages or no agreement; Sit-Con hangs up on Luther 11:32 a.m.- Inmate committee coming to messhall 11:49 a.m.- Inmate Luther says let's get it over with
43	4.25 5	Hostages held Inmate Stabbed	12:08 p.m.- Negotiations in messhall 12:25 p.m.- Inmates present 7 complaints & demands 12:40 p.m. - Inmate released - stab victim - sent to hospital

- contd. -

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
44	4.25 5	Hostages held Inmate held for sodomy	1:20 p.m.- Inmate debrief- ing: "They started stabbing me" 1:49 p.m.- Inmates request food, heat, medication 1:54 p.m.-Inmates throwing shanks out window
45	4.25 5	Hostages held Inmate held for sodomy	2:45 p.m.- 2 COs outfitted with gas & vests; 2 other COs given shotguns (CERT) 2:50 p.m.- Possible agreement
46	4.25 5	Hostages held Inmate held for sodomy	3 p.m.-All personnel & equipment ordered inside facility (CERT) 3:06 p.m.- Medication request denied until hostages turned over 3:15 p.m.- GHCF CERT to A-Block Gym; prepared and armed with teargas 3:46 p.m.-Document signed by Supt. Walters & I.G. Malone, to go into effect on hostage release 3:49 p.m.-ABC News back to messhall 3:54 p.m.- All Sit-Cons deployed to site for possible resolution & release of hostages 3:55 p.m.- Inmates may release 4 hostages soon
47	4.25 5	Hostages held Inmate held for sodomy	4:01 p.m.- Barricades being removed in Block 4:30 p.m.- Negotiations continue in Messhall

-contd. -

DISTURBANCE INDEX (CONTD.) 220

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
48	4.25 5 1	Hostages held Inmate held for sodomy Inmates yelling at gate	5:20 p.m.-Inmate negotiators told they have 15 minutes to decide yes or no on signed agreement 5:34 p.m - TV crew in place
49	4.25 5 2 1	Hostages held Inmate held for sodomy Significant movement Inmates yelling	6:05 pm- Ganim tells press: "We have made a deal. We last talked 15 minutes ago." But inmates shout from Block, "They're trying to insult our intelligence! Come down, Governor Cuomo. At 6:10 p.m. FOUR COs ARE BROUGHT TO CELLBLOCK WINDOW TO PLEAD TO THE PRESS. THEY ASK FOR GOVERNOR, MEDIA; SAY THEY'VE BEEN TREATED WELL; TELL THE STATE TO STOP LYING - these appeals are broadcast and printed as national news 6:15 p.m.-Coughlin tells Governor inmate negotiators may be losing control 6:35 p.m. - Dr.Broadus is negotiating 6:40 p.m.-Coughlin discounts reports of hostages making appeals; DOCS seems unaware of what went on in that area of the prison. 6:45 p.m.-ABC's Berkowitz still not broadcasting
50	3.25 5	Hostages held (less 4) Inmate held for sodomy	7:25 p.m.- Food displayed 7:57 p.m. - 4 Hostages released; very upset at authorities - "Stockholm Syndrome"

- contd.-

DISTURBANCE INDEX (CONTD.) 221

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
51	3.25 1	Hostages held Inmates yelling	8:04 p.m.- One hostage speaks before TV camera in messhall 8:30 p.m.- Utilities restored to Block 8:36 p.m. - Food sent to mess 8:48 p.m. - Food sent to inmates
52	3.25 1	Hostages held Inmates yelling	9:01 p.m.-More food sent in 9:40 p.m. - Inmates heard announcing on bullhorn that all hostages would be released after 10-point agreement was read over news on TV at 10:30 and 11 p.m.
53	3.25	Hostages held	10:20 p.m. - Inmate Luther Morrison is heard reading 10-point agreement signed by I.G. and Supt. Walters 10:30 p.m. - Inmate demands read on TV; inmates cheer
54	1.25	Hostages held	11:26 p.m.- Inmate negotiating team at gate 11:27 p.m. - First 2 of the remaining hostages received 11:33 p.m.- 2 more hostages received 11:42 p.m. - 2 more hostages received 11:48 p.m.- 2 more hostages received 11:52 p.m.- Injured inmate received
Jan.11 55	0	(All hostages out)	12:08 a.m. - 2 more hostages released 12:29 a.m.-Last 2 hostages released 12:35 a.m.- Inmate Angel Montalvo interviewed by ABC

- continued -

DISTURBANCE INDEX (CONTD.)

HOUR	VALUE	ACTIONS BY INMATES	ACTIONS BY STATE AUTHORITIES
56			<p>1:15 a.m. - I.G. investigators assigned to accompany CERT</p> <p>1:30 a.m. - AKCF (Coxsackie-Wallkill) CERT enters B-Block to lock & secure inmates; GMCF CERT standing by in A-Block gym to subdue any hostile resistance</p> <p>1:35 p.m.- Coxsackie CERT enters B-Block Messhall; Woodbourne CERT enters B-Block;</p> <p>1:45 p.m.- AKCF CERT enters B-Block to secure areas and gather contraband; hundreds of weapons brought out of B-Block to Messhall</p>
57			<p>2:14 a.m. - large number of weapons being cleared from galleries; B-Block secured without hostile action from inmates</p> <p>2:20 a.m.- Guns, gas and other equipment for retaking removed to van outside the Block</p>

V. CONCLUSIONS

Ossining's Challenge

There is no simple or comforting explanation of why a major disturbance and hostage situation occurred at Ossining. To most of the outside world, it was Sing Sing - a relic from musty books and old movies, which many people were surprised to learn was still in use after 157 years. Those who lived or worked inside knew it was a neglected institution, beset with many serious problems. Most of its inmates and staff sought to transfer elsewhere, inspectors cited it as incorrigible, and some policy analysts within DOCS called it an "unmanageable facility." Local residents viewed it with embarrassment or scorn, and generations of politicians pledged to close it down but kept it open.

The January uprising has reminded the world about Ossining, and the ensuing probes have put the prison under a microscope. These examinations confirm that some of the facility's problems were unique, while others were and are endemic to the system of which Ossining is only a part. The events that happened in B-Block could have happened elsewhere - not only in other locations within Ossining, but in other correctional facilities. They could also occur again.

The volatility of overcrowded prisons such as Ossining cannot be underestimated or countenanced. Ossining was a troubled institution long before its eruption that Saturday night. Many elements of that institution and the whole prison system require immediate correction.

Ossining's Problems

On January 8, 1983, Ossining was an old and crowded institution. An antiquated and deteriorating physical structure, poorly heated and ventilated, with primitive locking systems, and overtaxed space for visiting, recreation, and other inmate programs, had been the subject of extensive construction which was still ongoing. The prison was also a potential firetrap. Substantial fire safety improvements are needed immediately.

Blocks A and B - two old and extraordinarily long cellblocks which had previously been closed down as outmoded - had been somewhat renovated and reopened to house inmates up to their full capacity. This housing utilization had occurred before the opening of planned program facilities. At the time of the disturbance the Recreation area for B-Block was still under construction, as were a new Visiting area, Kitchen and Messhall. Ossining was full to its designed capacity and filled far beyond its capacity to offer minimal educational, vocational, or recreational activities.

More than four-fifths of B-Block's inmates were black or Hispanic, and most were from the lowest socio-economic level. Nearly all were idle, without any job or educational or vocational assignments to fill their time. They were simply warehoused in Ossining.

Residents of B-Block were designated by DOCS Central Office as "Transient Inmates" on the rationale that they would be in the facility for only a few weeks before being transferred to more permanent and better equipped places of confinement. Yet, many had been kept there for several months. "Transient Inmates" received fewer privileges than inmates in other maximum-security facilities - less opportunities to receive visitors or packages, less access to legal materials, fewer recreation programs, educational programs, vocational programs, and other activities. By withholding privileges from inmates based on their status rather than their behavior, DOCS eliminated incentives and other tools of control from the apparatus usually available to enforce discipline in a prison, and many inmates came to feel that they were being treated unjustly. The "transient" label may also have contributed to unsanitary conditions and other problems affecting the quality of life and work in the facility. Its inhibiting effects on inmate social structure, for example, stunted the growth of constructive inmate leadership which could have been useful in preventing or helping to more quickly resolve the uprising. A lack of

clarity marked the facility's status, function, and procedures. This contributed to confusion among the prison's supervisors, officers and inmates. Ossining's custodial staff had recently been expanded to supervise the large and increasingly discontented inmate population. However, high staff turnover and other factors had resulted in a revolving door, through which passed a constantly changing stream of inexperienced, insufficiently trained, and poorly paid correction officers. Absenteeism was high and morale was low. A cloud of alleged corruption also hung over Ossining. At least 20 staff members had recently been charged with crimes, including bribery, drug trafficking, and other misconduct. Several other investigations were still underway.

Ossining staff and inmates frequently appealed to the Administration to improve conditions in the facility. That Administration, however, was indecisive and unresponsive to such appeals. Virtually all sources considered for this Report agreed in their assessment of the Superintendent as ineffective.* The Commission of Correction noted that inmates reported a "very aloof, unapproachable, non-communicative image of the Superintendent," indicating that he seldom toured the facility. Many other documents from inmates conveyed the same impression, indicating that Superintendent Walters was practically invisible and unreachable as far as they were concerned. Interviews and statements by OCF staff and union officials about the Superintendent were almost indistinguishable from the inmates'. Other sources familiar with the facility agreed.

Ossining's conditions of confinement were less than those required by State law, Department rules, or acceptable correctional practice. Unsanitary conditions and general filth and untidiness characterized the place. These conditions are documented by a variety of independent parties, including staff, inmates, visitors, auditors, and inspectors from the Commission of Correction and the State Health Department. During the

* Superintendent Walters has since retired and been replaced by James Sullivan, a former deputy superintendent at Clinton.

months leading up to the disturbance, the health and safety of OCF prisoners had plummeted. Despite some additional staff, medical coverage was bad compared to other State facilities, and by all indications it was getting worse. The facility had registered the most inmate deaths in the State correctional system.

Inmate-on-inmate violence was on the rise. Two homicides and several serious stabbings, arsons, and fights had recently occurred, and the frequency and seriousness of such events were escalating. Many inmates were afraid. Complaints and other expressions of concern about this violence were communicated to the OCF Administration and DOCS by inmates, staff, PLS, and others - without success.

Trouble was anticipated by inmates and staff, some of whom duly reported it to the Ossining Administration and Albany. Many insiders expected any disturbance to start in A-Block, which had recently been the scene of several serious incidents. On Dec. 6, a dispute had occurred in A-Block which was similar to the one that later developed into a major disturbance in B-Block.

Virtually all of the conditions that resulted in inmate demands during the January disturbance, except amnesty, had been the subject of numerous and increasing formal complaints to Superintendent Walters, Commissioner Coughlin, and other Department officials. Outside organizations, such as the Correctional Association and the Fortune Society, had received mounting prisoner complaints from OCF before the disturbance. Many of these complaints had also been forwarded to State prison officials.

In addition to its standard intelligence sources, the DOCS high command received weekly "Early Warning" reports from all facilities, including Ossining. During the months preceding Jan. 8, these reports did not show OCF to be as tense as some other prisons, particularly Attica.

In fact, the facility had consistently reported "normal operations." Yet, the Early Warning System had been indicating increasing problems at Ossining - many of them relating to Transient Inmates. From July to the time of the disturbance, warnings from the facility were clearly rising (See Appendix).

The Early Warning System had reported rising violence, low CO morale, increased injuries and illnesses among inmates, and greater inmate idleness and aggressiveness at Ossining. These warnings were only the tip of an iceberg, for they did not mention many other serious incidents (such as the two homicides which had occurred in August), some of which Central Office knew of from other reports. Early Warning had not been providing a complete picture of Ossining's troubles. But even its version had contained classic indications of rising tension and conflict. According to a DOCS internal study: "The Early Warning System religiously reported the symptoms of the breakdown in operations. Unfortunately, it appears that executive staff at Ossining, Region I, and central headquarters were unable to initiate a course of action which would address sufficiently what had become Ossining's chronic problem which was becoming acute."

In short, the nature and extent of many of Ossining's problems had been communicated to the appropriate officials for months before the disturbance. By Jan. 8, however, there had been little change or improvement. A DOCS report of March 25, 1983 acknowledged: "The contention that the Central Office was well aware of the conditions at Ossining Correctional Facility is accurate. Not only was data gathered through the Superintendent's monthly reports and the Inmate Grievance Program, but it was also gathered from the Early Warning System Reports, the minutes from the monthly Executive Team meetings, reports from inspections and evaluations, inmate letters and petitions, and so on."

These findings and conclusions are being presented after the uprising. While it is relatively easy to detect apparent "causative" or

"contributing" factors after a disturbance has occurred, it is not always so easy to detect them beforehand. It may be impossible to prevent all prison disturbances, because some conditions are beyond the power of correctional administrators to change.* The Department of Correctional Services is charged with the administration of an entire prison system, of which OCF was (and is) only one part. To fully understand the Department's performance regarding Ossining before the disturbance, one must have a better sense of how the facility's profile and problems compared with those of other New York State prisons.

Statewide Problems

The record growth of New York's inmate population began in the early 1970s, reflecting a nationwide trend. In 1970, the State incarcerated about 66 inmates per 100,000 people, compared to a national average of about 87 and a regional average of about 59 per 100,000.** From 1973-79, however, New York's rank shifted from 27th to 23rd as its imprisonment rate increased from 68.9 to 117.2. The number of inmates in custody on December 31 of those years rose from 13,437 to 20,187 - a growth of about 55.2 percent. To meet this growth, DOCS added over 5,000 spaces, primarily through conversion of Division for Youth, Department of Mental Health, and Office of Drug Abuse facilities, and initiated construction of the Downstate Reception and Classification Center.

As early as the Spring of 1978, DOCS planners expected that further capacity expansion would be required to meet greater projected increases of inmates. A "Construction Action Plan," commissioned by the Department, envisioned the creation of 3,000 additional prison beds through a mix of new construction and renovation or expansion of existing facilities. But cost and logistical problems ultimately caused the State to replace this

* Frankly, short of constructing at least 2,000 maximum-security beds in the New York City area as expeditiously as possible, I am not certain that there are any long-term "solutions."

** According to federal classification, the Northeast includes Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania. At least since World War II, the Northeast has traditionally had the lowest incarceration rate and the South has had the highest - more than twice that of the Northeast.

plan with the proposed acquisition of the Rikers Island complex from New York City. New York City and the State signed a Memorandum of Understanding, setting forth the broad parameters of the transfer, in June 1979, and negotiations for a specific lease agreement continued until May 1980, when New York City opted not to proceed with the plan.

As an alternative, in June 1980 Governor Carey announced a "Five-Year Capacity Expansion Plan," which called for the creation of 2,400 spaces within existing State correctional facilities - nearly 1,000 of them at Ossining - as well as the construction of three new 512-bed maximum-security facilities on the grounds of Wallkill, Woodbourne, and Coxsackie. This plan was based on the Department's projected inmate population of nearly 22,000 on March 31, 1981, which was expected to grow to over 24,000 by March 1986 and to stabilize at that level. In calling for a five-year capacity increase to 25,570, DOCS analysts provided for a buffer of 1,500 spaces to ensure a generally accepted ideal standard of 85 percent capacity utilization.

In fact, however, these projections proved to be severely underestimated. By March 1981, the actual inmate population was 22,600 and by year's end it had reached 25,499. In a hearing that July, Commissioner Coughlin testified that the art of population projection "has been thrown into the garbage pail." As a result, on Dec. 31, 1981 the prison system was filled to 112.1 percent of capacity, with the overflow housed in such inappropriate places as recreation areas and basements. By mid-January 1982, DOCS was using 1,856 "temporary" spaces, including non-residential areas converted to housing, and cellblocks that did not conform to life safety requirements or which lacked adequate program and support services.

This unanticipated surge in inmate population resulted from several factors. According to DOCS, which stresses that it has "absolutely no control over any of the elements which determine the size of its inmate population," these causes included the following:

- A "get tough policy" on criminals, which New York City Mayor Ed Koch implemented in early 1981, some of the major ingredients of which involved increasing the efficiency of criminal justice processing.
- A substantial increase in felony indictments statewide, up by 6,000 from 1980-81.
- A statewide increase of 6 percent for felony convictions.
- Longer sentences and more mandatory imprisonment, due most notably to the 1978 Violent Felony Offender Law of 1978 and other changes in judicial processing.*
- Less use of parole release.

The Department's space squeeze tightened on Nov. 3, 1981 when New York State voters rejected the Correctional Facilities Bond issue by the narrow margin of 13,699 votes. The proposition would have authorized the creation of a State debt in the amount of \$500 million to provide funds to "acquire, construct, rehabilitate and equip facilities to be used to provide security through improved correctional facilities in the State." In New York City the measure passed by 210,852 votes, but Upstate it was rejected by 224,551. A consistent pattern was not evident in counties having or being considered as sites for State prisons. In Westchester, the site of Ossining Correctional Facility, the bond passed by 91,797 to 68,834; it was rejected in Attica's county, but approved in Clinton's.

In its July 1982 recommendations to Governor Carey, the Executive Commission on the Administration of Justice (Liman Commission) observed that "the public may have engaged in an intuitive cost-benefit analysis, and concluded that at a cost of \$100,000 to build a maximum-security cell, and \$20,000 a year to maintain a prisoner in that cell, prison construction is just too expensive a remedy no matter how serious the problem." It asserted:

* In 1976-77, the median minimum term of imprisonment was 21.4 months, compared to 32.7 months for 1980-81 - an increase of 53 percent. The percentage of offenders entering DOCS custody with maximum sentences of five years or more also increased from 20 percent in 1970 to 43 percent in 1980.

Because major actors cannot agree upon what should be done about prison overcrowding, the State is drifting toward disaster... The public wants prisoners locked up, but not in their own neighborhoods... [Nevertheless] the situation has become so severe that the State now has no option but to create more prison cells, either by conversion of existing facilities or construction of new facilities.*

Regardless of why the bond was defeated, by Dec. 8, 1981 the situation was so acute that Commissioner Coughlin stated in a sworn affidavit: "The Department is no longer engaged in rehabilitation or programming efforts, but rather it is forced to warehouse people and concentrate only on finding the next cell."** Ossining was one of the glaring examples, but it was not unique as a facility adversely affected by overcrowding.

On Feb. 16, 1983 the Commission of Correction accepted as a final report a staff-prepared document entitled "Overcrowding Evaluation of Twelve DOCS Facilities, from January 1982 - July 1982." Twelve State correctional facilities, including OCF, were evaluated for: facility population and atmosphere; staffing and equipment needs; and programs and services needs. For the period of January through July 1982 the report offered the following observations:

- A. Population levels consistently exceeded the general housing capacity, and, for the most part, either equalled or exceeded the total capacity of the facilities during this period.

* The following January a statewide survey conducted by D. Hart Research Associates, the nationally known political polling firm, found that the issue was defeated largely because voters were opposed to building new prisons. The survey was commissioned by the Joint Labor Management Committee of the State's principal guard union and the Office of Employee Relations.

** Affidavit of Thomas A. Coughlin III, Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y.). In many ways, the Commissioner has not been permitted to administer the system; rather, he has been required to be the point man on new sites.

The average number of idle inmates ranged from zero at Eastern and Fishkill to 753 at Ossining, with a high of 1288 at OCF when all transient inmates were included in the measure. TIs were evidently not counted at all facilities.

Atmosphere and attitudes seemed relatively stable in most institutions, but Clinton and Ossining were more tense, and Bedford Hills and Great Meadow indicated a sensitive but stable atmosphere.

- B. Correction officer vacancies ranged from 132 to zero in any one month, with an average number of 22 vacancies. [There were 78 CO vacancies at OCF on December 31, 1982.]

Supervisory staff vacancies were relatively low throughout the system, with OCF being an exception, as it showed 10 vacancies.

Food services vacancies were also relatively low. Medical services staff vacancies existed in about half the facilities. Teaching and counseling staff vacancies were evident in nearly all facilities, including Ossining.

Cell equipment was needed in about half the facilities. Mostly beds, storage lockers, chairs, blankets, desks, tables, and headsets were needed. OCF showed none needed.

- C. Food service delays of up to 45 minutes were observed in nearly all facilities, due to limited space and strained equipment. Food budgets were up in several facilities, including OCF.

Medical service delays in sick call and strained services were the rule, rather than the exception. Ossining appeared especially hard hit, with a severe impact recorded for the chronically ill.

Clothing shortages existed in nearly all facilities, including OCF.

Showers were adequate.

Visiting programs were very crowded, especially on weekends, and in some facilities the numbers of visits and visitors were limited, reduced or terminated. Additional visiting space was required in most facilities.

Packages and correspondence processing delays were widespread. Additional staff and space was needed in most facilities, including OCF.

Phone home programs were receiving an especially heavy demand, requiring tight schedules, additional phone installation, and other adjustments in some facilities.

Law library demand was up, resulting in limited access. Additional space was needed in about half the facilities.

Treatment programs (school and vocational) were consistently overcrowded or saturated and in need of additional space. OCF needed jobs.

Commissary programs indicated increased sales and increasing exhaustion of stock. Additional space was needed in most facilities, including OCF.

Thus, during the months leading up to the disturbance, many of Ossining's problems were shared by other facilities. Prison conditions statewide appeared to be deteriorating due to increased overcrowding. Inmate programs and services, including even such necessities as adequate clothing and medical care, were severely affected. The negative effects of overcrowding on inmate behavior were and are intensified in large facilities, such as OCF. Overcrowding also reduces inmate access to and participation in correctional programs. Thus, inmates appear before the Parole Board without showing any involvement in educational or vocational programs, and therefore they are deemed less suitable for release. Their parole release date is negatively affected, which further worsens prison overcrowding. Due to the breakdown in the delivery of important services and programs, inmates do not receive needed treatment for narcotics or alcohol problems, and consequently are more likely to experience those problems after they are released from custody.

Better Planning is Needed

During the months before the Ossining disturbance, several major calls were made for more reflective planning of public policy for criminal justice, especially corrections. The Correctional Association of New York reported:

The decade's changes in criminal justice policy were not part of an integrated strategy or rational plan. There has been no effective criminal justice planning and coordination at the State level. Major policy decisions have been made with little or no public debate about the merits of policies, little or no attempt to project their probable consequences, and little or no effort to evaluate their results after implementation.

The Liman Commission offered extensive recommendations regarding the administration of the criminal justice system and the reduction of prison overcrowding. You, as Lieutenant Governor, and as Governor in your State of the State Message to the Legislature, presented a series of proposed reforms. Other public officials and professional organizations suggested proposed improvements.

Nowhere is this need for better planning more evident than in our swelling and overcrowded prison system. Although 9,000 cells were added from 1975 to 1982, the planning of that expansion was schizophrenic, haphazard, and wrecked by an endless train of "unforeseen contingencies," many of which might have been anticipated if there had not been such confusion. The Ossining disturbance was simply the most immediate and most dramatic consequence of a crisis management response to complex problems - it was not the only legacy of those years.

Responsibility for these failures must be shared by officials in all branches and levels of government. As demonstrated by the recent history of Ossining capital construction, no one official or agency alone bears the full burden of failure. They all contributed. Although DOCS is the agency primarily responsible for the operation of the prison system, many of the factors affecting critical elements of that system are wholly beyond its control. In addition, some important oversight functions were supposed to have been performed by the Commission of Correction.

STATE COMMISSION OF CORRECTION

Functions, Powers and Duties

The Commission of Correction has existed in one form or another for nearly a century, and is authorized by the State Constitution (Art. XVII, Sect. 5). In 1975, after the Attica tragedy and a succession of controversies involving the Dutchess County Jail and the Commission itself, a broad reorganization was undertaken by the Legislature. By virtue of Section 40 of the Correction Law, a new agency with sweeping functions, powers, and duties, was created. The law specified that the Commission was supposed to:

Advise and assist the governor in developing policies, plans and programs for improving the administration of correctional facilities and the delivery of services therein.

Make recommendations to administrators of correctional facilities...

Visit, inspect, and appraise the management of correctional facilities with specific attention to matters such as safety, security, health of inmates, sanitary conditions, rehabilitative programs, disturbance and fire prevention and control preparedness, and adherence to laws and regulations governing the rights of inmates.

Establish procedures to assure effective investigation of grievances and, of conditions affecting, inmates of local correctional facilities...

Promulgate rules and regulations establishing minimum standards...in correctional facilities. Such rules and regulations shall be forwarded to the governor, the temporary president of the senate and the speaker of the assembly...

Close any correctional facility which is unsafe, unsanitary or inadequate to provide for the separation and classification of prisoners required by law or which had not adhered to or complied with the rules and regulations promulgated with respect to any such facility by the commission...

CONTINUED

3 OF 4

...the commission shall maintain and operate a training program for such personnel employed by correctional facilities as the commission shall deem necessary...

Approve or reject plans and specifications for the construction or improvement of correctional facilities.

Collect and disseminate statistical and other information and undertake research, studies, and analyses...

Make an annual report to the governor and legislature...

Limitations

Notwithstanding this extraordinarily broad mandate (and perhaps, to some extent, because of it), the Commission has been a paper tiger. One limitation has been fiscal - it has never been given sufficient funds to effectively carry out its legal responsibilities. Over the years, this inadequacy has become more and more acute. (See Tables in Appendix depicting its recommended budgets and appropriations.) Another limitation might be characterized as political. Since 1976, when the Senate voted not to confirm Governor Carey's nominee for chairman of the agency, the Commission has retreated from its initial prisoners' rights-ombudsman-watchdog-advocacy position. At the local level, it has become less meddlesome, threatening, or demanding, about standards of confinement in jails and lockups. Before the disturbance, the Commission shied away from direct confrontations with its sister agency in the Executive Department - DOCS. By a gradual process over the last several years, it became less independent of DOCS and less willing to assert itself as a monitor or guardian over the Department of Correctional Services.

Amidst a massive expansion of DOCS, the Commission has not scrutinized the Department's plans for construction and renovation. In the face of deteriorating prison conditions, many of which have been brought on by overcrowding, the Commission has shied away from trying to implement or enforce minimum standards, designate capacity levels, or do other things which might pressure DOCS to upgrade its facilities.

Audit and Response

On Jan. 9, 1979 the Office of the State Comptroller released an audit of the Commission's administrative policies and practices. Some of the recommendations, and the Commission's responses, were as follows:

- The Commission should regularly inspect all correctional facilities. (Response: The Commission has a schedule that sometimes must be modified for crisis and other reasons.)
- The Commission should develop a mechanism to evaluate DOCS' administration of its programs. (Response: It is already in place.)
- The Commission should develop specific criteria to identify which Unusual Incidents in State correctional facilities will be investigated. (Response: One is already in place.)
- The Commission should establish a mechanism to evaluate inmate grievance programs. (Response: Such a mechanism is being developed.)
- The Commission should establish minimum standards for State correctional facilities. (Response: The agency is in the process of doing this.)
- The Correction Medical Review Board should assume a more active role in developing minimum standards for health services. (Response: It has done so.)
- The Commission should have a better mechanism for looking into inmate deaths. (Response: It has a mechanism and is using it.)

At the time of the disturbance in B-Block the Commission still had not complied with the auditors' recommendations.

Pre-disturbance Performance

During the late 1970s the Commission conducted several inspections of Ossining and communicated its findings to both the OCF administration and DOCS. Commission investigators visited the facility on March 16 and July 13, 1978, and March 7-9 and May 22-25, 1979. Members of its Correction

Medical Review Unit staff also visited OCF on June 25-29, 1979. Some of the findings of these visits have been incorporated into earlier sections of this Report. Generally speaking, these earlier reports appear to have been competent and constructive.

After these visits, the Commission's Ossining involvement decreased dramatically. The Commission's next on-site inspection, and the last prior to Jan. 8, apparently did not take place until October 5-8, 1982, when two correctional facility review specialists conducted a routine visit.* None of their findings were communicated to the facility or DOCS central office until after the disturbance, and the only information communicated within the Commission itself was in the form of verbal reports. During an internal staff meeting on Nov. 9, the assistant director of the Commission's State Facilities Bureau directed that a written report of the field trip would "not be necessary," since it had only been a training exercise. However, sixteen days after the outbreak of the major disturbance in B-Block, the two Commission staff members who had inspected the facility in October 1982 filed brief written reports about their trip.

On Dec. 28, 1982, members of the Commission staff received a letter, dated Dec. 19, from an inmate at Ossining. The prisoner detailed numerous problems and inmate grievances at the facility, and added that all previous attempts to gain a hearing from the prison Administration and other responsible parties had met with failure. This letter was not answered until Jan. 20, 1983.

* COC had investigated the suicide of an inmate in January, 1980, and determined that the facility staff had not noticed the body for six to eight hours after the death.

Status at the Time of the Disturbance

It is difficult to evaluate the Commission's performance during the disturbance because agency personnel have provided practically no documentation of their actions, and there is little mention of the Commission by the other sources utilized for this Report. The Commission's only written accounts consisted of three brief (less than one-page each) memoranda filed by staff members who monitored CERT's shakedown of the facility on Jan. 11.

Aside from the three brief memoranda filed by staff, the only other written documentation by the Commission of its role during the disturbance is an 11-page report dated Jan. 20, 1983. This document, which is described as "the result of the debriefing of staff," chiefly consists of the Commission's findings as to conditions in OCF before the disturbance. Brief mention is also made of conditions in B-Block on Jan. 16, 1983, and it notes that Commission staff left Ossining on that date - five days after the block had been retaken by the State.

DOCS logs indicate that Chairman McNiff arrived at OCF on Jan. 9 at 3:45 a.m., and that he met with Commissioner Coughlin and Superintendent Walters. DOCS records also report that on Jan. 9 at 4:44 p.m., inmate negotiators said they wanted to have a face-to-face meeting in B-yard with the Commission and the DOCS Inspector General. The inmates were apparently told that the Commission would be available. However B-yard was rejected in favor of the B-Block Messhall. Correctional Facility Review Specialist John A. Guzman was identified by DOCS as the Commission representative who was available to speak with the inmates.

Needed Changes for the Commission

The Commission's importance as the official watchdog over more than 800 State and local correctional facilities has become all the more

crucial in recent years as a result of the many problems brought on by soaring inmate populations. Commission resources, which have been stretched thin since the agency's organization in 1975, have not kept pace with its huge workload. In fact, due in part to cutbacks of federal funding, the Commission's total budget has actually decreased since 1976-77 (see Appendix), leaving the agency chronically understaffed to meet its extremely broad mandate. In the future, if the Commission is to perform its most important and basic functions, additional funds may be necessary.

Even with dramatic increases to its staff and other resources, it would be unreasonable to expect the Commission to regularly inspect every State prison, county jail or penitentiary, and city lockup, to investigate every unusual incident in those facilities, and still perform other regulatory functions. Making do with limited resources requires successful planning, according to clearly established priorities. In the past, the agency has not taken an active role in advising and assisting the governor in developing policies, plans and programs, promulgating minimum standards for correctional facilities, scrutinizing DOCS space needs, or performing other, more reflective, services for corrections in New York State. These services are urgently needed.

Since the late 1970s, the Commission's effectiveness on the State level has been adversely affected by difficulties that arise when one agency of government seeks to regulate another agency of the same branch. In the future, the State's political leadership will have to decide whether the Commission is going to operate as an independent watchdog over corrections, or in some other capacity. The former would require stronger executive direction than the agency has heretofore exhibited.

SUMMARY OF FINDINGS ON THE DISTURBANCE

The underlying causes of the Ossining disturbance consisted of a large number of troublesome conditions, many of which were created or exacerbated by prison overcrowding. On January 8, a series of events occurred in this environment, sparking a major disturbance. The Sergeant-in-Charge of B-Block for the 3-11 p.m. shift precipitated an incident by instituting procedures which ran counter to the block's established policy, normal routine, staff's judgement, and inmates' expectations and demands. Although other facility staff, including the Watch Commander, interceded in an attempt to defuse the situation, security personnel lost control of the block and were taken hostage.

Female correction officers normally assigned to the housing unit for that shift were not present at the time of the takeover. If they had been present, most participants agree that females would have been attacked, and some staff and inmates would have been injured trying to harm or protect them.*

The barricading, donning of masks, taking of hostages, and seizure of B-Block do not appear to have occurred as result of a pre-planned conspiracy to escape or to achieve some other pre-determined result. Like most prison disturbances, the uprising was spontaneous - at least in the early stages.

During the initial phase, even if facility staff had tried to enter the block to regain control and rescue the hostages, they might not have succeeded without risking serious casualties and spread of the uprising

beyond B-Block. Likewise, it is uncertain whether forcible CERT attempts could have been carried out by surprise or without risking serious casualties.

In general, Department response to the emergency appears to have been good. All units performed relatively well during the disturbance, and internal communications within and between the Department of Correctional Services, State Police, Commission of Correction, and Executive Chamber appear to have been more than adequate, with few exceptions. An unfortunate exception was the miscommunication between DOCS and Senator Marino.

Although State officials displayed considerable skill, restraint, team effort, and sound judgement in responding to the crisis, and a number of inmates also helped to bring the episode to a peaceful conclusion, the final result was to some degree fortuitous. We were lucky to have averted a catastrophe.

The risk of serious injury to the hostages appears to have been lessened by a number of factors unique to Ossining, such as racial and other relationships between B-Block's inmates and staff, which were not generally known to others.

The Ossining disturbance ended without a bloodbath. But the conclusion of the DOCS Inspector General that the uprising "ended without serious incident" is not warranted by the facts. The IG's chronology of events underrepresented the full extent of inmate injuries, and his post-disturbance reports were also insufficiently detailed and contained factual errors, omissions, and distortions about other aspects as well. Defensive and self-serving posturing by the Inspector General is inappropriate for a unit which should seek to determine, not deny, Department accountability.

Likewise, the facility's report that, "No serious injuries were sustained," is incorrect, and its "list of inmates and complaints for which they received [medical] treatment," raises serious questions about the quality of medical care given to inmates injured during the disturbance. In the future, facility superintendents must be required to present accurate, timely, and comprehensive written accounts after a major disturbance.

Safeguards against physical reprisals during and after the retaking of the block helped to reduce the likelihood of misconduct. But DOCS should develop comprehensive written directives and rules to ensure failsafe accountability and protections against unauthorized use of force after a disturbance.

What role, if any, the Commission of Correction played during the uprising has not been adequately documented, and its record of staff monitoring during CERT's re-entry was insufficient. The Commission should develop written guidelines and policies to govern any possible future involvement in prison or jail disturbances.

APPENDIX

APPENDIX EXHIBITS

- A - DOCS Authorized Personnel & Projected Inmates
- B - DOCS Recommended Budgets & Total Appropriations
- C - Proposed Functional Organization of Facilities
- D - Ossining in DOCS Recommended Budgets
- E - Recommended Budgets for Ossining, by Activity
- F - Ossining Security Supervisors
- G - Ossining Security Staffing by Shift
- H - Ossining's 3-11 p.m. Shift - Security Staffing
- I - Some Visitors Arrested on Drug Charges at Ossining
- J - Inmate Grievance Procedure
- K - DOCS Grievance Procedure (IGRC)
- L - Responsibilities of Various Parties Involved in Ossining Capital Construction
- M - Communications Force Field and Network for Ossining Capital Construction
- N - Ossining Appropriations & Capital Constuction & Planning, 1970-71 to 1981-82
- O - Legislative Special Appropriations for Ossining Construction, July 21, 1981
- P - Bill Authorizing Sale of Ossining Land, July 21, 1981
- Q - Ossining Budgets & Spending, 1978-79 to 1981-82
- R - Ossining Construction - Cost Overruns & Delays
- S - DOCS "Early Warning" Reports for Ossining
- T - Descriptions of Some Ossining Inmates
- U - Crisis Intervention Unit (Sit-Cons) Involved in Ossining Hostage Taking Incident
- V - Apparent Inmate Negotiators During the Disturbance
- W - Early Demands by B-Block Negotiating Team
- X - Commission of Correction Recommended Budgets
- Y - Commission of Correction Legislative Appropriations

EXHIBIT A AUTHORIZED PERSONNEL & PROJECTED INMATES FROM DOCS RECOMMENDED BUDGETS 1971-72 to 1983-84		
Fiscal Year	Authorized Personnel	Projected Inmates
71-72	7,153	16,570
72-73	7,163	16,150
73-74	8,043	14,700
74-75	9,145	14,525
75-76	9,823	16,000
76-77	10,016	17,900
77-78	12,543	19,600
78-79	12,087	21,000
79-80	12,721	22,000
80-81	12,129	22,891
81-82	12,825	22,640
82-83	12,450	28,100
83-84	15,934	30,100
Percent Change	+123%	+82%

EXHIBIT B DOCS RECOMMENDED BUDGETS AND TOTAL APPROPRIATIONS ('75-'76 to '82-'83)			
Fiscal Year	DOCS Recommended Budget	Total Appropriation	Percent Appropriated
75-76	187,270,300	192,749,038	103%
76-77	202,608,100	200,306,100	99%
77-78	245,961,000	236,912,549	96%
78-79	256,566,100	242,683,936	95%
79-80	272,431,310	244,161,178	90%
80-81	297,829,985	272,172,040	91%
81-82	353,775,200	330,570,200	93%
82-83	522,091,500	441,036,600	84%
TOTAL	2,338,533,495	2,160,591,641	

EXHIBIT C
PROPOSED FUNCTIONAL ORGANIZATION OF FACILITIES

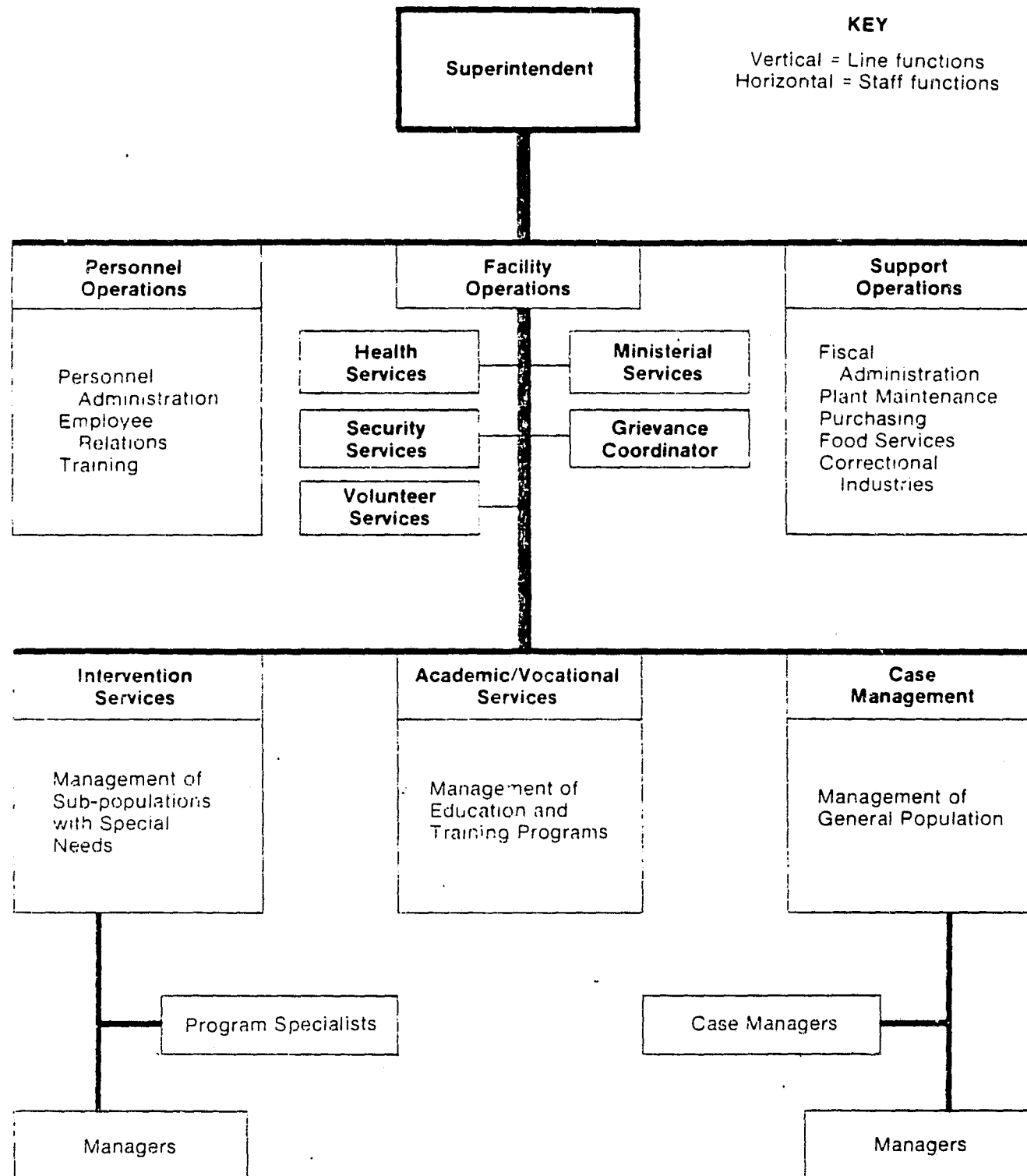


EXHIBIT D
 OSSINING CORRECTIONAL FACILITY
 IN DOCS RECOMMENDED BUDGETS, 1971-72 to 1983-84

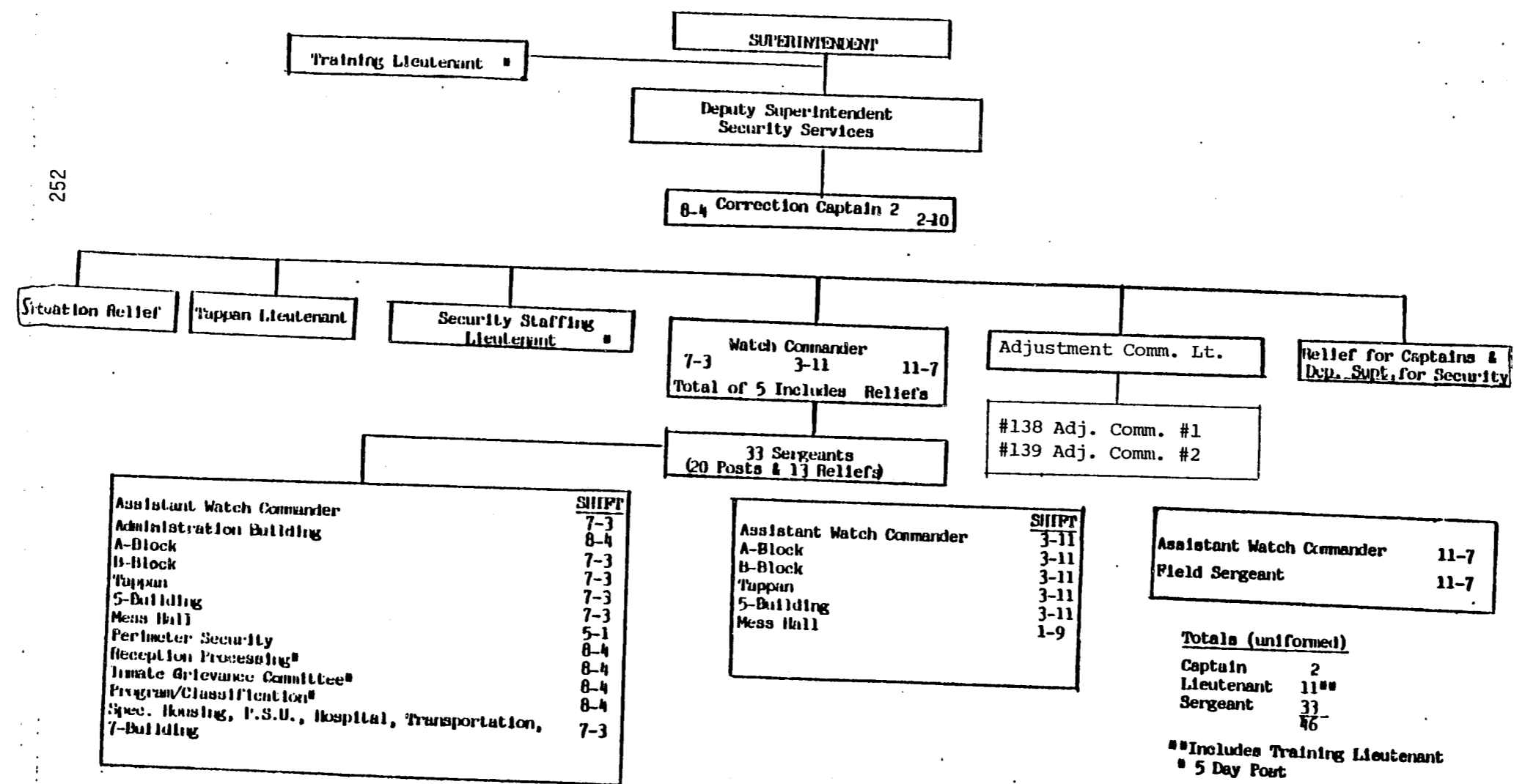
Fiscal Year	Recommended Budget	% Budget Change
1971-72	\$ 6,411,300	
1972-73	6,674,300	+ 4.1
1973-74	7,677,800	+15.0
1974-75	10,006,400	+30.3
1975-76	11,195,200	+11.9
1976-77	10,784,600	- 3.7
1977-78	10,940,400	+ 1.4
1978-79	11,953,400	+ 9.3
1979-80	11,896,964	- 4.7
1980-81	13,660,700	+14.8
1981-82	18,260,900	+33.7
1982-83	21,337,200	+16.8
1983-84	30,645,700	+43.6
TOTAL CHANGE	\$171,444,864	+378.0%

EXHIBIT E
RECOMMENDED BUDGETS FOR OSSINING C.F.

FY	TOTAL	SUPPORT SERVICES	SUPERVISION OF INMATES	PROGRAM SERVICES*	CAPACITY EXPANSION
71-72	6,411,300				
72-73	6,674,300				
73-74	7,677,800				
74-75	10,006,400				
75-76	11,195,200				
76-77	10,784,600	3,222,300	6,293,000	1,269,300	
77-78	10,940,400	3,208,500	6,440,300	1,291,600	
78-79	11,953,400	3,335,900	7,500,700	1,096,800	
79-80	11,896,964	3,345,850	7,352,700	1,198,414	
80-81	13,660,700	4,480,500	8,034,500	1,145,700	
81-82	18,260,900	6,228,300	10,531,800	1,500,800	
82-83	21,337,200	6,426,900	12,404,700	1,817,600	668,000
83-84	30,645,700	8,271,400	19,393,900	2,980,400	

*Entitled "rehabilitation of offenders" in 1976-77 and 1977-78.
SOURCE: Executive Budgets

EXHIBIT F
 CHART 2A
 OSSINING SECURITY SUPERVISORS



252

EXHIBIT G
CHART 3A - OSSINING SECURITY STAFFING, BY SHIFT

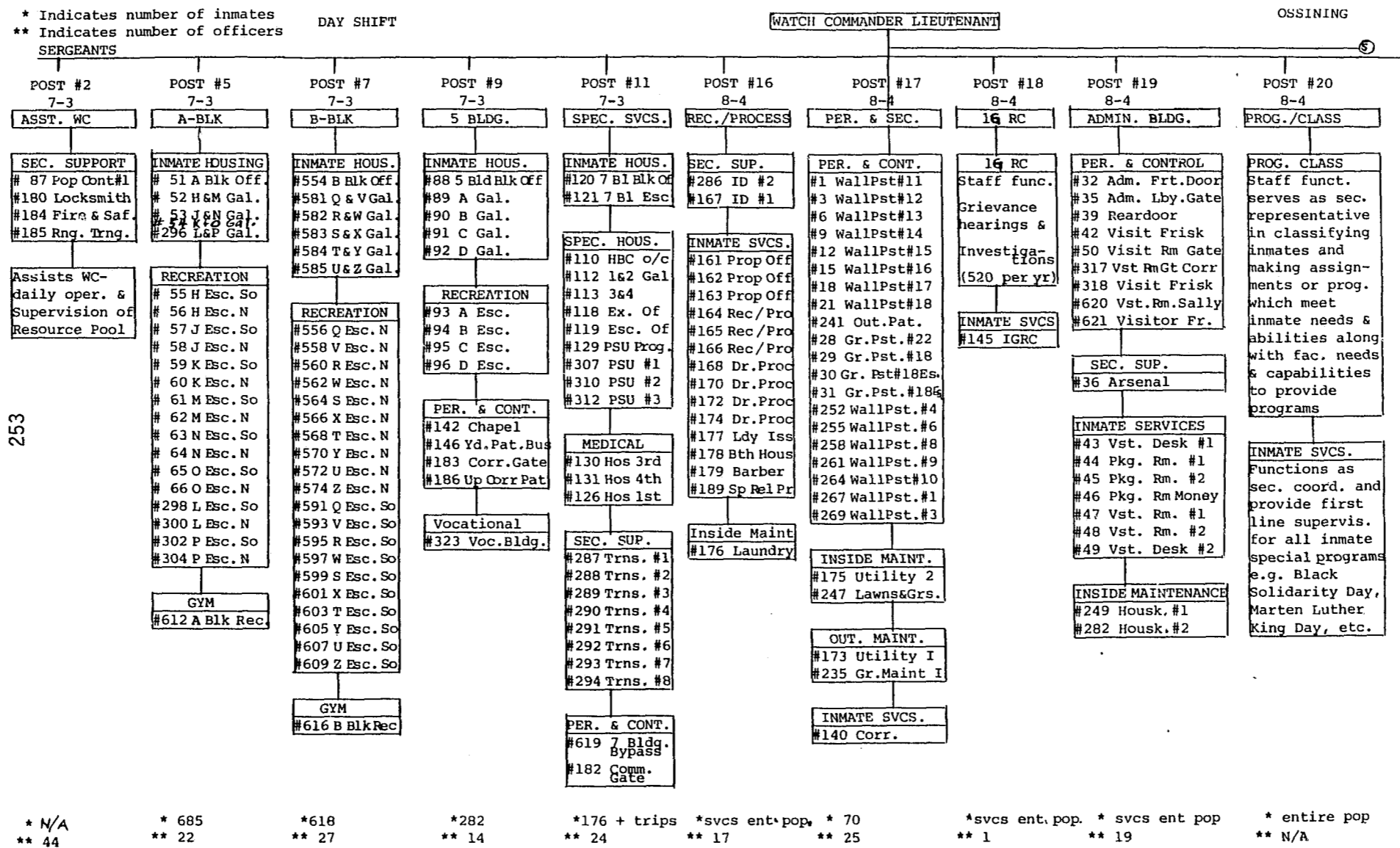
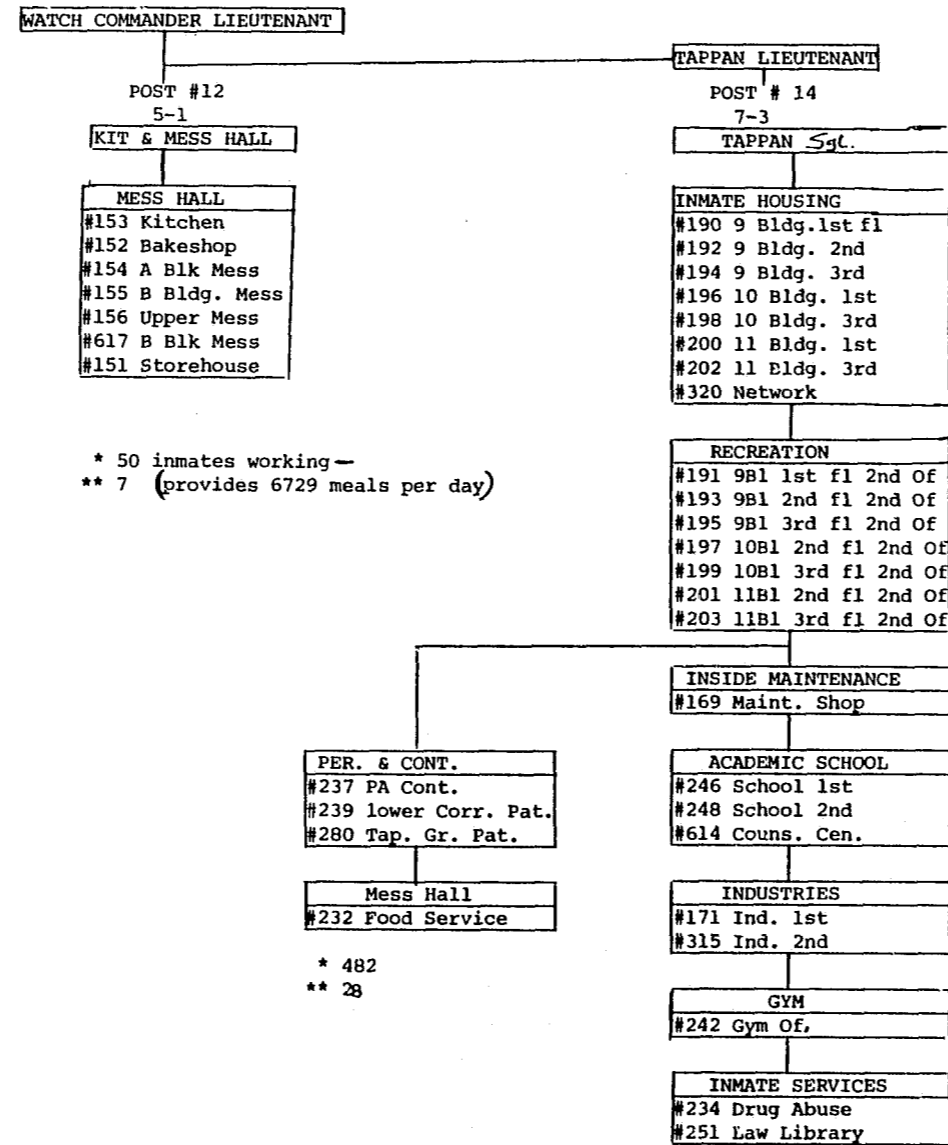


CHART 3A (continued)



* 50 inmates working--
** 7 (provides 6729 meals per day)

* 482
** 28

254

EXHIBIT G (continued)

EXHIBIT G (continued)

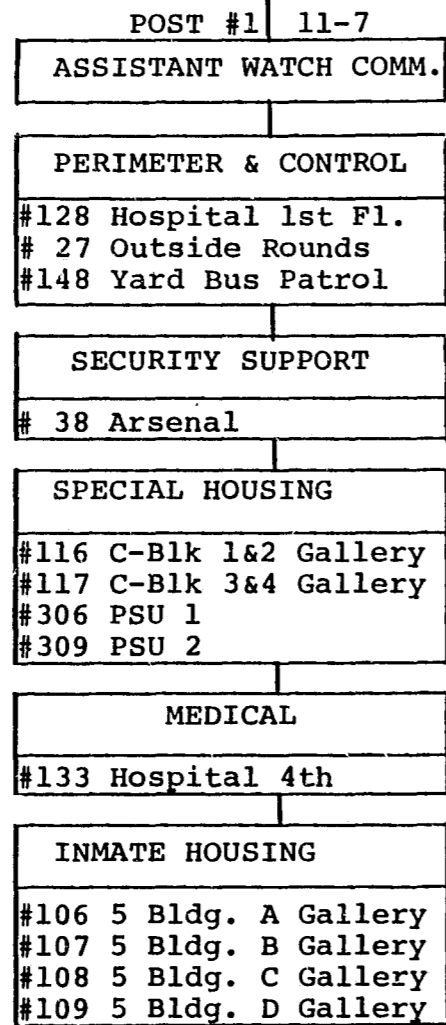
* Indicates # of inmates
 ** Indicates # of officers
 SERGEANTS

NIGHT SHIFT

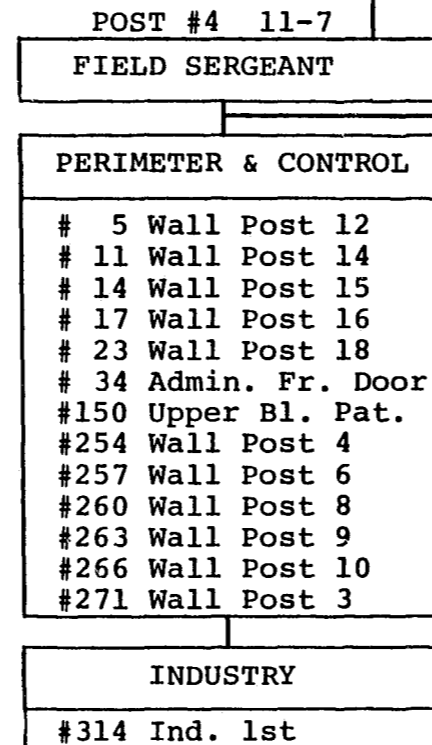
WATCH COMMANDER LIEUTENANT

OSSINING CF

255



*377
 ** 13



*1866
 ** 41

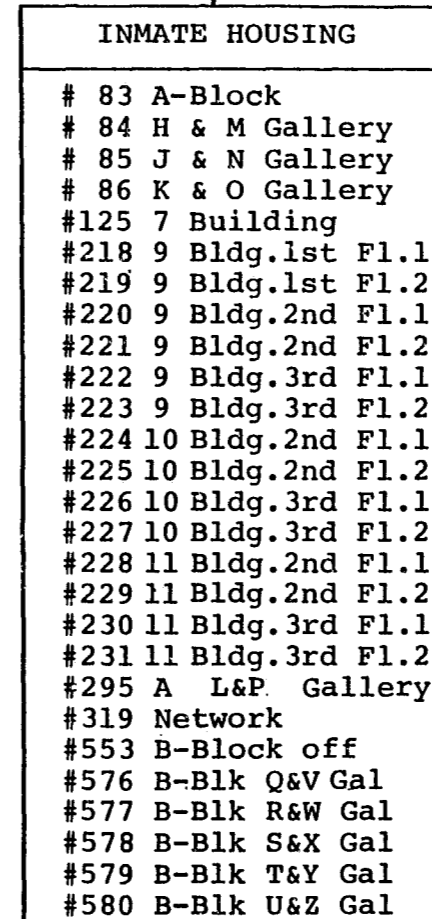


EXHIBIT H

OSSINING'S 3-11 P.M. SHIFT - SECURITY STAFFING

*Indicates number of inmates
 *Indicates number of officers
 SERGEANTS

AFTERNOON SHIFT

WATCH COMMANDER - LIEUTENANT

OSSINING

256

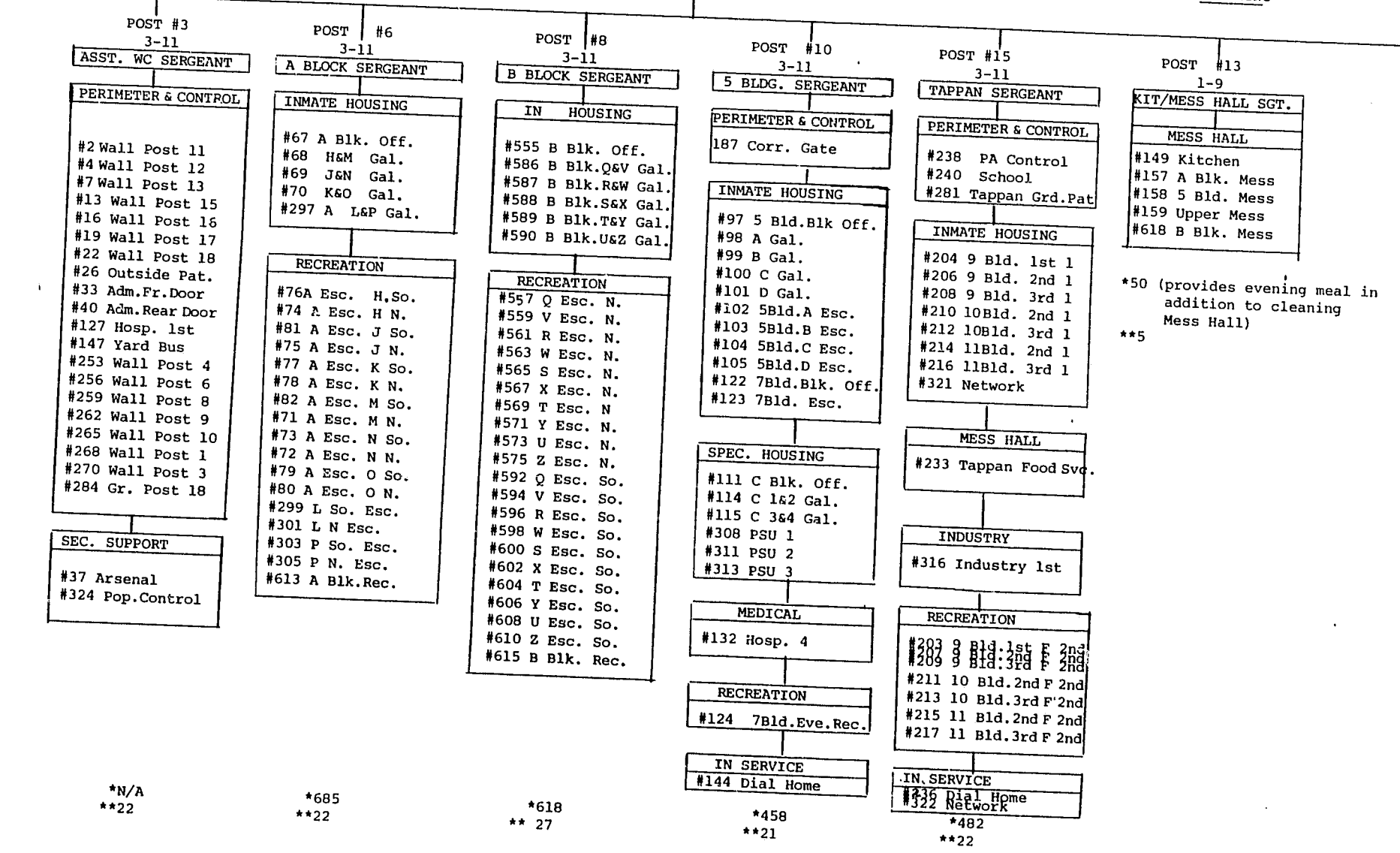


EXHIBIT I		
SOME VISITORS ARRESTED ON DRUG CHARGES AT OSSINING		
Date	Description	Drug
1-16-82	Routine search (female)	bag of marijuana
1-18-82	Routine search (female)	bag of marijuana
1-18-82	Routine search (male)	bag of marijuana
1-29-82	Routine search (male)	balloons of marijuana
2-17-82	Routine search (female)	bag of marijuana
2-18-82	Routine search (male)	packet of cocaine
3-2-82	Routine frisk (female)	bag of marijuana
3-9-82	Routine search (male)	pills in sock
3-19-82	Routine search (female)	marijuana cigaret
3-25-82	Routine search (female)	marijuana in cig.pack
3-29-82	Routine search (male)	bag of marijuana
4-16-82	Routine search (female)	marijuana cigaret
4-28-82	Routine search (female)	envelope marijuana
6-2-82	Routine search (female)	balloons of marijuana
6-11-82	Routine search (female)	15 marijuana cigs laced with Angel Dust in sock
6-30-82	Routine search (female)	packet of cocaine
8-5-82	Routine search (male)	balloons with cocaine and 3 marijuana cigs
8-27-82	Routine search (male)	bag of marijuana
9-18-82	Routine search (male)	bag of marijuana and 4 Valium pills in sock
10-3-82	Routine search (male)	balloon of marijuana & 5 pills
10-4-82	Routine search (male)	bag of marijuana
10-16-82	Routine search (male)	balloon of marijuana
11-2-82	Toilet flush (female)	5 balloons of cocaine & 1 balloon of marijuana
12-15-82	Routine frisk (male)	1 marijuana cigaret

SOURCE: Unusual Incident Reports

EXHIBIT J
INMATE GRIEVANCE PROCEDURE

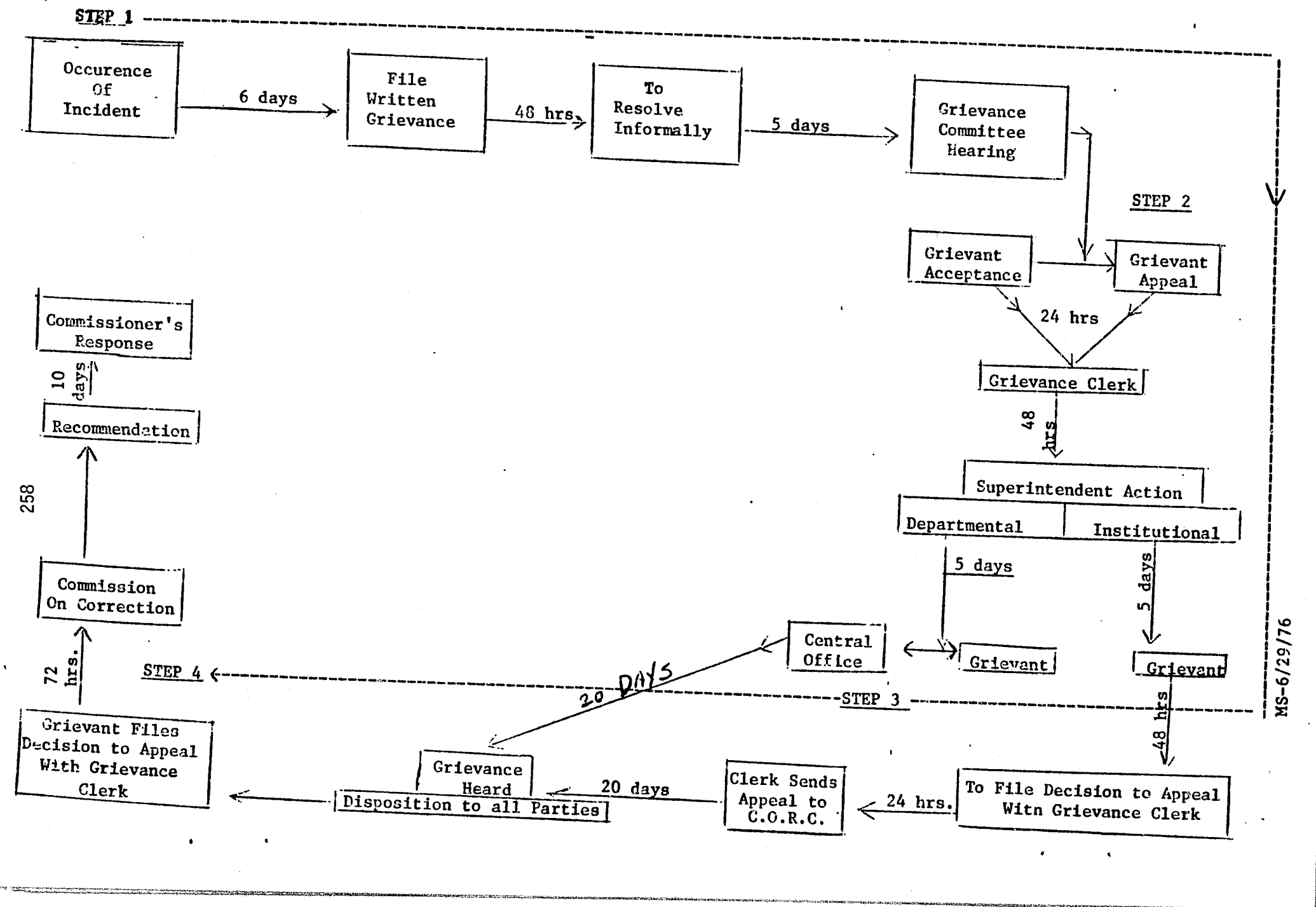
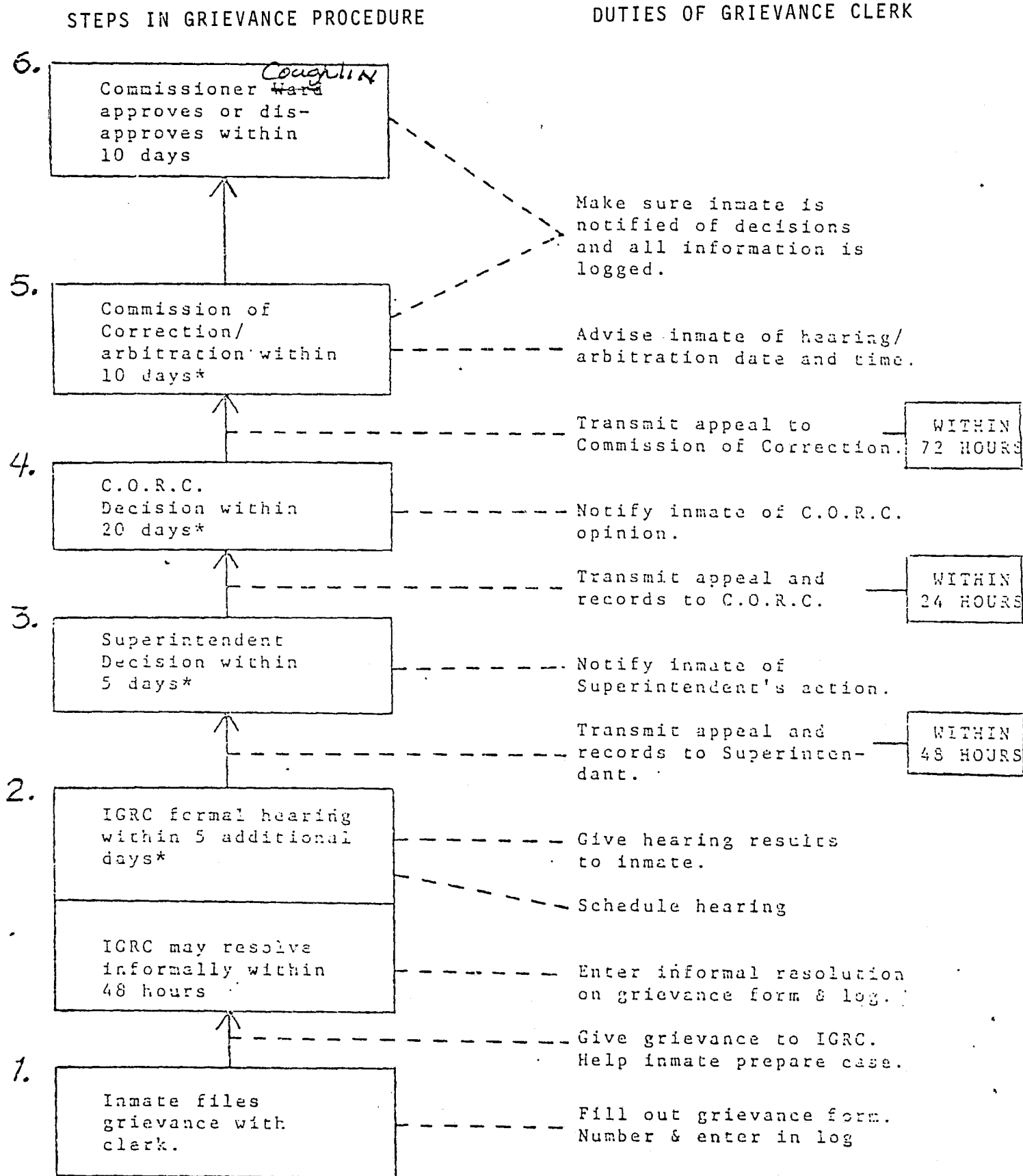


EXHIBIT K - DOCS GRIEVANCE PROCEDURE (IGRC)



*Automatically forward grievance to next level if time limit is not observed.

EXHIBIT L
RESPONSIBILITIES OF VARIOUS PARTIES INVOLVED
IN OSSINING CONSTRUCTION

NYS DEPT. OF CORRECTIONAL SERVICES

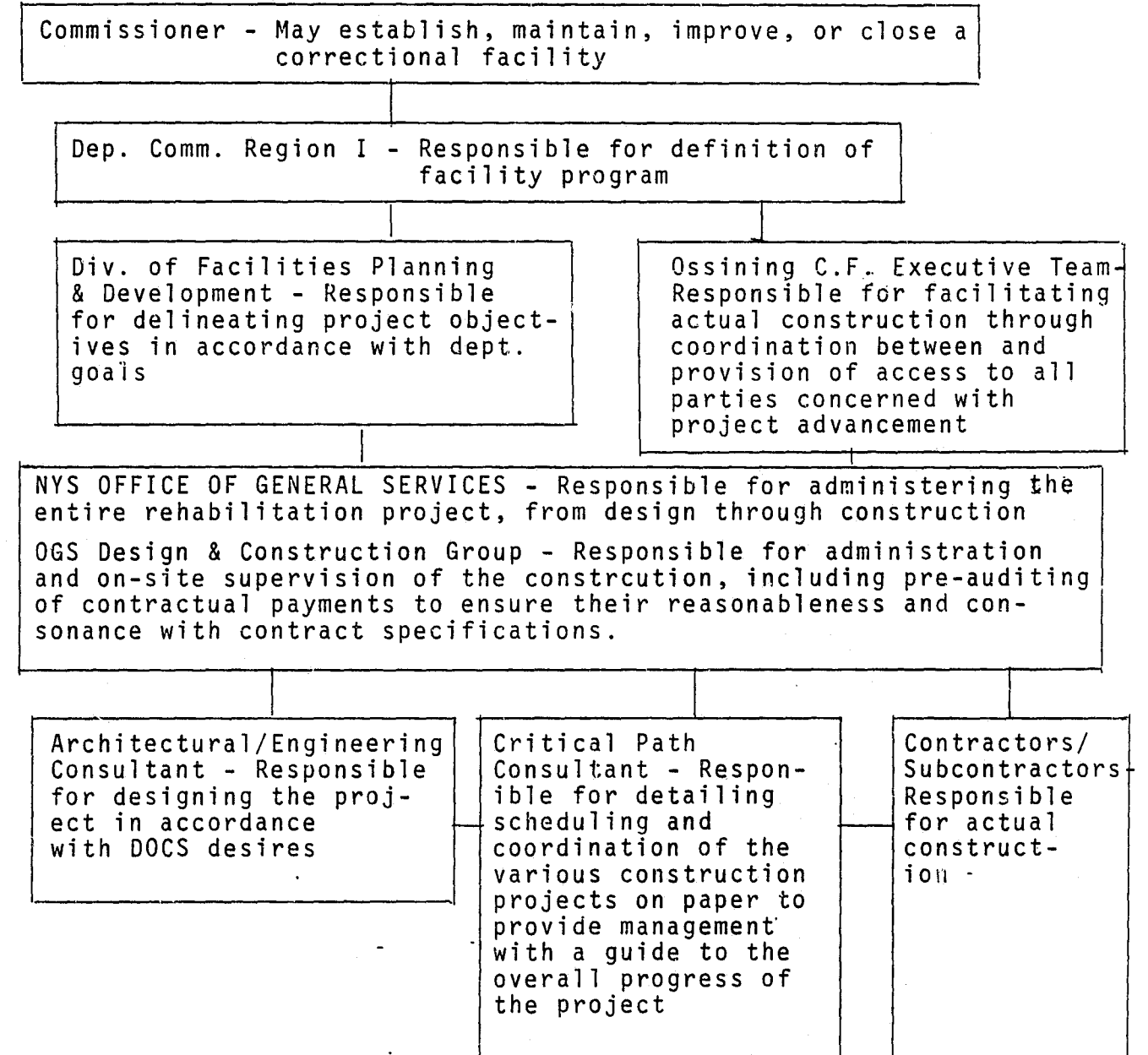
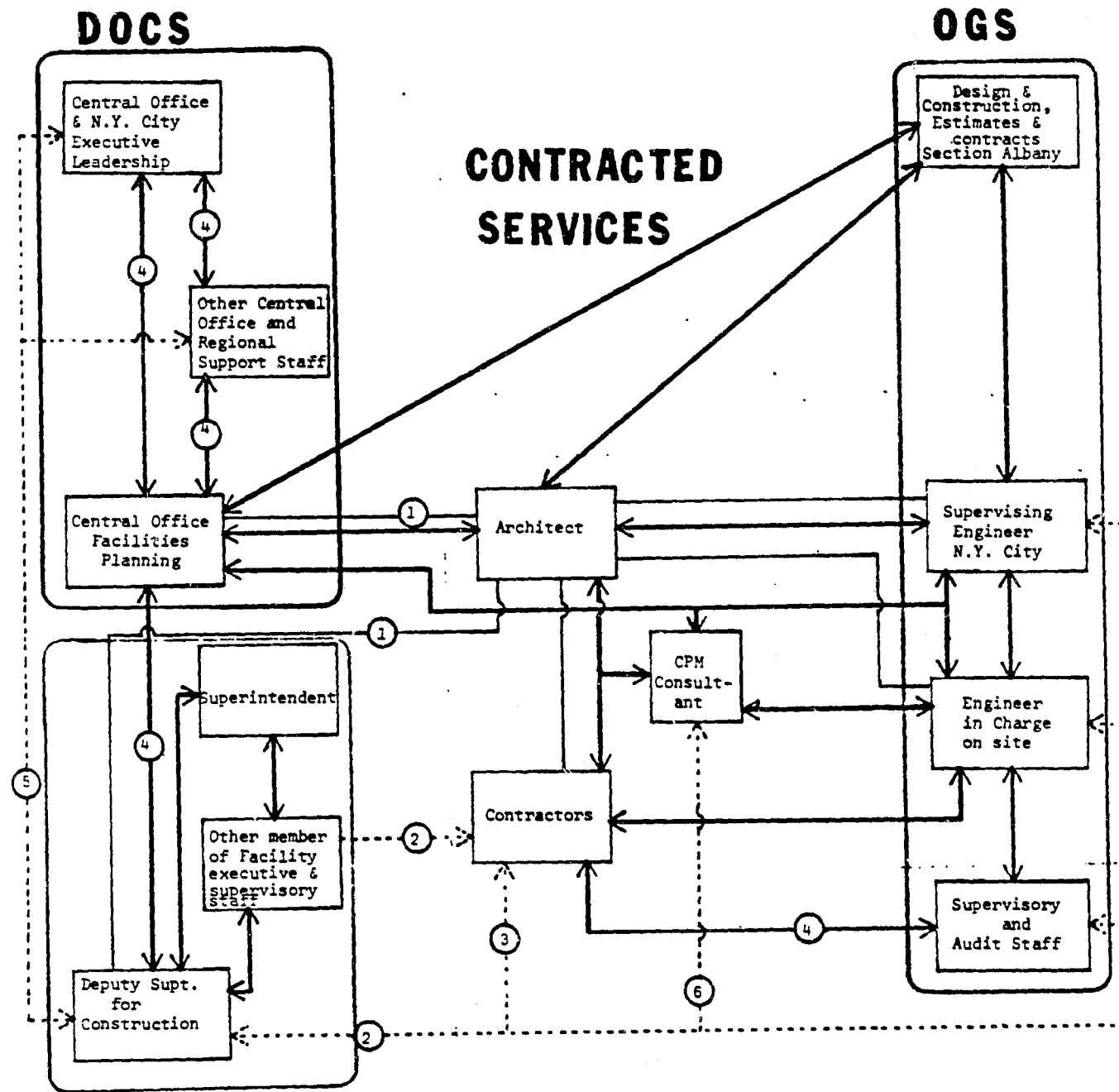


EXHIBIT M
COMMUNICATIONS FORCE FIELD & NETWORK FOR OSSINING CONSTRUCTION



1. Job meetings - Early in the project Central Office facility planning not normally in attendance. Eventually Deputy Superintendent was excluded from attendance and Facility Planning began attending.
2. Unnecessary and strained - Facility personnel felt this was their only means of input to project.
3. Contractors deny requesting work from facility.
4. Questionable if in place at beginning of project.
5. Deputy Superintendent for Construction felt this reporting was necessary in addition to reporting through facility planning.
6. CPM consultant not involved early in planning or construction phases.

----- Unplanned
 ===== Planned
 ===== Job Meetings
 ===== Central Office
 ===== Ossining
 ===== Office of General Services
 ----- Contracted Services

SOURCE: DOCS (12/82)

EXHIBIT N
OSSINING APPROPRIATIONS AND CAPITAL CONSTRUCTION AND PLANNING

Fiscal Year	Total Appropriations	New Appropriations	Reappropriations
70-71	1,072,000	1,072,000	
71-72	None		
72-73	None		
73-74	None		
74-75	4,630,000	4,630,000	
75-76	385,000	385,000	
76-77	None		
77-78	None		
78-79	4,117,000	4,117,000	
79-80	7,300,000	3,205,686	4,094,314
80-81	8,200,000		
81-82	32,862,000	24,600,000 302,000	7,960,000
TOTAL	58,566,000	NA	NA

SOURCE: DOCS

EXHIBIT O
DEPARTMENT OF CORRECTIONAL SERVICES - STATE AID
CHAPTER 716
Approved and effective 7/21/81

AN ACT to amend chapter fifty-four of the laws of nineteen hundred eighty-one, relating to making appropriations for the support of government, in relation to appropriations to the department of correctional services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter fifty-four of the laws of nineteen hundred eighty-one relating to the Capital Construction Budget is amended by adding to such section the items underscored in this section.

CAPITAL CONSTRUCTION FUND
DEPARTMENT OF CORRECTIONAL SERVICES
REHABILITATION AND SUPERVISION OF OFFENDERS
OSSINING CORRECTIONAL FACILITY

Alterations and improvements to various buildings to increase facility capacity to include basic facility utility and support systems, program and support space and housing accomodations..... 19,754,000

TAPPAN CORRECTIONAL FACILITY

Alterations and improvements to increase facility capacity to include utilities, security, administrative, and support space 4,847,000

Section 2. This act shall take effect immediately.

EXHIBIT P
OSSINING, VILLAGE OF - SALE OF LANDS FROM
CORRECTIONAL FACILITY TO
CHAPTER 715

Approved and effective 7/21/81

AN ACT authorizing the commissioner of general services to sell, convey and transfer to the village of Ossining, Westchester county, state owned lands which are part of the Ossining correctional facility and to repeal chapter seven hundred thirty-five of the laws of nineteen hundred seventy-six relating to authorizing the commissioner of general services to sell and convey lands in the village of Ossining, Westchester county, relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioner of general services in the executive department is hereby authorized and empowered to sell, convey and transfer, for a nominal price, to be paid by the state, to the village of Ossining in the county of Westchester, the lands with the buildings and improvements situate thereon being nine acres more or less, which are now part of the lands of the Ossining correctional facility, Westchester county, state of New York, which were formerly used as a residence for the superintendent of the facility. Conveyance of such land shall be upon such terms and conditions, as the commissioner of general services may determine and fix, subject to the approval of the commissioner of the department of correctional services and the director of the budget.

Section 2. The department of transportation may make an accurate survey and description of said lands which may be used in the conveyance thereof.

Section 3. The commissioner of general services shall not grant the aforesaid lands unless application is made therefor within one year from the effective date of this act.

Section 4. Chapter seven hundred thirty-five of the laws of nineteen hundred seventy-six relating to authorizing the commissioner of general services to sell and convey lands in the village of Ossining, Westchester county, is REPEALED.

Section 5. This act shall take effect immediately.

EXHIBIT Q OSSINING BUDGETS AND SPENDING				
Fiscal Year	Recommended Budget	Capital Construction		Total Appropriation
		Appropriations	Expenditures	
78-79	\$11,953,400	\$ 4,117,000	\$ 377,566	\$13,878,507
79-80	11,896,964	7,300,000	115,073	15,300,009
80-81	13,660,700	8,200,000	921,785	16,679,678
81-82	18,260,900	32,862,000	17,369,362	38,426,923
TOTALS	\$55,771,964	\$52,479,000	\$18,783,786	\$84,285,117

EXHIBIT R OSSINING CONSTRUCTION - COST OVERRUNS & DELAYS								
Project	Contract Let	Work Began	Planned Date of Completion	Actual Completion Date	PHASE I		PHASE II	
					Original Bid	Total Paid	Original Bid	Total Paid
Plumbing, Rehabilitation of Housing, Visiting, Recreation Food Service & Life Safety	7/23/81	7/23/81	4/1/82	4/1/83	\$1,682,000	\$2,105,000		
Plumbing, Phase II Rehab.	9/24/81	9/24/81	10/1/82	4/1/83			1,345,000	\$1,053,270
Electric Work, Rehab. of Rec., Housing, Visit., Food Service & Life Safety	7/23/81	7/23/81	4/1/82	4/1/83	1,647,000	2,949,000		
Electric, Phase II Rehab.	9/24/81	9/24/81	4/1/83	4/1/83			3,749,000	\$2,099,000
Heating, Rehab. of Housing, Rec., Visit., Food Service & Life Safety	7/23/81	7/23/81	4/1/82	4/1/83	484,000	2,020,000		
HVAC Work, Phase II Rehab.	9/24/81	9/24/81	10/1/82	4/1/83			1,192,000	\$1,030,270
Phase II Rehab.	9/24/81	9/24/81	5/1/83 est.				6,465,000	\$7,663,000
Rehab. of Housing, Rec., Visit., Food Service & Life Safety	7/23/81	7/23/81	4/1/82	12/3/82	5,084,000	10,572,000		
TOTAL					8,897,000	17,646,000	12,751,000	11,895,540
SOURCE: Comptroller								

EXHIBIT S
DOCS "EARLY WARNING" REPORTS FOR OSSINING

<u>Week Ending</u>	<u>Reported Activity</u>
June 25	Approximately 80 Correction Officers will be transferred to the Long Island Correctional Facility within a week.
July 2	...300 inmates will be processed from Ossining to the Queensboro Correctional Facility on July 13 and 14. Due to the excessive number of inmates being processed out of the facility, some program activities will have to be shut down on the dates mentioned.
July 16	Inmate idleness still remains a problem.
Sept. 10	As a result of the uncompleted construction at the facility, specifically in the areas of the mess hall, visiting room, psychiatric satellite unit, and the hospital, various operational problems are being experienced.
Oct. 1	The promised resumption of construction for B Block rec, the visiting room, kitchen/mess hall complex, and psychiatric satellite unit was scheduled to occur this week.
Oct. 8	EWS reports the resumption of construction projects on the visiting room, B Block, and hospital 2 and 3 floors.
Oct. 22	EWS reports an increase in inmate to inmate assaults. The increase in assaults is attributed to the long period of time inmates remain in transit status at Ossining. EWS reports concern and confusion with regard to status of current Captain appointments...
Nov. 5	EWS reports a series of difficulties regarding inmates held in transit status... There was a total of 497 inmates who attended sick call during the period from Oct. 21 to Oct. 28... 700 inmates were under controlled medication... 200 injuries were reported... (and) the majority of the injuries reported were inmates. But there is a higher number of officers reporting injuries on weekends as opposed to weekday reports. There were no unusual outbreak of illnesses or of VD and Hepatitis... The increase in violence reflects the overly long period in which inmates (transient and PV's) have to serve,

-continued-

EXHIBIT S (continued)

	awaiting placement to a facility to begin any attempts at Rehabilitation that some will succeed at. The programs available, which their transitory status defeats, does not adequately meet their needs and has bred some idleness and lack of meaningful work to generate an income which is necessary in all societies. This, together with the lack of experienced officers, has made the task of maintaining control extremely difficult. It is believed that if another major facility opens in the New York City area in the immediate future, and there are no significant changes, the control and security of this facility will be doubtful. The facility is experiencing a period of tension after the lack of adequate clothing...
Nov. 12	EWS reports nine protective custody inmates are housed on general confinement gallery 3 due to overcrowding in the protective custody gallery. EWS reports an unusual amount of weapons were found during a spot frisk in housing block B. ... (I)t is believed that the finding of the weapons during the surprise frisk has prompted adversary inmate factions to take a low profile... (D)aily spot frisks at key locations continue and... previous rumors of inmate conflict have diminished.
Dec. 3	(T)here are 1,147 inmates in transit status. Some of these inmates have been in this status for 6 months... (I)ncidents of reported assaults within this group of inmates are on the increase. On 12/6/82 it was reported that a portion of this group held a protest regarding the absence of privileges... (T)here are 279 Correction Officers with no winter issue of reefer-type coats, causing a morale problem within this group of security staff.
Dec. 10	A larger than normal group of inmates from D Block went to sick call on Tuesday, Dec. 14... (OCF does not have a "D" Block. (T)his same group appeared to be noisier and more aggressive than normal. The causes for this group activity are being investigated.
Dec. 27	(T)he time abuse unit is carrying 91 Corrections Officers on the time abuse list. Three civilians are also on the list.

EXHIBIT T
 DESCRIPTIONS OF SOME OSSINING INMATES

Individual Inmates Described

A few inmates - some of whom would later figure prominently in the disturbance, and others who would not - are described below to provide an indication of the inmates in B-Block on Jan. 8.

William Rivera, 82-A-2902 "Bulla"

CELL #: Z-650
 AGE: 22 ETHNICITY: Puerto Rican CRIME: Burglary 2d
 SENTENCE: 5-15 years
 ADULT CONTACTS: 15-19 Drug user
 EDUCATION: 6th grade RELIGION: None listed
 ARRIVED OCF: 6-11-82
 DESCRIPTION: Leader of Hispanic gang

Michael Smith, 82-A-4330 "Iron Mike"

CELL #: W-439
 AGE: 25 ETHNICITY: White CRIME: Robbery 2d
 SENTENCE: 6-Life
 ADULT CONTACTS: 10-14 Drug user
 EDUCATION: High school equivalency RELIGION: Catholic
 ARRIVED OCF: 9-9-82
 DESCRIPTION: 6'6" tall, walks with a cane, emceed the prison's Christmas show, captain of House Gang for B-Block

Donald Kimbrough, 82-A-3902 "Alabama"

CELL #: X-487
 AGE: 21 ETHNICITY: Black CRIME: Burglary 1st
 SENTENCE: 12 1/2 - 25 years
 ADULT CONTACTS: 1-4 Drug user
 ARRIVED OCF: 9-22-82
 EDUCATION: 9th grade RELIGION: Protestant
 DESCRIPTION: Sentenced to life in Alabama for rape; involved in riots in Alabama prisons

Keith Booker, 82-A-5690

CELL #: Z-665
 AGE: 29 ETHNICITY: Black CRIME: Manslaughter 1st
 SENTENCE: 4-15 years
 ADULT CONTACTS: NA Unknown if drug user
 ARRIVED OCF: 12-22-82
 EDUCATION: NA RELIGION: Sunni Muslim
 DESCRIPTION: Imam (spiritual leader) of B-Block Sunni Muslims

-continued-

EXHIBIT T (continued)

Luther Morrison, 82-A-1440

CELL: R-126
 AGE: 23 ETHNICITY: Black CRIME: Poss. weapon
 SENTENCE: 3 1/2 - 7 years
 ADULT CONTACTS: 5-9 Drug user
 ARRIVED OCF: 7-9-82
 EDUCATION: High school equivalency RELIGION: Protestant
 DESCRIPTION: 73 IQ, few friends in block, misbehavior reports on 4-22-82 and 12-20-82 for creating a disturbance on B-Block

Angel Salazar, 82-A-1828 "Cuba"

CELL: Y-607
 AGE: 27 ETHNICITY: Black/Hispanic CRIME: Murder 2d
 SENTENCE: 20-Life
 ADULT CONTACTS: None (?) Non-user
 ARRIVED OCF: 7-19-82
 EDUCATION: 6th grade RELIGION: Catholic
 DESCRIPTION: Deported from Cuba to US In 1980, does not speak English

CONFIDENTIALEXHIBIT U
CRISIS INTERVENTION UNIT - SIT CONSOSSINING CORRECTIONAL FACILITY HOSTAGE SITUATIONCentral Office

Salvatore Lafata, Sr. Investigator - Negotiator, Listening Post, Intelligence
 Dr. Raymond Broaddus, Asst. Comm. for Health Srvcs. - Negotiator, Cons. Psych
 James Newton, Asst. Director of Mental Health - Negotiator, Intelligence
 Anthony K. Umina, Director of Crisis Intervention Unit - Director

Downstate

Joseph Britto, Counselor - Intelligence
 Kevin Hunt, Counselor - Listening Post, Recorder, Intelligence
 Richard Roy, Counselor - Intelligence, Recorder

Fishkill

Lawrence Drake, Sgt. - Listening Post, Intelligence
 John Battista, Lt. - Negotiator, Team Leader
 Lucian Gandolfo, Counselor - Recorder, Intelligence
 Anthony Acosta, Lt. - Listening Post, Intelligence
 Reginald Bresette, Sgt. - Recorder, Intelligence

Green Haven

Gary Fillion, Lt. - Negotiator, Listening Post, Intelligence
 Vincent Juchnewicz, Sgt. - Negotiator, Intelligence
 Howard Cohen, Sgt. - Negotiator, Intelligence

Otisville

Dennis Sherman, Education Director - Negotiator, Intelligence
 Gordon Wells, Sgt. - Negotiator, Intelligence

Eastern

David Miller, Education Director - Negotiator, Intelligence, Team Leader
 Raymond Peters, Sgt. - Debriefing, Intelligence
 Richard Cash, Teacher - Debriefing

EXHIBIT U (continued)

Joseph Britto, Counselor, Downstate - Intelligence
 Lawrence Drake, Sergeant, Fishkill - Listening Post, Intelligence
 John Battista, Lieutenant, Fishkill - Negotiator, Team Leader
 Salvatore Lafata, Sr. Investigator, Cent. Off. - Negotiator, Listening Post, Intell.
 Joseph Healy, Sergeant, Ossining - Ossining Corr'l Facility Liaison
 Gary Fillion, Lieutenant, Green Haven - Negotiator, Listening Post, Intelligence
 Dennis Sherman, Education Director, Otisville - Negotiator, Intelligence
 David Miller, Education Director, Eastern - Negotiator, Intelligence
 Raymond Peters, Sergeant, Eastern - Debriefing, Intelligence
 Vincent Juchnewicz, Sergeant, Green Haven - Negotiator, Intelligence
 Howard Cohen, Sergeant, Green Haven - Negotiator, Intelligence
 Raymond Broaddus, Asst. Comm. for Health Services - Negotiator
 James Newton, Mental Health Specialist - Negotiator, Intelligence
 Richard Cash, Teacher, Eastern - Debriefing
 Kevin Hunt, Counselor, Downstate - Listening Post, Recorder, Intelligence
 Richard Roy, Counselor, Downstate - Intelligence, Recorder
 Neil Breen, Dep. Supt./Programs, Clinton - Team Leader
 Gordon Wells, Sergeant, Otisville - Negotiator, Intelligence
 Stephen Wyley, Inmate Grievance Coordinator, Ossining - Ossining Corr'l Fac. Liaison
 John Cuomo, Correction Officer, Ossining - Command Center, Ossining Corr'l Fac. Liaison
 Carlos Cepeda, Sergeant, Ossining - Ossining Corr'l Fac. Liaison
 Lucian Gandolfo, Counselor, Fishkill - Recorder, Intelligence
 Anthony Acosta, Lieutenant, Fishkill - Listening Post, Intelligence
 Reginald Bresette, Sergeant, Fishkill - Recorder, Intelligence
 Luis Ubides, Correction Officer, Ossining - Negotiator, Oss. Corr'l Fac. Liaison
 Walter Wilkerson, Lieutenant, Ossining - Negotiator, Oss. Corr'l Fac. Liaison
 Anthony K. Umina, Director, Crisis Intervention Unit - Director
 (Not a Sit Con - Patrick Kilbane, Correction Officer, Ossining, B Block - Oss. Corr'l
 Fac. * I.D. Officer)

EXHIBIT V Table 5A - APPARENT INMATE NEGOTIATORS DURING THE DISTURBANCE							
Name/Nickname	Number	DOB	Race	Group	Cell	Arrived OCF	Crime
Montalvo, Angel	82A3129	6-29-55	PR	Jehovah's Witness	Q66	6-24-82	Robbery (User)
Jamilik, Rajace AKA Albert Mecklin	82A3568	10-13-54	B	Muslim House Gang Step-brother of Hostage CO	R89	8-23-82	Robbery
Reyes, Moses AKA Hector Rodriguez	82A3899	3-19-58	PR	Catholic Brother died in PR prison	R133	9-22-82	Robbery
Morrison, Luther "Popcorn"	82A1440	5-8-59	B	Protestant Few friends	R126	3-22-82	Possess. Weapon (User)
Gonzales, Pat	82A4083	1-26-53	PR	Jehovah's Witness	U309	10-7-82	Murder
Kelly, Colin	82A0590	5-20-44	W	ex-NYC Transit cop House Gang	U277	9-30-82	Robbery
McGrattan, Sean	82A4190	NA	W	Catholic Organ. Crime IG 121	U331	9-30-82	NA
Robinson, Anthony "Shariff"	82A2284	8-21-54	B	Sunni Muslim	W446	5-7-82	Attempt. Murder
Blue, Al	82A3119	2-8-46	B	NA	X479	6-23-82	NA
Willoughby, Golden "Goldie"	82A2554	2-4-58	B	Muslim Jailhouse lawyer/Law Library clerk	Z624	5-21-82	Robbery

EXHIBIT W

EARLY DEMANDS BY B-BLOCK NEGOTIATING TEAM*
(Not agreed to by the parties)TO ALL INMATES OF B BLOCK

This agreement is hereby entered into on the 10th day of January 1983, and stipulated between representatives of inmate committee or SSP hereafter known as (ICSSP).

Mr. Brian Malone, Esquire, representative of the Inspector General's Office SONYDOCS here and after known as IGDOC) and ~~Robert Abrams, Attorney General of SONY here and after (AG)~~. These parties hereto have agreed as follows:

(IGDOC) and AG agrees to the following provisions:

- ~~1. All inmates of B Block and members of the ICSSP are immediately be granted full immunity from both IGDOC and AG from Administrative and criminal proceedings for the demonstration and takeover by the B Block inmates and ICSSP of Sing Sing Prison.~~
2. That there will be no ~~institutional~~ intentional retaliation against any B Block inmate and ICSSP members during or after the voluntary surrender of B Block of SSP.
3. That medical attention will be provided to any inmate who is or was a prisoner of B Block of SSP, and that such attention be afforded such inmates within 24 hours after the submission of a medical request, each party herein mentioned have entered into this agreement in good faith and hereby execute it as same.

* Crossed out words indicate actual deletions on the original document.

EXHIBIT X COMMISSION OF CORRECTION RECOMMENDED BUDGETS 1973-74 to 1983-84			
Fiscal Yr.	Total Budget	State Money	Federal Money
73-74	569,320	369,320	170,743
74-75	719,200	519,200	200,000
75-76	754,500	491,700	262,800
76-77	2,039,200	942,700	1,096,500
77-78	1,461,600	882,600	579,000
78-79	1,359,300	1,130,000	229,300
79-80	1,461,200	1,239,700	221,500
80-81	1,439,900	1,239,900	200,000
81-82	1,447,300	1,447,300	----
82-83	1,778,200	1,737,900	40,300
83-84	1,823,000	1,779,800	43,200
% Change	+ 220%	+ 382%	- 78%

EXHIBIT Y COMMISSION OF CORRECTION LEGISLATIVE APPROPRIATIONS 1976-77 to 1982-83			
Fiscal Yr.	Administration	Improvements of Correct. Facil.	Total
76-77	427,300	467,400	894,700
77-78	353,800	508,100	861,900
78-79	402,200	707,800	1,110,000
79-80	377,200	832,500	1,209,700
80-81	399,000	818,300	1,217,300
81-82	553,200	982,230	1,535,540
82-83	546,700	1,231,500	1,778,200

END