with you. This type of thing. All officers are not involved specifically with the inmates.

Q Sergeant, you said that there was more program-

ming, but you also have said over and over again that

more could be done. Do you think that you have enough

support from the public to obtain the funds and the

tools to give the inmates more programming, more

counseling and better conditions?

A There is no doubt in my mind that there never

was and at this particular date there are not enough

funds. There has not been enough funds appropriated for

the Department of Correctional Services. This is my

opinion as an individual. The department has always

been treated as a stepchild.

In other words, we are a low one on the rung

of priorities. We get what's left over.

Q Do you feel jeopardized by this public apathy?

A I feel jeopardized by this apathy, certainly,

if this is where the problem is.

MR. LIMAN: I have no further questions.

MR. MC KAY: Sergeant Cochrane, I

have just one question, myself, and then perhaps

other members of the Commission have questions.

But before I ask my question, I want to remind you

of your opportunity to make a statement, if you wish,
THE WITNESS: I would like to make it at the end. It will take me two minutes.

EXAMINATION BY MR. MC KAY:

Q When you noticed the changes in Attica since before September 9th to the present time, you did not mention the Inmates Grievance Council which has recently been instituted.

Do you think that will make any difference to the inmates, to the officers, to the situation in general?

A There is a possibility that it can help the situation. Primarily because it was set up in a democratic manner. In other words, the inmates elected these individuals. They were not picked out by the administration. This attached a certain validity to it, as far as the inmates were concerned.

How do the officers feel about it, how do I feel about it? I would like to take a wait-and-see attitude on this. This is going to take time. There is an opportunity to help the situation. I am not convinced that it is the answer, but I am willing to wait and see. That's how I feel.

MR. MC KAY: Thank you.

Mr. Wilbanks, do you have questions.

MR. WILBANKS: Yes.
EXAMINATION BY MR. WILBANKS:

Q  Some inmates told us there were other inmates that make it hard on the rest of them by their actions, who cause troubles. Are there other officers who you feel that are in a sense, you know, any percentage are bad factors, who don't treat inmates as human? Are there such people?

A  Generally speaking, I am sure we could say this about any situation. There has got to be a small percentage that there is room for improvement, yes.

I can say this: It is a small percentage.

Q  Your being a supervisor, if you know of someone who is an individual that has been reported to you, he is having difficulty with inmates, what steps are taken on your part? Do you speak with him, do you counsel him?

A  You said it. Once it becomes apparent to a supervisor that he has a particular officer that is having difficulty, any kind of difficulty with the inmates, it is your responsibility to try to effect a change in this man's manner of operation and his attitude.

I have had these situations. I have attempted to make a change. I feel that I have been successful on all occasions that I was involved with. When I'm talking about, you take the man aside, you find out just what
the situation is and find out what the reasons for these particular actions are, and you counsel him, yes, that's what you do.

Q A second and brief question. There are a lot of recommendations by different groups for intervention of outsiders, citizen observers, ombudsman, monitor, this type of thing?

I want to know how you feel about it. And, secondly, is your attitude typical or is it exceptional?

A I don't know if my attitude is typical or not. Do we need people inside? Not as many as we have today. I mean, there is people all over the place today. Specifically, I don't think we got anything to hide. I don't think there is anything wrong with opening these institutions, as long as, you know, you have proper controls. This type of thing.

But the more people that you have in these facilities, roaming around, it does create certain problems because we are responsible for the welfare of these individuals.

MR. WILBANKS: I have no further questions.

MR. MC KAY: Mr. Carter.

MR. CARTER: My questioning is going to be rather extensive, because I want to be sure
I understand you.

EXAMINATION BY MR. CARTER:

Q Were you born and educated in the Attica area?

A I was born in Buffalo. I was educated at Attica High School. This is where I received my high school diploma.

Q In the Attica High School?

A Right.

Q Is that in Attica?

A That's correct. I have taken college courses at Genesee Community College, St. Lawrence. I have taken certain courses when I was in the service. I have taken many of the standard at-home courses in many different fields. This is the extent of my education, other than considering experience.

Q How old were you when you became a correction officer?

A 22. Just turned 22.

Q Have you ever had an occasion, Sergeant, to deal with blacks as equals?

A Of course I have had occasion to deal with blacks.

Q As equals?

A As equals?
Q Yes.
A I have always considered everybody my equal.
Q Let me put it in a different way. I don't want to confuse the question.
A Go ahead.
Q You have dealt with blacks, you were a supervising officer and they are inmates. I mean in dealing with blacks on the same level as yourself. Have you had any experience with that?
A I get your question now. When I was in high school and in Attica, itself, it's a known fact there are very few blacks. I had one that went to school with me. When I was in the service, I served with, worked with, lived with blacks for the three years that I was in the service. This is the experience prior to coming to Attica Correctional Facility that I had with blacks.
Q And since that time your experience has been as a correction officer?
A Yes, it has, that is correct.
Q You said in answer to a question from Mr. Liman that there was no racial discrimination at Attica. You said there was none.
A Did I say that?
Q I thought you did.
A No, that isn't what I said.
Correct me, please.

I feel that there is probably the same level in the institution as there is in society in general.

Okay. Fine.

And I don't know what that level is.

I misunderstood the answer. I will accept that answer as being absolutely correct.

Thank you.

You also indicated to us that you--one of your duties was to be concerned about the safety--you can't hear me, I gather?

You are talking rather low.

You were concerned about the safety of the inmates?

Certainly.

And that your concern was, you mentioned specifically, safety from other inmates?

That was one of the areas, right.

For me it was a significant omission, but the safety from other officers, you regard that as being a part of your responsibility as well?

This is my responsibility. And I did make a statement earlier that I felt on no occasions in my 14 years in the department that I felt that an officer could be put in this category. This is the statement I made.
Have you ever heard any officer in your 14 years there refer to black inmates as niggers and coons?

A I can't recall that term being used and it is a very unfortunate term, if it is used. There is no place for it in a correctional facility.

Q You never heard any officer use it?

A I never can recall an officer saying that to an inmate on any occasion. He would be foolish, if he did.

Q What is the--what did you mean by the statement that normal behavior--the statement that you got concerned about--I think it was in terms of dealing with the inmates, that you were concerned about normal behavior. What is normal behavior?

A We all know that normal behavior--normal any thing can't be defined. When I say abnormal behavior, when a particular inmate is doing things which normally you don't see other people do. This is an individual who must be observed closely. If it is felt that he is a threat to his own well being or somebody else's, it is my responsibility and every officer's responsibility to make sure that he has attended to it.

Q Can you be a little more specific about that. I really would like to understand you. Does this mean--
do you mean by that...that when an inmate has violated some rules--

A This isn't what I was concerned with. I was concerned about things that you would consider abnormal behavior, things like an individual talking to himself, things like an individual banging on the side of the cell. Things like an individual walking around like he was dizzy or some other things. This is what I'm talking about.

Q Is it your experience that there is a difference in attitude between white and black inmates?

A It is my experience that there is a difference in attitude between the two?

Q Yes.

A No. The line is not drawn between black and white. The line is drawn between the particular philosophies of the individual, at least I feel there are philosophies. There are some inmates, both black and white, who believe in tearing down the system, causing problems. I do not draw the line between black and white.

Q And you said, am I to understand, that that kind of attitude is now present in both white and black?

A That is exactly what I mean.

Q Is that what you mean when you say, when you talk about militants?
A I did not talk about militants, I don't think. But this is the term that is used today.

The particular type of individuals who seem to feel that violence is the way to change things, this is generally what I am speaking about, yes.

Q There are a number of blacks, as you probably know from your experience, who are more aggressive in terms of their dealings with others, who feel that they are tired of what they regard as prejudice and discrimination and no violence being involved, merely an attitude change in themselves.

Do you regard those people as being militants?

A No.

Q Are there such people at Attica?

A Are there blacks at Attica that feel the change should be made and they do not feel the violent way is the proper way, is that what you mean?

Q Yes.

A Certainly, there are.

Q Those people, you would not classify them, when you talk about militants or, rather, when you use the term "milants," you are not including those people in that category?

A I am including anybody who believes this or anybody who contributes in any way to this particular
feeling. Some individuals will not physically be violent, but they will influence other individuals to be physically violent.

Q I am not sure I understand that. I am not sure I understand that. Let me see if I can understand it. Those persons, without regard to how they feel, if they are aggressive, if they feel that there ought to be some changes, if those people contribute to the violent attitudes of others, you would classify them as being militant?

A I would classify them as being in the category where they could be considered dangerous to the welfare of the entire facility, and I'm talking about inmates and employees.

Q You did say, I believe, that there was a great deal of confrontation with the younger Puerto Ricans and blacks--

A I said with the younger inmates.

Q The younger inmates?

A Yes.

Q The younger inmates are more likely to, you say, seek a confrontation?

A That is correct. This is my feeling.

Q Is this generally true of all inmates, white or black, or is it white, black or Puerto Rican?
I would say that I personally have had 308 situations that I was involved with where my authority was challenged, a confrontation was forced by blacks, Puerto Ricans and whites of the younger group of inmates.

So, that it's just a general change in attitude of the younger people that comes across to you?

I feel that this particular group, irregardless of national origin, is our problem.

I think I have only two more questions. One is, I want to be sure I understand what you mean by brutality. Is that physical? Brutality you are speaking of in terms of correction officers, are you talking about physical brutality?

I know what I mean by brutality, but can I ask you, what do you mean by brutality?

I am trying to find out what you mean by brutality. I am attempting to understand you. Are you talking about physical brutality?

Brutality to me, when an individual exerts more force of any kind on an individual than is--more than is required to get the intended results.

That could include both physical and non-

To me, it could. I mean, an individual could
be harassed needlessly, which I would consider... I don't call it brutality. This is a misnomer. This is a term that is a scare word, that I think is a wrong word to use, but this happens to be the term they are using today, so this is the one we have to deal with. This is how I feel about it.

Q Just one final question. You used the words that you get to know inmates. You think you get to know inmates?

A I feel that on occasion I have gotten to know several inmates quite well, yes.

Q Do you mean that you know them as people, as persons, as individuals?

A Of course.

Q Is that a frequent--is that very frequent for a correction officer--

A I would say that this situation arises much more frequently than the general public feels. Believe me, like I said earlier, when an inmate has a problem, more frequent than that, he will bring this problem to a correction officer first.

MR. CARTER: Thank you very much.

THE WITNESS: You are welcome.

MR. MC KAY: Mrs. Wadsworth.

EXAMINATION BY MRS. WADSWORTH:
Q We do have the issue of food that seems to always come up in discussions. You mentioned that supper was at 4:00 o'clock in the afternoon. Am I right, 4:00 o'clock and out by 5:30?

A Supper, we start directing the men to the mess-hall for supper in the area of 4:00 o'clock. That is correct.

Q That's what I thought you said. Is the reason for this timing one of scheduling of the--

A I think so.

Q Or is there anything punitive here, because that does make for a long evening?

A There is no punitive thought here. The shift that normally is most concerned with supervising the men when they do go to the messhall is the 9:20 to 5:20 shift. They start taking these men to the messhall at 4:00 o'clock. By the time the entire population has been fed, returned to their cells and counted, it's 5:00 o'clock or shortly thereafter. And it's almost time for that shift to go home. There is nothing punitive con-sidered here. If it is done later, it is going to in-volve possibly more employees, more funds to pay these employees. This type of thing.

Q It's a scheduling problem?

A Absolutely.
Q Secondly, you mentioned that you thought one of the important roles of the CO is encouragement for the inmate, of helping him with his problems.

A Absolutely.

Q Mr. Carter touched on this to a great degree. I wonder how long is the particular correction officer assigned to a particular block? How possible is it for this kind of relationship to be built up? I would assume that with the difficulties in the situation, it would take some time to develop a warm, human relationship.

A You are correct.

Q Are the COs on a block for a long enough time to make this possible?

A We have a large turnover, as far as assignments are concerned. It certainly is conducive to this type of feeling, if we can keep an officer on the same company with the same group of inmates for an extended period of time. I would like to see more of this, myself.

Q What do you think is an extended period of time?

A Well, this is the man's assignment and I'm talking about six months, a year, two years. In the past there were situations where the same officer would
have the same company and most of the same inmates for years. The only change would be if the inmate left the particular company, and he got to know these men quite well.

Q And, Sergeant, I believe you said that the COs carry only the nightstick.
A That's correct.
Q And no arms?
A No arms within the institution.
Q Then, I would assume that there is no kind of training of any sort for the correctional officers in the area of use of arms and that kind of thing, this would not be a related issue or subject for instruction?
A When you say training in the use of arms, are you talking about firearms?
Q Yes.
A There is a great deal of training in the use of firearms.
Q Although they don't carry them?
A Let me explain this, so we understand this. This is rather important.

There are no firearms within the institution itself. Firearms would be on the outside perimeter, the walls where they do not come in contact with inmates. The only other area where firearms would be used would be in-
mates transported for court appearances, this type of thing. All officers at the present time are afforded comprehensive training in the use of firearms. You can't put a man behind a firearm without training. We never did and we never will.

MRS. WADSWORTH: Thank you.

MR. MC KAY: Bishop Broderick.

EXAMINATION BY BISHOP BRODERICK:

Q Sergeant, I was interested in your pay scale. How does it square off with the New York State police, the local police, New York City police?

A I would say that prior to April 1st, the New York City Department of Correction pay scale was 2500 to over $4000 more than the state correction officers were making.

The state police, I would say are possibly two to three thousand dollars over our pay scale when you consider a starting correction officer in relation to a starting state trooper.

Q Your next promotion would be to lieutenant, is that it?

A This is in the direct line of promotion.

Q But it would mean, wouldn't it, if there were no vacancy at Attica, you are going some place else, in effect uprooting yourself?
A Certainly would.

Q Therefore, you wouldn't be euphoric about it, would you?

A This is a decision to make. There are correction officers who have completed all qualifications to be sergeant, had an opportunity for the promotion and did not take it for the simple reason that they may have to go to the other end of the state, uproot their family. It might take them three, four years to recover the expenses that were incurred in taking a promotion at the other end of the state.

I would like to say that in my opinion there are quite a few correction officers in the facility I work in who would make outstanding supervisors, but the promotional system holds them down. This is my personal feelings on that.

Q The superintendent is appointed, he is not civil service, is he?

A No. At the present time right up through superintendent, they take an exam. I think, I am not sure on this, you could check this out, I think the superintendent is mostly an oral exam. Possibly there is a written.

Q Does this lead to any discontent in the ranks that your boss would be not up from the ranks?
A It may. Most—right now most of our top correction personnel have come up through the ranks. I personally hope it stays that way.

Q Then, the question of, we have been hearing many times that there is no such thing as a rule. You say there is a book and I was up at Comstock, I got a rule book that was dated in 1968 or 1970.

A There are rules.

Q Is this the manual you follow?

A This is this little blue rule book that inmates were issued up until the time they came into the institution.

Q What we have been hearing is that the execution or the fabrication and the implementation of the rule depends on the whim, the ups, the downs, the digestion of the COs.

You line up by size or by color, by race, or you don't, depending on the permissiveness, say. And then when you get accustomed to a guard and his way of life or his life style, he leaves and then someone else comes and you have to put in a tab, if you are not following the rule.

I see a certain amount of humanity and common sense in its execution. I think you brought that out. If all don't agree on that, it's a pretty tough way to
run a ball team. And maybe this is one of the difficulties that I see.

A  I will try to answer that question--

Q  It was not really a question. I think it was an observation. I'm just saying that maybe there should be more uniformity.

A  I would like to answer it, if I may.

Q  Sure.

A  There certainly is areas here which could be improved. You have noticed it. All officers notice it. I notice it. There are efforts in this direction from the highest department level where they are, from what I understand in the process of instituting uniform rules and regulations.

I would also say that the complaint, as far as some of these men are concerned, is exaggerated to a point. It isn't as prevalent as some individuals may lead us to believe, but it does happen to a lesser degree than we are led to believe.

Q  My last question is, I guess, in the nature of a philosophical question. You spoke about before the uprising groups getting together. We have been hearing the term used Marxist-inspired revolution from some of the correctional officers.

Is there any basis for that, do you think?
A I think there is to the extent that some of the rhetoric that was overheard being spelled out by these individuals would point in this direction to this degree and also there was written material discovered being carried by inmates and inmates' cells that certainly could be classified in this area, yes.

Q Yes, you feel that--

A If you interpret it from these two signs which all officers observed.

Q But if the revolution or uprising depended almost on a mechanical failure, could you blame the Marxist-inspired revolution for the uprising?

A A man adopts---

Q This is not a fair question. I don't mean to--

A I can't see why these people felt the way they did. I can't state to somebody else I told these people to do this. We can only say what we saw. Each individual possibly will interpret this different. How qualified we are to interpret this is a matter of opinion.

BISHOP BRODERICK: Thank you.

MR. MC KAY: Mrs. Guerrero.

EXAMINATION BY MRS. GUERRERO:

Q I believe that--I don't know much about police and so forth, but I believe that a police officer is sup-
posed to maintain order, especially if it is violated, you know, somebody gets out of control the the policeman apprehends the offender in order to protect the rest of us and the general public. That's what the policeman does on the outside.

A  That's right.

Q  When they are sent over to a correction facility, do you believe that the institutions are doing the best to rehabilitate the inmates through education and training to be able to function like every responsible citizen when they return and because, different from the policeman outside, your duty in the correction facility is entirely to the people there. In other words, we are paying you and we are paying a great deal of money to maintain these people there so that they are rehabilitated, and those are the hard core, and somebody must find that out, can they be rehabilitated so the others may, especially if they are young, may have a chance to be good citizens or--I mean law abiding citizens. / Being good, I don't know.

A  This is ultimately what I think all responsible people want the correctional facilities to do. Are we doing it? Believe me, we are attempting. I have already tried to make the point that in my opinion--I can't speak about anybody else but myself, that rehabilitation has to
come from within. A man has to want to be rehabilitated. We, as much as possible, should provide the tools, the means, the opportunity. And when I say "we," I'm not just talking about the Department of Correction. I'm talking about the general public. This is where it's got to come, from the public to the legislature, right on down the line.

Yes, the general public is paying us to do a job.

Q My idea is, what I think, after listening to a lot of inmates and some of you officers, my idea is that you are really responsible to these people. You are not really a policeman. You are supposed to see that they behave. Much more than a psychologist and psychiatrist, and nothing has been done about that, so we really, all of us, have failed desperately to make the people who have committed crimes or have done something against the general welfare of the society, we have failed them miserably, have we not?

A As a general statement, I would say that there is room for improvement and if society in general is responsible for this, then we are all society, yes. I would say this. We have to make improvement. I can't sit here and tell you what I think are the best ways to do this, but I would also say that it has to come on the
part of the inmates, themselves. You can't make a man be rehabilitated. You can't force him to be a better man.

Q That's true, but you don't feel that--also, I think that the correctional officers have to be trained differently or better, I would say.

A I would agree that it is very important that all correction personnel are subject to more intensive training. Absolutely. I agree with you on that.

MRS. GUERRERO: Thank you very much.

THE WITNESS: You are quite welcome.

MR. MC KAY: Mr. Rothschild?

MR. ROTHSCHILD: I have several questions.

EXAMINATION BY MR. ROTHSCHILD:

Q I think many of us share this and I think it's self-evident, but a lot of the questions we ask you is because we have a system which the correction officers said, the prisons have said, almost everybody has said the problem is part on both sides. And if you have the courage to be here as a correction officer and we are asking you those questions as a correction officer and certainly not personally.

You talked about the seniority system for a minute earlier in your testimony.
A Yes, Mr. Liman discussed that.

Q I am curious about some aspects of it. When we first talked at Attica, one of the things, and this came mostly within my hearing from correction officers, in the question of—had to do with prejudice, to do with discrimination, brutality, it had to do with a lot of things. And the expression was if any officer did that, they would put him on the wall. No warden would have a fellow like that. They would put him on the wall. We heard that from a number of people.

On the seniority system that you described, I guess you don't put fellows on the wall if they don't fit well with the population any more. That used to be the thing you did with a fellow that wasn't working well with the population, I gather.

Is my assumption right?

A Years ago, when I first came into the department, this was a method for controlling an individual that was having difficulties. It was considered a type of punishment to put a man on the wall. It is no longer this way, because wall posts are considered premium assignments.

Q They are?

A Yes.

Q If we have a total seniority bidding system
within the CO organizations today, what reasons are there within that system for an individual to take the kind of courses you talked about taking, to try to do the things that you do look to improve your own ability to do the job in your business? If it is strictly seniority-bid system, what benefit is there to one of you who does work to get to know inmates, who does feel a sociological impact in what you are doing, et cetera?

A This is a good one. In other words, here you have two individuals. One man gets a great deal of seniority and he gets the job he wants. Another individual is going to college, he can never get that job he wants until he gets enough time in, so he did not need this in the first place. Possibly this is the way it was and it probably was, until recently. How recently, I am not sure, but changes are in effect in this particular area. They are trying to develop a so-called career ladder. This is rather recent.

I don't have all the facts at my disposal, but generally speaking it's going to afford officers, No. 1, an opportunity to get more training and, No. 2, when they get that training, to be put in a position where they come in closer contact with the inmate to utilize this new training and also be put in a position where they are
justly compensated for this additional ability. There are steps in this direction, yes.

Q We talked a bit, and a lot of us have been after you on this, on rehabilitation, on this subject.

In your definition of a CO's responsibility, which you made earlier, there was relatively little mention of the preparation for return to society, and on questioning from Mr. Liman, you went on to say you counseled those that came to you with problems, a CO did.

A An individual type of thing.

Q And secondly, you looked to counsel and help those whose behavior was not normal.

In response to Bob Carter's question, you described what normal meant. That leaves a lot of people out. Taking the not normal definition of the fellow who talked to himself, et cetera, and the inmate who does, in fact, come and say "I have a problem and need help," this leaves a great deal of the population, I would think, out. I have a very specific question.

We all agree with rehabilitation and people should come back to society better prepared and all that. I've got one missing link. Who, in fact, is responsible for rehabilitation of inmates in the Attica Facility?

A Generally speaking, this is all I can say on
this one: every is responsible, concerned, whatever term you want to use, for rehabilitation. And when I say "concerned," responsible--to utilize whatever tools are available in the facility.

In other words, make the inmate aware of these, encourage him, if possible, to avail himself of these opportunities. You say we left it out. It wasn't intentional. There are Dale Carnegie courses. There were--I'm not sure if it's been recently, because of the turmoil--there were classes a man would go to prior to his release. The educational efforts in the facility, I think, were excellent. They have been criticized in some areas, but I feel that they were more adequate than has been said.

Of course, there was still room for improvement. Vocational training. In degree, it wasn't too high. But the ones that were given the availability to these vocational programs, they were quite good. Our DVR program had what I consider an excellent rehabilititional vocational program, an outstanding instructor and all the equipment, but it was on a very small level. I would like to see this type of thing on a much bigger level.

In other words, give these men training in an area where they can prepare themselves and actually go out, get a job that they have been trained for and make
a decent living. Yes, I think there should be improvement there.

Q I think you have articulated the hopes we all have. I still am not quite happy. We heard yesterday from Mr. Matthews about the fact that he tried to get high school equivalency at Attica and he, in fact, never was assigned to the school and, therefore, he has not thus far been able to accomplish it. This is what was said from your seat--that seat, I mean.

The curiosity to me is, and I am really trying to seek information--

A I am seeking to give it to you.

Q (continuing) --is there someone or should there be or is this one of the problems and certainly the inmates indicate that they are not happy with the rehabilitation they get, is there a need for someone who is, in fact, responsible to tell us why someone who sought high school equivalency did or did not get an opportunity to achieve it?

When everybody is responsible, in the business I was involved in, that generally meant that nobody was.

A Do you want me to try to answer this one?

Q It's kind of a dirty question. I need an answer.

A I will do my best. We had at Attica a staff