THE NEW CORRECTION OFFICER 2015

MENTAL HEALTH WORKER | EDUCATOR | COUNSELOR | HEALTH CARE PROVIDER

Starting around 1955 the requirement of a high school degree was instituted, as well as a psychological exam and police investigation. In the 1990’s the addition of 60 college credits were added onto the minimum qualifications. Jail systems have evolved, and so has the staff assigned to them. Correction Officers have been known by many titles throughout the years, but their function has remained the same, Care, Custody, and Control of the inmate population. With more emphasis being placed on Care, the actual role of Correction Officers has expanded by social and economic pressures.

THE ROAD TO REFORM ON RIKERS

By Norman Seabrook
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May 2015

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“Patrolling the Toughest Precincts in New York”

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NEW YORK CITY’S boldest
The Road to Reform on Rikers

The road to reform is a two way street

Reforming New York City’s jails has been all over the news, and is taking on a “flavor of the month” quality. From the US Attorney to the New York City Council to literally dozens of advocacy groups, everyone is crying out for change. Yet for the nearly 10,000 Correction Officers who put their lives on the line every day, talk of reform rings hollow. That’s because officers have seen the burden of reform placed squarely on their shoulders. Put bluntly, Correction Officers are blamed for everything that’s wrong with the city jails. That’s not a road to reform; it’s a road to ruin.

The real road to reform must include everyone with an interest in the corrections system. That would include the Department of Correction, Board of Correction, The Correction Officers’ Benevolent Association, Department of Mental Health and Hygiene and any private concern they contract with, and advocates whose aims are serious. COBA in particular has been calling for real reform for more than a decade. Too often those pleas have fallen on deaf ears. At the same time, Correction Officers are portrayed as standing in the way of reform. This must stop.
The road to reform starts with real change. Management at DOC must be held accountable for ineffective management. If necessary, new rules and procedures for the care, custody, and control should be implemented. Staffing and training shortages also need to be addressed. Something as simple as what constitutes a “use of force” needs to be defined clearly. Just as important, the various stakeholders in the jails need to support Correction Officers, and the difficult job they do every day.

**COBA understands that the road to reform is a two way street.** That means working with people or groups that you’ve had an adversary relationship with in the past. However, when we feel the reforms others advocate jeopardize the safety of our members, we will speak out. Typical of such a reform is the push to totally end punitive segregation. The pressure to do this has been relentless, and we’ve already seen it eliminated for 16 and 17 year olds. Now the Board of Correction plans to eliminate for all inmates under the age of 21 by the beginning of next year.

Lost in this stampede to get rid of punitive segregation is one central question these reformers can’t answer. What is to be done with young inmates whose documented use of violence makes them a danger to Correction Officers, medical staff, and inmates alike? Are they to be

left in the general population, to repeat violent acts on others? We are clear about the fact that this is a relatively small number of inmates who are prone to violence, yet how to handle them always seems to degenerate into long-winded academic theory. Certainly the Enhanced Segregation Housing Unit will help, but further restrictions will make it difficult to serve its purpose.

There is another question that needs to be asked here. The Board of Correction made changes to the original variances asked for by Correction Commissioner Joseph Ponte. Was there any consultation at all with the union representing the officers these changes affect? The answer is no. Why? Again the issue comes back to the perception that stumbling blocks, obstacles, and roadblocks to reform. Why is this? Could it be that the only type of reform they talk about is the type promoted by advocates? Make no mistake about this. The time out, pizza party, let’s talk it over reform model will make everyone on Riker’s less safe. What do they think will happen when a 20 year old in the general population because of their reforms gets ahold of a razor and slashes another inmate? Correction Officers know of these dangers, but we’re never afforded a seat at the table.

**COBA understands clearly the politics of reform.** It’s politicians that argue for removing adolescent inmates off Riker’s Island completely. As to where a new facility will be built, how community opposition that’s sure to come will be dealt with, and where the money will come from for its creation, that’s for someone else to figure out. It’s also not reform. To use football language, it’s a late game “Hail Mary” pass that a politician hopes will be caught by their side.

**The road to reform should not be a slippery slope; it should be an open road.** There must be frank dialogue, agreements to disagree, in some cases. But most of all, true consensus must be reached. That consensus must include the concerns of the Correction Officers’ Benevolent Association. Is that asking too much?

Correction Officers are brutes, and therefore unworthy of a seat at the decision making table. **How does one create a road to reform without us?** When it comes to issues like the length of punitive segregation, changes to use of force rules and guidelines, and other changes the Board has made, Correction Officers are on the outside looking in. If this is the road to reform, we’ve never even seen the on-ramp!

I have said time and again that the union isn’t opposed to reform, as long as it doesn’t jeopardize the safety and security of the members. At the same time, My members and I are portrayed in media as
An Injury to ONE is an Injury to ALL

A mentally ill inmate in jail for being a sexual predator attempted to rape a female correction officer in the Anna M. Kross center on Rikers island. A group of inmates in the same unit was able to gain access and came to the aid of the officer until other officers arrived.

Correction officers along with the Union expressed outrage and concerned about the safety. They demanded something be done to prevent a horrible incident like this from ever happening again. **The inmate was re-arrested and indicted on attempted rape, forcible touching, assault and harassment. He faces up to 15 years in prison if convicted.**

As a result COBA with its members appeared at each court appearance of this inmate and held press conferences to bring attention to the conditions faced by Correction Officers everyday. His first court appearance was on March 2, and he has subsequently appeared in court on March 6th, March 10th and April 7th.

Correction officers have been very supportive of fellow officer by showing up to every court appearance of the inmate who attempted to rape their co-worker. **"She knows we have her back and we're not going to let her down,"** declared COBA President Norman Seabrook.

In addition, the agency was forced to shut down the antiquated housing area where this incident occurred. The inmates next scheduled court date is July 14, 2015. COBA has and will continue to provide transportation for every court date until justice is served.

Please continue to support this Officer. We can not forget our sister in blue. Please make yourself available on July 14, 2015 for the next court date.

COBA has and will continue to provide transportation for every court date until justice has been served.
THE FIGHT FOR CONTROL OF NYC JAILS CONTINUES

The Department of Correction has come under attack lately concerning the treatment of those placed in our custody namely adolescents and mentally ill inmates. According to the Board of Corrections and the Department of Justice just to name a few.

The department is accused of having a culture of violence. Nothing is said about the condition that has been created over the last 15 years by these oversight committees and watchdog groups. The Department does not enjoy the autonomy of other city agencies such as the Department of Health/Mental Hygiene. The Department of Correction cannot make decisions about its future with complete autonomy. The Correction Commissioner, before making any decisions, first has to consult with a roundtable of people who have no on the ground experience in dealing with inmates.

In the last 12 years much of the decision-making within the Department of Correction has been given to outside agencies and watch-dog groups. We have had the Board of Correction and the Department of Mental Health, along with reformer organizations, have an overwhelming influence on decisions regarding what needs to be done in the City Jails and on Rikers Island and it has been a disaster. Correction Officers and inmates have been subjected to rules and policies that sound good on paper, but not practical in the everyday operations of running a jail. In the last 12 years, Correction Officers have seen all types of policies and procedures instituted by managers who have absolutely no idea of what it means to run a jail or have never had boots on the ground. To top it off, Correction Officers and Uniformed Managers have been forced to try and implement rules and policies that are foreign to them. We have had civilians with no uniformed experience made Assistant Commissioners and Deputy Commissioners and placed in charge of units that they are running, not from experience, but from a book or play card drawn up by someone who has absolutely no idea of what they are dealing with.

These civilian managers with titles like “Assistant Commissioner”, “Assistant Deputy Commissioner”, and “Deputy Commissioner” were put in charge of the NYC Jails and Rikers Island with absolutely no experience in running a jail system. These people refuse to acknowledge and take advice from Correction Officers and Uniformed Managers with years of experience. When the Uniformed Managers and Correction Officers ran this agency we made it a model for other agencies all over the world to mirror.

The previous Commissioners gave up control of the jail and Rikers Island and we are where we are today. Correction Officers and Uniformed Managers were disregarded and very rarely, if at all, consulted by these people when attempting to institute programs, policies and procedures inside the city jails. Rules were changed without being changed. In the last 12 years, the leadership and management in the Department of Correction has been a dismal failure. Correction Officers and other uniformed members have been made the scapegoat for what we now have. With a large influx of mentally ill inmates and other classification of inmates, no additional training was provided to Correction Officers, in fact, training was cut. Units such as CAPS and RHU were set up by these Assistant Commissioners, Assistant Deputy Commissioners and Deputy Commissioners without ever training, or re-training Correction Officers; without ever communicating with

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In 1965 (more than 50 years ago) New York City Correction Commissioner Anna M. Kross wrote

“It will take longer, but we hope that not too much time must pass, before equal recognition is accorded to the fact that there are various other classifications of prisoners who do not belong in prison, but who should instead be treated in a therapeutic facility such as a hospital or an out-patient clinic. This category includes the mentally ill, the minor misdemeanants, the social . . . deviates . . . , the homeless, various types of alcoholics and narcotics addicts not already otherwise treated, the mentally retarded, the senile, and all the unfortunate who cannot quite manage to steer clear of the law. Far too many of them still fill our prisons to overflowing without any benefit either to themselves or to the community.”
inmates. These units would be set up and inmates would simply be moved into these units without talking to the Correction Officer or the inmate thus creating hostility and environment set to fail before it began.

All of these things instituted and put in place by people who although had job titles, lack the real on the ground experience in dealing with inmates. As a result, NYC Correction Officers over the last year or so have been taking all types of hits because now “the chickens have come home to roost.”

Correction Officers were made the scapegoat and accused of creating a “culture of violence” when nothing could be further from the truth. Now, we have the Department of Justice and other agencies performing studies over the last 3 or 4 years accusing Correction Officers of abusing inmates and fostering a culture of violence throughout the jails.

Historically, Correction Officers and Uniformed Managers knew what to do to run a safe and secure facility. It was not until the Bloomberg Administration decided it was not necessary to have Uniformed Managers run the agency. He appointed civilians with absolutely no experience in running a jail system like that of Rikers Island and decided not to promote from within from uniformed managers who had it under control. Currently, Correction Officers and a handful of experienced Uniformed Managers and the new Commissioner, are left with the daunting task of repairing something that has been neglected and mismanaged for the last 12 years.

Every jurisdiction used and referred to as an example for New York City Department of Correction to follow, lack things such as minimum standards and watch-dogs committees. In San Francisco and other regions, the Correction Commissioner does not have to get permission or cooperation from the Commissioner of another agency or committee, like the Board of Correction or Department of Mental Health before he or she makes a move or decision on what will be done with inmates under his or her care. The previous Commissioners hired all types of experts to do studies and come up with recommendations on what was wrong with the department and how to fix it. She fired most of the uniformed managers and those she didn’t fire decided to retire rather be a part of what some of them called a “sinking ship”. There is a saying “People don’t leave companies they leave managers” and since 2009 the list of Uniformed Managers and line Officers who left this agency is too long to list.

The “Baby Boomer” generation (born between the mid-1950’s and mid 1960’s) made up half of the uniformed workforce. These Baby Boomers have been retiring in large numbers since 2009 – taking with them the accumulated wisdom of the New York City Department of Correction when it was faced with AIDS, other communicable diseases, increasing incarcerations for “quality of life” crimes, crack epidemic and explosion of gangs in the City. This generation faced these new challenges against a backdrop of a rocky economy and an increase in crime but still was successful in making the Department one to be admired and mirrored. Under Commissioners Bernard P. Kerik and William J. Fraser and Chiefs Eric M. Taylor and Robert N. Davoren from 1996 through 2002, the New York City Jails and Rikers Island enjoyed and bragged of the lowest number of assaults against correction staff, use of force and violence and was the model jail system for the rest of the country. Correction organizations from all over the country and outside the country came to Rikers Island to see what we were doing. During this period in Correction history, the staff and inmates alike were safer than they ever have been when under the control of the uniformed force.

The New York City Department of Correction began losing control of New York City jails and Rikers Island when uniformed members were removed from the decision-making level. Correction Officers in the last 12 years have seen an onslaught of failed ventures and programs such MAUII, RHU, CAPS, and a host of other failed programs instituted against the good judgment of Correction Officers and other uniformed members of the Department.

The control of NYC Jails and Rikers Island should be given to Correction Officers and Uniformed Managers who have experience in having boots on the ground and in dealing with inmates of all classifications. As you can see from the beginning of my article where more than 50 years ago Correction Commissioner Anna M. Kross dealt with the exact same issues that we are facing 50 years later. I think the solution is no different than it was 50 years ago, allow Correction Officers and uniformed managers to run the jails and let the City of New York and the other agencies provide the necessary service to those who do not belong in jail.
ALL ABOUT YOUR NEW PRESCRIPTION COVERAGE

The Correction Officers’ Benevolent Association (COBA) is pleased to announce a new Prescription Benefit Manager. Effective January 1, 2015 EmpiRx Health started facilitating your prescription benefit. This prescription benefit replaced the previous prescription benefit managed by CVS Caremark.

Things to Know:

• Your prescription benefit coverage has not changed

• You may still use the same local pharmacy to fill your prescription(s)

• Your Mail Order Pharmacy for Maintenance prescription orders changed to EmpiRx Health, who has partnered with Benecard Central Fill to dispense mail prescriptions. Be sure to contact EmpiRx Health at the number listed below to order new medications without delay. Your existing prescriptions with CVS Caremark transferred to EmpiRx Health on January 1, 2015.

• There are member web tools to enable you to manage your benefit and learn more about your prescriptions. Please enroll to access more information about your benefits at www.empirxhealth.com.

In addition to your identification card, plan materials were included. Please be sure to read through and retain the material for future reference.

If you have any questions or require additional information, you may contact EmpiRx Health Member Services Call Center toll-free at 1-877-241-7122/ TDD 1-888-907-0020, 24 hours a day 7 days a week.
COBA GIVES $50,000 IN SCHOLARSHIP TO CORRECTION OFFICERS AND THEIR CHILDREN

COBA 2014 SCHOLARSHIP WINNERS

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COBA WELCOMES 144 NEW CORRECTION OFFICERS TO THE DEPARTMENT

They came in October 2014 and now their 16 weeks of training is completed. They are no longer considered New Recruits; they are now called Correction Officers. These 144 new Correction Officers were welcomed on February 13th, 2015 to the Department by the Mayor of New York City, the President of the Correction Officers Union and the Commissioner of the Department of Correction.

They were told by Mayor DeBlasio “that they are embarking on a work of extraordinary importance” and encouraged to embrace the new direction that he is looking to take the Department. They were told by their Union President that “they are the ones that make their families proud”.

The Department’s Mission Statement, reads “The mission of the NYC Department of Correction Academy, is to prepare newly hired incumbent, and newly promoted staff to meet the challenge of Care, Custody and Control of our inmate population, and equip staff with the tools necessary to meet the current, and future demands placed upon the Department”. The Academy staff is committed to accomplishing this mission by providing excellence in training.

This group of Correction Officers received training from the more than 40 instructors (pictured below) assigned to the Correction Academy. The training that they received is to get them started on their 22 year career in the Department of Correction.

During your journey, if you run into a road block and find yourself not knowing what to do, remember to reach out to those in place to help you, your Union Delegate and your Executive Board Member.
WHAT IS THE ANNUITY FUND?

The Annuity Fund is a fringe benefit which was negotiated and won by the Correction Officers’ Benevolent Association. It provides that the City shall contribute a dollar amount to the Fund per member for each day you are on the active payroll. You pay nothing whatsoever. The monies are invested in portfolios selected and approved by the Board of Trustees. All income from investment, whether interest, dividends, or increases in the value of the investment will be used to increase the benefit payable to each member.

The contribution to the annuity fund during your first five years of service shall not exceed $845.00 per annum per employee. Correction Officers who have completed five years of service shall receive contributions on a twenty-eight day cycle basis, a pro-rata daily contribution for each working day for which such employee is paid by the City $1,411.37 per annum. The contributions will be used to provide a lump sum benefit in the event of termination of your employment, for any cause, or as a source of annuity at the time of your retirement. You are eligible to receive benefits from this plan at the end of the quarter following your retirement, resignation or dismissal. You may not borrow or withdraw from this fund at any time during your active employment. Every Correction Officer who is working for the City of New York automatically becomes a member of the Plan and is entitled to all its benefits. Your membership will continue as long as you continue on the payroll. Your Membership in the Plan will terminate upon your retirement, termination or resignation, or being promoted to Captain. When the COBA Annuity Fund receives notification from the Department that you have been promoted in rank other than Correction Officer, your individual account will be transferred to the organization to which you have been assigned.
If you die before you receive your annuity, your account balance will be paid to your designated beneficiary, unless you were married. If you were married, your spouse is automatically the beneficiary as annuity is community property. In the event no beneficiary is named, the benefit will go to your estate. It is imperative that the member update his/her beneficiary when applicable. The Fund will provide you with the required form upon request. All distributions from Qualified Plans such as the Annuity Fund, are subject to a mandatory 20% Federal Income Tax Withholding unless you roll over the total distribution to a qualified IRA Trustee, or elect one of the permissible income exclusions listed on the “Application to Close Vested Annuity Fund.”

**IF YOU CHOOSE A DIRECT ROLLOVER**, your payment will not be taxed in the current year, and no tax will be withheld. Payment may be made to your IRA or, if you choose, to another employer plan or qualified plan. Your payment will be taxable income at a later date when you withdraw it from your IRA or the employer plan.

**IF YOU CHOOSE TO HAVE THE PLAN BENEFITS PAID TO YOU**, you will get only 80% of the Share. The Administrator MUST withhold 20% and send it to the IRS as credit for your taxes. You will be taxed in the current year for the total distribution, unless you roll over the 80% within 60 days of receiving it. The 20% which was withheld is still taxable income for this year. If you want to roll over 100% of the distribution, you must find other money to replace the 20% that was withheld. File for a refund of the 20% next year.

If you are not 59 1/2 years old you may also have to pay an additional 10% early withdrawal penalty.

Please contact your accountant for more detailed information regarding the tax implications surrounding distribution of your annuity fund. If you wish, you may maintain your annuity balance with this Fund until you reach the age of 70 1/2. You will continue to receive statements but no contributions will be made to your account after active employment ends.

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**Annuity Statement**

*Let me give you an example of how the Annuity Fund works.* Suppose you started a particular year with $1,000 in your Annuity Fund, accumulated from past years' contributions and earnings; let us also assume that during the year you worked every day, and that your employer has contributed $845 on your behalf based on years of service. The earnings on the Fund will depend on the investment results, but let us assume that the following is your pro-rate share of what was earned. Then your statement for the fiscal year would look like the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Balance: January 1, 2013</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Contributions Received: 01/01/13-12/31/13</td>
<td>845.00</td>
</tr>
<tr>
<td>Investment Income (or Loss)</td>
<td>140.00</td>
</tr>
<tr>
<td>(based on market performance)</td>
<td></td>
</tr>
<tr>
<td>Subtotal:</td>
<td>$1,985.00</td>
</tr>
<tr>
<td>Less:</td>
<td></td>
</tr>
<tr>
<td>Annuity Withdrawals: 01/01/13-12/31/13</td>
<td>0.00</td>
</tr>
<tr>
<td>Administrative Expenses</td>
<td>(50.00)</td>
</tr>
<tr>
<td>Ending Balance:</td>
<td>$1,935.00</td>
</tr>
</tbody>
</table>

Annuity statements are mailed annually, usually April-June, (show your account valuation as of December 31st of the previous year). Please make certain that your address is updated with the COBA office.
WHEN YOU SUPPORT THE COBA STORE
You Support the Widows’ and Children’s of Your Brother and Sister Officers

Every day as you walk through the Samuel Perry Control Building, you pass by the COBA Widows’ & Children’s Store and the COBA ATM machine. What some of you may not realize is that all the monies in proceeds from the sale of anything purchased by you goes directly to the Widows’ and Children’s Fund.

The Widows’ and Children’s Fund was established in 1996 by the COBA Executive Board to provide assistance to the families of Correction Officers who died while in Active Duty. We have been able to provide the Widows’ and Children, and Domestic Partners of these officers with assistance during Thanksgiving, Christmas, through College Tuition and other types of financial assistance.

In addition, each time you use the ATM machine all the fees that you pay go to the Widows’ and Children’s Fund. We thank you and we encourage you to continue to support the Widows’ and Children’s Fund through the COBA store, through the purchase of COBA cards and use of the ATM machine.

The fund is a 501© and all contributions are tax deductibles. We encourage you to remember that when you are making contributions to charities, that we have one of our own, and all proceeds benefit the Widows’ and Children’s Fund. The Widows’ and Children’s Fund is not dues money and is raised through the COBA store, the ATM machine and our Annual Dinner Dance.

We take care of our own!

Shop on-line at the COBA store today!
www.cobanyc.org
WHAT TO DO IF YOU ARE INVOLVED IN A SPLASHING INCIDENT

1. Make a logbook entry and notify your area supervisor immediately.

2. Request to be relieved from your post and to be evaluated by medical staff.

3. Follow the advice given by medical staff and follow-up with your private physician.

4. If your are medically able, fill out all relevant paperwork, including:
   • Exposure form
   • Hepatitis form
   • Workers compensation papers • Any required reports
   • (i.e. infraction, use of force, unusual incident, etc.) YOU SHOULD STATE IN THE PAPERWORK THAT YOU WERE SPLASHED WITH WHAT APPEARED TO BE THE CONTENTS OF THE TOILET BOWL OR TOILET BOWL WATER! This is important in re-arresting the inmate
   • Keep copies of all paperwork submitted for future reference

5. Bag and label articles of clothing submitted for testing (i.e. uniform shirt, uniform parts, t-shirt, etc.) Any of these items can be submitted for testing. Submitting your uniform is not a requirement. This procedure is necessary in the re-arrest and prosecution of the inmate involved. You will be reimbursed for any item that you submit for testing (See Teletype Order # HQ-02822-0 Below Section 6 through 10).
**Note: See Departmental Memorandum below:**

**TELETYPE ORDER NO.** HQ-02822-0

**DATE:** DECEMBER 05, 2014

**TO:** COMMANDING OFFICERS, FACILITIES AND DIVISIONS

**FROM:** JOSEPH PONTE, COMMISSIONER

**MARTIN J. MURPHY, ACTING CHIEF OF DEPARTMENT**

**SUBJECT:** SPLASHING INCIDENTS – INTERIM POLICY FOR REIMBURSEMENT

*****IMMEDIATE ATTENTION*****

1. **THIS TELETYPE SHALL SUPERSEDE MEMORANDUM 01/05, “SPLASHING INCIDENTS,” IN ITS ENTIRETY. THE FOLLOWING PROVISIONS SHALL TAKE EFFECT AND ARE PROVIDED HERE FOR YOUR EDIFICATION AND STRICT COMPLIANCE.**

2. **IT IS THE POLICY OF THE DEPARTMENT TO REIMBURSE UNIFORMED EMPLOYEES FOR ARTICLES OF UNIFORM GARMENTS THAT ARE DAMAGED DUE TO INMATE-ON-EMPLOYEE SPLASHING INCIDENTS. A SPLASHING INCIDENT SHALL BE DEFINED AS ANY OCCURRENCE WHEN AN INMATE INTENTIONALLY SPLASHES AN EMPLOYEE WITH ANY LIQUID OR SUBSTANCE.**

3. **IT IS A CLASS “E” FELONY OFFENSE UNDER NYS PENAL LAW §240.32 FOR ANY INMATE TO INTENTIONALLY SPLASH AN EMPLOYEE WITH BLOOD, FECES, URINE, OR WATER TAKEN DIRECTLY FROM A TOILET (WHEN STAFF AND/OR INMATE WITNESSES CONFIRM IT IS FROM A TOILET).**

4. **UNIFORMED EMPLOYEES THAT ARE VICTIMS OF SPLASHING INCIDENTS MAY VOLUNTARILY SURRENDER THE UNIFORM ITEM(S) TO THE FACILITY. SUCH ITEMS WILL BE SAFEGUARDED FOR PROCESSING BY AN EVIDENCE COLLECTION TEAM MEMBER ASSIGNED TO CORRECTION INTELLIGENCE BUREAU UNTIL SUBMISSION TO THE LAB FOR CONFIRMATORY TESTING. THIS WILL ASSIST IN THE PURSUIT OF CRIMINAL PROSECUTION AGAINST INMATES WHO COMMIT SPLASHING INCIDENTS ON UNIFORMED STAFF.**

5. **REIMBURSEMENT WILL BE PROVIDED WHEN THE CRITERIA OUTLINED IN SECTIONS 6 THROUGH 10 ARE STRICTLY ADHERED TO.**

6. **THE AFFECTED EMPLOYEE MUST HAVE VOLUNTARILY SURRENDERED THE ARTICLES OF CLOTHING IMMEDIATELY POST-INCIDENT FOR USE AS PROSECUTORIAL EVIDENCE. EMPLOYEES WHO ELECT NOT TO SURRENDER THE UNIFORM CLOTHING ITEM(S) SOILED IN THE SPLASHING INCIDENT ARE NOT ELIGIBLE FOR REIMBURSEMENT.**

7. **UNIFORMED EMPLOYEES WILL HAVE FOURTEEN (14) DAYS FROM THE DATE OF INCIDENT TO PURCHASE THEIR REPLACEMENT UNIFORM ITEM(S) AND SUBMIT BOTH A COMPLETED DEPARTMENT PERSONAL EXPENSE FORM (FORM A-24) AND THE RECEIPT FOR THE REPLACEMENT UNIFORM ITEM(S) PURCHASED TO THE COMMANDING OFFICER OR DESIGNEES. FORM A-24 MAY BE OBTAINED FROM THE FACILITY PERSONNEL OFFICE OR ON THE AGENCY SHARE DRIVE (Z:\OPC_ORDERS\FORMS\FORM A-24 - PERSONAL EXPENSE FORM).**

**NOTE:** FAILURE TO REPLACE AND SUBMIT THE FOREGOING DOCUMENTATION WITHIN THE ALLOTTED TIME FRAME WILL RESULT IN FORFEITURE OF THE RIGHT TO REIMBURSEMENT. EXTENSION OF THE FILING PERIOD SHALL BE CONSIDERED ONLY IN CASES WHERE THE EMPLOYEE IS OUT ON MEDICAL LEAVE RESULTING FROM THE INCIDENT.

8. **THE COMMANDING OFFICER OR DESIGNEE WILL HAVE THREE (3) BUSINESS DAYS TO SUBMIT THE FOLLOWING:**

   **A.** THE COMPLETED PERSONAL EXPENSE REPORT FORM,

   **B.** THE RECEIPT FOR THE REPLACEMENT UNIFORM ITEM(S) PURCHASED BY THE EMPLOYEE, AND INCIDENT AND SURRENDER THE DAMAGED UNIFORM ITEM(S).**

9. **ALL OF THE ABOVE DOCUMENTATION MUST BE SENT TO THE COMMANDING OFFICER OR DESIGNEE TO THE ATTENTION OF:**

   **NICKLAS J. CUTTONARO ASSISTANT COMMISSIONER FOR FINANCIAL SERVICES**

   **BULOVA CORPORATE CENTER**

   **75-20 ASTORIA BOULEVARD, ROOM 160**

   **EAST ELmhurst, NY 11369**

10. **THE ASSISTANT COMMISSIONER FOR FINANCIAL SERVICES WILL HAVE FOURTEEN (14) DAYS FROM RECEIPT OF THE PERSONAL EXPENSE FORM TO RENDER THE REIMBURSEMENT PAYMENT TO THE AFFECTED EMPLOYEE.**

11. **ALL REIMBURSEMENT PAYMENTS WILL BE IN THE FORM OF A CHECK MADE PAYABLE TO THE AFFECTED EMPLOYEE.**

12. **THE OFFICE OF THE ASSISTANT COMMISSIONER FOR FINANCIAL SERVICES WILL NOTIFY EACH RESPECTIVE COMMAND THAT THE REIMBURSEMENT CHECKS ARE AVAILABLE FOR PICK UP AND DISTRIBUTION TO THE AFFECTED MEMBERS.**


15. **ALL COMMANDING OFFICERS OF FACILITIES AND DIVISIONS ARE DIRECTED TO ENSURE THAT:**

   **A.** THE APPROPRIATE PERSONNEL ARE APPRISED OF THE CONTENTS OF THIS TELETYPE ORDER AND INSTRUCTED ACCORDINGLY;

   **B.** THIS TELETYPE ORDER IS POSTED IN ALL APPROPRIATE AREAS AND STRICTLY COMPLIED WITH; AND

   **C.** THE CONTENTS OF THIS TELETYPE ORDER IS READ AT TWENTY-ONE (21) CONSECUTIVE ROLL CALLS.
Written in 1965, the foreword to Commissioner Anna M. Kross’ “Progress through Crisis” highlighted problems still faced today:

“It will take longer, but we hope that not too much time must pass, before equal recognition is accorded to the fact that there are various other classifications of prisoners who do not belong in prison, but who should instead be treated in a therapeutic facility such as a hospital or an out-patient clinic. This category includes the mentally ill, the minor transgressors, the social . . . deviates . . ., the homeless, various types of alcoholics and narcotics addicts not already otherwise treated, the mentally retarded, the senile, and all the unfortunates who cannot quite manage to steer clear of the law. Far too many of them still fill our prisons to overflowing without any benefit either to themselves or to the community.”

Nine (9) of the twenty-five psychiatric facilities in the State of New York are slated to close by 2016. These are the very same institutions where Anna M. Kross more than 50 years ago advocated sending inmates with psychological needs, but those inmates are back.
Correction Officers have been the talk of the town of late. The Department of Justice, District Attorney, Board of Correction, State Commission on Correction, Department of Mental Health, City Hall, papers like the NY Times, NY Post, Daily News, Wall Street Journal, Associated Press and every prison and jail reform group from all over the country are all talking about Correction Officers.

It is the Department of Correction and allegedly unresponsive Correction Officers that make the news each and every time an inmate perishes in custody due to a medical or psychological condition. This is a matter of “spin control”, but the fact is that Correction Officers are currently poorly equipped to properly respond to incidents such as taking the life of an inmate on October 1, 2014, or the infamous “perfect storm” of the death of Jerome Murdough. We can name case after case where Correction Officers are being arrested or indicted like the case of the inmate swallowing a “soap ball” and dying as a result.

Nine of the twenty five psychiatric facilities in State of New York are slated to close by 2016. These are the very same institutions where Anna M. Kross more than 50 years ago advocated sending inmates with psychological needs, but those inmates are back.

These closures have resulted in 40% of inmates in Rikers having some form of mental illness. As pointed out by critics of these closures, the result is that the mentally ill are being handed to the criminal justice system for “treatment.” However, incarceration does not guarantee treatment. Currently there is a backlog of approximately 800 inmates with serious mental illness who are being deprived of treatment because the facilities at Rikers Island are overwhelmed, with the ability to accommodate only a few dozen patients who need the care. This means that every Correction Officer – for his or her own safety – ought to know the warning signs of a decompensating inmate or suicidal inmate.

Although New York City can tout having the earliest corrections training academy, the training curriculum itself falls far behind our current challenges. A look at a former demoralized workforce from the 1950’s is telling. Starting around 1955 the requirement of a high school degree was instituted, as well as a psychological exam and police investigation. In the 1990’s the addition of 60 college credits was added onto the minimum qualifications. Jail systems have evolved, and so has the staff assigned to them. Correction Officers have been known by many titles throughout the years, but the one thing that has remained constant is their job description Care, Custody, and Control of the inmate population. With more emphasis being placed on Care, the fate of the Correction Officer remains to be seen, but have no doubt it lies with the quality of training received by the new Correction Officers.

The actual role of Correction Officer has expanded by social and economic pressures. A critical review of the Notice of Examination should be made with an effort to carving out and emphasizing the contact with special needs populations finding their way into the custody of the Department of Correction. As it is now written, the Notice does little to describe the skill set needed to deal with today’s inmate. This reality of a change in the actual duties of Correction Officers should be reflected.

The starting point for anyone wishing to enter civil service is the description of the qualification and job duties in the Notice of Examination. In the case of Correction Officers, the Notice has remained the same for many years. It has not adapted with the times, even though the quality of inmate has altered since that Notice was written. Buried in the middle of the 269 words that comprise the “What the Job Involves” section of the Notice for Correction Officer is the phrase “observe inmates and make recommendations concerning medical and/or psychiatric referrals.” One should note, even after three years of law school, new attorneys are not expected to be able to try cases, write motions, take depositions, etc. The dozens of tasks that attorneys do are developed over time.
The same is true of Correction Officers and any professional. No Correction Officer should be given an assignment with certain populations until they have developed the experience and training necessary. Before assuming such duties with youth or at risk populations – whether transgendered or mentally ill – the candidate for that position must be trained with particularity.

Once picked for service, a Correction Officer should receive intensive relevant training over and beyond the core Academy training. ESU doesn’t “wing it.” They are constantly training and improving themselves in the event that any number of possible emergencies that may arise. Nothing less should be expected for any Correction Officers working with discrete populations such as the adolescent or the mentally ill.

With inadequate training of Correction Officers to deal with the influx of mentally ill inmates, we see a rise in assaults on staff, and Uses of Force as well. Improper diagnosis, medication, and lack of medical intervention was the cause, but Correction Officers and their Union are now portrayed as opposing reform. With all of the policy changes taking effect, the assault of Correction Officers was not a high priority.

Now with recent pressure from civilian watchdog groups there is a huge push for Jail reform that believes or wants the public to believe that Correction Officers are brutal animals who prey on helpless inmates (young, and mentally challenged).

The actual role of Correction Officer has expanded by social and economic pressures!

If the Officer were dealing with the mentally ill on a daily basis, the officer would benefit from intensive training in behavioral health and have a working understanding of the mentally ill, their symptoms and how to “speak” to mental health staffers. They would also need Crisis Intervention Team training designed for Corrections. These officers in specialized areas should be “certified” in some way that also sets them apart from other Corrections staff to create an esprit de corps such as that felt by ESU and other specialized units in the department.

The genesis of fixing the numerous problems with New York City’s jail system won’t come from “reform”, or eliminating punitive segregation, or blaming Correction Officers for issues that have existed for years. Structural change must come from within the Department of Correction, and must start with changes to the Notice of Examination, the training regimen for those Correction Officers dealing with specialized populations, proper staffing and better management.

Then and only then will the New Correction Officer be able to do his or her job of providing safety and security for themselves, inmates, staff, and the people of the City of New York.
COBA’S WIDOWS’ AND CHILDREN’S FUND

Last we celebrated our 18th year of the Widows’ and Children’s Fund, the COBA looks back at the inception of this event and how far we have come.

The fund, which began in 1996, now has over 50 families. With the loss of four of our brother and sister officers thus far this year, we have increased our need for your support and of course your generous donations. Each year, the money raised at the annual COBA Awards Dinner is used to provide a check in the amount of $250 to each family of a deceased active Correction Officer to help them purchase their Thanksgiving Dinner. During the Christmas season, a check in the amount of $250 is provided as a holiday gift to each widow/widower and a check in the amount of $500 is provided to each eligible child.

Our Annual Dinner Dance raised nearly $200,000 to bring to date over $1 million that the COBA has raised with this event. Every year we try to increase our fundraising efforts in order to ensure that no one is left behind.

I would like to personally thank each and every one of you, the Delegate board and our generous sponsors on behalf of all our widows and children for your generosity throughout the years. Each year your support enables us to bring a small glimmer of hope into the lives of the families that are left behind.

Thanks to you, we’re able to keep our word when we say “we take care of our own”.

We ask that you continue to support the Widows’ & Children’s Fund because you never know, it could be your family needing support and sitting in the front pew at church someday.

For more information or to support the COBA Widows’ and Children’s Fund, please contact Karen Belfield at (212) 274-8000.

Best wishes for a safe and prosperous year.
Workplace Violence

PICTURED BELOW ARE CORRECTION OFFICERS ASSAULTED BY INMATES

“NOT What WE Signed Up For”

CORRECTION OFFICERS’ BENEVOLENT ASSOCIATION, INC.
“PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK”
Norman Seabrook, President

For More Information
Scan this QR-Code or Visit:
WWW.COBA.NYC.ORG/WorkplaceViolence

PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK
CHANGE STARTS WITH YOU

BENNY
BOSCIO
SERGEANT-AT-ARMS
bboscio@cobanyc.org

Lets come together to do all that we can to bring our profession into a better light. As you all know the media has been portraying us in a negative light and it seems Law Enforcement as a whole is under attack across the Country and doesn’t get the credit that we so rightfully deserve. We are judged as a whole based on a few unfortunate incidents.

The average person can’t possibly understand what a Correction Officer has to go through on a daily basis behind the gates of a jail. We get assaulted, splashed with urine and feces, spat on etc… If you’ve never put on a uniform all you can go by is what the media is saying and by how we are portrayed in movies and TV shows. They call us “Guards” and show us on TV as helping the Gang leaders in Jail do all their crooked transactions. The question becomes, “How do we change the public’s perception?” “How do we get out of this negative light?” Change starts with each and every one of us.

You see if there is one thing I’ve come to understand is that there are things I can and cannot control in life. I try to focus more on the things I can control and try to make a difference when it comes to those things. You can control how sharp your uniform looks on you. You can control how to carry yourself in a professional manner. You can control helping and caring more about your fellow officer standing to the left and to the right of you at Roll Call. You can control coming to a Union Meeting to bring forth suggestions and ideas. You can control enhancing your knowledge by constantly reading your Rules & Regs, Op Orders, Directives, etc… Know your job, Do your job. Former Chief Davoren used to say “Each One Teach One”.

We can’t control how the Media or Movie and TV Producers decide to portray us. We can’t force them to write and report about all the good things we do on a regular basis. I guess those things don’t sell newspapers or get high ratings. As frustrating as it is, we just can’t control those things. Lets come together and let our voices be heard by our actions and our professionalism. Positive Change Starts With You.
DOMESTIC VIOLENCE AND ABUSE

Domestic violence is used to gain and maintain total control over another person. An abuser may use fear, guilt, shame, and intimidation to make his victim feel helpless. The worst way to deal with domestic violence is to pretend it does not exist. Whether it’s out of fear, embarrassment or pity, it is often easier for the victim to makeup stories and excuses than it is to face the source of the pain. Domestic violence is not always obvious to the victim, in fact it can very subtle. This is especially true when the abuse is psychological, emotional or financial. Noticing and acknowledging the signs of an abusive relationship, is the first step to ending it.

Psychological abuse is the act of controlling an intimate partner or spouse by telling them what they can and cannot do, such as how they are allowed to dress and where they are allowed to go. Threats are emotionally and manipulatively designed to force the victim to do what the abuser wants. Isolating the victim from their family and friends is also a sign of psychological abuse and should be reported right away. Psychological abuse is one of the worst types of domestic violence because it does not leave any visible signs.

Emotional abuse is another form of domestic violence that does not leaves scars or bruises. It is very difficult to identify and assess the sufferers of emotional abuse. Therefore, it goes unreported or unrecognized in most of the instances. Emotional abuse includes embarrassing the person in front of other people, demeaning them and destroying their self-esteem by telling them they are worthless and stupid. Many domestic violence victims reported that the emotional bruise was quickly followed by physical abuse and they were sorry they had not left the relationship sooner.

Financial abuse, while less commonly understood, is one of the most powerful methods of keeping a victim trapped in an abusive relationship and deeply diminishes a survivor’s ability to stay safe after leaving an abusive relationship. Research indicates that financial abuse is experienced in 98% of abusive relationships and surveys of survivors reveal that concerns over their ability to provide financially for themselves and their children was one of the main reasons for staying in or returning to an abusive relationship. As with all forms of abuse, it occurs across all socio-economic, educational and racial and ethnic groups. An abuser may forbid the victim to work, sabotage work or employment opportunities by stalking or harassing the victim at the workplace or causing them to lose her job by physically battering prior to an important meeting or interview. Many victims have reported their partner withheld funds for basic needs such as food and medicine for them or their children as a form of control.

Technological abuse includes the use of technology to control and stalk a partner. This type of abuse can happen to people of all ages, but it is more common among teenagers, who use technology and social networking sites to interact in a manner often unmonitored by adults. This may include hacking into a victim’s email and social media accounts, placing a tracking devise into a victim’s cell phone in order to know their whereabouts at all
times, recording or filming the victim without their permission or knowledge. Any forms of the above behaviors may be used to control or exert power over a partner, and they may be part of a larger cycle of violence.

The fact that these forms of abuse may not leave visible scars does not reduce the severity and pain. The psychological and emotional effects live on longer than the bruises and cuts and in many cases can create a cycle of violence if children are exposed to it. Non-physical domestic violence can make it more difficult for the victim to seek help because it is very painful and humiliating to talk about. The abuser relies on his victim’s reluctance and hesitation in order to continue the abuse. The journey from victim to survivor is often a scary and long one, however, there are resources and organizations in place that recognize the signs and are available to assist. Domestic violence victims no longer have to do this alone.

If you are in an abusive relationship, you have two choices. You can stay in the relationship and try to stop the violence or you can leave the relationship. If you choose to stay, be prepared for the abuse to continue and in most cases escalate without the assistance of trained professionals.

If you do decided to leave, plan for your safety by contacting your local domestic violence program to discuss your options and learn about the community resources you can access for support such as emergency assistance funds, shelter, utility and/or rent assistance, public benefits and affordable housing. To locate a program in your community, contact the New York City Department of Correction’s CARE unit at (718) 546-3344 or the National Domestic Violence Hotline at 1-800-799SAFE.

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Grace and peace! Welcome to “THE BISHOP’S PEW”. This column will consist of a variety of informative articles and topics that will assist you in many of your life and family issues. Life has many challenges and storms but I believe that in order to survive we must remain positive.

Let’s remind ourselves to remain focused on two important facets of life -- faith and hope! Webster defines faith as “unquestioning belief, complete trust or confidence.” Hope is defined as “a feeling that what is wanted will happen; desire accompanied by expectation.” When you look at Webster’s definition of both words, one deals with a BELIEF while the other is a feeling with an EXPECTATION. I especially like the second definition of hope, “desire accompanied by expectation.”

At first glance, the relationship between faith and hope might seem obvious. People that have faith, have hope. People that have hope, have faith. Seemingly, a person cannot have one without the other. However, the reality is that it can be more complex than that. Let’s look at it this way:

Would you agree that faith without hope is possible? But hope without faith is not possible because hope is always accompanied by faith? Would you agree that you need to have faith because you need hope?

Hope involves having a confidence and a desire that is what leads us to exercise our faith. When we are walking in faith, we actually abound in hope because our desires are now accompanied by an expectation with confidence.

So I leave you with “food for thought”. Do you have enough faith to believe that what you are hoping will (without a doubt) come to pass?

As always, please feel free to contact me at wwhitaker@cobaync.org. I wish each of you and your families a healthy and happiness always!

Be blessed,

William R. Whitaker
Bishop William R. Whitaker II, D.D.
YOUR PARTICIPATION IS REQUIRED

Last we met I informed you about avoiding the OATH trap. I am here this time not to talk about OATH cases, nor to talk about the inmates or bad Captains or for that matter, managers either but to enlist the help of the fraternal organizations. Over the last several months I have attended many of these organization’s events and have noticed several things. Besides the fact that some deserving people received money to further their education and celebrate culture, I have noticed the dwindling number of attendees. A few years ago, events were so crowded it was standing room only and now it’s the same faces at every event.

I know, I know you are going to say “I don’t have any money for these parties; what am I going for, they do nothing for me”. You are right about that (before all the Fraternal Organization Presidents start calling Norman asking for my head on a platter in the middle of your table as a center piece at next year’s function as a peace offering, hear me out - whew!)

The reason I agree with those of you who believe they do nothing is that these groups do not have the presence they used to have. A couple of weeks ago I asked a new officer if she was a member of one of these organizations, she responded by saying that the last time she saw them was while still in the Correction Academy and has heard nothing from them since. I am asking all the Presidents of the Fraternal Organizations to visit the facilities and recruit new members. We all need your help.

If you don’t like what the media is saying; if you want help saving our reputation, go out and get involved. We are in a fight. We need all hands on deck. To the officers, seek these organizations out and stop being a locker room lawyer and a complainer. Be one of those new faces at these events. When all of those same faces fade away, this will be yours to maintain. Stop going to these events only if they promise you a nice spot, a chill post with no inmate contact, somewhere you can retire at the start of your career. The truth is, if these organizations can’t do this for you, you simply do not participate. Your participation is required to make changes.

These organizations do, have and can do something for all of us - they have helped bring us together, to make changes whenever we needed - to show strength in numbers. They have helped by bringing their members out on short notice to show the City of New York that we are unified. These organizations also help assure that the Department of Correction is as diverse as the membership.

I know you think the Executive Board and the Delegates are the Union, but you are wrong, it’s all of us that make this Union. In closing, I don’t have any catchy line or saying just one thing to say HELP!!!!!!!!!!!!!!! Your participation is required.
WHAT IS A UNION DELEGATE?

A union Delegate is an employee just like you. They have a job to do every day, and they answer to the same management that you do. The key difference is that a union Delegate has the training, the tools, and the protections to help you and other employees solve problems at work!

If you think you have a problem, then perhaps your Delegate can help you. He or she has been trained by the union and has special legal protections to enable them to stand up for employees when management isn’t being reasonable. The job of a union Delegate involves but not limited to:

**Representation**

When you think you’re in trouble. If you have a meeting with management that you believe is an investigatory interview with the possible purpose of taking disciplinary action against you, you have the right to have your union Delegate at the meeting. This is also known as your "Weingarten Rights." When you have a problem that needs solving. A term you may be familiar with is “filing a grievance." A grievance is an allegation that management has violated the terms of the contract. Not every problem is a violation of the contract, and not every problem requires a grievance. Your Delegate may have other ways, both formal and informal, for solving problems.

**Communication**

Your Delegate will make sure to inform members about what’s going on in the union by handing out informational leaflets, putting information on the union bulletin board, and by simply talking to people. Your Delegate also plays the role of feeding your ideas and issues back into the other parts of the union, such as other facility COBA Delegates & Executive Board.

**Education**

Your Delegate will work to make sure members understand their rights, the contract, and any important issues the union is working on.

**Organizing and Mobilizing Members**

This is considered the union Delegates' #1 job. The strength of our union at any point in time is simply the total energy and support of the members who can be mobilized. When more members get involved, we can accomplish more at our workplace. All the other work Delegates do - representation, communication, and education - is done with an eye to strengthening and increasing involvement in the union.
WHAT TO EXPECT WHEN ATTENDING THE FIREARMS REVIEW BOARD

There are specific criteria that an MOS must meet in order to have their firearm privileges fully revoked. The current criteria is as follows pursuant to Directive 4511-RA Firearms policy and procedure (page 19 of 77 section 3).

A. Loss, or failure to exercise the highest degree of care in handling or safeguarding of any weapon.
B. The arrest of a member of service by any law enforcement agency.
C. Being placed in a modified duty status and returning to full duty.
   (DOES NOT INCLUDE "MEDICALLY MONITORED" staff).
D. Any Firearm discharge.

When this criteria is met at any point of the members career and only after any department/criminal charges have been filed and/or adjudicated, the member of service may request in writing to restore their firearm privileges. They must file the following paperwork along with the written request:

THE OFFICERS RESPONSIBILITY
1. 600 AR request to restore firearm privileges
3. Copy of Desk Appearance Ticket (D.A.T.)
4. If Arrested- Certificate Of Disposition from the court of arraignment.
5. If applicable copy of Court Order Of protection.
6. Any medical and/or psychological documentation that may be relevant.
7. 4511-F Attachment #11 from the Firearm Directive.
8. A Psychological Evaluation is only valid within three months of the members appearance before the Firearms Review Board.

Once the above mentioned documentation has been submitted to the Commanding Office for review, it will then be the Commanding Officer’s responsibility to determine if it meets the specific criteria pursuant to (4511-RA Firearms policy and procedure (page 19 of 77 section III)). If none of the 4 specific criteria stated in section III exists the determination will be held at a command level. The commanding officer has 30 business days to inform the member if meets the criteria to attend The Firearms Review Board. The Commanding Officer then has 30 business days from the time of the request to have the package forwarded to the attention of the secretary of the Firearms Review Board. The secretary then will review and make sure that The restoration Package is complete and schedule the member for the FRB. The Member will then be notified by there parent command.

The COBA would like their members to be well prepared when attending Firearms Review Board. Always arrive early, or on time, and portray yourself in a professional manner. Business attire, or class A uniforms are is the dress code. There a few procedures that will apply to The Firearm Review board. The quorum shall consist of at least (5) members and must be maintained for each and every determination made the Firearms Review Board. The above mentioned members may vote to either Restore Firearm Privileges, Deny (6 months to a year), or just may simply abstain from the vote. The final determination is based on the majority vote.

PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK
WITH CHANGES COME CHALLENGES

Sometimes we have to adapt to change in a matter of minutes, with changes come challenges.

The challenges can be simple if we adapt or it can be complicated and become stressful if we are not willing to adapt to change.

If something is not going in our favor because of change, should it cause division or disrespect among our fellow officers.

I speak about change, disrespect and division because we see and hear about it too often within the department.

Change happens all the time with management, but how about a change with the Correction Officers, how about us practicing and putting unity, gratification and leadership into perspective?

I challenge all of us as Correction Officers to be respectful to each other.

To get respect you have to give respect. We have to come together among ourselves and not bash each other; to help your brother and sister when they are caught up in a situation; we have to be proactive and not reactive. We have to be better leaders because we are the first line of leadership.

The supervisors are to ensure that our jobs are done and that Care, Custody and Control is being provided, we perform these duties without supervision, so who are the leaders? Lets not be afraid or too modest to teach other officers regardless of how much time we have on the job.

I believe we can fight a better fight if we stand united and not divided. If we keep the main ingredients in perspective i.e. care, custody, control and apply our rules and regulations, minimum standards and directives we will not loose the respect, unity and gratification of an officer.

We can continue to be the best at what we do with out working hard, lets work smarter, not harder. Lets work towards unity.

Lets not let the media define who we are, they do not and probably never will face, see or understand our everyday challenges behind the gates. I look forward to the day that we are recognized for who we are and what we do, for as long as God continue to sit high and look low we will continue to be protected.

Each one of us serves a purpose!
What is our purpose?
United or Divided
Military Update
Goodman Settlement

December 22, 2014

Dear Brother and Sister Officers:

On March 17, 2014, a settlement between the City of New York and the United States Attorney’s Office in the case of Goodman, et al. v. City Of New York, et al. (“Goodman”) became effective. This settlement was the result of litigation filed by the United States Attorney’s Office in the Southern District of New York pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994. 38 U.S.C§§ 4301-35 (“USERRA”). The plaintiffs are a class of retired New York City Police Department (“NYPD”) uniformed members of the service who, on or after September 11, 2001, performed active military service while employed by the NYPD. Pursuant to the Goodman Settlement, active military service is defined as “active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, a period for which a person is absent from a position or employment for the purpose of an examination to determine the fitness of the person to perform any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty.”

USERRA requires military service members’ pensions -as well as employer and employee contributions to pension plans - to be computed based on the rate of compensation the employees would have received but for their periods of military service. Pursuant to the Goodman Settlement, on or after March 18, 2014, if a NYCERS member returns to City service from active military service, NYCERS must calculate the member’s pension based on the above calculation. Accordingly, in a calculating the member’s pension it must take into account (among other things): cost of living adjustments, wage increases, overtime compensation, night shift differential, holiday pay, worked vacation, portal-to-portal, and allowable longevity payments (“Pensionable Earnings”) that the member would have earned if he or she had not taken military leave.

For more on this matter, I would direct you to the NYCERS website:

Fraternally yours,

Arthur Henry,
Sergeants Major (Ret.)
COBA Military Liaison
Goodman Settlement

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Who is Affected by the Settlement Agreement?

A few different classes of NYCERS members and pensioners are affected as the result of the Goodman Settlement.

1. Pensioners who received a pension check prior to October 10, 2004 but who subsequently performed military service between receipt of his or her first pension check and October 10, 2004.

a. You may be ineligible for a recalculation. You should contact NYCERS to find out what documents you need to submit to NYCERS if you are eligible for a recalculation.

2. Pensioners who performed active military service on or after September 11, 2001 and received a pension check between October 10, 2004 and March 17, 2014.

a. These pensioners will automatically be recalculated to take into account any Pensionable Earnings that the member would have earned if he or she had not taken military leave. If the recalculation shows that their monthly benefit would increase as a result of the recalculation, then NYCERS will send these members a letter with the revisions.

3. Pensioners who performed active military service on or after September 11, 2001 and returned from such service on or before March 17, 2014 and received their first pension check after March 17, 2014.

a. These pensioners may have their pension recalculated to take into account any Pensionable Earnings that the pensioner would have earned if he or she had not taken military leave. Once NYCERS is notified of the pensioner’s active military service, NYCERS will send the pensioner a letter informing the pensioner of how to request a recalculation. If the pensioner has already notified NYCERS of his or her active military service, a letter will automatically be sent to the pensioner.

4. Members who performed active Military Service on or after September 11, 2001 and returned from such service on or before March 17, 2014.

a. These members may have their pension recalculated to take into account any Pensionable Earnings that the member would have earned if he or she had not taken military leave. Once a member notifies NYCERS of his or her active military service, NYCERS will send the member a letter informing the member of how to request a recalculation. If the member has already notified NYCERS of his or her active military service, a letter will automatically be sent to the member.

5. Members who were on active military duty on or after September 11, 2001 and return from service on or after March 18, 2014.

a. These members must have their pensionable earnings calculated pursuant to the settlement agreement.

What Does the Recalculation Entail?

For the period of time a member performed active military service after September 11, 2001, NYCERS will determine how much compensation the member would have earned, but for the period of active military service.

To perform this calculation, NYCERS will average the Pensionable Earnings the member would have earned “but for” his or her period(s) of Active Military Service. To the extent that the compensation “is not reasonably certain” it shall be determined based upon the average amount of Pensionable Earnings earned during the 12 months immediately preceding his or her active military service. NYCERS will then add the base pay to the imputed earnings to reach the pensionable earnings for the period of active military service. If pensioners receive a benefit from the recalculation, then his/her pension will be adjusted by the actuarial equivalent of any shortage resulting from any additional employee pension contributions that you would have owed as a result of the recalculation. Members are responsible for making additional pension contributions to NYCERS.

For the purpose of computing the members’/pensioners’ Pensionable Earnings While on military leave, active military service begins on the date a member begins his or her leave from City service; this may include use of annual leave and/or compensatory time. The active military service is deemed completed on the day before the member returns to City service.

Individuals Whose Membership with NYCERS Has Ceased

NYCERS members who were on active military service between September 11, 2001 and March 18, 2014, but are no longer members of NYCERS because of a transfer to another system or withdrawal of member contributions are not entitled to a recalculation. If a former NYCERS member transferred to another public retirement system, he or she should make an application to the new retirement system to be recalculated in accordance with statutory requirements of USERRA.
What to Do if You or a Family Member Have Been Injured in an Accident

Have you or a member of your family been injured at work, or in an automobile, subway, or bus accident? Have you been injured due to medical malpractice or negligence on the part of a hospital?

If you or a family member are injured in an accident and require immediate legal representation, call the law firm of Koehler & Isaacs LLP at 917-551-1300 and you will be put immediately in contact with attorneys working with the firm who will be ready to assist you, twenty-four hours a day, seven days a week. There is no charge to you unless you win your case or the case is settled by the firm.

The attorneys who will handle your case have a proven track record of securing substantial monetary settlements and/or verdicts on behalf of clients and their families. Below are just a few of some of their more recent judgments and settlements:

- $14.5 million for the family of a Correction Officer killed in an auto accident.
- $10.5 million for a client who was left paralyzed from an accident.
- $8 million on behalf of the family of a client killed in an auto accident.
- $7 million on behalf of a Correction Officer who was seriously injured due to the negligence of the MTA.
- $7 million in a medical malpractice case where the wife of a Correction Officer died after giving birth to twins.
- $5.5 million for the family of a client who died in a motor vehicle accident.
- $4 million for an individual injured as a result of medical malpractice.
- $3.75 million on behalf of a client who was seriously injured.
- $3 million settlement with a structure worth in excess of $10,000,000 on behalf of the family of a Correction Officer, who died as a result of a motor vehicle accident.

Attorney Advertisement. Prior results do not guarantee a similar outcome.
6th Annual
HERITAGE FEAST
Rikers Island East Parking Lot

May 12, 2015 | 10:00 am - 6:00 pm

www.cobanyc.org

6th Annual RETIREE LUNCHEON

Wednesday May 13, 2015

COBA Golf Outing
MONDAY JUNE 22, 2015