NEW YORK STATE SPECIAL COMMISSION ON ATTICA

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In the Matter of the

Public Hearings

at

ROCHESTER, NEW YORK

410 Alexander Street, Rochester, New York

April 13, 1972 10:00 a.m.

Before:

ROBERT B. McKAY, Chairman,

MOST REV. EDWIN BRODERICK,

ROBERT L. CARTER,

MRS. AMALIA GUERRERO,

AMOS HENIX,

BURKE MARSHALL,

WALTER N. ROTHSCHILD, JR.,

MRS. DOROTHY WADSWORTH,

WILLIAM WILBANKS,

Commission Members

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PRESENT:

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ARTHUR L. LIMAN, General Counsel

JUDGE CHARLES WILLIS, Deputy General Counsel

STEVEN B. ROSENFELD, Deputy General Counsel

DAVID ADDISON, Deputy General Counsel

ANDREW LIDDLE, Senior Investigator

JOHN CARTER, Deputy General Counsel

HENRY ROSSBACHER, Deputy General Counsel

PAUL ROLDAN, Deputy General Counsel

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MR. McKAY: We are now prepared to begin the second day of the hearings of the New York State Special Commission on Attica.

The Commission has taken the unprecedented step, as we believe, of making a public presentation on television and in a television studio because it is our belief that television can provide the widest possible public access to the testimony to be given and the data that the Commission's staff has gathered.

Television and other communications

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media, of course, cover these pro
ceedings in any public auditorium but the Commission

will not only hear witnesses who might appear

before cameras and microphones at any location,

but, in addition, much of what the Commission

and the public will be shown consists of documen
tary, graphic and other visual materials that can

be shown to a television audience only through

the facilities of a fully equipped television

studio.

The Commission is convinced that this new electronic approach to the public presentation of a record of events will result in further public comprehension of the events at Attica that we have investigated.

We have simply recognized in doing this that in this communicative age there is no longer any point in presenting material to hearings as though only a few members of the public were watching.

There is an additional special purpose, we believe, to be served by the public hearings now held, to be held before the Commission has reached final conclusions about the content of the written report to be filed with the public

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As stated yesterday, we welcome additional statements from individuals or groups about the events at Attica that will supplement or enlarge our understanding of those tragic days.

If there are those who wish to be heard in person, the Commission requests that they communicate to us that fact so that we can arrange further hearings before the Commission after the conclusion of the hearings now scheduled for today and the next two weeks.

Today is April 13th, seven months since the retaking of the institution at Attica. There has been a request, indeed couched in terms of a demand that no hearings ben held today in memory of the inmates and guards who dies in September.

We believe, on the other hand, that it is entirely appropriate to continue our inquiry on this anniversary date to make sure that no one forgets.

The proceedings today, as yesterday, will be conducted largely by the members of the Commission's staff with, of course, an opportunity for questions from members of the Commission.

I wish to remind at the beginning of the

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testimony today of the ground rules

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for those proceedings as stated in the beginning of the yearings yesterday.

The following procedures will be observed during the taking of testimony:

First: Witnesses will be questioned only by Commission counsel, members of the staff and by members of the Commission.

Second: Pursuant to law, each witness will be afforded the opportunity to make a brief statement in addition to responding to questions.

Third: Any person who, during the course of these hearings, may have inadvertently been mentioned in a derogatory manner shall be afforded a fair opportunity to respond prior to the adjournment of these hearings.

Fourth: The witnesses have been instructed that in order to protect the rights of each individual who may be connected with the events at Attica, witnesses shall not be permitted to identify any person in connection with any incident which might be deemed unlawful.

The conduct of the hearings today will be the responsibility, as yesterday, of Mr. Arthur Liman and members of his staff.

16	Mr. Liman. 228
2	MR. LIMAN: Thank you, Mr. Chairman.
3	Today we will hear from two members of
4	the correction staff at Attica as well as two
5	civilian employees at Attica. In addition, we
6	will hear from one ex-inmate of Attica, Mr. Swift
7	and from Mr. Martinez, a young Puerto Rican in-
8	mate of Attica who was admitted to Attica just
9	after he turned his 17th birthday.
10	Mr. Martinez is on the Inmate Grievance
11	Council, having been elected to it last month.
12	We will begin the proceedings with the
13	testimony of Sgt. James E. Cochrane and I would
14	ask that the Chairman swear him in.
15	JAMES E. COCHRANE, called as a
16	witness, being first duly sworn by Mr. McKay,
17	testified as follows:
18	EXAMINATION BY MR. LIMAN:
19	Q State your full name for the record.
20	A James E. Cochrane.
21	Q And your age?
22	A Thirty-six.
23	Q And your occupation?

Correction sergeant.

And your level of education?

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Is every corrections officer sent to such a

- No, every correction officer is not sent. Α
- Did you apply for that training? Q
- I requested it. A
- Did the State pay for it? Q
- Yes, the State did pay for it. Α
- And what was the training there then? Q

Subjects relating to the correction field. Α Several eminent instructors instructed in phases of the law. Several Correction Department personnel talked about the problems that you run into in the institution, discussing the best way to handle these different situations. This type of thing.

Were you lecutred to by any psychologist?

- Q But that was at this course?
- A That was at this course.
- Q Could you give us an estiamte of how many of the correction officers at Attica have attended courses such as that?

A That particular course I don't think too many attended. There were other training programs where a larger percentage of people were allowed to--were given the opportunity to attend. There were--

Q How many took--in terms of how many people take advantage of the opportunity, would you say that a majority of the correction officers--

A This specific -- this specific situation, going to St. Lawrence for one week, there was a very small percentage that went. Other training, there were larger percentages.

Q When you say "larger percentages," would it still be under a majority of the correction officers at Attica?

A It would depend on the degree. I think especially recently, within the last few years, every correction officer is getting, within the institution, a certain amount of training. Orientation; discussing,

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11	this type of thing. But it's not extensive. 233
2	Q Sergeant, as a sergeant in the institution,
3	what are your duties?
4	A My duties have been varies over the two
5	years I have been in this position.
6	At the present time I am the supervisor of
7	C-block at Attica Correctional Facility.
8	Q How many men do you supervise?
9	A From 15 to 35 officers, depending on the time
10	of day and in the area of 450 inmates.
11	Q And what shift do you work?
12	A I am assigned to the 7:00 a.m. to 3:00 p.m.
13	shift.
14	Q Is that the time in which there is the maximum
15	mobility of inmates in the institution?
16	A Yes. Shortly after 7:00 o'clock in the morning
17	most of the population is released from their cells
18	to attend breakfast.
19	Q And breakfast is a compulsory mean
20	A The five week days at present, it is compulsory
21	if the man is able. If there are no medical reasons
22	that, you know, would say he could not go to breakfast.
23	Q Is the reason that there isn't as much
24	mobility after the 3:00 p.m. time as there is before
25	because many inmates do not take supper at the institu-
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Α You would be talking about 4:00 o'clock. This is normally the time that the evening meal is served.

At present, the evening meal is not manditory.

- Q And a number of inmates do not go to the evening meal?
- Α The percentage drops. It's somewhere between half and three-quarters, depending on the type of meal.
 - Q Do they post the menus early in the week?
 - A Yes. The menus are out a week in advance.
 - 0 Do you post them actually in your block?
 - I am quite certain they are posted.
- Q You say that you supervise 15 to 35 correction officers and some 450 inmates?
 - Α Yes.
- And what types of jobs do these correction officers whom you supervise have?
- Α Well, the jobs are varied. Normally when a correction officer comes in at 7:00 o'clock in the morning, he stands a roll call or line-up. At this roll call or line-up he is given his assignment, his tentative day's assignment.

Also, if there are any instructions that have to be relayed to the staff, this is the particular to day's operations for that particular day.

Also, in the event that any regulations emanate from the Commissioner's office or the Superin-

tendent's office, at this particular time they are re-

This would include instructions pertaining

In other words, the regulations would be

Q And after an assignment is given, what are the different types of assignments that the men who work for you have?

A Okay.

layed to the staff.

read at roll call.

Speaking primarily of the 7:00 to 3:00 shift,

I have in the area of 15 officers. Ten of those
officers initially would be assigned to companies.

They would be responsible, number one, when they
immediately arrive in the block, of taking a count.

In other words, they check each cell, make sure that the man is there and that he is all right.

In addition, they take sick call. In other words, they check with the inmates and they are asked if they fell that they should be sent to the hospital for the doctor's attention.

And then the count is turned in and it's

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verified and approximately a quarter after 236 7:00 will begin running the companies to the mess hall.

What do you mean by running the company to the mess hall?

An officer will supervise one company. A Α company can have as many as 41 or 42 inmates in it and he accompanies these men to the mess hall.

They line up in formation. They march to the mess hall in formation.

Q It would be one correction officer to 42 men?

Α At present this is the setup. One company, one correction officer.

Before the uprising, what was the ratio?

It was standard procedure in the morning prior to the riot, for each officer to be assigned to two companies, which could be as many as 82 to 84 inmates.

Occasionally there were situations when the help was lower than normal for one reason or another where an officer could be required to run as many as three companies. This was in an isolated incident, but it did happen occasionally.

But the normal--

It was normal standard procedure in the morning for each officer to run two companies to breakfast, prior

L5 ¹	to the riot. It is not that way now, but 237
2	at that time it was.
3	Q Which could mean as many as 84 inmates?
4	A Yes. That's exactly what it was.
5	Q You used the term company. Is company the
6	term that's applied to the gallery where inmates'
7	cells will be located?
8	A Yes, it is.
9	Q And there are 42 cells in each gallery?
10	A Depending on what block you are in, there
11	is either 41 or 42 cells.
12	Q Do you have any say in where the inmates
13	are housed, Sergeant?
14	A No. I don't assign inmates to cells.
15	Q Who makes those assignments?
16	A These assignments are normally made in the
17	deputy superintendent's office. The Assignment Board
18	certainly has influence in this. This is part of their
19	job.
20	Q Could you also tell us how many shifts there
21	are at Attica?
22	A At present?
23	Q Yes.
24	A At present there are five shifts.
25	Q How many hours does each man work on a shift?
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18	A In operation at this time, they 240
2	have two blocks in operation. A and C. And also E-
3	block, which is a smaller block.
4	Q And B and D
5	A B and D at this time are not operable.
6	Q To supervise these correction officers, do
7	you know how many sergeants there are presently at
8	Attica?
9	A Presently, I think the figure is 19 or 20
10	sergeants.
11	Q How many sergeants were there on September 9th
12	A There were, I think there were nine or ten
13	on the payroll.
14	Q When you say "on the payroll," some of them
15	were not working?
16	A I am not sure, but I think one or two were
17	off sick.
18	Q There were ten sergeants for 2200
19	A Ten sergeants were working at Attica at that
20	particular time.
21	Q Above the rank of sergeant, how many correc-
22	tion officers were there
23	A Are you talking about lieutenants and
24	Q Yes, sir.
25	A Before the disturbance, I am not sure on
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sure on lieutenants. It was four or five 241

lieutenants for the institution, but I don't think we had

four or five working. I think some of them were out

sick.

Captains, there was one captain before and

Captains, there was one captain before and there is still one captain.

Before there was one deputy or assistant deputy superintentent. Today there is none. There was also a deputy superintendent, one. Today there is one. There was one superintendent, there is also one superintendent today.

So above the rank of lieutenant, right now actually there is one less than they had before.

- Q Sergeant, you wear a uniform at work?
- A Yes, I do.

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- Q Do you carry any arms?
- A No, I don't.
- Q Do you carry a night stick?
- A No, I don't.
- Q Do the men under you carry any arms?
- A They are required to carry a standard night stick.
 - Q Do any of them carry any firearms?
 - A Absolutely not.
 - Q And when you say they are required to carry

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a standard night stick, they are required 242 by whom?

This is the Department of Correction regula-Α tion.

And all of the correction officers would be 0 uniformed in a blue-type of uniform?

Α Yes.

Q How does a correction officer get his assignments? I am not talking about when he lines up in the morning but how does he get the assignment as to whether he is going to work on the walls or whether he is going to work on the night shift or whether he is going to work--

You mean on a steady basis, a more or less steady assignment?

Yes, sir. Q

At the present time they have a bidding system which was put into effect by our local union.

In other words, a job opens up. It is vacant. And an officer can bid on this job. The man with the most seniority normally would be given this assignment.

Q And this bidding system came in on April 1, 1970, when the union contract, first union contract was negotiated and signed?

This is my understanding.

1 21	Q This means that an experienced 243
2	officer can request transfers of positions as they
3	open?
4	A Any officer can bid on a job, but normally
5	the man with the most seniority that actually bid on
6	the job would actually be given the assignment.
7	Q Has there been a pattern in assignments
8	since this system came in?
9	A The pattern would be that the man with the
10	most seniority would get the job.
11	Q Have the men with the most seniority, the
12	most experienced correction officers, applied for
13	particular types of jobs and changes?
14	A I couldn't say specifically if most men in
15	this group fell into this category. But there has
16	been occasion where experienced officers bid on jobs
17	that took them out of the main population of the
18	institution.
19	Q In fact, correction officers who work at
20	night are paid a premium; am I correct?
21	A At the present time they are paid a premium,
22	correct, for the two night shifts.
23	Q And that's the time that you have the least
24	contact with the inmates since they are sleeping?
25	A That's right. At the present time your 11:00
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p.m. to 7:00 a.m. shift very seldom will 244
be involved with any inmate out of their cell.

Your 3:00 p.m. to 11:00 p.m. shift would be involved with inmates out of their cells up to approximately 5:30, the general population.

After that we have a farm gang that is out.

Q Has there been any concern amoung the supervisors about the effect of this system under which your experienced officers--

A What this does, in effect, one of the consequences of it is that your experienced officers when the leave the general population, they are no longer effective in the general population where they come in contact with the inmates day in and day out.

In other words, you lose a certain percentage of your experience every time one of these men removes himself from the general population.

Q What is the salary range for a correction officer?

A The salary range prior to April 1st was 8659 starting pay for a correction officer and after 15 years on the job, the salary went to 10,873.

A sergeant started at 10,255. After 15 years his salary would rise to 12,775.

A lieutenant stated at 12,103. After 15

years, rose to a salary of 15,013.

Q Do you find that many correction officers supplement their income by taking other jobs and work?

A Yes, I do. Many correction officers are forced to supplement their income.

Q You yourself engaged in some additional occupation for a period?

A The earlier--earlier in my career I did supplement my income.

Q You noted these figures were before April.
There is a new union contract—

A Tentative, as soon as it's ratified and the Legislature approves it, from my understanding, then it will go into effect.

Q Do you know what the percentage increase that brings about, roughly?

A I am not sure of the exact percentage. I think they mentioned four per cent.

Q When you became a correction officer, what were the actual qualifications to become a correction officer?

A When I took the exam in 1957, I recall the flier saying that supervisory experience was required and the way I qualified for this was with my time in the service.

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weigh approximately 160 pounds. You had to be a sterling character, this type of thing. Thing.

Also, you had to take a fairly difficult

physical requirements. Your eyesight had to reach a

Were you a sergeant in the Marines?

In addition, there was -- there were certain

civil service exam and if you passed this exam and qualified in all other areas, your name was entered on a list and depending on how high a mark you had would depend on how high you were on this list and as the openings developed, the men would be drawn from this list and given an assignment in different institutions in the State. And it was normally, it would not be at your own institution.

Q How have these qualifications changed?

A I've only taken one correction officer exam so I don't know as far as exam difference. I think the physical qualifications have lessened slightly. I think you can be a little bit shorter and a little bit lighter now.

I think that moral qualifications, I think that they have eased up a little bit. I can't give you specifics on this, but I think that they have.

Q You talked about the fact you 247 had to be a sterling character. That meant that you could not work in the institution if you had a criminal record?

A That's correct. That's right.

Q Was it your recollection that you couldn't even have even moving traffic violations?

A No. I don't think that was my recollection at that time. This is possible, but it was not my recollection.

Q I thought you had mentioned it to me earlier.

That's why I asked.

In any event, you could not have an arrest record?

A Yes, I'm quite certain of this.

Q You said that after you took these exams, you would be put on a list.

A That's correct.

Q And do you recall what the size of the list was when you applied?

A That's a tough one, but it was quite extensive.

Q These are sought after jobs?

A Yes and no. Depends on the individual, whether he wants to get involved in that type of

situation.

Q Is the list today a long one?

A I don't know. They do it a little bit differently today.

Today the exam centers have changed. Today I have to say honestly I'm not sure just how they tap people to be correction officers.

Q Have you been instructed by the Department on what is the function of a correction officer?

A I feel that I have been instructed by the Department. Not a comprehensive type of thing, where I went to two or three months training.

I understand there are plans in this direction now, but when I came in the Department in 1957, this was not the case. You would be--you would get general orientation.

At that time you learned by experience. Your older officers--most of my training, in all honest, came from experienced correction officers at the time.

Q What do you consider the function of a correction officer to be?

A Well, basically when an officer takes this job and enters the institution, he is responsible for the behavior and the general welfare of the inmates in the group that he is assigned to. Basically, those

He is also responsible for the safety of these individuals. He is also responsible for general security and general order.

Those are basically the requirements of a correction officer, generally speaking.

- Q You used the words "general welfare of the inmates."
 - A Yes, I did.
 - Q What do you mean by that term?

A General welfare can include anything from medical problems, emotional problems. It can include safety. Not only falling down in a gallery or something like this, but safety for other inmates.

Q Do you find in your work that many inmates have emotional problems?

A I can't by degree say many, but I can say in my years in the Department that I have run into inmates who I felt had emotional problems, but I am not qualified to say actually that they had emotional problems.

If I felt that they had, I would refer them to the psychiatric department and they would make the final determination.

Q You haven't been trained, really, in this

A No, I have not.

Q There is no training given by the Correction Department?

A I have not been given this type of training, other than observing unnormal behavior.

Q What do you conceive of the function of a correction officer toward inmates who do not manifest this erratic behavior or what you would describe as emotional disturbances?

A I am not sure I understand exactly what you mean by that question.

Q What prompted the question was that you replied that you thought that in looking after the general welfare of inmates, that you were concerned with emotional and psychological disturbances.

A Right.

Q I wondered what you conceived of the function of a correction officer to be toward an inmate who didn't manifest--

- A Who didn't have these particular problems?
- Q Right. But who is still in prison.
- A Well, he is responsible for the general order and the general welfare. A man has more problems than just psychological problems, normal day-to-day routine-