

1 a decent living. Yes, I think there should 325

2 be improvement there.

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

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

12 A I am seeking to give it to you.

13 Q (continuing) --is there someone or should there
14 be or is this one of the problems and certainly the
15 inmates indicate that they are not happy with the re-
16 habilitation they get, is there a need for someone who
17 is, in fact, responsible to tell us why someone who
18 sought high school equivalency did or did not get an op-
19 portunity to achieve it?

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

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

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

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

1 of teachers who I consider are attempting 326
2 to do an outstanding job. We have had a man running the
3 program who had been involved with education in the
4 Department of Correction for many years. I think that
5 if you look into this closer, actually, if possible,
6 either go to the institution or ask somebody there to
7 explain it, that you will see that there was strong ef-
8 fort on the part of the department at Attica to get every
9 man a high school equivalency, if possible.

10 They couldn't go out and tell this man, "Hey,
11 get over there, you got to go over there, you got to
12 get your high school equivalency." I think that it
13 would be a good idea if we checked this out. In fact,
14 I will do it myself and I will relay this information to
15 you, because I think that there was an opportunity for
16 every inmate that was interested to get a high school
17 equivalency at Attica, and they had Spanish instructors
18 there, also.

19 Q That would be very interesting.

20 A I think we ought to check this one out to get
21 the straight answer on it.

22 Q I don't mean to take so much time, but I have
23 a lot of questions.

24 We talked about uniformity of standard operating
25 procedures by COs. You spent some time in the Marine

1 Corps. The military, in my experience, under- 327
2 stands uniformity. One platoon doesn't get up and do
3 one thing and another do something else. Within most
4 captains' companies, every platoon has the basic same
5 operating procedure, at least when I knew it it did.
6 We had an awful lot of conversation and records and re-
7 ports from inmates all over Attica saying that there is
8 no uniformity, that there is a variation. We talked
9 about it today, of the COs.

10 Question: You have charge of C-block from
11 7:00 until--

12 A 3:00.

13 Q 3:00. Do you, in fact, have the right and the
14 authority and do you consider it part of the management
15 of C-block to enforce within the COs that work for you
16 the kind of uniformity that the battalion com_ander en-
17 forced in the Marine Corps?

18 A Absolutely. It's my responsibility, also.
19 Let's face it. I think anybody realizes that a rule is
20 laid out in writing for the simple reason that you need
21 uniformity, or there won't be rules. This is what I
22 consider the real reason for having these rules and regu-
23 lations. You have less problems. You have more effici-
24 ency. You have less bad feeling on the part of inmates,
25 if everybody is attempting to enforce these rules and

1 regulations in the same manner. It isn't fair to 328
2 them to have four different people enforcing them or
3 expecting them to be carried out in a different manner.
4 This is understandable.

5 Is this happening? On occasion, it is. Not
6 to the degree that some people claim it may be. But it
7 is happening. And it is my responsibility when this does
8 happen to attempt to bring them into line. An under-
9 standing of rules and regulations on the part of the
10 inmates is quite important. You have to have it, cer-
11 tainly.

12 Q One last question which is somewhat, as the
13 Bishop says, in the nature of a philosophical one.

14 In my activities in the last couple of years,
15 I personally have satisfied my own question as to whether
16 or not the society in which we live harbors a good deal
17 of racial prejudice. I think it does. We have read a
18 lot of reports that say the same. And in the discussion
19 about discrimination and prejudice within the facility,
20 it seems to me that one of the reasons why there has been
21 such widespread allegations of discrimination on the part
22 of inmates we talk to and, on the other hand, a very bit-
23 ter resentment, and I think sincere on the part of many
24 COs who say they are being unjustly accused--maybe there
25 is some explanation for why this sharp disagreement exists

1 there.

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2 In the society outside of Attica, prejudice
3 is demonstrated in a fashion which is not a permanent
4 relationship. If the company doesn't want to hire a
5 black applicant, they just say "We haven't got a job
6 for you," and he goes somewhere else. They are not face-
7 to-face with each other thereafter.

8 Within the facility, after all, and as you
9 said, I think perfectly accurately, you certainly have
10 whatever prejudice the society has and you say you don't
11 see any reason to assume you have any more.

12 Maybe the fact that same amount of prejudice that
13 society does have put into a strictly authoritarian cir-
14 cumstance results in it being a much more oppressive
15 thing than in the outside society where that kind of
16 prejudice is avoidable.

17 If the fellow won't hire a black man, the black
18 man goes somewhere else and he doesn't have to face that
19 discriminating employer. So, maybe perhaps that
20 explains a little bit why the same amount of prejudice
21 within the facility results in a much more violent in-
22 terpretation of what it means. That's not a question.

23 A Do you want me to attempt to--

24 Q I would like very much to have what thoughts
25 you have on it.

1 A You talk about discrimination. If
2 you are talking about discrimination, feeling of white
3 inmates, black inmates, I say that this possibly follows
4 the same level that we have on the outside. I don't know
5 what this level is. I couldn't guess. It's there. Let's
6 face it. But the level I wouldn't begin to be able to
7 say.

8 As far as the administration, I want to get
9 this clear, as far as the administration, correction of-
10 ficers, other individuals employed in the institution I
11 think that there is no feeling of discrimination against
12 the blacks. We work there. We're getting paid to work
13 there. At least half, more than half of the individuals
14 there are either black or Puerto Rican.

15 Now, if we operate in this manner constantly,
16 this is going to make your job more difficult. I mean,
17 we can leave. They can't leave until we open the doors
18 for them.

19 Now, if you are actually continuously dis-
20 criminating against these people, you're only making your
21 own job much more difficult. It is not happening on the
22 part of the staff. This is my feeling.

23 Like I say, I have been there quite a few
24 years and this is the way I feel about it.

25 MR. ROTHSCHILD: Thank you very much.

EXAMINATION BY MR. HENIX:

Q Sgt. Cochrane, I am afraid a few of the questions that I'm going to ask are going to be repeat questions, but there are other parts to it.

A That's quite all right.

Q One thing you said that guards are not permitted to carry firearms inside of the walls. Is this true?

A That's correct.

Q Now, we have the chart here that demonstrates the physical structure of Attica. Right?

A Right.

Q Could you show me that wall that--where they can--

A This is your outer wall. All the way around the facility. It goes all the way around the outside perimeter. If you look closely, you see these little rises on the wall. These are towers. There is an officer in each tower who is armed with firearms for the sole purpose of keeping individuals in the facility. This is outside security.

Also, there are gun posts on the top of this area here which oversee the four yards. We are only using two at the present time.

1 This is a very recent addition. We 332

2 never had this before the disturbance. This has been--

3 Q So that means there are guns inside the wall
4 now that you are building new towers inside of the yard?

5 A Right. This is correct.

6 Q So, there are guns now allowed in the institu-
7 tion?

8 A We don't consider this in the institution. When
9 we say in the institution, we mean where the individual
10 that carries the weapon can come in close proximity with
11 an inmate within the facility. No. You know, you would
12 be taking a terrible chance to do a thing like this.

13 Does that answer your question?

14 Q Well, to some extent, because--I don't know of
15 any other institution in the state where they have this
16 type of a system.

17 A Okay, let me say this: they did not have it in
18 any until before the disturbances. You had a disturbance
19 at Auburn. They have them at Auburn. You had a disturb-
20 ance here. You have them here now.

21 Q So they are tightening up?

22 A It appears this way.

23 Q I would like to ask you another question. How
24 many times a day is an inmate at Attica counted?

25 A Counted?

1 Q How many times does he have--- 333

2 A Normally at 7:00 o'clock in the morning. 12:00
3 noon and 5:00 o'clock in the evening.

4 Q And going back and forth to work assignments?

5 A No. A lock count is only three times a day.
6 An officer is always required to know how many individuals
7 he has in his charge, but it is not a lock count. In
8 other words, they are not put in their cell and counted
9 in their cell. Only on those three occasions that I
10 mentioned.

11 Q Are they standup counts?

12 A Yes, they are. They are required to stand at
13 the present time, right.

14 Q I want to continue on here with another sort
15 of repeat of what Carter had asked about, abnormal be-
16 havior. You gave certain examples which I don't think
17 really covered abnormal behavior, because when we think
18 of abnormalcy in an unnatural situation as Attica, I
19 think that a larger description of what you would con-
20 sider abnormal would be, I think, more helpful to the
21 public and to the Commission.

22 A I am not sure just exactly what you want.

23 Q Things like homosexuality, masturbation and
24 all these other things that a man--

25 A You asked about homosexuality. Just what do you

1 want to know about it?

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2 Q I am wondering, is this considered in the
3 institution of Attica as abnormal behavior, inasmuch
4 as there are no women there?

5 A Certainly I would consider it abnormal in the
6 institution or out of the institution. This is my
7 personal feeling.

8 Q A man would be punished if he was caught in
9 an act of this type?

10 A Punished? I don't know. I don't know what
11 you consider punishment. Normally, these individuals are
12 separated where the possibility of contact is lessened.
13 This type of thing, certainly. How much of it--

14 Q Are the known homosexuals in Attica isolated?

15 A Not to the effect that all individuals who are
16 considered to have these tendencies are put in one area.
17 The individuals that become most active, attempts are made
18 to put these people in a position where this type of be-
19 havior cannot happen, yes.

20 Q Because in the federal institutions the attitude
21 is somewhat different. I guess you know they don't
22 separate--

23 A I have never worked in a federal facility.

24 Q I can speak from experience.

25 A I will not pass judgment on what's good or bad.

1 This is what we do. It's to more or less the 335
2 same degree.

3 Q Another question is when you walk along, you
4 know the galleries in which you can look into every cell
5 as you go along.

6 A Yes.

7 Q What would you compare that with, if you had
8 to compare with something that you see in society, would
9 you--would it be a fair judgment to say that you would
10 compare it to a zoo?

11 A No.

12 Q Why not?

13 A Why do you compare it to a zoo, or do you?

14 Q I do.

15 A Why do you compare it to a zoo?

16 Q Because of the type of, what is considered
17 lodging, the quarters where they live is bars. It's
18 much smaller than most cages I see in the New York City
19 zoo. It has bars in front of it. You know, where you
20 can be observed constantly by people outside. The only
21 difference is in the fact when you are outside of it, but
22 if you walk through there and all those men are in there
23 and they are all doing different things, some are laying
24 down, some are reading, some are taking care of private
25 things that need to be taken care of, without any privacy

1 at all outside of his keeper. I think this 336
2 qualifies as a zoo or could you think of another situa-
3 tion in society that would be more accurate?

4 A Let me try to answer this. Why are animals
5 in a zoo? They are there to be looked at, right. Why
6 are these individuals in a cell? For a different reason.
7 They are not there to be looked at, observed. This
8 isn't why they are in those cages.

9 I could fully understand why an individual in
10 a cell may feel he is just like a caged animals. Certain-
11 ly, I can understand this. But how a person on the out-
12 side could think that there is any comparison between
13 animals in a zoo and these individuals in a prixon, I
14 don't know how they could feel this way.

15 Q Isn't that, I think, cause for a person to be
16 somewhat discontented, like an unnatural type of reality?

17 A Certainly. A man in prison, this is not
18 natural. A man in prison has lost his freedom. Chances
19 are pretty good that he is there for a good reason. It
20 is not natural. Of course, it's not natural. I don't
21 think it's natural to commit crimes, either.

22 Q No, no. Most of us do things like income tax,
23 but this is a question of position, the type of crime.
24 But I wanted to ask you, also, you have been in the depart-
25 ment for 14 years.

1 A Yes.

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2 Q And I know for, at least it has been my experi-
3 ence, when the Muslim religion first appeared in the
4 New York State penal institutions, anyone who could be
5 identified as a member of this group was put on sort of
6 a list of suspects.

7 A Suspected of what?

8 Q Of being a possible troublemaker.

9 A I wouldn't go so far as to say they were put
10 on a list as being a possible troublemaker. That's when
11 I first came into the department.

12 Q There was a point where they were really under-
13 ground, they had to hold their meetings in secret and
14 when a guard came around, they started talking about
15 other things.

16 A I think there is plenty of court testimony to
17 explain this, sworn testimony. I am not--I would rather
18 not talk about this because I'm not too sure how it was
19 back then. I am more familiar with the way things are
20 today.

21 Q Okay. Is it--I know when I was on the other
22 side of the fence, one of the things that you learn in
23 order to function in the penitentiary, you have a guy who
24 is jailwise and one of the things that qualifies you for
25 that is where you have made a minor infraction and you

1 find yourself in front of the PK, and if this 338
2 infraction has anything to do with an altercation between
3 you and an officer, that if you don't want the maximum
4 amount of keeplocks, or whatever, you are very careful to
5 take the entire blame. Because the PK can say, "Are you
6 questioning my officer? Are you saying that this officer
7 lied?" Which could make it very difficult for you.

8 Was this the practice also in Attica?

9 A I never was present during what they used to
10 call PK court. Whether this happened or not, I don't
11 know. The disciplinary procedures have changed within
12 the last year or two. Things are done a little different-
13 ly. It is possible that what you say is right, but I
14 can't say one way or the other.

15 Q You also said that you, in your 14 years of
16 being in the system that you have never seen brutality.
17 Have you ever heard of any cases in the locker room amongst
18 your fellow constituents, or whatever, of brutality?

19 A Never heard. The only brutality I heard about
20 is what we read about in the newspaper. Brutality--and
21 the brutality that I have seen one inmate perpetrate upon
22 another.

23 Q I know. This is a common occurrence in prison
24 when men are compelled to live like that. They live like
25 animals and they become very much like animals. What I

1 am saying is, I know--well, I can speak personally. 339
2 I have never been in Attica, but I could say that I
3 personally have been beaten in prisons and I guess they
4 would say the same things.

5 Is it true, also, that the prison system de-
6 pends heavily on inmate informers?

7 A I wouldn't make a statement that a prison de-
8 pends---

9 Q Do they look forward, is this an aid to the
10 system?

11 A I would answer that statement this way. In-
12 formation from inmates is available. It's there. And
13 most of it comes unsolicited. This, I will say.

14 Q Is it acted on, is it followed through?

15 A Any information that comes from an inmate of
16 any kind that would indicate that action of any kind
17 should be taken, it certainly would be taken. And I'm
18 not sure exactly what you mean by "action."

19 Q I mean in this way: If I got a beef against
20 a guy, you know what I mean, and he might be on my tail,
21 and I decide I want to get this bird and I might be a
22 little afraid of him, so I set him up and put down a
23 thing and maybe just slip a shiv in the cell and tell the
24 authorities it's there. Anonymous note. How would this
25 be resolved?

1 A In other words, is it possible for one 340
2 inmate to set another inmate up?

3 Q Yes.

4 A This is possible anywhere. This is possible
5 outside. This is possible inside. Certainly its
6 possible. I don't know of any situations where it
7 happened, but it's possible.

8 MR. LIMAN: The sergeant has a state-
9 ment he wishes to make.

10 THE WITNESS: Quite brief. I would
11 like to, No. 1, appeal to the public to understand
12 the problems of our correctional facilities--and
13 when I say "the problems of our correctional facili-
14 ties," I mean the problems of the inmates, the prob-
15 lems of the correction officer, and the problems
16 of the administrators, of the department and the
17 facilities.

18 I appeal to the Legislature to provide the
19 funds which are necessary if any effective reforms
20 are to be instituted in this department.

21 I understand that these times are not only
22 difficult for society in general, but certainly the
23 facilities of the Department of Correctional Services.
24 That's all I have to say. Thank you.

25 MR. MC KAY: Sgt. Cochrane, we are

1 most grateful for your full cooperation 341
2 and your very thoughtful statements in all respects.

3 (Witness excused.)

4 MR. MC KAY: The session will be
5 adjourned until this afternoon at 2:00 o'clock.

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7 (Whereupon, at 12:45 p.m. an adjournment
8 was taken to 2:00 p.m.)
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