

COBA NEWS



April 2019

COBA WINS FOR NYC'S BOLDEST!

FULL TIME PEACE OFFICER STATUS FOR CORRECTION OFFICERS IS PROTECTED

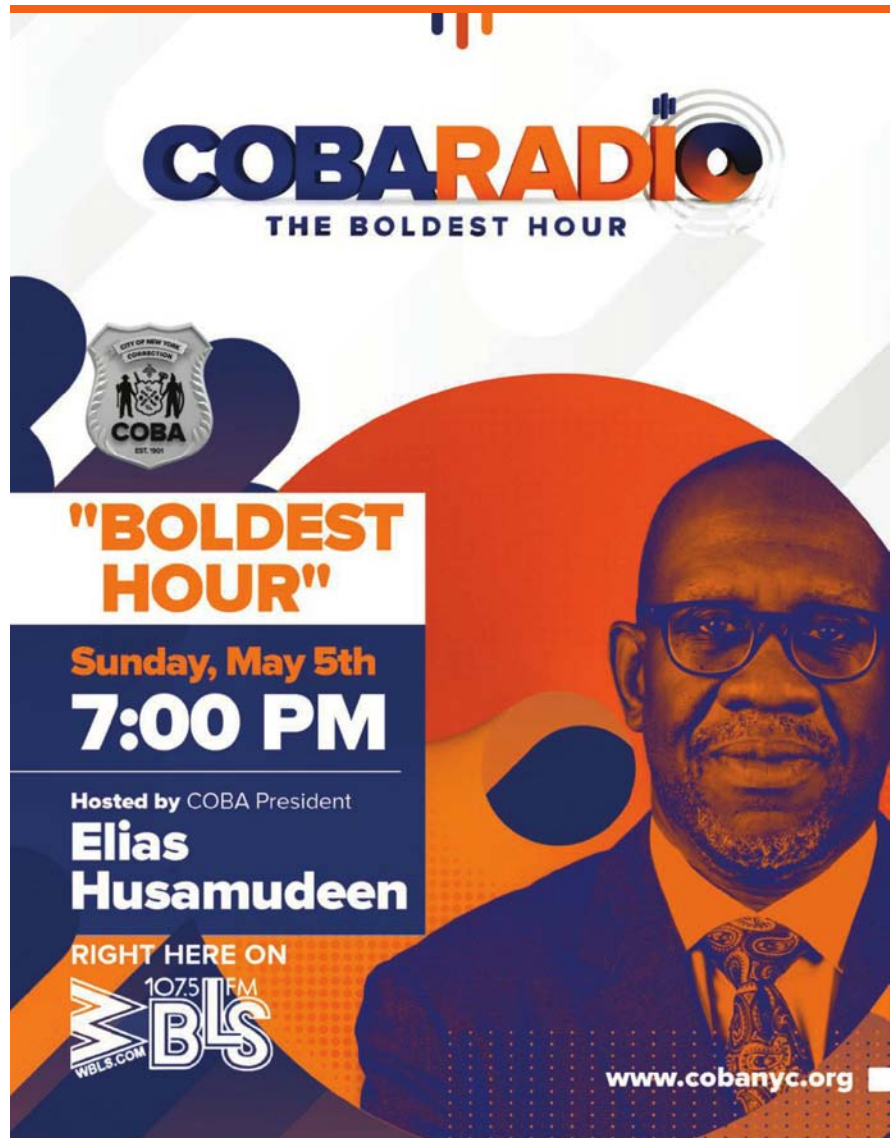


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COBARADIO
 THE BOLDEST HOUR

"BOLDEST HOUR"
 Sunday, May 5th
7:00 PM

Hosted by COBA President
Elias Husamudeen

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COBA President Elias Husamudeen (center) joins Correction Officers at their recent graduation ceremony held at Madison Square Garden

“YOUR FIGHT, IS OUR FIGHT”

PRESIDENT’S MESSAGE

Dear Brother and Sister,

On behalf of the entire COBA Executive Board and Delegate Body, I want to thank each of you for the outstanding job you continue to do in keeping our jails safe and secure for everyone, day in and day out. More than any other time in the history of the New York City Department of Correction, you are tasked now with greater responsibilities than ever before, providing care, custody, and control over a dangerous and challenging inmate population.

Many of you are relatively new to the job. Despite all the negative stories, criticism, and vilification of Correction Officers in the media over the past several years, you signed up for this job because of its promising career path with good salaries and excellent benefits. Maybe you took this job because you have relatives or friends on the job.

Maybe you took this job to enhance your experience in criminal justice. Or maybe you took this job simply to serve your city. Regardless of why you took this job, our job as your union, is to fight like hell to ensure you receive the wages and benefits you deserve. Our job is to defend your rights both on and off duty. Our job is to hold the DOC and the City accountable for keeping you safe and ensuring you return home from work the same way you left.

For more than three years now, this union has aggressively fought to force the Department to issue tougher sanctions against assaultive inmates. And we have held public officials accountable for their failures to reduce assaults on Correction Officers, which remain far too high. There are many challenges ahead for New York City Correction Officers. But if the past is any indicator, the COBA has demonstrated our record in delivering for COBA Members.

RESULTS THAT MATTER

Our results speak for themselves. After a two-year battle with Albany lawmakers, the body scanners we fought for are getting installed in our facilities. After countless rallies and press conferences, often attended by injured officers, the Bronx DA and the Queens DA are now issuing tougher charges and indictments against assaultive inmates at a much more frequent rate than ever before.

After an intensive behind the scenes campaign to protect our Peace Officer rights, we prevailed and defeated efforts that would have turned us into part-time Peace Officers. After the shutdown Rikers movement swept the city with the plan to open four new Borough jails, we launched a vigorous public relations campaign exposing the hypocrisy and fallacies with the plan for new community-based jails.

As a result of this campaign, every community where a new jail was proposed opposed the construction of new jails in their neighborhoods. In fact, the city is now scrapping the plans altogether and is looking to build new Borough jails in the same locations where the current jails exist. No matter what the issue was, COBA stood at the forefront speaking up and fighting for you and your family.

UPCOMING CONTRACT TALKS

Our current contract expired on February 28, 2019. We were successful in getting Correction Officers returned to duty following a suspension without pay after thirty days. In our last contract we were also successful in getting the DOC and The Bronx District Attorney to open the Rikers Island Prosecution Unit, which has led to an increase in arrests of visitors seeking to smuggle in jail contraband. In our upcoming contract talks, we will build upon these accomplishments and fight for the wage increases and health and welfare benefits we deserve.

STAY ENGAGED WITH COBA

While there has been much progress in some areas, there is still much more work to do in many other areas. There are problems at every facility, some that are unique to that facility and others that are common throughout the Department. I want to be informed about these issues by you. I want to know if your mutuels are being denied; I want to know if your pass days are being cancelled; I want to know if you aren't getting meals; and I want to know if you are forced to work overtime. We work for you and just as we have strived to provide you with information, we also need to be armed with information so we can fight for you effectively. You are our eyes and ears.

As you look and carefully watch what's going on around you, it's important to also beware of false prophets who pretend that they represent you. Simply put, they don't. Like any other labor union in this city, there cannot be dual unions competing to represent your interests. There cannot be shadow presidents. There is only one COBA. There is only one Executive Board. There is only one President. Your bi-weekly dues pay for the union benefits and representation you receive from COBA, not from anyone else. An extensive outline of all the many significant benefits you receive as a COBA member is contained in this newsletter.

In closing, I thank you for your continued support and again I thank you for everything you do to support your fellow officers and your union.

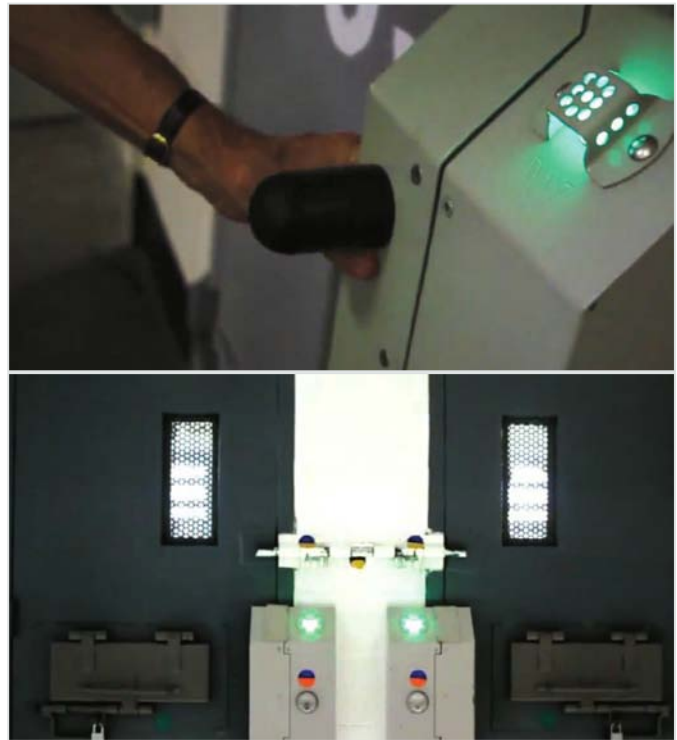
In solidarity,

Elias Husamudeen
President

FINALLY! RNDC SET TO RECEIVE 250 NEW SECURE WEDGE DOOR LOCKS

In response to the problem of savvy inmates compromising aging swing door locks at RNDC, COBA has for several years, pushed the DOC to replace these inadequate doors with brand new door locks with the latest technology in order to maintain maximum security. Thanks to the efforts of the Officers and Delegates at RNDC, we were successful in getting the DOC to order 250 Willo Wedge locks that will be installed soon at RNDC.

The Wedge can be integrated with most controls with minimum interference. If an inmate tries to damage the lock, the Wedge's tamper alarm alerts officers and all within earshot. While we understand the frustration of our members for the lengthy amount of time it took to get these devices, we are hopeful that once installed and fully operational they will make RNDC a much more secure facility, experiencing less violence and much higher morale among the officers assigned there.



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THE **CO TALK APP** THAT
CONNECTS CORRECTION
OFFICERS TO THEIR
LEGISLATORS



WANT TO KNOW THE LATEST NEWS FROM COBA

Stay up to date with the latest
information that all COBA
members need to know!



Download
COBA APP
today!



A VICTORY FOR SAFER JAILS!

AFTER COBA'S LEGISLATIVE FIGHT THE NEW YORK CITY DEPARTMENT OF CORRECTION WILL RECEIVE BODY SCANNERS

Governor Cuomo signed a bill on October 2, 2018 that will allow the city to re-install scanners at Rikers Island that can detect non-metallic weapons which inmates conceal in their body cavities.

"This is a major victory in our fight for restoring safety and security in New York City's jails and, for that matter, enhancing safety in all correction agencies in the State of New York," said Correction Officers' Benevolent Association President Elias Husamudeen.

Rikers had installed five such scanners and used them until 2014, when the state ordered them removed. The scanners employ low levels of ionizing radiation, which is used in X-ray machines, and state law then allowed radiation to be used in correctional facilities only for medical purposes.



The scanners that remained were unable to detect weapons made of plastic, titanium and other non-metallic materials.

Changing the law became a subject of increasing concern to the COBA as violent attacks by inmates on Officers and fellow prisoners increased. The bill passed unanimously in the State Senate and by a decisive margin in the State Assembly.

"We have spent countless hours in trips up to Albany and in one-on-one meetings with virtually every State Legislator and the leaders of both the Assembly and the Senate to lobby for the passage of this bill," Mr. Husamudeen said. "But ultimately it was thanks to the political mobilization of Correction Officers using the CO Talk APP that helped push this bill over the goal line and brought us one step closer to enhancing the safety and security of the city's jails."

These scanners will "help save lives and prevent both inmates and Correction Officers from being stabbed or slashed by non-metallic weapons," he said.

IMPROPER PRACTICE WINS STRENGTHEN COBA'S LEVERAGE BY INCREASING THE CITY'S OBLIGATION TO BARGAIN IN GOOD FAITH

Direct Dealing at Transitional Restoration Unit & Secure Unit

During the establishment of the TRU and SU, DOC managers met with cadets who had been selected for assignment to these locations. The meetings, the COBA alleged, included proposals for special working conditions applicable to those locations. No COBA officials were present and the cadets and managers discussed several working conditions including special assignment pay, Gate 1 parking passes, in-house approval of mutual tour exchanges, and a shortened probationary period. This occurred after managers specifically requested that the recruits make proposals for working condition changes and consideration of those proposals by management, again without any union involvement.

COBA alleged that these discussions constituted "direct dealing" which is a violation of the City's Collective Bargaining Law's requirement of good faith bargaining. The Board of Collective Bargaining, after five days of hearings, in a December 14, 2017 decision agreed with respect to one of the issues, the Gate 1 Parking Permits. This means that, going forward, Gate 1 parking permits is a mandatory topic of collective bargaining.

Disciplinary Guideline Impasse Panel Appointment

One of the provisions of the 2015 Nuñez consent judgment required the DOC to develop disciplinary guidelines stating the penalties that the DOC will seek for a wide range of use of force related alleged violations. It took some time for the DOC to issue these guidelines in a draft form but when it did COBA engaged in extensive negotiations with the City over the content of the guidelines. The parties, however, could not reach an ultimate agreement and COBA petitioned the Board of Collective Bargaining for the appointment of an Impasse Panel to resolve the dispute. The City, however, objected to the appointment claiming that the disciplinary guidelines were a managerial prerogative which, if true, would preclude bargaining. The question was then presented to the BCB which issued a decision dated February 11, 2019 finding that one of the issues presented in the guidelines was a mandatory subject of bargaining and not subject to a managerial prerogative. Specifically, the BCB found as a mandatory bargaining subject the provision of the guidelines establishing penalties for an Officer's failure to intervene upon observing a second officer engaging in excessive force. As this provision was mandatory it

is appropriate for the BCB to appoint an impasse panel to resolve the disagreement as to what the appropriate penalties, if any, should be if bargaining is exhausted. The BCB did not address the question of whether bargaining has been exhausted and COBA's request that it do so is pending.



FIGHTING TO PROTECT OUR PEACE OFFICER RIGHTS

In a letter sent several weeks ago, we informed you about a quietly proposed budget bill that sought to significantly change who can be deemed a Peace Officer, how a Peace Officer is appointed, and whether the status of a Peace Officer only applies to service while on duty.

For most DOC agencies, the bill contained the following changes to Criminal Procedure Law.

- 1) Peace Officer Status would not exist for 24 hours a day as it exists presently.
- 2) If appointed a Peace Officer by a County Sheriff or Agency Commissioner that authority can only be exercised while on duty.
- 3) This bill, if passed, will give the Sheriff or Commissioner of any Agency which employs Peace Officers, the ability to decide who is and who can be a Peace Officer.
- 4) Peace Officer Status can be taken away at any moment for any reason by a County Sheriff/Agency Commissioner.

The bottom line is that the four key changes noted above would have essentially turned Correction Officers into part-time Peace Officers, whose titles could be removed on a whim by the DOC Commissioner, and we would only be permitted to carry a firearm while on duty. Clearly, the authors of this misguided bill had no understanding of when Correction Officers carry and do not carry their personal fire arms. We have always been allowed to carry firearms off duty, to protect ourselves and our families from the dangers that are inherent in our duties and the potential threats from who we may come in contact such as former inmates.

In addition to our own safety, there have been countless incidents where Correction Officers have exercised their Peace Officers status to bolster public safety—chasing down bank robbers, apprehending criminals immediately after they committed a crime, or saving someone’s life from an imminent threat.

Upon discovering the reckless changes to our status as Peace Officers, COBA’s legislative team, led

by our Legislative Chairman Freddy Fusco, jumped into action along with many other law-enforcement unions from around the State whose members would be negatively impacted by this bill.

We reached out to the bills’ sponsor, we made our case with the Governor’s Office and we mobilized with other Correction unions to do the same with their respective legislative teams. Within days of our push-back, we secured an amendment to the bill that removed language that would have turned us into part-time Peace Officers, permitting us to only serve in that capacity while on duty. That issue is now completely off the table.

Yet there remained one more hurdle concerning the language empowering the DOC Commissioner to arbitrarily decide who can and cannot be a Peace Officer. Since our last message to you, COBA spent the weeks leading up to the State Budget deal lobbying to remove this provision from the final bill, which was just approved. Our fight paid off. All the proposed language that would have diminished our Peace Officer Status was

completely removed! Our Peace Officers rights are PROTECTED! Moving forward, we will remain focused on any additional legislative actions that effect Correction Officers. There are three more months left in the State’s legislative session and there may be some further concerns about Non-Peace Officer issues, specifically the 50-a statute which protects the identity of law enforcement officers when performing official duties. Currently, New York State Regulation, Section 50-A of the Civil Rights Law, ensures privacy for officers accused of violations.

There are some state legislators who wish to revise Section 50-A to allow much more information about officers accused of wrongdoing to be released to the public. If this revision were to happen, it could present an issue for Correction Officers who face disciplinary charges at OATH. In regards to this matter, we have already commenced litigation to prevent the privacy of Correction Officers at OATH appearances from being compromised. We will continue to keep you informed on these issues as they develop.

BOLDEST BASKETBALL PLAYERS AT THE NATIONAL LAW ENFORCEMENT SHOOTOUT



The Boldest Rebels with the sister of CO Richard Lue, following their second win of the Law Enforcement Shootout in Atlanta, beating the Orlando Police Department 80-63



COBA 3rd Vice President Karen Tyson (center) joins the RNDC Rebels and AMKC Violators at the National Law Enforcement Basketball Tournament in Atlanta. Score: Rebels 57 Violators 54



The Gunners join the Philly Ballers after beating them 58-50 at the Law Enforcement Shootout in Atlanta



COBA 3rd Vice President Karen Tyson with the DOC Lady Blazers, following their 47-40 victory over the Shelby County Correction Department

WRITING THE USE OF FORCE OR USE OF FORCE WITNESS REPORT

By: Steven Isaacs, Esq. • Partner, Koehler & Isaacs LLP • General Counsel to the COBA

During the course of your career, as a Correction Officer, you are called upon to write reports about incidents or occurrences related to your employment with the Department. One of the most important reports, if not the most important report you may have to write is a Use of Force Report or a Use of Force Witness Report. This article provides advice on to how to best write either of those reports.

First, before you begin to write your report, make sure you are physically and mentally able to do so. Your health and safety are always the priority. If as a result of the Use of Force you are injured, you should seek treatment pursuant to the Directive. A Use of Force or Witness Report is your official version of what occurred and will be reviewed by the Department for truthfulness and accuracy. If you are unable to complete a report as soon as practicable after an incident because of an injury, the Directive permits you time to do so. You do not want to be

rushed into writing your report unless you have a clear mind and can, to the best of your ability, recall the facts that led to your actions or observations.

If you are able to write your report following a Use of Force, you must follow the Department's procedures set forth in the Use of Force Directive. Whenever you are writing either of these reports, you should have a copy of the Directive with you. The Directive is your guide to what you need to describe in your report. There is no reason you should not have your copy of the Directive with you as you write your report and refer to it as needed to make sure you are complying with the Directive. Your report is your opportunity to explain the facts and circumstances, from your perspective, as to why using force was necessary.

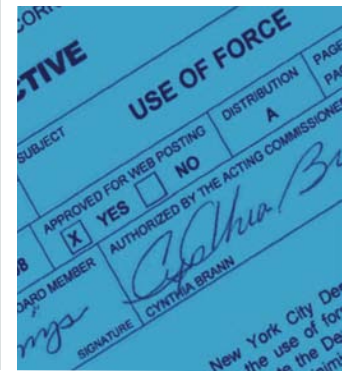
One of the issues we have repeatedly seen in regards to Use of Force or Witness Reports is that Officers often report certain actions that they

themselves are unsure of. One of the reasons for this is that Uses of Force are often quick, stressful, and dangerous. These are not optimal circumstances for complete and accurate recollection. As you know, most, if not all of the Department's facilities have cameras that record Uses of Force. Your report will be compared to the video for truthfulness and accuracy. If you are not sure of all of your actions, it is ok to write that. As long as you are providing a truthful and accurate report, you should only report those actions you are sure of.

After your initial report is submitted, the Directive and the Department's Orders allow you to ask to review video footage of the Use of Force and provide a supplemental report to add to or correct any inaccuracies in your initial report. You will not be able to change your initial report. If your facility does not allow you to review the video after you have requested to do so, you should still write a

supplemental report indicating you requested to review the video and provide a supplemental report but your request was denied. This will help us address issues in regards to your report if it is later called into question.

As always, please feel free to call our firm at 917-551-1300 and ask to speak with any of the attorneys in our Criminal/Disciplinary Practice and they will be happy to answer any questions on this subject that you may have.



CORRECTION OFFICERS RECOGNIZED AT THIS YEAR'S WOMEN'S HISTORY CELEBRATION



COBA Corresponding Secretary Kenyatta Johnson receives an award and recognition at the DOC Women's History Month Celebration. She was joined, from left -right, by Queens Borough Trustee Mark Mack, President Elias Husamudeen, Brooklyn Borough Trustee Paulette Bernard, and Bronx Borough Trustee Tyson Jones



CO A. Grant receiving an award and recognition at the DOC Women's History Month Celebration



Correction Officer and COBA Delegate C. Green receiving an award and recognition at the DOC Women's History Month Celebration



Correction Officer E. Carver receiving an award and recognition at the DOC Women's History Month Celebration



Correction Officer M. Bethel receiving an award and recognition at the DOC Women's History Month Celebration



Officer L. Womack-Scott receiving an award and recognition at the DOC Women's History Month Celebration



Correction Officer E. Peppers receiving an award and recognition at the DOC Women's History Month Celebration

\$12,000 PAYOUTS FROM COBA'S VARIABLE SUPPLEMENT FUND GUARANTEED THIS YEAR AND BEYOND!

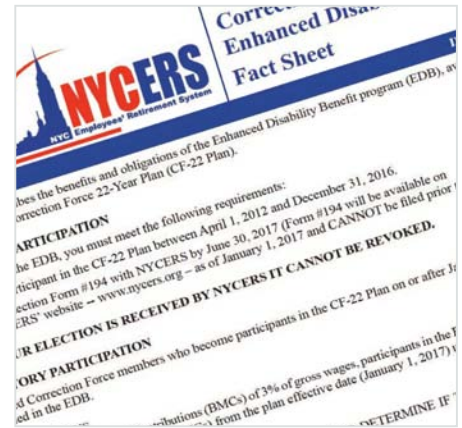
The Variable Supplement Fund known as the "VSF" was initially paid only to retired police officers and firefighters beginning in the early 1970s. After years of vigorously lobbying the City Council and Albany lawmakers, in 1999 COBA gained passage of legislation adding Correction Officers to this benefit, over then-Mayor Rudy Giuliani's objections.

Twenty years from the historic signing of the COBA VSF Bill, this unique benefit available to COBA retirees and just a few other uniformed unions, is now guaranteed by law, with average annual payouts in the amount of \$12,000. This benefit is in addition to every NYC Correction Officer's pension and annuity benefits.

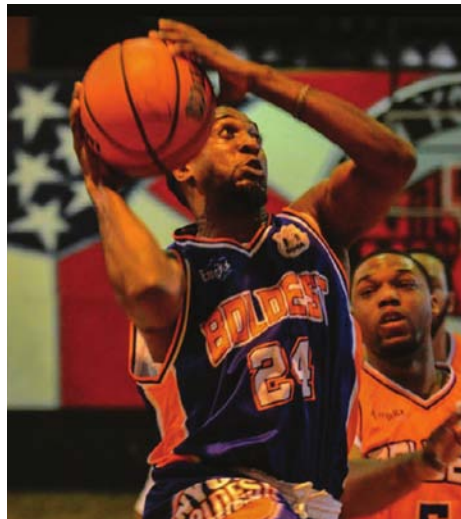
The following information is from the Office of the City of New York's Chief Actuary.

Eligible Beneficiaries of the COVSF Any person who:

- 1) Is a Correction Officer, retires on or after 7/1/99 and receives a retirement allowance with immediate payability and either
- 2) Has credit for twenty or more years of services as a participant in a twenty year uniformed correction plan or
- 3) Has twenty-five or more years of service if the Correction Officer retires as a participant in some other plan.
- 4) PAYMENT IS GUARANTEED BY THE CITY AS OF 2019 AT \$12,000 PER YEAR!



BOLDEST BASKETBALL TOURNAMENT IN HONOR OF OUR FALLEN BROTHER RICHARD LUE



JUSTICE FOR CORRECTION OFFICERS



Following COBA's Fight for Justice, The Bronx and Queens District Attorneys Get Tough on Assaultive Inmates

Highlighted below are just a few recent examples of indictments brought against assaultive inmates by the Bronx and Queens District Attorneys:

THREE RIKERS ISLAND INMATES SENTENCED TO PRISON IN ASSAULT OF NYC DOC OFFICER THAT CAUSED LIFE-ALTERING INJURY

Three Rikers Island inmates have recently been sentenced to prison terms for an assault on a New York City Correction Officer that left the officer with a fractured spinal column. The Officer suffered a horrendous injury while simply doing his job. The main defendant will serve 10 years for the assault, concurrent with a 10-year term for his underlying Attempted Murder case. The other defendants received 3-year sentences.

RIKERS ISLAND INMATE INDICTED FOR ATTACK ON CORRECTION OFFICER

Defendant Allegedly Beat Officer, Dragged Him to Bathroom and Threw Garbage Can at Him

The Bronx District Attorney recently announced that a Rikers Island inmate has been indicted for assaulting a NYC Correction Officer. The defendant punched the officer and slammed him to the floor. The defendant, Rickeem Parker, 18, was arraigned on two counts of second-degree Assault, third-degree Assault, second-degree Obstructing Governmental Administration and third-degree Menacing before Bronx Supreme Court Justice George Villegas.

FIVE YOUTHS INDICTED FOR FELONY ASSAULTS ON NYC DEPARTMENT OF CORRECTION OFFICERS AT HORIZON JUVENILE CENTER

A Sixth Is Charged with Obstructing Governmental Administration

Bronx District Attorney Darcel D. Clark recently announced that five youths have been indicted in four assaults on NYC Department of Correction Officers at Horizon Juvenile Center in the Bronx during October 2018, after they were transferred there from Rikers Island. The inmates, while incarcerated at Horizon Juvenile Center, attacked Correction Officers during four separate incidents. In one incident, an officer's nose was fractured and in another, an officer was punched, lost consciousness and suffered a concussion. The inmates were charged with varying degrees of Assault in four indictments. Three defendants are charged with Attempted Gang Assault in the first degree; if convicted they could face up to 15 years in prison.

TWO MEN CHARGED WITH ASSAULT ON CORRECTION OFFICERS FOR ATTACK FOLLOWING COURT APPEARANCES IN QUEENS

Defendants Face Up to 15 Years in Prison if Convicted

Queens District Attorney Richard A. Brown recently announced that a Queens County grand jury has indicted two men on assault charges for a violent attack on three New York City Correction Officers in January inside the Queens Detention Center, following the defendants scheduled court appearances. District Attorney Brown said, "The defendants in this case are accused of attacking three Correction Officers, who were simply doing their job and coordinating transport for defendants going back to Rikers Island following court appearances. The two men accused in this case refused to comply with orders and attacked the officers, causing serious injuries. This kind of conduct is not acceptable and the defendants will be held accountable for their

alleged actions.”

EDITORIAL

Criminal Justice Reform: **IS CLOSING RIKERS A SILVER BULLET FOR CREATING SAFER JAILS?**

*Key Data Shows Jail Management
Policies Matter More than a Jail's
Location*

By: COBA President Elias Husamudeen

Last fiscal year, there were more than 58,000 admissions to the city's jails. Most of these admissions were of inmates who had previously been in custody. According to the Independent Budget Office analysis of NYC Jail Recidivism over the past ten years, 10,144 inmates had more than 5 previous admissions, 3,760 inmates had more than 10 previous admissions, and 775 inmates had more than 20 previous admissions.

Why does this matter? Over the last six to eight years, “criminal justice reform” became a growing social movement in response to the injustices experienced by a few inmates who New York's criminal justice system had failed. Inmate advocacy groups, members of the media, and various elected leaders quickly joined the criminal justice reform movement. And every time an isolated incident occurred involving a Correction Officer or Police Officer, these advocacy groups and politicians jumped on their rhetorical soap boxes, denouncing Correction Officers and other members of law enforcement as being the primary culprits responsible for creating a “culture of violence.” This buzz term, “culture of violence,” helped give birth to the Lippman Commission report which gave us the “Close Rikers” movement. Instead of analyzing the city's failure to address the rampant problem of recidivism, in 2016 the advocates, the media, and politicians decided to focus exclusively on the last stop of the criminal justice train, the city's jails.

To sell this plan to close Rikers, many justifications were fed to the public. Rikers Island was referred to as Torture Island. According to inmate advocates, building new jails would automatically make them safer jails. Incarcerating inmates in different communities spread across four Boroughs would cut down the traveling time for their families to visit them. New York City had a “mass incarceration” problem. And above all, closing Rikers and building four new Borough jails was the silver bullet that would bring an end to the so-called “culture of violence.”

What the advocates didn't plan for was the fierce

backlash unleashed from every community where a new jail was proposed. Nor did they anticipate COBA's role in exposing the hypocrisy of the inmate advocates and the elected officials who were for shutting down Rikers and building new jails, as long as those jails weren't built in THEIR backyard. Our main problem was not that we opposed new jails. **We opposed 1) the notion that new jails meant safer jails 2) that keeping the same failed jail management policies, which led to a steep increase in jail violence for the past six years, would automatically end in a new Borough jail. And 3) that closing Rikers had little to do with criminal justice reform and much more to do with extending La Guardia airport's runway and other plans devised by real estate developers, many of whom actually served on the Lippman Commission.** Another myth that emerged from the criminal justice reform movement was that Use of Forces involving Correction Officers and inmates were the primary drivers of jail violence. Here again, the data proves otherwise. According to a Board of Correction review of 149 injury to inmate reports between April to June 2018, 70 incidents resulting in injuries to inmates were caused by inmate on inmate fights and 40 incidents resulting in injuries were caused by accidents. Only 11 Use of Forces caused injuries to inmates. So, in essence, about 73% of injuries to inmates were caused by incidents not involving Correction Officers. Moreover, Correction Officers took custody of 45,000 inmates in 2018. Out of 45,000 inmates that came into our custody there was a total 5,935 Use of Forces. That represents a little over just 16% of all the inmates who came into our custody last year. And the majority of those Use of Forces did not result in serious injuries to inmates.

WHAT LED TO AN INCREASE IN JAIL VIOLENCE IF USE OF FORCE INCIDENTS ARE LOW AND INMATE ON INMATE FIGHTS AND ACCIDENTS ARE THE PRIMARY DRIVERS FOR INCIDENTS THAT CAUSE INJURIES TO INMATES?

Beginning in December 2014, Mayor de Blasio's administration placed significant restrictions on how New York City Corrections Officers can penalize and restrain violent criminals in city jails to ensure the safety and well-being of inmates and Correction Officers alike. But the Mayor's policies seem to have made jails less safe for all concerned, as an examination of the data regarding inmate violence reveals. In 1998, when more than 17,500 prisoners were packed into New York City jails on any given day, inmates committed 6,458 violent assaults. By 2017, the average daily inmate population had dropped to just 9,500—yet the behind-bars violent-assault total nearly doubled, to 12,650. Much of that rise happened over the last three years, during which violent assaults jumped 43 percent, even as, during that same period, the number of Corrections Officers increased, from

8,922 to 10,862.

WITH FEWER INMATES AND MORE CORRECTION OFFICERS, WHAT EXPLAINS THE INCREASE IN INMATE VIOLENCE?

In December 2014, the DOC eliminated punitive segregation for 16- and 17-year-olds—a move inspired by the story of Kalief Browder, whose case is often cited by jail reformers and the Black Lives Matter movement. In June 2016, the DOC extended the ban to cover 18-year-old inmates. Later that year, the DOC ended punitive segregation for all inmates 21 and younger. As part of the settlement of an inmate lawsuit brought against the city (Nuñez v. City of New York), the DOC announced, in November 2015, a new Use-of-Force policy to address an alleged “Culture of Violence” among Correction Officers on Rikers Island. The new policy placed restrictions on “Painfully escorting or restraining inmates without reason, and striking inmates in the groin, neck, kidneys or spinal column.” It also banned “high-impact” force: blows to the previously mentioned areas as well as the head or face, kicking an inmate, and the use of choke holds, carotid restraint holds or neck restraints.”

What does all this mean for us as Correction Officers? It means that facts matter. Data matters. The truth matters. The debate over Criminal Justice reform is going to continue in full force in the months ahead. Lawmakers in Albany and City Hall, along with social justice advocates, will continue to use the buzz words, “Close Rikers,” “Culture of Violence”, “Reform”, “Homeless Shelter to Prison Pipeline” and “Mass Incarceration.” What you won't hear them talk about is how New York City Correction Officers have far more responsibilities in 2019 than we did twenty years ago. We operate and run the largest mental health facility on the East Coast with over 44% of inmates diagnosed with some form of mental illness. We maintain care, custody and control in housing areas populated by some of the city's most notorious gang members and we do it far out-numbered, 50-1 with pepper spray our primary method of defense. COBA will continue, as we have for the past several years, to bring these facts to the public as criminal justice reform progresses in City Hall and the halls of the State Capitol. But we need you, your families, your friends to share this information in your communities at your town halls, at City Council hearings, at community forums. Our voices must be heard now more than ever. Our role in executing criminal justice reform measures can't be successful, unless all of us plays an active role in educating our elected leaders, the media, and the public about the truth about the outstanding job we do and the challenges we

ABOVE AND BEYOND THE CALL OF DUTY

One of NYC's Boldest Also Becomes One of NYC's Bravest Courageous NYC Correction Officer and His Daughter Chase Down Bank Robber and Bring Him to Justice



COBA Executive Board Members Kenyatta Johnson, Elias Husamudeen, Benny Boscio, Michael Maiello, and Tyson Jones proudly joined Correction Officer Raul Malave Jr. and his daughter, Tahlia, at the 2019 Corrections USA Valor Awards in Las Vegas

It's been said that courage involves a deliberate choice in the face of painful or fearful circumstances for the sake of a worthy goal. On October 12, 2018, Raul Malave Jr, a veteran New York City Correction Officer for over 29 years found himself making a deliberate choice in a fearful circumstance, for a very worthy goal indeed.

On that day, at approximately 2:30PM, Officer Malave was waiting in line to deposit a check at a Citi Bank located on Queens BLVD in Queens, NY. As he stood patiently, he quickly noticed a man wearing sunglasses, a trench coat and a hat, pass a note to the bank teller. However, the teller did not understand the note. The man then yelled out, "Give me the money, I have a gun." The would-be bank robber then turned to Officer

Malave and asked, "What are you looking at? I have a gun, I'll shoot you." Without any hesitation Officer Malave then unholstered his firearm and yelled, "Police, you're under arrest." The perp then took off running and Officer Malave chased him and a scuffle between the two ensued. The perp was able to break free and run out of the bank.

Officer Malave continued to chase the perp as he fled down several city blocks. His daughter, Tahlia Malave, who was sitting in their car, noticed the commotion and came to assist by following her father into action and calling the police. The perp was no match for Officer Malave's fierce pursuit. Officer Malave chased him into the subway station, where police would eventually arrive and arrest him.

Asked why he risked his life to pursue the bank robber, Officer Malave replied, "Because it was the morally right thing to do. I was not afraid for my safety because I have worked on Rikers Island for 29 years providing care, custody, and control to vicious criminals. However, I did fear for my daughter, Tahlia's safety, because she's my child." Officer Malave, who became a C.O. to provide a good life for his family, was assigned to Maritime Facility (MTF), where he spent two years. However, MTF was subsequently shut down and he was then transferred to the Anna M. Kross Center (AMKC), where he currently works. His brother Kelvin Malave recently retired as a C.O. after serving 28 years on the job. When asked what he enjoys most about being a C.O. he said, "I enjoy being a C.O. because the inmates

rely on me to do my job, which is to provide custody, care and control. I also enjoy being a C.O. because I am able to work with fellow co-workers who I now consider family. I've been assaulted by inmates and gotten into fights with inmates while on the job, but have never experienced anything like chasing down and apprehending a wanted bank robber." Because of his courageous valor displayed in the face of great danger, The New York City Correction Officers' Benevolent Association proudly joined Correction Officer Raul Malave Jr. at the Corrections USA Valor Awards Dinner held in February 6, 2019. His courage, bravery, and integrity make all of us who wear the uniform so very proud.

CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

10TH ANNUAL RETIREE LUNCHEON



Retirees Reign

May 1, 2019
11:00 am to 4:00 pm

Villa Barone Catering Hall located at 737 Throggs Neck Expressway, Bronx, NY 10465

COBA SUCCESSFULLY RECOVERS **\$7 MILLION** FROM A FORMER HEDGE FUND EXECUTIVE WHO DEFRAUDED OUR UNION

“From day one, the COBA pledged to every New York City Correction Officer that we would not stop fighting to recover our investments lost in the now bankrupt hedge fund, Platinum Partners,” said COBA President Elias Husamudeen. “We have vigorously pursued our right to recover our losses and we have reached a \$7 million settlement with Murray Huberfeld, one of the founders of Platinum Partners.”

Huberfeld will first return \$4 million to COBA’s Annuity Fund immediately, with an additional \$3 million that will subsequently be paid back over four years.

Currently, the COBA Annuity Fund has over \$90 million in net assets as of December 31, 2018, representing an increase of \$10,358,151 from \$79,644,404 from the year ending December 31, 2016.

President Husamudeen added, **“MOVING FORWARD, WE WILL CONTINUE TO VIGOROUSLY PURSUE THE RECOVERY OF OUR REMAINING INVESTMENTS WITH OTHER INDIVIDUALS IN THIS FRAUD TO ENSURE THAT MONEY ENHANCES THE BENEFITS AND SERVICES CORRECTION OFFICERS DEPEND ON EVERY DAY.”**

COBA’S WORKERS COMPENSATION ATTORNEYS WIN BIG FOR CORRECTION OFFICERS INJURED AT WORK

By: Sean Riordan, Esq.
Partner, McIntyre, Donohue, Accardi, Salmonson & Riordan, LLP

- While working, a Correction Officer was involved in a motor vehicle accident and sustained multiple injuries to his bilateral arms, feet and left leg. After several years of intense medical treatment to help repair the injuries, MDASR successfully negotiated a settlement of over \$175,000 for the officer.
- A Correction Officer was forced to restrain two violent inmates who were engaged in a physical confrontation with each other. As a result of his heroic actions the Officer was able to successfully subdue the inmates, but unfortunately sustained significant injuries to his left arm and left hand. Although the insurance carrier’s examining physician determined that applicant had sustained very minimal permanent damage MDASR was able to negotiate an award of over \$85,000.
- Correction Officer broke up an inmate on inmate altercation, injuring his lower back and shoulder during the restraint. As a result of the injuries the Officer was unable to return to the full duties required of his position and applied for ¾’s disability pension from NYCERS. Although NYCERS delayed the matter and questioned the officer’s disability status, MDASR was able to successfully argue that the Correction Officer was permanently disabled due to his inmate related injuries and secured the officer a ¾’s Disability Pension for life.
- Upon a routine check-up a Correction Officer learned that he had severe occlusion of his cardiac arteries and required both surgery and ongoing use of blood thinner medication. After being told that he would not be successful in a heart bill application, the Officer sought the advice of MDASR. As a result, six months after his initial consult with MDASR, the law firm successfully argued that the officer’s heart disease fit within the parameters of the Heart Bill and the Officer was awarded ¾’s disability for life.

RECENT SUCCESSFUL PERSONAL INJURY CASES WON ON BEHALF OF CORRECTION OFFICERS AND THEIR FAMILIES



COBA’s attorneys, working with Koehler & Isaacs, won a \$1.5 million settlement on behalf of an unmarried Correction Officer with adult children who died after seeing his private physician with chest pains. Despite the EKG showing abnormalities, the doctor permitted the officer to return to work where he died of a heart attack the following day.

Other Personal Injury settlements include:

A \$2.7 million settlement on behalf of Correction Officer whose wife died as a result of negligent medical treatment at Columbia Presbyterian Hospital.

A Total settlement of \$3.1 million, which includes an infant’s enrollment in the Neurologically Impaired Fund providing free medical coverage for life, on behalf of a Correction Officer’s daughter, who was born with neurological defects as a result of medical malpractice at the time of the baby’s delivery.

COBA's Attorneys WIN BIG at OATH, Defeat Criminal Charges Against COs, and Successfully Reinstate Terminated Probationary Officers with Full Back Pay

Among the many benefits every Correction Officer enjoys is access to a comprehensive legal services plan provided by COBA's law firm, Koehler & Isaacs. Whereas many unions farm out legal services to different lawyers for their members, COBA has retained one firm with a 20-year track record in successfully representing New York City Correction Officers both on and off duty.

Among the firm's most utilized services is a 24/7 response to off-duty incidents. In criminal cases, COBA members are represented from arrest through trial and the children of COBA members under the age of 18 are represented for arraignments only. Most unions only cover their members for arraignments in criminal matters.

Below are a few recent examples of the firm's successful representation of COBA members.

CORRECTION OFFICERS PREVAIL AT OATH:

WRITING A FALSE USE OF FORCE REPORT CHARGE DISMISSED

The DOC alleged that a Correction Officer assigned to GRVC failed to write a truthful use of force witness report. After a meeting with the Correction Officer and reviewing the matter with him, COBA's attorneys were able to convince the Department that their case had no merit and they agreed to dismiss the matter completely.

FAILURE TO COMPLY WITH A DOC DIRECTIVE CHARGE DISMISSED!

The DOC alleged that a Correction Officer failed to properly use a hand-held video recorder while recording a Use of Force. After reviewing this directive with the Officer, COBA's attorneys proved to the Department that the directive was fully complied with and the charges were dismissed.

EXCESSIVE USE OF FORCE CHARGE DISMISSED!

An AMKC Officer was charged with lying on a Use of Force report and with excessive Use of Force. After reviewing the Genetec video, with the Department's Attorney, COBA's attorney showed that the Officer was not even present when this Use of Force occurred, and the Department agreed to dismiss the charges.

CONDUCT UNBECOMING CHARGE DISMISSED!

A Correction Officer was charged with conduct unbecoming for losing his DOC Parking Pass. After proving that the Officer went to a restaurant and had secured said pass under lock and key, and that the valet pass stole the pass in question, the Department agreed to dismiss the charge.

EXCESSIVE SICK/MEDICAL INCOMPETENCE CHARGE DISMISSED!

A Correction Officer was charged with excessive sick/medical incompetence. Injuries resulted from a clean use of force, which was the reason why he was out all of the days in question, and at the first available opportunity, he



returned back to work. After further discussion the Department agreed to dismiss the charges.

REINSTATEMENT WITH FULL BACK PAY FOR TWO PROBATIONARY OFFICERS:

A Probationary Officer was terminated for using excessive sick leave. COBA's attorneys filed an Article 78 lawsuit in NYS Supreme Court on behalf of the officer. After reviewing the strengths of our complaint, the Department agreed to reinstate the Officer with full back pay.

A Probationary Officer was arrested over allegations that included the illegal display of a firearm. The Department terminated his employment as a result of his arrest. After an extensive investigation, which included the dismissal of the criminal charges, COBA's attorneys then convinced the Department, without having to file an Article 78 proceeding on behalf of the officer, to reinstate him to his position of Correction Officer.

CRIMINAL CHARGES AGAINST CORRECTION OFFICERS DISMISSED!

A Correction Officer was arrested for a misdemeanor assault. It was alleged that Officer assaulted her sister. The Officer responded to her sister's apartment after receiving text messages that caused her to be concerned for her sister's emotional health.

After her arrival at her sister's apartment a physical altercation took place. COBA's attorneys convinced the DA to dismiss all charges by showing the actions taken by the Officer were

not intended to assault her sister but rather to protect her from harm.

A Correction Officer was recently charged with a Misdemeanor Assault based on a domestic violence allegation. After COBA's attorneys' extensive investigation and discussions with the Officer, they convinced the District Attorney that the complainant's version of events was not accurate and the DA dismissed the charges. After conducting their own independent investigation, COBA's attorneys convinced the DA's office that the complaining witness was untruthful and the case was subsequently dismissed.

A Correction Officer was charged with a Misdemeanor assault off duty. It was alleged that the Officer physically assaulted his live-in girlfriend. COBA's attorneys convinced the DA's Office the complainant's story had too many inaccuracies to be true, for example, her minor injuries were not consistent with her version of events. The DA's office dismissed the case.

A Correction Officer was charged with endangering the welfare of a child. It was alleged that the Officer took his 7-year old daughter's iPad and slammed it repeatedly to the ground with pieces of the broken iPad hitting his daughter.

COBA's attorneys convinced the DA's office that the child's mother was using the child as leverage in custody battle and was coerced into making a false statement to the NYPD. The District Attorney's Office agreed to dismiss the case.

IN MEMORIAM



**THOMAS
COSENTINO**
(Transportation)



**RICHARD
LUE**
(RNDC)



**THOMAS
BLACK**
GMDC/BHPW



COME CELEBRATE YOUR
HERITAGE
WITH COBA

May 14, 2019
11:00 AM / 5:00 PM

