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2:00 p.m.

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MR. LIMAN: Sgt. Bottone, would you

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rise to take the oath.

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RALPH BOTTONE, called as a witness,

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being first duly sworn by Mr. McKay, was

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examined and testified as follows:

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EXAMINATION BY MR. LIMAN:

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Q Sgt. Bottone, how old are you?

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A Forty-five.

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Q What is your position?

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A I'm a correction sergeant.

14

Q Can you keep your voice up.

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You are a sergeant at Attica Correctional

16

Institution?

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A Yes, sir.

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Q How long have you been in the Correction

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Department as an officer?

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A Twenty years as an officer and two years

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prior to that as a civilian.

22

Q Where are you from?

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A Attica, New York.

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Q How long have you been a sergeant?

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A Approximately two years.

2 1 Q After you had passed your sergeant's 676
2 exam, did you have to move to another institution in
3 order to take that position?

4 A Right. I received my original appointment
5 at Woodbourne Narcotics Center.

6 Q And how long did you remain at Woodburn?

7 A Approximately three or four months.

8 Q Then where did you go?

9 A Elmira Reception Center.

10 Q How long were you there?

11 A About ten months.

12 Q Then you returned to Attica?

13 A Right.

14 Q Can you describe--when was that that you
15 returned to Attica?

16 A October 29, 1970.

17 Q Can you describe for us what the mood was
18 at Attica as you found it upon your return and in the
19 succeeding months and in particular in contrast to the
20 mood that you have sensed at the other institutions
21 where you were in that year interim?

22 A First of all, Woodburn was an institution
23 leased to the Narcotics Commission. Therefore, it was
24 staffed entirely different than Attica.

25 For example, Woodbourne had approximately

640, what they called residents. They

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had 15 sergeants, whereas, in Attica we had a popula-

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tion of 2300 inmates and ten sergeants.

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There is a very apparent difference, not only in the type of inmate, although I did recognize some of our third and fourth felony offenders at Woodbourne, but the program was entirely different.

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There seemed to be sufficient money, sufficient staffing, many programs, night programs.

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I think they had not a double feature movie, but two

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movies each night for each half of the population.

12

This was every night in the week.

13

They also had a full school program up until 11:00 o'clock at night.

15

In comparison at Woodbourne for 640 inmates, on the afternoon shift we had 60 officers. In Attica for 2300 inmates we had 29 officers. This is in comparison.

19

Q You said that with all of these additional officers there was more programming and later hours at Woodbourne?

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A In reality the institution was operating for 16 hours where in Attica we were only staffed to operate with the prison open for about eight.

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Q What about the mood of the inmates at these

2 at Woodbourne?

3 A Well, the only way I can answer that is
4 when the inmates are happy, we are happy.

5 Q You have been in this service for a long
6 time as a correction officer.

7 How would you describe your relationship to
8 the inmates at Attica?

9 A Well, a lot depends on the area you are
10 assigned and your contact. For a period of about 12
11 or 14 years I was the Notary Public, had much contact
12 with those inmates that, what we would call lawyers.
13 Many of them we had very close contact.

14 Some people I knew better than others, but
15 here again, this would be the area of assignment. I
16 probably had more contact to that extent than a lot of
17 other officers would.

18 Q Now, do you feel that there were correction
19 officers at Attica who should not have been in contact
20 with inmates?

21 A There are a few officers that I feel probably
22 should not be in contact with inmates, yes.

23 Q Was that so prior to September of 1971?

24 A Yes. I would say it would be true at any
25 point you would like to go in the institution.

5 1 Q Is that because these men have deep 679

2 prejudices against certain people?

3 A That and also I feel that not all officers
4 are in a position to, shall we say, lead or discipline
5 and so forth. We all have our own personality mix-ups.

6 Q Did you have officers there who hated blacks?

7 A That's a pretty difficult statement. When
8 you say officers that hate blacks, they might hate
9 probably any ethnic group. It's a difficult classifi-
10 cation.

11 This man may not only not like blacks, he
12 may not like others of any other ethnic group.

13 Q Were there officers who hated inmates?

14 A I would say there were a few officers, yes.

15 Q When you had an officer of that type, were
16 you free to move him out of his job?

17 A Under our contract with the AFL-CIO, all
18 jobs were based on absolute seniority. There is no
19 discretion in assignment.

20 Q So you had to let him have his position
21 even if you felt he wasn't suited for it unless you
22 were prepared to file charges?

23 A That's correct.

24 Q What about name calling by correction officers
25 toward inmates?

6 1 A My experiences as a supervisor, 680

2 I have never heard an officer call an inmate a deroga-
3 tory name, although I don't think we are any different
4 than any other professional. I think in groups away
5 from this particular black or Italian or Polish and
6 so forth, probably say things that would be offensive
7 if it was said to the individual directly.

8 Q You have heard correction officers in private
9 make derogatory remarks toward black inmates?

10 A Yes. I've also heard them tell Polish jokes
11 and it may be offensive to someone of Polish descent.

12 MR. LIMAN: Two of our Commissioners
13 have to leave to catch a plane and I want to
14 resume after they have an opportunity to ask
15 you some questions, but I think that given the
16 shortness of the time before the plane leaves,
17 I would ask Mr. Henix and Mrs. Guerrero if they
18 have any questions.

19 MR. McKAY: Mr. Henix?

20 MR. HENIX: Yes, I have questions, but
21 I don't have much of a format.

22 EXAMINATION BY MR. HENIX:

23 Q The only thing so far that I would ask and
24 I hope to develop as I go along, is that one of the
25 things you said that they called the inmates at Wood-

2 A Right.

3 Q I got the feeling that you had an objection
4 to that term.

5 A I objected to it.

6 Q I got that feeling, you know, in the tone
7 that you felt that the word resident wasn't an adequate
8 description.

9 Would you rather call them inmates?

10 A No. I felt it was very complimentary. I
11 prefer the term resident actually.

12 Q Did you ever try to have this term transfer-
13 red to Attica?

14 A My understanding of the law is that at the
15 narcotics institution, many of them were civil cases
16 rather than criminal cases. Whether that would change
17 the terminology or not, I don't know. I would have no
18 objection to it if they did.

19 Q One of the things I would like to ask you
20 is: I understand that you are in favor of increased
21 security.

22 Would you elaborate a little bit on what
23 that means.

24 A I don't think I said increased security.
25 As far as additional help. In other words, additional

81 help does not necessarily mean security.

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2 I mean, for other programs.

3 In other words, on many occasions prior to
4 the riot it reached the decision where we could not
5 open a yard because we did not have sufficient help.

6 Now, the yard may be programming. It's
7 recreational and so forth, but we were handicapped
8 to this extent. There were times we did not have
9 one officer to open a yard for recreation.

10 In terms of programming or security, what-
11 ever you may call it, naturally, if the inmates are
12 outside in the yard in recreation, it's a lot more
13 advantageous to us to have them there than in their
14 cells locked up so in these terms, as far as security,
15 no. Just to carry out necessary programs.

16 We lacked sufficient staff to carry out
17 necessary programs prior to the riot.

18 Q My second question would be: In your 28
19 years in service, could you give us some idea of the
20 term brutality that's been used here in several
21 different ways? Brutality from one inmate to another.

22 Would you say that in the 20 years that you
23 have been in the Department that you haven't witnessed
24 any brutality coming from an officer towards an in-
25 mate?

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A This is a question that

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embarrasses me to the extent that just recently I was assaulted and within three days the inmate has me in court for brutality.

Now, if that answers your question--

Q No, that's recently. I am talking in your 20 years in the Department.

A In my experience prior to this incident, my answer would be no.

Q You haven't seen any officer assault an inmate?

A No, and even though it had occurred vice versa, I did not witness any assault one way or the other. As far as inmate on inmate, yes.

Q As a sergeant, do these complaints come to you if an inmate makes an accusation against an officer?

A Very definitely.

Q How do you follow that through?

A We do as thorough an investigation as possible. If reports are written, we have a report we must write as far as securing witnesses and what actually transpired.

Q And the inmate can face his accuser?

A It's a question--do you mean prior to the--

Q Prior to the--I don't know what term you use

10 at Attica. Prior to the incident.

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2 A Prior to the incident we had an Adjustment
3 Committee. The inmate went in. He was assigned
4 someone to assist him. Statements would be taken
5 from that individual, but, as far as I know, it was
6 not a confrontation between the accuser and--

7 Q I guess this is--my next question is--I
8 guess it's kind of--I don't know how to phrase it
9 except to use myself as an example.

10 A lot of the decisions I made were good and
11 a lot of the decisions I made were bad but, in retro-
12 spect, looking back over the years of my life there
13 are very few things that I would do the same.

14 Are there any things that you could see
15 within your own past in Attica, before this incident,
16 that you would have changed in order to have prevented
17 it?

18 A In what areas? Could I--

19 Q Any area that you chose.

20 A Well, of course, in my years in Attica, I
21 would make a lot of recommendations, but you have to
22 bear in mind that we're restricted by budgets.

23 Q I understand that.

24 A I think one of the greatest things in
25 comparison to what Mr. Liman referred to, to my

111 experiences at Woodbourne where we 685
2 spent approximately \$1.60 a day for meals and at
3 Attica I think we are allotted something like 50
4 cents and, certainly, I think anyone can realize,
5 if you can spend an extra dollar on feeding, it would
6 solve a lot of our problems.

7 Q That's one thing.

8 Any more?

9 A Yes. We have a severe handicap with our
10 cells equipped without hot water. In other words,
11 it's only equipped for cold water. This causes many
12 problems in three blocks.

13 We have what is known as water boys that
14 furnish the hot water. In C-block they have hot water
15 up until 5:00 o'clock. It sounds like a small thing,
16 but--

17 Q I know it's not a small thing. I've had
18 the experience, you see, so I know better. I know it's
19 a very important thing. But that's two things.

20 Could you name any other things that you
21 would feel could improve the institution?

22 A Clothing has always been a critical thing
23 at Attica. There has been much emphasis placed on
24 showering a man daily. This is a lot of inmates did
25 have more than one shower a week.

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The one shower a week was

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mandatory, but our major problem was finding sufficient

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clothing as far as a change of clothing.

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In other words, it would make little sense

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to give a man a shower every day and not have clean

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clothing to put on him. This was a very severe handi-

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cap.

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Q I agree with you.

9

Having come through the ranks for 20 years,

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and then becoming a sergeant for two years, you know

11

the attitudes and the feelings of, I guess, of the

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people who are your peers.

13

And in this area, what would you change,

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attitudes?

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A I don't really know how to answer that.

16

Q Well, try.

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A Well, of course, a good deal of our time is

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spent in trying to get necessary things. I'm not talk-

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ing about what we would call luxury items.

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It seems as though every time we turn around

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we're trying to sell ourselves to the legislators to

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get sufficient funds to carry out these things.

23

As far as our superiors, they have as

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probably a difficult time or, if not, more so, than

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we, except we are facing the inmate to have to tell

13¹ him no we can't give it to him.

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2 Q What would you change in the attitude of
3 the officers under you now that you are a sergeant
4 and have had the experience? Of course, you must
5 learn something from it.

6 What would you suggest as a possible change
7 for the better in attitude?

8 A Attitudes are difficult to change. Bear in
9 mind as an officer, they are pretty much on their own.
10 If they have a company out in back working, it's
11 pretty much man for man.

12 In other words, even though in my particular
13 area or where I would be supervising, he could be
14 one individual. When he is out by himself, he could
15 be another individual.

16 How you completely change attitudes, I have
17 no idea.

18 Q No, I am not saying that there is a way to
19 change attitudes. I'm just saying what parts of the
20 attitudes of the officers that you feel need changing.
21 I'm not saying there is a way to do it. I'm only
22 saying there must be some things in this attitude
23 that could stand examination or perhaps change.

24 A I really don't know how to answer it.

25 Q Well, the reason I am asking it, because I

14 think, and some of the people we heard 688

2 before, I think it became very clear that there is a
3 difference in understanding between the keeper and
4 the kept.

5 And I was wondering if you had any ideas
6 of just how you could make a better blend because I
7 think one of the things that is also becoming clear,
8 like you say, the amount of officers that has to police
9 Attica as opposed to those at Woodbourne is that most
10 inmates and, I think they have said it very clearly,
11 that one of the reasons why that institution or any
12 institution can function is function with the consent
13 of the inmate.

14 A Yes, but I think it's coming back to the
15 original argument of sufficient staffing to give them
16 the programs and the recreation that they need.

17 There are other facilities such as we hear
18 this shower every day. We just do not have the
19 facilities for this. Many of the things that are
20 problems at Attica are purely budgetary. Things that
21 are not under our control.

22 Certainly if we had sufficient manpower we
23 could bathe 24 hours a day and accomplish this. But
24 it would be much easier to have areas made available
25 or built that this could be accomplished.

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Q You know, I asked that because

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one of the things that I have noted in the attitudes of the officers, the public have often had the impression that the inmates are afraid of the officers but out of experience I have learned that the officers are just as afraid of the inmates and I was wondering if there was anything that you could suggest that would make it more palatable, that the officers would begin to come on the job with a different attitude, because fear makes you do a lot of things you wouldn't ordinarily do.

A Yes, but I think this is something that you will never eliminate. As long as a man--probably the first day I arrived at Attica, I was as much concerned as I am today. I would probably say more so today. But I think this also exists.

Don't forget, the percentages prior to the disturbance was about a hundred to one. Now we have it to about 40 to one.

Now, 40 to one still aren't very good odds, in my estimation. So that this situation, I don't think we will ever see the situation where it's one to one.

Q I would like to ask you another question on this and I will let someone else speak to you.

2 in most systems that young officers come into the
3 system as it stands with very altruistic attitudes
4 about what he is going to do and how he is going to
5 change things.

6 One of the things that very often happens
7 in prison, the officer that he is sort of assigned to,
8 like as a godfather to watch over him and to school
9 him, has a lot to do with what type of officer this
10 officer turns out to be.

11 And in addition to that, I've learned that
12 when we talk about change in institutions, that one
13 of the things that happens is that by the time you go
14 through the system and if you make these certain pro-
15 motions, even though you disagree with the person that
16 you are replacing, you can't really take his place
17 unless you are a carbon copy of the person that you
18 are replacing.

19 And so by the time you get to the top, you
20 are the same kind of person that was there before.

21 Do you feel that this is an accurate state-
22 ment?

23 A You would probably make a lot of people
24 awfully happy, the ones that broke me in. And some-
25 times I think I would be awfully flattered if I was

17 half the man that did break me in.

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2 On experiencing service I think we all have
3 ideas. One of the most important things to remember
4 is when you are an inmate and doing time and an
5 employee, an officer or whoever it may be, if he
6 promised you something he couldn't deliver, you think
7 a lot less of him than if he came out and told you
8 no in the first instance.

9 Our major difficulties with new employees
10 are over promising, promising things they cannot
11 deliver. I am referring to such a thing as a shirt.

12 This seems like a very small item to a new
13 man coming in, but those of us who have experienced
14 State budgets realize a shirt is very important and
15 expensive for some reason and I will go to this extent:

16 At one time during my tenure at Attica, they
17 even rationed toilet paper as to a sheet per day.
18 There was a notice on the bulletin board that we had
19 to conserve electricity at all points because the
20 State could not afford to pay their electric bill.

21 In other words, you can come off the street
22 and it's fine. A shirt looks like a very reasonable
23 thing to get and yet it's almost impossible to replace
24 and I may add that is true today. Today, seven months
25 after.

2 Legislature, they were going to have a special session
3 in December. Up until this point I don't know as
4 there has been one bill passed the Legislature yet
5 pertaining to prison reform.

6 Q Given these conditions, and you know them
7 so well, have you any suggestions as to how they can
8 be improved without going outside of the Attica
9 structure?

10 A Until the voters in New York State or until
11 the legislators decide that it is a necessary thing,
12 that prison reform is necessary and they are willing
13 to pay for it, we're in trouble.

14 I think all of us felt if nothing else came
15 out of Attica, that moneys would be made available
16 for programming. Institutions would be built and up
17 until this point we have seen very little evidence of
18 it.

19 Q How much of the money that has been allocated
20 at this point, in view of the Attica incident, is going
21 actually into these areas of, like, shirts? Where is
22 this money being spent?

23 A I am very sorry, sir, at my level, I would
24 not have that knowledge.

25 Q You have no knowledge it's going into, say,

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more security, building stronger security, 693
like putting more gun towers around the yard and
things like that?

A Well, that I will disagree with. The only
moneys that have been spent to this point is to re-
store the institution to its original state prior to
the disturturbance.

MR. HENIX: Thank you.

BY MR. LIMAN:

Q Sergeant, you have been talking about the
problem as if it were really basically one of money
and I wonder whether you feel that the fact that the
staff at Attica is composed mainly of white persons
like yourself from a rural part of the State, rural
community, while the inmates have increasingly been
coming from the black and Puerto Rican ghettos.

Do you think that contributes to misunder-
standings and tensions and frustrations?

A Of course, I have my own opinion on this.

As you undoubtedly know, most of your major
disturbances happened at the Tombs where they are
primarily staffed with black correction officers and
Puerto Rican officers.

Now, the same type of inmate is placed in
Attica and this is their argument. I personally don't

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buy this.

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I feel this: That if this was a true statement, if we could not relate to the New York State inmate, then what happened at the Tombs? They have had more problems than we had.

Q Are you able, for example, to understand jive talk?

A Yes. We talk about jive talk. Then we talk inmate terminology.

There are a lot of languages, let us say.

Q Well, you told me that when you came into Attica, you were a child whose father spoke only Italian and that you had some difficulties.

A Yes. I think anyone brought up in a small community, being of--I would certainly classify myself in the minority group in Attica at the time. We had certain handicaps but as we grew up in the school system, as we lived in the community and were accepted, I felt that we went beyond this. I think we went over it. We were accepted as we had lived.

Q You told Mr. Henrix that you understood and appreciated all of the various frustrations over material things that inmates were expressing in Attica.

Did you yourself become apprehensive about the situation in Attica?

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A Yes, sir.

Q And why did you become apprehensive?

A Well, it became clear to me after I went on the day shift and observed these four recreation yards.

We had a court injunction that prevented us from removing certain militant inmates from our population.

In other words, for a period of time we sat through and watched this thing progress. And when we're handicapped to do anything about it and this is what we were very frustrated about it.

Up until six months ago I did not carry my wallet. That's how sure I felt that it was coming, not knowing when.

Q You said militant inmates.

How would you define a militant inmate?

A I am trying to bear in mind the court cases pending and so forth and not necessarily get involved.

Q Would you classify an inmate as militant if he criticized the conditions in the prison?

A No, I would not.

Q What would an inmate have to do or what attitude would you think he had to have before you would classify him as militant in the sense that you

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have been using that term?

A I would say organizing groups, disciplining groups. I'm talking about a second--let's say this: They had their own group organization and I'm talking about sergeants, lieutenants and so forth.

Another internal structure; another supervisory structure; another court system, alien to ours.

Q When you came to Attica there was a rule against inmates congregating together in any numbers in the yard; is that right? The rule book has matters like that.

A Yes, it does, but I did not see evidence of it. I would say up until six months ago, we did try to keep the grouping down, but never prevented it.

Q My question was: Did you regard the mere existence of groups as a threat to yourself?

A No. There are a lot of groups that I didn't, but there were a lot more that I did.

How you distinguish is--I think I'm a little bit on touchy grounds and I would rather go over it.

There is a difference between the two groups that I did fear and didn't fear.

Q You also knew that there was a good deal of frustration at Attica?

A Undoubtedly, yes.

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Q And you have said that you had
an inadequate staff.

A Yes, sir.

Q And you said that you didn't have enough
money for programming?

A Yes, sir.

Q What did you try to do about this other than
leave your wallet at home?

A Well, we tried to contact our area legislators
to bring it to their attention. When I am talking
about area legislators, I am talking about our Senator,
our Assemblyman.

At one point I got to Senator Bridges!
counsel, a letter to Senator Bridges himself.

Many promises were made. This was prior
to the appearance first of '71s budget.

We added the problems facing the institutions,
the riots at Auburn and so forth to make up our
argument for more staffing.

Up until May 11th, when Mr. Walkley finally
got to the Commissioner, was about the first time we
made any headway at all.

Actually at that time we were short three
lieutenants out of five, I might add. This necessitated
sergeants to cover the night shifts. It left one or

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24 two sergeants available for daytime

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3 supervision.

4 Many times we wandered around the institution
5 and had demands on three blocks at one time that we
6 couldn't possibly cover. There was also a severe
7 officer shortage. All these thoughts were relayed
8 to Albany.

9 I think the Commissioner in response said the
10 he felt we were adequately staffed.

11 Q You are referring to a letter which you
12 received from Assemblyman Walkley which was a reply
13 signed by Commissioner Oswald to the Assemblyman
14 dated May 11, 1971?

15 A That's correct.

16 Q In that letter he stated:

17 "The supervisory staff of the Attica
18 Correctional Facility consists of a deputy
19 superintendent, an assistant deputy superintend-
20 ent, a captain, five lieutenants and ten sergeants.

21 "Because of illness, personal and
22 annual leaves, and certain institutional tasks,
23 such as the transfer of a group of offenders to
24 another facility, a full complement of correction
25 officers or supervisory officers on any one shift
cannot be guaranteed.