

1 MR. LIMAN: Mr. Head.

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2 The witness has risen to take the oath.

3 D O N A L D H E A D, called as a witness,  
4 being first duly sworn by Mr. McKay, testified as  
5 follows:

6 EXAMINATION BY MR. LIMAN:

7 Q Would you state your full name?

8 A Donald Head.

9 Q What is your occupation?

10 A I am a correction officer.

11 Q At Attica?

12 A Yes.

13 Q How old are you?

14 A 33.

15 Q How long have you been a correction officer at  
16 Attica?

17 A Nine years.

18 Q Where are you from?

19 A I am from Attica.

20 Q What is your job as a correction officer?

21 A I have a gang that works for me, the coal gang,  
22 and we have specific duties that we carry out.

23 Q What are the duties that your gang carries out?

24 A Every day we take the trash that is to be  
25 burned and we incinerate that and empty the ashes out of

1 the power house. Any coal cars that come in 718

2 we have to unload, keep our area clean.

3 Q How many men work for you?

4 A At the present, 14.

5 Q 14 inmates?

6 A Yes, sir.

7 Q Prior to September, how many men worked for  
8 you?

9 A I had 31 in the gang.

10 Q Are you doing the same work with 14 men today  
11 that you did with 31?

12 A Yes, I am.

13 Q How are you able to do that?

14 A Well, prior to last September, there was so  
15 many people in the institution that the jobs were padded.  
16 There were more men available and they had to have some-  
17 thing to do so they put them on different work gangs.

18 Q Mr. Head, many inmates have told us that you  
19 were what we call a good officer. I wonder whether you  
20 can give us an explanation of what it is that you do that  
21 might lead people to conclude as they do?

22 A I work with a small gang. Like I say, I have  
23 14. Before I had 31. I work with them every day. We  
24 work every day. Seven days a week. And I am in a posi-  
25 tion where I can relate a little better with them, I

1 believe, than the average officer in the insti- 719  
2 tution who doesn't have the same individuals every day.

3 Q How do you treat the men who work for you?

4 A Well, I try to treat them all fair, which is  
5 my position, is what I am supposed to do. The inmates  
6 who work for me I try to give them a sense of accomplish-  
7 ment in their position.

8 Q How do you do that?

9 A Well, when an inmate comes on the gang, I out-  
10 line his duties to him. Then I allow him to pick up  
11 and become a part of the gang. If he refuses to do  
12 this on his own, then I coax him a little bit and if he  
13 still refuses to do this, I think the other inmates  
14 have a big influence on this and they show him the ad-  
15 vantages of working for me. If he still doesn't want to,  
16 he usually leaves by himself.

17 Q What are the advantages of working for you?

18 A Well, like I say, it's a small gang. It's a  
19 closely knit gang. The inmates work together a lot.  
20 And we have showers in the area where they can take a  
21 shower every day. In the summer we have gardens and  
22 which is a big thing. They can grow a few tomatoes,  
23 lettuce, cucumbers. They enjoy this a lot.

24 Q Do you have a coffee pot?

25 A Yes, we have a community coffee pot. Everybody

1 chips in and we have coffee every day.

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2 Q Ehat do your inmates call you when no super-  
3 visor is around?

4 A Well, I have a very lax attitude with the gang  
5 when there is no supervisory staff there and we get  
6 along more on a personal basis than anything else.

7 Q They call you by your first name or nickname?

8 A They have on occasion, yes.

9 Q In fact didn't you tell me that you encouraged  
10 them to do that?

11 A I try to when we're alone. When we are to-  
12 gether I do. Because I feel it involves a more personal  
13 attitude.

14 Q What is your nickname?

15 A Largo.

16 Q Largo?

17 A Yes.

18 Q You call your inmates by their nicknames or  
19 first names?

20 A Oh, yes.

21 Q Do you take an interest in your men's problems,  
22 personal problems?

23 A I try to as much as I can within the system.  
24 If they have a monetary problem, they aren't getting the  
25 right amount of money or something, I try to straighten it

1 out or if they have a communications problem with 721  
2 somebody, I try to handle it or a clothing problem.

3 Q I am interested in really what a man who is  
4 motivated to help an inmate can really do to help him.  
5 If an inmate comes to you with a problem and says that  
6 he hasn't been hearing from his family, what can you do?  
7

8 A There is not much I can do in that area be-  
9 cause I am not allowed to communicate with his family.  
10 I certainly can't call them up and tell them he has a  
11 problem or something, but I can try to channel him in  
12 the right direction to help himself more than just not  
13 knowing what to do.

14 Q Would you like to have more freedom to solve  
15 some of these problems or help with these problems?

16 A In what way?

17 Q For example, to be able to communicate. If  
18 you felt it was appropriate.

19 A I don't believe you could do this on the scale  
20 where it would be any good. If I could help, I would  
21 like to, but at the present system there is no way you  
22 can do it in that area.

23 Q You have seen men who worked for you returned  
24 to the prison on parole violations or new crimes?

25 A Yes.

Q How does it affect you?

1           A     Well, you have a sense of disappointment     722  
2 when you see somebody go out who I think can make it and  
3 shows a personality which you think can go on the street  
4 and make a living for themselves. But when they come  
5 back, I think on both sides there is a sense of, oh,  
6 failure to each other. Maybe I have had men come back  
7 that have worked for me for a length of time and go out  
8 and come back and maybe they come back to work for me but  
9 they, usually we don't get the same rapport that we had  
10 before. Maybe it's--their sense of failure to me or  
11 maybe I feel that I didn't help them enough or maybe I  
12 gave up a little bit on them.

13                     That may be true, too. But we just don't seem  
14 to get together like we did before on a personal basis.  
15 Many times they just move themselves off the gang be-  
16 cause of this feeling.

17           Q     Do you make it a practice not to inquire about  
18 the crime that--

19           A     I don't want to know what they are there for.  
20 I don't want to know for the simple reason I am afraid  
21 it will create an animosity between me and them. I want  
22 the inmate to treat me as I think I should be treated  
23 within the institution. I don't want to be prejudiced by  
24 what caused them to come there.

25           Q     How do you feel you should treat the inmates,

1 do you think you can treat them as something 723

2 other than convicts?

3 A Well, you have to, to help them, I think.

4 They are convicts. Certainly they are. They know they  
5 are. You don't have to remind them of that daily that  
6 they are a convict.

7 Q You try to develop a relationship so that it  
8 can--the fact that somebody is in there for a crime re-  
9 cedes in your relationship ?

10 A I think when they are in there they become down  
11 on themselves a little bit too. Where they feel that  
12 they are second class and they don't--maybe they feel  
13 that--I try not to get them to feel that and I try not  
14 to let them think like that.

15 Q Before the uprising you had 31 men in your  
16 gang. How many of them were black and Puerto Rican,  
17 if you recall?

18 A I think about 22 to 23 were. I never had  
19 any difficulty communicating with any group in there.  
20 Of course, it's not on a social level, it's on a level  
21 where they are working for me in the institution.

22 Q How frequently have you had occasion to write  
23 somebody up?

24 A Not very often. Mainly my keep lock reports are  
25 based upon not working. They may be mad at the system for

1 sending him there and he will not work at all 724

2 which creates a problem for me in the fact that the  
3 other inmates feel slighted that this man isn't carry-  
4 ing his share of the load.

5 Q Do you try to do something before you write  
6 him up?

7 A Oh, yes, I talk to him many times before that.  
8 Eventually write him up, which I have occasion to do but  
9 I feel once I start using the disciplinary system within  
10 the institution I lost some rapport with the inmate.

11 Q You have this relationship that you have de-  
12 scribed. You also have some conditions that are very  
13 different from conditions that other correction officers  
14 have such as showers, coffee pot, garden, smaller number  
15 of men and you get to work with these men every day.  
16 But still with all of that, how did you really learn to  
17 understand even to the extent that you have expressed  
18 it on the stand today, the problems of people who have  
19 come from such different backgrounds from yours, did you  
20 get any schooling in it, counseling, instruction?

21 A No. I never had any schooling, but I feel  
22 that if you work with people and take an interest in  
23 them, all people are basically alike. They will respond  
24 to certain actions and reactions and if you can get a re-  
25 sponse, then you can be of some use.

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1 Q Your men work seven days a week? 725

2 A Yes, sir, every day.

3 Q And today they are doing work that is hard  
4 work, is that fair to say?

5 A Yes, they are. Especially the coal cars when  
6 they come in, they have to move them by hand. And we  
7 unload them by hand. In the winter they are frozen, we  
8 have to pick them out. There is physical labor in-  
9 volved in my area.

10 Q What is the pay scale?

11 A I have men in all grades. There is four grades  
12 of pay scale in the institution. I have men in every  
13 grade. We have six in the basic grade, grade 2. They  
14 all go into this in my gang because they are a work gang.  
15 Then I have inmates in grade 3 and 4.

16 Q What does that go up to?

17 A Grade 2 starts at 30 cents and every six months  
18 they get a nickel raise in that position.

19 Q Apart from a clerk's job, what is the highest  
20 paying job in your detail?

21 A Well, I have a grade 4 inmate who gets, I be-  
22 lieve, 80 cents a day.

23 Q And most of the workers, what do they average?

24 A Like I say, half of the gang or six of the men  
25 come in at grade 2, which is 30 cents. So it would aver-

1 age out somewhere between that, I imagine about 726

2 40, 45 cents a day.

3 Q Do you consider it adequate?

4 A Not when we're working, no, I don't. I think  
5 it's as good a scale as I am going to get under the  
6 present system but I don't feel it's enough money really.

7 Q Do you sense the problems that your men have  
8 in not having enough money in prison?

9 A They all want more money, certainly. I do too.

10 Q One of the misconceptions, I think, that many  
11 people have about the prisons, they feel you don't really  
12 need money in prison but it helps to have some means?

13 A Certainly.

14 Q You talked about the fact that your men will  
15 work in unloading a coal car. Do you ever pitch in and  
16 work alongside your men?

17 A Sometimes I have picked up a shovel. I don't  
18 make it a habitual thing. If things are starting to  
19 slacken down, we have a big job ahead of us, sometimes  
20 I will grab ahold. It seems to be a little inspiration.  
21 Maybe it's more in my mind than anything else. Sometimes  
22 I get a little mad too and I have frustrations and I  
23 like to work them off.

24 Q Your men are working there with the heavy coal  
25 shovels, is that right?

1 A Yes.

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2 Q Are you the only officer there most of the  
3 time?

4 A Directly with the inmates, yes, I am.

5 Q And you trust your men even though you are  
6 there with--

7 A Well, I would have to. They are all around  
8 me. If I didn't trust them, I would be back in a corner  
9 all day, I wouldn't get anything accomplished.

10 Q Have you asked permission at one time to start  
11 some kind of work release program for the men?

12 A There was a rumor at one time of they were  
13 going to allow inmates to go out and work with an officer  
14 if he would take them. Nothing ever came of it. My  
15 gang was really interested. Some of them would like to  
16 go out.

17 Q You were ready to take them, weren't you?

18 A Some of them I wouldn't be afraid to take out,  
19 yes.

20 Q What is your feeling about the number of people  
21 in Attica who belong in maximum security institutions?

22 A I think there is a lot that don't. Of course,  
23 Attica is a receiving house for various courts in the  
24 area. And they all come to Attica before they send them  
25 to a minimum security institution, but I think there is

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1 a lot that could be sent to minimum security 728

2 that aren't. Of course, this state doesn't have as  
3 many minimum security institutions as they would like  
4 either.

5 Q You talked about taking an interest in your  
6 inmates. Have you kept in contact with inmates after  
7 they have left the institution?

8 A Well, I have had inmates write me letters. Then  
9 I have returned letters. I have had inmates come to see  
10 me and I have gone to see them. It's not a normal thing  
11 because most of my inmates that work for me come from  
12 an area farther away from New York or Albany or Buffalo  
13 and they are in a parole situation usually where they  
14 have to abide by the rules and they can't make trips and  
15 by the time they get off parole, they have forgotten about  
16 me.

17 Q What do you get paid?

18 A My pay scale?

19 Q Yes.

20 A We just got a raise, to grade 14. As of the  
21 last contract, my pay was about ten thousand a year.

22 Q Did you supplement your income by farming or  
23 something else?

24 A I have a little farm. I raise some horses but  
25 I don't get any money off it, as much as I would like to.

1 Q Did you ever try to become a sergeant? 729

2 A I took the test once, yes.

3 Q Did you pass it?

4 A Failed miserably. I got a minus 65.

5 Q Whatever your qualities are, they weren't the  
6 qualities to elevate you to a sergeant?

7 A Not that the state wants.

8 MR. LIMAN: Thank you.

9 THE WITNESS: Thank you.

10 MR. McKAY: Mr. Head, I think you know  
11 you have an opportunity to make a statement if you  
12 wish at the conclusion of the Commissions' question-  
13 ing, if you wish to keep that in mind.

14 Mr. Wilbanks, I believe, has a question.

15 BY MR. WILBANKS:

16 Q Mr. Head, I will call you Don maybe.

17 I have talked to some of the DVR officers and  
18 they tell me there are occasions when other officers who  
19 work outside of DVR will make little comments like, did  
20 you tuck your kids in tonight. The impression was left  
21 that maybe things are a little bit easier over there.  
22 They treat inmates a little bit differently. Have you  
23 experienced--you seem to be a unique individual. Have  
24 you experienced any kind of criticism for being too  
25 familiar with inmates either by administrative persons

1 or others?  
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3 A The administration has never criticized me.  
4 I have had criticism from other officers because of a  
5 lax attitude. I have never been criticized by the ad-  
6 ministration.

7 Q Do you feel that you are going against the  
8 grain of the correctional officer culture or feeling?

9 A No.

10 Q Is it the large percentage you feel that don't  
11 sympathize with your attitudes?

12 A I don't believe so. I think everybody works  
13 within the system in their own way. I feel very strongly  
14 that an inmate has to work with other inmates. I be-  
15 lieve in the area of rehabilitation. This is the only  
16 level I can work with them on. It's to become socially  
17 aware of other people and to realize the feelings of  
18 other people and this is the only way I can do it.

19 MR. MCKAY: Mr. Rothschild?

20 BY MR. ROTHSCHILD:

21 Q Mr. Head, you have been dealing with inmates for  
22 nine years if I understood?

23 A Yes.

24 Q We have heard a lot about the changing com-  
25 plexion and the more difficult problems of the new breed  
of inmate to the old. Have you any comments on that?

1           A     I believe the newer inmates coming in     731  
2     feel more strongly against this system.  I think you will  
3     find in some of the older inmates a sort of attitude  
4     that jails is an occupational hazard.  And I think that  
5     the newer inmates feel more strongly against the in-  
6     carceration.

7           Q     Apparently you find you are still able to  
8     operate your gang in the same fashion with the new as  
9     well as the old, is that right?

10          A     Well, I hope so.  I haven't had any difficulties  
11     yet, although there have been some newer inmates who came  
12     on the gang who have felt this way and in the main they  
13     will remove themselves from the area rather than try to--  
14     rather than be an influence by me, they will get them-  
15     selves out of the environment and move to another gang.

16          Q     One other question.  Ever since this hearing  
17     began I have had going through my head a nursery rhyme  
18     which I can't place.  It has a line that says, "Stones  
19     do not a prison make."

20                     And it becomes increasingly poignant as I  
21     sit here.  We talk about the Cell Block E, we talk about  
22     the more liberal aspects, we talk about some of the  
23     things you talked about today.

24                     Does it seem inconceivable to you from the  
25     criteria with which you are looking at your job that

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1 maybe some of the other blocks could in some 732  
2 fashion be used with some of the consents which we  
3 heard this morning in E which certainly seemed to make  
4 it a more compatible place in which the inmates were  
5 living.

6 The physical structure does not, in the last  
7 analysis, I don't think, a prison make.

8 A I don't believe under the present physical  
9 makeup of the institution that it's possible. I think  
10 that the institution itself, before these programs are  
11 brought in, would have to be phased out and have smaller  
12 areas.

13 Q You mean physical size makes it impossible?

14 A Yes.

15 Q The size of C Block or B Block?

16 A Yes.

17 Q You couldn't operate it in any other fashion?

18 A You couldn't operate it in a more lax fashion be-  
19 cause you need the--no, I believe it would have to be a  
20 smaller area.

21 Q It's a maximum prison and that is the way it  
22 is.

23 A Yes.

24 MR. ROTHSCHILD: Thank you.

25 MR. MCKAY: Mr. Wilbanks has an additional

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1 question.

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2 MR. WILBANKS: It isn't really a ques-  
3 tion, perhaps it is. Maybe the public isn't aware  
4 that 40 years ago there was a sociological study  
5 at the prisons and they interviewed every inmate  
6 at the institution and asked him which officer had  
7 more influence over inmates for rehabilitation. 40  
8 years ago the conclusion was unanimously it was  
9 the officers who worked on the gangs closely with in-  
10 mates so I think historically that is an interest-  
11 ing point of view.

12 A I think it's the only area where you can get  
13 involved, if you are in a small gang. You will get fewer  
14 people to work with.

15 MR. MCKAY: Bishop Broderick?

16 BY BISHOP BRODERICK:

17 Q May an officer, a correctional officer have  
18 access to the records of an inmate? You said that you  
19 really weren't interested in why a fellow was up there.  
20 But could you, without asking, go to the official record  
21 place and look his record up?

22 A No, I'm not supposed to go find out.

23 Q You wouldn't or you couldn't?

24 A I couldn't, no. But I could, if I really  
25 wanted to, probably find out. But I'm not interested so

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1 I don't bother.

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2 BISHOP BRODERICK: Thank you.

3 MR. MCKAY: Mr. Head, do you wish to make  
4 any separate statement that is not in response to  
5 particular questions?

6 Mr. Liman has a question.

7 BY MR. LIMAN:

8 Q You invited a question by your statement to  
9 Mr. Rothschild about how in order to really do the types  
10 of things that we talked about, the DVR Program, these  
11 institutions would have to be phased out. How big do you  
12 think the New York institutions should be?

13 A Five or six hundred would be a nice number.  
14 With an adequate staff that you could work with.

15 Q Why no bigger?

16 A I think when you get bigger, you lost more con-  
17 tact with the inmate. There is a great deal of close  
18 supervision that has to be maintained. The bigger you  
19 get, the less you have to supervise.

20 Q While we talked a lot about your personal re-  
21 lationships with your inmates, I don't think any of us  
22 used the word rehabilitation when we questioned you and  
23 I wonder whether you would care to comment on what you  
24 try to do toward preparing people for return to society?

25 A Well, rehabilitation, I believe, has to come

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1 from within the inmate. I think you can show 735  
2 him the rights and wrongs which he may have known or may  
3 not have known, but he has to, I think, become aware  
4 of his fellowman more than anything else. I think he has  
5 to realize that other people have feelings and other  
6 people have hopes and dreams just like he does.

7 And this is what I try to instill in the small  
8 gang that I can, is that they have to work together to  
9 make out in this world and if they can do that in a  
10 small area like that, they can do it on the street.

11 MR. LIMAN: I have no further questions.

12 MR. Mc KAY: Mr. Head, is there something  
13 further you would like to tell the Commission and  
14 the public?

15 THE WITNESS: I can't think of anything  
16 immediate except that money is the key to all these  
17 programs. I think this has been harped upon on  
18 numerous occasions but it is a hard fact that the  
19 funds are needed to institute programs, to have the  
20 supervision and to have the counseling that you can  
21 give give to the inmate.

22 MR. LIMAN: Some of us, officer heads,  
23 think that men are also the key to it.

24 THE WITNESS: Sometimes we help, sometimes  
25 we don't.

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1 MR. MCKAY: Thank you very much 736

2 for making yourself so freely available to us today.

3 We appreciate it.

4 THE WITNESS: Thank you.

5 (Whereupon, the witness was excused.)

6 JUDGE WILLIS: Mr. Germain, do you want

7 to stand to be sworn, please.

8 A L T O N G E R M A I N, called as a

9 witness, being first duly sworn, testified as

10 follows:

11 EXAMINATION BY JUDGE WILLIS:

12 Q Your name is Alton Germain?

13 A That is right.

14 Q And you are a teacher in the education program  
15 at Attica, is that so?

16 A That is correct.

17 Q And you are what is known as a civilian em-  
18 ployee?

19 A That is right.

20 Q How old are you?

21 A 26.

22 Q Where were you born?

23 A I was born in Attica but I lived 20 years of my  
24 life in Chicawaga, a suburb of Buffalo.

25 Q What is your educational and experience and

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