COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CORRECTIONS

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In re: Prison Reform

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Verbatim report of hearing held in State Office Building, 1400 Spring Garden Street, Philadelphia, Pennsylvania, on Friday,

October 5, 1973
10:00 a.m.

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Hon. Anthony J. Scirica, Chairman

Members of Committee

Hon. I. Harry Checchio
Hon. Charles P. Hammock
Hon. William J. Lederer
Hon. Joseph Rhodes, Jr.
Hon. David P. Richardson
Hon. Jonathan Vipond
Hon. Hardy Williams

ALSO PRESENT:

Karl Purnell, Staff Counsel
Mike Ferrell, Staff Assistant

Prepared under the direction of the Chief Clerk's Office, Robert M. Scheipe, Chief Clerk

INDEX

CHAIRMAN SCIRICA: Before beginning, I would, on behalf of the Committee, thank Mr. Rendell Davis, of the Pennsylvania Prison Society, who has been most helpful in arranging these hearings and providing us with information that we need in order to conduct them.

I'd like to introduce members of the Committee who are present:

To my right, Representative Jonathan Vipond, of Scranton; Representative Bill Lederer, Philadelphia; Karl Purnell, who is Staff Counsel; and Mike Ferrell, a member of the staff.

I am sure there will be additional members of the Committee coming in later on this morning.

Our first witnesses this morning will be Mr. John Monroe, and Mr. James Jenkins, both of whom are residents at Holmesburg Institution.

JOHN MONROE and JAMES JENKINS, called as witnesses, testified as follows:

MR. MONROE: My name is John Monroe, and I have been a resident of Holmesburg for the last seventeen months.

Myself and Mr. James Jenkins here, are representing the population of Holmesburg, to speak on conditions and

betterments.

I am happy that the Representatives here have taken time from their daily chores to speak with us on bettering Holmesburg.

CHAIRMAN SCIRICA: Fine.

MR. JENKINS: My name is James Jenkins, and I have been a resident of Holmesburg Prison for about one year now.

I am sorry that my back has to be turned to a few of you, ladies and gentlemen.

Speaking as an inmate first, I must speak for the broad masses of the inmates at Holmesburg Prison. I have a written statement from the inmates I represent, plus myself. I don't know if the time would be available; if so, I would like to ask permission to read the statement. It is called "Prisoners' Manifesto:"

Violent revolutionary activity is happening all over this country and striking its deadly blow in the most unlikely of places. Why? We all know the multiplicity of reasons locked within the four hundred years of slave versus slave holders here in America.

But let us all take an objective and realistic view into the causes which sparked the cold, deliberate

murdering of the two Holmesburg Prison officials. Could they have been avoided? My hunch is that they were inevitable as a condition and just act of war. The question is, will that promising incident motivate the humanizing of conditions here at Holmesburg?

I doubt that, too, for the war is declared and must be acted out on demand of existing attitudes. This administration is too deeply rooted in its acrimonius racist subjectivity to face the saving grace of immediate and necessary change. The manifestation of future violence will prove the above as the underlying cause of it all, the indifference to the need of changes in the prison systems.

--That is the role of prison administration towards its inmate population. The utopian view is unrealistic by all means that you look at it--legal, health, education, general welfare, rehabilitation, and pay programs.

This whole system (America) is too hung up on playing its dangerous do or die game of "Fascism" to be concerned with the wellbeing of its colonized subjects now. It (America) doesn't believe the events in history--that all corrupt nations will eventually fall through their own evil doings toward its people.

The same apply on the prison level. The officials

here lie and do a lot of pretending about what they are going to do to better conditions. But no significant changes have ever taken place. The responsible officials do a job spending valuable time smoke-screening the human conditions of prison life, so that the public won't know. They act as though prisoners shouldn't attempt outlets for their benefit, or efforts to obtain their freedom. They feel it is their solemn duty to keep the prisoners quiet, confined, and incommunicado. A fact is that the officials tend to actively discredit anything prisoners initiate to alleviate tensions and hostilities within the prison.

This is the primary reason an act such as the elmininating of game playing officials has occurred. As long as they continue to foolishly ignore the signs of this new generation of prisoners and their demands for change without violent repercussions, they are asking for big trouble.

Acts of violence will continue to happen, making it unsafe for those those who do not understand reasonable things, even in their barbaric places of confinement.

In any state of confinement, the objective of a prisoner with the smallest amount of intelligence is to get out. If that be unlikely, he seeks to become involved in some program offering to give him some meaningful direction

upon his return to society, or for the sole purpose of making his stay less burdensome. Therefore, the prisoner has no other choice but to seek permission from the administration to operate programs which answer his own basic needs.

The prisoners reap many personal and collective benefits through their created, self-help programs. Aside from being part of a group, the organization usually has the added attraction of making successful outreaches to concerned people on the outside, such as yourself and others. Many times these outside people are sincere, sympathetic and willing to lend the necessary assistance in a man's stay or in his getting out.

These are the successful programs which keep the greater population safe from unnecessary strife, and encourage a harmonious rapport with the authorities and the community. How else can we view these programs other than as an institutional betterment--a prison population's willingness to cooperate along realistic lines? The officials should wake up and do everything in their power to keep these programs going.

Program participants have something to lose in a sense, hence cooperation. If the programs are taken away a man has much more reason to focus his hostilities on those who are repressing him--the officials. This is the foundation

on which more violence will spring in the future. However, we know that when violent issues rise up in prison, the prison officials always have a tendency to say that we are not aware.

There are alternatives to the issue of space for the prison programs; either tear down this ancient dungeon of human bondage or create space for these programs to function. After all, the prisoner has to live here every day, week, month and year. Therefore he has all the right in the world to demand better living conditions, and those demands must be met no matter how resistant the administration may be.

One of the first steps of the administration is to reduce the population significantly and to maintain a principle quota of prison capacity. Aids to maintaining a stable capacity would be for the officials to assist prisoners in getting out on obvious unjust parole cases, parole, bail, probation, release to qualified drug programs, work release, and school. The social service should and ought to be in the vanguard of aiding a prisoner towards his freedom and for the betterment of conditions in the institution.

Attitudes must change. Some of the officers are literally getting their kicks mistreating and intimidating the prisoners, which is causing much animosity. They are as capable of carrying out a guard's as a babbling idiot monkey

trying to instruct in a course on human relations. The administration will have to weed them out and replace them with qualified personnel. This whole prison system is just a political move, geared to strengthen its repression upon its ill-treated prisoners in justification of a lack of funds to do anything to better the prison situation.

From a new perspective, the psychological mentality of black men coming into America's prisons is one of unshakable intolerance to this system's repressive nonsense continually practiced against him. For one, he is bitter, knowing he is undeserving of the historical injustice perpetrated against him in America's inhuman, genocidal concentration camps. He is simply not going for it any longer. He is not going to stand by and make it easier for the slave holder to judicially strangle him to death without a fight any longer. He is not going to stand by and make it easier for those who do not understand the stress in trying to make and bring about a change for the better inmate population. There is but one solution.

This is a reality the oppressors will have to contend with. The prisoners know this and see themselves (along with their victimized brothers) as being trapped with their backs against the wall, with nothing left to do but strike

back at their enemies as a final act of resistance. The prisoner is ready to meet this end without fear.

The administration (America) will not take heed. There will be more bloodshed. It's got to take place, because the very foundation and principles on which it stand, and have Blacks, Puerto Ricans and whites hereunder are grossly wrong and who they claim to be criminals. This system (America) can't under any circumstances realistically defend its rottening status as the vile oppressor it is. It (America) has created in the prisons an ingenious Frankenstein monster in its imperialistic prison system, the Penal Code, the United States of America, one which is rising up to destroy its insane creator.

Each time an execution strikes at this inhuman, systematic repressive system, it is known that your terrorist, paper tigers, will inflict their beastly retribution, but it will be to no avail. The violence is on, and like an un-destroyable amoeba, each time you kill another will automatic-ally don his dutiful revolutionary garb, and will strike a little closer. It is too late for you to humanize, for there is no humanity in you. There is but one solution, and that solution has to correct this prison system or to destroy it. The one must die so that the masses may live. The system is now

trying with all its might to hoodwink the public into believing the killing of the wardens was senseless and uncalled for. Maybe they were. But there's one thing for sure, it was no more senseless than the continuous, evil, systematic murdering genocide perpetrated against Americas' Black minorities.

They are intensifying their repression upon the guiltless prisoners and robotizing their movements, and barracading themselves out of fear like running dogs.

The eyes of the world are looking upon the American system and they see your exposed nakedness is not about to change.

All Power to the Peoples' Revolution.

That is a statement that was taken from the general population of Holmesburg prisoners that I have been in contact with.

As to the condition of the prison, I can see that you have some officials and administrators there who are trying to make a change. I cannot hold the Superintendent, Mr. Aytch, for a lot of things that happen, because sometimes he is unaware of what is happening. The only way the problems can be changed, based on letting the inmates, to start making decisions for themselves. We are not saying that they should cut out security and this type of thing, but the activities

must be created so that the inmates have something to do that is more constructive.

The food, nothing is wrong with the food; it's the way they prepare the food. There are lots of things they can do, like adding a little salt and pepper to the food. We know that a lot of times the responsibility of this is left to the kitchen stewards, where a number of inmates are working with them. Sometimes these inmates don't care, because they are in a position where they might not eat the same food that we eat. What is even more deplorable is that you have three inmates in a cell. You cannot take care of your personal hygiene, needs, or what-have-you.

One inmate may go to defecate and you are forced to suffer from his defecation.

The recreation facilities, which I can speak for, as I run the recreation--lately we have been allowed to create more recreational programs for the betterment of the inmates.

But the whole key to the Holmesburg problem is that the functions of the activities, the programs haven't been functioning right since May 31st. If one was to look before, say, January, and to May 31st, he would see that Holmesburg really came into the spotlight of doing something very constructive for the residents there; first, by combating

recidivism. There was no type of program there to combat this. But of late, for instance, we have done a beautiful job on that. What is needed to be done is that these programs must be allowed to function.

On the Blacks, a man has to travel about one mile before he can get a bucket of hot water in the morning. What are the suggestions to be? There is a number of suggestions, but the administration cannot bring themselves forward to sit down in front of the inmates face to face and iron out these problems realistically, and see what is and is not relevant, so then, no changes are going to come about. Maybe not now, but maybe two years from now, another violent act can happen.

What will happen again? Other meetings, meetings, meetings. And still the inmates are suffering, and still the inmates will be rebelling, rebelling against what? Nobody's really listening. It's plain this morning that you have a warning. You know what's going on. And, you know, I am coming to you wholeheartedly as an inmate. I refuse to accept any longer the harsh treatment that I may be receiving from not only the administration, but other people who may not have a basic knowledge of themselves. It is very necessary to change the deplorable conditions at Holmesburg Prison. The attitudes of the correctional officers have

changed considerably. Lately they are beginning to identify more with the inmates, and the inmates are beginning not only to see them in authoritative positions but we kind of like to look at the badge, to see a human being.

Now, the inmates can do this, we feel the officers can in turn look past the blue suits that we wear and see that we are human beings too, and deal with us like that. If this cannot happen, then, you know, we've got to take it to somebody, and somebody has to be in a position to really deal with these things. My suggestion is that more types of programs, more types of activities be placed at Holmesburg.

There are certain things in the prison that need to be remodeled. From my understanding, the dining room is one [illegible] want us to leave the dining room and eat in the old [illegible] old laundry is rat infested. I can understand too that [illegible] is not the prison administration's fault. If you eat in the gymn area, that means that you can tell the recreational facilities are getting cold; that means you cannot go outside and then you are really stuck. You have sometimes like 100 men on one block from nine to maybe seven o'clock at night. The TV is not on. A lot of guys are forced to play pinochle, cards and checkers all day. It becomes very repetitious an everyday thing. And everything is so tense,

that the least little fight or minor skirmish, everybody goes off. And this is the peak that Holmesburg is at now. Nobody is really saying anything because it's all underlying, it's all being brushed over. We are trying to do this; we are trying to do that. What are you doing for the inmates?

You're making all these decisions and really -- even if you could just get the opinions of the inmates, then we'd probably feel much better.

Thank you very much.

CHAIRMAN SCIRICA: Thank you.

Before we start with the questions, it might be helpful for us to get an idea as to how long he will be in Holmesburg.

You mentioned that at the beginning. How long have you been in Holmesburg?

MR. JENKINS: I've been in Holmesburg for one year.

CHAIRMAN SCIRICA: Have you been sentenced yet?

MR. JENKINS: Yes, I have.

BY CHAIRMAN SCIRICA:

Q You have?

A Yes.

CHAIRMAN SCIRICA: Mr. Monroe?

MR. MONROE: I've been in Holmesburg approximately seventeen months and a week.

BY CHAIRMAN SCIRICA:

Q Have you been to trial yet?

A Yes.

CHAIRMAN SCIRICA: Representative Lederer?

BY REPRESENTATIVE LEDERER:

Q Were you sentenced?

A Yes.

Q How long were you at Holmesburg prior to trial?

A I was waiting eight and a half months.

Q Would you care to tell us what you were charged with?

A My charge was attempted robbery.

Q Is this your first visit to Holmesburg?

A No, it is not.

Q How many times were you there before?

A About five or six times.

Q Well, then, you can talk from a lot of experience.

A Yes, I can.

Q Are things better today than when you first arrived.

A You're talking about the physical conditions?

Q Physical conditions.

A Yes, they are.

Q Would you say they are much better during the past year than they were in the past, the physical conditions?

A Yes, I would.

Q All right.

Let's go into the psychological conditions. Prior to the wardens being executed, would you say that the conditions were better than they were the first time you went there? That was a few years ago?

A '71. They were better then than they are now.

Q Then would you say that someone was trying to do something up to that point to improve conditions?

A Yes, I would.

MR. MONROE: Yes.

BY REPRESENTATIVE ADDISON:

Q Do you think that the present Superintendent is doing better than his predecessor, as you see it?

A Are you talking about Warden Burke?

Q Mr. Aytch.

A Well, I'd say that Mr. Aytch is trying, but there aren't enough guards to more or less maintain, say, a suitable condition at Holmesburg, you know. What Holmesburg really needs is funds for betterment.

Q. You raised a point; one, the administrative group testified yesterday that the prime requisite is to provide sufficient security, to give personal security to the inmates; is that a fact?

MR. MONROE: Well, I feel as though the average, from more or less, say from 24 to 30. Well, you have very little trouble from them. What it is is more or less like the younger generation being put with the older generation, and the way things are today, like the old generation cannot, you know, more or less, give the young generation insight on anything. So --

BY REPRESENTATIVE LEDERER:

Q What is the personal safety of a typical inmate, especially if he's not physically average, he's under average? You are aware of the District Attorney's report where he said that assaults on prisoners or inmates who cannot take care of their own physical safety, that gang raids on them were prevalent a few years ago. Have those conditions been removed or are they still prevalent?

A You have less of that today than you had, say, maybe five or six years ago, because everyone now has become aware of themselves where things are around, you know.

I'd like to answer the question concerning

Mr. Aytch. I can see Mr. Aytch tried to bring about a change. What may be a silent step in his direction is that he's making decisions for men geared towards reforming themselves and what affects them. Really, they're not having anything to say about it. He's kind of getting one side of the story, whereas if he could be considered for the administration as well as for the inmates, it might be a cooperation line drawn there.

Q There is a theory in penology that inmates should have a part in self-government; not executive authority, but have a part in negotiating the rules. Do you think that this would be an improvement, so that there would be less violence in the prison?

A Most definitely so. That is what I am speaking for.

MR. MARKLE: Yes, yes.

MR. JENKINS: If you take from -- I am also President of Gang League Society -- if you take from March of '73, when we first started -- now Holmesburg is presently -- a lot of young dudes which brother just spoke about, like there was a lot of violent activity happening in the prison, and we went to Warden Kern and laid the program out to him as to what we wanted to do, what was out intention. And we said, "Look now, security is the thing. All right, why not put

the responsibility in the inmates hands, and let us deal with it."

Now, this is the step that these two officials made, and where they put the responsibility in our hands, as the result all violence was curtailed. To refer back, they made the statement before this incident happened. Now, if you take May 31st to today, you'll see a number of things happened again, because the programs are not functioning the way that they were. They don't, you know, have that movement, and it's very necessary that they do.

REPRESENTATIVE LEDERER: Why don't you -- you're an erudite person and presented some provocative suggestions -- why don't you sit down and write out what you would do if you were a warden, and how you would run the institution, and send it to the Chairman? We'll give you his address, and then we can understand what you would do. A Senator Baker type of approach to things.

MR. MONROE: Yes.

REPRESENTATIVE LEDERER: All right?

MR. MONROE: I will do that.

CHAIRMAN SCIRICA: We have talked to a number of people at Holmesburg--we've been at Holmesburg--and we have asked them why the activities were suspended, and we were

told that because of the physical circumstances at Holmesburg, it was impossible to run a proper prison without adequate security, which meant that the C.Os. and administrators were in control of the situation, security not only for the C.Os., but security for the inmates as well. And that too much was happening with all the activities; there were meetings at night, there were too many meetings, and they couldn't possibly supervise all of these meetings, and had to cut back on some of them.

Would you be able to respond to that?

MR. MONROE: I speak from broad experience, because I've been in the penitentiary in the State of Pennsylvania as a juvenile, too. Like when a man has intentions in his heart that he is going to hurt somebody, there is nothing, [illegible] can do about it, if he is going to hurt that person, or if he is going to make some type of violent move.

Now, when these meetings were more or less supervised, they were supervised under the jurisdiction of those people who were involved in the program. We had like volunteers from the outside community come in. And as far as the programs, there wasn't that much happening around the programs. But there were a lot of things happening in the outside population,

there was still like a lot of inmates not really getting into positive activity. The school is fifteen years outdated. All the facilities are so outdated that, really, the inmates are not relating to these nor themselves nor in the activities.

So, now, what do you think about it? My case, do I get in trouble, do I beat up this inmate, who do I take my frustration out on? You more or less can't take it out on officers. The security is cool, but I think you have to draw a line with security, as far as the activities you are going to allow. I think what is being said is, "Preventive measures," which I would have to agree with.

CHAIRMAN SCIRICA: Representative Lederer?

BY REPRESENTATIVE LEDERER:

Q Do you attend any schools, Mr. Monroe?

A I attend school --

Q Any type of educational program?

A I attend the classes that we created ourselves; that is, sensitivity classes and dynamic expressions.

Q What is your level of education?

A My level of education is the fifth grade.

Q Did you ever take the GET test for your high school diploma?

A Yes, I did.

Q Well, are there opportunities for you to take vocational education programs today at Holmesburg?

A When I was at Western State Penitentiary, I got my high school diploma. Since I have been at Holmesburg, I've been offered to go to community college, and I had an opportunity to further my education, but I see my need is like trying to bring about a change inside the prison, because, you know, I could be walking in the prison and get hooked up by something that I don't know nothing about.

CHAIRMAN SCIRICA: How much more time do you have at Holmesburg?

MR. MONROE: Practically three and a half months.

CHAIRMAN SCIRICA: Do you go out on parole?

MR. MONROE: I'll be on probation.

BY REPRESENTATIVE LLOYD:

Q How old were you when you were sent to an institution?

A The first one? Eight and a half.

Q Where would you start if you were a legislator? Where would you put the money; in a juvenile program? We don't have enough money, allegedly, to go around. Would you put it in a juvenile program, or at the end of the line where you are, Mr. Monroe?

A. Well, I think that you have to kind of start with the juveniles. But if we start with the juveniles, you are sidetracking the problems at Holmesburg.

Q Yes.

A So, now you have an immediate need here, because there are too many things happening, and you must deal with it.

Q Do I understand from what you said that if the existing conditions continue there will be future riots there; that this is a matter where night comes after the day?

A I will state it again: Through the repressing times, things overlap. They always talk first about, "Well, we've got to do something; we've got to do something."

Q You mean, repressing times since the murders of the wardens, the deputy warden?

A Yes, I do. And there is always talk, and pretty soon, you know, you just get inmates throughout the prison--sometimes they meet up, and sometimes incidents happen. Now, the way, you know, tense as it can be, it can spark a number of things, desperate things.

Q You mean by repressive, that the guards use physical force on the inmates unfairly today?

A No, I don't mean that.

A No, we're not stating that. We're trying more or less to state that there not be any kind of betterment; just talk, talk, talk all the time. People get tired of talking all the time. Everybody gets tired trying to express himself and to know his individual --

Q Do you mean, in your talk, discussing it, you do not have adequate representation on a decision-making thing?

A No.

MR. MONROE: No.

BY REPRESENTATIVE LEDERER:

Q Do you think that would be a great improvement, if you did?

MR. MONROE: It would be a step.

MR. JENKINS It would be a step, an advancing step.

MR. MONROE: Every time we ask to meet with the prison administration, like a lot of times they'll say, "We can't make it this date, we got to do this, we got to do that." And we try to plan things, like a month ahead of time, you know, for a specific date. We ask, "What time can be available for you?" Still nothing is given. Like right now, our programs are kind of going down again, because they are not functioning right, and the administration is responsible for this. I

think that the most violent acts that they had at Holmesburg lately besides the killings was a few fights, as we talked to all of the inmates, right? We asked them to try to be cool until we can get to the administration to explain these problems to them. And nothing is happening.

MR. JENKINS: The administration doesn't want to--

REPRESENTATIVE LEDERER: You feel there should be written rules on your rights, and that due process should be understood, promulgated and followed,do you?

MR. MONROE: Yeah, I would agree to that.

CHAIRMAN SCIRICA: You mentioned the attitudes of the guards were changing. Now, are you talking about last month, or the last six months?

MR. MONROE: I would say that, maybe, the last month, really.

MR. JENKINS: The last two months.

CHAIRMAN SCIRICA: Fine. We have had people testify before us who have indicated that withoutthe support and help of the guards, the administration can't put through anything. Also, without some working relationship between the guards and residents, we are going to have a very tense and impossible institution.

Now, why has the attitude of the guards changed

in the last month?

MR. MONROE: Well, for one thing --

CHAIRMAN SCIRICA: Is this something that you have done, or something the guards have done?

MR. MONROE: For one reason, the guards now are taking a further outlook on averaging the individual inmate, at Holmesburg, I'd say. They try to deal more or less with the inmate instead of rebelling against him, you know. They try to do their part as a whole. They can only do, you know, so much. But, like I said, it's the administration.

MR. JENKINS: I see the change come about, because, beside our program, we have a number of correctional officers that are really getting involved.

[illegible] Correct

[illegible] here this morning, Mr. Lewis Bell --

REPRESENTATIVE LEDERER: I want to get this straight. Did the prisoners select you as their spokesman, or were you selected some other way?

MR. MONROE: Well, we normally, like --

REPRESENTATIVE LEDERER: Did you inform the administration that you are the guy here today; were you --

MR. MONROE: Yes, we are more or less talking for

the inmates.

REPRESENTATIVE LEDERER: And you don't have any fears about what you say or anything?

MR. JENKINS: No.

MR. MONROE: No, I don't. I speak the truth, and I'm not impartial to the administration nor for the inmates, and I'm almost sure that when they picked me to come here they knew that.

REPRESENTATIVE LEDERER: Thank you.

CHAIRMAN SCIRICA: I'm sorry, you started to say something about the attitude of the guards, how that changed?

MR. MONROE: Oh, yes. I was saying that this, basically, because of the inmates, and because we saw the necessary approach to make to the offices, as we were still being victimized for acts we didn't even commit, even though it was other inmates, it still was not inmates in the prison of the 1,200. We involved these officers in our program, kind of like explaining it to them, you know, and trying to get them off that emotional cloud they were on, and trying to really get them to place their suffering of position, to see the effects that we are going through, just because of their attitude, which was emotional.

CHAIRMAN SCIRICA: Did each of you come to these

decisions by youselves, or did you have meetings with other inmates, and say, "This is what we are going to do, and we're going to try to change the relationship with the guards?"

MR. JENKINS: Like we said before, we speak for ourselves and the inmates there, and different groups, like I'm State Director of the Methodical J.C.s'organization there. And, in this group, we have, you know, a lot of brothers there, that we try to hear what they say, get their demands, and take them to the administration. They use us more or less as spokesmen for them, and say we can understand them, as we live with them, are a part of them.

MR. MONROE: I speak more or less for the young dudes of the institution, because that's what I am involved with, and at present, we have about 60 members in the organization, all [illegible] about 17 [illegible] 22. And I got their opinion first, just what they wanted me to run, because like I made my commitment, that I wanted to see a change. And so everything that they say, I put on paper, and we hook it up, and they approve it, and I read it to you. And that's the truth.

CHAIRMAN SCIRICA: Let me ask you a question about whenever anybody breaks an administrative rule in the institution; what happens then?

MR. MONROE: Well, just lately the rules kind of changed. They change so rapidly you don't know what's happening. You get taken to "C" Block, where that means you are not guilty or you're not --

MR. JENKINS: You're awaiting a hearing.

MR. MONROE: Maybe the next day, if the deputy is there, or the warden is there, you get a hearing, and you have a right to call witnesses in your behalf, and they bring out the incident. Most of the time your social worker is there, supposedly to represent you.

MR. JENKINS: Represent you.

CHAIRMAN SCIRICA: Does that happen?

MR. MONROE: From what I hear, and I don't know, because I've never been to a hearing over there, but from what I hear, I can't speak on that, but from what I hear, it doesn't happen.

CHAIRMAN SCIRICA: Representative Vipond?

REPRESENTATIVE VIPOND: Just going back a little, you were talking about programs that you have had in the past. You seemed to indicate that the self programs which came out of the inmates, are better programs; the inmates have been more satisfied. Have those programs been substantially reduced in the past month, and do you think that is the kind

of thing that breeds a better atmosphere?

MR. MONROE: The programs have been reduced, and if they were given the proper functions again, it would reduce a lot of hostility and a lot of violent acts in the prison.

REPRESENTATIVE VIPOND: You spoke about the educational program that you are involved in; that is a prisoner operated program?

MR. MONROE: Yes, it is.

REPRESENTATIVE VIPOND: Do you feel that that's the kind of thing that creates this better atmosphere?

MR. MONROE: Yes, it is.

MR. JENKINS: Yes.

REPRESENTATIVE VIPOND: How do the correctional officers sit through these programs, or are they part of it at all?

MR. MONROE: Like I said, we have eight or nine correctional officers involved in our program. And if he comes to the program, he's got to be thrown out, because we are going to strip him of all that wrongness he has, you know, and he's got to be a human being for that one minute, regardless of how you feel. And he's going to tell the truth.

REPRESENTATIVE VIPOND: Is that a rather recent occurrence, getting the correctional officers involved in

these programs?

MR. MONROE: Yes, it is.

MR. JENKINS: Yes.

REPRESENTATIVE VIPOND: And you say this is one of the reasons the relationship as a whole has gotten better, between the inmates and the guards?

MR, MONROE: Yes, it was.

MR. JENKINS: Yes.

REPRESENTATIVE VIPOND: Thank you.

CHAIRMAN SCIRICA: Representative David Richardson?

REPRESENTATIVE RICHARDSON: Sorry that I am late.

MR. MONROE: Thanks a lot.

REPRESENTATIVE RICHARDSON: I want to check two things. I want to talk about something for the record. When we visited the prison we saw some very dehumanizing conditions there. I thought we could speak on that.

MR. MONROE: I know for a fact that, like a lot of inmates sent to "F" Block by court orders; I think they see a psychiatrist, and he subscribes everything they need, medicine or not. I don't agree; I am not a psychiatrist myself, but some of the medicines that those inmates are getting, like they'd be walking around in a daze; they don't know what is normal, you know.

MR. JENKINS: Don't know what's going on.

MR. MONROE: And sometimes the inmates--you know, a visitor or someone might be coming through, and he might say something to him, and they might send him to "F" Block, and as a result he might come in for this type of sedation medicine, which to us, ain't really cruel, because I've seen a lot of my hippy brothers go over there, and when they come out they don't really know what's going on.

REPRESENTATIVE RICHARDSON: We were out there at the prison, and this was out over there, and no one could give us any explanation. We are trying to get an investigation of the whole block as it appeared in the institution, but it seems as though--that's why I wanted you to expound on it--it seems that the medicine and treatment they were getting over there, even the director can't give us any answers as to why they are being given these drugs, or the purpose of why they must have these drugs. And I would hope the Committee would certainly get into that area, Mr. Chairman, to begin to look at it.

Another thing was the overall condition at Holmesburg, the social programs that were there in the institution prior to the warden and deputy warden being killed; did you happen to know Mrs. Fayne and Mr. Goldsboro?

MR. MONROE: Yes, I did.

MR. JENKINS: Yes.

REPRESENTATIVE RICHARDSON: Could you, maybe, expound on their relationship? Yesterday we were told that they weren't functioning properly. We weren't told why they were dismissed. Maybe you could expound on it, and also on their bahavior and activities under the programs there under social service.

MR. MONROE: Well, at the prison they have what they call, "Do-gooders," you know, and Mrs. Fayne and Mr. Goldsboro, like, they was cool. If you went to her and you had a problem, right; or, if your program wasn't functioning because of some fair reason, they would get the job done. You know, we invited both of them to our meetings on numerous occasions, and as a result of that we had gotten a lot of things done that we ordinarily wouldn't get done.

MR. JENKINS: Never.

MR. MONROE: I think under Mr. Goldsboro we improved our program.

REPRESENTATIVE RICHARDSON: Why do you feel they were dismissed as to the incidents that occurred to the warden and deputy warden? Do you feel that had a direct relationship to this?

MR. MONROE: I feel they had nothing to do with it.

I think that the administration used them as scapegoats.

REPRESNETATIVE RICHARDSON: At this present time--I came late, so you might be repeating yourselves--at the present time, are the Gang Relate Societies operating functionally at the prison?

MR. MONROE: We kind of like--you know, it's just there. We have one meeting a week, and we had five before. A lot of community activities have been cut. Really, we ain't taking care of business the way we are supposed to be doing, like, we got a lot of guys on the program that's going back into the streets, and they haven't really the full significance of the program. As a result they are still getting involved back in gang warfare.

Now, there was a time when we could definitely say that all our members were motivated through their experience to deal with the gang problem. Now, there's a difference, because we can't really meet their basic needs. So, since then, what I have done, I have taken moves to set up group therapy classes on every block in the prison. And, you know, we have faced reality, and even if the administration themselves won't kind of give us our functions back, we've got to do it ourselves, because we're kind of tired of going to Holmesburg and other jails because that ain't where it's at.

MR. JENKINS: We're kind of tired of seeing our young brothers coming, you know, when the leave Holmesburg, coming into the same negative that they came in there with, you know. We try to more or less better them, try to show them what is wrong. And right now the system there--like Mr. Kern and -- I mean, Mr. Burke; excuse me -- Mr. Burke and Mr. Wilson, they are not taking any initiative steps, you understand, to more or less grant us the right to try to help the younger ones to go back out into society with a program, a good program. That they are doing, we keep submitting quotas to them, and they pass the buck. They say, "We'll talk about it at a later date." That's to no avail.

Like an incident we had--we had a J.C. meeting. We had to more or less limit our members to 25. Now the J.C., I would like to see everybody who is in the correctional system at J.C.,because all we preach there is good. We help individuals to more or less help themselves, and we are not functioning 25 per cent. Before the incident took place, we were functioning 80 or 90 per cent.

REPRESENTATIVE RICHARDSON: Will you tell us who Mr. Wilson and Mr. Burke are?

MR. JENKINS: Mr. Burke is Warden and Mr. Wilson is Deputy Warden.

REPRESENTATIVE RICHARDSON: Would you recite for us step by step the procedure with respect to what are your basic needs at the present time, the terms of your program in trying to relate to the inmates; also, the basis needs that the brothers here need?

MR. MONROE: My first basic need as far as the members, the inmates are concerned, is that we need at least four meetings a week; second, we need community involvement where we had it before, because we really was getting the message across. Without community involvement, our program ain't really nothing.

CHAIRMAN SCIRICA: You mean, volunteers?

MR. MONROE: Volunteers. We had gang members come up to the prison and state that the only place they would meet was in the prison, because they were afraid of getting ambushed. And we just wrote a proclamation to all gangs, right, and got them all to sign it, in Philadelphia, saying that they wouldn't gang war if somebody could come up with a program, right. Nobody could come up with a program to deal with the gang situation, because they were approaching it from another direction. That's really perpetuating gang warfare. We need the cooperation of the administration. They have open hearings here in Germantown. Where we really need open hearings is at

Holmesburg Prison.

REPRESENTATIVE LEDERER: This hearing should have been in Holmesburg.

MR. MONROE: Yes.

MR. JENKINS: I've seen that since the group has gotten together at Holmesburg and related, I'm saying that when they were able to function, well, like if you were an inmate there you could see that the young generation is trying, the ones that are in Holmesburg, are trying to put a step forward to get away from this gang activity as a whole, you know. And with no help, they go back into the same rut they're trying to get away from. But I can see a group has participated at Holmesburg, and the younger population there are more or less confined there, and, you know, I'm trying to get a good attitude, good approach towards everything. I think it's good. Every day you pick up the paper and you see this here. The guys who are in Holmesburg, the young guys, you know, can get together and talk--a lot of stuff that is happening outside wouldn't even take place if this happened. But the way things are now, they're all on a level in decline. And, you know, this is where the trouble--

REPRESENTATIVE LEDERER: Are all the people charged with murder and awaiting trial kept in the same cell block?

MR. MONROE: No.

MR. JENKINS: No.

REPRESENTATIVE LEDERER: They are separated?

MR. MONROE: Are you talking about death row? I don't think so.

MR. JENKINS: No, they're separated.

REPRESENTATIVE LEDERER: All right.

Now, while awaiting trial, do they have a right to participate fully in all of the educational and vocational programs?

MR. JENKINS: Yes.

MR. MONROE: Yes, they do.

REPRESENTATIVE LEDERER: That's an improvement?

MR. JENKINS: Yes, it is.

MR. MONROE: It's an improvement to a certain extent, if it meets the basic needs of the inmates. Like I said, the programs as far as educational program facilities that they have are outdated. So you have only a small percentage of the inmates who are involved. Mostly there are guys involved in educational programs that have some heavy drama; what I mean by "heavy drama" is they have a lot of charges and they are going to be there for a while. But anybody else, they just plain pass them.

REPRESENTATIVE RICHARDSON: Do you know, out of the 1,200 inmates there at Holmesburg how many people are involved in educational programs?

MR. MONROE: Yes, I do, because we did a survey on it. It's about, maybe, 150.

REPRESENTATIVE RICHARDSON: That's 150 out of 1,200?

MR. MONROE: Right.

REPRESENTATIVE RICHARDSON: Those who go to a community college, that's a special program, a diploma?

MR. MONROE: Well, you have to have a high school diploma first to go there.

REPRESENTATIVE RICHARDSON: In order to go there, to the college?

MR. JENKINS: Right

REPRESENTATIVE RICHARDSON: You have to have your high school diploma first to go there?

MR. MONROE: Right.

REPRESENTATIVE RICHARDSON: Now, with the basic fundamentals, reading, writing and arithmetic, are these taught in the prison?

MR. MONROE: Yes, they are.

MR. JENKINS: Yes.

REPRESENTATIVE RICHARDSON: And how can one inmate get involved in picking up these skills?

MR. MONROE: First he has to submit a request to the Educational Department, which is headed by Mrs. Sapriell, (?) and then he takes a pass and types it up and takes it to the captain, and he has the authority to sign it, and he is called by the school and he takes a basic, standard education test, to find out what he really knows. Then they hook him up in some type of class.

REPRESENTATIVE RICHARDSON: I am trying to follow. When we visited Holmesburg as a Black caucus, there were some questions that some of them asked us about tension. Do you feel that tension is there at Holmesburg?

MR. MONROE. Sure, there's tension.

REPRESENTATIVE RICHARDSON: In that tension, would you say that's a direct cause of anything; where do you feel the tension is coming from; why is it there? We were trying to get into it yesterday with part of the city administration, and they didn't feel there was tension there. I am trying to point out, since you are there and since you're well aware of the situation, you can point to what brings the tension inside the prison.

MR. MONROE: The first thing is there's a lack of

communication between the inmates and the administration.

REPRESENTATIVE RICHARDSON: All right.

MR. MONROE: Second, there's not that much activity where a guy could relieve that excess energy that he has in him. Like, there is only a small percentage of the 1,200 who are being exercised every day, you know. And as a result of this, the first time something happens to him as far as the motivation of his personality, he may take his frustrations out, generally, on another inmate.

REPRESENTATIVE RICHARDSON: So, you're saying that there is nothing to do?

MR. JENKINS: Right. There's not enough recreational places or facilities.

REPRESENTATIVE RICHARDSON: You are talking in terms of outlet, in terms of being able to exercise one's body, and to be able to have some function inside the prison, so that he doesn't always stay in the cell all day?

MR. JENKINS: Right.

REPRESENTATIVE RICHARDSON: What about maximum security, how does the prison relate in exercising their--

MR. MONROE: They have their yard.

MR. JENKINS: They have their own yard.

MR. MONROE: It's kind of isolated from the

population yards. We don't get to see them.

REPRESENTATIVE RICHARDSON: What happens if it rains?

MR. MONROE: They probably take exercise in the blocks; TV, cards and checkers.

REPRESENTATIVE RICHARDSON: But no physical?

MR. JENKINS: But no physical.

MR. MONROE: No.

CHAIRMAN SCIRICA: Are they allowed to participate in programs?

MR. MONROE: Recently, it was stated -- I happen to know about a few cases -- it was stated that if a man is in D Block, they are there for security reasons, and if he comes out of that block he should have an officer with him. Therefore, they have been kind of excluded from the programs until they get off that block.

REPRESENTATIVE RICHARDSON: Could you relate one more thing to me? To your knowledge, about what you have heard, seen or something, have there been any meetings at Holmesburg Prison, since the incident of the two wardens being killed?

MR. MONROE: Are you talking about right after the time, or about now?

MR. JENKINS: Or now?

REPRESENTATIVE RICHARDSON: Right after the incident?

MR. MONROE: Well, right after the incident, when the situation was very tense, I've seen personally a few inmates hit and pushed around, but not very seriously. I haven't seen this. As far as just outright beating somebody, that's not happening. If it was, I would know about it, and I think my organization and this brother's organization here would take a stand. We kind of vanguard against that.

CHAIRMAN SCIRICA: Mr. Jenkins, I gather from what you are telling us, is that after the killings of the warden and the deputy warden, the programs stopped. Now they have been put back, but they're not back in the same way as they were before that time? You were meeting five days before, now you are meeting one day a week?

MR. JENKINS: Right.

CHAIRMAN SCIRICA: Is that generally true for all the other programs?

MR. JENKINS: Well, there's only three programs that's allowed to function within Holmesburg; that's J.C., Gang League, and Young Fellow (phonetic)

MR.MONROE: Young Fellow is like a religious program.

MR. JENKINS: A religious program.

MR. MONROE: Our religious program functions like St.Dismos, (Phonetically spelled), Young Fellow (Phonetically spelled).

REPRESENTATIVE RICHARDSON: What about the drug program? They say it's the best drug program in the community.

MR. JENKINS: That's on H Block.

MR. MONROE: We have no part in that. You know, we're not allowed in H Block, onto this building.

Now, I was --

MR. JENKINS: We were committed there.

MR. MONROE: I was on H Block in the program. When it happened, someone put my name on the application and sent it in, and I was in the program for about six or seven days and my needs and the program needs did not correspond. So, I couldn't relate to this And I asked the man who was in charge of the program that I be moved back to population because I didn't have a drug problem. My thing is about gangs.

So, I can see, you know, that some of the inmates change over to the program, but it's a therapeutic community. Really, what they put in the program is what they are going to get out of it.

REPRESENTATIVE RICHARDSON: Might you be a little more specific for the record; what does the drug program at

Holmesburg Prison do?

MR. MONROE: What I've seen it do, or what does it do?

REPRESENTATIVE RICHARDSON: Well, what does it do; what have you seen it do?

MR. MONROE: I haven't seen it do nothing.

REPRESENTATIVE VIPOND: How does it work? Can you describe generally what the program is?

MR. MONROE: Well, it's the second step after detoxification.

REPRESENTATIVE VIPOND: Okay. The detoxification occurs first?

MR. JENKINS: Right.

MR. MONROE: At the Detention Center. The second step is at Holmesburg; the third--they have a thing now where guys like kept for two weeks on the block, you know, kind of flush him out, get himself together. Then he's hooked up, and he goes to therapy about twice a day, something of this nature.

MR. JENKINS: Yes.

MR. MONROE: He still has his working privileges; he can still participate in recreation, and just deal with his drug problem through therapy sessions.

REPRESENTATIVE RICHARDSON: There have been rumors that, you know, drugs were being brought into the prison. Do you know anything about that?

MR. MONROE: From what I saw, or from what I heard?

REPRESENTATIVE RICHARDSON: Both.

MR. MONROE: I'll put it this way--

REPRESENTATIVE RICHARDSON: You don't have to answer if you don't want to, brother.

MR. MONROE: Right. Like, as far as drugs coming into any penal institution goes, I doubt very seriously if they could really stop the network, because there's no telling who is involved.

REPRESENTATIVE RICHARDSON: That's so.

MR. MONROE: I can't point my finger specifically at any individual, but, like, this is going to happen. Now, an institution--they are trying to take preventative measures. Whether he's working or not, I don't think he's any better than I'd be.

MR. JENKINS: Right.

REPRESENTATIVE RICHARDSON: But you're saying that drugs are getting inside the penal institution.

MR. MONROE: I say that it exists in all penal institutions.

REPRESENTATIVE RICHARDSON: They exist in all penal institutions.

MR. JENKINS: Right.

CHAIRMAN SCIRICA: I've got a question:

How does somebody get sent to F Block? Is that done by -- does a guard do that? Does he do it by himself, or is that the administration --

MR. MONROE: One guy in my program was sent to F Block. He was on D Block, and like you have rain and he had nothing to do, he couldn't come out for exercise, and he took his sheet and hung it up on the light pipe in the cell, and tied his pillow to it and made a punching bag out of it. An officer came past and saw him standing on the bed and thought he was trying to hang himself. As a result, he was taken to F Block and strapped down to see a psychiatrist or someone, and then he was released.

Usually an officer cannot send a man to F Block unless something violent happens, like for security reasons. Most of the time it's generally through a court order.

REPRESENTATIVE RICHARDSON: There are three sections to F Block. There is the front part, the little part away in the back --

MR. JENKINS: Right.

MR. MONROE: Yes.

REPRESENTATIVE RICHARDSON: Away in the back is supposed to be for those are most out of it, you know, who require wide supervision. And then there are those who can't come out of the cell; that's the front part. Then, there is the front part --

MR. JENKINS: The offices and stuff.

REPRESENTATIVE RICHARDSON: -- the offices and stuff?

MR. JENKINS: Yes.

REPRESENTATIVE RICHARDSON: To your knowledge at this point it's mostly court orders that are sent there?

MR. JENKINS: Yes.

MR. MONROE: Right.

REPRESENTATIVE RICHARDSON: What kind of doctors and psychiatrists run the thing, that's the question?

MR. MONROE: The only one I know -- I don't know too many psychiatrists over there, you know. The only one I know is Dr. Shilscott (Phonetically spelled), who is sponsoring our program, next to Mr. Whitey.

REPRESENTATIVE RICHARDSON: How do you get transferred out of there?

MR. MONROE: I think you have to see the doctor

again. And if he thinks you're ready, you go to the expiration of the court commitment. Sometimes you are sent in for 90 days' observation, you know. Then when the 90 days are up, usually you get back into population. Sometimes when a guy comes off that 90 days, he's not ready for the population, and he might come into the population, and, usually, he might do something to another inmate. He might get beat up, or something like that. They would then probably send him back. But sometimes a guy might blow his stack.

REPRESENTATIVE RICHARDSON: In a recent report which was submitted to this Committee, it stated that in 1972, they said there was sexual abuse at Holmesburg Prison. Knowing that exists in penal institutions all over, maybe you could elaborate on the security measures a little, on how to correct the sexual abuses. I mean, you might have some inmates who are more feminine than the others, and they are put in the same block. Maybe you can tell how they cure some of those problems.

MR. MONROE: Right now I don't think that the administration can do too much about it. What happens now is like the programs deal with it more or less, my program -- A lot of brothers come into the institution and they are young, and we hook them right in the program, you know, to kind of

keep the physical assaults off. And, you know, we have unity. If somebody tries to assault them, you know, we're going to defend them. And it's still happening, right? If a dude places himself in that position, you know, that happens because maybe he wants it; I don't know.

MR. JENKINS: Correct.

MR. MONROE: But generally it doesn't happen any more because the awareness is too great, and most brothers will stick together about that.

REPRESENTATIVE RICHARDSON: What proportion--what really is happening I wanted to hear from those aware and inside who see it.

Is there anything else you can think if that would be important for the record for this Committee to know; these other things in mind, certainly this is the time to say it. We can get down to brass tacks. Do you think we should come to Holmesburg Prison for a future Committee meeting?

MR. MONROE: I'll tell you my feelings. I feel that this Committee, if they really want action, they should come to Holmesburg Prison. My suggestion is that this Committee should, Representative Richardson, yes.

REPRESENTATIVE RICHARDSON: Yes.

MR. MONROE: Be the liaison between the inmates

and the administration, and let the hearings be publicly run; in other words, I'm saying that like sending the administration down in front of the inmates -- the inmates in front of the administration -- and this Committee be on the side to really hear and see what is going on. And I can assure you that the inmates will reveal to you that they are for a constructive change; they are not about to threaten the security, as they want to better their lives in that prison, because we are there 24 hours a day, and we have come to our own recognition, to assert our own responsibilities. And it's about time they start doing this, talking about this security, because what's going to happen is going to happen.

CHAIRMAN SCIRICA: Mr. Purnell?

MR. PURNELL: One last question; which I believe is the last one--

Mr. Chairman, I would like to point out for the record that Mr. Charles Cobb had been requested to be here, and we were told by the administration that he would be here, but he is not, and we are delighted to have Mr. Jenkins and Mr. Monroe here. Their testimony has been very helpful. I would like to point out that they had been selected by the administration to come here this morning, and I think we should know that, and I think they are involved in very good programs,

but perhaps in the future the Committee will be able to hear from some people who either are not involved in programs, like Mr. Cobb, who has recently brought a suit against the prison. However, that can be taken care of at a later date. But I do think it should be pointed out that the two gentlemen here this morning have come at the request of the Superintendent.

CHAIRMAN SCIRICA: Do you gentlemen want to make any comments?

MR. MONROE: Most definitely.

MR. JENKINS: Yes. I'd like to say, men, like, there is no way, man, as far as being hand-picked as to speak for the administration. We're doing this definitely --

MR. MONROE: None whatsoever, none whatsoever.

If you reveal, you see that I'm not, you know, speaking for the administration, but I'm telling the truth about the whole situation. Now, you know, if you was to ask a lot of inmates who they want to represent them, I'm almost sure that my name would come up, because I'm very well liked,a recognized inmate, to find the truth, and you've got it right here. All you've got to do is act on it.

MR. JENKINS: I'll tell you what, better than that yet; you come yourself, and ask the inmates who they like to have talk.

MR. PURNELL: Mr. Monroe, I have been over there, and, admittedly, I think one of the problems of this Committee is faced with is that when we were there last summer, right after the killings, we found conditions there to be pretty intolerable, and we were getting that kind of feedback from the prisoners there. And I think you will agree with that.

MR. MONROE: Yes, we do.

MR. PURNELL: I pointed this out, and we heard from the administration that things had improved since that time. This is true?

MR. MONROE: Very little.

MR. PURNELL: But would like you to know that the courts have found the situation at Holmesburg--this is a decision of a panel of three judges--that the conditions there constitute cruel and unusual punishment. Do you agree with that?

MR. MONROE: Yes, I do.

MR. JENKINS: Yes, I know.

REPRESENTATIVE LEDERER: Is it better than the other places you have been in?

MR. MONROE: It's about the worst I have been in.

REPRESENTATIVE LEDERER: Where have you been? Please tell us for the record.

MR. MONROE: Penitentiaries?

REPRESENTATIVE LEDERER: Yes.

MR. MONROE: I've been to Graterford, I've been to Dallas, Rockview, Huntingdon, and I have been to Western State Penitentiary. I've been to Twenty-First and Fairmount.

REPRESENTATIVE LEDERER: Did you make any federal prisons?

MR. MONROE: Not yet.

REPRESENTATIVE LEDERER: They have better conditions in case you want to know.

MR. MONROE: I don't think I'll go down there.

CHAIRMAN SCIRICA: I've been to all of those. I think Holmesburg is the worst.

Gentlemen, thank you very much

MR. JENKINS: Thank you for listening to us.

MR. MONROE: Thank you.

(Witnesses excused.)

4-1

CHAIRMAN SCIRICA: The next witness will be Mrs. Phyllis Taylor.

We are ready to proceed right now.

I would like to note the presence of Representative Harry Checchio, of Philadelphia, and also Representative Richardson.

MRS. PHYLLIS TAYLOR, called as a witness, testified as follows:

CHAIRMAN SCIRICA: Mrs. Taylor, would you identify yourself?

MRS. TAYLOR: My name is Phyllis Taylor, and I'm a nurse and have been involved in observing and participating with some of the medical conditions at Holmesburg.

CHAIRMAN SCIRICA: Do you have a statement you would like to present to us?

MRS. TAYLOR: I don't have a formal statement but I'd like to make some remarks.

My evaluation of medical conditions at Holmesburg is that they're abysmal, and I'd like to cover the points that illustrate that.

One is the physical layout, medically, affords no privacy whatsoever. There is no examining area that's really

4-2

adequate for doing any kind of thorough examination of any inmate. There is no adequate place for waiting, which means there is no way of separating those inmates who are very sick from those inmates who are not very sick. There is no way to provide even a place to sit. I have seen inmates come in and double up and just crouch on the floor. They have to because there is absolutely no place for them to wait.

There is also no place to isolate, and this is particularly important if you are dealing with an infectious disease. The equipment I found there is extremely poor, and what equipment they have often, I found the staff doesn't know how to operate it.

For example, I was looking for an oxygen tank. I found two new oxygen tanks but they had been put in incorrectly because the staff did not know how to deal with that, and therefore they were rendered useless. And if, in fact, they had had an emergency where somebody required oxygen -- you are dealing with a matter of four minutes, literally, before there is irreparable brain damage, and that person would have had it. It took us about ten to fifteen minutes to take apart the oxygen equipment to find wrong in inserting it.

So their equipment is inadequate and I don't

4-3

think they know how to use it very well. The physical exams I found to be extremely cursory. I'd say they take an average of, maybe, two to three minutes, which is totally inadequate for anything, really, to be found out, particularly, because many of the inmates who come in have multiple medical problems. They just haven't been able to take advantage of medical facilities on the street. Therefore, they come in and many of them have a lot of things wrong. Physicals are extremely, extremely poor.

When I first went up there in '71, I asked to look at a chart at random. I took a chart out and found that the man in question was getting tremendously high doses of medication for high blood pressure, and yet there was no indication on the chart that the man's blood pressure had ever, ever been taken.

Sick call is also abysmal. Many a hundred men a day put in for a sick call. Again, the time spent on sick call is two or three minutes. Some people put in many times -- I remember speaking to one man who requested sick call six times, and this was the first time he had gotten it.

Another man who came to sick call was very hostile because he had been asking for sick call for eight months, had the same complaint of a sore back, was given the same

medication, and came back again to say the medication never worked. When I examined him, along with a neurologist, we found that the man had almost total loss of feeling on one side. We applied just manual traction to see if that would relieve it, thinking that it was a disc, and in fact it did relieve some of the pain. So we ordered that he be sent to PGH, expecting that he'd be put in traction. When I came back the next week, I found out that he had been in PGH and returned to population,with nothing done for him, that same day.

So sick call is an extremely horrendous situation.

Medical experimentation, as a whole, is another area that I think deserves a tremendous lot of looking at in terms of the emotional and physical things that are done to the men. And since the medical unit is located physically in Holmesburg, I mention it now

The hospital ward is, again, very inadequate. I remember one patient I was in there visiting, and I saw one man in a bed. I thought at first he was crying and I am very sensitive about the fact that I am the only woman,often,around to the fact that men had no privacy in this society right now. Men's tears are not acceptable. And I realized, after about a minute, that the man was having a massive seizure.

I tried to protect him while he finished his

4-5

seizure, sent the nurse inmate, who didn't know what was going on, to get the nurse who was a staffer. I was a volunteer at this time. She came in with the medication that the man should have received an hour and a half earlier, because he was a known epileptic.

When she told the man to sit up to take this medication, he couldn't. After a seizure, you are very uncoordinated and very drowsy and disoriented. And she said, "sit up," and mumbled something. She said, "sit up, or I'll send you to D Block, at which time I helped the man to sit up, and he got the medication he should have had an hour and a half earlier.

The man in the next bed, to this particular guy who had epilepsy, was a paraplegic and his bed had no trapeze; it had no facilities that he could move himself around in bed, and as a result, he gets bedsores. I might mention that this guy with the epilepsy was a known epileptic. He was in a bed fixed in a high position so the distance from the bed to the floor was pretty great.

There was not a tongue blade in the whole hospital ward. Acceptable procedure is that you have an epileptic or anybody with a disorder, you tape a tongue blade to the bed to protect the tongue when he goes into a seizure. None of that

4-6

was around. There were no side rails on the bed, and when a person is in seizure, the movements are violent so that he could have easily fallen off the bed. The distance to the floor could have done irreparable damage to his tongue and whatever else.

Psychiatrically, the whole psychiatric unit, I remember one man I talked to who came into sick call and I was again doing volunteer work at this time. He said he heard voices. And I asked him what his voices said, and his voices told him that he should kill, kill, kill. That's the way he put it. I asked him if the voices told him whom he should kill, and he said, "yes, they had told him he should kill two of the men,"- one a guard, I believe, in the prison.

I went into the doctor and told him all this, and the doctor said, "Well, he says this all the time. We'll send him back to general population." So the man was sent back to general population.

I have seen men, when I was helping at sick call, come to sick call with specific things that needed, oh, clinic visits. For example, clinics at PGH. There was one man who had a tremendous hearing loss. He had had a lot of surgery and, therefore, couldn't hear -- could barely hear me when I yelled. And yet his chance of going to PGH hearing clinic

4-7

were pretty much nil because of the tremendous waiting time. My expectation was that this man would be sent back to general population. Somebody might say something to him, either a guard or an inmate, legitimately and medically could not hear the person and tensions are going to rise -- that man is going to be in trouble.

There was also a man that came that same week who, really, had a tremendously vision problem, needed glasses. Again, the way it was set up then, this man had to have twenty dollars in his account in order to get down to the eye clinic to get glasses. This man had twenty-one dollars so his name was put on the list. Who knows if he ever got there?

The nutritional problems that I observed, again, were tremendous. Many of the men came with problems of constipation, a lot of gastro-intestinal problems, which they attributed to boredom, tension and poor food that wasn't appetizingly fixed.

The nurse inmates with whom I worked, I think were well-meaning men, by and large, but who had no training whatsoever. And I never saw any attempt on the part of the nursing staff to relate at all creatively to the nurse inmates. And yet, my observation was that the nurse inmates were the ones who did all the treatments, pretty much all the treatments.

I remember one man whom I worked with, came in that morning, and he was ripping open the blisters of second degree burns on a man's foot, which was exactly the opposite of what a person should do. I asked him, "What are you doing?" and he said, "Why, the man said he had heard that the poisons inside the blisters were poisons and therefore I have to get rid of them." What he did was open a tremendous area that's now right for infection. This, I think, can happen any time because they have no training and because the nursing staff that I observed didn't attempt to give any training to the nurse inmates.

Underlying all this is the whole attitudinal thing which, I think, is tremendous. This constant yelling, absolute constant yelling, at the inmates by both the doctors and the nurses. I saw virtually no respect given at all to the inmates when they came in for medical reasons. And I remember talking to one guard, and I think the guards are caught up, you know, in this whole mess also - one guard who was talking to one of the inmates while he was waiting in line for sick call, while he was talking the nurse poured medication that had been ordered for the inmate into the inmate's hand. It was liquid, so it just ran down his arm. And the inmate turned to the nurse and said, "Why did you do that?" And the

4-9

nurse said, "You weren't paying any attention. You're here not to talk but to be in sick call line." Although the man was talking to a guard, the inmate got no medication. The inmate was furious and the guard was furious,too, but both were locked in a pretty intolerable situation.

And finally, just in my own initial comments, to deal with attitude -- I would like to relate to you what happened at a staff meeting, a medical staff meeting, because to me it illustrates why the medical conditions are as bad as they are.

When a group of us started going up there as volunteers, we came upon a lot of men who had intestinal complaints, and we began to order milk. One of the medical realities is, there is something called "stress ulcers," which come when somebody is under stress. The inmates run into tremendous stress.

Rather than ordering X-ray series, upper gastrointestinal series, which we knew would never get done, we decided we'd order milk, and see whether, at meals, the milk would coat the stomach enough for some of the men's complaints to be taken care of, as well as providing a little better nutrition.

When I attended staff meeting, the staff didn't

4-10

really know who I was. At that time I was coming up as a nurse consultant, although I hadn't begun to work initially yet. And the staff meetings were spent on the milk question. The wardens were absolutely furious that the men were now getting milk. Apparently before I went with the medical committee for human rights, initially, before we began going up there, maybe five to ten men out of the whole population at Holmesburg were getting milk, three or four times a day, for medical reasons.

By the time we had worked up there a year, there were about a hundred, and the wardens were very angry. This was in June, a year ago. At this meeting the warden said, "We've got a solution to the milk problem. What we're going to do is give each for whom milk has been medically prescribed a plastic quart container. He will bring the quart container to the dispensary each morning, and we will give him powdered milk because it doesn't taste good." This was all he said. "The inmate will then take it back to his cell where it's 100, 110 degrees, no refrigeration, and that will solve the milk problem because they're following doctor's orders."

REPRESENTATIVE LEDERER: Is there any reason why inmates who have money could not buy milk from a canteen? Do you know of any reason?

MRS. TAYLOR: I don't know.

BY REPRESENTATIVE LEDERER:

Q You don't know of any reason?

A I don't know. I was really dealing with inmates for whom the physician had ordered milk for medicinal reasons.

Q I have asked this of the prisoners. They buy crackers and, if they ask if they can buy milk, all the nurses have hundreds of reasons why they can't let them buy a half pint of milk.

A Yes.

Q For a price. Is there any reason you know of, medically?

A No, except maybe inadequate refrigeration because it's so darned hot. But no, if a man's going to buy milk from a refrigerated machine, there's no reason at all why he shouldn't have milk.

The staff meeting continued and one of the staff persons said, "That plan seems inadequate, you know the milk will sour within 15 to 20 minutes." And one of the wardens said, "Well, why don't we feed them two meals a day, six a.m. and six p.m.?"

One of the nursing staff said, "That doesn't seem adequate." And the warden sitting next to me said, "Well,

4-12

I feed my dog one meal a day." And that was how the medical meeting ended.

That, to me, I think, summarizes some of the attitudinal problems that lead to the absolutely horrendous medical conditions, and other conditions also in the prisons.

CHAIRMAN SCIRICA: Thank you very much, Mrs. Taylor.

BY CHAIRMAN SCIRICA:

Q How long did you work as a volunteer?

A I went up for about a year as a volunteer, and after the court case, went back and talked about training the nurses and training the nurse inmates, so that they could give better care to the other inmates. And what they did was to hire me as a nurse consultant to train -- at that time they said the only people that could be trained were guards. So I trained 34 guards in an emergency health care, with the understanding that the guards would be taken from their purely custodial duties and transferred to medical units.

My understanding is that that really hasn't happened.

Q Do, how many years have you had?

A Two years, two years.

BY REPRESENTATIVE LEDERER:

Q Was Norman Saul an inmate assigned to dispensary

4-13

while you were there?

A Not at Holmesburg.

BY CHAIRMAN SCIRICA:

Q Mr. Aytch related to us yesterday that a new plan was being implemented whereby there would be a pool of 30 to 60 doctors that would come in to Holmesburg because they had had such difficulty in the past with one or two doctors who were assigned there, and he admitted that the medical programs were inadequate.

Do you know anything about this program, and what are your feelings about it?

A I have heard talk about it. One of the things was to try and get specialists up to the prison so that the men didn't have to be transferred to PGH.

My initial feeling on that was that that would be great, the men would get some care. On reflection, though, I began to feel very uncomfortable about the plan because it meant that the prison was further isolated from any community involvement. You could just bring all the doctors there, do whatever has to be done, or is not done, and nobody would know about it.

Also, if the doctors are going to have adequate care, they are going to have to have laboratory facilities.

4-14

And that meant either that the prison would have to build new laboratories, and I questioned whether they would do that.

Also, I think the physical structure of Holmesburg Prison is so horrendous, I wouldn't want to see them sink any more money into something that I think ought to be eliminated. Or they would contract with Ivy Labs, the experimental laboratories, and because I feel fundamentally opposed to experimentation in prisons, I didn't want the laboratories further entrenched in the Holmesburg setup.

I was very uncomfortable with having that many physicians come, specialists. One of the possibilities that I had explored was having the new PGH built, they would have some unit that would facilitate both the concern for security and the concern for good medicine, rather then what I think is a rather grandiose and in many ways, in the long run is a dangerous plan.

The way they have set up the physicians, even to get the physicians, is that they pay them more to get part-time physicians than full-time physicians, which gives segmented care.

CHAIRMAN SCIRICA: Thank you.

Before the other Committee members ask questions, we have two more witnesses that we have to hear from before

4-15

we break for lunch.

BY REPRESENTATIVE CHECCHIO:

Q I assume you are a registered nurse, is that correct?

A Yes, I am.

Q All right. Now, you're not involved at the Holmesburg Prison at this time?

A No, I'm not.

Q And when was the last time that you had any contact at Holmesburg Prison?

A During the spring of this year.

Q In what capacity had you had that contact?

A I was still acting as a consultant because my capacity had been to follow through on the guards who had been trained and the medical facilities as they existed.

Q As a consultant, what did you do, what did that entail?

A Designing curriculum, writing a manual that would be used in the prison system for training of inmates - for training of guards, with the hope that it would help the inmates.

Q Directing your attention to the summer of 1973 --

A Yes.

Q -- did you have any doctors that were available at

4-16

that time?

A I was not here during the summer of '73. I broke my back and was out in another hospital.

Q Well, when was your last contact? I thought it was in the summer.

A It was in the spring.

Q In the spring?

A Yes.

Q Okay.

A When I came back to Philadelphia, I was called about getting resources after the wardens were killed, because the reports that we were getting out were that there were inmates who had been severely beaten, and they were looking for physicians and nurses who could go up and examine the inmates, but I was not able to go.

Q Can you tell us how many doctors, if you know, were available?

A I don't know.

Q Do you know how many nurses were available?

A I don't know. During that time they took the nurses who had been hired for the drug programs, which was under a separate kind of program, and transferred them over.

My understanding was that the nurses who were in

4-17

charge at Holmesburg are still the same nurses, though.

Q Do you know how many there are?

A There were two main nurses -- three main nurses who were assigned to Holmesburg.

Q You say "main nurses," I assume they were registered nurses?

A Yes. But I felt my evaluation of them as a nurse, and I have also taught nursing, is that they were totally inadequate. And I never saw one nurse in the year and a half that I was going up there fairly consistently, touch a patient. And there is no way that one can do nursing without having physical contact with patients.

Q Well, a nurse does not make a diagnosis, is that correct?

A That's correct, but she needs to do some preliminary examination.

Q Which are ministerial in nature?

A That's right, yes.

Q So, when you say, "we", I thought you were referring to diagnosis, isn't that correct? It's the doctors who make the diagnosis.

A The doctors makes the diagnosis, yes.

REPRESENTATIVE LEDERER: The nurses are merely

4-18

into the theory, or actual practice.

REPRESENTATIVE CHECCHIO: I am talking of the law, I mean, by law.

MRS. TAYLOR: Okay.

REPRESENTATIVE CHECCHIO: She's a registered nurse, I'm sure.

REPRESENTATIVE LEDERER: Are you talking about what actually happens in a prison when you say the doctor actually makes the diagnosis, or are you talking about the theory?

REPRESENTATIVE CHECCHIO: The letter of the law is one thing and the practice of the law is another. I want to find out what happened here, whether they were complying with the requirements of the law or whether they were going beyond the scope of the law.

MRS. TAYLOR: The nurses?

BY REPRESENTATIVE CHECCHIO:

Q Yes.

A They were following -- part of the nurse's duty is to do observation, and part of observation means looking at the whole person, you know.

Q Well, are you in a position to tell us what the procedure was while you were in contact with Holmesburg Prison,

insofar as when an inmate was sick, what did he do? What are the steps?

A Yes. He told the block captain that he was sick, and he wanted to go to sick call. This was then sent to the nurses in the dispensary. They then indicated back to the blocks when the men should come.

The reports I have gotten from the inmates, and particularly the inmate nurses who I got to know pretty well, was that oftentimes that was very much at the whim of the block captain. And, in fact, I spoke to people and I can give you specific dates when they put in for sick call five or six times, and then got to go on the sixth call.

Yes, the system breaks down all the way along, my observation has been.

Q Now, I am going to refer to specific instances.

A Yes.

Q I also realize that time does not permit for you to elaborate on that.

A Yes.

Q But I want to know, the Committee should know, when you refer to these specific instances, was that characteristic, generally, of what takes place, or were you just pointing out certain isolated instances?

A I think my observation has been that the instances I've told you about were characteristic.

Q Now, you also mentioned, if you didn't comply, you were sentenced to D Block. What is D Block?

A That's the detention block.

Q What happens there?

A There's a removal of privileges, this kind of thing. It was such a totally inappropriate kind of thing. This man was in a seizure. There is no way physically he could respond to the nurse's order.

Q So, since the spring of '73, you have not been in contact with Holmesburg Prison, and you don't know what improvement has been made, is that correct?

A I have not visited there but I have spoken to people who have visited there and they have reported back that there are no improvements - physically it hasn't changed the nursing staff, and I have spoken to Superintendent Aytch and Dr. Geis (phonetic), Medical Director, and they are aware of the problems.

Part of the problem is particularly the nurses at Holmesburg - the nurses at the other institutions are a little bit better, but specifically with the nurses there, they are locked in by civil service. They are aware of the

poor care; they are aware of the tremendously poor attitude, of the tremendous hostility on the part of the inmates and many of the guards towards the nursing staff.

Q When you say "they," who are you referring to?

A Dr. Geis and Superintendent Aytch.

Q Were you here when Mr. Aytch testified yesterday?

A No, I was not.

Q He told us of various reforms being made in this connection.

A I was not there.

REPRESENTATIVE CHECCHIO: Thank you very much.

BY REPRESENTATIVE LEDERER:

Q If I may ask a question, if an inmate is assaulted by any person and the person is put in dispensary, is there a specific written procedure that is followed so that the assault is adequately reported to the superintendent?

A I don't know. I have seen men come in - when I started, a man was severely beaten and burned. It happened before the nurses came on -- the nurses were there only eight hours a day, so there is all the other time that is not covered by a nursing staff. I asked the nurse inmate what he did, and he said, "I tried to stop the bleeding and I put new clothes on the man before we sent him out." Again, the man had good

will but no ability to evaluate the man's injury, and he had severe --

Q Is there any written procedure when an injured person reports, this is a permanent record?

A Yes.

Q There is a written procedure?

A As far as I know, there is, because he has to go -- the treatment he receives at Holmesburg or when he's transferred to PGH, or if it's a dire emergency, to Nazareth, goes along with him.

CHAIRMAN SCIRICA: Representative Richardson?

BY REPRESENTATIVE RICHARDSON:

Q I'd like to ask Miss Taylor a couple of questions.

One is, that situation, the nursing problem there, didyou know the doctor before you left in the spring?

A What is that?

Q The doctor?

A Oh, yes.

Q There was only one doctor, is that correct?

A Yes.

Q And that one doctor, did he come in physical contact with the inmates?

A All I saw him do was yell. I didn't see him come

into physical contact with the inmates.

Q I will try to pinpoint the procedures the inmates got. It was told to us that the inmates saw him through a cell door?

A Yes.

Q Do you know this to be a fact?

A The last time I saw him, he was sitting at his desk and there was no barrier. The nurses stay in their little enclosure, and I haven't seen them really come out of it, but the doctor is sitting at a desk.

Q How would an inmate see the doctor?

A They request to come to sick call, they are asked down to sick call. The doctor, presumably, is there. They wait in line for, it depends on how long, and then the doctor asks them what their complaints are. But I haven't really seen any thorough examinations at all.

Q What if he has a bleeding ulcer or stomach trouble, or whatever, what kind of medication is given?

A Maalox; generally, it's Maalox. It was Maalox that was poured into the man's hand, you know, while he waited in line, because he happened to be talking to the guard.

Q Poured into his hand?

A This I related.

Q Do you know anything about F Block?

A The psychiatric block?

Q Yes. Do you know anything about it?

A I don't know a whole lot. I've been on it, and I have talked to --

Q You have been on it?

A Yes, sir, and I have talked to the staff.

Q What are your comments, as a registered nurse, about F Block?

A To Block seems totally, physically, inadequate, you know, to deal with the men's problems. The director who was a temporary employe - not the physician, but the administrator of the block --

Q He's a what?

A F Block is a forensic unit and it's under Temple University, so they are Temple employes and, you know, my feeling in talking to the administrator was not a particularly positive one. I have talked to him about specific cases, and I didn't feel his attitude was understanding.

They have some psychiatric aids who, I think, are all well-meaning and the nurse on F Block is pretty good, but the physical facilities are atrocious. There's no way, really, to to deal with the men's problems in a creative way.

Q Do you know what kind of medicine, medication, is given?

A I don't know the specific ones. I know they are fairly heavily tranquilized, but I don't know the specific drugs and dosages.

Q Do you know why?

A Yes, it makes them more manageable. And I have seen people, not in Holmesburg, but they are transferred to Holmesburg who have been in restraint from the other House of Corrections, for example. And I have seen them manacled down, hands and legs, you know, kind of spread open. I have watched the psychiatrists go in, talk to the man -- this was a man -- I have seen this a couple of times -- this one case was a man who had mutilated himself and had smashed his hand into a wall. He was sent right back to population. Ordinarily, he should have been transferred - if there was a decent facility - to F Block.

This man who hallucinated and heard voices telling him to kill should not be back in general population, because some day he is going to act out those voices.

Q My final question, recognizing different conditions, maybe you can give us a visual kind of description of the back part, all the way back, where the extreme cases

are.

A I cannot. I have not been back there. I have been in the first two sections, but not the third.

Q They would not let you go in?

A I didn't know it even existed. They never told me.

REPRESENTATIVE RICHARDSON: Thank you.

CHAIRMAN SCIRICA: Representative Vipond?

BY REPRESENTATIVE VIPOND:

Q What sort of medical experimentation actually went on, briefly? How did this occur? Was it encouraged by drug companies that were supplying the prison? I know other institutions, how this worked.

How did it work in Holmesburg and what was the extent of it?

A There is something called Ivy Research Laboratories which is the group that does that. My understanding, when I visited the lab was that they are sponsored by drug companies. I read some of the material that was sent to the men who are supposed to review the experimentation, and I have talked to some of the inmates who have received the experimentation.

One other thing, the people who work for Ivy maintain is that it's voluntary, but in fact, there is no

meaningful way for inmates to earn money, it is no way voluntary.

Q In other words, the inmates volunteer for an experimental program, but the experimental drugs are not administered through the normal dispensing procedures?

A That's correct, yes. They're generally dermatological products, so it means putting soap in people's eyes was one I read. One I came across was where they deliberately burned sections of men's arms and backs and then put lotions on to see if the burns would heal. I don't know if you have seen men with patches all over their arms. That's a part of the experimental unit.

Really, for about 80 per cent of the men, that's the only way they can earn any money.

Q But, as far as you know, there hasn't been any experimentation with pills or injections, things like that?

A Not recently. There was one experimental program that was begun, but not now.

Q Okay. As a generalization, you would recommend, I gather from the tenor of your testimony, that if the medical facility program is to be improved, it should be an outside treatment oriented program, rather than in-house treatment? You would rather that these people go out to other hospitals

where they will get better care rather than put in a program there?

A We were talking about two separate things -- three things.

One, we were talking about emergency services which should be vastly improved in the prison. There should be supplies -- everybody who works in the prison should know things like cardiopulmonary resuscitation. There is one physician covering all three prisons in the evening and the night. That's totally inadequate because if somebody hangs himself in D Block, for example, there's no way that even the doctor, if he's in the prison, can get there in time. I think the emergency facilities will have to be tremendously improved.

The second area is that each new person who comes into the prison is supposed to have a thorough physical examination. My observation is that this is not done. They are given very cursory examinations, if at all. That needs to be improved, and that's an in-prison kind of thing.

The third area, sick call. What they need there is a way to choose who needs to see whom. It's really not necessary if you have well-trained nurses, for example, to have -- if somebody has a headache when he can buy aspirin over the counter, if they're on the street, it's really not

necessary to see a doctor. I think there needs to be a well-trained staff who can do this. I think there needs to be physicians in the prison who are capable and concerned, who can follow through with sick calls.

That can all occur within the prison facility if there is adequate equipment, adequate staff and adequate physical layout. The area I am concerned about is when a physician thoroughly examines an inmate, finds that inmate needs further examination, further laboratory tests, further Xrays, that I would like to see out at the hospitals and not in the prison because, if you have it in the prison, there is no way the community can know what's going on. You leave yourself wide open for a lot more repression and a lot more adquate medical conditions.

REPRESENTATIVE WYPOND: Thank you very much, Mrs. Taylor.

CHAIRMAN SCIRICA: Mrs. Taylor, thank you for appearing with us today.

MRS. TAYLOR: You are welcome.

(Witness excused.)

FRANK McNIGHT and TYRONE BROWN,

called as witnesses, testified as

follows:

CHAIRMAN SCIRICA: Do you have opening statements?

MR. BROWN: No.

CHAIRMAN SCIRICA: Would you just like to start talking about what you see as some of the problems at Holmesburg Prison, some of the problems that you have as guards, and problems that you may have with the administration, and problems that you have with the population? Give the Committee an idea of what you have to go through in order to perform your jobs.

MR. BROWN: Okay.

First, my name is Tyrone Brown, and I am a Correctional Officer, and have been employed by the City of Philadelphia at Holmesburg Prison for six and a half years.

I would like to go over some of the things which were said the other day, and some of the problems we, as guards, see.

First of all, I'd like to say that when I first came into the prison system, as I observed it, the prison system was changing. It was like an old coalition going out and a new type thing coming in. The guards were younger, they

had new ideas, but they also had their hands tied. A lot of
2 things which the guards wanted to do,they couldn't do. Under the old system you didn't do anything unless you were told. You didn't make any decisions unless the administration gave the okay. Everything was done directly through the administration. Over a period of years a lot of guards have taken the initiative of going out and doing things on their own, because they found that was the only way they could get things done.

As far as the tension at Holmesburg Prison is concerned, it's almost like the weather. The guards, the administration, and I think you people, the newspapers and the public know that the tension at Holmesburg Prison rises every summer with the population. And we, as guards, are there and have spoken to the administration. At one particular time, it began to ease It hasn't eased completely, because there is room for improvement, the communication between the guards and the administration. It is beginning to ease now a little bit, but at one time there was no communication whatsoever, you see.

I think the guards have recognized a lot of the needs of the inmates. As a matter of fact, I won't even say "recognized," because I think it always has been recognized, the needs, but a lot of the guards have taken the initiative themselves, thinking, if "I don't do this now, it won't get done."

I think one of the reasons is because we don't have enough guard coverage there. The programs that were mentioned, a lot of them were cut. We met with the Deputy Warden of the Prison about a month ago, or two months ago, I believe it was, and he explained to us then that the programs were cut, but they were planning on bringing the programs back in.

The guards were asked about the programs, and the programs in which the guards, you know, knew much about, and they said, "Okay, this program does good; this program does good." I can't remember, but I believe there were one or two programs that weren't looked upon favorably by the guards, but most of them were. And at that particular time, it was stressed again to the Deputy Warden that we need the coverage. It's hard to have programs going. It's not that the guards themselves do not want programs going there; it's hard to have programs going and have coverage at the same time.

I don't know; I just say this number of guards -- I believe this is one of the main points, you just need the guard coverage at Holmesburg Prison. You don't have enough guards there.

The other thing is clothing, you know. Nobody mentioned the clothing item at Holmesburg Prison. I guess it all boils down to the budget, how great the budget is, and

how much clothes you can get. I think one of the things that create the tension is clothing, and the medical. I don't believe the food is a problem, but this is my personal opinion. The food is no problem.

About a year ago I had the opportunity to meet with the Prison Board Society, and they asked me then what I thought about the prison. I pointed out the medical staff. Holmesburg does need a nurse, at least, for sixteen hours a day. Recently, I know myself, quite a few of the guards complained to the captains and lieutenants that the men were going on sick call, and yet they would tell us that no one called us. And I was told the administration knew this, but they were trying to figure out some way that they could correct these proble[illegible] the Doctor, for the last couple of weeks, he has been coming every day, to my knowledge. Now, the question of coming in and actually waiting on the people, that I can't speak on, you know.

But Holmesburg is so crowded. We need more guards. And the budget evidently is too small for the place.

CHAIRMAN SCIRICA: Do you want to say anything, Mr. McKnight?

MR. McKNIGHT: I want to make some comments on what Mr. Brown and the lady before us said.

I agree with Mr. Brown on the security factor. We do need more guards.

On the programs, there are lots of things that probably could go on if we could cover them, but we can't. And when you don't have people to cover them, then we have people complaining to us, "Why don't we have this, and why don't we have that." It's not our fault that it's not there.

CHAIRMAN SCIRICA: Could you give the Committee an idea as to how many guards were assigned to each block; how many blocks you gentlemen worked; and how many guards you think ought to be there?

MR. BROWN: Well, I work E Block. I have been on E Block for just about a year. We started out with two guards on the block

CHAIRMAN SCIRICA: How many hour periods?

MR. BROWN: This was for an eight-hour period.

CHAIRMAN SCIRICA: Right.

MR. BROWN: But after the unfortunate incidents with the warden and the deputy warden, they said there would be three guards on the block. This was tried, and I believe, you know, I observed the sergeant, and I see him knocking his brains out trying to do this. But you just can't do it with the men you have. You have to have a guard in the dining room,

So this automatically pulls a guard off the block, which leaves two. If any type of vehicle comes to deliver an order to the prison, a guard must escort that vehicle. It might be that the next guard will be pulled.

A question came up not too long ago about one guard being on the block. Now, this is rarely that it happens, but one guard should never be on a block. The movies, I think, the movies at night have been cancelled because there weren't enough guards. There is not enough coverage in the dining room, again, because there aren't enough guards. If you are going to give consideration to the fact that you have to give the men vacations, men who get sick, men who have to cover PGH and theirother details, you just don't have enough, you know. You say you start out with three in the morning. I've seen us start out in the morning with as many as five guards, and by eleven o'clock we are down to two, because guards are detailed; they're detailed here, and they're detailed there. You go to the sergeant, but as of now, we don't even go to the sergeant, because we know, it's not a case of their taking the guards for nonsense; he just doesn't have no choice.

CHAIRMAN SCIRICA: From your statement, I gather that you approve of the programs and activities that were mentioned earlier here today.

MR. BROWN: Most of the programs at Holmesburg Prison, I approve of them; as a matter of fact, let me put it this way: I have no objection to the programs.

One of the things that is wrong with Holmesburg Prison, in my opinion, it was never built for detentioners. You see, Holmesburg Prison was built for trying men. This is the whole problem; this is the whole thing. A lot of the men who were put into this place here, you know, they come in, you look around, you know, even me as a guard, I notice. I have a fellow who might come on my block. Maybe he's a very young looking guy, you know, real small. And I have to tell the other guards, "Look, watch out for him." Then you tell the man himself, "Look, you do this, you do that. Don't go in the other guy's cells." You have to constantly remind him, "Until you really get to know somebody, put some protection on yourself. We'll protect you as much as we possibly can, but we have other jobs to do." There are times when I can't carry a man to the hospital, or a man maybe becomes sick. Normally, you write out a pass, but we got to the point where so many passes were being written, men were running everywhere, so we cut down on the passes.

So a man will say, "I don't feel so good; I'd like to go to the hospital." And I say, "As soon as the next guard

comes on, a guard comes from the dining room, we'll get someone to walk you over there." Or, it still goes back to the guard coverage, and also, as I said before, a lot of the fellows that come to Holmesburg Prison, really have no business being there, especially a lot of the younger fellows. They have no business being in the prison.

CHAIRMAN SCIRICA: Why do you say that?

MR. BROWN: Well, a lot of those fellows aren't able to take care of themselves. As far as sexual abuse in the prison is concerned, this is only my opinion. I'm not -- I think the sexual abuses are being cut down due to the fact that the men themselves are kind of organized, and have really looked upon each other and said, "Look, we're all in this thing together. I protect your back; you protect my back." Sexual abuse, if it is going on, it's not like it has once been in 1969, if I can remember back. But most of the guys, you know, kind of protect each other.

Now, the fights in the prison aren't as bad as they used to be. The fights used to be pretty serious, but now, really, most of the fellows have geared themselves to try to struggle in getting out or forming some type of program in this institution where they themselves get out, or somebody else gets out, and they don't have to come back in. A

lot of the fellows look at the younger brothers, you know. And I think they kind of feel like I got here but I don't want him here. I think as far as the inmate population at Holmesburg Prison, they may have been in together. I think all whoneed get together are City Hall, the State and the guards and administration.

CHAIRMAN SCIRICA: Representative Richardson?

REPRESENTATIVE RICHARDSON: Mr. McKnight and Mr. Brown, I have a couple of questions. One relates to the physical friction for those who don't have an idea; for the record, can you describe a cell block; how many feet, average feet is a cell block, if you know?

MR. McKNIGHT: I'd say the length would be the corridor back up to the office.

REPRESENTATIVE RICHARDSON: In that how many cells normally, average, are there?

MR. McKNIGHT: Approximately seventy.

REPRESENTATIVE RICHARDSON: Seven?

MR. McKNIGHT: Seventy.

REPRESENTATIVE RICHARDSON: Seven zero (70)?

MR. McKNIGHT: Correct.

REPRESENTATIVE RICHARDSON: And how many inmates might be in each cell; one or two in a cell?

MR. McKNIGHT: Some of the cells have two and some have three men.

REPRESENTATIVE RICHARDSON: Are they big enough to house three men?

MR. McKNIGHT: Yeah.

REPRESENTATIVE RICHARDSON: With the room, and all of them are equipped with a toilet?

MR. McKNIGHT: Well, including the toilet in the cell, it is a little cramped.

MR. BROWN: You know, on this answering, the question is relative to, are they big enough to house two or three. They are big enough to house two or three, but that doesn't mean you should cramp two or three in, you know what I mean? I believe that prison was built basically to have one-man cells. If I had my choice, this is what it would be, one man per cell, because it alleviates a lot of problems, a lot of tension.

I'll explain some of the problems, as far as the crowding of the cells is concerned. I get guys who come in to me saying, "I don't want that man in my cell, because he doesn't wash properly," or "I don't want this man in my cell, because when he comes in he brings all his friends, and I have no privacy;" this type of thing. The cells should be

for one person; this is my opinion, one man per cell.

REPRESENTATIVE RICHARDSON: One per cell?

MR. BROWN: One per cell.

REPRESENTATIVE VIPOND: Who determines who lives together? Is it just random?

MR. BROWN: The block in which I am -- I have to speak about the block I have.

REPRESENTATIVE VIPOND: Yes.

MR. BROWN: I put the men by age when they come on the block. This is what I put more importance on, the age. Now, after a man has been on a block for quite a while, you know, he gets to know everybody. The problem sort of ceases, like the age, but, basically, you spell it out by age, because in age you have a difference of conversation.

REPRESENTATIVE CHECCHIO: Not by the nature of the crime that was committed?

MR. BROWN: As far as the nature of the crime that is committed, the question arises, do the guards really have the time to go into everyone's particular case. Also, you know, it may sound--it is probably very important, the nature of the crime, but you would almost have to be at Holmesburg Prison to understand. The nature of the crime in all cases is important--

REPRESENTATIVE CHECCHIO: Yes, it is.

MR. BROWN: You would almost have to be at Holmesburg Prison to understand the nature of the crime, why the nature of the crime is so important. If someone is walking in the street and kills someone, if they have taken someone's life, how dangerous is he, you know. You must see this for yourself.

REPRESENTATIVE RICHARDSON: Holmesburg is a Black institution, 90 per cent Black?

MR. BROWN: Correct.

REPRESENTATIVE RICHARDSON: At the present time, the guard breakdown, is that also 90 to 95 per cent Black in terms of guards?

MR. BROWN: Correct.

REPRESENTATIVE RICHARDSON: I am trying to get to a point raised yesterday, part of the discussion that was the basic overall attitude of the inmates and guards there. Do you feel, as a guard, that you have fear for your life; in other words, are you afraid of the inmates as an individual?

MR. McKNIGHT: Really, when I go to work when I get inside, I don't think about it. I guess it's because some of the guards in there are from my neighborhood, or where I used to live. I never think about it.

REPRESENTATIVE RICHARDSON: Mr. Brown?

MR. BROWN: You know, as far as fear for my life is concerned, I have already come to the conclusion that if my life is to be taken at Holmesburg Prison, it can easily be done at any given time, so I don't worry about that any more, understand, as far as my life is concerned. As I say, when I first came to the prison, the racial population, White or Black, as far as the population was concerned, it was White at that particular time. Over a period of years it's beginning to change. For some reason or other, the prison system as a whole, I believe, all over, prisoners were sort of looked upon as a rejection of society. And I think this has changed. I think the relationship between the guards and the inmates themselves, the conversations which they hold is different. You see, I have a lot of guys there say to me: "You're beaten, too, you are doing time with us." And I laugh, you understand what I mean? And I say, "No, it's not that I am doing time with you, but we are all here together. I'm a guard, and you're an inmate, but we are all human beings, and we're here together. If things aren't made better for you, they can't possibly be better for me," you see.

REPRESENTATIVE RICHARDSON: Your testimony is different from other testimony of the witnesses that we've heard.

It seems as though there is better rapport in terms of talking to inmates and having some kind of communication. Do you feel that behavior pattern, your following that kind of attitude, knowing you are all there together, is different from the administration's attitude towards the prisoners there; in other words, you are taking it as a job, but you are also taking it in terms of human interest? Do you feel that the overall administration feels the same way about the situation that is there in the prison, also sympathetic to the needs of the inmates and yourselves as guards?

MR. BROWN: I look upon the administration, basically, most of those folks, people working in offices, you understand, a lot of them come into the institution and don't really have this kind of contact with the inmates as we do; or I don't think they really know. Some of them do know, some of them say, what can we do. But you must have that contact. I think even this Committee, as it was pointed out before, even the Committee could not really get a good idea of what Holmesburg Prison is actually like unless you are there. You cannot come to Holmesburg for a day and walk around and really make a decision as to what Holmesburg Prison is like; it just can't be done. I know that the deputy warden knows about various things at Holmesburg Prison, whether they are capable,

whether they have, or, can do anything about them; just how free a hand do they have. We have various organizations come to the institution. They walk around and they say, "This should be done," and they say, "This should be done." But they're not really there. Some of the things they say, I go along with; some of the things they say, I disagree with. Some of the things which the inmates ask for, I go along with; and some of the things they ask for, I disagree with.

A good example of this is clothing. I remember when they ordered all new clothing for the institution, for everyone in the institution. And they gave out the clothing, even though a lot of the clothing was destroyed, unfortunately. You understand what I mean by "destroyed." The shirts were the pullover type. Most of the inmates ripped them so that they would look more like a regular shirt. The belt loops were cut off, and a lot of the guards went to the administration and said, "Why do you order that type shirts? Evidently the men don't like pullover type shirts, or the button-up type shirt." Understand what I mean? In other words, if we are going to order something and they are going to keep destroying it for a particular reason, let's find out what is the reason, and then maybe we can change the style of the clothing.

The food. I don't think really anyone has a complaint about the food at Holmesburg Prison as far as the quality of the food is concerned, considering that the food is bought with tax money. The preparation is really --

REPRESENTATIVE RICHARDSON: What do you mean by that?

MR. BROWN: What I mean is this: The quality of the food, as far as I am concerned,at Holmesburg Prison is really not bad. Don't misunderstand me; the quality is not bad. Where the food problem comes in is in the preparation, and the combinations of foods, you know; the combinations in which it is served. I may ask, "What is this?" You understand what I mean, and I don't even know the name of it. This is what I am trying to say, the style of food, you know. Somebody says, "This is so and so," and I say, "Okay." But the food, itself, I don't think --

REPRESENTATIVE RICHARDSON: Do the overall inmates like the food there?

MR. BROWN: Well, I am not going to say that all of the inmates like the food there; I wouldn't say that.

REPRESENTATIVE RICHARDSON: In other words, is the food something you would put on your table to eat in your own home?

MR. McKNIGHT: Some of it.

MR. BROWN: Yes, I would say -- perhaps I'll put it this way: One of the ways of getting around the food problem at Holmesburg Prison--I have thought about it once before, and I believe I mentioned, I am not sure, that when the food is ordered, the steward makes a list of what is to be served,.the steward makes up a list and I am looking at it this way, where the board, a group of inmates, and the steward would sit down and the steward would say, "This is what we have to work with this week. How should we do it. We've got beef this week. Now,should we serve it as a form of burgers, or how should we serve it," you understand what I mean, "...and what should we serve it with." "Don't have lima beans with hot dogs." Do you understand what I am saying? It's liable to be hot dogs and lima beans, which do not go togehter. I don't say this is served every day, but it does happen on occasion.

REPRESENTATIVE RICHARDSON: Do the guards eat the same food as the inmates?

MR. BROWN: Ninety per cent of the time we do.

REPRESENTATIVE RICHARDSON: One other question. This relates to Mr. Wilson, and the medical -- what is VD in prison; is there VD in prison, and is it treated?

MR. BROWN: There are--as far as I know, the

outbreak of VD in prison is very, very small, you understand. Recently we had a case of VD where someone had the crabs, you see, and that was taken care of; as a matter of fact, the fellow was sent to the hospital, and it was over in two days. We usually take steps; we burn everything in the cell, the cell is scrubbed and the fellow is locked up for a period of 48 hours. They get their meals. Don't misunderstand me; they are not locked up for punishment; just for the protection of the other inmates.

REPRESENTATIVE RICHARDSON: I see, its quarantine.

MR. BROWN: Right, its quarantine.

REPRESENTATIVE RICHARDSON: Mr. Wilson is the Deputy Warden in the prison, is he not?

MR. BROWN: Correct.

REPRESENTATIVE RICHARDSON: When the Superintendent gives an order for an inmate, can it be vetoed by Mr. Wilson, to your knowledge?

MR. BROWN: When you say--well, let me explain something to you: You start speaking about the Superintendent and the Deputy Warden and the Warden. Through disenchantment over a period of years in the prison, my relations as far as the Warden and Deputy Warden and Superintendent and the Administration are concerned are very limited. The things

which I do in the institution, I do because I see they need to be done, and I just go ahead and do them. Many times you may ask for something and be told, "No." So to even avoid being told, "No," I don't ask." So as far as the administration is concerned, I go in, I have my block, I have the men on my block, and we try to develop the type of relationship where everybody can get along. Or I try, as much as I can, because there are men in that particular block who are older than I am, and I try to point out to them the need of unity amongst themselves; not between just them and me, but among themselves and all of us together.

REPRESENTATIVE RICHARDSON: Mr. Wilson is sympathetic to the inmates there? I don't want to put you on the spot.

MR. BROWN: It's hard for me to answer that question. As I said before, my relationship with the administration --

REPRESENTATIVE RICHARDSON: This is a funny question. You did point out very clearly in your statement that, number one, there is a need for the city, state, the administration and the guards to get together. Are you speaking in terms of some type of meetings, to maybe work out attitudes and discuss the overall conditions there? What did

you just mean by the statement?

MR. BROWN: What I was trying to say was is that a lot of rules and regulations are handed down, and you wonder when did this come into being, when did this start, when did that --

REPRESENTATIVE RICHARDSON: Are there weekly meetings now?

MR. BROWN: There were to be meetings every week, or every other week with the guards. It runs back to the same problem, the coverage. It seems as though the coverage runs into a snare in everything. It can't be done because we don't have enough guards. We, as guards, know this. We learn to live with this condition, you know. We hope--we go to the administration with the idea that more guards are needed; you need this, you need that. And is it that the budget doesn't call for it, or this doesn't call for it, you know.

REPRESENTATIVE RICHARDSON: Thank you very much, Mr. Brown and Mr. McKnight.

REPRESENTATIVE VIPOND: Just one question: What would be the ideal guard-inmate relationship; how many guards would you like to have in your cell block?

MR. BROWN: How many guards would I like to have on my cell block?

REPRESENTATIVE VIPOND: Yes, that's right.

MR. BROWN: As of now, all day, at least three.

REPRESENTATIVE VIPOND: Three on each shift?

MR. BROWN: All day, not three and one down in the dining room, leaving two; three, for a lot of reasons.

I had a case not too long ago where a fellow had taken a seizure. And, let me try to explain. I am almost a hundred feet from the next guard. I didn't even have time to really yell to him, because I didn't want this man to hurt himself. Can you see what I am coming to? Now, a lot of inmates gave me help, gave me a big help with this fellow. We were wrestling around this fellow trying to hold him down, you see. And the inmates came in and gave me a hand. When something of this nature happens, they'll give you a hand. You understand what I am saying?

If perhaps there were another guard on the block -- you know what I mean? Now, a guard, he came down -- but now we're in here with this particular inmate; and there's no one up in front of the block. When it comes to lining up the block, you know, when we go to chow we lock up the entire block. In this way it cuts down people's things being missing. So I have to tell one guard, "You stay in front, and I'll go in the back."

REPRESENTATIVE VIPOND: How many inmates are there in your cell block?

MR. BROWN: As of now, the population is about 109.

REPRESENTATIVE VIPOND: Three guards for 109 inmates?

MR. BROWN: Well, if I had three guards on the block for 109 men, it would be better than it has been, you see what I mean? It would be a heck of a lot better than it has been.

REPRESENTATIVE VIPOND: I was just trying to get the number?

MR. BROWN: Around, you know, it's 109 men, a lot of men, without a doubt. And with the men on my block, the problem -- I have created the situation where I have talked to the men when they come in, "You know, we're all men. I'm not going to preach rules and regulations to you. You know what you are supposed to do; you know what you are not supposed to do; you understand?" And, basically, the men, as I am saying, on my block, because I believe of my attitude toward them, we have very few problems.

Now, there are times when problems do erupt, you know, and they have to be dealt with. But I believe the

institution as a whole has changed for the better, but there is a lot more roon for improvement. That is all I can say.

MR. McKNIGHT: To take the coverage on the block a little further, I just came to day work myself about four or five months ago. I was on until eleven. I remember at one time you could walk in there, and you'd be the only man on the block. So you have one guard for about 110 inmates.

REPRESENTATIVE VIPOND: Now, if an incident occurred --

MR. BROWN: You just got it, you have it.

REPRESENTATIVE RICHARDSON: Do they still have silent chow?

MR. BROWN: Say it again?

REPRESENTATIVE RICHARDSON: Do you have silent chow?

MR. BROWN: Well, you know, the question on silent chow -- at one particular time when the men were going to chow, they weren't allowed to talk. It was good and it was bad. Now, that they are allowed to talk, in my opinion, I question -- I was down in the chow hall about three days ago, and I mentioned there was so much noise, it was almost unbearable. You don't want to take a person's rights away to speak, but when you say, yes, you can talk, sometimes it

reaches the point where you can hardly hear yourself saying anything.

The question as to whether they should be allowed to talk or not, you know, this is something the individual has to do within himself; if he's going to speak to the fellow sitting next to him, he should do it in a tone of voice where it just doesn't go so high. But the last few days, it's "How are you doing, Joe?" One of that type of things it is.

REPRESENTATIVE RICHARDSON: Do they talk about things they like to talk about?

MR. BROWN: Well, you know, I'm not saying that you should strip a man of his right to speak, but I think each man has to say to himself, "Look, there's a lot of noise and a lot of tension." Noise is a funny thing. When it gets so unbearable that you can't hear, you have to say, "What's going on; what's happening" -- I don't know, the dining room now is going to be changed around, and maybe in the new dining room the man wouldn't have to holler, you know; maybe, you could sit down -- how they are going to choose the seating in the dining room, this is another thing I don't know. Maybe the seating has a lot to do with it; maybe if a man can eat at a table with whom he would like to eat with, maybe he wouldn't have to holler over. This I can't speak on. We'll only know

this when the new dining room is finished.

CHAIRMAN SCIRICA: You have long tables now?

MR. BROWN: We have long tables now, right.

CHAIRMAN SCIRICA: Most of the new institutions have round tables, with four or five men seated around.

MR. BROWN: Right. I believe this is what they are going into now there, newer type tables.

CHAIRMAN SCIRICA: Mr. Brown and Mr. McKnight, thank you very much. I appreciate your coming.

(Witnesses excused.)

CHAIRMAN SCIRICA: We have one more witness before we take a break.

Is Mr. Dewaine Gedney here?

MR. GEDNEY: Yes, sir, I am here.

DEWAINE GEDNEY, called as a witness, testified as follows:

CHAIRMAN SCIRICA: Do you have a prepared statement?

MR. GEDNEY: No, I have no prepared statement.

My name is Dewaine Gedney. I am Director of the Pretrial Services Division for the Common Pleas Municipal Court of Philadelphia.

I have for the record a proposal which I believe explains the program that I am here to talk about. This proposal is as shown on the front, and was approved and --

CHAIRMAN SCIRICA: Excuse me for a second.

Ladies and gentlemen, please keep the noise down. We can't hear the witness.

This proposal that I have was recently approved by the House Community Fund for Funding. It is a private foundation in the City of Philadelphia, and they, for the next three years, to the tune of slightly over a million dollars, have agreed to underwrite this as an experiment

to relieve overcrowding at the prison.

Conditional releases are an adjunct to the existing bail system, but permits the judiciary to get out of the old choice between total freedom and total release. Conditional release is a release conditioned upon certain behavior on the part of the defendant that will reduce the likelihood that he will flee.

It also gives the defendant an opportunity, by positive action, to show that he has begun rehabilitation, although the program has no rehabilitative aspects. It is really just a design, or rather designed to make sure the defendants will appear when they are supposed to. Obviously, there are ancillary rehabilitative assessments.

We project with this program that we can cut significantly the number of people that are detained at pretrial, thereby easing the situation at all the facilities by reducing it, as Judge Janison (phonetic) said, "The Court is taking one last step to reduce the number of people that are left in pretrial. Maybe then corrections can work with a more manageable number."

CHAIRMAN SCIRICA: Mr. Aytch testified yesterday that the total population that goes through Holmesburg, the House of Correction and the Detention Center in a year is

6-3

forty-four per cent of those persons are released on bail in a seven-day period. Our inquiry is, if that number, that percentage is so high, why can't we get them out on a two-day period or three-day period?

Perhaps you could discuss with us bail procedure right now, what happens when somebody is arrested, how your program works, especially in Philadelphia which, probably, has the most advanced bail procedures in the state.

MR. GEDNEY: Currently in Philadelphia, when somebody is arrested, they are taken to the nearest police facility, and from there transported to the Police Administration Building. Unlike almost any other city in the country, bail is set continuously in the City of Philadelphia, seven days a week, twenty-four hours a day, 365 days a year.

Personnel from my program are down at the Police Administration Building and interview everybody who comes through charged with a nonsummary offense. That is about 36,500 interviews a year that we perform. We prepare a report that goes to the judge sitting in the Police Administration Building, a Municipal Court Judge, and make recommendations whether or not that defendant should be released. Our recommendation is based upon the defendant's ties to the community. It's an attempt to substitute the old-fashioned

6-4

surety bondsman kind of concept of how much money you have, how many ties do you have in the city. How long have you lived at the current address; do you have a job; do you have a family here; even how long have you lived in the Philadelphia area?

All those things would indicate that that particular person is unlikely to leave this jurisdiction, that he will be here and will come down to the courthouse on the day he is due back for trial, for a motion, for whatever. And that is legally what bail is for, to insure the defendant's appearance at a future date.

The judge at the Police Administration Building has really two options when it comes to bail. He can release a defendant on his own recognizance; in other words, on his own supported promise that he will re-appear. Obviously, that release comes into fruition immediately. The defendant would be released from the Police Administration Building, having been served with a subpoena as to his court date.

CHAIRMAN SCIRICA: That would be within twenty-four hours after he's been released?

MR. GEDNEY: It would depend on the time of the week. For instance, on Saturday night, it's the same size facility all week long, obviously it's a building. Saturday

6-5

night the number of people arrested is dramatically increased over those arrested, say, Tuesday afternoon. So, given the variable of the number of people being put through the facility at one time, it may be seven hours from arrest; it may be twenty hours from arrest.

If they are not released on their own recognizance, then the judge has an option of setting a certain dollar amount, and this dollar amount is designed to be the difference between what this defendant, the risk he poses on his own recognizance, what it will take to make sure he comes back down.

The defendant then has the option of posting ten per cent of that with the Registry of the Court, and will upon successfully having his case to a final disposition, will receive most of that money back.

That, too, is unusual in terms of bail around the nation. Philadelphia is one of the few cities that has this so-called ten per cent provision.

The defendants that aren't released are those that are unable to come up with the amount of money, the ten per cent of the amount set, in order to achieve release.

BY REPRESENTATIVE VIPOND:

Q Mr. Gedney, this, really, is a combination program.

6-6

It has some of the good elements of the existing bail programs, plus other factors added in?

A That is correct.

Q Bail in some dollar amount is not imposed in every situation; is that correct?

A That's correct.

Q So it can run the whole gamut from zero to some rather substantial amount?

A That's right.

Q What would the largest amount required be? Just in general, is it substantially less than bail has been in the past?

A You mean with conditional release?

Q Under the conditional release?

A Hopefully, with the conditional release, the amount of bail will be set with some foreknowledge of how much resources that particular defendant has. I think with the ten per cent programs, it is also important to remember that 80 per cent of the people who are released under that program are done with a third party involvement, a friend,or relative who is actually putting up the money. And it's good from the standpoint that the defendant can get most of the money back when the proceeding is over. It's also good from

the standpoint that it involves a third party, somebody from the community, a friend of his who now has a financial stake in seeing that that defendant comes back and is interested enough in that defendant to have shown, you know, to have come down to the courthouse, posted the money and statistically it can be shown that the presence of that third party increased to some great degree the likelihood that that defendant will appear.

Now, conditional release not only involved a third party but involves some kind of supportive services as well. Conditional release is designed -- the best example is probably an addict. An addict tends to be unreliable because he has other interests. As one addict once testified in the city, "Court starts too early." If they are in need of drugs at that particular moment, obviously, court is not the place they are going to go. Somebody who is now in treatment under condition of release is an acceptable risk. They don't have a need for drugs. The treatment they are receiving, if it's decent treatment, is going to relieve that pressure.

So, consequently, the likelihood that they will come down to court has been reduced to the likelihood of everybody who is being released, the likelihood that they

6-8

will come to court.

BY CHAIRMAN SCIRICA:

Q So, with conditional release, the Municipal Court Judge will first decide whether he is going on OR, the answer is, "No, put him on conditional release, no money bail."

A That's the way they will work some day. Right now it's a new program. We are interested in involving somebody else in the community, a treatment facility, a custodial facility, a volunteer, either an individual or an organization. And they can't stay at the Police Administration Building twenty-four hours a day.

So what we do is select people who, after two days have not been able to achieve release. We will interview them at the Detention Center as to their interest in conditinal release. We will talk to people in the community or organizations who have given us a profile of the people they are interested in:

What type person: Addict or nonaddict? Living in a certain neighborhood might be one requirement. We will tell that particular organization that we have identified a defendant who they may be interested in. They will look at the paper-work on that defendant.

Obviously, if you are going to use a wide range of

6-9

community organizations, many of them probably couldn't afford to go to the Detention Center. So, we will let them look first on paper. If they are still agreeable, sometime, about four days after the initial process, we will have a hearing at City Hall. The individual organization or volunteer will have a chance prior to the hearing to meet with that particular defendant.

If the defendant continues to be agreeable and, obviously, you're dealing with a situation where his pretrial enlargement depends upon his willingness. So, you have to be careful, as it is almost guaranteed that he is going to say yes. And if the organization is willing to work with that particular defendant, and our job there is simply to bring them together.

We don't offer treatment or anything else. Then we would go to the judge, based on our statistical evidence, and recommend that this, statistically, would seem to be an acceptable risk release.

Then it's up to the judge whether or not he wants to do it.

From the standpoint of the defendant, he is going to receive a saviour from this individual or this organization. Their support is going to enable him to be released.

So there is a beginning of some kind of tie between that defendant and that organization. The organization has agreed to work with the defendant. They will leave the courthouse together, so that if anything meaningful can be accomplished, it would be seemingly start out on the right foot.

At the same time, the judge, the judiciary, is the one who is imposing the conditions, and the defendant on the record is going to know that that is the -- that's what makes him an acceptable risk, performance of that condition.

Q Is the D.A.'s office present?

A The D.A. will be present at the hearing, as would a representative of the Public Defenders' Offices or his private counsel.

Q I see.

Now, we know that the only constitutional permissible reason that there is bail is to insure presence at time of trial. My experience has been that the judges will look at the question whether or not a person is likely to commit another crime, especially a violent crime, and if he thinks so, then he will be reluctant to give that person bail.

Is that your experience?

A Well, I think that's the experience nationally. It's not only Philadelphia. There is a way of converting

6-11

dangerousness into risk of flight, you know. If somebody is dangerous, it is probably his past pattern of behavior evidences, say, violent acts or numerous convictions. So, that's what makes somebody dangerous.

But that same person, if, in fact, they are convicted for the present offense, he is likely to get a longer jail sentence, also, based on that evidence. So, that somebody that stands not to be incarcerated or found guilty, obviously, has very little reason to flee. Somebody who does stand to be incarcerated has a greater reason to flee. So, legally, there is a way that dangerousness is converted into high bail.

I think that, if a judge can be shown, that conditional releases -- these conditional releases are designed to work on his reliability. But they also have an effect on recidivism. The addict who is truly in need of drugs, who isn't a doctor or a lawyer, has no way to earn substantial income, who needs two or three or four hundred dollars a day, or even fifty dollars a day, obviously imposes some risk to perform an act that society says is illegal. So, if he's in treatment, you are not only saying in greater likelihood he will be at trial when he is supposed to, but also a low likelihood that he will be back in with a new charge.

So, I think conditional release without reaching to the point of whether the judge is illegally looking at dangerousness when he sets bail, I mean, it works in both cases.

We are only using it on the reliability aspect. But the community, I think, is well served, and the defendants in the long run are well served by the action these conditions would have upon recidivism.

BY REPRESENTATIVE RICHARDSON:

Q One question about bail. Is it now a constitutional law that bail should not exceed a person's income?

A That's not correct.

Q What is the ruling, if you know, what the law gives to the prisoner who is put on bail at the present time?

A Bail may not be excessive, constitutionally, by the eighth amendment.

Q What are the terms?

A The standard for bail is whatever it takes to return that person to the jurisdiction for trial. That's the only standard.

Now, if a defendant says, "If you let me go, I'll run," then constitutionaly and statutorily and by case law, no bail. You don't release him because he has announced his intention to flee.

6-13

Now, if he says, "I'm not going to flee," but he has a prior history of failing to appear, then probably the rationale is that, if you are going to use money, you are going to use a higher amount. If you are going to use conditions, you will probably use very stringent conditions.

Q I see.

A For example, we started this program in a very minimal way. There is somebody who is presently on release, who came back to court this morning for the second time in a month and a half. There is evidence that he's an addict; he's been on release and been through the system many times before. His prior history -- five times previously he failed to appear. Under conditional release right now, he was released August 20th. He has made his first two court dates, so that the supposition, you know, that's not enough to say, well, it's going to work perfectly. We know there are going to be people it won't work for. But my experience so far in Philadelphia, and I have worked for five years in Washington, D.C., with this type of approach is that it works.

Q Bail is a funny thing. It tends to have different barriers and different backgrounds for who they apply to or who they are applied for. Is there a particular standard - is there a particular ground that's used -- you already said

6-14

that a person who is a first offender, a person who has never been arrested before, and, therefore, doesn't have any past record, so there is no way of indicating what bail should be. Sometimes the bail is very excessive, like $100,000, $250,000 bail.

A I think the standard, the Pennsylvania Supreme Court rules, the things they talk about, the things that other jurisdictions talk about, they are statutes. The thing that cases talk about are these ties to the community of positive things; how he has lived here, how long he has lived at his current address, his prior address; does he have a family here or not; does he live with family or does he live alone? They are all evidences - is he employed?

You see all those things, if he's got a job there that he has held for two years, if he has lived at his current address for a year, if he has a lot of family here, if he has lived in Philadelphia all his life, he can't function any other place, you know. He's got a neighborhood, this is his life, and he can't flee.

Negative indicators are drug addiction, prior record, and that type of thing.

Q Let me give you an example.

The other day an individual in the city was

arrested for killing a baby. The baby was one month old. His bail for killing the baby was $7,000. The charge amounted to manslaughter, involuntary. Is that not highly excessive bail, when on the other hand an individual killed a six-year old girl, and he was held with no bail at all? What is the criteria, the reasoning, what is the criteria for excessive bail versus no bail versus minimum bail?

A It's a judicial decision and they use the factors that I have taken into account. The only people around this city and in this set that set bail are either judicial officers or commissioners, if it's a case of bench warrant bail.

Q It has nothing to do with politics?

A I don't say that there is never a bail decision that has been made using the wrong criteria. I would have to know more about those two cases. The charge isn't the only element. If somebody is charged with manslaughter, statutorily, the penalty is much less than someone charged with murder.

So, right away, if you are just going to go on that one factor - and there are many factors - then bail would seemingly be higher. Everything else being equal where the charge is murder, where they could stand to be

7-16

incarcerated for life, whereas the maximum incarceration for manslaughter is much less. So you are less likely to flee if you are only facing a year or two in jail than if you're facing a lifetime in jail.

Q We have had a number of cases of killing in the city pertaining to cases -- I am trying to be realistic in the approach to bail -- that is, when blacks kill blacks, the bail seems much lower than if a black kills a white individual. Is there any cases you have on that?

A Statistically, I have never looked at it. I have read the same charges in the newspaper. So, right now, you probably know as much about it as I do. We are doing a study right now under -- we received some of these moneys under LEAA Grants. Our evaluation plan now is to look closely at 8,000 cases. The total cost of the evaluation, what we are actually getting in services elsewhere and what we are going to pay to an outside evaluator, it's a $40,000 study.

So, if the thing you are talking about occurs, then I think we will have better information on it, but not until next June.

Q Not until next June, that survey will be taken?

A That's correct.

CHAIRMAN SCIRICA: We would like to give you an

7-17

address because we would like to have a copy of that.

A You certainly shall.

REPRESENTATIVE RICHARDSON: Thank you very much.

BY REPRESENTATIVE VIPOND:

Q Mr. Gedney, what sort of staff do you have now in this program?

A Well, we operate right now on five different funding sources; one private foundation grant, two LEAA grants, one anticipated revenue grant, and a very small portion of it is City General Fund.

Q What is your total budget?

A Slightly over a million dollars per year.

Q Just for this program?

A That's correct.

Q And you are able to handle a pretty good caseload at this particular time?

A We handle probably a lot more than we could if we had to use a caseload basis. On caseload basis, we've got interviewers who are interviewing 36,000 people. You know, in terms of the number of interviewers, that would be a phenomenal caseload. So those interviews are translated elsewhere by our agency. We try to devote our resources as much as possible where the needs are, instead of you are one

7-18

person, therefore, you will have a person to work with you, casework. You know, everybody gets twenty-four people, so you have to devote a twenty-fourth of your time to everybody. They may not need it that way, so we have tried to set it up where we don't get stuck into that.

If a defendant is going to be released on conditions, one time it may be to see somebody every couple of weeks; another time it may be to go some place every day for eight hours. So, instead of one-twenty-fourth every time, you may be one-fifth and one one hundredth, because that's what the people need.

Q I am trying to get a picture of what your operations are like. Is a majority caseworkers, so-called,or are they lawyers, or are they people in the social sciences, who are they?

A It depends on what particular place in my organization you are talking about. We operate -- I hate to sound proud, but I probably am -- the only totally closed bail system in the country. We are responsible for every aspect of bail. So we are responsible for interviewing everybody that comes into the system, and unlike all but one other bail program in the nation, we are responsible when somebody fails to appear to the point it's necessary, physically making an arrest

and returning the person to the system.

Most bail programs are put in the unenviable position, if somebody fails to appear, that's a blackeye against the program. What can they do about it, nothing. It's up to the police, or up to somebody else.

Well, we now, with twenty-three people on the streets, are now serving as many warrants as, at least on paper, a sixty-man police force. Since July 1st, we are responsible. Now, obviously, economically it makes sense not to arrest. That's expensive. So we try to encourage anybody who fails to appear to walk in, to come down, and in effect turn himself in.

But, regardless whether it's an arrest or what, about 30 per cent of the people do; they will come down when called or when they receive a postcard.

We will prepare what information we can get from him and try to verify it. If he says, I was in the hospital, we'll call the hospital. Whatever we find out is turned over to the Hearing Commissioner. We operate everything in between that, too. We operate notifications to make sure that somebody docsn't come down or forgets to come down because they don't know they're supposed to be there.

We are responsible for verifying information

about people who are still in prison so we can continue to work with them. So, it's not a one-shot affair.

Q You are in touch with your clients at every stage; in other words, from the beginning until they are in prison or back on the streets?

A That's correct. So our role in conditional release would be that we are part of the court, and we view ourselves as an informational agency. We're not an advocate; we're not pro District Attorney; we're not pro defense counsel; we're not pro defendant; we're not pro community.

Sometimes our action make us appear to be pro defendant. If we didn't present that information at the initial appearance or at the time of the petition, nobody would. So, therefore, we're pro defendant, I suppose.

If a defendant fails to appear, and we can't get hold of him, we can't call him, we can't go out to his house and say, come in tomorrow morning, then we will arrest him. I suppose that appears to be pro District Attorney, pro prosecutor.

We present information. On conditional release, when somebody has been out for eight months or five months and has done a good job, we will tell the judge at the time of the sentencing. So, the conditional release will, hopefully,

act in a way to be an informal pretrial diversion. You know, maybe the prosecutor, politically, can't afford to divert somebody charged with robbery, with burglary. But if the person gets into a program and ultimately is found guilty, then the judge should know what he has done pretrial, if he's done something that's beneficial.

So it will be our job under conditional release to make sure the judge finds that out, to make sure that is taken into account in sentencing.

The Probation Department in many cases should be able to get a package deal. You know, you don't have to do a lot of work up in the Probation Department because he is a working thing; he's in this program, he's been going now for five months, and it's worked. So, probation can be an extension of pretrial release.

There is no reason why that defendant should even know now that he's on probation. If it worked pretrial, it should continue to work into probation.

BY REPRESENTATIVE RICHARDSON:

Q If I was arrested and I came before the magistrate in "Ace and Race," what then would be your office function, what would they do?

A Well, assuming we were caught up at that particular

point, right after you were fingerprinted, one of our people would come over and take you back into our office and ask you a few questions about your background.

You would be told why the questions were being asked, you would be told what OR was; you would be told what ten per cent was. We would ask questions about your background, not about that particular crime.

Using certain criteria, we would make a recommendation based on what you told us and what we were able to find out by calling other people in the community, maybe, a relative or a wife, a friend, something like that. This report would then go to the judge. We tell the judge what we found out and what we recommend and why we recommend it.

Q Then does this go to the D.A.?

A The D. A. gets a copy.

Q What was that?

A The D.A. gets a copy.

Q And the judge gets a copy?

A Right.

Q So there are three individuals who get copies. Based on what the judge does, he has the right to do what he pleases?

A Correct.

Obviously, the District Attorney is going to talk about things like the strength of the evidence, and likelihood of conviction. The Public Defender may talk -- may be more willing to talk about things we told him, like he lives with his family, he has a family, that kind of thing.

We are some place in the middle. I think one important thing about conditional release, though, is that it does a number of things inexpensively. Our pro-defendant cause in this proposal figures out to $78 per defendant per year. If we had somebody on conditional release for a full year, that's what it costs us.

If he were in a drug treatment program, depending on the program, it would cost, in treatment costs, $1,500 to $3,000 per year per defendant.

The existence of conditional release means that the defendants and the courts and the bail program can recapture things out in the community for nothing. For spending $78 we can obtain $1,500 to $3,000 worth of treatment capacity.

So, it's really a very low cost to recapture an awful lot of stuff. We recapture two ways: Many of the drug treatment programs in the city are not filled right now. They can't get the patients for one reason or another. So here's a way - you don't spend any more if the program is filled or

if it is below capacity. You know, you are still spending that amount of money for staffing and buildings and so forth. So, if we fill it up, it's not going to cost anything, but we are utilizing it.

If we go to a church group or a community group and say, would you be willing to sponsor a defendant, and they say, yes. Well, that doesn't cost anything either. And it's something, you know, as they say during pro-football games, we need you. It's free; it's beneficial; the system benefits from it; the defendant benefits from it, and it costs virtually nothing.

CHAIRMAN SCIRICA: Mr. Gedney, thank you very much for a very informative position.

MR. GEDNEY: Thank you.

(Witness excused.)

CHAIRMAN SCIRICA: We will break now for luncheon recess. It is almost a quarter after and it will probably be a quarter of two before we get started again.

(Luncheon recess.)

AFTERNOON SESSION

CHAIRMAN SCIRICA: We will now start the afternoon session. We've lost a few members.

Our next witness is Mr. William Nagel, who is Director of the American Foundation. Mr. Nagel is one of the foremost commentators on the prison scene in the country. He has served on various national commissions, and has testified before our Committee at previous times. We are most pleased to have him today, and perhaps he may want to tell the Committee members a little about his background in the correction field.

WILLIAM NAGEL, called as a witness,

testified as follows:

MR. NAGEL: Thank you.

I am pleased to be invited back again. I told Mr. Purnell a few moments ago that over the years, I guess, I have appeared before thirty or more committees of the House and Senate, but I found this particular Committee to be one of the most responsive and interesting committees that I have ever appeared before.

I met with you a few months ago, and I am glad to

be back again.

I didn't prepare anything, Mr. Chairman. I have a few remarks that might be of interest to you. I don't know how much time you have allowed for these comments, but I would like to respond to questions as much as to talk from my viewpoint.

I know that in thinking about the problems at Holmesburg, you have listened to the testimony of many thoughtful and knowledgeable people. And I don't know that I can offer very much that they have not already offered. Furthermore, I know that you had an opportunity to look at the many reports that have been written about Holmesburg over the years the Davis report that was written in the late '60s, and the Crawford report that was written after the riots of 1970, and then the report, the long testimony of Judge Spaeth before the Smith Court in April of 1972, and then the findings of the Commonwealth Court in August of this year. And they all seem to add up to one inescapable conclusion, and that is, that Holmesburg is not a fit place for a human being to be confined.

I don't want to -- I have had my staff summarize the findings of those many committees, and I would be glad to submit them to you, but I know that you have had them, and

you have read them, and it would probably serve no purpose. I think the sum and substance of all that is that there is no lack of knowledge as to what the problem is or what we should do. But there is a problem of selection, and out of that much material, what we can do. And there is, of course, the problem of will. Where do we get the backbone, the will, the strength and the resources to do those things which I think any civilized society has to do if it is going to be able to hold up its head?

I want to say one thing, and I don't want to sound like I'm giving the reminiscence of an old man. But I was born on the Delaware River, and between, I guess, nine years of age and seventeen years of age, I swam in that Delaware River every day of my life, six hours a day. We sat on the banks and sunned, and then we went in and we had a canoe that we made ourselves, and so it was. And I rather suspect that no one can do that today.

Now, it's not because of the conditions, necessarily, where I used to swim, just a mile or two from here, but the reasons you can't swim in the Delaware River are because of the cesspools up in Pike County, and the open sewers in towns all the way from Port Jervis to Frenchtown, the millruns from the lumber mills and paper mills, and the acid outpourings

from the mines, huge factories from Trenton and Morrisville, and the garbage of thousands of individuals. I mention all of that because if I were to want to swim today where I swam all my life, there would be no solution for me to go down and throw a couple of chlorine tablets around me and plunge into that water. I would have to go upstream. And I know the Legislature over the years has done that in regard to the Delaware River and the other rivers in Pennsylvania. They have begun to realize that the solutions do not start at the mouth of the river, but the solutions start at the source of the river. And, over the years, you have had the courage to pass, despite the opposition of mine owners and other powerful forces, industrialists in town, and everything else--you have passed a series of rather strong bits of legislation, which begin to try to correct the sources of our rivers--I mean, the problems of our rivers--at the source.

Now, the jail happens to be the mouth of the river, as far as criminal justice, the system of criminal justice. And it's where all of the problems of the cesspools in Pike County and all the other problems that I described accumulate. And when they accumulate there, we are faced with the jail problem, and it's not a jail problem, gentlemen; it's a criminal justice problem. And we'd better start going upstream

and try to solve the problems.

We can build another jail a hundred yards away from Holmesburg, and then another jail, and then another jail, and we'll fill them up, but until we attack some of the problems that create this huge cesspool that is now Holmesburg, we won't be resolving the problems.

I think that there's a lot to the stuff upstream that may be too difficult for the Legislature of the State to tackle.

When you think of the fact that we really don't know what causes crime, it's pretty hard to know where to start reducing crime. But I suspect, and I have a very strong feeling that as long as some fifteen to twenty-five per cent of the people of our big cities do not have jobs and have really no hope for jobs, no hope for a future, and yet live in a world where others do have hope, we are going to have lots of crime in places like Philadelphia. And maybe those problems are too difficult to solve, but there are other problems in the criminal justice system that seem to me aren't so difficult to solve.

When they had the riot, for example, in Holmesburg in 1970, I was privileged to serve on that Committee appointed by Mr. Specter to look into the causes of

that riot. One of the things that astounded me at that particular time was that there were 450 people in Holmesburg on July 4, 1970 because they were unable to raise $500 bail. That means $50 in cash. And yet we were confining those individuals in that horrible place because of their inability to pay a ransom of $50. That, to my mind, is inexcusable.

I think we must think about what the purpose of jail is. In our society there are only two purposes for jails. The first purpose of jails is for the untried. And that purpose is a very simple one, and that is to assure an accused person's appearance for trial. There are many ways in a civilized society that you can assure a person's appearance for trial besides placing him in Holmesburg.

One of the other things that we found out when we looked at the Holmesburg riot of 1970 was that there was no relationship between the seriousness of offense and residents in the Holmesburg Prison; in fact, many of the individuals who had committed offenses that were viewed to be most serious were in the community, because, for one reason or another, they were able to make bail, while Holmesburg, to a certain degree, had an accumulation of the poor, the unfortunate, the friendless and the lonely. I think that a civilized society can do things much better than provide jail as the only--as the

alternate way to insure a person's appearance before trial. That's going upstream a little bit.

Another thing that we noticed, and I have noticed it ever since, that one of the fundamental reasons for the conditions at Holmesburg, other than the fact that it is an architectural monstrosity, is that we have a court problem. Our courts are backlogged; they are backlogged in some cases for a year or a year and a half, and that means that persons are confined for an abnormally long time. And if we really wanted to solve some of the problems of Holmesburg we should solve the problems of the courts.

It would seem to me that the first allocation of money should not be towards Holmesburg, should not be towards building a new Holmesburg, but should be towards making our courts effective instruments in the criminal justice process. I think if we were to make our courts effective instruments in the criminal justice process, we would be surprised how many problems of Holmesburg would disappear.

There are many other things upstream in the criminal justice system that we can do, too. Some of them are things the Legislature can contribute to in one way or another. I was in New Jersey on Monday and I was told there by a research person for the General Assembly in the State of

New Jersey that they were thinking about, or they had introduced legislation to the effect that there would be no paroles for "lifers." This was a part of the reaction toward the elimination of the death penalty. So I asked this gentleman who had drafted this material if he had thought of what the downstream consequences of that would be, and he said, "What do you mean?" And I said, "Do you know how many cells that is going to mean that you'll need to have in the system that you don't have to have now?" And he said, "No," he didn't know. I said, "Have you looked into it?" He said, "No," that he hadn't looked into it.

And so we made one phone call, in the five minutes that I was in his office, to the Department of Correction in New Jersey, and we asked them how many "lifers" there were there. And they told us, and I asked them what the average length of time was for a "lifer" now. And they said it was fifteen years and some months.

We came to the conclusion that by multiplying the number of "lifers" they had, and due to the fact that there would be no parole for them, this meant that they would have to have 300 more cells. That means 300 more cells, one more prison, which means 112 more guards, and so forth and so forth.

Now, it's easy enough to legislate for what I used

as an example. But if you don't legislate for all of the consequences of your legislation, you create problems such as Holmesburg. And that's what Holmesburg represents, a bunch of legislative problems which you haven't considered all the consequences of the problems.

Those are some general remarks, and I hope they are helpful to you. I'd like to spend the rest of the time that you might allot to me in answering questions that might reflect your concern in regard to Holmesburg.

CHAIRMAN SCIRICA: Good. When we had you here in the past our problem was that we have never had enough time for you to answer all the questions we all had. I think this afternoon I would like to take as much time as you are willing to give to us.

MR. NAGEL: Yes.

BY CHAIRMAN SCIRICA:

Q Yesterday Arlen Specter and Hillel Levinson both indicated that they wanted the state to take over the county jails in Pennsylvania. What is your reaction to that?

A Well, I suppose that's an easy solution for a local official. It's always nice to have somebody else pick up the tax bite and then you don't have to pick it up. There are pros and cons about that, but that's a simple solution. If

the state picks it up without taking along with it the obligation to do something with it, to spend the money that might be necessary and so forth, it would be no better off.

I want to talk a little bit about that, though, and more specifically. I think in my last testimony, when I testified about state systems as opposed to county systems and federal systems, I did make the observation that democracy is a funny thing, and that pure democracy works best in those areas of concern that everyone likes; for example, everybody who has a car with fancy shock absorbers and big tires, good underpinnings, et cetera, wants the streets to be pretty smooth as they ride on them. And if you have big pot-holes, the first thing you want to do is to call up your local person and say, "Fix the pot-holes."

And because everybody is concerned about the pot-holes, it is very good to have the fixing of the pot-holes controlled at the local level. The local level of government responds best to those things that everybody wants and likes. Local government doesn't respond very well to those things that everybody abhors. Everybody abhors, for example, public assistance. We have an economic system that assures that five per cent of our people are going to be out of work--that's part of the design of the thing, in order to avoid

inflation.

What do we do with those five per cent? We have to put them on public assistance. But nobody likes public assistance. So, if you put public assistance down too close to the people, where those who are working hard say, "Those sons of bitches are getting all this money, and they are not even working," you end up with a public assistance system that is in its final, its ultimate terms, dehumanizing.

The same thing is true about prisons. Nobody likes offenders, and dealing with offenders is a responsibility of the government. If you put it too close to the gut feelings of people; that is, if you allow it to be administered by the local unit of government, you usually end up with a correctional system that is least good.

If you take a look at correctional systems around the country, in every state, and I have visited, I guess, about 800 jails in my life, and I don't know how many prisons, and how many penitentiaries. And almost invariably, the worst parts of the correction systems are county; the county jails are invariably the worst. Generally speaking, the federal system is the best. There is a cushion between the hostility of people toward offenders and the legislative body that has to make determinations. So, from that point of view,

I think there is a philosophical base for the state taking over the county prisons. However, I found a little bit of hypocrisy in their testimony as I read it in the papers, and I only read it there, because, on the one hand you find those particular persons who testified yesterday saying that crime is a local problem, and therefore should be handled locally, And yesterday they were saying, crime is a statewide problem, therefore, it should handled statewide. That is indeed true.

Then, I think, we must begin to think about why do we have more police forces in the State of Pennsylvania than in any other state in the country? You know, why don't we begin to consolidate the police forces?

We have to consider a lot of the other implications. One of the things that I have to remind you of, however, is that of my little parallel about the Delaware River. You might have noticed that I talked about the pollution that was caused by Frenchtown. Well, Frenchtown is in New Jersey, and Trenton is in New Jersey. There is such a thing as having to do things regionally, and having to do things on a bigger level than the local unit of government.

I think, however, that Philadelphia has remarkably been unwilling to face the problems of its crime. Ever since I can remember they have wanted the problem of crimes in

Philadelphia to be solved in Lebanon County. For example, in 1965, the Legislature approved several million dollars to build a prison for the city, and the city effectively fought putting the prison in this place. They wanted it to be put in West Chester, near West Chester, out in Chester County; they wanted it to be put in Lebanon County; they wanted it to be put anywhere but not Philadelphia.

This has been characteristic of Philadelphia, and I can understand where they might now want to say, "Take over our prisons." I'd have no objection for the state taking over the prisons, but I think that with it there has to be a commitment to put the financial resources into it which the city has not been willing to do.

I don't know if that is a full answer or not.

Q That's good.

What is done in most other states in the country regarding county jails; who has jurisdiction, especially in the larger states?

A Two things I want to say about who has jurisdiction. One thing as a historical note: The Legislature has never really had the guts in Pennsylvania to tell the counties what they have to do. I am a citizen of Pennsylvania; I am not a citizen of Philadelphia County, of Bucks County, nor of any

other county. And as I move across the state, if I should get arrested for any reason, I should have a right to expect a level of decency, whether I get arrested in Philadelphia and put in the Philadelphia jail, or if I get put in the Lycoming County jail, or whatever. There should be legislative -- a standard of humanity that I can be assured of, wherever I go in the state, of my citizenship. And that has never been done by the Legislature. I say, it has never been done, but it has only been once done. And I think the Legislature could take a lesson from this.

In 1690, I think it was, when the Great Law was written, William Penn wrote into the Great Law a very interesting thing. He said, "Each county will, before such and such a date, create at a point nearest to the center of the county a facility not less than "X" feet by "Y" feet, for the correction and confinement of those persons who should break the law." And that -- and then it spelled out certain conditions, and then he said, "...and any county not fulfilling these requirements, shall be fined at the rate of so much per acre of wheat, so much per ... so and so and such and such."

So, way, way back in the early days of this Commonwealth, when it was still a province, the central ruling

body felt the obligation to tell counties that they did have responsibilities of this order. Since then the counties have pretty much called their own shots. And it has only been recently, since 1965, as a matter of fact, that they have had an inspection level of any kind, that the gentlemen here in this room today have responsibility for. That's the first thing about the counties.

Now, how did they really do it? In most states responsibility for the untried is the responsibility of the Cpunty--in most states. There are now five states--I think it is five states--in which the state has taken over the responsibility for all jails, untried, and the adjudicated offender. Those states are Connecticut, I think, Rhode Island, Delaware, North Carolina, and one other. I can't think of it at this moment. The state operates the county jails. It's an interesting thing that in two of those places you have found the best progress that has been made in the country--in Connecticut for one, and other one is Vermont. They are all mostly eastern states, and mostly New England states.

And, by the way, that's rather strange, because New England is the sort of birthplace of local government, you know. Pennsylvania has been different than most other states in one major respect, and that's in regards to the

sentenced defender. In almost every state the sentenced defender can be sentenced to a county facility only for most petty offenses, offenses which are generally considered violations of local ordinances, misdemeanors, at the most. Pennsylvania, by a rather strange quirk, and also by the geographic fact that we were a fairly big state in those days, and we had a lot of mountains, created nineteen separate laws that provided that nineteen counties should provide county penitentiaries, county prisons, instead of jails.

And as a result of this, nineteen prisons in the state were allowed to confine sentenced persons for felonies, some of them up to two life's at one time. In 1965 that was changed somewhat, and the Attorney General was given some of the responsibilities for limiting how long any county facility could keep a person in a place. I think the maximum now is five years, I am not sure, but I think that's it. And in most counties it's two years. But even that is an extraordinarily long time to confine a person in county facilities where there is practically no program, practically no resources, and where nothing but vegetation is the fate of persons.

They are the major differences between the State of Pennsylvania and the rest of the country. But, generally, throughout the nation, the local county is responsible for

confinement of the untried, and the state is responsible for the confinement of the convicted, for anyone over a year, anyhow.

BY CHAIRMAN SCIRICA:

Q We asked Mr. Aytch about this yesterday, and we specifically asked him what he thought of all sentenced defenders being sent to a state institution, which would be Graterford in the instance of Philadelphia, whether he approved of that.

Mr. Aytch indicated that it would be good for relieving the population, but that Graterford, which is in rural Montgomery County, did not offer the resources, and especially the community resources, volunteer groups, that Philadelphia had, and he thought that was significant, and that had to be considered before we enacted any legislation that would put all sentenced offenders in the state system.

A Well, I think Mr. Aytch is right. Mr. Aytch recognizes one of the basic factors of life, and that basic factor of life is that a human being is a social animal, and the most important -- as a person who used to be a warden of a prison, I can tell you -- the most important single program in an institution is not psychological programs, psychiatric programs, athletic programs, nor anything else, but the most

important single program in any prison is contact with the people you love. That is the most important single program. In Pennsylvania we have our prisons where nobody can have contact with the people they love. Take a look at the locations of our institutions. We have one outside of Dallas, one at Huntingdon, Bellefonte. All the women in the state go to Muncy, the middle of nowhere. The only juvenile institution for girls, for example, is on the West Virginia border, and then we have a place about an hour from here, an hour and a half out of Graterford. This means for poor people who do not have -- there's no public transportation, really. There has now been some effort on the part of prison groups or groups which are interested in prisoners to provide bus service to Graterford. It really means that to have that weekly fifteen minutes or a half hour with your wife, your mother, or your son, or whoever, is practically an impossibility.

So, when you begin to move everybody to Graterford, you do take away from them the one humanizing thing in their whole experience. What Mr. Aytch says, therefore, has validity.

Q As you know, and I think you alluded to it, in 1965, the Legislature did authorize the creation of a facility, a regional facility, for Southeastern Pennsylvania, and you spoke about some problems. My understanding is that the amount

of money, $19 million, has been reallocated in a bill that has been reintroduced by the administration, whereby $6 or $8 million would be for Philadelphia. The rest would go to two other regions. And they contemplated taking over the old Children's Hospital and renovating it. I wonder if you could comment on (1) whether we ought to build a new facility for the Southeastern Region, and (2) what do you think of the Children's Hospital proposal?

A I don't know much about the Children's Hospital thing, and I'd rather not comment about it. I have never been there, and I'd have to really spend a few hours there to see whether or not it could be made convertible. One of the worst things, however, that I have seen as I travel around the country, were places that were converted into makeshift sort of institutions, and, therefore, you had to develop all sorts of "Rube Goldberg" containment mechanisms. And some of these "Rube Goldberg" containment mechanisms were, I thought, impossibly difficult to maintain, but more than that, they developed a place that reminded one of concentration camps, or rows of wires, and all that sort of stuff.

Now, the other part of your comment was about building a new institution. I have spent most of my life advocating building new institutions. The reason I have

advocated new institutions is because in Pennsylvania and the eastern part of the country, most of our institutions were built very well when they were built, and they lasted very long, and they became antiquated and no longer serviceable, and should have been replaced.

However, in the last two or three years I have moved very softly to the right or the left, whichever way you want to call it, and I feel very strongly about building new institutions. I think the building of new institutions represents putting buckets under leaking faucets. That's essentially what it does. We've got leaky faucets, and we are putting buckets under them. Jails are buckets for leaky faucets.

I think we are a creative enough nation that we can correct the plumbing in this country, and that's what we ought to do. So, I have a kind of strong reservation about building new places. I think, for example, and I say this not without a considerable amount of thought; that we could close Holmesburg right now, within the next year, if we committed ourselves to just three things: Court reform, bail reform, and those aspects of the Criminal Code that deal with so-called victimless crimes.

We could find ourselves able to handle the pretrial

population of this county in the House of Detention and the House of Correction, and eliminate Holmesburg from the scene if, indeed, we could find the money to remove that wall.

My answer, of course, in regard to building is that every time you build, you make it just that much easier to let the courts operate ineffectively, because you've got a place to dump a guy until the courts get ready to deal with him, you see. And I don't think that's a solution; that's a nonsolution for more than one reason.

The streets of Philadelphia are full of men who are bitter as all hell, because they spent time in that place that three courts have declared to be inhuman, you know. And that kind of experience, I think, contributes to violence in our streets and to crime in our communities.

So, I would be very reluctant to lend my endorsement to the construction of a new institution in Philadelphia. I would lend my endorsement to using that money to solve the problems upstream.

Q Mr. Specter also had a suggestion that we renovate part of the Eastern Penitentiary.

A Well, that's been suggested ever since time immemorial. In fact, it was suggested by the special ad hoc committee appointed by LEAA, to come in and look at our prisons

after the riots in Holmesburg in 1970. Somehow or another, there is always somebody who won't let Eastern rest in peace. I think that the best thing you can do with the Legislature in this term would be to find the $3 million it takes to tear that place down, so that we can forget about it as a solution. As long as it's there, people are going to use it as a possible solution to problems. That place was built in 1879. True, there are sections to it that have been added since that time. I have been through the place. By the way, renovating Eastern State Penitentiary today is going to be an extraordinarily expensive thing, because a remarkable thing happened in Eastern State Penitentiary. For the first year it was closed they kept the heat on; then they couldn't afford to keep the heat on, and turned the heat off. And the walls crumbled. And if you have been through Eastern Penitentiary since last winter, you will find every time an airplane goes over, another part of the wall crumbles down--I was walking through and saw this. This has had some effect with the cold air and no heat inside.

So, I don't think that Arlen has been in there lately, at least I would guess that.

Q Let me ask you one more question, and I will give the others a chance:

You have served as a member of the Governor's Commission, the Governor's Justice Commission?

A Yes.

Q And I believe that the Governor's Justice Commission approved an expenditure of LEAA funds for Holmesburg.

Could you go into that?

A Not in detail. We've committed quite a bit of money to Holmesburg for program things. There is LEAA money for Holmesburg for training, there's LEAA money in there for drug programs, there's LEAA money in there for work relief programs. I think altogether there was about $1,400,000 worth of the Governor's Justice Commission LEAA moneys in Holmesburg.

One of the things that bothers me is the precipitous dismissal of Mr. Goldsboro several months ago; the fact that most of those programs which we were funding were under his direction and supervision. And we were terribly afraid that the money would be diverted to nonprogram things. I don't think--I could be wrong, Mr. Scirica,--but I don't think we have funded anything in there for improvement, material improvements, at the place. If they did, it was in the months I was away, because I've made a very strong stand in regard to that. I think that putting money into some places like Holmesburg and Eastern before that, and some of the other

places is putting money down rat holes. Holmesburg is like a blotter; it's like a sponge, as far as putting money into it to fix it up is concerned. If you start first with the locking devices and the surveillance devices, and so forth, there's an infinite amount of money that you can pour into that place if you want to start going that route. And I've tried to discourage and dissuade the Governor's Justice Commission from going that route.

CHAIRMAN SCIRICA: Thank you.

Mr. Vipond?

BY MR. VIPOND:

Q I am fascinated and delighted by your suggestions as to where we should spend our money, our collective tax dollars, on bail reform, court reform, and doing something about removing victimless crimes from the Crime Code.

I wonder, from a public relations point of view, how we do this, how we convince the public at large that this is where we should spend our money. You made a very interesting point when I was chatting with you this afternoon about the fact that the prisoners, people in institutions are always "they."

A Yes.

Q I think it's going to be hard to sell the public

on the idea of not building better prisons.

A You know something--I want to tell you a little bit about my thinking on that. You may not know, but I have spent a few years in working different kinds of government jobs.

Q Yes.

A I worked in correctional institutions for fourteen or fifteen years of my life; then I spent five years working in the Governor's office. There are certain things, I am convinced, that you cannot sell the public on; that legislators have the responsibility to do something about, nevertheless; for example, I'm positive, absolutely positive--anybody who has ever heard me talk has heard me say this a million times--that the public would not pass the bill of rights today, but the bill of rights is a part of our heritage, and the Legislature has a right to enact legislation that insures that the bill of rights is in effect carried out. For example, the bill of rights presumes that a person who has not yet been found guilty is innocent, and yet in the practical carrying out of that, we put the person who has not yet been tried in a place ten times as bad as where we put him after he has been convicted, you see, and punish him without a sanction of the court. That is because we really haven't put teeth into the

bill of rights at the legislative level.

I think there are many things that the Legislature has to do, simply because it is its responsibility, and the legislators may not get reelected otherwise. If you want to make a career out of being a legislator, don't try to support corrections. Governor Peterson tried to support corrections down in Delaware. He tried to support two things down in Delaware, a remarkably good Governor, by the way, from the distance I stand from there; he tried to support the environment and he tried to support corrections. He didn't get reelected.

So, if you really want to make a career out of it, I wouldn't go around bragging about what you are doing for corrections. But you have a responsibility to see that the principles of this country are adhered to, and that means you have to make certain hard decisions that are unpopular.

One reason we have the bill of rights, by the way, is that it takes two-thirds--three-quarters of the votes of the state to change it, and we knew some things would not be popular.

Q I somewhat expected that answer, because I, too, think it is almost impossible to sell some of these theories to the public, and it is a question of legislative courage on

our part to do this. I hope there are enough of us in the Legislature to have that courage.

A Our Foundation has sort of dealt with this problem too. Let me explain to you what I mean by that.

Before I became Director of our Foundation, they thought, the people who were operating our Foundation before I went there, that the best way to help corrections was to make a huge public relations pitch, and we created four movies that have been shown to billions and billions of people around this country. There is hardly a day in America that one of our movies about the terrible condition of jails and the problems of prisons, the court system, and whatever, is not shown on some television station somewhere in this country. I would hate to even try to measure the impact or lack of impact of those people on these films. Everybody says, "How interesting."

I decided when I came with the Foundation that what you have to do is study the problem, present solutions, and convince people that it's their responsibility to do something. And by convincing people, I mean, convincing the people who are the decision-makers in this society, and that's about it.

MR. VIPOND: Thank you.

CHAIRMAN SCIRICA: Representative Richardson?

BY REPRESENTATIVE RICHARDSON:

Q Your testimony was very good.

I want to ask you a couple of questions. One is, yesterday at the hearing, we heard the testimony of the Manager, Mr. Levinson, and he indicated he, personally, didn't certainly want to reside at Holmesburg. Looking at that, I am just wondering whether or not we, as a panel, really have the power to change the overall attitudes that seem to be a big thing--we have been discussing attitudes in prison--and I am wondering, from your experience, if you could talk to us a little bit about attitudes of guards, attitudes of the administration, and those individuals who seem to be in the power positions at prison.

Do you feel that they should be swayed; that they could be changed? How do you go about changing the top structure, the higher echelon?

A Well, I don't know the politics of anybody at this table, so when I am talking, I'm talking as an apolitical person; I am as apolitical as they come, okay?

Attitudes are like the old expression, "Training is the responsibility of command." You know anybody in the Army used to say, "Training it well." The changing of

attitudes is the responsibility of command.

I think it would be a rather difficult thing to really make basic changes about attitudes at Holmesburg when the Chief Executive Officer of the City keeps talking about, "Them bums," you know. It's "we" and "they," you see. That kind of rhetoric almost becomes contagious in the operation of a prison. It's hard enough to remain optimistic when you are working in a prison. And when the persons who control the basic decisions, the political decisions, economic decisions, and budgetary decisions speak so derogatorily about the charges that you have and the people that you are dealing with, it's easy to become "Damn it; what the hell!" That becomes a pervasive and contagious attitude.

The matter of attitude in prison is a responsibility of command. Now, that command starts with the Mayor, and it goes through the Managing Director. The Managing Director responded, after a riot, after a tragedy of the first order in which two wardens were killed, a tragedy that was a breakdown in custody, by firing the treatment people, you know. This kind of attitude of leadership becomes, I think, pervasive throughout the system, and the result becomes an attitude that says, "Your only responsibility is to hold them," you see. When the only responsibility is to "hold them,"

you can then lock people in cells and let them rot until the day comes before their time.

Now, that's sort of general, but I wanted to say that you do not change attitudes from the bottom up; you change attitudes from the top down; and the attitudes in this city from the top down stink. That's my opinion.

Now, after we get past that, there is a responsibility and an obligation to develop training programs and, for example, in my prison, we had a very serious problem between custody and treatment. Almost every prison has this historically. You know how we solved the problem between custody and treatment? In a remarkably simple way. We developed group counseling in which the guards were the counselors, instead of social workers and whatever. We hired guards, and we said, "No longer are you just a turnkey; no longer do you just walk around with a billy club; you have to sit around a table with the inmates three times a week and talk with them about their problems, about their attitudes, and so forth."

And in the course of two or three years the attitude of the guards towards the men who were their charges in this prison changed most remarkably. We are not sure at all whether the attitudes of the inmates changed; we are not

sure whether they were at all improved or corrected, psychoanalyzed or anything else. But we knew there was greater empathy between human beings after that experience.

So, there are things that can be done when leadership commits itself to trying to do it, to bring around closer human relationships between persons who run prison systems and persons who have to spend part of their lives there.

Q Would you say that the Federal Prisons are run on that order?

A Federal Prison Systems have certain advantages that the county prisons do not have; for example, the Federal Prison System has for many years budgeted time for in-service training for their people. An officer in the Federal Bureau of Prisons just expects that a part of his forty-hour tour each week is going to be--part of it is going to be in-service training. Here we are caught in a budgetary squeeze where an officer cannot be taken off a post long enough to permit him to participate in any kind of in-service training. Federal people are better budgeted, better staffed, have officers, for example, who spend full-time in the business of training, that is their task.

I understand, and I am not sure whether it has been implemented yet, that part of the reorganization up at

Holmesburg was to create a position for a full-time training officer. I hope that's happened; I am not sure.

Q My final question is, you know, we have viewed the prison as having cruel and unusual punishment. I am just wondering--we are talking about other progressive states across the nation that have made other changes; you are indicating here that the Chief Executive seemingly doesn't want to do that.

A Well, I understand that as I read the paper at the time of the Spaeth thing the top leadership of the city said, "That's ridiculous that Holmesburg is 'cruel and unusual' punishment." And then, when five Appellate Court Judges said the same thing, they again repeated the fact that it was, you know, ridiculous, and the Supreme Court finally opposed it, it will still be, you know, so go ahead.

Q So, it makes it difficult, you know, for legislators who sit at the state level who hear this to really make that kind of choice. I agree with Senator Vipond when he says it's going to take guts and courage to carry this to other legislators, to enact legislation. To deal with true prison reform is necessary to help create a change.

But I would just like to know, as a legislator, what types of things, basically, do you feel would help; where

would you start; what would you start with, the key thing you would start with?

A As I mentioned before, there are certain things I would do that I call "upstream," you know, speeding up the court process,in developing alternatives to the bill program, and so forth. And we have done a lot of that. By the way, I'm not wanting to leave any suggestion that Philadelphia has not moved in those directions. Philadelphia has really moved well in those directions. Around the country Philadelphia looks pretty good, compared to some other major cities. There are lots of people who are still falling through the sieve, though. There are an awfully lot of people who don't need to fall through the sieve.

There are things that I am sure I would do. There are a couple of other things that I would do very quickly. I would order Holmesburg to be closed; just order it closed, you know. I don't know if the Legislature can do that. I suppose that Courts can. I would order it closed; that would cause chaos for a few moments, a few days or a few weeks, but it would force these upstream adjustments to be made, because they would not have the dumping spot. They would have to force the upstream things. This has happened a couple of times in the history of Pennsylvania and the country, and it's been a rather

remarkable thing that no great catastrophe occurred. For example, in 1968--'67, maybe it was--a court in Philadelphia decided that it was unconstitutional that young men should be held in the institutions for defective delinquents for 20, 30, or 40 years, without ever having a trial. And that has been the situation here, because our Defective Delinquent Act permitted that sort of thing. All that was required was that a person be declared defective; that is, have an IQ of below 70, and that he had been arrested for an offense that was a felony, and that combination was enough to commit a man without really any further steps.

Well, a judge here--by the way, all those sentences were indeterminate for life; they were to be released when a person stopped being a defective delinquent. I don't know when a person stops being a defective delinquent. If you have an IQ of 69 when you are 18, you are going to have an IQ of 69 when you are 69; if your IQ was accurate at 19. Anyhow, this judge declared that this was unconstitutional, and 400 men had to be released from Dallas. I was in the Governor's office and was given the awful responsibility of deciding what in the hell we were going to do with those 400 people. And I must tell you that I had lots of restless nights, because I thought Philadelphia was going to end up with a

rape on every corner.

I have a great deal of feeling of responsibility. I walked the streets, and all the rest, but it didn't happen.

A second situation occurred similar to that in Florida, when the Supreme Court declared under the Miranda case that there was a Miranda in the Florida State Penitentiary, who was there illegally, and pretty soon they had to release everyone else committed like him, and 700 men were released from the Florida State Penitentiary, and everybody thought that Florida was going to fall apart, but it didn't.

I'd close Holmesburg, and, in fact, I don't see how any governmental body can condone the continued operation of a facility that has been declared by two courts to be unconstitutional; I just don't see how they can condone it. And I would close it. I think if you closed it, you would find immediate will to make some of the upstream adjustments that I think have to be made. And that seems simplistic, but I don't think it is simplistic. But I think it will have a profound effect on the criminal justice system in this city, and I think a laudatory effect.

Q Do you think that Holmesburg Prison is the worst prison on the East Coast?

A Well, I can't say that. I haven't been in all of

them. It's one of the worst ones I've been in. I think I might have been in three worse than Holmesburg; one in West Virginia, that I can never tell you how bad it was; the Tombs is pretty awful, even though it is new, it's pretty awful, for reasons that are not architectural, but overcrowded, just, again, a lack of concern for "they," a lack of concern for "they," most of whom are black, you know. It's pretty close to the worst. I would say this, that the literally nearly 1,000 institutions which I have been in, the visiting facilities at Holmesburg six months ago were the worst in the country.

Q It's the worst in Pennsylvania, isn't it?

A Yes.

BY MR. PURNELL:

Q Mr. Nagel?

A Yes?

Q If we were to follow your recommendations to their logical conclusion, it seems to me that we would end up eventually by not having any new prisons, and we don't refurbish, so that if that is the conclusion that we draw from your testimony, then why are you in a position of supporting continued funding for existing institutions in the state?

A Well, I am not sure that your conclusions follow whatever logic there is in my presentation, or the lack of

logic. You may know that I recently wrote a book and in this book I spoke for all the reasons we shouldn't have prisons, but I ended up by talking about the prisons we should build, because I have come to one inescapable conclusion; that is, there are two kinds of people in this world that we just don't know how to deal with at this particular moment. I think those two kinds of people could be summarized this way: The nondangerous offender, but so repetitive that sooner or later you run out of community alternatives,and that individual--we don't want to go back to cutting off hands, we don't want to go back to cutting off tongues or cutting off heads, or whatever, so we have to do something.

So, I talked about an institution that would be designed for that kind of a person.

Then I think there are also people who, for reasons that are too unfathomable for a simple guy like me to understand, just can't live in this world. Either they are so full of hate or so full of confusion, or so full of whatever, that they are dangerous to themselves and to everyone around them, and they, too, have to be--not for punishment, not for treatment, but just for separation--just quarantined, to be removed from society.

So, even in my book I talked about the prisons we

have to build. I think at this particular moment, the reason I'm talking about not building now is because we have in Pennsylvania right now cell space for 10,000 people. I think that 10,000 cells will hold all those people that I described for a long time; in fact, I don't think there are 10,000 people that we have confined at any given moment.

So, let's not build anything until we develop some of the upstream solutions that I have talked about, until we have developed some of the commitments -- again, to go back to the river that I talked to you about, my dear Delaware River that I loved and grew up on -- the solutions to the Delaware River are a public health approach. You have to look at the stuff that is corroding the river. You have to get to that and remove it. And we've got to spend some time in our society figuring out why it is that we have such erosion in our society, and spend some money on that.

This is a public health approach to crime, if you will. And I think if we do spend our time and our money on looking at those things, and looking at the upstream solutions within the criminal justice system itself, after a person has been identified with them, that we have enough institutions to hold them for a long time.

Then, when those institutions--some of them, for

example, at times we should phase out. I would think, for example, Graterford, which is an absolutely unmanageable institution--Bob Johnson could not run that place; no man alive can run that place, except to run it with absolute tyranny, because it was designed to be run in tyranny, and that's all. I think that if we start phasing out places just like that and replacing them with smaller, more reasonable, more controllable sorts of facilities over a long period of time, that will help greatly.

CHAIRMAN SCIRICA: Mr. Nagel, thank you very much.

MR. NAGEL: Thank you very much for your courtesy.

CHAIRMAN SCIRICA: I thought perhaps in the beginning you were going to tell the members of the Committee some of your background. You have done so many things, headed so many task forces, and written so much, that I guess it is rather difficult for you to tell about them.

MR. NAGEL: I did say one or two things,and that was that most of my thinking about institutions does not come out of an ivory tower. My attitude toward imprisonment was forged in a prison where I worked for eleven years as Deputy Warden, where I wrestled with men in their cells, where I participated in every kind of a control mechanism that you have to use to run prisons, you know.

After eleven years of working sixteen hours a day, trying to make something unworkable work, I decided I had to start expending my energies trying to find solutions. The prison is an unworkable dream; that's all it was, a dream, an unworkable one.

One other thing, that is, recently I was privileged to work on a Commission appointed--excuse the word--by the President. I am talking about a Republican, and I shouldn't say things like that. To look at the whole business of criminal justice in America--it has made its report in the last couple of months, in five volumes--one volume is an overview; one volume is on courts; one volume on pleas; one volume on corrections; and one volume--the one on corrections just came out today, was just released today, and I wrote a considerable part of it, and I would suggest that all of you, as you think seriously about solutions to these problems, might look at this, as I think it offers solutions. It was meant for that purpose; it was written for that purpose.

I would like to digress for one minute to suggest one other bit of reading for everybody in this place, and that is a little book called, "City Police." I talked a minute ago about the business of victimless crimes, you know. This book, "City Police," has only been out about two weeks, or maybe a

month. It was written by a Harvard graduate, who then went on a Fulbright Scholarship to Germany, where he did some esoteric work into the history of the German City and State, and decided that, as a historian, that was a rather boring life, and he came back to Harvard and got a Ph.D., and came to Mayor Rizzo, who was then Commissioner Rizzo, and got himself assigned to the Police Academy. He went to the Police Academy in Philadelphia, and then for one year worked as a policeman. He was not a policeman; he worked as a policeman. He was assigned as a second man, every month being able to change from one district to another, from one assignment to another, every two weeks. He has written a book about city policemen that every citizen and every legislator ought to read, for two reasons: It's neither a pro-police book nor an anti-police book, which I think makes it unusual.

Secondly, in a very, very human way, it describes the day-by-day jobs of the policeman, and his dealing with the public and his dealing with the offender. But the second thing it does is describe the corrosion of the criminal justice system by the fact that vice is the be all and end all of promotions in the Police Department. It's the only way you can get ahead, and that's by bringing in vice arrests.

So, that leads to a whole series of corruptions

that are spelled out in such beautiful intricacies that it makes legislators wonder. It should make legislators wonder about the value to society of having crimes like prostitution, gambling, and so forth on the books. It is the source of the basic corruption of our society.

Thank you very much.

CHAIRMAN SCIRICA: Thank you very much. And thank you for taking the time to talk to us.

(Witness excused.)

CHAIRMAN SCIRICA: Mr. Phil Bannon is our next witness. Mr. Bannon is the Director of County Jails under the Bureau of Corrections, Department of Justice.

Mr. Bannon?

PHIL BANNON, called as a witness,

testified as follows:

MR. BANNON: I think we find that most of the testimony I have heard today and what I have read in the newspapers, what happened yesterday, that most of it has been confined to the Philadelphia County Prison System.

I would like to think that Philadelphia is not the entire Commonwealth. We have sixty-six other counties and Mr. Nagel just mentioned things about upstream improvements and that sort of thing.

I think these are all just as true of the other sixty-six counties. I think Philadelphia, because it is the largest, and the fact that they have three county jails, in fact, probably have more prisoners than most of the states have in their whole state system. I think this is really the biggest problem we have.

The problem, however, is not confined simply to Philadelphia County but many other counties in the Commonwealth

10-2

and throughout the United States are faced with much the same sort of situation. If someone were to bring a suit similar to the one that was filed several years ago by residents of the Holmesburg Prison and go through the courts, I think they would find many other county's jails that are inadequate, have very poor conditions, many of which, I think, are intolerable.

I think many other people have spoken here today and yesterday, probably much more eloquently than I am able to do, about the conditions, and I don't think it serves any real purpose for me to run over any of the conditions I am familiar with in the Philadelphia County Prison, Holmesburg, specifically, add anything to or detract anything from anything anybody has said.

Philadelphia County, however, has been a particular problem to the state system and I have been intimately associated with this since I have been with the Bureau of Corrections, since 1970.

Among the problems, of course, has been the fact during the three years, ever since the July 4th, 1970 riots, we have taken at least 500 prisoners from the Philadelphia County system into the state system, mainly because of overcrowded conditions. And our 500 have just really been just

one scoop of the bucket out of a large barrel. They continue to be very overcrowded, conditions have not improved, and I don't think they ever will, no matter how many people we transfer into our system - it's really going to be only a temporary solution at best.

These transfers coming into us cause us a great deal of problems in that many of them are unsentenced. I think right from the very beginning, even though it's provided for in Commonwealth law, I am adamantly opposed to ever housing, no matter what -- I can't think of any condition other than perhaps martial law that we should have untried, unsentenced or sentence deferred cases in the state system. It's just absolutely, totally, against my own principles on this.

I worked in another system - I worked in the State of Michigan for practically seventeen years, and in that time and to my own knowledge, we never had unsentenced prisoners in the state system with the exception of 1967 when riots hit Detroit and they had people locked up in the Detroit River boathouse, in the stables for the police horses, and a few other things like that. We did take approximately 1,000 of them into a state prison for about a week, until they got something put together.

But, other than a condition like that, I am opposed

10-4

to any housing of untried, unsentenced, unconvicted individuals in the state system. Yet we are faced with doing this virtually every day.

Other problems, of course, I think that spin off and affect us are due to any number of problems at Holmesburg, and I think this is probably more true out of Philadelphia because of the size. At least a third of the people we have in our state system come from Philadelphia County.

A real problem that occurs with us, even if a man comes from the court, is the fact that he has spent so much time in Holmesburg or House of Corrections, or the Detention Center or wherever, he comes to us, his minimum term has already been served or so close to being served that we spend 95 per cent of our time and energy getting together a classification report, a Barole Board report, and everything else.

We are doing all those things instead of really trying to take care of the things that we are supposed to be doing in terms of people's treatment needs, their own rehabilitative needs, whatever problems they have associated with lack of education or training, or family problems, or alcohol problems, narcotic problems.

We are in the process of doing paper work so that the Parole Board can meet and decide whether or not they

10-5

are going to release this individual. It's not fair to us; it's not fair to the residents and, probably most important, it's not fair to the general public.

How can anybody make a decision whether or not this man is rehabilitated, and is released to the streets, when we have had him all week. His time is about to expire and right away we have to start trying to put together parole reports. This, of course, puts pressure on us and this individual is understandably upset and mad and disturbed, you know, "When the heck are you going to get me out of here? My time expired a month ago. How come I haven't been seen by the Board? When am I going to be classified," and that sort of thing.

I think we have covered a number of things in testimony over the last couple of days about some of the solutions, that is, some way the judicial process could be speeded up. I think, "Justice delayed is justice denied" - I think Blackstone said that.

I think somebody talked about bail reform and other diversionary measures, release on recognizance, minimum bond, and so forth. I think another problem occurs in our county prisons, in that they haven't tied up with people who don't really need to be locked up.

10-6

Municipal Court cases that involve victimless crimes, situational crimes where a man is not in immediate or even remotely dangerous to his community or even to himself. I think keeping this type of individual out of jail would enable us to operate county jails, or state institutions with a great deal less problems.

Somebody mentioned in their testimony yesterday a question about whether or not the state should take over the operation of county jails. I think they were, of course, referring to Philadelphia prisons. I would be opposed to the state taking over Philadelphia County prisons, forgetting about the other sixty-six counties.

I don't really think we can do for Philadelphia what we can't reasonably expect to do for other counties. As I mentioned previously, the inequities and intolerable conditions in existence in Philadelphia County are equally in existence in many other county jails that are of less notice because you are talking of having, say, six or eight or ten or a dozen individuals in them instead of 1,200, like we have at Holmesburg.

The state taking over, I think, has some positive aspects. I think this would enable us to perhaps insure the equality of treatment, have representative standards so that

10-7

the type of treatment an individual would receive, the judicial procedures and everything else having to do with criminal process could be as good in Lackawanna County as they are in Bucks County or Bedford County, or any place else. I think this is very necessary.

I do think, however, some disadvantages of this are the fact that different things mean different things in different localities. Poaching deer, up in Forest County where I come from, in northern Michigan is looked upon as kind of a winter sport than it would be if you were poaching deer out here at Fairmount Park, or something. I think you have to have some local flavor to the amount or the type of incarceration, the type of criminal justice procedures within tolerable limits.

I don't know how this could really be put together if we did have an entirely state operated jail system in conjunction with the bill on correction.

Another bad aspect, of course, is the fact that it would be almost totally inconceivable to me how we could continue to operate sixty-seven jails, or seventy, as we presently are. Many of the jails I mentioned have an average of two or three or half a dozen population. We could not at all continue to operate that sort of thing. The only logical

10-8

solution would be some type of a regional or multi-county situation, and here again, this would be removing the defendant from his community, from his legal counsel, from his family, from his loved ones.

I think you run into so many vested interests, and so forth, having to do with jobs and everybody thinking regional jail is great, as long as it's right downtown here next to our courthouse, then it's fine, but if you suggest it ought to be halfway between two county courthouses, nobody is happy about it.

We have on the drawing board, about ready to start construction on a couple of regional correctional facilities. We run into a great deal of wrangling and haggling in Lackawanna County because they don't want one there. "Oh, it's a beautiful idea but you ought to have it down in Bethlehem or Allentown, or some place else, but we don't want it here."

A number of years ago we talked about a regional out in Chester County. A great number of people got together and ranted and raved and banged on the table, and I guess, and the plans were abandoned. Nobody wants a bunch of nasty old convicts in their neighborhood. It's all right to put them over here out of sight some place, out of mind, they don't

10-9

want them.

I do believe that what is necessary, if we are going to run county jails or some type of pretrial detention centers, I think they should only be for those individuals who are such a danger to the community in terms of assault, impulsive acting-out behavior. They should be the only ones we should have to detain until they could be brought to trial.

I think we have to have legislation that will mandate that, whether it's one county or two counties, or a half dozen, there be a detention center for their use. It should be mandated that they have certain standards.

I have a book -- I believe we gave you some -- on our standards. This is the type of place you will run or will have to close down whatever you are doing, and you will have to pay room and board and put your prisoners some place that will provide this type of facility.

CHAIRMAN SCIRICA: Excuse me, sir.

Those regulations, are they effective now?

MR. BANNON: They are effective the 1st of January.

CHAIRMAN SCIRICA: Okay. They went out February of this year?

MR. BANNON: Yes, they went out. We compiled those under provision of law and Mr. Feconda and

10-10

Dr. Hank Burns from Penn State, and other people, spelled them out and listed them. And I think they do provide for some deviation based on the actual number of people locked up, in terms of staff and that sort of thing.

CHAIRMAN SCIRICA: Now, let me ask you this: Under the law that allows you, gives you the power set forth in those regulations, you have no sanctions, you have no remedies if the counties don't comply with it?

MR. BANNON: That's right.

CHAIRMAN SCIRICA: And the new Department of Corrections would give you a remedy?

MR. BANNON: Yes, sir.

CHAIRMAN SCIRICA: It would allow you to go to the Common Pleas Court and the county jails where they are located and ask them to perform according to your recommendations, is that correct?

MR. BANNON: I believe there is a way now where we can, more or less, get some sanctions now, but it takes -- we have to go the Department of Justice, through the Attorney General, and it's a lot of wrangling and a lot of foot work. I think, again, you run into, "County X, your jail, these conditions are intolerable. You do not meet the standards. You can no longer use your jail for housing prisoners."

11-11

That could put us in the position where the county would say, "Okay, we won't do it. We are going to put our prisoners into your jails, or can we just say that you have to find a solution, other than that, and put them into an adjacent county or a county some way off."

This is one of the real problems there. If we say that they no longer can use a jail, what are we going to do? It's just like, you'd probably close a hospital and somebody says, "This is the only hospital for forty miles. It's a poor hospital, but better than no hospital."

CHAIRMAN SCIRICA: Can you say at this time whether or not Holmesburg would comply with the regulations if they go into effect?

MR. BANNON: In my estimation, from my familiarity with the Holmesburg Prison, no way, in no way can they comply with these standards.

CHAIRMAN SCIRICA: Okay.

They will go into effect at the end of December, this year?

MR. BANNON: Yes, January 1st, 1974.

CHAIRMAN SCIRICA: So, if I understand you correctly, unless the Department of Corrections have a bill passed prior to January 1, 1974, which it probably won't,

unless we get another bill passed in that time to give you the remedy outlined in that bill, you really aren't going to be able to do very much, if you so determine that Holmesburg does not comply with the regulations?

MR. BANNON: That's right. There's not much that we can do. The only thing that we can do, and what we have been doing -- I have been out to several other counties just within the last month or so. Where they are not complying or are not even close to complying, is a matter of salesmanship, of pointing out to them where they are lacking, and the reasons for our standards, and why they should try to do this sort of thing. I think, this is probably the first step to take.

The second step, I think, we have county jails, for instance, that have absolutely no staff on duty from, let's say, nine o'clock at night until six in the morning. The inmates are locked in their cells, and that's it. Somebody could hang himself, or two of them get into a fight, or any type of abuse could take place, and the jailer would have absolutely no knowledge of this. His only contact with the outside world, or for any type of thing, is a doorbell, an alarm system that rings in the warden's residence, or something of that nature. The inmates, if they so choose,

11-13

can do just about anything they want to do, or dig out through the ceiling, through the wall, and escape.

We talked with the County Commissioners on the Prison Board about these sorts of things and they say, "Well, you are not really providing the type of things that you should and you, perhaps, would be liable if one of these prisoners escaped and killed somebody on the way out. Or would you be liable if somebody hangs himself, due to the fact that you have nobody watching? What would happen if some family member brought a civil suit against you for that sort of thing?"

I think, you know, it's somewhat of a scare tactic, I suppose, but this would be perhaps the second step.

The third step would be really coming out and saying, that they will do this or else we will close it down. We really don't have that kind of power, or whatever, at this time.

CHAIRMAN SCIRICA: Thank you.

Representative Richardson?

REPRESENTATIVE RICHARDSON: Yes.

BY REPRESENTATIVE RICHARDSON:

Q Mr. Bannon, as correctional officer for the county jails, would you close Holmesburg Prison now?

11-15

A If I had some solution in mind, I would like to see it closed down, very much would. The institution was outmoded, outdated before they built it. I think they probably used the same plans that the Eastern State Penitentiary was built with.

I think Mr. Nagel suggested this probably is one way in which you would really be able to get some action. The only thing that I'm afraid of this type of situation is that 900 or 1,000 population that happesn to be there today, we would end up, the state that is, taking them in and this would make our conditions intolerable.

Now, the officers were talking here, these two correctional officers spoke here this morning about having three men on a cell block, three officers on a cell block, for a hundred and how many inmates? You go out to Graterford, and we have three men on a cell block that has 400 inmates. You know, our situation is intolerable enough. If we close it down, close down Holmesburg, what then would happen to those thousand men that are there? But I think a lot of other spade work would have to be done in the meantime, or prior to closing it down, in that the overall population at Philadelphia County Prisons should be cut down to where they could be reasonably accommodated in a single cell situation in the Detention Center,

and then the House of Correction. And I think that this should only be in operation, the House of Correction, that is, for a relatively short period of time, because that institution, too, is outmoded, old, and I think any attempt to renovate or repair it would be like throwing sand into a bottomless hole.

The Detention Center itself is relatively new and, to my mind, is very poorly designed. I cannot conceive whose idea it was to build that type of institution for the individual at the Detention Center -- picking somebody off the street, in the precinct station, to out there, absolutely knowing nothing about him! They put him into a dormitory situation, and you don't know whether you've picked up someone who might have been picked up on a relatively minor charge; he could be Jack the Ripper. They could put him right into this dormitory situation, and, Lord knows, what will transpire.

So, I think the whole system out there, all three institutions, in my mind are inadequate and present an intolerable sort of situation. I don't think the solution would be to tear them down immediately or just lock the doors and close them. I don't think that conceivably could be done until we do the upstream sort of work that Mr. Nagel and others spoke about, keeping a vast number of individuals we have locked up in Philadelphia County Prisons, or any other county

jail,for that matter. Keep them out of jail. There is no reason why they have to be in jail until they come to court. The only people who should be locked up in my mind are those who are so assaultive or so dangerous to society that release to them to be on the street would constitute a real hazard. Other than that, I don't think that people should be locked up.

I think there should be some sort of an unofficial pretrial probation sort of thing, release on recognizance, some sort of halfway house system in the community for non-sentenced and nonconvicted people.

Any number of things can take place, so that you don't have that type of population out there; 2,500, or is it 2,700, whatever it happens to be today. But, in my mind, Holmesburg and the House of Correction and probably 35 or 40 other county jails in the Commonwealth should be closed down just as quickly as we can identify, and provide something that is a much better solution.

Q I was at the Montgomery County Prison, and I happened to see some of the conditions there. Would you compare that, or could you compare that, with the kind of conditions that exist at Holmesburg?

A Well, the County Jail in Montgomery County, again, is an archaic structure. It's old, relatively. Montgomery

County Jail was probably built in the 1860s or thereabouts, for an entirely different concept in corrections or in county jails. A good number of the physical aspects of the place are as bad as Holmesburg, as far as I'm concerned.

One of the things in my mind is a real, intolerable situation, but I don't know what is the solution, if anything. When they built the jail it was the practice to feed the inmates in the cells. A number of years ago somebody decided they ought to have a dining room, which is good. So they built a dining room. They put it on one end of the jail, and the kitchen is on the other end, which means that they must truck food the whole length of the jail. They built onto the back of the original cell block, and put another cell block there, and it really ends up being one great big long, two or three story structure that does not provide for any sort of classification or segregation by needs or that sort of thing. There is no privacy, no sense of dignity, nor anything, and everybody is jammed in there.

The women's section is up on--segregated on one section of the second floor there. Their only exercise and so forth is in a small day room that perhaps is about as big as this part of the room (indicating.) In front of the cells they built a tiny exercise yard, surrounded by a very high

stone wall. All in all, it's a very bad situation.

Q We recognize that, Mr. Bannon, and we see that some of these places are certainly cruel and inhuman punishment. But we hesitate to close them at this present time, because the state is not able to take them. What would the possible recommendation from you, aside from all the politics involved, as a human being in a more human interest kind of thing, what would you do?

A Well, I think what we should really be able to do is to make a series of studies or, at least, hazard educated guesses as to what various areas' needs are, provided they implement anything that you can divert people from coming into a jail in the first place. And, you know, this goes back farther upstream to make whatever changes in our whole life structure, in our whole philosophical outlook about what is crime, and that sort of thing, victimless crimes, and that sort of thing.

I think a number of societies' ills, employment and undereducation, intolerance, segregation, and lack of respect for people, human rights and that sort of thing all abound.

To reduce the root causes of crime, of course, is one thing. I think the second level on that would be those

cases which do not require being locked up and punished prior to having their day in court sort of thing. I think a great number of people could be diverted into some sort of bail or release on recognizance, that sort of thing. Then we can make some type of estimate, I think, as to how many people out of Bucks County or Montgomery County, or any of these areas, as to how big a place we need, what type of place it should be, and I think the solution, really, would be to end up with multi-county, joint county detention centers for the holding of people for pretrial detention, those that we have been able to determine are in need of this type of detention.

And the county jails that we know now, or the place adjacent to the courthouse sort of thing, that could be remanded to really just a holding situation where, if a man is going to go to court today, the sheriff's office can bring him in, have a place to keep him until his does have his time in court. He goes to court, and that sort of thing. That would be the only area that you'd have to have it, as I see it, you know, in the county jail situation. It should be downtown, and, depending again on the geography and population, and so forth, I think we can have anywhere from one to four or five counties go together with some sort of multi-county detention center authority, to have one jail, everybody can pay in his

fair share to operate so as to be able to do this.

Now, I don't have a definite appointment, but I have talked with the County Commissioners in Monroe County, for instance. A couple of years ago I talked to them, and they were kind in favor of a multi-county detention center, along with Wayne County, Pike County, but the people from Pike County didn't show up for the meeting, and somebody, I think, from Carbon County did show up, and he hadn't been invited. They were all in favor of it, by gosh, as long as it was to be in Stroudsburg, but whether or not that would be equidistant from the the other county seats, and so forth, I don't know; I don't believe it would be.

But they did call me here last week, and they are going to set up a joint meeting between the County Commissioners of Wayne, Pike, Monroe, and Carbon Counties, I believe, to talk about the possibility of these four counties going together and building some sort of a detention center for their counties.

Now, Monroe County at the present time did recognize that they really can't afford to be in the county jail business. In terms of what they would have to pay for staff, what they would have to pay in terms of remodeling or renovation or rebuilding, they decided that the only people

they were going to hold in their county jail are those people who are specifically sentenced by the court to work release, and they are held in what used to be the warden's, the sheriff's residence, and a few people would be arrested this afternoon and held until maybe Monday, until they could have a preliminary hearing before the magistrate, or whatever, this sort of thing.

Everybody else, any long-term detentioners, more than a day or two, people who are sentenced, they are boarding them out in an adjacent county, Northampton County.

Both sets of county commissioners were happy with this. Northampton County has a prison sufficient to hold them. We came up with a solution which is, perhaps, short-lived, but it is something which I think is a better solution. I think this type of thing is what is needed.

First of all, keep people out of jail and accept only those who have to be in jail. Secondly, so that we can have some equality of treatment and acceptable level on the creature comforts, the treatment areas, and so forth, to have counties get together to solve a common problem.

Whether or not Lackawanna and Luzerne Counties, who do not know where the county lines exist,except for a dotted line on the map, I think crime runs back and forth and

problems run back and forth. I think one standard metropolitan statistic area should Lackawanna County and Luzerne County both try to have a reasonable county jail, would they be better off if they had joined county detention centers.

I don't know, but I think this is one aspect where we could look into. We have the law but so far nobody has gotten down to the nitty-gritty and solved the problem because of local considerations. Everybody thinks they have to have a county jail -- I think this is very ridiculous. You know, it's something carried over from many long years ago when it was a two-day trip from here to Harrisburg.

I think some solutions were relevant at that time which are not relevant today. Now it's an hour and a half or an hour and forty-five minutes to Harrisburg. Things have changed.

But I don't think they have really changed that much in people's concepts about prisons.

REPRESENTATIVE RICHARDSON: Thank you very much.

BY REPRESENTATIVE VIPOND:

Q Your description of the reluctance or the activities of some counties in talking about consolidation or regionalization are very interesting to me because I live in Lackawanna County.

I have worried that the County Commissioners in Lackawanna and Luzerne, for example, have not taken any interest at all in that project one way or the other. I wonder if that's true across the state.

Is everybody just being quiet because it's too controversial and which no one feels they can make any points? Do we come back to this situation that I was talking about to Mr. Nagel - it's a "we - they" situation. No one wants to move forward. It takes courage.

A Well, I think it takes courage. I think one of the things I talk about quite often - I teach in the Bureau of Corrections training school. We talk about people's attitudes, about prisoners in prisons, and the "we - they" situation.

It reminds me when I was on active duty in the Navy Hospital Corpsmen and one of my duties was to periodically give a lecture and show a movie on venereal disease. And, you know, there used to be all kind of cat-calls and hee-haws while showing the dumb old movies with everybody making crude remarks and making a big joke out of it.

Then afer we had some soldiers go to Taiwan and come back with one of the social diseases and it hurt when he urinated, he was very interested in all those things, the

documents telling about VD.

People really don't think about prisons and prisoners until they read about a tragedy such as happened to my good friends at Holmesburg or the steward out at Graterford. Then they come up with the idea, you know, you really ought to lock them up and keep them locked up or some crime happens in your neighborhood. But the day-by-day sort of thing, 95 per cent of the people really don't care, and this is the reason, I think, that our institutions are where they are today.

They built the prisons as far out in the country as they could possibly get, where people didn't have to seem them. They don't recognize that this is a thing of community concern, that crime affects everybody.

The reason that a shirt at Gimbels that used to be five dollars is six dollars, of course, is not because of making the darned thing. They have got to make up on the shirts that they sell for the shirts that they get boosted out of the place. Crime is something that affects everybody, and I don't think people really recognize this.

They have this simplistic idea that if you make things tough enough, you lock them up and you punish them enough, they won't come back. This might work with a six-

year old kid - a kid runs out in the street and if you whale him good, he probably won't run out in the street again. But when people are sent to prison as adults, you have to do something to change their own attitudes, their own minds about life in general before you are going to change their habits of stealing, or whatever it is, that caused them to come to jail.

Q Do we have, in fact, potentially many Holmesburgs around the state in the sixty-six counties?

A We have a number of jails that I think are as old and as archaic as Holmesburg, the difference being, of course, the size.

As I said, we have county jails such as Bill Nagel mentioned about the airplaines when they go over, knock stones out of the walls at Eastern. There are places where, if you sneeze, walls come down. There are places where there are no windows, just screens and bars and the cold winter air can come blowing in. And we have places where there is not staff on duty to see that nothing happens, that somebody doesn't hang himself or get sick or what have you. We have places where, because of the shortage of staff, they feed supper at four o'clock in the afternoon and they don't serve breakfast until eight o'clock the next morning. I am not a growing

boy anymore, but I would get awful hungry if that is the way I had to eat.

There are places where things are just as intolerable as they are out at Holmesburg, but they have not received the publicity because you are talking about six, eight, ten, or maybe twenty-five prisoners at one time rather than a thousand.

Q So our first order of business as legislators would be to give you the enforcement powers that you need, or broader enforcement powers than you now have to uphold regulations? On some of these we have a larger task, but that seems to be the first step?

A I think this would be one thing, and, of course, I think there should be -- not only should you be able to give us the authority to enforce standards and regulations, and so forth, for other counties but I think there should be some recognition that there are counties that, no matter what you do, you can say, you've got to have this jail in such and such a way by a certain date or we are going to close it down. And they will say, well, we will just have to close it down. Then that means you have to divert their prisoners off some place else, and you might have to cross a half-dozen counties before you could find one reasonably effective.

That, of course, causes problems for the family. I think, really, you have to talk about how can the county do it? There are counties with very small populations that can no more afford to build a new jail than I can afford to buy the McCormick mansion there.

REPRESENTATIVE VIPOND: Very good.

Thank you very much.

CHAIRMAN SCIRICA: Mr. Bannon, thank you very much.

MR. BANNON: Thank you.

(Witness excused.)

(Hearing adjourned.)

CERTIFICATE

I hereby certify that the proceedings and testimony are contained fully and accurately in the notes taken by me during the within hearing, and that this is a true and accurate transcript of the same.

Julia Lundwall, Reporter