

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

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Verbatim report of hearing held
in the Minority Caucus Room,
Main Capitol Building, Harrisburg,
Pennsylvania on Thursday,

November 6, 1975
9:30 a.m.

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Hon. Charles P. Hammock, Chairman
Hon. David P. Richardson, Acting Chairman

Members of the Subcommittee

Hon. Michael Bishop	Hon. Raymond R. Lederer
Hon. Lucien E. Blackwell	Hon. Marvin E. Miller, Jr.
Hon. Ronald R. Cowell	Hon. Frank L. Oliver
Hon. Michael D. Fisher	Hon. Joseph Rhodes, Jr.
Hon. William D. Hutchinson	Hon. Anthony J. Scirica
Hon. George W. Wagner	

Also Present:

John W. Hartman, Esquire
Counsel for the Subcommittee

Robert Kagan, Esquire
Counsel for the Subcommittee

Staff Members:

Kent Adami
Carl Burnell
Jonathan Cousins
Sam McClea

Prepared under the direction
of the Chief Clerk's Office,
Vincent Scarcelli, Chief Clerk

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REPRESENTATIVE RICHARDSON: The hour of 9:30 having come and past, we will call these meetings to order and inform everyone that this is the Task Force to study juvenile incarceration across the state of Pennsylvania. This morning our first witness will be Officer Forker.

DELBERT S. FORKER, recalled as a witness, having been previously sworn according to law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Officer Forker, I would like to remind you that you have already been sworn in and you are still under oath.

Will you state your name and let us know if you are represented by counsel?

A Delbert S. Forker. I am represented by counsel.

MR. KIRSCHNER: Richard Kirschner representing Mr. Forker.

BY REPRESENTATIVE RICHARDSON:

Q What is your position and title there at

the institution?

A Correctional Officer I.

Q How long have you been a correctional officer at the institution?

A Three years.

Q Officer Forker, do you know at all whether or not there is training, or is there a procedure that follows a training course that is given to all correctional officers at the institution?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: Yes.

BY REPRESENTATIVE RICHARDSON:

Q Have you participated in those training sessions?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: Yes.

BY REPRESENTATIVE RICHARDSON:

Q As a correctional officer, could you give us some type of description as to what the procedures are in terms of the courses they may teach you in those particular areas that you have in training?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: Self-defense courses, report writing. You get instruction in operations, policies, bureau policies. You get instruction on law -- basic. That's all I remember -- oh, plus a tour of the institution.

BY REPRESENTATIVE RICHARDSON:

Q Officer Forker, were you present on October 15th of this year at Camp Hill, and were you working?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitu-

tion and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q Did you assist Officer O'Ross, Officer Benner and Sergeant Stotelmeyer on October 15th when they entered into Ward "C" of the Camp Hill institution to take any inmates out on that day?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q Before you became a correctional officer, Officer Forker, could you let me know what other training and background you had before becoming a correctional officer?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: I had two years at Harrisburg Area
Community College in Police Science and Administration.

BY REPRESENTATIVE RICHARDSON:

Q What did you take over at the community
college?

A Police Science and Administration.

Q You didn't receive a degree then, did you?

A Associate of Applied Science.

Q Have you seen the paper that we discussed
yesterday? I think I left it on the desk yesterday. I didn't
pick it up. It is on force.

MR. KIRSCHNER: The Chairman is referring to the
two page document issued by the Bureau of Corrections entitled
The Use of Force?

REPRESENTATIVE RICHARDSON: Yes.

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: Yes, I've seen it.

BY REPRESENTATIVE RICHARDSON:

Q You have seen it?

A Yes.

Q Did you have any instructions on how to operate -- strike that.

Did you have any instruction in relationship to that two page document about how to apply yourself in the use of force?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: It's just a document. To my recollection, I received no training at the time I picked it up.

BY REPRESENTATIVE RICHARDSON:

Q Where did you pick it up from?

(Mr. Forker consulted with his counsel at this point.)

MR. KIRSCHNER: May I have the last question back please?

(The last question was read back by the

reporter.)

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: In the institution.

BY REPRESENTATIVE RICHARDSON:

Q Did someone physically give it to you, or
did you pick it up off a desk?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: I don't recall.

BY REPRESENTATIVE RICHARDSON:

Q Do you know how long ago it was that you
received the document? Did you receive it after you came in
the institution?

A Yes, sir.

Q So in other words, it was not a part of your
training when you first entered the institution?

A Not that I remember, sir.

Q Have you witnessed as an officer there in

the last three years at the institution any inmates having altercations with other inmates at the institution?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: Yes.

BY REPRESENTATIVE RICHARDSON:

Q And have you ever had to break up or separate an altercation between two inmates at the institution?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: Yes.

BY REPRESENTATIVE RICHARDSON:

Q What shift do you normally work?

A 2 p.m. to 10 p.m.

Q Would you say there are a lot of fights between inmates and inmates?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: Approximately maybe one every two weeks.

BY REPRESENTATIVE RICHARDSON:

Q Approximately maybe one every two weeks?

A Yes.

Q Have you ever witnessed since you have been at the institution any altercations between correctional officers and inmates at the institution?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q Officer Forker, noting the college background that you have received and noting that you have been

an officer there for three years, do you feel this is a career that you are going to continue to follow through on, or is this just a temporary position that you are holding?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: I intend to make it my career.

BY REPRESENTATIVE RICHARDSON:

Q You are going to make it your career?

A Yes.

Q What do you feel, if there are the kinds of problems that you indicated to this Committee -- altercations between inmates and inmates -- what do you feel would be a solution to us trying to resolve some of the conflicts that are existing?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: I have none.

BY REPRESENTATIVE RICHARDSON:

Q You have none at all?

A No, sir.

Q Would you make a recommendation to this Committee of your own personal feelings about what you feel should happen in the case where we have beatings every -- you indicated to this Committee -- one every two weeks? What do you feel would help stop that? I am asking about your own personal feelings.

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: I would separate the stronger inmates from the weaker inmates where he' couldn't put as much pressure on.

BY REPRESENTATIVE RICHARDSON:

Q Do you have a lot of problems with homosexuals at the institution, Officer Forker?

(Mr. Forker consulted with his counsel
at this point.)

BY REPRESENTATIVE RICHARDSON:

Q I am speaking of inmate homosexuality.

MR. KIRSCHNER: Yes.

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: There is a problem, yes, sir.

BY REPRESENTATIVE RICHARDSON:

Q Are they separated from other inmates there
at the institution?

A No.

Q Do you feel that that is detrimental to
those you are referring to as being weaker?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: Yes, sir, I do.

BY REPRESENTATIVE RICHARDSON:

Q Do you have any personal feelings about
where presently the location is set-up? I understand all of
the inmates are on "C" Ward and "G" Ward. Where physically
could we place those you say have these problems at the in-

stitution, or do you feel they should be out of the institution and somewhere else receiving some help?

(Mr. Forker consulted with his counsel at this point.)

MR. KIRSCHNER: May I have the last question back please?

(The last question was read back by the reporter.)

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: In terms of the homosexuals, I believe they should be moved out.

BY REPRESENTATIVE RICHARDSON:

Q Moved out completely?

A Yes.

Q Have you ever made that request to your superior officer or any one in the administrative level at the institution?

A No, sir.

Q Have you discussed it with other correctional officers about that particular problem?

A No, sir.

Q Have other officers discussed it with you?

A No, sir.

REPRESENTATIVE RICHARDSON: Sam McClea.

BY MR. McCLEA:

Q What would seem to be recurring time and time again is the concern on behalf of the Subcommittee on the kinds of training that officers have and whether or not a kind of preventive training exists or can exist. And we are interested in perhaps the opinions of the guards as to the training they received and whether, in fact, the training is helpful and useful in doing the duties that they are called upon to do and perform. You receive when you start there as a corrections officer -- my understanding is that you receive some weeks of training, is that correct?

A Yes, sir.

Q In that training and of the substance of that training, after you have that training, do you think that

helps or assists officers then in performing their duties when it comes to situations where they are called upon to constrain juveniles, or adults for that matter, because you also work with adults?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: To a degree, yes, sir.

BY MR. McCLEA:

Q Is the training in that area -- skills that are needed in that area -- do they reoccur? Do you get that kind of training with that kind of requirement every six months, once a year, or you had it when you started and that's about it?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: We have in service training classes approximately once a year.

BY MR. McCLEA:

Q Do they last about one day a year or are

they like five days a year?

A Like one day.

Q One day a year you get training after your initial two or three weeks or whatever that is. Okay. And at that --

A As far as I --

Q I'm sorry.

A That's okay.

Q Okay, during that training, does that also include then -- I am moving into another part here -- making you aware of new procedures or directives that have been handed to you, such as new procedures on using force, new procedures on making reports -- or is that ongoing in addition to that one day a year?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: That's ongoing.

BY MR. McCLEA:

Q That's ongoing?

A Yes.

Q When a directive comes down -- now I am moving into an institution such as the Bureau of Corrections or Welfare or anything else -- would handout directives as to how you are to do your job and change different things on report writing and so forth -- when those kinds of changes are presented to you -- one example would be The Use of Force directive that you received -- is it generally -- and now I am not referring to just that one directive -- generally done in a way where they just hand you a piece of paper, or one where you receive a seminar to explain why it's done, how it is to be interpreted?

A They just hand you a piece of paper.

Q And almost always -- would you say almost always?

A Yes, sir.

Q Would you say always?

A During in service training they might bring up something.

Q During in service training?

A Yes.

Q But on a regular directive kind of basis,

they hand down directives?

A Yes.

MR. KIRSCHNER: Indulge me for just a moment if you would.

(Mr. Forker consulted with his counsel at this point.)

BY MR. McCLEA:

Q You have been there almost three years?

A Yes, sir.

Q Has yourself or any guards that you know of discussed a procedure they would like to see changed or instituted and then passed it on up the line to the decision makers? Do you have any recall of that ever happening where you, in fact, actually instituted a procedure or requested a procedure to be instituted and it happened -- you or any other guard that you know of?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: I don't know of any.

BY MR. McCLEA:

Q The reason I asked that -- then it would lead me to believe -- I would like to know whether I would be correct in believing this -- that orders that come down to the guards -- you are the line level staff -- always come down from the top and do not generate -- or to your knowledge have never generated from your requests from the bottom up?

A Not to my knowledge.

Q Not to your knowledge?

A No.

Q So I would be correct in believing that, to your knowledge?

A Yes, sir.

Q Just a couple other questions.

You are a member of the union?

A Yes, sir.

Q Do you have a written grievance procedure that you follow when you want to lodge a grievance?

A Yes.

Q Is there a timetable that you know of on that grievance procedure? Like, if you lodge it this day, it

is within so many days that you are supposed to get a response of some type?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: It's set forth in the contract.

BY MR. McCLEA:

Q Yes. But are you aware of whether or not in that contract there is a timetable?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: There is a timetable.

BY MR. McCLEA:

Q Do you know whether or not the residents of Camp Hill, or for that matter any State correctional institution, have a written grievance procedure?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: I don't understand what you mean by a

grievance procedure?

BY MR. McCLEA:

Q Okay, to use an analogy, you indicated that you as a member of the union have a written grievance procedure where you lodge a grievance, you put it in writing, and you hand it to whoever the grievance goes to. Do you know whether or not there is a similar procedure for inmates who have a grievance to express -- a formal -- I believe your procedure is formal?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: Yes, sir, there is.

BY MR. McCLEA:

Q There is a formal grievance procedure for the inmates?

A Yes, sir.

Q Just to get back to the original questions, do you have any recommendations or suggestions at all that the Bureau should consider in the training of officers, be it ongoing training or the way they hand out directives or

make decisions? This Committee is interested in that. It realizes the importance that that activity plays in the daily lives of both staff and inmates.

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: I believe that an increased number of in service training classes would be helpful. And as far as the directives go, it would be helpful when a directive does come out, that it would be discussed and explained.

MR. McCLEA: Okay, that's all. Thank you.

REPRESENTATIVE RICHARDSON: Mr. Burnell.

BY MR. BURNELL:

Q Do you think it is proper for a cell block to be unattended during the evening hours?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: That would depend on the situation. And that decision would really be up to my superiors.

BY MR. BURNELL:

Q But if there were ten or fifteen boys in a cell block and the others were gone, you wouldn't be prepared to say whether it would be fitting and proper to allow those boys to be unattended for a period of time?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: No, I am not prepared to say it, sir.

BY MR. BURNELL:

Q Is it your understanding of the regulations that it would be improper to strike an inmate, to physically hit him? Is that your understanding of what the regulations are? Would that be improper?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: It's my understanding that The Use of Force Directive would be applied.

BY MR. BURNELL:

Q With The Use of Force it would be all right?

A The Use of Force Directive would be applied.

Q Well, would The Use of Force Directive imply that one could physically hit, strike an inmate?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: It would depend on the facts, and I would have to follow the guidelines in The Use of Force Directive.

BY MR. BURNELL:

Q I want to ask you one other question that is somewhat unrelated to the particular line of questioning this morning; that is, do you know what a tier boy is?

A Yes.

Q Can a tier boy open a cell? Is he sometimes instructed to hit a cell door?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: He has the authority, yes.

BY MR. BURNELL:

Q He has the authority to open a cell?

A Under orders from an officer.

Q Under orders from an officer?

A Yes.

Q Is it possible for a tier boy to hit a cell, a cell door, without direct orders in each case from the supervising officer?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: It would be possible.

BY MR. BURNELL:

Q Have you ever known of a homosexual attack that might have taken place upon an inmate because the tier boy had hit the cell of a particular inmate?

(Mr. Forker consulted with his counsel at this point.)

MR. FORKER: I don't know of any cases.

BY MR. BURNELL:

Q Would it be possible, say, during the night hours, for a tier boy to hit the cell of an inmate so that

other inmates might assault him?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: During the night hours, no, sir.

The boxes are locked.

BY MR. BURNELL:

Q The cells are locked?

A The boxes are locked.

Q The boxes are locked?

A Yes.

MR. BURNELL: Thank you, Mr. Chairman.

REPRESENTATIVE RICHARDSON: Mr. Hartman.

BY MR. HARTMAN:

Q Mr. Forker, just a few questions. These are
questions similar to what I asked the other officers when they
appeared before the Committee.

Can you state for the record how old you
are?

(Mr. Forker consulted with his counsel

at this point.)

MR. FORKER: 27.

BY MR. HARTMAN:

Q And how tall are you?

A 5'9".

Q And how much do you weigh?

A 185 pounds.

Q And referring to the last paragraph, page two, of The Use of Force document which was provided the Committee which you testified about before, which states, "Remember, use only enough controlling force to accomplish your purpose, and in all cases where any force is used, regardless of degree, a Use of Force report must be filed."

Have you ever filed such reports?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: Yes.

BY MR. HARTMAN:

Q Specifically relating to the incident of

October 15, 1975, have you filed such reports?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY MR. HARTMAN:

Q Mr. Forker, this Committee previously had been supplied by Superintendent Patton with certain medical injury reports of certain inmates who received injuries on October 15, 1975. Looking at item seven of such report for Michael Kaup, it says after "officer accompanying resident", we find the name "Mr. Forker".

MR. KIRSCHNER: Mr. Hartman, could we have a copy of that report?

MR. HARTMAN: Yes.

(Document handed to Mr. Kirschner.)

(Mr. Forker consulted with his counsel
at this point.)

BY MR. HARTMAN:

Did you accompany Michael Kaup to the infirmary
on October 15, 1975?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: On advice of counsel, I refuse to
answer this question on the grounds that my answer may tend
to incriminate me and I, therefore, invoke my right under the
fifth and fourteenth amendments of the United States Con-
stitution and my right against self incrimination as contained
in the Constitution of the Commonwealth of Pennsylvania.

BY MR. HARTMAN:

Q Can you tell the Committee whether any other
officer besides yourself accompanied Michael Kaup to the
infirmary on October 15, 1975?

(Mr. Forker consulted with his counsel

at this point.)

MR. FORKER: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY MR. HARTMAN:

Q Can you describe to the Committee the types of injuries that Michael Kaup had when he was taken to the infirmary on October 15, 1975?

(Mr. Forker consulted with his counsel
at this point.)

MR. FORKER: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

MR. HARTMAN: Thank you, sir. I have no further questions.

REPRESENTATIVE RICHARDSON: There are no further questions of the Committee. We thank you very much, Officer Forker. And if we need you again, we will call and let you know.

(Witness excused.)

REPRESENTATIVE RICHARDSON: Officer O'Ross.

CARL O'ROSS, recalled as a witness, having been previously sworn according to law, testified as follows:

BY REPRESENTATIVE RICHARDSON:

Q Officer O'Ross, I would like to indicate to you that you are still under oath. You have been sworn. I would like you to state your name and position for the record and let me know if you are represented by counsel.

A My name is Carl O'Ross. I am a correctional officer at the State Correctional Institution at Camp Hill, and I am represented by counsel, Mr. Kirschner.

Q Mr. O'Ross, how many years have you been a correctional officer at Camp Hill?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Two years.

BY REPRESENTATIVE RICHARDSON:

Q Have you received any formal training as a result of you becoming a correctional officer there at the institution either before or after?

(Mr O'Ross consulted' with his counsel at this point.)

MR. O'ROSS: Yes. I had the three week training program. I have had some in service training, and I also -- well, I have had courses out at HACC.

BY REPRESENTATIVE RICHARDSON:

Q In other words, you are saying to this Committee that prior to you becoming a correctional officer you went to college?

A I was attending some classes prior to that.

Before I became a correctional officer, I put in several months at one of the community treatment centers.

Q Which community treatment center?

A The one that was on Tenth Street in Harrisburg.

Q Did that have a name? I am not familiar with Harrisburg.

A Well, it was just a community treatment center. It was part of the Bureau of Corrections, Department of Justice. It was a halfway house.

Q Was that juveniles or adults?

A That was adults.

Q Have you had any formal training, psychological training, that deals directly with juvenile inmates?

(Mr. O'Ross consulted with his counsel at this point.)

MR. KIRSCHNER: May I have the last question back please?

(The last question was read back by the reporter.)

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: I have had a couple of courses at
HACC, a side course, a crime and juvenile delinquency course
at HACC.

BY REPRESENTATIVE RICHARDSON:

Q Harrisburg Area Community College?

A Right.

Q What my line of questioning is leading into,
Officer O'Ross, is, I am trying to determine whether or not
you have had any indepth training working with juveniles and
their attitudes and their behavior as relates to your being
a correctional officer. Upon coming into the institution in
your three week training course, did you, as a correctional
officer at that time, receive any training concerning juveniles?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: In the three week training period,
yes, I had some.

BY REPRESENTATIVE RICHARDSON:

Q What did they go over?

A On juvenile -- like, peer pressure and things to look out for -- they are easily influenced, things like that -- violent patterns of behavior.

Q Did they distinguish between the difference of how you would use force on a juvenile than you would use force on an adult? Were there two separate programs, or were there two separate directives that were given in relationship to dealing with adults as you would deal with juveniles?

A Not to my knowledge, sir.

Q So everyone is treated the same?

A Right.

Q Do you happen to know whether or not, Officer O'Ross, if there has been a number of incidents relating to youth or youthful inmates in altercations between other youthful inmates at the institution?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: I have heard of them, but I know of

no such actions.

BY REPRESENTATIVE RICHARDSON:

Q Have you ever been involved in any that would relate to you having to break any fights up or having to intercede in any way at all?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Yes, I did.

BY REPRESENTATIVE RICHARDSON:

Q And in those cases where that has happened, have you made any recommendations to your superiors or to other correctional officers about how perhaps maybe you would institute a program, may be to try and hold down some of that conflict?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: No, I did not.

BY REPRESENTATIVE RICHARDSON:

Q Have you, Officer O'Ross, ever had occasion to talk to the inmates after breaking them up in relationship to why they were fighting?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Yes.

BY REPRESENTATIVE RICHARDSON:

Q And in any particular given case, what did you do as a result of that? What did you tell the inmates who were fighting?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Well, at the time it was broken up, I explained to them there was going to be a report filed, a JBC written up, a misconduct report, and that they were going to have to be man enough to take the consequences whether at the time they said they were right or wrong. I was not the judge of that.

BY REPRESENTATIVE RICHARDSON:

Q So in other words, you are indicating to this Committee that there is a report that is filed when juveniles do fight, and you being the officer in the area at the time the fight took place, you must write a report. In that report -- just say, for instance, you see the fight start but just broke it up -- I know you can't draw any conclusions, but what would you indicate in your report, that they were fighting?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: I would indicate that I observed them fighting, and that I didn't know the reason. And when they went to court, they would have to explain the circumstances at that time.

BY REPRESENTATIVE RICHARDSON:

Q So in other words, they don't necessarily explain it to you?

A No.

Q Do you think that is a frequent thing that occurs at the institution?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: You mean the fighting part?

BY REPRESENTATIVE RICHARDSON:

Q Do you think the fighting is a frequent
occurrence that occurs at the institution between inmates and
inmates?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: I think it is a fairly frequent
thing, yes.

BY REPRESENTATIVE RICHARDSON:

Q What would your estimate be in terms of
your observations?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: Once, twice a week.

BY REPRESENTATIVE RICHARDSON:

Q What has been your experience at the institution with the homosexual problem as relates to inmates?

(Mr. O'Ross consulted with his counsel at this point.)

MR. KIRSCHNER: May I have the question back please?

(The last question was read back by the reporter.)

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: It's a problem, yes. There's a lot of pressure put on them by other inmates. And it just starts fights and creates disturbances sometimes.

BY REPRESENTATIVE RICHARDSON:

Q Do you happen to know an inmate that they call "Linda" over there at the institution?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: I have heard the name, but I don't know the inmate.

BY REPRESENTATIVE RICHARDSON:

Q You don't know the inmate?

A I've heard the name being used.

Q Do you feel that homosexuals, inmates, that have a problem, do you feel they should be locked up behind doors, or do you feel there should be some type of treatment for them in a different location?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: You mean the problem of their homosexuality as such?

BY REPRESENTATIVE RICHARDSON:

Q Yes, I do.

A My own opinion is that they should be treated outside of the institution with professional help.

Q Have you ever made that recommendation to your superiors or to any administrative level person at the institution?

A No, I've not.

Q Have you discussed this with any other correctional officers at the institution at any time, or have they discussed it with you?

A I didn't get the question.

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: No, sir, I have not.

BY REPRESENTATIVE RICHARDSON:

Q No, you have not?

A That's right.

Q Are you also seeking to make your life as a correctional officer a career?

A I feel that I am, yes.

Q Do you like your job?

A Yes.

Q Are you happy there at the institution? There are no problems and everything is going along hunky-dory?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: I feel in my case, yes, there are certain changes that could be made, but I am not in a position to have those changes made.

BY REPRESENTATIVE RICHARDSON:

Q Have you ever made any recommendations for these changes?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Yes, I have, and they responded.

BY REPRESENTATIVE RICHARDSON: '

Q You made these recommendations, and who responded? You said they responded.

A May I give an example.

Q Yes, sir.

A I also relieve the regular duty man in the hospital as security officer in the hospital. And I made recommendation to the treatment personnel that the inmates that are housed in the isolation cells be afforded some opportunity of entertainment -- radio, TV. And they provided

radios for those inmates.

Q While they are ill?

A Yes, and while they are confined away from everybody else in the isolation cells.

Q You said you made that to who?

A To the treatment staff.

Q The treatment staff at the institution?

A Yes.

Q What about the other problems that might exist at the institution, Officer O'Ross, in relationship to some of the complaints we have heard? I will give you an example: Some of the food; the fact that sometimes they go to hearings and, although they have a hearing, they don't feel -- some of the inmates don't feel they really win when they go to these particular hearings because they feel the decisions have already been handed down. Is there any truth to that to your knowledge?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: Well, in regards to the hearing, no.

I think there is a fair chance in there. If they are not satisfied with the outcome, they can take it to the next step.

BY REPRESENTATIVE RICHARDSON:

Q What is the next step?

A Well, you start with the hearing committee, which is the captain, counselor, officer involved, inmate. If they are not satisfied with that, they can take it up with the hearing review committee, which would be the Major, Mr. Marks, possibly Mr. Patton and some of the higher ups. And they can also write out and consult with their attorneys.

Q Have you ever made any recommendations to Mr. Patton about some changes that should go on inside the institution?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: No, I have not, sir.

BY REPRESENTATIVE RICHARDSON:

Q Did you see Sergeant Stotelmyer punch Michael Kaup in his face on October 15th of this year?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q Did you see Officer Benner put his hands on any inmate there at the institution on October 15th as relates to the incidents we have been discussing during the last five hearings?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitu-

tion and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q Did you physically put your hands on any inmate on October 15th causing any injury to their person at all?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q What shift do you work?

A 2 p.m. to 10 p.m.

Q Were you working on October 15, 1975?

(Mr. O'Ross consulted with his counsel

at this point.)

MR. O'ROSS: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q Have you ever seen any rumbles between any inmates or other correctional officers at the institution which would make you fill out a report or which would make you, as an individual, feel that there should be some changes in relationship to that particular problem that is existing between inmates and correctional officers?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitu-

tion and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q Have you ever had any feces or urine thrown on you by any inmate at the institution?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: I've had it thrown at me, but I never had it hit me.

BY REPRESENTATIVE RICHARDSON:

Q You have had it thrown at you by an inmate at the institution?

A Yes.

Q For any particular reason was it done? Just out of the clear blue sky, the inmate just threw urine and feces at you?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: This happened when I was in the

hospital working. The man was under treatment by a psychiatrist. In a fit of rage or violence -- I don't know which it was -- he started throwing the stuff around.

BY REPRESENTATIVE RICHARDSON:

Q So you are indicating this didn't happen on the cell block, this happened in the hospital?

A Yes.

Q Have you ever experienced, Officer O'Ross, as a correctional officer at the institution working on the cell block where the inmates are housed, where there was feces or urine ever thrown at you or on your person?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: I've heard of such incidents.

BY REPRESENTATIVE RICHARDSON:

Q Now, I'm asking you, Officer O'Ross, not whether you heard this or not. I'm asking you directly as an individual who is a correctional officer at the institution -- have you ever had any urine or feces thrown at you or on

your person while you were working as a correctional officer at the institution at Camp Hill?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: No, I have not.

BY REPRESENTATIVE RICHARDSON:

Q Have you seen -- now I am asking if you have personally seen any other correctional officer at the institution while they were working or on duty or off duty on the cell blocks have urine or feces thrown on them or at their person?

A No.

Q You have worked there how many years?

A Two.

Q Two years?

A Yes.

Q In that time period of time that you have been there, have you worked solely on the juvenile side?

A No.

Q You worked also with adults?

A Yes.

Q Do you tend to feel that the adult inmates there are more or less of a problem than the juvenile inmates?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: I feel they are less of a problem.

BY REPRESENTATIVE RICHARDSON:

Q Do you know anything about the Camp Hill Project?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Yes, I do know about it.

BY REPRESENTATIVE RICHARDSON:

Q Are you happy that the Camp Hill Project is there trying to get the young kids out of the institution and perhaps moved into some alternative situation, noting that inmates are not supposed to be housed in the same institution with adult inmates?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: I feel that they do or are trying to
do a good job. I don't feel that all juveniles should be
incarcerated, but I feel as though there are some who should
be.

BY REPRESENTATIVE RICHARDSON:

Q So in other words, you feel there should be
some kind of secure facility for those who are not ready to
be released back onto the streets?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: Yes.

BY REPRESENTATIVE RICHARDSON:

Q Also, Officer O'Ross, listening to your
testimony today, would you say that correctional officers get
very little training as it relates directly to juveniles?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: I feel that I should have had more, possibly in juvenile training.

BY REPRESENTATIVE RICHARDSON:

Q You feel you should have had more as an individual?

A Yes.

Q Have you ever requested more?

A No, sir.

REPRESENTATIVE RICHARDSON: Sam McClea.

BY MR. McCLEA:

Q I have just a few questions; one pertaining to the discussion of the confinement of homosexuals at the institution.

Do you make any distinction between a homosexual act and a person who has a homosexual preference?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: I really don't understand the question.

BY MR. McCLEA:

Q My question being, do you seem to believe there is a difference between a person who participates in a homosexual act or someone who prefers a homosexual orientation to sex than a heterosexual orientation? What I am trying to get at -- if my memory serves me right, you were asked if you thought homosexuals should not be confined in the prison. And what I am asking is, do you mean any individual who participated in a homosexual act, or do you mean those who consistently, you know, participate in homosexual acts?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. KIRSCHNER: May I have the question back
please?

(The last question was read back by the
reporter.)

(Mr. O'Ross consulted with his counsel
at this point.)

MR. KIRSCHNER: The witness has advised me he still

doesn't understand the question.

MR. O'ROSS: I'm sorry.

MR. McCLEA: I'm sorry.

MR. O'ROSS: In other words -- may I make a statement?

MR. McCLEA: Yes.

MR. O'ROSS: If they are in jail because of a law they broke, that is one thing. But if they are in there just because they are homosexual, then, no, they should be treated some place else.

BY MR. McCLEA:

Q Let me move on.

Officer Forker indicated that he received about one day a year in service training since his first three weeks. Would that be about the same amount of in service training you received since your initial training?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Yes.

doesn't understand the question.

MR. O'ROSS: I'm sorry.

MR. McCLEA: I'm sorry.

MR. O'ROSS: In other words -- may I make a statement?

MR. McCLEA: Yes.

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BY MR. McCLEA:

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(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Yes.

BY MR. McCLEA:

Q Could you recommend to this Committee or advise this Committee as to what kinds of other aspects?

A Well, like I said before, the treating of juveniles as such as compared to adults.

Q You indicated that since you started there -- and I believe also before -- that you have taken, and perhaps are still taking, some courses at the Harrisburg Area Community College?

A I have. I am not at the present time.

Q Who paid for these courses?

A They were funded through Legal.

Q Did you have to pay for them initially and then you get reimbursed?

A No. It was more of a charge --

Q It's handled that way? You have a commitment then after you take these courses to continue working in the correctional field?

A I have a commitment as such. If I drop out at any time, I am responsible to pay that back.

Q I have just one other area.

BY MR. McCLEA:

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A I have a commitment as such. If I drop out at any time, I am responsible to pay that back.

Q I have just one other area.

Could you state your age for the record please?

A 27.

Q How tall are you?

A 5' 10".

Q How much do you weigh?

A 175.

Q Referring to The Use of Force document on the second page, the last paragraph, "Remember, use only enough controlling force to accomplish your purpose, and in all cases where any force is used, regardless of degree, a Use of Force report must be filed."

Have you ever filed such a report?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: Yes.

BY MR. HARTMAN:

Q Did you file any such report relative to the incident allegedly occurring on the 15th of October, 1975 at the institution?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: On advice of counsel, I refuse to
answer this question on the grounds that my answer may tend
to incriminate me and I, therefore, invoke my right under the
fifth and fourteenth amendments of the United States Con-
stitution and my right against self incrimination as contained
in the Constitution of the Commonwealth of Pennsylvania.

MR. HARTMAN: I have no further questions. Thank
you, Officer.

BY REPRESENTATIVE RICHARDSON:

Q Can you tell me what a duster is? That's
on page one, number 4.

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: I didn't know as such up until
yesterday.

BY REPRESENTATIVE RICHARDSON:

Q Pardon me?

A I didn't know as such up until yesterday.

Q Will you tell this Committee now what a duster is?

A A duster is the same as Mace, except Mace is liquid, and duster is a powder form.

Q Will you repeat that?

A The duster is an instrument that contains a type of Mace, except that Mace is liquid and duster is a powder form which clings to the skin causing irritation and disables.

Q Maybe I am just not --

MR. KIRSCHNER: If I may, he said that a duster is the same as Mace, except that Mace is in liquid form and a duster is in powder form and it clings to the skin and becomes an irritant.

BY REPRESENTATIVE RICHARDSON:

Q Have you ever used that on anybody?

A No.

Q Have you ever seen anybody else use it on anybody?

A No.

Q Have you ever seen any correctional officer use Mace on anybody?

A No.

Q Have you ever used Mace on anybody?

A No.

Q What does Mace do in the liquid form to an individual?

A Causes disabling. If it gets in the face area, it causes tears, coughing, immobilization.

Q Does it have any long lasting effect on the individual?

A Not to my knowledge.

Q Can it cause death?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: I don't know, sir.

BY REPRESENTATIVE RICHARDSON:

Q You don't know. Do you recall or know whether or not this duster is also slang for a short billy club?

A I never heard it used as such.

Q Do you use a billy club at any time?

(Mr. O'Ross consulted with his counsel
at this point.)

MR. O'ROSS: Only when ordered by a supervisor to
do so. I do not carry one personally.

BY REPRESENTATIVE RICHARDSON:

Q What type of -- now that we are in that
area -- what type of instruments -- in other words, what is
a part of your uniform? What on your uniform are you allowed
to carry as a correctional officer? Do you carry a gun?

A No.

Q Do you carry handcuffs?

A Yes.

Q Do you carry a black jack?

A No.

Q Do you carry a billy club?

A Only when so ordered by the supervisor.

Q And who would that supervisor be?

A That would be the Lieutenant or the Captain
in charge.

Q Who is your Lieutenant or Captain?

A It depends on the shift.

Q On the shift that you worked you indicated to this Committee was from 2 to 10, right?

A Right.

Q On that shift, who would be your Lieutenant?

A Again, it would depend on what days the guys break, what days the guys have off. Mostly it would be Lieutenant Williams and Captain Stotelmyer.

Q The majority of the time?

A Yes.

Q In ordinary incidents, other than October 15th and 20th, have you ever been ordered to use such a billy club in such an incident?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitu-

tion and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

BY REPRESENTATIVE RICHARDSON:

Q Did you use a billy club on October 15th or October 20th?

(Mr. O'Ross consulted with his counsel at this point.)

MR. O'ROSS: On advice of counsel, I refuse to answer this question on the grounds that my answer may tend to incriminate me and I, therefore, invoke my right under the fifth and fourteenth amendments of the United States Constitution and my right against self incrimination as contained in the Constitution of the Commonwealth of Pennsylvania.

REPRESENTATIVE RICHARDSON: I have no further questions. If there are no further questions of this Committee, thank you very much for testifying for this Committee. And you are on call to be called back subsequent to maybe a later date.

(Witness excused.)

REPRESENTATIVE RICHARDSON: I would like at this time to call Lieutenant Williams to the stand.

MR. KIRSCHNER: May I have a five minute recess?

REPRESENTATIVE RICHARDSON: Yes, a five minute recess.

(A recess was taken.)

REPRESENTATIVE RICHARDSON: The time of the recess having expired, I would like to inform -- this is a public hearing -- that there has been a slight error. Our records first indicated that Lieutenant Williams had received a letter requesting him to be present, which would have included Rule 51, along with House Resolution 47. But now we have found that Lieutenant Williams did not receive a letter. It would then be against the rules of this House of Representatives to call him to the stand because he has not had three days notice. Upon getting that information, I must inform you that Lieutenant Williams will not be called this morning, and that he will be called at another subsequent date in time to be announced at a later date.

Since there is no further business being dis-

cussed this morning, we will recess until further notice until such time as we are able to get back to the public and also to the press to let them know when the hearings will resume. But this House stands recessed until further notice.

(Hearing recessed at 11:30 a.m.)

CERTIFICATE

I hereby certify that the proceedings and evidence taken by me before the Pennsylvania House of Representatives Judiciary Committee Subcommittee on Corrections and Rehabilitation are fully and accurately indicated in my notes and that this is a true and correct transcript of same.



Michael P. Elliott, Reporter