

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

HOUSE JUDICIARY SUBCOMMITTEE ON CRIME AND CORRECTIONS

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 In re: :  
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 Public Hearing on :  
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 State Oversight of :  
 :  
 Correctional Facilities :  
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Pages 1 through 88

Minority Caucus Room  
418 Main Capitol Building  
Harrisburg, Pennsylvania

Wednesday, March 26, 1986

Met, pursuant to notice at 9:30 a.m.

BEFORE:

DAVID SWEET, Chairman

**Commonwealth Reporting Company, Inc.**

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C O N T E N T S

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WITNESS

TESTIMONY

Glen R. Jeffes

5

P R O C E E D I N G S

1  
2 CHAIRMAN SWEET: I would like to call the meeting to  
3 order if everybody could sit down, we will try to begin.

4 Commissioner Jeffes has been kind enough to come.  
5 He was prompt. We are our usual tardy. So I would like to  
6 get started.

7 The reason for the meeting of the Subcommittee on  
8 Crime and Corrections today really is to explore the role of  
9 the Department of Corrections in approving construction of  
10 county jails.

11 I personally was disturbed when I read the  
12 investigative piece that was done by the Philadelphia Inquirer.  
13 I read it on an airplane the other day.

14 I was quite concerned about some of the events that  
15 were alleged and the conditions of both security equipment  
16 and other aspects of the facility that is being constructed in  
17 Montgomery County.

18 All I know really about the problem is what I read  
19 in the Inquirer. I felt that it was important that the  
20 Subcommittee on Crime and Corrections meet, both to review  
21 with the Commissioner, the particular case of facts and  
22 circumstances surrounding the Montgomery County situation  
23 to determine what the role of what the Department of Corrections  
24 was and whether or not that role was appropriate, and secondly,  
25 to determine whether or not there is a need for additional

1 legislation to give the Department more tools in regulating the  
2 construction of county prisons.

3 It is always easier to discuss a problem when you  
4 have a specific case or controversy in front of you rather  
5 than the abstract, so that is why we are doing this today  
6 in dealing with the Montgomery County situation.

7 What I would like to do is quickly introduce the  
8 members who are here. I yield to you, Commissioner, I know  
9 you have a statement to make and then we will have some  
10 questions.

11 On my far left is Lois Hagarty from Montgomery  
12 County; Mary Wooley, Chief Counsel for the Minority; Jeff  
13 Piccola, the Minority Chairman of the Subcommittee on Crime  
14 and Corrections; Joe Lashinger, a member of the Judiciary  
15 Committee from Montgomery County; Mike Bortner from York  
16 County; Glenn Miller; Mike Edmundson who is Chief Counsel for  
17 the Majority; Jack Preston from Lehigh County who just came in  
18 and Bob Reber from Montgomery County.

19 For those who think there are an awful lot of--we  
20 are outweighed by a lot from Montgomery County members, I have  
21 to say that in all honesty they are among the best attendees  
22 at the Subcommittee meetings and are here almost all the time,  
23 regardless of the topic.

24 With that, Mr. Commissioner, I would like to yield  
25 to you for the statement you have and then we will have some

1 questions.

2 Whereupon,

3 GLEN R. JEFFES

4 having been called, testified as follows:

5 DIRECT TESTIMONY

6 MR. JEFFES: Thank you, Mr. Chairman.

7 I just have a brief opening statement I would like  
8 to read and then I would be glad to respond to any questions.

9 Mr. Chairman and members of the Subcommittee on  
10 Crime and Corrections, I hope my presence here today will  
11 assist you in clarifying the oversight responsibility of the  
12 Department of Corrections with regard to county correctional  
13 facilities.

14 The Department of Corrections is required by law to  
15 approve plans for county prisons and jails. Performing this  
16 function the Department approves basic schematic plans for the  
17 prisons, including a review of security, safety measures,  
18 cell space, allocation, cell space allocation, recreational  
19 facilities, shower areas, et cetera.

20 It is the responsibility of the county commissioners  
21 of the County Prison Board to ultimately approve the actual  
22 architectural design, oversee the selection of building  
23 materials, construct the facility, finally insure the security  
24 of the local facility in question.

25 In addition, the Department of Corrections are

1 required by law to inspect county correctional facilities  
2 to determine their compliance with Department established  
3 standards regarding such items as space, safety and security  
4 requirements.

5           Since 1976, the Department of Corrections has been  
6 directly involved with some thirty-three county prisons in the  
7 Commonwealth that we have either rennovated or replaced  
8 existing correctional institutions or are currently in the  
9 planning and design stage of a new facility.

10           With regard to the Subcommittee's review of the  
11 Montgomery County Prison, the Department recognizes the  
12 concern this Subcommittee has in the Penncor (phonetic),  
13 Pennsylvania Correctional Industries supplied certain items  
14 used in the construction of the prison that were produced  
15 in accordance with design specifications supplied by the  
16 county and then have the Department's Bureau of Special  
17 Services charged with the responsibility of inspecting those  
18 same items.

19           However, the Department is foremost concerned with  
20 the responsibility of providing both a safe and secure facility  
21 for inmates to reside in and staff to work in as well as  
22 insuring that the facility will provide those security measures  
23 that will protect the surrounding community.

24           Montgomery County Prison project provided an  
25 excellent opportunity for Penncor to provide gainful employment

1 and training in a real life work situation to inmates  
2 employed in the Department's metal factory, even though the  
3 orders placed by Montgomery County required metal fabrication  
4 in the simplest form.

5           The shop employs approximately seventy-five inmates  
6 with five civilian supervisors. The supervisors alone have a  
7 total of 116 years of experience in the metal fabrication  
8 field.

9           Many of the inmates assigned to the shop have several  
10 years of prior experience in private industry, either in metal  
11 fabrication fields or closely related ones prior to coming to  
12 prison.

13           Most inmates assigned to Correctional Industries  
14 remain in the shops during their entire period of incarceration.  
15 Penncor has a very low rate of inmate turnover, adding  
16 stability to the shop itself and insuring a competitive product.

17           On October 24th, 1985, at the request of Warden  
18 Roth, three Department officials visited the site of the  
19 Montgomery County Prison.

20           They found that the design and construction were  
21 more than adequately provided for the programming and housing  
22 needs of the inmates and the general population cells,  
23 restricted housing cells, medical and psychiatric treatment  
24 areas, food service areas, laundry and recreation areas.

25           They found the security measures and overall design

1 concept to be excellent. Cell doors and security windows  
2 were found to be appropriate in that they would provide more  
3 than enough security and safety features to satisfy the design  
4 needs of the facility.

5 Electronic surveillance and security control systems  
6 were also found to be effectively placed for good observation  
7 of inmate areas throughout the institution.

8 In the event of any security or operational  
9 shortcomings found at the Montgomery County Prison or any  
10 county prison facility inspected by the Department, the  
11 Department's Bureau of Special Services will have the opportunity  
12 to convey that to the county commissioners as a result of the  
13 Department's onsite inspection which is conducted prior to the  
14 opening of the facility.

15 Furthermore, the Department's Inspection Division  
16 inspects each county correctional facility on an annual basis.  
17 A formal written report is submitted by the Department to the  
18 county's governing body so that the safety and security  
19 concerns can be identified and corrected on a regular basis  
20 by the operating jurisdiction.

21 In conclusion, the Department is satisfied with the  
22 current state of construction at the Montgomery County Prison.  
23 At this time, in the best interest of the hearing, I will make  
24 myself available for any questions you might have.

25 CHAIRMAN SWEET: Thank you very much, Commissioner.



1 Let me ask a few and then I will yield to some of the other  
2 members.

3 Quite frankly, you have anticipated one of the key  
4 real aspects of what concerned me when I read the articles,  
5 and that is really at the bottom of page one and into page  
6 two, that the Department's responsibility, as I interpret it,  
7 fundamentally to assure the residents of the county that the  
8 facility that is constructed is going to be safe and adequate  
9 and secure.

10 But in this instance, at the same time, while you are  
11 on one hand a regulator, on the other hand, the Department  
12 supplier of security equipment devices, doors and locks and  
13 that sort of thing, as I understand it.

14 Quite frankly, that concerned me.

15 MR. JEFFES: If I may interrupt. The locks  
16 themselves were all--the mechanical locking devices and the  
17 electronic equipment on the doors are all being provided by  
18 private vendors in the private sector.

19 We are not providing that as a part of the correctional  
20 industry production aspect of it. What we bid on was the  
21 total package.

22 We only supplied the doors. The locking devices,  
23 electronic equipment are all being provided by private vendors  
24 in the private sector.

25 Those are being shipped to the site and assembled

1 onsite by the various contractors. All we are doing is just  
2 the basic metal fabrication.

3 We fabricated the doors. We fabricated the windows.  
4 We are not putting the locks on or the metal bars into the  
5 windows.

6 Those are all being done by private contractors.

7 CHAIRMAN SWEET: Well, aren't the doors in prison  
8 an intergal part of the security?

9 MR. JEFFES: Well, certainly, the doors are an  
10 intergal part of the security operation.

11 CHAIRMAN SWEET: Let me step back for a second. I  
12 don't want to take up a lot of your time and the members time.  
13 That is the nub of the concern that I had when I read the  
14 article, that we were both regulating and supplying.

15 You use the word bid. I think it was on a no bid  
16 basis, wasn't it?

17 MR. JEFFES: The doors and the windows, yes. I am  
18 talking about the locking devices, et cetera. It is my  
19 understanding that those were bid through General Services.

20 CHAIRMAN SWEET: But the work that Penncor did was  
21 a no bid contract?

22 MR. JEFFES: Correct.

23 CHAIRMAN SWEET: Let me step back a few minutes and  
24 then perhaps we will get back to this. When the Department  
25 reviews prison construction, do you review the initial designs

1 that are developed by the architects?

2 MR. JEFFES: Yes. When--we are available as a  
3 resource, generally right from the planning start in terms  
4 of--if a county correctional facility is going to be replaced  
5 or rennovated, we are--our special services division, which  
6 has the responsibility for prison, county prison inspections,  
7 is usually contacted.

8 They then make themselves available. Once the final  
9 plans are developed, then they are submitted to our special  
10 services division for approval, as far as the basic design.

11 It does not include, of course, what kind of building  
12 materials are they going to use, et cetera. It is just the  
13 basic design to insure that there is adequate cell space,  
14 ample showers, at least from a design stage, whether there are  
15 going to be sliding doors, the doors are going to open in or  
16 out, et cetera.

17 CHAIRMAN SWEET: Do you approve the selection of the  
18 design professional? Is there some kind of a registry of  
19 approved architects and other people who have experience in  
20 prison design and construction?

21 MR. JEFFES: No. We have nothing to do with that.

22 CHAIRMAN SWEET: You don't have anything to do with  
23 that at all?

24 MR. JEFFES: No.

25 CHAIRMAN SWEET: So you had nothing to do with the

1 selection of--I think the fellow's name is Maloney.

2 MR. JEFFES: No, we had nothing--

3 CHAIRMAN SWEET: He was brought in to in effect  
4 redesign what was being done.

5 MR. JEFFES: We have nothing to do with his  
6 appointment.

7 CHAIRMAN SWEET: Okay. Do you monitor any change,  
8 major change orders along the way, either changes in basic  
9 design or changes in the types of materials?

10 I guess you wouldn't materials since you don't get  
11 involved in materials from the start. But if there is going  
12 to be fundamental change from the outset when you first review  
13 the plans, and then a county decides somewhere along the way to  
14 change, do your people review that at all?

15 MR. JEFFES: If there is a major change in the  
16 design itself, the county should come back to us and submit  
17 to us the structural changes in terms of the basic architectural  
18 design.

19 CHAIRMAN SWEET: Finally, do you grant, sort of  
20 in effect, I guess we could call an occupancy permit at the  
21 end?

22 MR. JEFFES: Well, under the current statutory  
23 authority, in terms of inspection, we will inspect and we do  
24 inspect all new county institutions prior to their being open.

25 If they do not meet the standards, then we go through

1 a decertification process, which means that we will not  
2 authorize that particular prison to hold inmates for more than  
3 six months.

4 In other words, if the inmate is serving a sentence  
5 of less than six months, then that becomes the primary  
6 responsibility in terms of the county itself.

7 We won't certify the jail or the county correctional  
8 facility for holding inmates beyond that period of time.

9 CHAIRMAN SWEET: So, if, in this instance, for  
10 example, if this Montgomery County Prison is completed and  
11 your people find that it is not suitable, it is not satisfactory  
12 from whatever standpoint or criteria you use, it will still  
13 open and it will still hold prisoners, they will just be  
14 prisoners serving less than six months?

15 MR. JEFFES: As I understand it, yes.

16 CHAIRMAN SWEET: Okay. Do you think that in either  
17 of these instances the six month and below issue, or in the  
18 question of selection of design professionals, the Department  
19 ought to play a greater role?

20 MR. JEFFES: No. I think at this point, as I  
21 indicated, there has been some--we have been involved in some  
22 thirty-three counties since 1976.

23 We have really had no major problems at all with the  
24 architects or with the plans. We have had excellent cooperation  
25 from the counties.

1 I really don't see a need for changing it. I think  
2 that is also a county responsibility in terms of the local  
3 unit of government.

4 We are available, as I indicated, as a resource to  
5 assist the counties. But I think that that is their primary  
6 responsibility.

7 CHAIRMAN SWEET: Okay. Now, as I understand it,  
8 you believe, and in the last sentence of your testimony you  
9 said that--not the last sentence, but near the end, you said  
10 you are satisfied with the current state of construction.

11 Clearly the people that the Philadelphia Inquirer  
12 called, who said that it was a (word inaudible) Goldberg  
13 operation, said that it was a fiasco, said that major dollars  
14 were going to have to be spent to redesign the facility.

15 You clearly disagree with those assessments of the  
16 security.

17 MR. JEFFES: Based upon the site visit that was made  
18 from my staff, I feel that their evaluation assessment at  
19 that time indicated that the type of facility that is being  
20 designed and built in Montgomery County will serve its purpose.

21 I think there is always--I think one of the things--  
22 it is kind of looking at--you can put as much money in a prison  
23 as you want to.

24 I think it is from your own experience. I know in  
25 talking with Warden Roth--if I could just give you one example

1 particularly with the doors.

2           The architects who originally submitted the building  
3 costs for the institution, the doors--I think the total  
4 institution had some 500 different doors, including the cell  
5 doors.

6           The architect estimated that in his budget that  
7 the cost for those doors would be \$4,300 a piece, which we  
8 were able to construct the doors for Montgomery County for  
9 less than \$2,000.

10           It is obvious to me that there--there is a lot of  
11 money involved here. There is no end to people who are  
12 providing security equipment in prisons that you can buy  
13 whatever you want.

14           I think you have to look at the role of county  
15 prisons. The majority of inmates housed in county prisons are  
16 serving less than five year sentences.

17           Inmates in county prisons who become serious escape  
18 risks or management cases, under the law, can be transferred  
19 into the State system.

20           I think that you have to strike a balance in terms  
21 of, you know, how secure do you really want to make an  
22 institution in terms of what is the institution really designed  
23 for.

24           I think the county has to make that assessment.

25           CHAIRMAN SWEET: I would leave it for the Montgomery

1 County legislators to be concerned about public safety. But  
2 I think you mentioned that most of the prisoners are going to  
3 be sentenced to prison for under six months.

4 Aren't in fact most of these people going to be  
5 detentioners awaiting trial? They could be held for all kinds  
6 of offenses.

7 MR. JEFFES: There will be some detentioners, right.

8 CHAIRMAN SWEET: The least offense to murder.

9 MR. JEFFES: But again, as I say, those who become--  
10 who indicate serious security risks, if the county does not  
11 feel that they are capable of handling or providing the  
12 security within their own institution can request the inmate  
13 be housed in a State facility.

14 Of course, Montgomery County, being located in a  
15 close access to Graterford (phonetic), we have, in the past,  
16 whenever they requested or had problems, we have always come  
17 to their aid as we do any county.

18 CHAIRMAN SWEET: Yes. But if there is a fundamental  
19 problem in the security of this prison, you are not going to  
20 want to hold all of their prisoners at Graterford?

21 MR. JEFFES: No. That is correct.

22 CHAIRMAN SWEET: A couple more things while we are  
23 on them. You mentioned the doors. It is alleged in the  
24 Inquirer article that there is no system in this prison for  
25 having an automatic opening of the doors.



1           Most prisons that I have been in, if the management  
2 wants to close all the doors or open all the doors of a  
3 cell block or the entire facility, they can do that.

4           Is the allegation in the Inquirer article correct?

5           MR. JEFFES: Well, there is, as I understand it,  
6 there is not a gang unlocking device. However, there is built  
7 in a generator.

8           Should you have a power failure in Montgomery County,  
9 you have a diesel powered generator that automatically kicks  
10 on, which will operate the institution from twenty to thirty  
11 days, which would provide the necessary electricity to unlock  
12 the cells themselves.

13           In addition to that I think you have to--

14           CHAIRMAN SWEET: What if there is a fire?

15           MR. JEFFES: If there is a fire in terms of the--and  
16 you have a power failure, then the generator would kick on to  
17 provide the necessary power to unlock the cells.

18           The other thing is, the cells have to be--would have  
19 to be unlocked in an emergency situation if everything failed,  
20 would have to be unlocked manually.

21           But again, the pod set up in the Montgomery County  
22 Prison, you only have sixteen cells to a unit. So you only  
23 have, basically, one officer within a sixteen unit pod, so the  
24 supervision is much closer and much better than for example  
25 we have in a large State prison where you may have 150 to 200

1 inmates on a massive cell block.

2 So I think that again you have to look at the physical  
3 plan design in terms of that aspect also.

4 CHAIRMAN SWEET: I take it from your earlier answers,  
5 and correct me if I am wrong, that the Department in its  
6 review does not look at whether or not certain laws are  
7 complied with, the bidding laws, procurement laws, court  
8 approvals, ethical, state's code of ethics, local building  
9 codes.

10 Do you look at any of those things when you are  
11 reviewing?

12 MR. JEFFES: No.

13 CHAIRMAN SWEET: So do you see any need for the  
14 State to review any of those things?

15 MR. JEFFES: Well, again, all I can say at this  
16 point, again, this is the first time that there has ever been  
17 anything raised in terms of a county prison.

18 Our track record up to this point, and our  
19 cooperation with the thirty-three other counties in the  
20 Commonwealth, I question whether we need a major--any major  
21 change from the Department's area of responsibilities.

22 CHAIRMAN SWEET: Let me ask you a couple questions  
23 about Penncor and then I will yield to the other members.

24 What is Penncor?

25 MR. JEFFES: Well, Penncor, of course, is Correctional

1 Industries. Correctional Industries is a correctional industry  
2 program operated within the State Correctional System which  
3 receives no legislative appropriation.

4 It is totally a self-supporting component. I think--  
5 I don't know of any state in the union that does not have a  
6 correctional industry component.

7 We produce a variety of products which we market  
8 and sell to basically State and tax supported institutions  
9 and/or nonprofit organizations.

10 We make a variety of products, ranging from  
11 mattresses which we sell to colleges and universities, to  
12 license plates to metal furniture.

13 We manufacture clothing, soaps, a variety of  
14 products which we sell to primarily other units of government.

15 CHAIRMAN SWEET: Has Penncor ever done any work  
16 of the nature that you did at Montgomery County? Has it ever  
17 provided doors for jails?

18 MR. JEFFES: No. We have not provided doors, nor  
19 have we provided the windows. However, we have provided other  
20 items for the use in cells.

21 We have constructed, for example, at our own  
22 institutions, the dining room tables. We construct the cell  
23 furniture at our metal shop which is used in the cells of our  
24 new facilities, so that we are, in terms of a product line,  
25 do manufacture many kinds of metal fabricated products.

1           But in this instance, and correct me if I am wrong,  
2 this is the first time--the Montgomery County Prison is the  
3 first time Penncor got into the construction of jail doors and  
4 windows?

5           MR. JEFFES: Correct.

6           CHAIRMAN SWEET: Are there any plans for Penncor to  
7 provide the doors or windows for our own State prisons?

8           MR. JEFFES: Well--

9           CHAIRMAN SWEET: In any of the construction projects  
10 that are now ongoing.

11           MR. JEFFES: Again, because of the magnitude of the  
12 State prison construction project, we do not have the  
13 construction capabilities for that magnitude in terms of  
14 3,000 cells with the amount of cells.

15           As I understand they were bid as a package by  
16 General Services. We--certainly on a small institution, I  
17 think it would be appropriate that we certainly could look to  
18 it in this aspect.

19           We are not the only--I might add that while, in  
20 terms of construction, there is one phase, that there are other  
21 states that use inmates much more extensively in the building  
22 and construction of prisons.

23           As an example, the State of Delaware is currently  
24 building a new 300 bed prison itself and they are using all  
25 inmate labor.

1           The whole prison is being constructed by inmates,  
2 and I might add at a considerable savings of \$2.4 million  
3 for a 300 bed minimum security facility.

4           I think you are aware of the costs in building  
5 prisons. Texas is another state. Even in Pennsylvania,  
6 when the Dallas facility was built back in the late sixties,  
7 the Correctional Industries building, which is a large building  
8 with security doors, et cetera, was constructed entirely by  
9 inmate labor under the supervision, of course, of civilian  
10 staff.

11           So I think that there is precedent, Statewide and  
12 nationally, for the use of inmates where it is cost effective.  
13 We do produce a quality product and stand behind the product.

14           CHAIRMAN SWEET: How is Penncor regulated in terms of  
15 the products it may sell? Do you have a catalog or something?

16           MR. JEFFES: Yes, we do.

17           CHAIRMAN SWEET: Do you--how is it determined what  
18 products you will sell and what you won't? Is it entirely a  
19 marketing thing?

20           MR. JEFFES: To a great extent, yes. To a great  
21 extent it is a marketing and whether or not we have the  
22 capability to produce the product.

23           CHAIRMAN SWEET: Are prison doors and windows  
24 included in this catalog?

25           MR. JEFFES: Not yet, no.

1           CHAIRMAN SWEET: Not yet. One final question and  
2 then I will yield because I know some of the other members  
3 have questions.

4           Do you think the State faces any additional liability  
5 as a result of our involvement with this county prison? Let's  
6 say someone escapes and it can be shown that the State  
7 inadequately constructed these doors or the windows and there  
8 was some intrinsic defect in the door or the window that  
9 permitted the escape?

10           Do we stand to become party defendants every time  
11 somebody escapes from Montgomery County Prison and does  
12 something?

13           MR. JEFFES: I can't respond to that. I would have  
14 to consult with the legal.

15           CHAIRMAN SWEET: Do you think it is a potential  
16 problem?

17           MR. JEFFES: Well, I think in terms of a manufacturer  
18 we probably face the same risk as any manufacturer, whatever  
19 those risks are in terms of product liability, if there is a  
20 defect.

21           However, again, as I indicated, the products made  
22 by Penncor in terms of Montgomery County were made to  
23 Montgomery's County design and specifications.

24           We didn't design the doors. We did not design the  
25 windows. Those were designed by Montgomery County. We only

1 manufactured them to their specifications.

2 CHAIRMAN SWEET: Design and specifications developed  
3 by a professional that you never--whose qualifications or  
4 credentials you never reviewed.

5 MR. JEFFES: Correct.

6 CHAIRMAN SWEET: I have taken up enough time. I  
7 know some of the other members are impatient and want to ask  
8 some questions.

9 I will start on my left. Lois, do you have any  
10 questions?

11 REPRESENTATIVE HAGARTY: No.

12 CHAIRMAN SWEET: Jeff?

13 REPRESENTATIVE PICCOLA: A couple, Mr. Chairman.

14 Commissioner, as I understand it, the role of the  
15 Department in the process of construction of county facilities  
16 is you first approve the plans and then do you make an  
17 inspection and approval before they open the facility?

18 MR. JEFFES: Yes. Prior to opening, we make an  
19 onsite inspection, yes.

20 REPRESENTATIVE PICCOLA: Has that inspector been  
21 made in Montgomery County?

22 MR. JEFFES: No, we have not. The institution has not  
23 been completed.

24 REPRESENTATIVE PICCOLA: Do you monitor the  
25 construction at all or have you monitored the construction in

1 this particular case?

2 MR. JEFFES: We have not specifically monitored the  
3 construction. Although, if at any point in time with any  
4 county, if they need technical assistance during the  
5 construction phase, you know, we are more than happy to assist  
6 them.

7 Generally, if our inspectors are in the area in  
8 terms of doing other inspections, they certainly are encouraged  
9 to go by the site and--but we don't make, as a matter of  
10 practice, a set schedule where we go onsite and routinely  
11 inspect the actual construction process.

12 REPRESENTATIVE PICCOLA: Based upon the information  
13 that you have from your design approvals and any inspections  
14 that you might have had or any other information that you  
15 might have had, is there any, in your opinion, any fundamental  
16 flaw or defect in the security of the Montgomery County  
17 facility?

18 MR. JEFFES: I am not aware of any at this time.

19 REPRESENTATIVE PICCOLA: Thank you, Mr. Chairman.  
20 That is all I have.

21 CHAIRMAN SWEET: Joe?

22 REPRESENTATIVE LASHINGER: Thank you, Mr. Chairman.  
23 I have a number of questions. I would like to reserve some  
24 time, so I will defer to some of the other Committee members.

25 I just have a few that I want to ask now.



1           Commissioner, is Penncor--to followup with the  
2 Chairman's questions--is it a nonprofit corporation? Is that  
3 how it operates?

4           MR. JEFFES: We make--because we get no legislative  
5 appropriation, in order for us to stay in business, we have to  
6 at least break even.

7           So it is a profitmaking. The profits that we make,  
8 of course, are used to purchase and replace equipment, to pay  
9 the salaries of those civilian staff and inmate staff that  
10 work in the industries, the developing of advertising, et cetera.

11           So we do make--we do make money. Some years we  
12 make more money than others.

13           REPRESENTATIVE LASHINGER: Is it a corporation or is  
14 it one of those entities that floats out there and no one is  
15 sure what it is?

16           Is it an arm of the Department? Is that all it is?

17           MR. JEFFES: Well, it is by statute. It is operated  
18 by the--under the manufacturing fund which I am sure there is  
19 statutory authority.

20           I can't--

21           REPRESENTATIVE LASHINGER: All of the funds flow  
22 back to the Department is what you are saying?

23           MR. JEFFES: They go back in the industries. They  
24 don't go back to the Department. The profits from correctional  
25 industries stay within correctional industries.

1           They don't go to the Department. It goes into a  
2 revolving manufacturing fund.

3           REPRESENTATIVE LASHINGER: Who manages it? Who--is  
4 there a board of directors?

5           MR. JEFFES: Well, we have a director of Correctional  
6 Industries, who is responsible to the Commissioner. Of course,  
7 the funds are allotted by the Comptroller and through regular  
8 auditing processes.

9           REPRESENTATIVE LASHINGER: But you are making money?

10          MR. JEFFES: Some years are better than others.  
11 There are certain phases of industries that do not make money.  
12 Again, obviously our best moneymaker is the license plates.

13          There is nobody else currently making license plates  
14 in the Commonwealth. On the other hand, we have serious  
15 problems with our farming operations, as do the (words  
16 inaudible) private farms.

17          We have--each industry--we have a series of  
18 industries. Each industry, of course, much like in the private  
19 sector on a profit and loss basis.

20          But the total industry program at this point is  
21 in the black.

22          REPRESENTATIVE LASHINGER: This might be redundant.  
23 The Chairman asked you had you ever bid for this type of  
24 project before.

25          Have you ever bid any security equipment before?

1 MR. JEFFES: No, not that I am aware of.

2 REPRESENTATIVE LASHINGER: Was this something that  
3 you initiated or something that the county initiated?

4 MR. JEFFES: As I understand it, Montgomery County,  
5 of course, has had a crowding problem for some years. As a  
6 result, did, through the Department of Public Welfare lease  
7 Building 50 down at Norristown State Hospital.

8 They reconverted or rennovated Building 50 and  
9 turned it into a women's prison. I did visit Building 50. I  
10 thought that based upon the amount of money expended, the  
11 type of security that the county itself ought to be complimented  
12 for the excellent job that they did.

13 When I heard when they planned to vacate it later  
14 this year, to see if we could not acquire it by the Department.  
15 But unfortunately, there is--somebody else already has a  
16 request in for it.

17 But we have salesmen for Correctional Industries  
18 who visit local units of government to generate sales. On a  
19 visit to that particular unit, the warden indicated that they  
20 were in the process of bidding doors and asked if we could be  
21 considered.

22 We built a prototype of a window and we built a  
23 prototype of a door, which was installed in Building 50 with  
24 several modifications and they--as I understand, prior to our  
25 producing the doors and windows for the new institution that they

1 used this for an extended period of time to determine if in  
2 fact it would meet their purpose.

3 So they have had some testing of the product prior  
4 to their asking Correctional Industries to manufacture the  
5 doors and windows.

6 REPRESENTATIVE LASHINGER: How about the prison in  
7 Frackville, Graterford, any of the other prisons throughout the  
8 State, are you bidding?

9 MR. JEFFES: In terms of what? Is Correctional  
10 Industries--

11 REPRESENTATIVE LASHINGER: Is Correctional Industries  
12 bidding any of those projects?

13 MR. JEFFES: Well, Correctional Industries has the  
14 contract for all the cell furniture, all of the--

15 REPRESENTATIVE LASHINGER: How about security  
16 equipment?

17 MR. JEFFES: No, no, not for doors or windows, as I  
18 indicated to the Chairman. Correctional Industries metal  
19 plant at Pittsburgh does not have the capability to mass  
20 produce the large quantities that it takes for the State  
21 building program.

22 REPRESENTATIVE LASHINGER: With 400 and some beds,  
23 Frackville is just about that same size.

24 MR. JEFFES: As I understand it, the items for the  
25 five prisons that are under construction were bid as a total

1 group in order to keep the--to get the best cost for the  
2 State.

3 REPRESENTATIVE LASHINGER: But you could do them at  
4 half the cost, you said. You could do the doors alone for  
5 half the cost of what private contractors are doing them.

6 MR. JEFFES: Well, all I said was that in talking  
7 with Warden Roth, he indicated that the original architects  
8 who designed the Montgomery County Prison indicated that the  
9 doors would--he estimate the cost to be approximately \$4,300 a  
10 door.

11 We are able to, with the components, produce the  
12 door for Montgomery County for approximately \$2,000.

13 CHAIRMAN SWEET: What are we paying--excuse me.  
14 What are we paying say at Frackville? Do you have any idea?

15 MR. JEFFES: I have no idea, Representative.  
16 General Services--

17 CHAIRMAN SWEET: It is roughly the same size of  
18 institution, isn't it, 500 cells and this is 400 cells. I was  
19 a little disturbed when you said that the State ones are so  
20 much larger.

21 My understanding is, at least in Frackville, it is  
22 a 500 cell facility and this is a 400 cell facility.

23 MR. JEFFES: Well, I guess in looking at, in terms of  
24 the physical plan, I am not sure in terms of the number of  
25 housing units.

1 I don't know how--I don't know--

2 CHAIRMAN SWEET: Aren't we talking about doors and  
3 cells?

4 MR. JEFFES: Yes. But we are looking at the--I am  
5 not sure of the total number of housing units that they have  
6 at Montgomery County, because--and in terms in Frackville.

7 CHAIRMAN SWEET: I don't understand. Isn't Frackville  
8 around 500?

9 MR. JEFFES: Yes. Frackville is going to be a 500  
10 bed institution.

11 CHAIRMAN SWEET: Isn't Montgomery County around 400?

12 MR. JEFFES: I think 450, I think, 450, 460.

13 CHAIRMAN SWEET: So why is it--I am sorry to  
14 interrupt you, Joe.

15 REPRESENTATIVE LASHINGER: Okay.

16 CHAIRMAN SWEET: So why was it impractical for  
17 Penncor to provide the doors for Frackville and practical to  
18 provide them for Montgomery County?

19 MR. JEFFES: Well, again, the construction for the  
20 new institutions began, you know, back in 1981 and 1982, and  
21 again, this only came to light as the result of a salesman  
22 making a visit.

23 I think, as I said, if we are going to build  
24 additional correctional institutions in the State in the  
25 future, small institutions of this size, we may want to take a

1 look at that.

2 I think it is a new product that we just got involved  
3 in late in 1983 or early 1984.

4 CHAIRMAN SWEET: Well, I hate to interrput. It  
5 just defies imagination that the State would not, in its  
6 marketing efforts for Penncor, assume that your own prisons  
7 might be a potential market, but then assume that Montgomery  
8 County prison's were.

9 I think Montgomery County made the shift in '83 or  
10 '84, I think.

11 MR. JEFFES: That is right, '84. Well, I think the  
12 plans were approved in late '83 and they began construction  
13 in '84.

14 CHAIRMAN SWEET: For me, I haven't received an  
15 adequate explanation as to why you did this.

16 MR. JEFFES: Well, the Department of General Services,  
17 of course, bids that aspect of it. As I understand it, that  
18 they were well down the road in terms of bidding those parts  
19 of the items for the new prison before we ever got involved  
20 with Montgomery County.

21 CHAIRMAN SWEET: But you got the Montgomery County  
22 business on a no bid basis and presumably could have gotten  
23 your own business on the same basis.

24 MR. JEFFES: Well, again, if we were talking about one  
25 institution, it is my understanding that the security items were

1 bid as a total package on all the institutions.

2 In looking at the number of items that had to be  
3 produced, we simply are not that large. We do not have the  
4 production capabilities.

5 CHAIRMAN SWEET: Okay. Joe, I will stop here.  
6 But I didn't catch that.

7 You are saying that all the doors and windows for  
8 all the new prisons that are being built in this decade were  
9 bid at one time?

10 MR. JEFFES: As I understand it.

11 CHAIRMAN SWEET: One vendor got the award?

12 MR. JEFFES: I don't know. I can't--I would have to--

13 CHAIRMAN SWEET: Oh, I thought you just said that.

14 MR. JEFFES: As I understand it. General Services  
15 handled that. I would have to--if you want me to check that  
16 out, sir, I would be glad to do that for you.

17 CHAIRMAN SWEET: They are awfully busy with our  
18 legislative inquiries these days. That might be one more  
19 question for them to ask.

20 I am sorry, Joe.

21 REPRESENTATIVE LASHINGER: That is okay.

22 I don't want to infer that I am necessarily  
23 opposed to Correctional Industries getting into the business.  
24 But I think if you are going to get into it, I think it has  
25 got to be more than whatever anyone sends you in terms of



1 design.

2 If someone who is a maintenance person at a county  
3 facility sends you a design that is approved by that county--  
4 and I am not inferring that that is the Montgomery County  
5 case--you just don't build it.

6 You have got to have some input as Correctional  
7 Industries and as the Department into overseeing these. I  
8 think that is what we are here for today, to decide what  
9 oversight policies the Department should have.

10 What you are saying, though, is that in this case,  
11 Correctional Industries makes a decision, whatever is sent to  
12 them, we will design it--will not necessarily design it, but  
13 will construct it.

14 MR. JEFFES: If it is within our capabilities and  
15 if it is within the--if it is the type of customer that we are  
16 permitted by law to do business with.

17 REPRESENTATIVE LASHINGER: You don't pass on the  
18 security side--you don't make a decision whether it is  
19 sound security or not sound security?

20 MR. JEFFES: No, not at that point.

21 REPRESENTATIVE LASHINGER: Do you think you should?  
22 We surely don't have the expertise, in my estimation. I  
23 don't mean just Montgomery County, I mean at the sixty-seven  
24 county levels.

25 MR. JEFFES: Well, I guess I would take issue with

1 you on that, Representative. I think you have got some very  
2 competent people running county prisons in this Commonwealth.

3 I think you have some very qualified professionals  
4 that have a vast background in county prison work. I think  
5 they can offer a lot of expertise and guidance in that area  
6 to county commissioners or county prison boards.

7 REPRESENTATIVE LASHINGER: I am not disagreeing  
8 on the operational side. There is some excellent people on the  
9 operational side.

10 I mean on the mechanical side of knowing is it correct  
11 that there may be only a handfull, maybe a dozen contractors  
12 or consultants in the country that dominate this industry  
13 that the states rely on, not necessarily the county people  
14 rely on, but when a state has a need that they rely on a  
15 handfull of people in the country that are the experts.

16 MR. JEFFES: Well, there are a few major architectural  
17 firms nationally that concentrate their efforts in terms of  
18 prison construction.

19 REPRESENTATIVE LASHINGER: Do we use any of those  
20 people at the State level?

21 MR. JEFFES: In terms of what?

22 REPRESENTATIVE LASHINGER: In terms of consulting  
23 on our State prison construction?

24 MR. JEFFES: Yes, there are major national architects  
25 involved in all.

1           REPRESENTATIVE LASHINGER:   Who is our consultant  
2 on Graterford, our consultant to the State on our construction  
3 of Graterford?

4           MR. JEFFES:   I can't give you that answer.   I would  
5 have to get back to you on it.   Each prison has a different  
6 architectural company involved.

7           REPRESENTATIVE LASHINGER:   So we don't even have the  
8 expertise at the State level.   You are saying the counties  
9 have the expertise to handle it and yet we go outside for  
10 consultants.

11          MR. JEFFES:   Well, no, what I am saying is that the  
12 architect designs the prison based upon input from staff.  
13 In other words, when we are talking about building--when we  
14 are talking about constructing prison cells, the architect  
15 may come up with a design and then he may present it to our  
16 operations people and say, you know, here is what we are  
17 designing, you know, do you agree or disagree.

18          If we disagree, then we ask for changes to be made  
19 where we feel it is appropriate.   So we do in the State  
20 prisons.

21          There has been involvement from my staff in  
22 particular areas within the prison, food service.   Food  
23 service are in a prison is reviewed by our chief of food  
24 services.

25          The security aspect of it is reviewed by our

1 operations person. The maintenance area is reviewed by our  
2 construction maintenance.

3 REPRESENTATIVE LASHINGER: Who makes the decision  
4 on the State locking devices for the State prisons?

5 MR. JEFFES: Well, we tell basically the type of  
6 locking device that we want, but then that is put out for  
7 bid.

8 I mean we have input into the type of locking device,  
9 but actually who manufacturers that particular lock is--

10 REPRESENTATIVE LASHINGER: Couldn't that same person  
11 be consulting the counties? The same person that you are  
12 using at the State level who has the expertise be consulting  
13 the counties, or at least approving on the county plans for  
14 locking devices.

15 Couldn't that person when they send you--

16 MR. JEFFES: Well, that person is available to the  
17 counties if they request it.

18 REPRESENTATIVE LASHINGER: When the plans come up  
19 to you for review does that person look at that side of the  
20 plan?

21 MR. JEFFES: In terms of the actual locks themselves,  
22 probably not. We look at whether or not you are going to have  
23 sliding doors and whether the doors will open in and out, but  
24 in terms of the actual lock itself, whether it is--that, we  
25 don't get specifically involved in.

1           REPRESENTATIVE LASHINGER: A lot of this--I am not a  
2 technician. Some of the design information that has been  
3 brought to my attention, you talked to the Chairman about  
4 manual release necessary in the case of a fire.

5           That would be each individual door would require a  
6 manual release if there were a fire.

7           MR. JEFFES: If the generator did not work, yes,  
8 as I understand it.

9           REPRESENTATIVE LASHINGER: I am advised--I do not  
10 know this factually--the person would have to go to each door  
11 and reach about seven feet to reach the release mechanism.

12           Is that correct?

13           MR. JEFFES: I am not aware of that.

14           REPRESENTATIVE LASHINGER: Would you know that?  
15 If that came up here on the plan from the county, and that  
16 were on the plans, would that be something that you would  
17 approve or disapprove?

18           MR. JEFFES: I am not sure that that would be listed  
19 specifically that clear on the plans. I really can't respond  
20 to that.

21           REPRESENTATIVE LASHINGER: One of the other criticisms  
22 was the coating on the windows, the polycarbonate on the cell  
23 windows.

24           If that comes up here on the plans, the fact that  
25 there is one single layer. The inference in the newspaper

1 report was that a person could burn through the plastic  
2 coating on the cell window and then pass things to the outside  
3 or have things passed to the inside.

4 Do you agree with that method of construction or do  
5 you disagree?

6 MR. JEFFES: Well, as I understand it, the cell  
7 windows have one-half inch of lexon(phonetic), then they have  
8 a layer of steel bars, then they have another layer of half-inch  
9 lexon.

10 So you have a sheet of lexon, steel bars, lexon. So  
11 in essence, as I understand it, for the inmate to get out of  
12 a cell, if he wanted to escape, he has got to get through  
13 technically an inch of lexon, plus get through the bars and  
14 then get over--

15 REPRESENTATIVE LASHINGER: What is lexon for those  
16 of us--

17 MR. JEFFES: Lexon is a clear laminated, I guess,  
18 product that is used in many, many prisons as a security  
19 mechanism in place of the old issue of glass or wired glass.

20 Coming back to your question, as I understand it,  
21 you have got to get through then a total of one inch of lexon  
22 plus the steel bars, plus get over a fourteen and a sixteen  
23 foot fence with the the razor ribbon before you can get out of  
24 that institution.

25 REPRESENTATIVE LASHINGER: My concern wasn't in

1 breaking out, it was passing contraband or whatever through  
2 that lexon.

3 Can it be burned? I mean, the inference was--what  
4 I am trying to find out is does the Department approve of  
5 that?

6 MR. JEFFES: Well, we use lexon in our own  
7 institutions. In most of our control centers, lexon is used  
8 extensively as a security device.

9 REPRESENTATIVE LASHINGER: Does it have a coating  
10 so that one can't cut through the lexon? I thought that  
11 was what the issue of--

12 MR. JEFFES: Well, it can be scratched. I can  
13 be scratched.

14 REPRESENTATIVE LASHINGER: Wasn't that the issue  
15 about the polycarbonate that that was there so one couldn't  
16 pierce the lexon.

17 MR. JEFFES: It is very difficult to pierce. I  
18 have seen it demonstrated where it is capable of stopping  
19 up to a highpowered bullet from a highpowered rifle.

20 REPRESENTATIVE LASHINGER: Do we use half-inch  
21 polycarbonate in the State prison system?

22 MR. JEFFES: We use lexon, which is what they are  
23 using in varying degrees. I can't give you the exact  
24 thickness.

25 It comes in various thicknesses. But we do use it.

1 We have it in several of our control centers as a part of the  
2 exterior security component.

3 REPRESENTATIVE LASHINGER: I mean, if you agree with  
4 what they have done, I want you to say that you agree with  
5 what they have done in the county.

6 MR. JEFFES: I am saying that--

7 REPRESENTATIVE LASHINGER: We are looking to you as  
8 the expert in the State to say that you approve of what  
9 happened down there.

10 It is in my backyard. The security issue is what  
11 has been presented to the public via the media. You said in  
12 your statement conclusively that the Department is satisfied  
13 form the current state of construction of the Montgomery County  
14 Prison.

15 So if the lexon--you read the article. If that  
16 lexon issue satisfies--you are satisfied on that issue then  
17 your answer--

18 MR. JEFFES: Yes.

19 REPRESENTATIVE LASHINGER: You are satisfied that  
20 there is no security problem involved in the lexon?

21 MR. JEFFES: Yes.

22 REPRESENTATIVE LASHINGER: I don't know who Jock  
23 McGreger is, but apparently the Inquirer--he was retained as a  
24 consultant with years and years of experience.

25 He was the person, I believe, that made the inference



1 that the Chairman referred to that it was a (word inaudible)  
2 Goldberg type project.

3 Why would a person with all this experience and  
4 supposedly hired independently make that kind of a comment?

5 MR. JEFFES: I read the article. I never heard  
6 of Jock Goldberg or whatever his name is. I am not sure--  
7 I have never seen a resume that tells me what his expertise--

8 CHAIRMAN SWEET: He is McGreger. Goldberg is the  
9 description.

10 MR. JEFFES: McGerger. I am not familiar with him.  
11 I don't know where he gets his expertise. I can't respond.

12 CHAIRMAN SWEET: Just (words inaudible) Bulletin  
13 reporter.

14 REPRESENTATIVE LASHINGER: One of the other things  
15 that came up, if the plans come to you and there is a  
16 modification in the plans, do the modifications have to come  
17 back to you for approval?

18 MR. JEFFES: If there is a major change in the  
19 design, they should come back to us.

20 REPRESENTATIVE LASHINGER: What is a major change?  
21 Moving a wall, changing a security lock?

22 MR. JEFFES: Well, changing a security lock,  
23 changing a lock per se, would not. If we were going to make  
24 a major change in a cell block design, a major design change  
25 perhaps in the (word inaudible) security, you know, they should

1 come back to us with that.

2 REPRESENTATIVE LASHINGER: If electrical lines were  
3 supposed to be submerged to a certain depth and they were only  
4 submerged to twenty percent of that depth, would that be a major  
5 change that they would have to come back to you for approval?

6 MR. JEFFES: We would not get involved with that.

7 REPRESENTATIVE LASHINGER: Isn't that a security  
8 issue, though, that you think--I have got to believe, and  
9 again, I am not an expert, but I have got to believe that  
10 that is a major security issue.

11 There must be a reason for requiring--do we require  
12 that electrical wiring be submerged to a certain depth?

13 MR. JEFFES: We don't, no. I would assume that  
14 the county prison is subject to the same standards that other  
15 public buildings would be in terms of building codes, et cetera.

16 REPRESENTATIVE LASHINGER: You said, though, in your  
17 opening statement--in the third paragraph of your opening  
18 statement that the county must comply with established  
19 standards for security requirements.

20 Can we get a copy of those standards for security  
21 requirements?

22 MR. JEFFES: Yes.

23 REPRESENTATIVE LASHINGER: Is electrical service  
24 included or are we just going to get normal (word inaudible)  
25 code type stuff?

1 MR. JEFFES: We don't have any specific--if you are  
2 asking me if we have specific standards as to how, in terms of  
3 electrical, how deep the lines should be, we don't have those  
4 standards, no.

5 REPRESENTATIVE LASHINGER: What are in our standards?

6 MR. JEFFES: We don't have basic standards in terms--  
7 those are basically local issues governed by local building  
8 codes.

9 I am not sure what the--now, whether the State has  
10 standards. I can't respond to that. As you know, State  
11 buildings are all built under the auspicious of General  
12 Services.

13 REPRESENTATIVE LASHINGER: Do you expect the township  
14 building code to cover a prison? Of course, it is not going to  
15 cover a prison.

16 You expect that local building codes will be  
17 applied to correctional facilities?

18 MR. JEFFES: Well, I think again, you know, in  
19 looking at it that we don't have--under the statutes we  
20 basically, you know, review the plans.

21 Those issues in the plans that I have looked at  
22 really don't address those points. I think that is a part of  
23 the responsibility that is addressed to the general  
24 contractors who undertake the construction or the construction  
25 management of the facility.

1           REPRESENTATIVE LASHINGER: What do we look at on  
2 the plans? I am still not clear what the State does with the  
3 plans.

4           When the plans come up here, do you get thirty  
5 pages of blueprints and someone poured over the blueprints  
6 and said, gee, maybe this could be changed and that should be  
7 changed or is it just--

8           MR. JEFFES: Well, what we look at are basically  
9 the blueprints of each building, which generally in a blueprint  
10 shows a drawing of the building itself, the dimensions, the  
11 amount of cell space, et cetera.

12           We don't get down to the really technical points  
13 of the electrical lines and how many and how much wattage,  
14 et cetera.

15           Those are part of the architects responsibilities in  
16 terms of the design aspect of it. We provide the expertise  
17 in terms of the cell space, the types of equipment, in terms  
18 of what might go into a cell, shower space, recreation areas.

19           We look at perimeter security, whether it is a fence  
20 or wall, et cetera.

21           REPRESENTATIVE LASHINGER: So if a county wanted to  
22 use fiberglass doors instead of metal doors, they could use  
23 fiberglass doors?

24           MR. JEFFES: We might, but then we may not certify  
25 them, either.

1           CHAIRMAN SWEET: But that wouldn't come until  
2 after the fact?

3           MR. JEFFES: That would come at the point that--

4           CHAIRMAN SWEET: What I called the occupancy  
5 permit.

6           MR. JEFFES: Well, I think that in going over the  
7 plans, we would certainly ask them whether the doors are going  
8 to be wood or whether they are going to be steel.

9           Of course, depending on that makeup, we might raise  
10 some serious points at that point in time.

11           CHAIRMAN SWEET: As a matter of information, I know  
12 Scott is writing things down, would you please provide for us  
13 whatever criteria you have that is in print for approving the  
14 county prisons?

15           Do you have regulations on this? I mean, I have the  
16 statutes and the statutes are pretty vague. Do you have  
17 regulations published pursuant to the statutes?

18           MR. JEFFES: Only the inspection standards, our  
19 inspection standards.

20           CHAIRMAN SWEET: I am talking about construction.

21           MR. JEFFES: No, not that I am aware of.

22           CHAIRMAN SWEET: What do you utilize? Do you have  
23 some policy statements or is there anything in writing?

24           MR. JEFFES: No, not to my knowledge, other than the  
25 review--other than what is in the statute.

1           CHAIRMAN SWEET: Do you think there is a need to  
2 have anything in writing?

3           MR. JEFFES: Well, I--

4           CHAIRMAN SWEET: Is it going to be up to the whim  
5 and the expertise of a particular bureaucrat who reviews it?

6           MR. JEFFES: Well, I think the issue here is, I  
7 guess a question in terms of how much--does the State want to  
8 get involved in the--direct involvement in the governing of  
9 local units of government.

10                   Certainly, the more involved that we would get  
11 involved--the more that we would be required to get involved  
12 of course would required additional staff on our part in terms  
13 of the kinds of expertise that Representative Lashinger is  
14 alluding to, if the Department itself were going to take on  
15 that responsibility.

16           CHAIRMAN SWEET: Well--and I don't want to take up  
17 too much time, because I have taken up too much time already.  
18 But I don't see why having printed regulations or policy  
19 statements about what things would be reviewed and what  
20 wouldn't necessarily is going to take up a huge amount of  
21 staff time.

22           REPRESENTATIVE LASHINGER: If you don't have printed  
23 regs, I don't understand what a person uses when they go over  
24 the plans.

25                   What standard does a person use if you don't

1 have regulations. He just says, it has been a good day,  
2 I will prove it.

3 There must be some standard that he uses since  
4 there is nothing in the statute.

5 MR. JEFFES: Well, the plans themselves are reviewed.  
6 We have to rely upon our professional staff in the inspection  
7 division who do review the architectural plans, but we do not  
8 get down to the issue of how--as you raised, as how deep the  
9 cable is going to be buried, et cetera.

10 REPRESENTATIVE LASHINGER: Or in case of a fire,  
11 that a locking device be at a certain--that an unlocking  
12 device be at a certain height to manually release a door.

13 MR. JEFFES: Well, that would be one of the things  
14 that we would certainly be reviewed. That is why, for example,  
15 in Montgomery County they have a generator.

16 REPRESENTATIVE LASHINGER: But if you review it,  
17 does your standard say that it should be at seven feet, six  
18 feet, eight feet, ten feet?

19 What standard do you use for that manual unlocking  
20 device?

21 MR. JEFFES: Well, we do not have a standard that  
22 says that it should be specific feet, no.

23 REPRESENTATIVE LASHINGER: I would just like to  
24 reserve some time. I have a lot of other questions.

25 CHAIRMAN SWEET: Representative Bortner?

1           REPRESENTATIVE BORTNER: I have a few questions.  
2           Where are these doors made? I mean, which  
3 institution?

4           MR. JEFFES: Western Penitentiary, Pittsburgh.

5           REPRESENTATIVE BORTNER: And I understand they  
6 haven't been doing this before. What kind of metal work  
7 were they doing?

8           MR. JEFFES: Well, we manufacture lockers. We  
9 manufacture text tables, which are the metal type tables that  
10 we use in many of our institutions in terms of (words  
11 inaudible) octagon.

12           We manufacture steel beds that we use in our  
13 institutions in our cells. We manufacture metal desks, a  
14 variety of metal related products.

15           REPRESENTATIVE BORTNER: Are these solid metal  
16 doors? I am trying to picture what we are talking about here.  
17 We are not talking about bars. We are talking about a solid  
18 kind of door.

19           MR. JEFFES: I am not sure whether the doors--I  
20 don't think the doors from Montgomery County are solid. I  
21 think they have an opening.

22           I can't be sure.

23           REPRESENTATIVE BORTNER: And did going into this  
24 line of work require new equipment, new machinery?

25           MR. JEFFES: Not to my knowledge. Basically, it is



1 just a basic form in terms of metal fabrication.

2 REPRESENTATIVE BORTNER: Is all the equipment for  
3 the prison industries purchased through the account, the  
4 sort of trust account that you are talking about?

5 MR. JEFFES: Yes.

6 REPRESENTATIVE BORTNER: So that is not--there are  
7 no--that doesn't come out of the appropriations for the  
8 correctional system?

9 MR. JEFFES: No, it does not.

10 REPRESENTATIVE BORTNER: The actual design of the  
11 door comes from the local architect. Is that correct?

12 MR. JEFFES: Yes.

13 REPRESENTATIVE BORTNER: And you make it to their  
14 specifications?

15 MR. JEFFES: That is correct.

16 REPRESENTATIVE BORTNER: I think in regard to your  
17 response to Representative Lashinger's question you said that  
18 you would not be particularly concerned about judging from a  
19 security point of view, you would be making it to the  
20 specifications of the design.

21 Is that correct?

22 MR. JEFFES: Well, we are manufacturers. So we  
23 would manufacture it to the vendors specifications.

24 REPRESENTATIVE BORTNER: But eventually, you would  
25 have to certify that same product as being suitable when you did

1 your final inspection?

2 MR. JEFFES: Yes. To my knowledge we have--again,  
3 we have no problem with the doors that we are constructing  
4 for the Montgomery County Prison in terms of security.

5 REPRESENTATIVE BORTNER: Is that a conflict of  
6 interest? Does it present a problem in certifying the same  
7 product that you manufacture and sold?

8 MR. JEFFES: It doesn't present a problem for me.  
9 As I view my responsibility, at no point am I going to put  
10 the protection of the community below a program area.

11 Our primary responsibility is the protection of the  
12 community. It is our responsibility to insure that where we  
13 are involved that this happens.

14 If I viewed that as creating a problem for us, the  
15 primary responsibility must hold forth.

16 REPRESENTATIVE BORTNER: Pretty clearly, we wouldn't  
17 allow a private contractor to then certify the same product.  
18 That is the reason for the oversight in the inspection, is it  
19 not, to have a neutral third party, the experts come in and  
20 approve the products that have been manufactured?

21 It just seems to me that you are in a difficult  
22 position to look very carefully at something that you have  
23 already agreed to manufacture.

24 I don't want to belabor this. I just think that  
25 potentially is a problem. Does anybody else do the inspection?

1 There are some national organizations, are there not, that  
2 inspect prisons?

3 MR. JEFFES: Yes. Well, again, in terms of--there  
4 is nationally an accreditation process available now to the  
5 commission on accreditation which is out of College Park,  
6 Maryland, which has some--basically 400 standards.

7 They come onsite with an independent audit team and  
8 audit the total operation of the prison. One phase of that  
9 does deal with the physical plant aspects of it.

10 Of course, of those standards about forty plus  
11 are mandatory, which means that you must meet all of the  
12 mandatory standards in order--before they will even consider  
13 accrediting.

14 So there are some national groups--there is a  
15 national group which is a spinoff of the American Correctional  
16 Association that does do audits of correctional facilities  
17 and offer accreditation.

18 REPRESENTATIVE BORTNER: That is really optional?

19 MR. JEFFES: Yes. That is purely optional on the  
20 part of the local unit of government.

21 REPRESENTATIVE BORTNER: Why would you do it,  
22 I mean, if you don't have to? This isn't like the kind of  
23 thing that you are trying to hold yourself up as college or  
24 something that you are trying to attract people to, what  
25 would be the reason for that?

1 MR. JEFFES: Well, the reason for that--there are  
2 several reasons. The accreditation process--by the way, we  
3 have--seven of the State prisons are now accredited.

4 REPRESENTATIVE BORTNER: Our State prisons.

5 MR. JEFFES: That is seven out of our ten.

6 CHAIRMAN SWEET: The obvious question is is the  
7 Montgomery County Prison being--going to go through this  
8 process?

9 MR. JEFFES: Again, there is a fee involved. That  
10 is left up to the local unit of government. Unfortunately,  
11 the greatest lack of activity has been--in terms of  
12 accreditation has been on the part of county prisons, both  
13 not only in the Commonwealth, but nationally.

14 Part of it is of course the amount of time and  
15 effort that must go into an accreditation process. It is  
16 much like the schools.

17 It is the same process that a school would undergo  
18 or a hospital would undergo in being accredited. But what it  
19 does for the agency, a couple things, it forces your managers  
20 to manager.

21 It also insures that you have supported documentation  
22 for your operations on a daily basis to be able to support  
23 that you do what you say you are doing.

24 In addition it has been invaluable in terms of  
25 civil rights litigation where inmates continue to sue

1 prison officials on constitutional issues that you can clearly  
2 demonstrate to the courts that you have an independent body  
3 who has evaluated the operation of the institution and found  
4 it to either be in compliance or noncompliance with the  
5 variety of standards.

6 As I indicated, these standards cover a variety of  
7 operations within the prison, medical services, physical  
8 plant, inmate rights, fiscal management, the whole nine yards,  
9 I guess, of what we call (words inaudible) of operation of a  
10 correctional facility.

11 REPRESENTATIVE BORTNER: Let me just ask you just  
12 one or two questions then about Penncor. You are not permitted  
13 to introduce your products in innerstate commerce.

14 Is that correct?

15 MR. JEFFES: We do not get involved in innerstate  
16 commerce, no.

17 REPRESENTATIVE BORTNER: I think that there is  
18 Federal legislation that prevents you from going out and  
19 competing with private industry.

20 MR. JEFFES: There is Federal legislation that  
21 prohibits the innerstate transportation of convict made goods,  
22 if the way the law reads.

23 However, there is an exception to that law now that  
24 permits states with approval of the Department of Justice to  
25 get involved in the innerstate transportation of convict made

1 goods provided, one, the inmates are paid a minimum wage,  
2 and, secondly, that it is a component of a vocational training  
3 program.

4 We do not in Pennsylvania--are not involved in  
5 innerstate commerce.

6 REPRESENTATIVE BORTNER: We are not involved with  
7 that process?

8 MR. JEFFES: No.

9 REPRESENTATIVE BORTNER: I think that is all I have  
10 right now. Thank you.

11 CHAIRMAN SWEET: Before we go on, I should point  
12 out that Representative Kevin Blaum from Luzerne County has  
13 joined us; Chris Wogan from Philadelphia; I think I mentioned  
14 Jack before; and lurking in the background, I assume to  
15 evaluate our performance is the Chairman of the Committee,  
16 Bill DeWeese.

17 Kevin, do you have any questions?

18 REPRESENTATIVE BLAUM: No.

19 CHAIRMAN SWEET: Representative Reber?

20 REPRESENTATIVE REBER: Just two short questions  
21 for clarification purposes.

22 Commissioner, were you ever personally interviewed  
23 by a reporter of the Philadelphia Inquirer concerning this  
24 issue?

25 MR. JEFFES: Yes. I can't give you the date. We

1 were called.

2 REPRESENTATIVE REBER: Do you know if it was prior  
3 to or after the October 24th, '86 visit that you noted in your  
4 testimony?

5 MR. JEFFES: I think it was after that.

6 REPRESENTATIVE REBER: It was after that. After  
7 that visit, your assessment, I assume, came into fruition,  
8 that assessment being, as noted in the testimony, that the  
9 Department is satisfied with the current state of construction  
10 at Montgomery County Prison.

11 MR. JEFFES: That was correct at that time, yes.

12 REPRESENTATIVE REBER: Do you know if that particular  
13 statement or a statement of similar noteworthiness was made  
14 to the reporter when you had that contact?

15 MR. JEFFES: Yes.

16 REPRESENTATIVE REBER: It was?

17 MR. JEFFES: Yes.

18 REPRESENTATIVE REBER: In looking at the articles  
19 the staff has provided us and from my past recollection in  
20 reading those when they hit the streets, if you will, I don't  
21 recall a quote or a similar quote of that nature appearing  
22 in those articles.

23 Is that your recollection?

24 MR. JEFFES: I think there is--I think there is maybe  
25 two or three times in the article, if I remember correctly, that

1 indicated that we were satisfied.

2 I can't recall exactly. There was very limited  
3 space attributed to my--to our comments.

4 REPRESENTATIVE REBER: Let me ask you one other  
5 question, and just shifting gears. You noted in your  
6 testimony that the cell doors and security windows were found  
7 to be appropriate and that they would provide more than enough  
8 security.

9 We have had some discussion at length on that  
10 particular issue. My question is this, when the doors were  
11 designed, were they designed with full knowledge that they  
12 were going to be used in Montgomery County Prison, that they  
13 were going to be used for security purposes?

14 MR. JEFFES: Yes, yes.

15 REPRESENTATIVE REBER: Though they were designed to  
16 the specific specifications that were given to you by the--  
17 whoever, engineer, architect, is that correct?

18 MR. JEFFES: That is correct.

19 REPRESENTATIVE REBER: Now, when that onsite  
20 inspection on October 24th, 1985 was made, in the event that  
21 those doors were not adequate, would that have been noted at  
22 that time in that inspection in that those doors were fit  
23 for the particular purpose for which they were to be used  
24 obviously as being viewed by the onsite inspectors?

25 MR. JEFFES: Well, we just did--the inspectors just



1 did a walk through to the site and looked at what was happening.  
2 At that point I don't think that there were a large number of  
3 doors that were actually hung at that point in time.

4 The doors were there and were--they observed the  
5 doors that had been constructed and had no problems with that  
6 aspect of it.

7 I don't think at that time there--that a large number  
8 had been already hung and in place.

9 REPRESENTATIVE REBER: When the final inspection  
10 that you alluded to will take place, will that be something  
11 that would be looked to?

12 What I am getting at, is in the event that the doors  
13 are not adequate to whatever standards you would use at the  
14 time of that inspection, would that be scrutinized by the  
15 Department?

16 MR. JEFFES: Yes, it will.

17 REPRESENTATIVE REBER: So there is no doubt that  
18 that particular type of scrutiny evaluation investigation will  
19 be made before a single prisoner of any security risk will be  
20 placed in that institution is a fair statement?

21 MR. JEFFES: Yes.

22 REPRESENTATIVE REBER: Thank you, Mr. Chairman.

23 CHAIRMAN SWEET: Although it is a statement that  
24 almost demands response to the extent at least of my personal  
25 impression of what I have heard is that there is no standard

1 that is printed or published now to determine whether the doors  
2 are adequate or not, number one.

3           Number two, the Department will be called upon to  
4 evaluate its own work, which as Representative Bortner said  
5 I think at least has an implicit conflict of interest.

6           REPRESENTATIVE REBER: Mr. Chairman, my only concern  
7 is, and as you know that I did not editorialize following the  
8 questioning by you or to the answers that were derived as a  
9 result of your questioning, my district adjoins Representative  
10 Lashinger's district where the security facility is located.

11           My main concern--and I would say this whole thing  
12 is taking on, not a (word inaudible) Goldberg situation, but  
13 something more like a Shakesperian play that might be  
14 characterized as much ado about nothing.

15           Be that as it may, I am concerned about the  
16 security. I do agree with you that I have some questions as  
17 well on the existence or lack thereof of standards.

18           I think the ultimate issue in this particular  
19 instance is, before anybody goes on line, before anyone is  
20 housed in the institution, regardless of the type of security  
21 that it is, I would hope that the Department--and it appears  
22 that the Department is ready and always has been in a position  
23 of evaluating to make sure that the doors and cells and walls  
24 and windows and what have you are of sufficient standard to  
25 house the particular type of people that are in there.

1           That is my major concern. For my personal concern,  
2 I think that should be the thrust of the investigation of this  
3 Committee.

4           CHAIRMAN SWEET: Well, I think it is much ado about  
5 something. There apparently were a series of concerns and  
6 allegations expressed in print.

7           I personally am not satisfied with a lot of what I  
8 heard today. In one sentence you said it was much ado about  
9 nothing and in your next sentence you said that you were very  
10 concerned about security considerations.

11           I think that is the purpose of our discussion. We  
12 each have had a chance to editorialize some. I was stimulated  
13 only by your word fair.

14           Representative Wogan?

15           REPRESENTATIVE WOGAN: I have no questions. Thank  
16 you, Subcommittee Chairman.

17           CHAIRMAN SWEET: We are having so much fun.

18           Jack?

19           REPRESENTATIVE PRESTON: Just some very brief  
20 questions.

21           Commissioner Jeffes, in your response to Representative  
22 Sweet's questions about the Department of Corrections was  
23 prepared to take prisoners that were problems and things like  
24 that.

25           I got a little bit confused. This is the only prison

1 that Montgomery County will have eventually, right? They are  
2 going to close down their old prison?

3 MR. JEFFES: As I understand it, yes.

4 REPRESENTATIVE PRESTON: Okay. And you said  
5 something about a length of stay of six months for prisoners.  
6 Did I catch you right that prisoners would only be there for  
7 six months or something?

8 MR. JEFFES: Well, what I said was that as a part  
9 of our whole inspection process, county prisons who do not  
10 come up to the standards, the only authority that the  
11 Department has to bring the county in line with the standards  
12 is to recommend decertification.

13 That means that if the jail is decertified or the  
14 county prison is decertified, they can hold prisoners for  
15 no more than six months.

16 They must find alternate housing, alternate housing  
17 for the inmates until they have corrected the deficiencies  
18 to our satisfaction.

19 REPRESENTATIVE PRESTON: Is the present Montgomery  
20 facility, not the one that is being built, the old facility,  
21 is that decertified?

22 MR. JEFFES: No, it is not. No, it has not been.

23 REPRESENTATIVE PRESTON: Are there major problems  
24 with that facility?

25 MR. JEFFES: Well, I think that is one of the reasons

1 I think that the county commissioners determined that it  
2 needed to be replaced, that it had many deficiencies.

3 As I understand it, the amount of money expended to  
4 correct the deficiencies would almost be the same amount to  
5 build a new institution and that is the route they elected to  
6 go.

7 REPRESENTATIVE PRESTON: Were they cited by Labor  
8 and Industry?

9 MR. JEFFES: I can't answer that.

10 REPRESENTATIVE PRESTON: Were they cited by the  
11 Department of Corrections for any problems?

12 MR. JEFFES: Yes. I am assuming that they were.

13 REPRESENTATIVE PRESTON: Okay. There was a legal  
14 need for a new prison in Montgomery County for it rebuilt  
15 or something?

16 MR. JEFFES: Well, I guess without having the  
17 report in front of me, all I can say is that, again, what  
18 happens with the process--after we complete the inspection,  
19 against the standards, we then send either to the county  
20 commissioners or the prison board, whoever has the  
21 jurisdiction, a formal letter signed by me, listing a copy of  
22 our report and listing the deficiencies.

23 The county must then get back to us within sixty  
24 days of a response to what we note as deficiencies. If--counties  
25 certainly who indicate that they are interested and begin to

1 take initiatives to correct the deficiencies, we certainly  
2 work with.

3 Those who are saying that they aren't going to  
4 correct the deficiencies and it becomes a continuing problem,  
5 then we move to decertify.

6 I think in terms of that aspect, that probably the  
7 Department of Corrections, again, depending on how much one  
8 feels the State should get involved in the local units of  
9 government, it is very difficult for us to close down a county  
10 prison that doesn't come up to standards.

11 It is very difficult from a legal standpoint in  
12 terms of the process. The only thing we can do is to  
13 decertify.

14 REPRESENTATIVE PRESTON: I guess the thrust of my  
15 questions is this, when this prison is built and if these  
16 security devices which--I went through the process of building,  
17 rebuilding a prison in Lehigh County when I was commissioner  
18 there, and that was one of the most expensive items and one  
19 of the most technical items.

20 Quite frankly, I am really surprised that anybody  
21 would have somebody who never designed a jail cell before  
22 design a jail cell and then have people who have never  
23 manufactured a jail cell before, manufacture it.

24 I am somewhat nonplussed by this action on the  
25 part of Montgomery County, because of having gone through this

1 expense and problems.

2           Then I am also greatly surprised to hear that the  
3 manual way of opening a jail cell is you have to stand on a  
4 stool to open it.

5           One of the biggest problems we had with our jail  
6 was the problem with being able to remove prisoners in a  
7 very fast and quick manner in case of a fire, which is one  
8 of the big problems that we had when we were cited by Labor  
9 and Industry and by the Federal courts and everybody else.

10           So I am a little bit surprised that this is going  
11 on. I guess my question is, when the inspection happens and  
12 you inspect these doors that you built, which I think there  
13 is a problem there as Representative Bortner has alluded to,  
14 and you say--and you don't certify the prison because it is  
15 not secure or whatever, what happens then?

16           Then Montgomery County has sixty days to come up to  
17 specifications. It just--what I think I am seeing today is  
18 that maybe we need to make some changes in how prisons are  
19 inspected or whatever along the line, maybe there has to be  
20 something that there is an ongoing inspection, and maybe that  
21 the plans, you say they are approved, maybe there has to be  
22 a more of a tightening of that approval process on prisons.

23           I guess I am a little bit concerned. Montgomery  
24 County does border my county slightly. I guess I am a little  
25 bit concerned about an unsafe facility if that is what we have

1 here.

2 I don't think--if Montgomery County has to close their  
3 old prison and this new facility cannot open, I don't know  
4 what--how you are possibly going to be able to absorb those  
5 prisoners.

6 MR. JEFFES: Well, I don't think that we have clearly  
7 stated that the prison has to be closed, the old prison. I  
8 think that there are deficiencies that need to be corrected.

9 It is obvious that the county commissioners elected  
10 to replace the old prison rather than spend the money to  
11 correct the deficiencies.

12 REPRESENTATIVE PRESTON: Are there any Federal  
13 court orders to--

14 MR. JEFFES: I have no personal knowledge of that.  
15 We don't get involved in that aspect in terms of the counties.

16 REPRESENTATIVE PRESTON: They are under a Federal  
17 court order to--most counties that have these problems are.  
18 So that there is some pressing things to get things done.

19 That is all.

20 CHAIRMAN SWEET: Thank you.

21 Either counsel? Mike Edmundson?

22 MR. EDMUNDSON: Commissioner Jeffes, you had  
23 personnel visit on October 24. Did they file a report with  
24 you of their visit?

25 What was the procedure utilized for you to receive



1 the information from your personnel as to their observations?

2 MR. JEFFES: Well, they verbally made a report to  
3 me upon their return and then on the basis of that, I prepared  
4 a letter to the chairman of the county commissioners, which  
5 we sent to Chairman Bartel (phonetic).

6 MR. EDMUNDSON: It was only a verbal report?

7 MR. JEFFES: Yes.

8 MR. EDMUNDSON: Is that customary?

9 MR. JEFFES: Well, we don't get many--we have not,  
10 as I said, have gotten many requests from county prisons in  
11 terms, that are undergoing rennovation, at least directly to  
12 me, to make a site visit.

13 As a result, there was just a--it was the first  
14 request that I had had.

15 MR. EDMUNDSON: Additionally, as to Penncor, do you  
16 have any regulations that control the products, product line  
17 that will be made available through Penncor?

18 MR. JEFFES: I am sorry. I missed the first part  
19 of your question.

20 MR. EDMUNDSON: I am wondering whether or not the  
21 Department has any regulations that limit or control the  
22 product line that is to be made available through Penncor.

23 MR. JEFFES: No. Our products basically are  
24 governed by the type of people that we do business with and  
25 then, as I say, within our own production and marketing

1 capabilities.

2 MR. EDMUNDSON: So there never have been regulations  
3 on that point?

4 MR. JEFFES: Not that I am aware of.

5 MR. EDMUNDSON: Are there any plans to develop  
6 regulations, for example, around the prospect of Penncor  
7 continuing to produce security elements for county facilities?

8 MR. JEFFES: I have no plans at this point in time.  
9 As I say, this was a new item for us. It is something  
10 certainly that we will have to take a look at if we get future  
11 requests, yes.

12 MR. EDMUNDSON: Thank you.

13 CHAIRMAN SWEET: I was a little confused about one  
14 of your answers. You indicated--and I didn't catch the first  
15 part of your question.

16 You indicated that the three Department of  
17 Corrections personnel went down there for an onsite visit  
18 and that that was unusual.

19 And then you use the word renovation project. This  
20 is a construction project.

21 MR. JEFFES: Yes. I meant a combination of both,  
22 I mean, statewide. The warden called me and asked me if we  
23 would make a site visit, which we did.

24 What I said was that this was the first time that I  
25 had had a request in terms of renovation or even new prisons.

1           CHAIRMAN SWEET: Well, do you mean that ordinarily  
2 you just review the plans and then at the end of the process  
3 you grant this, what I called occupancy permit?

4           MR. JEFFES: We initially reviewed the plans. As I  
5 indicated to Representative Piccola, we do not have a set  
6 schedule where we make so many site visits during the  
7 construction phase of the construction.

8           CHAIRMAN SWEET: Well, it seems to be less than that.  
9 It seems to be that you don't--ordinarily don't do it.

10          MR. JEFFES: Ordinarily we do not, that is correct.

11          CHAIRMAN SWEET: Do you have any idea why you were  
12 asked to do this?

13          MR. JEFFES: No, I don't.

14          CHAIRMAN SWEET: But it was unusual?

15          MR. JEFFES: Well, I had not--since I have been  
16 commissioner, I had not had any requests. Again, I am trying  
17 to think. There has only been a couple prisons that have  
18 opened since I have been commissioner; Cumberland County.

19          CHAIRMAN SWEET: And then the three personnel went  
20 down there. How long did they stay there? Do you know?

21          MR. JEFFES: I think it was a day.

22          CHAIRMAN SWEET: They were there a whole working day?

23          MR. JEFFES: I think they went down in the morning  
24 and came back in the afternoon.

25          CHAIRMAN SWEET: But they spent several hours on the

1 site?

2 MR. JEFFES: To the best of my knowledge, yes.

3 CHAIRMAN SWEET: And they gave you a verbal report  
4 and then you wrote this letter of, I guess, October 30th that  
5 really is the heart of--one of the main reasons that we called  
6 you, because it is really the heart of Commissioner Bartel's--  
7 I have to ask the Chairman for pronunciation--appilgea  
8 (phonetic).

9 Do you know that word, Bill?

10 Mr. Bartel wrote a letter in which he sort of  
11 defended what Montgomery County was doing. We won't bother  
12 with the words.

13 The heart of it really is that on October 30th,  
14 you wrote and said that the design concept is excellent. The  
15 doors, windows and so forth are appropriate.

16 And you wrote this letter as a result of the verbal  
17 report you got from these three from the onsite visit.

18 MR. JEFFES: Right, the verbal.

19 CHAIRMAN SWEET: Appilgea. We have at least  
20 concluded something from this hearing today.

21 First let me to go Lois Hagarty and then council  
22 Wooley.

23 Representative Hagarty?

24 REPRESENTATIVE HAGARTY: Thank you. I just have a  
25 couple of clarifying questions to points that were made.

1           You had indicated and I am confused now, that you  
2 did design--not design--you metal fabricated the doors for  
3 Building 50 in Norristown?

4           MR. JEFFES: No. What we did--we did not do that.  
5 What we did was we made a prototype. After our salesman  
6 visited Building 50 and they indicated they were building,  
7 you know, going to build the new institution, the salesman--  
8 and they saw some of the samples, I guess, that they were  
9 looking at for the new institution, the salesman inquired  
10 as to whether or not it would be possible for Correctional  
11 Industries to become involved.

12           We then made a prototype of one door and one window,  
13 which was--to their specifications--which was then installed  
14 in Building 50 for a period of time to see how it would  
15 function and how it would operate.

16           REPRESENTATIVE HAGARTY: Your prototype was  
17 installed in Building 50?

18           MR. JEFFES: Yes.

19           REPRESENTATIVE HAGARTY: Just one door and one  
20 window?

21           MR. JEFFES: To the best of my knowledge, yes.

22           REPRESENTATIVE HAGARTY: And then did you receive  
23 a report that that was satisfactory prior to installing it in  
24 the prison?

25           MR. JEFFES: No. I did not receive any formal report,

1 no, from Warden Roth. I talked to Warden Roth as late as  
2 yesterday.

3 Of course, his comment yesterday, as well as had  
4 been previously, is that the doors that we built and the  
5 windows at this point in time are more than adequate, those  
6 that have been installed to date.

7 REPRESENTATIVE HAGARTY: So the warden had  
8 experience with this door and window.

9 MR. JEFFES: Yes.

10 REPRESENTATIVE HAGARTY: And the warden was  
11 satisfied?

12 MR. JEFFES: Yes.

13 REPRESENTATIVE HAGARTY: I had another point. I  
14 believe it was a remark made by Representative Bortner with  
15 regard to, I think he must have been referring to the general  
16 contractor not having experience or expertise in this plan  
17 or in prison construction.

18 I wondered if you were familiar with the expertise  
19 of the general contractor for the project?

20 MR. JEFFES: Which general contractor are we talking  
21 about?

22 CHAIRMAN SWEET: Representative Bortner is the one  
23 who allegedly--

24 REPRESENTATIVE HAGARTY: He was talking about the--

25 MR. JEFFES: I have no knowledge, no personal

1 knowledge, I don't even know the general contractor that  
2 was originally employed by the county to oversee the  
3 construction.

4 Mr. Maloney, I know, did design and  
5 build Building 50. He was in charge of the renovation, the  
6 design and installing of the equipment in Building 50.

7 That is the extent.

8 REPRESENTATIVE HAGARTY: Did you certify Building 50?

9 MR. JEFFES: Yes. To my knowledge, yes.

10 REPRESENTATIVE HAGARTY: And that was satisfactorily  
11 certified?

12 MR. JEFFES: Yes.

13 REPRESENTATIVE HAGARTY: That has been operating  
14 satisfactorily?

15 MR. JEFFES: Yes.

16 REPRESENTATIVE HAGARTY: Thank you, Commissioner.

17 CHAIRMAN SWEET: Mary Wooley?

18 MS. WOOLEY: Commissioner, earlier, and I think it  
19 was Representative Bortner brought up the issue of  
20 certification or accreditation by the American Correctional  
21 Association.

22 MR. JEFFES: Right.

23 MS. WOOLEY: And you stated that seven of our  
24 State institutions have been certified as part of that  
25 certification with regards to the security aspect of the

1 institution.

2 MR. JEFFES: That is correct.

3 MS. WOOLEY: To your knowledge, do any of those  
4 institutions have the lexicon glass with the polycarbonate  
5 glaze or do you know if the ACA standards speak to--

6 MR. JEFFES: The ACA standards do not speak  
7 specifically to that issue. I am not sure at this point in  
8 terms of the new institutions that are coming on line,  
9 specifically what the window areas are.

10 I do know, as I indicated, that plexon, we have  
11 used extensively in--where we made renovations. The major  
12 renovations we made in some of our State institutions has  
13 been in the control center areas, which needs to be a very  
14 secure area.

15 We have used the lexon polycarbonate--lexon I guess  
16 is the trade name--as part of the primary security. It comes  
17 in varying degrees of thickness.

18 You can get it anywhere from, I guess, a quarter  
19 all the way up to two or three inches. I think in Montgomery  
20 County--I think, for example, in our control center panels,  
21 and I stand to be corrected, I think we use three-quarter  
22 inch.

23 Montgomery County, as I understand, will have a total  
24 of one inch of lexon in each window.

25 MS. WOOLEY: In Central Pennsylvania we have had



1 new county jail construction, Dauphin County and Cumberland  
2 County.

3 Are you aware if either of those two counties  
4 used a similar product?

5 MR. JEFFES: I am not aware. I do not know what  
6 Cumberland County used.

7 MS. WOOLEY: Thank you.

8 CHAIRMAN SWEET: Representative Lashinger, you  
9 indicated you had some other questions.

10 REPRESENTATIVE LASHINGER: I do. Thank you, Mr.  
11 Chairman.

12 Let me just say--comments have been made by  
13 Representative Reber and Representative Sweet. I don't want  
14 to act as mediator, I am sure they don't need me as a mediator,  
15 but I am somewhere inbetween.

16 CHAIRMAN SWEET: At least not today.

17 REPRESENTATIVE LASHINGER: Representative Reber is  
18 partly correct in the inferences about Montgomery County.  
19 It is true that they can't be criticized because there were  
20 not standards for them to operate under, so they did what they  
21 were entitled to do, and that was to do whatever it took to  
22 complete this prison.

23 I think the issue is that we are satisfied with their  
24 decisionmaking process and that this thing is secure according  
25 to their own procedures formulated in the county.

1           My concern, I think is Representative Sweet's, that  
2 is the future, that maybe we shouldn't have the counties  
3 doing their own thing.

4           So really the county didn't do anything irregular  
5 in proceeding the way that they did. I mean, if they saved  
6 money and yet had equally as secure a facility as anyone else  
7 would have, then I don't think they would be criticized for  
8 that.

9           I think that is what we are here for today is to  
10 guarantee the security. Those questions now appear to  
11 lie back with the county and not the State, because as of  
12 today, the State has no oversight policy, in my estimation.

13           Is that a fair assessment? We really don't have--  
14           CHAIRMAN SWEET: It is still inspected when it is  
15 opened.

16           MR. JEFFES: Yes. It is inspected. But if you  
17 are asking, do we, you know, do we really have the authority  
18 to go in and let's say close it down so you can't house any  
19 inmates in there, I don't think statutorily we have that  
20 authority.

21           REPRESENTATIVE LASHINGER: And even when you said  
22 to Representative Reber that someone is going to go down and  
23 do an inspection, I am still unsure what that inspector does  
24 when he goes down other than satisfies his own standards,  
25 because he doesn't have any standards.

1           You don't have to go into any--I think that is the  
2 answer.

3           MS.                   : Correct me if I am wrong. I  
4 thought the Commissioner said there were inspection  
5 regulations, but not regulations prior to that.

6           MR. JEFFES: There are a set of standards for  
7 jail inspections, yes. Those standards, by the way, are in  
8 the revision process.

9           In fact, we have them revised and we are now beginning  
10 a long process of getting them--

11          REPRESENTATIVE LASHINGER: Can you tell us what some  
12 of those standards are then to open? I mean it is a little  
13 late at that point.

14          I think it would be more prudent to get involved  
15 in the planning and construction stage instead of building  
16 a facility, say you don't meet standards, and then say close  
17 and spend more money to repair.

18          MR. JEFFES: But you see, Representative, the county  
19 prison has gotten an annual report from us for every year.  
20 The county knows what the standards are.

21          As a working document, if they are concerned about  
22 the day to day operational aspects of the facility, all they  
23 need to do is to look at the--they have a copy of the standards.

24          They know what the deficiencies and concerns were  
25 as a part of previous reports.

1           REPRESENTATIVE LASHINGER: Just give us three  
2 standards on the security side?

3           MR. JEFFES: Well, they take a look at lighting,  
4 that is one area. They will take a look at perimeter  
5 security.

6           They will take a look at the operational aspect,  
7 for example, of how disciplinary units are being operated;  
8 feeding procedures.

9           REPRESENTATIVE LASHINGER: Okay. Not the door  
10 size or dimension or security size?

11          MR. JEFFES: No.

12          REPRESENTATIVE LASHINGER: Have you ever--like most  
13 good businesses I assume this issue came up on the liability  
14 side.

15          Do you have an opinion from counsel, you know,  
16 before Correctional Industries got into this business, as to  
17 what you think our exposure might--

18          MR. JEFFES: No, I do not.

19          REPRESENTATIVE LASHINGER: I mean, it is a little  
20 different from making a bed and someone falls out of the bed.  
21 In the building security side of the prison you have a little  
22 different exposure, I think, when you are building locks and  
23 fabricating locks.

24          MR. JEFFES: We are not building locks. We didn't  
25 build the locks.

1           REPRESENTATIVE LASHINGER: When you are fabricating  
2 the steel, I think you still have exposure in fact that you  
3 have contributed to part of the locking device.

4           Do you agree? I think that is something that we  
5 should look, you should look at.

6           MR. JEFFES: Okay.

7           REPRESENTATIVE LASHINGER: Your exposure at that end.  
8 Just to followup on Representative Bortner's comments, I have  
9 a copy of the October 30th letter which in fairness to the  
10 county commissioner, they have not been reluctant in releasing  
11 any information that they have had on this.

12           I agree with Representative Bortner. Your letter  
13 is really a letter saying thanks for the business. I am really  
14 paraphrasing.

15           That is not fair. It is a long letter and I don't  
16 want to read it. The first paragraph says, thanks for buying  
17 the prison hardware through Correctional Industries.

18           The balance of the letter is on the inspection issue.  
19 I think the two have to be divided out. I don't think you can  
20 say thanks for the business in part of the letter and then  
21 say, by the way, our inspection proved to be a very positive  
22 inspection.

23           I just don't think that that can continue on the  
24 correctional side. You said General Services bid some of  
25 these projects also.

1 Do they bid portions of prison construction? I  
2 thought you said in your opening statement that General  
3 Services--

4 MR. JEFFES: Well, for the State.

5 REPRESENTATIVE LASHINGER: Not on county. They  
6 wouldn't get involved?

7 MR. JEFFES: Not that I am aware of. I can't  
8 respond for General Services.

9 REPRESENTATIVE LASHINGER: One last question.

10 Again, for the record, you are satisfied--Representa-  
11 tive Hagarty brought this up. I want it to be clear,  
12 especially since that is one of the controversies in the  
13 county.

14 You were satisfied with Mr. Maloney's credentials.  
15 You, as Secretary of Corrections, are satisfied that Mr.  
16 Maloney has the expertise to do what he has been doing; that  
17 is, the overseeing of the construction of the county facility?

18 MR. JEFFES: I can only respond by saying that I  
19 did visit Building 50, which Mr. Maloney designed for Montgomery  
20 County for housing female inmates.

21 I had no problem with what he had done in that unit  
22 in terms of security and the type of construction. In terms  
23 of his past track record, et cetera, I can't respond to that.

24 We don't review the credentials of any--we don't  
25 review the--for example, York County had a new jail in 1979.

1 We didn't review the credentials of any of the architects that  
2 were involved in the construction of that institution that I  
3 am aware of.

4 I think it is a question of, again, you know, how  
5 far you--how far you feel that the Department needs to go.  
6 I think that is a legislative issue that I think you are going  
7 to have to decide.

8 Certainly, whatever is--

9 REPRESENTATIVE LASHINGER: I don't think we can do  
10 anything with regard to Montgomery County, because I think  
11 they have complied with what we have done.

12 That is really not much at the State level. I  
13 am not saying you. I think it is partly our fault of not  
14 knowing what has been going on in this area.

15 One other issue, on the prototype door, if you build  
16 a prototype door, was there a reason for building a prototype  
17 door?

18 Were you testing?

19 MR. JEFFES: Well, I think we built the prototype,  
20 as I understand it, at the request of Montgomery County so  
21 they could test it.

22 As I understand it--again, I stand to be--

23 REPRESENTATIVE LASHINGER: Did you get paid for  
24 that?

25 MR. JEFFES: I can't answer that. I don't know. We

1 would have to go back and look at it. As I understand it,  
2 and again this is second hand, is that they had a design of a  
3 door from a private vendor and our salesman indicated that  
4 we could manufacture a similar door.

5 We built the prototype, which was installed down in  
6 Building 50, which the county ran for an extended period of  
7 time.

8 REPRESENTATIVE LASHINGER: They purchased it from  
9 another vendor, though? You built a prototype and they  
10 purchased--

11 MR. JEFFES: No. We built--the prototype that was  
12 installed we built. We built a ptototype window. We built a  
13 prototype door to their specifications, which they installed  
14 in Building 50 to see how it would function.

15 REPRESENTATIVE LASHINGER: Correctional Industries  
16 supplied the door, then, for Building 50?

17 MR. JEFFES: The prototypes, the door and the  
18 window, a prototype.

19 REPRESENTATIVE LASHINGER: I am hearing you, but I  
20 am confused.

21 MR. JEFFES: All right.

22 REPRESENTATIVE LASHINGER: You built the prototype  
23 and then someone else went out and actually did the  
24 construction of the rest of the doors?

25 MR. JEFFES: Well, we built a prototype.



1           REPRESENTATIVE LASHINGER: A prototype was just the  
2 design used for the vendor to go and build his own?

3           MR. JEFFES: No, no. We built--

4           CHAIRMAN SWEET: Well, let me get through this.  
5 There is at least one door that is prototype in Building 50.

6           MR. JEFFES: Right.

7           CHAIRMAN SWEET: Who built and what are the rest of  
8 the doors?

9           MR. JEFFES: I don't know. We didn't build the rest  
10 of the doors.

11          CHAIRMAN SWEET: So there is one door that serves as  
12 a prototype for the new prison.

13          MR. JEFFES: To try out.

14          REPRESENTATIVE LASHINGER: Yes.

15          MR. JEFFES: No, no. That Building 50 was already  
16 in operation. That had already been completed. Now, they  
17 are moving ahead with the construction of the new prison.

18          They, at that point, had the doors under review, as  
19 I understand it, as to who was going to build the door to their  
20 specifications.

21          We built a sample, rather than use a prototype--

22          CHAIRMAN SWEET: Well, it is a prototype for the  
23 new prison.

24          MR. JEFFES: Right.

25          CHAIRMAN SWEET: It wasn't a prototype for Building

1 50?

2 MR. JEFFES: No.

3 REPRESENTATIVE LASHINGER: See, I thought you did  
4 some at Building 50. Did you ever bid any at Building 50?

5 MR. JEFFES: Not any of the security equipment, no.

6 REPRESENTATIVE LASHINGER: That is just a recent  
7 construction project. I mean that was a building converted  
8 at the State Hospital.

9 Who did that building? Who did the doors? Do you  
10 know?

11 MR. JEFFES: Mr. Maloney was in charge of that. The  
12 county did that themselves.

13 REPRESENTATIVE LASHINGER: Another vendor, though,  
14 got that contract. It has only been in the last twelve  
15 months that that work was done.

16 MR. JEFFES: No, no. That Building 50 has been in  
17 operation I think at least two or three years.

18 CHAIRMAN SWEET: Time flies.

19 I just have one last question. Does anyone else  
20 have any other questions?

21 Representative Reber?

22 REPRESENTATIVE REBER: Just one comment. I will  
23 make this through the Chair because maybe the Committee might  
24 want that.

25 I at least would want it and hopefully the Committee

1 would want that. It is my understanding under current law,  
2 Section 61 Purdens Statute 460.3, Subparagraph 3, that  
3 counsel provided to the members, among others, the Department  
4 is to establish standards for county jails and prisons,  
5 including standards for physical facilities.

6 It is my understanding from your testimony that  
7 there are some form of standards or rules and regulations in  
8 effect that the Department follows.

9 It is further my understanding from your testimony  
10 that some final inspection, if you will, will be carried out.  
11 Could I emphasize and could I ask you to specifically investigate  
12 the trustworthiness, if you will, in the operating field  
13 onsite, in location, for the intended purpose for which it is  
14 affixed to the facility, that the doors and the windows are  
15 checked to make sure that they fall within standard customary  
16 confinement security traditions, rules, principles and  
17 whatever.

18 I don't know what they are. I don't have the  
19 expertise. I certainly hope someone in your Department, if  
20 not yourself, would have that, and that that inspection could  
21 be done prior to incarceration of any inmates, obviously.

22 Finally, that in some way, shape or form this  
23 Committee could be apprised of that inspection having taken  
24 place and as to the evaluations on those particular areas of  
25 security that seem to have generated such a controversy.

1           If the Committee doesn't want to do it as a  
2 Committee motion, I would like to have that individual  
3 (words inaudible).

4           Thank you, Mr. Chairman.

5           CHAIRMAN SWEET: I don't want testimony from the  
6 inside.

7           I think Mr. Reber's request--I had already requested  
8 the standards. I think his request is reasonable. As I  
9 interpret it it means, make damn sure the doors work and  
10 report to us about it before anyone is housed in the prison.

11           We want to know all those things in advance.

12           Let me just ask you, have you ever heard of the  
13 architectural firms of Helmuth (phonetic), O'Batta (phonetic),  
14 and Casabaum (phonetic), or Reinzie (phonetic) and Associates?

15           Those are who were mentioned in the Inquirer  
16 article.

17           MR. JEFFES: Not right of the top of my head, no.

18           CHAIRMAN SWEET: They don't ring a bell to you  
19 immediately as famous in the--

20           MR. JEFFES: No, no. There are numerous  
21 architects involved in prison construction. That doesn't  
22 mean that somewhere back in my mind I might have heard their  
23 name.

24           It doesn't ring any bells immediately.

25           CHAIRMAN SWEET: Because why I was going to ask you

1 was whether or not it concerns you that they made such  
2 stride and criticisms.

3 If you don't know who they are--I presume you are  
4 relying on your verbal report from your staff, rather than  
5 their--

6 MR. JEFFES: I could tell you what the practice  
7 in the field though, Representative, is most of these  
8 architectural firms that are building prisons, of course, go  
9 out and hire retired wardens and retired commissioners who  
10 they hire as consultants to basically support their position.

11 I think another interesting point is, of course,  
12 that when architectural fees--the architect's fees, to a  
13 certain extent, is based upon the cost of the prison, then I  
14 wonder, too, if there isn't some really--some issues here in  
15 terms of kind of a vested interest.

16 It is obvious that if you can build a \$30 million  
17 prison as an architect, you are going to get a much larger  
18 fee than if you only end up building that prison for \$10 million.

19 CHAIRMAN SWEET: I trust you urged that same sense  
20 of prudence on the Department of General Services when we  
21 build our own, when we hired eight different sets of  
22 architects for eight different prisons.

23 MR. JEFFES: That was before my time.

24 CHAIRMAN SWEET: Are there any other questions that  
25 the members have at this point.

1                   REPRESENTATIVE                   :    Would it be asking too  
2 much maybe to (word inaudible) some of the concerns in the  
3 county to have the Department involved--there is only about  
4 thirty to sixty days of construction left at Montgomery County,  
5 that maybe the Department could consider periodic inspections  
6 over the next--final eight weeks of construction down there.

7                   MR. JEFFES:    Sure.    Be glad to.

8                   CHAIRMAN SWEET:  Certainly, it is in line with  
9 Mr. Reber's request as well.

10                  REPRESENTATIVE                  :    Maybe a weekly inspection  
11 from the Department.

12                  MR. JEFFES:    I will make (words inaudible), but we  
13 will inspect it again.  Certainly, I am as concerned as the  
14 Committee.

15                  As I said earlier, I certainly am not going to put  
16 the protection of the community above--of any program.  I  
17 think if that were the case, I think that we probably,  
18 at least at this point in time, the change in the Camp Hill  
19 institution as a result of the changes that I felt had to be  
20 made to improve security at that facility, irregardless of the  
21 impact it had on programs.

22                  I am as concerned as you.  I certainly am not going  
23 to do anything that is going to create a serious security  
24 concern for the community.

25                  CHAIRMAN SWEET:  Thank you very much, Commissioner.

1 We appreciate your patience and your willingness to answer  
2 our questions.

3           The Committee will review the information that we  
4 have gotten today and may well be back to you to ask some  
5 additional, probably just staff--just staff contact of  
6 additional details in the matter.

7           We will determine what if any course of action is  
8 necessary from this point. I personally think that we need  
9 to take a long look at the process and see whether or not there  
10 is a need to more fully and more completely and more formally  
11 involve the State, since I think there are a lot of people  
12 out there who read that the Department of Corrections approved  
13 something, maybe get a false sense of security out of reading  
14 that, given the nature and the details of the approval  
15 process.

16           I think we need to take a long look at that.  
17 Thank you very much.

18           (Witness excused.)

19           (Whereupon, the hearing was concluded.)  
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C E R T I F I C A T E

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I hereby certify that after House of Representative  
personnel tape recorded these hearings, they were transcribed  
by me, to the best of my ability.

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