

COMMONWEALTH OF PENNSYLVANIA
READING, PENNSYLVANIA

----- x
:
In the Matter of: :
:
Public Hearing on :
Senate Bill 468 :
:
----- x

Transcript of Proceedings
Board Room
Reading School District
Administration Building
Eighth and Washington Streets
Reading Pennsylvania
Tuesday, July 21, 1987

10:08 a. m.

BEFORE: HOUSE OF REPRESENTATIVES
 JUDICIARY COMMITTEE

THE HONORABLE H. WILLIAM DeWEESE,
Chairman

THE HONORABLE KEVIN BLAUM,
SUBCOMMITTEE CHAIRMAN
CRIME AND CORRECTIONS

THE HONORABLE THOMAS R. CALTAGIRONE,
MEMBER

THE HONORABLE GERARD A. KOSINSKI,
SUBCOMMITTEE CHAIRMAN
COURTS

THE HONORABLE ROBERT D. REBER, JR.,
MEMBER

ALSO PRESENT:

THE HONORABLE PAUL ANGSTADT

THE HONORABLE DENNIS LEH

THE HONORABLE DAVID J. BRIGHTBILL

1987-097

APPEARANCES, Continued:

THE HONORABLE JOHN S. DAVIES

THE HONORABLE MICHAEL A. O'PAKE

ALSO PRESENT:

PAUL DUNKELBERGER,
RESEARCH ANALYST
MINORITY PARTY

MICHAEL P. EDMISTON,
CHIEF COUNSEL,
MAJORITY PARTY

GWEN MILLER,
ADMINISTRATIVE ASSISTANT
MAJORITY PARTY

AMY L. NELSON,
RESEARCH ANALYST
MAJORITY PARTY

C O N T E N T S

<u>WITNESSES</u>	<u>DIRECT TESTIMONY</u>
Jane Reber	6
William S. Fritz	10
James P. Troutman	24
C. Wilson Austin	41
Walter Gensemer	49
George Honsberger	54
Glenn B. Reber	73
William G. Babcock	92
Woodrow W. Nein	99
Anthony J. Carabello	104
William R. Fritz	147
Vernon Shaffer	153
James E. Huber	157
Billy Kissinger	173
George Honsberger	175

E X H I B I T S

<u>COMMITTEE</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
[None]	--	--

Any reproduction of this transcript
is prohibited without authorization
by the certifying reporter

P R O C E E D I N G S

CHAIRMAN DeWEESE: On the record.

I am the Chairman of the House Judiciary Committee. And the Subcommittee Chairman who came with me in the car behind is still trying to find a parking place.

Kevin Blaum is on his way. I'm going to give him about one more minute.

MISS MILLER: He is here.

CHAIRMAN DeWEESE: Oh, he's here?

Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

I still want to give about one more minute for Kevin and, then, we'll commence.

CHAIRMAN DeWEESE: Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

Welcome to this July 21 Public Hearing of the Pennsylvania House Judiciary Committee, July '21 hearing of the House Judiciary Committee.

We are here to take public testimony

on Senate bill 468. Before we start, I would like to thank the members of the House, both committee members and non-committee members, for attending.

From the Wilkes-Barre area, we have State Representative Kevin Blaum. On my far left, Tom Caltagirone, who I have served over a decade with in the State legislature.

John Davies, who I have served a long time with. Dennis Leh, a new colleague of mine. Paul Angstadt, who's been around several terms.

Bob Reber, from Montgomery County. And that's all the members we have today with us.

Senator O'Pake was just here.

It is not unusual that we as a committee go in different parts of the State, whether it's Pittsburgh, Erie, Reading, Philadelphia, or Pike or Monroe County or wherever, to try to be the beneficiary of different people's points of view.

Relative to Senate bill 468, we are anxious to hear what the people of Reading and Berks County have to share with us today.

We would like to keep a strict compliance with our schedule. We're just a few moments late in getting started.

But we're not egregiously late. And I would like to ask everyone to keep their testimony to ten to fifteen minutes.

At the end of our scheduled testimony, anybody from the public will be invited to make a comment.

The first person that's scheduled to testify -- in fact, we are putting her at the beginning of our list today, will be Miss Jane Reber, a member of the Prison Board.

Welcome.

Whereupon,

JANE REBER

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

MISS REBER: Thank you. Well, Mr. Chairman, and Ladies and Gentlemen, first of all, I'd like to express my appreciation to this committee for the opportunity to present my thoughts regarding the Berks County Board of Prison Inspectors.

I have spent years of my life as a member of this board, having first been elected to

that position in the year of 1947, and have served continuously until the present time.

In short, a good portion of my adult life has been devoted to public service as a member of the Board of Prison Inspectors to the Berks County prison.

Considerable thought has been given to the opinions I wish to present to you. The current prison board and previous boards have always been elected in Berks County due to a special act of the legislature.

And it is a matter of political fact that all other third class counties in this great Commonwealth, such as Berks, are now constituted into functioning under an appointed board.

While the term, "appointed board," is commonly used, nevertheless, it would comprise of elected officials; namely, the County Commissioners, President Judge, Sheriff, District Attorney, and the County Controller.

The Commissioners, because of their budget appropriation responsibilities, will therefore have a more clearly defined line of authority as to the needs and fiscal responsibility of the county prison system.

This alone with the expertise and input of the other elected officials and the capable board members, will provide a coherent and coordinated operation of the prison and its personnel.

Policies under this new board can and will in my opinion be formulated to a method which would spell progress.

Things have changed. We are in a new era, and should move forward. Finally -- time up?

CHAIRMAN DeWEESE: No. I'm sorry. There was someone came in the back.

MISS REBER: Oh.

CHAIRMAN DeWEESE: Senator.

MISS REBER: Finally, I would like to recommend to this committee that Senate bill No. 468, already passed by the Pennsylvania senate, should now be enacted into law by the House of Representatives.

Thank you.

CHAIRMAN DeWEESE: Thank you very much.

Are there questions or comments from any of the committee members or any of the other legislators present for Jane?

[No response]

CHAIRMAN DeWEESE: You kept well within your time limit. Thank you.

MISS REBER: Didn't take me long, did it?

CHAIRMAN DeWEESE: No, it didn't.

[Laughter]

CHAIRMAN DeWEESE: Thank you.

[Witness excused]

CHAIRMAN DeWEESE: By the way, no one has to stand. I should have told you. If you feel more comfortable standing, that's fine.

If not, that's also fine.

MR. NEIN: Mr. Chairman, when you asked for comments, were you asking for prison board members or what, or do I have to wait till I get my turn to answer her?

CHAIRMAN DeWEESE: I think it would be more appropriate that you ask -- or that you answer her at the time of your testimony.

MR. NEIN: Okay.

CHAIRMAN DeWEESE: Is there anyone outside that wants to come on in? We have -- we were relocated from another room.

But you have -- you're welcome to

come on in and feel comfortable in here.

The next person who will testify, Mr. William S. Fritz, a member of the Berks County prison board.

Mr. Fritz?

CHAIRMAN DeWEESE: Before Mr. Fritz begins his testimony, I would like, as Chairman, to welcome Senator Chip Brightbill, who just walked in.

Thank you very much for being with us and sharing some of your morning with our committee.

REPRESENTATIVE BRIGHTBILL: Thank you, Mr. Chairman. It's a pleasure to be here.

CHAIRMAN DeWEESE: Okay. Mr. Fritz, again, you can stand or be seated at your leisure.

CHAIRMAN DeWEESE: Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

Whereupon,

WILLIAM S. FRITZ

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

MR. FRITZ: I would like to tell you

how I got involved in the prison board. First of all, my grandfather was on the prison board, back in the twenties and the thirties, when they built the present prison, where it's at today.

My father was on the prison board, and he presently is on the prison board today. But he was on in '61 to '64.

Somebody passed away and he was appointed. And my father kept bugging me to run for prison board.

I said, "What do I want to be on the prison board for?" And I -- finally, he convinced me.

And I started in and I ran and I made it. I was fortunately -- I made it. And how this all come about is through my father, really.

And I got on the prison board, and I took an interest in the prison board. And I get to the prison.

I just don't go up at meetings once a month. I get up. And when I go up, I stay there for hours.

I don't just go up for an hour and then leave. Mr. Tom Caltagirone can vouch for that. I got through the prison.

I talked to the prisoners. I talked to the guards. I go anywhere in the prison. Nobody goes with me.

I go myself. And when I go through the prison I observe different things. And when I come back, if I feel it ain't right, I'll tell the warden.

And things do get accomplished. They get done. I feel it would be a big mistake to do away with the prison board.

You people get around, probably a little more than I do. Do you read any monthly reports about any prison besides Berks County?

We have a monthly meeting. The people who vote for me, put me in office. I had over 34,000 votes when I -- the last time I run.

This is my fourth term. This is my fourteenth year on the prison board. I feel the people of Berks County have a right to put who they feel they want in office, not somebody hand picked by people high up, can hand pick people in put them in there.

And they won't know a thing what's going on in this prison, or matter of fact, what do you know what's going on in Chester County Prison?

What do you know what's going on in Montgomery County Prison? Do you get a monthly report on anything?

I'm asking a question.

CHAIRMAN DeWEESE: Our committee does not, no. We're --

MR. FRITZ: That's -- well, what do you --

CHAIRMAN DeWEESE: Primarily --

MR. FRITZ: Well, what you do know about the --

CHAIRMAN DeWEESE: Involved with the State penitentiary system.

MR. FRITZ: I didn't know a thing about the prison until I got on the prison board. I go through the prison.

I know what's going on. I don't just go in and, oh, say, "Hello. Goodbye." I am a board member.

And I do get around. And I feel, as far as I'm concerned, it would be a big mistake to do away with the prison board.

Mr. O'Pake, Michael O'Pake, sent out questionnaires out to us. Now, he sent questionnaires.

And I feel they were ridiculous questionnaires. We're non-paid. We get \$62.50 a month.

That's for nine board members.

CHAIRMAN DeWEESE: What were the questionnaires?

MR. FRITZ: Why, for people maybe getting fifty, \$60,000 a year, but they're supposed to justify our existence.

I wish I would have brought them along and then you could have seen them. I have them at home.

I should have brought them along. I was thinking about it. To me, I feel it is -- it would be a big mistake.

I know we're the only ones in the county any more, or in Pennsylvania.

CHAIRMAN DeWEESE: The Commonwealth.

MR. FRITZ: In the Commonwealth. But I feel it would be a big mistake to do away with it. Because the people wouldn't have no say any more who they're going to put in.

They can go to a County Commissioner now, and say, "Well, now, I'd like 'so-and-so' to be appointed."

CHAIRMAN DeWEESE: Could you give the members of the committee and the visiting legislators two or three minutes on the prison, itself, the facilities itself?

MR. FRITZ: The prison itself?

CHAIRMAN DeWEESE: Could you describe it for us?

MR. FRITZ: Yes. I will. Why, it's a -- they call it castle on the hill, when you go up.

Were you ever up at the Berks County Prison?

CHAIRMAN DeWEESE: No, sir.

MR. FRITZ: Were you ever in a prison?

CHAIRMAN DeWEESE: Many times.

MR. FRITZ: Many times?

CHAIRMAN DeWEESE: Well, at least eight to ten times in my --

MR. FRITZ: Okay.

CHAIRMAN DeWEESE: Time in the legislature.

MR. FRITZ: I get -- matter of fact, I was up to the prison yesterday. I just went up. I wasn't there that long yesterday.

That's one of the few times when I do go up that I didn't stick around that long. I was there maybe an hour and a half, two hours.

Well, when I do go up, I'm up there at eight o'clock in the morning already. And I don't leave.

I work second shift. And I don't leave up there till twelve, 12:30, one o'clock. And I go home, wash, change around, and get ready and go to work.

I start at 2:30. The prison itself is -- we have four blocks. A, B, and C block. There's two floors to every block.

We have -- we can house oh, Labor and Industry come in, and put fire exits in. They took quite a few cells away from us.

So we do need an addition up there. We're overcrowded. We just had to take the women. It started up in the back of the prison.

There's a place that was built. It was going to be our wood shop. So we got overcrowded.

So the wood shop never materialized. We used it for our trustees on the outside, our inmates that we call trustees.

Do you know what a trustee is?

CHAIRMAN DeWEESE: Yes.

MR. FRITZ: Okay. We use that for that area. So now we got the modular homes now. And it's built by people who build mobile homes.

I feel that -- I'll tell you point blank. I feel that that was a waste of money, putting that type of area in there to house people.

It's not really secure. I think we could have done better with that money by putting that money to use to build maybe an area up there and to house more people.

You keep -- they're -- they're -- they're -- how do you say that? The plea bargaining.

They're plea bargaining, and they're putting people out on the road that don't belong out on the road.

Because we're overcrowded, they're releasing. Not only in our county. This is all over the county.

And I feel that's a big mistake. People who does stuff like that should be punished and incarcerated for six month, a year, whatever, to teach them a lesson.

Whenever anybody comes up there, now we have an area where we don't have, like, when we get DWI's up there, drunk while driving, we have an area now where we can put them.

But before we had to put them right in with the rest of our population. We didn't have no other way to go but that area.

So we took -- the people that are trustees, we put them over in the modular homes. Now, we're overcrowded with women.

The women population is, really, going -- really exploding. So now we put -- we're fixing up the area where we have the trustees in.

We're going to put some women out there now. Because we had, I think it was around -- I forget exactly how many we had farmed out.

And that cost forty dollars a day for each one. It was costing around \$20,000 a month, or close to that, just to house women.

Now, I feel -- that, to me, is wrong. House women out, and using taxpayers' money to house them out.

But we have to. We're overcrowded, so we were forced in doing that. I mean, we aren't the only county.

Other counties call us to house people, too, and we cannot house them. We don't have the room to house people.

And you -- you -- one thing the Commissioners do. We started a couple of years ago to send our minutes down to them.

Now, whether they read them or not, I do not know. We invite them to come up to our -- our meetings, which they don't show.

They don't come up to our meetings. We invite them up. Matter of fact, I told Donald Backenstose right in his office this one day.

Our meeting -- you know, he wrote it on the calendar. He never even showed his face. Now, that's what they think of the prison.

They don't have no interest in it. And if you do away with the prison board, how are people, the taxpayers, the people that are paying the bill, how are they going to know?

Not necessarily voters, but the taxpayers, themselves. How are they going to know what's going on up in the prison?

CHAIRMAN DeWEESE: Anybody else have any questions?

MR. FRITZ: Are my fifteen minutes

up?

CHAIRMAN DeWEESE: No, no. I'm sorry. I just -- I had asked you that question, about describing it.

And I just wondered if anybody else had any other questions for you.

MR. FRITZ: And -- well, we -- we have an area now that was actually our brooder house, where we -- when I first got on the prison board, we had chickens.

And now we fumigated all of that and remodeled that inside. And that's where we, right aside of the modular homes, that's where we feed and so on and so forth.

They have the bathrooms in there. But the modular homes have their own bathrooms, too. We did all that around.

And for anybody that was never in a prison -- you have to go through prisons, find out what's going on.

Not just go through and look, but ask questions. What's going on in the prison? There's a lot of -- a lot to it.

Believe me, there is. People outside don't realize that. I never realized it till I got

on the prison board.

And people that I talk to feel that the prison board should really stay. But that's up to you people.

CHAIRMAN DeWEESE: Your basic assertion would be that if it went to the County Commissioners in all their multitude of assignments, this would get lost in the shuffle.

Where, if you have your group --

MR. FRITZ: I'd --

CHAIRMAN DeWEESE: You're more of a focus.

MR. FRITZ: I'd almost say, yes, definitely, that's exactly what would happen.

CHAIRMAN DeWEESE: Okay. Other questions, observations, members of the committee?

MR. AUSTIN: C. Wilson Austin.

CHAIRMAN DeWEESE: Members of the committee first. Yes, sir. As soon as we get to the members of the committee.

MR. AUSTIN: I want to ask him a question.

MR. FRITZ: Yes, go ahead.

CHAIRMAN DeWEESE: As soon as we get to the members of the committee.

MR. FRITZ: Go ahead.

CHAIRMAN DeWEESE: Any other members of the legislature? I disallowed the gentleman in the back from -- from making an interrogatory.

Are you on our schedule, here, sir?

MR. AUSTIN: I don't know whether I am or not. The Commissioners directed me to be here.

CHAIRMAN DeWEESE: Pardon me, sir?

MR. AUSTIN: The County Commissioners directed me to be here.

CHAIRMAN DeWEESE: Okay. We do have a -- we do have a scheduled list of testimony.

MR. AUSTIN: I understand.

CHAIRMAN DeWEESE: And we're going to welcome everyone at the end of this.

MR. AUSTIN: My name should be added to it, because --

CHAIRMAN DeWEESE: Okay. So you're Wilson Austin?

MR. AUSTIN: C. Wilson Austin, County Solicitor.

CHAIRMAN DeWEESE: I already was going to recognize you. You're a former judge, aren't you?

MR. AUSTIN: Yes.

CHAIRMAN DeWEESE: Yes, sir. I was going to recognize you. Okay. So you will get a chance to share a few observations with us.

Okay, sir. Anything else?

MR. FRITZ: There was one other thing I wanted to bring up, and I just -- it slipped my mind, now.

I just can't recall what it was no more. No. That's it.

CHAIRMAN DeWEESE: Well, you're welcome to submit anything else on -- in writing for the committee, subsequent to the hearing today.

Obviously, you're welcome to --

MR. FRITZ: Yes, I know.

CHAIRMAN DeWEESE: Obviously, we're not going to make any decisions today.

MR. FRITZ: Yes. I know that. Yes.

CHAIRMAN DeWEESE: Okay.

MR. FRITZ: I thank you for your time.

CHAIRMAN DeWEESE: Thank you, sir, for coming in and visiting with us.

[Witness excused]

CHAIRMAN DeWEESE: The next

individual we're going to hear from is Jim Troutman, former member of the Berks County prison board.

Whereupon,

JAMES P. TROUTMAN

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

MR. TROUTMAN: Good morning.

CHAIRMAN DeWEESE: Good morning.

MR. TROUTMAN: Good morning, Jane.

Mr. Chairman, I did not prepare a lengthy statement. I just made some notes and I would like to give you some of my observations, based on my time on the prison board.

First of all, I'd like to state that I feel that Berks County prison is run extremely well.

We have a warden that understands the institution. He understands the administration of the institution.

He has an extremely find and capable administrative team. In terms of our correctional officers, I think that they are well educated.

I hope that we pay a reasonable and

fair salary.

The hiring of the correctional officers during my tenure on the -- the prison board, we had a great many applicants for that position who have four year degrees in correctional training.

I think one of the things that this committee should take a look at is the reason the request was made to abolish the prison board.

I think that should be a fundamental part of your decisionmaking process. There has been a number of editorials in the newspaper, indicating that the Berks County prison has a number of problems up there.

Those editorials are accurate. There are problems up there. In the areas of capital improvement, I think that there is a very clear paper trail that will indicate that the administrative team has requested a number of renovations in capital improvements be made.

Those recommendations were taken to the prison board. They were voted upon and forwarded to the County Commissioners for funding.

I think the key question is -- is if you change the board, is it going to result in

alleviating the problems that are -- are presently at -- at Berks County prison.

The women's quarters, the kitchen that barely meets health standards right now. The increase in medical staff.

The increase in correctional officers. The building facilities up there itself that -- that must be expanded in order to accommodate the population that is coming into that institution on a daily basis.

We have problems in the women's quarters where there are no facilities to segregate new prisoners coming in for disease control and things like that.

I think that the primary thing that you must consider is, is why -- why is the request being made, I might point out, in an election year, to abolish the prison board?

And if you do abolish the prison board, is it going to change the -- the total operation up there at that prison?

I believe that the -- that the paper in the past has had some difficulty in identifying who's at fault for not doing these -- making these types of improvement.

As I've indicated earlier, there is a clear paper trail that will indicate that the recommendations have been forwarded to the County Commissioners, requesting these types of capital improvements.

Had they been made, you would not have the -- a lot of the problems that you now have up there right now.

And I think that whether a prison board will operate better by an appointed board, or by an elected board, I don't know the answer to that.

I know that the prison board's been around for a hundred and forty-some years. I think there's probably many people that would feel that the State legislature and the House of Representatives could operate just as well at -- with half the members.

I personally don't feel that way. Or half of the senators. But I think that you have to understand why the recommendation to do away with the prison board is coming at this time.

I think it is politically motivated. I think there is a number of problems up there. And the -- and funding is a clear problem that has not

been addressed by the -- by the county government.

And I think that that has to be a fundamental part of your decisionmaking in this process, whether you feel that appointed officials can do better, or an elected officials.

Personally, I guess I have real reluctance in doing away with any elected position. I think people have a -- have a direct input into selecting who they place on those boards.

That's the -- my statement.

CHAIRMAN DeWEESE: Okay, Jim.

MR. TROUTMAN: I'm prepared to answer any questions that you may have.

CHAIRMAN DeWEESE: Questions from committee members?

Kevin Blaum?

REPRESENTATIVE BLAUM: As I understand it, you -- you make recommendations to the commissioners.

And they can either approve those recommendations or ignore them?

MR. TROUTMAN: The recommendations that -- that go, really, only involve funding. If the Berks County budget will meet the needs of whatever capital improvement needs to be made, then,

you don't have to go through the County Commissioners.

If, for example, you want to build a new wing on up there, or a new cell block, which calls for large capital outlays on the part of the county, that's -- the recommendation goes directly to the County Commissioners for funding.

REPRESENTATIVE BLAUM: And they can either approve that or not?

MR. TROUTMAN: That's -- that's correct.

REPRESENTATIVE BLAUM: When you recommend a budget, can they fund that in -- in total, or -- or in part?

MR. TROUTMAN: That's correct. They can. They can -- they can fund it. Naturally, they have to meet the very basic needs.

But in -- in -- in terms of expanding the prison or enlarging the women's quarters, or adding another cell block, or doing those types of things, they pretty much have the control over it.

That's why -- the whole point that I'm making is -- is that if the County Commissioners or if it reverts back to where the -- the sheriff and the judge and the district attorney, I think

they have some built in conflicts of interest, themselves.

Judges who -- who place people in -- in the correctional institutions if they're on it, if they see that it's overflowing, may -- may to some degree decide whether they incarcerate somebody or not, based on -- on -- on the population.

They know they can't place somebody in there if they're sitting up there and the place is overflowing.

Now, if they make the recommendations to the County Commissioners saying we need a new cell block, or the County Commissioners -- I think the attitude is that it has to be at the County Commissioner level.

"Yes, we will fund it." Or, "No, we won't fund it." But the recommendations have -- have -- are very well documented over -- over a period of years.

This warden has projected we are not going to be able to maintain the population up here. We must expand it.

So you can either do those kinds of things in a planned way, or you can do them when -- when it's too late.

They talked earlier. I think it's an outrage to put those types of modular units that are really only temporary.

They are not permanent facilities. They will not last like putting up a permanent cell block.

I think that's the wrong approach. But it was a -- a -- a quick fix.

REPRESENTATIVE BLAUM: But if you don't have the power or the responsibility to tax, it's easy to recommend just about anything.

Isn't it? I mean, the -- the -- the County Commissioners have also the responsibility to tax the people of this county and to raise the money.

And they have to balance those things, as well, I assume.

MR. TROUTMAN: Well, I -- I think there's the old saying, you can either pay me now or you can pay me later.

And I -- I think the fact that if -- if -- if you operate an institution below level of medical staff, and it's very easy and I've -- I've heard county officials say, "Put them in a pup tent."

That's fine. Every individual that you put in that pup tent will end up having you in Federal court.

And at that time, the taxpayers of Berks County will not only pay for our solicitor to defend us.

But we will pay for that inmate's attorney to prosecute us and, in turn, the Federal judge will probably end up awarding damages to that individual for being placed in "a pup tent" and not receiving proper medical care.

So you're either going to meet the need that has been mandated by law and enforced by the courts, and do this in a planned way.

Or you're going -- you're going to have continued stopgap measures to fix this -- this thing.

I think it's very clear that -- that, unless the attitude, whether it's an elected or appointed board, changes at -- at the purse strings for properly funding that institution, you're going to continue to have the same problem.

CHAIRMAN DeWEESE: When did you leave, and why?

MR. TROUTMAN: I left, because I was

a -- Governor Thornburgh appointed me district justice.

I left in '84.

CHAIRMAN DeWEESE: Any other questions from the members?

Chip Brightbill?

REPRESENTATIVE BRIGHTBILL: Thank you.

Mr. Troutman, I very much agree that if you don't properly run the prison, you're going to be the subject of a civil rights suit.

You're going to be the subject -- subject of a civil rights suits if you do properly run the prison.

Right?

MR. TROUTMAN: I would believe that, yes, sir.

REPRESENTATIVE BRIGHTBILL: I -- I used to be on a prison board. I guess my question is this.

The prison board doesn't have as -- as Representative Blaum noted, the power of taxation.

My question is this. Don't you think you would get more action concerning the proper

running of the prison if the defendants on the civil rights suits were the three County Commissioners, the President Judge, the District Attorney, the Sheriff and the Controller?

MR. TROUTMAN: Senator, that -- that's a good question. But I'm -- I'm not necessarily sure.

Because I think that --

REPRESENTATIVE BRIGHTBILL: In other words, if you put them in pup tents -- if this new prison board puts them in pup tents, and are the subject of civil rights suits, don't you think that with that particular list of defendants in Federal court that you might tend to get a little more action, maybe, than if it's Mr. Troutman, Mr. Fritz, and some others?

MR. TROUTMAN: I would like to think that the action would be the same, especially if I was named as a -- a litigant in it.

REPRESENTATIVE BRIGHTBILL: But you don't have the power of taxation, do you?

MR. TROUTMAN: That's -- that's correct. But, Senator, you know that there's many agencies in government that don't -- that does not have the power of taxation, but still spends and

appropriates money.

REPRESENTATIVE BRIGHTBILL: But it all works through an elected official. It's all under the jurisdiction of some elected official.

And when it isn't, that's when you see the abuses and the inefficiencies. For example, with the -- with the Liquor Control Board.

The biggest problem that we had was enforcement. And enforcement didn't come under the bailiwick of any single elected official, so that someone could run for Attorney General, or run for Governor, and say, you know, "I'm going to change this.

"There's corruption here." And that's the reason I'm trying to sponsor this bill.

MR. TROUTMAN: Senator, I don't necessarily disagree, but I -- I -- I think that maybe if I understand you, you're saying if you have more important people in terms of political stature in the community, that the response to correct situations would -- would occur.

REPRESENTATIVE BRIGHTBILL: I'm saying --

MR. TROUTMAN: And I'm not sure I agree with that.

REPRESENTATIVE BRIGHTBILL: I'm saying that in part. And the other I'm asking is this.

Is that, you've got the Commissioners, who now can blame the prison board. And you've got the prison board, which can now blame the Commissioners.

And in the meantime, nothing's getting done. And -- and the Commissioner races are higher profile election than the prison board election.

MR. TROUTMAN: I -- I have no problem with the abolishment of the prison board if it's done for the proper reason, not done in an election year, and not done for the purpose of silencing people who can -- who have an elected platform to disagree with -- with the county officials.

And -- and I'm not sure that -- I think the county as a whole is named when the -- when the prison board is cited in -- in going into Federal court.

REPRESENTATIVE BRIGHTBILL: I'm talking about having --

MR. TROUTMAN: So the damage is --

REPRESENTATIVE BRIGHTBILL: Your own

name on there, Mr. Troutman. It makes an impression, when that sheriff, when that marshal shows up and gets off his horse, and hands you a -- a paper.

MR. TROUTMAN: Well --

CHAIRMAN DeWEESE: Representative Kosinski, of Philadelphia, had a question.

MR. TROUTMAN: Yes, sir?

REPRESENTATIVE KOSINSKI: Yes, Mr. Troutman, when do you run for election? With the County Commissioners and with your D. A.?

MR. TROUTMAN: I think they run at different times. The prison board? There's some running now.

And I think that they -- they run at a different time. They don't all run together.

REPRESENTATIVE KOSINSKI: It would be odd numbered years, though, right?

MR. TROUTMAN: Yes. I -- I think I'm correct.

CHAIRMAN DeWEESE: John Davies?

REPRESENTATIVE DAVIES: What major items, or just how many major items has the board been rejected during your tenure on the board?

MR. TROUTMAN: Well, Representative

Davies, I -- I don't recall exactly what specific projects were rejected.

What I do clearly recall is that the warden clearly projected that the -- the population would not hold.

He gave the County Commissioners about a five-year projection, and indicated during that period of time that he would be able to maintain the facility, adequately handle the population during that period of time.

So there's been a -- a pretty clear five-year plan indicating that if -- if something major was not done during that period of time, that the prison would be overflowing.

We would have the kind of problems that we do have right now.

REPRESENTATIVE DAVIES: Did you in any way try to pursue any of those items, then, with the -- the Commissioners, per se, or per issue?

Or just what was -- what happened there?

MR. TROUTMAN: Well --

REPRESENTATIVE DAVIES: Official or other channels?

MR. TROUTMAN: Mr. Davies, I -- I

think it very clear that the County Commissioners knew precisely that any type of request for substantial funding was very clearly known by the County Commissioners.

And as you know in this county, it -- it was very clear that they wanted to maintain a certain tax level.

And -- and I understand that. I respect that. I'm very glad that they do. But I think that you have a major facility that has not been properly funded in -- in the areas that were -- were badly needed.

They were understaffed in -- in the medical area. I think that their staffing right now in terms of correctional officers may be a little low.

The kitchen, which was a problem when I was on the board has still not been totally addressed and corrected.

The wood shop as earlier indicated is now a -- a cell block, which could have been used for putting a wood shop in there; hopefully, having some of the people that are up there learn some skills and possibly be rehabilitated during their -- their time at Berks County prison.

These modular units that are put in are -- are kind of central air conditioned, which I really don't approve of in that type of institution.

They're -- they're separate cubicles with, I think, four people to them. I think it was very poor planning.

I -- I shouldn't say planning, because the plan was in effect and was requested, but it was a stopgap measure on -- on the part of the County Commissioners.

REPRESENTATIVE DAVIES: No. I -- I was only dealing with that during your tenure. Not what has happened since that particular time.

So were there any other reasons? Was that given as a reason? A tax base, or other reasons?

MR. TROUTMAN: Well, I -- I think it was very clear that they were not going to increase the taxes in order to fund these types of things.

As indicated earlier, I'm not sure that the County Commissioners feel as strongly about the -- the prison population up there and that they should be necessarily receiving those types of funds.

REPRESENTATIVE DAVIES: But you

didn't get any other reasons, other than -- other than -- other than that's your own conclusion?

MR. TROUTMAN: That's -- I would say that's my own conclusions.

REPRESENTATIVE DAVIES: Thank you.

CHAIRMAN DeWEESE: Thank you very much, Mr. Troutman.

MR. TROUTMAN: Okay.

CHAIRMAN DeWEESE: For sharing some time with us.

MR. TROUTMAN: Thank you.

[Witness excused]

CHAIRMAN DeWEESE: Paying not homage but deference to the Senator, Mr. Brightbill and to my colleague, Mr. Caltagirone, and with Walt Gensemer's acquiescence, we're going to ask C. Wilson Austin, Esquire, to jump far into the midst of our hearing instead of coming at the end.

MR. AUSTIN: Thank you very much.

CHAIRMAN DeWEESE: Thank you, Walter.
Whereupon,

C. WILLIAM AUSTIN
requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

MR. AUSTIN: After all, I have some estates I'd like to settle. The County Solicitor is only a part time job.

I'm the head of a ten-member law firm.

[Laughter]

REPRESENTATIVE KOSINSKI: So's my job only part time. And I'm an attorney, and I don't have that many estates to settle, sir.

MR. AUSTIN: Well, come down to Reading.

[Laughter]

MR. AUSTIN: Plenty of them down here.

REPRESENTATIVE KOSINSKI: I'm a full time legislator. I want the press to make note of that.

MR. AUSTIN: And I'm not against your pay raises, either. I'm really not. Because I think most public servants are underpaid.

And I've been a long time in public service.

CHAIRMAN DeWEESE: Thank you very much for joining us.

MR. AUSTIN: The trouble is that the Berks County prison board is operating under an act that was passed in 1848.

The county of Berks owns the prison. It is responsible for the maintenance of the building, the repair of the building.

It was the Commissioners that had to appropriate the money and spend the money to comply with the directives of the Department of Labor and Industry.

It was the Commissioners that decided to erect the modular cell blocks to house work release prisoners and temporary short term prisoners.

The so-called chicken shed has now been converted into the women's ward of the prison. It is properly equipped.

The prison ward budget has been approved without any deviation during -- this is my twelfth year as County Solicitor.

The past eleven years it's been approved without depriving one penny of their budget appropriation.

There have been occasions after October and November where they've asked for

supplemental appropriations from the County Commissioners.

And they have received it. The difficulty is that the taxing power and the fiscal administrators of the county or the County Commissioners, the prison board is responsible for the discipline, the safekeeping, the maintenance, the activities, the hiring of the warden, the hiring of the guards, within the prison, itself.

All else is the responsibility of the Commissioners. This is the only county in Pennsylvania that has a separate prison board.

Not that that in itself is an evil; but we're operating under an act that was passed in 1848.

We're now in the twentieth century. Shortly, we'll be in the twenty-first. It's time that we moved onto modern times, and put this thing, this county just as all other third-class counties are, under the jurisdiction of a board, that consists of a President Judge, or a judge named and appointed by him, the District Attorney, the Warden, the Sheriff, the County Commissioners.

And they are required to hold monthly meetings. They are required to keep minutes. They

are -- and those are public records, subject to examination by any interested citizen.

They cannot -- they don't meet in secret. The sunshine law prohibits that. Whenever they meet on public business, the public can be there.

I should think that the House of Representatives and this committee should realize this county and all other counties in Pennsylvania, since the cutoff of Federal revenue sharing, since the cutback in community development funds, this county, this year, will end the year with the smallest surplus it's had in the last twelve years.

The money just isn't here to do except what the commissioners did do. And it serves the purpose.

True, it will not last forever. And someday we'll have to have a general bond issue to meet the needs.

But we don't want to do it now. We want to hold off that measure as long as possible. The county is contemplating going into a general bond issue, when -- in which many capital improvements will be accomplished.

And perhaps included in that will be

the building improvements that the prison so sorely needs.

We know the prison is overcrowded. The County Commissioners have done their best to meet that overcrowding situation, by the modular buildings they put out -- up that house eighty, and the new women's ward, which they have converted into a building suitable and usable as a detention cell or detention ward for female prisoners.

I think the Commissioners have met every request of the prison board within reason. Their budget has never been objected to.

The difficulty is they have no taxing power. The responsibility for the spending of money rests upon the Commissioners.

The board, under the general penal code of the Commonwealth of Pennsylvania, is lodged in every other county of this class, and including the fourth to eighth, and a President Judge or a Judge appointed by him, the District Attorney, the Sheriff and the County Commissioners.

And they must meet monthly. They must keep minutes. And they must hold monthly meetings.

There's no secrecy about it. Those

are elected public officials, just as the prison board members were elected public officials.

But the time has come to move into the twentieth century, and not operate under an ancient law that has long since passed its usefulness.

Thank you.

CHAIRMAN DeWEESE: Thank you, Judge, for your passionate comments.

Anybody have any questions of the judge? We were nice enough to let you go, in case there was somebody here who wants to question you.

REPRESENTATIVE KOSINSKI: What do they get for estates up here?

[Laughter]

MR. AUSTIN: Enough.

CHAIRMAN DeWEESE: No, no, no. This is -- we have to maintain some --

REPRESENTATIVE KOSINSKI: Yes.

CHAIRMAN DeWEESE: Organization here. Although, again, like I said, your comments will be welcome in writing or at the end of the hearing, sir.

Any members?

REPRESENTATIVE LEH: Yes.

CHAIRMAN DeWEESE: Dennis?

REPRESENTATIVE LEH: Judge, who sits at the bargaining table when it's time to bargain for the raises?

MR. AUSTIN: The prison board, only.

REPRESENTATIVE LEH: The prison board, only?

MR. AUSTIN: Yes. For example, some years ago, they gave all the prison guards a ten and a half percent wage increase.

At the same time, the county was bargaining with five or six different unions, offering them a maximum nine percent increase.

To say the least, it created havoc with the Commissioners' bargaining power by those unions.

The prison board didn't ask the Commissioners what pay raise they should give. They just gave them a pay raise of ten and a half percent.

At the same time, we were bargaining and trying to hold fast at nine percent. And we eventually so succeeded.

Backenstose, no longer a County Commissioner, I think, almost had apoplexy when that

occurred.

CHAIRMAN DeWEESE: John?

REPRESENTATIVE DAVIES: Judge, with the contagious diseases and the threat of AIDS and so forth and so on, how much longer can the prison avoid those health facilities that the State has been saying are required?

Isn't that almost an immediate need?

MR. AUSTIN: I think it is. I think it is. And I think that the Commissioners and this new board could meet that challenge.

They are well equipped to meet such a challenge. A President Judge or a Judge, a District Attorney, a Sheriff, the Commissioners, know their jobs.

And they could meet the need and the task, whatever it may be.

CHAIRMAN DeWEESE: Thank you, Judge. Thanks very much.

[Witness excused]

CHAIRMAN DeWEESE: Walt Gensemer, member, nominee of the Berks County Prison Board. Whereupon,

WALTER GENSEMER

requested and was granted permission to appear as a

witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

CHAIRMAN DeWEESE: Now, you are nominated. Is that correct?

MR. GENSEMER: Right.

CHAIRMAN DeWEESE: You have served at this time?

MR. GENSEMER: Right. I never was, or --

CHAIRMAN DeWEESE: Okay.

MR. GENSEMER: I'm serving on the board presently.

CHAIRMAN DeWEESE: Welcome to our committee.

MR. GENSEMER: Thank you. Well, first, I'd just like to state why I decided to run for the office, which has little or no rewards.

I was fortunate to take several tours through there while my father was on the board. And I must admit, it's through him I did take an interest in the prison board.

It took me eight years while he was on, to get this interest. But two years ago, I did run.

But why I ran, I went through the prison several times. And there are problems up there.

Nobody on the present board can deny that. But I just feel I will have the time and, hopefully, while touring the prison and attending meetings, gain the knowledge of that prison, itself.

I'm not an authority now, and I don't claim to be. So I'm speaking wholly for myself.

CHAIRMAN DeWEESE: Most of us are not, either.

MR. GENSEMER: Okay. I just -- you know, I don't -- so if I say anything wrong, I -- you know, I mean, it's just my -- my opinion.

I'm just saying that doing away with the prison board, I feel, is a big mistake. Like I say, I will have the time to spend, whatever it takes, twenty, forty hours, a week.

You know, I want to -- I had -- I had an interest in that there. I spent my money to run for this office.

And I just don't feel the Commissioners, the Judge, the D. A., the Sheriff, have this time.

They're awfully busy now, and I -- I

just wonder myself if they could be honest with -- that they want that responsibility.

Will they attend the meetings up there? Will they take the tours? You know, granted the prison board has no taxation power, so everything has to go through the -- the Commissioners.

If a decision -- the wrong decision is made on the prison board, the Commissioners have that ability to kick it out.

So I don't think, you know, it would be right to have Commissioners or whatever run this prison system and never go to meetings or whatever.

That's about all I really have to say.

CHAIRMAN DeWEESE: You say you'd like to give twenty or thirty hours a month --

MR. GENSEMER: Whatever it takes.

CHAIRMAN DeWEESE: On the job?

MR. GENSEMER: Whatever it takes for me to know the operation of that. I'm not saying I can spend twenty or thirty hours a week up there.

I work a rotating shift, and I'm involved in scouting and other things, but whatever it takes, I'm willing to learn.

CHAIRMAN DeWEESE: So your basic declaration would be that if you had nine members on the board, and they were spending hours and hours and hours collectively and individually each week, each month, that's a lot more focus.

And, even though, as the Judge said, it might be an eighteenth or nineteenth century concept, you think that that's something that's --

MR. GENSEMER: Right.

CHAIRMAN DeWEESE: Worthy of retaining?

MR. GENSEMER: Right. Right. Right. Because, with nine prison inspectors, we have to catch many faults up there, where four Commissioners will obviously miss.

You know. Because they don't have the time to spend up there.

CHAIRMAN DeWEESE: Questions?
Comments?

Mr. Reber, ranking minority member, de facto chairman of the minority today, do you have any observations?

MR. REBER: Nothing at this time.

CHAIRMAN DeWEESE: Okay.

Anybody else?

[No response]

CHAIRMAN DeWEESE: Thank you.

MR. GENSEMER: Thank you.

CHAIRMAN DeWEESE: Oh, by the way, as you're walking out, how much did you spend, in your campaign?

MR. GENSEMER: In this one, because of the fear of abolishment, I only spent about a hundred and fifty dollars.

But I did a lot of leg work.

CHAIRMAN DeWEESE: Okay.

[Laughter]

CHAIRMAN DeWEESE: Thank you.

MR. GENSEMER: You're welcome.

[Witness excused]

CHAIRMAN DeWEESE: George

Hornsberger?

Whereupon,

GEORGE HORNSBERGER

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

CHAIRMAN DeWEESE: George is a member of the Berks County Prison Board. And due to

everyone's cooperation, we're almost running on time, in spite of the fact that we've had two extra witnesses.

So thank you to everybody so far.

CHAIRMAN DeWEESE: Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

George?

MR. HORNSBERGER: Mr. Chairman, listening to Mr. Troutman, and Mr. -- and Senator Brightbill, I -- I have a prepared statement in front of me which, basically, echoes both of their views.

I've been appointed to the board. I was appointed to the board as of January 1986, to fulfill the term on the board.

CHAIRMAN DeWEESE: Appointed by the Commissioners?

MR. HORNSBERGER: By the board.

CHAIRMAN DeWEESE: The board?

MR. HORNSBERGER: Right. That's right. I have worked at the prison as a correctional officer.

I have attended correctional officers

candidate school up in Camp Hill, and I've had a grant to go to Penn State Board of Corrections in Law Enforcement.

That's one of the reasons why I wanted to be on the board. I figured I'd have something that I could contribute to the board.

When asked to come -- if I wanted to speak at these hearings, I thought about it for awhile.

Because I've only been on the board a year and a half. And I wondered to myself, what could I contribute?

CHAIRMAN DeWEESE: That's how long I've been Chairman, by the way.

MR. HORNSBERGER: Have you?

CHAIRMAN DeWEESE: Yes.

MR. HORNSBERGER: So I wondered whether or not -- what I could contribute to it. I sat down and figured, well, the best thing I could do was acquaint everybody that's here today with the best that I -- knowledge that I know of what has happened while I've been on the board for the last year and a half, and how I feel.

Now, you're going to have to bear with me a little bit, because I'm going to have to

skip through some of the things that I don't want to repeat that were said here prior.

And I'm saying both through Mr. Troutman and both to -- through Senator Brightbill. One of the first things I recognized when I was appointed to the board was a breakdown in communications between both the board and the County Commissioners.

And I guess I recognized that for years prior, a few years prior to being in that seat.

What the reason was, I had no idea. One of my first motions that I made to the board that was accepted was that a meeting -- minutes of our meeting were forwarded to the County Commissioners every month, that way, maybe helping the communications better back do a lot better.

I next asked for an agenda being sent to all the board members, the warden's agenda, that is, again, with hopes of affording the field with a better understanding of the board with the County Commissioners.

Recognizing that there was a -- a problem with understaffing at the prison, I pushed for more staffing, with State mandates met.

And I was -- we got the staffing. Everything seemed okay so far. Problems arose, not overnight, but problems that had existed in that prison for many, many years, pertaining to the planning, both on capital expenditures for the building, the need for a bigger and better woman's quarters, the overcrowding issues.

These, I understand, before I got on the board, were already presented to the County Commissioners and everybody involved before.

Now, it's coming to a head. And because so, we've had meetings with the County Commissioners.

At these meetings with the County Commissioners, I felt that they -- that they didn't do any good.

My observation was that that breakdown of -- really, with respect for one another, was not there.

The meetings were, I would say, non-productive. And because of it, we walked away and continuing sending letters to the County Commissioners, requesting this be done and that be done.

CHAIRMAN DeWEESE: By the way,

anything that you want to leave out, will be acceptable for our record.

And I want -- I do want you to present that statement, if you don't mind, for the record, in its totality.

MR. HORNSBERGER: What I just said?

CHAIRMAN DeWEESE: Whatever you have written.

MR. HORNSBERGER: That was part of it. I'm trying to go around it. Because a lot of what I've said --

CHAIRMAN DeWEESE: Sure.

MR. HORNSBERGER: Mr. Chairman, is -- is going to sound like you heard it before. And you have.

CHAIRMAN DeWEESE: Okay.

MR. HORNSBERGER: But through Mr. Troutman and Mr. Brightbill and a few others.

CHAIRMAN DeWEESE: No problem.

MR. HORNSBERGER: Even -- even the Judge was saying so.

CHAIRMAN DeWEESE: I understand. But we would appreciate having the whole statement at the end for our records, if you don't mind.

MR. HORNSBERGER: I don't have it

written here, sir.

CHAIRMAN DeWEESE: Oh.

MR. HORNSBERGER: I'm skimming
around.

CHAIRMAN DeWEESE: I'm sorry.

MR. HORNSBERGER: See, what I'm doing
here --

CHAIRMAN DeWEESE: Whatever you want
to add --

MR. HORNSBERGER: I had myself
outlined here.

CHAIRMAN DeWEESE: Okay. No problem.

MR. HORNSBERGER: And I don't want to
repeat what you have heard. I thought maybe I
could add to what you have heard already.

CHAIRMAN DeWEESE: Sure.

MR. HORNSBERGER: Rather than
repeating what you have heard. I am currently on
and was appointed to -- I'm going to go on the other
side of the issue.

I am currently on and have been
appointed to these committees. These committees are
within the Berks County Prison Board.

I'm on the -- I'm on the Legal and
Bylaw Committee, the Program Committee. I'm also

on the Purchasing Committee.

And I'm on -- we do manufacture and sell different types of items at the prison. Therefore, I'm on the Manufacturing and Sales Committee.

I was appointed to these committees in 1986, and reappointed to these committees in 1987.

My term expires in 1987. I have asked for workshops. I've even asked who was the chairman of these committees, and when could we have some kind of initial meetings pertaining to the wants and needs and responsibilities of these committees.

As of today, there has been no committee meetings, administratively, on the issues. There's three on each committee, attended these committees.

My question was, then, why have the committees, and why be so named to the committee if it's a dead issue?

CHAIRMAN DeWEESE: That sounds like the House Ethics Committee.

MR. HORNSBERGER: Right. Now --

[Laughter]

CHAIRMAN DeWEESE: Well, Bill Reber, our Chairman -- well, never mind. The Chairman's here.

[Laughter]

MR. HORNSBERGER: Along with that and other observations I had, I sort of get the feeling that, because of the County Commissioners, feeling that there's a drastic laxity of the board, acting as an administrative body, has caused a tremendous breakdown at the prison.

I have a feeling, and these are my feelings, that they look at the board as being individuals who just walk down the corridors and say, "Hey, we need a new tile in that ceiling."

And I asked --

CHAIRMAN DeWEESE: Do you think this has always been the case? Or just this recent political climate, when a change has been contemplated?

MR. HORNSBERGER: Well, I --

CHAIRMAN DeWEESE: Five years ago, ten years ago, twenty years ago, was it the same? Or is it just recently?

MR. HORNSBERGER: I -- I believe -- I can't speak for them. All I can say is I believe it

has.

But in the last year and a half -- and I didn't want to overload myself today, so all I brought along with me was one packet.

And if you can imagine what a newspaper clipping is, being is, how much thickness it is, this is just the newspaper clippings pertaining to the prison, pro and con, in the last year, [indicating].

There's a very heated situation.

CHAIRMAN DeWEESE: That's -- that's why Caltagirone has us down here, huh?

MR. HORNSBERGER: Yes. It's a very heated situation. You see, I had one prior for the board, again thinking that I could contribute something to the board.

And, no sour grapes, but I was low man on the totem pole. And it's -- the contention always is, as far as the election is concerned, the closest you are on the top of the ballot, and basically one hundred percent this does exist with the prison board, and the better your chances are.

To give you an example, there's an individual who's going to testify later, who was on the bottom of the ballot in this last primary

election, who lost.

The last time he ran, he was on the top of the ballot, and he was the biggest vote getter.

CHAIRMAN DeWEESE: Like the Supreme Court?

MR. HORNSBERGER: Like the Supreme Court. So I think that adds to the -- to the breakdown of respect by the County Commissioners in looking down.

I think the average individual in Berks County thoroughly -- and I know the average individual in Berks County thoroughly does not understand the functions of a prison board member are.

And I don't know if they really care. But they know if the County Commissioners are going to tax them or not.

They know if the County Commissioners are going to change this or not. Basically as a board member for the last year and a half, I -- I feel this to be true.

I also feel that my hands are tied as a board member. Situations do arise where it demands immediate attention.

And all one could do is to ask for cooperation and it sometimes it is long forthcoming. Which consequently puts this on a high scale as far as lawsuits is concerned.

It's very bothersome. But I also feel along with this back breakdown of communications between the prison board and the County Commissioners through all these years, it's the taxpayers of Berks County that are -- that are hurting.

They're hurting if something isn't done, which we -- result into a lawsuit. They're hurting because any -- anything that may happen because the prison has not lived up to the State's recommendations.

And what I guess I'm saying in essence, and I'm open to any kind of questions, for the benefit of the system, for the benefit of Berks County correctional system, one way or the other, whatever you gentlemen -- whatever you gentlemen decide upon doing, I hope that you will do it as fast as possible.

I hope there would be a better situation to this. But I -- I -- I can't see any. I had hopes for the last year and a half of better

understanding with the County Commissioners.

I have not seen that. And I think what I presented to you is two sides of the fence. I hope I got that issue across.

I hope I said both the County Commissioners both and the prison board. And we have the people in the middle.

And I just sort of believe for the betterment of the correctional system, again, maybe this should be a better way.

Maybe this is outdated. Maybe this should be appointed board, with more professional individuals, more responsive individuals, directly to the taxpayers.

Because they are the ones that are spending the money.

CHAIRMAN DeWEESE: So, getting this straight in my own mind, I think I heard what I just heard.

And that is that you, as a board member, would opt for the position advocated by C. Wilson Austin, Esquire.

MR. HORNSBERGER: To a certain extent. I can't see -- I'm not trying to, you know, I'm not trying to -- I just can't see a better way.

I -- I've heard it. I've been there, again, only for a year and a half. And I speak only with a year and a half experience on the board.

What I have seen and what I -- I have heard.

CHAIRMAN DeWEESE: Your committees haven't been activated?

MR. HORNSBERGER: My committees have not been activated and --

CHAIRMAN DeWEESE: Okay.

MR. HORNSBERGER: I don't know if part of that another administrative responsibilities have added to the -- the loss of respect by the County Commissioners.

And consequently this was all brought on. I have no idea. I will say I'm very thankful for the warden that we do have, and his staff.

Because without it, we would be pretty well lost.

CHAIRMAN DeWEESE: Representative Kevin Blaum of Wilkes-Barre has a question.

REPRESENTATIVE BLAUM: My question was -- was similar to the Chairman's, and that is, would you like me to vote for Senate bill 468?

A lot of times I'd like to vote, "to

a certain extent." But we don't have a button that says, "to a certain extent,"

MR. HORNSBERGER: Right. Right. I'm trying to -- that's why I say, I've been on the board for a year and a half.

Not to repeat again --

REPRESENTATIVE BLAUM: Should I vote for Senate bill 468?

MR. HORNSBERGER: During that particular time, I -- I have observed both sides of the fence.

To my end of the issue just seems to be, it might tip a little bit. Okay? If you don't mind me saying this, and I'm not trying to sidestep the question, sir.

It's just that I -- it would tip the scales a little bit towards the bill, at this particular time.

REPRESENTATIVE BLAUM: Thank you.

CHAIRMAN DeWEESE: Dennis? Dennis Leh?

REPRESENTATIVE LEH: Mr. Hornsberger, am I correct in assuming that your concern with there -- you stated that there's a breakdown of the chain of authority, administratively, at the prison,

because this idea is being kicked around.

MR. HORNSBERGER: No. I --

REPRESENTATIVE LEH: In other words, it's not being acted on, one way or the other.

MR. HORNSBERGER: I --

REPRESENTATIVE LEH: Or did I hear you wrong?

MR. HORNSBERGER: Are you saying, sir, are -- are you -- are you pertaining to the relationship between the County Commissioners and the board, or just the board, itself?

REPRESENTATIVE LEH: Well, the whole prison facility, the way it's being operated now. In other words, if there's -- if there's a breakdown in how operations are being conducted.

MR. HORNSBERGER: The breakdowns now at the prison, sir, are pertaining basically to capital expenditures, which the County Commissioners knowing the issues, have not expended any money.

REPRESENTATIVE LEH: That would be administratively, then, right?

MR. HORNSBERGER: Right.

REPRESENTATIVE LEH: That's what I wanted to --

MR. HORNSBERGER: Right. And, then,

because of that, there -- and other issues I feel that maybe there's been a -- I don't know.

I can't think of any other thing, that -- I -- I -- I can't think of a political reason for this being taking place.

The only thing I can possibly think of is the loss of respect by the County Commissioners, or due to the fact that they want -- they hold the purse strings.

And they want to run the show, so to speak.

REPRESENTATIVE LEH: You would like to see this acted upon, one way or the other, as quickly as possible --

MR. HORNSBERGER: As quickly as possible, because --

REPRESENTATIVE LEH: And you would sort of favor House bill 468?

MR. HORNSBERGER: Well, I'll tell you one of the reasons for it, because I'm -- of my concern in the correctional system.

We have -- we have just purchased a professional type metal detector, one of them walk-through types.

And we needed a climate control

building to be put out, so this would go inside. We were told at the meeting before last that our funds have been frozen till a later date.

Myself and the rest of the board members feeling that it was an emergency situation, that this should be erected as soon as possible, we sent a letter to the County Commissioners.

And, consequently, we are getting compliance. I think the warden went down and talked to the County Commissioner, too, Commissioners, too.

And we're getting a climate control unit up there. So -- but I've been at meetings with the County Commissioners.

And it works both ways. And the only thing I could say again is I think it's a breakdown of respect, either for one another or one against the other.

I, myself, see nothing being accomplished as long as this bickering goes on. And I think maybe I could add this to it.

And if I -- if I could say this. Along with the understanding -- I said before, that the taxpayers have not -- I don't believe.

I know don't thoroughly understand what a prison board member is. During the campaign

time that -- that they do run, the times that I had run prior, and the times that I have read prior, and even this last time, there is -- with all the issues being presented by the newspaper, the news there -- there has been no demanding remarks, I feel, from the paper through all this year, asking for a more responsible administrative type of individual.

It just seems that the press has come down and picked up on the issue in the last year and a half.

Every time you pick the paper up, there's being critical of either the warden or the County Commissioners.

It's a hot potato. And Mr. Taxpayer, and the people of Berks County happen to be in the middle of this issue.

And it disturbs me. Because of having prior education and corrections, I'm concerned about our penal system.

And nothing is being accomplished. And with the upgrading and the professionalism that I have seen, corrections has -- has happened with corrections in the past few years, there's -- to repeat somebody's statement before, this might be the time, for the benefit of the penal system in

Berks County.

CHAIRMAN DeWEESE: Thank you very much.

[Witness excused]

CHAIRMAN DeWEESE: Relative to acting with dispatch, this was introduced on March the 3rd, And the Judiciary Committee is here in Reading today, almost -- approximately a hundred and twenty days later.

So for the State Legislature, that's a -- that's reacting with what I would call significant speed.

Mr. Glenn B. Reber.

Whereupon,

GLENN B. REBER

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

CHAIRMAN DeWEESE: Hi, Glenn.

MR. REBER: Hi.

CHAIRMAN DeWEESE: Commissioner-Nominee, Berks County Prison Board.

Good morning.

MR. REBER: Hi.

CHAIRMAN DeWEESE: Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the
record.

REPRESENTATIVE BRIGHTBILL: Mr.
Chairman?

CHAIRMAN DeWEESE: Yes.

REPRESENTATIVE BRIGHTBILL: Point of
order. Mr. Reber is a Commissioner-Nominee, period.

CHAIRMAN DeWEESE: Oh. Commissioner-
Nominee. Tell me, a County Commissioner, or --

MR. REBER: County Commissioner.

CHAIRMAN DeWEESE: Oh, I'm sorry.
You -- that -- that does help me. I'm back with the
Prison Board, again.

I'm sorry.

MR. REBER: I haven't even started,
and you're putting me in jail.

[Laughter]

CHAIRMAN DeWEESE: Well, we're there
three or four or five times a year. Okay.

MR. REBER: If I may, I'm just going
to read through this --

CHAIRMAN DeWEESE: Please.

MR. REBER: Or paraphrase it.

CHAIRMAN DeWEESE: Please.

MR. REBER: My name is Glenn Reber. I'm a lifelong resident of Berks County, and a candidate for the office of County Commissioner in Berks County.

For the past ten years, I have served as a staff assistant in the Pennsylvania State senate, and as an executive assistant to former Lieutenant Governor William Scranton.

Currently, I serve as a special assistant to Pennsylvania Senate Majority Leader, John Stauffer.

Experience has taught me many things about government operations. I have witnessed different approaches to problem solving, and the delivery of public services.

My travels to sixty-six of Pennsylvania's sixty-seven counties, and my discussions with many of those elected leaders has broadened my perspective of county government.

I might add the one county I have not been in, Representative DeWeese, is Greene County.

CHAIRMAN DeWEESE: That's exactly what he was saying. He just said, which county has he not been in.

And I wrote down, "Greene County."

[Laughter]

CHAIRMAN DeWEESE: That's a real pip.

[Laughter]

CHAIRMAN DeWEESE: That was my speculation.

MR. REBER: You've never invited me.

[Laughter]

MR. REBER: This firsthand experience reinforces my academic background, which includes a Bachelor's degree in Political Science, and a Master's degree in Public Administration.

But, moreover, my observations have generated many questions in my mind, concerning the manner in which the public's business is conducted here in our home, in Berks County.

First, let me make it clear that I believe the current prison board has fulfilled its duties by identifying problems at the prison.

Warden George Wagner and the members of his administrative team have met their responsibilities to the degree that they had the authority and the resources to do so.

These people have done their jobs. The problem we need to solve does not lie with the

prison board or with the administrative team at the prison.

The problem is with the County Commissioners, who have the ultimate responsibility for the prison.

Repeatedly, the Commissioners have used the prison board, and the professional staff as a shield; a shield to hide from public view, the errors, omissions, and blatantly irresponsible actions that they have made.

Like little children, the Commissioners point fingers rather than answer straightforward questions from a concerned public.

The list of problems and unexplained events at the prison is a long one. I've included only a few.

Inadequate facilities for female inmates. Lack of adequate medical facilities. Serious overcrowding.

Establishment, a few years ago, of an illegal dump. Use -- use -- use of prisoners for a potentially unsafe asbestos cleanup.

And questionable use and misappropriation of county property. It is time for the problems at the prison to be solved.

It is time for the questions to be answered. It is time for responsibility and accountability.

I strongly support Senate bill 468, and I urge the House of Representatives to pass this legislation, and send it to the Governor immediately upon returning to Harrisburg in September.

I do not endorse this bill because it eliminates a problem. I endorse this bill because it eliminates an excuse.

The problem is ineffective management and a maze of bureaucratic baffles. The solution is the elimination of the prison board and the clear, public commitment of the Commissioners in this county to improved management.

Responsibility and accountability is much needed in Berks County. It is time to lift the veil of confusion and deceit at the county prison.

It is time for the public to see through the name calling and the finger pointing. It is time for an end to excuses and the beginning of responsible action.

This committee can start that process that so desperately needs to be carried out. No other county in Pennsylvania maintains an elected

prison board.

It is time to do away with that board, so that Berks Countians, like citizens of every other county, clearly know who is responsible for spending their tax dollars on public services.

The immediate enactment of Senate bill 468 will give the public true power. For the first time, the public will be able to demand an explanation for the existence and operation of illegal dumps.

For the first time, we might know why prison officers were told to use prisoners to remove ceiling tiles that may have contained cancer-causing asbestos without the benefit of protective clothing.

And, for the first time, we might know why no action has been taken to expand and improve the prison facilities.

This hearing is important because Berks County needs open, honest, accountable government.

A solution, at least in one area of county government, is at hand.

I have a friend who works in Mississippi State Government, and often says it is the policy of Mississippi to wait until the other

forty-nine states do something, before Mississippi takes action.

Unfortunately, in this and many other issues, Berks County is the Mississippi of Pennsylvania.

While other counties look to the future, our County Commissioners focus on the past. We have paid a high price for this.

It's a cost that the people of this county can no longer afford. Eliminating the Commonwealth's last elected prison board, in my judgment, will help Berks County move forward.

Let me repeat, I strongly support this legislation, and urge the House of Representatives to pass this legislation.

Thank you for your time and attention.

CHAIRMAN DeWEESE: Thank you.

Questions? Comments?

Paul?

REPRESENTATIVE ANGSTADT: Yes, Mr. Chairman.

In your statement, you're sort of saying that the Commissioners presently are neglecting their job, basically.

What buffer will the warden have at the prison, if we do away with the prison board, and we keep the same administration in the court house now?

MR. REBER: Well, the -- the warden will have no more buffer than he has at the current time.

He's currently, for all practical purposes, or effective purposes, at the -- serves at the discretion of the County Commissioners, who control the budgetary process.

Ultimately, the people of this county and every other county have the responsibility to hold the elected officials accountable.

What I'm saying in this testimony is that, because of the existence of the prison board, it's been difficult for people who probably don't sit around looking at organizational charts of county government, to determine who, in fact, is responsible.

The Commissioners point the finger at the prison board. The prison board defends themselves, and says, "We've done our job.

"You haven't done yours." The public has other things to think about.

REPRESENTATIVE ANGSTADT: Well, again, I -- I have a problem with this. If we do away with the prison board, how will these issues come out?

If -- if -- if, say, the Commissioners decide to sit on it, how will the public get this information?

MR. REBER: Well, there are other members of the prison board that would take the place of the elected ones, other than the County Commissioners.

There's a Judge. There's a D. A., a Controller. I don't think -- the Sheriff. I don't think it's common for all of those different officials to agree.

I think there's built in contentiousness, and in a sense, that's good. Because that's how issues come to the fore.

REPRESENTATIVE ANGSTADT: But doesn't the Commissioners control a lot of the budgets of these other people that would be on this board, such as the D. A.'s office --

MR. REBER: Sure.

REPRESENTATIVE ANGSTADT: And the Sheriff's office?

MR. REBER: Sure.

REPRESENTATIVE ANGSTADT: So wouldn't that, in a way -- would they have some leverage over these people?

MR. REBER: Sure, they have leverage. But, for instance, the Controller, the Controller audits what the Commissioners do.

So he has a counterveiling control. I think the other row officers, or judicial branch that would serve on this board, obviously, also have many tools in their tool box, so to speak, to exert counterveiling pressure on the Commissioners.

I think, also, the -- the public media as well as concerned groups that have an interest in penal institutions in this county as well as others would exert necessary oversight.

MR. ROBERT REBER: Mr. Chairman?

CHAIRMAN DeWEESE: Sure. Bob Reber; and, then, Kevin Blaum.

MR. ROBERT REBER: Glenn, I saved this question for you. You'll have to excuse my voice. I have the Hong Kong flu or something -- some sort of strain.

[Laughter]

MR. ROBERT REBER: With your

background in State government, could you possibly give to the committee at least your observation or opinion as to why if this particular county is the last vestige, the last sacred cow, if you will, to allow such a system to continue, why was it not repealed when all of the other repeals were carried out, if you know?

MR. GLENN REBER: I don't know why it wasn't repealed when the others were repealed. And in terms of why it's the last vestige, the status quo, as you all know, is difficult to change.

It's been discussed. There's many reasons why ostensibly no action was taken. Some -- some of those reasons have to do with individuals who -- who served in the general assembly and had indicated that there would be no movement on this legislation until such time as they were no longer a member of the general assembly.

I think it was just the -- just inertia, in a sense. I can't give you a specific answer.

I don't -- I don't know it. But I think we -- we have to stop looking at why we didn't do it twenty years ago and thirty years ago, and take the opportunity that we have now and do it and

get it done.

MR. ROBERT REBER: Does the -- does the prison board have its own Solicitor, Counselor?

MR. GLENN REBER: They have their own Counsel. He's sitting here. I'm not sure.

Are you a formal Solicitor?

MR. KENNETH SANDS: Yes.

MR. ROBERT REBER: That's all the questions I have. Thank you, Mr. Chairman.

CHAIRMAN DeWEESE: Sure.

Chip?

REPRESENTATIVE BRIGHTBILL: I just have one question. I gather what you're saying in your testimony is that you're not criticizing the members of the prison board, per se, but you're criticizing the system that's in place.

And it doesn't sound like you're --

MR. REBER: Yes. I'm not criticizing the members of the prison board or -- or the administrative team at the prison.

I think they have done everything they could possibly do. The problem is not with what they haven't done.

They -- they don't have the necessary authority the -- the Commissioners do, as the

Commissioners should.

It's the Commissioners who have not faced up to the responsibility to do the things that obviously need to be -- to be done.

It's not popular, I don't think in any county; certainly, not this one, to expend public funds on prisons.

It's not a politically sexy thing to do. But that does not obviate the responsibility the Commissioners have to provide for a penal institution.

CHAIRMAN DeWEESE: Thank you, Glenn.

MR. REBER: Thank you.

REPRESENTATIVE CALTAGIRONE: Mr. Chairman, please?

CHAIRMAN DeWEESE: Yes.

REPRESENTATIVE CALTAGIRONE: First of all, a little bit of history. I think the time that the repealer went through, I remember reading in this packet where -- that the Speaker of the House happened to be from Berks County.

And Berks County was excluded at the Speaker's request. That's a matter of history. The other thing that I wanted to find out.

When Jeff Piccola, Representative

Piccola, from Dauphin County, has initiated legislation trying to remedy a problem that they're having in Dauphin County, where the appointed board is not meeting in a timely manner.

As a matter of fact, as I understand some of the components of the bill, that they're talking about eliminating the President Judge and -- and the District Attorney and the Sheriff, and so forth, because of the fact that they feel they have a conflict of interest by serving on the board, number one.

Number two, they just don't have the time to -- to sit and make the decisions on that prison board.

And they've been having somewhat of a serious problem. I talked to some of the people from Dauphin County that had served on the board up there.

And they had indicated that this is a real problem that they're having with that kind of a makeup.

Now, this is coming from Jeff Piccola with a piece of legislation that he's initiating. And I think our -- our chief's there from -- Mike Edmiston.

Is he -- is he --

MR. EDMISTON: It hasn't yet been introduced. He's circulating the memo, the amendments.

But the sponsorship and concern was that conflicts of interest or appearance of conflicts were sufficient to have some of the prison board members in third rate class counties not participate, either resign or simply not attend the meetings, out of an interest that they not incur liability for their conduct.

The particular offices involved were those of the President Judge, or of the President Judge and the District Attorney and Sheriff.

CHAIRMAN DeWEESE: Senator?

REPRESENTATIVE BRIGHTBILL: I -- I'm, as prime sponsor of the bill, I was a member of a prison board.

And if I had my personal druthers, I would prefer to see the prison run by the Commissioners, period.

That would be, personally, the way I would do it. Because there is a certain amount of tension that's -- that develops between the prison board and the county, because you still have that --

that responsibility and -- and that -- the same issues, to some extent.

The way it worked in Lebanon County, we built a new prison. And -- and the initiative and drive for that new prison came from the President Judge and the Commissioners.

And it was valuable at that point in time that the Judge be on the prison board, because there was a real need there.

And it was valuable to have the prison board as it was constructed. And I think this construction is a good construction.

But the way it began to work on a day to day basis was this. The Commissioners would meet weekly.

And, in fact, they met -- at that time, they met twice a week. And very often on prison problems, day to day kinds of problems, they would simply deal with those problems and resolve those problems and move on.

And the prison board would meet monthly and we, in essence, would be brought up to date with, in essence, ratify those kinds of decisions.

Most of what they did and -- all of

what they did at their weekly meetings was done at a public meeting.

And none of what they did was the kind of thing that's going to have the earth stop and -- and make us all fall off.

It -- it's just simply -- was a kind of a day to day decision; you know, the -- the door to the something or other got broken.

It's a glass door. It's been there since 1742. Should we replace it with a metal door? Yes.

Boom. They go ahead and do it. Okay. That kind of thing. Frankly, my own personal view would have been simply to have the Commissioners do it.

But when I put in this legislation, the input that I got from Berks County was to go to the more traditional prison board, as it is in every other county.

I think the larger issue for the general assembly is -- and -- and that -- I think the proper way to do that is to get Berks County in sync with the rest of the State.

And then let's take a look at the entire State problem, and -- and go to, you know,

maybe statewide hearings.

And, then, let's consider the problem in a larger perspective. And that's why I went without trying to -- to have Berks County go from being the back of the pack to the front of the pack; just simply to move it in with the pack.

CHAIRMAN DeWEESE: Kevin Blaum, for our final question.

REPRESENTATIVE BLAUM: My question was does -- does the prison board run in partisan elections?

Or do they cross file?

MR. REBER: No. They run in partisan elections.

REPRESENTATIVE BLAUM: As Democrats, Republicans, Independents?

MR. REBER: Yes. I believe there's some provision. There has to be a minority.

REPRESENTATIVE BLAUM: Three minority.

MR. REBER: Three minority members, six majority.

REPRESENTATIVE BLAUM: Thank you.

CHAIRMAN DeWEESE: Glenn, thank you very much.

MR. REBER: Thank you.

[Witness excused]

CHAIRMAN DeWEESE: Our next witness will be William G. Babcock, the Executive Director of the Pennsylvania Prison Society.

Whereupon,

WILLIAM G. BABCOCK

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

CHAIRMAN DeWEESE: Bill, welcome to our hearing.

MR. BABCOCK: Thank you. I want to thank the committee for inviting us to be here today.

CHAIRMAN DeWEESE: A healthy dose of objectivity.

MR. BABCOCK: Yes. I -- I've listened to some of the testimony. And -- and I obviously don't have the same emotional feelings about it that other people do.

CHAIRMAN DeWEESE: Well, we -- we need everything. We need their emotion, their passion, and your dispassion.

MR. BABCOCK: All right. Well, just to give you a little background, there -- we may be even more dispassionate than you think.

There --

CHAIRMAN DeWEESE: You -- you don't give a --

[Laughter]

MR. BABCOCK: There is a -- an independent Berks County prison society which is not part of the large organization of which I'm testifying for today.

So we have never monitored the Berks County Prison. We're not really familiar with the problems which have led to this bill being introduced.

But we are concerned, of course, that the board be composed of -- in the best possible fashion that it can be, for the benefit of the -- the, you know, the jail, prison, is operated up to constitutional standards.

I mean, obviously, we're a prisoner advocacy organization, and that's our concern. What I have tried to do to prepare for today is to try to speak to as many prison administrators around the State as I could, to find out, you know, how their

relations are with their boards, what they would prefer, what problems they see with the board as constituted here in Berks County.

The concensus unanimously of people with whom I have spoken -- and I understand that the prison wardens' association, in fact, supports this bill -- is that a Section 408 bill, Section 408 board, is vastly preferable to what Berks County is using.

And they are three main reasons that I'll go over quickly. Number one, it simply eliminates some of the potential for overt politicization that you would have with an elected citizens board.

Citizen involvement in a board is good. But citizens can be added to a Section 408 board.

Having a board --

CHAIRMAN DeWEESE: They can be?

MR. BABCOCK: It's my understanding, that's correct.

CHAIRMAN DeWEESE: Do you know anything about that, sir?

MR. SANDS: No.

MR. BABCOCK: That is from my

discussion with Bucks County, where they have --

CHAIRMAN DeWEESE: Senator
Brightbill, are you aware of that?

REPRESENTATIVE BRIGHTBILL: No.

CHAIRMAN DeWEESE: Thank you.

MR. BABCOCK: Okay. Well --

CHAIRMAN DeWEESE: I don't know. I
don't know one way or the other. I was just
curious.

MR. BABCOCK: I will look into that
further, and -- and get back to you on it. Having a
board totally composed of elected citizens has
raised the possibility that the operation of a
prison is done by a policymaking body that can base
its decisions less on what is in the best interests
of the county, than on what will insure -- insure
reelection.

And in -- as an example, would an
elected board be able or willing to push through the
replacement of an obsolete institution if that was
opposed by the electorate.

You have an institution that was
built in the 1800's. It needs to be replaced. The
public doesn't think it's something that they want
to support.

Would an elected board push for that, despite the fact that it's desperately needed? Pursuant to a Section 408 board, the members there are also elected.

So that there is a certain amount of accountability. So they're not elected on the single issue of how to run the prison.

So while they are accountable, it's not just that lone issue. And a Section 408 board, obviously, avoids the political conflict which apparently is going on in this county, between the prison board and the Commissioners, which will often result in stalemates.

Secondly, a Section 408 board insures that the most important members of county government are actively involved in the operation of the prison.

And I think too often prisons can be treated as a bastard child that nobody wants. And by including major elected county government officials and the board, you're forcing them to view the prison, the operation of the prison, in the context with the rest of the county government.

And, finally, a Section 408 board insures that prison policymaking body is comprised

of the same people who control the county budget.

And I -- I think that the advantages of that are obvious. As one administrator with whom I spoke in a county that recently opened a new prison despite incredible public opposition, he stated, "These are the people who can make things happen in the county."

And I guess that's probably the bottom line for having a Section 408 board. That is not a perfect structure.

And I think I just came in on that conversation before I testified. I don't think there's any guarantee that a Section 408 board is going to be a panacea.

There's always going to be a certain amount of politics involved. In those counties in which it does work the best, what I have seen is that it works that way because the warden takes the responsibility for keeping the board educated on what's going on in the institution.

And he keeps them involved in the operation of the institution. So as with any governing body, success or failure of the board, of course, is going to depend on the people who are involved.

But our position is that a Section 408 board probably makes success a good deal more probable.

CHAIRMAN DeWEESE: Thank you.

MR. BABCOCK: That's really all I have.

CHAIRMAN DeWEESE: Comments or questions?

John Davies?

REPRESENTATIVE DAVIES: Could you give us an idea of how many pluses you are -- or how many negatives you heard in your -- in your --

MR. BABCOCK: Well, I didn't hear any negatives to -- to a Section 408 board with the people with whom I spoke.

CHAIRMAN DeWEESE: And you will get back with us regarding --

MR. BABCOCK: Citizen involvement. I will.

CHAIRMAN DeWEESE: The opportunity of putting citizens on the board.

MR. BABCOCK: Yes.

CHAIRMAN DeWEESE: Okay. Thank you very much, Bill.

MR. BABCOCK: Yes. Thank you.

[Witness excused]

CHAIRMAN DeWEESE: Woodrow Nein.

Woodrow Wilson Nein.

Whereupon,

WOODROW W. NEIN

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

MR. NEIN: How about that? I am a Democrat.

[Laughter]

CHAIRMAN DeWEESE: Were you born between 1912 and 1920?

MR. NEIN: Yes. Eleven it was. I'm seventy-six years old. Still breathing and alive. My name is Woodrow Nein.

And I've been a prison board member for the past fifteen and a half years. The last ten years, I've been President of the board.

And I'm definitely in favor of a continuance of the Berks County Prison Board. Because I believe that people should take part in government.

And that's what it's all about. I

believe Jane here, one of our committee members, she spoke against or for the continuance -- eliminate the prison board.

And she said it's time for a change. She's on the board for forty years. And all I ever seen on the minutes there that she commented what a fine job we've done.

And everything was wonderful. So we come in here and we make a flipflop. I don't know why.

It's over. Mr. Hornsberger, well, he claims that we didn't have no workshop meetings or we didn't call no workshop meetings.

Well, we did call meetings. And he was always too busy working to attend them. I don't know why he was too busy.

But, nevertheless, he did not attend many of them. I'm telling you the way it is. As far as Judge Austin, well, a former Judge Austin, he talks about the budget like the County Commissioners always went along with everything.

Well, about a year and a half ago, or almost two years now, Labor and Industry came in there and condemned our kitchen.

We got to have a new kitchen. Man,

that kitchen's in terrible shape. Sure it is. And they agreed to go along with it.

About a year and a half or two years, they had all kind of lousy plans. All we got is a serving tray, a serving table.

That's all. They never went through with the plan. It's on hold right now. And they say they -- they -- as far as the budget is concerned, they were invited to every budget meeting we ever had and they never showed up.

CHAIRMAN DeWEESE: Who was invited?

MR. NEIN: The County Commissioners. They never showed. He criticized the pay increase for the guards up there, over the staff and the guards.

And he talks about his ten and a half percent. But he didn't tell you it was over three years.

He didn't tell you that prison guards were working for ten or \$11,000 a year. Let me tell you, I am in favor of them raises that we granted the guards up there.

And the people that are complaining, I wish they'd go up to the Berks County Prison some time.

Walk them blocks with them guards. Use their eyes and their ears and their nose. You go down there and walk with them guards.

You'll find out what some of them inmates call you. Your "Mother 'F'" and things like that.

Some of them don't wash too regular. And it's a stench there. And they spend six, seven, eight hours with them.

They're entitled to all the money they get. Furthermore, sure, our budget went up. They -- they got the Teamsters to represent them.

And they did get around a ten and a half or eleven percent over three years. And I, for one, believe that they were entitled to it.

Today they might be making sixteen -- \$17,000, maybe, to start. Some go up as high as twenty-four, \$25,000.

But they are more than worth them jobs, that pay. Now, if the prison board is discontinued, like some of them say it should be, do I understand that the D. A., the Sheriff, the Judge, and the County Commissioners would operate the prison?

And if they don't have the time, then

they appoint an advisory board, I believe. Now, our Solicitor -- I -- I'll say it anyway.

He said to one of the judges, no way could he have put time in up there. No way do they have time.

I talked to John Kramer. No parts of it, John told me. He --

CHAIRMAN DeWEESE: Who is John, John Kramer?

MR. NEIN: John -- the Sheriff.

CHAIRMAN DeWEESE: I see. Thank you.

MR. NEIN: No parts do they want it. Now, they're going to appoint an advisory board. And who the -- who are they going to be responsible to?

To the people that appointed them. They don't have to get elected. They don't have to face the public like the prison board does.

They're only -- have to just whoever the -- put them on the board. That's who they got to answer to.

In my book, an advisory board would be no more, no less, than rubber stamps. That's what they would be.

You know, the -- many times, the

Commissioners give us a going over on our budget.

You know, it's too high and all.

And, by the way, now, wait. It is high. Fifteen and a half years when I've been on it up there, I believe the budget might have been a million dollars.

Today I believe it's three times that high. Maybe it's three million. But let's find out why.

State -- they pass laws that you must have one guard to every fifteen people. Naturally, we put on a lot of guards.

It costs a lot of money. We got to have a -- nurses, registered nurses up there, so many times, so many for the population up there.

We got to have doctors. Now, you implement all these regulations that were pushed on us.

And, naturally, the budget is way out there. It wasn't because we had no fiscal responsibility like the Commissioners would have you believe.

It was things that were mandated by the State that we had to go along with. That's why our budget skyrocketed.

In other counties, I hear this. In Daupin, I hear it. I don't know if it's true or not.

That they have trouble getting that advisory board together to conduct meetings to do business.

CHAIRMAN DeWEESE: Let me say that you're right. In Greene County, it's especially hard.

MR. NEIN: Good. I'm glad to hear it. I wasn't sure of it. But some people did tell me that.

CHAIRMAN DeWEESE: I'm eminently naive in the other sixty-six.

MR. NEIN: All right.

CHAIRMAN DeWEESE: But in my home county, you're right.

MR. NEIN: Hey, I'm so glad to hear it. Well, now, we don't have that problem at the Berks County jail.

No way. We have meetings up there, and they are well attended, well attended. And they are interested in prison business.

So that's -- that's a big thing, when you have people interested. When you have the

people that are interested in government, and taking part of it.

Now, let's take a -- talk about the cost of it. For the whole nine members, it only costs \$6,700, for the nine of them.

They get the magnificent sum of \$62.50 a month. Don't hardly pay your gas up there if you want to be a good prison board member and go up there and do your job.

Where can you get administrative help for that? That's what I'd like to know. Sure, the Commissioners, they control our purse strings.

But Austin, he was talking about, you know, the wonderful job the Commissioners are doing. They always agree with us.

We would invite them into our budget meetings. Hell, they never showed. And our budget, like I said, went up and up and up.

And like -- and another thing. I want to repeat it again. The reason that budget went up -- and it's important -- that we were mandated by that State to put more guards on, to put a doctor on, registered nurses.

And, furthermore, when I went up there we had no more than a hundred and fifty

people, maybe a hundred and seventy-five, at the most, inmates,

Today three twenty-five, three fifty. So you can see it -- it got to cost more money. And I'll tell you another thing what I think it's all about.

Political mumbo jumbo. They want to hold taxes down. Don't spend no money. And the people love it when the taxes don't go up.

Elect. Reelect. And reelect. Way down deep, that's the bottom line. I for one -- I want to wrap this up.

I don't see anything wrong in leaving the people take part in government. I don't see nothing the matter with that.

Sure, be there some yo-yo's. What the hell, you get them in a lot of other government jobs, too.

[Laughter]

MR. NEIN: Plenty of them. Yes. And you know it, and so do I. And you cant' help that. But that don't say you throw everything out.

REPRESENTATIVE BRIGHTBILL: Even the General Assembly; right?

REPRESENTATIVE KOSINSKI: That's

right.

MR. NEIN: I didn't say that.

REPRESENTATIVE KOSINSKI: Especially, especially the General Assembly.

MR. NEIN: They're as good as any other assemblies.

[Laughter]

MR. NEIN: But anyway, this really and truly -- why -- why did it all come apart, though?

Now, we had two Commissioners and one Judge. Some of you people don't know it. About fourteen to sixteen years ago, they wanted to change the government in the city of Reading.

Berks Independent Democrats, they called them. They want to throw out the former government we had out in the city of Reading and put a strong mayor in, I believe it was called.

They left it up to the people, and they were defeated. Now, them same three people are spearheading the same attack.

Throw them out and put somebody new in. I say let the people decide this issue. I definitely am against this proposal to throw out the board.

That's it.

CHAIRMAN DeWEESE: I'm glad you summed it up there at the end. I -- I wasn't sure where you --

MR. NEIN: Oh.

[Laughter]

CHAIRMAN DeWEESE: Chairman Blaum or Kosinski?

REPRESENTATIVE KOSINSKI: Not I.

CHAIRMAN DeWEESE: Anybody? Any comments? Questions? Paul Angstadt, please.

REPRESENTATIVE ANGSTADT: I have one question.

CHAIRMAN DeWEESE: Sure.

REPRESENTATIVE ANGSTADT: In previous discussions, that I -- I was involved in, one of the comments came up about that the Commissioners had no way to disallow any expenditures that the prison board would want to incur.

Have they ever disallowed any expenses?

MR. NEIN: No. We were thinking about it at one time. And our attorney was John Ruth.

We were going to sue. We were going

to take it to court to get some money for, I don't even remember what the expenditure was about any more.

But I believe John Ruth sort of talked us out of it. And I didn't feel like I wanted to go through with it, either.

What the hell. If you've got to go to court for every time you want to spend money up there, why, you would never be in good terms with the Commissioners.

We try to solve it -- solve it over. And I think we should go along with the Commissioners.

There's nothing the matter with the Commissioners. If they're looking over your shoulder to see how much money we're spending, what's the matter with that?

That's what it's all about, government. Checks and balances. That's all it is. No more.

No less than that. And up to this, up to the last four years, we had a darn good relationship with the Commissioners,

It's just when the State pushed all these more guards, higher wages, doctors, nurses,

and whatnot, then, it come to the fact like I said before.

They had to come up with a lot more money. They didn't want to appropriate it, because they had to raise taxes.

And raising taxes is a very, very bad issue when you're running for an office. That's what it's all about.

CHAIRMAN DeWEESE: Can I take it that what you're saying is that you submitted a budget that the Commissioners could approve?

MR. NEIN: Yes, we did. And we -- finally, yes. They approved darn near every budget we've submitted.

But many a times we wanted to talk about building another prison, putting additions on it.

They don't -- they want to talk about it. Just the same as with the kitchen, they agreed even to give us a kitchen for about a hundred and fifty thousand.

That kitchen is no different today than it was almost two years ago. And we asked about it.

And so Carabello says it's on hold, I

believe. And it's crummy. It ain't right. But that's the way it is.

CHAIRMAN DeWEESE: Are you saying that you had requested certain things be done, and they did refuse?

MR. NEIN: Yes. For the kitchen is a perfect example.

CHAIRMAN DeWEESE: Any other amplification of this gentleman's testy, spirited, and illuminating remarks?

[No response]

CHAIRMAN DeWEESE: Okay. Thank you, Woodrow Wilson Nein.

MR. NEIN: Thank you for giving me the opportunity to come in here.

CHAIRMAN DeWEESE: Woodrow Wilson probably was --

MR. NEIN: I didn't make it glossy. But I can assure you of one thing. It happened this way.

REPRESENTATIVE KOSINSKI: Could I see the palm coin for a second?

MR. NEIN: Oh.

REPRESENTATIVE KOSINSKI: I collect them for a living.

CHAIRMAN DeWEESE: Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

MR. NEIN: Don't ask me who it was for.

CHAIRMAN DeWEESE: Is this the guy on the other side? One thing -- one thing, again. It testifies to the system that we have observed.

When most of us walked in this room, we -- well, I'll speak for myself. As the new Chairman, I had absolutely no idea.

Some of the older people might remember in their Latin classes, the tabula rosa, the blank slate.

When I walked in, my brain was a tabula rosa on this whole issue.

[Laughter]

CHAIRMAN DeWEESE: That's what I bring to the committee. But, anyway --

MR. NEIN: Well, we've been doing this since 1872, a hundred and fourteen years at least.

What do you want to take it away from the people for? You're taking something away from

the people, the right to take part in government.

CHAIRMAN DeWEESE: It's a 200-year version of the Constitution.

MR. NEIN: All right. That's all.

CHAIRMAN DeWEESE: Okay. Thank you very much.

[Witness excused]

CHAIRMAN DeWEESE: Anthony Carabello, for the other side of the issue here.

REPRESENTATIVE BLAUM: He's outside there.

CHAIRMAN DeWEESE: Is the Commissioner available?

REPRESENTATIVE BLAUM: Yes.

CHAIRMAN DeWEESE: Okay.

Again, thanking all the witnesses. We're right on time. Whereupon,

ANTHONY J. CARABELLO

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

MR. CARABELLO: Well, I'm glad to see the place is warmed up.

[Laughter]

CHAIRMAN DeWEESE: Commissioner, welcome. I'm Bill DeWeese.

MR. CARABELLO: Hello.

CHAIRMAN DeWEESE: And these are our committee members. You know most of them, I'm sure.

MR. CARABELLO: Thank you very much. I'm not going to be very long or argumentative or anything like that.

I first of all, certainly want to thank Tom and -- and the committee for coming here, and of giving us an opportunity to express ourselves with regard to the subject.

I know that from time to time I and others have written to both Tom and our other legislators with regard to legislative matters.

And this is one, I guess, which is rather unique to Berks County. And we appreciate the actions of the Senate; in particular, our two Senators in bringing the bill through passage in the Senate.

I just have a brief letter here, which I kind of wrote to Tom about, oh, I guess about a month, a month and a half ago, after there was some article in the newspaper about the subject.

And I didn't feel that I wanted to react to what was reported in the paper, because I know that sometimes it isn't -- that what they say is inaccurate.

As it is, there is a larger story behind it. So leave me just say the following, from my perspective of twelve years as a County Commissioner and, prior to that, three and a half years as a local government adviser to Secretary Bill Wilcox under Governor Shapp and, prior to that, as a City Councilman here in Reading for four years; and, prior to that, for ten years as a math teacher in the Reading School District, where I learned my first lessons in politics right here, next door.

So, the following more or less states the way I -- I've come to try to see things. As you well know, the prison board in every other third class county is not appointed, but is, by statute, the three Commissioners, the Controller, the Sheriff, the District Attorney, the President Judge or his Judge Designee.

There have been some misimpressions that have been bandied about. And I think they are misimpressions, that if you don't have an elected prison board, somebody ought to -- wherever, is

going to appoint that board in its place.

The point we're trying to make to you is that is not the fact. The facts are that, in every other county, particularly, the third class counties, there is a prison board.

It does consist of elected officials. And they are the President Judge or his Judge-Designee, the Sheriff, the District Attorney, the three County Commissioners and the Controller.

We're suggesting that this structure, if we had it in place, would be a new, better and more efficient way of managing prison affairs.

And a couple points under that. For the first time, the authority and responsibility and the accountability would be fixed on the elected officials referred to above.

The way it tends to be now is that the Judge and District Attorney have little to say and little to do with solving problems and setting policy at the jail, which many times are generated by the way the judicial system works.

The jail is kind of the end of the line. They have to take everybody. Many of their problems, day to day problems, are not of their making, are not able to be resolved by them.

They are made by the criminal justice system. And that system is run by the people in the system.

In my opinion, they tend to take many more problems than they solve. I have personal experiences in the frustration of trying to get answers on things such as work release.

Why virtually half -- and I don't think this is an exaggeration -- half of the people in that jail right now are simply there awaiting trial or sentencing.

I don't think that's right. And the internal frustration on my part is and has been that when I try to get answers, what happens is the Judge will say one thing.

And, then, he will imply that there is some other element in the system who has greater responsibility or authority.

I'll talk to the D. A., and you get so far, and, then, well, the Judge did this and the Judge did that.

And you talk to the Sheriff. You talk to the warden. And the bottom line is that what we tend to have, as I see it, is a transmission that doesn't work.

It has about five or six different activities, and those gears don't mesh. And I don't know why I never realized it before.

But if we had a prison board as is the prison board in every other county in Pennsylvania, it seems to me that when the Commissioners, the Controller, the President Judge or his Judge-Designee, the Sheriff and the District Attorney, are sitting around this table as they do in every other county.

And they must meet under the code at least once a month. And they must meet quarterly at the jail.

And it must be a public meeting. And minutes must be taken. That we will, finally, in Berks County have at least around the table for public exposure, all of the elements who are the key actors, and have the key authority, or should have the key authority and responsibility and accountability in this area.

Unfortunately, currently, that's not the case. So structure wise, there is no better structures I can see than that which already exists in every other county.

And I believe that that mere

structure in, of, and by itself, will go a long way to mitigating the problems we all face in dealing with the tail end of the criminal justice system.

Another point I'd like to call to your attention is -- and this is a fact. The Commissioners have the delightful responsibility of providing the operating money for the jail.

Currently, and that's 1977, that's about \$4,225,700. That amount represents 48.2 percent of the property tax levied on each and every Berks County property, almost half.

If you include the capital improvements for this year, more than half of the county property taxes paid by each property owner in Berks County, goes for the operating costs at the jail.

That represents 6.51 mills out of thirteen and a half; 6.51 out of thirteen and a half.

That's what it costs to pay the operating expenses at the jail. Now, I'm not saying that those costs aren't necessary.

I'm telling you that, only, to give you in the most dramatic fashion possibly, the impact of the cost of running that jail.

Because as you all know, I believe, the jail is -- is one of the few activities that county government must operate without any, virtually any, ongoing State and Federal support.

Since 1977, that's about ten years ago, and there was an error there. That should be \$2,605,000, plus another \$568,500 this year has been invested for capital improvements.

That's a little bit over \$3 million in the last ten years. And for us fellas here that's a lot of money.

We count in thousands. I think the State counts in millions. And the Feds count in billions.

That's a lot of money. That -- those are capital improvements that has been made. If anybody wants details on that, Charlie Diamond, our Budget Director, is more than ready, willing and able to furnish them.

I might point out that the \$568,500 for this year, 1987, is also from local property taxes, since the county as every other municipality in Pennsylvania and the United States, no longer receives general revenue sharing.

I might point out to you that for the

last -- well, ever since the general revenue sharing, and ever since I've been a Commissioner, we have used general revenue sharing as a kind of capital improvement program.

We have not put that money into our operating costs. We've used it to pay -- to make capital improvements as they come due.

Of course, that was eliminated last October. We had to provide for the roughly \$600,000 by which we constructed some modular units; thereby giving us approximately eighty more beds at the jail, which is pretty reasonable if you count, if you relate the cost per bed.

The point is that those general revenue sharing funds are no longer there. And that is -- has contributed to drawing down the county's reserves or surplus or carryover from year to year, such that at the end of this year, that reserve will be, according to the current year, which I didn't make, but is the current budget, will amount to one million dollars, which is roughly about five days worth of expenditures.

Another point is that the Controller, who can speak for himself if he so chooses, is really not authorized to do audits -- is authorized

to do audits.

Excuse me. But does not make and cannot make policy. There have been questions from time to time about prisoner accounts and others.

And I would point out that nobody's suggested that the questions about these accounts are of any major nature.

They're just little things that somebody -- some auditor suggested shouldn't be there.

I would only say this in the context that if this were a county operation, it would certainly not be any more difficult to run this operation with the -- with the current county's administrative staff, similar to, let's say, the Berks Heim, which is roughly a sixteen-million-dollar a year operation.

Many of these same kinds of activities are done on an ongoing basis by county employees.

And this would be a relatively simple matter to -- to simply integrate into what we currently do.

Bill can speak to that. Another actor here around the table would be the Sheriff.

We just spoke to the Sheriff again this morning.

As you know, we will have in Berks County our eighth Judge as of January. That represents a sixty percent increase in judges since 1980.

Now, obviously, if there's a need for sixty percent more judges, there's also a need for sixty percent more or less everywhere else.

The Sheriff tells me, for example -- and you can go right now to Reading Hospital -- that he has to provide guards for prisoners in hospitals and transport these same prisoners to the hospitals or wherever around the State, with little authority to say how and when this is to be done.

He can tell you stories when he's been ordered by the Judge, who has nothing to say about the prison at the moment, to do these things.

We know that there have been cases where they were sent for people. They brought them from the western part of the State here.

They sat here for two weeks without any action. And, then, they immediately had to bring them back.

I say this again and again and again. And what I'm saying again and again and again is

that, unfortunately, at the county level, we are expected to provide regional services.

And in this case, it is our responsibility. But too often we don't have the authority necessary to carry out that responsibility in the most effective and efficient way.

In summary, again, the day-to-day management of the prison is with the warden and staff as directed by the current board, whose members, in all due respect -- and I do mean it.

With all due respect, past and present, need to earn their own living, and cannot be on top of the daily jail operation.

They certainly aren't paid to do it. And there's no doubt that, from time to time, when conflicts do arise between managers, the board, and Commissioners, the solution invariably is for the taxpayers spending more and more money, which, in my experience, is only part of the problem, and certainly only part of the solution, as opposed to the entire solution, which some people would have you believe.

When you throw in personnel policies and procedures, and "sue" happy employees, as well as "sue" happy inmates, slight management errors

tend to become major losses.

There are significant court suits that the county has settled on behalf of the prison board.

We -- we didn't settle them. We agreed to pay the damages on behalf of the prison board, many, many times not because we agreed we should, but because our best legal advice told us that if we were prudent, we would take the settlement rather than challenge it in a higher court.

The work release program is a classic example of poor management or policy or both. And there are attached articles from the newspapers referring to those.

I have asked over and over why should big time drug dealers get special treatment? Further, every time I inquire about something like that and ask, I've been told with regard to the drug dealers and the work release, you get pushed around from the warden to the District Attorney to the Judge, on and on, and on.

Again, I'm saying if this County Commissioner sits around this table as a member of a prison board, there will not be any drug dealer out

on work release any time.

And if they don't like that, they can stop dealing drugs. Because another statistic is that the overwhelming majority of people in our jail are there for one reason or another because of their involvement in drugs, either dealing or selling, or stolen goods.

They're involved in that whole drug scene. As I said to Tom, we could go on forever here.

But that's not our purpose. There is no doubt that the elected prison board members have served us well.

But the nature of present and future government operations and responsibilities demand change.

I respectfully refer to Jane Reber here as the Grand Old Party's grandest member in this county, who recognizes this need for change.

We would be pleased, as I said, to meet with you if you give us that opportunity.

And, finally, there's only one little remark I'll close on. As I said before, this Board of Commissioners in not only this county but every county, is increasingly expected to resolve regional

problems; regional being anything that transcends two or more municipalities, cities, boroughs, and townships.

However, in many cases, and this is particularly true in trash. It's particularly true in telecommunications.

County governments do not have the authority to carry out regional functions. We plead with you.

We begged for it. Because right now in this county, there's -- for example, sixty-six municipalities have given consent to go along with the trash plan.

But the county is still at sea in promoting that plan. Because we don't have the authority to say where the trash will go.

Just as we don't have the authority to say to that judge, why aren't you getting these people sentenced that are hanging up there in jail, many of whom are convicted for murder in drug deals?

And Bobby can tell you who they are. So I'm saying with regard to our prison board, we literally have twenty-first century problems.

And we are still trying to deal with those problems with nineteenth century rules. I

would hope that you would at least give us an opportunity to deal with the twenty-first century problems with the twentieth century rules that do exist in every other county of our size.

So we thank you.

CHAIRMAN DeWEESE: Thank you. Thank you very much.

Amos Kissinger, member of the Berks County Prison Board.

REPRESENTATIVE ANGSTADT: Mr. Chairman?

CHAIRMAN DeWEESE: Yes?

REPRESENTATIVE ANGSTADT: I would like to ask the Commissioner a question.

CHAIRMAN DeWEESE: Fine. You may. He went -- went a little long, and that's why I was going to go.

REPRESENTATIVE ANGSTADT: Yes.

CHAIRMAN DeWEESE: But if you want to ask questions, you may.

REPRESENTATIVE ANGSTADT: Yes. I have.

CHAIRMAN DeWEESE: Would you like to ask a question?

REPRESENTATIVE LEH: No. Mr.

Chairman, I'd like to be excused. I have a meeting at one o'clock, and the keys are locked in my car.

[Laughter]

CHAIRMAN DeWEESE: No problem. Thank you for attending.

Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

[Whereupon, Representative Leh and Representative Davies were excused and left the hearing]

CHAIRMAN DeWEESE: Go ahead.

REPRESENTATIVE ANGSTADT: The question I have for you, Commissioner, is -- and it was brought up in earlier testimony.

Have you ever been invited to a budget -- budget hearing with the prison board?

MR. CARABELLO: When you say, "Invited," invited by whom?

REPRESENTATIVE ANGSTADT: By the prison board to attend their meeting for the budget?

MR. CARABELLO: We have had, at least in my experience, we have had some meetings with the prison board.

Generally speaking, at least in my

experience, they tended to be at and when there's a problem.

REPRESENTATIVE ANGSTADT: No. My question is have you --

MR. CARABELLO: I have never --

REPRESENTATIVE ANGSTADT: Ever been invited to attend their budget meeting?

MR. CARABELLO: I don't recall that. When you say, "their budget meeting," that would be at a regular --

REPRESENTATIVE ANGSTADT: Well, one of their regular meetings --

MR. CARABELLO: Asked to attend a regular board meeting.

REPRESENTATIVE ANGSTADT: That they were having a budget --

MR. CARABELLO: I don't know. If I've been invited, I haven't been there. So I expect I haven't been invited.

REPRESENTATIVE ANGSTADT: That was my next question. Have you ever attended any meetings?

MR. CARABELLO: Well, I haven't attended any, so --

REPRESENTATIVE ANGSTADT: I have a little problem with this. Without that attendance,

it -- doesn't it -- it sort of shows me a little lack of interest in what's going on?

MR. CARABELLO: Well, I can reverse that. We meet every Tuesday at ten o'clock. I know that we have invited the prison board to come to some of those meetings.

I guess what I'm trying to suggest to you is, you know, that kind of cuts two ways. If I don't have a vote, so to speak, then, you know, it's certainly nice to be an observer and everything else.

But sometimes people resent that, too.

REPRESENTATIVE ANGSTADT: Okay. So, then --

MR. CARABELLO: I don't think that's for any --

REPRESENTATIVE ANGSTADT: You never took the advantage that the -- I mean, the invitation that was given to you as to comment at their budget meeting?

MR. CARABELLO: I don't know that I ever had an invitation. But if somebody says we did, I -- I won't dispute it.

REPRESENTATIVE ANGSTADT: Another --

another problem that I have or a question that comes to my mind is the elimination of the prison board.

And if it solely relates on the Commissioners, the Sheriff, and the Judge, we were given testimony earlier that the Sheriff has already stated -- and, of course, he wasn't here to state it.

But it was told. It was left. The information was given to us that, basically, he's not a -- he doesn't have the time for it.

Nor does he have the interest for it.

MR. CARABELLO: Well, obviously, I'm not going to attempt to respond for the Sheriff. But --

REPRESENTATIVE ANGSTADT: But you have not heard that?

MR. CARABELLO: I suspect if you confront the Sheriff with that, he would tell you something somewhat different than that,

REPRESENTATIVE ANGSTADT: Okay. And, then, I guess, my next question would be, since it's a -- it also was brought out in testimony that the prison isn't the most popular subject with taxpayers, when the need is there, would you support a tax increase?

MR. CARABELLO: Certainly. I mean, the point I want to make is --

CHAIRMAN DeWEESE: He worked for Shapp.

[Laughter]

REPRESENTATIVE ANGSTADT: Well --

CHAIRMAN DeWEESE: No. I'm just trying to lighten it up a little.

MR. CARABELLO: Oh, okay. All right. Fine.

CHAIRMAN DeWEESE: I'm that way, too. I vote for pay raises and taxes.

MR. CARABELLO: Yes. We -- we've got to get the job done. And I've said the -- the numbers are there.

There -- there -- there's been over three million bucks put there.

REPRESENTATIVE ANGSTADT: Mr. Chairman, and Mr. Commissioner, the only reason I brought it up was not to put anybody really on the spot.

There was testimony that was given here that, because it's such an issue, that the possibility would arise that they wouldn't do this, strictly because of political things.

MR. CARABELLO: I see.

REPRESENTATIVE ANGSTADT: And -- and when you're going to eliminate an elected process, I think these are things --

MR. CARABELLO: Well --

REPRESENTATIVE ANGSTADT: That you have to take into consideration.

MR. CARABELLO: I'll tell you one other thing, now, since you brought it up. I didn't say this.

Maybe if you don't want to give us the same method of operating as every other county, then, I would respectfully suggest you give the elected prison board the authority to tax.

[Laughter]

MR. CARABELLO: I mean, we got to get the job done. And whether we do it right, wrong, or in between, we're going to catch the heat just like you guys.

CHAIRMAN DeWEESE: Um hmm.

MR. CARABELLO: But, you know, I asked for it, so shame on me. But I honestly say, and I -- again, I apologize for being overbearing, maybe, but I -- it never dawned on me.

And I can't believe it yet, with

everything I think I know, that every other county doesn't have the setup that we have.

And I would love to sit around the table here with a vote and make a motion telling the judge -- or asking the judge or making a motion saying that everybody in that jail shall be sentenced within a reasonable time.

And if he tells me it takes more than three months, I'll say that's not reasonable. But to be quite honest, I believe there's some elements in the criminal justice system that don't want to be held accountable and responsible in a public way for their action or the inaction.

And I'm saying again, it's not fair to those people on the board out there, who have to get the job done.

And I don't think it's fair to us who have to pay the bill when we don't have anything to say about all of the ways that the system works that generate these other problems.

CHAIRMAN DeWEESE: Senator and, then, Bob Reber.

REPRESENTATIVE BRIGHTBILL: May I make an observation that if this Senate bill passes, you're certainly going to have some of the most

interesting prison board meetings.

When you start telling the judge when he has to get his prisoners sentenced by --

[Laughter]

MR. CARABELLO: Yes, you could. Well, maybe somebody ought to start telling them. Why should a -- and Bob can correct me.

There's a guy up there, I think was convicted of, I think it's murder one in a drug deal.

You know, he's sitting up there. Meanwhile, that's supposed to be a minimum -- minimum security prison.

And what are they supposed to do? All we can do is pay the bill and complain and harass or whatever.

But I can assure you that if we're sitting around a table like this and there's one judge here, we're not going to be reticent to him just because he's only one.

I mean, we can't solve every problem. But, certainly, if every time there's a problem you get -- you get to the -- to the guts of the problem.

And, then, somebody says, well, you got to go over here and see somebody else, we don't

get anywhere.

And -- and we, again, have the beautiful job of being the only ones who have to raise the money to do this stuff.

Yet we don't have any -- we don't have anything to say about how that money's put to work.

And the people don't know that, either.

CHAIRMAN DeWEESE: Bob Reber, from Montgomery County?

MR. REBER: Just -- just an observation and possibly a comment. I'm a little bit confused, only to the extent that the prison board as it presently exists is comprised, and as operated, they don't make any determinations on whether a prisoner shall or shall not be on a work release program.

They have no say in that. Likewise, I don't think they have any say --

MR. CARABELLO: Do you want to ask them?

MR. REBER: Pardon me.

MR. CARABELLO: Why don't you ask them? Ask them who makes the rules for work

release.

MR. REBER: No. I'm asking them whether they, as a constituted board, make that determination?

Does it come before them? Do they make that determination?

MR. CARABELLO: Well, you can ask them.

MR. REBER: I'm asking you.

MR. CARABELLO: Okay.

MR. REBER: If you know the answer to the question.

MR. CARABELLO: I asked that question numerous times. And I'll be quite honest with you. It wasn't until the Reading Eagle Times wrote a -- an article here, an editorial, subsequent to some questions about the work release program, that I found out for the first time that the rules, as I understand it, for work release are made by the prison board.

I went to the P. J., and I think I know a little bit about government.

MR. REBER: Well, the rules -- the rules and regulations on which it operates are one thing.

My question is, are they the ones that signed the order that put that on? And I see Counsel Sands sitting over there.

I know I'm being somewhat facetious when I ask the question. Because, having been a practicing attorney, and still am in Montgomery County --

MR. CARABELLO: I asked the same question.

MR. REBER: And having also practiced before the bench in Berks County, I'm familiar with a lot of the problems you're talking about.

I think it's unfair to the present composition of the prison board, and I think it's unfair for the public to be misled by hype in the media, that by going from one program to another program, this type of "Judicial Reform" is automatically going to follow.

MR. CARABELLO: Well --

MR. REBER: I think we're living in la-la land, if you think that's going to happen. I think the problems you have with the right to bail, the fact that people cannot make it, the fact that you have to use certain discretions with the court in the manner in which a sentencing order is put

out, and the right to a work release by a court, when approved -- and I'm not suggesting.

Because I just read about in Chester County where seventeen people were let out on work release that should not have been.

And it was work release when they were serving mandatory sentences. That was just in the paper this morning.

So the point I'm trying to make is, I don't think -- and I share many of your concerns. And I agree with many of your observations.

But I think the people of Berks County are being led down the wrong path if they think just the changing of the administrative composition of a prison board is going to make the kind of problems that you were pointing to automatically go away.

MR. CARABELLO: I'm not suggesting that.

MR. REBER: I know you're not. I'm just making sure that observation is hammered home. Because I think it's fundamentally unfair for many of these problems to be vested with the current prison board's operation makeup and procedures.

And I don't think it's their problem.

Just like I -- if it was you individuals that were composing that board at the present time, I would say the exact same thing in defense of you, as well.

So I think it's a judicial administrative concern of procedures, whether it be Supreme Court rules, whether it be statutory mandates, that bring about many of those concerns.

MR. CARABELLO: Well, I'm going to respectfully, very respectfully say I -- I asked those same questions when this thing came out.

I first went to the judge, and he said, "Well, the warden requested it." Okay? And then he said, "Furthermore, the D. A. signed it."

Okay. So what does that mean? So they're kind of implying well, maybe the warden shouldn't have requested it.

So you go to the warden. And the warden says, "Well, the judge signed it. And the D. A. signed it."

MR. REBER: Well, I understand all that. But that points out exactly my point. Nowhere in that chronological dialogue that you just talked about does the prison board come into play.

MR. CARABELLO: But I am respectfully saying --

MR. REBER: They didn't sign anything. They didn't ask anything. They didn't issue the order to release.

MR. CARABELLO: Okay. But if we were all sitting around this table, including the President Judge, who has a vote, the District Attorney, who has a vote, the three Commissioners, who have a vote, and the Controller, and the Sheriff, it seems to me that for the first time in a public way, we have dialogue.

We have interaction. We have accountability. We have responsibility. Somebody says, "Why is this drug dealer out on work release?"

Somebody is going to have to say something, before a newspaper person goes to work and does some digging and so on and comes up with a super ridiculous story with the arch drug deal that went down in this county up until a few months ago.

I mean, it's just ridiculous that I asked these same questions. And nobody seemed to know.

I think I know enough to know that somewhere there's a law. There's a statute. There are rules and regulations that define how that's to be implemented.

I still don't have it.

MR. REBER: I -- I have no problem with that. But I think it emanates back to the sentencing judge and the order that was imposed.

I don't think the current prison board under its current composition as mandated by the current state of the law should be the scapegoat, if you will.

MR. CARABELLO: No.

MR. REBER: And I'm not suggesting that you're saying that. But I've read some of the articles that you have had.

And I get that kind of impression in part that maybe some grand scheme with this new type of operation, new composition, is going to make all those problems get away, go away.

I dare say that's not going to be the case. And I dare say that that board sitting at this table as you so said is not going to change virtually one iota what goes into a judge's discretion where he does in fact have discretion to enter that order, as opposed to a mandatory type sentence.

MR. CARABELLO: Okay.

MR. REBER: I'm sorry for belaboring

the point, Mr. Chairman. But I -- I noted some inconsistencies in the way these articles were written, and the manner in which the testimony was moving.

CHAIRMAN DeWEESE: I'm a guy who belabors a lot of things. So I'm never particular when somebody else does.

Besides, that was good. It needed to be brought up.

Mr. Carabello, any closing observation or comments?

MR. CARABELLO: No. Again, I thank you fellas and ladies for coming here. And we hope you will give us authority commensurate with the responsibility that you and the people expect us to carry out.

CHAIRMAN DeWEESE: Thank you. You've pointed out a couple of things to me, including the fact that I didn't notice the elephants on her earrings there, from the Grand Old Party.

[Laughter]

CHAIRMAN DeWEESE: I had to read your testimony to find out she was a big shot potentate in the Republican Party.

[Laughter]

MR. CARABELLO: Well, she's -- I'll have to show you the card she sent me.

CHAIRMAN DeWEESE: All right. Anyway, thank you very kindly.

MR. CARABELLO: It's a couple of elephants chasing a donkey.

[Laughter]

[Witness excused]

CHAIRMAN DeWEESE: Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

Amos Kissinger, member of the Berks County Prison Board.

MISS REBER: Member?

CHAIRMAN DeWEESE: That's what I have on my -- well, maybe -- maybe we're wrong.

MISS REBER: Since when?

CHAIRMAN DeWEESE: My -- my -- my --

MR. CARABELLO: He was nominated. He was nominated in the primary.

MISS REBER: A member?

CHAIRMAN DeWEESE: Jane, we must be mistaken. I must be mistaken. My paper is incorrect.

Don't admonish me too much.

And he's not here. He's in the hospital. He's ill.

The next witness, Bill Fritz; William R. Fritz, member of the Berks County Prison Board. Whereupon,

WILLIAM R. FRITZ

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

CHAIRMAN DeWEESE: We only have a very short amount of time.

MR. FRITZ: Well, I ain't going to hold you up much. I'm not in favor to put the prison board away.

I'll tell you that. I think we should leave it up to the people. Let them work on it.

That's the way I feel about it. And I think lots of -- a lot of people feel that way, too. They're the -- they're the ones.

The people put us in office. Don't forget that. And I know when my pop used to run for prison board, he was on twelve years, on the prison

board.

And they were talking about putting the prison board away then. But he used to say where can you get nine prison inspectors doing it cheaper than other ones would do it today?

CHAIRMAN DeWEESE: So your father was a member of the prison board?

MR. FRITZ: My dad was on the prison board.

CHAIRMAN DeWEESE: And your son?

MR. FRITZ: My son is also on, today. Yes. I -- I -- I don't know why the people liked us.

I guess they all put us in office. And I like to keep your taxes down. That's one thing.

And I think we get along with the County Commissioners pretty good.

CHAIRMAN DeWEESE: Previous testimony said about four years ago --

MR. FRITZ: I'm a Dutchman. I ain't afraid to tell you people. And I'm proud of it, too.

And I talk Dutch, too.

CHAIRMAN DeWEESE: I'm a Dutchman,

also.

MR. FRITZ: You are?

CHAIRMAN DeWEESE: I can't talk
Dutch, though.

[Laughter]

CHAIRMAN DeWEESE: He tried to teach
me, but I --

MR. FRITZ: They won't tell me.

[Laughter]

REPRESENTATIVE KOSINSKI: You have a
hard time speaking English sometimes.

CHAIRMAN DeWEESE: Yes.

[Laughter]

MR. FRITZ: You know -- I know, you
know of this. When you go out electioneering, and
you talk to these Dutch people, they make you go up
there on the stage and tell the speech in Dutch.

If you don't, they won't even vote
for you. Do you believe that?

CHAIRMAN DeWEESE: Um hmm. Yes, sir.

REPRESENTATIVE KOSINSKI: Sir, I do
the same thing in Polish.

[Laughter]

CHAIRMAN DeWEESE: Comments?
Questions to the gentleman, Mr. Fritz?

MR. FRITZ: I also say, Woody Nein gave a very good speech on the prison board. I really do -- about everything he said, went along pretty good.

I think so. And once when you put the prison board away, I think it's going to hurt us, the party.

CHAIRMAN DeWEESE: Hurt what?

MR. FRITZ: Hurt the party.

CHAIRMAN DeWEESE: Hurt the party?

MR. FRITZ: Hurt the party, yes.

CHAIRMAN DeWEESE: Tell me more.

[Laughter]

CHAIRMAN DeWEESE: Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

MR. FRITZ: We have these meetings up there. We invite the County Commissioners up. And we go over to the jail.

I only hope -- I like to take all of yous in the prison some time. And I'll show you the prison.

Well, I shouldn't even say it. But it's leaking right now, still. And we have no money

to fix the place up.

CHAIRMAN DeWEESE: It's what?

MR. FRITZ: We have no money to fix the place up.

MISS REBER: It's leaking in the jail.

CHAIRMAN DeWEESE: Oh, it's leaking. I'm sorry.

MR. FRITZ: We like to have the kitchen fixed. No money there. There's no money here.

And we have to raise taxes. And you know the people don't like that. So what are we going to do?

We'll do the best we can.

CHAIRMAN DeWEESE: Any other comments or questions for the gentleman?

Michael Edmiston, our Chief Counsel?

MR. EDMISTON: I'm just wondering how long you have been a member of the board?

MR. FRITZ: How long? A member. A member employed. Is that what you want to know?

MR. EDMISTON: How long?

CHAIRMAN DeWEESE: How long were you a member of the board?

MR. FRITZ: Oh, I was eight years. It will be eight years, now. I was on when the oldtimers was on, way back.

CHAIRMAN DeWEESE: So you were on way back when. And now --

MR. FRITZ: Yes. 1961, '62, '63 -- 1961, '62, '63, and '64. That's the time I was on.

CHAIRMAN DeWEESE: Now --

MR. FRITZ: On the prison board.

CHAIRMAN DeWEESE: Now, you're currently on?

MR. FRITZ: Now, I'm on now, yes.

CHAIRMAN DeWEESE: I see.

MR. FRITZ: And my -- my boy done fourteen years in.

CHAIRMAN DeWEESE: Okay. Thank you very much, sir.

MR. FRITZ: Yes. You're welcome. I'll see you in church. I go to church every Sunday up there at the prison.

[Laughter]

CHAIRMAN DeWEESE: Well, you're a Democrat, and you go to church. I don't know. This is -- this is very convincing testimony.

[Laughter]

REPRESENTATIVE KOSINSKI: He may run
for my seat soon.

[Laughter]

CHAIRMAN DeWEESE: Thank you.

[Witness excused]

CHAIRMAN DeWEESE: Vernon Shaffer.

Whereupon,

VERNON SHAFFER

requested and was granted permission to appear as a
witness; and, without being sworn, came forward and
gave the following testimony:

DIRECT TESTIMONY

CHAIRMAN DeWEESE: Vernon, is
Commissioner Huber also here?

MR. SHAFFER: Yes. He's going to
testify with me, too. Well, not with me, but right
after me.

CHAIRMAN DeWEESE: Okay.

MR. SHAFFER: He's right out there
waiting. Do you want him before me?

CHAIRMAN DeWEESE: No. No, I just
wanted to confirm that he was in the -- in the --

MR. SHAFFER: He's here.

CHAIRMAN DeWEESE: Okay. Thank you.

MR. SHAFFER: He says it's much

cooler in Lancaster than it is here.

CHAIRMAN DeWEESE: Well, it was pretty hot in Harrisburg this morning. So I didn't notice any differentiation.

It's pretty hot during Woodrow Wilson's observations.

[Laughter]

CHAIRMAN DeWEESE: Woodrow Wilson Nein. Anyway, I'm Bill DeWeese. I'm the Chairman of the House Judiciary Committee.

Welcome to our hearing. And please proceed with your -- we all have about fifteen minutes.

MR. SHAFFER: Well, I won't need fifteen minutes. I'm Commissioner Shaffer. I've been a Commissioner for all but twenty-four years.

I saw the prison board in operation. And all I'm going to say is this. If the prison board is kept intact, then you should make provisions for them to have taxing authority.

At the present time, we must furnish them money. But we have no way of saying how it's spent.

So I feel that the board should be abolished because of the fact that they do not have

the power to raise the taxes at the prison.

And there was probably testimony before. Forty-eight cents of our local tax base goes to the operation of the prison.

And we feel that that's high. Granted, that there's an increase of population in the prison, and so on.

But we feel that that is too high. And, consequently, the prison board, then, should have the responsibility of making taxation to pay the bills at the prison, if the board is kept.

That's all I have to say. If there's any questions, I'll be glad to answer them.

CHAIRMAN DeWEESE: Questions?

REPRESENTATIVE ANGSTADT: Yes.

CHAIRMAN DeWEESE: Paul Angstadt?

REPRESENTATIVE ANGSTADT: Yes. Mr. Commissioner, has there been, to your knowledge, any moneys requested by the prison board that was refused by the County Commissioners?

MR. SHAFFER: No. But year after year, they go over the appropriated budget. And, then, we have to make additional appropriations to the budget.

REPRESENTATIVE ANGSTADT: But you did

not -- at no time did the Commissioners ever refuse any of their requests?

MR. SHAFFER: Never. Not to my knowledge. If it was done, it was done without my knowledge.

REPRESENTATIVE ANGSTADT: Thank you.

CHAIRMAN DeWEESE: Representative Kosinski, from Philadelphia?

REPRESENTATIVE KOSINSKI: Mr. Commissioner, have you ever been invited to a prison board meeting?

MR. SHAFFER: Yes. I attended prison board meetings.

REPRESENTATIVE KOSINSKI: When, sir?

MR. SHAFFER: Well, I think the last one was probably six month ago. I don't know the exact date.

But I was at the prison board.

REPRESENTATIVE KOSINSKI: Did they consider a budget at that time?

MR. SHAFFER: No. I don't think it was a budget meeting at that time.

REPRESENTATIVE KOSINSKI: Were you ever invited to their budget meeting?

MR. SHAFFER: No, I never was.

REPRESENTATIVE KOSINSKI: Thank you.

CHAIRMAN DeWEESE: Commissioner,
thank you very kindly.

MR. SHAFFER: Right.

CHAIRMAN DeWEESE: Could you ask Mr.
Huber to come on in?

MR. SHAFFER: Yes.

[Witness excused]

Whereupon,

JAMES E. HUBER

requested and was granted permission to appear as a
witness; and, without being sworn, came forward and
gave the following testimony:

DIRECT TESTIMONY

CHAIRMAN DeWEESE: I'm under the
impression that this is our last scheduled witness.

MR. FRITZ: By the way, may I say
something? He's also on our prison board. Maybe he
would like to say something.

CHAIRMAN DeWEESE: I'd just like to
state that we asked Mr. Huber to come over to
explain to us how the present board that they have
over there operates.

MR. HUBER: I am Jim Huber, Chairman
of the Board of Commissioners of Lancaster County.

CHAIRMAN DeWEESE: Fine. Thank you.

MR. HUBER: I have a written statement here. And I would be willing to discuss any other issues relative to our board.

But I'd like to first of all take a few minutes and read this statement if you don't mind.

CHAIRMAN DeWEESE: You're our last scheduled witness, and we're right on time. So --

MR. HUBER: Well, good.

CHAIRMAN DeWEESE: We're anxious to hear from you.

MR. HUBER: We'll try to keep it that way. Mr. Chairman, Members of the House Judiciary Committee, thank you for the opportunity to testify here today relative to the structure and composition of the board that administers Berks County's prison.

My name is James Huber. I'm here today wearing four hats. Chairman of the Lancaster County Commissioners.

A member of the Lancaster County Prison Board. A member of the Executive Committee of the Pennsylvania State Association of County Commissioners.

And Chairman of the National

Association of Counties' Justice and Public Safety
Steering Committee.

I took time to come here today to testify because, as a member of the National Association of Counties' Justice and Public Safety Steering Committee, I have a special interest in efficient, responsible administration of jails and prisons nationwide.

As a member of the Pennsylvania State Association of County Commissioners, I have a particular interest in efficient, responsible administration of prisons in the Commonwealth of Pennsylvania.

I believe we are all are that, at this time, nationwide and statewide, prisons are burgeoning with inmates.

Prisons are overcrowded. At this time, nationwide and statewide, inmates, and even some employees are "sue happy," seeking every possible opportunity to sue prison-related employees and officials.

Under these circumstances, we need the best qualified, most efficient, and most responsible administrative prison boards available.

The question I can't help but ask is

under these stressful conditions, is it fair and realistic to expect non-paid, part time citizens to administer a highly technical correctional facility?

Isn't it logical to have salaried, elected officials with expertise in budgets, courts and law, such as a Judge, District Attorney, Sheriff, Commissioners, and the Controller on the prison board?

Nationally, administration of prisons by volunteer, non-paid, part time elected inspection boards, similar to Berks County's, is becoming archaic.

Statewide, in the Commonwealth of Pennsylvania, Berks County is the only third class county which has an elected, part time citizen prison board, rather than a prison board composed, by statute, of elected county officials, three Commissioners, Controller, Sheriff, District Attorney, President Judge, or his Judge-Designee.

Now, I am certainly not an elected official who makes decisions based solely on what other counties are doing, going along with the crowd, doing what the Joneses are doing.

But I am an elected official who respects what other counties are doing, and attempts

to find out why.

After comparing the structure and composition of Berks County's Prison Board with all other third class counties in Pennsylvania, I am hopeful that legislation will be passed to permit Berks County to have the same board structure as other third class counties.

Because, number one, we need prison boards with expertise. A board composed of a Judge, District Attorney, Sheriff, Controller, and Commissioners makes a lot of sense.

This board has the experts and resources relating to all aspects of the justice system and government operation.

Number two, we need prison boards that can be on top of the daily prison operation. It is unfair to expect volunteer, part time prison inspectors to make this commitment.

And it is unrealistic to think they can make a commitment of full time availability. The elected officials and their staffs have a daily commitment and availability that volunteers with other jobs and responsibilities couldn't possibly have.

We need prison boards that are truly

accountable and responsible. Under Berks County's system, the commissioners must approve, I understand, a budget, and tax the citizens to provide money for operation and capital expenditures.

Yet they are not part of the board, making decisions relative to expenditures. The Controller can do audits, but he cannot make policy.

The Sheriff must provide guards and transportation for prisoners, with no authority to say how this is done.

The Commissioners can be sued and end up in court for decisions they had no part in making.

Under the present Berks County system, the elected county officials have great liability in prison affairs, but have no representation on the decisionmaking board.

The buck stops with the elected officials. Consequently, they should be part of the administrative decisions.

That's true accountability and responsibility.

Thank you for the privilege to testify. I would encourage the House Judiciary

Committee to support legislative change to allow Berks County to have a prison board of elected -- elected officials, as other third class counties in Pennsylvania; a board which would provide professional expertise and resources; a board which would be on top of the daily prison operations; a board which would not only be liable for mistakes, but also be part of the decisionmaking process of the prison board.

Thank you. And I'd be glad to address any questions.

CHAIRMAN DeWEESE: Commissioner, out of the three pages, it's very difficult for me to intellectually argue with anything you've said.

However, on page two, at the bottom, the second point, "We need prison boards that can be on top of the daily prison operation."

I'm from Greene County. I'm from a rural county in the Southwestern part of the State.

MR. HUBER: Yes.

CHAIRMAN DeWEESE: And, again, I want to buttress this comment with the fact that, out of the three pages, I find merit to most everything you've said,

But there's no doubt in my mind that

the good old boys that I've heard from today in this room, including -- and I hope that I have not been overly chauvenistic, because Jane is a member of the board.

But the people that go on the -- to the castle on the hill and take a look at the roof and talk to the prisoners and smell and -- the stench and taste the food and participate, there's no doubt in my mind that point two is -- is just not accurate, compared to Greene County.

Because we can't get quorums in Greene County. The elected officials in Greene County are not on a day-to-day involvement with the prisons.

So, again, I'm not saying that that's a big deal one way or the other. I'm only contesting this one point.

I think that Woodrow Wilson Nein and his -- his band of brothers are eminently more involved in the prison system than they are in Greene County.

And that's all I wanted to say.

MR. HUBER: What -- what class county is Greene County?

CHAIRMAN DeWEESE: Sixth.

MR. HUBER: Sixth. I think maybe from class to class you have differences. I think in third class counties where we do have full time elected officials, who meet at the prison, who monthly meet there, who eat the food there, who do take a tour at least once a month there at the prison, those types of things, you know, they are differences.

Just so I --

CHAIRMAN DeWEESE: Okay.

MR. HUBER: And I'm sure that -- I'm sure that there are a lot of dedicated people on this board.

It's my -- it's been my understanding that the board is --

CHAIRMAN DeWEESE: Right.

MR. HUBER: It's part time people who have other jobs and other responsibilities, who, like as a County Commissioner or District Attorney or Sheriff, who are in the court house on a daily basis.

If there's an emergency or something at the prison or we have to be contacted, we're right there, you know, to -- to address the issues.

So --

CHAIRMAN DeWEESE: Okay.

Jerry Kosinski, Philadelphia.

REPRESENTATIVE KOSINSKI: Sir, how long ago did Lancaster County get rid of its prison board?

MR. HUBER: We got rid of our prison board in 1975.

REPRESENTATIVE KOSINSKI: 1975?

MR. HUBER: 1975 or '76.

REPRESENTATIVE KOSINSKI: We had a indication it was three years ago.

MR. HUBER: It was 19 -- it wasn't three years ago. I've been a Commissioner. I'm in my eighth year.

And it hasn't been done since I'm a Commissioner. As a matter of fact, I checked this point out and can substantiate it by Judge Apple, who was a Judge then; President-Judge, then.

And -- so it was in either '75 or '76.

REPRESENTATIVE KOSINSKI: Before the State made another mistake. Let that be noted on the record.

CHAIRMAN DeWEESE: Newspapers.

REPRESENTATIVE KOSINSKI: Yes.

CHAIRMAN DeWEESE: Other comments, or questions?

REPRESENTATIVE BRIGHTBILL: Yes.

CHAIRMAN DeWEESE: You have -- you have a -- a -- a -- when you say got rid of your prison board, you mean the elected prison board?

MR. HUBER: The prison inspectors that are elected citizens.

REPRESENTATIVE BRIGHTBILL: Okay.

MR. HUBER: So that happened in 1975 or '76.

REPRESENTATIVE BRIGHTBILL: Okay. So you now have a prison board?

MR. HUBER: Yes. We have a prison board composed of the three Commissioners, the Sheriff, the District Attorney -- yes.

REPRESENTATIVE BRIGHTBILL: The -- how often -- who does your warden report on a day-to-day, week-to-week basis?

MR. HUBER: Well, he -- he reports to the -- to the President Judge. And, of course, we have -- we have monthly prison board meetings, where he reports to all of us.

REPRESENTATIVE BRIGHTBILL: Okay. Suppose -- suppose a piece of maintenance needs to

be done right away.

A door -- a glass door breaks and he has to replace that. Who would he go talk to?

MR. HUBER: Well, if a door has to be replaced, he doesn't have to talk to anyone. He can replace it.

REPRESENTATIVE BRIGHTBILL: He goes and replaces it. Suppose it -- it's a decision, though, that he ought to speak with somebody higher up.

MR. HUBER: Well, if there's a decision to take it to someone higher up, the chain of command would be for him to go to the President, or to the President-Judge Designee, who is the President of the -- of the prison board.

REPRESENTATIVE BRIGHTBILL: Okay.
So, in other words --

MR. HUBER: But as far as the day-to-day --

REPRESENTATIVE BRIGHTBILL: He doesn't have to --

MR. HUBER: Decisions go --

REPRESENTATIVE BRIGHTBILL: He would then go to the Chairman of the prison board?

MR. HUBER: Right.

REPRESENTATIVE BRIGHTBILL: Whoever that would be. It happens to be one of the judges.

MR. HUBER: Right.

CHAIRMAN DeWEESE: Paul Angstadt?

REPRESENTATIVE BRIGHTBILL: By the way --

CHAIRMAN DeWEESE: I'm sorry.

REPRESENTATIVE BRIGHTBILL: By the way, congratulations.

MR. HUBER: Oh, thank you.

CHAIRMAN DeWEESE: What's the congratulatory --

REPRESENTATIVE BRIGHTBILL: Mister --

CHAIRMAN DeWEESE: Comment about?

REPRESENTATIVE BRIGHTBILL: Mr. Huber won a somewhat contested primary for reelection as a County Commissioner.

And he's -- he's nominated. And in Lancaster County, that's tantamount to being elected.

MR. HUBER: Thank you.

REPRESENTATIVE BRIGHTBILL: He just had a hard-fought battle.

MR. HUBER: Yes. It certainly was. Interesting.

CHAIRMAN DeWEESE: Maybe like Mr. Fritz said, "When they did away with the prison board, it hurt the Democratic Party down there."

I don't know.

[Laughter]

REPRESENTATIVE BRIGHTBILL: There is no Democratic Party in Lancaster County.

[Laughter]

CHAIRMAN DeWEESE: I know. I know. Paul. I'm sorry.

REPRESENTATIVE ANGSTADT: Mr. Chairman, thank you.

I want to congratulate you, too, but I have a question here. Your budget in the last several years, how much would you say it has increased in the prison?

MR. HUBER: well, I think it's -- I should have brought those figures along.

REPRESENTATIVE ANGSTADT: Well, just roughly. Three times as much?

MR. HUBER: In the last how many years?

REPRESENTATIVE ANGSTADT: In the last three years.

MR. HUBER: Oh, there -- it hasn't

increased three times as much. I'd say it would be less than ten percent.

REPRESENTATIVE ANGSTADT: Do you know what the budget is at this point? What -- what is the operating budget?

MR. HUBER: I don't have the figure now.

REPRESENTATIVE ANGSTADT: Okay. A round figure? Or -- you know, four million, two million?

MR. HUBER: I'm sorry. I don't have the figure.

REPRESENTATIVE ANGSTADT: Okay. Second, has the county had to go for a tax increase recently, or within the last several years, because of prison expenses?

MR. HUBER: Well, the county -- this year we did increase taxes. That was not mainly for prison expenses.

REPRESENTATIVE ANGSTADT: Well, was the prison --

MR. HUBER: We planned --

REPRESENTATIVE ANGSTADT: Was the prison considered in the need for the increase?

MR. HUBER: The prison was part of

the consideration in the increase. Yes. I think the -- the -- as I mentioned in my statement, most areas in Lancaster County -- I mean, in Pennsylvania is growth from the justice system.

So that was part of it.

REPRESENTATIVE ANGSTADT: And my final question is, the prison presently in -- in operation, is it in any violations that you know of?

MR. HUBER: No. It's -- it's in no violation. They plan -- they plan to add an expansion of the prison in a couple of years.

REPRESENTATIVE ANGSTADT: Thank you.

MR. HUBER: Anything else?

CHAIRMAN DeWEESE: No, sir. Thank you .

[Witness excused]

CHAIRMAN DeWEESE: Okay. 11:45; excuse me. 12:45. Are there -- are there people in the public who have a comment or want to say something?

Off the record.

[Discussion off the record]

CHAIRMAN DeWEESE: Back on the record.

Okay.

Whereupon,

BILLY KISSINGER

requested and was granted permission to appear as a witness; and, without being sworn, came forward and gave the following testimony:

DIRECT TESTIMONY

Billy, what's your last name?

MR. KISSINGER: Kissinger.

CHAIRMAN DeWEESE: Billy.

MR. KISSINGER: County Dutchman. I'm up at the Berks County Prison for twenty-eight years.

I missed one meeting in twenty-eight years. I know what's going on up there. And I know that the prison is run good with our warden, our board members, but not with the Commissioners.

What did we get? A tray in the dining hall, a serving tray, and a dishwasher from the Berks Heim.

We should have more things up there to use. But we do not get it. And Carabello can't say that he wasn't invited, or any other Commissioner.

We invite them every time to our meetings, to our budgets. They don't show up.

They're afraid of that prison up there.

They're afraid the roof will come down, We have a good warden, a prison board, a good staff, a working staff.

But we can't work with the Commissioners. I'm going to tell you. Carabello sat here.

And he lied. He wants to push everything on us. Let him go and pay the Solicitor from now on, which they didn't do yet.

Now. I know what's going on up there. They want to dump us out, throw us down in the dump pile.

I thank you.

CHAIRMAN DeWEESE: Thank you, Billy.

[Witness excused]

MR. HONSBERGER: Mr. Chairman?

CHAIRMAN DeWEESE: Yes.

MR. HONSBERGER: Could I --

CHAIRMAN DeWEESE: Is your name George?

MR. HONSBERGER: Yes.

CHAIRMAN DeWEESE: I just wanted to see how good my memory was.

[Laughter]

Whereupon,

GEORGE HONSBURGER

requested and was granted permission to appear again as a witness; and, without being sworn, came forward and gave the following further testimony:

DIRECT TESTIMONY

MR. HONSBURGER: All I would like to say is, and I -- I thought about this for awhile, whether or not I should say something or not.

But I think initially it might have some bearing or so. That's why I'm saying it. No matter what you may think.

Okay? A statement was made here about me missing a few meetings that I said that I wanted workshop meetings and did not attend.

Workshop meetings I asked for. Workshop meetings, basically, we do not have. There has been three special meetings that I have missed; two, because of insufficient notice and the fact that I do work from eight to four, which has a bearing on the part time board or the appointed board by the county.

The other meeting I missed was a meeting that was called for when these questionnaires came through the Senate.

I don't know if they came from Mr. --
Senator O'Pake and Senator Brightbill, to be
answered.

There was mass confusion on what to
do with them. And there was a cohesion together
amongst the board to make it all look good, so to
speak.

Now, that's in answer to the
statement whether or not since I've been on the
board, I have made every meeting but them three.

CHAIRMAN DeWEESE: Right.

MR. HONSBERGER: Thank you.

CHAIRMAN DeWEESE: Yes, sir.

[Witness excused]

CHAIRMAN DeWEESE: Okay. 12:50.

Meeting adjourned, Thank you.

CHAIRMAN DeWEESE: Off the record.

[Whereupon, at 12:50 p.m.,
the proceeding was
concluded]

CERTIFICATE OF NOTARY REPORTER

I hereby certify, as the notary reporter, that the foregoing proceedings were taken by me, and thereafter reduced to typewriting by me or under my direction; that this transcript is a true and accurate record to the best of my ability; that the witnesses whose testimony appears in the foregoing pages was not sworn by me; that I am neither counsel for, related to, nor employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

BY Antoinette S. Caswell

Antoinette S. Caswell
Notary Public in and for the
Commonwealth of Pennsylvania
West Fairview, Pennsylvania

My Commission expires:

July 21, 1988

Any reproduction of this transcript
is prohibited without authorization
by the certifying reporter

The foregoing certification does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.