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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: House Resolution 226 - Prison Disturbances at
State Correctional Institution at Camp Hill

* * * * *

Stenographic report of hearing held
in Room 22 Capitol Annex, Harrisburg,
Pennsylvania

Tuesday,
January 16, 1990
10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN
Hon. Kevin Blaum, Subcommittee Chairman on Crime
and Corrections
Hon. Babette Josephs, Secretary

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Jerry Birmelin	Hon. Nicholas B. Moehlmann
Hon. Lois S. Hagarty	Hon. Jeffrey E. Piccola
Hon. Richard Hayden	Hon. Robert D. Reber
Hon. David W. Heckler	Hon. Karen A. Ritter
Hon. Paul McHale	Hon. Michael R. Veon

Also Present:

Hon. Jerry L. Nailor
William Andring, Majority Counsel
David Krantz, Executive Director
Mary Woolley, Minority Counsel
Mary Beth Marschik, Research Analyst
Katherine Manucci, staff

Reported by:
Ann-Marie P. Sweeney, Reporter

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+89 (Almond)
Report
384
473 pages

225
+ 159
384 pages

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	APPENDIX 226

1 CHAIRMAN CALTAGIRONE: We might as well get
2 started. The Adams Commission Report will be submitted
3 for the official record, at which time I'd like to give a
4 copy to the court reporter. Many of the members don't
5 have copies, we have extra copies here, although I'm told
6 that each of the members were mailed copies to the
7 district offices.

8 (See Appendix for a copy of the Adams
9 Commission Report.)

10 CHAIRMAN CALTAGIRONE: This is the House
11 Judiciary Committee, and it's been our charge through
12 House Resolution 226 to take testimony on the disturbances
13 at the State Correctional Institutions and report back to
14 the full House on our findings. This is the first of two
15 days of hearings that we're conducting, and I'd like to
16 start off first allowing the members to introduce
17 themselves for the record, those members that are
18 currently present, and if you would start from my right.

19 REPRESENTATIVE RITTER: Karen Ritter from
20 Allentown.

21 REPRESENTATIVE HAYDEN: Dick Hayden,
22 Philadelphia.

23 REPRESENTATIVE BIRMELIN: Jerry Birmelin,
24 Wayne County.

25 REPRESENTATIVE BLAUM: Kevin Blaum, city of

1 Wiikes-Barre.

2 MR. ANDRING: Bill Andring, counsel to the
3 committee.

4 CHAIRMAN CALTAGIRONE: Tom Caltagirone,
5 Reading, Berks County.

6 REPRESENTATIVE MOEHLMANN: Nick Moehimann,
7 Lebanon County, minority chairman.

8 REPRESENTATIVE PICCOLA: Representative Jeff
9 Piccola, Dauphin County.

10 REPRESENTATIVE HAGARTY: Representative Lois
11 Hagarty, Montgomery County.

12 REPRESENTATIVE JOSEPHS: Representative
13 Babette Josephs, Philadelphia County.

14 CHAIRMAN CALTAGIRONE: And Representative
15 Paul McHale just came in the room.

16 I'm sorry, Bob.

17 REPRESENTATIVE REBER: Representative Reber,
18 Montgomery County.

19 CHAIRMAN CALTAGIRONE: Thank you.

20 There's been a little bit of a change in the
21 schedule. Since we're not going to be hearing officially
22 from the Adams Commission as far as anybody presenting any
23 testimony today and Commissioner Sharpe indicated that he
24 would be here at 11:00 o'clock, we would like to bring up
25 Robert Freeman, former Superintendent of Camp Hill, and

1 also Terry Henry, Richard Smith, and John Palakovich. If
2 you would please come to the table, with the understanding
3 that at 11:00 o'clock we'll have to allow Commissioner
4 Sharpe to interrupt you and make his presentation and then
5 I'd like you to come back on when Commissioner Sharpe
6 finishes his presentation.

7 Did you have anything formally that you'd
8 like to submit for the record for the rest of the members?

9 SUPERINTENDENT FREEMAN: No, sir, I don't
10 have any formal statement to submit. I have some notes
11 that I'd like to refer to as I go through, however.

12 CHAIRMAN CALTAGIRONE: Any time you'd like
13 to start.

14 SUPERINTENDENT FREEMAN: Okay. My name is
15 Robert M. Freeman. I was Superintendent of State
16 Correctional Institution at Camp Hill at the time of the
17 riots. I have 19 1/2 years of experience with the
18 Department of Corrections, starting out at the State
19 Regional Correctional facility at Greensburg where I was
20 for 10 years. In 1980 I went to Mercer where I was
21 Superintendent for 3 1/2 years, and then in 1984 I came to
22 Camp Hill where I was the Superintendent up until November
23 2, 1989.

24 When I came to the Camp Hill institution in
25 1984, I found that there were numerous security problems

1 and issues at that institution and the past 5 1/2 years
2 have been spent trying to correct those problems, trying
3 to make that institution more secure. As an example, in
4 the last 3 1/2 years the Deputies and I have initiated and
5 completed approximately 40 physical plant security
6 improvements and implemented over 80 security policies.
7 The intent at all times has been to make a secure
8 institution that would protect the community, the staff
9 and the inmates.

10 My responsibilities during the riots were to
11 manage matters in such a way that the community was
12 protected, that hostages were released and the safety of
13 the staff and the inmates was protected as much as
14 possible, that risk to everybody involved in this was
15 minimized as much as possible. In order to do that I
16 functioned within a chain of command that is common to all
17 of the correctional institutions in Pennsylvania, and I'll
18 just briefly refer to the security chain of command.

19 There are two chains of command. There's a
20 treatment and a security. For now I'll focus on the
21 security chain of command which consists of the CO-Is, the
22 Sergeants, the Lieutenants, the Captains, the Major, the
23 Deputy Superintendent for Operations and then myself. All
24 information flows through this chain of command. All
25 decisionmaking is done through this chain of command, and

1 in this process the role of the commissioned officers,
2 that is the Lieutenants and the Captains, are critical
3 because these are the individuals who have the intimate
4 daily knowledge of the operation of the institution where
5 the Superintendent and the Deputies and the Major are
6 mainly involved with administrative duties - meetings, the
7 paperwork, all of the bureaucratic things you go through
8 as an administrator. The Lieutenants and Captains every
9 day are in the institution, in the cell blocks, talking to
10 the staff, talking to the inmates. They are considered
11 the eyes and ears of the Superintendent. They come up
12 through the ranks, they've all worked cell blocks and they
13 have an intimate knowledge of the institution itself. So
14 there's a flow of information through this chain and as
15 information flows, the people who get it are to be acting
16 on it.

17 Now, in order to understand what happened at
18 Camp Hill, you've got to realize that the quality of any
19 decision is dependent upon the quality of the information
20 that is being received. All of the security decisions
21 that were made at the conclusion of the first day of riots
22 were based on the very firm belief that the problem
23 inmates were all secured in their cells, and I have to
24 define the term "secure." In correctional terminology,
25 "secure" means only one thing: It means that inmates are

1 in their cells and they cannot escape. If you talk to
2 anybody who is in security in corrections, they'll tell
3 you that there is no other interpretation for that term.
4 So when somebody says to you a cell block is secured, that
5 means the inmates are locked in their cells, the inmates
6 cannot get out.

7 So the information I had at the conclusion
8 of the first day of rioting was that the inmates were
9 secure in their cells and that the institution could begin
10 to return to normal operations. I think the central
11 question in reviewing the whole issue of the second day of
12 rioting, the central question is why did I and the
13 Deputies believe that the inmates were secure, that they
14 were locked in cells from which they could not escape?
15 And the answer to that is three-fold.

16 The first is we assigned a Captain, as the
17 inmates began to return to their cells after the
18 conclusion of successful negotiations on the first day, we
19 assigned a Captain the job of securing the problem inmates
20 in the six cell blocks in Group 2 and 3. Over a two-hour
21 period, this captain reported by radio that the inmates
22 were locking up cooperatively, were presenting no
23 problems, that cell doors were being checked, that inmates
24 who were in cells whose doors could not lock were being
25 moved into cells whose doors did lock, and that

1 approximately 9:15 on Wednesday evening he reported that
2 the inmates had been secured in the six cell blocks in
3 Group 2 and 3. This was confirmed by the Major by radio
4 who asked if in fact they were secured, and the response
5 was they were. Subsequently, Deputy Smith had two
6 face-to-face meetings with this Captain and he confirmed
7 that the inmates were secure and that everything was going
8 fine.

9 Now, we taped the radio transmissions and
10 they were later typed into a written radio log and I
11 believe that log has been given to the committee or will
12 be given to the committee. The tape is also available to
13 hear.

14 The second factor that entered into this is
15 that by 5:00 p.m. on Thursday afternoon when I went home,
16 I had not received any information to contradict the
17 Captain's evaluation that the problem inmates were secure.
18 There were no reports to me of inmates being out of their
19 cells, there were no reports to me of defective locking
20 mechanisms other than those in H Block, and there were no
21 reports to me of impending riot.

22 Now, in the aftermath of the first day of
23 rioting, the Group 2 and 3 area was literally flooded with
24 people. We had officers, Sergeants, Lieutenants, Captains
25 over there. The Major was over there. At various points

1 both Deputies went over there. We had State Police in
2 there not only providing security and looking at the area
3 but they were actually filming the cell blocks. We had a
4 lot of people in that area.

5 Shortly before noon on Thursday I asked
6 high-ranking officials from Council 13 of AFSCME to tour
7 the institution. They had permission to go into the cell
8 blocks and talk to any staff that they wished to. In
9 addition, approximately 2:00 o'clock I met with over 20 of
10 my staff, including many commissioned officers, in my
11 office for the purpose of going up to the Commissioner's
12 office to get a call from the Governor at 2:30. There was
13 a period of time spent in the Commissioner's office. At
14 no time did any of these people raise any warning signs or
15 any indications that we had a problem.

16 So by 5:00 p.m. on Thursday when I went
17 home, my understanding, based on the evaluation of the
18 Captain in charge of securing the inmates and based on the
19 fact that there had been no contradictory information, my
20 understanding was that the institution was calm, the
21 inmates were secured, and we could start to go back to
22 normal operation. I think if you look at the reports that
23 were filed in that period of time between the first and
24 second day you'll see that people are emphasizing how calm
25 it was.

1 The third factor was that during the first
2 riot the information given to me through the chain of
3 command had been accurate and had permitted the successful
4 resolution of the problem. I had enormous confidence that
5 my staff were going to continue to give information to me
6 that was accurate. Now, it would be nice if I could
7 personally double-check all the information that were
8 given to me, but when you have 600 staff and 2,000 inmates
9 in a 52-building physical plant, a Superintendent cannot
10 double-check information. He is totally dependent on his
11 staff to give him that accurate information. That becomes
12 even more important in a crisis situation like we had at
13 Camp Hill. So basically, the decisions that I made were
14 based on the information received.

15 Now, once an institution is secure, and
16 that's the primary responsibility after a riot, once the
17 problem inmates are locked in their cells and cannot
18 escape, you start to think in terms of the 101 things that
19 you have to do to get back to normal operation.

20 Now, the securing of inmates is so critical
21 that you have to assign a commissioned officer that you
22 believe is well suited for the job. The Captain we
23 selected to secure the inmates was Captain Jerry
24 Kerstetter, and he was selected for a number of reasons.
25 He was selected because he had 18 years experience at Camp

1 Hill, he knew the physical plant intimately, he was a
2 Captain, and in addition he had been the Security
3 Lieutenant at Camp Hill. The Security Lieutenant, his
4 primary function is to deal with security issues. That's
5 all he does. That's what he specializes in. That's what
6 his training is. I had promoted Jerry Kerstetter from
7 Lieutenant to Captain because of the expertise he had in
8 those matters, and based on his radio reports over a
9 two-hour period, it was my understanding the inmates were
10 secured and H Block was the only block where we had
11 significant locking mechanism problems. Therefore, three
12 tradesmen were to be sent to that block for the purpose of
13 doing an evaluation and beginning repairs. That was our
14 priority.

15 The second thing you look at after the
16 inmates are secured is the issue of a shakedown. Now,
17 there's no question that you do an institution-wide
18 shakedown after you've had a major disturbance like we
19 had. The question that develops is when do you do it?
20 And the knee-jerk response is to say, well, you do it
21 immediately, which is all well and good except that's not
22 possible. There's a number of things you have to look at.
23 The first is when you've been told that the institution is
24 secure, you don't have a lot of time pressure on you to do
25 a shakedown because any problems that are going to develop

1 are going to develop within a cell itself, and those can
2 be managed.

3 The second thing you have to look at, and we
4 have some pictures here that I'd like to pass around, if I
5 could, just to give you an example of one of the things
6 that I was concerned about, I had to look at the emotional
7 climate of the institution. After the first day we had a
8 situation where we had 8 people taken hostage, we had 36
9 staff who were hurt, we had a lot of rumors going around.
10 We had rumors about officers being raped, about officers
11 being sodomized. We actually had a number of our officers
12 who had witnessed officers being brutally beaten and left
13 for dead out in main courtyard area. So we had a lot of
14 staff who were emotionally very upset. They were tired,
15 they were scared, they were angry. We had inmates who
16 were tired and scared and angry and who were expecting
17 physical retaliation.

18 Now, on the Group 2 and 3 side we're talking
19 800 cells to be searched. We're talking about cells that
20 have four or five or six inmates packed in them, and we're
21 talking about a procedure that at the best of times makes
22 inmates very angry. Inmates don't like having their
23 personal property searched. So to put tired, angry
24 officers into cells with tired, angry inmates seemed to me
25 to simply be inviting trouble because we had the rumors,

1 we actually had seen people beaten, we had a lot of people
2 in a very emotional kind of situation.

3 Contributing to my decision and my
4 evaluation of the climate was two unfortunate episodes in
5 Camp Hill's history. The first was in 1983 before I got
6 there when a sergeant had been attacked over on the Group
7 2 and 3 side, left for dead, and there had been a minor
8 disturbance, and I say minor because it in no way compared
9 to what we had here in October. But in the aftermath of
10 that, inmates were taken into our Restricted Housing
11 Units, a large number of inmates, their clothes were
12 ripped off of them, they were beaten with nightsticks,
13 they were kicked, they were thrown down stairs, they were
14 thrown into walls, and there was a great deal of
15 brutality. This was all documented in reports from the
16 Department of Corrections Special Services Department. It
17 was documented in Grand Jury testimony. It was referred
18 to in the Intergovernmental Task Force Report in 1987. I
19 read the reports when I first took over Camp Hill and the
20 reports were frankly nauseating. There was enormous
21 brutality that took place. Many of the inmates at Camp
22 Hill at the time of our October riots had been there in
23 '83. They had reason to expect this would happen.

24 In 1987, we had an incident again in our
25 Restricting Housing Unit where 11 inmates had refused to

1 come in from their exercise yards and because of the
2 improvements I had made in the RHU, these inmates
3 represented no problem. They could have been in those
4 yards for six months and not gotten out because of the
5 physical security. But a Captain elected to go in and
6 remove them by force. Two of the inmates involved were
7 beaten to a minor degree. The last inmate, having
8 witnessed two inmates beaten and rough-housed, decided to
9 fight. That's the picture of the individual I gave you
10 there. He decided to fight and he punched a Captain. The
11 beating he received was so severe that he was in an
12 outside hospital for nine days, the Captain put his
13 handcuffs around his knuckles and used them as brass
14 knuckles. The inmate's face was so battered that it was
15 four days before he could even partially begin to open his
16 eyes. As a result of that, a great deal of administrative
17 action was taken because you cannot permit brutality in a
18 prison. If you permit staff brutality, it leads to a
19 greater degree of inmate violence and you get a vicious
20 cycle and eventually people end up dead.

21 So what I was faced with at the conclusion
22 of the first day of riots in terms of making a decision on
23 shakedown was we had a lot of inmates at Camp Hill who
24 knew about '83 and '87. These inmates knew what happened
25 when one inmate had taken action against an officer. They

1 knew that what had already happened at Camp Hill was far
2 greater, and I had to look at it in the perspective of if
3 you put a lot of angry and tired staff who are very
4 emotional in cells with tired, angry inmates, you're going
5 to end up with staff or inmates who are hurt, maybe even
6 killed, that a cooling off period until at least Friday
7 was necessary.

8 The other thing you need to look at is the
9 length of time for a shakedown. It's not an easy thing to
10 shake down an institution. You go cell by cell, and as I
11 said, there are 800 cells on the Groups 2 and 3 side. You
12 take the inmate out, you strip him, you do a body check,
13 and then you go into the cell and you check everything.
14 You take the backs off of TVs and radios, you look in the
15 mattress, you look under the bed. You look everywhere you
16 can. And the amount of personal property that inmates
17 have is tremendous. An experienced officer under good
18 conditions to do a thorough shakedown of a cell and not
19 miss anything can take half an hour to an hour. And the
20 kind of chaos we had to do a thorough shakedown could take
21 even longer.

22 Now I could have done a CYA shakedown for
23 three or six hours and then told everybody they were safe.
24 That would not have worked because it would not have been
25 true. And to show you how complicated a shakedown is, 40

1 days after the riots I was informed that after six
2 complete shakedowns of the cell blocks, officers were
3 still finding weapons and tools in those cell blocks. As
4 of this day right now that institution has not been
5 completely shaken down. It's only been half shaken down.
6 So it takes time. If you cannot shake down an institution
7 completely in 80 days with fresh staff, what are you going
8 to do in the immediate aftermath of a riot?

9 The other thing to look at is you need to
10 have people to do it. You have to do the manpower
11 analysis. We had 36 people hurt, we had people in
12 hospitals, we don't know where our staff were at. We had
13 to have fresh people to do it. One of first things Deputy
14 Smith had to do was do a manpower analysis so I could go
15 to the Commissioner, get permission to do an
16 institution-wide shakedown and tell him if I had the
17 manpower resources to do it or if he would have to call on
18 people from other institutions. That takes times.

19 And finally, there is no Department of
20 Corrections policy saying that a shakedown has to be
21 immediate. A shakedown should be done but it has to be
22 done depending on the circumstances of the situation, and
23 as I explained, I believed that an immediate shakedown
24 would simply lead to endangering the life of staff and
25 inmates and could result in death. Think about it.

1 You've got inmates with weapons in cells. They have
2 officers coming in. They know those officers are angry,
3 they know inmates in the past have been beaten. We have
4 inmates in there who have got so much time that they could
5 come out fighting rather than just be beaten because
6 that's the mindset after a riot. You could have ended up
7 with people dead, and I was trying to prevent that kind of
8 thing.

9 As to the State Police reduction to 25,
10 again, if you look at the history of disturbances in the
11 Department of Corrections, the State Police do not stay on
12 for days after inmates have been secured. Once the word
13 is that the inmates have been secured, State Police leave.
14 I actually kept the State Police at Camp Hill for a longer
15 period of time than they had been kept at other
16 institutions in Pennsylvania. So once I had the
17 information that the institution was secured and that
18 there was no contradicting information, I agreed to reduce
19 the State Police to 25. I wanted to return the
20 institution to normal. The State Police had other
21 functions, and I had no information that the Fruits of
22 Islam were in fact planning a second day of rioting.
23 So it seemed reasonable to have the State Police start to
24 leave. I did keep a force of 25, however, just in case we
25 had simultaneous problems in cells in different cell

1 blocks the State Police could be a backup. But I did
2 believe we had sufficient officers to handle any cell type
3 problems that happened.

4 Now, the last issue I want to address is the
5 issue of the Main Gate. At approximately 7:00 p.m. on
6 Thursday evening when I found out that the inmates had not
7 in fact been secured, that they had in fact been placed in
8 cells from which they could escape, I heard the sirens, I
9 arrived at the Main Gate approximately 7:00 o'clock. I
10 went to the rear of the Main Gate, I looked out and I saw
11 a wave of inmates, hundreds of inmates coming across my
12 field of vision. At a midpoint about half of them peeled
13 off, almost in a military formation, and went down to
14 torch the modulars. The other half went over to the main
15 control area, and I began to see flames. I talked to
16 Deputy Smith who was trapped in the main control area. He
17 told me it was very serious, the inmates had broken
18 through, they had torched the place, and a number of staff
19 were in danger of dying.

20 When you're in this kind of a situation,
21 your first personal impulse would be you throw the gates
22 open and you grab anyone who's got a weapon and say go in
23 there. You cannot do that. If you panic, if you just
24 start throwing armed people into an institution to go
25 against 1,200 rioting inmates you not only endanger the

1 people who are already trapped but you endanger the people
2 going in. What you've got to do is you have to have a
3 plan of action, you have to make sure the people know it.

4 In this situation, I sent Lieutenant Leh,
5 who is one of my commissioned officers, to our Armory to
6 get tear gas to disburse the inmates in front of the main
7 control area. I talked to the State Police to make sure
8 they had sufficient manpower to go in. We talked about
9 where the skirmish line should be set up, and I told them
10 exactly where the staff were trapped. Commissioner Owens
11 had shown up at some point in that process. I told him
12 the institution was lost. I had people trapped and they
13 were going to die. We discussed that very briefly. He
14 gave me permission to let the State Police enter. He gave
15 permission for lethal force, and then he went up to his
16 office.

17 It is fortune that he showed up on the scene
18 because in order to use lethal force you've got to get the
19 permission of the Commissioner. He was there on the scene
20 and I got that very, very quickly. Once we made sure the
21 State Police knew where they were going, once we made sure
22 we had a fire truck and a ladder and some people to effect
23 a rescue, and once we knew where the skirmish line was, I
24 gave permission for the State Police to enter the
25 institution and begin the rescue. The whole thing, as

1 best I can remember, was 20 or 30 minutes at most, which
2 is not bad at all considering the chaos I found at the
3 Main Gate.

4 I understand some of the criticism about
5 that from people who were trapped in the Control Center.
6 I think any riot I've ever read about, though, shows that
7 the people who are hostages who are trapped always feel
8 that the people making the decisions to rescue them have
9 not acted quickly enough. It's simply a human phenomenon
10 to feel that way. But there was no delay at the Main
11 Gate. You don't just simply show up, see 1,200 inmates
12 rioting and say, okay, if someone's got a gun, go in there
13 and good luck. If you do that, you end up with people
14 dead or injured.

15 Now, all of the decisions I made, given the
16 information I had, I believe the decisions were good,
17 sound correctional decisions because they were intended to
18 minimize injury to staff and inmate and to protect the
19 community. And if I had that same information again I
20 would make the same decision. Obviously, if I had had
21 other information about impending disaster, I would have
22 made different decisions, but you can only make decisions
23 based on the information you have. And one of things I
24 think that's been overlooked in this whole thing is these
25 riots were successfully resolved. All the hostages were

1 released, nobody died, no inmate escaped, no inmate even
2 came close to escaping. All of the force used was
3 appropriate. There were none of the nasty situations in
4 the immediate aftermath while I was Superintendent, none
5 of the kind of things that happened, for example, at
6 Graterford, and that involved staff who were not even
7 involved at the Camp Hill situation. And the Department
8 of Corrections emergency plan was followed at all times.
9 There were no violations of policy.

10 So basically, what we have is a situation
11 where decisions were made on the basis of information that
12 was received. And ultimately, the decisions were good
13 because nobody died, nobody was physically crippled for
14 life and nobody escaped.

15 Okay, thank you.

16 CHAIRMAN CALTAGIRONE: Okay. Would your
17 Deputies also like to make their statements before we
18 start the questions?

19 SUPERINTENDENT FREEMAN: Deputy Smith. Are
20 or do you want Mr. Palakovich to follow?

21 MR. PALAKOVICH: I'd like to make just a few
22 short comments.

23 I'm John A. Palakovich, I'm the
24 Superintendent's Assistant at the State Correctional
25 Institution at Camp Hill. I've been in my current

1 position for a little over 11 years and served under three
2 separate Superintendents at Camp Hill. Prior to taking my
3 current position I have six additional years of experience
4 in corrections which include working as a corrections
5 officer, vocational counselor, and inmate employment
6 officer.

7 My responsibilities as Superintendent's
8 Assistant are many. I'm primarily responsible for the
9 inmate grievance system, accreditation manager for the
10 institution, legal liaison for the institution and news
11 media relations officer. In the event of an emergency
12 situation at the institution, I assume primarily the news
13 media relations officer's role. During the incidents of
14 October 25 and 26, 1989, I did deal with the media.

15 We began our initial brierings approximately
16 an hour and a half after the incidents started. We
17 attempted at all times to get out accurate information, as
18 much detailed information as we could release during the
19 incidents. It should be pointed out that we had seven
20 brieings during the first disturbance and nine briefings
21 after the second disturbance -- during and after the
22 second disturbance. We had a very heavy demand from the
23 media during those two days. It took us a while to
24 calculate what kind of contacts we had with the media
25 during October 25th through the end of October, but we

1 came up with nearly 2,000 media contacts during that 5- to
2 6-day period. The vast majority of them occurred October
3 25th and October 26th and into the morning of October
4 27th.

5 As I said, I handled the media briefings
6 initially. I was relieved of those duties the morning of
7 October 27th. That was primarily a result of fatigue. I
8 had been at the institution from 6:30 a.m. Wednesday
9 morning through Friday morning. We attempted, as I said
10 earlier, to get out the information as quickly as we could
11 to the public. We gave out accurate information, and
12 again, the information we released to the public during
13 those two days of the disturbances was predicated on the
14 information we were receiving from inside. Prior to each
15 briefing I was in contact with Superintendent Freeman
16 getting the latest information available from him,
17 preparing a statement. I would then contact him via
18 telephone, since he was inside the institution command
19 post the first night and I was outside the institution in
20 the Administration Building. We would go over the press
21 statement and then that would be funneled through Central
22 Office through the Press Secretary for the Department of
23 Corrections. Basically, the referral to Central Office
24 was more for style and to make sure we had all the
25 information we needed to give him.

1 Press briefings were very, very difficult to
2 do. Part of the problem that we experienced was our plan
3 which called for an immediate briefing center across the
4 roadway from the institution was right in front of the
5 Main Gate. As a result, the media had their cameras
6 focused on the Main Gate. They had information that or
7 were speculating on information that I could not confirm
8 during those briefings. So it resulted in appearing that
9 it was a very confusing situation. We tried again to give
10 them accurate information. I was informed what was going
11 on inside the institution with the tactical planning being
12 conducted with our staff and the State Police. Obviously,
13 in an emergency situation such as we had, we couldn't
14 release all the information that was available to me. So
15 we did attempt to provide accurate information but we did
16 not release all the information as we went along, you
17 know, once we could safely release the information we did
18 include it in a follow-up press briefing.

19 Thank you.

20 DEPUTY SUPT. SMITH: My name is Richard C.
21 Smith. I'm the Deputy Superintendent for Operations at
22 the State Correctional Institution at Camp Hill. I'd like
23 to thank you for providing me with the opportunity to
24 appear before you today to explain what happened at the
25 State Correctional Institution at Camp Hill.

1 CHAIRMAN CALTAGIRONE: Excuse me for
2 interrupting you. That silver microphone, that's the main
3 one that will project the voice.

4 DEPUTY SUPT. SMITH: As I stated, I thank
5 you for providing me with the opportunity to appear before
6 you today to explain what happened at SCI Camp Hill. I'd
7 also like to, and this may not be the appropriate time,
8 but I think there's a lot of negative being said about the
9 riots at Camp Hill. You hear a lot in the media about
10 inmates' rights and things like that, but I think it's
11 time to, you know, publicly thank the staff at the State
12 Correctional Institution at Camp Hill for doing the job
13 that they did.

14 Corrections is not an easy business. I've
15 been in it 13 years. I came out of Penn State and went
16 right into Western Penitentiary in Pittsburgh. I know the
17 times in my career there were difficult. Pittsburgh and
18 corrections is a difficult place to work in, it's a
19 difficult workplace. I can also tell you that in the 13
20 years that I've been in corrections, corrections staff it
21 seems almost day by day have to endure more and more and
22 more from the inmates. I know one of the things, and I
23 don't want to get off track, but one of the things that
24 appalled me when I came to Camp Hill, and it might have
25 been the younger offender versus the older offender, but

1 staff at Camp Hill were constantly, in the nearly four
2 years that I have been there, had feces and urine thrown
3 on them in the RHU. I know we spent a lot of time this
4 past summer in 1989 going to the point to the extent of
5 actually putting Lexan, which is an unbreakable, clear
6 plexiglass material on the cells because the inmates
7 constantly attacked the staff, attacked the counselors.
8 People were to the point where they could hardly walk
9 through the maximum security cell block. That was not my
10 experience at Pittsburgh. As time goes on, I don't know
11 if it's the moral fabric declining or what it is, but
12 corrections, as I said, becomes more difficult day by day.

13 The officers who were locked in the
14 switchboxes at Camp Hill, I will get to that in my
15 presentation, but that's almost too horrible to imagine
16 having -- sitting there with raging inmates trying to
17 break through walls to take you hostage for hours on end.
18 It's unbelievable that they had to endure that. But that
19 is what occurred during the riots at Camp Hill.

20 And again, I'd like to thank them. They're
21 good people. We've had a lot of problems at Camp Hill,
22 but the problems have been dealt with and the staff that
23 we felt were problems are no longer there. The people
24 that are there now I feel are good people. They are
25 hardworking people, they put in long hours. Overtime is

1 off the charts, has been since I've been at Camp Hill.
2 They work long hours and they do a good job, and I think
3 they deserve recognition for that.

4 My background. As I said, I started at
5 Western Penitentiary in 1977 after I had graduated from
6 Penn State with a bachelor's degree in Law Enforcement and
7 Corrections. As I worked at Pittsburgh, I attended
8 graduate school at the University of Pittsburgh in
9 Administration of Justice. At Pittsburgh I worked up
10 through the ranks. I started as a corrections officer
11 trainee, was promoted to Sergeant, Lieutenant, handled
12 security at Western as a Lieutenant, housing, handled
13 housing through the period of time when the overcrowding
14 really hit, handled the double-ceiling issues.

15 In May of 1985 I went and was promoted to
16 the headquarters of the Department of Corrections and
17 served as Chief Security Officer for the State Corrections
18 Department for a little over a year until I was assigned
19 to Camp Hill. During my time with the department I
20 handled all emergency planning for the Pennsylvania
21 Department of Corrections, handled all the corrections
22 officer budgetary staffing projections for the budget for
23 the Department of Corrections and served as liaison with
24 the Pennsylvania Emergency Management Agency between the
25 Department of Corrections and PEMA.

1 And then in July 1986 I was assigned to Camp
2 Hill as the Deputy Superintendent for Operations. As
3 Deputy Superintendent for Operations, I have the security
4 force answers to me, the maintenance department, the
5 culinary department, inmate personal services, and the
6 factories in correctional industries operations within the
7 institution. Also, I have the security office for as the
8 public would more, I think, would understand a little
9 better, kind of like the internal affairs division of any
10 institution answers directly to me. It bypasses the Major
11 and comes straight to my office.

12 The incident that occurred on October 25,
13 1989 at approximately 3:00 o'clock and, you know, I'm not
14 -- as the Superintendent said, I'm not going to get into
15 great detail with the October 25th incident. I know it
16 was difficult. We followed the emergency plan to the
17 letter. I notified the State Police in Troop H via the
18 hotline what we had there, everything was followed to the
19 letter. We established a command post, the Superintendent
20 was notified, came in, and we immediately tried to put a
21 plan of action together to retake the institution. We
22 notified staff as per our emergency plan, we evacuated all
23 the female staff that we possibly could. The only thing
24 that was done probably outside of the emergency plan and
25 policy, and I take responsibility for that, is that I

1 attempted, when I saw the situation at the E Gate, to send
2 a Lieutenant out to the Armory and to arm three officers
3 with shotguns and try to roll through the Main Gate and
4 over with a new patrol car that we had, but they didn't
5 make it. We lost the E Gate before they were able to
6 enter the institution.

7 When we had sufficient staff at the Rear
8 Gate, we cleared the eight modular housing units out onto
9 the Main Field. The fear was that if we let the armed
10 force come directly in the institution over into the Group
11 2 and 3 area, that the 550-some inmates that were housed
12 in open dorms in the mods could come up behind them and
13 trap them. So we cleared the mods out first and then sent
14 the State Police over to the E Gate.

15 Very basically, at that point, by the time
16 we were in place to assault Group 2 and 3 and retake the
17 Group 2 and 3 area, negotiations had begun, there were
18 consultations in our command post between ourselves and
19 the State Police, and as all of you I'm sure would agree,
20 it's always better to negotiate than an all-out assault on
21 the Group 2 and 3 area because the risks involved in an
22 assault far outweigh trying to negotiate.

23 Deputy Henry negotiated with the inmates.
24 Very quickly they released two hostages. A short time
25 later they released the rest of the hostages that were in

1 the Group 2 and 3 area. At that point, as the
2 Superintendent has said, we sent our Captain and our
3 Special Emergency Response Team, supported by the State
4 Police, through the six cell blocks to secure those cell
5 blocks.

6 If I can ask your indulgence for a minute, I
7 have provided you with actual transcripts of that two-hour
8 tape, but the tape has been edited because I know our time
9 is limited here and we're not going to sit and listen to a
10 two-hour tape, but the tape has been edited down to what
11 we feel are the key points of the conversations down to a
12 four or five-minute tape. I would like to play that for
13 you, with your permission.

14 CHAIRMAN CALTAGIRONE: It I could just beg
15 your indulgence. Commissioner Sharpe is here. I did
16 indicate to you when we started the hearing that when the
17 Commissioner would come we'd interrupt your testimony to
18 allow Mr. Sharpe to give his testimony.

19 DEPUTY SUPT. SMITH: Yes, sir.

20 CHAIRMAN CALTAGIRONE: It you wouldn't mind,
21 if you could just let Commissioner Sharpe go on to make
22 his presentation and we'll ask Commissioner Sharpe
23 questions. I would appreciate you remain so that as soon
24 as he finishes we'd like to have you come back again.
25 Thank you.

1 Commissioner, at any time you'd like to
2 start. If you'd like to introduce the fellow officers you
3 have with you, sir.

4 COMMISSIONER SHARPE: Good morning, Mr.
5 Chairman and members. Accompanying me this morning are
6 the Deputy Commissioner for Operations Lieutenant Colonel
7 Glenn Walp to my immediate left. To his left is Major
8 James Hazen, who is the Commander for Area 1, and to his
9 left is Captain William Regan, who is the commanding
10 officer of Troop H Harrisburg. To my right is Joseph
11 Rengert, Chief Counsel to the Pennsylvania State Police.

12 Mr. Chairman and members, I'd like to thank
13 the Judiciary Committee of the House of Representatives
14 for the opportunity to appear before you today. The role
15 the Pennsylvania State Police in any given emergency
16 situation can be stated quite simply - the preservation of
17 peace and the protection of life and property. The
18 details of fulfilling that mandate requires considerable
19 coordination, logistical planning and commitment. And
20 while I can't say enough about the dedicated men and women
21 of the Pennsylvania State Police who were called to the
22 site of the Camp Hill incident, I would be remiss if I did
23 not commend those members who remained at our many
24 stations where we already feel the effects of manpower
25 constraints. And those members worked long hours

1 providing continuous, uninterrupted service to the
2 citizens of Pennsylvania.

3 On the afternoon of Wednesday, October 25,
4 1989, prison officials at the State Correctional
5 Institution at Camp Hill requested State Police assistance
6 to quell a disturbance. Personnel from surrounding troops
7 responded to the facility. At the facility, a chain of
8 command was established and the perimeter of the
9 institution was secured. Our role at this point was that
10 of support to the Department of Corrections. The
11 prisoners were subsequently returned to their cells and a
12 contingent of the State Police remained at the facility to
13 assist correctional personnel. The contingent was
14 stationed outside the institution and were scheduled to
15 depart at midnight on the evening of Thursday, October
16 26th.

17 Prior to their scheduled departure, on the
18 evening of October 26th, prisoners escaped from their
19 cells and started setting fires. The assigned State
20 Police contingent reinforced the perimeter and called for
21 assistance. Approximately 800 of the department's 4,000
22 Troopers responded to assist in quelling the disturbance.
23 Command personnel, including the Deputy Commissioner, the
24 Area 1 Commander and the commanding officer of Troop H
25 Harrisburg, directed the operation at the site and are

1 present today to respond to any inquiries regarding
2 specific tactical operations at the Camp Hill facility. I
3 established an off-site command post at our department
4 headquarters to direct logistical and support operations.
5 Lines of communications were established with on-site
6 commanders. In addition to personnel, helicopters, K-9
7 units, mounted units and Special Emergency Response Teams
8 were committed to the operation. I extend my appreciation
9 to other State and local law enforcement agencies and the
10 emergency support units who assisted in this operation.

11 I will now respond to any questions you may
12 wish to ask.

13 CHAIRMAN CALTAGIRONE: Thank you,
14 Commissioner.

15 I would just like to also publicly
16 compliment the State Police on the fine job that they've
17 done over there because I think a testament to the
18 situation was the fact that no loss of life resulted from
19 the use of the State Police following that disturbance and
20 riot that took place over there at Camp Hill.

21 At this time, I'd like to open it up to
22 questions from the members.

23 Lois?

24 REPRESENTATIVE HAGARTY: Thank you, Tom.

25 BY REPRESENTATIVE HAGARTY: (Of Commissioner Sharpe)

1 Q. Commissioner, are you aware of a cooperative
2 agreement between the Department of Corrections and the
3 Pennsylvania State Police regarding emergency response?

4 A. Yes.

5 Q. Are you aware if that agreement is currently
6 in effect?

7 A. We were in the process of redrafting the
8 agreement. It had not been signed at the time of this
9 incident. We had an old one that we were updating.

10 Q. Who were the signators to the old agreement?
11 Were you a signator to the old agreement?

12 A. No, I was not.

13 Q. Okay, and who were the signatories to the
14 old agreement?

15 A. I would assume Commissioner Dunn from the
16 State Police, and I'm not sure of the Corrections
17 Commissioner.

18 Q. You had a copy of this agreement that was
19 being updated--

20 A. Yes.

21 Q. --is your response?

22 A. (Indicating in the affirmative.)

23 Q. Did you consider that agreement in effect
24 until the new agreement or -- let me go back. Did you
25 consider the old agreement in effect?

1 A. Well, I'm not quite sure how to answer it.
2 We had been working on the updating and it had been going
3 back and forth for refinement during several months
4 preceding the incident, so we had both of them actually
5 there. Only the old one was signed, though.

6 Q. Well, while were you updating it, did you
7 consider the present agreement to be in effect?

8 A. We did, but the problem was it hadn't been
9 signed and it hadn't been completed, so I guess under
10 those circumstances it would not have been in effect, the
11 new one.

12 Q. So the old one was still in effect?

13 A. Yes.

14 Q. Okay. And do you know, where is this plan
15 located?

16 A. The new one or the old one?

17 Q. Well, both at this point, I guess.

18 A. Well, we have copies in our office in our
19 headquarters and I would assume Corrections has copies,
20 too.

21 Q. Okay. Do you want to describe for us what
22 this cooperative agreement is between the Department of
23 Corrections and the Pennsylvania State Police?

24 A. Yes. It outlines the activities of both
25 agencies during the course of an emergency, now we, the

1 State Police, would be contacted, what we would do once we
2 arrived on the scene, it talks about who does what. In
3 other words, if one situation arises, who does what; if
4 another situation arises, how those operations would take
5 place.

6 Q. Okay, let me get back to that. Before I do,
7 though, are you aware of the master emergency plan for the
8 Department of Corrections?

9 A. Not personally, no.

10 Q. Okay, so you don't know then whether the
11 master emergency plan refers to this joint agreement?

12 A. No, I don't.

13 Q. Now, under the plan that you're speaking of
14 now during a riot, what is the chain of command?

15 A. Well, for which agency?

16 Q. For both agencies. For the department what
17 is the chain of command and what is the chain of command
18 for the Pennsylvania State Police?

19 A. Okay. For the Pennsylvania State Police the
20 chain of command starts with the initial person to have
21 responsibility would be the Troop Commander in the area
22 where the institution is located. That would be the
23 Pennsylvania State Police person in control at that point.
24 If it expands and requires a larger response, then the
25 ranking officer present at the scene would be in command,

1 which could be the Troop Commander or the Area Commander
2 or the Deputy Commissioner if it's of that magnitude.

3 Q. And then who would the ranking officer at
4 the scene report to?

5 A. He would report to the Deputy Commissioner
6 or myself.

7 Q. Okay. Who do you then report to under the
8 emergency plan?

9 A. Well, I would keep the Governor informed of
10 our activities. When you say report to, I would keep him
11 informed.

12 Q. So you actually answer to the Governor under
13 this plan?

14 A. Yes.

15 Q. Okay. Are you then also familiar with the
16 Department of Corrections and what that chain of command
17 is?

18 A. Not specifically, but I assume it would be
19 similar, that the Commissioner of Corrections would be the
20 eventual person who was reported so that he also keeps the
21 Governor informed.

22 Q. So you are describing a dual chain of
23 command with two separate lines of authority reporting to
24 the Governor?

25 A. Yes.

1 Q. Okay. Was this plan implemented during the
2 Camp Hill riot?

3 A. During the course of this incident we did
4 operate under the guidelines of the new plan.

5 Q. Okay. And have you just described for us
6 the old plan or the new plan?

7 A. The new plan.

8 Q. Okay. When was this plan implemented during
9 the Camp Hill riot?

10 A. Well, it was implemented upon our response.
11 We followed what was in the proposed plan that had not
12 been signed.

13 Q. Your response on the 25th?

14 A. Yes.

15 Q. The plan was implemented?

16 A. Yes. -- Well, no, I'm sorry, that would
17 have been implemented on the 26th when the--

18 Q. It was not implemented on the 25th, it was
19 implemented the 26th, you're indicating?

20 A. Yes. Yes.

21 Q. So that when you were dismissed from the
22 scene on, I think it was the 25th--

23 A. We were not dismissed from the scene. We
24 had a contingency of State Police Troopers there from the
25 25th until present day.

1 Q. Okay. Let me go back then. I'll correct
2 that. Thank you.

3 On the 25th when only 25 police officers
4 were left, whose decision was it for only 25 police
5 officers to remain?

6 A. That would have been the decision of our
7 Commander on the scene in consultation with Department of
8 Corrections officials.

9 Q. Okay. And was that decision -- who made
10 that decision to only leave 25 police officers?

11 A. That would have been our Commander on the
12 scene.

13 Q. And who was that?

14 A. I think that was Captain Regan, to my left.

15 Q. And did Captain Regan report that decision
16 to you?

17 A. Yes, through the Deputy Commissioner.

18 Q. So you were aware and were satisfied with
19 the presence of the State Police at that time?

20 A. Yes.

21 Q. When the State Police were delayed 25
22 minutes upon entry, who made that decision for the police
23 to be delayed?

24 A. I'm not aware of the delay you're referring
25 to.

1 Q. The delay on the 26th. There was criticism
2 in the report by the Governor's Commission of the long
3 delay, that the State Police were delayed at the gate at
4 entry and the Commissioner -- excuse me, the
5 Superintendent just testified that the Superintendent felt
6 that that delay was warranted.

7 A. I was not at the scene and I'm not aware of
8 what happened.

9 Q. You're not aware of the delay?

10 A. I'm aware that there was a delay. I'm just
11 not aware of who said what or what happened.

12 Q. Did you meet with Commissioner Owens during
13 the course of the Camp Hill riot?

14 A. Yes.

15 Q. When did you meet with the Commissioner?

16 A. I met with him on several occasions.

17 Q. When did you--

18 A. We talked on the phone very often and I met
19 with him on several occasions. I can't--

20 Q. When was the first personal meeting in the
21 Commissioner's office?

22 A. First meeting in his office would have been
23 the 27th, that Friday morning, prior to a joint press
24 conference.

25 Q. You weren't present in the Commissioner's

1 Office for a meeting on the 26th,?

2 A. No. Not that I recall.

3 Q. Did you review the memorandum that
4 Superintendent Freeman sent to the Commissioner regarding
5 the fact that the count had not yet cleared and that there
6 were still knives and other weapons left in the cells?

7 A. No, I didn't.

8 Q. What was your understanding after the first
9 riot then as to the security of the institution?

10 A. My understanding was that the prisoners were
11 back in their cells and that the facility was secure.

12 Q. Did you have a ranking officer who went into
13 the cell blocks?

14 A. Yes.

15 Q. And who was that?

16 A. Oh, on which occasion now are you referring
17 to?

18 Q. On Thursday morning.

19 A. Yes. Captain Regan was inside the
20 institution.

21 Q. Did he assist in getting the inmates back
22 into the cells?

23 A. Not to my -- I don't know. He could
24 probably better answer that. I'm not sure specifically.

25 Q. Was he on the cell block, do you know?

1 A. I know he was inside the institution. I
2 don't know if he was on the cell block itself or not.

3 Q. Okay. It was Captain Regan who reported to
4 you that the institution was secure?

5 A. Like I said, he reported through the chain
6 of command. That information was given to me through the
7 Deputy Commissioner, our Deputy Commissioner.

8 Q. So Captain Regan reported that -- I'm sorry,
9 who's the Deputy Commissioner?

10 A. Lieutenant Colonel Walp. Captain Regan
11 would have reported first to Mr. Hazen, his immediate
12 superior, who would have then reported to the Deputy and
13 then to me.

14 Q. And so the information that you received
15 through that chain of command was that the institution was
16 secure?

17 A. Yes.

18 Q. And did you ask whether or not you had a
19 Pennsylvania State Police officer in the cell?

20 A. No, I did not.

21 Q. You did not ask on what basis he made the
22 decision that the institution was secure?

23 A. No, I did not.

24 Q. Did you report that information to the
25 Governor after the first riot that the institution was

1 secure?

2 A. I don't recall specifically the conversation
3 with the Governor. I know at some point I spoke to him
4 and told him that everything -- I may have used the words
5 "under control." I'm not sure of the exact terminology.

6 Q. The pictures that are in the appendix to the
7 Commissioner's report that were taken by the State Police,
8 when were those pictures taken?

9 A. I don't -- those would have probably been
10 taken after the incident occurred. I don't know.

11 Q. The report indicates that they were taken
12 early Thursday morning, and the picture that
13 Representative Piccola is holding up shows the cell
14 locking device with the security panel removed and inmates
15 in that particular cell. Did you have an opportunity to
16 review that picture?

17 A. I saw the picture in the report. That was
18 the first I saw of it, when it was in the report that the
19 Representative has.

20 Q. Do you now know who took the picture and who
21 was aware of the fact that as late as Thursday morning
22 that security panels were removed from the cells?

23 A. No, I don't know who took the pictures.

24 Q. Didn't you wonder? I mean, inasmuch as you
25 were given information that the inmates were secure, when

1 you saw a picture that was taken before the second riot
2 with the security panel removed with inmates in that cell,
3 how you could have been given a report that they were
4 secure?

5 A. When I saw that picture after the Adams
6 Commission completed their work, by that time we had been
7 aware that those circumstances were present at the time.
8 When I saw that picture, everything had been done already.

9 Q. But you are still not aware today which of
10 your officers was aware that in fact the institution was
11 not secure?

12 A. No, I'm not. Our presence there was to
13 assist the correctional officers in the institution. The
14 information I received was that the prisoners were back in
15 their cells and the prison was secure.

16 Q. Okay. I guess my concern is that while
17 you're indicating that your job was to assist, under the
18 master plan, as I understand your testimony this morning,
19 there was a dual line of authority and that in fact you
20 had a dual responsibility to the Governor. Is there
21 anything in the plan that indicated to you that you were
22 merely in an assist capacity?

23 A. Depending on the nature of the
24 circumstances, yes.

25 Q. Was that in the plan, that discretion, or is

1 that how you're interpreting the plan?

2 A. I don't understand your question.

3 Q. Well, it seems to me that the Pennsylvania
4 State Police -- it is a very different capacity to have a
5 dual line of control, as I understand the plan, answerable
6 to the Governor. You are in command equal then with the
7 Department of Corrections. That is very different, what
8 is envisioned in the joint agreement, than being in an
9 assist capacity to the Department of Corrections.

10 A. Well, when you say "dual control," maybe I
11 misstated the procedure.

12 Q. Well, you've indicated that were you
13 answerable to the Governor not to the Commissioner of
14 Corrections. That indicates to me a joint responsibility
15 so that the Governor is receiving two separate accounts of
16 the emergency.

17 A. Yes, and we're performing two different
18 functions, although they're related. Our function, the
19 State Police function, was to assist and control. Once
20 the inmates were returned to their cells, we're not the
21 corrections officers, it is not the role of the State
22 Police at that point to go and check cells and check
23 inmates. Once they're back in their cells, our role at
24 that point is to just assist in maintaining control, not
25 to do head counts and not to check cells.

1 Q. Did you consult with the Commissioner
2 regarding the decision to only leave 25 State Police
3 officers in the proximity of the prison?

4 A. No, I did not.

5 Q. Okay. Did you participate with either the
6 Commissioner or Superintendent Freeman with regard to the
7 decision not to do a shakedown?

8 A. No, I did not.

9 Q. Did you know whether or not a shakedown had
10 been done?

11 A. No, I did not.

12 Q. Do you know if any of your officers knew
13 whether or not a shakedown had been done?

14 A. I'm not aware of that, no.

15 Q. Would you make men available if they were
16 needed for a shakedown?

17 A. You say did I or would I?

18 Q. Would you have had?

19 A. Well, if they would have requested
20 additional officers, we would have provided them.

21 Q. Was a request made for additional officers?
22 I take it not.

23 A. Not at that time, no.

24 Q. We know thank the initial cost of the
25 Pennsylvania State Police for dealing with the riots on

1 October 25th and 26th was approximately \$1.6 million. We
2 now know that that figure is obsolete. Do you have the
3 new figure on this cost?

4 A. We have figures as of the last week in
5 December, third week in December. That figure, the total
6 is \$3,630,000 as of December 22, '89, which is the latest
7 figures we have.

8 Q. Thank you, Commissioner.

9 CHAIRMAN CALTAGIRONE: Commissioner, do any
10 of the fellow officers have anything to say in response to
11 some of the questions before you go to the next question?

12 COMMISSIONER SHARPE: Yes. Captain Regan
13 was the person at the scene. He could probably respond to
14 some of the Representative's questions.

15 CHAIRMAN CALTAGIRONE: Captain, if you'd
16 like.

17 CAPTAIN REGAN: Yeah. First of all, I'd
18 like to clarify one point. Relative to the question you
19 asked the Commissioner, when had a ranking officer viewed
20 the institution, about 3:00 o'clock in the morning, which
21 would have been the morning of the 26th after the
22 activities had decreased for that evening, when there was a
23 lockdown situation where the inmates were put back in
24 their cells, Major Hazen and I had a dual function there.
25 I went down to cell blocks, he stayed at the command post

1 and I went with correctional people into the cell blocks.
2 At that time it was dark in there, there was flashlights
3 being used. The inmates were put back in the cells or
4 voluntarily went back in the cells. We had a platoon of
5 men or at least two that went into each cell block, viewed
6 the inmates being put into the cells or in the cells
7 voluntarily and the cells checked to see if they were
8 locked. Every cell block they grabbed hold of the bars to
9 see if it was locked.

10 As far as locking devices, again, I was not
11 aware of what constituted a legitimate locking device any
12 more than any State Police. Our job was to see that they
13 were back in their cells and that the cells were in fact
14 locked.

15 Our perception, my perception, was the same
16 as the Bureau of Corrections people who told me, yup,
17 they're locked down. At that point, I went back over to
18 the command post and my recollection, if my recollection
19 is accurate, I met with Superintendent Freeman and Deputy
20 of Operations Smith and I think Major of the Guards Stover
21 and a decision was made based on them saying to me it's
22 secure, based on the information they had gotten from
23 their guards it's secure.

24 At that point I gave the word to the Major
25 it's secure. Now, I had some serious consternations not

1 about the cell blocks but about the modular units where
2 there's approximately 80 inmates with 1 guard. But I
3 didn't have reservation about the cell blocks themselves
4 because when I walked through there, as best we could see,
5 they were closed. When we grabbed the bars, they appeared
6 to be locked. You had to understand the situation wasn't
7 something you could see very clearly. There was water on
8 the floor and I listened to people who told me that they
9 were secure and passed that information on. But that was
10 3:00 o'clock in the morning Wednesday morning.

11 At that time, a decision was made that based
12 on the security of the prison, or at least the perception
13 that we had -- that the institution was secure, and I
14 can't remember exactly who suggested 25 or 30 members, but
15 I agreed that if the Major went along with it, a platoon
16 of personnel would be sufficient to remain overnight to
17 secure any further problem. At that point the Area
18 Commander and I had a discussion and I proposed to him,
19 let's leave 30 men here. I think the prison's secure
20 because they told us that everybody is in lockdown and it
21 is secure. And we had assisted, in fact, in putting these
22 people in, so I had every reason to believe it. Based on
23 that it was decided to leave one platoon. We left one
24 platoon. And the Major himself volunteered to stay there
25 with that platoon in case there were any minor flare-ups

1 within the cell blocks or anyplace else, and that
2 basically is the scenario that took place.

3 But that was all prior to daylight on the
4 morning of the 26th. The next morning when a reassessment
5 and evaluation of that cell block and the damage to the
6 locking devices and so forth had taken place, there were
7 not any State Police officers there. Only the 25
8 personnel that were there as security. I, myself, nor any
9 other State Policemen that I know of, except the policeman
10 that took those pictures, which would have been an
11 identification officer from Troop H who went in and took
12 pictures, which is a routine after any disaster or any
13 serious situation you normally photograph the scene for
14 evidence and that's their purpose for being there, to
15 determine the damage that was done and all the other
16 things. As part of that photographic session, obviously
17 the cell blocks and the panels were taken. But our people
18 were not there specifically to take that picture. As I
19 said, we were not aware what that meant at that point, and
20 that information was passed on to the Commissioner through
21 channels.

22 But I would like to clarify that I was not
23 there Thursday morning nor were any State Police, other
24 than the photographer being there. Least he was the only
25 one that was there Thursday morning.

1 CHAIRMAN CALTAGIRONE: Okay.

2 Lois.

3 REPRESENTATIVE HAGARTY: I'll defer to Jeff.

4 CHAIRMAN CALTAGIRONE: Jeff.

5 REPRESENTATIVE PICCOLA: Thank you, Mr.

6 Chairman.

7 REPRESENTATIVE PICCOLA: Commissioner, the
8 Adams Commission Report refers to the ranking State Police
9 officer in command and the 25 officers who remained in the
10 facility. Would that have -- are they referring to
11 Captain Regan?

12 COMMISSIONER SHARPE: Well, it could have
13 been. See, the report is misleading in that the same 25
14 people did not remain there that entire time. At one
15 point it was Captain Regan, at another point it would have
16 been Major Hazen, but it would have been either one of
17 those two officers.

18 REPRESENTATIVE PICCOLA: Well, with your
19 permission, I'd like to direct some questions either to
20 Captain Regan or Major Hazen and they can determine who
21 we're referring to, as I agree with you the Adams
22 Commission Report is rather misleading in terms of its
23 reference to people. I wish they would have been more
24 specific.

25 Captain Regan, on page 25 of the report, the

1 report makes reference to the decision to relocate this
2 contingency of the State Police from the staff dining room
3 area inside the institution to the Manor House, which is
4 outside the institution. And the report says that the
5 decision was made by a ranking State Police officer who
6 was concerned about the safety of the police officers if
7 they were to get trapped on the second floor of an
8 institution building. Are you, in fact, the officer who
9 made that decision?

10 CAPTAIN REGAN: No, I am not. Major Hazen
11 made that decision.

12 BY REPRESENTATIVE PICCOLA: (Or Major Hazen)

13 Q. Okay. Major Hazen, I assume you were the
14 officer who made that decision. Could you tell us what
15 went into your decisionmaking process when you made that
16 decision?

17 A. Well, as has been testified to, sir, the
18 decision was made to keep a platoon which in fact we had
19 27 people, I think 27 counting me or 28 counting me, to
20 stay the night. The decision was made--

21 Q. Before you go further, could you give us
22 some idea in terms of time what you're talking about, what
23 time -- it's probably the early morning hours?

24 A. It was approximately 2:00 to 3:00 a.m. where
25 the majority of the members of the State Police were sent

1 home and we kept this platoon which was agreed upon within
2 the institution in the staff dining hall. We don't have a
3 diagram present, but the staff dining hall is in proximity
4 to the Control Center. In the Control Center was Deputy
5 Superintendent Smith's office, which was basically used as
6 our command post, the on-site command post for the first
7 incident.

8 During the night, I was between Deputy
9 Smith's office and this staff dining room just keeping an
10 eye on my people. They wanted to get, meaning
11 corrections, wanted to get the dining rooms back into
12 operation on Thursday, which obviously meant getting the
13 Staties out of staff dining room, which is immediately
14 adjacent to the Area 1 inmate dining room. So we wanted
15 to move the Staties out of -- the State Policemen out of
16 the area. Two suggestions were proposed to me. One was
17 the second floor of the Education Building, in a
18 conference room or classroom, and the other was the Manor
19 House. To be frank with you, the second floor of a
20 building does not lend itself to a ready response. And I
21 was concerned about the safety of our people being
22 confined in a classroom or a conference room, whichever it
23 was. I opted then for the Manor House, and at 9:30, the
24 relieving platoon came on and the relieving platoon at
25 9:30 was sent to the Manor House. The initial platoon

1 stayed the entire night in the staff dining room.

2 Q. That doesn't quite get to the question I
3 have.

4 A. Yes.

5 Q. Is whether you were on a second floor, which
6 is obviously not a good situation in terms of potentially
7 being trapped but for some reason you had in your minds
8 that there was a security problem because you were afraid
9 of being trapped or your officers of being trapped. What
10 information did you have that would have caused you to opt
11 either for a first floor location or somewhere outside the
12 institution?

13 A. Well, the answer to that is not that I had
14 any information that the building or the institution was
15 not secure. My concern was that 25 State Police officers
16 or 30 State Police officers fully equipped with shotguns
17 and side arms anywhere within the institution would be a
18 security risk. Not specifically about the incident of the
19 night before as much as just the fact of having those
20 State Police officers, that number of State Police
21 officers within a correctional institution, whether it was
22 Camp Hill the day after or another correctional
23 institution under any circumstances, that that's an
24 automatic security risk.

25 Q. Okay, for those you of us who are laymen,

1 explain why you feel having 25 armed State Police even
2 inside that institution is security risk?

3 A. Just because of the armed issue, having
4 weapons in the institution.

5 Q. That they could possibly fall into inmate
6 hands?

7 A. Precisely. Under normal conditions the
8 Department of Corrections leave their guns outside. So
9 it's a normal course of event that firearms are not in any
10 of the correctional institutions.

11 Q. So at the time that you made the decision to
12 build up your forces in the Manor House--

13 A. Yes.

14 Q. --you did not use as a factor in making that
15 decision any information that indicated that the facility
16 was not secured?

17 A. No. Other than the fact that we had had the
18 incident the evening before, but specific information, no.
19 No inference either.

20 Q. Did you receive any information at that time
21 that there was any possibility that the institution was
22 not secure?

23 A. No, sir.

24 Q. Now, either of the gentlemen, in addition to
25 the photographs that we viewed just a few moments ago, I

1 have been told that there was also videotaping at about
2 the same time in the early morning hours of Thursday that
3 was performed by the State Police. Are either of you
4 aware of any videotape?

5 MAJOR HAZEN: No.

6 CAPTAIN REGAN: No.

7 REPRESENTATIVE PICCOLA: Either by your
8 department or the Department of Corrections?

9 MAJOR HAZEN: Well, there were videotapes
10 taken during the incident of Wednesday evening and then
11 there were videotapes which were taken after things
12 started up again on Thursday, but during the early morning
13 I'm not aware of.

14 REPRESENTATIVE PICCOLA: Who was taking the
15 videotape?

16 MAJOR HAZEN: I think it was Commonwealth
17 Media.

18 REPRESENTATIVE PICCOLA: Wednesday evening?

19 MAJOR HAZEN: I believe that they did it
20 both evenings.

21 REPRESENTATIVE PICCOLA: Inside the
22 institution?

23 MAJOR HAZEN: No, this was outside.

24 REPRESENTATIVE PICCOLA: So far as you're
25 aware, there was no video taping done inside the

1 institution either immediately after the first incident up
2 until the second incident?

3 MAJOR HAZEN: Not to my knowledge.

4 REPRESENTATIVE PICCOLA: Captain Regan?

5 CAPTAIN REGAN: No, not to my knowledge.

6 BY REPRESENTATIVE PICCOLA: (Of Captain Regan)

7 Q. I think Captain Regan referred to this
8 meeting that you had sometime in the early morning hours
9 of Thursday with Deputy Smith and I think you said
10 Superintendent Freeman was present. Could you indicate to
11 me about that meeting, who all was present, to the best of
12 your recollection?

13 A. Again, it's going to be the best of my
14 recollection. Obviously, there were several other guards
15 there and I think there were a couple Captains of the
16 guards, and I don't want to mention any specific names
17 but I think there were some guards there. In fact, I know
18 there were.

19 Q. Where did the meeting take place?

20 A. Right outside the command post, which would
21 be where we were for that whole first evening.

22 Q. Okay.

23 A. And it was just after we had finished a
24 sweep of the cell blocks to determine that the prisoners
25 were in their cell blocks, as had been -- as I testified

1 to before. And as I say, I know that Deputy Smith was
2 there and Major Stover and several of the guards, and it
3 was a general conversation and the general theme was the
4 prison is now secure. That was the general theme that was
5 given to me by the officers and agreed to by ranking
6 administrators of the prison. So I said, okay, and again,
7 I don't remember the exact verbiage, something to the
8 effect, well, we all agree that we better have some
9 contingency plan, and again I referred to the modular
10 units. My concern was that there was 80 inmates or
11 whatever it was to 1 guard, and we had searched them
12 before we put them back in but I said what happens if
13 these guys get unruly during the evening? And that was my
14 basis for concern, not the cell blocks themselves but
15 these modular units, and based upon that I felt certain we
16 should leave someone there, and they agreed. And that was
17 how we agreed to leave a platoon of State Police personnel
18 there, and I said I then later met with the Major and he
19 agreed with that decision and that's how that came about,
20 to the best of my recollection.

21 Q. Did any guard at that meeting or any member
22 of the correctional institution administrative staff,
23 either the Superintendent, Deputy Smith, anyone else at
24 that meeting raise in your presence, either to you or
25 anyone else, any issue relating to the lack of security

1 due to the locking mechanisms on the cells or any other
2 problem with the cells in which the prisoners were locked
3 down?

4 A. Nothing was mentioned relative to the
5 locking mechanisms. I think there was some point about
6 searching and that was discussed the next morning, but
7 that was, again, that was what I know there was one guard
8 or two who said we haven't searched these people, we just
9 put them back in the cells, and it was not elaborated on
10 because as I say, at that point it was dark in there and
11 there was water all over the place. It was not a
12 conducive situation. And again, to the best of my
13 recollection, I indicated we have plenty of personnel if
14 in fact a search is needed tomorrow we can do it, and the
15 next day I made a call to the Superintendent and I talked
16 to Deputy Smith and indicated, you know, what our
17 operational plan could be or what it was and then asked
18 some questions. And there was no request for men to
19 search the next day. I know what I've read, again, so
20 maybe that's why they didn't request it, but there was no
21 request for additional people to search.

22 Q. Now, with respect to the State Police
23 involvement, your 25-man contingent left the facility
24 2:00, 3:00 o'clock in the morning, in that range, later?

25 A. No.

1 MAJOR HAZEN: Twenty-five remained. The
2 200-plus left.

3 BY REPRESENTATIVE PICCOLA: (Of Captain Regan)

4 Q. But they left and went to the Manor House,
5 as I understand it?

6 A. The 25.

7 Q. Twenty-five?

8 A. But the 25 stayed all night until 9:30.
9 They were in the staff dining room.

10 Q. Okay, and then at 9:30 they went to the
11 Manor House?

12 A. Yes. And then they were relieved at 4:00
13 o'clock by another platoon that was at the Manor House.

14 Q. Okay, but in terms of State Police
15 involvement inside the institution from 9:30 in the
16 morning of Thursday to whenever you were called back later
17 that evening, there was no State Police involvement inside
18 the walls of the institution?

19 MAJOR HAZEN: No, sir.

20 REPRESENTATIVE PICCOLA: Okay. Now, you
21 said the original 25 were relieved at 4:00 o'clock and
22 another 25 came on duty?

23 MAJOR HAZEN: It was 28, I believe.

24 REPRESENTATIVE PICCOLA: Twenty-eight?

25 MAJOR HAZEN: But the same. It was a

1 platoon.

2 CAPTAIN REGAN: And it was at 9:00 o'clock.

3 REPRESENTATIVE PICCOLA: And who was the
4 ranking officer?

5 CAPTAIN REGAN: Which platoon now?

6 REPRESENTATIVE PICCOLA: The second.

7 CAPTAIN REGAN: The one that was relieved at
8 9:30 or the one that was relieved at 4:00?

9 REPRESENTATIVE HAGARTY: Oh, do we have
10 three now? Are we talking about three platoons?

11 CAPTAIN REGAN: Yes, Ma'am. I stayed with
12 the group until 9:30. There were two Lieutenants in
13 charge of that, Lieutenant Conway from Troop H and
14 Lieutenant Monger from Troop R in Reading, and of course
15 the Captain was in his office at Harrisburg. And then at
16 4:00 p.m. that platoon was relieved by a platoon headed by
17 Lieutenant Douth from Harrisburg, actually Chambersburg,
18 but stationed Troop H Chambersburg.

19 REPRESENTATIVE PICCOLA: Okay. He's not
20 present today?

21 MAJOR HAZEN: She. Sorry.

22 REPRESENTATIVE PICCOLA: You threw me all
23 off.

24 BY REPRESENTATIVE PICCOLA: (Of Major Hazen)

25 Q. The platoon that came on at 4:00 o'clock was

1 still in the Manor House?

2 A. Yes.

3 Q. Now, when was the first case or when did
4 they first receive a call to return to the institution?

5 A. I had a call at home from Lieutenant Doult
6 6:00, 10 after 6:00, something like that from the
7 standpoint she had been called by correctional officials
8 that they were setting small fires, the inmates were
9 setting small fires in some of the cell blocks. I said to
10 her, I said, does it look serious or anything? And she
11 said no. To be honest with you, I had just gotten up, and
12 I finished supper, put my uniform on and started over. So
13 I got the call 6:00 or 6:10, and I assume she had the call
14 probably just before that.

15 Q. She had received a call from correctional
16 people?

17 A. Yes.

18 Q. There was some mention in the report, I
19 believe on page 32 of the report, that there was a receipt
20 of a radio transmission from a trapped State Police
21 Trooper. Is that accurate? And if so--

22 A. Both radio and telephone.

23 Q. Okay. Could you tell us who that Trooper
24 was and--

25 A. I'd rather not, if you don't mind. It was a

1 corporal who had just--

2 Q. Okay. Do you know when that transmission
3 went through and who did it go through to?

4 A. The radio transmission was relayed through a
5 Trooper, it was a Corporal who was in the Control Center
6 when this occurred.

7 Q. Okay.

8 A. He's retired and that's the reason that I--

9 Q. Okay. But it was picked up by the platoon
10 at the Manor House?

11 A. It was relayed, the Trooper that got it
12 relayed it over to the Manor House, yes.

13 Q. And would that have been after the call
14 that--

15 A. To me, yes.

16 Q. --that you had received from the
17 correctional division?

18 A. Yes. Yes. That was, in fact, sir, after
19 the call that I received at the house.

20 Q. Okay. When did the State Police unit,
21 platoon, at the Manor House then arrive at the Main Gate?

22 A. 7:00 to 7:15.

23 Q. And were you present?

24 A. I got there about 7:30.

25 Q. 7:30?

1 A. Yes.

2 Q. And what had occurred? This is obviously
3 probably improper testimony if we were in a court of law,
4 but to the best of your information, what had occurred
5 from the time that the State Police platoon had arrived
6 until the time you arrived?

7 A. First, when they responded, they had a
8 report that the inmates were trying to come out of the
9 fence in the area of what is known as the Highway Tower,
10 which is immediately behind the Department of Corrections
11 building, the actual department building versus the
12 administration building for SCIC. Anyhow, they checked
13 that and it was not true. So they reformed back at the
14 Main Gate. They were at the Main Gate when I arrived.
15 They were formed up, I gave them -- we could see inmates
16 running loose, to be honest with you, within the fences
17 because as you know from being there, it's fenced, it's
18 not walled. The institution was on fire, probably many of
19 you have seen that on television. The platoon was formed
20 up, I guess I assumed command of the platoon. The
21 Lieutenant was there. We had a very brief discussion on
22 Chapter 5 Crimes Code relating to the use of force and
23 deadly force. I had the platoon empty their chamber of a
24 round in their shotguns we put sareties on, went to the
25 gate to get in, and it's not the swinging gate, not the

1 large gates but the door gate at the Gate House. We were
2 barred access.

3 Q. By whom?

4 A. It was a Sergeant.

5 Q. A Sergeant--

6 A. Of corrections.

7 Q. Of corrections. Okay.

8 A. He was the gatekeeper, if you will. Those
9 of you that know me know that my language can get rather
10 colorful, and it was more than colorful. I'm surprised I
11 didn't melt the bars. I had one of my people and we did
12 not know at that point how many correctional officials
13 were trapped in the Control Building. The Sergeant was
14 getting the full benefit of me wanting to get in there,
15 and probably within a matter of three to four minutes he
16 allowed us in.

17 Now, we went in the doorway but into the
18 sally port, which is the big swinging gates, and of course
19 as you know there's a front and rear to the sally port but
20 where the vehicles would normally go in and out. The
21 Sergeant asked for two of my people to go up on the sally
22 port guard walk that goes across. We gave them two
23 people, we also sent two of the people, two of the members
24 of the platoon, to the Rear Gate. By this time the local
25 police were starting to respond, the Sergeant opened the

1 inner sally port large gate and we gained access into the
2 institution.

3 We set up an obviously very thin skirmish
4 line because of the number of people that we had because
5 the 28 or so was now down probably to about 23.
6 Corrections officers fell in on this skirmish line, some
7 local police got in on the skirmish line, and the State
8 Police officers who reported they fell in on the skirmish
9 line. We set up the skirmish line across on a diagonal
10 from the Main Gate, if you will, down across the front of
11 the Control Center. We knew where the people were
12 trapped, they were in a second floor room, had no way to
13 get to them. They made a rope out of their belts and we
14 managed to get I think it was two pistols and a shotgun up
15 to them. A corrections officer who also happens to be a
16 volunteer fireman, we wanted -- first my first thought was
17 to get a fire truck in there, and in retrospect of course
18 that would be unsafe for all concerns, and of course I
19 wouldn't want them to take over a fire truck since they
20 had been riding around the night before in a truck and
21 rammed the gate and rammed the fence down behind the
22 stockade.

23 But we had a ladder brought in from one of
24 the volunteer fire companies and a couple of the
25 corrections officers and we got the ladder up and we

1 learned that there were 51 people in that room with the
2 building burning and the inmates on the outside of the
3 door, the area where they were trapped. We got them all
4 out safely down the ladder. And as dramatic as this may
5 sound, but sincerely in my opinion, and that's all it is,
6 at that point that was the only time that the Commonwealth
7 was in control of the institution. That was the only part
8 of the institution that was truly under the control of the
9 Commonwealth was that skirmish line.

10 Q. This Sergeant, what was his authority in
11 barring or what authority did he claim to have in barring
12 your interest?

13 A. Frankly, sir, I think it goes back to what I
14 said before about firearms aren't allowed in the
15 institution.

16 Q. Was Superintendent Freeman present at that
17 gate at that time?

18 A. My personal knowledge at that time, I didn't
19 know it. I have since learned that he was.

20 Q. He was. You had no conversation with him
21 then, I assume?

22 A. No, sir.

23 Q. If you know, did the Lieutenant have any
24 conversation with him?

25 A. I have no idea.

1 Q. You do not know?

2 A. I do not know.

3 Q. I don't believe you were present, but
4 Superintendent Freeman testified earlier that there is a
5 department policy enunciated by the Sergeant that lethal
6 force cannot be set forth into a correctional institution
7 without the authorization of the Commissioner of
8 Corrections.

9 A. I didn't hear the testimony, but I do know
10 that that is the case.

11 Q. Did you know that that evening?

12 A. We had the same discussion the night before.

13 Q. Okay.

14 Q. When you say "we" had the conversation the
15 night before, with whom did you have that conversation?

16 A. Captain Regan and I, and I believe it was
17 Deputy Smith were at the Rear Gate on Wednesday, and there
18 was the same type of a discussion at that point about
19 allowing us in with both the shotguns and the side arms.
20 So I was aware of that policy.

21 Q. The evening of the second evening, the 26th,
22 was Commissioner Owens present when you arrived at the
23 gate?

24 A. Not to my knowledge, but I have since
25 learned that he was.

1 Q. That he was?

2 A. Yes.

3 Q. You didn't know Commissioner--

4 A. I don't know as a fact even today. I've
5 been told that he was.

6 Q. So had the decision been made to allow
7 lethal force into the institution, at least at 7:35 or
8 whatever time you made the attempt to enter you were told
9 by the Sergeant that that decision at least did not come
10 down to him, is that pretty accurate?

11 A. I don't think he was really enunciating the
12 policy, he just, as I remember, was shaking his head.
13 Remembering the configuration of that doorway, there's
14 plexiglass or plastic or something over that doorway. I
15 mean, there are bars but there's also some sort of -- and
16 I don't remember hearing, I just remember him shaking his
17 head.

18 Q. Okay. But it is your view that in any event
19 that that delay was no more than four or five minutes in
20 arguing with him?

21 A. I would think probably three to four,
22 something like that,

23 Q. While you were standing there discussing
24 this thing in a very calm and controlled manner, did he
25 receive any verbal communication from anyone else?

1 A. I don't know. I know that he did unlock the
2 gate.

3 REPRESENTATIVE PICCOLA: Perhaps other
4 members of the committee have questions.

5 I just have one other general question,
6 Commissioner, or anyone can respond if they have an
7 answer. The Adams Commission makes some references
8 throughout to what they call the, quote, "nonperformance
9 of duty" by Department of Correctional personnel. Are any
10 of you aware of any nonperformance of duty by Department
11 of Correctional personnel that you could either give the
12 name of the personnel or an incident that occurred that we
13 could further investigate?

14 COMMISSIONER SHARPE: I'm not.

15 DEPUTY COMM. WALP: I wouldn't.

16 MAJOR HAZEN: If I may take the reversal,
17 the people that I was working with, particularly the
18 second incident, and the Captain and I for the most part
19 were out in the battle zone, if you will, the people that
20 we were working with or that I was working with out within
21 the grounds of the institution I thought did an exemplary
22 job, so mine would be the reverse.

23 REPRESENTATIVE PICCOLA: Okay.

24 CAPTAIN REGAN: I would share that opinion,
25 especially the Captains and the Lieutenants that were out

1 there with us seemed it was their institution and they
2 seemed to take an awful amount of pride in regaining
3 control of it. That would have been my perception of
4 that.

5 REPRESENTATIVE PICCOLA: Thank you. That's
6 all the questions I have.

7 I just would like to echo the remarks of the
8 Chairman and just indicate that the performance of the
9 State Police at the institution at Camp Hill certainly
10 continues to elevate my pride in that great institution,
11 and all Pennsylvanians are proud of you.

12 Thank you, Mr. Chairman.

13 CHAIRMAN CALTAGIRONE: Thank you.

14 Representative Hayden.

15 REPRESENTATIVE HAYDEN: Thank you, Mr.
16 Chairman.

17 BY REPRESENTATIVE HAYDEN: (Of Major Hazen)

18 Q. Major, I'd like to clarify a question that
19 actually has arisen in my mind anyway as a result of the
20 testimony, and that seems to be the defense between the
21 permission to use lethal force versus the defense to use
22 permission to enter the institution with firearms. This
23 is probably a question which we will direct to Mr. Freeman
24 when we get back to Mr. Freeman, but to me, they seem to
25 be two different decisions.

1 A. They in fact -- you're actually right.

2 Q. And that the decision to use lethal force to
3 quell a disturbance, that's one that the State Police do
4 not make directly but actually the call of the
5 Commissioner of Corrections, that's my understanding, or
6 does that not square with your understanding?

7 A. No, the introduction of firearms into the
8 institution is a corrections decision. The utilization of
9 deadly force is enumerated both in the Crimes Code and our
10 department regulation. Depends on the circumstances, and
11 of course the obvious one is the protection of self and
12 the protection of third party. Self-defense, in other
13 words. So the utilization of deadly force is a separate
14 issue which is dictated by our department regulation and
15 the Crimes Code versus the taking of firearms, the side
16 arms and shotguns, into the institution, which is a
17 corrections decision.

18 Q. Now, Major, is it your interpretation of
19 both the Crimes Code and your regulations that the
20 decision to employ lethal force can independently rest
21 with the State Police?

22 A. Yes, absolutely. Yes.

23 Q. The last question I have is the question
24 about the presence of firearms. I don't know that it's
25 clear to me yet when your first platoon was inside the

1 cell block, inside the facility, and the issue arose as to
2 whether you can bring both your side arm or your shotgun
3 in with you. Did that platoon inside the prison, were
4 they armed with the side arm or either the shotgun?

5 A. With both, and I probably confused the
6 issue. The discussion at approximately 4:00 o'clock, 3:45
7 on Wednesday evening--

8 CAPTAIN REGAN: Right.

9 MAJOR HAZEN: --on whether they were going
10 to allow us to come into the institution armed with side
11 arm and or shotgun, once the decision was made that we
12 were allowed to on Wednesday night, then all of the
13 members that we had present, including the ones that
14 stayed over, were so armed with shotguns, and they all
15 have side arms, of course. Most had shotguns.

16 REPRESENTATIVE HAYDEN: Is that what made it
17 particularly difficult to understand why you were barred
18 access to the gate the next day was that because you
19 already had a platoon in there with weapons the day
20 before?

21 MAJOR HAZEN: Right.

22 CHAIRMAN CALTAGIRONE: Representative
23 Heckler.

24 REPRESENTATIVE HECKLER: Thank you.

25 Major, just to clarify this, would it be

1 accurate to say that if individuals under your command are
2 introduced into a confrontational situation and is armed
3 it is implicit that in the extremity of their lives or
4 some other lives being threatened that they're going to
5 use deadly force if it's determined?

6 MAJOR HAZEN: If it's warranted, yes.

7 REPRESENTATIVE HECKLER: Thank you.

8 CHAIRMAN CALTAGIRONE: Other questions?

9 Representative Hagarty.

10 REPRESENTATIVE HAGARTY: Thank you.

11 BY REPRESENTATIVE HAGARTY: (Of Major Hazen)

12 Q. I'd like to refer back to Major Hazen to
13 your comment that the only time the Commonwealth was in
14 control was at the time of the skirmish line. At the time
15 of the skirmish line, were you the commanding officer then
16 for both corrections and State Police? Did you assume
17 control of the situation at that time?

18 A. As I said, I think that that probably was
19 melodramatic. In reflection, yes, because of the
20 situation attended at the time I would have to -- I would
21 say I did assume the control, yes.

22 Q. Was that pursuant to the cooperative
23 agreement between the State Police and the Department of
24 Corrections?

25 A. My understanding would be no.

1 Q. Were you familiar with the cooperative
2 agreement that I questioned Commissioner Sharpe about?

3 A. I have a copy of the outdated or current,
4 since the new one hasn't, to my knowledge, been signed.
5 The new one wasn't executed in the 1980's. I have a copy
6 of that one at my office. I don't obviously read it all
7 the time. I have read it.

8 Q. Were you acting pursuant to that agreement?

9 A. I think I was acting under the exigent
10 circumstances. I don't know it in fact--

11 Q. I mean, my understanding of that agreement
12 is that you should have been in command at the time you
13 were in command, which is why I wondered whether you did--

14 A. I did it right.

15 Q. You did it right.

16 A. Well, then absolutely I did.

17 Q. But it goes back then, let me get clear
18 then, and I guess the Commissioner or you can answer, I
19 continue, I guess, to wonder, if there were two lines of
20 authority to report to the Governor and the Commissioner
21 has indicated that it was not though the State Police's
22 obligation to make an independent evaluation of the
23 security of the institution, then what were the duties and
24 responsibilities of the State Police pursuant to the plan?

25 MAJOR HAZEN: Commissioner?

1 COMMISSIONER SHARPE: Yeah.

2 REPRESENTATIVE HAGARTY: Thank you,
3 Commissioner.

4 COMMISSIONER SHARPE: What I mentioned to
5 you earlier I said depended on the circumstances there.
6 The way the plan is set up, theoretically, once we're
7 called in because the things have gotten out of control
8 and we come in to perform a tactical operation, then the
9 State Police assume control of that tactical operation.
10 In other words, we're going to do it, we're in control.
11 Now, of the things outside that the institution may have
12 control, as I said, it depends on what circumstances
13 you're talking about who's in control.

14 BY REPRESENTATIVE HAGARTY: (Of Commissioner Sharpe)

15 Q. You understand then that while we're all
16 appreciative, and I say that sincerely, that lives were
17 not lost and that many people did a fine job, obviously I
18 think we have to be able to determine though when we had a
19 State Police officer taking a picture which clearly
20 revealed the fact that the institution was not secured, we
21 had a memorandum by the Superintendent to Commissioner
22 Owens detailed in the Adams Report in which the memorandum
23 makes clear that inmates had weapons in their cells. We
24 had, as I understand, guards indicating that they did not
25 believe that the institution was secure, someone has to be

1 responsible for what happened between the first and the
2 second incident. And so that's why I continue to try to
3 find whose responsibility it was to determine and what --
4 and whom they were relying on that the institution was
5 secure, because it obviously was an incorrect assumption.
6 But you're indicating that it was not the State Police's
7 responsibility under that plan to determine the security
8 of the institution or to double-check that?

9 A. Outside of, as Captain Regan mentioned,
10 seeing the inmates in the cells and checking the gate or
11 the doors to the cells to see that they were locked.

12 Q. Were you disturbed that you have an evidence
13 officer who took a picture which while he may have done it
14 for purely evidence purposes that he apparently reported
15 to no one the fact that the locking device was revealed?

16 A. Well, I don't know if the evidence officer
17 knew what that was. You know, when these pictures were
18 taken they were probably not developed for several days
19 after that. You know, we're looking in hindsight.

20 Q. I understand.

21 A. He took probably hundreds of pictures. I
22 haven't seen all of the pictures. I've seen a few of
23 them. I don't know what they reveal.

24 Q. I guess it seemed to me when I viewed the
25 locking device obviously I had an explanation that it was

1 a locking device which made it clear to me. I guess if he
2 were taking pictures of the locking device that it would
3 have been clear to him. I would further assume that while
4 he took a picture of the locking device there would have
5 been someone from corrections there with him and so to
6 suggest that no one knew that the locking devices were
7 insecure seems impossible to me. But you don't believe
8 then that your evidence officer knew that the picture he
9 was taking -- what he was observing?

10 A. I don't know if he did. He was taking
11 pictures of damage. That was the damage there. I don't
12 know if he knew what the significance of that damage was.

13 Q. Don't you normally, when you review an
14 evidence scene, though, I mean, report evidence promptly?
15 I mean, it just seems to me that evidence gathering is for
16 purposes typically of a trial later but also that that
17 evidence is used in an immediate investigation. This
18 evidence you're indicating was not used in the immediate
19 investigation then?

20 A. No, that was, as I understand, those are
21 photographs taken surveying the damage, and like I say,
22 they were not developed until sometime later.

23 REPRESENTATIVE HAGARTY: Did anyone sitting
24 there today talk to the officer who took the picture?

25 Captain?

1 CAPTAIN REGAN: Yes, Ma'am, I did and I'd
2 like to clarify one point. When that officer took those
3 pictures, as the Commissioner indicated, he was taking
4 after-the-fact pictures of an incident that we felt was
5 over. So what he was doing was an evidentiary process.
6 He not only took pictures of the cell blocks but every
7 building that had been damaged, the entire compound where
8 the damage occurred. There were hundreds and hundreds of
9 pictures that were taken. What you have done is singled
10 out one individual picture.

11 REPRESENTATIVE HAGARTY: Sure.

12 CAPTAIN REGAN: And I understand why.

13 REPRESENTATIVE HAGARTY: Because there was
14 millions of damage done that someone ought to wonder.

15 CAPTAIN REGAN: But we didn't anticipate a
16 second incident occurring. Okay? So there was no rush to
17 get those pictures out the same day, and when he took
18 those pictures they were going to be processed for
19 evidentiary value to be used in assessing the damage and
20 also the prosecution of individuals who caused that
21 damage. That was the sole purpose of that being in there
22 as in any scene where evidence officers are put into.
23 When they were processed we would then use them for
24 prosecution or whatever. But he was not there to
25 specifically see what the damage was, to see what had to

1 be repaired.

2 REPRESENTATIVE HAGARTY: Was there a
3 corrections official with him when he took that picture?

4 CAPTAIN REGAN: That I cannot answer because
5 he was at headquarters and I was at home. That would be
6 an assumption and I can't answer that, really.

7 REPRESENTATIVE HAGARTY: I just guess I
8 continue to be concerned why someone in reviewing the
9 incident after the first night didn't see evidence
10 relating to the fact that there was going to be a second.

11 CAPTAIN REGAN: We wouldn't have seen those
12 pictures until it was developed.

13 REPRESENTATIVE HAGARTY: But, I mean, there
14 was a man, presumably one man taking them, there was a
15 Superintendent who knew that there were weapons in the
16 cells, there was a Superintendent who reported to the
17 Commissioner that the count was not cleared. I admit it's
18 in hindsight, but the evidence was there.

19 CAPTAIN REGAN: But that was not that
20 evidence officer's role to determine what that evidence
21 meant.

22 REPRESENTATIVE HAGARTY: No, I'm curious now
23 who that corrections officer was with him and what he
24 thought when he saw a panel removed.

25 Thank you.

1 CHAIRMAN CALTAGIRONE: I might add that this
2 committee had toured that facility right after the riots
3 had occurred and I daresay in talking with the co-chair,
4 Nick Moehlmann, we both agreed that unless we would have
5 known beforehand when it was pointed out to us when we
6 were going through the cell block areas over there that
7 those in fact were locking devices, I'm sure most, if not
8 all, of the members wouldn't have known that that was a
9 control device for opening and closing of cells.

10 Representative Blaum.

11 REPRESENTATIVE BLAUM: Thank you, Mr.
12 Chairman.

13 BY REPRESENTATIVE BLAUM: (Of Major Hazen)

14 Q. Major, your testimony has taken us to about
15 7:30 when you went into the facility. Can you continue
16 with your impressions and elaborate as to what happened as
17 the evening progressed?

18 A. The skirmish line we kept in place. In
19 fact, there were inmates both in front of us and behind
20 us. Around 8:00 o'clock or a little thereafter Deputy
21 Commissioner Walp arrived at the scene. Captain Regan,
22 the Deputy Commissioner and I had a conference as to why
23 did it happen and what resources were needed at the scene.
24 We called out Troops from as it turns out every Troop in
25 the State Police except for Butler Troop and Erie Troop,

1 so we had people coming, helicopters were on the scene, et
2 cetera. The activities of while they were going on we
3 were being taunted, there were things being thrown at us,
4 there was no real move on the skirmish line, if you will.
5 The inmates didn't try to rush us. They'd come up to us
6 and throw things and taunt us. Inmates did take over I
7 believe it was Cell Block C and there were some of them
8 that were running in D.

9 CAPTAIN REGAN: D. Maximum security.

10 MAJOR HAZEN: D, the maximum security block.
11 Barricades were directed at the inmates across to the
12 Education Building, across to where E Cell Block is. They
13 erected a barricade back by what's called the gymnasium
14 gate, which is between the gymnasium and the area where
15 the commissary was. The commissary, as you know, was
16 burned down before. They were returning, walking, milling
17 around particularly in Group 2 and 3 which is back in Cell
18 Block - the area of cell block E, F, G, H, J and K. Some
19 of the inmates had voluntarily given up. They had
20 actually come out and they were put in Field 1, which is
21 over behind the infirmary.

22 The local police had the outer perimeter
23 enforced with some State Police officers. We can't say
24 enough for the local police in that we knew our backs were
25 covered, and they came from throughout the tri-county area

1 here.

2 Negotiations were set up with apparently
3 some of the leaders of the inmates. We, at that point
4 when the negotiations were started on Thursday night into
5 Friday morning, more or less, were in a holding pattern.
6 Sometime in the neighborhood I guess of 3:00 or 4:00
7 o'clock the inmates had broken off negotiations.
8 Supposedly, they wanted to solidify their position, plus
9 the fact I think they probably were tired. But then they
10 were going to come back to us at a time, and I don't
11 remember what it was, but they were going to come back and
12 re-establish negotiations.

13 Deputy Commissioner had my Troop commanders,
14 I had five at the present time, some other commanders from
15 headquarters, the SERT Commander, that's our equivalent of
16 a SWAT team, our Special Emergency Response Team, himself,
17 Captain Regan. We set up a contingency plan in case they
18 didn't come back to negotiations. The contingency plan
19 was to do that, was to put pressure on them to get them
20 back talking with us. At this point the negotiations were
21 being done by several of our negotiators, State Police
22 negotiators, assigned to the SERT team. They didn't come
23 back or if they did, they came back and it was not good
24 faith negotiation. And we put into play the contingency
25 plan that we developed. The time that's in the Adams

1 Commission Report, by the way, is not correct. But the
2 plan was the skirmish line had been expanded, went from
3 the chapel now across an area, but the main thing with
4 these people is just to make noise, to cause a diversion,
5 to get attention, to put pressure on, and it was
6 successful by putting pressure on them we made a move to
7 get them back, tactical move which I'd rather not discuss
8 publicly, a tactical plan into operation in addition to
9 the diversion, got them back talking. The tactical plan,
10 in fact, got them to go back into their cell blocks, and
11 it was a matter of probably 15 minutes or a half an hour
12 and they started surrendering.

13 REPRESENTATIVE BLAUM: And what time was
14 that?

15 MAJOR HAZEN: The tactical plan actually
16 went into operation about 6:40, 6:45 a.m., and I had told
17 the Adams Commission Report 5:45. I was off an hour. But
18 we then accomplished a mission and objective and that was
19 release of the remaining hostages and then regaining the
20 cell block area.

21 REPRESENTATIVE BLAUM: That's it.

22 CHAIRMAN CALTAGIRONE: Chief Counsel
23 Andring.

24 MR. ANDRING: Just one question.

25 How frequently are the State Police called

1 into correctional institutions in regards to a
2 disturbance? Is this a common thing or does it prove out
3 of the ordinary?

4 COMMISSIONER SHARPE: It's not very
5 frequently. It happens occasionally. Sometimes we're
6 called to the institution but we do not enter it.
7 Sometimes the correctional officials and correctional
8 officers will contain it, but when something looks like
9 it's going to develop, they may contact us.

10 MR. ANDRING: And one other question.
11 Correct me if I'm mistaken, but as I understand it on both
12 the first night and the second night there were
13 discussions as to whether the State Police would be
14 allowed to enter the institution, what weapons they would
15 carry, whether they'd have birdshot or the normal load for
16 the shotguns. As I understand it, the first night those
17 discussions took place in terms of implementing your plan
18 to retake the prison whereas the second night you were
19 faced with an emergency situation which required immediate
20 action to save lives. Is that essentially correct? And
21 what I'm getting to is maybe we need separate procedures
22 for separate situations.

23 MAJOR HAZEN: In fact, the first night,
24 Wednesday evening, they had hostages then also and we knew
25 that. In fact, some of the hostages that they had

1 released were back at the temporary command post that
2 Captain Regan had established at the Rear Gate, so there
3 were lives in jeopardy at that night also.

4 MR. ANDRING: Was that the same type of
5 situation though as the second night or--

6 MAJOR HAZEN: Well, the second night when we
7 arrived, the institution was obviously on fire. There
8 were fires the first night or first afternoon but it
9 didn't seem as bad.

10 MR. ANDRING: Okay.

11 CHAIRMAN CALTAGIRONE: Thank you.

12 Commissioner, just one question.

13 MS. WOOLLEY: The Governor's Commission
14 Report on page 55 makes a recommendation that the State
15 Police conduct mock drills with State Correctional
16 Institutions to prepare for riots. Do you conduct such
17 mock exercises?

18 COMMISSIONER SHARPE: Yes, we do that on a
19 regular basis anyway. We have Troop drills where each
20 Troop holds a drill every month to go through crowd
21 control formations and different things of that nature,
22 and we also have an ongoing plan where we have a liaison
23 established between every correctional institution in the
24 State with our local Troop Headquarters that's in that
25 area.

1 MS. WOOLLEY: Had such mock drills been
2 coordinated with the Camp Hill institution and had they
3 occurred in the preceding year?

4 COMMISSIONER SHARPE: I don't know.

5 CAPTAIN REGAN: I don't know. It was before
6 I took over command.

7 MAJOR HAZEN: Not in the past year, no.

8 MS. WOOLLEY: Is there any policy within the
9 State Police or Department of Corrections that requires
10 that such mock drills be conducted?

11 COMMISSIONER SHARPE: That's in the new
12 agreement.

13 MS. WOOLLEY: Is it in the old one, the
14 existing?

15 COMMISSIONER SHARPE: I'm not sure.

16 MAJOR HAZEN: I'm not sure even if it's--

17 MS. WOOLLEY: Could we request a copy of the
18 cooperative agreements which is in your possession, the
19 old one and the new one?

20 COMMISSIONER SHARPE: Well, the new one
21 hasn't been finalized yet.

22 MS. WOOLLEY: When it's finalized?

23 COMMISSIONER SHARPE: Yeah. The old one I
24 can provide.

25 MS. WOOLLEY: Thank you.

1 REPRESENTATIVE REBER: I think I'd rather
2 have the answer heard more so than the question, so I'm
3 going to give this mike to you and try and project out.

4 BY REPRESENTATIVE REBER: (Of Commissioner Sharpe)

5 Q. Commissioner Sharpe, during the questioning
6 by Representative Hagarty you outlined the bifurcated type
7 of chain of command that comes into play in this case and
8 I think if I understood that testimony correct, both you
9 as well as Commissioner Owens ultimately are answerable to
10 the Governor. Is that correct?

11 A. That's correct.

12 Q. During the course of this incident and
13 leading up to, how shall I characterize it, the second
14 incident, the 7:00 to 8:00, 9:00 o'clock period of time on
15 the second day of rioting, prior to that time, how much
16 contact did you personally have with the Governor of the
17 Commonwealth concerning what was going on in regard to
18 this incident and any recommendations you felt necessary
19 to transmit to him?

20 A. I don't recall any conversations with the
21 Governor during the first day.

22 Q. Okay. And that would include after the
23 first disturbance and the apparent what we all thought to
24 be a lockdown situation and the second riot having taken
25 place on the evening of 7:00 o'clock on -- I guess that's

1 the 26th -- the 26th, even up through that period of time
2 you, as Commissioner of the State Police, did not have any
3 direct communications with the Governor, is that a correct
4 statement?

5 A. Yes.

6 Q. Okay.

7 BY REPRESENTATIVE REBER: (Of Major Hazen)

8 Q. Now, I'd like to turn to Major Hazen. Are
9 you familiar with the Adams Commission Report Exhibit H,
10 which is a memorandum from the Superintendent dated
11 October 26, 1989 that I assume was carried out, dictated
12 and prepared prior to the second day or the second riot?

13 A. Only after the fact.

14 Q. Okay. Is it your conclusion in reading this
15 that this was apparently prepared prior to the 7:00
16 o'clock second riot?

17 A. I'd have to assume. I don't know.

18 Q. That's my assumption. I was just wondering
19 if you -- could you look at the last paragraph of that,
20 it's the second page, and therein it notes that "The
21 institution remains in a State of Emergency and locked
22 down. Numerous keys, tools, knives and razors have been
23 lost and are assumed to be in the possession of inmates.
24 Count has not yet cleared."

25 Now, if I understand a lot of the dialogue

1 that we've had here today between you and some of the
2 members of this committee, it's my understanding that you
3 and/or representatives of the State Police in conjunction
4 with representatives of the Corrections Department went
5 through following the first disturbance and in essence
6 viewed the placement back into the cells of various
7 inmates, of all of the inmates, and I think we've had some
8 discussion about these pictures that we see, and I assume
9 them to have been taken sometime after the first
10 disturbance but before the second disturbance?

11 A. Yes.

12 Q. Now, I'm wondering, during the course of
13 your tour of the facility to determine at least in your
14 minds from your knowledge and experience that a lockdown
15 had in fact been carried out, a security situation had
16 been manifested upon the facility, were you aware that
17 there were numerous keys, tools, knives and razors that
18 had been lost and unaccounted for at that particular
19 period of time and according to the testimony as set forth
20 by the Superintendent in his memorandum he assumed to be
21 in the possession of the inmates? Were you aware of that
22 fact?

23 A. No, sir.

24 Q. You were not?

25 A. No.

1 REPRESENTATIVE REBER: Captain, were you
2 aware of that?

3 CAPTAIN REGAN: No, I was not.

4 REPRESENTATIVE REBER: Okay. If you were
5 aware of that fact, would you have felt secure in two
6 areas - one, that those co-mingled prisoners in those
7 particular cells where they were double, triple, quadruple
8 celled individually might have been secure and safe? And
9 I don't want to say more importantly but I think most
10 people would say more importantly, do you feel that the
11 entire Commonwealth as such, especially the immediate
12 community, was in fact secure and safe with knowledge that
13 certain devices were unaccounted for and at that time were
14 apparently known to be in the possession of these
15 individuals that had caused the first disturbance, that in
16 fact we had a security situation that you could have been
17 able to sleep with?

18 CAPTAIN REGAN: My response to that would
19 have been I probably would have certainly had a problem
20 with it.

21 REPRESENTATIVE REBER: Major, would you
22 agree?

23 MAJOR HAZEN: We would have kept, I think I
24 can assure you, the State Police contingent in toto there
25 until the place had been secure.

1 REPRESENTATIVE REBER: And again, just so I
2 understand this very specifically, even though you
3 accompanied representatives of the Corrections Department
4 on a tour of that facility at that time between the first
5 riot of the institution and the second riot, you were not
6 aware of these types of things possibly being in the
7 possession of those individuals who were labeled in a
8 secure situation?

9 MAJOR HAZEN: No, sir.

10 REPRESENTATIVE REBER: Commissioner, to the
11 best of your knowledge, do you have any knowledge of this
12 particular situation existing at that time between the
13 first and the second riot? And I assume the answer would
14 be no because of the chain of command that you were
15 getting your information from and these are the two
16 people, but do you have any other independent knowledge
17 that might shed a different light on at least the
18 conclusions that I am drawing from this dialogue that
19 we're having?

20 COMMISSIONER SHARPE: No, I would not.

21 REPRESENTATIVE REBER: And I guess obviously
22 since you had no communication with the Governor up to
23 this period of time and thereafter through the initial
24 aspects of the second riot or maybe later on, I'm not sure
25 when that might have taken place, but to your knowledge

1 you certainly nor did any one of the State Police up until
2 the second riot commenced pass along directly to the
3 Governor, to the best of your information through your
4 particular position and through the State Police as such,
5 any information that in fact these type of things were in
6 the possession of so-called secured inmates?

7 COMMISSIONER SHARPE: That's correct.

8 REPRESENTATIVE REBER: Thank you, Mr.
9 Chairman.

10 CHAIRMAN CALTAGIRONE: Thank you.

11 REPRESENTATIVE REBER: Thank you, gentlemen.

12 CHAIRMAN CALTAGIRONE: Are there any other
13 questions from members?

14 (No response.)

15 CHAIRMAN CALTAGIRONE: If not, thank you
16 very much, Commissioner and staff. We appreciate your
17 testimony.

18 If Superintendent Freeman and the others
19 would please come back to the table. I believe you were
20 in the middle of getting ready to play the tape. If you
21 have the tape available.

22 If you would, in getting the stage set for
23 the tape which you're about to play, officer, would you
24 please reset the stage just briefly leading up to the
25 events and walk us through?

1 And in order to allow the rest of the public
2 that's here with you today to hear your comments, if that
3 sliver mike could be shared between the two of you, we
4 have pretty good amplification in here when it's spoken.

5 Any time you're ready.

6 DEPUTY SUPT. SMITH: Again, this is, and I
7 provided the actual radio logs, the actual typed radio
8 logs to the committee, and this is not the entire radio
9 log. This is sections of the log that we felt were
10 relevant to especially in listening to the questions that
11 are being asked here today on why decisions were made and
12 what information was made.

13 This is after the hostages were released and
14 the SERT team supported by the Pennsylvania State Police
15 went through the six cell blocks to secure. That's what
16 this is about.

17 (Whereupon, the tape was played.)

18 (After the transmission that "E Block
19 secured," Deputy Superintendent Smith stated:)

20 DEPUTY SUPT. SMITH: E Block had been the
21 first block that they were in. They were in E Block, F,
22 G, H and J Block.

23 (After the transmission that F Ward was
24 secured, Deputy Superintendent Smith stated:)

25 DEPUTY SUPT. SMITH: That's the second block

1 there.

2 (After the transmission stating that "We
3 have several doors in G Ward that won't lock, so we're
4 going to relocate inmates," Deputy Superintendent Smith
5 stated:)

6 DEPUTY SUPT. SMITH: Inmates were being
7 moved from cells that where the lock or systems is damaged
8 themselves to where they are secure.

9 (After the transmission that K Block was
10 secured, Deputy Superintendent Smith stated:)

11 DEPUTY SUPT. SMITH: That's four of the six
12 cell blocks in Group 2 and 3 area.

13 (After the transmission that "Halfway down
14 the tier" of H Block, Deputy Superintendent Smith stated:)

15 DEPUTY SUPT. SMITH: That's the last of the
16 six cell blocks.

17 (After the transmission that "We have
18 several doors in here that are inoperable, we're moving
19 inmates," Deputy Superintendent Smith stated:)

20 DEPUTY SUPT. SMITH: Again, doors were
21 inoperative with inmates being moved.

22 (Whereupon, the tape finished and Deputy
23 Superintendent Smith finished his statement.)

24 DEPUTY SUPT. SMITH: So at this point our
25 SERT team had gone through the six cell blocks and secured

1 them. I contacted Captain Kerstetter then to take our
2 SERT team down to the Main Stockade Field, which is Field
3 2, where we had evacuated those inmates from the mods to
4 begin searching them and putting them back in the modular
5 housing units. They began that, we sent staff over to
6 search the mods before the inmates were put in. There was
7 minor damage to Mod 1 and 2, they were skipped, so they
8 started putting inmates in Mod 3, 4, 5, 6, 7, and 8, and
9 then they came back to Mod 1 and 2 after the damage had
10 been filmed for future prosecution.

11 Shortly thereafter, and this report was in
12 the package that I submitted to you, I left the command
13 post and I went over with Jim Villott, who is the
14 President of Local 2495 who represents the Corrections
15 Officers, and I went over and talked to Captain
16 Kerstetter, I believe Major Hazen and Captain Regan were
17 there, the State Police helicopter was about 15 feet off
18 the ground. They were searching inmates coming off the
19 field. I asked him how things were going, he said
20 everything was fine and was progressing nicely. I went on
21 down the streets, the eight mods are in a row. I talked
22 to Lieutenant Sunday as I walked down the streets and
23 checked the modular housing units, asked him how things
24 were going. He said they were going fine. The other
25 commissioned officer I ran into was Captain Keith. I

1 asked him how things were going, he said things were going
2 bad. I asked him why? He said he had problems with
3 Captain Kerstetter throughout the incidents and that he
4 would talk to me about it later. I proceeded down to I
5 believe it was Mod 5 and 6, checked, the mods were intact
6 inside, no damage. And again, saw Lieutenant Sunday and
7 told him that he needed to put officers in there before
8 they put the inmates back in the mods.

9 We spent the remainder of the evening
10 clearing outlying areas. You have to remember, when the
11 incident first occurred, at Camp Hill there's a number of
12 inmates who work outside the fence and when the incident
13 happened, as per the emergency plan, people go on hold.
14 They're held in areas where they're at. So we spent the
15 rest of the early morning hours through probably 3:00,
16 4:00 o'clock in the morning bringing inmates in. There
17 were 2 in the greenhouse, 39 in the power plant who had
18 been working outside, there were inmates that had been
19 taken to Field 1, there were 100-some who were evacuated
20 from the Education Building. In essence, winding down and
21 clearing cell blocks.

22 Important factor, and I provided this
23 information to you in the package when I came in, between
24 midnight and 1:00 o'clock in the morning, the maintenance
25 department, over half of them were sent home so that they

1 would be back first thing in the morning to repair the
2 damage to the cell blocks which is apparent from even the
3 tape that you heard. And they came back at 7:00 o'clock
4 in the morning, in the early hours of the morning. I said
5 priorities for the day, you'll also find a report in the
6 package that I provided to you from Lieutenant Leh who
7 discussed or verifies what those priorities were with
8 maintenance supervisors, was that first thing in the
9 morning they were to repair the perimeter fence where
10 inmates had driven an International Scout vehicle into the
11 inner-perimeter fence. They did not breach the outer
12 fence but they drove into the inner fence. That was
13 accomplished for the day, as I ordered. Second priority
14 was for them to get into the cell blocks after it had been
15 filmed and repair the damage to the lighting and things
16 like that.

17 If you look at the time sheets that I
18 provided time sheets to you for the entire maintenance
19 department, what you'll find is that there was a pretty
20 serious breakdown in communications, and I did not find
21 this out until probably a month and a half after the
22 second riot, that in fact what happened was even though
23 those priorities were given, you'll see from the time
24 sheets that at 3:30 in the afternoon probably
25 three-fourths of the maintenance department was cut loose

1 and they left the institution.

2 CHAIRMAN CALTAGIRONE: Excuse me. We're
3 frantically looking for information that you're referring
4 to. Do you have packets for the members?

5 MS. MARSCHIK: We have two packets, if
6 that's part of the main packet.

7 CHAIRMAN CALTAGIRONE: Okay, there are two
8 originals which have to be copied.

9 DEPUTY SUPT. SMITH: What I'm referring to
10 is time sheets. These are timekeeper's sheets, standard
11 Commonwealth forms that show what hours people worked for
12 the day.

13 CHAIRMAN CALTAGIRONE: Okay, thank you.
14 Please continue.

15 DEPUTY SUPT. SMITH: In essence, and this is
16 long after both riots in trying to figure out what
17 happened, it seems that the maintenance department came in
18 and went on hold waiting for people to film for evidence
19 in the morning and the State Police had our State Police
20 liaison, Trooper Powell, and our security officer,
21 Lieutenant Sherack, Sergeant Diehl, officers from our SERT
22 team, and other State Police, I guess they refer to them
23 as crime men or ID men, going throughout the institution,
24 and in effect what happened was the maintenance
25 department, other than removing that truck from the

1 perimeter fence, did no repairs at all in the entire
2 institution for the entire day and in fact went home at
3 3:30 in the afternoon, which I was not aware that that
4 occurred.

5 I was aware, as I get later on into the
6 incident, where when I went over to Group 2 and 3 I saw
7 that there virtually was no one over there. But let me,
8 if I can, if you'll bear with me, back up again.

9 I also mentioned to you that we were
10 attempting to clear count. That, of course, for obvious
11 reasons, is very critical that we know where everyone is
12 at. We continued taking two or three counts in the early
13 morning hours on Thursday morning. The count did not
14 clear. We decided to wait until daylight. We knew that
15 we had three, four, and five inmates to a cell. Attempted
16 taking count through the morning, and count, to my
17 knowledge, to the best information I have, cleared about
18 2:00 o'clock in the afternoon.

19 You heard the Superintendent testify earlier
20 to the fact that there was a meeting arranged between the
21 inmate negotiators, the Superintendent, Deputy Henry and
22 myself at 1:00 o'clock in the afternoon. Prior to in the
23 early morning hours until 1:00 o'clock in the afternoon we
24 spent a lot of time on the phone with department staff,
25 Ted Shumaker, as I recall, I'm not sure, Scott Thornsley,

1 Jake Palese, because I had information early in the
2 morning that they had videotaped the incident, the
3 Wednesday incident. They had taken 35 millimeter
4 photographs and they were trying to pull together
5 information for the State Police to begin to identify the
6 suspects or the inmates that had been involved in the
7 assaults and hostagetaking and things like that.

8 I was also assigned in the early morning by
9 the Superintendent to identify 15 key staff who had played
10 a role in successfully resolving the first day of rioting
11 in his office at 2:00 o'clock to then go up to the
12 Commissioner's Office for a conference call with Governor
13 Casey. I spent a considerable amount of time with that
14 because, quite frankly, it was difficult to identify 15
15 key staff. I remember when the Superintendent gave me the
16 assignment I said, you know, we should take 200 people up
17 there for a conference call with the Governor because
18 staff had done such an excellent job in the first day of
19 rioting. I eventually limited it just to management
20 people as some type of cut-off, and in the packet I
21 provided to you you'll see that the 25 people, institution
22 staff, that were taken up to the Commissioner's office for
23 a conference call with Governor Casey.

24 Prior to -- after we met with the inmates we
25 went to the Superintendent's office for a brief meeting

1 and up to the Commissioner's office, got back from the
2 Commissioner's office, oh, about 3:30 in the afternoon. I
3 had received the videotapes that I previously mentioned,
4 took them back to the office, had them in the office, and
5 there were, I believe, three Captains - Captain
6 Stotelmyer, Captain Kerstetter, Captain Bowser - Major
7 Stover, a State Police Corporal, my administrative
8 officer, and a number of other staff present in my office
9 and they wanted to watch the videotapes to see what had
10 happened the previous night and try to see if anyone could
11 identify who was in the videotapes.

12 At about 4:30 in the afternoon, and again,
13 the times are hazy but about 4:30 in the afternoon
14 Lieutenant Carey came into my office and informed me that
15 Lieutenant Renninger was shortstaffed on the other side of
16 the institution. I couldn't understand that because,
17 again, another report that you'll find in your packet is a
18 report from Captain Stotelmyer who was fresh, who was not
19 involved with the first day of rioting with us and when I
20 attended roll call at 6:00 o'clock in the morning to brief
21 the daylight shift as they came in as to what had
22 happened, following roll call I assigned him to handle the
23 staffing, which at that point was extremely complicated
24 because everybody had been called in on the previous day
25 and some staff we still had in the institution on duty

1 that had been called in. He spent, as you can see from
2 his report, the entire morning making sure that officers
3 that worked 16 hours or more were properly relieved and
4 that the shifts coming on duty were properly staffed and
5 even the nighttime shift was properly staffed.

6 I asked the Captains and people present if
7 they understood why he was shortstaffed. No one knew. I
8 called the Lieutenant in control and asked him to bring
9 the duty roster out. I looked at the roster. Of course,
10 the roster was full of names, but there were staff who had
11 not shown up at the 2:00 o'clock roll call. No one had
12 called anyone in and I ordered them to hire 10 officers as
13 quickly as possible and get them into the institution.
14 You'll see another report from a commissioned officer in
15 the packet I have provided to you that Lieutenant Wolfe
16 and Lieutenant Miller jumped on the phones to call staff
17 in to get sufficient staff in the institution.

18 Sometime later Captain Keith came into my
19 office and was pacing in front of my desk and I looked up
20 and I said, "Cap, what's wrong?" And he said, "There's
21 problems." And I said, "There's problems where?" He
22 said, "There's problems in the RHU." And I said, "What's
23 wrong?" He said, "They're setting fires up there." So I
24 got up, I went up with Captain Keith to see firsthand what
25 was going on in the RHU. When I went up, I talked to our

1 Lieutenant who was up there, Lieutenant Spells, and asked
2 him how things were going. He said things were going
3 terrible. Quite frankly, the look in his face scared me.

4 I left the RHU, went back down to my office
5 and I called Lieutenant Kathy Doutt out in the Manor House
6 and told her that I was not asking her to run inside the
7 institution right at that moment but that I was not
8 comfortable with how the institution was. I told Captain
9 Keith that I wanted to go see how the cell blocks were on
10 the other side of the institution. I started out from the
11 Control Center where the counselors were there with the
12 truck, I walked passed the truck, Captain Keith grabbed me
13 from behind and said he didn't want the inmates to see me
14 walking across the walks and suggested that we ride over
15 in the truck. We got to the back of the truck with a
16 bunch of counselors. When we went over, pulled in front
17 of J Block and the truck was backing up to the block, I
18 saw an inmate out of his cell running down towards the
19 back of the cell block. As soon as I saw that I asked
20 Captain Keith to stay there with the officers in Group 2
21 and 3, that I was going to go call the State Police.

22 That's exactly what I did. I went
23 immediately back to the Control Center, I called the State
24 Police, Troop H, through the hotline again. Corporal
25 Piscotty, who as you recall was in my office watching

1 videotapes of the previous day's incident came in, he had
2 a State Police radio on, radioed Lieutenant Douth to bring
3 the State Police right around to the Main Gate, and things
4 went downhill from there. Within a short period of time
5 the inmates had come from Group 2 and 3 over to the
6 Control Center, broken through the windows, they were in
7 on us, right outside the doors of the Control Center,
8 trying to break the doors down. They had set my office on
9 fire outside of the Control Center. We were forced at one
10 point to evacuate the Control Center out through a key
11 room window or a grill, went upstairs to the treatment
12 area. When we went upstairs to the treatment area there
13 were inmates trying to come off the roofs of the Group 1
14 area and through the windows on the second floor to get at
15 us.

16 I called the Main Gate to see if the State
17 Police were there yet. As I recall, I called the Main
18 Gate twice, I talked to Sergeant Beck once, I talked to
19 Superintendent Freeman the second time I called, informed
20 him of the situation that myself and the Major and the
21 Captains and at least half the shift were stuck on the
22 second floor and needed help. A short time later I
23 remember turning around and the officers yelling, "Deputy,
24 get down on the floor." I got down on the floor. When I
25 did, there was a lot of gunfire. Nothing came through the

1 windows but you could hear guns shooting outside the
2 windows. That backed the inmates, as I imagined, away
3 from the Control Center, but the inmates were still behind
4 the Group 1 corridor up in behind trying to come through
5 the windows on the second floor with us. We ripped an
6 area conditioner out of the window, tied our belts
7 together, lowered them down, our staff along with the
8 State Police, when they recognized who we were, tied
9 pistols and a shotgun to it. They were pulled up to us
10 and we assigned those weapons to officers who went out and
11 when the inmates saw the weapons, that backed them off the
12 roofs and they backed off.

13 That's pretty much what my involvement in
14 the incident was. The decision to not shake down by the
15 Superintendent I concurred with. You have to realize the
16 locking system at Camp Hill. If you assume that inmates
17 are locked in their cells, there was reports and we spent
18 also the early morning hours of Thursday and on into
19 Thursday morning trying to do inventories of what keys
20 were missing. After two days of rioting we found out that
21 there were six sets of keys missing in total. But keys at
22 Camp Hill and the way the locking system is and the way
23 the cell blocks are do not do you any good. There's no
24 keys to the cells. There's keys to the switchboxes in the
25 front of the cell blocks, but keys do not do you any good.

1 If it was one of the other institutions like Western or
2 Graterford or one of them, if an inmate had keys, he could
3 simply reach right out through the bars, put the keys in
4 and be out of his cell. That's not the case or that
5 wasn't the case at Camp Hill.

6 As far as reduction of the State Police,
7 based on the information that we had at the time, it was
8 even by policy a logical progression. Incidents I had
9 been involved in at Western, very serious incidents, the
10 State Police are typically, and I can name you incident
11 after incident after incident after incident that when the
12 inmates are secured in their cells, a natural course of
13 events is to send the State Police coverage down.

14 Shakedown of the institution. You've heard
15 testimony here today, you've asked questions about a
16 shakedown of the institution. Again, as the
17 Superintendent said, could a CYA three-hour shakedown have
18 been done? Sure it could have. And then we would be
19 sitting here and we'd say, well, we shook the prison down.
20 But in fact it's now almost three months after the
21 incident and the institution is only 50 percent shaken
22 down. I provided that document, the most recent weekly
23 status report, to you from the Lieutenant that we have in
24 charge of searching the prison. The institution is only
25 half searched.

1 In addition, in the packet I have provided
2 to you, I show you that I think it was approximately 25
3 days after the incident a report, a number of reports,
4 Captain Regan of the State Police called me at home on
5 Saturday and said, are you aware that they are finding
6 weapons right outside the cells, you know, up above the
7 cells and they are still running showers? And I said,
8 "No, Cap, nobody called me at home, nobody told me about
9 it." I called up to the institution and I asked Captain
10 Stotelmyer how showers were going, if there were any
11 problems. And he proceeded to go through about a
12 20-minute dissertation about Officer Spangler, who is a
13 union official, and went through a lengthy dissertation
14 about who is running the institution, is it the union or
15 is it management? You know, he stated that he had been
16 writing reports and was purposely dragging his feet and
17 trying to hold up the program. I asked him, you know, are
18 you in fact finding weapons? And in fact they found in
19 excess of 20 weapons in the cell blocks right outside the
20 cells after the cells had been searched three and four
21 times by a number of staff.

22 Again, you've got to depend on the people to
23 make good decisions and care about the staff that work in
24 the institution and care about their safety. The program
25 and the running of the program is not always the most

1 critical thing.

2 The Superintendent talked about the
3 shakedown. One of my personal problems that I had with
4 the '87 incident in the RHU and which I don't think ever
5 was conveyed to staff is that when I was a brand new
6 officer at Western, there was a very serious escape
7 attempt. When management came in in the morning, the
8 entire Captain's office and the Major's office was full of
9 weapons. During that incident when inmates were taken
10 down to the RHU, there was virtually nothing that
11 happened, but an inmate refused to be searched, his
12 clothes were taken off him, he was searched and put up
13 against the grill door. I was subsequently arrested, was
14 off work for three or four weeks, was cut loose, had to
15 get my own attorney and was eventually found not guilty
16 because nothing happened to the inmate. But I then went
17 through three and four years of hell, had officers
18 throughout the whole State taking collections for me,
19 including the officers at Camp Hill. And I've emphasized
20 to the commissioned officers since I've been at Camp Hill
21 that they have a number of responsibilities towards the
22 officers and the staff that work there. And to put it in
23 corrections terms, you know, they're responsible to make
24 sure that no one gets, quote, "jammed up," you know,
25 during the course of their shift and everybody leaves

1 safely.

2 And on that 1987 RHU incident, that, in
3 fact, is not at all what occurred. The rank and file
4 corrections officers were not disciplined at all. They
5 were given low level verbal reprimands and written
6 reprimands because it was management that charged into the
7 RHU and did the damages that you see in the photos that
8 the Superintendent provided to you.

9 He also talked about we talked about a
10 shakedown. We talked about the things that I just said to
11 you, realize -- and the media has not said this, I don't
12 see anybody saying this -- but the Camp Hill incident, the
13 fears that we had within Camp Hill, they've occurred over
14 this incident. There were inmates that we transferred
15 right after the riots to Graterford and there's already
16 been careers ruined at Graterford. Officers were upset to
17 the point where a number of careers were ruined. Good
18 people who weren't even involved in that incident at
19 Graterford have resigned.

20 So when in the balance when you weigh
21 things, you have to get into your personal convictions.
22 After what I went through at Pittsburgh and the
23 allegations of brutality and things that I didn't do, it's
24 so easy to happen in today's day and age. And like the
25 Superintendent had said, the level of violence in the

1 first day's accident, nearly the entire institution was
2 called in. Nearly the entire institution witnessed their
3 fellow staff members beaten for hours and dragged around
4 and all that. It just did not seem to be the appropriate
5 thing the next morning. It was planned for Friday or
6 Saturday.

7 And we also talked about a shakedown. If
8 you look at the reports that I submitted to you, everybody
9 says a shakedown. Was a shakedown done? Is there an
10 official report somewhere that says a formal shakedown of
11 the prison was ordered? No, probably not, but if you look
12 at all the documentation, all the reports that staff have
13 filed, the mods were searched before the inmates were put
14 back into them, Field 1, Field 2 was searched as soon as
15 the inmates were cleared from those areas. The staff on
16 the daylight shift the entire morning, there's 5, 10
17 different reports you'll see of staff lifting grates,
18 looking for keys, finding keys, turning them in. That is
19 a shakedown. Was there a formal, organized force that
20 said, we're going to go shake down? No. But you'll see
21 and if you look at all the reports, and I know both the
22 House and the Senate have asked for all the reports that
23 have been filed at Camp Hill in the last six months, if
24 you review those reports, and especially those from the
25 riots, you'll see that that's what staff was doing

1 Thursday morning.

2 CHAIRMAN CALTAGIRONE: If I can interject
3 here, the hour of 1:00 o'clock is just about approaching.
4 We did plan to take a luncheon break from 1:00 to 2:00, at
5 which time we'll reconvene back here, the four of you
6 please come back at 2:00 o'clock. We will break for lunch
7 for one hour and reconvene back here at 2:00 o'clock.

8 (Whereupon, a recess was taken at 1:00 p.m.
9 The hearing was reconvened at 2:15 p.m.)

10 CHAIRMAN CALTAGIRONE: Now, if we can pick
11 up where we left off. I apologize.

12 DEPUTY SUPT. SMITH: Yes, I'd like to.

13 If I can get back briefly to the tape. It's
14 important to realize what happened and how the second
15 incident was handled. When the Group 2 and 3 area was
16 assaulted on the second night, inmates were ordered to
17 give up and come out of the cell blocks and lay flat on
18 the ground outside the cell blocks, and then they were all
19 taken en masse to the exercise fields. I think that's an
20 important point. The tape was played for you. As the
21 Superintendent said, "secured" to corrections people means
22 one thing: It means secured. You heard on the tape that
23 there were locking mechanisms or doors that wouldn't lock,
24 and you also heard on the tape that those inmates were
25 relocated to cells where they could lock. In essence, the

1 point I want to make is if you go over to the blocks and
2 your order is to secure the blocks, if you get in there,
3 and you've spent X number of years' service at the
4 institution, no one knows the physical plant of an
5 institution like the officers that work there. They work
6 inside the blocks every day, they know the physical plant,
7 they know the makeup of the physical plant. If you get in
8 and you in fact were sent over to secure inmates in their
9 cells and you can't do that, you stop and you call the
10 command post and say, what's plan B? Plan A won't work.
11 Plan B, we were sent over to secure them in their cells,
12 it won't work, we can't. That wasn't done.

13 Do I think it was intentionally not done?
14 No. No way. You could also hear from the tape people
15 were excited, people's adrenalin was flowing and things
16 like that.

17 After the riot, there are numerous reports,
18 and I'm not going to go through them, they're provided in
19 the packet that I gave you, we learned after the riots
20 that there were numerous reports filed by staff or
21 reported by staff that inmates were out of their cells.
22 Inmates, in fact, if you look through your packet, when
23 the SERT team went through K Block, K Block was left with
24 the entire back of the cell block with inmates out of
25 their cells. There was a report in there that outlines

1 that.

2 There are also reports in there that tell
3 you that at various points throughout the evening and
4 early morning hours of Thursday that inmates were out of
5 their cells. Staff reported that. It never made it back.
6 The information did not make it back.

7 There are reports in the packet I've
8 provided to you that officers on the line reported that
9 the inmates were extremely upset and two or three
10 different pieces of information were told that the inmates
11 intended to get out Thursday night. That was not passed
12 along.

13 In essence, as I told you earlier, when we
14 got back from the Commissioner's office and got into the
15 early evening hours of Thursday, the first time that I --
16 anyone led me to believe that anyone was wrong was when
17 Captain Keith came in and was pacing in front of my desk.
18 He told me there were problems at the RHU, I went up to
19 the RHU, talked to the Lieutenant, came back down, called
20 Lieutenant Doult out at the Manor House and put them on
21 standby out there and immediately told them I wanted to go
22 see what the other side was like. When I got to the other
23 side and saw an inmate out of his cell, I came right back
24 and called the State Police in.

25 There's a lot of things that I haven't heard

1 discussed but there's a lot of things we learned from the
2 two incidents. Typically, and I think if you check this
3 statewide when you have prison incidents, usually when the
4 smoke clears you have find out that 10 or 15 inmates were
5 the ring leaders, they're rounded up, they're transferred
6 out of the institution. As of this date, in Camp Hill,
7 and part of it is some communications problems and
8 computer problems with suspect identification, but the
9 list that we currently are going by lists 506 suspects in
10 the two days of rioting. That's totally abnormal. The
11 State Police, between Wednesday and Thursday, discussed
12 putting additional teams of investigators in. They did
13 that. That team had to be doubled, and I think possibly
14 almost tripled now to handle the prosecutions that are
15 going to come. Some of these 506 inmates are going to get
16 in-house misconducts. Maybe what they did was not serious
17 enough for prosecution. But again, these are things in
18 the aftermath of a riot that were not planned for before
19 but, you know, if it happens again, and I hope it doesn't,
20 but if it does, that people will have to deal with.

21 That also raises tensions inside the
22 institution. Tensions are high right now. As I said,
23 typically inmates, the troublemakers, are moved out.
24 That's not the case at Camp Hill. All 506 of these men
25 are not still at Camp Hill because they had been

1 transferred in the aftermath of the riot and they are now
2 in the Federal Bureau of Prisons or other State
3 institutions, but many, many, many of these inmates are
4 still there.

5 I just wanted to hit on a few more other
6 points. I heard the committee ask the State Police about
7 mock exercises and mock drills. You should know that at
8 Camp Hill this past summer we had every State Police
9 Lieutenant from the surrounding area into the institution
10 to brief them on our emergency plans, to show them how we
11 had been videotaping the institution to prepare for an
12 incident, should it occur. We shot 35 millimeter
13 photographs of every square inch of the institution in
14 case we did have a hostage situation or something like
15 that, that we would have the plans available for them to
16 use.

17 At Camp Hill you asked about the mock
18 drills. Starting a year and a half, two years ago, a lot
19 of the department did paper drills, and what I mean by
20 paper drills I mean they sat down and the administration
21 would sit there and say, well, what would we do if we lost
22 Group 2 and 3, take 20 minutes or an hour and walk through
23 what we would do projecting if something happened. We
24 started like two years ago paying the money and paying the
25 overtime to actually call the SERT team in, get a mock

1 scenario together, actually have people respond from their
2 homes, actually went to the extent of having officers, for
3 example, from the SERT team dress up as inmates and
4 actually run a scenario, run hostage situations. When we
5 had a mock scenario at the Manor House this summer we had
6 Lieutenant Crytzer there who is the SERT Commander for the
7 Pennsylvania State Police there to help us see how we
8 reacted and for him to critique and help us get together
9 emergency plans and proper plans to handle that type of
10 incident.

11 We spent a massive amount of effort in the
12 last year and a half developing a SERT policy, Special
13 Emergency Response Team. Two-and-a-half, three years ago
14 the SERT team at Camp Hill, and that's what Department of
15 Corrections policy calls for, is 10 officers. Well, we've
16 all learned now that 10 officers when you figure if you
17 have a problem and you try to call people at home and
18 people are at their relatives' house or whatever or
19 they're shopping, you might end up with four people. We
20 pumped those numbers up to 70 and regularly trained those
21 people. Department of Policy calls for 16 hours a year.
22 We went way beyond that, well over 20 hours a year, trying
23 to prepare a SERT team in case we had a problem. We put a
24 massive amount of effort into the crisis intervention
25 team. Probably the most sophisticated local policy in

1 operation in the whole department. The crisis
2 intervention team is broken down into five or six distinct
3 groups, and spent all kinds of time and effort training
4 the crisis intervention team and things like that.

5 As the Superintendent said, and I'm not
6 going to dwell on it, we spent long hours and long days --
7 not just us, all the staff in the institution helped us,
8 and initiated 42 major security improvement projects over
9 the last 3 1/2 years, and actually the Superintendent said
10 80, probably the figure exceeds 90 new security policies,
11 policies directly related to security improvement.

12 The last thing I'd like to say, and I
13 started off my presentation again thanking staff at our
14 institution, not just our institution, the other
15 institutions that have sent people in to help us, and I
16 heard the State Police touch on it, a lot of thank you
17 needs to go to the local police that responded and helped
18 us. It was a massive effort on their part. I remember
19 the first evening Chief Rhodes from Lower Allen Township
20 was there, offered all the help and assistance he could,
21 helped us with communications. He had communications in
22 the command post the first night to help deal with
23 communications between the command post and local police
24 that had responded to help us. They were needed. I hope
25 we don't have to use them again, but their help was

1 greatly appreciated and it helped both nights bring the
2 whole situation to a peaceful solution where the community
3 wasn't jeopardized and lives were saved. And my thanks
4 goes to them. And again, to the staff at our institution.
5 I know they've worked hard for us. At least in the 3 1/2
6 years that I've been at Camp Hill they've all worked long
7 hours and worked hard in developing all these policies,
8 the maintenance department in building all the buildings
9 and putting the razor ribbon up and interior fences.

10 That's pretty much all I have to say. Thank
11 you.

12 CHAIRMAN CALTAGIRONE: Thank you.

13 Deputy Henry?

14 DEPUTY SUPT. HENRY: Yes.

15 CHAIRMAN CALTAGIRONE: If you'd like to make
16 your comment, sir.

17 DEPUTY SUPT. HENRY: Yes. I just have a few
18 comments to make.

19 My name is Terry Henry. I'm the Deputy
20 Superintendent for Treatment. I've been at Camp Hill now
21 for three years. Prior to my employment at Camp Hill I
22 was at Huntingdon Correctional Institution for 17 years.
23 Ten of those years I was the Director of Treatment and
24 three of those I was in another supervisory capacity. So
25 I will have 22 years of total experience.

1 short period of time in the command post. I went into
2 Control where I heard an inmate calling in on a radio. I
3 began conversation with the inmate. The intention at the
4 time was not to get into general negotiations but
5 basically just to answer the call. Before I knew it, I
6 was into a dialogue. After 15 or 20 minutes of
7 conversation with this inmate I was aware that we had
8 several officers that had been injured on the Group 2
9 side, one officer in particular that was laying in the
10 field. I told the inmate that at this point no one had
11 been killed to my knowledge, that it wasn't going to do
12 anyone any good to let this situation turn sour and would
13 he kindly let the officers out, let the staff out, to
14 which he responded, no problem. It kind of amazed me.
15 Within a few minutes, the officers were brought to E Gate
16 and they were released.

17 At that point I talked to Superintendent
18 Freeman about continuing with the negotiations, which I
19 did. The negotiations were successful. We negotiated for
20 about a four-hour to five-hour period. At one point we
21 were in face-to-face negotiations. I felt that we
22 resolved it, there was no loss of life, although there
23 were some serious injuries.

24 At approximately 3:00 o'clock a.m. I,
25 myself, toured the Group 2, 3 side -- and when I say

1 toured it, I went through three blocks. I went through E
2 Block, F Block, and G Block. The reason I did that was
3 because I had been asked to keep some of my staff, hold
4 some of my staff over so that the inmates could be fed.
5 The culinary staff was making bag lunches and they needed
6 some people to haul these lunches around to the blocks.
7 So I had approximately 8 to 10 of my personnel remain on
8 duty. I wanted to go over and see what this atmosphere
9 was like on the other side of the institution.

10 I walked through E Block, it was quiet, it
11 was dark, there was debris in the middle corridor. There
12 were staff, four or five people standing around. I went
13 through the day rooms to F Block, and I exited in G Block.
14 At that point it appeared calm, it was quiet, very little
15 noise. At that point I determined that, you know, I would
16 allow my staff to come over and feed the inmates. My
17 initial concern was that I didn't want them coming in
18 there walking the tiers and having anything thrown on
19 them, you know, being abused or anything like that. It
20 all seemed quiet.

21 There was discussion that I was privy to
22 regarding a shakedown, and I recall Deputy Smith making a
23 statement and he said, you know, he said, we're going to
24 be in a lockdown status for six to eight weeks, and he
25 said, we're going to have to do an institution-wide

1 shakedown. I think you need to know that. I heard the
2 conversation, I heard him specifically making that
3 statement.

4 I went home about 7:00 o'clock in the
5 morning to shower and get a little rest, returned to the
6 institution at 9:00 a.m. on the 26th. My initial concerns
7 basically was with the medical department to ensure that
8 some of the inmates that were on coronary medication,
9 epileptics, psychotropic medication and so forth were
10 getting their medication, anyone that had been injured was
11 being tended to. We were also setting up debriefings for
12 staff. People who had been hostages, people who had been
13 injured, people who had been involved in a melee, trying
14 to determine what type of psychological damage and so
15 forth had been done.

16 At 1:00 o'clock I met with Superintendent
17 Freeman, Deputy Smith, Captain Bowser was there, I
18 believe, and the same group of inmates think I had met
19 with the night before and we met for an hour. At 2:00
20 o'clock we went to the Superintendent's office, we spent a
21 brief time there and then we went up to the Commissioner's
22 office for the call from the Governor.

23 At approximately 5:30, I left the
24 institution for about what was going to be like a two- to
25 three-hour period and I asked the Superintendent if he had

1 any concerns about my leaving. At that point he said
2 everything seemed to be calm, he didn't see any reason why
3 not. Prior to my departure I stopped in Deputy Smith's
4 office and he was on the telephone at the time. This
5 would have been, I'm guessing, around 5:30 on the 26th,
6 and there were numerous Captains, Lieutenants, I would
7 estimate between roughly eight individuals in his office
8 at the time. And I wanted to just check to see what the
9 atmosphere of the institution was like before I left. You
10 have to understand, these people in here in his office at
11 this time I would call them the brain trust, the security
12 brain trust of the institution. There was a little bit of
13 chitter-chatter. He was on the phone. No one seemed to
14 be concerned at that point. I asked them to just notify
15 Deputy Smith that I was leaving the institution and I
16 would return in a couple of hours.

17 Well, I was called out of where I was and I
18 learned that the second night had erupted and at that
19 point I returned immediately to the institution. I
20 arrived at the institution approximately 9:00 o'clock, and
21 since I had done the negotiations the night before, I was
22 instructed to do the negotiations the second night. I
23 went out with the State Police negotiators, I spent the
24 next 12 hours in the Highway Tower, which is right
25 adjacent to our Central Office Building, and at about

1 4:30, 5:00 o'clock in the morning negotiations were
2 breaking down. It appeared that the inmates were not
3 interested in trying to resolve it. We were concerned
4 because we had not seen the hostages. We did not know
5 whether they were living, whether they were dead. Quite
6 frankly, this was a complete different scenario than it
7 was the night before.

8 At that point I discussed it with the
9 negotiators who were in the tower. There was a Lieutenant
10 from our institution that was there and we called into the
11 command post and made the recommendation that we start
12 looking into closing in the perimeter. You've heard that
13 story from the State Police, how the skirmish line and so
14 forth was set up, and it was a good decision, it worked,
15 and it brought an end to day number two. And again, I
16 have to stress that although we had officers severely
17 beaten, no one was killed. And I'm thankful for that.

18 I spent the next three days in the aftermath
19 down on the Main Stockade Field with about 1,400 inmates,
20 and I have to say that our staff and the State Police
21 conducted themselves very professionally. I didn't see
22 anyone manhandled or anything during that entire period of
23 time.

24 I'd like to make one comment, although it's
25 not really come up, although the Superintendent alluded to

1 it in his opening, there has been discussion, we at the
2 institution have had concerns about the FOI, which is
3 better known as the Fruits of Islam. It's a Muslim sect.
4 For those of you that aren't familiar with the group, it's
5 typically military, a paramilitary group that falls
6 underneath their religious leadership.

7 On January 21, 1989 we had an individual who
8 was coming into the institution as a volunteer to lead
9 this group having a prayer service. Deputy Smith had
10 assigned a corrections officer to monitor these
11 proceedings. We received a report several days later that
12 this individual and another individual had been preaching
13 racial hatred, making all kinds of inflammatory
14 statements. At that point we terminated the volunteer.
15 Superintendent Freeman wrote a letter barring him from
16 coming to the institution, sent a copy of that packet to
17 Deputy DeRamus and indicated that before the individual
18 would be permitted to return, he would have to have a
19 formal meeting with the Deputy Commissioner and the Deputy
20 Commissioner would have to authorize his return, that we
21 at the institution level would not make that decision.

22 During the months of -- end of March, April,
23 into May, we began having some noticeable concerns.
24 Incident reports were written about military saluting on
25 the Stockade Field. There was intimidation taking place.

1 Reports started flowing into Deputy Smith's office. He
2 notified me that he had a real concern about some problems
3 that were beginning to develop and he asked his security
4 staff to look into that. As a result, several misconducts
5 were written and the inmates were placed in what we call
6 our Restricted Housing Unit.

7 On June 10th in our Restricted Housing Unit,
8 there had been problems off and on with this group in the
9 unit but June 10th was a particularly bad time. Somehow
10 they got a hold of some acid, threw acid on an officer's
11 faces, assaulted staff, threw urine, threw feces at them.
12 As a result, Deputy Smith, I believe, came in on a
13 Saturday and they conducted a shakedown of that particular
14 housing block. As a result of that, additional security
15 measures had to be taken. We had several meetings with
16 the staff in the Restricted Housing Unit. Superintendent
17 Freeman sent a memo up to the department outlining what
18 our concerns and so forth were. We were concerned about
19 the protectiveness of our staff.

20 On July 18, 1989, the SCIC security office,
21 or as the Deputy referred to the internal affairs
22 division, received information from Graterford that
23 inmates were being extorted for protection money from the
24 FOI. There was also allegations of drug trafficking with
25 inmates at our institution and inmates at Graterford

1 Institution. This information, by the way, was then
2 passed on to our Central Office.

3 On September 8th there was another problem
4 during a Muslim prayer service. Prayer service
5 traditionally for the Muslims was on Friday. It would be
6 like the Protestants have their church on Sunday, and it's
7 called Juma prayer service, and each sect of the Muslim
8 religion will go about differently how they conduct their
9 prayers, and there was some problems developing and on
10 September 8th we had to disburse correctional staff to the
11 area where they were having this prayer meeting to resolve
12 some conflict.

13 On October 6th, allegations were raised
14 concerning misuse of Muslim funds and the method of
15 participation used to solicit the funds. The Muslim group
16 at Camp Hill had been permitted, and I can say as long as
17 I've been there, to have their own checking account, pay
18 their bills, and so forth. It was right about the time
19 that the riot was taking place we were talking about the
20 whole situation of inmate accounts at the institution.

21 On October 15th, an incident occurred
22 between the Muslim chaplain, the Shi'ite group and a
23 correctional officer. There were issues raised regarding
24 the need to separate the two groups. They both prayed
25 differently and this was causing some problems. Because

1 the Chapel was under renovation prayer services had been
2 moved to the Auditorium. Because of the differences in
3 prayer, one group faces one direction and is quiet and the
4 other group faces another direction and is loud, primarily
5 an officer got in the middle of this one and he refused to
6 let them open a door and the chaplain claimed he was unfit
7 for duty and he was inebriated. He was immediately
8 relieved of his duty. He was sent to a Lieutenant. It
9 was determined the man was not inebriated and he was
10 acting of good judgment and he was sent back to his post.

11 Since the incident we've had inmates give us
12 information or testimony as part of our ongoing
13 investigation that on October 20th there was a discussion
14 at a prayer service about being oppressed and that the
15 Koran was going to be used as an Uzi against the
16 administration. This information did not surface until
17 after the incident.

18 I also understand that there was an
19 investigation conducted by Special Services in August of
20 1989 regarding the drug dealing that I had alluded to
21 previously, and trafficking of drugs which involved
22 inmates from Graterford and inmates from the correctional
23 institution. There's also some indication that organized
24 crime was involved in this aspect of the two, drug
25 trafficking and extortion.

1 We received information subsequent to the
2 riots which leads us to believe that the second riot was
3 planned and orchestrated, was in fact set by the
4 institution. In September, a prison track meet was
5 canceled because we had received information that there
6 was going to be trouble on the Main Stockade Field. With
7 this information, Deputy Smith, I, and Superintendent
8 Freeman discussed that and we decided to cancel the track
9 meet.

10 One final point I would like to make. I was
11 involved in the negotiation process the first night and
12 the second night. The first night the main negotiator for
13 the inmates was a Muslim. He was also the very same
14 person that negotiated the second night with the State
15 Police. The first night we met on a face-to-face
16 discussion, there were six inmates present, all six of
17 those inmates was Muslim.

18 That concludes my opening statements, and
19 I'd like to again thank you for the time that you've
20 allowed me to present my remarks.

21 CHAIRMAN CALTAGIRONE: Thank you.
22 Everybody's had their say. Now, we want to open it up for
23 questions.

24 I'd like to ask you, Mr. Henry, when I had
25 toured your facility in the summer of 1989, specifically

1 to go through your drug and alcohol treatment center, and
2 I believe I met Superintendent Freeman and I'm pretty sure
3 yourself at the Main Gate House, in the modulars. Do you
4 recall that?

5 DEPUTY SUPT. HENRY: Do you know what date
6 that was?

7 CHAIRMAN CALTAGIRONE: It might have been in
8 July, I believe.

9 DEPUTY SUPT. HENRY: I was on vacation at
10 one point--

11 CHAIRMAN CALTAGIRONE: Uh-huh.

12 DEPUTY SUPT. HENRY: --when there was a tour
13 being made.

14 REPRESENTATIVE HAGARTY: It might have been
15 June.

16 CHAIRMAN CALTAGIRONE: It may have been
17 June.

18 DEPUTY SUPT. HENRY: It may have been Mike
19 Kazor. He would have been second under my leadership.

20 BY CHAIRMAN CALTAGIRONE: (Of Deputy Supt. Henry)

21 Q. All right. The point that I want to get to
22 is I'm curious, because Commissioner Owens alluded to the
23 fact that inmates that were in that treatment facilities
24 did protect that facility to a large degree and the
25 corrections officers and treatment personnel that were

1 there were escorted over to the State Police. Is that
2 correct?

3 A. That's correct.

4 Q. How many inmates were involved in the
5 treatment of those modulars at the time of the riot?

6 A. We initiated a proposal two years ago to
7 increase our drug and alcohol program. At that point we
8 had a hundred inmates in residence. We just recently
9 expanded in the summer of 1989 to 258. So there were 258
10 living in the program.

11 Q. Were they living inside those units?

12 A. Inside the modular units.

13 Q. And how many wanted to get in that were on
14 the waiting list out of the 2,600 you had?

15 A. At the time I believe we had a hundred that
16 were on the waiting list from Camp Hill to enter that
17 program.

18 Q. I've been led to believe, and I don't know
19 if this is correct or not but I keep hearing these
20 figures, close to 60 or 65 percent of the inmates being
21 incarcerated in our institutions have either a drug,
22 alcohol or both problems. Is that basically a true
23 statement?

24 A. I would say more - 80, 85 percent.

25 Q. That high?

1 A. Yes.

2 Q. And that would hold true for Camp Hill?

3 A. Yes, sir.

4 Q. You only had the capabilities of handling
5 250, 258 out of the 2,600 that were incarcerated over
6 there for that type of treatment, correct?

7 A. That was our in-residence program, but we
8 also had programs developed, your typical like AA type
9 program that we would involve inmates from the general
10 population. We had like four different levels of program
11 involvement. We had an educational level where maybe they
12 just saw tapes and got literature and things like that.
13 They would do an assessment of each inmate who desired
14 help and from that they would plug them into a particular
15 segment of that program.

16 Q. How many treatment officers and/or
17 corrections officers were escorted out to the State Police
18 at the fence that night of the second riot? Does anybody
19 have the figure or the numbers?

20 A. There were some correctional officers and
21 there were also some treatment staff. I'm not sure about
22 that.

23 Q. There were a number?

24 A. There were a number. If I had to guess, I
25 would said 14 to 16.

1 Q. How many of those modulars were saved from
2 being burned?

3 A. Two.

4 Q. And were those modulars that were being
5 utilized for the treatment of those inmates?

6 A. That's correct.

7 Q. What's your assessment of that? And I'd
8 also like to ask that of the Superintendent. What's your
9 assessment of why those inmates chose to protect people
10 that were helping them and also those modulars? I'm
11 curious about that.

12 A. Well you have to -- they're in a group
13 living situation and I think it's like anything else. If
14 you're in a dormitory setting in a college or you're in a
15 military or whatever, you very quickly begin to identify
16 and relate to those people that are with you. These
17 people all are there for similar reasons because they have
18 a drug and/or alcohol problem and they identify with each
19 other. They develop their own roles. They had their own
20 little disciplinary bodies that we allowed to exist within
21 the rules of the institution. They developed very close
22 relationships with staff, very close relationships with
23 each other, and I think it was just something, and in
24 addition to that, you have to understand that there were
25 people in those programs that were transferred in from

1 other institutions, too, may have had older people in
2 there, people that were sincere in dealing with their
3 problem, you know, they recognized it, they wanted to deal
4 with it, and they were feeling violated. Someone was
5 coming into their house and was going to burn their house
6 down and the family did not want to see their house burn
7 down. That's my belief, and my belief is that they stuck
8 their neck out and they risked personal injury to protect
9 what they felt was their house.

10 Q. And that was a mixed group, blacks and
11 whites?

12 A. Yes, sir.

13 Q. And probably some religious and others that
14 may be involved?

15 A. I would think there was some Muslims in
16 there. I couldn't say what sect it would, be but I would
17 assume so.

18 BY CHAIRMAN CALTAGIRONE: (Of Supt. Freeman)

19 Q. Superintendent, would you like to comment on
20 that? I'm curious, because I think there's a story there.
21 You know, the whole philosophy of AA and NA and the
22 problems that we're having may or may not be drug related.
23 I'm sure it certainly could have helped to fan some of the
24 flames of some of the problems and you even admitted that
25 you have a drug problem even with any institution. I

1 think everyone would be blind not to agree that you have
2 problems. You're not going to keep drugs out of an
3 institution like that anywhere in our society and facing
4 up to that problem and trying to deal with it in some type
5 of manner, you know, I'm concerned because of the numbers
6 that are continuing to come into our system, the amount of
7 money that we continue to put out, the cost to our
8 taxpayers for building all the additional new facilities,
9 and I don't really think that's getting to the heart of
10 the problem, my own personal opinion, but Superintendent,
11 would you like to comment?

12 A. Summarizing what Deputy Superintendent Henry
13 said, some of the inmates viewed that those are their
14 personal modulars. The other inmates, inmates in the cell
15 blocks and inmates just in modular units where you don't
16 have that program component, it's not there, but here
17 you're touching on something that's very personal, it's
18 their program, it's their module, they're all there as a
19 group with common goals and objectives and there's been a
20 lot of sharing of very personal material between these
21 people, so you had inmates regarding officers and
22 counselors as people and the treatment people and the
23 officers regarding inmates as people, and when you start
24 regarding people as people, you're less inclined to hurt
25 them. If you're just regarding them as the people who are

1 keeping you under control and the people making life
2 miserable for you, you're more willing to hurt them. If
3 you're seeing each other as a person, then what happens is
4 there's another group of people coming in from outside,
5 other inmates who want to hurt your people so you protect
6 your people. And I believe that's exactly what happened,
7 and that's a function of that type of program.

8 Q. It's almost like they developed a family
9 relationship with each other.

10 A. Exactly. That's the intent of that program
11 because it's only in that kind of relationship that you
12 will get to the root of what the problems have been.

13 Q. What was the outcome? How many of those
14 people that were in the modulars are still there and then
15 is any consideration being given for their behavior
16 throughout that crisis?

17 DEPUTY SUPT. SMITH: The inmates from those
18 two units primarily were moved to E Block after the second
19 incident. We began like an internal classification system
20 after the second incident when we started moving inmates
21 back and put them separate in E Block and of course we
22 started to identify other inmates because there were quite
23 a few inmates that helped staff do this and they went into
24 E Block also, so they primarily are in E Block.

25 CHAIRMAN CALTAGIRONE: Will any

1 consideration be given for their behavior throughout this
2 situation?

3 DEPUTY SUPT. SMITH: Absolutely.

4 DEPUTY SUPT. HENRY: Absolutely.

5 CHAIRMAN CALTAGIRONE: I think it should be.
6 I think it's rewards and punishments, and you think that
7 if those inmates did not choose to participate and as a
8 matter of fact protected State property and even employees
9 and others, then they should be given personal
10 consideration, I would think, vis-a-vis shorten their term
11 or put them out on early parole or whatever, but at least
12 I think they should be rewarded somehow as for what they
13 did.

14 DEPUTY SUPT. HENRY: We've had lists
15 developed that staff could recall inmates that have
16 assisted them and all that information was turned over to
17 our security office. So as they go through the
18 investigation, you know, they'll be able to separate out
19 basically the good from the bad, know the guys that were
20 on our side.

21 Now, I've heard of instances of guys giving
22 up their clothes and let staff put them on so that they
23 could sneak them out.

24 CHAIRMAN CALTAGIRONE: I've heard that, too.
25 Is that true?

1 DEPUTY SUPT. HENRY: I believe so, yes.
2 Also concealing them in crates. One instance of an
3 officer who was locked in the switchbox where an inmate
4 just jumped in front of him and he fought inmates off. I
5 don't know that we've identified who he was, but he would
6 not allow them to harm that officer. Now, we're aware of
7 that and we're trying to separate these people out, but it
8 was such a massive undertaking with 2,700 inmates to
9 identify the various groups.

10 I'd like to just say one other thing quickly
11 when you're talking about programs. We just had received
12 authorization from the Commissioner and the Governor's
13 Office to begin a sex offender program at our institution.
14 That was the next program that was going to go on line and
15 it was going to go on line modeled very similar to our New
16 Values concept so that we could begin treating the sex
17 offender, the child abuser, the rapist, you know, in a
18 similar fashion.

19 BY CHAIRMAN CALTAGIRONE: (Of Supt. Freeman)

20 Q. Let's look at some lessons, Superintendent,
21 that I think this committee I think is concerned about and
22 particularly your facility. We took a tour some weeks
23 after the facility was secured and I think much to our
24 surprise, in looking back I think hindsight is always much
25 easier after something like this has happened, the

1 facility was originally built to house juvenile offenders,
2 correct?

3 A. That is correct.

4 Q. At what point in that facility's history did
5 you have a phase-in of more serious type offenders that
6 would be incarcerated there?

7 A. That became a serious problem in the last 12
8 to 18 months; it became a critical problem. In the last
9 12 to 18 months we were receiving inmates at Camp Hill who
10 3 years ago never would have been sent there. There's no
11 way they would have been sent there.

12 Q. Who made those decisions?

13 A. Well, those all come out of the Deputy
14 Commissioners for Programs.

15 Q. Who would he be?

16 A. Deputy DeRamus. He is the only one who has
17 authority to transfer inmates. And what was happening was
18 maximum security cases would not go to the wall
19 institutions because there was no room for them. And they
20 started spilling over to Camp Hill. And because Camp Hill
21 had a maximum security perimeter, we were getting maximum
22 security cases inside but we only had a minimum security
23 inside.

24 Q. Who determines--

25 A. It has a double fence, it has the electronic

1 system, it has the razor ribbon. Nobody builds walls
2 anymore. People build double fences.

3 Q. But the walls that were retaining prisoners
4 in their cells, from what we were able to see, I mean, a
5 good strong man could haul himself through.

6 A. They were built for juveniles, yes.

7 Q. Right. Do you think that that facility can
8 be salvaged, by the way, to hold the types of inmates that
9 you've had there?

10 A. No. No, I don't.

11 Q. Do you think it should be put on the auction
12 block and they ought to build a new one and forget Camp
13 Hill?

14 A. I think that all of the cell blocks, I think
15 the entire Group 1 complex should be bulldozed and
16 rebuilt. I see no point in trying to fortify windows and
17 doors and that kind of thing when inmates can go out
18 through the walls. I think that the only way Camp Hill
19 can function with anything more than minimum or medium
20 security inmates is to totally rebuild inside.

21 Q. Now, you gentlemen are professionals in your
22 field and I don't propose to tell you what is probably
23 most obvious to you, but, you know, in gaining an insight
24 into what's going on inside this State, I keep wondering
25 why do we mix so many classifications of inmates over at

1 your facility over there? I mean, you've had from the
2 least offenders to the worst offenders to lifers, correct?

3 A. There's no room for them. In order to have
4 a classification system that you're talking about, you
5 either need institutions to handle them or--

6 Q. Or alternative facilities?

7 A. --or alternative facilities to divert your
8 minimum securities to keep them from coming into the
9 system in the first place. So the old classification
10 system has broken down and inmates that should have never
11 been at Camp Hill were there because we were an
12 institution that had beds. That's how it happened.

13 Q. You heard about the overcrowding hearings
14 that we had this summer on prisons?

15 A. Yes.

16 Q. Did you have concerns on the overcrowding
17 going on at your facility?

18 A. There were always concerns. In the 3 1/2
19 years that I've been at Camp Hill the population gained by
20 over 800, almost 850 inmates in and out. That's a lot of
21 gain in a 5, 5 1/2 year period. It was the single most
22 critical problem facing the institution, and the single
23 most critical problem facing the Department of
24 Corrections, and it's continuing to grow.

25 Q. Were you writing memos to anybody indicating

1 these concerns that you have documented?

2 A. It was the kind of situation that everybody
3 in the system -- there's nobody in the system who does not
4 know that overcrowding exists and something was going to
5 happen. For the last two years the Superintendents have
6 talked among themselves, we've talked with Central Office
7 people and for the last two years people in the system had
8 been predicting that what happened at Camp Hill would
9 happen. The only thing is we did not know which
10 institution it would happen at, but it was never a
11 question of if it would happen, it was simply a question
12 of when and where it would happen.

13 Q. Did you put that in writing?

14 A. I've made reference in memos to Central
15 Office about the degree of overcrowding and the problem it
16 presents but it's the kind of thing, it's like a bunch of
17 physicians getting together and talking about cancer. You
18 really don't need a whole lot of written material flowing
19 back and forth because everybody realizes that's the
20 central problem that you have.

21 Q. Were you at any time told not to continue to
22 put it into writing by anyone?

23 A. I was not told specifically not to put
24 anything in writing myself.

25 CHAIRMAN CALTAGIRONE: Okay, I don't want to

1 the dominate this. I'll open it up to the members.

2 Yes.

3 REPRESENTATIVE PICCOLA: Thank you, Mr.
4 Chairman.

5 BY REPRESENTATIVE PICCOLA: (Of Supt. Freeman)

6 Q. Superintendent Freeman, I'd like to touch on
7 the Fruits of Islam problem that you had at Camp Hill
8 which apparently, according to your testimony and the
9 testimony of Deputy Henry and some of the things that
10 we've read in the Adams Commission Report, is a problem
11 that has been going on for a couple of years at Camp Hill.
12 Is that a fairly accurate statement?

13 A. It's been going on more intensive since
14 about December of '88.

15 Q. Okay. Deputy Henry testified that you had
16 occasion to dismiss a volunteer Muslim imam, I believe
17 they're characterized as imams, in January of '89, is that
18 correct?

19 A. That's correct. I barred him from coming
20 into the institution unless he could get some kind of an
21 official status concerning what it is he was supposed to
22 be doing in there.

23 Q. Now, you have chaplains, as I understand it,
24 from various religious faith that operate, in fact are
25 employed by the department as chaplains in the

1 institution, is that correct?

2 A. That is correct.

3 Q. And with the dismissal of this particular
4 individual, was there anyone remaining who was serving the
5 needs of the Muslim population of Camp Hill?

6 A. That was being -- they were being serviced
7 under the general umbrella of the chaplain who was in
8 charge of the program. The general services were being
9 held and that type of thing, yes.

10 Q. But there was no one of the Muslim faith?

11 A. Not at the time of the barring of the
12 volunteer, no.

13 Q. Did you have an occasion after that
14 dismissal or barring to discuss this with Commissioner
15 Owens?

16 A. Yes, I did.

17 Q. And when did that occur?

18 A. That would have been in early February.

19 Q. And did you discuss both the general
20 problems that you were having with the Fruits of Islam as
21 well as the fact that you had no one to serve the needs of
22 the Muslim population?

23 A. No, I discussed the fact that we were having
24 problems with the Muslims, particularly with the FOI.

25 Q. Okay. And what was -- what was Commissioner

1 Owens' response to learning about that problem?

2 A. That he was going to give Camp Hill a
3 full-time Muslim chaplain position.

4 Q. And did he?

5 A. Yes, he did.

6 Q. And who was that person?

7 A. That was an individual named Quadir Sabir.

8 Q. Is that Q-U-A-D-I-R?

9 A. Yes.

10 Q. S-A-B-I-R?

11 A. Yes.

12 Q. Who hired Mr. Sabir, to the best of your
13 knowledge?

14 A. He was brought in by Commissioner Owens.

15 Q. And to the best of your information, who
16 recommended him to the Department of Corrections?

17 A. On his personnel application, which is the
18 only thing we can go by, there are people connected with
19 the Philadelphia prison system that he had listed as
20 references. Those people were contacted by Jan Smith of
21 the personnel office at Camp Hill and they indicated that
22 they did know Mr. Sabir.

23 Q. And he came to Camp Hill then from
24 Philadelphia?

25 A. He's out of Philadelphia, yes.

1 Q. And he had worked in the Philadelphia prison
2 system?

3 A. I don't know that for sure. I have to
4 assume that since his references were from that system.

5 Q. Okay. Going to the incident that occurred
6 in June, I think it was June the 10th that Deputy Henry
7 testified to about Fruits of Islam inmates throwing acid,
8 was Mr. Sabir in any way connected with that incident
9 about that time?

10 A. Not with the acid throwing. There was a
11 problem that developed between he and Deputy Smith.

12 Q. Could you describe that, please?

13 A. The basic problem there was that he came
14 into the Restricted Housing Unit, which was in a State of
15 turmoil and which is a very volatile unit to begin with,
16 and as I understand it in a very loud confrontational
17 manner accused Deputy Smith of allowing his officers to
18 beat inmates. A chaplain has a responsibility to look out
19 for the welfare of inmates, but if you have this kind of
20 issue, you talk to the person in private. You don't do it
21 in the middle of a cell block and do it in a manner that
22 will inflame the situation.

23 Q. Deputy Henry made mention of an extortion
24 plot that came out of Graterford in which inmates were
25 being extorted presumably for protection, in the Camp Hill

1 institution. Could you describe in as much detail as
2 possible the informations you have on that extortion
3 scheme?

4 A. I can't do that because that concerns
5 documents that I was never given.

6 Q. Okay. Are you or do you have any
7 information that Mr. Sabir was involved in that extortion
8 plot?

9 A. My understanding is that he was named as
10 being involved in it.

11 Q. Who would have investigated that?

12 A. That would have been the Special Services
13 Division of the Department of Corrections.

14 Q. And you do not receive those reports, as I
15 understand it?

16 A. Ordinarily, if it involves staff in a
17 Superintendent's institution, he does receive the reports.
18 In this case I did not.

19 Q. Would the Commissioner have received those
20 reports?

21 A. Yes. Special Services reports go directly
22 to the Commissioner.

23 Q. Were you or had you directed Deputy Smith to
24 begin an investigation at Camp Hill of the activities of
25 Mr. Sabir?

1 A. That's correct.

2 Q. When did that begin?

3 A. I'm not sure exactly. It was an ongoing
4 kind of investigation. It was one of those investigations
5 where we would get into one issue and seemed to be getting
6 the information gathered and then something else would
7 happen and the investigation just continue.

8 Q. Would that have begun sometime like around
9 the summer of 1989?

10 A. I don't recall.

11 DEPUTY SUPT. SMITH: (Indicating in the
12 affirmative.)

13 CHAIRMAN CALTAGIRONE: If one of the other
14 of you can answer these questions better, please feel free
15 to answer.

16 DEPUTY SUPT. SMITH: I think like Deputy
17 Henry had said, what had happened was there was a letter
18 intercepted by our security officer or the security
19 officer at Graterford who had forwarded the information to
20 us at Camp Hill, not the Superintendent directly but to a
21 security officer. We forwarded that to Special Services
22 in the department. There were other allegations, as
23 Deputy Henry, had said about misuse of Muslim funds and
24 extortion within the institution in those modular units to
25 the point where Muslims, there was like a representative

1 in each one of the housing units we found out and they
2 were beginning to go and collect from the other inmates,
3 and there were allegations that we were pursuing that as
4 to where some of the funds were being sent by the Muslims.
5 As I recall, what some of the allegations were that there
6 were allegations that some of the moneys were going into a
7 school that the gentleman's children attended.

8 REPRESENTATIVE PICCOLA: And you were
9 investigating that as part of your security operations, is
10 that correct?

11 DEPUTY SUPT. SMITH: Yes, sir.

12 REPRESENTATIVE PICCOLA: And Deputy Henry,
13 you made reference to an incident that occurred in
14 October, the week before the riot, that at an FOI ceremony
15 where an individual held up a Koran and said, "This is a
16 Uzi and we may have to fight"?

17 DEPUTY SUPT. HENRY: The information that we
18 received was that it was the Muslim chaplain.

19 REPRESENTATIVE PICCOLA: Mr. Sabir?

20 DEPUTY SUPT. HENRY: Yes, sir.

21 REPRESENTATIVE PICCOLA: And I presume,
22 Deputy Smith, that that statement became part of your
23 investigation?

24 DEPUTY SUPT. SMITH: No, this information
25 that you're talking about was subsequent to both riots,

1 had been discovered by interrogation.

2 REPRESENTATIVE PICCOLA: Oh, that came out
3 after the incident?

4 DEPUTY SUPT. SMITH: That's correct.

5 REPRESENTATIVE PICCOLA: Now, this internal
6 investigation that you were conducting, Commissioner
7 Smith, continued until when?

8 DEPUTY SUPT. SMITH: It continued until I
9 believe it was approximately six days prior to the riots
10 of Camp Hill.

11 REPRESENTATIVE PICCOLA: And why was it
12 terminated?

13 DEPUTY SUPT. SMITH: I received a call from
14 the Superintendent to close the file.

15 REPRESENTATIVE PICCOLA: Superintendent
16 Freeman, why did you order Deputy Smith to terminate that
17 investigation?

18 SUPERINTENDENT FREEMAN: That was on the
19 instructions of Commissioner Owens. He called me and
20 asked if I was investigating Quadir Sabir. I said we
21 were. He said why? And he told me he thought it was very
22 inappropriate for a chaplain to be investigated. He
23 thought it was very inappropriate for security people to
24 be doing the investigation, that if there were any
25 concerns about the chaplain they should be turned over to

1 the Treatment Department, they should talk to the
2 chaplain. If there was anything substantial, I was to get
3 back to the Commissioner. I called Deputy Smith and
4 Deputy Henry and told him to pick up the investigation
5 where Deputy Smith had left off.

6 REPRESENTATIVE PICCOLA: Now, was Mr. Sabir
7 involved in the incident at E Gate that began the first
8 disturbance?

9 SUPERINTENDENT FREEMAN: I don't believe he
10 was.

11 REPRESENTATIVE PICCOLA: Okay.

12 SUPERINTENDENT FREEMAN: I don't recall him
13 even being in the institution.

14 REPRESENTATIVE PICCOLA: Deputy Henry, do
15 you have any information on that?

16 DEPUTY SUPT. HENRY: Yeah, I'd just like to
17 state that there are still two open investigations that
18 are going on at this point and that particular issue is
19 involved in that and I would really rather not make an
20 open comment to that degree, due to the confidentiality of
21 the investigations.

22 REPRESENTATIVE PICCOLA: Well, out of
23 respect for you and the ongoing investigation, I will
24 withdraw that question, but at some point in time I'm
25 hopeful that the department will provide us with that

1 information.

2 DEPUTY SUPT. HENRY: I can say he was in the
3 institution.

4 REPRESENTATIVE PICCOLA: He was in the
5 institution?

6 DEPUTY SUPT. HENRY: Yes, sir. Yes, sir.

7 REPRESENTATIVE PICCOLA: You may not want to
8 answer this question either, but let me pose it. Is there
9 evidence or have there been allegations made that Mr.
10 Sabir participated in the planning and the organizing of
11 the second night's insurrection?

12 DEPUTY SUPT. HENRY: Again, that's part of
13 the ongoing investigation.

14 REPRESENTATIVE PICCOLA: Where is Mr. Sabir
15 now?

16 DEPUTY SUPT. HENRY: He has been reassigned
17 to Central Office and has -- is not permitted to return to
18 the institution until this matter is settled.

19 REPRESENTATIVE PICCOLA: Is he still on the
20 payroll of the Pennsylvania Department of Corrections, to
21 the best of your knowledge?

22 DEPUTY SUPT. HENRY: To the best of my
23 knowledge he is.

24 REPRESENTATIVE PICCOLA: Still receiving
25 biweekly paychecks?

1 DEPUTY SUPT. HENRY: To the best of my
2 knowledge.

3 BY REPRESENTATIVE PICCOLA: (Of Superintendent Freeman)

4 Q. Okay, now that brings me to my next
5 question. Superintendent Freeman, I have read in the
6 newspaper that you've been suspended without pay.

7 A. Correct.

8 Q. Is that accurate?

9 A. That's correct.

10 Q. Who informed you of this suspension?

11 A. Commissioner Owens.

12 Q. Did he give you a reason why you were being
13 suspended?

14 A. I was the Superintendent of the institution
15 at the time of the riots, I did not conduct an immediate
16 shakedown, and I permitted the reduction of the State
17 Police complement.

18 Q. And that's it?

19 A. That's it.

20 Q. He made no other allegations?

21 A. No, that was it.

22 REPRESENTATIVE PICCOLA: Could I ask each of
23 you in your opinion as corrections professionals, the
24 second night of insurrection, do you believe in your
25 opinion that that was an organized effort by the inmates

1 or groups of inmates?

2 SUPERINTENDENT FREEMAN: I have no doubt
3 that it was organized. It happened too quickly. There
4 were too many inmates coming out of cells simultaneously
5 in all of the blocks for it not to have been organized.
6 The way they came out, the way they hit the main control
7 area and while another group was hitting the modular
8 units, it had every appearance of being organized.
9 There's no doubt in my mind that the second night was
10 organized.

11 REPRESENTATIVE PICCOLA: Deputy Smith, do
12 you have any opinion on that same question?

13 DEPUTY SUPT. SMITH: I feel the same as the
14 Superintendent that the second night was definitely
15 organized.

16 REPRESENTATIVE PICCOLA: Deputy Henry?

17 DEPUTY SUPT. HENRY: I believe it was also
18 organized. Yes, sir.

19 BY REPRESENTATIVE PICCOLA: (Of Superintendent Freeman)

20 Q. One other brief question that I'd like to
21 ask, and that is concerning, I think you touched on it
22 briefly, the permission you granted to have AFSCME Council
23 13, I believe it was--

24 A. Correct.

25 Q. --to tour the facility on Thursday?

1 A. That's correct.

2 Q. Could you tell me if you can recall who the
3 AFSCME officials were that participated in that tour?

4 A. I believe it was Michael Fox, Jim Umbrell, I
5 think there was a third person, I can't recall who that
6 was, and then Jim Villott, who was the president of the
7 Local, I believe, took them around.

8 Q. And Mr. Villott is an employee at Camp Hill,
9 is he not?

10 A. Yes. He's a Sergeant.

11 Q. Sergeant. And he is president of the union?

12 A. That's correct.

13 Q. Thank you.

14 REPRESENTATIVE PICCOLA: Thank you, Mr.
15 Chairman.

16 CHAIRMAN CALTAGIRONE: Just a quick
17 question. Is this the first time you've had an
18 opportunity publicly to state your case?

19 SUPERINTENDENT FREEMAN: Yes, it is.

20 CHAIRMAN CALTAGIRONE: Representative
21 Hagarty.

22 BY REPRESENTATIVE HAGARTY: (Of Superintendent Freeman)

23 Q. Superintendent Freeman, going back to you
24 stated there were three reasons that you are under a state
25 of, what do you call it, dismissal?

1 A. Suspension at this point.

2 Q. Suspension. Have any disciplinary charges
3 been filed against you?

4 A. No.

5 Q. The three grounds that you gave were your
6 failure to -- or that the Commissioner gave were your
7 failure to shake down, your reduction of the police
8 complement, and was there a third I missed?

9 A. No, I believe it was those two reasons.

10 Q. Let me ask you, who has the authority to
11 determine or who has the authority to order a shakedown?

12 A. The policy written for the department says
13 that a Superintendent can order a shakedown and
14 communicate results to the Commissioner, however it's been
15 a longstanding procedure of policy in the Department of
16 Corrections that if a Superintendent wants an
17 institution-wide shakedown he will get the Commissioner's
18 permission to do that because of all of the problems that
19 can happen. Because when you do an institution-wide
20 shakedown, you lock everybody up. Everything comes to a
21 standstill.

22 Q. Did you consult with the Commissioner with
23 regard to your decision not to do a shakedown?

24 A. No, I did not.

25 Q. Would the Commissioner have had to

1 authorize, you're indicating then though that the general
2 policy is that the Commissioner would have authorized a
3 shakedown?

4 A. What I'm basically saying is that any
5 Superintendent in the system knows that before he locks
6 his institution up and has a shakedown of that size he
7 gets permission from the Commissioner. He does not do it
8 on his own authority.

9 Q. So that under that policy your assumption is
10 that the Commissioner was aware after the first day that
11 there was not an institutional shakedown?

12 A. He was aware of my memo to him. He did not
13 ask me about the issue of a shakedown until November 1st.

14 Q. Let me get to that. I want to ask you about
15 the memo, but before I do that, since you referred to a
16 policy, I want to go back to my prior questions about a
17 plan. Are you aware of a master emergency plan for the
18 Department of Corrections?

19 A. Yes, I am.

20 Q. And was this plan implemented?

21 A. I can't answer that because I wasn't at
22 Central Office.

23 Q. What was the purpose of the master emergency
24 plan?

25 A. The purpose is to bring as wide a group of

1 experts as possible into Central Office to be available to
2 assist the Superintendent and the institution.

3 Q. Is it in this master emergency plan that the
4 cooperative plan between the State Police and the
5 department is referred to, do you know?

6 A. I'm not sure about that.

7 Q. Okay. All right, as I understand then, the
8 master plan is for the purpose of Central Office having
9 technical assistance so that Central Office can provide
10 guidance, would that be fair to say, in the case of a
11 crisis?

12 A. Basically, they're the people who are out of
13 the line of fire who are to use their experience and their
14 skills to assist the Superintendent and his staff as they
15 try to get through all of the decisions that are necessary
16 in a crisis situation.

17 Q. Were you receiving any of this technical
18 assistance from the Central Office that was out of the
19 line of fire?

20 A. There were conversations with the
21 Commissioner, I believe Greg White, who used to be the
22 Major for security for the system was in the institution
23 periodically giving some assistance during the course of
24 the riots.

25 Q. As I understand under the master plan, there

1 are formally established teams for the situations of
2 hostage, riots or natural disasters. Are you aware of
3 whether these teams were called in as authorized and
4 provided for under this plan?

5 A. My understanding is they were not, but
6 that's only what I've heard. I can't speak from personal
7 experience.

8 Q. But you received no assistance from such
9 teams?

10 A. No, I did not.

11 Q. The memorandum that you wrote to
12 Commissioner Owens, when did you write that memorandum?

13 A. I wrote that in the very early hours of
14 Thursday morning, somewhere roughly between 5:30 and 7:00
15 a.m..

16 Q. And what was the purpose of that?

17 A. The purpose of that was to go out to the
18 Superintendents to assist them in rumor control because
19 whenever you have an incident like this, there are a lot
20 of rumors throughout the system and I wanted the
21 Superintendents to be getting the facts. It was also to
22 go up to the Commissioner and the Deputy Commissioners in
23 Central Office.

24 Q. Okay. You indicated in that memorandum that
25 the count was not clear, that there were weapons in the

1 cells, and that there was extensive damage and locking
2 devices had been -- were damaged in Cell Block H, as I
3 recall?

4 A. That's correct.

5 Q. Did you discuss that with the Commissioner
6 after you wrote that to him?

7 A. Yes, I did. He was in the command post that
8 morning. I showed him the memo, asked him for approval to
9 send it out to the field, he read it and gave me
10 permission.

11 Q. So the Adams Report which I think indicates
12 that the Commissioner said he was only aware of it was
13 incorrect? He actually read it in your presence?

14 A. Yes, he did.

15 Q. Did you discuss with him again on that
16 occasion or did he ask you any questions as to the
17 shakedown policy inasmuch as he now knew that there were
18 weapons in the cell blocks, extensive damage and an
19 unclear count?

20 A. No, he did not.

21 Q. You've indicated that sometime prior to this
22 incident that you had communicated to the Commissioner by
23 way of memorandum the problems of overcrowding at the
24 institution, and I think that that memorandum was also in
25 the Adams Report?

1 A. That was the September 11th report. I was
2 attempting to engage in some long-term planning so that as
3 we continued to get more inmates in we would have a way of
4 managing them as opposed to simply getting them in and
5 then running around trying to figure out what to do with
6 them.

7 Q. Did you receive a response to that
8 memorandum?

9 A. No, I did not.

10 Q. What was your belief as to the state of the
11 institution at the time you wrote that memorandum?

12 A. That we were in very serious trouble, that
13 we had to have more resources, and I was laying out a
14 method of what I thought we could do in terms of
15 increasing bed capacity, but I wanted to make it very
16 clear what the resources were that we needed to do that.

17 Q. You, at this time, as I understand, were
18 understaffed?

19 A. Yes, we were.

20 Q. And did you report to the Commissioner the
21 extent of your understaffing at the institution?

22 A. That would come up periodically in an annual
23 manpower survey that was conducted by Central Office
24 staff. It would also come up in budget requests, yes.

25 Q. Did you receive any additional staffing as a

1 result of your advising Central Office of your needs?

2 A. Very limited.

3 Q. What was the result for the guard on the
4 block since you didn't receive the adequate complement of
5 staff there?

6 A. There was a great deal of overtime that was
7 being worked in the institution, overtime was a major
8 problem. We had a lot of people working 16-hour shifts.
9 It was a stress factor.

10 Q. What percentage of the institution would you
11 say was working 16-hour shifts?

12 A. That I don't know. On any given day I don't
13 know how many would have been doing that.

14 Q. Did you communicate with the other
15 Superintendents with regard to the problems of
16 understaffing, morale, severe overcrowding, the stressful
17 conditions?

18 A. It's a common problem. All the
19 Superintendents talk about it. It's -- those are the
20 problems - the crowding, the lack of staff, the budget
21 problems. They're talked about every day. Again, it's
22 one of those things that everybody knows. There's no
23 secret about it and everybody talks about it.

24 Q. We have heard from other sources that
25 Commissioner Owens verbally instructed the Superintendents

1 not to write memos to him detailing crisis or problems
2 caused by overcrowding. Do you have any knowledge of
3 these instructions?

4 A. The instructions he gave the Superintendents
5 at a Superintendents' meeting was that he did not want to
6 receive CYA memos.

7 Q. What's CYA?

8 A. Cover your ass.

9 Q. Oh. Okay. All right. What was your
10 assumption from that then? What were you to do about
11 overcrowding then?

12 A. Well, specifically he said he did not want
13 to receive memos along the lines of, "If you don't give me
14 25 more officers, this place is going to blow up." He did
15 not want those kind of memos. He felt that if there was
16 that kind of information, it could be communicated
17 verbally.

18 Q. And in fact was it communicated verbally
19 then as well as in writing?

20 A. I don't know.

21 Q. Did you believe that that was the case, that
22 unless you received more officers the place was going to
23 blow up?

24 A. I can't say that I believed it was going to
25 blow up. Of all the institutions in the system, I figured

1 Camp Hill was the least likely. Whenever Superintendents
2 talk about the system, there's two or three other
3 institutions they always talk about. Camp Hill was never
4 one of them. I knew we had serious problems, but I
5 thought they were manageable problems. But they were
6 definitely very serious. As serious as -- everybody in
7 the system has got serious problems.

8 Q. The postponement of the track meet due to
9 rumors of a disturbance that's mentioned in the Adams
10 Report, did you have knowledge of those rumors?

11 A. I presented those rumors to the Commissioner
12 and his Deputies and all the Superintendents at a
13 Superintendents' meeting held in Waymart and since inmates
14 were coming in from throughout the system, I asked the
15 other Superintendents to check to see if they had any FOI
16 who were coming in to take part in the track meet. At a
17 later date I was informed by Deputy DeRamus that the track
18 meet would be canceled.

19 Q. Deputy DeRamus is in Central Office?

20 A. Yes. He's the Deputy Commissioner for
21 Programs.

22 Q. Were there any other indications prior to
23 this riot of disturbances or rumors of disturbances that
24 caused the change in plans?

25 A. No, it was just those rumors that we had

1 been picking up, and the fact that the FOI had been
2 active. They had been trying to march in their formations
3 and doing their saluting and that kind of thing, so we
4 felt that it was best not to take the chance of bringing
5 in inmates and having the potential for a demonstration
6 that could become violent

7 Q. The conference call that was made to the
8 Governor at 2:30 on October 26th in Commissioner Owens'
9 office, you were present in that office?

10 A. That's correct.

11 Q. And you had Lieutenants, as I understand it,
12 who had personally toured the cell blocks who were also
13 present?

14 A. I had Lieutenants and Captains present. The
15 Major was present, the Deputies were present, yes.

16 Q. And did they communicate to the Commissioner
17 at that time -- what did they tell the Commissioner with
18 regard to the security of the institution?

19 A. Nothing. It was a very quiet meeting.

20 Q. Did the Commissioner ask if the institution
21 was secure?

22 A. No.

23 Q. Did the Commissioner ask about the weapons
24 that you referred to in your memo and what was being done
25 about the fact that inmates had weapons?

1 A. No.

2 Q. Did the Commissioner ask about the fact that
3 locking devices were damaged and inmates had keys?

4 A. No.

5 Q. Did the Commissioner ask if you were going
6 to reconsider your shakedown decision?

7 A. No.

8 Q. Or if a shakedown in fact was going to be
9 done in the future?

10 A. No, there was no discussion on that until
11 November 1st.

12 Q. The Adams Report refers to the
13 Commissioner's, I guess, defense of his involvement in
14 that it was his philosophy to exercise a hands-off
15 approach. Would you say prior to this incident this
16 Commissioner exercised a hands-off approach?

17 A. I'm not really sure how to answer that. I
18 don't know what his involvement was with other
19 institutions and that.

20 Q. What was his involvement with your
21 institution prior to this riot?

22 A. Basically, he let me run the institution
23 unless he thought there was something that should be
24 brought to my attention.

25 Q. And would you say that continued during the

1 riot, I take it?

2 A. There was a great deal of communication with
3 him during the riot, during the riots themselves.

4 Q. Was the Commissioner aware of everything
5 that you were aware?

6 A. I don't know. He was aware of the contents
7 of that memo. Beyond that, I really can't say.

8 Q. Can you tell us what the Commissioner's
9 involvement is under the master emergency plan?

10 A. As head of the agency, he is to insure that
11 the institution in trouble gets all of the resources that
12 it needs. He is to have people at his command that he can
13 send in to assist, and he's to draw on resources from
14 other institutions if necessary.

15 Q. Did he do any of those things?

16 A. As I say, we had a number of discussions.
17 As far as resources coming in, resources did not come in
18 during the riots. Afterwards, resources -- after the
19 second riot resources started to come in.

20 Q. You indicated that one of the reasons you
21 decided not to do a shakedown was the fatigued condition
22 of your officers. Were you aware that the State Police
23 were ready, willing and able to do a shakedown at that
24 time?

25 A. State Police cannot shake down an

1 institution. They have no training to do that. It would
2 be a very stupid move to put people in to -- first of all,
3 trying to take State Police and taking their weapons off
4 of them, which is what you would have to do for them to go
5 into a cell and start shaking down, they wouldn't do.
6 Secondly, they're not trained in how to do it. Thirdly,
7 your reaction from the inmate population would be even
8 worse. The most they could do would be to provide backup,
9 and that doesn't help when you've got fatigued staff and
10 you've got a very long job in front of you.

11 Q. Were you aware of the offer from another
12 Superintendent to send 25 guards in to assist?

13 A. After the fact.

14 Q. Who was that offer made to, as you have
15 become aware after the fact?

16 A. I have been told that the Superintendent at
17 Frackville made that offer to Deputy DeRamus. Again, I've
18 been told that. I have no personal knowledge of that.

19 Q. Were you aware of a meeting that occurred in
20 the Commissioner's office with some of the other
21 Superintendents on Thursday after the first riot?

22 A. No, I'm not.

23 Q. You have no knowledge of a meeting with the
24 Superintendents and the Commissioner?

25 A. No.

1 REPRESENTATIVE HAGARTY: Thank you.

2 CHAIRMAN CALTAGIRONE: Dick.

3 BY REPRESENTATIVE HAYDEN: (Of Superintendent Freeman)

4 Q. Mr. Freeman, I believe you testified at the
5 outset that you have 19 years of experience in the State
6 penal system?

7 A. Nineteen and a half, yes.

8 Q. During the course of any of those 19 years,
9 have you ever been at an institution in which an
10 institution-wide shakedown has taken place?

11 A. Ah--

12 Q. Particularly in Western, I think you
13 testified--

14 A. No. No, I've been at Greensburg and Mercer,
15 and in those places I don't believe we ever got to the
16 point of an institution-wide one, no.

17 Q. Had you ever conducted one during your
18 tenure at Camp Hill or instructed one or--

19 A. Not institution-wide. We were always
20 searching cells. Every day we were searching cells, but
21 in terms of an institution-wide one where you lock
22 everybody up and shut everything down, I don't believe so.

23 Q. I'd like to ask a couple questions simply
24 about the location of the FOI inmates in Camp Hill. The
25 RHU, does the RHU contain both FOI inmates and those who

1 weren't necessarily belonged to that group?

2 A. Correct.

3 Q. Was there any way for you or Mr. Smith or
4 others in the prison to identify to the best of your own
5 justification who in fact was a member of FOI in prison,
6 either through membership in certain prayer groups,
7 identifying where -- identifying type of material. Was
8 there any way for you to able to isolate who those inmates
9 were?

10 A. We were always identifying them. We kept
11 dossiers on them in the security office. We were always
12 identifying FOI. That was a priority of our security
13 people, of Lieutenant Sherack and his people, to always be
14 identifying FOI and keeping an eye on them. We regarded
15 them as a dangerous group. We did not realize until too
16 late just how far they were willing to go to take down an
17 institution.

18 Q. Now, were you also aware that, I would
19 assume that other Superintendents were aware of the
20 problems that FOI could create in their own institutions.
21 You mentioned the Graterford situation?

22 A. Yes. I think all of the Superintendents are
23 very much tuned in to the threat presented by the FOI.

24 Q. Thank you.

25 CHAIRMAN CALTAGIRONE: Bob.

1 REPRESENTATIVE REBER: Thank you, Mr.
2 Chairman.

3 BY REPRESENTATIVE REBER: (Of Superintendent Freeman)

4 Q. Superintendent Freeman, on page 28 of the
5 Adams Commission Report, I don't know if you have a copy
6 of that, if you gentlemen have a copy of that in front of
7 you, there's reference to a 1:00 o'clock meeting with the
8 inmates.

9 A. That's correct.

10 Q. And you were present at that meeting?

11 A. Yes, I was.

12 Q. I note in the report that it specifically
13 said at the outset of the meeting the Superintendent
14 stated that the meeting would be limited to one hour. It
15 seems as you read a little further that there was concern
16 about dissatisfaction that this meeting hadn't transpired
17 to the point of resolving the differences and it was
18 somewhat abruptly and hastily concluded at that one-hour
19 marking. First of all, what was the reason for the
20 one-hour time limit? Because of the conference--

21 A. Yes.

22 Q. --call?

23 A. Yes. The conference call was scheduled
24 after I had made a commitment to the inmates to meet at
25 1:00 o'clock.

1 Q. Were you aware or were you so advised
2 immediately thereafter but prior to the conclusion of the
3 conference call of the various threats that the report
4 states that were overheard being made by the inmates,
5 including remarks about burning the institution?

6 A. No, I was not.

7 Q. Do you know if any of the staff that was
8 present, and I assume their names all appear on this list
9 that we were handed by your people?

10 A. Yes.

11 Q. Was anyone on this list aware of that at the
12 time of the conference call prior to its conclusion?

13 A. I don't know if they were or not. I don't
14 know if the Deputies can answer that or not. There's been
15 a great deal of information developed since my suspension
16 that I don't have access to.

17 REPRESENTATIVE REBER: I would then repeat
18 that same question for anyone else to answer if they have
19 anything to add to what was just stated by the
20 Superintendent.

21 DEPUTY SUPT. SMITH: Yes, sir. In that
22 packet of information that I provided, you'll find a
23 report from a Sergeant Haley that outlines a scenario that
24 when that meeting closed, he went to one of the Captains
25 and told them that what the inmates said on the way back

1 that there was going to be problems, the Captain told him,
2 you know, I don't want to hear anything verbally, put it
3 in writing or I'm not going to deal with it. The officer
4 went back, put a report in writing, and as I understand
5 it, turned it in to that Captain.

6 REPRESENTATIVE REBER: Approximately what
7 time was this verbal discussion, the initial verbal
8 discussion between the--

9 DEPUTY SUPT. SMITH: As I recall from the
10 Sergeant's report, it was directly following that meeting.
11 You know, they took the inmates back to the cell block and
12 he came right back and told the Captain.

13 REPRESENTATIVE REBER: And that would be
14 about what time was the conclusion of that meeting, 3:00
15 o'clock?

16 DEPUTY SUPT. SMITH: No, it was from 1:00
17 p.m. till 2:00 o'clock.

18 REPRESENTATIVE REBER: Oh, okay.

19 DEPUTY SUPT. SMITH: Yes, sir.

20 BY REPRESENTATIVE REBER: (Of Superintendent Freeman)

21 Q. Was there a meeting then, Superintendent
22 Freeman, was there a meeting at 2:00 o'clock or prior to
23 the conference call with the Governor?

24 A. Just very briefly to get people organized to
25 go up. That's all that was. Just come meet in my office

1 and then we'll all go up as a group.

2 Q. And it was during the course of that meeting
3 that the reactions that Representative Hagarty elicited
4 from you concerning the security and all these various
5 things that were in the reports were not troublesome or
6 were not discussed at that time with the Commissioner?

7 A. There was nothing given to me in the meeting
8 in my office as we got together or when we were up in the
9 Commissioner's office or afterward to indicate that there
10 was anything happening other than an institution that is
11 calmly starting to go back to normal operation.

12 Q. Was the statement ever made or directed to
13 you or any of you gentlemen by anyone that for media
14 purposes, for public perception purposes, we should in
15 fact be conveying this subtle approach that calm is now
16 permanent on the scene, that everything is, quote, "back
17 to normal," that the security is there, that the
18 institution is secure? Was there ever any suggestion to
19 you that this particular type of demeanor should be
20 carried out by any of you gentlemen or your staff?

21 A. I was informed by both the Commissioner and
22 Ken Robinson, who's the press secretary, to hold a press
23 conference late Wednesday evening and to report that the
24 institution was under our control and that the community
25 had been in no danger.

1 Q. What was your response to that admonishment?

2 A. I had no problem with that because that was
3 my understanding at the point. At that point it was my
4 understanding that the institution was secure, the problem
5 guys had been locked up, and that things were calm. So I
6 had no difficulty with that.

7 Q. And this was approximately what time?

8 A. I believe 10:30 or so that evening, I
9 believe.

10 Q. The evening immediately after the first
11 incident?

12 A. That was Wednesday. Wednesday evening,
13 yeah.

14 Q. Now, this list that we have here, is this
15 the list of individuals that were present in the
16 Commissioner's office immediately prior to the conference
17 call?

18 A. That's correct.

19 Q. Were these same people then present for the
20 conference call?

21 A. Yes.

22 Q. All these people were present?

23 A. Yes. Nobody left.

24 Q. Okay. During the course of the conference
25 call, who did the speaking at your end?

1 A. The Commissioner.

2 Q. Was there any discussion whatsoever by
3 anyone else with the Governor?

4 A. No.

5 Q. Did the Governor maintain this dialogue
6 directly with the Commissioner?

7 A. It was a conference call, so everybody could
8 hear it. Basically he was saying that he was pleased with
9 the way the riot had been managed.

10 Q. Was there any discussions at that point in
11 time whether there was a question whether total security
12 really did exist? Were we in any type of situation where
13 there was a discussion that something might develop to
14 bring about additional rioting?

15 A. No.

16 Q. That was not discussed?

17 A. That was not discussed, no.

18 Q. At that time, did any of you four gentlemen
19 who by this roster obviously were listening to the
20 dialogue, at that time with what you all then knew, did
21 you have any problems with the tone and the
22 representations that were being made in the course of that
23 conference call that obviously didn't bear fruit in the
24 next four or five hours?

25 A. I had no problem with it because all -- I

1 had the assurances of my staff that the place was secure.

2 BY REPRESENTATIVE REBER: (Of Deputy Supt. Smith)

3 Q. Deputy Smith, turning to your testimony
4 immediately prior to the luncheon break, there was some
5 discussion about the repair program that you wanted to see
6 instituted after the first day's incident, number one
7 priority was the repair of the inner-perimeter fence, I
8 think you said?

9 A. Yes, sir.

10 Q. Then the immediate second thing would have
11 been the cell block maintenance and securing of those cell
12 blocks. You then, I think, made reference that none of
13 these repairs to the cell block were done and the
14 maintenance crew left at 3:30 at the end of their shift.
15 Is that a correct characterization? Although in all
16 fairness to you I believe you also said that was not known
17 to you as it was contemporaneously happening, is that
18 correct?

19 A. They didn't all leave, but the vast majority
20 of them were permitted to go, yes, sir.

21 Q. From 7:00 o'clock in the morning until 3:30
22 p.m., were you on-site personally?

23 A. Yes.

24 Q. During that time did you or did anyone under
25 your direction attempt to follow up and make a

1 determination whether there was security going on to the
2 extent of making sure that these facilities that were
3 damaged the night before were in fact being appropriately
4 repaired and remediated so there was no concern or were
5 you just assuming that this was being done?

6 A. I assumed to a certain extent about, and I
7 put this in my report, at about I believe it was 7:00
8 o'clock in the morning or thereabouts, one of the Captains
9 came in and told me, popped his head in the door in my
10 office and said there were some doors that were screwed up
11 in H Block and that he was sending a few padlocks over,
12 and I said, good, and then I called the maintenance
13 superintendent again, you know, and emphasized to him
14 about specifically in H Block.

15 Q. Okay. Let me just ask you a question, and
16 obviously this is going to be from a layman's standpoint.
17 If I'm an individual that is, quote, "in charge of" making
18 sure that an institution and specifically cell block by
19 cell block are in fact secure after an incident of the
20 first night has taken place, it would seem to me that
21 obviously I guess that was to some extent what Captain
22 Kerstetter was doing on the radio logs initially. But I
23 think as I listened to these edited tapes and this edited
24 transcript, I get the impression that there was obviously
25 a lot of damage done to the concern of the Captain and

1 some of the other support personnel that were with him.

2 A. (Indicating in the affirmative.)

3 Q. And I'm just
4 wondering if immediately upon the conclusion of the first
5 tour of all the facilities why was not there an immediate
6 second tour of all of the facilities that were
7 specifically and visually inspected by people, and I
8 understand the State Police don't have that expertise but
9 I assume that the Captain and some of his people do have
10 that expertise, why was not there an immediate return for
11 a second total inspection to secure cell by cell those
12 that had any form of tampering or any form of damage that
13 would have been suspect to have allowed extraction, which
14 obviously did happen at about 6:00 o'clock the next
15 evening? Was it manpower? Was it you were going to do it
16 and you just didn't get around to doing it, or what was
17 the reason?

18 A. No.. Throughout the night, like the
19 Superintendent had said, Group 2 and 3, you know, being
20 locked up 9:00, 9:30 at night. Actually, I mean, staff
21 were working all the way through the night. Inmates were
22 in buildings in the New Values day room and on Field 1 and
23 on the Main Stockade Field, throughout, spread out all
24 over the institution. They were searched and escorted
25 back to their cells and a count, you know, we were

1 attempting to clear count, which, you know, in corrections
2 peoples' mind, I mean, count -- every institution in the
3 State runs around count. I mean, count is the most
4 critical thing of the whole day in us attempting to, you
5 know, clear count and assigning people to film the
6 institution and all of those things.

7 In reflection, and obviously we had a second
8 night of rioting, you know, I could sit here and tell you,
9 you know, I wish I had gone out and said, all right, you
10 know let's go, you know, let's check and make sure that
11 was done.

12 Q. Let me ask you this: Was there any
13 discussion to your knowledge, and Superintendent, I will
14 also direct this to you because you might have been the
15 person that could have been or--

16 DEPUTY SUPT. SMITH: Can I interrupt one
17 second, sir, just one second, sir? Also, and I heard, you
18 know, in front of this committee this was discussed
19 earlier, but throughout the day, things were calm. You
20 look at Group 2 and 3, it was hustle-bustle. The State
21 Police were going cell block to cell block filming. I had
22 our Security Lieutenant with them, with the State Police
23 liaison officer. I had Sergeant Diehl and our search team
24 officers out filming and shooting pictures of all the
25 damage and everything and calling the department and

1 trying to round up things. Captain Stotelmyer, at some
2 point if you look at his report, he came in fresh. He was
3 not with us in the first day of rioting. He was the shift
4 commander. He toured all six cell blocks. No one said
5 anything to him. He didn't raise no concerns whatsoever.
6 You could see people moving from my office, hustle-bustle,
7 all these people touring, moving, you know, everything
8 seemed to be going correctly. Like I said, in reflection,
9 you know, obviously I wish I had gone out, you know, and
10 said, let's go, filming's done here, let's get in here. I
11 mean, that obviously would have helped.

12 (Whereupon, Representative Hayden assumed
13 the Chair.)

14 SUPERINTENDENT FREEMAN: If I could make two
15 little points. The radio log that you were given had not
16 been edited. The only thing edited was the tape that we
17 played for you. The radio log itself is in its entirety.

18 The second thing is, a Deputy for Operations
19 is tied up with a hundred things that have to be done in
20 the aftermath of a riot. He depends on his commissioned
21 officers to be out there looking for him and reporting,
22 and if they're in cell blocks and they're seeing locking
23 mechanisms that can be triggered by inmates, they've got
24 the responsibility to go to the Major or go directly to
25 the Deputy for Operations and say, we have a major problem

1 that can happen. He can't -- he can no more than I go out
2 in the institution and double-check everything that's
3 being said because we're already moving in terms of
4 getting back to normal.

5 REPRESENTATIVE REBER: Let me ask you this,
6 then. I think that's, frankly, as far as I'm concerned,
7 the major purpose of this particular hearing is to make a
8 determination where we may need to go in the way of
9 providing assistance to gentlemen like yourself that are
10 caught up and are dropped into a situation like this, and
11 I guess my major concern is why did not the Commissioner
12 or why did not the Governor or why did not somebody call
13 in, you know, the National Guard, the Marines, the Coast
14 Guard and everybody else that they might have needed if in
15 fact that was a necessity to make sure that the second
16 night did not happen for two reasons - fatigue of people
17 there and/or lack of manpower and expertise to assess the
18 situation so it did not happen?

19 Now, I know some of my colleagues, if not
20 all of my colleagues, are concerned to make sure that we
21 have the appropriate type of response team, if you will,
22 that can immediately come on the scene once the
23 individuals are back in the cell to make sure that that's
24 where they stay. I would have hoped that that would have
25 taken place. It's obvious it didn't. I'm not, per se,

1 holding anyone sitting here responsible for that happening
2 or suggesting that that was the case, but I think we have
3 to see the areas. We need your expertise in telling us
4 where there were these types of deficiencies in manpower
5 and/or operation expertise to handle it.

6 SUPERINTENDENT FREEMAN: One of the things I
7 would recommend is that there be developed within the
8 Department of Corrections a standing team of experts
9 pulled either from Central Office or preferably pulled
10 from the field as well as Central Office to go into an
11 institution immediately after a riot and double-check
12 everything.

13 REPRESENTATIVE REBER: Following up on that,
14 counsel has suggested that some of the things that are
15 concerns of mine are already in place, and I would ask her
16 to direct to you the specialized aspects of this
17 particular issue and see what your views are on it because
18 to some extent there is a concern that we do have this and
19 it was not in fact implemented after the first riot that
20 potentially or could have stopped the second from taking
21 place.

22 MS. WOOLLEY: Representative Hagarty was
23 asking you earlier with regard to the master emergency
24 plan and the two teams which exist under that plan which,
25 to my knowledge, based on our investigation of the

1 Graterford hostage incident and the emergency management
2 of that incident, the Commissioner has the ability to
3 summon an emergency team composed of 20-some people at the
4 department level who have expertise in a variety of areas
5 - security, food, treatment - so that those people are
6 available to give technical assistance, and if necessary
7 physical assistance, to the institution staff who are
8 attempting to manage the crisis. Is that an accurate
9 representation?

10 SUPERINTENDENT FREEMAN: That's correct. I
11 think, though, the team would be improved if you brought
12 in people from institutions who every day are working with
13 physical plant security problems. One of the things that
14 I think happens when people go into Central Office is at
15 some point they start to drift from the field because
16 they're not working in an institution. You need people
17 who can come in, go in and say, yeah, yesterday at
18 Pittsburgh we found something very similar to this and
19 this is what you need to do about it. You need some
20 people whose experience is fresh and right up to date.

21 MS. WOOLLEY: With regard to the security
22 issue -- oh, I'm sorry, Representative Reber.

23 REPRESENTATIVE REBER: Proceed.

24 REPRESENTATIVE HAGARTY: If Representative
25 Reber is done, I have questions.

1 REPRESENTATIVE REBER: I'm not done yet.

2 MS. WOOLLEY: That's okay.

3 BY REPRESENTATIVE REBER: (Of Superintendent Freeman)

4 Q. Superintendent Freeman, you made the
5 statement that there are two or three other institutions
6 that are talked about at the various meetings of the
7 Superintendents throughout the State that in fact would be
8 the area where I think your words were that a blow-up
9 might take place?

10 A. Yes.

11 Q. However, of all of those, Camp Hill was not
12 necessarily the top of the list; contrary, it was more or
13 less only discussed as possibly being at the bottom of the
14 list.

15 A. Yeah. Nobody ever discussed Camp Hill.

16 Q. Where are the 2, 3? Who are the 2, 3? What
17 are the 2, 3?

18 A. I'd rather not get into that because one of
19 things that you have to be very careful about in this kind
20 of a situation is the inmates read the papers and listen
21 to the news and listen to the radio, and I really don't
22 want to be giving them any encouragement because there
23 are inmates out there--

24 Q. Let me ask you this question: Has that
25 concern, since the tinderboxes have not ignited in the

1 areas where you had some concern that they might, has that
2 information been provided to the Commissioner and/or the
3 Governor by you directly, individually?

4 A. No. I have not -- obviously, I have not
5 spoken to the Governor and I've had two extremely brief
6 conversations with the Commissioner. But it's no secret.
7 You ask any Superintendent in the system and he'll run
8 down the same three I would run down to you. There's no
9 secret about it. It's just I don't want to be giving
10 inmates in those--

11 Q. I understand that.

12 A. --institutions encouragement to make them
13 number 2.

14 Q. I understand. That's all the questions I
15 have.

16 REPRESENTATIVE REBER: Thank you, Mr.
17 Chairman.

18 ACTING CHAIRMAN HAYDEN: Representative
19 Hagarty.

20 REPRESENTATIVE HAGARTY: Thank you.

21 BY REPRESENTATIVE HAGARTY: (Of Deputy Supt. Henry)

22 Q. Is it Captain Henry? No, Deputy Henry. I'm
23 sorry. You indicated that you had toured the cell blocks.

24 A. (Indicating in the affirmative.)

25 Q. Did you observe the locking devices that we

1 now know the panels were removed from? Did you make that
2 observation that those panels were removed?

3 A. My purpose in going over there, as I stated,
4 was to basically check on the atmosphere of the inmates,
5 were they quiet, were they rowdy? I was not there to
6 check on any locking systems, and quite frankly, I am not
7 myself familiar with the, until the riot, the Camp Hill
8 locking system.

9 BY REPRESENTATIVE HAGARTY: (Of Deputy Supt. Smith)

10 Q. And maybe it was Officer Smith who
11 indicated, Deputy Smith, who did tour with the State
12 Police officer who took the evidence pictures from
13 corrections?

14 A. Lieutenant Sherack.

15 Q. Excuse me?

16 A. Lieutenant Sherack.

17 Q. Did that Lieutenant report to you that these
18 security panels were missing?

19 A. No, he did not.

20 Q. Is it your belief that he made that
21 observation?

22 A. Honestly, it's my belief that a number of
23 people made those observations. I don't think anybody --
24 as I've explained it, I think the biggest problem was that
25 the entire institution was going, whew, you know, it's

1 over. I think there were a lot of, you know, a lot of
2 people that saw a lot of things and--

3 Q. They just weren't focussed on what that
4 meant?

5 A. Just were not focussed on it. The same
6 thing like I said about the tape we played. You heard the
7 emotion in the voices. Do I think people, you know, saw
8 them and said we won't tell them? No.

9 Q. About the tape. The tape refers to the fact
10 that it says cell block is open or unsecure. What did
11 that officer do to make that determination that that cell
12 was not secure? Because I then assume he moved those
13 inmates. I mean, that answer is repeated throughout this
14 transcript, unlocked or some words to that effect.

15 A. There's a lot of things with the Camp Hill
16 locking system, you know, that could cause the cell not to
17 close or not to lock or, you know, whatever, but I think,
18 and I can't honestly say that at this point because at the
19 point we're listening to Group 2 and 3 being locked up,
20 you know, we don't know anything about panels or, you
21 know, being off or anything like that, but there's I think
22 an assumption after the fact that, you know, people, and
23 if you look at photographs, you know, panels are above
24 every cell, you know, and it does no good to put an inmate
25 in a cell where a panel is off. I mean, you might as well

1 leave him out in the yard because, you know, you reach up
2 and you click a little steel bar and it opens up the
3 locking mechanism.

4 Quite frankly, if I can answer your
5 question, there's been a lot that has happened since the
6 second riot. I have to be honest with you. I think, you
7 know, staff are scared. People are concerned for their
8 careers. I've heard people say things, you know, about
9 the locking mechanisms that are -- if we hadn't had two
10 riots, they would be comical. I mean, I've been in that H
11 Block, for example, which is now vacant, with the Acting
12 Superintendent of Camp Hill and with nine management staff
13 and have someone reach up and click the metal bar up and
14 the door open and management staff, four of them, take a
15 step back and go, "Oh, is that how that happens?"

16 People are scared. You know, people know
17 that. People are scared, too.

18 Q The Adams Report refers on page 39, it makes
19 the statement had the Deputies responded to information
20 they received on Thursday, the 26th, the second riot may
21 not have occurred. What do you believe the Commission is
22 referring to there? What information did you allegedly
23 receive that you didn't respond to?

24 A. I know what the reference is in the Adams --
25 I mean, I've been in the institution now for close to 90

1 days, I know pretty much what allegations are, who said
2 what and who says they said what and whatever. There is a
3 Lieutenant in the institution who says that he came in to
4 me at 3:30 in the morning, you know, and said that the
5 cells should be padlocked. I don't recall the Lieutenant
6 coming in to see me. I know the Adams Commission
7 questioned my administrative officer. In his report he
8 said there was just him and -- or my administrative
9 officer and I were the only ones present in the office. I
10 don't recall it. I also can tell you that that Lieutenant
11 is very respected in the institution. We have a lot of
12 faith in him. If he did say it, it didn't click. I don't
13 remember him coming in. That's what the reference is to
14 in the Adams Commission Report.

15 Q. The report also finds that one and perhaps
16 both Deputies and Majors did see security panels missing
17 and on the south floors precautionary measures were taken.
18 Do you, and I guess any of the Deputies here, I don't know
19 what they base that conclusion on.

20 DEPUTY SUPT. HENRY: I think in my case the
21 inference is I walked through the fronts of E, F and G,
22 that I had to see it, and my response to that is, A, I
23 wasn't looking for any covers to be off; B, I'm not sure
24 if I'd have seen and stepped over one I'd have really
25 known what it was because there was debris on the floor,

1 and I was there just checking the atmosphere. There were
2 officers and there were State Troopers in the vicinity and
3 no one said anything to me. There were no concerns or no
4 nothing.

5 So I think that's where they're drawing the
6 inference that I may have seen something, but that was the
7 only time that I was in that area prior to the second
8 outbreak.

9 REPRESENTATIVE HAGARTY: The Commission is
10 wrong, in your belief? The Deputies did not have
11 knowledge of security panels--

12 DEPUTY SUPT. HENRY: Well, in my situation
13 they're wrong.

14 REPRESENTATIVE HAGARTY: And Deputy Smith,
15 you indicate you did not know that the security panels
16 were off?

17 DEPUTY SUPT. SMITH: Not that I can recall,
18 no.

19 REPRESENTATIVE HAGARTY: I guess this is
20 obvious now that all of the inmates knew how to remove
21 these panels. Are you telling me, or maybe you're not
22 telling me that. To ask the question neutrally, did you
23 know and did your officers know that these panels could be
24 removed so easily?

25 DEPUTY SUPT. SMITH: If I can respond to

1 that. In Camp Hill, and there's a lot of things in
2 reflection, you know, that you think about, but in Camp
3 Hill I think if you trooped all of the staff into this
4 room and got testimony from everybody, everyone would tell
5 you that the inmates have worked on the locking systems of
6 Camp Hill since 1929. The panels that you're talking
7 about are like 8 feet long, a foot wide. The officers in
8 the evening, you know, if they had a problem with a door,
9 they would call one of the inmates from -- we don't have a
10 locksmith, we have a mechanical services tradesman
11 instructor and he has an inmate detail, and if they have
12 problems with a lock in the evening, you know, they would
13 send up to K Block, the honor block, and get one of the
14 guys down and he would fix the lock. In reflection, is
15 that the smart? No. Had we tried to correct locking
16 problems at Camp Hill? Yes. Probably a month prior to
17 the riot we were trying to move the institution, quote,
18 "locksmith" out of the institution, out in the
19 administration building and have all the blank keys and
20 everything outside the institution.

21 In my one report that I did to the Adams
22 Commission or for the Adams Commission that listed all the
23 security improvements and the security policies, at the
24 end I listed that Camp Hill was a juvenile institution.
25 There were a lot of practices, quite frankly, one that

1 none of you have asked us about today, and that's the
2 family day visiting policy. That's been in effect, it's a
3 carryover from the juveniles. Inmates working on the
4 locking system is a carryover from the juveniles. The
5 keying system at Camp Hill, the Superintendent made that
6 one of my management objectives for the year starting July
7 1st was to rekey the entire facility because if you'd ever
8 see the shift commander at Camp Hill -- not since the
9 riots, now we've rekeyed keys and done a lot of the
10 things, but prior to the riots, the keys would hang from
11 the Captain's side of his pants all the way down and
12 almost drag on the ground because it was just 1939 they
13 added this lock, 1941 -- I talked to officers after the
14 riot and they said, Deputy, there was like an escape hatch
15 in the roof. It got so bad, you know, we went up to check
16 that. We were seeing if we could get out of the roof.
17 Nobody had the key. Well, they had the key but the keys
18 were so massive and over the years they built up and they
19 keep building up and they don't take, you know, a key
20 that's no longer used off. It's just -- it was an old
21 institution converted from juveniles and there's a lot
22 that they did--

23 REPRESENTATIVE HAGARTY: So you really knew
24 that this was not a secure institution for the inmates who
25 were there?

1 DEPUTY SUPT. SMITH: For the type of inmate?

2 REPRESENTATIVE HAGARTY: Yes.

3 DEPUTY SUPT. SMITH: I think it you
4 interviewed all the staff in the institution, safety
5 committee meetings, which we held monthly, labor
6 management meetings, okay, as we have said, and none of us
7 have said this at the hearing here today, we were trying
8 to prepare the staff, emergency planning wise and that,
9 for a, quote, "problem" in case it developed. But there
10 was a war fought at Camp Hill.

11 REPRESENTATIVE HAGARTY: There was what?

12 DEPUTY SUPT. SMITH: I mean, it was like --
13 you know what I'm saying. We were trying to prepare staff
14 for a problem if it happened--

15 REPRESENTATIVE HAGARTY: Not of this
16 magnitude?

17 DEPUTY SUPT. SMITH: It wasn't a problem, it
18 was a battle.

19 REPRESENTATIVE HAGARTY: Superintendent, did
20 Commissioner Owens know how inappropriate this institution
21 was for the type of inmate that was housed there?

22 SUPERINTENDENT FREEMAN: I don't know. I
23 can't answer that.

24 REPRESENTATIVE HAGARTY: Did you ever make
25 him aware of the failure of these locking devices?

1 SUPERINTENDENT FREEMAN: No, because we
2 never regarded them as failing. We knew it was an
3 antiquated system and we had concerns about what would
4 happen if we had a fire and we had to get a lot of inmates
5 out quickly, but in terms of being able to provide the
6 basic security of keeping people confined, we thought they
7 were workable.

8 REPRESENTATIVE HAGARTY: Well, I mean, I do
9 have to say I think you're all very brave under these
10 conditions to have continued in this institution. You
11 have every reason to feel insecure, it appears to me, and
12 the Commissioner should have been aware of the insecure
13 situation in light of this.

14 DEPUTY SUPT. SMITH: Locking systems that
15 you referred to, and the Superintendent alluded to this,
16 in July of 1988, again, trying to upgrade the physical
17 plant, we built a new Gate House at the rear gate. It
18 used to be a little wooden, eight 2 by 4's, a little shack
19 where the officer's kept the inmates' pictures in and out
20 of. The maintenance department built a new Gate House.
21 We bought two new state of the art electronic sliding
22 gates. When we had that company in, we had them give us a
23 letter quote on replacing the locking systems at Camp
24 Hill. As the Superintendent said, on our minds it was not
25 a security issue, it was an issue that as it sits today,

1 it's dangerous for accreditation purposes and fire safety.
2 The system that's in place as we sit here at Camp Hill,
3 there's no -- as I had said earlier, there's no keys.

4 REPRESENTATIVE HAGARTY: They can't get out.
5 I understand.

6 DEPUTY SUPT. SMITH: If there's a fire, you
7 know, they can't get out.

8 REPRESENTATIVE HAGARTY: Okay. Thank you.
9 (Whereupon, Representative Blaum assumed the
10 Chair.)

11 ACTING CHAIRMAN BLAUM: Any other questions?
12 Attorney Woolley.

13 BY MS. WOOLLEY: (Of Deputy Supt. Smith)

14 Q. I think this is directed to Deputy Smith.
15 Who at the department level do you report to in your
16 capacity as Deputy for Operations? Is there -- I mean,
17 under the management chain of command at the department
18 level, who is responsible for operations and security at
19 the department level?

20 A. Deputy Commissioner for Correctional
21 Services.

22 Q. And who is that?

23 A. We haven't had a Deputy Commissioner for
24 Correctional Services for about a year.

25 Q. And what are the responsibilities of that

1 person?

2 A. Kind of similar to what we laid out in the
3 institution. The Deputy Commissioner for Correctional
4 Services under him in the department level has the Chief
5 of Security, Chief of Food Services, Chief of Maintenance
6 and Construction, everything actually except for
7 Correctional Industries, the factories. That's where it
8 kind of breaks down. That's under the Deputy for
9 Programs.

10 Q. Earlier you mentioned that you did routine
11 staffing analyses, and were those analyses in terms of
12 your needs for guards and security concerns? Did they go
13 up through this Deputy Commissioner to the Commissioner of
14 Corrections?

15 A. Yes.

16 Q. And since the Deputy Commissioner's office
17 has been vacant, have you continued to do these routine
18 memos with regard to your staffing and security issues?

19 A. Yes. Prior to the riots we had two requests
20 in for corrections officers. One, I believe, was sent up
21 towards the end of August was for additional corrections
22 officer staffing for the B Block basement area, which was
23 a new 70-bed dorm that we had proposed to try and deal
24 with the overcrowding.

25 Q. Um-hum.

1 A. We also asked for additional posts in the
2 Group 1 corridor--

3 Q. Who's receiving those requests though since
4 the Deputy Commissioner for --

5 A. The policy always has been the
6 Superintendent sends them directly to the Commissioner,
7 the Commissioner has the Deputy Commissioner for
8 Correctional Services and his people review it, and then--

9 Q. Does the Deputy Commissioner for
10 Correctional Services, which is vacant, was there a Deputy
11 in that office who would now be running things?

12 SUPERINTENDENT FREEMAN: There used to be,
13 yes.

14 DEPUTY SUPT. SMITH: There's a Director of
15 Facility Services, if that's your question.

16 SUPERINTENDENT FREEMAN: There is a director
17 who is handling that kind of thing, yes, along with all
18 his other responsibilities, yes.

19 MS. WOOLLEY: So the top position is vacant
20 and the Deputy Commissioner is also vacant?

21 SUPERINTENDENT FREEMAN: The Deputy
22 Commissioner for Operations position has been vacant, yes.

23 MS. WOOLLEY: Thank you.

24 BY ACTING CHAIRMAN BLAUM: (Of Deputy Supt. Smith)

25 Q. Deputy, my question, the Lieutenant who says

1 that he visited you, was that 3:00 a.m., did you say, 3:00
2 a.m. on the 26th the Lieutenant came in--

3 A. The Lieutenant that said he came in, yes.

4 Q. He says he came in at 3:00 a.m. Thursday
5 morning?

6 A. Yes, sir.

7 Q. Was he in at the meeting for the conference
8 call?

9 A Yes.

10 Q. What is his -- which one is he on this list?

11 A. Steve Sunday.

12 Q. Did he mention to the Commissioner or to
13 you, to the Superintendent, what he allegedly told you at
14 3:00 a.m., some 12 hours earlier?

15 A. No, sir.

16 ACTING CHAIRMAN BLAUM: Superintendent, when
17 people are suspended without pay and then found that they
18 should be reinstated, do they get back pay?

19 SUPERINTENDENT FREEMAN: I can't answer
20 that. This, I believe, is, for the Department of
21 Corrections, a unique situation.

22 ACTING CHAIRMAN BLAUM: I would concur with
23 the members of the committee who spoke earlier that I
24 think you people deserve a pat on the back for what you
25 did. We look for why it happened, and somewhere along the

1 line if anybody knew that the locking systems were not
2 working they obviously did not pass it on, or if they did,
3 they had an opportunity to at this meeting at 2:00 o'clock
4 and didn't. That's a problem.

5 Any other questions?

6 Representative Heckler.

7 REPRESENTATIVE HECKLER: Thank you very
8 much, Mr. Chairman. Just a few questions.

9 It's evident from all that we've heard about
10 this incident that some of the inmates behaved very
11 appropriately, perhaps much more than appropriately in
12 terms of protecting both property and lives. Was it
13 possible to respond appropriately to those inmates? How
14 have they been treated, I would say first specifically in
15 the immediate aftermath of this incident and then since
16 order was restored or control was restored, let's say?

17 DEPUTY SUPT. HENRY: Okay, as we indicated
18 initially, it was a pretty difficult task trying to
19 separate out, you know, the good inmates from, quote,
20 "those that were involved," and we started securing lists
21 from staff. We turned those over to the State Police. We
22 had to clear them through the Pennsylvania State Police.
23 As we got to the point where we felt fairly certain that
24 the information was accurate, we established a
25 mini-classification system within the institution and we

1 used E Block. The inmates in E Block received privileges
2 first. We tried everything out there first. We tried to
3 exercise there first, we tried the showers there first.
4 They got the privileges first.

5 We started our paroles back up about
6 mid-November. We started taking a look at these people
7 that were up for parole. If they weren't implicated, we
8 tried to get them out. We started our community services
9 center program back up. Those that were on the waiting
10 list that were clear, that weren't involved, we tried to
11 move them out. We've since initiated a work program
12 within the institution and we're up now to about probably
13 40 to 50 inmates that we would permit out on a daily basis
14 under strict guidelines, under strict supervision, and
15 we've tried to pinpoint people that have been helpful to
16 us, so we've tried to give some extra consideration in
17 that manner.

18 REPRESENTATIVE HECKLER: Well, I would
19 imagine that it would be a terribly difficult job to
20 figure out who was just sort of kept their heads down and
21 didn't get involved as opposed to those who did get
22 involved, and obviously those who were actively involved
23 the District Attorney of Cumberland County and the State
24 Police and you folks will be working together in
25 prosecuting that separately for other crimes.

1 I would, however, think that, and we've
2 heard, I know Representative Nailor and various people
3 have heard of specific instances of what I consider to be
4 valor - the inmate who gives his clothes to a corrections
5 official or the inmates in the drug rehab block who
6 physically escorted personnel to the State Police line -
7 doing things that they could well have exposed in an
8 institution that was under the control of violent inmates,
9 exposed themselves to some injury. I would think that
10 those people would be pretty easy to pinpoint, unless it's
11 just a question that a guard says, gee, somebody helped me
12 but I can't remember what he looked like. I would think
13 that in many cases, at least where they were known, for
14 instance, in the drug rehab block where they were dealing
15 specifically with people they knew, those personnel, their
16 counselors or officers should be able to tell you Smith,
17 Jones, Franks were affirmatively helpful. They saved my
18 fanny. Has there been immediate response to at least that
19 kind of--

20 DEPUTY SUPT. HENRY: Well, I'd just like to
21 say, you have to be very careful with that type of
22 information because I know in my 22 years, you have,
23 quote, "snitches," that's what the inmates call them,
24 snitches, okay, and when I was at Huntingdon and at Camp
25 Hill, you develop inmates that are very reliable. You

1 know they give you good information, they help the staff
2 and they are really not looking for anything. You've got
3 to watch the guy that's looking, I'll give you where the
4 dope is coming in but I want you to guarantee me I'm going
5 to hit the front door. I mean, there's always a give and
6 take. We have to be very careful we don't jeopardize
7 these people. I've already had inmates give me
8 information on escape attempts and we have contrived
9 situations to lock them up so as far as the rest of the
10 community knows they got a misconduct, they got locked up,
11 so how could they have given up the information, and they
12 were involved. So we have to be very, very sensitive as
13 to how we do this is, where these -- these lists don't go
14 all over the institution. I mean, they're kept very
15 closely monitored and very closely guarded and, you know,
16 we don't want to put these guys in a situation where we
17 can compromise their safety, too.

18 REPRESENTATIVE HECKLER: Well, a great
19 number of inmates have been moved out of the institution,
20 right?

21 DEPUTY SUPT. HENRY: That's true.

22 REPRESENTATIVE HECKLER: Have any of those
23 inmates been sent to, I mean, our perception, or at least
24 my perception, is some of the institutions they were going
25 to perhaps in the Federal system were probably nicer

1 places to be incarcerated. Has there been any attempt to
2 make any of those transfers positive things or rewards, if
3 you want?

4 MR. PALAKOVICH: There's one case that I'm
5 aware of where an inmate did assist staff the first night
6 of the disturbances. He was transferred into the Federal
7 system, and we've made a specific request to have him
8 brought back to the State system to be closer to his
9 family. That request went into Central Office about a
10 month ago. Where it stands, I really can't say. But as
11 we can document a case like that we are going to request
12 that they be moved back closer to home.

13 DEPUTY SUPT. HENRY: We get calls on a
14 weekly basis from the Federal system regarding the inmates
15 who are eligible for parole and so forth and we do the
16 background checks, we do the clearances, and I have my
17 staff go through the routine procedures and we just
18 paroled a couple out of Oregon the other day. They're
19 going to try to work them into a halfway house in Oregon.

20 REPRESENTATIVE HECKLER: Probably a better
21 place to be.

22 Let me -- one other line of questioning.
23 Obviously in retrospect the response, hindsight is always
24 20/20, in retrospect, the level of response after the
25 first day of rioting in terms of the personnel brought in,

1 in terms of the use of other resources, was inadequate.
2 To what extent in scheduling personnel, in determining
3 whether to bring in other personnel, for instance, do
4 budgetary constraints enter in in general?

5 SUPERINTENDENT FREEMAN: They don't enter
6 into it in an emergency situation like this. In
7 non-emergency situations of course budgetary constraints
8 are a major issue. In a situation like this, frankly,
9 nobody cares about the budget because you've got a lot of
10 other problems that are much bigger.

11 REPRESENTATIVE HECKLER: That's all I have.
12 (Whereupon, Chairman Caltagirone resumed the
13 Chair.)

14 CHAIRMAN CALTAGIRONE: Thank you.
15 Chief Counsel Andring.

16 MR. ANDRING: Just a couple of clarifying
17 questions.

18 BY MR. ANDRING: (Of Deputy Supt. Henry)

19 Q. Deputy Henry, you had testified that you
20 were involved with the hostage negotiations. Were the
21 people who whom you were negotiating and the person who
22 had taken the hostages, were they primarily FOI members?

23 A. All of the inmates that we met with were
24 Muslim. There were Sunni Muslims, FOI, and what they call
25 the AMM, the American Muslim Mission, so there was a

1 combination of the various Muslim sects that were
2 negotiating with us.

3 Q. Okay. You indicated then on both days you
4 directly negotiated with same person.

5 A. Right.

6 Q. Is that person an FOI member?

7 A. That's correct.

8 Q. Okay. The meeting that was held on the
9 second day in the afternoon between the Superintendent and
10 I believe you gentlemen were also present, those people
11 who came to that meeting, were they all Muslims or members
12 of the various sects?

13 A. They were the very same individuals that I
14 had met with the evening before.

15 Q. Okay. Now, you all also testified that you
16 felt the second night's riot was organized and planned.
17 Are we to assume that the people who did the planning were
18 the various groups you had been negotiating with after the
19 first -- during the first riot?

20 A. The information we've obtained after the
21 riots in State Police interrogation of inmates and so
22 forth pretty well led us to that conclusion.

23 Q. Okay. So we're talking about the FOI plus
24 possibly some other Muslim groups or individuals?

25 A. We're talking FOI plus other Muslim

1 factions, yes.

2 Q. Okay.

3 DEPUTY SUPT. SMITH: There are also, can I
4 clarify that one thing, too?

5 When you have a riot, you've got kind of
6 your main group, okay, but there's also other factions
7 involved. I mean, if you talk to the investigators or the
8 officers they'll tell you, well, there was a Pittsburgh
9 faction, you know, over here doing this, there was a
10 Philadelphia faction over here doing this. You know,
11 there's a number different -- when it happens, the
12 splinter groups all go out, but it appears that the
13 Muslims or the FOI were the--

14 DEPUTY SUPT. HENRY: The core.

15 MR. ANDRING: Okay. And one final question.
16 I don't know if you can answer this or not. In
17 retrospect, even considering the damage that the
18 institution had suffered after the first day's rioting,
19 the information you had indicated that the inmates were in
20 their cells, the institution was locked down, even knowing
21 now the damage that had occurred to some of the locking
22 mechanisms in cells, do you think the second riot could
23 have occurred in that lockdown situation if it had not
24 been organized and had not been an organized plan?

25 DEPUTY SUPT. SMITH: As I testified earlier,

1 that the, "whew," I don't know of it, at least I don't
2 know, and I don't do that much reading, I should do more,
3 but I don't know of it ever happening before. It's not
4 typical. I mean, usually you have an incident, you know,
5 it's resolved, and, you know, that's the end of it, quite
6 frankly.

7 DEPUTY SUPT. HENRY: Generally what you
8 would have had is you would have had as opposed to 7:00
9 o'clock all inmates coming out at one time, you probably
10 would have had a group come out at 7:00, maybe get the
11 word around, and then you would have had to go from one
12 block to another. I mean, that's traditionally the way a
13 riot or that type of insurgency spreads. Okay? It
14 doesn't erupt at one time like a volcano, which is exactly
15 what happened here.

16 DEPUTY SUPT. SMITH: As I had said, I went
17 over on the truck the second evening and, I mean, I only
18 have 13 years service, okay, but I've been through a lot
19 and I've never seen -- as the inmate was out in J Block
20 and I headed for the Control Center, you could just feel
21 you know, first of all, all the inmates, you know, were
22 screaming to shut their lights off in their cells. Not 5
23 inmates, not 10, not 80. En masse. I mean, it seemed
24 like one voice speaking. I never had seen that before.

25 CHAIRMAN CALTAGIRONE: Gentlemen, I want to

1 thank you very much for appearing here today. I would
2 just like to add that there may be need to have you come
3 back again before the committee after tomorrow or possibly
4 at some future hearings that we'll be holding on this
5 issue. Again, I want to thank you very much.

6 . At this time I'd like to call Joseph La
7 Fleur, Director of the Pennsylvania Emergency Management
8 Agency. If Joe is still with us. It's been a long day.

9 MR. LaFLEUR: Are
10 you sure you want to the continue, Mr. Chairman?

11 CHAIRMAN CALTAGIRONE: Yes.

12 If you'd like to introduce yourself for the
13 record.

14 MR. LaFLEUR: My name is Joe LaFleur. I'm
15 the Director of the Pennsylvania Emergency Management
16 Agency. And, Mr. Chairman, joining me with me here at the
17 table is Sanders Cortner, also of the agency.

18 CHAIRMAN CALTAGIRONE: Would you care to
19 give any statements about the situation that we've been
20 discussing today as an overview? Do you have a prepared
21 text?

22 MR. LaFLEUR: Yes, I do, Mr. Chairman, which
23 I believe has been provided to the members at the front
24 table.

25 CHAIRMAN CALTAGIRONE: Yes. Okay. Would

1 you like do summarize that and open yourself up to
2 questioning?

3 MR. LaFLEUR: I will try to summarize it.
4 There are a few points I would like to hit in some detail
5 if it's appropriate.

6 CHAIRMAN CALTAGIRONE: Certainly.

7 MR. LaFLEUR: Mr. Chairman, members of the
8 committee, as you know, this agency has a mission that's
9 stated in Title 35, the Health and Safety Code of the
10 Commonwealth, and that is to assure prompt, proper and
11 effective discharge of basic Commonwealth responsibilities
12 relating to civil defense and disaster preparedness
13 operations and recovery. More specifically, the agency is
14 charged with developing and coordinating emergency
15 responses that involve other State agencies and more than
16 one county. And in this instance of the Camp Hill
17 activity, the agency began to work in that coordination
18 and management capacity on October 26th.

19 To fulfill the mission, I deployed over 40
20 staff members to the institution over the course of the
21 incident. They were there to coordinate information
22 distribution to emergency response agencies, organize the
23 prisoner bus convoys to other institutions, provide a
24 central focus for requests for equipment from the
25 institution and response agencies, focus people on

1 critical off-site decisions in addition to the immediate
2 internal incident in some cases, and coordinate local and
3 county manpower support. The staff worked with the
4 Cumberland County Emergency Management Coordinator, Ted
5 Wise, once we were notified of the situation to assist
6 information transfer between the State and county
7 agencies. This was a major effort when you consider that
8 there were 53 police departments, 70 fire companies, 21
9 ambulance units and 8 counties, plus the State Police on
10 the perimeter of the institution at one time or another.

11 In our view, this is our facility, that is,
12 the State's facility. Therefore, adequate pre-planning is
13 necessary so we can readily accept off-site assistance and
14 use all personnel safely. You can see there in the
15 remarks the necessity to logistically provide additional
16 support and there was a continuing need for riot
17 equipment, radios, food, shift change, and other supplies
18 which were provided during the incident, such as 4,000
19 blankets on one occasion.

20 The State Emergency Operation Center, which
21 the agency manages, was manned 24 hours a day during this
22 action. It served as the nerve center, received and acted
23 on requests from the institution for such items as 1,600
24 security locks that could be opened with 1 key, 200 riot
25 shotguns, hand and leg restraints, chains, and 70

1 doughnuts in one case.

2 The Governor's investigative commission
3 report accurately summarizes the major difficulties we
4 encountered. It also sends the message that we should
5 never lose sight of in looking for ways to improve human
6 performance the next time we have a disturbance in
7 Pennsylvania, and some day I think we will. Through a
8 combination of luck, management and good negotiating, no
9 inmate or responder died. Mr. Chairman and members, I
10 think that the tenor of the legislature's hearings, the
11 public sentiment and the criminal investigations would be
12 very different as I sit here before you today had someone
13 died, whether they would have been a responder or an
14 inmate at the institution.

15 I say luck because as the State Director for
16 Emergency Management, this is one location, if you would
17 have let me pick any before there was going to be an
18 incident of this type I would have picked this place
19 because these counties - Cumberland, Dauphin, Lebanon,
20 York and Lancaster - are five of the top emergency
21 management counties in the State. Their county, municipal
22 and volunteer units have the benefit of emergency
23 operations plans which are coordinated and frequently
24 tested. The counties, along with 11 others who include
25 Adams, Franklin and Perry who assisted us in this

1 incident, from October 17th through 20th, just prior to
2 the Camp Hill incident, went through the most extensively
3 conducted Federally graded nuclear power plant safety
4 exercise at the Three-Mile Island plant nearby ever
5 conducted in Pennsylvania. All eight counties in this
6 case of the Camp Hill incident supported the State without
7 question, and there were numerous incidents and examples
8 that I've got here in the testimony.

9 Quoting from the Adams Commission

10 recommendations, "In emergencies, the department should
11 maximize outside assistance and resources available by
12 using PEMA. For example, PEMA could have better
13 coordinated communications among municipal police
14 departments, the State Police and the institution command
15 post." End of quote. You have heard from the news media
16 and other investigations, information exchange between the
17 institution and the local police department was initially
18 not very streamlined. The Adams Report also indicated
19 much of the confusion, lack of coordination, communication
20 problems, search for unmet needs could have been avoided
21 if there had been a well-coordinated plan for response on
22 hand at Camp Hill. The State, the counties and
23 municipalities have prepared emergency plans for all five
24 of our nuclear power plants, and may I interject that due
25 to a 1986 Federal law, we now have to do that for all

1 chemical plants which have more than a certain quantity of
2 chemicals on site as well. So a situation-specific,
3 institution-specific planning is not something that is
4 foreign to the emergency management agencies.

5 In the case of the nuclear power plants,
6 this planning includes 40 State agencies, 27 counties, 146
7 municipalities, and emergency response organizations in
8 all of those jurisdictions. We exercise these plans based
9 on a Federal requirement every two years. The exercises
10 are graded by Federal agencies and we've been receiving
11 very good remarks. All State correctional institutions
12 need similar plans and we must exercise them.

13 When I speak of management issues, I believe
14 the State Police handled the institution situation very
15 well. After learning of the local responder fatigue
16 factor from a member of the State House of Representatives
17 by way of Lieutenant Governor Singel, we resolved the
18 problem in less than 90 minutes and put in action a firm
19 time line on State Police reinforcements.

20 Some local officials will tell you they
21 didn't have good communications with the State. Resolving
22 that complaint is a three-part answer. First, some of
23 these people wanted to listen in on the State Police
24 frequencies for technical movement and negotiations. I
25 would submit to you that they don't belong on those

1 frequencies.

2 Second, because of pre-planning
3 deficiencies, we didn't have full knowledge of what
4 communications and frequencies could have or should have
5 been used. That can be rectified.

6 Third, information flow to local officials
7 on the general situation was not adequate until nearly
8 midnight on the 26th, as the Adams Commission reports. By
9 then my staff had been on scene about three hours and
10 equipment information requests were becoming organized.

11 The Adams Commission Report clearly
12 identifies the State Emergency Management Agency's skill
13 in this area and that it should be used. Governor Casey
14 and Lieutenant Governor Singel conversed regularly. The
15 Lieutenant Governor spent a great deal of time in the
16 State Emergency Operations Center. He was very helpful on
17 the Maryland and Florida interstate resource request for
18 shotguns and locking devices.

19 A number of State agencies, as I've outlined
20 here, reported to us and provided assistance upon request.

21 I support the conclusion of the Adams
22 Commission that the decision not to call in the National
23 Guard was appropriate during the incident. After some
24 initial confusion with the media, as the Adams Report
25 points out. I discussed the reasons why they should not

1 be activated with Representative Mowery and several others
2 in a meeting. The newspaper reports of my involvement
3 were accurate. Following the discussion, Representative
4 Mowery concurred that those were appropriate reasons. I
5 outlined that State Police would be used to relieve the
6 local police. Police Chief Rhodes, who was coordinating
7 local police, said the local police could come back if
8 necessary. However, his concern was that they get some
9 rest and have an opportunity to check back in at their own
10 local jurisdictions.

11 When the decision was made to move the
12 prisoners to other prisons, the Corrections Department
13 asked for PEMA's assistance to make the arrangements for
14 the 40 buses that would be required. We determined that
15 this special convoy needed qualified drivers, marked road
16 maps, as well written directions, credit cards for gas to
17 reduce the potential for delay, extra empty buses in the
18 convoy in case of breakdowns, since we didn't want a load
19 of prisoners along the side of the road someplace -- that
20 would just exacerbate the whole situation -- as well as
21 the State Police escort. The buses were topped off with
22 fuel in the parking lot upon arrival by National Guard
23 tankers. Buses were loaded, an accurate head count was
24 developed, prisoners had to be restrained with something
25 that could be taken off quickly in the event of an

1 accident. This is a very difficult operation to put
2 something together which is secure yet has to have all of
3 these contingencies available to it, and I'm pleased to
4 report to you that this operation came off very
5 successfully.

6 Corrections, State Police and PEMA are in
7 the process of review of all State Correctional
8 Institution plans, as directed by the Governor in his
9 memorandum which is attached here to Lieutenant Governor
10 Singel of January 10th. In fact, they are meeting
11 tomorrow. The review requires policy and operations
12 actions and is being monitored by the Budget Office of the
13 Governor's staff.

14 We fully agree that this review is necessary
15 and the Emergency Services Act and State Emergency
16 Operations Plan provides the authority for us to pursue
17 this. I hope that the follow-up actions will indeed
18 prepare us for any potential incidents which could take
19 place at county, State or Federal institutions in the
20 future.

21 In closing, I'd like to emphasize one point
22 made by several witnesses before other committees, that is
23 the negotiation teams established for negotiations at
24 correctional facilities should not include the top
25 decisionmakers. This takes the flexibility away from the

1 authorities, and that's a recognized practice nationally.
2 Our top decisionmakers to include Governor Casey,
3 Lieutenant Governor Singel, Commissioner Owens and the
4 State Police showed excellent discipline and restraint
5 throughout this incident.

6 Thank you for the opportunity to provide
7 these comments to you, and I do believe that we owe it to
8 all, particularly local agencies who may be called upon to
9 help in these situations to give them the best advantage
10 of good planning, thorough coordination and regular
11 exercising of these plans in the event that we ever need
12 them.

13 Thank you, Mr. Chairman.

14 CHAIRMAN CALTAGIRONE: Thank you.

15 Lois.

16 REPRESENTATIVE HAGARTY: Thank you.

17 BY REPRESENTATIVE HAGARTY: (Of Mr. LaFleur)

18 Q. Mr. LaFleur, who, and you may have mentioned
19 it and I apologize if I missed it, who called you in to
20 the scene at Camp Hill?

21 A. We were notified by Cumberland County
22 Emergency Management staff.

23 Q. Are you familiar with the emergency
24 management plan to which I've referred in prior and has
25 been testified to previously?

1 A. No, I'm not.

2 Q. So you are aware of no formal -- let me take
3 that back. Are you aware of any document within the
4 existence of the Department of Corrections which gives you
5 a formal role in the case of a prison crisis?

6 A. I've been told that each institution has a
7 plan for emergency situations. I have not seen any of
8 those institution plans nor have I seen an overall
9 departmental plan for the purposes that you've just
10 described.

11 Q. I guess it surprised me that Cumberland
12 County called you in. I would have thought that the
13 Commissioner's office would have called you onto the
14 scene. Have you on any other occasion or are you aware of
15 around the State a local police department or township
16 being the advising authority in the time of a crisis?

17 A. That is not standard operating procedure.

18 Q. What is the standard operating procedure?

19 A. Those communications should be conducted
20 between State agencies when there is a need by one State
21 agency for multi-agency response assistance.

22 Q. So you believe that you should have been
23 contacted by the Department of Corrections in this
24 instance?

25 A. That's correct.

1 Q. Were you present -- excuse my voice. I
2 guess I asked too many questions today. Were you present
3 at a meeting in the Commissioner's office on Tuesday?

4 A. No, I was not.

5 Q. Was a representative from the Emergency
6 Management Agency there, to your knowledge?

7 A. Not to the best of my knowledge.

8 Q. During the two riots, was anyone from PEMA
9 present in the Commissioner's office?

10 A. Yes. On the second day's activity I was
11 there beginning at approximately 9:00 o'clock in the
12 evening, perhaps a little earlier than that, perhaps 8:30,
13 with a number of my staff at that time.

14 Q. And what -- I'm sorry, what was the nature
15 of that meeting?

16 A. It wasn't a meeting, per se. We were there
17 to assist in the activities and to provide assistance to
18 the Department of Corrections, so I arrived and found
19 where the Commissioner was located and his staff and went
20 there and then gave them notice that I was there to assist
21 and we had a very brief exchange of comments in a hallway
22 with about five or six of our respective staff there as to
23 what needs he had immediately for assistance, and then I
24 went and left that short meeting to assess what the
25 ongoing situation was going to be and make determinations

1 on what other staff or resources might be needed.

2 Q. Who was in command at that time?

3 A. There were two locations where activities
4 were being directed from. One was in the Department of
5 Corrections office building near the site where the
6 Commissioner, his deputy, and a number of other ranking
7 Corrections Department staff were located. There was a
8 second command location which was in the Camp Hill
9 Correctional Facility Administration Building where the
10 Superintendent and the officers under his command as well
11 as the State Police were located, and they were actually
12 managing on a minute-by-minute basis the internal
13 activities inside the fence.

14 Q. Were there any State Police present with the
15 Commissioner?

16 A. I don't initially recall any when I arrived
17 there the second evening.

18 Q. Did you see any evidence of anyone advising
19 the Commissioner in the nature of technical assistance?
20 The reason I'm asking the question is that's what's
21 contemplated under the master plan.

22 A. He had a number of his top staff there who
23 were responsible for area support activities I'm sure on a
24 department-wide basis and he was periodically conversing
25 with different members of his staff.

1 Q. Was there anyone there who was not a member
2 of corrections staff other than yourself?

3 A. Yes. There were representatives from the
4 Governor's staff there.

5 Q. Who was there from the Governor's staff?

6 A. Jack Tighe, who is the Deputy for Operations
7 and Administration. David Stone, who has responsibilities
8 for communications. Those are the two that I initially
9 recall.

10 Q. Anyone other than those Governor's Office
11 representatives, yourself and the corrections personnel?

12 A. No. I believe that those are the categories
13 there.

14 Q. Was anyone from PEMA present at a meeting
15 with the Superintendent and the Commissioner during this
16 period of time that you're aware of?

17 A. Not to the best of my knowledge.

18 Q. Thank you.

19 CHAIRMAN CALTAGIRONE: All right. Thank you
20 very much. We appreciate your testimony.

21 We'll adjourn the meeting and hope you're
22 ready here to start again tomorrow at 10:00 o'clock.

23 Thank you.

24 (Whereupon, the proceedings were concluded
25 at 4:48 p.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

Ann-Marie P. Sweeney
ANN-MARIE P. SWEENEY

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