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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 140, Main Capitol Building,  
Harrisburg, Pennsylvania

Wednesday,  
January 17, 1990  
10:00 a.m.

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

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Jerry Birmelin	Hon. Paul McHale
Hon. Michael Bortner	Hon. Christopher K. McNally
Hon. Lois S. Hagarty	Hon. Nicholas B. Moehlman
Hon. Richard Hayden	Hon. Jeffrey E. Piccola
Hon. David W. Heckler	Hon. John F. Pressmann
Hon. David J. Mayernik	Hon. Karen A. Ritter

Also Present:

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

Reported by:  
Ann-Marie P. Sweeney, Reporter

ANN-MARIE P. SWEENEY  
536 Orrs Bridge Road  
Camp Hill, PA 17011

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1                   CHAIRMAN CALTAGIRONE: The House Judiciary  
2 Committee meeting will please come to order. This is a  
3 public hearing pursuant to House Resolution 226. We will  
4 now open up the hearing.

5                   Chief Counsel Andring has just advised me  
6 that we have received a tremendous amount of information  
7 concerning some of the problems at the other institutions  
8 and he and Mary Woolley will proceed to put those in  
9 packets and duplicate them for us and make sure that each  
10 one of the members of the committee will receive copies of  
11 that within the next week.

12                   For the record, if the members of the panel  
13 would just indicate who they are. Start on my left.

14                   REPRESENTATIVE PICCOLA: Representative Jeff  
15 Piccola from Dauphin County.

16                   REPRESENTATIVE HAGARTY: Representative  
17 Hagarty from Montgomery County.

18                   REPRESENTATIVE BORTNER: Mike Bortner from  
19 York County.

20                   CHAIRMAN CALTAGIRONE: Tom Caltagirone from  
21 Berks County.

22                   MR. ANDRING: Bill Andring, Majority  
23 Counsel.

24                   REPRESENTATIVE MOEHLMANN: Nick Moehlmann,  
25 Lebanon County, Minority Chairman.

1                   REPRESENTATIVE McNALLY: Representative  
2 Chris McNally from Allegheny County.

3                   REPRESENTATIVE BIRMELIN: Representative  
4 Birmelin from Wayne County.

5                   REPRESENTATIVE BLAUM: Representative Kevin  
6 Blaum, city of Wilkes-Barre.

7                   MS. WOOLLEY: Mary Woolley, Counsel for the  
8 Republican committee.

9                   REPRESENTATIVE NAILOR: Representative Jerry  
10 Nailor, Cumberland County.

11                   CHAIRMAN CALTAGIRONE: Okay, Commissioner,  
12 if you would like to start, sir.

13                   COMMISSIONER OWENS: Good morning, sir.  
14 Chairman Caltagirone, members of the committee. I'm  
15 pleased to have this opportunity to appear before you  
16 today to discuss the October riot at State Correctional  
17 Institution at Camp Hill. You have my thanks for allowing  
18 us the time to collect our information before scheduling  
19 our appearance here today. Your patience has permitted me  
20 and the entire department to address the most urgent needs  
21 first - the security of the institution.

22                   Before I begin, I want to thank those  
23 individuals who helped bring the incident to a successful  
24 conclusion. I am proud of the staff at Camp Hill and the  
25 other institutions who played a major role in quelling the

1 disturbance. They conducted themselves in a professional  
2 and courageous manner. The State Police played an  
3 absolutely essential role during the entire ordeal. They  
4 continue to this day to maintain a presence at the  
5 institution. The ambulance, emergency and fire units, the  
6 local law enforcement agencies from this region were of  
7 great assistance.

8           There are so many people who deserve thanks  
9 from this Commonwealth and the Department of Corrections  
10 that it is impossible to recognize them all here today.  
11 But first, rest assured, we know their contributions and  
12 they are deeply appreciated.

13           Let me tell you where we are today. We have  
14 relocated approximately 800 inmates on a temporary basis  
15 to facilities in the Federal Bureau of Prisons. On behalf  
16 of Governor Casey, I would like to thank U.S. Senators  
17 John Heinz and Arlen Specter for their assistance.

18           The initial criminal investigation is still  
19 in progress. As you are of no doubt aware, the incident  
20 began at 3:00 p.m. on Wednesday, October 25th, and ended  
21 approximately seven hours later. The incident flared up  
22 again at approximately 7:00 p.m. the next day and was  
23 brought to a conclusion by the Pennsylvania State Police  
24 and the Department of Corrections personnel some 15 hours  
25 later. The total time of the two confrontations was

1 roughly 22 hours.

2 In the public arena, emphasis has focussed  
3 largely on the negatives. Perhaps it would be beneficial  
4 to this discussion to address the rights. We had several  
5 objectives during the disturbance. Let's look at them.

6 The first objective was to protect the  
7 citizens of the Commonwealth of Pennsylvania thereby  
8 assuring the safety of our community. I'm pleased to  
9 report to you this morning that objective was met in  
10 splendid fashion. At no time during the three days was  
11 the community in jeopardy.

12 The second objective, to bring the incident  
13 to a conclusion without loss of life. There was no loss  
14 of human life during the incident.

15 The third objective, to minimize the degree  
16 of injury to both staff and inmates. During the first day  
17 of the incident, there were 36 staff, 7 inmates, 1 fireman  
18 and 1 policeman injured. On the second day, there were 34  
19 correctional staff, 32 inmates injured, plus 10 others,  
20 including firefighters and State Police. I can report to  
21 you now that of those injured, no one is still  
22 hospitalized.

23 The fourth objective, to prosecute those  
24 individuals who caused the riot. The investigation is  
25 ongoing. It is my understanding that more arrests are

1       forthcoming.

2                       While deadly force was used, shots were  
3       fired, that force was reasonable, managed and measured  
4       under the circumstances. We will continue to investigate  
5       and review all aspects of the disturbance and the  
6       operation of the institution not only to learn from the  
7       experience but also to become a stronger and better  
8       department.

9                       As major disturbances go, this incident was  
10      brought to a rather quick conclusion. I have knowledge of  
11      disturbances that last for six or seven days. This quick  
12      conclusion was possible because of the excellent  
13      cooperation and efforts of all those agencies involved and  
14      by their rapid response. Destruction to the physical  
15      plant was quite extensive, but given the enormity of the  
16      crisis, it could have been a lot worse.

17                      There has been criticism of the  
18      administration's handling of the disturbance. While we  
19      continue to examine those allegations, I must say to you  
20      in all sincerity, I'm not aware of any riot that has gone  
21      completely by the numbers. Neither did this disturbance  
22      go by the numbers. I would ask that you look at the  
23      outcome as well as the process.

24                      May I now turn to the role of the  
25      Commissioner of Corrections in such a disturbance. While

1 at a disturbance at an institution, the Commissioner of  
2 Corrections, according to our guidelines and according to  
3 national standards, should be on duty in the command  
4 center at the department headquarters to provide  
5 assistance to the Superintendents, to monitor the overall  
6 operation of the Department of Corrections, to prepare  
7 responses should there be an incident at a second or third  
8 institution. Please remember, the department had  
9 experienced a disturbance at State Correctional  
10 Institution at Huntingdon just two days before the Camp  
11 Hill incident and indeed there were rumors that we would  
12 have trouble at two other institutions.

13 Throughout the incident I was at the command  
14 center within the department headquarters coordinating and  
15 directing the department's efforts. Some have indicated  
16 that during the incident I had a hands-off approach.  
17 Nothing could be further from the truth. I was in  
18 constant communication with Superintendent Freeman as well  
19 as other staff throughout the department. Whenever  
20 assistance was needed at the institution, the department  
21 did all it possibly could to provide it.

22 Perhaps it would be appropriate for me to  
23 interject a historical perspective at this point. This  
24 agency was created in 1953 as a bureau under the State  
25 Attorney General in the aftermath of riots that began at



1 State Correctional Institution at Pittsburgh which spread  
2 very quickly to State Correctional Institution at  
3 Rockview. Riots and disturbances can quickly move from  
4 institution to institution. That is why it is absolutely  
5 essential that the Commissioner of Corrections take a  
6 departmental approach to handling a major disturbance  
7 rather than direct all of his energies to one institution  
8 in a manner that would leave the rest of the correctional  
9 system vulnerable.

10 Mr. Chairman, Representatives, I did not  
11 take a hands-off approach. This is neither my management  
12 style nor my philosophical point of view. I am an  
13 involved manager. But the question becomes the degree of  
14 involvement. My actions were totally consistent with  
15 departmental and national standards.

16 While no correctional administrator can ever  
17 guarantee you that a riot or major disturbance will not  
18 occur, there are certain factors that have historically  
19 led to major disturbances and riots. Overcrowding is one  
20 of the leading factors that contributes to a major  
21 disturbance. Camp Hill was significantly overcrowded  
22 prior to the incident, operating at nearly 50 percent of  
23 its design capacity. In addition, we are experiencing in  
24 this department an influx of a different kind of inmate  
25 than we have received historically. This individual is

1 younger, more violent, more prone to be addicted to drugs,  
2 and more gang or group oriented. Our investigations have  
3 revealed that these characteristics describe the vast  
4 majority of the inmates housed at Camp Hill. These  
5 individuals simply bring to us a different challenge and  
6 they present a more serious problem than their  
7 predecessors, particularly when housed in overcrowded  
8 conditions.

9                   We have not ignored the overcrowding  
10 dilemma. We have committed resources to address this  
11 problem. May I briefly talk about that. Over the last  
12 three years Camp Hill's budget has increased by \$5.2  
13 million. We have added 50 positions and, excluding  
14 repairs to the riot damage, we have allocated more than  
15 \$11 million to make physical plant improvements.

16                   However, our population in the department  
17 has increased faster than anyone expected, faster than  
18 anyone's expectations, and it continues to grow. While we  
19 lost over a thousand cells in this department due to the  
20 disturbance, we still face the reality that each month  
21 brings an increase of more than 200 inmates to the  
22 correctional system.

23                   The situation at Camp Hill has further  
24 exacerbated our crowding problem in the State. Please  
25 remember that the Federal government would like to return

1 the prisoners that we sent them as soon as possible.

2 Since assuming the responsibilities as  
3 Commissioner of Corrections, I have consistently said that  
4 we must address the problems in corrections. I proposed  
5 that we build institutions but clearly said we cannot  
6 build our way out of this problem. We must put in place  
7 viable alternatives to incarceration. Ladies and  
8 gentlemen, we need your help. We need to continue the  
9 aggressive building program recommended by the Governor,  
10 but we must be just as aggressive in putting a workable  
11 alternative to traditional incarceration in place.

12 These alternatives should have the same goal  
13 as the institutions have. The first is the protection of  
14 the citizens of the Commonwealth of Pennsylvania. The  
15 second is to bring about a change in the behavior of those  
16 individuals who are involved in the programs. Again, we  
17 must emphasize, I am not speaking about placing dangerous  
18 or violent individuals in these alternatives. I'm  
19 speaking about non-violent individuals who can be safely  
20 kept in a less restrictive environment.

21 I vigorously urge you to pass the earned  
22 time bill. I vigorously urge you to explore drug and  
23 alcohol treatment centers. I vigorously ask that we  
24 explore other programs that would treat offenders as well  
25 as punish them for their crimes.



1                   There was also some comment about the  
2 Superintendent's memorandum to me. May I correct that,  
3 please? The Superintendent's memorandum was not to me, it  
4 was to the other Superintendents to make them aware of his  
5 view of the situation on that Thursday. I have testified  
6 and have said on several occasions that I read the first  
7 paragraph of the memorandum, I then asked the  
8 Superintendent, "Superintendent, is there anything in here  
9 I don't know?" And he said, "No, sir." And I said,  
10 "Well, fine, send it out." That is the way my  
11 recollection of the memorandum went.

12                   I have subsequently spoken and have read the  
13 memorandum to correct some misconceptions. The memorandum  
14 only spoke to locking problems on one block, specifically  
15 H Block, and I still would have not made a different  
16 decision than what was made. We were only dealing with  
17 one block that we thought that there were locking errors  
18 in. And areas spoke to keys and some weapons that was  
19 present. If the block and if the institution was in  
20 lockdown, then that would not have presented a problem.  
21 If the locking devices were secure, it would not have  
22 presented a major problem, and I saw no reason to overrule  
23 the Superintendent.

24                   With regard to the shakedown, that is an  
25 institutional decision. Our guidelines clearly indicate

1 that the Superintendent or his designee may make that  
2 decision and they are to advise me. If the  
3 Superintendent, the Deputy Superintendent, the management  
4 staff of that institution would have told me,  
5 Commissioner, if we search this institution we risk a  
6 further disturbance, I would not have overruled them.  
7 They are the people who are on-site, they know the  
8 institution better than I do. It would have, in my  
9 judgment, been better placed with them.

10 Lastly, was the institution secure? All of  
11 the information that was provided to me by the  
12 Superintendent was that the institution was secure. At  
13 the time that the public statements and public comments  
14 were made, it was my understanding that the institution  
15 was secure.

16 Thank you very much, and I'll be very happy  
17 to respond to your questions, sir.

18 CHAIRMAN CALTAGIRONE: Thank you,  
19 Commissioner.

20 I just want to mention to the members of the  
21 committee that last year when you appeared before this  
22 committee when we were conducting the hearings on the  
23 prison overcrowding at the time I think you raised the  
24 concern, and I think legitimately so, about the  
25 overcrowding and the potentials that could develop from

1 the overcrowding situation, and here we are, 1990, and  
2 we're looking at the same problems. I want to let you  
3 know and let the public know that we do plan to consider  
4 the earned time legislation which you had suggested in  
5 your presentation here this morning on the 23rd of this  
6 month, and I would hope that we can give due consideration  
7 to moving that bill forward and out of committee.

8 I also agree with your observations, by the  
9 way, about alternatives. I think we're like voices in the  
10 wilderness that have been crying out maybe in the face of  
11 tremendous opposition simply because too many people think  
12 the easy answers are to pass the legislation, mandatories  
13 particularly, to get people off the streets and  
14 incarcerate them without realizing the impact that all the  
15 legislation that we continue to pass on mandatory  
16 sentencing will have a bottom line in your institutions  
17 that you're in charge of.

18 I think one of the biggest problems that we  
19 face as a General Assembly, Governor, and all the  
20 departments involved and the Secretaries is how to deal  
21 with this growing prison population. Projections that  
22 I've seen from your people and the Governor's people have  
23 indicated that the State will double its prison population  
24 within the next 10 years. At that rate, we're not going  
25 to be able to continue to house the prisoners that we're

1 taking in, and unless we develop the alternatives, the  
2 Camp Hill situation could possibly be repeated time and  
3 time and time again.

4 I'll open it up for questions from members.  
5 Representative Hagarty.

6 REPRESENTATIVE HAGARTY: Thank you.

7 BY REPRESENTATIVE HAGARTY: (Of Commissioner Owens)

8 Q. Commissioner, you've indicated that  
9 overcrowding was severe at Camp Hill prison. When did you  
10 first believe that overcrowding became severe enough to  
11 pose a threat to the institution?

12 A. Madam Representative, I have been speaking  
13 about overcrowding, as you are aware, since my time of  
14 coming on board. So I think that I have been concerned  
15 about overcrowding for 2 1/2 -- 2 years, 7 months.

16 Q. What -- you are aware of a memo that  
17 Superintendent Freeman sent you, I think, in September of  
18 1989 indicating the severe problems and a long-range plan,  
19 are you not?

20 A. Madam Representative, can you give me the  
21 date of that? Would that be September the 11th?

22 Q. It was the memorandum that was referenced in  
23 the Adams Commission--

24 A. Yes, Ma'am.

25 Q. September 11th.



1           A.    The 11th.  Exactly.

2           Q.    And I'm wondering, what was communicated to  
3 you at that time with regard to the condition and the  
4 climate at Camp Hill?

5           A.    The Superintendent expressed some concerns  
6 about the climate at Camp Hill and indicated that due to  
7 the overcrowding situation that they would develop a  
8 long-range plan to address their concerns.

9           Q.    Did you respond to the Superintendent with  
10 regard to that memo?

11          A.    The memorandum was sent to the appropriate  
12 area within the Department of Corrections to sit down with  
13 the Superintendent and work out the details of this as  
14 planned, so I did respond to it.  I responded to it by  
15 forwarding it to the appropriate area within the  
16 institution to meet with the Superintendent and discuss  
17 our addressing of the long-range plan.  The plan, if  
18 memory serves me correctly, called for some additional  
19 resources.

20          Q.    Do you recall that the memorandum  
21 specifically stated that "the negative effects of crowding  
22 are so pervasive and deadly that it is essential that  
23 Central Office and Camp Hill staff work together to  
24 develop a concrete, long-term plan of action to address  
25 the issue of crowding at Camp Hill"?

1 A. Yes, I'm aware of that.

2 Q. And who in Central Office did you assign to  
3 work out this pervasive and extensive problem with  
4 Superintendent Freeman?

5 A. Facility Services.

6 Q. And did, in fact, that meeting take place?

7 A. There were several meetings that took place,  
8 Madam.

9 Q. What was done to address the problem?

10 A. We were -- one, we developed the resources  
11 needed aspect of it to go into our operating budget for  
12 the coming year.

13 Q. What was your -- let me reserve further  
14 question on the budget for a minute, but I first want to  
15 ask you, do you have a Deputy Commissioner for  
16 Correctional Services currently?

17 A. No, I do not.

18 Q. What is the job of the Deputy Commissioner  
19 for Correctional Services?

20 A. To work with the institutions for the  
21 purpose of developing facility services, to monitor  
22 facility services within the institutions.

23 Q. As I understand, the job also includes the  
24 staffing of guards and essentially being your person in  
25 the Central Office who is in charge of all security? Is

1 that correct?

2 A. The person has to do with evaluating, Madam  
3 Representative, with the Superintendent the needed  
4 staffing level at all of the institutions. That is to be  
5 done annually or from time to time, and that individual  
6 has that responsibility. That is correct.

7 Q. And how long has that position been vacant?

8 A. Seven or eight months.

9 Q. What steps have you taken to fill that  
10 position?

11 Q. The department is in the process of being  
12 reorganized. I did not fill that position until the  
13 department had been reorganized. I have that approval and  
14 we are moving forward now to fill the position. The  
15 department, Madam Representative, from my perspective, was  
16 not structured to best utilize the institutions. I have,  
17 since I arrived, advocated the regionalization of our  
18 institutions, if I may just take a moment to explain what  
19 was going on.

20 We have some 15 institutions. With the  
21 present request by the Governor for 4 additional  
22 institutions, we will go to 19 institutions. I foresee 20  
23 institutions within the next three years. That's simply  
24 too big for us to function under our present structure. I  
25 propose to split the State in half, have a western region

1 and an eastern region, have a Deputy Commissioner for each  
2 of the regions, thereby reducing the span of supervision  
3 and assisting the institution greater. That's what was  
4 going on while this position was vacant. So please do not  
5 think that we simply didn't fill it because we did not  
6 choose to fill it or for economic reasons. Those were not  
7 the reasons.

8 Q. What information were you receiving from  
9 your institutions with regard to staffing needs?

10 A. I was receiving the regular feedback through  
11 the institutions from the Superintendents in to me as to  
12 what their staffing needs are. The line of communications  
13 in the department to the Superintendents at this point in  
14 time goes directly into the Commissioner.

15 Q. And specifically at Camp Hill, what  
16 information were you receiving as to their staffing needs?

17 A. I received one memorandum -- pardon me, I  
18 received one memorandum and several phone calls from the  
19 Superintendent indicating that they had staffing needs.

20 Q. And how great were those staffing needs?  
21 This is guards we're talking about?

22 A. No, it was--

23 Q. What type of staffing needs?

24 A. Correctional officers, food service people,  
25 counselors, diagnostic and intake workers.

1 Q. What were their staffing needs?

2 A. In terms of numbers?

3 Q. In terms of numbers.

4 A. I'm sorry, I would not have that with me. I  
5 would be very happy to provide it to you.

6 Q. Were you aware of the overtime that was  
7 being put in by correctional officers at Camp Hill as a  
8 result of the lack of filling of the staffing needs?

9 A. Yes, Ma'am, I am aware of it.

10 Q. And can you tell us what kind of overtime  
11 guards were being asked to put in on those cell blocks?

12 A. I can tell you what it is departmental wide.  
13 To isolate it to Camp Hill, it's not just a Camp Hill  
14 problem, it is a department problem. We spend somewhere  
15 in the area of \$13 million a year for overtime.  
16 Individuals in this department have, for many years,  
17 worked a significant amount of overtime. I think I may  
18 have testified to that the last time we were together.

19 Q. And do you believe that this poses a greater  
20 danger for everybody involved to have guards--

21 A. Absolutely.

22 Q. Would it have been the responsibility of the  
23 Deputy for Correctional Services to address these issues  
24 had he been there?

25 A. No. By addressing them you mean correct

1       them?

2                   Q.    I mean analyzing the security problems posed  
3       by lack of staffing.

4                   A.    There was no difference of opinion between  
5       the Superintendent and me that those were his needs.  The  
6       Deputy Commissioner would have been the individual who  
7       simply goes down -- who supervises, goes down and does a  
8       housing-unit-by-housing-unit, a post-by-post check of this  
9       particular area to verify it.  I don't, for one moment,  
10      question that the Superintendent's request was legitimate.  
11      Those were his needs.

12                  Q.    Okay, why were those needs not met then?

13                  A.    Allocation of resources.

14                  Q.    Okay, what request did you make in the 1989  
15      budget year, 1988 budget year -- for this fiscal year,  
16      what request did you make with regard to Corrections'  
17      budget?

18                  A.    As you are aware, that budget is still in  
19      the process.  We are still working on that.  There are  
20      still discussion going--

21                  Q.    For last year's fiscal year.  What I'm  
22      curious about is your last fiscal request, what was that  
23      with regard to the Department of Corrections?

24                  A.    In terms of--

25                  Q.    Well, let's start with total budget request.

1           A.    Would you give me the year again, please?  
2    Last year, you speak?

3           Q.    Last fiscal year.  So in other words, the  
4    budget that was passed by this General Assembly in June of  
5    1989, what was your request to the Governor for this  
6    fiscal year?

7           A.    The reason I'm hesitating is because I'm  
8    talking about a process, Madam Representative, that is  
9    continuously going on.  We make any number of requests  
10   during the year based on our analysis of the need.  I'm  
11   sorry.

12          Q.    Well, I have to assume that prior to the  
13   Governor submitting his budget message to the General  
14   Assembly, which would have been February of 1989, he would  
15   have had from you a needs request.  Let me ask you  
16   specifically, the component that related to staffing, how  
17   much money did you tell the Governor's Office you needed?

18          A.    And the reason I am taking you through the  
19   process, and I apologize but I'm trying to arrive at what  
20   point in time you're talking about.  There's several  
21   requests.

22                The final request that we asked for I think  
23   is somewhere in the area of 500 -- pardon me, five  
24   thousand and six hundred employees.  The allocation for  
25   Camp Hill would have been somewhere in the area of 10 or

1 12.

2 Q. Your final--

3 A. And I'm quoting from memory, so please, I  
4 reserve the right to correct that at a later date.

5 Q. And how many of those employees did you  
6 receive?

7 A. We received, during the year we received 30  
8 employees initially, budgetarily, and then we received 150  
9 employees subsequently because of a labor awards. Out of  
10 the 150 employees, I believe an additional 40 was  
11 allocated to Camp Hill. Again, I'm quoting from memory.  
12 It may be 30.

13 Q. All right. So you needed how many for Camp  
14 Hill?

15 A. We needed--

16 Q. Let me break it down again. You needed how  
17 many, system wide, guards?

18 A. Needed for what?

19 Q. How many guards did you request?

20 A. To be at 100 percent of staffing?

21 Q. To be at 100 percent of staffing needs?

22 A. We needed somewhere in the area of 300  
23 employees.

24 Q. And how many did you receive?

25 A. We received 180.



1 Q. You received 180?

2 A. Yes.

3 Q. And how many of those went to Camp Hill?

4 A. Approximately 40.

5 Q. And how many were needed at Camp Hill?

6 A. Needed for 100 percent of staffing?

7 Q. Yes.

8 A. What we gave them would have brought them up  
9 to 100 percent of their staffing. There were three  
10 institutions that was brought up to 100 percent of  
11 staffing. Camp Hill was one of them.

12 Q. Well, you're not suggesting that Camp Hill  
13 was 100-percent staffed at the time of this riot?

14 A. No, I'm not.

15 Q. So prior to this riot what was the staffing  
16 level?

17 A. Prior to the riot they had authorization to  
18 go to 100 percent of staffing. They were in the process--

19 Q. What was that authorization? When was that  
20 authorization given?

21 A. September. September. And they were in the  
22 process of hiring these individuals when the disturbance  
23 happened.

24 Q. Are you familiar with the track meet that  
25 was planned for the fall that was canceled at Camp Hill?

1           A.    Yes, I am.

2           Q.    And why was that canceled and who made that  
3 decision?

4           A.    The decision was made jointly between the  
5 Deputy Commissioner for Programming after discussing with  
6 the Superintendent that there was rumors that it would be  
7 disrupted by a group of inmates.

8           Q.    Did you receive any further information  
9 leading -- any further information about a riot being  
10 planned at Camp Hill after the track meet?

11          A.    No.

12          Q.    Did you inquire after receiving that  
13 information about the track meet?

14          A.    Yes. I sent a memorandum out sometime in  
15 late September to all Superintendents advising them that  
16 we had received information that there were disruptive  
17 groups within the Pennsylvania Department of Corrections  
18 that were planning disturbances and asked them to closely  
19 monitor those groups and report to the Department of  
20 Corrections on who they are, their numbers, and to begin  
21 to develop as much information as we possibly could on  
22 disruptive groups within the Department of Corrections.

23          Q.    Did you advise your Superintendents not to  
24 send written memorandums to you regarding staffing needs?

25          A.    No.

1           Q.    Superintendent Freeman testified yesterday  
2           that you have indicated that you didn't want any more what  
3           he described as CYA memos.

4           A.    Absolutely.  Yes, I did.

5           Q.    And he indicated that memos of the nature of  
6           "if we don't receive more staff there may be a riot"  
7           should not be sent to you.  Did you indicate to him or any  
8           other Superintendent that you did not want memorandums  
9           with that type of news?

10          A.    No, I did not.  I think there is some  
11          confusion here.  Indeed the Superintendent sent me a  
12          memorandum, as other Superintendents send me memorandums  
13          stating what their needs are.  I encourage that.  At the  
14          meeting that you're speaking of I had received several  
15          memorandums, one in particular said that if I don't have  
16          10 correctional officers we're going to have a major  
17          disturbance in the institution.  I said, don't send me  
18          memorandums like that, call me on the telephone.  Let me  
19          know that immediately.  That's not a subject for a  
20          memorandum.  That's a subject for immediate action, if you  
21          think you're going to have a disturbance.  That was the  
22          gist of my discussion with the Superintendents on that.  I  
23          never at any time told a Superintendent, do not let me  
24          know what your situation is, what your needs are.  As a  
25          matter of fact, I sent out memorandums to the

1 Superintendents telling them to tell me that weekly, send  
2 weekly evaluations as to what the climate and condition is  
3 of your institutions. So I think there may be some  
4 confusion.

5 Q. Did you communicate to the Governor's Office  
6 how dire these Superintendents considered their  
7 understaffing problem?

8 A. I communicated to the office of -- the  
9 Governor's Office, not the Governor specifically.

10 Q. And to whom were you reporting the staffing,  
11 tremendous understaffing needs?

12 A. May I finish my statement?

13 Q. Yes. I'm sorry.

14 A. I communicated to the Governor's Office on  
15 numerous occasions that we were short personnel. I  
16 communicated to the Governor's Office on numerous  
17 occasions what the situation within the institutions are.  
18 I did not go in and tell the Governor or anyone else that  
19 a riot or disturbance was imminent within the Department  
20 of Corrections because I did not know or think that a riot  
21 or disturbance was imminent within the Department of  
22 Corrections.

23 Q. Do you recall when you testified before the  
24 Crime and Corrections Subcommittee last fall you inferred  
25 at that time that if the overcrowding needs were not met

1 that there would be a disturbance? Is that a fair  
2 characterization?

3 A. I think with modification. I think that I  
4 said that it is reasonable to suspect that we will have  
5 the disturbances within the departments, yes, that's a  
6 fair characterization.

7 Q. And did you communicate to the Governor's  
8 Office that it was reasonable for them to expect a  
9 disturbance if the staffing needs and the overcrowding  
10 problem was not addressed institution wide?

11 A. But I indicated that we were given  
12 additional resources. I clearly indicated, Madam  
13 Representative, that we got over 150, indeed 180 people,  
14 so my pleas were responded to.

15 Q. Well, I guess that's a matter of  
16 interpretation as to when and how fully, but without  
17 regard to that, what steps did you communicate as to what  
18 should be done about overcrowding, not just staffing  
19 needs, the general problem of overcrowding?

20 A. Yes, I gave my views fully and completely as  
21 to what we can do about overcrowding.

22 Q. And what were your recommendations as to  
23 what the administration should do in regards to  
24 overcrowding?

25 A. That we should hire additional personnel,

1 that we should build additional institutions, that we  
2 should vigorously endorse an earned time bill. May I  
3 point out that the Governor accepted that and indeed has  
4 recommended all of those things.

5 Q. Well, that's not a matter I want to debate  
6 with you as to when the Governor made those  
7 recommendations. I'm just trying to explore what  
8 recommendations you made to this administration. Did you  
9 have an opportunity to look at some of the other  
10 recommendations that were introduced some 10 months ago by  
11 Representative Piccola and myself to address overcrowding,  
12 electronic surveillance, some parole changes?

13 A. Yes. Yes, I did.

14 Q. And did you recommend to the Governor's  
15 Office prior to the Camp Hill riot that there should be  
16 other alternatives endorsed to address overcrowding?

17 A. I think both the Governor and I have been  
18 calling for viable alternatives. It's -- I don't think  
19 there is a lot of disagreement as to how we should  
20 proceed. There may be some disagreement on a particular  
21 bill, there may be some disagreement on how the bill is  
22 structured, but I think there's general agreement between  
23 us that we have to do something to address the  
24 overcrowding problem.

25 Q. Commissioner, you were the expert on this.

1 Have you been advising us as to what steps we should be  
2 taking to address overcrowding?

3 A. I surely hope I have. That's been my  
4 impression. I've been trying to do that. I think you can  
5 answer that question a little bit better than I.

6 Q. And you've been advising the Governor's  
7 Office as to what steps they should have taken with regard  
8 to overcrowding?

9 A. Yes, I have been advising the Governor's  
10 Office.

11 Q. Are you aware of the master plan of the  
12 Department of Corrections to be utilized in cases of  
13 riots?

14 A. Yes, I am.

15 Q. And was that master plan utilized during  
16 this riot?

17 A. For the most part, yes.

18 Q. There is a section of that master plan, as  
19 we heard testimony yesterday, that refers to a cooperative  
20 agreement between the State Police and the Department of  
21 Corrections.

22 A. That is correct.

23 Q. Was that cooperative agreement executed?  
24 What was the status of the cooperative agreement?

25 A. The new cooperative agreement is still in

1 the process of being worked out between the Department of  
2 Corrections and the State Police. We are presently  
3 functioning under the old cooperative agreement.

4 Q. How long has the new cooperative agreement  
5 been in the working out stage?

6 A. Oh, for some time. For a year, a year and a  
7 half.

8 Q. What has been the problem in working out a  
9 cooperative agreement with the State Police?

10 A. Well, first of all, may I indicate to you  
11 that there is no note of urgency because we are still  
12 functioning under the old one, which seems to have worked  
13 over the years. There have been personnel changes in the  
14 Department of Corrections, there have been personnel  
15 changes in the State Police, so there are several things  
16 that have prevented us from doing it. Also, we have the  
17 experienced -- I have experienced problems that have not  
18 made it very high on my list of priorities, so there are  
19 several reasons why we have not arrived at a final  
20 conclusion.

21 Q. Did you operate under the old cooperative  
22 agreement on both days of this riot?

23 A. That's correct.

24 Q. And tell us what you did pursuant to that  
25 cooperative agreement then in managing this riot.



1           A.    In terms -- can you be a little more  
2 specific?

3           Q.    As to the chain of command by the Department  
4 of Corrections and the contemplated joint chain of command  
5 by the State Police.

6           A.    State Police, upon our request, the State  
7 Police is to be called to the institution. When arriving  
8 there, the senior State Police official will confer with  
9 the senior corrections official. They will discuss the  
10 problem, be briefed, and a plan of action is to be  
11 formulated between the two agencies. Any differences of  
12 opinion at the institutional level will go through the  
13 separate chains of command. It functioned according to  
14 that on both occasions.

15          Q.    Are you aware that Commissioner Sharpe  
16 testified yesterday that on the 25th you were operating  
17 under the old agreement and on the 26th under the new  
18 agreement?

19          A.    No, I'm not aware that the Commissioner said  
20 that.

21          Q.    And you may also be aware that I think it's  
22 Major Hazen who was in command on the skirmish line had no  
23 idea as to pursuant to what authority he was in command.  
24 Was this discussed at any time as to what the chain of  
25 command was during the period of time that the State

1 Police and Corrections were on the scene?

2 A. The relationship between the State Police  
3 and the Department of Corrections are very old and very  
4 established and a very good one. We've had numerous  
5 problems at the institutions. The State Police have  
6 always responded in splendid fashion and have always -- it  
7 has worked out well. May I simply point to the incident  
8 on the 25th to demonstrate to you, that was an excellent  
9 agreement by the State Police and the Department of  
10 Corrections and worked well. So I don't understand the  
11 problem. The agreement is working very well.

12 Q. I guess my problem was the testimony  
13 yesterday seemed to create an atmosphere of total  
14 confusion as to who was in command. When the State Police  
15 arrived at the gate, they were not permitted entry. Do  
16 you know who ultimately allowed them entry into the gate?

17 A. Well, the Superintendent has authority, upon  
18 my approval, to do that.

19 Q. And did the Superintendent check with you  
20 prior to approving the State Police?

21 A. I was at the gate. I wasn't there when they  
22 arrived. When I arrived at the gate, I arrived at the  
23 gate -- I could not reach the Superintendent by telephone.  
24 I didn't know where he was, so I went to the institution  
25 to find the Superintendent. I found the Superintendent at

1 the gate. When I walked in, he reported to me what was  
2 happening. I told him -- he said that the institution had  
3 taken control of a vast majority of the institution. I  
4 told him, "Go in and take it back." That was the  
5 authorization for him to take the measures that he needed  
6 to do it. That happened quickly, there was no delay. I  
7 stayed there--

8 Q. Are you aware of the Commission's criticism  
9 that that was a long delay and in fact may have endangered  
10 lives?

11 A. Yes, I'm aware of that. That's inconsistent  
12 with my recollection of what happened. Please remember,  
13 Madam Representative, I was there. I stayed there for  
14 about five minutes. I saw the assault take place. I  
15 returned to the institution and set up a command center.  
16 So, yes, I heard the criticism. I do not agree with it.

17 Q. Pursuant to the master plan, what steps had  
18 you taken according to what is envisioned there in terms  
19 of bringing in teams of experts to help advise the  
20 Superintendent?

21 A. I set up a command center at the institution  
22 consistent with our procedure in our rules and  
23 regulations. The policy indicates that upon the  
24 Superintendent's request I am to make assistance  
25 available. We were in constant communications. The

1 Superintendent indicated to me that as far as manpower was  
2 concerned that he thought he was okay. I got no request  
3 for additional resources. I was prepared to provide it as  
4 soon as it was requested.

5 Q. The memorandum that you discussed in your  
6 comments which you now indicate you were aware of the  
7 contents of it--

8 A. By the memorandum--

9 Q. I'm sorry, the memorandum that was to be  
10 sent to the Superintendents and Superintendent Freeman  
11 asked for your approval to send it to the Superintendents.  
12 You were aware, as you've indicated, that there were  
13 weapons, that there were cell locks broken in Cell Block  
14 H, that the count had not cleared, and that damage was  
15 extensive. Did you offer assistance at that time to  
16 Superintendent Freeman?

17 A. May I set the record straight? Again, if I  
18 told you that -- I may have confused the issue. I read  
19 the first paragraph of the memorandum, as I indicated  
20 earlier. I then turned to the Superintendent and asked  
21 the Superintendent, is there anything in here, Bob, that  
22 I'm not aware of? He said, no. I said, fine, send it  
23 out. I then returned to my office and began to work in my  
24 office. I spoke with -- we had a meeting with the  
25 Superintendent around 1:00 o'clock in the afternoon.

1 Again, I asked for an update. During -- over the period  
2 of time I spoke with the Superintendent possibly on two  
3 other occasions by telephone. The Superintendent did not  
4 indicate to me that he did not feel the institution was  
5 insecure, that he felt that everything was under control.  
6 I did not go through a particular list, check-off list,  
7 with the Superintendent because he gave me updates, he  
8 constantly gave me information. So did I ask him was the  
9 institution -- were the weapons or -- presented a problem?  
10 The answer was no, because I clearly understood that the  
11 institution was in lockdown.

12 Q. Well, so you're indicating that you didn't  
13 read the memorandum because you asked him if you knew  
14 everything that was in it. Was that correct?

15 A. That's correct.

16 Q. Did you know everything that was in it? I  
17 mean, when he answered, yes, you know everything in it,  
18 was he correct? Did you know everything that was in that  
19 memorandum at that time?

20 A. I did not know about the weapons and being  
21 -- that he felt that there were weapons and keys, but that  
22 would not have made a difference if the institution was  
23 secure. It would only make a difference to me if the  
24 institution was not secure.

25 Q. How long was the memorandum?

1           A.    Approximately two pages.  It was exactly two  
2 pages.

3           Q.    Okay.  Did you ask the Superintendent on  
4 what basis he made the determination that the institution  
5 was secure?

6           A.    I asked him that Friday or, pardon me,  
7 Wednesday night.  I said, "Bob, is the institution  
8 secure?"  He said, "Yes, sir."  So on Wednesday night I  
9 asked about the security of the institution.

10          Q.    Did you ask him if he planned to do a  
11 shakedown?

12          A.    No, I did not.

13          Q.    You never discussed a shakedown with him?

14          A.    No, I did not.

15          Q.    So did you have any, I guess, basis other  
16 than his conclusion for your conclusion that the  
17 institution was in fact secure?

18          A.    But according to the chain of command,  
19 that's my source of information, the Superintendent.

20          Q.    So you're indicating the chain of command,  
21 even under this riot situation, went up and not down  
22 still?  Is that fair to say?

23          A.    No, I'm not saying that.  The chain of  
24 information was up and down.  We're talking about a  
25 shakedown, not about the flow of information, am I

1 correct?

2 Q. Well, you're indicating to us that you  
3 relied solely on his conclusions, never offered like  
4 additional assistance because you were not asked, never  
5 questioning the basis of his conclusions.

6 A. Oh, no, if you're getting that conclusion,  
7 that's not what I'm conveying. I'm saying that he is the  
8 chain of command, he is my source of information, he is  
9 the person that gives us information. There are numerous  
10 times that I received information from the Superintendent  
11 both during the disturbance and after that we discussed  
12 things. If the Superintendent tells me that the  
13 institution is secure, I have no reason to question that.  
14 I have no reason to feel that he doesn't know what he's  
15 talking about.

16 Q. I want to refer to a meeting in your office  
17 at 2:00 o'clock on October 26th in which a large number of  
18 Lieutenants and other officers, as well as the  
19 Superintendent and Deputies, were there to make a  
20 conference call to the Governor. Did any of those people  
21 raise at that time their concerns with regard to the lack  
22 of security at the institution?

23 A. Absolutely not. And may I just embellish  
24 that a little? When they arrived I said, "How are things  
25 going?" I said, "How is the institution?" And I was

1 told, "We're okay, Commissioner. We're dealing with  
2 things." So no, no one conveyed at that meeting that  
3 there was any problems. Indeed, I was told that the  
4 institution was secure.

5 Q. Did you discuss at any time with the  
6 Commissioner or his Deputies the decision not to do a  
7 shakedown?

8 A. The issue was not raised.

9 Q. So are you aware of whether there was a  
10 shakedown or not?

11 A. No, I was not.

12 CHAIRMAN CALTAGIRONE: Excuse me.

13 REPRESENTATIVE HAGARTY: Okay, I'll yield to  
14 other members.

15 Thank you, Superintendent -- Commissioner.  
16 Excuse me.

17 REPRESENTATIVE BLAUM: Thank you, Mr.  
18 Chairman.

19 BY REPRESENTATIVE BLAUM: (Of Commissioner Owens)

20 Q. Commissioner, I would like to congratulate  
21 you on the statement that you made opening your testimony  
22 that this was caused, that these disturbances at Camp Hill  
23 were caused by convicted criminals in Pennsylvania who  
24 decided to commit additional crimes, and I, for one, don't  
25 believe while we do have overcrowding in our prisons and



1 that is a problem, if we reduced the population of Camp  
2 Hill, which is I believe at 2,600, you reduce it by 20  
3 percent, we're down to 2,100. And from testimony that we  
4 have heard, there was somewhere around maybe a thousand  
5 inmates involved in the disturbances to some degree or  
6 another. And I think we have to realize that these  
7 disturbances were not caused by the lack of a track meet  
8 or by the issue of some overtime or that family visits  
9 were canceled or that there's bad food or that they don't  
10 receive a daily manicure. These disturbances were caused  
11 because they intentionally and with intent decided to  
12 perpetrate damage upon the Commonwealth of Pennsylvania  
13 and at the expense of the taxpayers of Pennsylvania.

14 How you, Commissioner Sharpe, Major Hazen  
15 got out of this without the loss of a life, Commissioner,  
16 is something that is beyond me, and I think whether or not  
17 you follow a game plan 100 percent, the game plan may go  
18 out the window when you're involved in the combat and some  
19 of the situations that we heard yesterday that the State  
20 Police and your brave officers were confronted with.

21 And what I would like to hear is your  
22 feelings, your impression. What happened? I'm not  
23 interested in Appropriations meetings right now. What I'm  
24 interested in is what happened on October 25th, 26th, 27th  
25 from the point of view of the Commissioner of Corrections?

1 How did it begin? What did you -- when were you first  
2 made aware of it? And step by step, I would like to know  
3 what occurred inside those walls, inside your offices, you  
4 know, what it was like and to see if this committee can be  
5 of any help to the Department of Corrections in helping  
6 that it doesn't happen again.

7 Obviously, you know, we're troubled because  
8 it happened again the second night. Where was the lack of  
9 communication? How does that happen and how do we improve  
10 that?

11 But to think that these horrible, horrible  
12 crimes which were perpetrated upon corrections officers,  
13 and we saw some pictures yesterday of what was done to  
14 these brave employees of the Commonwealth of Pennsylvania,  
15 I'm happy that you mentioned about the investigation going  
16 forward and that further arrests are going to be made and  
17 that these people inflicted millions and millions of  
18 dollars of damage at the taxpayers' expense. They need to  
19 be identified, prosecuted, and I believe severely punished  
20 for what they did. And again, I congratulate you on  
21 pointing that out because I don't think it's pointed out  
22 enough that these -- what happened was not perpetrated by  
23 the Commonwealth of Pennsylvania. What happened was  
24 perpetrated by criminals that we house within our  
25 corrections institutions, and we pray God it doesn't

1       happen again, but if it does, I hope that you and  
2       Commissioner Sharpe are able to once again bring it all  
3       under control without the loss of a single life, be it a  
4       Commonwealth employee, an employee of the municipal police  
5       departments that so ably responded, or the loss of life of  
6       any inmate. We don't want that to happen.

7                        So my question, from your perspective, your  
8       story as to what happened. That is what interests me and  
9       that's what I want to know about.

10                      A.    Thank you. May I again thank you, sir. I  
11       think that has been lost, too. I think we take people who  
12       have a history and a background of violence, who have  
13       broken the law, and we put them together in penal  
14       institutions and we're going to have problems because they  
15       are problem people. That's why we must have in place the  
16       physical plant, the plans, and the trained staff to deal  
17       with them.

18                      While I agree with you, sir, that the  
19       situation was brought about by a group of individuals or  
20       groups of individuals who were bent on breaking the law, I  
21       would ask that I have some influence over you and over  
22       this group about overcrowding because while it may play a  
23       part or may not play a part in starting the riot, it plays  
24       a major part in controlling the riot, in handling it and  
25       managing it.

1                   I also would like to take a moment to echo  
2 something that I said earlier and something that you have  
3 just said, sir, with regard to the compliment, that the  
4 appreciation that I have and that I hope the rest of the  
5 citizens of this State have for the outstanding  
6 performance of the State Police and for the outstanding  
7 performance of the correctional officers and for the  
8 police in this area for what happened. Please remember,  
9 and I think that is something else that is lost, please  
10 remember that at the height of the riot there was well  
11 over 2,000 individuals that could have rioted. There was  
12 well over at least 115 individuals that was in the  
13 involved area that were acting out and into this we sent  
14 trained, courageous staff that did just an excellent job.

15                   Individuals were taken hostage, they were  
16 beaten, their clothing was changed. They were changed  
17 into inmate clothing. One person said, well, why didn't  
18 you shoot? Well, we didn't know who was the hostages and  
19 who were the inmates because they changed the clothing and  
20 they had inmate clothing on, some of our officers. It  
21 was, sir, a very, very difficult situation. We had to  
22 manage it. In order to manage it you have to have an  
23 effective plan. You have to take time and discuss what  
24 you're going to do, who is going to do what, and how it's  
25 going to be done.

1                    Superintendent Freeman and the management  
2                    and the staff of that institution was in a very, very  
3                    difficult situation. We can second-guess them. We can  
4                    sit here today and say, well, they should have done this,  
5                    they should have done that, but they were there in a  
6                    crisis situation making the hard decisions. Yes, we'll  
7                    evaluate it. Yes, we will see what happened and how it  
8                    happened to learn and to grow.

9                    But I just want to take a moment of your  
10                    time to get some appreciation for what happens in a major  
11                    riot and how a major riot can go bad very, very quickly,  
12                    and for a lot of people not doing a lot of good things, we  
13                    could have had deaths. There could have been widows of  
14                    the staff's family in this room this morning. I'm pleased  
15                    to report to you that there are no widows of staff family  
16                    because of quick action, because of courageous people and  
17                    because of, yes, some good decisions. Was all of them  
18                    good? We'll evaluate that. We will take a look at that  
19                    and we will see if they were, and if they are not, we will  
20                    correct them. But there were some good, sound  
21                    correctional decisions made.

22                    As to should we address the factors of  
23                    overcrowding -- of riots, yes, sir, we have to because  
24                    then we minimize -- we will minimize it happening again.

25                    I was on duty in my office when I believe my

1 secretary came in and told me that there was a disturbance  
2 at Camp Hill. I looked out from the Deputy Commissioner's  
3 window.

4 Q. And when is this? At what time?

5 A. This was at 3:00 p.m. on Wednesday, October  
6 25th. We could see the assault. But I did not know at  
7 that point in time whether the assault was inmate on  
8 inmate or inmate on staff. I immediately called the  
9 Superintendent and advised him, "Superintendent, are you  
10 aware that you're having a problem between Groups 2 and  
11 3?" He said, "Yes, sir, I am aware of it. I'll get back  
12 to you." I directed the Superintendent and the key  
13 management staff to be on standby and I asked for several  
14 individuals to come to the particular office.

15 By that time, the Superintendent had gotten  
16 back to me and apprised me that it was not inmate on  
17 inmate it was inmate on staff and that they had taken one  
18 hostage. As he and I were talking I told him, "No, Bob,  
19 they've taken two. I see someone else in front of me.  
20 Please develop your plan of action and call me back." I  
21 then made the necessary calls that I'm supposed to make  
22 into the Governor's Office and into the appropriate  
23 individuals within the administration.

24 As we were talking I saw them bring another  
25 officer out. He kneeled on the ground in the yard and I

1 saw them begin to change clothing with him. By that time  
2 Bob had gotten back to me and told me "Commissioner, we  
3 feel this is a serious situation. We are going to have to  
4 shoot." I said, "Bob, don't shoot. You have hostages  
5 there and they're changing into inmate clothing." He said  
6 that he would tell the necessary staff and get back to me.  
7 The Superintendent called me back in about 15 minutes. By  
8 that time he had assembled force and we began to talk  
9 about his plan of action, how he's going to go about doing  
10 it. The plan was acceptable to me, I asked him what kinds  
11 of ammunition we were using in the weaponry. He told me.  
12 I said, "Bob, if we can use the lowest level that we  
13 have." I think I said birdshot then. I've since found  
14 out that it's No. 4 buckshot. We talked about that a  
15 little more.

16 There was some discussion between the  
17 Governor's Office and I, and the Governor called me from  
18 his airplane for an update. He and I talked and he asked  
19 me, "Do you need me to return right away?" I said, "No,  
20 sir, I believe that we will have the situation under  
21 control very shortly." The assault took place from the  
22 rear of the institution and simultaneously to that  
23 negotiations were going on. I saw the inmates begin to  
24 turn some hostages over to the staff.

25 There was some time lapsed between the

1 initial assault and the further action. I found out that  
2 that was because the discussion was going on, the  
3 negotiations was going on with regard to turning over the  
4 hostages. I subsequently saw an inmate moving backward,  
5 they bullhorned. At that time the Superintendent called  
6 me to brief me on the negotiations and what they had  
7 agreed to. The inmates, after some discussion, began to  
8 return to their cells and the assault team began to move  
9 forward into number 3 and 2 area. Staff went into the  
10 housing units and there was some discussion between Bob  
11 and I as to the security of the facility.

12 At that point in time I said, "Bob, please  
13 make sure that corrections people are in those housing  
14 units to make sure that the inmates are locked down." He  
15 said, "Yes, sir," and they proceeded to secure the  
16 institution.

17 About 9:00 o'clock or so, maybe 9:30, the  
18 Superintendent indicated to me that the institution was  
19 under control and that we were -- the institution was  
20 secure. We then had some discussion about what was he  
21 going to do and what was the issues that the inmates had  
22 raised during the negotiations. At about 11:00 o'clock  
23 the Superintendent went out to talk to the community and  
24 assured them that the institution was under control. When  
25 he returned, we talked about prisoners and about the



1 meeting the following day. And in my judgment the meeting  
2 the following day with the inmates was very important. We  
3 had some agreement on what items were to be discussed and  
4 what items were not to be discussed. Security items were  
5 not negotiable. You could not negotiate on that, and we  
6 pretty much agreed with that.

7           There was some further discussions between  
8 me and the Governor to bring him up to date as to where we  
9 are and what was going on and to what our plan of action  
10 was. Commissioner Sharpe and I had spoken throughout the  
11 day talking about what -- how we were going to proceed.  
12 About 2:00 o'clock in the morning I told the staff in the  
13 Central Office, go home and get some sleep and we will get  
14 back together in the morning. I did the same thing. I  
15 went to my apartment and got some rest.

16           I entered the institution at about 7:00 --  
17 between 6:30 and 7:00 a.m. on Thursday. There was a  
18 meeting in progress in the Deputy Superintendent's office.  
19 The Superintendent was there. While the meeting was going  
20 on, the Superintendent and I talked. I asked the  
21 Superintendent for an update of the incident. The  
22 Superintendent provided that. And at that point in time  
23 he gave me the memorandum that Representative Hagarty and  
24 I were speaking about, and then we talked about what all  
25 was in that and I approved that going out.

1                   I left the meeting very shortly. I was not  
2 there more than 5 or 10 minutes, and returned to the  
3 Central Office where I began to talk to and monitor the  
4 other institutions to get some update on how specifically  
5 the three institutions that I was concerned about during  
6 the incident. I also asked one of the institutions for an  
7 intelligence update on two particular groups at that  
8 institution. And my next greatest concern to Camp Hill  
9 was, quite frankly, State Correctional Institution at  
10 Huntingdon because they had just had a disturbance. At  
11 that point in time they were in lockdown status and we had  
12 information that another cell block was disruly and  
13 creating a problem.

14                   There was a meeting in the morning at the  
15 State Correctional Institution at Camp Hill where we  
16 discussed at our department head -- pardon me, at our  
17 department headquarters where we discussed our plan of  
18 action should we have a problem at another institution.  
19 The Superintendent called me again to tell me about his  
20 plan for meeting with the inmates and we had ample  
21 discussion about that.

22                   About 2:00 o'clock the Superintendent  
23 arrived at the institution with a contingency -- arrived  
24 at my office with a contingency of people who had been the  
25 critical actors in the incident and there was a discussion

1 between he and I prior to us talking to the Governor, and  
2 that subsequent to that they gave the Governor some  
3 remarks about the incident and the Governor thanked them  
4 and told them that he appreciates their bravery and their  
5 quick action and the short time in which the incident was  
6 brought to a conclusion, and there was a brief  
7 conversation with us afterward and they left.

8 We had some meetings scheduled in the  
9 afternoon, and about 6:00 o'clock I left my office to go  
10 eat. As I was coming out of the restaurant and getting  
11 into my car a police car passed very quickly by me. I  
12 then got in my car and the phone rang and it was Ken  
13 Robinson, our Press Secretary, indicating that he thinks I  
14 should return to the institution. I returned immediately  
15 to the department headquarters and I saw inmates coming  
16 out of the housing units almost simultaneously. I tried  
17 to reach the Superintendent, was unsuccessful. I told Ken  
18 that I was going to go to the institution to try to find  
19 the Superintendent. He had called the Deputy Commissioner  
20 prior to me arriving and I said I'll be right back, please  
21 tell the Deputy I'll be back.

22 I went to the Main Gate. When I went to the  
23 Main Gate, there were State Police assembling outside and  
24 there were staff inside of the institution. I found the  
25 Superintendent at the Main Gate and I asked him for a

1 report. "Bob, what's going on?" He told me and he said  
2 that the inmates were in control of the vast majority of  
3 the institution. I said, "Very well, go in and take it  
4 back." He acknowledged -- shook his head. I said, now,  
5 I'm going back to my -- I stayed there while the State  
6 Policemen went in. I informed the Superintendent that I  
7 was going to return to my office to set up a command  
8 center.

9 Q. Commissioner, at that time yesterday we  
10 heard that there was an argument between one of the State  
11 Troopers and a Sergeant or somebody behind a plexiglass  
12 door. The State Trooper, I mean, wanted entrance because  
13 he had received information that some of his men and some  
14 corrections staff people were trapped on the second floor  
15 of a building. Did you witness that argument which  
16 yesterday we were told was quite loud?

17 A. I did not witness it, sir. I have no  
18 knowledge if such a confrontation had taken place.

19 Q. How long after you arrived at the gate did  
20 the State Troopers gain entrance through that plexiglass  
21 barred door?

22 A. I was only at the gate, sir, within 5 or 10  
23 minutes. It would have been within that timeframe.

24 Q. Okay.

25 A. I told the Superintendent that.

1 Q. I was going to say, the State Troopers  
2 yesterday we believe were told that they needed some kind  
3 of special permission to enter the facility because they  
4 were going to be carrying firearms and so on.

5 A. That's correct.

6 Q. I mean, who would have to authorize that?  
7 And we read in the newspapers that a Sergeant authorized  
8 that entrance. I mean, did a Sergeant authorize them to  
9 enter?

10 A. A Sergeant does not have authority to  
11 authorize firearms in an institution. The Superintendent  
12 has testified that he authorized it.

13 Q. Okay.

14 A. So while I was there I spoke to the  
15 policeman present when I said, get them out. So I'm not  
16 -- I don't know how that is developing. I do know that  
17 according to our procedures and policies, the  
18 Superintendent or his designee in an emergency situation  
19 can authorize firearms to enter the institution. The  
20 process reflects that he should get my approval prior to  
21 doing it, but I was there. I was on the scene and it was  
22 immediately.

23 Q. Did he ask for your approval, or you're  
24 saying take it back--

25 A. Yes.

1 Q. Your approval?

2 A. My direction was take the institution back.  
3 And that was rather clear and so I, you know, I don't want  
4 to dispute, you know, we may be dealing with a perception,  
5 but it was very clear to me.

6 Q. Okay.

7 A. I returned to my office and set up the  
8 command center. Superintendent Freeman returned to his  
9 office and set up his command center and called me shortly  
10 thereafter and began to update me and brief me on what had  
11 happened. By that time, the assault had been successful  
12 and they had rescued the Deputy Commissioners, the Major,  
13 and the other people who were there.

14 Let me say a word about the Major. The  
15 Major was overcome by smoke, left the institution to be  
16 treated at the hospital and I asked the Superintendent, I  
17 said, "Well, let me know how he's doing." Immediately  
18 upon leaving the hospital the Major, out of dedication,  
19 returned to the incident.

20 Q. And what is his name?

21 A. Major Stover.

22 Q. Major Stover.

23 A. So the Superintendent briefed me that the  
24 staff was out, that the Deputy Superintendents were with  
25 him and they were in the process of talking to the State

1 Police with regard to developing their action plan for  
2 their second assault. There was a discussion between me  
3 and the Governor's Office and Commissioner Sharpe as to  
4 what we would do from our perspective. The assault took  
5 place, and much of it moved well, methodically, and that  
6 is the best way for it to move. While it is very, very  
7 difficult to stand by and watch your staff and people  
8 being injured and not let emotion take over and respond  
9 immediately, but those sort of things are never the way to  
10 go and the best way to go is to develop a good plan and  
11 stick to that plan. That's what happened.

12 Again, the incident was successfully brought  
13 to a conclusion and the individuals were handcuffed and  
14 moved into the yard area. I think that without going into  
15 the aftermath, that would basically -- that was basically  
16 my recollection of the incident.

17 Q. And I guess the committee, the questions I  
18 think that sticks in everybody's mind is the communication  
19 up the ladder of those who may have known or have  
20 testified elsewhere that they thought that the cells were  
21 not properly locked and how that word going up the ladder  
22 got lost somewhere. Deputy Smith testified yesterday that  
23 a Lieutenant said, you know, that he told him and Deputy  
24 Smith said if he told me it just didn't register, that his  
25 administrative assistant had said that that Lieutenant did

1 not come in and tell him his feelings about the cells. In  
2 light of the fact that everybody was gathered in your  
3 office at 2:00 o'clock to talk to the Governor, I assume  
4 about a job well done, thinking that the institution was  
5 in a state of lockdown, that nobody brought it up then, it  
6 seems to me that if any of those people, being responsible  
7 corrections officers, thought that that was the case, they  
8 would have raised it somehow at that meeting.

9 But nonetheless, I mean, there was some kind  
10 of break in the communication if some people knew it and  
11 it didn't get up to the highest levels. What can be done  
12 in the future to insure that if there is that kind of  
13 knowledge amongst the rank and file corrections officers  
14 to make sure that it gets up there? I mean, I'm certain  
15 that that is something that troubles you, and if so, I  
16 mean, what has been done or what do you intend to do to  
17 see that that kind of communication takes place in the  
18 future?

19 A. Well, we are examining the communications  
20 situation. You have characterized it correctly. The  
21 Superintendent has testified and has indicated to me in  
22 memorandum that no one advised him, that all of the  
23 information that he had was that the institution was  
24 secure. No one told him that the locking system was not  
25 working properly, with the exception of H Block, and that



1 no one advised him that the inmates were getting out of  
2 their cells. This was the same statement by the Deputies  
3 - the Deputy for Treatment and the Deputy of Operations.  
4 They indicate that no one told them. And so has been the  
5 communications with the Major.

6 Now, did -- there were several correction  
7 officers and I think a Lieutenant has indicated that they  
8 did pass that information on, which why it did not get  
9 from point A to point B is the subject of our  
10 investigations and of our studies.

11 There are several things we can do to  
12 improve the information system. One that we are doing now  
13 at Camp Hill is we are changing Camp Hill into a unit  
14 management institution. That's a new concept in  
15 corrections. That divides the institution into many  
16 institutions, smaller institutions, and have a unit team,  
17 a unit management team. This unit management team works  
18 closer together than the traditional institution and  
19 thereby flattening out the organizational trait and  
20 increasing lines of communications. It is my expectation  
21 that unit management concept will improve the lines of  
22 communications at not only that institution but all of our  
23 institutions and minimize the communications problems that  
24 we had at Camp Hill happening again. I feel that this is  
25 the right way to go. The Superintendent at the --

1 Superintendent Beard and I have discussed them to both  
2 degree and I think we can see the improvement and  
3 communications at Camp Hill under the unit management  
4 concept.

5 Q. One final question, Mr. Chairman, because I  
6 know other members of the committee have questions of the  
7 Commissioner.

8 Commissioner, sometime in your testimony in  
9 response to questions that I asked you mentioned that you  
10 asked for intelligence on two groups from other  
11 institutions. I would just assume that one of them just  
12 might be the FOI, the Fruits of Islam. Yesterday we heard  
13 from the administration at Camp Hill that there is a  
14 chaplain who may have been a part of this, or at least  
15 there is an investigation going on to determine that. Can  
16 you tell us the status of that investigation? Who is this  
17 person? Where is this person? Are we still paying this  
18 person, and what the situation is there?

19 A. Yes, the person is still on our payroll.  
20 There is -- he is the subject of an investigation. The  
21 individual was moved out of the institution and situated  
22 at the Central Office. We will have factfinding on the  
23 individual after the investigations have been completed.  
24 Was he -- the degree of his involvement, I'd rather not  
25 speak about it now. I would rather wait until the

1 investigations have been completed.

2 Q. Thank you, Commissioner. And again,  
3 congratulations again on bringing this thing under control  
4 without the loss of life. And again, how yourself and  
5 Commissioner Sharpe and Major Hazen, the Major's Troops  
6 and the correctional officers at Camp Hill, how they  
7 pulled it off is something that I'm amazed at and I think  
8 is something that the people of Pennsylvania can take  
9 pride in and, again, I urge you to go forward with your  
10 investigations, with the prosecutions, and I hope with the  
11 severe punishment of those criminals who perpetrated such  
12 a huge amount of the damage on the taxpayers of  
13 Pennsylvania.

14 A. Thank you, sir.

15 CHAIRMAN CALTAGIRONE: Representative Mike  
16 Bortner.

17 REPRESENTATIVE BORTNER: Thank you, Mr.  
18 Chairman.

19 I don't have any questions. I think you've  
20 done a good job of addressing some of the concerns of the  
21 committee. I just also would like to make a comment. and  
22 a little bit redundant, but I will be brief.

23 I guess I'd just like to restate what I  
24 think is obvious but which does seem to get lost as we  
25 look at this whole disturbance, and that is the fact that

1 I told him that in my experience, part of the problem is  
2 that we have no one who teaches religion, that individuals  
3 teach their view of the religion but not the religion, and  
4 we asked for assistance from the organized religion to get  
5 a chaplain, a full-time chaplain for the purpose of coming  
6 in and teaching the religion rather than teaching what  
7 people think the religion is. That's my recollection of  
8 it. Is your question did I have something to do with Mr.  
9 Sabir being the person selected? The answer is, no, other  
10 than being the appointing authority I appoint all  
11 employees of the Department of Corrections. But I did not  
12 select Mr. Sabir, nor was I in the selection process.

13 Q. In February of 1989, did you know or were  
14 you aware of Mr. Sabir?

15 A. No, sir, I was not.

16 Q. Have you ever run across him during your  
17 tenure with the Philadelphia prison system?

18 A. Not that comes to mind. He surely was not  
19 an employee, a friend, or even an acquaintance of mine. I  
20 ran across many people, so I will not stop short of saying  
21 I have not run across him, but it surely does not run  
22 across my mind. I have no knowledge of the man.

23 Q. Yesterday we heard from the Superintendent  
24 and the Deputies that there was, sometime after  
25 approximately June of 1989, investigations of Mr. Sabir

1 is in the command center.

2 REPRESENTATIVE BORTNER: Thank you.

3 CHAIRMAN CALTAGIRONE: Representative  
4 Piccola.

5 REPRESENTATIVE PICCOLA: Thank you, Mr.  
6 Chairman.

7 BY REPRESENTATIVE PICCOLA: (Of Commissioner Owens)

8 Q. I share the view of Representative Bortner  
9 and Representative Blaum that the cause of this uprising  
10 was in fact the inmates, more than likely a relatively  
11 small number of well-organized inmates, but we have  
12 received some information, Commissioner, that the  
13 existence of this group of inmates was not unknown to the  
14 department either at the prison level or at the  
15 departmental level, and that the issue had been discussed  
16 for a number of months prior to the incident at Camp Hill.

17 Yesterday, Superintendent Freeman gave us  
18 testimony that indicated that he had met with you in  
19 February of 1989 to discuss the problems that he was  
20 having specifically with the Fruits of Islam organization  
21 within Camp Hill. Did he in fact do that?

22 A. The -- I'm not sure that it was a meeting.  
23 I think it was a telephone conversation and the  
24 Superintendent briefed me on several occasions about the  
25 problems that he was having with this particular group.

1 this was perpetrated by a group of individuals that are  
2 lawfully incarcerated for violating the laws of the  
3 Commonwealth of Pennsylvania. And since this took place,  
4 I have watched all the hand-wringing and listened to all  
5 the excuses from people who were trying to place the blame  
6 someplace other than I believe where it belongs, and  
7 that's in a group of hardened criminals - thugs, in my  
8 opinion - who initiated a premeditated, planned attack  
9 against the institution and the people that worked there.  
10 And I don't want those people in my community, in  
11 monitoring devices or on probation. As far as I'm  
12 concerned, they're right where they belong, and I say to  
13 the people who were responsible for this very carefully  
14 because I think you have been very careful in pointing out  
15 that there are many, many inmates who not only didn't  
16 participate but who also tried to do what they could under  
17 the circumstances to even assist correctional people in  
18 bringing this to a conclusion.

19 I know it was a very, very difficult  
20 situation. We should be asking a lot of hard questions,  
21 and I think you realize that. We should be asking tough  
22 questions, and I think you'll learn from this just as I  
23 suppose the United States Army learned a lot of lessons  
24 from the invasion in Panama very recently.

25 But I think you're correct, the disturbance

1 never got beyond the institution, there was no loss of  
2 life, injuries were minimized, and it was brought to a  
3 conclusion in a relatively short period of time. I can  
4 remember back to a number of years ago when another  
5 disturbance at an institution in Attica in New York didn't  
6 end this way. So to me there is at least if that is some  
7 measure of success, I think that our belief that that is  
8 some measure of success and that while we learn from this  
9 I also feel that you deserve some credit for bringing this  
10 under control in the manner that you did.

11 COMMISSIONER OWENS: Thank you.

12 REPRESENTATIVE BORTNER: Thank you

13 COMMISSIONER OWENS: Thank you, sir.

14 May I just comment? I have been involved in  
15 eight major disturbances. I buried my Major and my Deputy  
16 -- my Warden and Deputy Warden. I have not, they were  
17 killed. So I have some knowledge and some feel for how  
18 these things happen and what can happen. I've been a  
19 hostage myself twice. I've commanded assaults and I've  
20 been in the command center. So believe me, I'd rather be  
21 in the trenches because there you know what's going on, it  
22 happens, and the most difficult place to be is in the  
23 command center. I've been in all of them and if I had my  
24 -- well, next to being a hostage. That's the worst place  
25 to be. But next to that, the most difficult place to be

1 Q. Would that have occurred in or about the  
2 time that he testified to?

3 A. It's very possible, yes.

4 Q. Okay. He said that during this discussion  
5 that you had recommended to him one Quadir Sabir to be a  
6 chaplain for the Muslim community at Camp Hill. Is that  
7 accurate?

8 A. That's not accurate. The Superintendent  
9 testified to that? I just want to be very clear on what  
10 the Superintendent testified to. Did he testify to that?

11 Q. It's my recollection, and we don't have the  
12 transcript from yesterday as of yet, but it is my  
13 recollection that the Superintendent said with respect to  
14 your problem with the Muslim community, we have someone  
15 for you, and this was the individual that was sent down.  
16 He apparently came out of the Philadelphia area and had  
17 been recommended by people in the Philadelphia prison  
18 system.

19 A. I'm not aware of him being recommended by  
20 people in the Philadelphia prison system, but my  
21 recollection of it is that the Superintendent made me  
22 aware that he was having the problem and it wasn't just  
23 his problem. We were having a problem throughout the  
24 department with disruptive and organized individuals.  
25 That was the subject indeed of a Superintendent's meeting.



1 that he was a security risk at the prison, that Deputy  
2 Smith testified that his security unit was conducting an  
3 investigation and they indicated that there had been an  
4 extortion plot uncovered referencing Mr. Sabir involving  
5 Graterford and that your internal affairs office, which I  
6 believe, and you can correct me if I'm wrong, is under  
7 your supervision, or at least it's under departmental  
8 supervision, not the institutional supervision.

9 A. That's correct, sir.

10 Q. Are you -- let me rephrase that.

11 Were you aware ever either -- in June of  
12 1989 or shortly thereafter aware of either the  
13 departmental investigation or the institutional  
14 investigation of Mr. Sabir?

15 A. I was not aware of a departmental  
16 investigation. I was aware of an institutional  
17 investigation of Mr. Sabir and did have some discussion  
18 with the Superintendent and the Deputy Commissioner about  
19 the incident. There was a subsequent departmental  
20 investigation done, but it was some time after the time  
21 that you're indicating.

22 Q. Was it before the uprising at Camp Hill?

23 A. One was, one was not.

24 Q. Okay. Do you have any recollection as to  
25 when the departmental investigation in your internal

1       affairs department began? The first one.

2               A. I do not have a date, sir.

3               Q. Would the summer of 1989 be about that time?

4               A. It is possible that it could have been late  
5 summer, yes.

6               Q. And would it have involved the extortion  
7 plot that I was talking about?

8               A. That's possible. Not to my recollection,  
9 but--

10              Q. Do you receive--

11              A. Do I receive reports?

12              Q. Do you receive reports regularly from your  
13 internal affairs?

14              A. I receive completed investigations reports,  
15 yes.

16              Q. Now, you just mentioned that you had some  
17 conversation with the Superintendent--

18              A. Yes.

19              Q. --concerning the institutional  
20 investigation. How did you become aware of that  
21 institutional investigation?

22              A. I believe the Deputy Commissioner called it  
23 to my attention or--

24              Q. Which Deputy?

25              A. DeRamus. That there was a, and I think the

1 incident was called to Mr. DeRamus' attention and he  
2 advised me that there was the incident and that normal  
3 procedure of -- Mr. Sabir is in the treatment chain of  
4 command not in the security chain of command, and that  
5 normal procedure would dictate that the treatment people  
6 comprise the factfinding board. There was discussion  
7 between me and the Superintendent and Mr. DeRamus about  
8 that, and we indicated, "Superintendent, if the policy  
9 requires that a treatment person chair the factfinding,  
10 please comply with that."

11 Q. Deputy Commissioner DeRamus, is he the  
12 deputy who oversees the internal affairs aspect?

13 A. No, he is the deputy that oversees  
14 treatment.

15 Q. Would he have been aware of the internal  
16 affairs investigation of Mr. Sabir?

17 A. At the institutional level.

18 Q. Not at the departmental level?

19 A. I am not certain that the department's  
20 investigation was -- took place at the timeframe, within  
21 the timeframe that we're talking about now.

22 Q. If the institutional investigation of Mr.  
23 Sabir was on the security side of the equation, then of  
24 the chain of command as we characterized it, how would  
25 Deputy DeRamus become aware of it if he were on the

1 treatment side?

2 A. Because he supervises the people who  
3 supervise the chaplains, so the chain of command would go  
4 up through the line of supervision. The information  
5 would.

6 Q. But he was not being investigated at the  
7 institution by the treatment people, he was being  
8 investigated by security people because there was believed  
9 to be a security problem.

10 A. But there's cross-over. If a treatment  
11 person is being investigated by security people, surely  
12 the Deputy for Treatment is aware of that or should be  
13 aware of it. Surely the Deputy Superintendent is aware of  
14 it or should be aware of it. So surely, sir, there is  
15 cross-over.

16 Q. Does involvement in an extortion plot  
17 constitute a treatment problem or a security problem?

18 A. It constitutes both.

19 Q. Okay, and why would not an investigation by  
20 both be appropriate?

21 A. That would be appropriate. There isn't a  
22 problem with that.

23 Q. Okay.

24 A. The problem is that it was done just by  
25 security rather than security and treatment.

1           Q.    Okay.  Superintendent Freeman told us  
2           yesterday that you directed him and he then directed  
3           Deputy Smith, who was in charge of the security at the  
4           institution, to stop the security investigation and turn  
5           it over to treatment.  Did you tell Superintendent Freeman  
6           to stop the security investigation of Mr. Sabir?

7           A.    No.  No.  I told the Superintendent that if  
8           this is a treatment employee, that treatment should be  
9           doing the investigation.  I don't think you and I are  
10          disagreeing.  You're saying that -- I think we would  
11          disagree if I said take everything that you have  
12          developed, take it no further and do nothing.  My  
13          discussion with the Superintendent is take your -- take  
14          what you have and turn it over to the treatment people for  
15          evaluation.  There was nothing there that implied for me  
16          to tell them to stop an investigation or do nothing about  
17          it.

18          Q.    Well, there must have been something there  
19          because he did it and he told his Deputy to do it and he  
20          claims that you told him to stop it and turn it over to  
21          treatment.

22          A.    Again, I think you and I are disagreeing --  
23          I'm not sure we're disagreeing.  The question is, may I  
24          finish what I'm hearing?  The question is, who is the most  
25          appropriate person to be involved in the investigation of

1 a treatment employee? And according to our procedures,  
2 treatment must be involved in it, too. And if there is  
3 nothing wrong, and it happens all the time that security  
4 develops the information and turns it over to treatment,  
5 yes, I mean, I see nothing procedurally or operationally  
6 wrong with that.

7 Q. Well, I, and I think you concurred that I  
8 would find that intelligence information about an  
9 extortion plot involving any employee, whether it be in  
10 the treatment side or otherwise, at Camp Hill is a  
11 security problem and it should be given to the security  
12 people. That's my estimation.

13 A. Initially.

14 Q. It's a security--

15 A. I guess what we're saying is at what point,  
16 what is the role of security in this situation? They  
17 develop the information and then turn it over to the  
18 appropriate people to make the evaluation. That's what  
19 I'm saying.

20 Q. Well, Commissioner, in your opening  
21 statement you said that security of the Commonwealth is  
22 the number one mission.

23 A. Absolutely.

24 Q. And I agree with that, and it seems to me  
25 that this kind of an investigation is a security

1 investigation and should be handled by security people,  
2 not people who are treatment oriented. Now, you may  
3 comment on that and then I'll go on to something else.

4 A. Well, we're not disagreeing. I'm saying to  
5 you that there's nothing wrong. I agree that the initial  
6 investigation should be done by security people if it is a  
7 security matter. But they take it to a point and then  
8 turn it over to the treatment people to make the  
9 evaluation.

10 Let's take it out of the realm of a  
11 chaplain. Let's say that it is a counselor who violates a  
12 rule or regulation. That information is developed by the  
13 treatment staff. Security may do the initial  
14 investigation, but then it is turned over to the chain of  
15 command that the individual is in to make the appropriate  
16 decisions. Ultimately, the Superintendent makes the  
17 decision.

18 Q. Without trying to get the last word in,  
19 Commissioner--

20 A. Well, I will concede that, sir.

21 Q. I don't care who the person is, if it's a  
22 security issue, which I think extortion is, it's a  
23 security function; if it's a violation of a regulation  
24 that involves the way somebody was treated, whether they  
25 got appropriate treatment or not, that's a treatment

1 function, and I think if you directed that the treatment  
2 people be involved in this, I think that was an erroneous  
3 direction, but you may comment on that conclusion that I  
4 draw.

5 A. Well, I disagree with you, sir. I think  
6 what I did was said, let's stick to the procedure. Let's  
7 do what we are supposed to do, let's not treat Mr. Sabir  
8 different than we treat anyone else. Please keep in mind,  
9 sir, that I'm liable to be and this Commonwealth is liable  
10 to be sued if we treat Mr. Sabir or any employee  
11 differently and wrongly. So what I was trying to do in  
12 this process was make sure that the process was followed  
13 and that everybody was treated fairly.

14 Q. Is the statement that was allegedly made by  
15 Mr. Sabir, quote, "This is an Uzi," he held up the Koran,  
16 "This is an Uzi, we may have to fight," is that a security  
17 problem or a treatment problem?

18 A. Mr. Piccola, you're talking about something  
19 that is the subject of an investigation, and that, sir, is  
20 a criminal investigation. I would not want to comment on  
21 that.

22 Q. Can I draw from that statement that Mr.  
23 Sabir is under criminal investigation at the present time?

24 A. I would say that Mr. Sabir, sir, is under  
25 investigation.



1 Q. Is he under departmental investigation?

2 A. Yes, sir, he is.

3 Q. Has he been suspended or has any  
4 administrative action been taken against him?

5 A. He is presently under investigation. There  
6 has been no sanctions against him, no, sir.

7 Q. You won't tell me whether there's a criminal  
8 investigation or not?

9 A. I do not think it appropriate, sir, for me  
10 to comment.

11 Q. He is presently assigned to Central Office?

12 A. That is correct, sir.

13 Q. There was some evidence that the Deputies  
14 and the Superintendent testified to yesterday or gave us  
15 some indication, didn't give us any evidence, that Mr.  
16 Sabir may have been involved in the organization of the  
17 second night's uprising. Are you aware of any such  
18 allegation or evidence?

19 A. I'm not aware of any such evidence.

20 Q. If such evidence did exist, would that have  
21 been the subject of a separate investigation other than  
22 the one involving the statement that we talked about just  
23 a moment ago?

24 A. Sir, again, I think we're walking on very,  
25 very soft ground. I feel very uncomfortable commenting on

1 any ongoing investigation.

2 Q. Okay. I am assuming that you are interested  
3 in protecting the due process rights of Mr. Sabir?

4 A. I am interested, sir, in protecting the law  
5 and the process of the Department of Corrections.

6 Q. And I'd like to then ask why then, given  
7 your testimony today, your comments about you would not  
8 have overruled decisions made by the institutional staff,  
9 you thought good decisions were made, you would not have  
10 second-guessed Superintendent Freeman on a number of  
11 items, why was Superintendent Freeman suspended without  
12 pay?

13 A. The Superintendent was suspended without pay  
14 for several factors. I discussed that with the  
15 Superintendent and I made the decision to suspend him.

16 Q. He told us yesterday those factors were his  
17 failure to order an institutional-wide shakedown and his  
18 decision to stand down the bulk of the State Police  
19 assigned to the institution. Are those the factors?

20 A. They were some of the factors, but there  
21 were others.

22 Q. There were others?

23 A. Yes, sir.

24 Q. Would you care to discuss this with us?

25 A. Again, Mr. Freeman is entitled to his day in

1 court, too. He is entitled to fair and equitable  
2 treatment, so I do not choose to try Mr. Freeman or have  
3 his administrative hearing in public. I can only tell you  
4 that there were other factors other than that that went  
5 into the decision to suspend Mr. Freeman.

6 Q. Well, I would suggest, Commissioner, that  
7 you may have already convicted Superintendent Freeman in  
8 public by suspending him without pay, and unless you  
9 provide this committee with information as to specifically  
10 why that was done, we're going to have a very difficult  
11 time coming to any conclusions in this thing.

12 Do you not feel that the suspension of the  
13 Superintendent without pay undermines his position if he  
14 were ever to return to Camp Hill in the capacity as  
15 Superintendent?

16 A. By suspending Mr. Freeman without pay, sir,  
17 he has the opportunity of being made whole after the  
18 process is completed. He will have an opportunity to  
19 defend himself fully and completely. So there is the  
20 mechanism for us to make him whole.

21 The decision to suspend anyone is never done  
22 lightly or capriciously, and it is a very, very difficult  
23 decision. What will be the impact of that decision on Mr.  
24 Freeman's career, only time will tell.

25 CHAIRMAN CALTAGIRONE: I'd like to interrupt

1 these proceedings at this time. We have scheduled lunch  
2 at 12:00 o'clock and there are a number of other members  
3 that do have questions, Commissioner. If the members  
4 don't object, I think it would be appropriate that we  
5 would take an hour for lunch and resume at 1:00 o'clock at  
6 the room here, unless there is a conflict.

7 COMMISSIONER OWENS: There may be, sir. If  
8 you can give me an opportunity to -- would 1:30, 1:30 be  
9 better?

10 CHAIRMAN CALTAGIRONE: That certainly will  
11 be all right.

12 COMMISSIONER OWENS: That would give me an  
13 opportunity to fulfill my obligation.

14 CHAIRMAN CALTAGIRONE: All right. If we  
15 could, Sergeant Venesky and Major Stover are scheduled  
16 also to testify and if we could at 1:00 o'clock have the  
17 Sergeant testify up until 1:30 and then at 1:30 we'll hear  
18 back again from the Commissioner.

19 We'll recess until 1:00 o'clock.

20 (Whereupon, a recess was taken at 12:00 m.  
21 The hearing was reconvened at 1:10 p.m.)

22 CHAIRMAN CALTAGIRONE: I'd like to get  
23 started with this afternoon's continuation of the House  
24 Judiciary Committee hearing.

25 At this time, I'd like to have Sergeant

1 Bernie Venesky and Major John Stover. If the Major is  
2 here, the two of you could sit down together and then of  
3 course at 1:30 when the Commissioner comes back we'll have  
4 to interrupt you and put the Commissioner on again.

5 Okay. I'd like to start. Identify yourself  
6 for the record, and if you could relay to the committee  
7 exactly what your respective roles were during the  
8 situation at Camp Hill and then open yourself up for  
9 questions.

10 MAJOR STOVER: I'm John R. Stover and I'm a  
11 Major at the State Correctional Institution at Camp Hill,  
12 and I've been employed in the Department of Corrections  
13 for 30 years and I've spent my entire career assigned to  
14 the Camp Hill Institution.

15 SGT. VENESKY: Okay, I'm Sergeant Bernard  
16 Venesky. I'm also employed at the State Correctional  
17 Institution at Camp Hill. I'm there for five years.

18 CHAIRMAN CALTAGIRONE: All right, do you  
19 have a statement, Sergeant, that you wanted to read to the  
20 committee?

21 SGT. VENESKY: I can just summarize it.

22 CHAIRMAN CALTAGIRONE: Surely.

23 SGT. VENESKY: On the first day of the  
24 rioting I was assigned as the E and F Block Sergeant. On  
25 that day what had happened, I was moving some new inmates

1 in on the cell block. It came to my attention that there  
2 was a disturbance outside of the cell block, came to the  
3 front of the block and I spoke to both my officers that  
4 were assigned on F Block. They had secured the door and  
5 they had stated it came on the radio to secure the door  
6 until further notice, what was going on. I looked around,  
7 it was time that the Stockade was coming in and there were  
8 several inmates that had already made it in on the cell  
9 block. I told my officers, secure the block, make sure  
10 the inmates were in, check all the doors, and at that time  
11 it came back over to radio that apparently a disturbance  
12 was over, open your doors, allow your inmates in and get  
13 them locked up.

14           Officer Wright opened the door, I proceeded  
15 to take my hat, walk outside, there was a few inmates  
16 there. They started coming in. I said, "Sticking with  
17 our program, gentlemen, you know, we have to run showers  
18 now." Inmates were coming in. I got approximately 30  
19 yards away from the front of the cell block and I heard an  
20 uproar down below by the E Gate House. At that time, I  
21 saw several officers get struck. There was inmates coming  
22 up the walkways towards me and towards the cell blocks  
23 with their doors open. I yelled back, I figured the way  
24 the inmates were coming up between myself and the cell  
25 block, it would be easier for the officers there to just

1 close their doors to keep them safe. I yelled into them,  
2 I said, "Close the door." I said, "Get yourself in the  
3 lock box. I'll try and make it out through the E Gate  
4 House." Officer Bickel, as he was closing the door, saw  
5 three inmates jump on me as I was trying to run through.  
6 I don't recall that part but I do recall getting through  
7 the crowd. I found Officer Johnson laying face down in a  
8 pool of blood. I picked Officer Johnson up and I carried  
9 him in my arms approximately 40 yards through the E Gate.  
10 The other officers retreated with me. We placed the  
11 wounded down, we secured the gate, got medical treatment  
12 for them.

13 The inmates at that time realized that they  
14 couldn't get through the gate until they had some type of  
15 tools or, you know, what they would need. They proceeded  
16 back into the cell blocks that were caught with their  
17 doors open, broke into the kitchen, came out with mixing  
18 paddles, pieces of lumber, any kind of tools that, you  
19 know, the tradesmen might have had on the cell blocks at  
20 the time.

21 After two or three attempts, they rushed the  
22 E Gate House. They broke through about 30 minutes after  
23 that. We retreated to the Control Center. Instead of  
24 following us, the inmates at that time opted to break into  
25 the Commissary, some of the modular units. There were

1 some service trucks that were in the compound. They took  
2 them and tried to run the Rear Gate. I helped bring in  
3 some of the doctors into the institution. We snuck out,  
4 snuck the doctors in to treat the wounded, then we, the  
5 officers that were in, left the institution, reported to  
6 the Rear Gate, re-entered the institution along with the  
7 State Police and began sweeping different areas of the  
8 compound to resecure the institution.

9           Approximately, I would estimate 3, 3 1/2  
10 hours after we started getting back into the institution  
11 we had the disturbance pushed back into Groups 2 and 3.  
12 Shortly thereafter I was taken out to the hospital myself  
13 for treatment and since then I am waiting to be cleared to  
14 go back into the institution.

15           What I brought along is prior to the riot, I  
16 have documentation with me that I sent in or was issued by  
17 some of the staff that pertains to increase in  
18 disturbances, actual warnings of, you know, material  
19 found. I did a cell search with another officer, we found  
20 a list of demands written by some of the members of the  
21 FOI. Listed are members, that type of material, which is  
22 pertinent that that was an easy seven weeks before the  
23 riots. And we had handed this material in and to that  
24 point, there was no action that I know was taken on it.

25           CHAIRMAN CALTAGIRONE: Who did you turn that



1 material over to? The information that they found within  
2 the cells, who did you turn that information over to in  
3 your hierarchy?

4 SGT. VENESKY: Okay, upon finding the  
5 material, before I removed it from the cell I secured the  
6 cell door and posted an officer at the cell. I contacted  
7 my group Lieutenant, Lieutenant Renninger. He came up, we  
8 both re-entered the cell, went through the material to see  
9 what was pertinent to what we needed, confiscated that.  
10 That evening, immediately afterwards, I completed an  
11 incident report and that was forwarded, according to the  
12 carbon copy that's listed on the incident report, it went  
13 through the file, Security Office, Shift Commanders, Major  
14 Stover and Deputy Smith. They all received copies the  
15 next day.

16 CHAIRMAN CALTAGIRONE: What did Deputy Smith  
17 do with it?

18 SGT. VENESKY: I have no idea, sir.

19 CHAIRMAN CALTAGIRONE: Continue.

20 SGT. VENESKY: Some of the other material  
21 that I found dates back almost a year before the riot.  
22 All the way back in February of 1989 Superintendent  
23 Freeman himself issued a memorandum -- before I go into  
24 the memorandum, I should advise you, K Block has what we  
25 call an honor status. Those are the inmates that do not

1 present a problem. They might have better conduct record,  
2 and K Block they get moved on to their, they have a few  
3 extra privileges. It's something to give them an  
4 incentive to work for. What had happened on K Block,  
5 Superintendent and his staff were talking about changing K  
6 Block over into a normal block due to an increase of, and  
7 I quote, "serious misconducts and incidents occurring on  
8 the block or involving inmates. A review of misconduct  
9 records indicates far too many situations involving  
10 possession of drugs, drug paraphernalia, money, and food  
11 items; commission of sexual acts; assaults; weapons being  
12 found; and deliberate destruction of State property."

13 The reason I brought that along, all the way  
14 back in February, like I say, it had already been noticed  
15 about what was happening in the institution. The changing  
16 -- he had stated in here the changing face of the inmates,  
17 the type of inmate that we're receiving. Through the year  
18 I have minutes here from a Sergeant's meeting. One of the  
19 topics brought up were there was a lot of changes going on  
20 in the institution that added to the tension between the  
21 staff and the inmates.

22 May 10, 1989. I have a copy of the minutes.  
23 There are 28 items placed on the minutes what were covered  
24 at that meeting. Some of the items that were new to the  
25 institution: Number 3, a new sex offender treatment

1 center; number 5 was a policy concerning termination of  
2 inmate visits, temporarily banning a visitor; number 8,  
3 new inmate numbering system; number 11, new inmate diet  
4 tray procedure; number 13, a new RHU -- which is  
5 restrictive housing unit -- feeding procedure; inmate  
6 grievance quarterly reports; and even a new procedure  
7 dealing with passing out aspirin and Tylenol in cell  
8 blocks.

9 All these procedure were new. The staff had  
10 to adjust to them and the inmates also had to adjust to  
11 them. My feeling is there was too much being done too  
12 quickly. Instead of implementing several, you know one,  
13 two, maybe even three new procedures over a short period  
14 of time, allowing the inmates to adjust to them, all this  
15 was taking place or being planned or coming about and  
16 being posted. Even if it was posted and it wasn't  
17 actually implemented at the time, the inmates are already  
18 saying, well, here's something new that's going on. Look,  
19 they have us doing this, now we have to do this.

20 August 6, 1989, another Sergeant's meeting.  
21 At this meeting I have underlined here "The meeting was  
22 then opened for the Sergeants to voice any concerns...."  
23 Item number 1, "The majority were rather upset about the  
24 apparent disparity in sanctions that are being given by  
25 the Hearing Examiner." Number 3, stated, "There were also

1 growing concerns about the inmates showing any concerns  
2 about receiving a misconduct."

3           What had happened with the overcrowding,  
4 inmates were being issued misconducts from sometimes minor  
5 infractions all the way up to involving assaults on or  
6 threatening an officer, their family, assaulting another  
7 inmate, assaulting an officer. They were receiving time  
8 in an RHU, but due to the overcrowding, what had happened  
9 was the inmate would only have to serve a portion of that  
10 time. He would be reviewed and then released back out  
11 into population. We didn't have the freedom, if an inmate  
12 came up to me, which had happened, threatened myself and  
13 my family, once he got out of jail he was going to, you  
14 know, do whatever, blatant threat, I issue a misconduct  
15 according to procedure. That inmate might have went to an  
16 RHU, he might not have. But due to the overcrowdedness,  
17 probably if he did go to an RHU I could say within a month  
18 he would be back on the same cell block in front of me  
19 again basically laughing like 30 days is nothing, I can do  
20 that standing on my head. That's the comment that was  
21 issued to me by this inmate. That was going on all the  
22 time.

23           Again, like I said, due to the  
24 overcrowdedness, the inmates were realizing they didn't  
25 get any serious time or any serious sanctions against

1 them. And what had happened was they became numb to it.  
2 It didn't bother them anymore.

3           Next piece of material I have, the incident  
4 report that I issued on the 10th of September, 1989, what  
5 this is, I had received information from an inmate that  
6 passed on information to some of the officers from time to  
7 time. The inmate that did this for me was reliable, I  
8 felt. He had given me other information concerning drugs  
9 on the block, fermented beverages, sexual acts that were  
10 going on. We found what he was telling us was taking  
11 place. Basically, it was good information. He came to me  
12 on this date and stated that one of the FOI members that  
13 was housed close to him had come forward -- or come to him  
14 and was talking, hey, don't come out on such-and-such a  
15 date because we're planning this, you know. If you want  
16 to cover yourself.

17           What it was, according to this inmate that  
18 came to me, on September 23rd, the institutional track  
19 meet. They brought other teams in from other  
20 institutions. There was going to be a large number of  
21 inmates in the institution, more so than we already had  
22 housed there. Supposedly, the FOI members at that time  
23 were going to, at the beginning ceremony when everyone was  
24 gathered around, begin a demonstration when they had more  
25 inmates to witness it. I passed on this information

1 immediately. Of course, the track meet was canceled. And  
2 since it involved other institutions, it became a  
3 departmental matter, so as far as what I was aware of or  
4 understood that took place, it had to be explained all the  
5 way up through to the Commissioner's office why they were  
6 canceling this track meet due to, you know, the FOI  
7 involvement and the possibility of a demonstration riot,  
8 whatever was going to take place.

9           Finally, the very next day, September 11,  
10 1989, is the day I did the cell search. I explained to  
11 you what had happened during the cell search. What I  
12 found basically was a list of the FOI members. They are a  
13 paramilitary group. The list even had what rank they  
14 held. There is a secretary, investigator, squad leader.  
15 We had found the list. And then the list of demands that  
16 they had written up. When I tried to take the list or  
17 confiscate it, I did issue a confiscated items receipt to  
18 the inmate, which is procedure. I was removing it from  
19 his cell, it was recognized that I was removing it from  
20 his cell for a reason. The inmate objected to me taking  
21 the items, which of course made us more suspicious, you  
22 know, why he didn't want us to take these items from him.

23           That's the paperwork I had to offer.

24           MAJOR STOVER: On Wednesday, October 25th, I  
25 had just entered the office of the day of the first

1 incident. I had a Lieutenant and a Sergeant with me. We  
2 had just finished a complete training program for  
3 officers from Graterford and were returning over on our  
4 one Department of Corrections 28-passenger bus and we had  
5 gone into my office to evaluate those officers and rate  
6 and prepare a letter to send to the Superintendent at  
7 Graterford in regard to those officers.

8 All at once on my radio I heard that they  
9 needed assistance at the E Ward Gate House, and  
10 immediately the Lieutenant and the Sergeant left my office  
11 for that area. I saw the Shift Commander also headed  
12 across the walk and when I looked out my window, I could  
13 tell it just wasn't an isolated fight. You could just see  
14 there was too many people, it was too many involved. And  
15 I immediately gave the order to lock the jail down, lock  
16 this jail down immediately. And my Sergeant in Control  
17 picked up most of my communications and repeated it. And  
18 when you lock the jail down, that means everybody locks  
19 down, that means all your Education Department buildings,  
20 everybody locks down and stays where they're at until  
21 further directions are given.

22 I also contacted Deputy Smith, who I knew  
23 was out in the hallway in another cell block, and told him  
24 to come to the Control right away, that we have a serious  
25 problem in Group 2 and 3. I then got concerned for the

1 visitors and I made the order to evacuate all the visitors  
2 out of the institution. And then I started to get the  
3 report on the radio that we have officers down and we need  
4 help. The reports kept coming in that we have officers  
5 down.

6 I and Deputy Smith then went into Control  
7 and he was calling for the State Police for assistance and  
8 I had called for one of my security Lieutenants to get to  
9 the Armory and I wanted to man all our towers, get the  
10 entire perimeter covered. And then I thought about the  
11 females that we had in our office complex right there.  
12 And so I got some people to evacuate and get all the  
13 females out of the area of our Group 1 area, get them out  
14 of the jail for their safety.

15 The towers were manned and the State Police  
16 had been called for. It didn't take long for them to lock  
17 down because basically when we locked down Group 1 we sent  
18 available officers then to assist over at the E Ward Gate,  
19 and I could see officers going. But I knew that the State  
20 Police weren't going to be there just like driving over  
21 the hill. I experienced it in '83. So I gave orders to  
22 the tower officers to shoot warning shots to keep any  
23 inmate away from officers who were down. I also directed  
24 them to any inmate attempts to breach the security of this  
25 institution to shoot to stop.



1                   And then I called county control and asked  
2                   them to send me every municipal police officer in the area  
3                   that they could to surround the perimeter of the  
4                   institution and fire warning shots as needed to protect  
5                   the officers who were down and to protect the perimeter of  
6                   the institution.

7                   Then the Deputy talked with me, there was an  
8                   issue about ammunition. At that point they could have had  
9                   Uzis. I mean, I just wanted to get the State Police in  
10                  there with our officers, but our officers did go down and  
11                  meet up with State Police and the action plan was put  
12                  together and then they came in.

13                  They did break through the E Ward Gate, but  
14                  they veered off, and again, they headed for our  
15                  Commissary, and that's when they took over some trucks,  
16                  which I later learned, and they rammed the doors of the  
17                  Commissary and then I believe the vehicle got down, one of  
18                  the vehicles got down through the gate onto our Main Field  
19                  and tried to breach our perimeter fence but it got hung up  
20                  on the footer, got hung up there. When I heard that, I  
21                  immediately dispatched, I dispatched a vehicle right to  
22                  that area to cover that spot, and of course then he set  
23                  that vehicle on fire.

24                  I remember officers calling me for help.  
25                  They said, "Major, I need help." And that sticks with me

1 today, their calling specifically for me for help, and I  
2 don't have the resources or I don't have the manpower to  
3 give them the help.

4           The Captain of the State Police, when they  
5 got there, we talked about an officer that was in one  
6 particular block and I mentioned about how I thought we  
7 could get to him, but he asked me if there was any way  
8 that the inmates could get behind his Troopers or rush  
9 them, and yes, there was, so then the decision was that we  
10 couldn't go in to get the gentleman at that time. And  
11 then basically they evacuated the Mods, got them isolated  
12 onto the fields, but then a fire started. There was so  
13 much going on and the fire started and the smoke was built  
14 up in the Commissary. We got emergency keys to go in the  
15 back and they got the man out of the Commissary and  
16 apparently they were trying to figure out how to get him  
17 to the gate, and I had keys to a golf cart that we had  
18 there and I got on that and went over, but our medical  
19 administrator also was headed that way so I left him take  
20 the victim from the Commissary out and I went back to the  
21 command post.

22           And then the State Police, in conjunction  
23 with our officers, came in, we had gone through our  
24 complete call-in procedures, had everybody come in that we  
25 possibly could, and then it sort of settled down over on

1 the Group 2 and 3 side until they decided to the point  
2 where they were going to negotiate.

3 I was in and out of the command post  
4 numerous times, radio contact with the Captains and the  
5 Lieutenants over there. A member of the command post, one  
6 of the State Police Captains said about before  
7 negotiations started he needed some assistance for  
8 lighting, and so I then proceeded to call county control  
9 about some more fire equipment for lights. I remember  
10 talking to one of our staff members who called the  
11 department level about -- I got to thinking about those  
12 PennDOT lights that you see on the highway and the  
13 turnpike when construction goes down and see about getting  
14 those, and they brought them in and then they set up in  
15 front of the Education Building and Deputy Henry and them  
16 started the negotiations.

17 CHAIRMAN CALTAGIRONE: Is there any more  
18 that either one of you have?

19 MAJOR STOVER: (Indicating in the negative.)

20 CHAIRMAN CALTAGIRONE: Questions?

21 Jeff.

22 REPRESENTATIVE PICCOLA: Thank you, Mr.  
23 Chairman.

24 Sergeant Venesky, I just have a brief  
25 question. On the confiscated items receipt, maybe you

1 explained this in your testimony and I didn't catch it,  
2 but on that confiscated items receipt it lists three  
3 pieces of legal paper with lists, and then attached to it,  
4 at least in my packet, there's only two. There's the list  
5 of names and then the list of I guess these are things  
6 that must be done. Was there a third?

7 SGT. VENESKY: What had happened was when we  
8 had removed it, the inmate had this together. There was  
9 -- he had the actual papers and when we entered the cell,  
10 took another piece of legal paper and folded it over. We  
11 started to review it and saw what it was. There was three  
12 of them together. When we removed it, I automatically put  
13 three pieces down. He had put a blank piece over it which  
14 had no writing on whatsoever.

15 REPRESENTATIVE PICCOLA: Okay. That  
16 explains the discrepancy.

17 My second question I'd like both of you to  
18 respond to in as much detail as you can, could you tell us  
19 anything that you might know about the activities, and as  
20 specifically as possible, the activities of Chaplain Sabir  
21 in the weeks and/or months leading up -- let's go months,  
22 leading up to the uprising in October?

23 SGT. VENESKY: I'm positioned over on Groups  
24 2 and 3. The chapel is in the main compound over near the  
25 Group 1 area. The only knowledge that I have of the

1 incidents that took place at the chapel basically were  
2 what other officers that were assigned there told me, that  
3 this minister was bringing in material, racist material,  
4 videotapes, pamphlets to hand out at the time. I  
5 personally do not work in that area. That's only what I  
6 heard. And then the one day someone had gone in there,  
7 had witnessed this again. They escorted the minister out.  
8 Two officers were asked to escort him out of the  
9 institution.

10 REPRESENTATIVE PICCOLA: Do you recall when  
11 that was?

12 SGT. VENESKY: I would say somewhere in the  
13 summer of '89, but I really couldn't tell you, sir.

14 REPRESENTATIVE PICCOLA: Major?

15 MAJOR STOVER: I heard about the -- we got  
16 information about this fraud about gathering money and his  
17 name came in as the minister involved and the security  
18 office then started to do an investigation on it and then  
19 as far as I know, that investigation then went to our  
20 Special Services Department level to follow through on.

21 REPRESENTATIVE PICCOLA: You never had any  
22 personal contact with Chaplain Sabir?

23 MAJOR STOVER: I talked to him a couple  
24 times but I never did factfindings on him or anything like  
25 that.

1                   REPRESENTATIVE PICCOLA: How did you become  
2 aware of the extortion situation?

3                   MAJOR STOVER: The security office wrote  
4 about that information.

5                   REPRESENTATIVE PICCOLA: Thank you.  
6 Thank you, Mr. Chairman.

7                   CHAIRMAN CALTAGIRONE: At this time,  
8 Commissioner Owens has rejoined us. If we could bring the  
9 Commissioner up and put you two back on after the  
10 Commissioner. Please bear with us.

11                   Let's see. Who did we break off of? Oh,  
12 Jeff.

13                   REPRESENTATIVE PICCOLA: In mid-sentence,  
14 Mr. Chairman.

15                   Thank you, Mr. Chairman.

16 BY REPRESENTATIVE PICCOLA: (Of Commissioner Owens)

17                   Q. Commissioner, let me just clarify, you have,  
18 according to your testimony, informed Superintendent  
19 Freeman that he has been suspended without pay for at  
20 least three reasons, two of which we know. The two which  
21 we know are his decision not to conduct the shakedown  
22 after the first incident and his decision to stand down  
23 the State Police. May I assume, based upon your testimony  
24 this morning, which was very upbeat, very positive towards  
25 the staff at the institution, that those are not -- those

1 judgments are not now called into question and were valid  
2 judgments which you would not suspend him for?

3 A. I think, sir, that you can conclude that  
4 after investigating it and after reading reports and  
5 listening to the investigators I have a perspective of the  
6 Superintendent's point of view. I also, sir, would like  
7 to say that those were not the only factors, that there  
8 were other things that we were looking at. I would  
9 respectfully ask not to go into them at detail now because  
10 I do want to give the Superintendent every opportunity.

11 Q. Okay. May I ask whether those other factors  
12 which you refer to, whether you've related those to the  
13 Adams Commission?

14 A. Yes, sir, I believe I did.

15 Q. Okay. The Adams Commission has concluded  
16 that no Department of Corrections personnel should be  
17 fired or relieved of duty. I believe that was their  
18 conclusion.

19 A. I believe you're correct, sir.

20 Q. May I ask you whether you believe that is a  
21 proper conclusion?

22 A. I do not believe this is the appropriate  
23 forum, sir, for me to conclude what action will be taken  
24 against an employee of the Department of Corrections.

25 Q. Do you continue to investigate the conduct

1 of Superintendent Freeman during the incident?

2 A. Yes, sir, the investigation is continuing.

3 Q. When can we expect that to be concluded?

4 A. It's very difficult, Mr. Representative, to  
5 give you a specific time. I do, however, expect for it to  
6 be concluded in the very near future.

7 Q. Within a month?

8 A. Yes, sir.

9 Q. And will you, at that time, relate to the  
10 committee your findings and conclusions?

11 A. I would relate to the committee my findings  
12 and conclusions, sir, after I have so advised  
13 Superintendent Freeman.

14 Q. I would expect that, yes.

15 Now, Commissioner, you spoke this morning  
16 that you had vast experience in prison disturbances. I  
17 think you indicated that you have been involved in eight  
18 major disturbances?

19 A. Unfortunately, yes, sir.

20 Q. And certainly that's no reflection on you,  
21 but obviously if you're experienced in corrections, I  
22 guess you're going to become experienced in that as well.

23 A. Unfortunately, sir, that is true.

24 Q. Now, given that experience, and given the  
25 fact that on the night of -- afternoon and evening and



1 into the morning hours of the next day of October 25, 26,  
2 1989, Camp Hill had just experienced what I would say was  
3 one of the most serious, if not the most serious,  
4 disturbance ever experienced by a Pennsylvania prison and  
5 less than 20 hours after the first incident began another  
6 incident occurred which developed into an even worse  
7 situation. Did it cross your mind at that juncture, that  
8 would be the evening of the 26th when the second uprising  
9 took place, did it cross your mind that perhaps you, as  
10 the Commissioner, and your departmental staff and the  
11 action plan that you have available to you at the  
12 departmental level should not be implemented and that you  
13 take a hands-on and direct control of the situation?  
14 Given the fact that Superintendent Freeman was probably  
15 without any rest for over 24 hours and all the other  
16 factors involved?

17 A. No, sir. That's contrary to my training and  
18 everything that I have been taught in corrections. It is  
19 not sound correctional practices for the Commissioner of a  
20 department to take control of an institution. I was in  
21 consultation with the Superintendent, there was constant  
22 talk back and forth, but in my judgment, the worst thing I  
23 could have done for this department and indeed for State  
24 Correctional Institution at Camp Hill is for me to  
25 personally assume command of that institution.

1           Q.    The Adams Commission Report, in one of its  
2 conclusions, concludes that you participated in some of  
3 the decisionmaking but not others and did not provide  
4 sufficient assistance to a fatigued Superintendent.

5           A.    May I disagree--

6           Q.    Would you -- well, that's my question.  
7 Would you respond to that conclusion that the Adams  
8 Commission came to?

9           A.    I disagree with them. I think that that  
10 statement is not true. I know it is contrary to sound  
11 correctional practices. It not only is unfair to me, it  
12 is also unfair to Superintendent Freeman. It assumes that  
13 because I was not there pulling the strings that no one  
14 was there pulling the strings. That's not true. Also, we  
15 provided any assistance that the Superintendent or the  
16 institution asked for. So I think that the information  
17 that was provided by the Commission or indeed the  
18 conclusion that was arrived at by the Commission I do not  
19 agree with and it is contrary to my training and it is  
20 contrary to what we train our personnel to do.

21                    If I had -- may I elaborate a little  
22 further, sir? If I had gone to Camp Hill, and that,  
23 incidentally, is my personality, and while I was there  
24 dealing with Camp Hill and we had another problem at  
25 another one of our institutions, how do I -- I can't back

1 away from that. I mean, I can't just all of a sudden turn  
2 it off and leave. Once the Commissioner had taken over an  
3 institution, he or she is there. So it is not sound  
4 correctional practices because I would not have been able  
5 to manage this department and to deal with spread problems  
6 throughout the department. It is not in the best  
7 interests of the management at State Correctional  
8 Institution at Camp Hill because they must feel that they  
9 are in control, that they are running the situation. And  
10 it is not in the best interest of the staff at Camp Hill  
11 because every time the Superintendent gives an order then  
12 the officers and the staff will look past him at me to see  
13 whether I concur.

14 So it is not, in my judgment, sir, and I  
15 hope I haven't been too long in my explanation, not sound  
16 correctional practices, and indeed the worst thing I could  
17 have done.

18 Q. Well, if I could just interject a comment.  
19 I might concur with you except that after everything was  
20 over, you have, in essence, done that by relieving  
21 Superintendent Freeman of his duties without, at least  
22 from what we know of the situation, just cause. And from  
23 what he's testified, he doesn't even know why he's been  
24 suspended specifically.

25 A. Well, I can only ask you, sir, to examine my

1 record. In 25 years in this business, I think those who  
2 know me well will tell you that I am a fair man. I've  
3 bent over backwards to be a fair man. That's one of the  
4 things I promised when I assumed this responsibility. I  
5 am, sir, a fair man.

6 Q. Assuming for the moment that you would not  
7 have taken personal control of the institution, would it  
8 not perhaps have been appropriate for you to recommend  
9 that at the time of the incident, when the second one had  
10 just begun, that perhaps Superintendent Freeman might be  
11 assisted by someone from the department, not yourself but  
12 someone who was fresh?

13 A. The procedure calls for me to do that upon  
14 the Superintendent's request. Not only do we wait for  
15 that but we talk to the Superintendent regularly. While  
16 that discussion is going on there are at least one other  
17 experienced person in the room with me who have been a  
18 Superintendent or who runs institutions. And not only  
19 were we examining what the information that was being  
20 provided for us, but we were also equating and examining  
21 the Superintendent. We asked him questions just to see  
22 was he fatigued? Did he respond to our questions in a  
23 straightforward way? The Superintendent did. At no time  
24 during that disturbance did the Superintendent appear that  
25 he was not in control of his faculties or were losing

1       them. We asked him piercing questions. "Bob, how many  
2       people are you sending in? Bob, where are the inmates?  
3       How many inmates are there? Are you prepared for this  
4       eventuality?" We asked him those questions, and the  
5       Superintendent responded clearly and concisely to all of  
6       those questions.

7                       So, sir, we had no reason to believe that  
8       the Superintendent was fatigued to the extent that he  
9       could not do his job. Fatigued, we all were fatigued.  
10      The officers who had been on duty for many, many hours,  
11      they were fatigued. The staff that was involved, they  
12      were fatigued. It is what we do. But not to the extent  
13      that the Superintendent led us to believe in any way that  
14      he was not in command of the situation.

15                    Q.    Sounds like he did a pretty good job.

16                    A.    Okay. Another issue.

17                    A.    I have already given you my opinion of  
18      Superintendent Freeman, sir.

19                    Q.    Well, hopefully within 30 days we'll know.

20                    A.    Commissioner, one other area I'd like to  
21      explore briefly, do you believe that you have now or have  
22      had before the Camp Hill situation a morale problem with  
23      staff not only at Camp Hill but throughout the Corrections  
24      Department?

25                    A.    Oh, absolutely. Absolutely.

1 Q. Could you elaborate, please?

2 A. Yes. It's very difficult to work in an  
3 institution. Working in an institution, I don't think the  
4 general public or indeed no one knows the sacrifices that  
5 people make when they work in an institution. The inmates  
6 are abusive, they not only physically but verbally -- and  
7 may I modify it to at least say some inmates are abusive.  
8 Not only are the inmates locked in, the staff is locked  
9 in, too. It is not a walk in the park working inside a  
10 penal institution. We have been experiencing overcrowding  
11 for many years. We have been experiencing a shortage of  
12 personnel for many years. Some of our facilities are old  
13 and antiquated. I have just described to you, sir, a less  
14 than satisfactory working situation. So, yes, some of our  
15 officers have a low morale situation, and it's perfectly  
16 understandable.

17 Q. Could you tell us what kinds of things you  
18 do at the departmental level to help bolster that morale?  
19 What you did both prior to the situation at Camp Hill and  
20 afterwards?

21 A. Since assuming the responsibility, I took a  
22 very active and indeed aggressive position with regard to  
23 training. So we have increased our training by 25  
24 percent. Not only have we increased our basic training,  
25 we've also increased our in-service training. We have

1 asked that our personnel avail themselves of stress  
2 management training. I will not take credit for that,  
3 sir, because the AFSCME, the union was the driving force  
4 behind accomplishing that. But this department and this  
5 administration wholeheartedly endorsed it.

6 We also, I mean, I have an open door policy.  
7 Anyone who chooses to come see me can come see me. So it  
8 is a matter of access to the Commissioner. When I first  
9 became Commissioner, and regretfully my responsibilities  
10 have not given me the opportunity to do it as much as I  
11 like, I got out to the institutions. I moved around. I  
12 was in the institutions. I was walking the cell blocks,  
13 talking to the inmates, talking to the staff. We have --  
14 we give awards to staff for outstanding performance. We  
15 have an Employee of the Year Award for employees. So we  
16 have many programs, not only to demonstrate to the staff  
17 our appreciation for what they do but also to teach them  
18 how to cope with an extremely difficult and demanding job.

19 Q. Would you agree that the morale problem goes  
20 from the on-line correctional officer all the way up  
21 through the Superintendents?

22 A. Well, morale is a very difficult thing to  
23 put our hands around. Indeed, it may even extend from  
24 time to time to the Commissioner. You know, morale is  
25 something that circumstances and conditions have a lot to

1 do with, and I would be lying to you if I told you that I  
2 don't go home and look in the mirror and say, "Why on  
3 earth are you here?" You know. So from time to time, Mr.  
4 Representative, it may even extend to the Commissioner's  
5 office. I hope that's short-lived and I hope I ask myself  
6 or I tell myself that I'm here to help people. I mean,  
7 that's why I'm here, to get back into the fight.

8 Q. The Adams Commission Report, I can't recall  
9 if it was a conclusion or finding or where but I know I  
10 read it in there, that the line staff had the feeling, the  
11 correctional officers had the feeling that the  
12 administration was treatment oriented and that contributed  
13 to the lack of morale. How would you respond to that?

14 A. The reason I'm smiling is that in 1964 when  
15 I started, that sounds like me. I said the same thing  
16 when I was a young correctional officer. I don't know of  
17 any correctional system in the country that that  
18 discussion is not going on and going on and has been going  
19 on for many, many years. Rest assured, sir, that I'm a  
20 correctional officer. My line is tied to security. But,  
21 however, I understand that if you take people and you lock  
22 them up and keep them in a confined area and don't provide  
23 meaningful training, the opportunity for change, the  
24 opportunity for them to become educated, provide the  
25 various treatment tools, you're going to have an explosion



1 or you're not going to accomplish your mission. So  
2 corrections must be evenhanded. It must be balanced. We  
3 need security. Security comes first. But treatment must  
4 be a very important part of what we do.

5 I didn't know that -- I didn't recognize  
6 that as a young officer and it was only after I began to  
7 move up through the ranks and only after I began to learn  
8 a little bit more about our profession that I recognized  
9 that. So that is not a new discussion. I think it will  
10 go on in corrections for many years. I hope that we in  
11 Pennsylvania will have a balanced approach to corrections,  
12 and I solicit your support in that balanced approach.

13 Q. One final question, Commissioner, on another  
14 subject. As I understand it, it is, I assume currently, a  
15 departmental policy that inmates become eligible for  
16 transfer to halfway houses when they are within six months  
17 of having served their minimum sentences. Am I accurate  
18 on that?

19 A. I believe, sir, it is half of their minimum  
20 sentence.

21 Q. Half of their minimum sentence?

22 A. Yes, sir.

23 Q. Okay. Those inmates who would have  
24 otherwise qualified for halfway houses who were  
25 incarcerated at Camp Hill and were not -- either not

1 involved in the uprising or just sort of swept along in  
2 the tides and didn't actively participate and may have  
3 been transferred out or maybe are still in Camp Hill, how  
4 are you handling that situation with respect to those  
5 inmates?

6 A. We are -- let me tell you what I'm doing,  
7 sir, and then let me tell you what I'd like for you to do.  
8 What I'm doing, what the Department of Corrections is  
9 doing is evaluating those individuals who were involved,  
10 who were not involved; separating them out. Those who  
11 helped, those who were in the modulars, we are in the  
12 process of identifying them and isolating them. Our plan  
13 is to make some clear recommendations to various agencies  
14 on where they should go with regard to community service,  
15 with regard to early release.

16 Now, that's what the department is doing.  
17 What I'd like for the legislators to do, please pass an  
18 earned time bill. Please pass a meritorious earned time  
19 bill that would give us the opportunity to reward those  
20 individuals who protected the officers, who changed the  
21 officers and brought them to the Main Gate so that they  
22 would be safe. We would love to be able to show the  
23 inmates that we are just and we are fair. Those  
24 individuals, as Representative Blaum said, who  
25 participated in the riot, who caused the riot, should be

1 punished to the fullest extent of the law, but those  
2 individuals who helped, those individuals who were good,  
3 we should reward them, and I would like for your help to  
4 reward them.

5 Q. Well, as you know, Commissioner,  
6 Representative Hagarty and I have had a meritorious time  
7 bill in this committee, and I think there's now a Senate  
8 Bill in this committee, too, so the Chairman indicated we  
9 may be taking that up.

10 A. May I, if I have any influence on this noble  
11 body at all, I would ask you to do that.

12 Q. Thank you.

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

15 CHAIRMAN CALTAGIRONE: Representative  
16 Heckler.

17 REPRESENTATIVE HECKLER: Thank you, Mr.  
18 Chairman.

19 BY REPRESENTATIVE HECKLER: (Of Commissioner Owens)

20 Q. Commissioner, a few questions about the --  
21 where we are fiscally in the aftermath of all this? The  
22 physical damage to the plant which I've heard estimates of  
23 up to \$15 million, are we any further along in the  
24 specific claims procedure with the insurance companies  
25 that are handling this loss?

1           A.    Not far enough along, sir, for me to begin  
2           to venture a number of what this will cost. I've heard  
3           the same figures that you've heard. I've heard \$15  
4           million, \$16 million and climbing. I do not know, at this  
5           point in time, what it is.

6           Q.    Are you receiving any indications that the  
7           insurance companies will not -- so far as the indications,  
8           you are at this point, I'll state it, optimistically--

9           A.    Thank you.

10          Q.    Does it appear that it will be the insurance  
11          companies that will be bearing the loss beyond the  
12          deductible?

13          A.    The information that I have, sir, is that  
14          the insurance companies are prepared to bear the vast  
15          amount of the losses.

16          Q.    Okay. At this point, can you tell us how  
17          many of the staff of Camp Hill remain on either sick leave  
18          for physical injury or psychological disability?

19          A.    The last figure that I had, sir, was about  
20          60 to 65 individuals.

21          Q.    Okay. And that's combined physical--

22          A.    Yes, sir. Yes, sir, that's combined. Thank  
23          God we have no one in the hospital, that they're all out  
24          of the hospital. But the physical injuries and the  
25          psychological damage remain.

1           Q.    At this point, can you give us any outlook  
2 in terms of the prospects of bringing the prisoners who  
3 are in the Federal system back into the State system?

4           A.    I was with the Director of the Federal  
5 Bureau of Prisons yesterday and he asked me that very same  
6 question. And I told him that we should be prepared to  
7 accept them back in six months. And he told me I told him  
8 six months five months ago, or four months ago. At this  
9 point in time we aren't quite sure, but our agreement with  
10 the Federal government, sir, is about six months from the  
11 time that they received the prisoners.

12           Q.    Okay. And our ability to accept these  
13 prisoners back, I assume, focuses mostly on the  
14 construction of new space and is there a prospect of  
15 getting some additional space at Camp Hill back in--

16           A.    We're moving as quickly as we can. We'd be  
17 hard-pressed if we had to bring them back immediately. We  
18 still are receiving 200 new prisoners a month. As the  
19 Chairman indicated, our projections are that we will  
20 double our population in less than 10 years. That means  
21 at 10 years, unless we do something aggressively, we're  
22 going to have 40,000 prisoners in the Pennsylvania  
23 Department of Corrections. So we really have to move  
24 aggressively and quickly to get on top of that situation.

25                   We are planning, as you are aware, sir, to

1 bring modulars in. The information that we have is that  
2 we can erect them quickly, but unless we get our  
3 population, our growth, under control, that will be eaten  
4 up by just the prisoners coming into the department, and  
5 we will still not be able to address those out of the  
6 State. So we have a tremendous challenge ahead of us. I  
7 don't want to deceive you and let you think that we will  
8 be okay in six months. We will not be. We must get  
9 moving very quickly.

10 Q. Well, so far as you know, are the plans, I  
11 believe we have passed legislation here to authorize  
12 certain emergency construction. Those plans at least are  
13 proceeding on time?

14 A. Yes, sir. The architects met at the  
15 facility recently. We are in the process of finalizing  
16 specifications, so we are making progress there.

17 Q. Getting back to two aspects of your prior  
18 testimony that I'd just like to clarify, your comments  
19 about Superintendent Freeman have been essentially  
20 solicitous as to his rights and obviously your  
21 requirement, your need to follow due process. But when we  
22 get down to the specific nature of the reasons -- and I'm  
23 not going to go back over the area that Representative  
24 Piccola has covered -- for his suspension, I'm a little  
25 bit bemused. He was here yesterday. He says there were

1 two reasons communicated to him and two only. He's  
2 talking about the verbal conversation. I'm just curious  
3 about the procedure. If I were in his shoes, I would  
4 assume at some point I would get some kind of charge, some  
5 kind of written notice that I could discuss with my  
6 attorneys, that I could evaluate my position on.

7 A. Absolutely.

8 Q. When will that happen?

9 A. That will happen at the expiration of our  
10 investigation. Please remember, the official notice given  
11 to the Superintendent is that you are being suspended  
12 without pay pending investigation. That discussion went  
13 forth with the Superintendent as clearly as I possibly  
14 could. I sat down with the Superintendent and explained  
15 to him the action and why the action was taken. If there  
16 is some confusion, I would be very happy to sit down with  
17 the Superintendent again and explain to him what's  
18 happening and what -- why the action was taken. These are  
19 very difficult times for a very proud man, and I would  
20 like to bring them to a conclusion as soon as I possibly  
21 can.

22 Q. May I ask, did you consult with anyone  
23 outside of your department prior to making the decision to  
24 suspend without pay?

25 A. Yes, sir.

1 Q. And who did you consult with?

2 A. Governor Casey.

3 Q. And so that he had -- he participated in  
4 that specific decision to suspend without pay?

5 A. Yes, sir.

6 Q. But you're not prepared to discuss with us  
7 at this time any reasons for that -- for the decision, for  
8 instance, to suspend without pay as opposed to simply  
9 relieve of duty beyond the two that have been enumerated?

10 A. I do not think it would be fair to the  
11 Superintendent for me to discuss that publicly.

12 Q. However, I would assume that once you  
13 provide him with written notice of the formal  
14 specifications, whatever they are, will that be a public  
15 document?

16 A. Yes, it will. We, in my discussion with the  
17 Governor, we were very, very clear to do all we possibly  
18 could to protect Superintendent Freeman's due process  
19 rights.

20 Q. May I ask you to describe for us a bit,  
21 after the first day's incident there was a gathering of  
22 what turned out to have been most of the senior  
23 administrative, or that's probably not the correct  
24 characterization, the senior staff of the institution in  
25 your office for some kind of telephone conversation with



1 Governor Casey. At whose request did that take place?

2 A. I'm not sure. It may have been at mine, it  
3 may have been at the Governor's. I'm not quite sure. We  
4 have historically done this. When we had the hostage  
5 situation at State Correctional Institution at Graterford,  
6 the Governor called and congratulated everyone. It is his  
7 style to pat people on the back that have done their job  
8 well. It was also, I think it was also the case at  
9 Huntingdon. The Governor called there again to compliment  
10 staff on a job well done. I do not know, sir, whether it  
11 was at my request or the Governor indicated that he would  
12 do it.

13 Q. And in the terms, we heard the description  
14 yesterday that as this conversation took place that the  
15 only people who did any talking were you and the Governor.  
16 Would that be a fair characterization?

17 A. I think Superintendent Freeman may have said  
18 a few words.

19 Q. Well, again, hindsight, as we've observed  
20 several times, in this tends to be 20/20. However, one of  
21 the things that stands out to me is that at a time when  
22 you had an institution that was -- that certainly was  
23 still overcrowded, still had all the problems it had 10  
24 minutes before the first outbreak occurred, plus what  
25 resulted from the first outbreak, at a time where there

1 were -- had to be a need to get things stabilized, in  
2 hindsight it seems to me that there were better things for  
3 those folks to be doing than having maybe a well-deserved  
4 pep rally with the Governor. Do you have any comment on  
5 that?

6 A. I'm not sure I agree with you. If the  
7 institution is secure and running normally, the  
8 Representative just spoke about morale. One of the ways  
9 of affecting morale is to tell someone who did a good job,  
10 well done. It was great. We appreciate your  
11 contribution. So I think that that is an investment in  
12 good currency, good personnel currency. It only becomes  
13 an issue if the institution was not secure.

14 Q. Well, on that issue of it being secure, when  
15 we went through the facility, and you were very helpful in  
16 having us tour the facility relatively soon after this  
17 outbreak, it was pretty evident, again in hindsight, that  
18 if you or I were determined to get through to each other's  
19 cells we could probably have kicked those walls down, that  
20 even ignoring the fact that people made -- or people may  
21 not have been aware that the locking mechanism for the  
22 cells was compromised. That was a juvenile facility not  
23 intended for the population that they had. Everybody  
24 always figured that there was more likely to be trouble at  
25 other institutions but certainly ones you had trouble

1 there, was it reasonable to consider that physical plant  
2 secure simply because everybody figured that the inmates  
3 were back in their cells?

4 A. I think the Superintendent and the Deputies  
5 spoke with you yesterday, I believe, and they told you why  
6 they arrived at that decision. Hindsight, 20/20, of  
7 course not. But I'm just not sure they had all of that  
8 information at that point in time. I would --  
9 Superintendent Freeman is too dedicated an employee and  
10 too committed an administrator to pull people out of an  
11 institution like that if he did not think that everything  
12 was not okay. It's one of the things I think I spoke to  
13 when I said significant questions in my mind, and that's  
14 one of the things that is continuing questions in my mind.  
15 I'm certain he would not have done that if he thought  
16 there was a problem.

17 Q. Well, putting aside Superintendent Freeman,  
18 obviously the general nature of the physical plant of Camp  
19 Hill was no secret to you or any of the people in the  
20 corrections system. In general, you're saying that there  
21 was not a lack of confidence on the part of the  
22 Corrections Department as a whole, that even though the  
23 inmates had shown an inclination to behave in an  
24 organized, riotous fashion, there was still reasonable  
25 confidence that once you put them back in the cells and it

1 was thought that the cells were locked that that would  
2 keep them in?

3 A. Absolutely.

4 Q. The--

5 A. May I elaborate a little bit more on it?

6 Q. Go ahead.

7 A. As I said, I've been involved in several  
8 riots and I've studied them throughout my career. Usually  
9 once a riot is over, it does not flare up later. So I  
10 think there is some history at work here as well.

11 Q. This didn't follow the typical profile, if  
12 you will--

13 A. Exactly.

14 Q. --of this kind of incident. Well, regarding  
15 the plan for these incidents, part of your plan involves  
16 the availability and the insertion of a team of management  
17 level personnel to help deal with this kind of situation,  
18 is that correct?

19 A. Yes, sir.

20 Q. And that's something that was not -- that  
21 has never been done, even in the aftermath of the larger  
22 explosion?

23 A. I'm not sure I understand your question.  
24 Our plan calls for assistance to be sent to the  
25 institution upon the request of the Superintendent and

1 with the approval of the Commissioner. Is your question  
2 was subsequent help sent to the institution?

3 Q. Well, help of various sorts was sent after  
4 the State Police were required to establish control of it,  
5 but that kind of team has never been sent to the  
6 institution, is that correct?

7 A. We sent help from other institutions. We  
8 brought help down from all of the surrounding  
9 institutions. We also pulled management team in, too, to  
10 assist the Superintendent. I believe we pulled them in on  
11 Friday. I believe it was Friday. Surely by Saturday. So  
12 we had sent additional resources there both in terms of  
13 fresh personnel and in terms of management personnel.

14 Q. Okay. But only after control had been  
15 re-established essentially militarily, if you will?

16 A. Yes, sir. Yes, sir.

17 Q. Okay. I think that's all I have.

18 REPRESENTATIVE HECKLER: Thank you.

19 CHAIRMAN CALTAGIRONE: Representative  
20 McNally.

21 REPRESENTATIVE McNALLY: Yes.

22 BY REPRESENTATIVE McNALLY: (Of Commissioner Owens)

23 Q. Commissioner, I have to commend you on your  
24 vitality. You really hung in there for a long time.

25 A. Thank you.

1           Q.    I took the liberty of reading Sergeant  
2 Venesky's written testimony and I found it very helpful.  
3 One question that I'd like to ask you really for  
4 background is that he indicated that in a Sergeant's  
5 meeting he and other Sergeants expressed a concern that  
6 the Hearing Examiner's sanctions did little to deter  
7 further misconduct by inmates and that the inmates showed  
8 little concern of receiving a misconduct. And that seemed  
9 a very significant statement to me. It came in August of  
10 -- early August of 1989.

11                   First of all, is a Hearing Examiner an  
12 employee of the Department of Corrections?

13           A.    Yes, sir.

14           Q.    And who supervises the Hearing Examiner?

15           A.    There is a person at the Central Office that  
16 has responsibility for supervising the Hearing Examiners  
17 throughout the department.

18           Q.    And is there one Hearing Examiner for each  
19 institution or how does that--

20           A.    By and large, there is one Hearing Examiner  
21 per institution.

22           Q.    Okay. And in the course of your internal  
23 investigation of this incident, have you reviewed this  
24 particular Hearing Examiner's performance prior to the  
25 Camp Hill incident to see if there was any, and I mean

1 either you or your staff, to see if there was any credence  
2 to the Sergeant's observations?

3 A. No, sir. We could find no credence to the  
4 particular comment about less time being given. Indeed,  
5 our study revealed that the line of the time that he was  
6 given was relatively, relatively flat.

7 I think what the Sergeant was referring to  
8 is that from the amount of time that the individual  
9 served, that is not necessarily a function of the amount  
10 of time given by the Hearing Examiner. That's a function  
11 of many other things. One of the things is in the  
12 institution, we have a Program Review Committee. Time, if  
13 an individual, if there is an infraction, an individual  
14 goes before a Hearing Examiner and is given 90 days, for  
15 example, and after a period of time in the RHU, that  
16 person goes before a Program Review Committee and the  
17 Program Review Committee reviews the individual's  
18 performance in the Restrictive Housing Unit and tells him,  
19 you know, you haven't been doing bad, you're doing okay,  
20 clean up your act and we will let you out on this date.  
21 Similar to--

22 Q. Like a parole?

23 A. Parole, exactly. And they have set up a  
24 program for the individual to work their way out of the  
25 Restrictive Housing Unit. That was -- that was at work.

1                   Physical plant. Our RHUs are simply too  
2 small. So as a consequence, we have a finite amount of  
3 space in the RHU. So I think a lot of things were at work  
4 to bring the Sergeant to make the comment that he made.

5                   Q. So that perhaps, you know, to make sure I  
6 understand what you're saying, not only is there  
7 overcrowding in the correctional system as a whole and  
8 within Camp Hill, but even within the Restrictive Housing  
9 Unit there was some overcrowding? There was not enough  
10 capacity to deal with the demands that were being made?

11                  Q. Exactly. If you take a societal approach,  
12 there's a certain amount of people in our society that  
13 will break the law, so we need a certain amount of cells  
14 in terms of prison space to accommodate them. In an  
15 institution, there's a certain amount of people who will  
16 break the laws within that institution, so we need a  
17 certain amount of space within the institution to  
18 accommodate those individuals, and that's being taxed,  
19 too.

20                  Q. Okay. I guess, you know, that's very  
21 helpful, you know, your description of the Hearing  
22 Examiners, and I would hope that not only the committee  
23 but the Department of Corrections would not only look at  
24 capacity for the correctional system as a whole but  
25 apparently that's a need that's been expressed by rank and



1 file corrections officers.

2 A. Absolutely. I think we need to look at it.  
3 I couldn't agree with you more, Mr. Representative.

4 Q. And finally, you know, I have been pleased  
5 with your testimony today and in our prior meeting last  
6 year and I think there has been a lot of focus on the idea  
7 of the chain of command and information and judgments that  
8 have been made, and frankly, I perceive a lot of the  
9 criticism as simply being the criticism of Armchair  
10 Generals, that, you know, that have a lot of hindsight.  
11 And I feel that a lot of the criticism is simply based on  
12 a misperception or an inaccurate perception, an inability  
13 to realize that in especially in that type of a crisis  
14 there is a sort of fog of war when perhaps information is  
15 not as reliable as it might be in a calmer situation, and  
16 certainly to the extent that that can be remedied and  
17 improved, I hope that the Department of Corrections will  
18 make that effort, but I haven't yet seen anything that  
19 really disturbs me very much. I think that the handling  
20 and the fact that you achieved those four major objectives  
21 was very commendable.

22 A. Thank you, sir.

23 CHAIRMAN CALTAGIRONE: Representative  
24 Hagarty.

25 REPRESENTATIVE HAGARTY: Thank you, Mr.

1 Chairman.

2                   Despite Representative McNally's belief that  
3 those of us who continue to question are Armchair  
4 Generals, I suggest that we are operating pursuant to a  
5 House Resolution which directs us to investigate this most  
6 serious riot in Pennsylvania's history, and I think it is  
7 incumbent upon us to ask these questions, regardless of  
8 whether they are perceived as critical or otherwise. And  
9 so I'm going to continue to do that.

10                   I just have a couple of things I want to  
11 clear up.

12 BY REPRESENTATIVE HAGARTY: (Of Commissioner Owens)

13                   Q. Superintendent Freeman and the Adams  
14 Commission Report indicated that the decision to do an  
15 institutional shakedown is a decision that must be made by  
16 the Commissioner. Do you agree that it is in fact you who  
17 must make a decision to do an institutional shakedown?

18                   Q. No, I do not.

19                   Q. And whom do you believe had the authority to  
20 do that?

21                   A. The procedures are very clear, Madam  
22 Representative.

23                   Q. And where are those procedures written?

24                   A. They're in our directives, 803, I believe.

25 It says that after a major occurrence, the Superintendent

1 or his designee may order a general search of the  
2 institution proper. They are to advise the Commissioner.  
3 It does not say that he or she cannot do a shakedown  
4 without my approval. Indeed, it is not unusual for a  
5 shakedown to be done within the institution without the  
6 Superintendent contacting me first. May I -- that would  
7 be the worst thing for us to do to tie the  
8 Superintendent's hands so they had to have my approval to  
9 do it. So no, the procedure, that's a factual or an error  
10 in conclusion, in my judgment. The Superintendents can  
11 and do search the institutions without the Commissioner's  
12 approval.

13 Q. May I indicate that our understanding of the  
14 testimony was that while that is written policy, it is  
15 commonly understood and has been practiced that for a  
16 shakedown of an entire institution, which we were told is  
17 highly unusual, that the Commissioner's approval has  
18 always been sought?

19 A. I can only refer to the procedure and quote  
20 that, and I can only refer to practice. We've had  
21 problems at three institutions in this last year. There  
22 were significant shakedowns in all of those institutions  
23 and my approval did not happen until after -- my  
24 information did not happen until after they had searched  
25 it, not prior to them searching it. And I have no problem

1 with that.

2 Q. They were institutional shakedowns--

3 A. Yes.

4 Q. --that were done on three prior occasions?

5 A. Yes.

6 Q. And were you not aware that in fact an  
7 institutional shakedown was being conducted?

8 A. They did not request my approval until after  
9 the shakedown had taken place, or in one that went on at  
10 Graterford for three days I knew after the first day that  
11 they were doing it. So please, understand that it is not  
12 -- it is neither procedure nor practice.

13 Q. So the Adams Commission and Superintendent  
14 Freeman are both incorrect?

15 A. I disagree with them.

16 Q. Is there a step that is less than an  
17 institutional shakedown that could have been done to  
18 determine whether, in fact, the inmates were secure in  
19 their cells?

20 A. Well, as I understand the process, standard  
21 procedure is when you lock someone in their cell, a senior  
22 officer goes into the area and checks the area out and  
23 reports that. The Superintendent indicated to me that  
24 that did, in fact, happen. That's standard procedure. I  
25 hope I am responding to your question correctly. With

1 regard to something less than a general shakedown, yes,  
2 Ma'am. Any area of the institution can be searched at the  
3 discretion of the Superintendent.

4 Q. The decision to scale down the State Police,  
5 who made that decision?

6 A. It is my understanding that it was made with  
7 the Superintendent in consultation with his Deputies.

8 Q. And did he consult with you with regard to  
9 reducing the number of State Police?

10 A. No, he did not.

11 Q. It is my understanding that the  
12 Superintendent at Frackville offered additional  
13 corrections officers to you if they were needed at Camp  
14 Hill for help. Is that correct? The 25 correctional  
15 officers he indicated were available?

16 A. To me?

17 Q. That the offer was made by the  
18 Superintendent at Frackville--

19 A. Was it to me, Ma'am?

20 Q. --and that it was made to you, was my  
21 understanding.

22 A. Not to my knowledge. What night are we  
23 speaking of?

24 Q. I believe Thursday morning.

25 A. Thursday morning.

1           Q.    In other words, after the first incident but  
2 before the second incident.

3           A.    The Superintendent at Frackville was not at  
4 Frackville on Thursday morning. I believe the  
5 Superintendent at Frackville was at Greensburg at a  
6 Wardens Association meeting.

7           Q.    I don't know where he physically was. I am  
8 only told that he made the offer of additional guards if  
9 they were needed on Thursday morning.

10          A.    I do not recall the offer.

11          Q.    Did any other Superintendent make the offer  
12 of additional guards?

13          A.    It is possible that they may have. I don't  
14 recall anyone doing it, but any time we have a problem at  
15 an institution, Superintendents call in and say, we are  
16 here if you need us. So that is pretty standard  
17 procedure.

18          Q.    Whose obligation do you believe it was to  
19 contact the Pennsylvania Emergency Management Authority?

20          A.    Our procedure calls for the institution to  
21 do it.

22          Q.    But that was not done, as I understand it?  
23 Cumberland County advised them?

24          A.    I'm not sure. My information is that they  
25 did do it. I'm not certain of that. And I apologize.

1           Q.    Mr. LaFleur testified yesterday that  
2 standard operating procedure was for the department to  
3 call them in, but the department did not. I wondered if  
4 you were aware of that?

5           A.    I know that we are in the process now of  
6 discussing and ironing out a different procedure. But  
7 whether the institution called them -- my information was  
8 that they did, but I may be in error.

9           Q.    With regard to your open door policy, I am  
10 told that there was a request made to you, Commissioner,  
11 in, I guess, the spring of 1989 by the heads of the unions  
12 at each of the institutions to meet with you and that you  
13 declined to meet with them.

14          A.    Oh, no. I meet with the unions -- I'm not  
15 aware of that. No. My door is open and I always have an  
16 empty chair for anyone who chooses to come to see me.  
17 I've met with the unions on numerous occasions.

18          Q.    So you don't recall specifically declining  
19 an invitation to meet with the heads of the unions from  
20 each of the institutions?

21          A.    Absolutely not. I would make one request,  
22 and that is that they go through the union to make the  
23 request. If an individual employee chooses to come see  
24 me, they need not do it. But if a union official wants to  
25 see me, I would ask them to go through the State union

1 officials to see me. But every request that has been made  
2 of me to meet with them I have do so. I did that very  
3 early in my administration.

4 Q. The conference call that was made to the  
5 Governor on Thursday afternoon, can you tell us what  
6 information was related to Governor Casey at that time?

7 A. Very little related to him. It was  
8 basically the Governor complimenting staff for a job well  
9 done.

10 Q. Did the Governor ask if the institution was  
11 secure?

12 A. No, the Governor did not ask that. It was  
13 not that kind of a conversation.

14 Q. What was the purpose of the conversation?

15 A. The purpose of the conversation was for the  
16 Governor to compliment the staff that performed well on  
17 Wednesday evening.

18 Q. I assume there was another conversation then  
19 with the Governor in which he was advised of the status?

20 A. Yes.

21 Q. And when did that conversation occur?

22 A. That happened several times during Wednesday  
23 evening and Thursday morning by me.

24 Q. And what did the Governor ask on those  
25 occasions?



1           A.    He asked me how things were going. He asked  
2 me were there any problems, was the institution secure,  
3 was everything in order, did we have any needs that could  
4 he help us in any way? And he asked were there ample  
5 State Police available to deal with the situation.

6           Q.    Were you aware, prior to the Camp Hill riot,  
7 that if the door over the panel was removed that these  
8 cells could be opened?

9           A.    I was aware that one of the access -- that  
10 you could access the locking system when the panels were  
11 removed. Whether they could be opened as easily as they  
12 could be opened, no, I was not aware of that.

13          Q.    I guess you understand that I might find it  
14 curious when we were told that virtually all of the  
15 inmates knew that that was how the locking system  
16 occurred, we have guards who have alleged that they were  
17 aware that panels were missing and that in fact a Deputy,  
18 although we have yet to explore that, was aware that a  
19 panel was missing. You understand how I find it curious  
20 that the entire reliance of every level that the inmates  
21 were locked down was sufficient to give us all secure  
22 feelings that there was no further cause for concern when  
23 all of these people must have known or should have known  
24 that the simple removal of a panel was sufficient for  
25 every inmate to reach up and unlock himself?

1           A.    I have never been involved in any  
2 disturbance or heard about a disturbance that after the  
3 disturbance was over a lot of people can come forward and  
4 tell you, well, we knew that was going to happen. You  
5 never can find them before it happens. You never can find  
6 them, you know, to give you information about it that it's  
7 going to happen, but after it happens, everybody knows  
8 about it. And that is not just this incident, it's every  
9 incident that I've been involved in or read about. The  
10 New Mexico riot, everyone knew that the New Mexico riot  
11 was going to take place.

12           Q.    You will agree though that this institution  
13 was particularly inappropriately suited for the inmates  
14 who were there?

15           A.    We know that now. I'm not too sure we knew  
16 it then.

17           Q.    Commissioner, you had to know when we had an  
18 institution that was built for juveniles, it was never  
19 meant to be a secure institution, that was now operating  
20 essentially without a classification system with maximum  
21 security prisoners that it was inappropriate for the  
22 inmates housed there?

23           A.    Oh, no, Madam Representative. State  
24 Correctional Institution at Huntingdon was built for  
25 juveniles and it's one of the tightest maximum security

1 facilities that I have ever seen or been around in my  
2 life. So please, because it was built for juveniles, now  
3 please don't think that that is the only factor.

4 Q. Well, I add to that the fact that this was  
5 not a maximum security facility as Huntingdon is.

6 A. But I was responding to your question.  
7 State Correctional Institution at Dallas was built for  
8 juveniles. And again, the materials are good materials.

9 The point that I simply want to make to you  
10 is please do not think that because the facility was built  
11 for juveniles it was not built with the material that  
12 would be good enough to sustain an assault on the walls.  
13 The problem with State Correctional Institution at Camp  
14 Hill is that it was not built with the same kind of  
15 material that the institutions that I named were and  
16 thereby created some problems, but I'm not sure -- I'm  
17 sure that I didn't know and I'm not sure that anyone knew  
18 just how vulnerable the walls of those cells were.

19 Q. I'm not indicating that you necessarily knew  
20 how vulnerable the walls were. I'm indicating that you  
21 knew it was not a maximum security facility, that it was  
22 not intended for the prisoner who was there at the time of  
23 this riot ever to be housed there?

24 A. We were aware that it was not built to house  
25 the kind of individuals that we have there, but I'm still

1 saying in as straightforward a way as I possibly can that  
2 I am not certain that anyone knew the vulnerability of the  
3 walls or of the locking system.

4 Q. Was Camp Hill accredited?

5 A. Yes, it was.

6 Q. Was it in danger of losing accreditation?

7 A. Not to my knowledge, no.

8 Q. We heard testimony yesterday that interested  
9 me from a different concern though that in fact because  
10 keys don't work there, an inmate could not get out of the  
11 cell in case of an emergency, and so that in fact security  
12 recommendations had been made to the department because of  
13 the fear of failure to meet accreditation standards?

14 A. I'm not aware of any threat to the  
15 accreditation of that institution.

16 Q. Can you get out of the cell in case of a  
17 fire there?

18 A. Oh, you're speaking of gang release.

19 Q. Of what?

20 A. Gang release. Oh, that's a process that all  
21 cells in the event of a fire you can pull a lever and all  
22 cells can be opened at one time. Is that what you're  
23 speaking of?

24 Q. I'm not as familiar, obviously, as you with  
25 the specific problem. I was only referring to testimony

1 by Officer Smith yesterday which indicated his concern  
2 that this institution, in fact, was not in keeping with  
3 accreditation standards because of the inability to use a  
4 key or the inability to get out of a cell. That's as I  
5 recall his testimony.

6 A. Madam Representative, I think Camp Hill  
7 passed accreditation with flying colors. I was not aware  
8 of any locking system problems from an accreditation  
9 standpoint. I'll be very happy to check it out, but I'm  
10 not--

11 Q. My recollection of the testimony yesterday  
12 further was that it isn't even worth attempting to restore  
13 the current structure because it is so fatally flawed?

14 A. The locking system or the buildings?

15 Q. The institution.

16 A. I think we need to study and evaluate that.  
17 Surely some of the blocks I would agree with. I would  
18 also agree with the locking system. I would not attempt  
19 to repair the locking system. I think we need a whole new  
20 locking system. I do think we need to evaluate where do  
21 we go from here with regard to renovation. The engineers  
22 that I've spoken to have indicated that they may be able  
23 to bring in necessary modulars to reinforce the walls. If  
24 we can do that, then we can retain the structure.

25 Q. When did you first personally enter a cell

1 block at Camp Hill after the riot?

2 A. I believe it was Friday.

3 Q. The riot occurring--

4 A. The riot occurring Thursday -- Wednesday and  
5 Thursday. I think I entered Friday morning.

6 Q. Okay. My recollection of the testimony of  
7 the trial in the Dauphin County Courthouse was that you  
8 had not personally been on a cell block at the time of the  
9 trial, but that's thirdhand?

10 A. The trial? What trial is that?

11 Q. On the ACLU suit against the prisons?

12 A. Oh, no. No. I went there Wednesday morning  
13 -- I mean, pardon me, Friday morning to review the locking  
14 system.

15 Q. Okay.

16 A. And to see does the new -- would the chains  
17 and padlocks stop the door from opening? So no, I believe  
18 I entered the institution Friday morning.

19 Q. Did you take any steps Thursday to determine  
20 what was being done then to the damaged locks?

21 A. Thursday--

22 Q. Day?

23 A. Day?

24 Q. Yeah.

25 A. No.

1 Q. Prior to the second riot.

2 A. No.

3 Q. Thank you.

4 CHAIRMAN CALTAGIRONE: Thank you,  
5 Commissioner. We certainly appreciate all the time that  
6 you've given us.

7 COMMISSIONER OWENS: Thank you, sir.

8 CHAIRMAN CALTAGIRONE: Sergeant and Major,  
9 if you would resume.

10 Okay. Are there any questions?

11 REPRESENTATIVE HAGARTY: Yes. I do.

12 Thank you.

13 As soon as I figure out who I'm talking to.

14 Thank you.

15 BY REPRESENTATIVE HAGARTY: (Of Sergeant Venesky)

16 Q. Sergeant I just want to more carefully  
17 understand, the items that you took, the lists that you  
18 took from the cell, and tell me again when that was?

19 A. That would be September 11, 1989.

20 Q. That list you indicated was a list of  
21 demands as well as a list of who were the officers in the  
22 FIO.?

23 A. FOI.

24 Q. Anyway, that organization. Is that right?

25 A. Yes, Ma'am.

1 Q. And you turned these over to Lieutenant  
2 Renninger, you testified?

3 A. Yes.

4 Q. Did you have any further conversations with  
5 him with regard to a follow-up as to this seems to me  
6 quite alarming information you found?

7 A. He assured me after I completed the report  
8 we personally put it in the -- there's a box in the  
9 secretary's office. I worked on the evening shift so  
10 there was no, like the Deputies weren't in that evening at  
11 all. We put it in the box and the next morning it gets  
12 reviewed and copied and passed out to appropriate staff.  
13 So he assured me that it was passed out and I did receive  
14 my copies of it.

15 Q. Was there any further follow-up?

16 A. Not that I know of. That would have come  
17 from the department heads, like Deputy Smith and Deputy  
18 Henry.

19 Q. Did you ever inquire further?

20 A. I asked, but again, at Camp Hill they go  
21 through a chain of command, so I addressed the problem  
22 through the Lieutenants, occasionally through the Captain,  
23 and asked about it, and I was, you know, it was in the  
24 proper hands, I was told.

25 Q. Were you concerned about the information you



1 had found?

2 A. Yes, Ma'am.

3 Q. What did it indicate to you?

4 A. It indicated that the reports we were  
5 getting and hearsay we were overhearing on the blocks,  
6 apparently it was more than just talk, that something was  
7 going to happen.

8 Q. I've looked at the list of names. Did you  
9 know from this list of names to whom the list referred?  
10 It starts off Brother Minister Kareem Muhammad, Brother  
11 Assistant Minister Ali Muhammad. Did that indicate to you  
12 who these individuals were?

13 A. From working on the cell block I knew two of  
14 the individuals. I knew one that was located on F Block  
15 and I also knew one, the person I confiscated this from  
16 was housed on E Block. Now, in the Security Office they  
17 have a file there. What they do is from time to time they  
18 ask the officers and the Sergeants working the cell blocks  
19 to make note of nicknames or other names that individuals  
20 go by. It's not common to hear an inmate say, oh, Mr.  
21 So-and-so is going to do this. It's usually referred to  
22 as a nickname. These nicknames are on file that if this  
23 list would be handed in to the Security Office, they could  
24 look these names up in that file and they'll know who they  
25 are dealing with.

1 Q. But you don't know whether in fact that was  
2 done?

3 A. No, Ma'am.

4 Q. After the first incident that you testified  
5 to today, where were you -- I apologize if you said this  
6 and I missed it, where were you during the second  
7 incident?

8 A. The second incident I was off on -- I was  
9 treated at the hospital the night of the first incident.  
10 I was off. I did return to the institution. I was on the  
11 perimeter. It was just something that personally I felt I  
12 had to be there.

13 Q. Were you also -- I take it then you were not  
14 present when the photographs were taken of the, or Major,  
15 if you were present you might respond. We heard testimony  
16 yesterday that an evidence officer for the Pennsylvania  
17 State Police took pictures and in fact pictures were taken  
18 of these missing panels over the locking device. I  
19 wonder, were either of you present when those observations  
20 were made?

21 MAJOR STOVER: I was not present when that  
22 was done.

23 REPRESENTATIVE HAGARTY: Were you aware that  
24 these panels were off?

25 MAJOR STOVER: No, I was not. I had --

1 early in the morning on Thursday morning, I believe Deputy  
2 Smith and I took a walk across the compound and I remember  
3 I walked into K Block, dark, quiet, sound. The officers  
4 didn't say much. Just some small talk. A lot of trash.  
5 I went through the day room and into J Block, and again,  
6 it was quiet, dark. Inmates sleeping. And the officers,  
7 no issues. I came out J Block and I walked down to where  
8 the factory was burning. I went down there to talk with  
9 the fire department. And then later on I was informed  
10 that I had also gone into the main kitchen, Kitchen 2, and  
11 I toured through there and I had gone through, again, I  
12 believe with Deputy Smith, and we had shut cooler doors.

13 REPRESENTATIVE HAGARTY: Sergeant or Major,  
14 were you aware prior to this incident that these cell  
15 blocks could be opened if the panels were removed?

16 MAJOR STOVER: I think that was common  
17 knowledge throughout the institution because of the  
18 maintenance that had to be daily used on that. You're  
19 talking about a Van Dorn locking system that is out of  
20 business and every time you had to do something, it had to  
21 be made in the machine shop. Every time a key broke, it  
22 had to be made in the machine shop.

23 BY REPRESENTATIVE HAGARTY: (Of Major Stover)

24 Q. Let me ask you, because I know that you were  
25 obviously more concerned than anyone about the security of

1 your officers, and so I continue to be curious why knowing  
2 that that could occur didn't anybody check as to whether  
3 those panels were removed? I mean, it was you guys who  
4 were at risk.

5 A. I was over in command center area, they were  
6 locking them down Wednesday night and I kept getting  
7 reports E Block is secure.

8 Q. The same radio transmission that we received  
9 yesterday?

10 A. Yes. F Block is secure, right. And I take  
11 it that when they're telling me they're in secured cells,  
12 they're in secured cells. And then on Thursday, I had a  
13 concern with this whole perimeter fence. I went down, and  
14 it was our Delnorte system, and I talked with the  
15 maintenance was there. I wasn't happy with the way they  
16 were starting construction. So I left there and walked  
17 across the yard because where the fire had been it had  
18 melted some of the sensors on the fence and so, again,  
19 some of our fence sensors had been knocked out, and later  
20 on later I got with one of our maintenance people, I can't  
21 recall which one, but then he and I went back down to that  
22 hole in the fence on the Main Stockade field, and we  
23 talked about the construction, rebuild and putting more  
24 razor wire up, making a firmer footer where the truck had  
25 hit. I left there and then I went around the perimeter, I

1 got a car and I drove around the perimeter.

2 Q. What do you think about the guards'  
3 allegations now that in fact they told ranking officers or  
4 Deputies that the panel boxes were missing and that the  
5 institution was not secure?

6 A. I can't speak for what they might have told  
7 the Deputies. I can only speak of the knowledge that I  
8 had and my actions and where I was at and what I did.

9 Q. Okay.

10 A. I do know that in the Adams Report I think  
11 it states that I had a part in the decisionmaking of the  
12 amount of the State Police to keep or release, and I  
13 relate for the record that I was not involved in that  
14 decisionmaking at all in regards to keeping those State  
15 Police officers there.

16 Then later Thursday, all the Captains, the  
17 Deputy, myself, we were in the Deputy's office. I told  
18 the Deputy we had to start working on 12-hour shifts. One  
19 of the things happened was that the 2:00 to 10:00 shift  
20 took the brunt of this and when you think about both these  
21 incidents, the 2:00 to 10:00 shift took the brunt. And  
22 the 2:00 to 10:00 shift is made up of our younger  
23 officers. That's just the way labor/management is. The  
24 younger officers are on the 2:00 to 10:00 shift. I never  
25 agreed with that. There's nothing I can do about that.

1 Because there you have officers that have two years and  
2 three years experience. They're good officers and I  
3 commend them for a job well done. But you don't have that  
4 mixture of the old with the new, but the younger officers  
5 were there.

6 I know we went out, and let me back up. I  
7 know on Thursday morning the Deputy and I went to roll  
8 call to address roll call, and the Deputy briefed them on  
9 what had transpired, and then the Captain had come in and  
10 he was working on the -- the Junior Shift Commander was  
11 working on the duty roster in respect of getting men in  
12 for the shift, because we tried to get people out of there  
13 to get fresh people back in.

14 Then the afternoon the Captain and I  
15 proceeded to work on a 12-hour work schedule, and I got a  
16 report about some fires being set up in the RHU. I called  
17 the Lieutenant and he said, "Well, you know, it's normal  
18 fires and some officers are up there. It's smokey." And  
19 I remember telling him about getting a fan down in the  
20 kitchen. He said, "I know where it's at, but I don't  
21 think we need it." And I believe the Deputy and one  
22 Captain took a walk up to the RHU and came back down and  
23 then they got on a truck that was going to take food over  
24 to Group 2 and 3. And it wasn't long you hear a report  
25 that there's an inmate out of his cell and there's an

1 inmate out of his cell and then everything breaks loose.  
2 And I secured my office, I locked the door and I went to  
3 the front door and by that time, the Captains who were in  
4 the office tried to respond over to the other side but  
5 they only got maybe halfway.

6 Q. Not to cut you off, but I think the  
7 committee has heard this and I wasn't asking that.

8 A. Oh, okay. I'm sorry. I didn't know that.

9 Q. That's okay. I know I've taken up more than  
10 enough of the committee's time.

11 Thank you.

12 CHAIRMAN CALTAGIRONE: Representative Blaum.

13 REPRESENTATIVE BLAUM: Yes.

14 BY REPRESENTATIVE BLAUM: (Of Sgt. Venesky)

15 Q. Sergeant Venesky, this committee has toured  
16 prisons in the past few years. I remember being in one  
17 prison in which the prison official showed us the  
18 contraband which had been confiscated day by day from  
19 cells - the shanks, homemade knives, things that had been  
20 confiscated. And I'm reading your report of September  
21 11th where one radiator key, a piece of plastic utensil, a  
22 razor, and three papers. Then there's a list of various  
23 officials who I guess were at a meeting of the FOI, and  
24 then the last page has to do with a list of seven demands,  
25 the first one containing that the food should be cooked,

1 and "we should have something for the none (sic) pork  
2 eaters when pork is being served, and something for the  
3 none (sic) meat eaters when meat is being served."

4           Number two is "We want to use the law  
5 library five days a week, morning, afternoon and night.  
6 Also we want to...go to the library for general reading  
7 and studying."

8           Number three, "We want to be able to  
9 participate in school activities...."

10           Number four, "We should not have to double  
11 up with anyone" unless we give our permission.

12           Number five, "The shower conditions should  
13 be improved right away...."

14           Number six, "We want to" -- I don't know  
15 what this means, -- "90 minutes to 120 minutes in the  
16 morning, 90 minutes in the afternoon and 90 minutes at  
17 night of yard time."

18           And number seven, "Inmates that sitting  
19 idle, all day everyday, should have the opportunity to go  
20 to school...."

21           And my colleague just termed these  
22 "alarming." What's alarming about confiscating this? I  
23 mean, the things I've seen in other prisons that have been  
24 confiscated, I mean, look to me to be more serious than  
25 what was confiscated here?



1           A.    What it is, at Camp Hill or anywhere within  
2           the prison system in Pennsylvania, there is a designated  
3           structure to address complaints, you know, as in putting  
4           in a complaint slip, they are reviewed by a complaint  
5           officer at the institution and so forth and they are sent  
6           to the appropriate people to be addressed. Well, it's  
7           been known that complaints such as this, you know, always  
8           come through. You know, there's probably several hundred  
9           or several thousand a year that we receive. But now at  
10          this point it's gone beyond that. We have a group of  
11          individuals that have been identified, they're putting  
12          down what they feel needs to be done in the institution.  
13          It's no longer going through the set pattern that the  
14          institution has set up for them to have their, you know,  
15          complaints or concerns addressed. Now it's going, if you  
16          wish to say, behind our backs.

17          Q.    And I don't disagree with you and, you know,  
18          I commend you for properly and promptly turning this  
19          information in. And apparently, this FOI group was well  
20          known to the Commissioner, well known to the  
21          Superintendent, from testimony that he gave yesterday, and  
22          it may be from, you know, corrections officers like  
23          yourself turning this information in. And I don't want to  
24          minimize the importance of turning it in. I just, again,  
25          with 20/20 hindsight it could be termed "alarming." I

1 mean, to me it doesn't appear alarming, but it's proper  
2 that it be turned in and the people who are the higher ups  
3 begin to evaluate it.

4 REPRESENTATIVE BLAUM: That's it, Mr.  
5 Chairman.

6 CHAIRMAN CALTAGIRONE: Representative  
7 Heckler.

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

10 BY REPRESENTATIVE HECKLER: (Of Major Stover)

11 Q. Major, just really one area of questioning.  
12 Did any of the personnel, after the first outbreak and  
13 prior to the second, did anyone at the prison show you or  
14 point out to you panels that were missing from the locking  
15 mechanism?

16 A. No, sir. Nobody. I had received no phone  
17 calls, nobody came up to me and said anything about them.

18 Q. Okay. And you did not personally observe  
19 any panels either preyed loose or actually removed on the  
20 floor?

21 A. I did not, sir.

22 REPRESENTATIVE HECKLER: Thank you. That's  
23 all I have.

24 CHAIRMAN CALTAGIRONE: Chief Counsel  
25 Andring.

1                   MR. ANDRING: I just have one question for  
2 both of you, Major because you were there, and Sergeant  
3 because I'm sure you've talked to your fellow officers  
4 since this happened. Apparently on Thursday afternoon  
5 just about everybody was under the impression that the  
6 prison was secure and subsequent testimony showed that the  
7 prison really wasn't secure, and I just have a general  
8 question that maybe you can both give us your impression.  
9 Why do you think this happened? Was it a lack of  
10 communication? Was it a physical problem? Was it nobody  
11 realized that the prison wasn't secured? And again, I  
12 know you don't have a concrete answer, but could you just  
13 give us your impressions on that?

14                   MAJOR STOVER: I think it enters into  
15 fatigue, the way the people were fatigued. I had been  
16 there from Wednesday until Sunday morning. I had been  
17 taken out to a local hospital. I had come back. I was  
18 told to go home but I came back and I was in the command  
19 center. And I think everybody thought that the  
20 negotiations, the people, the inmates were locked down,  
21 and I don't see where they really expected them to come  
22 flying out like that.

23                   MR. ANDRING: Anything further?

24                   SGT. VENESKY: Personally, I feel that the  
25 evening, Wednesday evening, whoever was in charge at that

1 time to make the announcement wanted to give a quick  
2 appearance that everything was under control. When I was  
3 at the hospital, I returned approximately 10:00 o'clock  
4 for a debriefing outside the institution. I was done with  
5 that approximately quarter of 12:00. When I was leaving  
6 out the front I could still look inside through the fence  
7 and see inmates being escorted, although it was announced  
8 close to approximately 10:00 o'clock that the institution  
9 was secure. But they were still escorting inmates to the  
10 cell blocks at that time.

11 MR. ANDRING: Okay. If I could just follow  
12 up on that for a second. Now, we've had extensive  
13 testimony yesterday that apparently by 2:00 or 3:00  
14 o'clock the inmates, or at least a good number of them,  
15 were back in the cells and we heard tapes of the State  
16 Police contingent plus the guard contingent going about  
17 putting the prisoners in the cells, pronouncing them  
18 secure, and then we had the entire next day, really the  
19 whole day where apparently nothing came to the attention  
20 of the proper authorities that maybe the prison wasn't  
21 secured the way everybody thought it was. And I guess  
22 that's the time period I'm focusing in on, all day  
23 Thursday. Was there a general impression among the  
24 officers that the prison was not secure and did they  
25 realize it or not?

1                   SGT. VENESKY: From talking -- as you know,  
2 I wasn't there Thursday.

3                   MR. ANDRING: Yeah, I understand.

4                   SGT. VENESKY: But in talking with some of  
5 the officers that I worked with and some of the ones I  
6 knew I had phone numbers with, I had talked to them to see  
7 what was going on, they knew and they did tell, from what  
8 I understand, Deputy Smith came over onto the cell block  
9 and came up to an officer who had just come out of the  
10 trainee stage, came up to him and pat him on the back and  
11 asked him how he was doing today, and then they went on to  
12 examine the locking mechanisms.

13                   And also, I don't know if it was brought  
14 out, and the locking mechanisms, about repairing them.  
15 You have to understand the institution originally was set  
16 up to teach the juveniles a trade, to help them get back  
17 out on the street. Well, basically the structure of that  
18 has stayed in place all these years. The older inmates  
19 that came in were being taught trades. When it came to  
20 locking mechanisms, the inmates worked on the locking  
21 mechanisms. They might have had a supervisor there, maybe  
22 one that like the locksmith would have two people, two  
23 supervisors, they may have 10, 12 inmates working with  
24 them. After hours when the locksmith goes home, he's off  
25 duty now, we have a handle that breaks and we have inmates

1 trapped in a cell, we have to get them out of there and  
2 have that handle repaired in case there is an emergency in  
3 the cell, medical emergency or a fire. They send inmates  
4 over to fix the locks, you know 9:00, 10:00 o'clock at  
5 night. So they have an excellent working knowledge of how  
6 these mechanisms worked, and it's very simple. It's just  
7 a matter of reaching up around and releasing a lever or  
8 grab a rod. You might not open your own door but you'll  
9 open someone else's.

10 MR. ANDRING: Okay, thank you.

11 CHAIRMAN CALTAGIRONE: Gentlemen, thank you  
12 very much for your testimony. Do you have something else  
13 to add?

14 SGT. VENESKY: I would just like to add one  
15 thing here, if I may. When Commissioner Owens came back  
16 up, he addressed what I had stated about the Hearing  
17 Examiner. When I offered my example I stated in there I  
18 understood the review committee, you know, the inmates  
19 might have a certain amount of time. I understood that.  
20 It was his impression that I didn't understand that and  
21 that's where the problem laid. That's not where the  
22 problem laid. The actual sanctions that were given  
23 towards the inmates, some of them, even the ones that  
24 didn't get time, some of them got a reprimand and warning  
25 for threatening an officer, for pushing an officer, a

1 simple reprimand and warning, which doesn't work when  
2 you're in that type, because they realize nothing is going  
3 to happen. And over the years I have collected my  
4 misconduct reports with the sanctions on them. If anyone  
5 wants them, I can offer them to show that, you know, not  
6 only did inmates when they did go to RHU they only had to  
7 serve a certain amount of time, but I can show that some  
8 of the sanctions that were handed down weren't proper at  
9 all.

10 MAJOR STOVER: I'd like to take the  
11 opportunity to personally thank the Pennsylvania State  
12 Police, all the local law enforcement agencies and all the  
13 medical services that responded to help us out at that  
14 institution. I can't say enough about them, about my own  
15 officers over there, how they performed. They did a  
16 professional job. And I know you're tired of hearing that  
17 nobody escaped and nobody got killed, I just put that all  
18 to the professional way it was done. It was a tragedy and  
19 I hope we can all work together to see that something like  
20 this never happens again.

21 CHAIRMAN CALTAGIRONE: Thank you.

22 MAJOR STOVER: Thank you.

23 CHAIRMAN CALTAGIRONE: We will next hear  
24 from Dr. Carl Hoffman, physician at Camp Hill, and if the  
25 representative from the Pennsylvania Prison Society would

1 also please join him at the table.

2 For the members' benefit, Representative  
3 Broujos will not be testifying today. He will not be able  
4 to make it.

5 Let's start. Doctor, if you'd like to start  
6 first.

7 DR. HOFFMAN: My name is Dr. Carl Hoffman.  
8 I'm the Medical Director at the State Correctional  
9 Institution at Camp Hill. I've been the Medical Director  
10 there for 15 years.

11 I was directly involved with the unfortunate  
12 situation of the riots at Camp Hill. We were called  
13 Wednesday afternoon when this incident occurred. They had  
14 nurses in the dispensary at that time. We were brought in  
15 to the visiting area and we stood by and the first person  
16 I reported to was our Health Care Administrator, Mr.  
17 Langley, who I discussed with him what was happening  
18 medically within the facility. He assured me at that time  
19 that the Cumberland County medical response team was  
20 alerted via their ambulance response, which was out front  
21 when we arrived. We called in the rest of our people,  
22 meaning our staff psychiatrist, our chief psychiatrist,  
23 myself, another staff physician. They called in their  
24 extra nurses who are not under our jurisdiction, are under  
25 the State jurisdiction, so that we had a full medical team



1 and we set up to do triage as any other medical situation  
2 would occur within the institution for not only the  
3 employees of the State but also for the inmates.

4           Some inmates were brought up to us at that  
5 time of which we assessed them and then we either  
6 mobilized them out the door if it was secure, once  
7 security said it was secure, to local hospitals for  
8 treatment if need be or we would hospitalize them. We  
9 have a small hospital back in the Camp Hill Dispensary  
10 area. We also saw several correctional officers and staff  
11 and we assessed them at that time and also if they needed  
12 to be mobilized, we mobilized them. We stayed until the  
13 wee hours of the morning that evening, and some of our  
14 personnel stayed all night.

15           The Superintendent, I went down to the  
16 command center several times and interacted with the  
17 Deputy of Treatment, who is my boss, and I also interacted  
18 with the Superintendent at that time asking him what other  
19 duties we could perform for the institution, since we are  
20 under contract to provide medical services to the  
21 institution. He wanted to have the psychiatrists on board  
22 because of officers leaving and officers coming back.  
23 Debriefing, we set that up out in the Administration  
24 Building. We had our three staff psychiatrists involved  
25 with that. I also stayed inside the institution until it

1 was determined that evening that the institution was  
2 secure. Then we stayed outside the institution, kept a  
3 physician on call and a physician present through the  
4 whole 24-hour shift.

5 Then of course the second night the problems  
6 reoccurred and we could not get back into the institution.  
7 Again, we went right to the command center and talked to  
8 the Superintendent and the Deputy of Treatment, asking  
9 what duties and services we should perform since the  
10 emergency preparedness team was set up out front. They  
11 had numerous ambulances and they were doing the triage  
12 right out front of the Administration Building. We were  
13 at the perimeter and also going in and outside of the Main  
14 Gate mostly involved with inmates at this time. We had  
15 many inmates, diabetics, seizure disorder patients, we had  
16 many psychiatric inmates who were very unstable through  
17 this whole condition. We saw officers if we could. Most  
18 of them were shipped right out the Main Gate or the back  
19 gate to the ambulances to be triaged and employees to be  
20 triaged to go to the hospitals. Well, our main function  
21 was to take care of the inmates inside the institution,  
22 since this is our responsibility and our contract for the  
23 State and also for the correctional facility.

24 Again, we interacted numerous times by  
25 telephone with the Deputy for Treatment and with the

1 Superintendent and we continued to try to stabilize these  
2 inmates because now we were into the second night of  
3 rioting. Some of them were coming to the Main Gate. Our  
4 physician, our staff physician, Dr. Wisniewski, and the  
5 nurses just escaped before the inmates came up the main  
6 corridor in Group 1 out by the help of the State Police  
7 who shot over their heads so that the inmates would stop  
8 and not continue to chase them. From what was told to me,  
9 the inmates had clubs and various different weapons at  
10 this time. Thankfully, all of the nurses and the doctor  
11 escaped without any injury.

12 We stayed on the premises and then from that  
13 point on we provided medical services right inside the  
14 Main Gate where they had brought inmates who said, I give  
15 up, I'm not part of the riot, and they laid them down and  
16 they used flexcuffs on them and we started to try to  
17 identify who they were. We didn't have any records but a  
18 lot of the nurses remembered who they were and what  
19 medications they were on. We tried to retrieve  
20 medications out of the Dispensary and order other  
21 medications so we could continue. We had numerous  
22 seizures that occurred and when they became unstable  
23 medically, we transferred them right out the Main Gate to  
24 the awaiting ambulances. They were triaged and sent to  
25 community hospitals at that time.

1                   We continued to stay there through Thursday,  
2 the whole night, the whole day. We stayed there Friday,  
3 tried to stabilize things a little bit better. Once we  
4 got back into the institution, then we really had a major  
5 problem. We had inmates who were not fed for days and  
6 days. We had inmates who had not received medication for  
7 days. We had diabetics that we didn't know where their  
8 blood sugars were. We had seizure disorders, cardiac  
9 patients, hypertensive patients. So we started  
10 immobilizing extra nurses, mobilized all the nurses from  
11 the correctional facility, mobilized myself, the other  
12 staff physician, all the psychiatrists to start bringing  
13 these inmates up once we could off of different fields to  
14 try and get them stabilized medically. It was a very  
15 difficult situation because a lot of the diabetics were  
16 going up and down very rapidly, and when they become  
17 unstable, again, we would mobilize them to the triage area  
18 to the local hospitals for treatment. We utilized our  
19 hospital for makeshift because the hospital was damaged.  
20 We put some inmates in there. We had nurses back there  
21 around the clock. And we provided the service through  
22 Saturday and Sunday and then continued, and we still  
23 continue today, I was there this morning to provide  
24 service to the State Correctional Institute at Camp Hill  
25 for medical coverage.

1                   I think one of the most serious and most  
2 difficult situations we encountered which you've already  
3 heard about was fatigue. Our nurses just kept working  
4 around the clock, around the clock, around the clock, as  
5 did the doctors, as did the psychiatrists. Mr. Freeman  
6 was very, very supportive of our efforts and very  
7 conscious of our fatigue factor. Mr. Henry, the Deputy  
8 for Treatment, was in contact with us all the time  
9 worrying about is there anyone we haven't identified?  
10 Once they resumed the control of the institution, the  
11 officers did an exemplary job of providing to try and get  
12 these inmates up to us so that we could continue to treat  
13 them.

14                   We have never -- I have never, in 15 years  
15 of correctional medicine, experienced a tragedy like this.  
16 I would like to give my accommodations to Mr. Freeman, to  
17 Deputy Henry and Deputy Smith who worked very, very  
18 closely with us, did a very excellent job concerned about  
19 their staff, concerned about the inmates. Remember, we  
20 still had, so to speak, 2,600-and-some-odd inmates there  
21 that we had to identify who was what and where they were  
22 and what medications they were on. The nursing staff  
23 performed an exemplary job. Our interaction, which was  
24 not an awful lot with the emergency preparedness team,  
25 because we were inside the institution more than we were

1 outside the institution, they did an outstanding job for  
2 the Commonwealth.

3 I think it's also very important to  
4 recognize the State Police, the job they did providing  
5 getting inmates up to us because at this time things were  
6 in a real turmoil. We were worried about life and death  
7 with diabetics, with seizure patients, with cardiovascular  
8 patients. They did an excellent job getting them up so we  
9 could stabilize them as best we could and hopefully if  
10 they needed to be hospitalized then of course we would  
11 refer out and hospitalize them as fast as what we could.

12 CHAIRMAN CALTAGIRONE: Thank you, Doctor.

13 Would the Prison Society like to make their  
14 statement and then we'll open for questions?

15 MS. SCHWARTZMAN: Thank you, Mr. Chairman,  
16 and members of the committee. My name is Ann Schwartzman.  
17 I'm the Director of Advocacy for the Pennsylvania Prison  
18 Society. We were established in 1787 with the mandate to  
19 monitor conditions and advocate for the humane treatment  
20 of inmates as well as an efficient system. Since that  
21 time we've been doing that, although with a number of  
22 different types of programs. Along with me is Michael  
23 Hackman, who works with our volunteer program, who will  
24 speak specifically on some of the inmates' concerns  
25 through letters and phone calls that we've received from

1 both the inmates and the family members.

2 One of the things that has struck us over  
3 the past year and over the past few years is that  
4 corrections is in a crisis situation. During 1989 there  
5 have been at least five different prison riots, including  
6 two in the Philadelphia area, the others being in the  
7 State system. We think this is a grave concern not only  
8 to us but to every single person within this State. We  
9 feel that corrections needs to be look at dramatically,  
10 but we need more than recommendations that keep coming out  
11 from reports that have been submitted.

12 Over the past 10 years, at least 5 reports  
13 have come out with a number of recommendations. Most of  
14 these recommendations are similar. They talk about  
15 community corrections, halfway houses, earned time,  
16 intensive supervision. We need to actually implement  
17 these recommendations but we need to do more than that.  
18 We need to look at the system and all of the human beings  
19 that are tied up in it.

20 One of the things that the Commission's  
21 report, the Adams Commission Report, cited was that nearly  
22 one-third of the inmates were idle at Camp Hill before the  
23 prison riots. We think this is one of the major reasons  
24 why there was a riot. People basically had nothing to do.  
25 Inmates sat around with absolutely nothing to do. Five

1 hundred people out of that one-third were on waiting lists  
2 waiting for programs, waiting for educational or  
3 vocational skills.

4 In our current correctional system  
5 throughout the United States, 90 percent of all inmates  
6 come out at some point without program training, without  
7 drug treatment. Most of these people end up back in jail.  
8 We think corrections needs to be established with  
9 implementation of the recommendation so that these people  
10 come out and stay out, so that they end up being  
11 productive taxpayers and contributors to society and not  
12 the burdens that they currently are.

13 Corrections has become the catch-all for  
14 society's problems with people who are illiterate, the  
15 mentally ill, people who are senior citizens and can't get  
16 jobs, all different kinds of people that society doesn't  
17 know how to deal with anymore. We feel that it's high  
18 time Pennsylvania take a look at this, enact the  
19 recommendations that have been talked about but also look  
20 at the individuals that we're incarcerating in this State.

21 Michael.

22 MR. HACKMAN: Thank you. Good afternoon.

23 As Ann said, my name is Michael Hackman.  
24 I'm the Director of Volunteers for the Pennsylvania Prison  
25 Society. I'd also like to thank the committee for this



1 opportunity to speak before you today.

2 As Director of Volunteer Services, I'm  
3 responsible for administering our prison visitation  
4 program, which is composed of approximately 100 volunteers  
5 in 28 chapters spread throughout the State whose function  
6 it is to monitor prison conditions in both county and  
7 State facilities and also respond to individual inmates  
8 and family concerns. And that is done on a one-to-one  
9 interview and intervention basis.

10 Acting as official visitors, our volunteers  
11 have access to any prisoner housed within the Commonwealth  
12 correctional facilities, and in doing so I believe they  
13 really developed a strong and deep sense of what it's like  
14 for both the inmates, the families and the staff who work  
15 in these facilities. I think they're in a good position  
16 to assess the system from a holistic point of view.

17 In the days and weeks that followed the Camp  
18 Hill riots, our office was deluged by letters from  
19 confused and angry inmates, as well as phone calls from  
20 hundreds of frustrated and fearful family members. In  
21 addition to the calls and letters we received, I also had  
22 an opportunity to tour the facility on November 16th, as  
23 part of a monitoring effort for the action the ACLU  
24 brought on the inmates' behalf.

25 Through direct contact with the Society's

1 office in Philadelphia and channeled through our  
2 volunteers in the field who also received numerous letters  
3 and phone calls, we received close a total of 200  
4 inquiries from both inmates and their relatives. The  
5 nature of these calls and letters could be broken down  
6 into four main categories which I'd like to speak on  
7 briefly: Inmate abuse, inmate location and safety, family  
8 visitation, and destruction of personal property.

9 In describing the concerns expressed by the  
10 inmates and their families, especially in the area of  
11 prison abuse, it is important to point out that although  
12 we received many allegations, we are not in a position to  
13 either substantiate or dismiss the claims. As the Prison  
14 Society has no official investigative power, we can only  
15 act as the vehicle to express the thoughts of those  
16 impacted by the riot.

17 The first category I'd like to speak on is  
18 inmate abuse. We received approximately 75 calls and  
19 letters from inmates and families alleging a variety of  
20 abusive acts that occurred both during and in the  
21 immediate days following the riot. Inmates described  
22 situations in which they claim to have been beaten by  
23 correctional officers and State Police Troopers while  
24 being ordered out of their housing units during the actual  
25 incident, while being held in the Main Stockade or the

1 Main Yard in the facility, and while being returned to  
2 their cells after order was restored.

3 I would like to read two excerpts from  
4 letters we received, just so the committee can get a  
5 flavor of the types of allegations we received. The first  
6 is, and I'm quoting here, "I was not involved in either  
7 riot, period. In fact, I was one of 20 on my block who  
8 stayed in their cell until State Police said come out.  
9 The whole building was ablaze and I really thought I was  
10 going to die from smoke inhalation. When we came out, we  
11 were handcuffed behind our backs and that's how we stayed  
12 for three days. The second day we were put in leg irons,  
13 two men shackled together. We remained laying face down  
14 on the cold, wet grass for three days with no food until  
15 the third day.

16 "Sunday morning we were stripped of all our  
17 clothes and marched into a building where they," they  
18 assuming meaning staff, "humiliated us with nightsticks  
19 for the pure fun of it. They shackled me to a young boy  
20 who had just been beat up.

21 "Next thing I remember, I woke in a tiny,  
22 one-man cell with three other guys trying to revive me.  
23 Four men with nightsticks beat the--" blank "--out of me  
24 while I was handcuffed and shackled."

25 And the second letter: "Monday, October 13,

1 1989, about 7:00 p.m. I was put up the against the gate  
2 with my hands up over my head for 20 minutes with 29 other  
3 people, everyone shackled in twos. The State Troopers put  
4 a horse in front of us and one in back of us with about  
5 eight State guards on each side of us. We was then run  
6 from the yard up to F Block with our hands over our heads  
7 with the shackles cutting into our ankles and the guards  
8 beating us with sticks all the way to the block."

9 As I toured the facility myself on November  
10 16th, inmates on every block that I visited, and I visited  
11 every block that still housed inmates, there was stories  
12 being told about mistreatment and beatings by security  
13 staff. Particularly several inmates in the Restrictive  
14 Housing Unit claimed that they were beaten repeatedly and  
15 threatened with more violence if they did not keep their  
16 mouth shut.

17 The other allegations of abuse which I head  
18 under the 75 that we received include:

19 --Limited or no access to medical care for  
20 several days after the riot and the disruption of  
21 administering prescriptive medicine.

22 --Exposure to the elements. Inmates claim  
23 to have been confined outside in the Main Yard for three  
24 days and three nights in which temperatures dropped below  
25 freezing with little or no protective clothing.

1                   --Verbal harassment from correctional  
2 officers and State Police and threats of physical violence  
3 in retaliation for injuries sustained to prison staff.

4                   Inmate location and safety. This was  
5 another major issue that was brought to our attention  
6 specifically by family members and relatives of Camp Hill  
7 inmates. We received countless numbers of calls from  
8 mothers, sisters, brothers of inmates pleading to us for  
9 some type of information from the prison. Although the  
10 prison did set up an information hotline, we received  
11 numerous complaints that the information regarding  
12 individual inmates was difficult to obtain, inaccurate, or  
13 unavailable.

14                   Just as an example, one woman called our  
15 office to complain that Camp Hill staff initially told her  
16 that her son was not injured in the riot and was still  
17 being held in Camp Hill. As she found out two weeks  
18 later, however, her son was shot during the disturbance,  
19 spent a week in the hospital, and was transferred to  
20 another State prison and placed in their hospital unit.

21                   Mail delivery was another significant  
22 problem for inmates and their relatives as incoming and  
23 outgoing letters were not processed for several weeks.  
24 This communication blackout only added to the fear and  
25 frustration of family members.

1                   The transfers of inmates to other State and  
2 Federal prisons also proved to be an informational  
3 nightmare to both families and relatives, as well as the  
4 inmates themselves also. Families complained that they  
5 wouldn't hear from their loved ones for weeks, and then  
6 one day would receive a postcard from institutions as far  
7 away as California and Washington. These would be Federal  
8 institutions. This further confused and frustrated  
9 families, as most knew little or nothing about the Federal  
10 systems.

11                   Third, family visits. Due to the extensive  
12 damage, lack of staff and the emergency lockdown status,  
13 family visits were suspended for approximately two months.  
14 When they did resume in December of 1989, visits were  
15 limited to one hour once a week and under close  
16 supervision. Family visits play an important role in  
17 maintaining stability within the prison population as well  
18 keeping the external family unit together. The suspension  
19 no doubt added to an already tense relationship between  
20 inmates and staff.

21                   Destruction of personal property is the  
22 final category. The fourth main concern by the inmates  
23 dealt with destruction of their own property in their  
24 cells. Inmates alleged that personal property was stolen  
25 or destroyed in cells that were not actively involved in

1 the riot or sustained fire damage, and there were several  
2 cells that did not sustain damage. The property that did  
3 escape destruction has been slow to find its rightful  
4 owners and is presenting real problems for inmates  
5 transferred out of State, and we continue to receive quite  
6 a few inquiries on personal property.

7 In summary, we believe that it is important  
8 to remember that there are many victims of this  
9 unfortunate event - the inmates who did not participate in  
10 the riot but are still suffering the consequences;  
11 families who had to endure days of fearing for the safety  
12 of their sons, brothers, or fathers; prison staff who were  
13 physically injured and emotionally scarred; and ultimately  
14 the public who must foot the bill to rebuild Camp Hill.

15 The Prison Society does not condone the  
16 violent actions of inmates who actively participated in  
17 the rioting, but we understand the anger of those who did  
18 not participate, and in some cases even protected  
19 correctional staff. Finger-pointing no doubt will  
20 continue for some months and even years, but it is our  
21 hope that this committee and the public at large consider  
22 the real culprit in this riot, and that is prison  
23 overcrowding. As long as we continue to pack more and  
24 more people into a limited space and use prison as a crime  
25 prevention tool, the possibility for future prison riots

1 exists. We ask that the members of the Judiciary  
2 Committee and their colleagues in the full House explore  
3 alternatives to incarceration and population reduction  
4 programs to ensure that the events of October 25th through  
5 28th won't be repeated.

6 Thank you.

7 CHAIRMAN CALTAGIRONE: Are there questions?

8 (No response.)

9 CHAIRMAN CALTAGIRONE: Thank you. Thank you  
10 very much for appearing.

11 MS. SCHWARTZMAN: Thank you.

12 CHAIRMAN CALTAGIRONE: In place of John  
13 Broujos we do have J. Theodore Wise and Beth A.  
14 Burkholder.

15 MR. WISE: Good afternoon, Mr. Chairman and  
16 members of the Judiciary Committee. For the record of  
17 introduction, my name is J. Theodore Wise, and I am the  
18 Director of the Cumberland County Office of Emergency  
19 Preparedness, and with me today is Beth A. Burkholder, the  
20 Emergency Medical Services Coordinator from my staff.

21 We have jointly prepared this testimony in  
22 an effort to briefly describe the role of county emergency  
23 management at the Camp Hill State Corrections Institution.  
24 The thrust of our testimony is based on experiences and  
25 observations we shared during our continuous involvement



1 in carrying out the mission as we perceived it to be.

2 On day one, October 25, initial reports of  
3 the situation at the State Correctional Institution were  
4 generated by Corrections officials to the communications  
5 center of Cumberland County requesting that fire and  
6 ambulance respond to the Rear Gate and stand by because of  
7 a riotous situation. At that point, the communications  
8 center dispatched the appropriate emergency services in  
9 accordance with the established response plans on file. A  
10 notification was made to my office of the event and the  
11 action being initiated.

12 The Office of Emergency Preparedness'  
13 initial efforts were to provide support to each operation  
14 by coordinating communications command and the allocation  
15 of resources from the communications center. This action  
16 required an increase in staff at the communications center  
17 and deploying personnel to the scene.

18 From this point and throughout the course of  
19 the day, the major problem we encountered was the  
20 fragmentation of incident command. Local authorities had  
21 assumed command of all forces on the primary and secondary  
22 perimeters, and the Department of Corrections and  
23 Pennsylvania State Police had assumed responsibility for  
24 all actions inside the facility. Because of this  
25 separation and the lack of unified incident command,

1 deployment of resources and other response requirements  
2 were subject to independent and many times contradicting  
3 assignments.

4 Organization of local resources required the  
5 establishments of sector commands consisting of police,  
6 fire, and EMS operations. Management of these controlled  
7 operations remained with and was professionally carried  
8 out by local authorities. With the incident command  
9 system in place and effectively functioning, the efforts  
10 of emergency preparedness were directed towards assisting  
11 local township officials in the preparation and release of  
12 public information.

13 Attempts were made on several occasions to  
14 coordinate the release of information concerning community  
15 safety and the community response to the incident. Our  
16 efforts of mutual concerns were expressed to the  
17 Department of Corrections on behalf of the local township  
18 officials. Our attempts to have a joint press release  
19 issued were unsuccessful. Therefore, our statement was  
20 prepared and released without information generated by the  
21 Department of Corrections. Conversely, the information  
22 released by the Department of Corrections did not  
23 adequately address the current concerns of the local  
24 elected and appointed officials.

25 Shortly after 2400 hours it was reported

1 that the incident was squelched and that a lockdown of  
2 inmates was occurring. In response to this information,  
3 local authorities ordered all forces to stand down and go  
4 in-service, and these actions were accomplished  
5 approximately 0200 hours that morning.

6 On October 26th, or day two of the incident,  
7 shortly after 1900 hours I received a call that the  
8 facility was again out of control but worse than the  
9 previous night. I responded by instructing the  
10 communications center to duplicate the initial actions  
11 implemented the night before. Obviously, with our  
12 previous experience the Office of Emergency Preparedness  
13 was able to deploy those resources in a much more  
14 expedient manner and therefore EMS, fire, and police  
15 sectors were quickly operational.

16 Upon arrival, I learned that conditions  
17 within the prison were out of control and that the  
18 interior of the facility was, in fact, overrun. At this  
19 point it was clear that all command and control would be  
20 exterior and that the State Police had assumed all  
21 authority for control operations. The Office of Emergency  
22 Preparedness concentrated their operations on reinforcing  
23 our initial actions in determining the requirements for  
24 long-term operations.

25 A conference was held to provide a briefing

1 to all participants to establish these long-term  
2 operations. As a result of this briefing, it was  
3 determined that we would stand down all interior  
4 operations and maintain our perimeter lighting  
5 assignments. In addition, EMS operations would remain at  
6 full-alert status. The EMS command proceeded to establish  
7 a billeting tent, heaters, and rotating shifts to ensure  
8 continuous operations. Police and fire command assumed a  
9 responsibility to maintain personnel shifts and life  
10 support during this stand down portion of the incident.

11 Commencing at approximately 0600 hours that  
12 morning and throughout the course of the incident, sector  
13 commands were involved in maintaining operational  
14 procedures. The Office of Emergency Preparedness' role in  
15 emergency management activities was at this point  
16 minimized because the Pennsylvania Emergency Management  
17 Agency had arrived on the scene and assumed liaison  
18 responsibilities relating to the incident. The office's  
19 role was now to assure sector operations and to provide  
20 resources necessary.

21 The testimony provided thus far very briefly  
22 describes the role of emergency management at the Camp  
23 Hill State Correctional Institution disturbance. The  
24 difficulties encountered from the initial response began  
25 and continued throughout the incident because the entire

1 situation lacked a unified incident command system.

2           Before I proceed, let me explain the term  
3 "unified incident command system." Incident command  
4 system is a recognized national standard of operations  
5 that provides a means for the combination of facilities,  
6 equipment, personnel, procedures and communications  
7 operating within a common organizational structure with  
8 responsibility for the management of assigned resources to  
9 effectively accomplish stated objectives pertaining to an  
10 incident.

11           In simple language, this means that  
12 representatives from all operating forces are collectively  
13 operating in a manner that permits the exchange of  
14 information from the top level decisionmakers to the  
15 operating personnel in the field. It is a system that  
16 insures that the request for resources are directed  
17 through an appropriate system so that duplication is  
18 avoided and accountability is maintained. It is a system  
19 that insures that those at the operational level are  
20 constantly informed of the actions planned, initiated and  
21 completed.

22           Had such a system been established at this  
23 incident, much of the confusion and frustration  
24 experienced by those personnel at the operational level  
25 would have been eliminated. The administration would have

1 had a clear understanding of the actions occurring by all  
2 agencies involved at the facility, and recovery from this  
3 incident would have been much more manageable for all  
4 parties involved.

5 Pertinent information was not disseminated  
6 from those authorities involved to the incident sector  
7 commanders. Consequently, critical operational decisions  
8 could not be executed in fashion. As an example, the EMS  
9 sector was advised that there were approximately 200  
10 injured within the confines of the facility. Therefore,  
11 operational considerations were made to deal with the  
12 numbers that exceeded actual casualties. This resulted in  
13 the excessive resource deployment and under-utilization of  
14 on-scene resources. Sector operations were disrupted on  
15 numerous occasions because of requests for services and  
16 material were not coordinated from incident command to  
17 sector authority.

18 Those injured or in need of EMS services are  
19 fortunate in that prior to this incident a mass casualty  
20 incident plan had been developed, a mass casualty response  
21 team had been established, and that the plan, the MCIRT  
22 Team and the operational procedures had been disseminated  
23 to the EMS system community.

24 Coordination of fire activities was also  
25 handicapped because of the fragmented command and lack of

1 unified incident command structure. The fire chiefs  
2 responded and operated in standard procedure. However,  
3 when apparatus and other resources requested, the  
4 deployment of those resources were redirected to other  
5 assignments once they entered the facility. These  
6 alternate actions were not coordinated with sector  
7 authority or the services directly. As a result, both  
8 personnel and equipment were needlessly exposed to the  
9 actions of the inmates.

10 Coordination of police services was very  
11 difficult on day one of the incident because those in  
12 authority were inside the facility at the Central Control.  
13 During the remainder of the incident, either by liaison or  
14 direct contact with the Pennsylvania State Police  
15 operations room, utilization of local police forces was  
16 coordinated between the Pennsylvania State Police, local  
17 police, and the district attorney's office and other State  
18 agencies.

19 I could elaborate more extensively on  
20 pertinent actions taken or not taken as it relates to the  
21 lack of incident command during this situation. I have  
22 been very brief only because those local authorities in  
23 command of their respective sector are better qualified to  
24 speak on the specifics of their incident.

25 The role of county emergency management in

1 these kinds of incidents is usually limited to overall  
2 coordination and support of local operations. When the  
3 Pennsylvania Emergency Management Agency is activated, the  
4 role of my office changes drastically. My role then  
5 becomes operational to serve the coordination effort of  
6 PEMA.

7                   Pennsylvania Emergency Management Agency  
8 arrived late Thursday night, October 26th. It became  
9 evident their intent was to begin an active liaison with  
10 the Department of Corrections, State Police and other  
11 State agencies in my office. Consequently, I became more  
12 distant to the overall operations of the facility. This  
13 resulted in problems that still linger today. It became  
14 more difficult to obtain access to plans or activities  
15 such as utilization of the National Guard, the provision  
16 of basic life support services, and the coordination of  
17 resources. These problems were not because PEMA and our  
18 office were not in communication, but because it became  
19 more of a State operation and responsibility.

20                   The problems that still linger today not  
21 only affect the termination of our involvement at the Camp  
22 Hill Institution, they have long-lasting impact on the  
23 required planning and operations at other prisons and  
24 State operated facilities throughout the Commonwealth of  
25 Pennsylvania.



1           Our office is still involved in the recovery  
2 phase of this incident. We find ourselves at a point of  
3 controversy in terms of the rightful reimbursement of  
4 expenses and service provided by the local emergency  
5 services.

6           As such, I would like to take this  
7 opportunity to express my concerns and make a  
8 recommendation that the General Assembly not only  
9 investigate the operations of the response agencies to the  
10 Camp Hill Institution, I would recommend that they also  
11 address the recovery phase of this operation with  
12 consideration towards the development and passage of  
13 legislation that would provide direct and specific State  
14 disaster assistance. This legislation should provide aid  
15 and financial assistance to local municipalities,  
16 emergency services, businesses and State agencies. It  
17 would establish regulations and reimbursement procedures  
18 for the process of recovery from natural or man-made  
19 disasters on a continuous basis. Currently, no program  
20 exists that provides aid to the citizens, the State  
21 agencies or the local municipalities and their emergency  
22 services unless an incident qualifies for Federal  
23 assistance.

24           Again, on behalf of myself and Ms.  
25 Burkholder, we wish to thank you, Mr. Chairman and members

1 of the committee, for this opportunity to provide this  
2 testimony. Either I or Ms. Burkholder will be glad to  
3 answer any questions you may have.

4 Thank you.

5 CHAIRMAN CALTAGIRONE: Thank you.

6 Are there any questions?

7 Lois.

8 BY REPRESENTATIVE HAGARTY: (Of Mr. Wise)

9 Q. I'm not sure when you referred to the  
10 fragmented command, are you referring that at the  
11 Department of Corrections there was no unified command?

12 A. Continuously through the three days there  
13 were decisions being made at various levels, whether it be  
14 at an operation level out on the perimeter or whether it  
15 be--

16 Q. Tell me who you mean when you say an  
17 operational level?

18 A. I'm talking where the rubber hits the road.  
19 The officers on the perimeter, the firefighters on the  
20 apparatus providing security, the EMS sector receiving  
21 patients. When decisions were made at whatever level, top  
22 level or bottom level, because none of us were in any kind  
23 of organizational structure to communicate resources we  
24 needed out in the field or questions that top  
25 administration may have had as to actions being taken,

1 that exchange of information was never facilitated because  
2 we were fragmented and Corrections was doing their thing,  
3 PEMA was doing theirs, State Police were dealing with  
4 other matters, and none of us collectively were in a  
5 position to get a big picture of all of the events.

6 Q. Are you, and I don't know this, are you  
7 familiar at all with the master comprehensive plan of the  
8 Department of Corrections?

9 A. In terms of their operations?

10 Q. Well, I'm wondering whether that  
11 contemplates the coordination with the outside agencies.

12 A. I have been with the county since 1976 and  
13 the only plan that we have that relates to the Camp Hill  
14 Institution is a mass casualty plan that was dated 1981.  
15 It is the only document that I received from the  
16 institution.

17 Q. Were you in contact with any specific person  
18 at the Camp Hill Institution?

19 A. I had tried on several occasions. I know  
20 Wednesday night we made numerous attempts, and I say "we,"  
21 I'm referring to the local police chief, the district  
22 attorney, myself, at the Rear Gate to find out what our  
23 responsibilities were as it relates to local authority  
24 assisting State agency. We could not, until -- we were  
25 there from 3:00 o'clock in the afternoon and not until

1 about 8:30, 9:00 o'clock that evening did we in fact get  
2 that one-to-one meeting with the people that were  
3 controlling activities inside the perimeter.

4 Q. Who did you ultimately meet at 8:00 o'clock  
5 that evening?

6 A. I believe Chief Rhodes and District Attorney  
7 Mike Eakin gained access to the Central Control area.

8 Q. Central Control area in the Department of  
9 Corrections?

10 A. Inside of the facility. That's correct.  
11 Inside the institution.

12 Q. Inside the institution. And do you know who  
13 they met with in the institution?

14 A. The only name, and I didn't get a chance to  
15 meet him afterwards, was Major Stover. We were informed  
16 that Major Stover was calling the shots.

17 Q. But prior to that time you couldn't identify  
18 anyone who was calling the shots from Camp Hill?

19 A. No.

20 Q. That's what you're indicating the problem  
21 is?

22 A. On Wednesday.

23 Q. On Wednesday.

24 A. Right.

25 Q. And then subsequent to Major Stover being

1 identified as the person calling the shots, did he remain  
2 the person calling the shots?

3 A. From our perspective of trying to determine  
4 what our assignments and responsibilities were going to  
5 be, again, as an outsider coming in, yes. Then as the  
6 night progressed, as an example, and the fires occurred,  
7 the fire department was sent in. What was happening at  
8 that point is the fire chief was inside the perimeter, we  
9 were still outside the perimeter. He was making requests  
10 for additional apparatus. As that apparatus entered the  
11 gate, then somebody, whether it be guards, State Police,  
12 whoever was inside the facility, said, "We need this truck  
13 over here." The fire chief's communicating with us and  
14 everybody is stealing his fire engines, and the requests  
15 of resources that he was asking for to contain the fire  
16 were sent in but redirected inside, and we had no way of  
17 coordinating those actions.

18 MS. BURKHOLDER: Can I just add to that?

19 REPRESENTATIVE HAGARTY: Sure.

20 MS. BURKHOLDER: I was the EMS Incident  
21 Commander at the prison and we had major operational  
22 problems with the facility and who was calling the shots  
23 of which ambulances were going to enter the perimeter,  
24 where they would enter the perimeter at, whether it be  
25 Front Gate, Rear Gate, and the messages were sent back and

1       forth and to no avail. We never did get the ambulances  
2       inside the gate. And that was on day three. Day one and  
3       two we did not enter the perimeter. But it was very clear  
4       that there was no line of communications between the  
5       Department of Corrections, PSP, and us that we could  
6       facilitate their efforts.

7                        REPRESENTATIVE HAGARTY: How about State  
8       Police? Were they communicating with you?

9                        MS. BURKHOLDER: To a certain extent from my  
10       standpoint, yes, they were, and I'm sure that he can  
11       answer more readily for the Emergency Management.

12                       MR. WISE: They were accessible only because  
13       we knew where the operations room was and we were able to  
14       gain access and ask specific questions. Recognizing the  
15       problems that we had Wednesday, we very clearly decided  
16       Thursday that we were going to not shake loose and so we  
17       made sure that we had people at the operational area, and  
18       it was very clear on Thursday the State Police had assumed  
19       all control operations, which was our concern, and our  
20       concern locally was how do we effectively interface with  
21       those people inside and outside, and at this point we now  
22       have--

23       BY REPRESENTATIVE HAGARTY: (Of Mr. Wise)

24                       Q. At what point did you assume that the State  
25       Police had assumed all operational control?

1           A.    Very early Thursday, upon arrival Thursday  
2 night.

3           Q.    Thursday evening?

4           A.    Thursday evening.

5           Q.    And what did you base that conclusion on?

6           A.    At that point when I arrived--

7           Q.    They were just giving the orders?

8           A.    They were giving the orders and at that  
9 point everybody was basically running in our direction or  
10 outside.

11          Q.    Who was giving the orders for the State  
12 Police, if you know?

13          A.    Well, the State police had set up an  
14 operational room in the Administration Building, and we  
15 then latched onto them and we could tell just by actions,  
16 again, comparing to Wednesday night, all of the decisions  
17 were being made at Central Control inside the facility,  
18 which nobody was getting access to. So we weren't part of  
19 the decisionmaking actions Wednesday. Thursday everything  
20 was exterior so we, and I say "we" collectively - local  
21 police departments, Attorney General, et cetera - had  
22 access to go walk into the State Police operations room  
23 and say, what is going on and what are you going to do?

24          Q.    So you're indicating once the State Police  
25 took over there was a central chain of command and you

1 could do your job?

2 A. For their portion of control.

3 Q. Okay.

4 A. But there was not, in terms again, a unified  
5 command with the medical facility and the medical staff at  
6 the prison. There was no way, no mechanism for us to get  
7 to them to tell us what we were doing and there was no  
8 mechanism for them to tell us what they needed because  
9 they were inside and we were outside.

10 Q. Did they need ambulances that couldn't get  
11 in then?

12 A. There was requests for ambulances to go  
13 inside. Decisions were made that they were not going to  
14 go inside.

15 Q. By whom? Who made the request and who  
16 decided they wouldn't go in?

17 A. Well, that was whoever happened to be at the  
18 gate and overheard the request. If an officer was down  
19 and the panic button would be pushed, they'd say, "We need  
20 an ambulance in there right away. " The decisions had been  
21 made by the local authorities that ambulances would be  
22 available at the Front Gate and that that person should be  
23 brought out to the Front Gate to be entered into the EMS  
24 system.

25 The same question needs to be raised as to



1 fire equipment that went inside, lost control of their  
2 apparatus in terms of placement, should have not been  
3 placed in a position where they were in fact exposed to  
4 the threats of inmates. No building is worth the life of  
5 a firefighter, but being a volunteer, they're going to go  
6 where they're ordered, and they did so and sustained both  
7 personal and property damage as a result of those kind of  
8 actions. That should have not occurred.

9 Q. What do you think the problems were or what  
10 were the repercussions of the fact that there was no  
11 central chain of command?

12 A. Well, there was a lot of resource  
13 duplication. I was on the phone requesting lights, prison  
14 officials were on the phone asking for lights. There were  
15 helicopters that were brought in that were brought in  
16 needlessly now and we know the stats. There was an  
17 abundance of fire equipment, there was an abundance of  
18 police officers from eight counties that could have been  
19 better utilized. Those personnel endured three days. Had  
20 we known the long-term plan of control and security, then  
21 we could have stood down many of the volunteers and many  
22 of the other local services. We did not need the amount  
23 of force other than to represent a show of power. We did  
24 not need the numbers that we, in fact, had, when you  
25 consider the numbers of police officers, the numbers of

1 fire departments involved in that operation. If we would  
2 have had a plan of action and all key officials would have  
3 known what that plan of action is.

4 Q. Who did you communicate your failure to be  
5 able to find a central chain of command?

6 A. Well, on Thursday I kind of turned it over  
7 to PEMA because it was my understanding with their arrival  
8 on the scene Thursday evening that they, as a State agency  
9 who I work with regularly, would be in a position to set  
10 up and operate under emergency conditions. It's very  
11 obvious that the Department of Corrections or any other  
12 agency is really not geared and trained to change their  
13 bureaucracy and gear up to emergency operation. PEMA, as  
14 the State agency, does that routinely. They would be in  
15 the best position to come in and establish what we  
16 consider normal emergency operations. Executive group for  
17 major decisions, operational groups for operational  
18 decisions. And none of that occurred.

19 Q. Do you know who called -- who called PEMA  
20 in?

21 A. We routinely notify PEMA when we get an  
22 incident in our county, and I don't know if Corrections,  
23 because I know that question was raised earlier and I  
24 don't know if, in fact, they were notified by the State,  
25 but they were notified by our agency.

1 Q. Why were they not there Wednesday, PEMA? If  
2 you know.

3 A. Well, I was on the phone with the Deputy  
4 Director at the request of the Director to see if there  
5 was assistance. I couldn't get past a guard at the Rear  
6 Gate to get in touch with Major Stover to see if PEMA's  
7 assistance was needed Wednesday night. So I, you know, it  
8 was like I need to speak to Major Stover, I'm from  
9 Emergency Management, and it was, well, he's too busy, you  
10 know, stand in line, and I stood in line from 3:00 in the  
11 afternoon until 2:00 in the morning.

12 Q. So you envision that Corrections should have  
13 a plan, I take it, and that with a plan that Corrections  
14 is aware of, that the State Police are aware of, that the  
15 firefighters are aware of, that PEMA is aware of and that  
16 Emergency Preparedness is aware of as to who the chain of  
17 command is?

18 A. Absolutely. A chain of command needs to be  
19 established, State agencies need to be able to be in a  
20 position to modify their operations to accommodate  
21 emergency situations and allow those of us that deal in  
22 emergencies on a regular basis to come in and operate in  
23 what we would call normal conditions, which would be  
24 abnormal to the other bureaucracies.

25 Q. Were there any -- other than the duplication

1 of, not to minimize those, but other than a duplication of  
2 resources and the obvious overuse of people that was  
3 unnecessary, were there any other repercussions of the  
4 fact that there was no chain of command? In other words,  
5 were people not assisted as quickly as they should have  
6 been?

7 A. Assistance to the people that were injured  
8 were treated as fast as they could be. The problems are  
9 long-term in terms of going for 72 hours without food,  
10 without water.

11 Q. For our volunteers you mean?

12 A. For our volunteers that were on the  
13 perimeter. That kind of support activity becomes critical  
14 in the long-term. We talk about exposure. We had assumed  
15 Wednesday that it was going to be over real soon, so we  
16 automatically assumed Thursday was going to be over real  
17 soon, and then Friday was going to be over real soon, and  
18 then we were just waiting for it to be over Saturday  
19 morning. And we never knew, and I don't think anybody  
20 really anticipated it was going to take the amount of time  
21 that it did. Had that knowledge been out in terms of  
22 State Police activities and their negotiations and the  
23 fact that they weren't going to do anything until 6:00  
24 o'clock Friday morning, we then at the sector level or at  
25 the operational level would have been in a position to

1 say, I've got 10 police officers here from XYZ township, I  
2 will send 5 home, let them rest and refresh and come back,  
3 send 5 home and do the same thing. We want all 10 of you  
4 back here at 6:00 o'clock Friday morning when they're  
5 going to take some actions. We never knew that.

6 Q. We heard testimony that there were problems  
7 with regard to reimbursements. Are you aware of that?

8 A. Yes.

9 Q. And what are those problems?

10 A. Well, the problems are that there's no real  
11 mechanism to provide for reimbursement either on expenses  
12 occurred--

13 Q. By the State to you? Is that what you're  
14 talking about?

15 A. --by the State to locals. The Governor, in  
16 response to the incident, has offered reimbursement.  
17 PEMA, as the State agency who deals with disaster  
18 assistance, has been charged with that. The issues  
19 concerning reimbursement are such that, you know, what  
20 rate do we reimburse? How do we reimburse volunteers? Do  
21 we compensate volunteers for lost wages? What do we do  
22 with long-term implications in terms of workmen's  
23 compensation that could be filed two, three years from now  
24 by a municipal police officer that's going to financially  
25 impact that local municipality and affect their premium or

1 dividend on their workmen's compensation? So there's a  
2 lot of long-term effects.

3           Again, that's why if we would have some kind  
4 of legislation that would regulate what the State's going  
5 to do routinely, what we're going to do with those 20  
6 businesses that are damaged or 20 homes that are damaged  
7 in a minor flood that don't qualify for Federal  
8 assistance, right now we are just abandoning those 20  
9 people and hoping that their insurance takes care of it.  
10 What we're proposing and what I would propose would be  
11 some kind of legislation that would create a disaster  
12 assistance program at the State level that would address  
13 those same issues that we do have in place at the Federal  
14 level.

15           Q. Thank you, and thank you for your service to  
16 the State during this emergency.

17           A. Sure. Don't call us again.

18           Q. What?

19           A. Don't call us again.

20           Q. We hope not.

21           CHAIRMAN CALTAGIRONE: Chief Counsel Andring  
22 has a question.

23           MR. ANDRING: I have a quick question.

24           Number one, the Director of PEMA yesterday  
25 indicated that he felt that the institutions should each

1 develop an institution-specific emergency response plan.  
2 Would that address a lot of the problems that you're  
3 talking about?

4 MR. WISE: Well, it could through formal  
5 agreements that would be contained in the plan that would  
6 establish responsibilities of each level and what their  
7 roles are.

8 MR. ANDRING: He used, I recall, as an  
9 example the TMI type of planning that occurs.

10 MR. WISE: That's correct. Right.

11 MR. ANDRING: Okay. The other thing I would  
12 just like to point out, again, to show how sometimes  
13 things that sound reasonable in this type of situation  
14 aren't always, you indicated that maybe if you had been  
15 told you could have told some of your officers to leave,  
16 go get some rest and be back at 6:00 when the State Police  
17 were going to take action. I guarantee you if you had  
18 told officers that, I would have been sitting at home  
19 watching it on the news an hour later that the State  
20 Police were moving in at 6:00 in the morning, and I think  
21 we would have had a real serious problem there. So it's a  
22 complicated situation.

23 MR. WISE: You know, it's a case of  
24 rotating. And we talk about food services as an example  
25 to elaborate. You know, at the Corrections, and I didn't

1 know that until Saturday morning early that there was in  
2 fact kitchen facilities at the State Corrections building.  
3 We can't feed the thousand volunteers out of the back of a  
4 station wagon, and we had those kind of facilities that we  
5 could have rotated people out of the elements, we could  
6 have put them in tents, we could have put them in the  
7 parking lot for a break because as was reflected today,  
8 tempers were short, fatigue was setting in. The same  
9 thing occurred with the people in the perimeter after  
10 standing guard for 12, 14 hours without break. And so  
11 logistically, we needed to rotate personnel, and that's,  
12 again, in a long-term plan, if we would have known the  
13 course of action we could have made those kind of  
14 adjustments.

15 CHAIRMAN CALTAGIRONE: Thank you very much,  
16 and we'll conclude today's hearing with adjournment.

17 Thank you.

18 (Whereupon, the proceedings were concluded  
19 at 3:55 p.m.)  
20  
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22  
23  
24  
25



1 I hereby certify that the proceedings and  
2 evidence are contained fully and accurately in the notes  
3 taken by me during the hearing of the within cause, and  
4 that this is a true and correct transcript of the same.

5  
6   
7 ANN-MARIE P. SWEENEY

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