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COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
COMMITTEE ON JUDICIARY

In re: HR 226 - State Correctional Institution  
at Camp Hill

\* \* \* \* \*

Stenographic report of hearing held  
in Room 8E, Main Capitol Building,  
Harrisburg, PA

Wednesday  
March 7, 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. Michael E. Bortner    | Hon. Jeffrey Piccola   |
| Hon. Lois S. Hagarty       | Hon. John Pressmann    |
| Hon. Richard Hayden        | Hon. Karen Ritter      |
| Hon. Joseph Lashinger, Jr. | Hon. Michael Veon      |
| Hon. Nicholas B. Moehlmann | Hon. Christopher Wogan |

Also Present:

Hon. Jerry Nailor  
William H. Andring, Majority Counsel  
Mary R. Woolley, Minority Counsel  
Mary Beth Marschik, Research Analyst  
Paul Dunkelberger, Research Analyst  
Katherine Manucci, Staff

Reported by:  
Janice Glenn, Reporter

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

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1                   **CHAIRMAN CALTAGIRONE:**       **This is the**  
2 **House Judiciary Committee hearing on House**  
3 **Resolution 226.**

4                   **I am Representative Caltagirone,**  
5 **Chairman, from Berks County.**

6                   **I would like Co-Chairman Nick**  
7 **Moehlmann to introduce himself and the other members**  
8 **of the Panel and the Members of the House that are**  
9 **here.**

10                   **REPRESENTATIVE MOEHLMANN:**   **Nick**  
11 **Moehlmann, Lebanon County. Minority Chairman of the**  
12 **Committee.**

13                   **REPRESENTATIVE HAGARTY:**   **Louis**  
14 **Hagarty, Montgomery County, Republican Subcommittee**  
15 **Chairman of Crimes and Corrections.**

16                   **REPRESENTATIVE LASHINGER:**   **Joe**  
17 **Lashinger, Montgomery County.**

18                   **REPRESENTATIVE NAILOR:**   **I'm Jerry**  
19 **Nailor from the 88th District**

20                   **MS. WOOLLEY:**   **Mary Woolley, Republican**  
21 **Counsel of the Committee.**

22                   **MR. ANBRING:**   **Bill Anbring, Democratic**  
23 **Counsel of the Committee.**

24                   **REPRESENTATIVE BLAUM:**   **Kevin Blaum,**  
25 **City of Wilkes-Barre.**

1                   **REPRESENTATIVE PICCOLA:** Jeff Piccolo,  
2 Dauphin County, House of Representatives.

3                   **CHAIRMAN CALTAGIRONE:** If you would  
4 like to introduce yourself for the record and if you  
5 would care to make an opening statement.

6                   **MR. CAMPBILL:** My name is Thomas  
7 Campbill. I have been employed as a Corrections  
8 Officer at the State Correctional Institution at  
9 Camp Hill since July 1983. I have been assigned as  
10 a Modular Unit Officer since October 1986.

11                   My duties on that job were to  
12 supervise approximately sixty to sixty-seven inmates  
13 from two in the afternoon till ten o'clock in the  
14 evening.

15                   My duties were to make rounds inside  
16 the Unit. Make sure laundry and linen and so on was  
17 handled properly.

18                   I had to be aware of where each inmate  
19 was. Whether it was working at the carpentry shop,  
20 at school, or whatever.

21                   On October 25th of last year I  
22 reported to my job at two in the afternoon in  
23 Modular Unit Four.

24                   Approximately three o'clock that  
25 afternoon I overheard on my two-way radio there

1 was a disturbance in Groups 2 and 3.

2 I heard there was an officer down and  
3 the other officers were calling for assistance. At  
4 this time my main concern was keeping control of my  
5 Unit. Making sure that inmates didn't get out of  
6 hand.

7 To make sure that my Unit was secure,  
8 locked up where I wouldn't have people coming and  
9 going that I couldn't account for.

10 Approximately seven or eight o'clock  
11 that evening a lieutenant and several other officers  
12 came through the Modular Unit and evacuated the  
13 inmates in my Unit.

14 They were taken to the large stockade  
15 field where they could be controlled easier. And I  
16 was told to stay in my Unit.

17 About eleven that evening, I believe  
18 it was around eleven o'clock, they were returned in  
19 an orderly manner.

20 They were escorted by State Troopers.  
21 They were allowed to shower. I believe there were  
22 hamburgers or some type of sandwiches and milk  
23 brought around to them.

24 And I had to stay on duty till six  
25 o'clock the morning of October 26th.

1           At that time I was properly relieved.  
2 I went home and went to sleep and so on. And I  
3 reported back to duty in Modular Unit Four at two  
4 o'clock in the afternoon. Now this was Thursday,  
5 October 26th.

6           Approximately three o'clock that  
7 afternoon-- Now this afternoon I did have another  
8 officer with me in the Unit, Officer Mower. There  
9 was two of us.

10           I overheard on the radio, the two-way  
11 radio, that inmates were coming out of one of the  
12 cellblocks in Groups 2 and 3.

13           At this time I overheard one Captain,  
14 I believe it was Captain Keith, say over his radio,  
15 leave the cellblock and lock the doors behind you.

16           I also heard Captain Stotelmeyer  
17 announce on his radio to the Tower Officers, if you  
18 have to shoot to protect the officers on the ground,  
19 say any officers that were fleeing the inmates, do  
20 so.

21           At this time I looked out of my window  
22 in Modular Four and I saw probably thirty to forty  
23 inmates at the Control Room door. They were  
24 pounding on the door. They were yelling and  
25 carrying on.

1                   Officer Mower approached me and said,  
2 Mr. Campbill, what do we do now?" I was kind of  
3 stuck for words at that time. I didn't know what  
4 to do.

5                   I saw all the inmates over at the  
6 Control Center and I knew that if it wasn't secure  
7 there probably wasn't any place within the  
8 Institution that would be secure.

9                   At this time an inmate came up to the  
10 Modular door and started pounding on it and breaking  
11 the glass with a two by four. Probably eight foot  
12 long.

13                   Officer Mower and myself retreated to  
14 the bathroom inside of the office and we had the  
15 office door locked and we had the bathroom door  
16 locked.

17                   I would say within a minute the  
18 inmates had broken through the office door and had a  
19 fire extinguisher. And they were spraying the fire  
20 extinguisher underneath the bathroom door to try to  
21 flush us out. At this time we laid our jackets on  
22 the floor to prevent them from doing this.

23                   I would say within a minute they had  
24 broken the door knob off the door and took us  
25 hostage.

1 I had an inmate hold each of my arms.  
2 Another inmate came through the entrance and hit me  
3 on my head with a two by four.

4 I didn't fall down because two other  
5 inmates were holding me up.

6 At this time they put a pillow case  
7 over my head and escorted me over to E Block, which  
8 is in Group 2.

9 While I was in E Block I was held  
10 hostage with four other officers. And I would guess  
11 we were in there maybe an hour in E Block.

12 Several of the officers were hurt  
13 pretty severely at that time.

14 I would say a half an hour later  
15 Officer Allen and myself were taken out to the, like  
16 a courtyard between Group 2 and Group 3.

17 At this time I overheard inmates  
18 saying to one another, we're going to show the press  
19 that we have hostages. We're doing this for the  
20 press.

21 They sat us down on the lawn with rags  
22 tied around our heads and our eyes so that we  
23 couldn't see what was going on.

24 There was a lot of confusion at this  
25 time. There was a helicopter very close to us. I



1 heard inmates. Some inmates I heard say we should  
2 kill the hostages now. We don't really need any  
3 hostages.

4 It sounded to me like the people that  
5 were running the show really didn't want any major  
6 harm to come to us.

7 After about twenty minutes Officer  
8 Allen and I were separated and I was taken to H  
9 Block.

10 There I was put in a cell by myself.  
11 I was lying on my stomach on one of the inmate's  
12 beds. I had a wool blanket folded over my head and  
13 at this time they had removed my belt and tied my  
14 ankles together with my belt.

15 After I was in this cell maybe twenty  
16 minutes I heard inmates whispering outside my cell.  
17 I couldn't really understand or make out what they  
18 were saying. Most of the voices I heard were  
19 Hispanic voices at this time.

20 I heard my cell door being opened and  
21 all of a sudden I was being beaten on my back. I  
22 can't say for sure what they were using, either a  
23 board or a bat.

24 And also at this time I received  
25 puncture wounds in my back and I started bleeding

1 a lot. I could feel this wet on my shirt and so on.  
2 This went on maybe five minutes.

3 Then these inmates, it had to be more  
4 than one because one person couldn't strike me that  
5 often that quick.

6 About ten minutes later I heard a man  
7 come up to the inmate that was guarding my cell. I  
8 suppose his job was to keep other inmates from  
9 coming in and harming me.

10 I heard an argument take place and  
11 then I heard a fist fight. And of course at this  
12 time I was just hoping that the man who was on my  
13 side would win this fight. I didn't want to go  
14 through this again. Which evidently he did because  
15 that didn't happen again in H Block.

16 An inmate who was acting as a medic  
17 came in and looked at my wounds. And I heard him  
18 telling another inmate, which seemed to be one of  
19 the ringleaders, he told this inmate, he said, "This  
20 man is hurt very bad. He's losing a lot of blood.  
21 We should take him out to the gate and release him.  
22 I'm afraid he may go into shock and we might lose  
23 him."

24 Then I really couldn't tell too much  
25 more of their conversation. But they opened up

1 the cell door and they had my arms and they removed  
2 me from that cell and out of the Block.

3 At this time I was not blindfolded.  
4 This time I really had my hopes up. I thought maybe  
5 they are going to release me.

6 As they took me out of H Block there  
7 were a lot of inmates gathered around and they were  
8 pretty wound up again.

9 I heard one inmate say, "We're not  
10 going to release anymore hostages. We left enough  
11 go already."

12 So they took me to K Block. When I  
13 was in K Block I was kept in the barber's cell. Now  
14 this was like a temporary set up which is used for  
15 inmates receiving their haircuts and so on.

16 At this time the inmate who was acting  
17 as the medic came in and he was very comforting to  
18 me.

19 He cleaned my wounds on my back. He  
20 put clean dressing on them. I received I believe a  
21 clean white sheet, which I wrapped around my chest  
22 to stop any bleeding.

23 And an inmate's brown shirt I put on  
24 because like I mentioned earlier, mine was soaked  
25 wet with blood.

1 I was sat in the barber's chair with a  
2 blanket over my shoulders. And I can't say that I  
3 really felt that bad. I wasn't in any severe pain  
4 or anything.

5 At that time I was hoping again, well,  
6 maybe the worst of this is over with. Maybe they'll  
7 negotiate and maybe this is it for me.

8 Throughout the evening, I would guess  
9 it was probably midnight when I was taken to K  
10 Block. Throughout the evening quite a few inmates  
11 came by my cell offering me coffee, cakes, or  
12 whatever. A lot of the inmates were very comforting  
13 to me.

14 There were several inmates that would  
15 come by my cell and they would make a statement such  
16 as, we're going to kill your ass come morning. Or  
17 we're going to get you at daylight.

18 So I was kind of, I wasn't sure what  
19 was going to happen to me. I was hoping, like I  
20 mentioned earlier, that they would negotiate. That  
21 the worst had already happened to me.

22 When it started getting daylight out  
23 the inmates got pretty riled up again. I heard them  
24 barricading the front door in K Block. They used  
25 Day Room furniture which was wooden tables and

1 benches and so on.

2 I also heard some shots fired. So of  
3 course this got the inmates very riled up. They  
4 started yelling and hollering they're coming. At  
5 this time I knew that if anything was going to  
6 happen to me it wouldn't be too long.

7 A little bit later there were four  
8 inmates right outside my cell and I overheard the  
9 one say to the others. "You all know your targets."  
10 That's what I heard them say. And then I thought  
11 well there's going to be trouble real soon.

12 Several minutes later my cell door  
13 opened and an inmate was coming after me with a  
14 baseball bat.

15 I had a barber shop bench, or a  
16 cabinet rather, that is used to store barber shop  
17 equipment, clippers and combs and so on.

18 There was a sterilization box sitting  
19 on top of this. This was used to sterilize the  
20 combs and so on.

21 The first inmate that came into the  
22 cell, I turned around and I hit him on the head with  
23 this sterilization box.

24 At this time I was standing up and  
25 another inmate came in with a baseball bat and I

1 turned the barber's chair over in front of him.

2 At this time he pulled the woolen mask  
3 off of his head and he came after me again with the  
4 baseball bat.

5 I put my arms up to protect myself  
6 from being hit. And he hit me over the arms and  
7 knocked me to the floor.

8 There were other inmates came in  
9 behind him with bats. At this time I crawled into  
10 this barber shop cabinet.

11 I would say it protected me from my  
12 waist up. It had a rim around the inside that was  
13 like a shelf.

14 I held onto this rim with my fingers  
15 and the inmates were beating my legs. They were  
16 beating this box.

17 At one time an inmate, two inmates  
18 grabbed hold of my legs and another inmate or two  
19 grabbed hold of the box, and they were trying to  
20 pull me out of this.

21 I thought to myself well if they pull  
22 me out of this box they're going to kill me. And I  
23 thought this is the only protection I have. This is  
24 the only thing that's going to save me is to stay in  
25 this box. So needless to say I held on pretty

1 tight.

2 They got very worked up. They were  
3 pounding my legs with the bats. They were pounding  
4 the box.

5 I held my hand between my head and the  
6 top of the box to make sure if they hit the top of  
7 the box they wouldn't knock me unconscious and then  
8 be able to pull me out.

9 One of the inmates tied something  
10 around my ankle and pulled me out of the cell onto  
11 the tier, which is a concrete floor.

12 At this time I had several inmates  
13 beating my legs and my knees. Once in a while they  
14 would stop and walk away.

15 And I would be there and I would think  
16 to myself, you're still breathing, you're going to  
17 make it. They're not going to kill you.

18 Maybe two or three minutes later they  
19 would come back. They would sneak up on me whereas  
20 I wouldn't hear them approach me and all of a sudden  
21 they would just start beating me again, beating my  
22 legs and also the box.

23 About this time the beating on my legs  
24 wasn't that painful because my legs were getting  
25 numb by then.

1           So they left me alone again. All this  
2 time I kept hoping, well, the State Police are going  
3 to be in here any minute. This is going to be over  
4 with.

5           Several minutes later a man approaches  
6 me in a very soft voice and says, "Oh, my God, its  
7 an officer."

8           Now I thought all along if the Police  
9 come in I'll know about it because they'll be, you  
10 know, they'll be doing some yelling and shouting and  
11 so on.

12           So this man walked up to the box and  
13 he said, "Here, let me help you." He takes hold of  
14 my arm above my elbow and starts to pull my arm out  
15 of the box. And my hand cleared the box and he  
16 tried to lay my arm over this way. When he did that  
17 I pulled away from him and I got cut on the top of  
18 my wrist. I would imagine he used a razor blade.

19           Of course I pulled my arm back in the  
20 box and that was the last that I was assaulted or  
21 beat.

22           At this time I knew something was  
23 going on outside the cellblock. I heard a lot of  
24 shouting by the Police and by the Officers.

25           And I didn't know exactly where I was



1 in the cellblock. Like I said, I was inside this  
2 box. But it got very quite inside there.

3 So next what I did was I used my one  
4 leg and I pushed my body around and the box and I  
5 held my arm up like this so I could see out the  
6 bottom of this box.

7 I made a 360 degree turn. I saw there  
8 weren't anymore inmates. Where I was, I was in the  
9 Day Room between the J and K block.

10 I didn't see any inmates in there so I  
11 thought well it's safe to come out of this box now.  
12 I came out of the box.

13 I went over to the windows which were  
14 in the direction of the yard where the State  
15 Troopers were assembling all these inmates.

16 I hollered out the window to one of  
17 the State Troopers. I said, "I'm an officer, can  
18 you come in and help me?" Of course I didn't  
19 realize at the time I had a brown inmate shirt on.

20 So I started walking or trying to walk  
21 out to the barber shop cell where I had remembered  
22 removing my uniform shirt.

23 I made it out to the barber shop cell.  
24 I looked through some blankets and sheets and so on,  
25 and I found my uniform shirt.

1 I picked up my uniform shirt, which  
2 wasn't gray anymore, and I made it out to the  
3 entrance of K Block.

4 And I held my shirt up in my hand  
5 showing the Keystone patch on the shoulder. And I  
6 hollered, "I'm an officer. Can someone come in here  
7 and help me?"

8 At that time Captain Kerstetter and  
9 another Officer came in and assisted me to where I  
10 could receive medical attention.

11 That's mostly my story of what  
12 happened to me that evening. It was a very  
13 frightful experience. One that is going to live  
14 with me the rest of my life.

15 CHAIRMAN CALTAGIRONE: Yes. Question.

16 REPRESENTATIVE MOEHLMANN: Thank you.

17 Approximately what time then did help  
18 finally arrive for you?

19 MR. CAMPBILL: I think it was about  
20 nine o'clock Friday morning.

21 CHAIRMAN CALTAGIRONE: Question.

22 REPRESENTATIVE BLAUM: Officer, the  
23 inmates who did this to you, is this being  
24 investigated criminally?

25 MR. CAMPBILL: Yes.

1                   **REPRESENTATIVE BLAUM:** Those you were  
2 able to identify, are they being identified?

3                   **MR. CAMPBILL:** Yes they are.

4                   **REPRESENTATIVE BLAUM:** I mean I don't  
5 know how the Commonwealth can thank you for what  
6 you've done or repay you for what you went through  
7 that evening, except to just prosecute these people,  
8 these animals to the fullest extent of the law. And  
9 hopefully to punish them as severely as the law will  
10 allow.

11                   **MR. CAMPBILL:** That's what I would  
12 like to see. I would like to see justice.

13                   **REPRESENTATIVE BORTNER:** Mr.  
14 Chairman.       •

15                   I would just like to follow up on that  
16 if I could for a minute or two.

17                   Originally as I heard your testimony  
18 you were assaulted prior to the time that there was  
19 a pillow case put on your head, is that correct?

20                   **MR. CAMPBILL:** That's correct.

21                   **REPRESENTATIVE BORTNER:** And I think  
22 you said that an inmate came towards you with a two  
23 by four?

24                   **MR. CAMPBILL:** That's right.

25                   **REPRESENTATIVE BORTNER:** Can you

1 identify those people?

2 MR. CAMPBILL: No I can't.

3 REPRESENTATIVE BORTNER: Now you said  
4 you were blindfolded but at some point that was  
5 removed?

6 MR. CAMPBILL: That's right.

7 REPRESENTATIVE BORTNER: And you also  
8 indicated that at one point somebody assaulted you  
9 that removed a stocking type hat, is that correct?

10 MR. CAMPBILL: That's right. That was  
11 when I was assaulted in the barber shop cell early  
12 Friday morning.

13 REPRESENTATIVE BORTNER: Can you  
14 identify that person?

15 MR. CAMPBILL: Yes.

16 REPRESENTATIVE BORTNER: I know that  
17 the State Police, that there's an ongoing  
18 investigation.

19 I talked to one of the investigators  
20 from the York Barracks who has been there since the  
21 time of the riots and expects to be there be longer.

22 Are they using any photographs of all  
23 the inmates to assist you in being able to identify  
24 the perpetrators of these outrageous acts?

25 MR. CAMPBILL: Yes they are. I

1 have like a summary of my injuries I would like to  
2 read here.

3 REPRESENTATIVE BORTNER: I'd be  
4 interested to know that.

5 MR. CAMPBILL: Okay. This is from the  
6 Hershey Medical Center. I was flown over to Hershey  
7 with the Life Line helicopter Friday morning.

8 They have here bruises. Broken left  
9 knee. Possible broken right wrist. Surgery  
10 received on his legs to relieve water build up.  
11 Puncture wounds on the back, legs. Surgery done on  
12 his stomach to ascertain if internal organs were  
13 damaged. Burns and abrasions on his right ankle.

14 I received over sixty stitches. And I  
15 was in the Hershey Medical Center for twelve days.

16 REPRESENTATIVE BORTNER: I was going  
17 to ask you that. You were in the hospital for  
18 twelve days?

19 MR. CAMPBILL: Yes. I was in  
20 Intensive Care for three days.

21 REPRESENTATIVE BORTNER: I know this  
22 is very difficult, perhaps impossible for you to  
23 answer, but the period of time that you had placed  
24 yourself in that cabinet for protection when this  
25 sort of continuing intermittent beatings occurred,

1 how long did that take place?

2 MR. CAMPBILL: Well it seemed like  
3 forever, but I would imagine it probably was half an  
4 hour to forty-five minutes I would guess.

5 REPRESENTATIVE BORTNER: And do you  
6 have any idea what you were being assaulted with?

7 MR. CAMPBILL: Well I saw the inmates  
8 with baseball bats in their hands when they  
9 originally came into the barber shop cell.

10 REPRESENTATIVE BORTNER: One other  
11 thing I did want to ask you as well. You've  
12 identified this inmate that acted as a medic.

13 MR. CAMPBILL: Umhum.

14 REPRESENTATIVE BORTNER: Has he also  
15 been identified to the State Police?

16 MR. CAMPBILL: Yes he has.

17 REPRESENTATIVE BORTNER: Because one  
18 of my interests and one of my concerns is that from  
19 what I'm hearing it is obvious that not all inmates  
20 participated in this.

21 Those inmates that either didn't  
22 participate or more importantly, may have tried to  
23 actually protect employees and guards, I certainly  
24 hope every effort is being made to separate those  
25 from the perpetrators.

1           And I think to the extent that you've  
2 provided that information that would be certainly be  
3 helpful too.

4           I can't imagine going through what you  
5 went through. And when you say you'll live with  
6 that, I have not doubt that you will.

7           You've asked for justice. In my  
8 opinion there is probably no way to do justice  
9 because the only thing that can happen is additional  
10 terms of imprisonment for these people, and I'm not  
11 sure that's enough to truly do justice.

12           But I can tell you this, if I were a  
13 judge and these cases came before me these people  
14 would go away so far they'd have to pump air to  
15 them. And I hope that the Judges who hear the cases  
16 involving the assaults that you're referring to  
17 approach it the same way.

18           Again, I certainly think you ought to  
19 be commended for the way that you held up and  
20 withstood the situation.

21           Thank you.

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

24           Officer Campbill, I had the very brief  
25 opportunity to be introduced to you upstairs before

1 we came down here and I was pleased to hear you say  
2 that you're feeling reasonably well now.

3 But I believe you said that you are  
4 not back to work. You are in therapy, is that  
5 correct?

6 MR. CAMPBILL: That's correct. I  
7 haven't been released by my orthopedic surgeon. And  
8 I'm receiving counseling from the Psychiatry  
9 Department at Hershey once a week.

10 REPRESENTATIVE MOEHLMANN: I wanted to  
11 ask you something about, you said that the prisoners  
12 entered Modular Unit Four.

13 And apparently the prisoners who came  
14 after you while you were locked in the bathroom were  
15 not prisoners who had been held in Modular Unit Four  
16 but were prisoners who came from outside that Unit?

17 MR. CAMPBILL: That's correct. These  
18 prisoners came from Groups 2 and 3. What we call  
19 general population.

20 The prisoners that I had, that I was  
21 in charge of in Modular Four were mostly short time,  
22 or they had short sentences or they weren't too far  
23 away from their release date in the Modular.

24 REPRESENTATIVE MOEHLMANN: Having  
25 toured the facility after the riot, I am at least



1 visually familiar with the locking mechanisms in the  
2 blocks.

3 We didn't make it through the Modular  
4 Units so I have no idea what the locking mechanisms  
5 were and what the security was in the Modular Units.

6 Is it generally true that the Modular  
7 Units which were destroyed were destroyed by inmates  
8 from outside of those Units?

9 MR. CAMPBILL: I would say there's no  
10 doubt about that. The inmates that were housed in  
11 the Modular Units, a lot of them were as frightened  
12 as I was when they were broken into.

13 They had their radios, TV's, their  
14 personal belongings. And like I said, they were  
15 very frightened. They didn't want this to happen.

16 REPRESENTATIVE MOEHLMANN: Were the  
17 Modular Units generally more secure in terms of  
18 their locking mechanisms and the fact that they may  
19 have been locked up than the cell blocks turned out  
20 to be?

21 MR. CAMPBILL: What was that question  
22 again?

23 REPRESENTATIVE MOEHLMANN: Were the  
24 Modular Units, their locking mechanism particularly,  
25 were they more secure than the cellblocks turned

1 out to be?

2 MR. CAMPBILL: Well I would say that  
3 the Modulars were not very secure at all. It was a  
4 matter of breaking the glass out of the doors, or  
5 pounding the door handle off.

6 REPRESENTATIVE MOEHLMANN: So it was  
7 no better than the cellblocks?

8 MR. CAMPBILL: No.

9 REPRESENTATIVE MOEHLMANN: I'm also  
10 interested; you referred to ringleaders or people  
11 you thought sounded like somebody that may have been  
12 in control or somebody that had a specific job to do  
13 among the inmates?

14 MR. CAMPBILL: Right.

15 REPRESENTATIVE MOEHLMANN: I'm  
16 interested in knowing what your reaction was to the  
17 degree or organization within in the inmates  
18 regarding the riot, having to do basically with the  
19 degree to which it appeared to you to have been  
20 planned and carried forward according to plan.

21 MR. CAMPBILL: Well I think they were  
22 pretty well organized. I'm sure that this was  
23 planned.

24 It happened at the right time, not too  
25 long after it got dark, which was to their

1 advantage.

2 They certainly didn't have a hard time  
3 coming out of their cells. It was a matter of  
4 minutes from the first radio transmission that I  
5 heard until they were all over the Institution.

6 They were over at the Control Center  
7 door within a matter of minutes.

8 REPRESENTATIVE MOEHLMANN: Thank you,  
9 Officer Campbill.

10 CHAIRMAN CALTAGIRONE: Yes.

11 REPRESENTATIVE HAGARTY: Thank you.

12 I may have read this or heard it, but  
13 I don't recall now. How many hostages were taken  
14 all together?

15 MR. CAMPBILL: I can't be sure. I  
16 would guess six or eight on Thursday evening.

17 REPRESENTATIVE HAGARTY: And were  
18 there injuries, severe injuries, do you know?

19 MR. CAMPBILL: Not that I know of.

20 REPRESENTATIVE HAGARTY: Were they  
21 also hospitalized?

22 MR. CAMPBILL: Yes. Most everyone was  
23 hospitalized.

24 REPRESENTATIVE HAGARTY: You indicated  
25 you're not back to work yet. When you do return to

1 work are you planning to return to prison work?

2 MR. CAMPBILL: Well I really couldn't  
3 answer that yet.

4 REPRESENTATIVE HAGARTY: I just want  
5 to indicate that I think that the Commonwealth  
6 should be prepared to help you with another field  
7 that is more appropriate.

8 I would imagine it would be difficult  
9 at this point for you return to that environment.

10 MR. CAMPBILL: Well you're right about  
11 that. It would be very hard for me to go in there  
12 knowing that this could happen to me again. Or even  
13 the possibility of this ever happening to me again.

14 REPRESENTATIVE HAGARTY: I just want  
15 to join the other members of the Committee I guess  
16 in thanking you for being here today and your  
17 service to this Commonwealth, and to offer whatever  
18 we could offer to be helpful to you in the future.

19 MR. CAMPBILL: Thank you.

20 CHAIRMAN CALTAGIRONE: Jeff.

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

23 I share the comments of my colleagues  
24 and expression of gratitude for your service. And  
25 in that line I would ask if you have received any

1 communication or commendation, or expression of  
2 gratitude from either the Governor or the  
3 Commissioner of Corrections with respect to what you  
4 went through at Camp Hill in October?

5 MR. CAMPBILL: Yes I have.

6 REPRESENTATIVE PICCOLA: Could you  
7 describe that please?

8 MR. CAMPBILL: Well Governor Casey  
9 called me while I was in the Hershey Medical Center  
10 wanting to know if there was anything he could go  
11 for me.

12 I was very well taken care of during  
13 my stay there. I had a nurse, a private duty nurse  
14 throughout the day, twenty-four hours a day.

15 I received, I believe it was flowers  
16 from ex-Commissioner Owens with a little card.

17 REPRESENTATIVE PICCOLA: Did  
18 Commissioner Owens communicate with you directly  
19 other than the flowers?

20 MR. CAMPBILL: No.

21 REPRESENTATIVE PICCOLA: Have you had  
22 any communication from Acting Commissioner DeRamus?

23 MR. CAMPBILL: No I haven't.

24 REPRESENTATIVE PICCOLA: Mr. Campbell,  
25 as a Correction Officer you receive certain training

1 I believe prior to entering into service. And then  
2 I believe you also receive periodic refresher  
3 training courses.

4           Could you just very briefly describe  
5 that training in terms of what the content of it was  
6 initially and what the content of the refresher  
7 courses are?

8           MR. CAMPBILL: Well my training  
9 actually lasted for eleven or twelve months. When I  
10 went to work at the Correctional Institution I was a  
11 trainee for the first year.

12           I was put on different assignments. I  
13 almost always had an officer or a supervisor  
14 supervising me.

15           I wasn't really put out on assignments  
16 that I wasn't familiar with. It was more of a  
17 training period.

18           Every year we have like maybe a  
19 refresher course on CPR, on baton training. Which I  
20 really never thought amounted to too much in my own  
21 personal opinion.

22           It was mandatory like your Red Cross  
23 and so on.

24           REPRESENTATIVE PICCOLA: Did any of  
25 that training involve contingency training for how

1 you should behave or act, or should do in a hostage  
2 situation either as a hostage or attempting to  
3 retrieve hostages?

4 MR. CAMPBILL: I don't recall ever  
5 having any training like that.

6 REPRESENTATIVE PICCOLA: Was there  
7 ever any that you're aware of, any policy statement,  
8 written memorandum, anything in terms of official  
9 Department of Corrections policy or either informal  
10 Department of Corrections policy that would have  
11 given you some guidance as to how you should act or  
12 behave as a hostage either in your interest or in  
13 the interest of other hostages of the Institution?

14 MR. CAMPBILL: None that I was aware  
15 of.

16 REPRESENTATIVE PICCOLA: None  
17 whatsoever?

18 MR. CAMPBILL: No.

19 REPRESENTATIVE PICCOLA: Could you  
20 tell me where these baseball bats came from? It  
21 sounded from your testimony that there were an awful  
22 lot of them.

23 MR. CAMPBILL: Well the baseball bats  
24 and gloves and the basketballs and so on more than  
25 likely came from the stockade fields, which were

1 probably on each stockade field.

2 I believe there's three of them there.  
3 And they all had like an athletic shed or whatever.  
4 It would be like an outdoor shed. And of course it  
5 wouldn't take too much to knock the lock off of that  
6 and grab them.

7 REPRESENTATIVE PICCOLA: I assume  
8 those shed were within the fence of the Institution?

9 MR. CAMPBILL: Yes.

10 REPRESENTATIVE PICCOLA: They were  
11 inside the Institution?

12 MR. CAMPBILL: Right.

13 REPRESENTATIVE PICCOLA: But they're  
14 fairly adjacent to the cellblocks, are they not?

15 MR. CAMPBILL: That's correct.

16 REPRESENTATIVE PICCOLA: Were the  
17 baseball bats in evidence the first night to the  
18 best of your recollection?

19 MR. CAMPBILL: I couldn't answer that.

20 REPRESENTATIVE PICCOLA: You weren't  
21 there?

22 MR. CAMPBILL: That's right.

23 REPRESENTATIVE PICCOLA: You were at  
24 the Modulars then?

25 MR. CAMPBILL: Umhum.



1                   REPRESENTATIVE PICCOLA: Did it ever  
2 occur to anyone either prior to the riot or between  
3 the two riots that the baseball bats might have been  
4 used as weapons?

5                   MR. CAMPBILL: Well I don't know that  
6 it did; but it should have.

7                   REPRESENTATIVE PICCOLA: We've heard a  
8 lot, and this is probably opinion testimony from  
9 you, we've heard a lot as to the attitude of the  
10 Department of Corrections toward inmates, that they  
11 were too treatment oriented. That they bent over  
12 backwards for the inmates and didn't really support  
13 the guards.

14                   Do you have any opinion in that  
15 general area in terms of what the attitude of the  
16 Agency was generally speaking in terms of its  
17 overall policy?

18                   MR. CAMPBILL: No, I don't have any  
19 opinion about that.

20                   REPRESENTATIVE PICCOLA: Well  
21 unfortunately the Commonwealth doesn't have a - at  
22 least I'm not aware of any - medal of honor or some  
23 sort of like award we could give to you. But in my  
24 estimation you should be a prime candidate for some  
25 sort of commendation from the Commonwealth and we

1 all thank you for your service.

2 Thank you, Mr. Chairman.

3 CHAIRMAN CALTAGIRONE: Yes.

4 REPRESENTATIVE LASHINGER: Thank you,  
5 Mr. Chairman.

6 Officer, I also share the Panel's  
7 gratitude for your service to the Commonwealth.

8 Just briefly, two questions. When you  
9 were moving from block to block were you ever within  
10 the view of the Tower Guards?

11 MR. CAMPBILL: Yes I was.

12 REPRESENTATIVE LASHINGER: Was there  
13 any communication to the inmates from the Tower?

14 MR. CAMPBILL: No. As I stated  
15 earlier, I was paraded in front of-- Officer Allen  
16 and myself were paraded for the press and at that  
17 time Officer Arnold who was working in the Highway  
18 Tower identified me.

19 REPRESENTATIVE LASHINGER: To follow  
20 up on one of the other questions, have you been  
21 informed by the Department or anyone with the  
22 Commonwealth whether you are eligible for  
23 compensation, victim's compensation?

24 MR. CAMPBILL: Well I am being  
25 compensated. I'm under Act 632 right now. I'm

1 still receiving my pay and so on.

2 REPRESENTATIVE LASHINGER: Any  
3 additional compensation for your injuries?

4 MR. CAMPBILL: No.

5 REPRESENTATIVE LASHINGER: Thank you.

6 CHAIRMAN CALTAGIRONE: Question.

7 REPRESENTATIVE PRESSMANN: Officer,  
8 you have been a Corrections Officer since 1983,  
9 which included I guess several Commissioners of  
10 Correction. At least Mr. Jeffes was there from  
11 1984 I believe. I'm not sure when he came on.

12 Have you noticed any great change in  
13 the procedures or whatever between the  
14 Administration of Mr. Jeffes and Mr. Owens?

15 MR. CAMPBILL: No, I can't say that I  
16 have.

17 REPRESENTATIVE PRESSMANN: So a lot of  
18 the problems that you say under the Owens  
19 administration were there during the Jeffes  
20 administration?

21 MR. CAMPBILL: Well I couldn't really  
22 answer that.

23 REPRESENTATIVE PRESSMANN: Thank you.

24 The week that this incident happened  
25 had you worked any overtime?

1 MR. CAMPBILL: Yes.

2 REPRESENTATIVE PRESSMANN: How many  
3 hours overtime had you worked approximately?

4 MR. CAMPBILL: I would say  
5 approximately eight.

6 REPRESENTATIVE PRESSMANN: Were you  
7 doing double shifts or half shifts?

8 MR. CAMPBILL: I did a double shift  
9 the evening of the first riot.

10 REPRESENTATIVE PRESSMANN: Because of  
11 the riot or?

12 MR. CAMPBILL: Because of the riot.  
13 That was Wednesday evening.

14 REPRESENTATIVE PRESSMANN: Had you  
15 been doing much overtime before that?

16 MR. CAMPBILL: I believe up until that  
17 date I worked thirty or thirty-one shifts in 1989,  
18 extra shifts, overtime shifts.

19 REPRESENTATIVE PRESSMANN: Were the  
20 other CO's that you were working with experiencing  
21 also a lot of overtime at that time?

22 MR. CAMPBILL: I really couldn't  
23 answer that.

24 REPRESENTATIVE PRESSMANN: Do you  
25 think that the overtime had any kind of effect on

1 the lack of security or the unpreparedness that  
2 guards were over extended?

3 MR. CAMPBILL: I wouldn't think so. I  
4 couldn't answer for sure.

5 REPRESENTATIVE PRESSMANN: Did you  
6 feel overextended?

7 MR. CAMPBILL: No.

8 REPRESENTATIVE PRESSMANN: Thank you.

9 CHAIRMAN CALTAGIRONE: Any other  
10 questions?

11 (No further questions.)

12 CHAIRMAN CALTAGIRONE: Officer  
13 Campbill, I want to thank you very much for your  
14 appearance here today before the Committee.

15 I also share the sentiments of the  
16 Members of this Committee.

17 I'm sorry. Jerry.

18 REPRESENTATIVE NAILOR: Mr. Campbill,  
19 I'm Jerry Nailor.

20 The Camp Hill Institution falls in my  
21 Legislative District and many of your co-workers and  
22 officers and employees there I grew up with or they  
23 know my family, or they come to talk with me, and  
24 maybe you're aware of that. One was a hostage that  
25 was held with you and he came and spoke with me on

1 several occasions.

2 I just want to, if I could, ask you a  
3 few questions concerning the security issue, I won't  
4 hold you up, ask you some questions concerning the  
5 security issue.

6 On day two when you came back, on the  
7 26th, you reported back to work after the first  
8 night of rioting, you had some sleep, you had gone  
9 home, at that time were there general concerns about  
10 the security of the Institution that you heard when  
11 you came back to work?

12 MR. CAMPBILL: No there weren't at  
13 that time. But then again, I'd like to point out  
14 that I did not work in the general population.

15 I was in a group more or less to  
16 itself. I didn't have a chance to observe the  
17 damage that had been done the day before in Groups 2  
18 and 3.

19 REPRESENTATIVE NAILOR: When you  
20 reported back to work and later on that day before  
21 the inmates actually came out of their cells in a  
22 matter of minutes as you described, did you hear  
23 anything at all later in the day about them being  
24 out of their cells, or about the panels being  
25 removed above their cells and they were therefore

1 able to release themselves when they wanted to?

2 MR. CAMPBILL: No. I didn't  
3 personally hear anything like that.

4 REPRESENTATIVE NAILOR: We've heard a  
5 lot of testimony about a group called the Fruits of  
6 Islam. Were you aware of that group?

7 MR. CAMPBILL: Yes.

8 REPRESENTATIVE NAILOR: Did you  
9 perceive any unrest from this so called militant  
10 group?

11 MR. CAMPBILL: No, I didn't. I didn't  
12 perceive anything.

13 REPRESENTATIVE NAILOR: Thank you very  
14 much.

15 CHAIRMAN CALTAGIRONE: Again, Officer  
16 Campbill, I want to thank you very much for  
17 appearing here today.

18 (The testimony of Officer Campbill was  
19 concluded.)

20 CHAIRMAN CALTAGIRONE: If the next two  
21 witnesses, would you care to come to the table,  
22 Kerstetter and Stotelmeyer. Captains.

23 Would you introduce yourselves for the  
24 record please.

25 If you have statements that you care

1 to make you can do so and then we will open for some  
2 questioning.

3 CAPTAIN KERSTETTER: My name is  
4 Gerald E. Kerstetter. I'm a Captain at the State  
5 Correctional Institution at Camp Hill. I have been  
6 employed there since October of 1971. I have no  
7 statement.

8 CAPTAIN STOTELMEYER: I'm Captain  
9 Robert E. Stotelmeyer. I have been at the  
10 Institution since April 10, 1969.

11 CHAIRMAN CALTAGIRONE: Questions from  
12 the Committee?

13 REPRESENTATIVE MOEHLMANN: 1969 did  
14 you say?

15 CAPTAIN STOTELMEYER: Yes, sir.

16 REPRESENTATIVE PRESSMANN: Gentlemen.  
17 I guess to start out, you were both on duty during  
18 the situation at Camp Hill, the riots?

19 CAPTAIN KERSTETTER: On October 25th  
20 I was not. I was at the Training Academy on the day  
21 of October 25th, 1989, till about 3:00 p.m. And the  
22 class was dismissed and I was on my way home.

23 And I don't live too far from the  
24 Institution. In fact I go right by the Institution.  
25 And of course as I was going by the Institution I



1 did see what was going on.

2 And I stopped and talked to one of the  
3 Security Lieutenants momentarily and he informed me  
4 there was a riot, a disturbance in progress.

5 So I went home and changed my clothes  
6 and I'd estimate that I returned to the Institution  
7 about 3:30 on October 25th, 1989.

8 And after I returned I went to the  
9 rear gate, as I know that's our staging area for the  
10 State Police or other employees coming into the  
11 Institution, in case we would have such a  
12 disturbance or riot.

13 REPRESENTATIVE PRESSMANN: The  
14 incidence that led up to the riot and was alluded to  
15 in the last question about the activities of a group  
16 of inmates in the Institution, the Fruits of Islam.

17 In your opinion or in your experience  
18 was this group directly involved, organized this,  
19 and was this foreseeable?

20 CAPTAIN KERSTETTER: I would say that  
21 they were directly involved. There's no doubt in  
22 my mind.

23 I can make that statement as I was  
24 standing at the-- When they eventually brought in  
25 the second wave of State Police I took charge of the

1 Institution on Groups 2 and 3 side. I might add by  
2 default from another Captain who apparently did not  
3 want to take charge.

4 Throughout the afternoon and evening  
5 the inmates were throwing all sorts of items over  
6 the E Gate fence at myself, the other Corrections  
7 Officers and the State Police.

8 Some of those being oranges,  
9 grapefruits, metal objects, rocks. You name it.  
10 Anything that they could throw they threw at us.

11 At one point when negotiations were  
12 underway some of the inmates that came out to  
13 negotiate I knew were FOI members.

14 When I was informed that they would  
15 come out to do that I got a contingent of officers  
16 up there to search them down. Pat search them  
17 thoroughly.

18 You have to understand as a Captain or  
19 Shift Commander we're not on the line in the  
20 cellblocks eight hours a shift. And we do not know  
21 all of the inmates as do the Lieutenants and  
22 Sergeants and CO I's.

23 However, I knew at least two of those  
24 individuals that came through the fence were FOI  
25 members.

1           **REPRESENTATIVE PRESSMAN:** Had you  
2 dealt directly with the FOI before as  
3 representatives of the inmates where they would be  
4 designated as spokesmen before this incident?

5           **CAPTAIN KERSTETTER:** They never spoke  
6 to me, but some of those individuals, yes, I know  
7 that they have spoken to some of the people at the  
8 Institution.

9           **REPRESENTATIVE PRESSMANN:** The  
10 situation in the Institution that led up to rioting,  
11 including overtime, a lot of overtime, security  
12 problems, you've been in the Department of  
13 Corrections since 1971. Obviously you're a very  
14 experienced officer. Has all your time been there  
15 at Camp Hill?

16           **CAPTAIN KERSTETTER:** Yes it has.

17           **REPRESENTATIVE PRESSMANN:** Was that  
18 still a juvenile facility when you started there?

19           **CAPTAIN KERSTETTER:** Yes it was.

20           **REPRESENTATIVE PRESSMANN:** During the  
21 time that you've been involved in Corrections at  
22 Camp Hill you've seen it change from being a  
23 juvenile facility to I guess what was supposed to  
24 considered a less dangerous offender facility, who  
25 from what we've learned during the riots there

1 were a lot of people who maybe shouldn't have been  
2 in a facility like that.

3 Did you see a marked increase in the  
4 security in the facility with the change of inmate,  
5 or did it pretty much stay the same?

6 CAPTAIN KERSTETTER: I would say that  
7 up until around 1983 when we experienced numerous  
8 escapes and escape attempts there was very little  
9 additional security at that Institution.

10 REPRESENTATIVE PRESSMANN: Are you  
11 talking about the external security or internal?

12 CAPTAIN KERSTETTER: External and  
13 internal. Both.

14 REPRESENTATIVE PRESSMANN: Both?

15 CAPTAIN KERSTETTER: Yes. And then  
16 after we had a serious assault on an officer we  
17 attempted to put more officers in the cellblocks.

18 We put two officers in a cellblock  
19 instead of just one. And we had sergeants in the  
20 cellblocks.

21 We tried to get sergeants on both  
22 shifts in the cellblocks. And then of course we had  
23 the addition of the security perimeter where we  
24 added a second fence and the intrusion system.

25 REPRESENTATIVE PRESSMANN: Do you

1 think that the staffing was adequate?

2 CAPTAIN KERSTETTER: No.

3 REPRESENTATIVE PRESSMANN: Because of  
4 what was-- And when you say it was not adequate, do  
5 you mean that the procedures weren't adequate or  
6 they just weren't providing enough staff and you  
7 were maybe shorthanded or whatever?

8 Were you shorthanded?

9 CAPTAIN KERSTETTER: Well I'd say we  
10 needed more officers. You have to understand that  
11 the Department of Corrections for many years had a  
12 formula and they staffed their Institutions to  
13 eighty-five percent or thereabout.

14 Considering people that are,  
15 considering retirements, transfers, people finding  
16 other jobs, or just outright quitting, we never  
17 reached our full complement that I ever knew of.  
18 And I'm talking about the eighty-five percent.

19 REPRESENTATIVE PRESSMANN: And did you  
20 reach that eighty-five percent by the use of  
21 overtime?

22 CAPTAIN KERSTETTER: That's what we  
23 had to do, yes.

24 REPRESENTATIVE PRESSMANN: Were all  
25 positions of that eighty-five percent always

1 filled by overtime?

2 On a given shift were there as many  
3 guards as there were supposed to be under that  
4 eighty-five percent formula?

5 CAPTAIN KERSTETTER: Yes.

6 REPRESENTATIVE PRESSMANN: But a  
7 number of those would be people working overtime  
8 shifts?

9 CAPTAIN KERSTETTER: Yes. We have  
10 roster for each shift and we know how many posts we  
11 have to cover and so on and so forth. And we would  
12 reach that by hiring overtime.

13 REPRESENTATIVE PRESSMANN: Is there a  
14 maximum amount of hours that a CO can work in a  
15 week?

16 CAPTAIN KERSTETTER: They're only  
17 allowed to work two shifts per day, sixteen hours a  
18 day.

19 REPRESENTATIVE PRESSMANN: Could they  
20 work seven, sixteen hour shifts a week?

21 CAPTAIN KERSTETTER: Well you have to  
22 understand we have an agreement with the Union  
23 whereby we have overtime equalization.

24 So in other words the overtime is  
25 distributed equally among the officers. So one

1 person to work a double shift seven days, that  
2 couldn't happen.

3 REPRESENTATIVE PRESSMANN: The desire  
4 for overtime, is that competitive among the  
5 officers? They want the overtime?

6 CAPTAIN KERSTETTER: I would say  
7 there's a certain like core group of officers that  
8 always are signing up or wanting to work overtime.

9 REPRESENTATIVE PRESSMANN: Can  
10 officers refuse overtime?

11 CAPTAIN KERSTETTER: Yes. Unless--

12 REPRESENTATIVE PRESSMANN: Unless you  
13 don't have anybody else?

14 CAPTAIN KERSTETTER: Right.

15 REPRESENTATIVE PRESSMANN: So you have  
16 to go through a list from like, you know, one to ten  
17 or whatever, and if officers one through nine  
18 refused, officer ten refuses, but he's the-- What,  
19 is it on a seniority basis?

20 CAPTAIN KERSTETTER: Yes.

21 REPRESENTATIVE PRESSMANN: He would  
22 have to take it then?

23 CAPTAIN KERSTETTER: Yes.

24 REPRESENTATIVE PRESSMANN: Do you  
25 think there was too much overtime being done?

1           CAPTAIN KERSTETTER: My personal  
2 opinion, yes.

3           REPRESENTATIVE PRESSMANN: Were the  
4 guards too tired or Prison personnel too tired,  
5 serving too much overtime and maybe weren't as alert  
6 as they should have been?

7           CAPTAIN KERSTETTER: No, I don't think  
8 that was the case. Because as I stated previously,  
9 one or two or three in the Prison don't do all the  
10 overtime. It's done on an equalization basis so  
11 it's scattered.

12           REPRESENTATIVE PRESSMANN: A previous  
13 statement was made that the Department seemed more  
14 interested in treatment of the prisoners than  
15 backing up the Corrections personnel.

16                    Would you agree with that statement?

17           CAPTAIN KERSTETTER: Yes I would.

18           REPRESENTATIVE PRESSMANN: Would you  
19 care to elaborate on that?

20           CAPTAIN KERSTETTER: Well I feel the  
21 Department of Corrections and under the previous  
22 administration there was a totally hands off policy.

23                    And if you got involved in situations  
24 where inmates had to be extracted from their cells  
25 for various reasons, causing disruptions, assaulting



1 officers as they walked by, you had to be extremely  
2 - and I would like to emphasize that - extremely  
3 careful.

4           Regardless of what the inmate may be  
5 throwing at you or what he may have in his hand to  
6 hit you with, you had to be extremely careful not to  
7 in any way, shape or form mishandle the inmate.

8           Because we pretty much knew that come  
9 Monday morning - and I use this as a cliché - Monday  
10 morning quarterbacking would take place.

11           REPRESENTATIVE PRESSMANN: When you  
12 say previous administration, are you talking about  
13 Mr. Freeman?

14           CAPTAIN KERSTETTER: I'm talking about  
15 all three of them.

16           REPRESENTATIVE PRESSMANN: All three  
17 of who?

18           CAPTAIN KERSTETTER: Freeman. Deputy  
19 Smith and Deputy Henry.

20           REPRESENTATIVE PRESSMANN: How long  
21 was Mr. Freeman the director there?

22           CAPTAIN KERSTETTER: I would say I  
23 think he came in about '84. About six years.

24           REPRESENTATIVE PRESSMANN: Did you  
25 notice a change in policy between the

1 administration of Mr. Jeffes and Mr. Owens as the  
2 Director of Corrections?

3 CAPTAIN KERSTETTER: Well I would say  
4 that the biggest difference that I saw was Mr. Owens  
5 was more for the inmates.

6 REPRESENTATIVE PRESSMAN: In what way?

7 CAPTAIN KERSTETTER: Well I know  
8 personally that he came to our Institution to visit  
9 a few of them.

10 I don't know what type of relationship  
11 existed there, but. And I have heard, and I don't  
12 know if this is true, that he went to other  
13 Institutions also to visit inmates.

14 To me that doesn't show confidence or  
15 your priorities are not in the right place.

16 REPRESENTATIVE PRESSMANN: Thank you.

17 CHAIRMAN CALTAGIRONE: Lois.

18 REPRESENTATIVE HAGARTY: Thank you.

19 Officer Kerstetter, we had the  
20 opportunity, this Committee, last time the hearings  
21 were held to hear the radio log that I believe was  
22 your voice radio logging back after the first riot  
23 and before the second as to the inmates being in  
24 their cells and secure.

25 And I am curious what was the

1 process that you were going through as you were  
2 radioing back as to the status of the inmates?

3 CAPTAIN KERSTETTER: Well I believe  
4 that was my voice that you heard. And quite frankly  
5 I refer to that as the Camp Hill tapes, somewhat in  
6 the same vein as the Watergate tapes. They were  
7 missing eighteen minutes; the Camp Hill tape was  
8 missing about ten hours.

9 Which you have to understand that the  
10 tapes were only running on Wednesday evening. And  
11 you have to understand that in regards to this tape,  
12 I was basically in charge of Groups 2 and 3 and  
13 every transmission, whether it was myself or anybody  
14 that had a radio was being recorded.

15 I was at one point ordered to come  
16 back over to Deputy Smith's office. And I was given  
17 specific instructions at that time, and those  
18 instructions were - you have to understand this is  
19 after the inmates were locking up - my instructions  
20 were to go back over to Groups 2 and 3 with our  
21 emergency squad and lock the inmates down in their  
22 cells, secure them in their cells.

23 REPRESENTATIVE HAGARTY: At what point  
24 in time was this that you're referring to?

25 You met with Officer Smith and he

1 directed you back to secure the inmates?

2 CAPTAIN KERSTETTER: That's correct.  
3 Deputy Smith.

4 REPRESENTATIVE HAGARTY: Deputy Smith.  
5 I'm sorry.

6 CAPTAIN KERSTETTER: And I would say  
7 that was right around seven o'clock.

8 REPRESENTATIVE HAGARTY: On Wednesday  
9 evening?

10 CAPTAIN KERSTETTER: Wednesday  
11 evening.

12 REPRESENTATIVE HAGARTY: And where did  
13 he direct you back to?

14 CAPTAIN KERSTETTER: I was to go back  
15 over to Groups 2 and 3 and then what I was to do was  
16 to secure all the inmates in their cells.

17 And my question to Deputy Smith was at  
18 that time, does it matter how many inmates are in a  
19 cell? And his reply was no. And I said well then  
20 as long as I get two, three, four, five and six  
21 secured in a cell that's fine, because we're going  
22 to basically sort them out later. And the answer  
23 was to the affirmative.

24 So what I did was--

25 REPRESENTATIVE HAGARTY: Just so I

1 understand, where were the inmates when you arrived  
2 back then to cells two and three?

3 CAPTAIN KERSTETTER: Okay. The  
4 inmates were in the process of, they had undergone  
5 negotiations with Deputy Henry and they agreed to  
6 release the hostages and return to the cellblock.

7 So I went back over to Groups 2 and 3.  
8 There were inmates out in the yard between what we  
9 call Groups 2 and 3, in the courtyard.

10 And I have it written down here, I  
11 think it was like at 7:40 the Compound over there  
12 was clear of all the inmates.

13 REPRESENTATIVE HAGARTY: By Compound  
14 you're referring to outside?

15 CAPTAIN KERSTETTER: Between Groups 2  
16 and 3.

17 I would say it was right around that  
18 time that I went back over to Groups 2 and 3. And I  
19 started the process of locking the inmates down.

20 REPRESENTATIVE HAGARTY: Can you  
21 describe that process for us?

22 CAPTAIN KERSTETTER: Well what I did  
23 was I got the Assistant Commanders of the SERT Team.  
24 I got them up. I got them lined up in front of E  
25 Block. Because E Block is sitting on a step that's

1 high.

2 So I stood up on the step so I could  
3 speak and everybody could see me and they could hear  
4 me.

5 And what I did was I told them what we  
6 were going to do. We were going to enter the  
7 cellblock and we were going to go down the tiers,  
8 Tier One, Two, Three and Four.

9 And we were going to pull the doors to  
10 make sure that they were locked and couldn't be  
11 opened. And any inmates out on the tiers we were  
12 going to lock them in cells.

13 Now I had, I'm just guessing, a  
14 hundred, a hundred and fifty State Troopers behind  
15 SCIC Offices that were going to do the same thing.

16 So as we entered, we opened the door  
17 and entered. The cellblocks were dark. The  
18 overhead tier lights had been knocked out. There  
19 was no lighting in the cellblock.

20 The trash on the tier was built up  
21 probably two to three feet. Just as I stood up  
22 front I could see radios and TV's. And I don't mean  
23 Institutional radios, I mean like radios, AM and FM  
24 radios.

25 I saw radios. TV's. Sheets. Blankets.

1 All kinds of inmate clothing. Day Room furniture.  
2 I mean you name it, it was like the whole way down  
3 that tier.

4 So what the Officers did, they went  
5 down Tier One and Two, and then Three and Four. And  
6 I announced that I would announce on the radio.

7 We entered the cellblocks. Half way  
8 down the cellblocks the inmates are cooperative.  
9 Because I fully expected to go in there and have to  
10 get into some type of fight of physical contact with  
11 the inmates, but that did not occur.

12 So immediately when you go in the  
13 cell blocks you focus on the inmates. And all the  
14 inmates in every cellblock that we went in, they  
15 were all generally standing to the back of the ward  
16 or the cellblock.

17 So as you're going down the tiers  
18 you're checking the doors but you're also looking at  
19 the inmates to make sure that they're not going to  
20 throw something at you or all of a sudden attack.

21 So basically my focus was the inmates  
22 and the officers going down the tiers checking the  
23 doors.

24 REPRESENTATIVE HAGARTY: Some of the  
25 doors I take it the locks were broken on, is that

1 right?

2 CAPTAIN KERSTETTER: That's correct.

3 REPRESENTATIVE HAGARTY: And then I  
4 take it you put inmates into cells where the locks  
5 were not broken?

6 CAPTAIN KERSTETTER: That is also  
7 correct.

8 REPRESENTATIVE HAGARTY: Did you  
9 notice-- There's been a lot of testimony obviously  
10 about these panels. Did you notice at that time  
11 that covers were off the panels above the cells?

12 CAPTAIN KERSTETTER: No I did not.

13 REPRESENTATIVE HAGARTY: We have some  
14 testimony I believe in which they said there were  
15 actually officers that actually had to step over  
16 some of these broken panels on the ground.

17 CAPTAIN KERSTETTER: That's what I  
18 understand.

19 REPRESENTATIVE HAGARTY: Did you  
20 observe any broken panels on the ground?

21 CAPTAIN KERSTETTER: No I did not.

22 REPRESENTATIVE HAGARTY: When you--

23 CAPTAIN KERSTETTER: You have to  
24 understand there was no lighting. And the other  
25 point that I would like to make is that the SERT



1 Team that I took in there were wearing riot  
2 equipment, helmets, shields, vests. I had none.  
3 And I walked down to about twelve or thirteen cells  
4 in E Block and I looked around and I thought, I  
5 don't have any equipment on.

6 I'm in charge of this thing, I'm  
7 staying up front so when we're done then I can tell  
8 them we're done. And then we'll move on to the next  
9 cellblock.

10 So I didn't go down the tiers. If I  
11 would have had equipment on I probably would have  
12 gone down the tiers.

13 REPRESENTATIVE HAGARTY: Who went down  
14 the tiers then?

15 CAPTAIN KERSTETTER: The CO's. The  
16 Corrections Officers and Lieutenants.

17 Now there was testimony before the  
18 Senate hearing, Lieutenant Sunday testified in the  
19 process of locking inmates down not only in the  
20 cellblocks, the initial lockdown.

21 But then there was other lockdowns  
22 that followed that. I was directing Lieutenant  
23 Sunday and Lieutenant Cooney to go back into those  
24 cellblocks and lock other inmates down that were  
25 scattered throughout the Institution.

1           And of course by that time inmates are  
2 in their cells and they have their lights on.  
3 There's lights illuminating out on the tiers.

4           You have to understand, I mean it was  
5 pitch dark when we went in the Institution first.

6           So Lieutenant Sunday testified he then  
7 saw lock box panels down. And he also testified  
8 under oath that he reported that. He didn't report  
9 it to me.

10           REPRESENTATIVE HAGARTY: Do you know  
11 who he reported it to?

12           CAPTAIN KERSTETTER: He reported it to  
13 Deputy Smith.

14           REPRESENTATIVE HAGARTY: So no one  
15 reported to you these lock box panels were down?

16           CAPTAIN KERSTETTER: That's correct.

17           REPRESENTATIVE HAGARTY: If you had  
18 known that they were down would you know that they  
19 had the potential of the inmate reaching around from  
20 the inside of the cell and letting himself out?

21           CAPTAIN KERSTETTER: Yes. As did  
22 Lieutenant Sunday and some of the other ones that  
23 reported it to him, and he then obviously saw it and  
24 he went and verbally reported it.

25           REPRESENTATIVE HAGARTY: Do you have

1 any independent knowledge other than the Senate  
2 testimony that the CO's reported to Deputy Smith  
3 these locking panels were down?

4 CAPTAIN KERSTETTER: There's other  
5 Officers that reported it to Deputy Smith.

6 REPRESENTATIVE HAGARTY: Did you know  
7 that at the time?

8 CAPTAIN KERSTETTER: No.

9 REPRESENTATIVE HAGARTY: When did you  
10 first learn that these reports were in fact made?

11 CAPTAIN KERSTETTER: Well I would say  
12 either Monday or Tuesday of the following week.  
13 Because I was off then the rest of the day Friday  
14 and Saturday. I didn't go back to work till Sunday.  
15 I knew Monday or Tuesday of that week.

16 REPRESENTATIVE HAGARTY: You referred  
17 when you started to testify as to the radio log  
18 information that was missing. When did that occur?

19 CAPTAIN KERSTETTER: Well basically  
20 what had occurred there, after we initially locked  
21 down the six cellblocks and secured the inmates in  
22 their cells, I was asked by the Major of the Guard  
23 what cellblocks over there are secured. And secured  
24 meaning what cellblocks do I have the inmates locked  
25 in. And I told him at that time the cellblocks

1 were secured.

2 Meaning the inmates that were out of  
3 their cells are now in their cells and locked in.

4 It strikes me funny that I was asked a  
5 question of that nature. And anybody that knows in  
6 Corrections, that depending on the circumstances  
7 secured can mean many different things. And in that  
8 circumstance it meant were the inmates locked in  
9 their cells.

10 Later on that evening I know the tape  
11 wasn't played, but Deputy Smith called me on the  
12 radio and he said, and I quote this, "Cap, do you  
13 have Groups 2 and 3 completely secured?"

14 Captain Kerstetter, my reply, "No. We  
15 have these twelve inmates yet to put in their cells  
16 and we have the twenty-nine from above the Band  
17 Room. I don't know where Lieutenant Sunday is on  
18 that yet."

19 Now, what does that mean? Does that  
20 mean the whole Institution is not secure? No. It  
21 means simply what I said there, that we still had  
22 inmates to put in their cells.

23 When I told them that they were  
24 secure, I was unaware that we had inmates in the  
25 Furniture Factory. We had inmates in the Band Room.

1 We had inmates in the Education Building. We had  
2 inmates at the rear gate. We had inmates at the  
3 Greenhouse. We had inmates at the Chapel. We had  
4 inmates in Group 1.

5 We had inmates scattered throughout  
6 the Institution that were basically caught up in the  
7 riot and they were secured in those areas.

8 In other words kept in those areas and  
9 I was unaware of that when I told them that the  
10 Institution was secured in regards to the inmates  
11 being locked in.

12 REPRESENTATIVE HAGARTY: But you're  
13 indicating that in your later communication with  
14 Deputy Smith, that we did not have the opportunity  
15 to hear, that you then were aware or did indicate to  
16 him then that there were inmates that were not  
17 secured?

18 CAPTAIN KERSTETTER: There were many  
19 inmates that were not secured. That was just at  
20 that point in time I knew about twelve and then  
21 another twenty-nine, and then there was even more  
22 after that.

23 REPRESENTATIVE HAGARTY: Did you  
24 communicate to Deputy Smith then on other occasions  
25 that you learned before the second riot that there

1 were other inmates who were not secured also?

2 CAPTAIN KERSTETTER: Well, yes.

3 REPRESENTATIVE HAGARTY: Other than  
4 the twelve you're telling us about?

5 CAPTAIN KERSTETTER: Yes. There were  
6 twelve, twenty-nine. There were inmates at the  
7 Furniture Factory. There were inmates scattered  
8 throughout--

9 REPRESENTATIVE HAGARTY: I understand  
10 that. My question is did you communicate that?

11 CAPTAIN KERSTETTER: Well sure.  
12 Because when Mr. Campbill said we evacuated Modular  
13 Units on Wednesday night, we put the inmates on the  
14 main stockade field and in Group 1 stockade field.  
15 Those inmates then had to be secured.

16 So I got specific instructions from  
17 Deputy Smith on how to lock those inmates back in  
18 the Mods.

19 REPRESENTATIVE HAGARTY: Was there any  
20 time in which you believed that all the inmates were  
21 secured?

22 CAPTAIN KERSTETTER: Yes, about three  
23 o'clock. 3:00 a.m. Thursday morning, yes. That's  
24 I would say the approximate time that we had all the  
25 inmates locked either in the Mods or in their

1 cells.

2 REPRESENTATIVE HAGARTY: Let me get  
3 back to one other question. Would the normal chain  
4 of command procedure have been for Officer, I  
5 believe it was Sunday who testified--

6 CAPTAIN KERSTETTER: Sunday.

7 REPRESENTATIVE HAGARTY: Sunday. To  
8 have reported to you as the Captain, not to have  
9 reported to Deputy Smith the fact that the panel  
10 boxes were off?

11 CAPTAIN KERSTETTER: That's correct.  
12 However, the time he reported that to Deputy Smith  
13 he knew that we had had all the inmates locked up at  
14 the time, they were then secured.

15 And he knew that I was down in the  
16 staff dining room and he was coming over to that  
17 side of the Institution.

18 Instead of coming down to staff dining  
19 room and telling me, he just went straight in Deputy  
20 Smith's office.

21 So he violated the chain of command.  
22 But with matters that are as important as that,  
23 there's no problem there.

24 REPRESENTATIVE HAGARTY: So when are  
25 you indicating that he communicated that to Deputy

1 Smith?

2 CAPTAIN KERSTETTER: Around three  
3 o'clock.

4 REPRESENTATIVE HAGARTY: I believe it  
5 was Thursday morning we saw pictures that the State  
6 Police had taken of these panel boxes being off.

7 Were you aware of who from Corrections  
8 toured with the State Police when those pictures  
9 were taken?

10 CAPTAIN KERSTETTER: I'm not really  
11 too sure, but I would guess it would have been  
12 Sergeant Diehl and maybe the officers from the  
13 Security Office.

14 REPRESENTATIVE HAGARTY: When did you  
15 go off duty, Captain?

16 CAPTAIN KERSTETTER: I went off duty  
17 Friday morning, or Thursday morning about 6:15.

18 REPRESENTATIVE HAGARTY: Thank you.  
19 And thank you for your service to the Commonwealth  
20 on this difficult occasion.

21 CHAIRMAN CALTAGIRONE: Jeff.

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

24 Could either one of you, I don't  
25 really care which one, describe what the chain of



1 command was and how you two fit into it going from  
2 Freeman to Smith and so forth?

3 CAPTAIN STOTELMEYER: The chain of  
4 command in the Institution starts with the  
5 Superintendent.

6 Next in the chain is the Deputy  
7 Superintendent For Operations. And then the Deputy  
8 Superintendent For Treatment.

9 Then the Major of the Guards.  
10 Captains. Lieutenants. Sergeants. CO I's.

11 REPRESENTATIVE PICCOLA: And Mr.  
12 Stotelmeyer you were what at the time?

13 CAPTAIN STOTELMEYER: A captain, sir.

14 REPRESENTATIVE PICCOLA: And you  
15 reported in the chain of command to Smith?

16 CAPTAIN STOTELMEYER: No, sir. I  
17 would report to the Major of the Guards.

18 REPRESENTATIVE PICCOLA: Major of the  
19 Guards?

20 CAPTAIN STOTELMEYER: Yes.

21 REPRESENTATIVE PICCOLA: And that was  
22 whom?

23 CAPTAIN STOTELMEYER: Major John R.  
24 Stover.

25 REPRESENTATIVE PICCOLA: Major

1 Stover. He has since I believe retired?

2 CAPTAIN STOTELMEYER: Yes, sir.

3 REPRESENTATIVE PICCOLA: The Major  
4 reported to Smith?

5 CAPTAIN STOTELMEYER: Yes, sir.

6 REPRESENTATIVE PICCOLA: Okay.

7 There's been a lot of testimony as to what was  
8 reported and Mrs. Hagarty got into some of it.

9 Sergeant Baker. Do you know Sergeant  
10 Baker?

11 CAPTAIN STOTELMEYER: Yes sir, I do.

12 REPRESENTATIVE PICCOLA: And what was  
13 Sergeant Baker's position at the time of the  
14 incident at Camp Hill?

15 CAPTAIN STOTELMEYER: I couldn't  
16 answer that. I was on vacation on the 25th. I was  
17 on vacation from the previous Thursday I think.

18 And on Wednesday, the 25th, I was at  
19 my camp in Centre County. And I arrived home, to my  
20 home about midnight on the 25th. And my wife made  
21 me aware of what was happening at the Institution.

22 Till I got in the door it was closer  
23 to one o'clock in the morning. And I had been up  
24 since 4:00 a.m. that morning because I was hunting.  
25 And rather than get showered and shaved and

1 change and drive to work, I would have been  
2 worthless anyway, so I elected to lay down for a few  
3 hours. Which I did. And I reported to work at 6:00  
4 a.m. on the 26th.

5 So I can't give you any firsthand  
6 information on what transpired the evening of the  
7 25th.

8 REPRESENTATIVE PICCOLA: Okay. But  
9 you were on duty on the 26th?

10 CAPTAIN STOTELMEYER: Yes, sir.

11 REPRESENTATIVE PICCOLA: From Thursday  
12 morning through--

13 CAPTAIN STOTELMEYER: Yes, sir. As a  
14 matter of fact when I went in I relieve Captain  
15 Kerstetter. He went home shortly after I got  
16 there.

17 REPRESENTATIVE PICCOLA: Was Sergeant  
18 Baker on duty on the 26th?

19 CAPTAIN STOTELMEYER: I don't know.  
20 Sergeant Baker at the time was on the second shift,  
21 two in the after till ten in the evening.

22 I mean now I know that he was there  
23 the evening of the 25th, but I'm not sure whether he  
24 was working the evening of the 26th or not.

25 CAPTAIN KERSTETTER: I believe he

1 was.

2 REPRESENTATIVE PICCOLA: He was  
3 working the evening of the 26th?

4 CAPTAIN KERSTETTER: I believe so.

5 REPRESENTATIVE PICCOLA: He testified  
6 before the Senate Committee that the Day Shift  
7 Lieutenants said that they notified the Shift  
8 Commander of the defective locks.

9 Were either of you notified by  
10 Sergeant Baker of the defective locks as he  
11 testified?

12 CAPTAIN STOTELMEYER: I was not. No  
13 sir, I wasn't. I had no communication with  
14 Sergeant Baker that day at all as a matter of fact.

15 REPRESENTATIVE PICCOLA: Were either  
16 of you involved or have any knowledge or notice--  
17 Let me ask a preliminary question.

18 Are either one of you familiar or both  
19 of you familiar with a former Chaplain at the  
20 Institution by the name of Quadir Sabir?

21 CAPTAIN STOTELMEYER: Yes, sir.

22 REPRESENTATIVE PICCOLA: And when did  
23 Mr. Sabir come to work for the Institution to the  
24 best of your knowledge?

25 CAPTAIN STOTELMEYER: I couldn't begin

1 to give you a date. I'd say he was there  
2 approximately a year, maybe a little less than a  
3 year. I'm not really sure. It was a pretty short  
4 period of time.

5 REPRESENTATIVE PICCOLA: Did you ever  
6 have any difficulties with Mr. Sabir?

7 CAPTAIN STOTELMEYER: The only  
8 personal contact or the only personal involvement I  
9 ever had with him concerning an incident was, I  
10 think it was May 9th or May 10th.

11 There was an inmate in the RHU,  
12 Restricted Housing Unit, by the name of Mitchell,  
13 who the previous day had thrown mule kick, which is  
14 a caustic substance they use to open drains. It's a  
15 plumber's drain opener.

16 Somehow they secured some of that in  
17 their cells and they threw mule kick on an officer,  
18 several officers, and they caused them to get  
19 caustic burns on their faces and neck areas.

20 The day after that incident somehow  
21 Inmate Mitchell managed to get a toilet brush  
22 handle, a wooden handle which was about so long, and  
23 he was using that as a club.

24 And he was throwing feces and urine  
25 and other things on the officers. And he had tied

1 his cell door shut on my shift.

2 And we had to move him and that was in  
3 Tier Two in the Restricted Housing Unit, which is  
4 upstairs.

5 We were going to move him downstairs  
6 into the Disciplinary Custody Maximum Unit, which is  
7 a cell that holds ten cells, which is commonly  
8 referred to as the hole.

9 Mitchell fought us the whole time we  
10 were trying to extract him from the cell. In the  
11 process I gave Lieutenant Shipley the order to mace  
12 him. Just spray him with methylethylphatone, which  
13 is nothing more than mace.

14 We got Mitchell out. Got him  
15 downstairs. Went through the established routine.  
16 He had the medical attention. We just took care of  
17 the incident.

18 But right after it was over where we  
19 had Mitchell downstairs in the cell, Chaplain Sabir  
20 approached me.

21 I was standing right beside Deputy  
22 Smith as a matter of fact in front of the RHU. He  
23 approached me in an indignant manner and he told me,  
24 he said, "You're not allowed to mace that man."  
25 And I said, "I certainly am allowed to mace that

1 man. I'm the Shift Commander. That decision is  
2 mine to make." And he wasn't very pleased with  
3 that answer.

4 But I mean he told me in no uncertain  
5 terms that it was what I was not allowed to do. And  
6 I didn't want to get into a real lengthy  
7 conversation with him, but I just told him that I  
8 have the authority to do that and I deemed at that  
9 point that that needed done to save the officers  
10 from being injured going in that cell to get that  
11 man.

12 I mean we make an inmate in that  
13 circumstance as a last resort. I only make an  
14 individual in a cell if they have some kind of a  
15 weapon that they can injure my officers going  
16 through the door to get them out.

17 If they don't have a weapon. If  
18 they're just throwing feces or water or urine, or  
19 whatever they have, I mean we have protective  
20 clothing, shields, helmets. They can usually go in  
21 and restrain the individual and pin him.

22 But if they have a weapon, a club, or  
23 a broken up block, or they'll break a toilet off the  
24 wall and have large pieces of porcelain.

25 Anything that I construe as a weapon

1 that could hurt one of my officer, I'll use mace  
2 before I let that happen.

3           Anyway, he got into an argument with  
4 me about me having the authority to do that. And I  
5 told him that I did. And he walked away very  
6 disgruntled and that was my only personal  
7 involvement with the man.

8           REPRESENTATIVE PICCOLA: Did you have  
9 any involvement with him after returning to duty on  
10 the 26th? Was he in the Institution to your  
11 knowledge?

12           CAPTAIN STOTELMEYER: I couldn't say.

13           REPRESENTATIVE PICCOLA: Were either  
14 of you aware of an internal security investigation  
15 of Mr. Sabir that was commenced sometime in the  
16 summer of 1989?

17           CAPTAIN STOTELMEYER: I wasn't  
18 officially informed that he was being investigated.  
19 But through the jailhouse grapevine I knew he was.

20           REPRESENTATIVE PICCOLA: What did you  
21 know about it?

22           CAPTAIN STOTELMEYER: I don't know,  
23 just through rumor of Control I was told or heard  
24 that he was being investigated for some involvement  
25 in the Institution.



1                   It even went to the extent of his  
2 prior employment, whether that was in the  
3 Philadelphia area, in Holmesburg, or wherever he was  
4 employed before he came to Camp Hill.

5                   I just knew that there was an  
6 investigation being done on him. But no one  
7 formally told me that or I didn't see it in writing.

8                   REPRESENTATIVE PICCOLA: Were either  
9 of you ever questioned by any of the individuals  
10 conducting the investigation?

11                   CAPTAIN STOTELMEYER: I was not.

12                   REPRESENTATIVE PICCOLA: There was a,  
13 as I understand it, a meeting, or I guess it was  
14 more like a meeting and a conference call sometime  
15 in the afternoon of the 26th in the, I believe it  
16 was in the Superintendent's office in which I  
17 believe both of you were present.

18                   CAPTAIN KERSTETTER: I was present at  
19 that.

20                   CAPTAIN STOTELMEYER: I wasn't.

21                   REPRESENTATIVE PICCOLA: You were not  
22 present?

23                   CAPTAIN STOTELMEYER: No, sir.  
24 Because they called the people who were on duty the  
25 night of the 25th, the first riot.



1 you summoned to that meeting and how?

2 CAPTAIN KERSTETTER: I went home about  
3 6:15 that morning, Thursday morning. And then the  
4 Deputy's Assistant called my house around ten or  
5 eleven o'clock, somewhere in that area, and I was  
6 told to be in the Superintendent's office around one  
7 o'clock so we could go up to the Commissioner's  
8 complex. And that was around two.

9 So I was told that morning about ten,  
10 eleven o'clock.

11 REPRESENTATIVE PICCOLA: And you  
12 arrived around two o'clock?

13 CAPTAIN KERSTETTER: I arrived around  
14 1:30 I think. I went down to the Superintendent's  
15 office first and then we all walked up to the  
16 Commissioner's complex together.

17 REPRESENTATIVE PICCOLA: Was there any  
18 discussion either preliminarily to the meeting or  
19 during the meeting about the security concern at the  
20 Institution at that time?

21 CAPTAIN KERSTETTER: That I remember  
22 or that I've been told that took place?

23 REPRESENTATIVE PICCOLA: No. That you  
24 overheard or that you participated in?

25 CAPTAIN KERSTETTER: No, I don't--

1 If you want my honest opinion on this, I would have  
2 rather stayed in bed until twelve o'clock, 12:30,  
3 because I just got home at 6:15 after running all  
4 over that Institution, fifty-two acres all night  
5 long.

6 And I was quite tired. And to tell  
7 you the truth I really was not paying any attention  
8 as to what other people were saying. I was there  
9 because I was requested to be there.

10 REPRESENTATIVE PICCOLA: But I presume  
11 you didn't express any concerns about the security?

12 CAPTAIN KERSTETTER: No I did not. At  
13 that time I didn't. I didn't express any concern  
14 until after I re-entered the Institution.

15 Put it this way, as I walked down  
16 through the parking lot, coming from the Bureau  
17 building, back to the State Correctional  
18 Institution--

19 REPRESENTATIVE PICCOLA: After the  
20 meeting?

21 CAPTAIN KERSTETTER: After the  
22 meeting.

23 REPRESENTATIVE PICCOLA: Okay.

24 CAPTAIN KERSTETTER: As I looked  
25 around the parking lot I didn't see any State

1 Police cars. And I just assumed, and I know that's  
2 a bad word, but I assumed that they were probably  
3 parked at the rear gate.

4 So after I entered the Institution I  
5 went into the Captain's office and I spoke with  
6 Captain Stotelmeyer basically to get an update on  
7 what's going on. What had occurred since I was  
8 off.

9 And much to my dismay I found out that  
10 they did not even as much as move the inmates to  
11 their proper cells.

12 Conduct any type of shakedown. And  
13 every more disturbing I found out that they only  
14 kept twenty-five State Troopers and they were housed  
15 over at the Manor House; not inside the Institution.

16 And Captain Stotelmeyer and I  
17 discussed that momentarily. And I then proceeded  
18 over to Deputy Smith's office to ask him what was  
19 going on.

20 And he informed me that they had a  
21 priority list. And I asked him what was the  
22 priorities, because at that point Captain  
23 Stotelmeyer had told me about trying to acquire  
24 locks in the Institution to lock cell doors.

25 And he told me the priority list was

1 to get the truck out of the gate or the fence where  
2 they tried to ram and breach the security fence.  
3 The inner fence.

4 I would like to emphasize the inner  
5 fence.

6 Move a golf cart that was burned out  
7 and take pictures of the cellblocks.

8 And I asked him then where are the  
9 State Police, and he informed me over at the Manor  
10 House.

11 I asked him why they weren't inside  
12 and he said the decision had been made that they're  
13 going to stay out there.

14 And I asked him if Captain Stotelmeyer  
15 is trying to get locks to put on cell doors, why  
16 isn't that on the top of the priority list? And he  
17 told me the decision has already been made to keep  
18 that priority list intact. Which I thought was kind  
19 of ludicrous.

20 But I feel as though I had my say and  
21 I brought it to his attention. So apparently he  
22 wasn't going to do anything about it.

23 So then at one point I remember he had  
24 Captain Stotelmeyer and I both over there.

25 REPRESENTATIVE PICCOLA: Could you

1 tell us what time that was?

2 CAPTAIN KERSTETTER: That was around  
3 5:30. Five or 5:30.

4 And he told us that we're going to  
5 have to start working with the inmates again. So  
6 therefore he was giving me instructions to get  
7 inmates out of their cells and start to clean the  
8 debris off the tiers and the cellblocks.

9 At which point I asked him if he was  
10 crazy because just the night before they tried to  
11 kill us. And he said no, he was not.

12 REPRESENTATIVE PICCOLA: Could I  
13 interrupt you for a moment. Where is Major Stover  
14 while all this is going on? He's the interim in  
15 your chain of command as I understand it.

16 CAPTAIN KERSTETTER: He was sitting in  
17 the office with us.

18 REPRESENTATIVE PICCOLA: He's there  
19 also?

20 CAPTAIN KERSTETTER: Yes.

21 REPRESENTATIVE PICCOLA: Okay.

22 CAPTAIN KERSTETTER: So basically I  
23 wouldn't say that I disobeyed his orders because he  
24 never really gave me any orders. He said we should  
25 start doing this and I didn't think it was such a

1 good idea. So I left the office at that point.

2 And then we had a problem in the RHU.  
3 They were starting fires up there on the tiers. So  
4 I took some officers up there with--

5 REPRESENTATIVE PICCOLA: Excuse me.  
6 What time was that?

7 CAPTAIN KERSTETTER: I'd say that was  
8 around six.

9 REPRESENTATIVE PICCOLA: Which was  
10 before the second disruption and they were starting  
11 fires in the RHU?

12 CAPTAIN KERSTETTER: That's correct.

13 The inmates were confined to their  
14 cells. And on Wednesday evening we didn't have any  
15 problem in what we would call Group 1 of the  
16 Institution, which is Cellblock A, B and the RHU.

17 So I went up there and basically I  
18 told the officers to stay off the tiers, stay up  
19 front, and we video taped what was going on.

20 It wasn't a real big problem. We've  
21 had those problems like that where inmates--

22 REPRESENTATIVE PICCOLA: May I  
23 interrupt just a moment?

24 CAPTAIN KERSTETTER: Sure.

25 REPRESENTATIVE PICCOLA: You video



1 taped people setting fires in the RHU, inmates  
2 setting fires in the RHU before the second riot  
3 began?

4 CAPTAIN KERSTETTER: Yes.

5 REPRESENTATIVE PICCOLA: Where are  
6 those video tapes now?

7 CAPTAIN KERSTETTER: I have no idea.

8 REPRESENTATIVE PICCOLA: Who video  
9 taped them?

10 CAPTAIN KERSTETTER: Sergeant Diehl.

11 REPRESENTATIVE PICCOLA: Sergeant?

12 CAPTAIN KERSTETTER: Diehl.

13 REPRESENTATIVE PICCOLA: Sergeant  
14 Diehl?

15 CAPTAIN KERSTETTER: Yes. I believe  
16 it was Sergeant Diehl.

17 Basically what they were doing is  
18 lighting papers and throwing them out on the tier,  
19 which really doesn't amount to a whole lot. I mean  
20 they've done that before.

21 And then of course then they throw  
22 water out and then whatever's burning then starts to  
23 smoke and so on. It's not a real big problem.

24 REPRESENTATIVE PICCOLA: Excuse me  
25 again for interrupting, but you're giving us some

1 information that I'd like to follow up on.

2 Was there any video taping of inmates  
3 out of their cells at that time?

4 CAPTAIN KERSTETTER: No, there was no  
5 inmates out of their cells. They were all locked in  
6 their cells. And they were yelling and rattling  
7 bars like goes on every now and then.

8 I mean it was not a real-- It wasn't  
9 anything that really got me excited or I saw a real  
10 concern with it other than keeping the officers off  
11 the tiers, because I didn't want anybody to get hit  
12 or get hurt.

13 I mean they were confined to their  
14 cells and they were just, I don't know. I don't  
15 know, maybe they just woke up and discovered what  
16 happened the night before and they just thought they  
17 were going to pitch in. I have no idea what the  
18 problem was but they just started that.

19 So then it calmed down after about  
20 five minutes, ten minutes. And I left the RHU  
21 because everything got quiet then.

22 I mean it calmed down to what I would  
23 consider to be normal range of noise. And I told  
24 the officers to keep me posted if anything further  
25 occurred.

1           So then I think I returned to the  
2 Captain's office and I sat down and I was thinking  
3 about--

4           REPRESENTATIVE PICCOLA:   Captain  
5 Stotlemeyer's office?

6           CAPTAIN KERSTETTER:   It's called the  
7 Captain's office. We share. It's a common room for  
8 all the Captains.

9           So then at that point I believe we  
10 were called back over to the Deputy's office.

11          REPRESENTATIVE PICCOLA:   Deputy Smith?

12          CAPTAIN KERSTETTER:   Deputy Smith's  
13 office. And he said something again to me about  
14 getting the inmates out. And I looked at my watch  
15 and I said well it's too late now. It's almost  
16 dark. How about we'll wait for tomorrow.

17          REPRESENTATIVE PICCOLA:   Excuse me  
18 again for interrupting, but what, if you know, did  
19 he have in mind when he was talking about getting  
20 the inmates out?

21          CAPTAIN KERSTETTER:   Well he wanted  
22 to get them out and clean up the debris on the  
23 cellblocks.

24          REPRESENTATIVE PICCOLA:   Was there any  
25 discussion of shakedown at that point in time?

1                   CAPTAIN KERSTETTER: I had already  
2 asked him earlier if they had. I said, "It's  
3 obvious you didn't have a shakedown." Because Bob  
4 Stotelmeyer told me that we didn't even put the  
5 inmates back to their proper cells yet.

6                   And he said, "No, it was decided we  
7 weren't going to have a shakedown right away." And  
8 I said, "Well, you know, I stood over there at  
9 Groups 2 and 3 and watched them take all kinds of  
10 items out of the kitchen."

11                   I said, "Don't you think that we  
12 should do that?" And he said, "Well we will do that  
13 but we're not going to do it right now."

14                   You have to understand that under the  
15 administration of Deputy Smith if it wasn't his idea  
16 it didn't count. I don't know how else to put it.

17                   If it wasn't his idea it didn't count  
18 or it didn't carry any weight.

19                   So I thought, well, my experience with  
20 him has been that you argue with him, you're  
21 automatically put on that list.

22                   So I thought well I'm not going to  
23 argue with him because it's obvious he's not going  
24 to change his mind. So I didn't argue with him.

25                   So we went back over there and he

1 told us, well watch the video tapes of what occurred  
2 last night.

3 So I was watching the video tape along  
4 with Captain Stotelmeyer and there was some other  
5 people in there.

6 And Deputy Smith and Captain Keith  
7 left the office. And I really didn't know where  
8 they were going. Okay.

9 But then around seven o'clock that  
10 night - now this is October 26th, 1989 - I heard the  
11 transmission on my radio, and actually his radio,  
12 both our radios, that there was inmates coming out  
13 of their cells in E Block.

14 And I identified that voice as being  
15 Lieutenant Renninger. And he was the Group 2 and 3  
16 Lieutenant that night.

17 And he like yelled in the radio, like  
18 rapid fire six times, all the officers get out of  
19 your cellblocks, lock your doors. Like rapid fire  
20 like six times he repeated that.

21 And I could tell by the inflection in  
22 his voice that there was definitely a problem in  
23 Groups 2 and 3. And there was more than just two or  
24 three inmates coming out of their cells.

25 So I left the Deputy's office. I

1 got about three-quarters of the way to the Education  
2 Building now. And I saw somebody, two individuals  
3 running at us, which I identified them as Deputy  
4 Smith and Captain Keith.

5 And they ran by me and, oh, it was  
6 myself and probably fifteen officers. They ran by  
7 us saying that the inmates were coming out of their  
8 cells.

9 So I stood there momentarily and I  
10 looked at Group 2 and 3 and I saw individuals  
11 forming.

12 I saw some individuals gathering on  
13 our side of the gate and I remember I looked at  
14 Lieutenant Gavigan and I said do you see what I see?  
15 And he said, yes, they're officers there.

16 And I watched and then some other  
17 officers that were with me started pointing out who  
18 some of the officers were. And they weren't there  
19 but a minute or two and they ran towards us.

20 So we waited for them and as they  
21 arrived and then ran past us I saw inmates like  
22 fifty, a hundred. Then it was like 200 inmates in  
23 the Compound.

24 So I gave the order to return to the  
25 Control Desk, which we did. And then we waited at

1 the outside of the Control Desk for five minutes or  
2 ten minutes, I don't know.

3 Captain Stotelmeyer was there and he  
4 had instructed some of the employees that had  
5 vehicles in there, because they had taken sandwiches  
6 over in a panel truck, to get that vehicle out, out  
7 the main gate.

8 The State Police was there. Corporal  
9 Piscotty. He was over getting the State Police  
10 radios and retrieving them from the night before.  
11 Got his keys. Got that vehicle out.

12 There was a dumptruck that was used  
13 that morning and afternoon picking up trash over in  
14 Groups 2 and 3. We got that vehicle out.

15 And then we waited for a couple  
16 minutes, basically to see if there was any other  
17 employees coming our direction.

18 There wasn't any so we locked the  
19 security doors, the CO doors on the Control Desk  
20 entrance.

21 I went into the Control Desk itself  
22 and then I learned like within a minute or two after  
23 that, the Sergeant I think did come to the Control  
24 area. I think he had like eleven inmates with him,  
25 eleven or twelve inmates, and we left them in.

1           They were non-hostile. They didn't  
2 want anything to do with what was occurring. So we  
3 left them in.

4           I had given the orders to get the  
5 security doors locked in the Group 1 hallway. In  
6 fact I even put the key out through the Key Room  
7 window to have that done.

8           We tried to lock everything around us  
9 with not only the locking mechanism itself, but we  
10 put chains around us. That's in our emergency plan  
11 to do those kind of things. So we did that. And--

12           REPRESENTATIVE PICCOLA: Excuse me.  
13 Deputy Smith was the senior party at that time, was  
14 he not?

15           CAPTAIN KERSTETTER: Yes he was.

16           So we were in the Control Desk and  
17 then the next I remember a transmission coming  
18 across that all the inmates are coming towards the  
19 Control Desk.

20           And so we just kind of waited. There  
21 wasn't anything we could do. And it wasn't but a  
22 couple minutes after that they were beating on the  
23 doors.

24           I walked over what we call the bubble.  
25 You can look out through. I looked out at the



1 entrance and one of the inmates had shoved, it was  
2 either a stick or a mop that was burning.

3 They had broken like a little window,  
4 real thick glass, they broke that out and they  
5 shoved, I think it was a mop in. I'm not sure. It  
6 was something on a stick.

7 So then we put on helmets. And that  
8 Thursday I think Captain Stotelmeyer had baseball  
9 bats picked had. So we had baseball bats in there.  
10 So we got those. And the next thing I know there  
11 was inmates beating on the Control Desk door.

12 There's only two doors that go in  
13 there. One main door and one back behind the  
14 Deputy's office.

15 So they were beating on the door which  
16 surprised me. So we basically-- There wasn't a  
17 whole lot said.

18 We basically knew what we were going  
19 to do if they came through the door. We were going  
20 to defend ourselves with the baseball bats and  
21 whatever we had. Obviously.

22 So then all of a sudden black smoke  
23 came down out of the vents, the ceiling vents. I  
24 jumped up on a chair to try to shut the vent off and  
25 there was no shut off on it.

1                   So everybody moved away from the door  
2 and then whoever was outside beating on the door, I  
3 guess it got smoky out there for them also, so they  
4 left apparently.

5                   So everybody moved around and moved to  
6 the front of the Control Desk up by the bubble area  
7 and the hallway.

8                   And I stood there and I watched that  
9 smoke coming in, just all around the ceiling. And  
10 it wasn't white smoke, it was heavy black smoke.

11                   And it was only thirty seconds and it  
12 was like right at my - I'm six foot even. So I  
13 remember I got down on my one knee so I could  
14 breathe. And I had no idea, but the people in  
15 there, they panicked.

16                   There was a lot of confusion. People  
17 were yelling we're going to die. How are we getting  
18 out of here and all that.

19                   And I remember very distinctly looking  
20 up right above me and there was a fluorescent light  
21 and I couldn't see it because of the heavy smoke.

22                   And I remember looking back down at  
23 the floor and I have no idea but for some reason I  
24 yelled for everybody to go out the Key Room window,  
25 out into the hallway.

1           And the Key Room window is two feet by  
2 two feet, something like that. So I remember after  
3 I yelled that, I was knocked down on the ground. I  
4 was on one knee but I was pushed over and in fact  
5 somebody, they stepped on my foot and my ankle a  
6 couple times.

7           They got into the Key Room and we all  
8 exited. I finally got my turn and we went out.

9           I remember as I was standing next in  
10 line thinking well we can't stay out there, because  
11 I was a Security Lieutenant for three years and the  
12 Security Office right next door has an air  
13 conditioner in the window. And I thought we have  
14 to go upstairs in the Treatment area.

15           So when I got out there were people  
16 helping us as we came through the window. I went  
17 over to the door that leads upstairs and I  
18 instructed the Sergeant not to open that door until  
19 I told him to.

20           And I remember looking back and seeing  
21 that black smoke coming out of the Key Room window,  
22 coming out of the little hole that's in the  
23 plexiglass that we crawled through. And finally  
24 somebody yelled, everybody's out.

25           And after I had gotten everybody in

1 there with sticks and we had the baseball bats, I  
2 told them all to gather around the door because I  
3 felt sure there was inmates on the other side. But  
4 when we opened the door to our surprise there wasn't  
5 none. So we ran upstairs and we locked the door  
6 behind us.

7 Basically we stayed up there and we  
8 had to lay on the floor there because the smoke from  
9 the flames below, from the fires below was getting  
10 pretty bad.

11 And we were up there fifteen minutes  
12 maybe or thereabouts and the smoke was becoming real  
13 heavy.

14 In fact I was told that the Major had  
15 been overcome by smoke inhalation and a couple of  
16 other employees.

17 So they broke out some windows. I  
18 think they took an air conditioner out of a window  
19 to get fresh air in.

20 And we eventually then heard shots so  
21 we thought probably the State Police or somebody was  
22 coming in.

23 And we waited and waited and waited  
24 and then somebody lowered, they put their belts  
25 together. And I remember going in one of the

1 counselor's offices and ripping an extension out of  
2 the wall and taking it over and they put all those  
3 together and made a rope. And eventually the State  
4 Police did come in and they made a hook on the end  
5 with a coat hanger I think and we got two 38's and  
6 two shotguns up. Because there were inmates trying  
7 to get in, in Counseling.

8 In fact one did come in the office,  
9 but I think he saw Captain Stotelmeyer standing  
10 there with a baseball bat, and he saw me standing  
11 there with a baseball bat, and I think that  
12 convinced him to turn around and exit the window.

13 But we saw a lot of inmates. I saw a  
14 lot of inmates running on the roofs with fire in  
15 their hands.

16 The one area right beside the Control  
17 Desk, which is the Central Classification Diagnostic  
18 Center, that was on fire.

19 The Modular Units were on fire, five  
20 and six, which were right behind us.

21 The Education Building was on fire,  
22 which was in front of us.

23 So it seemed like every place I looked  
24 there was fire. Plus there was inmates laying  
25 around on the roofs and I heard what some of the

1 inmates were yelling in the windows at us, which  
2 gave me the idea that if they came in we would have  
3 a problem, they wanted to kill us.

4 Then eventually somebody brought a  
5 ladder in and we got everybody out, including the  
6 inmates that we had handcuffed.

7 We went to the inmates and re-  
8 handcuffed them from behind them to the front of  
9 them so they could go down the ladder.

10 I believe one of those inmates, Inmate  
11 Walborn who I believe testified last week over at  
12 the Senate, I think he was happy to come into the  
13 Control Desk. Because had he stayed out there I'm  
14 sure he would have had a problem.

15 So we eventually exited and then, well  
16 I remember at one point I hit the ground. I turned  
17 around and I saw a line of State Police at the main  
18 gate down in the proximity of the officer's dining  
19 room. So I felt pretty safe at that point.

20 Do you want me to tell you what I did  
21 the rest of the night?

22 REPRESENTATIVE PICCOLA: Well maybe.  
23 Let me get back.

24 CAPTAIN KERSTETTER: Okay.

25 REPRESENTATIVE PICCOLA: Go back to

1 the afternoon meeting that you and Captain  
2 Stotelmeyer and Major Stover and Deputy Smith had  
3 after your conference call with the Governor.

4 Is there any record, written record of  
5 that meeting?

6 CAPTAIN STOTELMEYER: No sir, it was  
7 very informal. I mean it wasn't around the table.  
8 There were people standing, sitting, whatever. But  
9 there was no minutes taken.

10 REPRESENTATIVE PICCOLA: Okay. Now--

11 CAPTAIN STOTELMEYER: The other two  
12 people I remember that were there were Trooper  
13 Piscotty and Major Hazen of the State Police.

14 REPRESENTATIVE PICCOLA: Okay. Now  
15 just listening to the two of you describe that  
16 meeting, I just get a sense that it's dialogue  
17 between you guys and Smith and Stover, who should be  
18 in the chain of command I guess, is sort off on the  
19 side not even participating. Is that an accurate  
20 impression?

21 CAPTAIN STOTELMEYER: I would say so,  
22 yes.

23 REPRESENTATIVE PICCOLA: Was that a  
24 problem at the Institution before October?

25 CAPTAIN STOTELMEYER: Yes, sir. But

1 I think I should give you a little background maybe  
2 and you would understand more why he was taking such  
3 a passive role, or at least I feel he was.

4 REPRESENTATIVE PICCOLA: Okay.

5 CAPTAIN STOTELMEYER: As Captain  
6 Kerstetter mentioned earlier, you didn't argue with  
7 the Deputy. You--

8 REPRESENTATIVE PICCOLA: Excuse me.  
9 When you say you don't argue with the Deputy, as I  
10 understand the chain of command, and its been a long  
11 time since I was involved in a Military situation  
12 but this is what we're talking about here, you're  
13 not even supposed to argue with the Deputy, you're  
14 supposed to argue with the Major.

15 CAPTAIN STOTELMEYER: Yes sir, but  
16 when the Deputy gives you a direct order to do  
17 something that is a very poor security practice, or  
18 something you know is going to get you in trouble, I  
19 mean you don't just ignore him and turn around and  
20 tell the Major. You have to address it with that  
21 gentleman.

22 REPRESENTATIVE PICCOLA: All right.

23 CAPTAIN STOTELMEYER: What I mean to  
24 preempt in this is the reason that I feel the Major  
25 was sitting there taking a very passive role, I



1 mean it's common knowledge that the Deputy tried to  
2 fire the Major just because he didn't agree with  
3 his--

4 REPRESENTATIVE PICCOLA: That day?

5 CAPTAIN STOTELMEYER: No, sir. Prior  
6 to this. Once prior to this. I mean he threatened  
7 to fire me personally because he told me to do  
8 something--

9 REPRESENTATIVE PICCOLA: The Deputy?

10 CAPTAIN STOTELMEYER: Yes. Because he  
11 told me to do something that was asinine that was  
12 going to get us in trouble and I said I wouldn't do  
13 that unless he put in writing. And he threatened to  
14 fire me unless I did it.

15 I mean I've been through this with  
16 this gentleman before and--

17 REPRESENTATIVE PICCOLA: When did this  
18 occur?

19 CAPTAIN STOTELMEYER: Oh, several  
20 months prior to this. I mean that incident was-- I  
21 have to set this up for you a little bit.

22 When you run a main line which is  
23 feeding all the inmates for one meal. You feed the  
24 entire Institution. Say it's a supper main line.  
25 All right. You're feeding 2500 people.

1           At any one point in time in the large  
2 dining room you have 500 or 600 inmates at once.  
3 That dining room is being run by one commissioned  
4 officer who is a lieutenant. One sergeant. And he  
5 may have four or five correctional officer one's in  
6 there other than the culinary staff.

7           But at any rate you have inmates  
8 entering and exiting constantly to get everyone fed  
9 in an hour, an hour and a half.

10           Well that lieutenant is supervising  
11 this and running it, calling people down, kitchen  
12 people out. Making sure that it flows smoothly and  
13 it doesn't get cumbersome and that it just works  
14 out.

15           The Deputy called me into his office  
16 one day and he said the Superintendent had gotten  
17 some complaints from inmates in K Block because they  
18 weren't getting their telephone calls.

19           And he said to me, now I know you're  
20 not going to agree with this, but what I want you to  
21 do is send the lieutenant up from the dining room to  
22 monitor inmate telephone calls.

23           And I tried to explain to the Deputy  
24 that that wasn't a very good idea. That it was  
25 really poor security practice because I have a real

1 large volume of inmates out of their cells, 500, 600  
2 inmates in the dining room and that's where the  
3 lieutenant should be to run things down there and  
4 see that things go properly.

5 And he said well he wanted him up  
6 monitoring phone calls. And I tried to further  
7 explain, you know, I said if something happens down  
8 there, and I mean we do have a lot - it's not  
9 uncommon to have an incident in the dining room just  
10 because you have so many people out and that aren't  
11 locked down at that particular time.

12 I mean you have fights. It can erupt  
13 into 500 people throwing trays at one time. You can  
14 have some major problems in a setting like that.

15 REPRESENTATIVE PICCOLA: What would be  
16 the purpose of monitoring inmate telephone calls?

17 CAPTAIN STOTELMEYER: See I wasn't  
18 real sure about that either. I'm trying to explain  
19 to this gentleman that the man belongs in the dining  
20 room where the action is. Not up watching that an  
21 inmate gets a telephone call.

22 I couldn't convince him of that. To  
23 end up by reducing it, I told him if you put that in  
24 writing I don't have any problem with it.

25 You give me direction in writing

1 through a memorandum or an order, or whatever you  
2 want to do, and I'll comply with that.

3 That way when something happens in the  
4 dining room I'm not responsible. But if I have the  
5 lieutenant monitoring a phone call when I'm the  
6 shift commander responsible for the entire shift,  
7 and something major happens in the dining room, I'm  
8 at fault.

9 And I said that I've been in this  
10 business long enough to know that you're not going  
11 to put your hand up and say wait a minute, I told  
12 him to do that. So that's where that was.

13 The next day, I guess he thought about  
14 it overnight. I didn't take the lieutenant out of  
15 the dining room. But he called me in his office and  
16 he under no uncertain terms told me that I was just  
17 the captain, he was the deputy, I was to take his  
18 orders verbal, written, whatever they were.

19 He didn't come out and say he would  
20 fire me. He said he knows a lot more politicians  
21 and people than I know and he can cover his ass  
22 better than I can. And that he'll see me gone if I  
23 don't comply with his orders. I mean I didn't  
24 argue with him.

25 Now we're back to this meeting. I

1 mean going through situations like that with that  
2 gentleman, I mean I'm definitely not going to  
3 attempt to put myself in a position where I have to  
4 go through that type of thing, because I know what  
5 the end result is going to be.

6 I mean Stover found out what it was  
7 going to be. He gave him a letter. He called him  
8 in and told him, you know, if you don't do these  
9 nineteen things, if you don't do this or that I  
10 suggest you look for alternative employment.

11 Now he's given the Major thirty years  
12 of that. I mean he literally castrated the Major as  
13 far as any power went.

14 So Stover's just sitting back being  
15 bland and doing nothing. And that's what Stover did  
16 because Smith didn't allow him to do anymore than  
17 that. And he didn't allow us to do anymore than  
18 that.

19 I mean we're at the meeting then and I  
20 suggested taking a count. I said we haven't had a  
21 count for twenty-four hours.

22 You have two inmates, five inmates,  
23 six inmates in a cell. We don't know even if we  
24 have everybody inside the Institution. And that  
25 wasn't priority.

1           He said we're not doing that. The  
2 priority is to clean the cell blocks. And I'm not  
3 going to argue with him because I know what you get  
4 into when you get into an argument with him.

5           REPRESENTATIVE PICCOLA: Captain  
6 Stotelmeyer, you were on duty during the morning of  
7 the 26th on through the day, right?

8           CAPTAIN STOTELMEYER: Yes, sir.

9           REPRESENTATIVE PICCOLA: During the  
10 course of that time up through, including I guess  
11 and beyond the meeting we've just been talking  
12 about, did you make any recommendations either to  
13 Stover or to Smith, or for that matter to anyone  
14 higher in the chain of command, that the State  
15 Police should be kept in the Institution or that a  
16 shakedown ought to be commenced immediately?

17           CAPTAIN STOTELMEYER: No, sir. To  
18 answer your question, no. But I mean I was there  
19 when the discussion took place in the Deputy's  
20 office about where to put the State Police.

21           As a matter of fact I was instructed  
22 to move the new contingent of State Police who were  
23 arriving at the Institution. Move the twenty-five  
24 officers who were there, the State Police Officers,  
25 from the officer's dining room inside the wire.

1                   Move them out and then when the new  
2 contingent showed up to put them in the Manor House  
3 which was directly behind the Institution outside of  
4 the enclosure.

5                   I mean Deputy Smith decided that's  
6 where he wanted them and he instructed me to do  
7 that. And that I did it.

8                   REPRESENTATIVE PICCOLA: Let's focus  
9 on that meeting a moment. Where did that meeting  
10 take place?

11                   CAPTAIN STOTELMEYER: It was in the  
12 Deputy's office.

13                   REPRESENTATIVE PICCOLA: Deputy  
14 Smith's office?

15                   CAPTAIN STOTELMEYER: Yes, sir.

16                   REPRESENTATIVE PICCOLA: And who was  
17 present?

18                   CAPTAIN STOTELMEYER: The only ones I  
19 distinctly recall that were present were myself,  
20 Smith, Stover, Major Hazen of the Pennsylvania State  
21 Police.

22                   REPRESENTATIVE PICCOLA: Superin-  
23 tendent Freeman was not present?

24                   CAPTAIN STOTELMEYER: He may have  
25 been, but I don't recall. There may have been

1 several other people there. They're the only ones  
2 that I can remember that were there.

3 CHAIRMAN CALTAGIRONE: If I can  
4 interrupt just a minute please.

5 We were going to take lunch at twelve.  
6 I'd like to take lunch at 12:30 and be back here at  
7 one.

8 REPRESENTATIVE PICCOLA: I'll try to  
9 finish up. I don't have too many more questions.

10 CHAIRMAN CALTAGIRONE: Okay.

11 REPRESENTATIVE PICCOLA: Do the two of  
12 you believe that the inmates planned the second  
13 breakout? Do you have an opinion on that?

14 CAPTAIN STOTELMEYER: I do. I think  
15 they did.

16 REPRESENTATIVE PICCOLA: How do you  
17 think they communicated that with each other?

18 CAPTAIN KERSTETTER: I think they just  
19 talked from cell to cell.

20 CAPTAIN STOTELMEYER: At the time, I  
21 mean it's not hard to establish a chain of  
22 communication that way there.

23 But I mean after the fact now that we  
24 know what's been discovered with Reverend Sabir, I  
25 mean I think he had a good bit to do with



1 organizing the second part of it also.

2 REPRESENTATIVE PICCOLA: Did either of  
3 you receive reports during the day that the inmates  
4 were at least taking about this second breakout?

5 CAPTAIN STOTELMEYER: The  
6 Superintendent, the Deputy, Superintendent Bringman,  
7 Deputy Smith, Captain Bowser and Deputy Henry I  
8 think were there.

9 They had six or seven inmates, the  
10 ones that they were negotiating with the night  
11 before. And I think they were primarily FOI  
12 members.

13 They had them over into Deputy Smith's  
14 office about one o'clock that afternoon for a  
15 meeting.

16 When they returned those people the  
17 officers that I had escort those people back to  
18 their respective cellblocks on the other side,  
19 reported to me verbally and in writing that some of  
20 those people made statements such as the war wasn't  
21 over, or the shit's going to hit the fan again, or  
22 whatever.

23 REPRESENTATIVE PICCOLA: What did you  
24 do with that information?

25 CAPTAIN STOTELMEYER: I passed it on

1 to the Major of the Guards.

2 REPRESENTATIVE PICCOLA: Major Stover?

3 CAPTAIN STOTELMEYER: Yes. I don't  
4 even recall-- I found out later now it's one of two  
5 people. It was either Sergeant Haley or Officer  
6 Ravenell.

7 I'm almost sure it was Officer  
8 Ravenell who communicated that to me verbally. And  
9 I told him at that juncture to put in on the daily  
10 incident report and get in to me as soon as  
11 possible. And he did that within I would say an  
12 hour or so.

13 And just coincidentally when he handed  
14 it to me I read it. I said that's fine, thank you.  
15 And Major Stover was standing right beside me  
16 because after I read it I handed it to him and he  
17 read it. So that's what I did with that  
18 information.

19 REPRESENTATIVE PICCOLA: General  
20 question, and this will be my final question, Mr.  
21 Chairman.

22 Could both of you comment on this.  
23 What in your opinion and from your perspective as  
24 Captains in the Institution at the time, and  
25 longstanding employees of the Department, what

1 could we do or what should we do to prevent this  
2 from occurring again?

3 When I say this, I mean the kind of  
4 situation that occurred at Camp Hill.

5 CAPTAIN STOTELMEYER: Just instill  
6 more discipline in the Institution. I mean the  
7 whole Department of Corrections.

8 Commissioner Owens was a very inmate  
9 oriented individual. I mean he, it seemed like his  
10 goal was to give them as much as he could possibly  
11 give them.

12 And I mean to have order in any  
13 organization, especially an organization the size of  
14 an Institution where you have 2500 inmates, to have  
15 any kind of order you have to have discipline.

16 And when you don't have any discipline  
17 you don't have any order naturally. It's just like  
18 trying to manage a mob and you can't manage a mob.

19 You've got to have rules and a certain  
20 order in the way you do things. And unless you  
21 follow those and instill discipline in people  
22 they're not going to listen to what you say.

23 I mean I personally feel that the  
24 whole Department got too inmate oriented and there  
25 was too much of a kill them with kindness program

1 going on.

2 I mean everybody worried about if an  
3 inmate was assaulted. But if an officer was  
4 assaulted, it's part of the job. That's what  
5 they're paying you for.

6 You know, nobody was arrested. The  
7 incident in '87 where Superintendent Freeman fired a  
8 captain and two lieutenants. I mean that was  
9 because they put their hands on an inmate who  
10 assaulted the captain. But there were no inmates  
11 charged in that.

12 I mean under Mr. Owens the whole  
13 system got slanted and leaned that way. And I feel  
14 that was a large part of the problem. And it's  
15 going to continue to be a problem in the State if we  
16 keep heading in that direction.

17 REPRESENTATIVE PICCOLA: I agree with  
18 you.

19 Captain Kerstetter.

20 CAPTAIN KERSTETTER: I agree with what  
21 Captain Stotelmeyer has stated. I also think that  
22 we have to take a very serious look, and I mean a  
23 very serious look at the Institution at Camp Hill.

24 I personally do not believe that the  
25 cell blocks in E, F, G, H, J and K, I think they

1 should be razed.

2 The reason I say that is because there  
3 has been severe damage in two of those cellblocks, G  
4 and K in particular, or G and H.

5 Considering that if we are going to  
6 continue to accept inmates that are medium security  
7 or even higher, the cellblocks themselves are not  
8 adequate. They go right through the walls as we  
9 know now.

10 I mean maintenance at that Institution  
11 is on a daily basis. And over in Groups 2 and 3,  
12 and in Group 1, daily with plumbing and electrical  
13 problems that just keeps everybody tied up.

14 And what we keep doing is patching,  
15 patching and patching. Well the patching comes  
16 apart.

17 Economically, just from the standpoint  
18 of heating those six cellblocks, it's astronomical  
19 because they were built in 1939, 1940, '41. We're  
20 not talking about any type of efficiency there.

21 So to continue to think about  
22 refurbishing those cellblocks, that is ridiculous.  
23 I would like to see them razed.

24 And I don't care if they send us  
25 maximum security inmates. Just give us tools

1 and we can do the job.

2 And of course in order to do that it  
3 takes you gentlemen to give us the money, to give  
4 enough money to the Department of Corrections to do  
5 that.

6 We can't pull money out of nowhere.  
7 It doesn't grow on trees. We need the money and we  
8 have to get away from this business of staffing the  
9 Institutions at eighty-five, ninety percent.

10 We have to staff them at one hundred  
11 percent so we have full staff there. That's what it  
12 takes.

13 REPRESENTATIVE PICCOLA: For the Court  
14 Reporter I think his razed is r-a-z-e-d.

15 Thank you.

16 CHAIRMAN CALTAGIRONE: Kevin.

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

19 Captain Kerstetter, who to your  
20 knowledge by word of mouth I would assume informed  
21 Deputy Smith that panels were missing from above the  
22 cells?

23 Do you know of anybody who said they  
24 reported that?

25 CAPTAIN KERSTETTER: Yes.

1 REPRESENTATIVE BLAUM: Who?

2 CAPTAIN KERSTETTER: Sergeant Conrad  
3 reported it. Lieutenant Sunday reported that.

4 REPRESENTATIVE BLAUM: When did you  
5 become aware that they reported it?

6 CAPTAIN KERSTETTER: Afterwards,  
7 like, you know, a week or so.

8 Like in any job information starts  
9 going back and forth. And there were many  
10 individuals on the afternoon shift that had stayed  
11 over and had been placed in the celiblocks while I  
12 was instructing supervisory officers to gather  
13 inmates and bring them to me.

14 REPRESENTATIVE BLAUM: But this wasn't  
15 something that you were aware of on the 25th and  
16 26th?

17 CAPTAIN KERSTETTER: No it was not.

18 REPRESENTATIVE BLAUM: Captain  
19 Stoteimeyer, did you know that if the panels were  
20 removed that inmates could find a way to unlock  
21 their cells?

22 We've had testimony from people before  
23 the Committee who have testified that they did not  
24 know even though the panels were removed that  
25 inmates could find their way out of the cells.

1 CAPTAIN STOTELMEYER: Yes sir, I did.

2 REPRESENTATIVE BLAUM: You were  
3 familiar enough with the locking system?

4 CAPTAIN STOTELMEYER: Yes, sir.

5 REPRESENTATIVE BLAUM: When did you  
6 become aware that panels were missing?

7 CAPTAIN STOTELMEYER: Thursday between  
8 ten and eleven in the morning. I got the time after  
9 we got the State Police out.

10 After I got everybody out of the  
11 Institution who had already worked a double shift I  
12 made it around to the other side, and like Captain  
13 Kerstetter said, I went, well I went to E, excluding  
14 the other places I went in the cellblocks, I went to  
15 E, F, G, K, J and H round the horn and they were  
16 dark, all of them. And the trash on them was like  
17 two and a half feet deep. I mean you could not  
18 begin to walk down the tiers.

19 And I asked all the officers how they  
20 were. They said fine. Nobody had any problems at  
21 that point.

22 I got around to H Block and Officer  
23 Ressler was there. I asked him if he was having any  
24 problems, Bob? How are things? He said yeah, I had  
25 problems with some of the locking mechanisms to



1 the point where if I hit a cell door, he said it  
2 might open four doors.

3 If I hit seven cell it might not open  
4 seven cell, but it will open nine, eleven, fourteen,  
5 or it might open seven and nine or twelve. You just  
6 didn't know.

7 And I could see some of the panels  
8 were off in the front of his cellblock in Tiers 1  
9 and 2.

10 So I told him the only thing I knew to  
11 correct that was to put bands and locks on the  
12 doors.

13 We have steel bands that are so long,  
14 just like a big horseshoe. It goes around both cell  
15 doors, you put a padlock through it and that enables  
16 you to lock it. It doesn't matter if they do hit  
17 the door, the cell door won't open.

18 And I said I'll get as many of them  
19 over to you as I can. And I went to the other side  
20 and I informed Lieutenant Gavigan to collect all the  
21 bands he could find on that side.

22 So he got nineteen of them. I got  
23 nineteen new padlocks off of Sergeant Osterling.  
24 Sent those to the other side and I informed Major  
25 Stover of that while we were putting the bands and

1 locks together. I told him what I had found over  
2 there.

3 And I said that I'm sending nineteen  
4 bands over. That's all we have at this point. If  
5 he finds a door that opens when he doesn't want it  
6 open, we'll band that one shut.

7 And sometime within the next I would  
8 say two hours on the outside I had run into Deputy  
9 Smith and I told him the same thing. And his only  
10 response was good. That's all he said to me and  
11 kept on going.

12 REPRESENTATIVE BLAUM: Why, and it's  
13 all twenty-twenty hindsight, but if the panels were  
14 off and people know that inmates can reach up twist  
15 them and open the doors why isn't, you know,  
16 somebody jumping around hollering and screaming, a  
17 corrections officer, anybody, saying, I mean these  
18 guys can get out at will, you know, this can't exist  
19 this way? Or wasn't it something that everybody  
20 was aware of?

21 CAPTAIN STOTELMEYER: Nobody can  
22 convince me at this point. I walked into that thing  
23 like eighteen hours after the original riot. It  
24 happened at three o'clock in the afternoon.

25 I was over there and saw this myself.

1 Ten o'clock the following morning there were  
2 Lieutenants, Captains, Majors, the Deputy, they even  
3 had people go in and take a video of the cell  
4 blocks. Take I don't know how many still photos.

5 Everybody knew that eighteen hours  
6 before I showed up inside the Institution. And what  
7 I'm saying is that I know you don't get into arguing  
8 with Smith. I mean it's-- I'm not going through  
9 that again.

10 REPRESENTATIVE BLAUM: I understand.

11 CAPTAIN STOTELMEYER: You just don't.

12 So I mean what else do you do?

13 CAPTAIN KERSTETTER: I'd like to add  
14 something to that because I know some of the  
15 Maintenance people were over there and reported to  
16 Deputy Smith Thursday morning before lunch, told  
17 them some of the extensive damage.

18 Because of the main priority, let's  
19 get the truck out of the fence, taking pictures and  
20 moving a cart that's burned, was not changed, that's  
21 why, gentlemen.

22 CAPTAIN STOTELMEYER: The Maintenance  
23 Superintendent told me he reported to Deputy Smith  
24 verbally and in writing, he gave him the work orders  
25 showing just what was wrong with those locking

1 devices early Thursday. So I mean I knew he knew  
2 it.

3 CAPTAIN KERSTETTER: I'd also like to  
4 add to that if you've read the Adams Commission  
5 Report, Superintendent Freeman's report of October  
6 26, 1989, obviously he wrote this report sometime  
7 after 5:00 a.m.

8 The last page, damage is extensive.  
9 The Commissary, Furniture Factory. Office Complex.  
10 E-Gatehouse. Equipment Shed. Dispensary Two and  
11 Three. Vehicles were destroyed.

12 There is fire damage to the main  
13 auditorium. C Block basement. B Block basement.  
14 Main kitchen and cell blocks.

15 Extensive damage was done to locking  
16 mechanisms in H Block and it will be sometime before  
17 the full extent of all block damage has been  
18 determined.

19 However, initial evaluation is that  
20 there is major damage. All fires have been  
21 extinguished.

22 The Institution was under control at  
23 10:00 p.m.

24 I disagree with that. At 10:00 p.m. I  
25 was still locking inmates up.

1                   And all inmates were locked down by  
2 1:00 a.m.

3                   I disagree with that also.

4                   And on Thursday, October 26th, feeding  
5 was completed by 5:00 a.m. I would agree with that  
6 statement, that sentence.

7                   He obviously wrote this after 5:00  
8 a.m. on Thursday.

9                   So he's telling everybody there is  
10 extensive damage. He's telling the Commissioner of  
11 Corrections what the disturbance entailed.

12                   I mean if you get the Adams Commission  
13 Report, pull out Exhibit H, you'll read it. You'll  
14 see it.

15                   If he knew that-- If there's damage  
16 in H there quite frankly could be damage in J and K,  
17 E, F and G. But yet they have the Maintenance  
18 Department running around extracting vehicles from  
19 the fence, interior fence.

20                   If we can keep an inmate in his cell  
21 you don't have to worry about the fence.

22                   REPRESENTATIVE BLAUM: Is this  
23 something that, you know, because of the list of  
24 priorities in your opinion - and this is only your  
25 opinion - that this is something they were going to

1 get to, or is this something that they just didn't  
2 believe that these cell doors could be opened?

3 CAPTAIN KERSTETTER: I have no idea.

4 CAPTAIN STOTELMEYER: Yes sir, in my  
5 opinion they knew that they were going to get to  
6 them eventually because sometime during that day  
7 when I made Deputy Smith, after I had told him about  
8 the bands for H Block--

9 REPRESENTATIVE BLAUM: What time was  
10 that?

11 CAPTAIN STOTELMEYER: Guessing roughly  
12 twelve, one o'clock, something like that.

13 But he told me that after they got the  
14 truck out of the fence the priority was to get the  
15 people into H Block to repair those locking  
16 mechanisms.

17 And obviously they never got into H  
18 Block or any other block. But talking to the  
19 Maintenance Superintendent II, who was Mr. Stanley  
20 Smith, the guy that actually personally directs all  
21 the work, talking to him after this, you know, after  
22 the whole thing happened, I asked Stan if he had  
23 gotten directions from Smith to do that work, to get  
24 them into H Block, or I said did I just imagine  
25 that.

1 He said no, we were to get the truck  
2 out of the fence and get into H Block to do the  
3 locking mechanisms. But prior to doing that nobody  
4 thought about it, we have to put lights in all the  
5 cellblocks because you can't work on anything in the  
6 dark.

7 And they were still working on fixing  
8 and putting lighting in the cellblocks when the riot  
9 happened the second time.

10 REPRESENTATIVE BLAUM: Thank you very  
11 much.

12 What you said in response to  
13 Representative Piccola's question on what could we  
14 do, the increased discipline in the Pennsylvania  
15 prisons is a statement of yours that I agree with  
16 and I think that it's something that should be  
17 done.

18 I've read an awful lot over the past  
19 four, almost five months now since this incident and  
20 too much of the tone I believe is blame the inmates  
21 last. Everybody else first and the inmate last.

22 The most disgusting example of that I  
23 heard a few days ago, was a Pennsylvania State  
24 Senator said that he would hold hearings until the  
25 cows came home into whether or not inmates had

1 been threatened not to come here, or were abused by  
2 the guards.

3 That statement was allowed to be made  
4 without the presence of any guard or rebuttal from  
5 guards.

6 You two gentlemen have been on duty  
7 and have you seen any evidence of that?

8 CAPTAIN STOTELMEYER: No, sir. I'm  
9 there from 6:00 a.m. and so is Jerry. One of the  
10 two of us are there seven days a week from 6:00 a.m.  
11 to 6:00 p.m. daily, twelve hours a day.

12 And I'll sit here and look at any of  
13 you ladies or gentleman right in the eye and tell  
14 you I know of nobody being abused over there.

15 There's nobody being beaten on a  
16 regular basis or abused in any way.

17 REPRESENTATIVE BLAUM: I'm happy that  
18 this Committee--

19 CAPTAIN KERSTETTER: I'd like to add  
20 something to that.

21 REPRESENTATIVE BLAUM: Please.

22 CAPTAIN KERSTETTER: You obviously do  
23 not know our procedures at that Institution. We  
24 have nurses go into every cellblock every day,  
25 several times a day, to deliver medications to



1 inmates. They go from cell to cell. Tier One.  
2 Tier Two. Tier Three. Tier Four. Escorted by the  
3 Pennsylvania State Police.

4 And if I was punched in the face. If  
5 I were an inmate and I was punched in the face or  
6 injured or hurt, or beat around, as some of the more  
7 descriptive terms were, I would ask the nurse for  
8 some treatment.

9 And I have no knowledge, because if  
10 they would have to do those kind of items they have  
11 to fill out a form and so on and so forth, etcetera.

12 I have no knowledge of any inmate  
13 telling nurses, hey look, they just beat us up in  
14 here.

15 I think it's a lot of BS, which does  
16 not stand for Bachelor of Science.

17 REPRESENTATIVE BLAUM: I'm happy that  
18 you two gentleman had an opportunity to say that on  
19 behalf of the Corrections Officers, not only at Camp  
20 Hill but across the Commonwealth before this  
21 Committee.

22 I think to let that statement go  
23 unanswered for well over a week now was not the  
24 right thing to do.

25 I want to thank you gentlemen for

1 your testimony and for your service to the  
2 Commonwealth.

3 And hopefully we can provide those  
4 funds to make your complement what it should be and  
5 to increase the discipline at not only Camp Hill but  
6 across the other Institutions in Pennsylvania.

7 CHAIRMAN CALTAGIRONE: Thank you,  
8 gentlemen.

9 Thank you for testifying today.

10 We will now recess until one o'clock  
11 and we'll start exactly at one o'clock.

12 (Whereupon the hearing was in recess.)

13 \* \* \* \*

14 AFTERNOON SESSION  
15 1:10 p.m.

16 CHAIRMAN CALTAGIRONE: We'll get  
17 started. I know the Members will be coming in and  
18 we'll start off with James Thomas, the Executive  
19 Director of the Pennsylvania Commission on Crime and  
20 Delinquency. And anybody else that would like to  
21 sit there with you, Jim.

22 MR. THOMAS: Thank you,  
23 Representative. Gentlemen.

24 There is additional members of my  
25 staff here and if there are questions that  
particularly as relates to some of the data or

1 analysis, I'll feel comfortable to call them to the  
2 table. So that we don't get too crowded, however,  
3 I'll go ahead and start.

4 Mr. Chairman and Members of the House  
5 Judiciary Committee, thank you for the opportunity  
6 to testify before you on the serious implications of  
7 crowding in our correctional system.

8 My name is James Thomas and I am the  
9 Executive Director of the Pennsylvania Commission on  
10 Crime and Delinquency.

11 On July 17th, 1989, in testimony  
12 before this Committee, I stated that "A principal  
13 concern for the PCCD for at least the past six years  
14 has been the crowding of our prisons and jails and  
15 the overburdening of our probation and parole  
16 resources.

17 We continue to be alarmed by the  
18 growth in the number of offenders supervised and the  
19 lack of support for increasing the resources  
20 available to deal with this burgeoning offender  
21 populations."

22 Unfortunately, I am here today to give  
23 you the same message.

24 During the past decade our  
25 correctional population has grown dramatically.

1 More alarming is that overcrowding will continue to  
2 be the future of corrections in the Commonwealth  
3 unless immediate and far reaching remedial steps are  
4 taken.

5 Evidence the following:

6 - On December 31, 1980, the population  
7 of our state and local system was  
8 83,576. As of December 31, 1989,  
9 this figure rose to 175,954  
10 offenders, or 111% increase.

11 Our projections indicate that by the  
12 year 1993, there will be close to  
13 one-quarter million offenders in  
14 our correctional system.

15 Now this is looking at the system as a  
16 whole. Let's take a look at breaking it down by  
17 prisons and jails and parole and probation.

18 - From 1980 to 1987, the Department  
19 of Corrections' population grew by  
20 an average of 1,151 inmates per  
21 year. In 1988, it grew by 1,627  
22 inmates; at the time that was the  
23 largest annual growth in the  
24 state prison history. That was  
25 of course very short lived when

1 in 1989 the population grew by  
2 2,561 inmates.

3 Our projections indicate that this  
4 growth will not slow and we can  
5 expect a minimum of between 25,000  
6 and 27,000 inmates by 1993. The  
7 current population is 21,034 inmates  
8 at the end of February.

9 Let me say that the end of December  
10 that population was 20,094. That means that by that  
11 current rate of over 250 inmates a month, that by  
12 the end of this year if that rate that we've  
13 experience in the first two months would continue  
14 we would be over 32,000 inmates on an increase this  
15 year.

16 Do you appreciate what I'm saying?  
17 Everyone that comes into the System, there's a  
18 certain amount of discharges and by the end of that  
19 time we would experience that kind of increase just  
20 in the first two months.

21 - From 1980 to 1989, county jail  
22 populations have risen from  
23 7,553 to 16,150 and at their  
24 present rate of growth, could be  
25 housing over 25,000 inmates by

1 1993.

2 Again, it's useful to pause and look  
3 at that. That would mean that the county jails  
4 could become on par in terms of size as the state  
5 prison system is.

6 - Offenders under probation and  
7 parole supervision have grown from  
8 67,780 in 1980 to 139,314 in  
9 1989, and at the present rate of  
10 growth, will approach 200,000  
11 offenders by 1993.

12 As a number of the members of this  
13 Committee are aware, in February of 1985, the PCCD  
14 issued a report titled, "A Strategy to Alleviate  
15 Overcrowding in Pennsylvania's Prisons and Jails."

16 That recommended a comprehensive  
17 strategy for addressing the problem of overcrowding  
18 in those prisons and jails.

19 As you know, very little has been done  
20 to implement the recommendations of that report.

21 In 1987, the Governor's  
22 Interdepartmental Task Force on Corrections, and in  
23 1988 the Legislative Budget and Finance Committee,  
24 each released reports that emphasized the  
25 overcrowding problem and echoed many of the same

1 recommendations on overcrowding presented in our  
2 1985 report.

3 Very little has been done to implement  
4 the recommendations of these reports.

5 On October 25th and 26th, 1989, the  
6 inmates at the Camp Hill State Correctional  
7 Institution carried out a riot that destroyed about  
8 a thousand cells in the prison, further exacerbating  
9 the crowding problem.

10 A commission established by the  
11 Governor identified some of the specific incidents  
12 that let that situation get out of hand, but also  
13 made some recommendations to reduce overcrowding.  
14 And again, those recommendations were addressed in  
15 PCCD's 1985 report.

16 What currently concerns us is that the  
17 results of the various investigations into the riot  
18 may not address the fundamental problem of crowding  
19 in our correctional system. For that reason, we are  
20 pleased to be invited to this final hearing.

21 In order to alleviate crowding it is  
22 vital that the populations of our prisons and jails  
23 be brought into compatibility with their capacity.

24 The Commonwealth's clear and strong  
25 desire to punish and contain its offenders imposes

1 an obligation to pay the costs of accomplishing this  
2 desire.

3           Either state and local policymakers  
4 must pay the costs of confinement (which are clearly  
5 staggering), or they must develop and implement a  
6 mixture of actions which, while adding some capacity  
7 to the system, can also reduce the confined  
8 population by returning to the community those who  
9 can be responsibly returned.

10           To do otherwise most certainly invites  
11 further disturbances and federal court intervention  
12 to control and reduce this prison population.

13           Following the Camp Hill riot, Governor  
14 Casey asked the PCCD to offer suggestions for  
15 dealing with prison crowding.

16           Chairman Caltagirone and  
17 Representative Hagarty have also requested us to  
18 devise a plan to address the overcrowding crisis on  
19 both a short and long term basis.

20           In response to these requests, we  
21 formed a small but very knowledgeable group of  
22 individuals whose perspectives cover the entire  
23 criminal justice system; Dr. Alfred Blumstein, the  
24 PCCD Chairman; Mr. Fred Jacobs, Chairman of the  
25 Board of Probation and Parole; Dr. John Kramer,



1 Executive Director of the Pennsylvania Commission on  
2 Sentencing; Warden Arthur Wallenstein, Bucks County  
3 Prison; Mr. James MacEiree, Chester County District  
4 Attorney and President of the District Attorney's  
5 Association; Mrs. Charlotte Arnold, Executive  
6 Director of The Program for Female Offenders; Mr.  
7 Allen Hornblum, Philadelphia Prison Board Trustee;  
8 and before his resignation, Corrections Commissioner  
9 David Owens.

10 The report of our Committee is in the  
11 final editing stage and is now targeted for public  
12 release next Tuesday.

13 However, I can preview for you today  
14 the general tone and direction our Committee has  
15 taken in the report.

16 While the Committee supports some new  
17 prison and jail construction, it more importantly  
18 calls for a re-examination and restructuring of the  
19 use of our limited prison and jail space.

20 The objective of our correctional  
21 system should be to provide secure confinement for  
22 those offenders who continue to be violent and pose  
23 a risk to society, while also providing an  
24 opportunity for those who do not constitute a  
25 violent or high risk to be held in facilities and

1 programs more commensurate with their security needs  
2 and reducing their criminality.

3 State and local corrections must be  
4 viewed as one system in developing strategies to  
5 resolve overcrowding.

6 We need to restructure state and local  
7 responsibility for offenders by expanding the  
8 punishment options available between traditional  
9 probation and incarceration extremes for low-risk  
10 non-violent offenders without compromising public  
11 safety and to accomplish the sought-after reduction  
12 in the incarcerated population.

13 Public safety is the primary  
14 consideration in our recommendations and we believe  
15 public safety can be improved by reducing  
16 criminality through the development and expansion of  
17 intervention programs aimed at reducing recidivism  
18 among low-risk offenders.

19 Also, the relationship between public  
20 safety, recidivism, and drug abuse is significant in  
21 addressing overcrowding.

22 Our Committee found that:

23 (1) The extent of overcrowding at our  
24 county jails is a significant contributing factor to  
25 overcrowding at state prisons.

1 (2) When all currently authorized new  
2 state construction is completed, our prison system  
3 will still be woefully short of the capacity to hold  
4 the projected number of inmates.

5 (3) Substance abuse is a major  
6 contributing factor to the increase in both new  
7 court commitments and parole violators returned to  
8 correctional facilities.

9 (4) Recidivists, and in particular  
10 returned parole violators, are a significant  
11 contributing factor to overcrowding in correctional  
12 facilities.

13 (5) There is a significant need to  
14 expand the punishment options available for low-risk  
15 offenders without unduly compromising public safety.

16 The Committee found that the following  
17 factors are driving the recent dramatic growth we  
18 have witnessed in the correctional system:

- 19 - More offenders are being sentenced  
20 to correctional institutions. In  
21 1980, 42% of offenders convicted of  
22 crimes were sentenced to jail or  
23 prison.

24 In 1989, this figure rose to 69%.

25 In 1989, the DOC received a record

1 5,979 new court commitments. This  
2 compares to 4,193 in 1988 and  
3 only 3,158 in 1980.

4 For those offenders sentenced to  
5 incarceration, more are remaining  
6 under correctional supervision for  
7 a longer period of time.

8 For example, the average minimum  
9 sentence of offenders received in  
10 the Department of Corrections has  
11 risen from 30.5 months in 1980 to  
12 41.8 months in 1988. In that  
13 intervening period we're holding  
14 offenders on the average eleven  
15 more months.

16 Also, inmates are serving more  
17 time beyond the expiration of  
18 their minimum sentences.

19 Prior to 1985, inmates were  
20 generally released on the average  
21 at their minimum whereas currently  
22 the average inmate serves six  
23 months beyond their minimum release  
24 date.

25 More offenders have substance

1 problems. Drug arrests increased  
2 87% from 1984 to 1988. From 1987  
3 to 1989, drug commitments to the  
4 Department of Corrections grew by  
5 over 200% (from 436 in 1987 to  
6 1,520 in 1989).

7 Driving Under The Influence  
8 sentences to county jails have  
9 risen over 800% from 1,055 in 1980  
10 to 9,621 in 1988.

11 In 1989, the Pennsylvania Board of  
12 Probation and Parole reports that  
13 over 70% of the offenders released  
14 on parole had a prior history of  
15 drug and alcohol problems.

16 - More of the same offenders are  
17 "recirculating" in the correc-  
18 tional system. The number of  
19 parole violators recommitted to  
20 prison and jail has grown  
21 dramatically.

22 In 1980, 931 were returned,  
23 compared to 2,392 in 1989 (a 157%  
24 increase). Much of this growth is  
25 attributable to technical parole

1 violators.

2 Our Committee's recommendations might  
3 conveniently fit into five broad areas.

4 The first is to limit the number of  
5 low-risk offenders in the Department of Corrections'  
6 medium and maximum security institutions.

7 Included here would be the  
8 establishment of new minimum security Department of  
9 Corrections facilities and "boot camps" for selected  
10 low-risk offenders.

11 Placing these offenders in minimum  
12 security facilities would free space in the higher  
13 security institutions for higher risk inmates.

14 Second is to affect some reduction in  
15 the length of incarceration. Included here in the  
16 implementation of earned time and releasing more  
17 inmates at the expiration of their minimum sentence.

18 The third area is to reduce  
19 overcrowding in county jails. Included here is  
20 establishing alternative housing for DUI offenders,  
21 revision of the sentencing guidelines, and providing  
22 assistance to counties to significantly expand local  
23 sanctions for offenders.

24 A Community Corrections Act, such as  
25 Senate Bill 718 proposes, would provide local

1 punishment options, resulting in fewer offenders  
2 being sent to prison and jail without reducing  
3 public safety or increasing crime.

4 Fourth is to reduce the impact of  
5 recidivists on overcrowding. Included here is  
6 expanding programs for technical parole violators.

7 And the final area is simply to  
8 improve our correctional system planning.

9 Aside from the construction program  
10 already announced by Governor Casey - and by the way  
11 supported by the Committee - implementation of our  
12 recommendations would require capital expenditures  
13 of approximately \$19,500,000 and ultimately the  
14 operating costs of approximately \$83,500. A  
15 staggering figure just in itself.

16 However, if we were to attempt to  
17 provide the requisite cell space for the inmate  
18 population we expect to have by 1993, it could cost  
19 us approximately \$1,000,000,000 and over  
20 \$225,000,000 to run the facilities necessary to  
21 house these offenders.

22 Our correctional system has grown  
23 dramatically as a result of efforts to improve  
24 public safety by incarcerating more offenders for a  
25 longer period of time.

1           And it is now well past the time that  
2 we begin to improve our public safety by putting the  
3 resources in place to manage the burgeoning  
4 correctional population at the state and local  
5 levels.

6           Though the PCCD's last published  
7 report on prison and jail overcrowding was issued in  
8 1985, the Commission has never wavered in their  
9 interest and sensitivity to the issue.

10          When the former PCCD task force issued  
11 its report, there was much hope that bi-partisan  
12 political will would be found in the General  
13 Assembly to deal with the problem in conjunction  
14 with the Governor's Office.

15          Senator Michael Fisher chaired that  
16 task force, which had active participation by  
17 Senator Michael O'Pake and former Representative  
18 David Sweet.

19          As we all know, the 1985  
20 recommendations went nowhere, though the report  
21 still provides a good framework for action.

22          Over the intervening years, the  
23 Commission has not been eager to expand the time and  
24 energy necessary to generate simply one more report  
25 on the subject, though they were well aware that



1 crowding has become dramatically worse.

2           However, as the Governor and this  
3 Committee made requests to the Commission to revisit  
4 the issues and provide recommendations, the  
5 Commission was pleased to do so and will publicly  
6 issue its report next Tuesday.

7           I can tell you that the Commission  
8 hopes that the energy and political will is now  
9 present to set a course to deal with this problem.

10           There are no easy solutions to the  
11 issue. We can't afford to build enough cells and  
12 even if we could afford to build them, we can't  
13 build them fast enough.

14           We must realize that the county  
15 correctional system greatly influences the state  
16 system and vice versa.

17           We must understand that public safety  
18 can be improved most directly through the placement  
19 of significant resources in the community to monitor  
20 offenders once they are released and to help them  
21 stay drug-free and crime-free.

22           Public safety is poorly served by  
23 cramming offenders in prisons for longer periods of  
24 time with less treatment and education resources and  
25 then releasing these same offenders back into

1 society with limited resources for either helping  
2 the offender or even for keeping tabs on them.

3 More prison and jail disturbances and  
4 federal court intervention are our future if we fail  
5 to act.

6 I will be happy to answer any  
7 questions you have.

8 CHAIRMAN CALTAGIRONE: Thank you.

9 Let me just indicate my commitment to  
10 make sure that we can accomplish something in this  
11 legislative session.

12 As you well know in discussion with  
13 you earlier this week we have a Committee meeting  
14 scheduled for March 13th. At which time we are in  
15 fact going to deal with a couple of these issues  
16 that we have heard.

17 I spoke with the County Commissioners  
18 Association yesterday, along with Senator Shumaker,  
19 and I indicated to them that I think it's time for a  
20 joint venture with the State and the counties in  
21 developing the alternative sentencing type of pro-  
22 grams that we should collectively work together on.

23 I think there's a great deal of  
24 interest from the County Commissioners in doing just  
25 that.

1           Last summer, as I indicated to you  
2 also, we do have an inventory of all the surplus  
3 State buildings that are available throughout our  
4 Commonwealth.

5           And I think it's time that we started  
6 an effort with the budget season upon us to develop  
7 a plan, number one.

8           Number two, implementation at least on  
9 a trial basis somewhere in the State of that type of  
10 cooperative venture between the State and the  
11 counties, to utilize the resources that the State  
12 has available and tie that in with the county or  
13 counties in that regional area.

14           And put those non-violent less  
15 offenders in such a facility to see if whether or  
16 not it would have the kind of impact that I think  
17 many of us feel that it would.

18           First of all easing the overcrowding.  
19 Second of all providing the intensified counseling,  
20 education, vocation types of things that I think  
21 everybody agrees is needed in order to try to turn  
22 the lifestyle around of the individuals.

23           I'm thinking back to my father, who is  
24 now deceased, when I used to watch him make sausages  
25 at home, he had indicated to me the rind, when he

1 was putting the sausage mix into the machine and  
2 turning it, he would say, "Tommy, always remember,  
3 you can't put more sausage into that machine because  
4 it will bust the rind and ruin the sausage."

5 You know it's the same parallel that  
6 we have today with the prisons. You just can't  
7 continue to push them in there because something is  
8 going to bust.

9 And I take to heart many of the  
10 recommendations that you have in here. I hope that  
11 we can make converts of many of the members of the  
12 General Assembly and put the politics aside to get  
13 on with these recommendations, and to implement as  
14 many of them as humanly as possible. And of course  
15 the budget constraints have to be kept in mind. But  
16 I do think in the long run it's really going to save  
17 us a lot more money than continuing to attempt to  
18 build a way out of this situation.

19 MR. THOMAS: Let me say that the  
20 Commission is sincerely appreciative of both yours  
21 and Representative Hagarty's request to revisit the  
22 issue.

23 The '85 report provides a good  
24 framework, but on the other hand as one starts  
25 talking about the '85 report so it doesn't lose

1 some of its significance we've updated it. We have  
2 a current framework and that's what we have.

3 All the things that you're speaking of  
4 certainly fits within that framework. And the  
5 specifics, the actual bills you can go through.

6 If we can get agreement in the  
7 framework I would think that the specifics can  
8 easily follow afterwards.

9 I can tell you from a person who's got  
10 about twenty years in watching the system that I'm  
11 worried. I'm seeing things in the last two years  
12 that we just wouldn't have dreamt of in terms of the  
13 numbers that are coming in.

14 You get a little desensitized as you  
15 keep looking at these numbers, and my testimony is  
16 full with them. What do they mean?

17 Think about that. We're taking 200,  
18 250 more inmates net every month and there's just no  
19 way we can dig out way out of it.

20 I think the difference between our  
21 testimony or the report that I'm giving a hint at  
22 that will come out next Tuesday and the '85 report,  
23 probably channels us in two additional directions.

24 That is one that you'll certainly hear  
25 more testimony on, and that is perhaps there's

1 something we can do with the sentencing guidelines,  
2 keeping in mind we aren't talking about reducing the  
3 guideline sentences on violent and predatory  
4 offenders.

5 But there's something there that's  
6 really worth perusing and that we can expect to be  
7 recommended by that Committee.

8 The other issue that I think is a bit  
9 different than what we saw in '85 is on the crunch  
10 that's occurring in the parole system, and the  
11 effect that that's having in terms of the  
12 recommitment rate. And the late release from  
13 parole, where we're going about six months past the  
14 minimum.

15 I think that's two fertile grounds  
16 that we're pointing out and will be pointing out in  
17 our new report.

18 CHAIRMAN CALTAGIRONE: Questions.

19 REPRESENTATIVE HAGARTY: Thank you,  
20 Tom.

21 MR. THOMAS: Jim.

22 REPRESENTATIVE HAGARTY: No, I was  
23 thanking him.

24 MR. THOMAS: I'm sorry.

25 REPRESENTATIVE HAGARTY: I was going

1 to thank you next. Everything in turn.

2 Sincerely, I have had the opportunity  
3 as a Member of the Pennsylvania Commission on Crime  
4 and Delinquency to review the draft report.

5 I think it is an excellent blueprint  
6 and I congratulate you for Corrections in  
7 Pennsylvania.

8 I have to indicate that the  
9 alternatives that are proposed in that draft report  
10 are in the form of bills.

11 So this is not the situation where we  
12 have a report that will not receive action.

13 Those bills have already been  
14 introduced and were introduced almost a year ago by  
15 myself and Representative Piccola. And Chairman  
16 Caltagirone I believe has sponsored those bills  
17 also. And they have largely been passed by the  
18 Senate, introduced by Senator Fisher there.

19 So I believe that this blueprint from  
20 the professionals indicating, as I understand the  
21 report to be the priorities are to continue on  
22 public safety, but to provide a continuum of  
23 treatment leading from less treatment up to maximum  
24 security incarceration where necessary, and increase  
25 cell capacity.

1           That we will at least attempt to begin  
2 dealing more realistically with what has become a  
3 very changed and enlarged prison population.

4           So I believe we are very ready to go  
5 forward with this.

6           I wanted to ask specifically though on  
7 the comments with regard to the parole violators.  
8 Your comments were that the minimum time used to be  
9 in those instances the time minimum that was imposed  
10 by the judge with the time served. That today that  
11 is no longer true and many more inmates are staying  
12 past that minimum.

13           MR. THOMAS: That's correct.

14           REPRESENTATIVE HAGARTY: Do you know,  
15 and I recognize that Ray Jacobs from Parole would  
16 have been a better person to answer this inasmuch as  
17 he was on the PCCD report, can you share with us why  
18 inmates are no longer leaving the prison on their  
19 parole date?

20           MR. THOMAS: Let me speculate some and  
21 say what we find is that the average release date is  
22 six months after minimum, and that wasn't the case  
23 eight years ago. It was most inmates on the average  
24 went out on parole after minimum.

25           There's a number of influences that



1 are occurring. And to sort them out, where we've  
2 been struggling for a month is trying to figure out  
3 exactly what numbers are counted by what influence.

4 But the influences have to do with  
5 one, that as an offender has a drug and alcohol  
6 problem, as they're a sex offender, as they're  
7 having no participation in education and they come  
8 before the Parole Board for the decision and they  
9 see no program participation, it results in a Parole  
10 Board action which says go back and get the  
11 requisite treatment or program participation and  
12 we'll consider you six months from now or nine  
13 months from now. That's one of the influences  
14 that's happening.

15 REPRESENTATIVE HAGARTY: Is that  
16 influence, in other words that these people should  
17 not be paroled because they haven't demonstrated  
18 during their time in prison that they are ready for  
19 parole? Is that what you're indicating?

20 MR. THOMAS: I'm suggesting that the  
21 Parole Board by policy views the lack of that  
22 participation as significant enough to delay the  
23 hearing.

24 The question of course has to be in  
25 that intervening six or nine months does a person

1 get that treatment, and does that treatment really  
2 count for something in terms of recidivism?

3 We know that those resources in the  
4 State Correctional System are terribly overburdened.  
5 They were overburdened ten years ago and they're  
6 worse now.

7 And one could, for instance, develop  
8 the resources, the same exact resources that's not  
9 in those institutions, we could develop them in the  
10 communities and let the person be paroled into a  
11 drug treatment program.

12 It gets him out of the prison. It  
13 gets him committed into the treatment and failure  
14 there of course is back into the institution. You  
15 have to risk a lot but it's a chance to get the  
16 treatment.

17 REPRESENTATIVE HAGARTY: But the  
18 problem in either event is we ought to have to  
19 present for people who are in prison with drug  
20 problems, you're indicating we either have to do  
21 something about the drug problem in prison or out of  
22 prison.

23 If we don't, what you're telling us is  
24 that that's the reason the recidivism is so much  
25 higher.

1 MR. THOMAS: Umhum.

2 REPRESENTATIVE HAGARTY: Because the  
3 drug problem is not being dealt with. Is that  
4 right?

5 MR. THOMAS: I think that's certainly  
6 my assumption, is that we're not doing a very good  
7 job of dealing with substance abuse problems and  
8 that is attributing to recidivism.

9 My testimony doesn't say that but it's  
10 certainly my assumption.

11 What I am saying, on the longer time  
12 it's taking past the minimum for paroles to be  
13 granted is that the resources necessary to show, to  
14 demonstrate program participation are available.

15 One of the influences is that when the  
16 Parole Board makes the actual review they see lack  
17 of participation in that program, and therefore they  
18 won't grant it for another, you know, they set  
19 another review date.

20 That's only one of the influences.

21 REPRESENTATIVE HAGARTY: Do you know,  
22 before we go on to the second one, do programs exist  
23 in prison for that inmate who would avail himself of  
24 a program?

25 MR. THOMAS: There are certainly

1 programs in the prisons. They have waiting lists.  
2 There is not sufficient resources by far to satisfy  
3 the demand that could otherwise be there.

4 REPRESENTATIVE HAGARTY: Can I assume  
5 when you refer to the great increase in technical  
6 violations, are those technical violations drug  
7 related? Or do you know?

8 MR. THOMAS: That's a question that we  
9 will certainly answer for you, but I don't have that  
10 with me.

11 Drug violations are clearly a good  
12 percentage of that. Although I'm not going to  
13 venture on what the percentage is.

14 But from everything we can tell it's  
15 not simply being caught on drugs one time that  
16 results in the technical recommitment.

17 You have to have a series of hot  
18 urines on their urinalysis screening. The agent in  
19 charge has to be pretty much convinced that he's  
20 going to lose this guy to further crimes if he  
21 doesn't commit and that's where the decision comes.

22 It's not so bureaucratic or automatic,  
23 that as soon as you see a hot urine that the fellow  
24 goes back into the prison.

25 REPRESENTATIVE HAGARTY: What

1 percentage of our inmates in the Correctional System  
2 today do you believe are there for drug related  
3 crimes or drug problems themselves?

4 MR. THOMAS: The percentage that I  
5 have heard is seventy percent of all the offenders  
6 in the institutions have substance abuse problems.

7 That has been an historic figure. Its  
8 been around forever. I know of no research that  
9 substantiates that.

10 But other than talking with other  
11 inmates, talking with correctional officers, talking  
12 with administrators, they all cling to that figure.  
13 There's no one challenging it.

14 REPRESENTATIVE HAGARTY: Was that the  
15 same figure if I would have asked that question in  
16 1980?

17 MR. THOMAS: Yes.

18 REPRESENTATIVE HAGARTY: You would  
19 have given me the same figure then?

20 MR. THOMAS: Yes. I don't believe  
21 there's any precision on the number. I think there  
22 just isn't any precision. It's a large percentage  
23 of the population. We of course have given it more  
24 numbers now so it's a much bigger problem, but that  
25 number has been around for many years.

1                   REPRESENTATIVE HAGARTY: But the  
2 nature of the prison population isn't changing, just  
3 the numbers you're indicating?

4                   MR. THOMAS: Oh the nature is changing  
5 dramatically. It has to do with the drug of choice  
6 now.

7                   And certainly the evidence we have on  
8 crack usage causes an affect of much more violent  
9 behavior.

10                   It's much more readily available. It  
11 doesn't get the, using heroin where you're going to  
12 kind of sit things out for a while.

13                   The crack abusers really don't put you  
14 into a violent state. And I would say that the  
15 offenders that we are having the most difficulty  
16 with are the young offenders who are the crack  
17 users, crack sellers.

18                   REPRESENTATIVE HAGARTY: Jim, I know  
19 you did not review all of the recommendations in  
20 here with regard to alternatives to incarceration,  
21 but the one you did mention was the boot camp  
22 proposal, which as you know I'm a sponsor of that  
23 proposal.

24                   Has PCCD studied the recidivism rate  
25 under boot camp proposals?

1 MR. THOMAS: We haven't studied them.  
2 We've familiarized ourselves with the literature  
3 that's available.

4 REPRESENTATIVE HAGARTY: We heard that  
5 the Committee, as you may know, did have a hearing  
6 on that. And while I believe the results were  
7 encouraging they were not as encouraging as we might  
8 have hoped.

9 I'm wondering what your understanding  
10 of the literature on the recidivism rate is?

11 MR. THOMAS: Our understanding is that  
12 there's no demonstrable evidence that the boot camps  
13 provide lower recidivism rates.

14 I guess the other way of looking at  
15 it, it doesn't provide any worse recidivism rates.

16 It's cheaper in the sense that you can  
17 process more offenders through a shorter stay than a  
18 longer stay. So in the same facility you can get a  
19 lot more offenders through it.

20 I know of no evidence that says that  
21 the boot camps are dramatically different than  
22 regular incarceration.

23 I think it's probably also useful to  
24 note that there's no evidence to suggest that they  
25 are worse either.

1                   **REPRESENTATIVE HAGARTY:** Have there  
2 been any--

3                   **MR. THOMAS:** I think the key on this  
4 one is that certainly boot camps ought to be tried.  
5 We ought to move forward as your legislation would  
6 suggest.

7                   Our preference would be that they be  
8 under the Department of Corrections judgment as to  
9 who goes in. To give them that control rather than  
10 putting it in the Judiciary which could have the  
11 effect of expanding the number of people that we're  
12 dealing with.

13                   **REPRESENTATIVE HAGARTY:** I agree with  
14 that.

15                   **MR. THOMAS:** And that we certainly  
16 ought to try it. I think the nature of my  
17 testimony, the nature of the report next week is  
18 boy, there just isn't any silver bullets out here.  
19 There's not one thing that's going to do it and so  
20 let's do boot camps along with a series of other  
21 things as the package of legislation suggests.

22                   **REPRESENTATIVE HAGARTY:** Do we have  
23 any evidence on anything that helps recidivism?

24                   **MR. THOMAS:** Boy, I'll tell you, back  
25 in the '70's we used to worry about that.



1 Recidivism was a thing that we were trying to get on  
2 top of any tried to study.

3 And back then even when the resources  
4 were being devoted to it somewhat in our own state  
5 and certainly nationally, it was really, really  
6 difficult to say this particular intervention will  
7 work.

8 I know an old sage of the Prison  
9 System used to tell me that people coming into the  
10 System, there is rehabilitation in the System.  
11 There is without a question.

12 Some day that person just turns around  
13 and he's on a different course. And whether it's  
14 because he's finally aged out, he's got mature, he's  
15 found religion, whatever it is, it happens. It's  
16 for real. But trying to link that back to a  
17 specific program is impossible.

18 Some common sense things tell you if  
19 he doesn't have an education he's not going to have  
20 a job. He's not going to be very employable except  
21 in a lucrative profession like selling drugs.

22 And if he's a sex offender and you put  
23 him in and release him without ever dealing with  
24 that trait, you can expect him to be a sex offender  
25 again.

1           If he comes in as a substance abuser  
2 whose kind of lost his mind and we put him back out  
3 as a substance abuser, we can expect him to get in  
4 trouble.

5           REPRESENTATIVE HAGARTY: There's no  
6 question that the philosophy of Corrections has gone  
7 from at the time that we did worry about recidivism  
8 to what we're doing today, and that is  
9 incapacitating people for longer periods of time so  
10 that they can't be recidivists because they're not  
11 on the street.

12           And if we're going to consider again  
13 some type of alternative it just I guess becomes a  
14 recurring question if we are prepared to say - I  
15 don't know that we are - but that there are certain  
16 types of inmates who we may not want to incapacitate  
17 for as long as we have been because we're not  
18 prepared to spend a billion dollars on prison cells.

19           MR. THOMAS: I guess I'm looking at  
20 that same issue but from a different side. And that  
21 is that it's not a question of whether or not you're  
22 going to leave the offender out or not.

23           He's clearly coming out. We're  
24 climbing over ten percent now of our population is  
25 lifers.

1 Life in the State means life.

2 Therefore it's just by numbers, except for those  
3 that die in the system, they're coming out.

4 So ninety percent of the offenders are  
5 coming out. The only question is from a public  
6 safety standpoint do we want them to go out, either  
7 max out or come out somewhere after their minimum  
8 and go out into a system where the parole resources  
9 and the community service centers are so minimal and  
10 so overworked that they can't even keep tabs on the  
11 offenders very well.

12 It would seem to be from a citizen, I  
13 don't feel safe with the system we've got in place.  
14 I'm going to tell you that.

15 It makes only sense from the public  
16 safety standpoint to have a broad range of options,  
17 from case loads which would have very limited  
18 periodic reviews, annual reviews perhaps, clean into  
19 the maximum security institution.

20 And those people that are coming out,  
21 you ought to give the Correctional System, the  
22 Probation and Parole and the Prison authorities that  
23 ability with good classification to be able to place  
24 that person in the system and begin gradually moving  
25 him out.

1           When he goes through a community  
2 service center, which requires a residence, requires  
3 a job, and he starts screwing up, change his  
4 direction. Put him back in.

5           As he keeps coming out and he's in  
6 parole in intensive supervision, you're watching  
7 him. And you're getting some urine analysis and  
8 you're keeping him straight that long, to the point  
9 where you can have some confidence that if he does  
10 screw up you're going to catch him, and if he  
11 doesn't then fine, that's a discharge.

12           And by setting up that sort of system  
13 we're not giving up control; we're giving up  
14 location.

15           And we're taking him out of the  
16 maximum and we're getting him out of this system,  
17 and the maximum is what is causing all our problems.  
18 Let's reserve that maximum for the people that  
19 really need it.

20           REPRESENTATIVE HAGARTY: Do you know  
21 whether other States have kind of moved in this  
22 direction to what you're I guess describing as a  
23 continuum?

24           MR. THOMAS: Yes. The idea of the  
25 continuum has been I guess seen as the most

1 reasonable and credible way to handle corrections  
2 ever since we ever started to talk about needs to  
3 control our populations.

4 Delaware. And so there's many states  
5 that in fact do try to establish that sort of  
6 system.

7 REPRESENTATIVE HAGARTY: And we've had  
8 that because we've had parole, but its been either  
9 in or out.

10 MR. THOMAS: In or out, right.  
11 That's right.

12 You really in the State don't have  
13 that range of alternatives. You just put them on  
14 parole. Except for the couple intensive parole  
15 units we've established you don't have real good  
16 tracking of those offenders.

17 We certainly don't have the help and  
18 the resources that we've needed out in the  
19 community.

20 Part of the problem is once this  
21 Parole Board, once an agent finds an offender that's  
22 screwing up and he knows he might not see this guy  
23 again for another week, or that he might not have  
24 the money in his budget to be able to acquire the  
25 urinalysis, he's not going to overly so, is not

1 going to risk that person not committing a violent  
2 act or creating that new crime. So he's going to  
3 revoke it.

4 REPRESENTATIVE HAGARTY: You're  
5 indicating our citizenry would be safer if we moved  
6 more to a continuum of options in Corrections?

7 MR. THOMAS: Oh, absolutely.  
8 Absolutely. I'm frightened by the system we have  
9 now. I'd feel much safer with me and my family if  
10 we were putting some more help out on the street.

11 Ninety percent of them are coming out.  
12 What the hell, we're letting them out now and  
13 without that help. I mean if they're crazy on the  
14 inside, they're crazy on the outside. Let's get  
15 some support. And we clearly aren't talking about  
16 let's make everybody lifers.

17 And that's the only way that I could  
18 feel safe in our system would be let's get a real  
19 tight perimeter of security and dump everybody in  
20 there for life.

21 And I mean that's of course an absurd  
22 suggestion. We couldn't afford it nor would our  
23 Constitution allow it, and we live with it.

24 REPRESENTATIVE HAGARTY: Thank you.

25 REPRESENTATIVE BORTNER: Mr. Chairman.

1 CHAIRMAN CALTAGIRONE: Yes.

2 REPRESENTATIVE BORTNER: Mr. Thomas,  
3 I have a couple questions.

4 The first one is kind of a technical  
5 clarification. On page seven you were saying that  
6 one of your recommendations for additional  
7 construction will require capital expenditures of  
8 \$19,500,000. And then you said operating costs of  
9 approximately \$83,500. But I'm reading \$83,500,000.

10 MR. THOMAS: Thank you. That should  
11 be \$83,500,000.

12 REPRESENTATIVE BORTNER: My question  
13 then is, the second part to that, I mean is that  
14 over what period of time?

15 MR. THOMAS: Well that suggestion  
16 means is that once all the recommendations were in  
17 place and you actually hired the staff to satisfy  
18 the requirements that we're suggesting, more parole  
19 officers, more correctional officers in some of the  
20 minimum security facilities we may be recommending,  
21 once you actually have all those alternatives in  
22 place it would be \$83,000,000 per year increase from  
23 what we are today.

24 So what we would assume is that we  
25 can't do this overnight in any event, so maybe in

1 in about three years if the General Assembly adopted  
2 it, the Governor adopted it, maybe in about three  
3 years you'd end up with that additional cost over  
4 what you're at today.

5 REPRESENTATIVE BORTNER: At the point  
6 of time that that is in place and the additional  
7 personnel would be required to operate it, we would  
8 be looking at an additional annual expenditure of  
9 \$83,500,000. Am I reading that correctly?

10 MR. THOMAS: That's correct.

11 REPRESENTATIVE BORTNER: I want to  
12 explore the parole situation with you.  
13 Representative Hagarty has actually asked most of  
14 the questions I had and you clarified a good bit of  
15 it.

16 It does not sound to me as though this  
17 is the result of any kind of planned change in  
18 Parole Board policies or procedures. That it just  
19 kind of happened. Would that be correct?

20 MR. THOMAS: I think that's probably a  
21 better question to direct to the Chairman.

22 One of the other factors was what  
23 we're calling a recirculation problem. We know  
24 we're getting more commitments for violations and  
25 some of the violations are criminal acts.



1           That's occurring. They're out on  
2 parole. They're committing new crimes. And they're  
3 going back in on a new sentence.

4           Now as they come back up for parole  
5 review that's a bad risk. The person already served  
6 their sentence once. They were paroled. And they  
7 fouled up on parole and by policy that's going to  
8 make it a poor risk.

9           So you're just getting a recirculation  
10 of the offenders and that is contributing to part of  
11 that average six months past the minimum release.

12           REPRESENTATIVE BORTNER: I guess what  
13 I'm curious about is whether-- I'm assuming that,  
14 it's my understanding that the Parole Board  
15 essentially is doing business the way they have  
16 been.

17           I guess I'm curious whether, you know,  
18 hearing officers are doing hearings differently, or  
19 whether they are, you know, anything in the system  
20 that is a decision making process has changed or  
21 it's just kind of the circumstances that you kind of  
22 set up? And I agree with you, that's probably  
23 better put to the Chairman of that Board.

24           MR. THOMAS: It is. And whether or  
25 not there is a-- I'm certain that the Parole

1 Board accepts its mission as being one to protect  
2 the public.

3 And I think the situation as we see  
4 it, it's very difficult to assure public protection  
5 given the lack of resources that the Parole Board  
6 has at its disposal. And so, you know, there's a  
7 little bit of the chicken and the egg on it.

8 REPRESENTATIVE BORTNER: What I'm  
9 hearing you saying is that you found that people are  
10 being denied parole when they come before the Board  
11 for a lack of participation in drug and alcohol  
12 rehabilitation programs that they aren't able to  
13 participate in because there aren't enough resources  
14 within the Correctional System.

15 So there's a certain irony I think in  
16 that situation.

17 MR. THOMAS: I agree with you.

18 REPRESENTATIVE BORTNER: In your  
19 report, if you're at liberty to say, have you looked  
20 at the additional use of community service centers?

21 MR. THOMAS: We have. We do  
22 believe community service centers ought to be  
23 expanded.

24 REPRESENTATIVE BORTNER: I would just  
25 say my experience with a community service center

1 in York. Nobody knows it's there.

2 I think if you polled people on the  
3 street you would find almost nobody knows that there  
4 is a community service center in downtown York where  
5 prisoners are being housed.

6 And that's exactly what they are.  
7 They're still serving, you know, they're serving  
8 sentences. And if they walk away, which does happen  
9 frequently, they're actually escapees.

10 To me that is not only a good  
11 alternative in the sense that it gets somebody on  
12 sort of a gradual basis back in the community. Its  
13 got to be a less costly option.

14 And it's sure as heck a lot cheaper to  
15 have people living in a house or group home type  
16 setting than it is with all the requirements that  
17 you have at a State prison.

18 MR. THOMAS: I believe the capacity of  
19 the centers is approaching 400 in a population  
20 that's 20,000.

21 I would think that's one of the  
22 options that is greatly under used in the State. It  
23 certainly fits in with this continual monologue.

24 You can make all releases go through a  
25 center and you have the opportunity to see how they

1 are going to perform in the community in a  
2 residential setting before they go on parole.

3 It makes absolute sense to require  
4 that of every discharge before they go on parole.

5 MR. THOMAS: Well I think you made a  
6 very good point. If you assume, as you said, that  
7 everybody is going to come out, which in most cases  
8 they are, and if you're truly concerned about  
9 protecting the public it seems to me that this is an  
10 option that makes sense.

11 You know obviously there's got to be  
12 some screening and some very careful consideration  
13 as to who is ready to go back into the community and  
14 at what point.

15 But I'll be very interested to see  
16 what your report says about that. I frankly think  
17 that that kind of expanded approach in the community  
18 service centers would make a great deal of sense.

19 MR. THOMAS: Just a clarification on  
20 the issue of where you were saying there's a Center  
21 in York that you're sure no one even appreciates.

22 That's been our experience with the  
23 fifteen Centers that exist. Once they exist we have  
24 very little problem. There's been a couple places  
25 where they've had to be moved.

1 But generally--

2 REPRESENTATIVE BORTNER: Yes,  
3 locating them is akin to hazardous waste.

4 MR. THOMAS: ....it's that location in  
5 the first instance. So it's not something that even  
6 if we would sit on a case of let's quadruple the  
7 number of Centers, that we're going to be able to  
8 accomplish that in a rapid fashion. But certainly  
9 it would give us a framework and we'd know what  
10 we're working for.

11 REPRESENTATIVE BORTNER: We focused  
12 here on the Parole Board and the impact that that's  
13 having on these problems.

14 Have you looked at either through this  
15 report or in other work the, I guess the viability  
16 of continuing the present parole system, or the need  
17 to continue that given the fact that we kind of now  
18 switched increasingly to mandatory and guideline  
19 type sentencing?

20 The Government as I understand it has  
21 done away with or is in the process of phasing out  
22 the whole parole system and parole agent system as  
23 they change their sentencing policies.

24 MR. THOMAS: Of course we're going  
25 back to the debate we had probably six years ago,

1 seven years ago or so, should parole be abolished  
2 and have a set release date and go to the kind of  
3 just desserts model. And of course that didn't go  
4 very far in the State either.

5 It seems reasonable for me, and the  
6 Committee has not dealt with that issue, that we  
7 have a parole system.

8 It seems reasonable to me that the  
9 community intervention that we have available to us  
10 by the parole agents in the field ought to be  
11 working in harmony and in conjunction with those  
12 community service centers that we have in the  
13 Department of Corrections.

14 And there ought to be just a  
15 commingling of that function. And administratively  
16 I guess I just don't really care whether that occurs  
17 under the Department of Corrections or Parole Board.

18 It is important, as the current system  
19 does, to preserve that independence of parole  
20 review. That parole review should never be part of  
21 the Department of Corrections. But in terms of the  
22 community resources it clearly has to be there.

23 REPRESENTATIVE BORTNER: I think what  
24 I'm hearing from you is that there needs to be some  
25 sort of system for follow up treatment or

1 monitoring once people are released back into the  
2 community.

3 And if you're talking about reducing  
4 recidivism there has to be some mechanism there to  
5 assure that people have available to them and if  
6 necessary will take advantage of these kinds of  
7 programs that presumably will reduce the number of  
8 people that are returned to the prison system.

9 I think that's all the questions I  
10 have. I'll certainly be waiting very eagerly to  
11 review your report when it becomes available next  
12 week.

13 Thank you.

14 CHAIRMAN CALTAGIRONE: Jeff.

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

17 Jim, welcome. I apologize for not  
18 hearing your testimony, but I think I have a pretty  
19 good idea after working with you all these years  
20 what you said. And I did peruse it briefly.

21 My chief concern about overcrowding,  
22 and the reason I'm concerned about it is I'm not  
23 looking at it from the inmates' point of view to  
24 make them more comfortable. I'm looking at it from  
25 the security of the Commonwealth's point of view in

1 that I see courts coming in and - primarily Federal  
2 courts - taking over prison systems.

3 In fact we have a tentative order in  
4 Western Pennsylvania, Judge Colville - Cohill,  
5 excuse me. Colville is the DA. I get them all  
6 mixed up. Maybe he will be a judge some day;  
7 probably will be a judge some day.

8 But at any rate, has PCCD ever done  
9 any analysis or compiled the various court, Federal  
10 court decisions across the country to determine what  
11 basic criteria the courts look to in terms of  
12 deciding when they would come in and take over a  
13 system and when they would not?

14 MR. THOMAS: We haven't done detailed  
15 analysis on court orders in other states. We've  
16 looked at them.

17 One of the things we know is that it's  
18 not as simplistic as one man in one cell. Therefore  
19 if you're in violation of that you can have court  
20 interventions and it's the totality of the  
21 circumstances within a prison. And therefore it's  
22 going to change on every order.

23 Overcrowding is playing a major impact  
24 in the judgment of whether or not the courts will  
25 intervene. But it really takes a case by case



1 review.

2 As you raise the Pittsburgh  
3 institution, the overcrowding is playing a role  
4 there because in the Judge's order he's putting a  
5 cap and he is talking one man, one cell.

6 But if you walk the north and south  
7 blocks, you know, they're pretty small cells.  
8 Particularly in the upper tiers.

9 So that's a specific order related to  
10 that particular prison, if that helps you.

11 One of the things as you may recall is  
12 we dealt with these issues back in the '84 and in  
13 the '85 report, was what was driving that task force  
14 was some efforts of people who might want to move us  
15 to a model of emergency release. The idea that once  
16 you go over a certain capacity figure let them out.

17 The other thing that was driving that  
18 task force was some real fear because of the very  
19 active involvement of the Federal courts at that  
20 time of the courts doing it.

21 Setting a cap and then saying you  
22 either can't come in or whoever there is out. And  
23 that was really the basis for that construction of  
24 that framework for doing something rather than  
25 waiting until events overtake us.

1           And I guess my testimony only says the  
2 catch word, Federal court intervention, it's clearly  
3 a real fear.

4           If the Federal courts take over we  
5 lost. I mean we don't have any chance of getting us  
6 out of this problem at that point.

7           In a way it's going to be embarrassing  
8 for offenders simply to be released out without the  
9 resources in place.

10           REPRESENTATIVE PICCOLA: I absolutely  
11 agree with you and that is my main concern in  
12 dealing with overcrowding.

13           I just briefly scanned your testimony  
14 and I don't think there was anything in here about  
15 private prisons.

16           MR. THOMAS: No there is not.

17           REPRESENTATIVE PICCOLA: Has the PCCD  
18 done anything in terms of looking at the concept of  
19 private prisons as an alternative, or as a partial  
20 way to address prison overcrowding?

21           MR. THOMAS: As I've done with a  
22 couple questions, I can tell you what I think. The  
23 Committee that's preparing the report for release  
24 next week did not deal with the issue.

25           REPRESENTATIVE PICCOLA: Did not?

1 MR. THOMAS: Did not deal with that  
2 issue. Nor does the Commission itself have a  
3 position on it.

4 But the private enterprise in my  
5 opinion could play a useful role as we start talking  
6 about community service centers, as we talk about  
7 residential centers in the community. As we talk  
8 about a minimum security facility that has a  
9 treatment aspect to it.

10 And the other side of that is I don't  
11 believe they have any business running maximum  
12 security institutions.

13 REPRESENTATIVE PICCOLA: I would tend  
14 to agree with you. And I have had some discussions  
15 privately with the Chairman and I know his concern  
16 about treatment. And we've heard testimony that  
17 eighty to ninety percent of the people coming into  
18 the system have drug and alcohol problems for  
19 example. Not to mention all the other kinds of  
20 problems. And we simply can't deal with it in the  
21 existing institutions.

22 Could you give us, and I know you work  
23 with this and this is probably a little bit off  
24 base, but our juvenile system functions almost  
25 exclusively with private profit and non-profit

1 organizations providing the treatment.

2           Given that do you see any parallel,  
3 and could you give us specifics, parallel uses for  
4 the private profit and non-profit organizations to  
5 come in and provide the same kind of things to the  
6 adult system?

7           MR. THOMAS: Well the juvenile system  
8 in Pennsylvania as well as across the country has  
9 been in the private providers, principally non-  
10 profit but some profit, for as long as I can recall.

11           I don't want to set a date on it but  
12 they have a very good track record. And indeed we  
13 know if this was a different hearing we'd be talking  
14 about the juvenile system and the Capitol WDY's and  
15 the problems that that's creating Philadelphia and  
16 others.

17           And we know that one of the ways that  
18 the State has been able to handle the problem is to  
19 move privately, to move with - the word's slipping  
20 me - but the frontier - Vision Quest experience.

21           It's the Vision Quest program is  
22 what's caused a great deal of relief that otherwise  
23 would be on the State system.

24           Vision Quest being a private group  
25 that really runs the kids through either out on a

1 boat teaching them how to work a boat, and therefore  
2 instilling some work ethic in them and discipline,  
3 or other wagon train sorts of things.

4 The other thing that's in the juvenile  
5 system is Warnersville which is a secure institution  
6 for profit. And that Institution has been used for  
7 I believe like fifteen years.

8 Excellent track record. Not having  
9 any of the kind of fears we have that treatment may  
10 suffer because of that profit motive.

11 It's a prime example in the juvenile  
12 area. It clearly is an option that we need to  
13 explore.

14 REPRESENTATIVE PICCOLA: If I can ask  
15 you without having you divulge confidences, why your  
16 Committee did not include that in their report?

17 MR. THOMAS: I guess probably the tone  
18 in what we were trying to do with the report, we're  
19 trying to lay out a framework of different options,  
20 different things to pursue. Speaking more of the  
21 intervention and who should provide it. And maybe  
22 it's as simple as no one really had the question  
23 posed so they didn't deal with it.

24 I can't really address-- I'd be  
25 afraid to venture what the Committee itself might

1 say.

2 REPRESENTATIVE PICCOLA: I just read  
3 an article in, I think it was the National Law  
4 Journal, I think it was in Texas, where they had a  
5 private facility operated exclusively for parole  
6 violators.

7 And it looked like a jail. It smelled  
8 like a jail. But it was a private facility. In  
9 fact I think it was originally a public facility and  
10 was sold to a private concern.

11 Do you see a role or could you  
12 possibly see a role for the private sector in  
13 housing parole violators?

14 Staff tells me there were 200 parole  
15 violators at Camp Hill at the time of the riot. In  
16 one cell block there was no programming.

17 And in fact I had the parents I think  
18 of one of them - No, I'm mistaken. I'm thinking of  
19 another situation. But these guys were there on  
20 parole violations getting no treatment, no  
21 vocational training, nothing.

22 MR. THOMAS: My position on whether it  
23 is to be private or public has solely to do with the  
24 amount of security that is necessary.

25 And if you're talking about parole

1 violators that are appropriately released in a  
2 minimum security kind of setting, maybe some  
3 perimeter security, but really if they wanted to get  
4 out they could very easily get out, then  
5 philosophically I have no problem with that being in  
6 the private sector.

7           You start really depriving someone of  
8 liberty where you may increase the likelihood you're  
9 going to have to use some force and physical  
10 restraint, my belief is that's an appropriate  
11 function of the Commonwealth to provide where there  
12 is counties, and that's where it ought to be.

13           So I guess to answer your question I  
14 think it's worth exploring as an option.

15           REPRESENTATIVE PICCOLA:    Thank you.

16           Thank you, Mr. Chairman.

17           CHAIRMAN CALTAGIRONE:    Thank you.

18           Another question?

19           REPRESENTATIVE BORTNER:    This is not  
20 so much a question, Tom, but I would be very happy  
21 to have the Committee come down to York and visit a  
22 true private prison, which is not just for  
23 juveniles, but for adult women, called Atkins House.  
24 Which again serves very very well without any  
25 controversy and without any great publicity.

1           And it is doing a very very good job  
2 dealing with women offenders who are there under  
3 sentence. Not as part of a parole or probation  
4 plans but are actually serving a sentence.

5           Perhaps we can work that out.

6           CHAIRMAN CALTAGIRONE: Yes.

7           REPRESENTATIVE PICCOLA: Just so we're  
8 not kicking off your senate campaign.

9           REPRESENTATIVE BORTNER: No. I've  
10 talked to Mike about that.

11           CHAIRMAN CALTAGIRONE: Let's see if we  
12 can work out a date that is reasonable and we will  
13 schedule that.

14           Thank you.

15           MR. THOMAS: Thank you.

16           CHAIRMAN CALTAGIRONE: Gentlemen, if  
17 you would like to introduce yourselves and proceed.

18           MR. KRAMER: Thank you. I'm John  
19 Kramer, Executive Director of the Pennsylvania  
20 Commission on Sentencing.

21           To my right is Judge Ted McKee from  
22 Philadelphia Court of Common Pleas. And to my left  
23 is Mr. Rich Lewis, the District Attorney of Dauphin  
24 County.

25           On behalf of the Pennsylvania



1 Commission on Sentencing I would like to address my  
2 remarks particularly to a request we had on November  
3 6th from Representative Lois Hagarty and Jeff  
4 Piccola asking the Commission to in view of the  
5 crisis at Camp Hill, to make recommendations to  
6 address the population crisis in our State  
7 Correctional System.

8 And that came out I think of a remark  
9 or a few remarks I had made at a hearing last summer  
10 regarding the Commission and its willingness and  
11 ability to review at the request of the Legislature,  
12 the sentencing guidelines and the way in which they  
13 can be used to assist in the current Correctional  
14 crisis.

15 As a result of that particular letter  
16 the meeting of the Commission on December 1st, the  
17 Commission debated the issue, the letter, reviewed  
18 the guidelines, the staff came forward with a series  
19 of possible proposals at that particular session.

20 Reviewed the possible implications for  
21 the Commission and whether it fell within the  
22 Commission's mandate to respond to issues related to  
23 the Correctional population.

24 And in fact determined to respond to  
25 the letter by coming forward with a possible

1 strategy that could be used by way of setting up a  
2 dialogue with the House and Senate Judiciary  
3 Committee.

4 It is important to note that not only  
5 the letter that prompted this particular action was  
6 there but also the Commission by its enabling  
7 legislation, which was Act 219 of 1978, the  
8 Commission was established and as part of that  
9 establishment was given a mandate to assist the  
10 Legislature and to make recommendations to the  
11 General Assembly in order to create a more  
12 efficient, more effective and more humane  
13 correctional system.

14 So this sits well within the confines  
15 of the prerogative of the Commission to deal with  
16 these particular issues.

17 Today what I would like to do by way  
18 of setting up my presentation, and I have provided  
19 you a brief outline which is intended to be one, an  
20 information device, and secondly, a possible  
21 strategy in its impact.

22 But to provide you with a perspective  
23 at this particular Commission and looking at its  
24 strategy, and I use that word as opposed to proposal  
25 to bring to a point that what we're doing is

1 trying to provide you an option, to give you some  
2 information about how the guidelines could be  
3 changed and how that change can bring about an  
4 impact by identifying fairly non-dangerous  
5 offenders, offenders who have fairly minor prior  
6 records, etcetera.

7 So I think there are some options in  
8 front of your there that as we go forward today will  
9 be helpful.

10 To give you some idea, part of it is  
11 an information about what the guidelines say. If  
12 you look at the handout I provided you, there were  
13 basically five impacts that the guidelines have had.

14 First, and one of our mandates was to  
15 reduce sentencing disparity. The guidelines which  
16 went into effect in 1982 have in fact reduced  
17 sentencing disparity.

18 A second part of that was to increase  
19 severity. And certainly we are a part of the prison  
20 overcrowding crisis problem.

21 We were a source of increasing  
22 severity of sentences particularly for violent  
23 crimes.

24 We began that process in 1982 and as  
25 you can see the prison populations that grew

1 particular in the mid-80's is a consequence of  
2 those particular changes.

3 Third, and this is important as we go  
4 forward with concerns about changing the numbers in  
5 prison. The guidelines as part of its disparity  
6 issue increased the uniformity and consistency of  
7 sentencing throughout the Commonwealth.

8 And that basically was one of its  
9 major parts of its mandate. And I think that  
10 establishing benchmarks for all judges across all  
11 counties in the Commonwealth has been an important  
12 step forward in consistency and fairness.

13 We've also as part of that process and  
14 part of the enforcement mechanism have increased  
15 judicial accountability.

16 If the judge looks at a guideline, if  
17 the judge departs from that guideline, and the judge  
18 can, the judge must provide written reason and  
19 justification for that departure, be it above the  
20 guidelines or be it below the guidelines, whichever.

21 Finally, and I think part of what  
22 we're seeing as we see the numbers of prisons, the  
23 source of the problem, the Commission as part of its  
24 mandate has established a statistical information  
25 data base on sentencing.

1           That information I think has been  
2 helpful to not only the Commission on Sentencing,  
3 but the Commission on Crime and Delinquency and  
4 other agencies, as we look at the problem of prison  
5 overcrowding and what's happened to sentencing over  
6 the last eight or nine years.

7           The next page, just by way of  
8 background for those of you who are not, I know most  
9 of you are familiar with the guidelines, so let me  
10 just take one moment to kind of just go through the  
11 important components of the guidelines so you  
12 understand the process.

13           The guidelines are composed of two  
14 major criteria. The first, and the Commission spent  
15 many hours doing this, establishing offense gravity  
16 scores, which basically translates into the severity  
17 of the conviction offense or offenses. And that's  
18 measured on a scale of one to ten.

19           Secondly, the Commission looks at the  
20 seriousness and the frequency of prior convictions.  
21 And those are also tabulated in the process. And  
22 that's part of our information base.

23           Meaning that when a person is  
24 sentenced in our information base, we are cognizant  
25 of the current conviction offense as well as the

1 kind and severity and the frequency of prior  
2 convictions. It helps us to in any proposed change  
3 to identify non-dangerous offenders.

4 That leads us, and we always speak in  
5 the guidelines of minimum, sentence. We're talking  
6 about a range of sentences of minimum periods of  
7 confinement.

8 The Commission in 1981 did that  
9 because at that point in time the feeling was that  
10 the minimum sentence was basically going to be the  
11 time served and we used that as our model.

12 We thought that was the best  
13 particular parameter to be used in terms of setting  
14 the guidelines and that's why we chose the minimum  
15 rather than the maximum sentence as part of the  
16 guideline range.

17 There also are enhancements that help  
18 us also in terms of the dangerousness of a  
19 particular offender.

20 If the person possessed a deadly  
21 weapon that enhances the sentence range in that  
22 particular case by twelve to twenty-four months.

23 If it's distributing drugs to minors  
24 that enhances the range. If it is dealing in drugs  
25 near schools that also enhances the range.

1           So we are dealing with enhancements.  
2           It give us a better sense of more severe kinds of  
3           behaviors on the part of offenders.

4           The next particular page is the  
5           sentence chart that that leads to. Now the  
6           enhancements are not calculated in here, but if you  
7           look at that particular chart the most serious  
8           offenses are at the top, the ten's, the nine's and  
9           the eight's. The least serious are the one's, the  
10          two's and the three's.

11          You're going basically from a ten  
12          would be a murder three. Nine would be rape.  
13          Armed robbery with serious bodily injury.

14          The enhancements are added to the  
15          ranges. So when I mentioned the enhancements  
16          earlier, if a deadly weapon is possessed in the  
17          commission of a crime, all these numbers get longer.  
18          They're not calculated in this particular chart.

19          What it means is every defendant that  
20          falls on this particular matrix, and there's a  
21          guideline recommendation that's attached to this.

22          One of the reasons that, before I go  
23          into the proposed strategy that may be considered in  
24          terms of reducing prison and jail populations, one  
25          of the reasons that I believe the guideline process

1 is particular appropriate for mandating, and many  
2 other States are doing it.

3 In Pennsylvania the Commission has not  
4 been involved in dealing with jail overcrowding  
5 issues, but other states have. Louisiana.  
6 Tennessee. Minnesota. Washington. South Carolina.  
7 Florida and others were all created with the intent  
8 of making the most efficient, most effective use of  
9 correctional space.

10 So in the process of doing that the  
11 guidelines are written cognizant of how much space  
12 do we think we can provide and how are we going to  
13 best use that space. And the guidelines are  
14 intended in part as a management tool.

15 Part of the reason for that is that  
16 the guideline process because it is statewide and  
17 applies to all judges and applies to all defendants,  
18 ensures that any kinds of changes are applied  
19 equitable and fairly to all defendants across the  
20 Commonwealth.

21 Secondly, as I've indicated, you can  
22 identify the seriousness of the current conviction  
23 offense. We have information regarding the prior  
24 convictions of the defendant.

25 Those are the two key parameters in



1 the sentencing decision. And it also means that as  
2 part of that practice the public safety issue is  
3 part of the way we set up our guidelines.

4 So when you look at one of our  
5 strategies we very explicitly demarcate choices for  
6 the Legislature which would not basically affect the  
7 more severe offender, the dangerous violent  
8 offender.

9 Third, as you go through a guideline  
10 process it applies statewide. Once it goes into  
11 affect it applies to all cases. So you affect a  
12 large number of cases relatively rapidly.

13 And if there were any changes in the  
14 guidelines they would apply to offenses committed  
15 after a particular date. We've always applied it  
16 that way and it's a Constitutional issue.

17 Fourth, if we look at the guidelines  
18 we also set the type, whether it's an incarceration  
19 sentence or not, and the length of sentence.

20 That means you can manage length. You  
21 can manage in/out decisions. And by managing  
22 lengths in Pennsylvania in general you also manage  
23 the location of the sentence, whether it's a state  
24 or a county type of sentence.

25 Let me go through, and this is

1 basically I want to emphasize that the Commission is  
2 setting this forward so that you can get an idea of  
3 the kinds of opportunities and the kinds of latitude  
4 you have in using the guidelines as a vehicle for  
5 management purposes.

6 If we wanted to reduce the commitments  
7 to state prisons, and that maybe is one of the  
8 issues obviously that we have before us, through the  
9 guidelines we can identify the less serious crimes  
10 and the less serious criminals. And by that latter  
11 term I mean the less serious criminals in terms of  
12 their prior convictions.

13 If they have a prior conviction for a  
14 dangerous offense, even though their current offense  
15 may be non-violent, this may suggest to us to  
16 provide caution.

17 We can reduce the guideline ranges for  
18 example. And if we took all the guidelines in the  
19 matrix and reduce those numbers from twelve to  
20 eleven and a half months, basically a fifteen day  
21 change in the sentence, we would move the number of  
22 offenders who are currently getting a twelve month  
23 minimum sentence and are being sent to state prison  
24 - not all people who get a twelve month minimum  
25 sentence go to state prison - but of those that do

1 we would be changing the location of sentence.

2 We'd be moving him from a state to a  
3 county prison. That would be a management tool.  
4 The fifteen day change is what we're talking about.

5 Those offenders would basically be  
6 moved into a jail environment, a county prison  
7 environment, rather than a state situation.

8 Obviously you can't back this problem  
9 onto the counties. Another component of this  
10 particular strategy would be to reduce commitments  
11 to county jails.

12 Now there's many different ways of  
13 doing that and I'll just present one by way as an  
14 example.

15 You identify the least serious  
16 offenders. The least serious criminal crimes.  
17 Current conviction. And also those who have  
18 relatively minor prior records. No felony  
19 convictions for example would be one criteria.

20 You prescribe for those offenders an  
21 alternative sentence to county jail such as  
22 community sanctions. And the examples I list here,  
23 electronic monitoring, intensive probation, house  
24 arrest.

25 Various choices are out there that

1 can be prescribed as part of that latitude.

2           What that would mean, if you turn the  
3 page and look at the chart one more time, if you  
4 first look at the eleven and a half, where  
5 previously there was twelve months you would now be  
6 changing that twelve to eleven and a half months.

7           That would be the only change. Those  
8 letters, those numbers that are darkened there, the  
9 twelve has been changed to eleven and a half.

10           On the next chart, which would be the  
11 total chart, you see that incorporated as well as  
12 down at the least serious offenses and the least  
13 serious prior conviction numbers you would see a  
14 "CS" and that basically refers to a community  
15 sanction.

16           Again it could be electronic  
17 monitoring, house arrest, intensive probation,  
18 etcetera. Basically calling for some sort of non-  
19 county jail sentence.

20           To give you finally some sense of what  
21 that impact would be in terms of maximum impact,  
22 this is by commitments to those locations. It is  
23 not average daily population. It's commitments to  
24 those facilities.

25           The maximum impact with those

1 relatively minor changes would be almost a thousand  
2 to state prison. And to admissions to county  
3 prisons it would be a change, a total change because  
4 you move some back in, you would be talking about a  
5 total number of reduction of commitments of  
6 approximately 2300, almost 2400.

7           Again, that's taking into account  
8 you're bumping down the number in there. So  
9 actually you're talking about almost 3300. And by  
10 putting more in we've reduced that number to 2300.

11           So that as you'll see on the last  
12 chart, the summary of the Guideline Strategies, you  
13 see that that reduction at maximum, and this is  
14 again in talking about maximum reduction of '956 per  
15 year, a maximum reduction of jail commitments by  
16 2374.

17           We think those kinds of things can be  
18 done and they serve, again, as a strategy. You can  
19 look at the way in which you can maintain public  
20 safety.

21           You're not talking about violent  
22 offenders. You're not talking about taking time off  
23 the sentence for people who are convicted of rape  
24 and murder and robberies, etcetera. Those people  
25 are not being touched by these particular

1 provisions.

2           You are making I think more efficient  
3 use of the Correctional resources that are  
4 available. And I think that's important.

5           And I think one of the most important  
6 things as we go forward is that we look to having  
7 fair, consistent and equitable standards.

8           Any kind of policy that does not  
9 assure that the judges across the Commonwealth will  
10 fairly apply the standards, then you're just hopeful  
11 they'll be used. Through the guideline process such  
12 as a community sanction, development of community  
13 alternatives within the guideline framework you can  
14 encourage, in fact prescribe, but you can very  
15 strongly encourage the utilization across all the  
16 counties.

17           Basically I hope that opens up some  
18 dialogue and questions and comments from the  
19 Commission.

20           Now before I totally turn over the  
21 microphone, I would like to provide an opportunity,  
22 Rich Lewis is the Chair Subcommittee, and Judge  
23 McKee to make a remark about the proposal so you see  
24 their position.

25           JUDGE MCKEE: John said it well. I

1 think our purpose in being here really is a response  
2 to you, a response to a request that came from you.

3 And we are certainly cognizant of the  
4 fact that we are a quasi-legislative entity. I  
5 think there is some expertise within the Commission.

6 Certainly Mr. Kramer and his staff are  
7 very mindful of a lot of the research and  
8 information that's out there.

9 I think the composition of the  
10 Commission is such because it does represent active  
11 Commissions. Rich is a DA. Judges. There's  
12 defense attorneys on the Commission.

13 There's a cross-section there if you  
14 will of expertise and professions and different  
15 approaches through which we view the problem and I  
16 think that can be helpful to you if you should  
17 decide to ask us to explore this kind of problem  
18 solving tool, if you will.

19 I think the other advantage of it, as  
20 John said, is that there is some sanction of law  
21 behind it in that the guidelines reach the  
22 individual sentencing judges.

23 And the bottom line which so often  
24 gets lost I think in discussions like this because  
25 it doesn't always play well in Peoria, and that is

1 fairness.

2           And to the extent that any kind of  
3 change is going to be initiated, be it through  
4 abuse, overcrowding or simply to refine the system  
5 we have in place, fairness I think all of us would  
6 agree has got to be a key component of that so it's  
7 not just a change in form, but a change in  
8 substance. And that the quality of what we're doing  
9 doesn't get lost.

10           The guidelines I think provide a way  
11 of doing that with checks and balance built in it.  
12 If the Commission does something which the  
13 Legislature feels is inappropriate, it's not  
14 responsive to the way that you want to go, or is  
15 inconsistent with the way you want to go, the check  
16 and balance is built in because the recommendations  
17 do come back to you for final approval.

18           It does seem like something that we  
19 would simply ask you to consider as you address this  
20 incredibly complicated and weighty problem, which I  
21 don't really envy you for having to address.

22           We as Judges sometimes have to address  
23 it, we can always kind of push it off and blame in  
24 on somebody else, it's a Parole problem, or it's a  
25 DA's problem, or it's some other kind of problem.



1           And you're really in a position where  
2 you can't do that. You have to kind of look at the  
3 buck at the stop sign as your desk.

4           And to the extent that you're stuck  
5 with the buck and have to address the problem, I  
6 think that the kinds of things that are brought to  
7 your attention for comment really might be helpful  
8 to you in your considerations.

9           DISTRICT ATTORNEY LEWIS: Thank you,  
10 Judge.

11           Mr. Chairman, very briefly, I guess  
12 I'm here wearing two hats. As a prosecutor I  
13 usually sit here and suggest that perhaps the answer  
14 is to build more jails and so forth.

15           But as a member of the Sentencing  
16 Commission, I'm here to basically say that the  
17 Sentencing Commission through the guidelines with  
18 the check and balance of the Legislature can adjust  
19 - I hate to use the word manipulate, I prefer the  
20 word adjust - but can adjust the sentencing  
21 guideline ranges to achieve any end that you would  
22 desire.

23           We could adjust them up and swell the  
24 prison population to twice its size. We can relax  
25 them a little bit as we did in this particular

1 example just to show how a minor adjustment, a  
2 hairline adjustment can effect ultimate prison  
3 population over a period of a year or two.

4 But I guess the reason we are here is  
5 to just throw this particular proposal out to see  
6 how it bounces off this Committee.

7 Is this something that you want the  
8 Sentencing Commission to meet upon, to firm this  
9 proposal up and to come back to you with it in more  
10 definitive form? Or is it something that the  
11 Committee is just going to reject outright and tell  
12 us to go home and think of some other way to affect  
13 prison population?

14 And I guess we're here to get your  
15 guidance, your input and your reaction to this.

16 Whenever you're relaxing sentencing,  
17 as we are here, even though it's very very slight it  
18 is a relaxing of the sentencing guidelines, you  
19 automatically create I think a perception problem.  
20 Whether it's real or imagined it is a perception  
21 problem.

22 But in response to that I think it is  
23 important to again re-emphasize that all we're  
24 talking about here is pulling from the bottom of the  
25 prison population the least offensive offender and

1 releasing that particular offender to a community  
2 sanction.

3 And again, there is great latitude in  
4 setting up community sanction type programs.

5 And Representative Piccola pointed out  
6 that one of his fears is a Federal court coming into  
7 Pennsylvania and some judge penning an order which  
8 supersedes your efforts and any effort anyone else  
9 in local or state government could make as far as  
10 controlling prison population.

11 The attraction of such a proposal such  
12 as this, maybe not this exact proposal, but some  
13 proposal to adjust the guidelines, puts you in  
14 control ultimately, the Legislature, as opposed down  
15 the road to some Federal judge being in control of  
16 prison population.

17 That I think is the true attraction to  
18 this type of proposal.

19 CHAIRMAN CALTAGIRONE: If I may  
20 comment. I for one, and I certainly will not speak  
21 for the Committee, they can speak for themselves,  
22 looking at this problem very realistically and  
23 knowing how the Legislature responds, we've got  
24 legislation in the Committee that we've been working  
25 on, some of it of course has been in for a number

1 of years, a number of sessions.

2 I think the key is to the short term  
3 for the immediate solution to this problem that we  
4 face of overcrowding, that this is just one of those  
5 solutions.

6 And I think it's a very small step and  
7 I agree with you and I think that it's an  
8 alternative rather than a relaxation.

9 It's an alternative to the tough  
10 decision that we're going to have to make possibly  
11 yet in this term of the Legislature with some of the  
12 legislation and/or other tax dollars.

13 And I would feel myself personally  
14 much more comfortable allowing the judges utilizing  
15 community sanctions at their level to develop that  
16 at least in a short term alternative until we can  
17 start to get some of the legislation approved, and  
18 whatever funding that is going to have to follow  
19 that.

20 Because we all realize we're not going  
21 to build ourselves out of this. As was stated  
22 earlier, we've got a shopping menu of a lot of  
23 different alternatives to try to implement.

24 But you have it within your power  
25 though too to help ease the overcrowding at both

1 the local and the state level almost immediately,  
2 that we wouldn't have trying to get the agreement in  
3 working off legislation.

4 And with that I'll get off my soapbox.

5 MR. KRAMER: If I could just make one  
6 comment. This particular strategy as presented does  
7 not apply in any way to any drug convictions. That  
8 is a separate chart, a separate component to the  
9 guidelines.

10 CHAIRMAN CALTAGIRONE: Mike.

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

13 I am a member of the Pennsylvania  
14 Commission on Sentencing and I enjoy very much  
15 serving with John and Rich and Judge McKee and the  
16 other members of the Commission.

17 And I had some involvement in these  
18 discussions in trying to develop this strategy and  
19 other strategies to deal with the prison population  
20 and the overcrowding problem.

21 I would just like to make a couple  
22 comments and then ask John a question or two.

23 I think the Sentencing Commission is  
24 very very well equipped to work with this Committee  
25 and with the Legislature as a whole.

1 I have been very impressed with the  
2 work that they do and their ability to really  
3 forecast to you just about exactly what any  
4 legislation we pass is going to do to the prison  
5 system.

6 I've seen John show it to me and other  
7 members of the Commission before, if we do this, if  
8 we do that, this mandatory is going to mean this,  
9 this change in the guidelines is going to do this, I  
10 mean in terms of the number of bodies that are going  
11 to be coming in and how long they'll be there.

12 And I think we ought to use them. and  
13 I think we have used them and I think we ought to  
14 use them to perhaps to an even greater extent.

15 Secondly, we all know I guess as  
16 politicians the way we perhaps approach, and others  
17 do, reducing prison sentences.

18 But I guess I think that we're at a  
19 point where we need to also become maybe - I don't  
20 want to say more responsible, but in a sense that's  
21 the best word I can think of as we look at this  
22 problem.

23 And while this is not etched in stone,  
24 I think this kind of a very minimal approach, albeit  
25 a relaxation of two weeks in sentences,

1 could make what would amount to a fairly dramatic  
2 difference in prison population at the state and  
3 local level.

4 With that I'd like to ask John just  
5 one or two questions.

6 Could you comment a little on the  
7 kinds of offenses that fall into these categories  
8 for example when we're talking about community  
9 sanctions?

10 Because it's my recollection that  
11 while this was largely driven by the goal of  
12 reducing or trying to deal with the prison  
13 population, it seems to me that there was also some  
14 concern about some little glitches or disparities  
15 that also seemed to perhaps not fit into the right  
16 boxes, and that was also one of the reasons for  
17 trying to adjust some of these numbers. Is that  
18 right?

19 MR. KRAMER: Yes. If you look  
20 basically, that one refers to an offense gravity  
21 score of one. Those are basically misdemeanor  
22 three's. So you're talking about relatively minor  
23 theft offenses.

24 I've got a listing in my briefcase  
25 which I don't have in front of me right now. But

1 the theft offense gradings are the ones that are  
2 going to be the most frequent.

3 As you go up the chart, two's refer to  
4 in most cases you're talking about misdemeanor  
5 two's.

6 In most cases you're talking about  
7 again theft types of activities. It may be in the  
8 form of shoplifting or it may be in the form of  
9 theft with a certain value. It again depends upon  
10 the category.

11 When you get to a three you do get I  
12 believe, the one case, I'm trying to think if that's  
13 where terroristic threats came in on one of those.  
14 And that's one that we debated about in the  
15 consideration of it.

16 But that was one of the offenses that  
17 when we looked at, I think it was December 27th that  
18 we reviewed that, that I think we expressed some  
19 concern about and debated that issue about whether  
20 to leave it there or not. We have it in there at  
21 this point in time but that's one of those things.

22 So we're focusing here mostly on  
23 trying to look at non-violent offenses and keeping  
24 with the prior record score that would indicate  
25 maybe a prior misdemeanor conviction, but not in



1 general any kind of prior felony conviction.

2 REPRESENTATIVE BORTNER: Basically  
3 the first offenders or people with a fairly minor  
4 prior record?

5 MR. KRAMER: That's right. Now you  
6 can even refine that more specifically by those  
7 caveats by making sure what the prior record is and  
8 specifying even more clearly, more precisely if you  
9 want.

10 There are various ways of approaching  
11 it. For simplicity purposes we approached this by  
12 taking the whole cell.

13 You could also put other limitations  
14 on it in terms of who this would be appropriate for  
15 within a particular category.

16 REPRESENTATIVE BORTNER: John, what  
17 is the compliance rate that we see from judges  
18 across the state?

19 MR. KRAMER: Perhaps I should ask Rob.

20 MR. LUBITZ: Right now for 1989 it's  
21 overall 86 percent.

22 MR. KRAMER: It's about 86 percent.

23 REPRESENTATIVE BORTNER: The reason  
24 for the question is that making this kind of a  
25 change you can feel fairly certain that if the

1 judges continue to comply with the guideline  
2 recommendations as they have historically, you will  
3 see the kinds of changes that you're predicting.  
4 Right?

5 MR. KRAMER: Yes. And I think one  
6 thing that shouldn't be overlooked, one of the  
7 things that the Commission does, and it's why we  
8 work with the Commissioners and write the  
9 guidelines, one of the things that it has is done is  
10 working with the Judiciary.

11 I think one of the things that we will  
12 be doing in the next six to eight months is having  
13 symposium. If want to do any changes it will  
14 require careful working with the counties in terms  
15 of this implementation process.

16 So we don't basically just take  
17 something, put it down in writing and say there, now  
18 see what you want to do with it and implement it.

19 We go through a process of training  
20 and working with the jurisdictions, answering  
21 questions regarding the application of the  
22 guidelines.

23 And I think if we looked at a  
24 community sanction kind of alternative we would have  
25 to expand that to also work with the Commission on

1 Crime Delinquency and the technical assistance that  
2 would provide to help the counties develop some of  
3 those strategies.

4 One of the things that I know, and I  
5 earlier met with Representative Piccola, his concern  
6 about well maybe those things aren't out there.  
7 It's kind of a chicken and egg problem.

8 You sort of need to stimulate people  
9 to develop them and I think that's one of the things  
10 the guidelines would have to do, and work with the  
11 counties in initiating some of these intermediate  
12 sanctions.

13 Jim Thomas I think earlier used the  
14 term nicely. And Delaware is developing those  
15 nicely as part of their guideline process.

16 The intermediate sanctions that are  
17 severe but not so costly. And I think that's what  
18 we're looking at here in these community sanction  
19 alternatives.

20 REPRESENTATIVE BORTNER: Well I know  
21 that one of the things that when we were discussing  
22 this, John also brought forward some statistics,  
23 which were very surprising to me to see some what I  
24 would consider offenders-- Well, what I would  
25 consider inappropriately placed in a state

1 institution. Whether it was for driving under  
2 suspension, retail theft, some others.

3 That's not to say that those people  
4 shouldn't be in jail. But I certainly question  
5 whether those people should be taking up the very  
6 expensive kinds of places in the State institutions  
7 when we have the kind of overcrowding situation that  
8 we've been hearing about for several days.

9 And I don't know that this will  
10 completely resolve that problem, because there are  
11 still those oddball cases and a judge here and there  
12 who may decide to send somebody to the State  
13 institution for one reason or another.

14 But I certainly think that this might  
15 provide some assistance with that.

16 MR. KRAMER: I think we see, we get in  
17 our office probably over 50,000 sentencing forms a  
18 year and one of the things that is not uncommon is  
19 for us to go through a particular form, looking at a  
20 sentence or whatever, and express some concern about  
21 whether or not that is necessarily appropriate for a  
22 State prison sentence.

23 I'm saying that as a personal  
24 observation looking at cases in which there's  
25 nothing about the record. There's nothing about

1 the current conviction offense that would suggest  
2 that a State prison cell for a period of a year or  
3 longer is necessarily a wise decision.

4 One of the things I think that you  
5 might look at and think about as you look at the  
6 chart, it's an exchange in some respects.

7 The more people you pile in at the  
8 lower end of the State prison, the more pressure  
9 you're going to have to let the people out at the  
10 upper end. And we're talking about the more serious  
11 offenses.

12 And I think when I testified in July I  
13 said I could not in good conscience in the current  
14 frame of what the Legislature has provided in terms  
15 of space and capacity and where we're going, could  
16 not in good conscience go back and suggest any  
17 increases in some of these lengths up above. Even  
18 though there may be times when there's a feeling  
19 that that may be appropriate.

20 And I think we've made choices. We  
21 looked at some comparisons with some other  
22 jurisdictions and we found that Pennsylvania was  
23 particularly tough on the less serious offenders.

24 The guidelines were tougher on less  
25 serious offenders. And in many respects not as

1 severe on the more serious offenders. I'm talking  
2 about the more personal crimes.

3 That in my particular conscience is a  
4 little bothersome. And I would rather see that data  
5 look a differently than that in terms of use of  
6 prison space and the way in which we establish our  
7 sentencing policy.

8 That's just a personal reflection.  
9 That's not reflecting on the Commission at all.  
10 It's just my personal observation.

11 REPRESENTATIVE BORTNER: On the  
12 Commission are we going to be looking at that aspect  
13 as well?

14 MR. KRAMER: There's two things. This  
15 is basically done with the idea of being a short  
16 term process and something that would not undermine  
17 the current integrity of the guidelines.

18 The Commission is also undertaking a  
19 much longer process of review which we're beginning  
20 at the end of this fiscal year and will go through  
21 the next two years, which is a process of  
22 reassessment, re-evaluation and basically a re-  
23 writing of the guidelines.

24 With consideration at that point in  
25 time, how do we feel about the current

1 recommendations for some of the more violent  
2 offenders. And I think that takes a little longer  
3 time to deal with something.

4 This current proposal was designed to  
5 be something that affected commitments, because  
6 that's the fastest way you can respond to  
7 overcrowding issues, is numbers of people going in.

8 In the long term I think the  
9 Commission and others, and the Commission has  
10 adopted this approach, is to carefully re-evaluate  
11 all the ways in which we've ranked crimes and prior  
12 record, as well as the lengths that are attached to  
13 that. And so I think the long term agenda is much  
14 more significant to that.

15 REPRESENTATIVE BORTNER: Thank you.

16 CHAIRMAN CALTAGIRONE: Representative  
17 Hagarty.

18 REPRESENTATIVE HAGARTY: Thank you,  
19 Mr. Chairman.

20 Thank you, John, and members of the  
21 Commission for sharing these results today.

22 John, are you indicating that  
23 disparity - I'm curious - continues?

24 I recall the days before sentencing  
25 guidelines and the sentences for example coming

1 out of Philadelphia were quite different for  
2 committing the same crime in another part of the  
3 state.

4 Are we continuing though even though  
5 we have the guidelines to see disparity?

6 Is that what you were indicating by  
7 saying that the State sentences are inappropriate?

8 MR. KRAMER: No. I think in part that  
9 it maybe the guidelines in certain areas provide  
10 perhaps more latitude in that respect than they  
11 should.

12 I think the observation there is that  
13 disparity has been reduced. I mean the guidelines  
14 are intended as a benchmark and you have judges will  
15 be part and judges will make decisions.

16 Some of those cases by the way relate  
17 to offenses not covered by the guidelines. That may  
18 be covered by DUI for example, mandatory penalties.

19 We deleted our guidelines for driving  
20 under the influence and we've had some interesting  
21 cases come through.

22 Not homicide by vehicle DUI. DUI one  
23 to two years. Two consecutive one to two's for a  
24 two to four year sentence to State prison on two DUI  
25 convictions.



1           With an exacerbating circumstance  
2 being driving across some lawns. And that suggests  
3 to me, I mean when I see a particular case like that  
4 I think that does raise some concern about two years  
5 of minimum sentence to State prison.

6           A DUI conviction is certainly serious,  
7 it's an endangering kind of circumstance. It may  
8 not be one which we want to tie up two years at  
9 least of State prison time to house that person.

10           REPRESENTATIVE HAGARTY: I guess my  
11 curiosity is if we or if the Sentencing Commission  
12 recommends reducing sentences by this very short  
13 period, are we going to be helping disparity because  
14 some of those sentences are a little bit longer and  
15 from another county probably wouldn't have been that  
16 long anyway?

17           MR. KRAMER: We're really just trying  
18 to change the location. That particular case where  
19 it was twelve before, moving it to eleven and a half  
20 is really not changing much the length.

21           Right now the guidelines allow up to  
22 twelve months. We're saying let's make it eleven  
23 and a half months, so it's only a two week change.

24           REPRESENTATIVE HAGARTY: So that's  
25 only a two week change for changing the location.

1 So the real change that we're doing then is that  
2 this recommendation would call for community  
3 sanctions for those, and you've indicated that  
4 they're primarily thefts?

5 MR. KRAMER: I think primarily theft  
6 offense. I can give you a specific listing of all  
7 of those.

8 REPRESENTATIVE HAGARTY: Where those  
9 persons would now be in a county prison?

10 MR. KRAMER: In those cells a number  
11 of people are getting alternatives now. There are  
12 about 3300 that are getting a jail or prison  
13 sentence, a State prison or a jail sentence. And  
14 that's where the number of 2300 comes from. That  
15 would be reducing the jail numbers admissions for a  
16 particular year.

17 REPRESENTATIVE HAGARTY: And you  
18 indicated it would not be dealing with DUI offenses?

19 MR. KRAMER: We're not dealing with  
20 any drug offenses, almost no drug offenses. There's  
21 a couple of drug offenses that fall in here, but  
22 basically we have a separate matrix for trafficking,  
23 manufacturing and possession. And no DUI.

24 Because of the mandatory the  
25 guidelines don't deal with DUI whatsoever.

1 JUDGE McKEE: And it doesn't deal with  
2 any other mandatory sentence either.

3 MR. KRAMER: No. No other mandatory  
4 sentence.

5 REPRESENTATIVE HAGARTY: Do your  
6 recommendations, or have you considered what type of  
7 community sanction you're talking about?

8 MR. KRAMER: Well we mention the  
9 electronic monitoring. House arrest is being used  
10 in some jurisdictions. Intensive probation. Those  
11 would be some of those other options.

12 You could use a halfway inhouse, such  
13 as the Atkins house would be another type of  
14 facility that would be appropriate.

15 REPRESENTATIVE HAGARTY: So it would  
16 be your hope though that these persons who are now  
17 receiving community sanctions would not be on  
18 probation as we classically know it, but they would  
19 be under some type of quite restricted activity in  
20 their life that might be comparable but served in a  
21 different location to incarceration?

22 JUDGE McKEE: I think that's true. It  
23 might be a bit misleading because probation,  
24 depending on the kind of probation can be very, very  
25 restrictive.

1           If it's probation where a condition of  
2 the probation is tantamount to house arrest,  
3 confining the person to the residence absent some  
4 kind of verifiable employment and not allowing them  
5 to be out of the residence only to commute back and  
6 forth to work and religious services and that kind  
7 of thing. And enforcing that with electronic  
8 monitoring.

9           That's really probation. We can also  
10 call that house arrest. Or we can call it a  
11 community sanction.

12           I think the idea here is not so much  
13 the label of it, but to make certain that there is  
14 some sort of accountability and control.

15           And I think it really goes back to  
16 what Jim Thomas was saying earlier, so that the  
17 person begins to show some indication that they are  
18 not ready for the relaxation of those controls.  
19 Call that probation or call that simply release from  
20 control, that's somebody who could be identified to  
21 go back into a jail cell or a prison cell.

22           And you could justify the expenditure  
23 of those resources on that individual because of the  
24 need to protect perhaps the community from that  
25 individual.

1           And I think looking at it that way  
2 might help in terms of understanding what we're  
3 saying a little bit more.

4           **REPRESENTATIVE HAGARTY:** I guess my  
5 thought is that, going back to the days when I was  
6 an Assistant District Attorney, if someone didn't  
7 get jail, they got probation. And getting probation  
8 was getting off.

9           And I don't want to see a return to  
10 people who we have finally gotten to the point of  
11 incarcerating because we want to make a statement  
12 about that activity and that person, getting  
13 probation.

14           But I'm now understanding and I think  
15 it's important to understand that we're not talking  
16 about probation as I know it.

17           What you're recommending and I guess I  
18 would urge that the Commission proceed to consider  
19 is perhaps being quite specific about what type of  
20 community sanctions you are talking about.

21           **REPRESENTATIVE BORTNER:** May I just  
22 say something?

23           **REPRESENTATIVE HAGARTY:** Yes, Mike.

24           **REPRESENTATIVE BORTNER:** I was going  
25 to try to answer that but you've already put your

1 finger on it. But probation as sort of the classic  
2 or traditional sentence as you and I thought of it  
3 which is six months probation, which means as long  
4 as you don't do something wrong in that six months  
5 you're off, is not what is being anticipated here.

6 It is something I think much more that  
7 involves or actively involves the system much more,  
8 whether it's actually intensive probation, which I  
9 know we do that in York County and I think that  
10 again means different things.

11 But it means actively seeing a  
12 probation officer on some very regular basis or some  
13 sort of monitoring, or some sort of other kinds of  
14 sanction that involves you do to something in  
15 addition to just keeping your nose clean for that  
16 three or four six months.

17 REPRESENTATIVE HAGARTY: I mean I  
18 think and my own feeling is that it's worth pursuing  
19 if we're going to provide someone with a sanction  
20 that not only is a real punishment, but also  
21 hopefully will put in place a real supervision or a  
22 kind of system that might help enable them to not  
23 commit a future crime.

24 And that would be worth putting  
25 resources into in and in fact maybe be a

1 better use of our resources than incarceration.

2 MR. KRAMER: We were kind of throwing  
3 this out to see if there as a positive reaction to  
4 it, and I think you're picking up on an issue that  
5 we need to think through very carefully, and that's  
6 how we specify the use of those sanctions and what  
7 they mean and how they are to be applied.

8 And I think that's something we have  
9 not invested time in at this point in time. But I  
10 think any future proposal has to be much more  
11 specific than this particular document would  
12 indicate.

13 REPRESENTATIVE HAGARTY: I just wanted  
14 to indicate someone recently made a comment to me  
15 and I thought it was of great interest, I don't know  
16 if it's true or not, that some people who have been  
17 placed under house arrest have found it more  
18 difficult than the jail experience, because it can  
19 be a very isolating difficult experience.

20 And I thought that might be important  
21 if people have experience with that in order to  
22 communicate that.

23 Because I don't think that we want  
24 after ten years of toughening sentencing in the  
25 Commonwealth to indicate that we are moving in any

1 direction but to continue to toughen sentences.

2 JUDGE McKEE: That's a very, valid  
3 point. Every discussion I've had, and in  
4 Philadelphia there's a ISP, Intensively Supervised  
5 Probation, and in every discussion I've had with the  
6 probation officers who are involved in that program,  
7 and many defendants, has been exactly that.

8 To the point that if the situation is  
9 such that the defendant knows the judge is serious  
10 about coming back and violating, there are now some  
11 defense attorneys, very good defense attorneys, who  
12 will advise their client, whether they take his  
13 advice or not, take the penalty time, do not take  
14 the intensively supervised probation time.

15 Because it's easier in the county jail  
16 and the chance of your screwing up, if you'll pardon  
17 the expression, is less than the kind of onerous,  
18 oppressive, isolated experience and the temptation  
19 to try to beat the system that you have with house  
20 arrest.

21 And I think that part of our function  
22 may be an educational one. And to the extent we let  
23 people know exactly that house arrest does not mean  
24 you go home, you turn on the TV, you have somebody  
25 bring you pizza when you're hungry.



1           It's much more than that and it's a  
2 very difficult, perhaps more difficult situation  
3 than being incarcerated in the county jail.

4           And if the public understands that,  
5 understands that it's not getting off and that there  
6 is a built in consideration for the safety of the  
7 person living next door to this turkey who is on  
8 house arrest, who doesn't want to have to come home  
9 and wonder whether or not Joe on house arrest has  
10 now reappropriate your TV system to his house.

11           To the extent the community can be  
12 informed, I really don't think that would be a  
13 concern.

14           I think once people begin to  
15 understand it a bit better those kinds of feelings  
16 we can alleviate. There will probably be some other  
17 rational and irrational fears, but I think a lot of  
18 that can be alleviated.

19           REPRESENTATIVE HAGARTY: Thank you.

20           CHAIRMAN CALTAGIRONE: Representative  
21 Blaum.

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

24           John, I would like to thank you  
25 because I think you came to us with something

1 that's realistic--

2 MR. KRAMER: Thank you.

3 REPRESENTATIVE BLAUM: In the  
4 atmosphere in which we are and I think you presented  
5 it in a responsible manner.

6 More than that, I think it may even be  
7 doable sometime down the line. And I think that's  
8 perhaps the most important thing.

9 We have recommendations brought to us  
10 from time to time over the years that are not doable  
11 and are unrealistic.

12 But I think when it gets down to what  
13 District Attorney Lewis said, and that is he wants  
14 to know whether or not this Commission is going to  
15 be wasting its time if it continues, for the last  
16 four months inmates at Camp Hill I think have had  
17 both sides of this building doing contortions.

18 And I do not want to see lumped on top  
19 of that earned time and reduced sentences. I want  
20 to separate the two. I want to separate what  
21 happened in October.

22 I'm against earned time period, but  
23 this proposal that you brought to us is something  
24 that I think has merit. And I hope I would speak  
25 for a number of people on this Committee and would

1       urge you to proceed and go forward.

2                       That's not to suggest that everything  
3 you suggest will be accepted. But you I think have  
4 shown us that by tiny, tiny incremental reductions  
5 you bring about very serious and very positive  
6 results.

7                       And I think that is something which  
8 will appeal not only to the members of the  
9 Committee, but perhaps the membership of the House  
10 as a whole.

11                      So would urge you to go forward. I  
12 for one do not want to see it done as part of this  
13 report. But it's something that I would hope that  
14 this Judiciary Committee would undertake very  
15 seriously as our next step after the requirements of  
16 the Resolution that was passed by the House are  
17 completed.

18                      MR. KRAMER: Thank you very much,  
19 Representative Blaum.

20                      This is really an apart. I think we  
21 had a conversation a couple of years ago about a  
22 previous overcrowding situation, and when I caught  
23 you at the end of that session it was this kind of  
24 concept that I was trying to suggest, although I  
25 think it was hard to picture at that time.

1 I would hope that in terms of my image  
2 of the way we would go forward would be for the  
3 Commission to go back and now think this through  
4 more precisely. Come back to the Committee.

5 And as I said at the beginning I would  
6 hope that before any particular proposal is  
7 submitted for acceptance or non-acceptance, that we  
8 would have a working relationship and go through  
9 these proposals, debate them, talk about their  
10 impact, and work this out in a process over the next  
11 few months, whatever. I'm not sure in terms of the  
12 timeframe.

13 But I appreciate your comments. And  
14 the Commission appreciates them as well. And I  
15 think it's something that other states have done and  
16 looked at and have been fairly successful with.

17 And again, it maintains that across  
18 the board fairness, equity and proportionality which  
19 I think is very important as far as justice is  
20 concerned.

21 REPRESENTATIVE BLAUM: One other  
22 comment. You mentioned about not wanting to raise  
23 any of the offenses at the top as a matter of  
24 personal velocity.

25 MR. KRAMER: Well a personal concern

1 about where we stand in the current crunch.

2 REPRESENTATIVE BLAUM: That may be  
3 necessary as a give and take in order to obtain  
4 approval of the suggestions that you have.

5 One way to do that would be to say in  
6 these certain cases they actually toughen sentences  
7 handed down and still maintain the dramatic  
8 reductions that your forecasting. And that might be  
9 something to keep in your back pocket to bring out  
10 at a time when maintenance is there.

11 My last question would be on the  
12 sentencing guideline chart for reducing prison and  
13 jail sentence.

14 Number seven, which is the 8-11.5,  
15 what kind of offenses would we be talking about

16 MR. KRAMER: Well first off there's  
17 not many cases that happen to get a 12-20. I think  
18 there's twenty some odd cases in those particular  
19 two cells if I'm not mistaken.

20 You get, and this is your most serious  
21 category under the change obviously, and you've got  
22 some forms of aggravated assault and you've got some  
23 forms of robbery that fall into that particular  
24 category.

25 Those are probably the two - and a

1 burglary. The most serious form of burglary that  
2 we have classified falls into the seven category.

3 And we debated dropping that and not  
4 including it as part of it, but felt at this point  
5 in time to leave it in and include it as part of  
6 this particular submission.

7 But it does incorporate the most  
8 relatively serious crimes.

9 REPRESENTATIVE BLAUM: Thank you very  
10 much. You did a good job.

11 DISTRICT ATTORNEY LEWIS: Mr. Blaum,  
12 just one point. That will not exclude a judge from  
13 giving a state sentence of course.

14 REPRESENTATIVE BLAUM: Okay.

15 DISTRICT ATTORNEY LEWIS: Just by the  
16 law of averages it will probably reduce some of  
17 those to county sentences. That's I think what  
18 we're projecting. The judge is still free to go the  
19 State sentence route.

20 REPRESENTATIVE BLAUM: Thank you. I  
21 would just urge you to proceed.

22 DISTRICT ATTORNEY LEWIS: Thank you.

23 CHAIRMAN CALTAGIRONE: Representative  
24 Piccola.

25 REPRESENTATIVE PICCOLA: Thank you,

1 Mr. Chairman.

2 Gentlemen, I do appreciate your coming  
3 forward and I think I agree with my fellow  
4 neanderthal, Mr. Blaum.

5 I think you are proposing a reduction  
6 in sentencing. And I think that's how it will be  
7 painted.

8 I have never consciously at any rate  
9 supported that, but I would not say that I would  
10 oppose this particular proposition or some similar  
11 proposition you bring before us.

12 And I would encourage you to develop  
13 it further. But I do not think this should be our  
14 first response to prison overcrowding.

15 Because as Mr. Blaum indicated, and as  
16 I just indicated it is a symbolic, even though it's  
17 an adjustment, it is a symbolic reduction in  
18 sentencing and it simply should not be our first  
19 response to this problem.

20 We have put forward a whole host of  
21 other alternatives, some of which you have  
22 discussed, John, electronic monitoring, house  
23 arrest, parole, intensive parole.

24 I have proposed-- Representative  
25 Hagarty proposed boot camp.

1           REPRESENTATIVE HAGARTY: You notice he  
2 didn't say we on that.

3           REPRESENTATIVE PICCOLA: Representa-  
4 tive Hagarty has proposed boot camp.

5           Private prisons I have discussed and I  
6 have advocated and I see coming sooner or later.  
7 You've got an administration that we just heard this  
8 morning up until recent events was apparently inmate  
9 oriented.

10           At least that's the testimony we're  
11 getting and I would want assurances that whoever the  
12 new commissioner of Corrections is, he is not going  
13 to be inmate oriented. He's going to be public  
14 security oriented.

15           We have a building program that we  
16 have to get underway and we can't even figure out  
17 which counties we're putting these prisons in.

18           When these issues are, if not resolved  
19 as least underway toward resolution, then I think we  
20 can seriously consider adopting it. And I would  
21 encourage you to develop some alternatives.

22           I'd like to see as part of that  
23 analysis what the impact is going to be not only on  
24 state overcrowding, but on county overcrowding.

25           And you're going to dump a lot of



1 these guys into the parole system both at the county  
2 and at the state level. What is that impact going  
3 to be?

4 All of these alternative programs, I  
5 think you called them community sanctions, I think  
6 that was the euphemism. I'm not sure what a  
7 community sanction is, but whatever it is, I'd like  
8 to know what that's going to cost Dauphin County.

9 I see dollar signs behind these  
10 community sanctions and I see the Commonwealth not  
11 following these community sanctions to the counties  
12 with dollars.

13 And I hear my County Commissioners  
14 coming to me and saying where are we going to come  
15 up with the money to create these community  
16 sanctions.

17 So all of these issues I think have to  
18 be explored as well. But do move forward. Do go  
19 forward.

20 I want to see some support for a lot  
21 of these other base issues before I can guarantee I  
22 would support anything that's along these lines.  
23 And also I'd like to have additional information  
24 along the lines that I have indicated.

25 JUDGE McKEE: Let me say also that

1 what I think we're saying in part is not to view any  
2 one proposal by the Commission in isolation.

3 I think the Commission can work with  
4 you to the extent you'd like us to in a whole host  
5 of various things, including the boot camp approach  
6 and how you identify and who makes that  
7 identification, how can you build that into some  
8 sort of regulation. Those kinds of things.

9 Taking this proposal totally aside, I  
10 think as you said, all of us neanderthals have to  
11 stick together.

12 There is a way I think that the  
13 Commission in its broad based approach to things can  
14 perhaps help.

15 And at the same time I think all of us  
16 are mindful of the sensitivity that you're  
17 expressing in terms of the tit for tat approach.

18 And within the guidelines, and I think  
19 Representative Bortner said it, there are other  
20 areas that may well need adjustment so that even if  
21 we were not to go in and fine tool with the  
22 objective of creating a tit for tat, it's possible  
23 that in simply refining certain areas and bringing  
24 the guidelines more into light with the severity we  
25 perceive of certain kinds of offenses, that may

1 well be the natural result where certain numbers are  
2 going to begin to increase anyhow because we're  
3 taking a much more grave view of certain kinds of  
4 things than we did nineteen years ago.

5 REPRESENTATIVE PICCOLA: I didn't mean  
6 to suggest, and maybe I didn't make it clear, that  
7 you folks are responsible for all of these other  
8 things. We collectively are responsible not only to  
9 the Legislature but the Administration as well.

10 You're doing a fine job and I  
11 understand your role. Your role is more or less as  
12 a servant to the Legislature. And I didn't mean to  
13 admonish you.

14 I just wanted you to understand where  
15 my support or lack of it would come for something  
16 along these lines, and the other circumstances that  
17 I would have to see before I could support it.

18 MR. KRAMER: Well principally in part  
19 of the recommendations is support for the  
20 development of some of these other sanctions, and  
21 that's an important part, so I see this comment and  
22 this discussion as being endorsement of some of the  
23 specific things.

24 We haven't looked at legislation but  
25 I'm sure we'd be glad to do that and discuss ways

1 that we might be helpful.

2 And I think the feeling is that  
3 there's an important problem in front of  
4 Pennsylvania and this is something that we can help  
5 I think the Legislature.

6 And I think as a legislative agency it  
7 is our responsibility to work with you in a  
8 bipartisan way to go forward and identify the best,  
9 most efficient and effective use of our Correctional  
10 resources and that's our task.

11 REPRESENTATIVE BLAUM: Mr. Chairman, I  
12 would just like to say I think it's a message that  
13 this Committee wants to send, and hopefully both  
14 Chambers, that riots in Pennsylvania do not work.

15 And having said that I think that what  
16 you just said is right, John. I think if you can  
17 get Piccola and Blaum saying move forward, you came  
18 here today and you got a major victory.

19 MR. KRAMER: I appreciate that. Thank  
20 you.

21 CHAIRMAN CALTAGIRONE: Thank you.

22 We'll now adjourn the hearing.

23 Thank you, gentlemen.

24 MR. KRAMER: Thank you very much.

25 (Whereas at 3:15 p.m. the hearing  
was concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

  
Janice L. Glenn  
Court Reporter

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