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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: HR 226 - SCI Camp Hill

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Stenographic report of hearing held
in Room 140, Majority Caucus Room
Main Capitol Building, Harrisburg, PA

Thursday,
May 31, 1990
10:30 a.m.

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

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Jerry Birmelin Hon. Nicholas B. Moehlmann
Hon. Joseph A. Lashinger Hon. John F. Pressmann
Hon. Christopher K. McNally Hon. Michael R. Veon

Also Present:

William Andring, Chief Counsel
Mary Woolley, Republican Counsel
Marybeth Marschik, Research Analyst
Katherine Manucci, Staff

Reported by:
Ann-Marie P. Sweeney, Reporter

ANN-MARIE P. SWEENEY
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1 CHAIRMAN CALTAGIRONE: I'd like to open
2 the House Judiciary Committee hearing.

3 This is the House Judiciary Committee
4 hearing, and today we're going to hear from Joseph D.
5 Lehman, Acting Secretary of the Pennsylvania Department
6 of Corrections.

7 And if you would care to make your
8 remarks, Mr. Lehman.

9 ACTING SECRETARY LEHMAN: Thank you.

10 Chairman Caltagirone and members of the
11 House Judiciary Committee, my name is Joseph Lehman. I
12 am the Commissioner-designate for the Department of
13 Corrections here in Pennsylvania.

14 I thank you for providing me with an
15 opportunity to personally address this committee so
16 early in my tenure in the Department of Corrections.
17 I'm scheduled to receive a public hearing by the Senate
18 Judiciary Committee tentatively for next Tuesday, June
19 5th, and I hope to be confirmed by the Senate sometime
20 shortly thereafter.

21 My professional and academic career
22 reflects 21 years of commitment to the field of
23 Corrections. I'm confident that I can meet the many
24 difficult challenges that face the Commonwealth and its
25 Department of Corrections.

1 As the Deputy Secretary for the
2 Department of Corrections in the State of Washington, I
3 assisted the Secretary in the administration of all the
4 department's programs, including its community
5 corrections and prisons operations. My many years of
6 experience have allowed me to be involved in the full
7 range of the correctional program and field, including
8 the administration of its community programs,
9 industries, institutions, and the prison system. I
10 believe it is the breadth of my experience that will
11 enable me to be of assistance to the Commonwealth of
12 Pennsylvania and to this Department of Corrections.

13 As you probably already know, I was
14 contacted by Ford Webb Associates of Concord,
15 Massachusetts, an executive search and management
16 consulting firm that specializes in the public sector.
17 I was contacted by Mr. Webb relative to my interest in
18 coming to the State of Pennsylvania, and after several
19 discussions and interviews, I, in fact, was appointed
20 by Governor Casey, or nominated by Governor Casey, for
21 the position of Acting Secretary.

22 I came to Pennsylvania on April 18th,
23 that was about six weeks ago, and about seven months
24 after the public saw inmates at the Camp Hill
25 institution destroy a significant part of that prison

1 complex. I came in a time when the concern was not
2 only for Camp Hill but other disturbances. I came in
3 the midst of a time when the State was facing a
4 critical problem of overcrowding.

5 Currently, the Pennsylvania Department of
6 Corrections is at 158 percent of its housing capacity.
7 Each month we are experiencing a net increase of 200
8 inmates. Your Pennsylvania Department of Corrections
9 right now has approximately 21,700 inmates.

10 I know that this committee has been
11 involved in a thorough review of the disturbances at
12 the Camp Hill institution, as well as several other
13 less serious incidents. I have no doubt that the
14 committee's record of these events is complete. I
15 think my time today will best be spent by briefly
16 outlining what has occurred since my arrival at
17 Pennsylvania and then responding to whatever questions
18 you might have.

19 Shortly after I came to Pennsylvania, the
20 State Police were removed from inside Camp Hill's
21 security perimeter and relocated to outside that
22 perimeter at the main gate. The reason for that,
23 frankly, was to move the State Police who were carrying
24 weapons outside the perimeter as we brought inmates off
25 of lockdown and increased the amount of programming

1 inside the institution. We were also concerned at the
2 time of doing it in such a way that we could ensure the
3 capacity of the State Police to in fact respond
4 immediately and in a timely fashion to any incident
5 inside the perimeter of the institution.

6 The State Police are extremely visible
7 during their continuous perimeter patrols in vehicles
8 and on foot. We, in fact, conducted a number of
9 simulated exercises to ensure that the State Police
10 were able to respond immediately. Based on those
11 exercises and the incidents which occurred in D Block,
12 both Superintendent Beard and the State Police are
13 convinced and confident that they, the State Police,
14 have a capacity to respond to anywhere inside the
15 perimeter of the facility from their location outside
16 the main gate.

17 As you know, Camp Hill is slowly being
18 rebuilt. Already, a Pennsylvania based firm is
19 delivering steel reinforced pre-cast concrete cells to
20 Camp Hill. This is the first of five planned maximum
21 security modulars that will be placed at Camp Hill.
22 The site preparation for that first facility is already
23 completed, and the facility should be available for
24 housing in August of this year.

25 Unfortunately, during the week of April

1 23rd, we experienced two additional incidents within
2 the Restricted Housing Unit, D Block of that facility.
3 Those incidents actually demonstrated, I think, quite
4 clearly the fact that the housing units in Camp Hill
5 are very fragile.

6 As an interim measure, I have ordered
7 that all 128 cells of D Block be reinforced with steel
8 plating and metal screening. This is being done to
9 ensure the capacity of staff to control the inmate
10 population within those units, as well as to ensure
11 staff safety. It also sends a strong signal to the
12 inmates, and that message being that the Department of
13 Corrections staff will be and are in control.

14 After personally inspecting many of the
15 State's prisons, I am painfully aware of the problems
16 that confront the Commonwealth and the Department of
17 Corrections. I do not say this lightly, I think the
18 Department of Corrections staff should be
19 congratulated. It is the Department of Corrections
20 staff who, in fact, are holding the system together in
21 spite of the significant overcrowding that exists.
22 However, the department and the staff needs the help of
23 the rest of the criminal justice system, needs the help
24 of the courts, needs the help of the Parole Board, and
25 it needs the help of the General Assembly.

1 I have already met with many leaders of
2 the State's criminal justice system and numerous
3 members of the General Assembly. They have indicated
4 an understanding of the issues and a willingness to
5 address them, a willingness to commit themselves to
6 address that.

7 In the near future I will be contacting
8 many of you privately not only to recognize your past
9 interests in Corrections but to ask for your assistance
10 in the future. I look forward to the opportunity of
11 working with this committee and with the General
12 Assembly in responding to the many challenges that face
13 the correctional system in the State of Washington --
14 in the State of Pennsylvania. Sorry.

15 Again, I appreciate this opportunity to
16 address the committee and would be happy to respond to
17 any questions that you might have.

18 CHAIRMAN CALTAGIRONE: Thank you,
19 Commissioner.

20 Questions from the members?

21 Nick.

22 REPRESENTATIVE MOEHLMANN: Commissioner,
23 did you pronounce your name Lehman?

24 ACTING SECRETARY LEHMAN: Lehman.

25 REPRESENTATIVE MOEHLMANN: Lehman. Okay,

1 thank you.

2 I'm just curious, you indicate the first
3 of five planned maximum security modular units for Camp
4 Hill is expected to be completed by August. If that
5 becomes true, how many inmates will those new units
6 house?

7 ACTING SECRETARY LEHMAN: Approximately
8 650.

9 REPRESENTATIVE MOEHLMANN: And are there
10 more after that of the same sort of units that will be
11 installed?

12 ACTING SECRETARY LEHMAN: At Camp Hill?

13 REPRESENTATIVE MOEHLMANN: Yeah, at Camp
14 Hill.

15 ACTING SECRETARY LEHMAN: Actually, we're
16 looking at with a consultant relative to whether it is
17 more cost-effective within Camp Hill to renovate
18 existing cell blocks or in fact build new. You know, I
19 think that determination needs to be made relative to
20 what's the most cost-effective way.

21 If you look at the modulars in terms of
22 the size, modulars are 128; existing cell blocks, in
23 terms of cells at Camp Hill, are 125. So there's
24 comparable space, and think it's an issue of what's
25 most cost effective.

1 REPRESENTATIVE MOEHLMANN: Have you
2 formed an opinion as to whether the existing cell
3 blocks can be renovated?

4 ACTING SECRETARY LEHMAN: Yes, they can
5 be. I think that really you can go in and harden the
6 cell blocks, you can in fact do what we're doing in D
7 Block. More thoroughly, you can relocate the showers
8 in terms of vision and supervision and line of sight,
9 you can in fact locate a unit booth or control booth,
10 construct one in there. You would have to go in and
11 redo the entire locking mechanisms, of course, of the
12 cell blocks. You would have to go in and harden the
13 walls in terms of the hollow ceramic block, but yes,
14 you can do that.

15 REPRESENTATIVE MOEHLMANN: Do you just
16 steel plate those? Is that what you do?

17 ACTING SECRETARY LEHMAN: Well, I think
18 probably -- what we're doing in D Block is in fact
19 steel plating them, so you could do that. That would
20 probably be easier than tearing down the walls, unless
21 you were going to rebuild entirely. It can be done.

22 The issue, as far as I'm concerned, is
23 the relative costs of doing, one, retrofitting the
24 existing and renovating, upgrading, hardening the cells
25 versus building new.

1 REPRESENTATIVE MOEHLMANN: Is there a
2 great difference in cost between the two?

3 ACTING SECRETARY LEHMAN: That's what
4 we're looking at. You know, it may be that -- in fact,
5 we may want to look at a combination of that. But the
6 consultant really who's working on that, I think his
7 timeframe in terms of providing a definitive statement
8 of cost estimate would be around July 15th, I believe.

9 REPRESENTATIVE MOEHLMANN: I'd like to go
10 to a slightly different subject. Recognizing that
11 you've been in this State for six weeks and not really
12 wishing to put you on the spot, I represent an area
13 that contains Indiantown Gap. Indiantown Gap has been
14 widely mentioned through the years as a wonderful spot
15 to put lots of criminals. You may or may not know that
16 some years ago we had a large number of the Cuban
17 refugees that were quartered there and we had a lot of
18 escapes and we had some riots, and the citizenry in the
19 area has been highly sensitized to the question.

20 My question to you is, do you know of any
21 plans to use Indiantown Gap to hold prisoners, or do
22 you have any thoughts in that area?

23 ACTING SECRETARY LEHMAN: What was your
24 opening statement about not wanting to put me on the
25 spot?

1 Actually, I had the pleasure of--

2 REPRESENTATIVE MOEHLMANN: I said I
3 didn't want to. I didn't say I wouldn't.

4 ACTING SECRETARY LEHMAN: Yeah, right.

5 I had the pleasure of meeting with
6 General Sajer, and I in fact visited Indiantown Gap.
7 Despite my attempts to assure General Sajer that we had
8 a higher class of criminal here in Pennsylvania than
9 what the community or Indiantown Gap was used to, he
10 does have some continuing concerns about housing
11 inmates on the fort.

12 I think the issue becomes -- I do not
13 have currently any plans to do that. Frankly, as I
14 indicated to General Sajer, I wouldn't want to
15 foreclose that as an option in the future, depending
16 upon how we are able to deal with the issue of
17 overcrowding systemwide.

18 The reality is that you do have some
19 structures on Indiantown Gap that were previously used,
20 that are rundown, that could be secured and with
21 adequate classification might be able to house minimum
22 security inmates. At this point in time I do not have
23 any plans, and I respect the General's concerns about
24 not only the community's concerns about their history
25 with the Mariel Cubans but also the reality that it

1 presents some problems in terms of base security and
2 fort security.

3 REPRESENTATIVE MOEHLMANN: Just to
4 forewarn you, I would be amazed if in your Senate
5 hearings Senator Brightbill did not want you to
6 foreclose exactly that possibility.

7 ACTING SECRETARY LEHMAN: I would
8 anticipate that.

9 REPRESENTATIVE MOEHLMANN: Thank you very
10 much.

11 Thank you, Mr. Chairman.

12 CHAIRMAN CALTAGIRONE: Thank you.

13 Joe.

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

16 Mr. Lehman, I'm sure you can hear me from
17 here. I apologize for being late. I did read your
18 testimony, however.

19 I'm surprised at the absence of any
20 commentary on activities taking place at other
21 institutions, specifically Graterford, and how it
22 relates to Camp Hill. I'm from Montgomery County where
23 Graterford is situated. I've been advised that there
24 have been 200 inmates transferred from Graterford back
25 to Camp Hill. Is that an indication that we can expect

1 future numbers of inmates to be transferred back out of
2 Graterford?

3 ACTING SECRETARY LEHMAN: Graterford
4 happens to be -- has to be a priority. If you look at
5 Graterford in terms of its capacity, if you look at
6 Graterford in terms of the size of the cell blocks, if
7 you look at Graterford in terms of its current use,
8 both in terms of general population and classification,
9 we've got to find a way to get the pressure off
10 Graterford. There's no doubt about that.

11 At this point in time we are completing
12 an assessment of space through the entire system. As
13 you know, Representative, the Department of Corrections
14 does not control the inputs to the system or the
15 outputs. And we've got to find a way to either expand
16 capacity, take the pressure off Graterford, or
17 influence policy that results with people coming in or
18 leaving the system.

19 REPRESENTATIVE LASHINGER: Are you
20 committed to capping the number of inmates then at
21 Graterford at a figure below its current level?

22 ACTING SECRETARY LEHMAN: I'm committed
23 to trying to do that. I can't commit to do that
24 because I don't control the influx or the outgoing
25 inmates. I mean, I simply don't have control, the

1 department does not have control over that. The
2 policies and decisionmaking that occurs relative to the
3 number of inmates is controlled by other parts of the
4 system.

5 REPRESENTATIVE LASHINGER: Well, maybe I
6 disagree. I mean, I disagree. You control, through
7 intake, the distribution of inmates. You don't control
8 the numbers and the types, necessarily, but you control
9 the distribution when you do intake on a prisoner,
10 correct?

11 ACTING SECRETARY LEHMAN: That's right,
12 and I'm at 158 percent systemwide, in some institutions
13 at a higher capacity of crowding than Graterford.
14 Graterford's problem is, if you look at the percent, is
15 about 150-plus percent of capacity. I've got
16 institutions 160 and higher. The problem with
17 Graterford, of course, size, particularly the cell
18 block configuration.

19 What I'm saying, Representative, is I am
20 committed to trying to take the pressure off
21 Graterford. My capacity to do that is limited.

22 REPRESENTATIVE LASHINGER: At a Senate
23 hearing that was held at Montgomery County within the
24 month, the prior Secretary indicated that he was
25 committed to capping that number, that's why I asked

1 the question, and that he would reject the notion of
2 any additional inmates being added to Graterford.
3 That's where the question came from.

4 ACTING SECRETARY LEHMAN: Unfortunately,
5 I'm here to say that the number of population at
6 Graterford has increased over the last several months.

7 REPRESENTATIVE LASHINGER: Another
8 problem systemwide but again one that needs to be
9 emphasized at Graterford is the guard complement there
10 and the ongoing problems. Every day in the newspapers
11 we see the ads for hiring guards in the county. What's
12 the status of guard hiring at that facility?

13 ACTING SECRETARY LEHMAN: At that
14 facility specifically we've been working over the last
15 several weeks and months with the Office of
16 Administration. We, in fact, have initiated a very
17 concerted effort to recruit. We have 457 applicants
18 for positions at Graterford alone. We are testing --
19 we've increased our testing in terms of we have one
20 testing period at Graterford June 4th. We're testing
21 at different locations around the State. We are making
22 an effort to in fact fill not only the vacancies, which
23 number about 59 at Graterford, but the additional 191
24 that were added to the complement recently.

25 We also have just in fact met with the

1 AFSCME, have in fact concluded an agreement to increase
2 the entry level pay for correctional staff statewide
3 and an additional bump in entry level pay for
4 correctional trainings at Graterford. We are looking
5 at the issue of how can we improve the problem of
6 housing in terms of location for staff in the immediate
7 area of Graterford. One of the areas that we're
8 looking at in terms of possibility there is on the
9 grounds BOQ, dormitory space.

10 So we are looking at a number of
11 strategies which are intended to alleviate some of the
12 problems of recruitment and retention.

13 REPRESENTATIVE LASHINGER: During this
14 time lag, however, there continues to be a problem of
15 understaffing, critical understaffing. There are
16 stories of four guards on a block at Graterford, which,
17 I think, you would agree is critically -- would equate
18 to being critically understaffed.

19 ACTING SECRETARY LEHMAN: That's right.

20 REPRESENTATIVE LASHINGER: Is there any
21 possibility of getting a reassignment from other
22 facilities of temporary guards already in the system?

23 ACTING SECRETARY LEHMAN: We, in fact,
24 have discussed that. The problem is -- first of all,
25 in terms of that coverage, I think there's a

1 misunderstanding. We do have a number of vacancies.
2 However, of the 191 that we talk about in adding to the
3 complement, actually 124 of those or 86 posts are
4 already manned posts. The problem is we're manning
5 them with overtime. So I don't want to -- I don't want
6 to miscommunicate. We are in fact manning 86 posts
7 that are not part or was not until recently part of the
8 complement through the use of overtime. We can't
9 continue to do that, Representative, and we need to
10 hire those people. But we will continue to man the
11 critical posts using overtime.

12 REPRESENTATIVE LASHINGER: Do you expect
13 to reach a decision shortly on the reassignment issue?

14 ACTING SECRETARY LEHMAN: Yeah. In the
15 reassignment issue I think comes down to it's the
16 estimation of both the AFSCME and of the personnel
17 departments that there are not going to be many staff
18 who are going to be volunteering in terms of that duty
19 at Graterford, that we are already drawing upon
20 significant numbers of correctional staff in Camp Hill
21 and continue to do so, and so I can't really report too
22 much hope that that's a realistic alternative.

23 REPRESENTATIVE LASHINGER: Thank you.

24 Thank you, Mr. Chairman.

25 CHAIRMAN CALTAGIRONE: Representative

1 Birmelin.

2 REPRESENTATIVE BIRMELIN: Mr. Lehman, I
3 want to thank you for coming here today and you've only
4 been on the job for about six weeks, you probably have
5 a lot to learn and have a lot more ahead of you, sort
6 of being grilled like you are here. This is going to
7 be a friendly one, I guess, today. Hopefully in the
8 future will be as well.

9 When I was at Waymart Correctional
10 Institution a couple of weeks ago at the media day I
11 mentioned to you earlier I met with Superintendent
12 Zimmerman and I said to him, I said, is there any way
13 that you can have a work release program where these
14 prisoners can get out and do, you know, good will
15 projects in the community, whatever that might be,
16 fixing up, painting up, repairing, cleaning up, et
17 cetera? His answer to me was, I wish we could. And I
18 was talking to some other people since then and I'm
19 getting a conflicting viewpoint as to whether or not he
20 in fact was able to allow a work release program for
21 his prisoners to do those types of projects, and I'm
22 not expecting an answer to that but I'm just wondering
23 if maybe you or your staff could get an answer back to
24 me that tells me conclusively whether or not legally
25 you can do that and what the parameters are for a

1 program of that sort.

2 I think it's especially important in the
3 Waymart facility because my understanding is these are
4 not hard-core criminal types. They are first-time drug
5 offenders, many of them, people who are classified
6 under minimum security, something like that. We don't
7 have to worry about running the neighborhood amok,
8 kidnapping people and killing them and all that sort of
9 thing, at least hopefully not. But the reason why I
10 bring that up is because I think in our particular
11 area, in northeast Pennsylvania, I think that sort of a
12 program would be well received and in turn would be
13 very good for the prisoners who are there to do that
14 sort of a thing. Whether or not we pass legislation
15 here in the General Assembly that allows for earned
16 time credit towards reduction of their prison sentences
17 in that regard remains to be seen, but I think in and
18 of itself it has a virtue of the fact that they would
19 be getting out of prison and working and accomplishing
20 some good and perhaps getting some skills or some
21 training.

22 So while I'm not asking you for an answer
23 today, I would ask you to research that and see whether
24 or not you know where you stand legally on that and
25 whether or not that can be implemented and if nowhere

1 else at least in lower minimum security type
2 institutions.

3 ACTING SECRETARY LEHMAN: I'd be more
4 than happy to get back to you. I think probably part
5 of the confusion there is a matter of semantics. The
6 fact is that there is existing programs and there is a
7 program in Greensburg, for example. We're not on work
8 release. I think the work release assumes that
9 somebody does not have supervision and that people just
10 go out to jobs. That probably would not be
11 appropriate.

12 However, there are programs in existence
13 where you have some minimum security inmates who go out
14 and do work for a community under direct supervision,
15 and that's not the same as work release, and that
16 program does exist at I believe Greensburg and one
17 other institution and is well received by the
18 community.

19 REPRESENTATIVE BIRMELIN: Well, that's
20 what I had in mind, you know, under supervision
21 primarily, but I know that we do it with the county
22 prisoners. It's been a very successful program. Of
23 course, they have an incentive because their program is
24 you work two days and get one day off your sentence.
25 Well, that's a pretty good incentive. I'm not sure

1 we'd be willing to do that on a State level, but I
2 think in our area, particularly in the Waymart facility
3 area, there's an abundance of work for them to do as
4 well as the community probably would be fairly
5 receptive to it, as opposed to Representative
6 Moehlmann's constituents.

7 Thank you very much for coming.

8 ACTING SECRETARY LEHMAN: You're welcome.

9 CHAIRMAN CALTAGIRONE: Representative
10 Pressmann.

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

13 Mr. Lehman, approximately .05 percent of
14 the population of Pennsylvania is now in the State
15 prison. I don't know how many people are in county
16 prisons. Based on demographics and everything else,
17 what can we expect in terms of population growth over
18 the next 10 years?

19 ACTING SECRETARY LEHMAN: If we don't --
20 if the General Assembly doesn't change any of the
21 current policy that drives the system, and it's the
22 policy that's set by the General Assembly does that,
23 I'm not sure about 10 years but I've seen figures that
24 suggest that we're going to have as many as 27,000 by
25 the year '94 or '95.

1 If I look at the efforts, and I've been
2 looking at numbers more than I want to in the last few
3 weeks, but if I look at the numbers in terms of what
4 we're planning and attempting to do and trying to do in
5 terms of capacity expansion and I look at the
6 timeframes in relation to planning and construction and
7 I superimpose those assumptions on the population
8 projections, whatever figures you want to look at, the
9 reality, unfortunately, is we never catch up. And I
10 think ultimately, ultimately the General Assembly in
11 the State of Pennsylvania and the citizenry needs to
12 deal with the issue can you build your way out of this
13 problem? There is no doubt in my mind that we need to
14 build. The question is how much and how long are we
15 going to do this?

16 REPRESENTATIVE PRESSMANN: That's the
17 reason I've asked you the question. I used to be a
18 county official and when I was a commissioner, I built
19 a prison. My successors are building another prison
20 because back in the early '80's when we built this
21 prison, we were told based on demographic trends and
22 everything else that was happening that actually maybe
23 we didn't need as many cells as we were building
24 because criminal activity usually happens within a
25 certain age group, and declining birth rates and they

1 superimposed all these things on it and they said, this
2 is how many cells that Lehigh County would need into
3 the 21st century. Well, they were very much wrong and
4 I was wrong and we were all wrong, and I guess the
5 question I have is I guess Crack has changed the whole
6 outlook in terms of prisons. We have a whole new
7 criminal class, we have a lot more people that are
8 involved in illegal activity than 6 or 10 years ago. I
9 guess the question is, what is going to be the
10 permanent need for prisons in Pennsylvania and is there
11 any possibility that we're going to put ourselves in a
12 situation where we're going to build prison cells that
13 because of demographic trends 20 years from now are
14 going to be empty? I guess that's the real question.

15 ACTING SECRETARY LEHMAN: My experience
16 in the last 21 years would be no, they are not going to
17 be empty unless you have a policy change, unless you
18 change the rules in terms of how people get in, how
19 long they stay, or when they leave.

20 What we're experiencing in Pennsylvania,
21 frankly, is not a whole lot different than what's
22 happening nationwide, and I think that's a base that
23 you have to start from.

24 I think part of the problem, frankly,
25 lies with the Corrections profession. We have not

1 done, in my estimation, a very good job of helping
2 policymakers like the General Assembly, giving the
3 General Assembly options relative to how do you control
4 and/or punish offenders, and are there more
5 cost-effective ways to do that? We've not done a very
6 good job of that as a profession. I happen to think
7 that there are probably -- the public can appreciate
8 the fact that not all offenders are the same. I think
9 the public can appreciate with the advance of
10 technology there are probably ways that you can in fact
11 reach a system of punishment that in fact are not as
12 costly as simply building. I think ultimately that's
13 probably a long ways off because we have a lot of
14 education and work to do on it.

15 REPRESENTATIVE PRESSMANN: In the area of
16 rehabilitation, and I guess it's a philosophical
17 question if anything else for you, and actually I have
18 a couple philosophical questions for you as
19 Commissioner of Corrections, and I guess some very
20 general questions. Do you believe rehabilitation
21 works?

22 ACTING SECRETARY LEHMAN: Um, yes. I
23 think some things work for some people. The challenge
24 in terms of Corrections is finding what works with what
25 subpopulations and when. I'm not -- I am of the belief

1 that people do have a capacity to change, of the belief
2 that we have to provide an opportunity for them to do
3 that, and frankly not to do so is not cost-effective.
4 That's not to say that there is any panacea, and you
5 will find me before this committee and a General
6 Assembly in years ahead telling you it is not a
7 panacea. It won't work for everybody. But we have to
8 provide an opportunity for people to engage in
9 different kinds of programs and an opportunity to
10 change. I am not interested, frankly, in operating a
11 prison system with no hope.

12 REPRESENTATIVE PRESSMANN: The reason I
13 ask that question, from all the numbers I've looked at
14 rehabilitation, and I admit that I think a strong
15 argument can be made that not enough money is spent on
16 rehabilitation, but based on the numbers that I have
17 seen on actual and recidivism of criminals has led me
18 to believe that rehabilitation does not work, prison
19 does not deter crime, that the only purpose that
20 prisons can serve as is for warehousing people and
21 putting people out of circulation so they can't commit
22 another crime.

23 If we just look at our drug situation,
24 obviously the criminal justice system is no threat to
25 crime because the drug situation is dealing on a pure

1 economic situation. You have a market, you have a
2 product, you have a profit level, so the profit level
3 is so high and the chance of enrichment is so great
4 that it's worth any risk you take in terms of
5 confronting the criminal justice system. So in terms
6 of our drug problem, obviously whatever we do, all the
7 tough bills we passed in this committee and sent to the
8 floor to become law, all the prison cells we're
9 building, everything we're doing is not doing anything
10 to the drug trade from what I can see driving through
11 the streets of my district and watching what's
12 happening on the street corners.

13 And so I guess what I've led to,
14 rehabilitation doesn't seem to be working and it
15 doesn't seem to be taking people out of circulation and
16 stuff and cut down on crime.

17 ACTING SECRETARY LEHMAN: I think you
18 need to separate the issues. One, I think you ought to
19 send people to prison because it's a form of
20 punishment. I mean, that's what prisons are. Or
21 because that kind of control is necessary to protect
22 the public. I mean, that's the primary purpose of
23 prison. I think when you make those decisions, then
24 You in fact I think have an obligation to provide the
25 treatment to those you incarcerate to try to change

1 them. I mean, I hope Pennsylvania would not want a
2 prison system that just took people in and released
3 them in worse shape than when they sent them to prison.
4 But I think you need to separate -- I wouldn't advocate
5 that you send people to prison for treatment. You
6 understand the distinction I'm making?

7 I think first the issue is just desserts
8 in terms of punishment. I think the next issue is the
9 level of controls inherent in the prison setting that
10 is required to control the offender, and then the
11 separate issue is the issue of treatment. I mean, if
12 you could treat a drug offender and control that drug
13 offender's behavior in another environment at the same
14 time and provide a punishment that satisfied the
15 public's need in terms of the retribution, then I think
16 we better find more cost-effective ways to do that than
17 simply throw them in prison, and that's my belief.

18 REPRESENTATIVE PRESSMANN: The amount of
19 prisoners that are either HIV-positive or full-blown
20 AIDS patients in our system, I'm not sure what kinds of
21 numbers there are in that area, what would you propose?
22 I mean, some States have seen astronomical growths in
23 the amount of inmates with AIDS. Would you propose
24 having separate facilities or in the general
25 population, or how would you propose to handle that

1 population which from all trends is going to grow
2 expediently in the prison system in the next few years?

3 ACTING SECRETARY LEHMAN: The AIDS issue
4 has been a very difficult problem for prison systems to
5 deal with. Originally we, including myself,
6 anticipated that there would be significant numbers of
7 inmates who were HIV-positive. Actually, the trend
8 that you look at in terms of prison inmates is very
9 similar to what the numbers are in the general
10 population. The systems that I'm acquainted with, and
11 I'm acquainted with some systems that separate inmates,
12 I'm acquainted with systems that don't separate. My
13 experience is the middle of the road is probably the
14 best, and that is that you educate your prison
15 population and you educate staff that you have to
16 respond to everybody within that environment as if
17 there is a potential that they have or they are
18 HIV-positive. That you need to in fact respond in
19 terms of separating inmates from other inmates based on
20 two variables - medical needs or behavior. If an
21 inmate starts acting out in such a way that there is
22 body fluid transferred, then that inmate needs to be
23 separated. The inmate needs to be separated not though
24 simply because of the AIDS but because of the behavior,
25 and that's how you should respond.

1 REPRESENTATIVE PRESSMANN: The previous
2 Corrections Commissioner and this legislature pursued
3 the idea of the prison camps, boot camps, whatever you
4 call them. What is your feeling about that?

5 ACTING SECRETARY LEHMAN: This is --
6 actually, you'll appreciate this. I have testified in
7 two other legislative sessions against boot camps, but
8 you have to put it in the context of which it was. It
9 was a determinate system.

10 My impression of boot camps is, one, they
11 are more costly, and you need to know that upfront.
12 They are more costly to operate. They are not a
13 panacea, and this is my main concern. They will work
14 with some offenders. But don't assume that the
15 discipline that you teach within the context of a boot
16 camp can be generalized to the environments these
17 offenders are released to. I mean, it's not the same
18 thing as going through a military boot camp, going
19 through the experience of the discipline and the
20 regimentation and then being assigned to a unit where
21 the unit structure reinforces all the things that
22 you've learned within the context of that boot camp.
23 So it will work in some cases, but I don't want people
24 to perceive it as a panacea. It won't solve the
25 problem. It is more costly.

1 more expensive if you operate just as an expansion of
2 your existing program. If you look at New York's
3 system, and New York, I think, probably has the best
4 example, if you use it and you are truly selecting
5 people who would otherwise spend longer time in prison,
6 then you can make it cost-effective. But it is
7 entirely contingent upon that fact. If you're just
8 adding it to a system and you're not in fact diverting
9 people who would otherwise spend longer, then it's more
10 expensive.

11 REPRESENTATIVE PRESSMANN: On guard
12 recruitment, are you having the same problem with guard
13 recruitment in other prisons than you are having with
14 guard recruitment at Graterford?

15 ACTING SECRETARY LEHMAN: If you look at
16 -- I've looked at the entry salary level of
17 Correctional Officer trainees against many of the
18 counties throughout the State, and it does go beyond
19 Montgomery County, and we in fact -- that's the reason
20 we in fact have increased the entry level statewide.
21 But Graterford we're having much more significant
22 problems because I think it's a combination of things.
23 It's transportation, housing, it's certainly the higher
24 labor market or higher Philadelphia jail system
25 competition. So I think that we are experiencing in

1 other areas, but it is certainly much worse at
2 Graterford.

3 REPRESENTATIVE PRESSMANN: Is the
4 department thinking about any possibility of having
5 different scales for CO's depending on where they were,
6 entry level?

7 ACTING SECRETARY LEHMAN: I'm sure the
8 department is not considering that at this point. I'm
9 sure there has been discussions about that with the
10 American Federation of State, County and Municipal
11 Employees, and I can assure you based on my limited
12 interaction with them they would be opposed to that.

13 REPRESENTATIVE PRESSMANN: Part of my
14 concern is based on whether or not, you know, we're
15 going to face a permanent situation at Graterford in
16 terms of recruitment of guards, and people have been
17 interested in that work. I understand in some of our
18 more rural settings where maybe there's higher
19 unemployment rates the recruitment is not as difficult.
20 In fact, we've seen a proposal for a prison in Greene
21 County that is fairly highly accepted by the
22 population, except the people immediately adjacent to
23 the prison weren't as happy about it, but the idea that
24 it would create a number of construction jobs and
25 permanent Corrections Officer jobs, what they consider

1 good jobs, whereas in the Montgomery County job market
2 they are not considered particularly good jobs, and I'm
3 just wondering long-term if any prison expansion
4 program we consider which we would be looking more to
5 our more rural areas for prisons because of the higher
6 range of pay. One of them may be Waymart.

7 Thank you.

8 CHAIRMAN CALTAGIRONE: Representative
9 Lashinger.

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

12 Again, I noted in your prepared
13 statement, Mr. Lehman, that you also talked about
14 needing help from the Parole Board. At this Senate
15 hearing that I mentioned to you previously, that was a
16 problem that was emphasized time and time again. The
17 Superintendent at Graterford indicated that there were
18 approximately of the population 4,700, is that where
19 we're at, although the reduction?

20 ACTING SECRETARY LEHMAN: 45.

21 REPRESENTATIVE LASHINGER: Of the 4,500
22 inmates at Graterford, that it was his opinion that
23 there might be between 800 and 1,000 technical
24 violators at the institution. Included in that figure
25 would also be individuals that were waiting for parole

1 reports, that were delayed from the Parole Board,
2 people that were actually there at the institution
3 longer than they would have normally been because of
4 delays from the Parole Board preparing the report. My
5 quick comment, my kneejerk reaction was maybe the
6 crisis isn't as bad as we think it is, that the problem
7 is the Parole Board, one of the major problems is the
8 Parole Board.

9 Do you have figures on technical
10 violators? Some of the actual cases were individuals
11 who had been at the facility, been recommitted in
12 excess of 90 days because of a change of address that
13 they had failed to report, maybe they had been picked
14 up in a domestic violence situation, again, another
15 violation and committed to the institution and were
16 awaiting a report from the Parole Board. I mean, if we
17 have 800 to a thousand technical violators at that
18 institution and a large share of them fit that
19 classification, something's wrong.

20 ACTING SECRETARY LEHMAN: The numbers are
21 significant, Representative, and they're a concern of
22 myself and not only the Superintendent at Graterford
23 but Superintendents at the other institutions that have
24 the diagnostic classification centers.

25 Let me tell you, one of my big concerns

1 about the Pennsylvania system is its fragmentation.
2 There's no capacity to provide for continuity at a
3 policy level let alone at a decisionmaking level. The
4 Department of Corrections doesn't have the capacity to
5 influence, through the current system, to influence the
6 Board of Probation and Parole. The Board of Probation
7 and Parole is a system that is off here, you know,
8 operating on its assumptions of what it has to do, and
9 that is from primarily a public safety perspective.
10 And I understand that perspective. The problem I have
11 is there's no vested interest in the way the system is
12 fragmented to get the pieces to work together. I mean,
13 there's no way other than through collaboration, and
14 I've had meetings with Fred Jacobs and we will continue
15 to have meetings and we're going to try to work
16 together to solve the very problems you're talking
17 about. But I'm talking from a systems perspective,
18 from the way the General Assembly and the policy has
19 been set up it is very fragmented, and that's causing
20 the very problems that you're talking about.

21 REPRESENTATIVE LASHINGER: The one common
22 denominator that you have is the Governor. And I would
23 assume that the Governor could insist that the parole
24 reports be done in a more timely fashion, because I
25 understand -- I shouldn't be telling you this, I should

1 be telling Mr. Jacobs this, but you need beds, you have
2 a common denomiator of the Governor, and if we've got
3 technical violators, and especially the specific cases,
4 and there are actual cases, I think you'll agree, of
5 the person who failed to report a change of address,
6 and it is a violation and technically that person does
7 belong back in the institution, but I'm not sure we
8 need the situation at Graterford.

9 ACTING SECRETARY LEHMAN: See, the only
10 thing I would suggest that first of all I think it's a
11 responsibility of the Department of Corrections,
12 myself, and other people in the criminal justice system
13 to try to work those issues out and deal with them, and
14 I will continue to do that, but I think one of the
15 problems is I don't think it is simply the Governor,
16 and if you look at the structure you've created here in
17 Pennsylvania, you have a Board of Probation and Parole
18 that is a commission. It's independent of the
19 executive branch. So the issue I raise is what
20 influence do you have, other than resources? And I'm
21 sure Fred will come to you, as he's come to me, and say
22 I can't do those things because I don't have the
23 resources.

24 So, you know, I think you've got to work
25 in terms of trying to collaborate with the other parts

1 of the system to solve the problem, but I think we have
2 a very significant problem in the fragmentation that
3 exists in the State of Pennsylvania.

4 REPRESENTATIVE LASHINGER: Thank you.
5 I'm sorry, I said thank you too quickly.
6 Do you know what the numbers are?

7 ACTING SECRETARY LEHMAN: I would be
8 happy to get that to you.

9 REPRESENTATIVE LASHINGER: Could you get
10 that to us?

11 ACTING SECRETARY LEHMAN: I would be
12 happy to get that to you. Yes.

13 REPRESENTATIVE LASHINGER: Thank you.

14 CHAIRMAN CALTAGIRONE: Mary.

15 MS. WOOLLEY: Mr. Lehman, hi.

16 ACTING SECRETARY LEHMAN: Hi.

17 MS. WOOLLEY: Could you give us the
18 status of the 800 inmates we have in the Federal system
19 and when we can anticipate their return to
20 Pennsylvania?

21 ACTING SECRETARY LEHMAN: I'm not going
22 to be very responsive. I'm a little nervous about
23 when, frankly, and I can't recall the exact -- the
24 contract specifies the time, and I can't recall the
25 specific time, but I will get that back to you.

1 I'm nervous, frankly, and I have not
2 contacted the bureau because I felt we needed to
3 straighten out our capacity to pay them first before I
4 initiated contact, and one of my concerns is how long
5 can they provide assistance to the Commonwealth,
6 because I don't have 800 beds to put people in and I
7 can't at this time tell you how long the bureau would
8 be willing to continue that, but--

9 MS. WOOLLEY: Do you have the capacity to
10 pay them?

11 ACTING SECRETARY LEHMAN: We have in
12 fact, through recent legislation, been given the
13 authority to do so and we are in fact paying them.

14 MS. WOOLLEY: We were advised by the
15 Commissioner of Crime and Delinquency when they did
16 their overcrowding report in March that we could
17 anticipate 23,000 inmates by the end of the year. My
18 understanding is now we might hit that by mid-July.
19 That's my understanding of the population projections
20 of the PCCD Sentencing Commission. Do you have the
21 ability to handle that population, absent turning to
22 conversion of an Indiantown Gap or some other facility?

23 REPRESENTATIVE MOEHLMANN: My own
24 counsel.

25 MS. WOOLLEY: His own counsel.

1 ACTING SECRETARY LEHMAN: Representative,
2 see, it's not simply me.

3 MS. WOOLLEY: All right, let's say some
4 other type of government, State or Federal government,
5 you know, Wernersville?

6 ACTING SECRETARY LEHMAN: The answer is,
7 no, we don't have the capacity.

8 Secondly, we are, in fact, looking at
9 additional capacity and potential capacity other than
10 what's already outlined in--

11 MS. WOOLLEY: That you will be able to
12 use by mid-July?

13 ACTING SECRETARY LEHMAN: Probably not by
14 mid-July. No, definitely not by mid-July.

15 MS. WOOLLEY: The modulars you mentioned
16 at Camp Hill, 650 is it? The new modulars that are
17 coming on?

18 ACTING SECRETARY LEHMAN: (Indicating in
19 the affirmative.)

20 MS. WOOLLEY: Do you intend to double
21 cell those?

22 ACTING SECRETARY LEHMAN: Probably not,
23 if I have control over that. One of my concerns in the
24 system that I immediately was confronted with is I
25 think we have a problem at two ends of the system in

1 terms of capacity. One in administrative segregation
2 of housing, restricted housing, and at minimum, and
3 we've got everybody -- frankly, we don't have enough
4 space to lock up those inmates that are problematic and
5 acting out. And that's causing some of the problems
6 that we're having. We've got a general population
7 space in this system that is currently being used as
8 segregation space and we're missing populations and
9 we're inviting our own problems because we don't have
10 sufficiently designed space.

11 Frankly, the Graterford modulars --
12 excuse me, the Camp Hill modulars will provide some
13 relief and we are looking at other space to do that.
14 Part of your capacity to make an environment safe for
15 those inmates that want a program and want to do things
16 is the capacity to lock up those that won't let them,
17 and we have a problem with that.

18 MS. WOOLLEY: I just have a comment with
19 regard to the boot camp proposal. It's Representative
20 Evans' proposal and Hagarty's, and is something that's
21 clearly tied to vocational and educational and tied to
22 placing those offenders who would do less time in boot
23 camp who would be in longer absent boot camps.

24 ACTING SECRETARY LEHMAN: And aftercare?

25 MS. WOOLLEY: Yeah, it's tied to

1 intensive parole.

2 ACTING SECRETARY LEHMAN: Okay.

3 CHAIRMAN CALTAGIRONE: Are there any
4 other questions?

5 (No response.)

6 CHAIRMAN CALTAGIRONE: Commissioner,
7 thank you very much. We look forward to working with
8 you and best of luck in the Senate.

9 ACTING SECRETARY LEHMAN: Thank you.

10 (Whereupon, the proceedings were
11 concluded at 11:45 a.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

Ann-Marie P. Sweeney
ANN-MARIE P. SWEENEY

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