

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

- - - - -X
 The Pennsylvania House of :
 Representatives Judiciary :
 Committee Subcommittee on :
 Crime and Corrections :
 Hearing on Inmate Escapes :
 from SCI-Pittsburgh :
 - - - - -X

Pages 1 through 186

Ballroom-William Pitt Union
 University of Pittsburgh
 3959 Fifth Avenue
 Pittsburgh, Pennsylvania

Tuesday, March 4, 1997

Met, pursuant to notice, at 9:30 a.m.

BEFORE:

- REPRESENTATIVE JERRY BIRMELIN, Chairman
- REPRESENTATIVE HAROLD JAMES
- REPRESENTATIVE TOM CALTIGERONE
- REPRESENTATIVE LISA BOSCOLA
- REPRESENTATIVE FRANK DERMODY
- REPRESENTATIVE KATHY MANDERINO
- REPRESENTATIVE JANE ORIE
- REPRESENTATIVE DON WALKO
- REPRESENTATIVE ROBERT REBER
- REPRESENTATIVE AL MASLAND
- CHIEF COUNSEL BRIAN J. PRESKI
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C O N T E N T S

<u>SPEAKER</u>	<u>PAGE</u>
Opening Comments - Chairman Birmelin	3
Major Lyle Szupinka, Area Commander - Area 3 Pennsylvania State Police	7
Rudy Arensberg, Corrections Officer Union Steward - Local 2500	55
Mike Degonish, Labor Foreman Union Steward - Local 2500	58
John Bush, Corrections Officer Board Member - Local 2500	58
The Honorable Harry A. Readshaw Representative - 36th Legislative District	121
Michael Clate Pennsylvania Prison Society	128
The Honorable Don Walko Representative - 20th Legislative District	142
Rudy Arensberg, Corrections Officer Union Steward - Local 2500	152
The Honorable Dan Onorato Councilman, City Council of Pittsburgh	162
Michael Clate Pennsylvania Prison Society	172
Karima Evans Morris, Wife of Inmate	175

P R O C E E D I N G S

9:30 a.m.

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2
3 CHAIRMAN BIRMELIN: We welcome you here this
4 morning to the second day of the Pennsylvania House of
5 Representatives Judiciary Committee Subcommittee on Crime
6 and Corrections hearing, dealing with the inmate escapes
7 from the State Correctional Institution of Pittsburgh,
8 which occurred on January 8th of this year. And we are
9 going to have a series of testifiers here this morning and
10 before we do that, I'd like to just, in brief, tell those
11 of you who are here and please forgive me if you were at
12 the meeting yesterday, to share with you a little bit of
13 the Committee's purpose and why we are here and what we
14 are doing.

15 In the first place, as the Judiciary Committee,
16 we do have the oversight and responsibility for how the
17 correctional institutions in Pennsylvania are run. We have
18 a responsibility for funding them, obviously, which we do
19 and do more and more of each year. And as I indicated
20 yesterday, it is now the largest budget item in the
21 Pennsylvania general budget, rapidly approaching \$1 billion
22 a year.

23 Though the Governor, in his administrative
24 function, is responsible primarily for the operation of
25 our prisons, we do know that we share that responsibility

1 with him, in that we have to fund and pass the legislation
2 by which they are run, by and large. And so, when we have
3 an incident, such as the one that occurred on January 8th
4 of this year, the public is wanting to know why it happened
5 and what can be done to prevent it. We feel that, as
6 legislators, we have to take an intense look at what
7 happened and see if there's anything that we, as
8 legislators can do to prevent such an incident from
9 occurring in the future.

10 This also has become or will become a little bit
11 broader in scope today, as we will not simply be talking
12 about the institution, itself, in Pittsburgh and how it's
13 run and it's security measures, but and we touched on this
14 a little bit yesterday, the entire prison system and how
15 it is run, in all of our state prisons, somewhere in the
16 neighborhood of 23 or 24. So, it is an education for those
17 of us who are on the Committee, as well, as to how the
18 prison systems are run in Pennsylvania.

19 Yesterday, we heard from the Commissioner of
20 Prisons, Marty Horn and we heard from some other folks,
21 one of whom was the investigator for the prison system.
22 Today, we are going to be hearing from the lead investiga-
23 tor for the Pennsylvania State Police, in just a few
24 minutes.

25 I'm going to introduce the members who are on the

1 Judiciary Committee. This is technically a Subcommittee
2 hearing. All Judiciary Committee members are certainly
3 welcome and we encourage them to participate in the
4 hearing. So, many of our members here today are members
5 of the Committee, as a whole. And so, I'm going to do that
6 now and introduce them.

7 First of all, I want to introduce, to my left
8 and to your right, Representative Harold James, from Phila-
9 delphia. He is my counterpart on the Democratic side of
10 the aisle and he is the Chairman of the Subcommittee on
11 Crime and Corrections, appointed by the Democratic staff.

12 I failed to introduce myself. I'm Representative
13 Birmelin, the Republican Chairman of this Subcommittee,
14 who was asked by the Chairman of the Committee, Representa-
15 tive Gannon, to chair these meetings.

16 To Representative James' left is the Democratic
17 Chairman for the Committee. That is Representative Tom
18 Caltigerone, from **Berks** County.

19 Seated next to him is Representative Lisa Boscola.
20 And she hails from New Bethlehem. She has a little bit
21 of Lehigh County, but most of her District is in
22 Northampton.

23 Next to her is Representative Frank Dermody, who
24 is from Allegheny County.

25 Next to him is Representative Kathy Manderino.

1 Kathy hails from this portion of the state, I guess
2 basically, but she represents a district in Philadelphia
3 now. So, she is the east-west connection here today.

4 And next to her is David Krantz, who is the
5 Executive Director for the Democratic staff, on the
6 Judiciary Committee.

7 To my immediate right is Brian Preski. Brian
8 Preski is the Chief Counsel for the Republicans, on the
9 House Judiciary Committee.

10 Next to him is Representative Jane Orie. She
11 is from Allegheny County.

12 Next to her is Representative Don Walko, from
13 Allegheny County and it is in his District that the prison
14 resides.

15 And skipping over one empty chair, we have
16 Representative Robert Reber, who is from Montgomery County.

17 And last but not least is my good friend,
18 Representative Al Masland, from Cumberland County.

19 All that having been said, the method we will
20 follow, generally speaking, is that we will ask our
21 witnesses to come up, make a statement concerning their
22 particular interest in this matter and then, we will open
23 it up to questions from the members of the Judiciary panel.
24 The members are again asked to make sure that their
25 questions are to the point and specific, not only to the

1 breakout of January 8th, but to the conditions in the
2 prison, in general and hopefully, we will be able to
3 enlighten each other in the process. We'd only ask the
4 members to try to do their best to pay attention to other
5 members' questioning, so that we are not asking the same
6 questions, over and over again.

7 We do have several witnesses today and we do
8 expect the day to last, probably until around 4:00 p.m.,
9 with a break for lunch. If you have a question or do not
10 have a copy of the agenda, we have some extras up here on
11 the table to my right and your left. If you are interested
12 in seeing who is testifying, pick up one of those.

13 If you have any questions of the panel members,
14 themselves, you may do so at the lunch break or stick
15 around for the whole day. You may do so, at that time.

16 At this point, I would like to introduce our
17 first testifier, Major Lyle Szupinka. He is the Area
18 Commander for Area 3 Pennsylvania State Police. Major
19 Szupinka, would you please come and give your testimony?

20 MAJOR SZUPINKA: During the investigation of the
21 escape and the capture of the inmates, I acted as liaison
22 between the Department of Corrections and the Commissioner
23 State Police staff in Harrisburg. As such, I was not
24 directly involved in the investigation, but I met
25 frequently with the investigators and I received daily

1 briefings. What I would like to do is, with your
2 permission, start at the very beginning and explain to you
3 the role that we played in the investigation and capture.
4 And then, after I'm through, if you have any questions or
5 if you want to interrupt me, as I testify, feel free to
6 do so.

7 On January 8th, at 1:05 p.m., the State Police
8 Station at Findlay was notified by Lieutenant Perry of the
9 Department of Corrections, that there were six inmates
10 missing and unaccounted for. At that time, the information
11 that we received was that Corrections did not know whether
12 or not these individuals were still within the confines
13 of the institution. That call was made on what we refer
14 to as the "red telephone." It's a hot line, between our
15 State Police Station and the Department of Corrections.
16 All you have to do is pick up the phone in Corrections and
17 it automatically rings into our State Police Station.

18 On getting the call, we immediately dispatched
19 all our available Troop B and Troop S troopers, along with
20 Lieutenant Mike Honkus, who is the Findlay Station
21 Commander. Lieutenant Honkus arrived at the scene of the
22 institution at approximately, 1:30 p.m. Other troopers
23 had already been there.

24 One of the first things that Lieutenant Honkus
25 did was respond to the command post inside the institution.

1 And I know that there's been testimony and problems
2 concerning notification of the Pittsburgh Police Chief.
3 One of the first questions he asked, when he got there,
4 of Corrections, was, "Was the City of Pittsburgh notified?"
5 and he was told, in fact, that they were.

6 I know that at 1:38 p.m., the Department of
7 Corrections, from the State Institution at Pittsburgh, sent
8 out a clean message. This is a computer generated adminis-
9 trative message. This was what we refer to as an SN99
10 Message, which means that that message went to every Police
11 Department within a 99-mile radius of the institution.
12 This message did contain the fact that there was an escape
13 and it had the identifying factors of the inmates who were
14 missing.

15 At around 2:00 p.m., the tunnel entrance and
16 exits were discovered, along with discarded clothing. At
17 that same time, there were numerous State Police and local
18 police officers outside the institution. They were
19 searching along the riverbank, along the Ohio River. They
20 were going around to the various businesses. They were
21 checking the alleys, the streets and what have you. There
22 were approximately, 35 to 40 state and local police
23 officers. I know that Allegheny County Police were there.
24 There were some other local police departments.

25 I talked to one of the troopers, who said he saw

1 a Pittsburgh Police vehicle there, but I'm not sure of
2 that. I talked to others, who said that they weren't sure
3 who was all there.

4 We also sent our State Police helicopter, from
5 Greensburg, to the institution. They were in the area.

6 At approximately, two o'clock, 2:30, somewhere
7 around there, Lieutenant Honkus sent Trooper Miller down
8 to the Zone 1 Police Station, with an escape packet. What
9 the escape packet was -- I'll show you what we have here
10 (indicating). It would be a flyer on those who have
11 escaped, along with a photograph of the escapee. Now, I'm
12 not sure when the package went to Pittsburgh Police, that
13 contained the larger photograph. I'm not sure of that.
14 But this (indicating) is what was delivered and that was --
15 so that that information would be available to him, during
16 their roll call, so that they could alert their people.

17 Around 3:00 p.m., an individual who worked in
18 the area reported that his vehicle was missing, a Pontiac.

19 We now know for sure that once the inmates
20 escaped, that that was, in fact, the vehicle that they
21 stole.

22 Shortly after 3:00 p.m., the State Police at
23 Findlay sent out, not only statewide, but nationwide
24 messages, concerning all the information on the escapees,
25 their descriptive information and anything else that may be

1 of interest to law enforcement. We immediately contacted
2 various State Police Stations. Due to the Department of
3 Corrections, we were able to see where these people were
4 from. We were able to see acquaintances. We were able
5 to determine who their relations were and all the police
6 departments in those areas were immediately contacted,
7 including some police agencies in the State of Arizona.
8 We contacted Harrisburg State Police, Lancaster, Reading,
9 Hamburg, Lehigh and a number of others.

10 That evening, as the calls began to be received
11 on possible sightings, there were numerous Allegheny County
12 Police Departments involved. Allegheny County Police,
13 Pittsburgh City Police, Ross Township, Bellevue, Glassport
14 and the list goes on and on, became involved.

15 The Greater Pittsburgh Fugitive Task Force played
16 a very important role, right from the very beginning of
17 the investigation, as did the State Police Fugitive Task
18 Force. They are groups of individuals, whose sole purpose
19 is to track and arrest fugitives.

20 From our investigation to date, we know that the
21 inmates, all of them were left out of their cells at around
22 6:00 a.m., and we know that they were in the tunnel around
23 6:30, 7:00, a little bit after 7:00, already in the tunnel
24 and making their way out of the institution.

25 Through our investigations, we've had -- identified

1 two separate sightings of them driving a stolen car. One
2 was in Bellevue. A school crossing guard saw the vehicle
3 pass her and noticed that a window was broken out and she --
4 she wrote down the registration number, which was odd,
5 because it's NSCALE, N-S-C-A-L-E that she wrote down.

6 We have another individual, who wishes to remain
7 anonymous, who saw that vehicle, with four or five
8 individuals, on Beaver Avenue, just -- this would be south
9 of the institution. So, we know that that is really after
10 8:00. Not only were they out of the institution, but they
11 were already in the stolen Pontiac.

12 That vehicle was recovered in Ohio, on the 13th.
13 The Pennsylvania registration plate was not on it. An
14 Ohio registration plate was on it. That Ohio registration
15 plate was stolen on the 8th and so, we know the inmates,
16 on the day of the escape, were already into Ohio.

17 They also stole a van from Springfield, Ohio,
18 on the 8th and a Missouri license plate, on the 8th. So,
19 not only were they in Ohio, they were actually into
20 Missouri, the day of the escape.

21 At this point, we were also receiving other
22 information, that these individuals were, in fact, headed
23 west. This confirmed that, when we found the recovered
24 vehicle that was stolen out of Pennsylvania and Ohio and
25 then, we became aware of the Missouri registration plate.

1 We actually faxed every police department, from one side
2 of Ohio, to the other side of Missouri, all the wanted
3 information. Every police department along Interstate 70
4 was faxed with that information, in addition to the
5 hundreds of UNESCO messages and phone calls that we were
6 making.

7 On January 14th, Inmate Berkelbaugh was found
8 wandering around a bus station in Houston, Texas. What
9 occurred there was shortly after midnight, a security guard
10 noticed that he was there. He was confused, he was
11 incoherent. He arranged for him to be transported to a
12 local hospital. While being treated at the hospital,
13 Berkelbaugh gave the physician the name and phone number
14 for a relative in Pennsylvania. Fortunately, the day of
15 the escape, state troopers had contacted that relative and
16 that relative was told, "If you learn of anything
17 concerning the whereabouts of Berkelbaugh, please call us."
18 The hospital called that individual and as soon as he got
19 off the call, he placed -- as soon as he got off the phone,
20 he placed a call to State Police Findlay and told our
21 troopers that Berkelbaugh was, in fact, in a hospital in
22 Houston, Texas. That was about 5:00 in the morning that
23 we received that call. The trooper immediately contacted
24 the Harris County Sheriff's Department in Texas. They
25 responded to the hospital and they took him into custody.

1 Within several hours after that, we had two state troopers
2 fly down to Texas to interview Berkelbaugh, to see if we
3 could learn anything from him about the escape.

4 The very next day, on the 15th, Inmate Keller
5 was captured by a Texas trooper. What happened, the
6 trooper observed a vehicle being driven without the
7 occupants wearing seat belts. He attempted to stop the
8 vehicle. There was a short chase. It only lasted two or
9 three minutes. The vehicle was involved in an accident.
10 Keller, who was driving, was apprehended at the scene.
11 Inmate Pontes, who was a passenger, escaped into a swampy
12 area. That started a three, four-day manhunt. Pontes was
13 able to get out of the swampy area. Fortunately, we had
14 the troopers already in Texas. They were picked up by the
15 local police, after we called them at their motel room and
16 told them what had happened. They were picked up by local
17 police, who took them to the scene of the chase, of the
18 manhunt. They were able to identify Keller and interview
19 him and they assisted Texas troopers in the search for
20 Pontes.

21 On the 18th, the stolen van, from Ohio, was found
22 in Houston, Texas, with the registration plate in it. We
23 then received information, a confidential source,
24 concerning the possible whereabouts of the four remaining
25 inmates and who they may be associated with. The Greater

1 Pittsburgh Fugitive Task Force contacted the Houston
2 Fugitive Task Force and on the evening of January 20th,
3 they followed a stolen vehicle to a motel room in Pasadena,
4 which is just outside of Houston and the four remaining
5 inmates were apprehended.

6 On the 16th, Berkelbaugh waived extradition. He
7 was brought back to Pennsylvania. I believe he's at SCI
8 Greene. We had a problem. No commercial carrier would
9 transport him, because of the reports of his incoherent
10 state when he was apprehended. We had to send our Common-
11 wealth plane down to pick him up, along with several
12 troopers.

13 The very next day, on the 17th, Keller waived
14 extradition and we brought him back, by commercial
15 airliner. And right now, we are in the process of making
16 arrangements to bring the other four inmates back. They
17 have not waived extradition. They were supposed to have
18 the hearing, I believe that it was last week, but it was
19 postponed. I believe this Thursday, there is another
20 hearing and we will bring them back, once that extradition
21 process is complete.

22 During the course of the investigation, there
23 were hundreds of telephone calls made and hundreds of
24 administrative messages that were sent, not only statewide,
25 but nationwide. We used Pennsylvania Crimestoppers. For

1 those of you not familiar with the Crimestoppers, it is
2 a nonprofit corporation, that offers rewards for fugitives.
3 The Pennsylvania Crimestoppers offered a \$1,000 per inmate
4 reward. Although they received hundreds of tips on the
5 1-800-4PA-TIPS Hotline, no one has qualified for the reward.

6 For the first time ever, the State Police entered
7 the wanted information on the internet. There were over
8 1,000 inquiries made, concerning that entry on the internet.

9 The Greater Pittsburgh Fugitive Task Force and
10 other fugitive task forces, nationwide, played a very
11 important role.

12 We also agreed to have America's Most Wanted air
13 the escape. And even though the inmates were captured,
14 prior to the airing of the escape, they still ran the
15 program. We had hundreds and hundreds of calls that were
16 received at the State Police Station in Findlay. So many
17 calls were being received on tips, we had sightings in Phila-
18 delphia, we had sightings in Northeast Pennsylvania, we had
19 sightings in the Harrisburg area, we had sightings in Allegheny
20 County and of course, now we know that all of those were
21 bogus. Those inmates were clean into Missouri, the first
22 day. But nevertheless, all of those sightings had to be
23 checked out. In fact, there were so many calls being
24 placed to the Findlay Station, there were times when I
25 could not call them by telephone. I had to actually either

1 send a trooper there to tell them to call me or send them
2 an administrative message over the clean system, to call
3 me. There was that much cooperation from the citizens.

4 We will again be interviewing the four inmates.
5 Every inmate who was involved in this escape has been
6 interviewed, at least twice. When the troopers go to
7 Texas, they will be again interviewing the four inmates,
8 as they bring them back or once they are back here.

9 At this point, our investigation -- now, you have
10 to understand, the State Police investigation is a criminal
11 investigation. We were looking at whether or not anybody
12 did anything intentionally or failed to do something
13 intentionally, knowing that they were aiding an escape.
14 Although, during the course of the investigation, we
15 received a lot of information concerning negligence on
16 behalf of the prison staff and what have you, that informa-
17 tion was given to the Department of Corrections
18 Investigative Team. We, ourselves focused in on was there
19 or was there not criminal activity by other inmates or
20 guards.

21 At this point, we've talked to hundreds of
22 individuals, both inmates and correctional officers. At
23 this point, we have no substantiated information, that
24 would lead to the filing of additional charges at anyone,
25

1 at this point. At this point, we have no one else charged
2 in this crime. We have information, but it is unsubstanti-
3 ated. So, we -- you know, the investigation, although not
4 closed, until we get something new, it's pretty much at
5 a stalemate, at this time.

6 If you want, I could go through some of the cost
7 factors to the State Police. Overtime, lodging for the
8 troopers, they had to go to Houston, Texas, subsistence,
9 transportation, \$37,718.24. That does not include, you
10 know, the straight time salary. There will be an
11 additional \$15,000 to \$16,000 involved in bringing the
12 other four inmates back. Because there are four inmates,
13 it is too expensive to use a commercial airliner, so, the
14 people -- what the people are probably going to do is
15 contract a private carrier, bring two inmates back at a
16 time, with four troopers and make two trips. It would be
17 cheaper in the long run. So, the cost will be up around
18 \$50,000 or \$60,000. And if you were to add straight time,
19 the salaries of the troopers, you could easily quadruple
20 that.

21 That concludes my testimony. If you have
22 questions, I'll try my best to answer them.

23 CHAIRMAN BIRMELIN: Thank you, Major. I appreciate
24 your comments. I'm not going to ask you any questions,
25 at this time. In turn, I'd ask the members of the panel,

FORM 1

1 up here, to ask questions of you. And we will start with
2 my counterpart, as I introduced him to you earlier. He
3 is the Chairman of the Subcommittee on Crimes and
4 Corrections, Representative James.

5 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.
6 Thank you for testifying.

7 You had said something about an escape package
8 was sent out. Who was the escape package sent to?

9 MAJOR SZUPINKA: We had a trooper, around 2:00,
10 2:30. He took the escape package down to the Zone 1 Police
11 Station in the City of Pittsburgh. And that was delivered
12 to a desk sergeant. What it would have contained is what
13 I showed you here, the information.

14 REPRESENTATIVE JAMES: I wasn't sure whether the
15 Pittsburgh Police received a package.

16 MAJOR SZUPINKA: They received the package. It
17 was personally delivered to them by Trooper Douglas Barto
18 or excuse me, Trooper Douglas Miller.

19 REPRESENTATIVE JAMES: You said that the time of
20 the first call that the State Police received about the
21 escape was when?

22 MAJOR SZUPINKA: It was 1:05 p.m.

23 REPRESENTATIVE JAMES: And at 1:38, what happened
24 then?

25 MAJOR SZUPINKA: At 1:38, SCI Pittsburgh, they

1 have their own clean administrative terminal, sent out an
2 SN99 message, which went to all police departments within
3 a 99-mile radius. So, it was under the authority of the
4 Superintendent, who was, at that time Greg White. That
5 would have gone to every police department, which has an
6 administrative terminal, within a 99-mile radius, both
7 local and state police.

8 REPRESENTATIVE JAMES: You also said that the
9 investigation is still ongoing, in terms of the State
10 Police keeping up the criminal investigation.

11 MAJOR SZUPINKA: Yes, sir.

12 REPRESENTATIVE JAMES: That's still going on,
13 at this time?

14 MAJOR SZUPINKA: Yes, sir.

15 REPRESENTATIVE JAMES: And that includes officials
16 in the Department of Corrections, as well as inmates?

17 MAJOR SZUPINKA: Yes, sir.

18 REPRESENTATIVE JAMES: You also said something
19 about America's Most Wanted. And what you said was they
20 were going to air the program, but then you captured the
21 inmates and --

22 MAJOR SZUPINKA: They -- they did air the program.

23 REPRESENTATIVE JAMES: Was it before the capture
24 or afterwards?

25 MAJOR SZUPINKA: After the capture. The lady who

1 came out said her biggest fear was that we would apprehend
2 them, without giving them a chance to run the program. We
3 notified them that they were apprehended and they still,
4 that weekend ran the program, indicating that they had been
5 captured.

6 REPRESENTATIVE JAMES: Okay. Because eliminating
7 that from the air, I thought that was pretty absurd.

8 MAJOR SZUPINKA: Pardon me?

9 REPRESENTATIVE JAMES: The network tried to elim-
10 inate the program, America's Most Wanted.

11 MAJOR SZUPINKA: I -- I don't know.

12 REPRESENTATIVE JAMES: Well, I just thought that
13 it was absurd that they would take that program off the
14 air, because of the --

15 MAJOR SZUPINKA: Well, you see, it -- it's very
16 important. We were sending out and making hundreds of
17 phone calls to the police departments. But there's no way
18 for us to reach the general citizenry of Philadelphia,
19 Pittsburgh, Harrisburg, Houston, Texas. We felt that
20 through using something like the America's Most Wanted,
21 that these people, sitting in their homes or sitting in
22 a tavern would see that and the word would get out.
23 Because, to be truthful with you, how much attention does
24 someone in Houston, Texas pay to an escape in Pittsburgh
25 or how much attention do we pay in Pittsburgh to an escape

1 in Houston, Texas, as far as the general public?

2 REPRESENTATIVE JAMES: Well, that's true.

3 And I know that the investigation is not over.
4 Have you made, have the State Police made, in the process
5 of making recommendations, have you made recommendations,
6 as it relates to what happened so far or are you going to
7 wait until the investigation is over?

8 MAJOR SZUPINKA: Recommendations to the Depart-
9 ment of Corrections?

10 REPRESENTATIVE JAMES: That's correct.

11 MAJOR SZUPINKA: Immediately after the escape
12 and apprehension, the Superintendents of all the
13 institutions in Pennsylvania were directed to meet with
14 the local police and the local state police commander.
15 That was done statewide. In fact, I attended numerous
16 meetings within Area 3. I have 10 of the institutions,
17 within Area 3. And there were various topics discussed.
18 I -- I can assure you, from my meeting with the Superin-
19 tendents in Area 3, that Commissioner Horn has them
20 jumping. They were telling me of all the things that they
21 are directed to check, to ensure that they don't have the
22 same type of problems. So, it is not -- I -- I can assure
23 you, from talking to the Superintendents in Area 3, that
24 they are checking and double checking everything within
25 their institutions. And we would have also met concerning

1 notification. When we responded to the institution, it
2 didn't take long to realize that the inmates were first
3 missing during the 10:30 head count. And at that point,
4 although we searched outside the institution and we had
5 35, 40 people, had we reason to believe and seriously
6 considered that they still might be in the area, we could
7 have had 100 people there looking. But we realized that,
8 you know, they had been gone since 10:30 and now we know
9 that they were gone since 6:00, 6:30, 7:00 a.m., clean in
10 Ohio. We were down there looking and they were clean into
11 Ohio. So, there was a problem with notification. But my
12 understanding of what they are doing at SCI Pittsburgh,
13 as far as out counting inmates or what have you, that
14 problem should not exist again. I mean, there's going to
15 be some delay. There's going to be some delay in the head
16 count. There may be some errors that have to be qualified,
17 before they contact the State Police. But if all of the
18 procedures that are being put into place are followed, I
19 don't foresee another delay like this.

20 REPRESENTATIVE JAMES: But is it your belief that
21 the delay, in this instance was unacceptable, in terms of
22 the 10:30 to one o'clock before you were notified?

23 MAJOR SZUPINKA: Oh, yes, sir, that -- that's --
24 like I said, at a minimum, we knew, when we got there, they
25 could have a three-hour lead, two and one-half hour-lead.

1 And -- and we know now that they had a lead, you know, as
2 far as 6:00, 7:00 a.m.

3 REPRESENTATIVE JAMES: Has any suggestion been
4 made, in terms of to the Department of Corrections, as
5 notifying the State Police or the local police after a head
6 count?

7 MAJOR SZUPINKA: Yes. Each, individual commander
8 and I know that I speak for Area 3, during their meet and
9 discuss sessions with the various Superintendents, are
10 working out individual plans. Some institutions, there
11 are discrepancies in the head count that I'm finding. And
12 I am not a corrections officer. I know very little about
13 corrections. But I know that some institutions, it's not
14 that frequent that they have a discrepancy in the head
15 count.

16 You have to understand, too, that this is a
17 unique situation, in my 28 years of police work. But I'm
18 sure it's happened before. I think this is the first time,
19 that I can recall, that an escape was discovered due to
20 an inaccurate head count. Although we do investigate
21 numerous escapes each year at the state correctional
22 facilities, for the most part, some of them will be at a
23 halfway house and walk away. Somebody will be out and not
24 come back. Somebody will be outside the institution, on
25 a work detail and will walk away. This is the first time,

1 that I can recall, but I'm sure it has happened before,
2 that a head count has shown that there is a discrepancy
3 and as a result, we discovered that, in fact, there had
4 been an escape. So, this is somewhat of a unique situation.

5 REPRESENTATIVE JAMES: Okay. thank you.

6 CHAIRMAN BIRMELIN: I have one, quick question
7 for you. The report that we got and I'm sure you're
8 familiar with it --

9 MAJOR SZUPINKA: Yes, sir.

10 CHAIRMAN BIRMELIN: -- (continuing) -- did you
11 have input into this?

12 MAJOR SZUPINKA: I -- I reviewed the report,
13 prior -- I reviewed the rough draft of that report, prior
14 to its being released and I reviewed it after it was
15 released.

16 CHAIRMAN BIRMELIN: So, you are familiar with
17 it and you had input into it?

18 MAJOR SZUPINKA: Yes, sir, I reviewed it, to make
19 sure that the State Police investigation was accurate and
20 the Department of Corrections' investigation was accurate,
21 so that there would be no conflicting information.

22 CHAIRMAN BIRMELIN: You did not do a separate
23 report?

24 MAJOR SZUPINKA: No, sir. Our report is a criminal
25 investigative report. And as such, the information that is

1 contained in that report, a lot of that is confidential
2 information. We have individuals, who gave us statements
3 in that report, who, for various reasons want to remain
4 anonymous. And although we have no substantiated
5 information that would lead to an arrest of an inmate or
6 a correction officer, nevertheless, there is information
7 in that report, where accusations are made. Now, you know,
8 we would not want that to become public knowledge, for a
9 number of reasons. Number one, those accusations may not
10 be true and we'd be doing a disservice to the Department
11 of Corrections' personnel. And the other thing is and it
12 goes the same with inmates testifying, we do not want
13 individuals, who may have had accusations made against
14 them, we would not want them, at this point to know exactly
15 everything in that accusation, because that could hamper
16 our criminal investigation.

17 So, if you're asking, will the State Police give
18 a written report of their findings, I would tell you no,
19 because that is a criminal investigative report.

20 CHAIRMAN BIRMELIN: My concern is whether or not
21 you have input into it, so that you would not be contra-
22 dicting anything that is in here (indicating). And I am
23 assuming that you wouldn't, because you said that you
24 reviewed it and it apparently met with your approval.

25 MAJOR SZUPINKA: Right.

1 CHAIRMAN BIRMELIN: Thank you.

2 Representative Orie?

3 REPRESENTATIVE ORIE: I guess my first question
4 would be, as a prosecutor, both in Allegheny County and
5 the State of Pennsylvania, with all the cases involving
6 Western Penitentiary, in your investigation, have you found
7 any compromise by any correction officers or suspicion in
8 regards to correction officers being lax in security or
9 the tools being given out to these individuals? In your
10 investigation, has any of that been uncovered?

11 MAJOR SZUPINKA: There -- there was a -- a multi-
12 tude of information that was received, dealing with lax
13 security, dealing with key control, dealing with tool
14 control. For the most part, that information was
15 immediately turned over to their internal security
16 investigators. We were concerned primarily with
17 intentional acts, criminal acts that aided in the escape.
18 If -- if we found -- and there were numerous inferences,
19 public knowledge of numerous instances of various rules
20 and regulations of the Department of Corrections, that were
21 violated. But that was not a concern of ours. That was
22 something that they, in house, internally have to address.
23 We looked strictly at criminal violations of the law. They
24 cooperated 100 percent.

25 Many of the interviews, their internal investigators

1 were present. They would have -- at this point, they have
2 the same information that we have. In fact, the -- the
3 only difference would be that we have more information on
4 the criminal side of it and they would have more
5 information on the internal side, because once we
6 identified or once it was obvious that the problem was a
7 violation of rules and regulations of the Department of
8 Corrections, we did not concern ourselves with that, unless
9 we could show that there was criminal conduct.

10 REPRESENTATIVE ORIE: I guess my question would
11 be that did you find any of those intentional acts or
12 obtain any information from inmates, that you interviewed,
13 that any correctional officers, in any way aided or abetted
14 these individuals?

15 MAJOR SZUPINKA: There -- there are of substan-
16 tiated allegations. If -- if -- if we have a way or a
17 method of substantiating these allegations, then, we would
18 definitely, you know, file the necessary criminal charges.

19 A lot of things that occurred here, only the
20 inmates can answer the questions. And, you know, during
21 our interviews with them, for the most part, they told us
22 what we already knew.

23 REPRESENTATIVE ORIE: And in regards to your state-
24 ment that you investigated co-conspirators or alleged any
25 possible co-conspirator, in your opinion, based upon your

1 investigative experience, which obviously is pretty
2 extensive and based upon the information in this report
3 that we have available to us about, for example, the
4 padlock, where it was placed, based upon your investigative
5 experience, do you have an opinion as to whether or not
6 other inmates were involved?

7 MAJOR SZUPINKA: Well, it's a -- I -- I deal with
8 the -- you can think what you want to think. You can look
9 at something and you could say that it is pretty obvious
10 that this person or that person helped. But thinking that,
11 like I said, would be an opinion and we, in the police have
12 to deal with the facts. We can either prove it or we can't
13 prove it. Our opinion and we can have them and -- and we
14 can have an opinion, whether we think this individual is
15 involved and the very next investigator would say, "No,
16 I don't think so." You know, we have to deal with the
17 facts. Can we prove a criminal violation or we can't. No,
18 I would not want to speculate on anything of others being
19 involved.

20 REPRESENTATIVE ORIE: And in regards to your
21 investigation of this matter, you haven't interviewed the
22 other inmates?

23 MAJOR SZUPINKA: We -- we've talked to them twice.
24 When the other four inmates were apprehended, we immediately
25 sent troop -- two troopers back down to Texas, to interview

1 them. Within the last two weeks, we sent two troopers back
2 down to Texas and we interviewed them again. And in fact,
3 we have every intention of, on the way back, on the plane
4 ride or once they are back, we will interview them a third
5 time.

6 REPRESENTATIVE ORIE: And in regard to these
7 inmates in this vehicle, I mean common sense questions
8 arise to the effect of how were they able to get these
9 resources and continue to drive to Ohio and then on to Texas?
10 Did you discover how they were able to --

11 MAJOR SZUPINKA: We don't know, at this point.
12 We know, for example, when Berkelbaugh was apprehended at
13 the bus station, he had over \$600 in his pocket.

14 REPRESENTATIVE ORIE: Excuse me?

15 MAJOR SZUPINKA: He had over \$600 in his pocket.
16 When the inmates were apprehended, the last four in Texas,
17 they had sufficient funds to rent hotel rooms, they were
18 eating quite well, they had money for drugs, which was
19 found in the room; they had a sawed off shotgun, they had
20 another automatic pistol found in the room. One way or
21 another, they had funds, they had money. Where it came
22 from, we don't know, at this time. We know -- at least
23 we have not identified, with the exception of stealing cars
24 and stealing license plates, we have not identified a
25 single crime that they have committed, outside the

1 institution. We can -- we can pinpoint them with no
2 robberies, no burglaries or anything of that nature. As
3 far as we know, it's stolen cars and stolen license plates.
4 Yet, when we finally get them in custody, they have money.
5 The three individuals who were with them in Houston, Texas
6 have been arrested for hindering apprehension. And they
7 were also charged with drug violations, because of the
8 drugs that were found in the motel. These individuals,
9 apparently were helping them. That could be a source of
10 something.

11 REPRESENTATIVE ORIE: And just a follow up to
12 one of Representative James' questions, in regards to the
13 notice factor in this case, do you have any input into how
14 that notice is done? For example, in this case, they had
15 done a head count at 10:30 or whenever and found out that
16 18 were missing and then, they narrowed it down to six
17 missing. And then, everybody was put back to their cells,
18 they could do a true count. Is there any input in regards
19 to once it's been narrowed down and rather than putting
20 them back in their cells, having an automatic call to the
21 State Police?

22 MAJOR SZUPINKA: That -- that's been an ongoing
23 issue of discussion, like I said, amongst the local and
24 state police commanders. And a lot of these things are
25 still being formulated. I know that we had a staff

1 conference, with the State Police Commanders, last week,
2 in Harrisburg, with our Commissioner and Deputies and all
3 of the Commanders statewide. And the Department of
4 Corrections and our responsibilities and our response and
5 our duties and our functions was the topic. This is an
6 ongoing process, at this time. Needless to say, we don't,
7 from the State Police aspect, want anything like this to
8 happen again, because any -- any problems within the
9 Department of Corrections, whether it be an escape or a
10 disturbance, rapidly turn into our problems. So, you know,
11 the Department of Corrections has been working with us,
12 cooperating 100 percent. And like I said, myself, I have
13 been meeting with the Superintendents and we're trying to
14 do everything we can, to make sure that something like this
15 doesn't happen again.

16 And I'd like to point out that in 1989, at the
17 Camp Hill riots, I was there. And if you look at all of
18 the problems that were uncovered as a result of that and
19 you look at all the corrections that were made and, you
20 know, it's a shame that something like this has to happen,
21 to bring problems to light. But I would say that, you
22 know, by this time next year, as a result of this, you are
23 going to have a better Department of Corrections than you
24 ever had. And I have no doubt. I have faith and
25 confidence in Commissioner Horn, who I have spoke with

1 numerous times and Superintendents and correction officers
2 in my area. Like I said, the end result is that by this
3 time next year, you will have a better Department of
4 Corrections in Pennsylvania than you've ever had.

5 REPRESENTATIVE ORIE: And I guess my last
6 question with you regards that notification. Is it based
7 on a reasonable degree of certainty or definite certainty?

8 MAJOR SZUPINKA: Well, what we are trying to work
9 out is a system where, if you are off on the head count,
10 let us know, so that we can send one or two troopers down.
11 And if you are off the second time, then, we would
12 naturally increase our response, to the point where we
13 would definitely know that they are missing and we would,
14 in turn have a full scale response to the institution.

15 REPRESENTATIVE ORIE: I appreciate your coopera-
16 tion and thank you.

17 CHAIRMAN BIRMELIN: Representative Caltigerone?

18 REPRESENTATIVE CALTIGERONE: Thank you,
19 Mr. Chairman.

20 I just want to make the comment that I think that
21 it is a testament to the quality of people that we have
22 working with our Pennsylvania State Police, the efficient
23 and effective method that they have developed, in
24 responding to these types of situations. I just want to
25 say to the Major that it is a job well done.

1 MAJOR SZUPINKA: Thank you.

2 REPRESENTATIVE CALTIGERONE: You responded in
3 the way that you are supposed to. I think that the
4 citizens of Pennsylvania can be very proud of our State
5 Police, because I think you do an excellent job.

6 MAJOR SZUPINKA: I appreciate that. Thank you.

7 CHAIRMAN BIRMELIN: Representative Walko:

8 REPRESENTATIVE WALKO: Thank you, Mr. Chairman.

9 Major, you had stated -- I'm very concerned about
10 the cost to the Commonwealth of Pennsylvania of this
11 escape. And I believe you said that with overtime,
12 lodging, bring the inmates back, you believe that it would
13 be between \$50,000 and \$60,000 in costs.

14 MAJOR SZUPINKA: The costs to date for lodging,
15 subsistence, transportation, overtime is \$37,718.24. Now,
16 if you --

17 REPRESENTATIVE WALKO: If you want to just esti-
18 mate, that --

19 MAJOR SZUPINKA: \$38,000. \$38,000. If you add
20 another \$15,000 or \$16,000 and we know that's what it's
21 going to cost us to bring the other four inmates back, it's
22 going to be cheaper to subcontract the two planes from
23 private contractors, than it is to go with a commercial
24 airline. So, you are talking between \$50,000 and \$60,000.
25 Now, that's just additional expenses. If you were to

1 calculate all of the State Police Officers' straight time,
2 who were involved in this investigation, from the very
3 start, you could quadruple that number.

4 REPRESENTATIVE WALKO: So, we're talking a
5 quarter of a million dollars, approximately?

6 MAJOR SZUPINKA: You're talking a considerable
7 amount of money.

8 REPRESENTATIVE WALKO: Now, with regard to costs,
9 local police departments spent a lot of time and energy
10 on this matter, as well.

11 MAJOR SZUPINKA: Yes, sir, they did.

12 REPRESENTATIVE WALKO: Is the Commonwealth of
13 Pennsylvania -- first of all, that is a cost to the people
14 of the Commonwealth, through their local departments, but
15 will the Commonwealth of Pennsylvania have to reimburse
16 any local police departments for all of their time?

17 MAJOR SZUPINKA: No, sir. You really can't do
18 that, because if it was them, the State Police would step
19 in and help. And -- and you could not. I would not want
20 to see something like that.

21 REPRESENTATIVE WALKO: Now, with regard to the
22 cost again, the cost of the criminal investigation, that's
23 ongoing?

24 MAJOR SZUPINKA: Yes, sir.

25 REPRESENTATIVE WALKO: Does that also factor into

1 these estimates of overtime?

2 MAJOR SZUPINKA: Well, we have no way of
3 projecting what -- what the future overtime may be. There
4 may be overtime involved, when they have to go to Texas
5 to bring them back. There may be overtime involved for
6 the court case, if, in fact, it ever reaches court. So,
7 we have no way of telling the additional costs. I know
8 that the Department of Corrections, although it is still
9 state money, they are reimbursing the State Police for the
10 transportation. They have agreed to pay the money that
11 it will take to bring the other four inmates back.

12 REPRESENTATIVE WALKO: And you mentioned that
13 that is part of the \$16,000 or whatever?

14 MAJOR SZUPINKA: That's what it is projected to
15 cost to bring the remaining four inmates back to
16 Pennsylvania from Texas.

17 REPRESENTATIVE WALKO: Also, again, I don't know
18 that anybody else would be able to testify to the costs.
19 There's certainly the attorney time. Is that something --

20 MAJOR SZUPINKA: I have -- I would have no idea.

21 REPRESENTATIVE WALKO: But I suppose there's
22 quite a few hours of attorney, court time --

23 MAJOR SZUPINKA: Absolutely. But you have to
24 realize that, you know, the costs in -- all costs involved
25 don't include the two State Police -- I mean the corrections.

1 You had a lot of federal agencies involved, the FBI and
2 their Fugitive Task Force, numerous, numerous local police
3 departments. When we received a tip, we would call them
4 and if possible, send a trooper with them, where they went
5 and -- and we'd search buildings and areas. In fact, the
6 City of Pittsburgh searched the whole city block for us,
7 that was abandoned. It was a steel mill for a warehouse.
8 They searched that whole area. I don't even know how many
9 officers. Plus they had their dogs and everything else
10 there.

11 REPRESENTATIVE WALKO: That was a big operation.

12 MAJOR SZUPINKA: Yes.

13 REPRESENTATIVE WALKO: That was the old Heppenstahl
14 Plant.

15 MAJOR SZUPINKA: Yes.

16 REPRESENTATIVE WALKO: In my district. There
17 were quite a few manhours. And of course, the community
18 people of the neighborhood becoming alarmed, I mean, that's
19 a cost that we cannot gauge exactly.

20 I -- with regard to other prisoners being
21 involved, I -- when I toured the Auto Shop, on January 15th
22 and then again yesterday, where the panic button was, that
23 was hit, I recalled the Nixon era and the Watergate
24 Investigation, the old Rosemary's boo-boo, when she said
25 she had reached about five feet across the room and

1 accidentally erased 18 minutes of incriminating tape. And
2 that seems to me very analogous to the situation of the
3 prisoner who hit the panic button.

4 MAJOR SZUPINKA: When you -- when you visited
5 yesterday --

6 REPRESENTATIVE WALKO: Yes.

7 MAJOR SZUPINKA: -- (continuing) -- was -- was
8 the panic button marked as such?

9 REPRESENTATIVE WALKO: I don't know.

10 MAJOR SZUPINKA: I've been told that when that
11 button was pressed, the day of the escape, that button was
12 not marked as a panic button and that an inmate had been
13 told by the other inmates to turn on the exhaust fan, which
14 is right above the panic button and he walked over there
15 and -- and pushed the button. You can believe, if you
16 want, that that is just too much of a coincidence or you
17 can believe that the inmate pushed the wrong button,
18 thinking he was turning on the exhaust fan.

19 REPRESENTATIVE WALKO: Well, the little switch
20 that does work the exhaust fan is about three feet from
21 the panic button, I believe. And if I was the finder of
22 fact, I would think that that was intentional. Of course,
23 I don't know his familiarity with the shop. But I just
24 find that extremely hard to believe.

25 MAJOR SZUPINKA: Yes, sir. And it's a matter

1 of being able to prove it in a court of law.

2 REPRESENTATIVE WALKO: Well, once -- when will
3 we receive an actual accounting of the cost to the State
4 Police of this whole endeavor?

5 MAJOR SZUPINKA: Upon conviction and sentencing.

6 REPRESENTATIVE WALKO: No further questions. Thank
7 you, Major.

8 CHAIRMAN BIRMELIN: Representative Boscola?

9 REPRESENTATIVE BOSCOLA: Just out of curiosity,
10 I need you to follow up on Representative Walko's question.
11 The things that these inmates had, the cash and so forth,
12 what happened to that?

13 MAJOR SZUPINKA: Well, right now, that -- all
14 that cash would be placed into evidence, until such time
15 as whatever court proceedings are -- are finished. I do
16 not see it going back to the inmates. That will probably
17 be treated -- treated into the state coffers.

18 REPRESENTATIVE BOSCOLA: It would go back into
19 their accounts?

20 MAJOR SZUPINKA: I would surely hope not.

21 REPRESENTATIVE BOSCOLA: Thank you.

22 CHAIRMAN BIRMELIN: Representative Reber?

23 REPRESENTATIVE REBER: Thank you, Mr. Chairman.

24 Major, I'd just like to offer one specific issue
25 that seems to be hanging up in my mind, that's extremely

1 troublesome to me. It's my understanding that we now know
2 that the escape, itself physically took place on or about
3 6:30. Is that a fair thinking?

4 MAJOR SZUPINKA: There are sightings of the
5 inmates within the institution, 6:30, 6:35, 6:40. So that
6 they would have been still within the institution then.
7 The information that we had was that they would have been
8 in the tunnel by 7:00, a little bit after 7:00. I know
9 the vehicle was -- was seen a little bit after 8:00, by
10 the time that they were to get outside. I would say that
11 they were probably in the tunnel about 7:00, 7:30, outside
12 the institution and across the street, steal the car and
13 they're out of there.

14 REPRESENTATIVE REBER: The thing that bothers
15 me is we're not talking about one person. We're talking
16 about six. And my question is this, it would seem to me
17 that someone should have known rather emphatically that
18 the person was unlawfully missing. Now, maybe not all six,
19 but in my mind, I can't see where someone did not pick up
20 that Prisoner A or Prisoner B or Prisoner C were obviously
21 gone.

22 MAJOR SZUPINKA: Yes, sir.

23 REPRESENTATIVE REBER: And it bothers me that
24 there wasn't an immediate alert put out for one or for two
25 or for maybe three. But the fact that six people, not only

1 that these six were people who were shackled together and
2 walking around the prison, you know, at -- at the same
3 time, they obviously had to be or should have been at some
4 assigned place, but were probably in six different places
5 simultaneously.

6 MAJOR SZUPINKA: Yes, sir.

7 REPRESENTATIVE REBER: So, I'm just wondering,
8 I -- I mean, is that a fair assumption to make?

9 MAJOR SZUPINKA: Yes, it is.

10 REPRESENTATIVE REBER: In the course of your
11 investigation, have you made any determination as to why
12 you were not notified that Prisoner C was missing at 8:30
13 or nine o'clock, 9:30, as opposed to why "We now think six
14 prisoners are missing" at some relatively later time?

15 MAJOR SZUPINKA: Yes. Yes.

16 REPRESENTATIVE REBER: That's a question that
17 in my mind, if I'm in there checking around, there seems
18 to be not just a breakdown, there seems to be a monumental
19 breakdown in different areas, as far as reacting to
20 Prisoner A or Prisoner B, as opposed to the collectiveness
21 of the six inmates.

22 MAJOR SZUPINKA: The report that Commissioner
23 Horn submitted identifies various issues and breakdowns
24 within the institution, that resulted in these inmates
25 being unaccounted for. In other words, if they did not,

1 from my recollection of the report -- they were supposed
2 to be at specific locations and when they did not show up,
3 no one bothered to check on why they didn't show up. And
4 that fallacy or that problem is very much throughout the
5 investigative report submitted by the Bureau of
6 Corrections.

7 Now, I would agree with you that if an inmate
8 is to show up at a work location and he doesn't show up,
9 someone should check to verify why he -- he or she isn't
10 there. It stands to reason.

11 REPRESENTATIVE REBER: And almost -- and -- and
12 should almost be done immediately and verification. I
13 mean, we're not talking about some Work Release Program
14 for some first time third degree misdemeanor individual.

15 MAJOR SZUPINKA: From my meetings with the
16 Department of Corrections' staff, I think that that is
17 going to be done, from now on.

18 REPRESENTATIVE REBER: Well, you know, this is
19 1997.

20 MAJOR SZUPINKA: Yes, sir.

21 REPRESENTATIVE REBER: Okay? And I guess, as
22 someone, myself, as I said yesterday, who lives in a
23 district that just abuts on Graterford and was somewhat
24 concerned that these kind of things are in place through-
25 out the system. And I just think that it's absolutely

1 mind boggling that you were not notified very, very early
2 on, at least about one or two or three or a combination
3 of the number six, much, much earlier. And I just don't
4 know if I'm satisfied with what I'm hearing, in -- in
5 regard to why, in fact that wasn't carried out. Is there
6 going to be any follow up to this?

7 MAJOR SZUPINKA: You know, that -- that's some-
8 thing that the Department of Corrections will have to
9 correct in house. We -- we can't do anything -- we can't
10 dictate to Corrections how they do their job. I know
11 nothing about Corrections. I'm not a guard. And a lot
12 of folks say that they wouldn't want to be a policeman.
13 I would not want to be a guard in one of these institu-
14 tions. We can't dictate to them how they run their shop,
15 how they run Corrections.

16 Like I said, through my discussions with various
17 Superintendents of the institutions in Area 3, I can assure
18 you that they are addressing these issues. Whether it be
19 satisfactory or not, is beyond my scope. That's something
20 that only this panel can determine.

21 REPRESENTATIVE REBER: Is it a fair statement
22 to categorize, as I'm doing, that these six individuals
23 weren't necessarily within a group of the same area
24 compound, they were supposed to be at different places
25 throughout the institution?

1 MAJOR SZUPINKA: Yes. One was supposed to be
2 working at an alternate job in the Machine Shop and some
3 of the others were believed to have hospital passes for --
4 for checkups or medication or what have you. Another one
5 simply didn't show up and no one checked.

6 REPRESENTATIVE REBER: Okay. Thank you, Major.
7 Thanks.

8 CHAIRMAN BIRMELIN: Representative Dermody?

9 REPRESENTATIVE DERMODY: No questions.

10 CHAIRMAN BIRMELIN: Representative Masland?

11 REPRESENTATIVE MASLAND: Thank you, Mr. Chairman.

12 I'm going to pick up right where you left off
13 and comment that you wouldn't want to be a corrections
14 officer. You're a police officer. Chairman Caltigerone
15 has already commended the Pennsylvania State Police on your
16 work over the years. And then, I would add to that, too,
17 as a former Assistant D.A. And I'm sure Chairman Caltigerone's
18 comments have nothing to do with how fast he plans to drive
19 on the Turnpike this afternoon, nor do mine. But just keep
20 that in mind. I'll be leaving at 12:00.

21 But I'd like to commend the corrections officers.
22 I think that yes, there were problems. I -- I do not think
23 it's the person on the line who was at fault. I think that
24 it's maybe the philosophy, from the administration, from
25 the Superintendent down, that caused the problems and

1 really, at the top, more than the folks on the line.

2 I worked as an intern one summer, at Camp Hill
3 Correctional Institution. That was a challenging summer,
4 dealing with those inmates. And I have a lot of respect
5 for the guards there.

6 When I was Assistant D.A. in Cumberland County,
7 I had the opportunity to work with many of the PSP, during
8 the Camp Hill riot trials and had also the opportunity to
9 work with a number of corrections officers. And the last --
10 the last defense case that I had, before going to the D.A.'s
11 office, I had to actually cross-examine some corrections
12 officers, because it was a mini-riot that Sheldon Brooks
13 had started at the Camp Hill Prison and shuttling people
14 all over the place. And I had a lot of respect for them.
15 That was one of the toughest, toughest cases that I ever
16 had to handle. And I did not enjoy doing that. So, I was
17 glad to leave that Office. But I had, you know, an
18 incredible amount of respect for what those folks do. And
19 yeah, there are some problems. Just as not every State
20 Representative and not every State Policeman is beyond
21 reproach, there are some problem people in any given
22 profession. You are going to have some problems with
23 correction officers. But I think by and large, they have
24 a very difficult task to do and they do a very good job.

25 Now, with that being said, just to kind of lead

FORM 1

1 into their testimony coming up here in a few minutes, a
 2 lot of people in this case would say, "What's the problem?
 3 Why are you guys worrying about an investigation? How come
 4 we have so many more cops out there? They should be in
 5 the prison. They were found outside of the prison. It's
 6 an open and shut case." Now, as a former D.A., I've heard
 7 a lot of people say, "It's an open and shut case." And
 8 can you comment on that, just for a few seconds, to what
 9 really is the bulk of the investigation, I mean, actually
 10 proving the case, as opposed to just saying, "Well, common
 11 sense"?

12 MAJOR SZUPINKA: Well, there is more involved
 13 than just the apprehension of six escaped convicts. And
 14 now that they are in custody, that was our priority. One
 15 priority was to get these individuals back into custody,
 16 before they hurt somebody. But part and parcel to that
 17 was the investigation of what occurred, as far as criminal
 18 conduct of others, that permitted this. Now that these
 19 are in custody, it's imperative that we do anything and
 20 everything that we can to see that something like this
 21 doesn't happen again. Not to say that it can't, but at
 22 least we need to put the safeguards in place, to try to
 23 make sure that this doesn't happen again. That's the
 24 priority now. The inmates are in custody. They're not
 25 going anywhere. The second phase of that is ensuring that

1 something like this doesn't happen again.

2 And I might concur wholeheartedly with what you
3 said about the prison guards. They are professionals and
4 they have a very, very tough job; a very tough job. I hope
5 that's sufficient.

6 REPRESENTATIVE MASLAND: My -- I guess my thought
7 is that a lot of people would say, "Well, why are they
8 fighting extradition?" The fact is, they have nothing to
9 lose. They might as well fight extradition. If you get
10 six guilty pleas out of this group, I'll be shocked. They
11 have nothing to lose. They might as well fight extradition.

12 MAJOR SZUPINKA: Absolutely.

13 REPRESENTATIVE MASLAND: They get to get out of
14 prison and they get to go down to -- you may have to prove
15 it.

16 MAJOR SZUPINKA: They have nothing to lose by
17 staying in Texas. They have nothing to gain by coming
18 back. They -- they have nothing to lose by not pleading
19 guilty and getting several days out of the institution to
20 attend the court trial.

21 REPRESENTATIVE MASLAND: I guess my point is that
22 though it may seem like a no brainer, from a public stand-
23 point, there's still a lot of work that goes into having
24 to prove the case beyond a reasonable doubt. And so,
25 unfortunately, there's going to be a lot more manhours put

1 into this and a lot more expense.

2 MAJOR SZUPINKA: Yes, there will be. Yes, sir,
3 there will be.

4 REPRESENTATIVE MASLAND: Thank you, Mr. Chairman.

5 CHAIRMAN BIRMELIN: Representative Manderino?

6 REPRESENTATIVE MANDERINO: Thank you, Mr. Chairman.

7 Major, I just have one area here of questioning,
8 that's somewhat ancillary, but I think it's important.
9 Yesterday -- we talked a lot today and clarified a lot of
10 the specifics, vis-a-vis notice from the institution to
11 the various law enforcement agencies.

12 MAJOR SZUPINKA: Yes, ma'am.

13 REPRESENTATIVE MANDERINO: Yesterday, we heard
14 from the residential community that lives right around the
15 state prison and their concern was notice to the residential
16 community. What, from your knowledge, protocols were in
17 place at the time of the prison outbreak and then, in retro-
18 spect, having seen what did or didn't happen, vis-a-vis
19 notice to the police, what would be appropriate, with
20 regard to notice to the residential community, both in
21 terms of timing and being timely on the notice and when --
22 when is it reasonable and appropriate to give it to the
23 community at large and through what mechanism?

24 MAJOR SZUPINKA: That, I know, has also been a
25 topic of discussion in Pittsburgh. And there was some

1 thought of reintroducing the old-type siren that would go
2 off when they would escape.

3 From a police perspective, for the most part,
4 it's always been Corrections, who were to notify anyone
5 of the escape. But to see what occurred, when there is
6 something like that going on, number one, as you have
7 police officers arriving at the scene, you also have the
8 media arriving. We don't call them. They monitor these
9 frequencies. There are occasions, at a serious police
10 incident, that they are there before the police agency is.
11 To be a resident of that area and see all of that police
12 activity and all of that news activity around the
13 institution, that should alert you that something's up.
14 But I can still understand that someone being inside,
15 behind closed doors, would not know that necessarily
16 something is going on. And I would agree that there should
17 be a system in place of better and greater notification.

18 That problem is not encompassing the whole
19 corrections system statewide, because I know that we have
20 institutions, such as Smithfield and Rockview and others,
21 SCI Greene, that are out in the country. And maybe that
22 is where a correctional facility should be. Within the
23 confines of the immediate area of SCI Pittsburgh, there
24 are homes there, but there are also businesses. And the
25 police officers who were searching in and around the area,

1 they were knocking on doors and what have you. I know that
2 Superintendent White did meet with a concerned citizens'
3 group. In fact, it was the evening of the last hearings.
4 And I'm not sure what arrangements he's made with them.

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

7 CHAIRMAN BIRMELIN: Thank you.

8 Chief Counsel Brian Preski has a few questions
9 for you, Major.

10 MR. PRESKI: Yes, Major. My questions, too, deal
11 with the notification. Now, you talked about that the
12 first message went out over the clean system. The question
13 I have is, who has access to the clean system and exactly
14 how widespread is that?

15 MAJOR SZUPINKA: All law enforcement agencies
16 in Pennsylvania and other states have similar systems. And
17 from the old school -- it's similar to the old teletype.
18 This is all computer driven, UNESCO. All 911 dispatch
19 centers have this. Every state police station has it. Any
20 police department, of any size, would have their own
21 administrative terminal. And those who are not large
22 enough to have administrative terminals, have access to
23 other departments and other dispatching centers.

24 And the way that this is supposed to work, when
25 you -- when you have something like this occur, for

1 example, saying our Troop B, Findlay Station were to
2 receive a UNESCO message from Allegheny County, saying that
3 there has been an escape from the Allegheny County Jail,
4 our police communications operator would automatically take
5 that from the scene and she would make a general broadcast
6 over the police radio, advising all of our patrols of the
7 escape and who was involved and their descriptions. That
8 is how this system is supposed to work.

9 MR. PRESKI: My question is this, when an escape
10 message goes out clean, is there any, I guess bell or
11 whistle that goes off in the localities or just that does
12 someone -- is someone there or does someone at the time
13 read the message when it comes across? I mean, do they
14 get notice when someone walks over the the machine and rips
15 the paper?

16 MAJOR SZUPINKA: That's -- that's up to the
17 individual dispatcher. They are supposed to see that and
18 realize that it is of importance to the uniform patrol
19 officers that they are dispatching for and they should
20 immediately relay that information to them.

21 MR. PRESKI: Okay. My other question is, the
22 S99 message that --

23 MAJOR SZUPINKA: SN99.

24 MR. PRESKI: The SN99 that gives notification
25 within a 99-mile radius, that was the initial message that

1 first goes out?

2 MAJOR SZUPINKA: Yes.

3 MR. PRESKI: The statewide or nationwide notifi-
4 cation did not occur until you determined that the vehicle
5 was stolen?

6 MAJOR SZUPINKA: Right. Nothing is instantaneous.
7 They have to get troopers to the scene. They have to
8 coordinate the search around the institution. We have to
9 have someone inside, gathering the information. You have
10 to, you know, receive the information. You have to contact
11 the administrative terminal operator, who would be the desk
12 communications operator at Findlay, give them the informa-
13 tion. They, in turn, have to sit down at the machine and
14 type out the information and send it out. This was done
15 as expeditiously as we could.

16 MR. PRESKI: Okay.

17 MAJOR SZUPINKA: That was the first message. But
18 in addition to that, every time that we received additional
19 information, whether we knew it was substantiated or not,
20 we would update that information. There were hundreds and
21 hundreds of administrative messages that went out. Every
22 time we picked up something new, we would send that out
23 not only statewide, but nationwide. Every time we got a
24 report that they were sighted, driving some different
25 vehicle, even though we knew that this was all bogus information

1 later on, we would update that, in case some police officer
2 would spot that.

3 MR. PRESKI: My question, though, is this, assume
4 that someone escapes from Camp Hill. If you give an SN99
5 message, the Philadelphia Police Department would not
6 necessarily be notified. In this case, statewide notifica-
7 tion occurred when there was a determination that a vehicle
8 was stolen. Is there some reason, if you know --

9 MAJOR SZUPINKA: Well, I believe that there were
10 messages that started going before that, from our State
11 Police Findlay Station.

12 MR. PRESKI: Okay.

13 MAJOR SZUPINKA: Concerning the escape.

14 MR. PRESKI: Well, my question is, why only 99
15 miles? Given the fact that you might eventually find out
16 that they steal a vehicle, what's the magic of the 99 miles?

17 MAJOR SZUPINKA: That -- that's just the system
18 that is in place, depending upon the urgency. But yet,
19 maybe it could have been sent nationwide, statewide.

20 MR. PRESKI: My final area is the extradition.
21 Do you know the basis why these prisoners -- for the argu-
22 ment that they are giving to counsel?

23 MAJOR SZUPINKA: No.

24 MR. PRESKI: Why they are fighting extradition?

25 MAJOR SZUPINKA: No idea.

1 MR. PRESKI: Thank you.

2 CHAIRMAN BIRMELIN: Thank you, Major Szupinka.

3 We appreciate all of your input and thank you for sitting
4 here and answering these questions. I'm sure that your
5 input has helped us to understand a little bit better what
6 happened and the follow up on it. And as I had indicated
7 earlier, some of our questioning is not directly related
8 to the breakout, but I think, as Judiciary Committee
9 members, it has helped us to understand a little bit of
10 what happens and how you operate, in conjunction with the
11 Corrections Department. And so, we appreciate all of the
12 work you have done with the Bureau, the opportunity to come
13 here and your willingness to do so. Thank you.

14 MAJOR SZUPINKA: Thank you.

15 CHAIRMAN BIRMELIN: We next have three gentleman
16 who work at the State Correctional Institution of
17 Pittsburgh. And don't fight over one microphone. I don't
18 know if they are going to fight over it or not. But we
19 will try to make sure that everybody can hear you.

20 I'd like to introduce our next three testifiers.
21 And I will introduce them as I am looking at them. So,
22 if you are looking at me, they will be opposite of that
23 direction that I give you. But to my far left is Mike
24 Degonish, the Labor Foreman for the prison.

25 In the center is Rudy Arensberg, who is a

1 corrections officer.

2 To his left and to my right is John Bush, also
3 a corrections officer. And I understand that, Mr. Arensberg,
4 you are going to give a statement first and then, you will
5 answer questions.

6 MR. ARENSBERG: Yes, sir.

7 Good morning. My name is Rudy Arensberg. I am
8 President of Local 2500. With me is John Bush, a member
9 of our Executive Board and Mike Degonish, a Union Steward.

10 First, I would like to thank you for coming to
11 Pittsburgh and giving me the opportunity to address you.

12 As you already know, Commissioner Horn has
13 instituted changes in the management at SCI Pittsburgh.
14 Consequently, our testimony is offered in the context of
15 providing information, which hopefully will help in the
16 new management here and as well as the other SCI's not to
17 make the same mistakes.

18 You have already heard what caused and/or contri-
19 buted to the escape, so I will not go into that. However,
20 we have prepared a package of information, that will make
21 it clear that had the Union and the employees at SCI
22 Pittsburgh been listened to, the escape, if not prevented,
23 would have been made significantly more difficult.

24 As you can see, at various Union/management
25 meetings, we brought to the attention of management the

1 serious breaches in security that ultimately played a part
2 in the escape.

3 The lessons that should be learned from this are:

4 1. Security is paramount in a correctional
5 institution and should never take a back seat.

6 2. Future policies and procedures should be
7 prepared in such a way that they are not in conflict with
8 the security needs of the institution.

9 3. That the Union and the employees it repre-
10 sents should not be ignored. We are the ones on the front
11 lines. We are the ones who must go face to face with the
12 inmates. And everything that goes on in a correctional
13 institution, no matter how small, could potentially cause
14 a serious breach of security.

15 4. Management should put their egos aside and
16 be willing to accept and implement suggestions from the
17 employees. No one has all the answers, but together, most
18 questions can be answered in a way that serves our mutual
19 interest, which must be the safe and secure operation of
20 the institution.

21 We would be happy to answer any questions you
22 may have.

23 CHAIRMAN BIRMELIN: Before we ask you questions
24 or maybe you are answering my question, I'm not sure, would
25 each of you three gentlemen tell us what your history is

1 at the institution and how long you've been there, what
2 positions you've held and what, in particular your insight
3 is, which would help us, as Committee members, understand
4 why you can be here to fill us in on the escape?

5 MR. ARENSBERG: I have a twofold part, sir: One,
6 I am a corrections officer, I have 12 years of experience
7 as a corrections officer at Western Penitentiary and the
8 other part of it is, I have been the elected Union
9 President there at that jail for the last three years. I
10 was Vice President there for six years. I was an intricate
11 part of the investigation. I was interviewed. And the
12 people who are with me today were interviewed by Deputy
13 Benning and his staff, who spent relentless hours at that
14 institution, interviewing the employees that I represent.

15 I can tell you that from our testimony that we
16 gave Deputy Benning, it helped his investigation; that some
17 of that testimony is in the report that you received from
18 Commissioner Horn's office and in your packets, there's
19 copies of meet and discuss. And those are the minutes that
20 were kept by management. And it showed a history of the
21 problems that were going on in that institution, going with
22 security and tool procedures and tool accountability, over
23 the years at that jail, that their inaction to take action
24 at that jail, that, of itself is what is reported in that
25 package.

1 And that's mainly my history at the jail. I'll
2 let -- Sergeant Bush will go next.

3 MR. BUSH: Hi. I'm John Bush. I've been working
4 in Corrections for 11 years. I'm a sergeant. I was a
5 training sergeant there for a few years. I still do. I
6 also have a twofold in this. I've been elected to the
7 Executive Board for the last, past nine years and I've been
8 sharing all of the last minutes of all of the meet and
9 discusses for over the three years. So, we've been able
10 to put together all of these packets. I've been at all
11 of those meetings and turned down to all of those
12 questions.

13 MR. DEGONISH: Hello. My name is Mike Degonish.
14 I'm presently Labor Foreman for the State Correctional
15 Institution at Pittsburgh. I've worked at the institution
16 since 1984. I was hired there as a Maintenance Equipment
17 Operator, Corrections Equipment Operator, from 1984. I
18 worked in that capacity for approximately, two years, at
19 which point I became a Labor Foreman in the Maintenance
20 Department.

21 Approximately a year and a half ago, maybe two
22 years ago, I was transferred from the Maintenance Depart-
23 ment, to the Safety Department. I am a Union Steward, who
24 represents the brown shirts. And I'll try to answer any
25 questions, to the best of my ability.

1 CHAIRMAN BIRMELIN: Mr. Degonish, could you tell
2 us, is the Labor Foreman a maintenance position?

3 MR. DEGONISH: Presently, I'm a Labor Foreman,
4 under the Safety Department, no longer in Maintenance. But
5 I -- originally, I was Labor Foreman, in the Maintenance
6 Department, yes, sir.

7 CHAIRMAN BIRMELIN: Thank you.

8 I'll begin to give the panel here the opportunity
9 to ask questions. And as we did yesterday, in reverse
10 order. So, Representative Manderino, you are the first.

11 REPRESENTATIVE MANDERINO: Mr. Chairman, I'd like
12 to pass at this time. I am reviewing the meet and discuss
13 and may have questions later, but none right now, thank
14 you.

15 CHAIRMAN BIRMELIN: Representative Masland?

16 REPRESENTATIVE MASLAND: Thank you, Mr. Chairman.
17 I'm going to pick up on something that I
18 mentioned yesterday, because I talked very briefly
19 yesterday with Mr. Bush. I talked with you briefly about
20 the institution. And that is something that I raised to
21 Commissioner Horn and I'm sure that you might want to
22 respond to, yourself, as to whether or not the institution
23 ought to be closed and whether a new one should be built.
24 And I guess to put that in context, we all realize that
25 there's an 1882 shell in there, that's been surrounded many,

1 many times by updating the buildings and updating the
2 functions. I guess my question to you is, if you think
3 that the institution is still viable, is it viable to
4 maintain 1800 prisoners or should that be scaled back?

5 MR. ARENSBERG: First, sir, I want to thank you
6 for your comments that you made earlier, when the Major
7 was here. On behalf of the members I represent, thank you
8 very much.

9 Next, to answer your question, it's going to be
10 a lengthy answer. So, first off, the jail holding 1800
11 inmates makes our job probably five times harder than
12 what's necessary for the Department of Corrections. We
13 should not have to put up and deal with double celling and
14 overpopulation, to the extent that we do at Western
15 Penitentiary. We are understaffed, overpopulated and
16 definitely underpaid.

17 What the Commissioner has testified to yesterday
18 about the jail and about Western Penitentiary, that we are
19 the most staff to inmate ratio, we have the highest staff
20 to inmate ratio. What the Committee probably doesn't
21 understand with that statement is that the only reason that
22 occurred at Western Penitentiary is the inmates. Three
23 convicted murderers filed a lawsuit against the Commonwealth
24 of Pennsylvania, stating that the Department of Corrections
25 could no longer provide them security inside a maximum

1 security prison. A Federal Judge, by the name of Maurice
2 Cohill came into that institution and gave us 75
3 corrections officers.

4 You heard the Commissioner testify yesterday that
5 Western Penitentiary has 100 more corrections officers than
6 SCI Greene County. The fact is, we never had that many
7 officers, until a Federal Judge came in and ordered it so.
8 The Department of Corrections didn't wake up one day and
9 say that "You are understaffed and you need more officers."
10 A Federal Judge came in or we would consistently, today,
11 be severely understaffed in that institution, as we are
12 at the prototypicals.

13 The prototypicals are not staffed at 100 percent.
14 It isn't a fair analysis by the Commissioner, to state that
15 Western Penitentiary is \$33,000 an inmate and that SCI
16 Greene County, which is a maximum security prison, is
17 \$24,000.

18 If you go back and look at the Department of
19 Corrections' budget, that they put in this year and I sat
20 at the Senate hearings, when Commissioner Horn testified,
21 a fair assessment would be to compare us against us SCI
22 Camp Hill, SCI Graterford and SCI Muncy. They are all
23 prisons that have an intake center such as Western
24 Penitentiary. We take inmates from right out of the court,
25 right into the jail. We call them "highballs" in prison.

1 An inmate who is a "highball," he has nothing. He has
2 never been in that prison, he has no idea what goes on.
3 Whatever he walks into the prison with, we take off and
4 we issue him. SCI Greene County doesn't have to absorb
5 that type of an expense. We have to give them their
6 initial medical treatment, when they enter our prison.

7 So, if you want to do an analysis and base our
8 \$33,000 a year on that, take in light of the fact that we
9 are -- our -- our staff to inmate ratio was given to us
10 by a Federal Court Order and number two, that we are an
11 intake center and we absorb the high cost of medical treat-
12 ment at Western Penitentiary, that those prototypicals do
13 not. We do. We have SCI Greene County inmates at our
14 institution hospitals and at the hospitals surrounding
15 Pittsburgh. We supply security for those inmates. I hope
16 that answers your question.

17 REPRESENTATIVE MASLAND: Yes. Well basically,
18 I guess what you are saying is that you feel that if the
19 institution, the numbers at the institution were scaled
20 back, it would still be -- you would still be able to use
21 it as an institution, use it effectively and cost
22 effectively, is that correct?

23 MR. ARENSBERG: Yes, sir. I think the Department
24 could do that. The fact remains, in all honesty, we need
25 another prison. We don't need to close Western Penitentiary.

1 I don't know where they are going to put the prison. I've
2 talked to the Mayor of Pittsburgh and when they were
3 looking to build the Allegheny County Jail in Pittsburgh,
4 they were told by all of the communities in Allegheny
5 County, "You will not build that county jail." That's why
6 it sits where it does today, in the worst possible place
7 it could be. But they couldn't get nowhere else to build
8 that jail. So, if they are going to build a new maximum
9 security prison in Pennsylvania, in the western part, I
10 don't think that they'd get ground in Allegheny County.
11 But we do need it. We have almost 4,000 maximum security
12 inmates in the Commonwealth of Pennsylvania, sitting in
13 minimum security cells, minimum security dayrooms, minimum
14 security areas. So, if you build a brand new prison,
15 opened it today, with 1100 cells, you would fill it to the
16 capacity.

17 Pittsburgh currently houses the highest level
18 of Level 4 inmates, in the Department of Corrections,
19 because we -- we are able to supply maximum security cells.
20 You were all there. You walked up the five tiers. You've
21 seen the magnitude of that jail and how -- how involved
22 it is inside of there. Just imagine that, that the day
23 they escaped and people were talking about the notification
24 process and how it took so long. But at that time that
25 that count was taken, there were 600 inmates out of their

1 cells .

2 REPRESENTATIVE MASLAND: Yes, I know that
3 you've got some tough ones out here, because the Case that
4 I alluded to, the last defense case that I had, when this
5 guy started the mini-riot at Camp Hill and they sent all the
6 people who were kind of involved with him, they sent three
7 of them down here and I had to come out here and interview
8 one of them. I guess they figured that --

9 MR. ARENSBERG: And Mr. Brooks is still at our
10 prison, sir.

11 REPRESENTATIVE MASLAND: Is he in jail here?

12 MR. ARENSBERG: Yes, he is. I know him very well.

13 REPRESENTATIVE MASLAND: I was actually -- I was
14 the second attorney on that Case, because he wanted to get
15 rid of the first one. He actually wanted to get rid of
16 me, because he came in the first day and said, "Here is
17 the list of witnesses I want for trial." It was scheduled
18 to go to trial that day. So, I -- I was fortunate, that
19 after the first trial -- unfortunate, my first trial
20 motions were effective, because he was granted a new trial
21 and somebody else had to take the Case. And eventually,
22 he was convicted. But he's a bad actor.

23 MR. ARENSBERG: Yes, sir.

24 REPRESENTATIVE MASLAND: Thank you, Mr. Chairman.

25 CHAIRMAN BIRMELIN: I apologize for neglecting to

1 call Representative James before. Representative James?

2 REPRESENTATIVE JAMES: Yes. Thank you. And thank
3 you yesterday for accompanying us and giving us advice,
4 as we went through the institution and showing the concerns
5 that you have.

6 And in going to the questions and you have a
7 tremendous job and I do not envy the job that you have.
8 You said something about your intake center.

9 MR. ARENSBERG: Yes, sir.

10 REPRESENTATIVE JAMES: And that you give the
11 first medical records and all of that. I heard some
12 rumblings around that the medical records and other kind
13 of records do not follow the inmates. Do you send the
14 records of the inmates to other institutions automatically,
15 medical records, dental records?

16 MR. ARENSBERG: Records and the following of
17 records. Whoever told you that information was absolutely
18 correct, that the medical records and even the inmates'
19 personnel records are constantly a problem in the
20 Department of Corrections, that they are addressing on a
21 daily basis. You could send an inmate to another prison
22 and part of his medical record could get there and part
23 of it could not. And part of his criminal -- the day of
24 the escape, they were running around like chickens with
25 their heads cut off, looking for the records of the six

1 individuals who escaped that prison, that day. Records
2 is a constant problem in the Department of Corrections.

3 REPRESENTATIVE JAMES: So, there needs to be some
4 kind of practice or policies implemented there, to make
5 sure that records of inmates are found and that way you
6 will know whether the inmate was a hostile escapee or a
7 discipline problem?

8 MR. ARENSBERG: Yes, sir.

9 REPRESENTATIVE JAMES: Is that in one of your
10 recommendations?

11 MR. ARENSBERG: Yes, sir.

12 REPRESENTATIVE JAMES: Has that been one of your
13 recommendations?

14 MR. ARENSBERG: Yes, sir.

15 REPRESENTATIVE JAMES: Do you also believe, based
16 on the escape, that had the Superintendent of the prison
17 been more responsible and had listened to you, in terms
18 of following your recommendations, that this could not have
19 happened or been prevented?

20 MR. ARENSBERG: Well, I guess the Commission
21 knows that I'm already on record to the Senate and I will
22 tell you, that once the Superintendent got to Western
23 Penitentiary, it no longer became a meet and discuss
24 session; it became a meet and tell. We would no longer
25 sit down and have a discussion concerning the issues. We'd

1 meet and tell him and that was it. Then, it was done with.

2 REPRESENTATIVE JAMES: When -- when you say that
3 it was a meet and tell and not a discussion, are you saying
4 that he just listened to you because he had to and didn't
5 do anything?

6 MR. ARENSBERG: Yes. Under the law, under Act 195,
7 if we produce something to writing, to management, they
8 must sit down and meet with us and reduce their answer back
9 to us in writing. And what you have before you today are
10 just some copies of the minutes to the answers to the
11 questions that we had given them.

12 REPRESENTATIVE JAMES: Now, when you meet with
13 any correction officials, was it the Superintendent and
14 the Deputies or either/or?

15 MR. ARENSBERG: Either/or.

16 REPRESENTATIVE JAMES: So, you didn't meet with
17 him on all occasions, but you at least met with the Deputy?

18 MR. ARENSBERG: Yes.

19 REPRESENTATIVE JAMES: Do you feel as though
20 that, based upon what happened, have you made any recommen-
21 dations or are you still waiting for the investigation to
22 end, in terms of how to improve the situation?

23 MR. ARENSBERG: From the day of the escape, I
24 spent probably an average of 16 hours a day in that prison,
25

1 up until probably the last week or two. And not just
2 myself, but the people who are here with me and a lot of
3 other corrections officers. And we had a daily input into
4 the new security measures at that jail. It wasn't long
5 after the escape, that there were people in the jail who
6 wanted instituting some of the old things that were going
7 on, such as the out count. We've heard a lot of discussion
8 why did it take so long for us to find out about the
9 inmates, because that was primarily because of the number
10 of inmates who were permitted out of their cells. It was,
11 with this Union's request and constant demand, since the
12 escape, that we've been able to lower that number to a
13 reasonable number, from roughly 40 to 50 inmates will be
14 out for count now, out of 800 -- out of 1800.

15 REPRESENTATIVE JAMES: Do you -- do you believe
16 that as a result of the escape, that the corrections
17 officers -- have any of them been disciplined thus far,
18 in reference to the escape?

19 MR. ARENSBERG: We had one officer receive a
20 letter of reprimand.

21 REPRESENTATIVE JAMES: Because of this specific
22 incident?

23 MR. ARENSBERG: Yes, sir.

24 REPRESENTATIVE JAMES: And I guess the investiga-
25 tion is also continuing?

1 MR. ARENSBERG: Yes.

2 REPRESENTATIVE JAMES: Okay. Thank you,
3 Mr. Chairman.

4 CHAIRMAN BIRMELIN: Representative Boscola?

5 REPRESENTATIVE BOSCOLA: Were you ever aware of
6 were you ever asked for any input, with regards to the
7 yearly inspection or the efficiency report, that we heard
8 about yesterday?

9 MR. ARENSBERG: Well, thank you. I heard about
10 them yesterday and that was a news flash to me. I know
11 that the Department does them, but I've never been
12 permitted to have input into it, nor do I know any officer
13 at the jail or -- well, we refer to them as "browns," but
14 they are maintenance trade instructors, their actual title,
15 but I will refer to them as "browns." I don't know of any
16 "browns" who were **questioned** during those investigations,
17 nor did I know that that -- when that investigation was
18 completed, it was sent back to the Superintendent and then,
19 the Superintendent made recommendations back to them. I
20 never saw any of those reports, in the 10 years that I've
21 been doing this Union business and representing that jail
22 and the 12 years that I've been there, as a corrections
23 officer.

24 REPRESENTATIVE BOSCOLA: So, you're saying that
25 probably none of the corrections officers has ever seen

1 any of these reports?

2 MR. ARENSBERG: None of them has ever reported
3 it to me.

4 REPRESENTATIVE BOSCOLA: And since you opened
5 up the can of worms, in regards to salary, how much do you
6 make?

7 MR. ARENSBERG: My current salary is about \$33,000
8 a year.

9 REPRESENTATIVE BOSCOLA: How long have you been
10 there?

11 MR. ARENSBERG: Twelve years.

12 REPRESENTATIVE BOSCOLA: I guess we are getting
13 our money's worth.

14 MR. ARENSBERG: Yes, you are.

15 REPRESENTATIVE BOSCOLA: Same here.

16 MR. ARENSBERG: Thank you.

17 CHAIRMAN BIRMELIN: Representative Reber?

18 REPRESENTATIVE REBER: Thank you, Mr. Chairman.

19 Rudy, John and Mike, I'm Bob Reber, the new Super-
20 intendent at Western. We're here today to have a little
21 meet and discuss.

22 MR. ARENSBERG: Okay.

23 REPRESENTATIVE REBER: My question -- questions
24 to you are very simply, since the incident of January 8th
25 and today, what is today, March 4th, what is currently

1 on, even after that incident, even after that incident has
2 taken place and all the investigations that have followed,
3 as a result of that incident? What is still going on, in
4 your mind, if you had to prioritize them, as still concerns
5 that might, in some way impact the institution's security
6 and integrity?

7 MR. ARENSBERG: First of all, probably -- thank
8 you for being here. I know you represent Graterford. And
9 I was out at Graterford.

10 REPRESENTATIVE REBER: Just outside of Graterford.

11 MR. ARENSBERG: Just outside of Graterford. I
12 was out there for a very long time, when they -- when we
13 marched on that institution.

14 First, I think that what needs to be addressed
15 is the overcrowdedness of Western Penitentiary. You heard
16 Commissioner Horn testify yesterday that he had intended
17 on putting 200 to 400 more inmates in there, which would
18 have taken us up to over 2,000 inmates. If you do their
19 cost analysis, then it lowers that \$33,000 down to \$28,000.

20 But to answer your question directly, first off,
21 it is the overcrowdedness at Western. That jail was never
22 designed to handle 1800 inmates.

23 Security must remain in the forefront of every
24 decision that's made in that jail now. Superintendent Price,
25 in my limited dealings with him, seems to have that on his

1 mind and he's been open with us, in dealing with the
2 security issue, because he came from a prototypical prison,
3 where they have more security restraints on the inmates.
4 We have -- we have made radical security changes in that
5 institution, like none I've ever seen in the Department.

6 There's members of your Committee, who traveled
7 to Louisiana with myself and President of Dallas, Bill Lewis.
8 We went to Louisiana. And a lot of the changes you see
9 that are happening at Western Penitentiary and the Depart-
10 ment, have come out of that tour we took in Louisiana, for
11 security.

12 But the first thing that I would probably
13 address, sir, is -- again, would be the overcrowdedness
14 and probably the staffing level, the number of officers
15 that we have would be second.

16 REPRESENTATIVE REBER: John and Mike, do you have
17 anything else to add or is there anything else that, from
18 your position or standpoint, that's bothersome to you, that
19 is currently going on, that in some way, shape or form
20 could be mediated?

21 MR DEGONISH: I'm not so sure that it's presently
22 matters that are still going on, but something that was
23 a great concern to me was the -- the maintenance bosses
24 were drilling into their subordinates that they had to
25 produce, they had to get out more work orders, they had to

1 get more jobs done. This -- this really caused a problem.
2 The -- the tradesmen, the "browns" of the institution, not
3 only had to keep track of work details and out counts that
4 you had heard of, but also, to produce more and more jobs.
5 As a matter of fact, this past year, these guys, the
6 "browns," the trades instructors were given pats on the
7 back and rightfully so, for doing a lot of work. They were
8 given these three different meetings, by the Superintendent,
9 by a gentleman from Harrisburg, by the name of Jake Leak
10 and also, by the previous Facility Maintenance Manager,
11 Terrence Swartz. They were given pats on the back, saying,
12 "That's what we want you guys to do. Produce more work."
13 And that really scares me, in a correctional setting.

14 I really think that I agree. I definitely agree
15 with Mr. Arensberg, that security has to be paramount. The
16 brown shirts also go through the same type of training.
17 And I -- I would appreciate -- I would welcome more
18 security training, as far as the maintenance staff goes.

19 REPRESENTATIVE REBER: John, do you have anything
20 to add?

21 MR. BUSH: Just briefly. I agree with Mr. Arensberg.
22 The only thing is, on the overcrowding that we currently
23 have, I don't think that there's anything that can be done,
24 at this time. So, I would put security paramount and post
25 number one, the level of officers in each institution. And

1 if we're so greatly overstaffed at our place, imagine how
2 it feels at every other institution, inside Pennsylvania,
3 how understaffed they are and are currently today.

4 REPRESENTATIVE REBER: I think all of you gentle-
5 men were present when I was questioning the Major,
6 concerning what, in my mind was bothersome, that somewhere
7 along the line, we needed somewhat of an earlier warning,
8 that it was definite that Prisoner A or Prisoner C, on a
9 list of six, you know, was missing and I think that an
10 escape warning notice should have been issued, for at least
11 that one particular person and, you know, it could have
12 maybe gotten the situation moving a little quicker.

13 From your perspective and from your internal
14 workings and your knowledge of the system, first of all,
15 maybe there was and I asked that question, was there any
16 prior notice given, before the notice went out on all six,
17 that there was an individual or individuals who were
18 missing? Do you know anything about that?

19 MR. ARENSBERG: Let me answer first what happened
20 during the escape and what occurred, up until that time.
21 And I can also answer what we have done to rectify that
22 or what the Department of Corrections has implemented.

23 Number one, at that time and at the time of the
24 escape, when those inmates did not report to work or they
25 went to another assignment, it was never relayed back to

1 the security staff that they didn't show up at work or
2 anybody else in the institution. You heard Commissioner
3 Horn yesterday, on the tour, that Mr. Murphy lost his radio
4 and didn't even report it, nor did he report the fact that
5 his inmate left for four or five hours and never showed
6 up at work. That hampered the notification process, by
7 any of us.

8 It was -- I don't know if you were there when
9 they asked me to show how the count was done and how an
10 officer travels down the range and as he looks into each
11 cell. If those officers would not have done an accurate
12 and complete, secure count that day, it may have been
13 another eight or nine hours before you were notified and
14 told the final count at night. It was only by them looking
15 into that cell. And if you can imagine, you know, five
16 levels high, 400 inmates in the larger blocks, but we went
17 into the smallest block that we had, how long that process
18 takes. But it was only at that time, when those officers
19 marked those individuals out of the cells, that the process
20 started.

21 We have had several escapes inside the prison.
22 What that means is about eight or nine years ago, we looked
23 for an inmate for two days. He was still inside the
24 prison. We found him, in the shower area, in the back of
25 the block, trying to drill his way through a 20-foot wall

1 with a hand drill. But that's where we found him, after
2 two days of searching that prison.

3 When the inmates get locked back in, we start
4 a complete -- inmates hide in each other's cells. So, we
5 had to start that process, of searching each and every cell
6 in that institution. There's -- there's roughly, 1600
7 cells inside that prison.

8 REPRESENTATIVE REBER: May I interrupt you a
9 second?

10 MR. ARENSBERG: Yes, sir.

11 REPRESENTATIVE REBER: How many times during --
12 you set the time frame of -- is it weekly, monthly, that
13 these kind of incidents occur?

14 MR. ARENSBERG: It is very rare that we have to
15 go cell to cell searching for anybody. We do have check
16 counts, probably every time. We did, up until the escape.
17 Up until the escape, we had so many inmates out, 400, 500,
18 600 inmates out of their cells, that every one of them had
19 to be accounted for by the check and countercheck process.
20 And the officer, with just the first check and then, they
21 would send someone else for a countercheck. And if there's
22 -- if there's just one discrepancy in the numbers, the
23 guy's number is P8888 and you wrote 8889, you now have a
24 discrepancy in the count, that has to be checked, just by
25 one number or letter. There's AY and there's AP. If you

1 wrote AY, you'd have to go and find out if it was AP.

2 But now that we've -- since the escape, in the
3 morning, the "browns," the maintenance instructors report
4 to a centralized location in the jail, in the front of the
5 blocks and we call the work lines out. They are to report
6 to the work supervisors and the work supervisors
7 immediately take the roll call. If that inmate is not
8 there, they telephone back to the block, to see if he
9 remained in his cell or if he did, in fact, say he was
10 going to work. If he remained in his cell, he's sent to
11 work. If he's out in the general population, we commence
12 a search, looking for him right then.

13 What happened the day of the escape was the
14 whole, entire jail was opened up that morning and roughly,
15 1400 inmates were permitted to wander throughout the
16 prison.

17 REPRESENTATIVE REBER: Was that, from your exper-
18 ience, was that the reason why that might have been the
19 time and date chosen for the escape? Was there any
20 strategy, as to the time in which to place in relationship
21 to ongoing practices within the facility?

22 MR. ARENSBERG: Two things: One, that was an
23 everyday occurrence, being opened up like that. That was
24 the normal practice and it no longer is today.

25 REPRESENTATIVE REBER: So, if you were strategizing

1 on this, over a period of time, that would have been some-
2 thing you were looking for, because you knew that that was
3 an opportunity, when there would be more of the general
4 population moving about?

5 MR. ARENSBERG: Yes. The fact that that panic
6 button was pushed at 8:04, it is common knowledge by the
7 inmates that the last employee would have been reported
8 to work there by eight o'clock. And if you notice where
9 they come out, that is where the employees park. That's
10 right on the main street of the prison. They knew, by
11 pushing it at eight o'clock, that there would be no more
12 employees out there, that they had already reported to
13 work.

14 REPRESENTATIVE REBER: Okay. Thank you. Thank
15 you very much.

16 CHAIRMAN BIRMELIN: Representative Caltigerone?

17 REPRESENTATIVE CALTIGERONE: Thank you.

18 One of the things that I'd like to run by you
19 is that you have -- your Union, of course, represents all
20 of the various institutions within the Commonwealth.

21 MR. ARENSBERG: Yes, sir.

22 REPRESENTATIVE CALTIGERONE: And again, you know,
23 it is a difficult job, so the Major had said. Not many
24 people are interested in being locked up. And I do refer
25 to it as being "locked up." When you go to work, you are

1 locked up in there with the inmates, every single day. And
2 your life is put in jeopardy, every single day. I said
3 it yesterday and I'll say it again today, these are not
4 choir boys that we're dealing with. You've got an assort-
5 ment of people there, 1800 murderers, sex offenders, you
6 name it. It runs the whole gamut.

7 But in looking at that facility and having served
8 in the House for 22 years and on this Committee, as
9 Chairman, for the last 11, 12 years, it's readily apparent
10 to me that that facility has outlived its usefulness. I
11 did receive and I went through previous reports, dating
12 back to 1911, the 1940's and '50's, to the current and
13 after taking the tour yesterday, the members had a chance
14 to visually see and slug through the mess and the rain and
15 the mud yesterday, that that facility should be closed down
16 period.

17 Now, there may be some disagreement, I understand,
18 with where the facility should be built. But it is my
19 opinion that it's not cost effective. People are placing
20 their lives in jeopardy, by working in that institution,
21 simply because the -- the way -- the configuration of that
22 facility.

23 Now, we took the tour and things were added on,
24 in that one area, particularly, that was not as secure as
25 it should have been, which allowed the inmates to get

1 through -- through that hole, through the main tunnel and
2 to get out that doorway, to the street. It -- it just
3 shows that there's no amount of money that the state should
4 or could be spending, to make that a much more secure
5 facility. And given the economics of what is involved here
6 and you have that total of five tiers there and what goes
7 on in there, it just -- to me, it would just be like
8 throwing good money after bad. I think that the state has
9 done enough of that, with this facility. And for the
10 safety of the community, I think we're going to really have
11 to take a hard look at finding another location. And from
12 what I understand already, we've already approved \$130
13 million for such a facility to be built. And I know that
14 there's going to be some comments and some concerns by you
15 and the employees who work at that facility, especially
16 the members of the community, as to where a location can
17 be found. But it's going to be pretty darn tough
18 convincing me, as a member of the General Assembly, that
19 we should spend any more money in bandaiding something that
20 is hemorrhaging. And that facility certainly looks like
21 it's hemorrhaging.

22 I mean, there's -- even the new facilities, we
23 were over at Camp Hill. Prior to the riot, I believe I
24 took the Committee through there. And one week after the
25 riot, we went through there. They spent an awful lot of

1 money, adding a lot of new buildings there.

2 Jerry pointed out and rightfully so, that we are
3 spending a tremendous amount of money in each year's
4 budget, a growing disproportionate share, in the form of
5 corrections. I mean, it is a reflection of our times and
6 maybe some of the laws that we have made, especially
7 mandatories, that are putting an awful lot more people away.
8 But I think that it is incumbent upon the employees of the
9 state, who are state employees, just as we are, to try to
10 find more cost effective ways of handling the state budget.
11 And I'd like you to comment on that. I know that there's
12 concerns that are being raised by the people who have jobs
13 and positions about the facility and where this facility
14 would be located and whether or not it's going to cost us
15 jobs.

16 I don't think it's going to cost jobs and I'll
17 tell you why. It's almost like this is one of the growth
18 industries in Pennsylvania. We keep adding more
19 facilities, because we keep incarcerating many more people.
20 And in my tenure in the Legislature, we went from about
21 15,000 incarcerated, to around 34,000. So, it's more than
22 doubled. And I don't see any time soon that there is going
23 to be a slackening off in the number of people who are
24 being incarcerated, although I think that we are working
25 at cross purposes, with a lot of the people who are being

1 sent to these institutions.

2 MR. ARENSBERG: Could I respond to that?

3 REPRESENTATIVE CALTIGERONE: Sure.

4 MR. ARENSBERG: Thank you for your candidness,
5 but you're absolutely correct, that we would not disagree
6 on this subject, nor will you or the Committee convince
7 me of it, I don't think, today or any other day. But you
8 referred to the reports by the ASH Commission and the other
9 Commissions. A fair assessment is that those Commissions
10 recommended the closing of that jail, before you and the
11 Legislators put in \$100 million into that prison.

12 You -- you made the statement and the
13 Commissioner makes the statement about pouring good money
14 after bad money. If I was to sit before this Committee
15 14 years ago or 13 years ago, when I started or 12 years
16 ago, when I started working in corrections and before you
17 put \$100 million into that jail, my argument would -- my
18 sails would have no wind. I couldn't come in, at that
19 time. You've taken all of the asbestos out of that jail,
20 all of the lead paint out of that jail, you've built
21 millions and millions of dollars of new construction. The
22 current budget that you've seen the Commissioner testify
23 from the Senate and the hearings is asking for new doors
24 at SCI Huntingdon and SCI Graterford. Well, I tell you
25 now that Western Penitentiary has all new doors in all of

1 our cells. We can supply maximum security cells, maximum
2 security, with maximum security inmates locked in them,
3 at that institution.

4 I know that as you were asking the questions,
5 you were probably seeing numerous notes flying around up
6 to my table here, because I -- because it's a very touchy
7 subject we've treaded on. But let me -- I would be remiss,
8 if I didn't -- you referred to the prototypicals. Any
9 veteran corrections officer would rather work at Western
10 Penitentiary than to be jeopardized at a prototypical. The
11 mentality of our prototypical jails, the wide openness of
12 them, their yards. Their yards and corrections officers
13 that are scheduled for that yard to provide security, it
14 can't be done. It's an accident waiting to happen. You've
15 heard it here. I'm testifying to you and I'm telling you
16 that those prototypicals and the way they let their yards
17 out with 300, 400, 500, 600 inmates and only four or five
18 or six correction officers watching them is an accident
19 waiting to happen. And I assure you, from my experience,
20 it will. And the Department of Corrections has a history
21 of taking reaction instead of action.

22 And again, you -- as far as reports of the ASH
23 Commission and the other Commission, who recommended the
24 closing of Western Penitentiary, as I said earlier, we
25 don't have maximum security cells. We do need another

1 prison. I can't argue against the Commissioner or the
2 Governor stating that we do need another prison. We do.
3 But they repeatedly have gone to the -- for the budget,
4 for more and more money. I think that it is much easier
5 for them to ask for \$135 million, above and beyond their
6 operating budget, \$135 million in their capital
7 expenditure, for a new jail, by saying that they are going
8 to close Western Penitentiary.

9 But let's deal with a reality check. The reality
10 check is that you have 3,000 to 4,000 maximum security
11 inmates, sitting in minimum security areas. That is unsafe
12 and insecure. We're operating at 160 percent of our
13 capacity, in the Department of Corrections. That is
14 insecure. If you built that brand new prison today,
15 staffed it and put the inmates in it, we'd have to keep
16 Western Penitentiary open.

17 Do you have to make some more operational changes?
18 Maybe. Do you have to lower the inmate population? Yes.
19 The way it's currently run, with 1800 inmates, it is making
20 the task of securing that institution harder and harder
21 every day.

22 Just real brief, sir, as Representative Masland
23 said before, we have Sheldon Brooks down at our place.
24 Just to give you a real brief history about Pittsburgh,
25 from my aspect and about some of the other SCIP's, Pittsburgh

1 has been known as the butt of the state, for lack of a
2 better word and to use the appropriate word. We have
3 handled the worst inmates that Pennsylvania has and we
4 currently do today. You've got a troublemaker, they get
5 sent down to Pittsburgh. Case in point, Sheldon Brooks.
6 Caused the mini-riot up at Camp Hill. Where does he come?
7 We have him and currently house him and we will continue
8 to do our job, the best we can.

9 We don't have time today, but I can have a nice
10 discussion with you, at any time, to give you our benefits.
11 The cons? Maybe five minutes. But just for myself and
12 the rest of the people that we represent, "Rudy's 100
13 percent right. We don't want to go to a prototypical. We
14 would feel totally unsafe." We are more than comfortable
15 with our jail. We know every little bit, every little
16 nook, every little cranny. Those towers up there are for
17 our protection and for the public's protection. You look
18 at any prototypical you have and they have no towers.
19 There is no protection for the officers and the staff
20 inside, for the convicts inside or for the public. Thank
21 you.

22 CHAIRMAN BIRMELIN: Representative Walko?

23 REPRESENTATIVE WALKO: Thank you, Mr. Chairman.
24 Gentlemen.

25 First of all, these meet and discuss in this book

1 involves recommendations that the Union made to management,
2 is that not correct?

3 MR. ARENSBERG: Yes, sir. Year after year, those
4 are --

5 REPRESENTATIVE WALKO: Now, one thing, way back
6 in 1982, the problem of tool control, perhaps was alluded
7 to. There was a drill missing. Did they ever find that
8 drill?

9 MR. ARENSBERG: Not to my knowledge, sir.

10 REPRESENTATIVE WALKO: And not to make light of
11 it, but weren't there other mentions in the meet and
12 discuss about problems?

13 MR. ARENSBERG: Yes. We repeatedly reported it
14 to them.

15 REPRESENTATIVE WALKO: There were also problems
16 with the count and the time and the out of cell counts that
17 were occurring. The Union found that to be a problem at
18 Western Penitentiary, correct?

19 MR. ARENSBERG: We went to management in 1995,
20 on several occasions, asking them to reduce the number of
21 inmates that were permitted out of their cells at count.

22 REPRESENTATIVE WALKO: Now, these -- where --
23 what happens to these meet and discuss recommendations,
24 once the meeting is over? These happen pursuant to State
25 Law Act 195, dealing with the public employees, correct?

1 MR. ARENSBERG: Yes.

2 REPRESENTATIVE WALKO: What happens to these,
3 after the meetings are concluded?

4 MR. ARENSBERG: To my knowledge, all of those
5 minutes are sent to central office, the Commissioner's Office.

6 REPRESENTATIVE WALKO: Now, does the central
7 office respond to your concerns?

8 MR. ARENSBERG: No, sir. Not unless we have a
9 statewide meet and discuss. And since Commissioner Horn
10 has arrived, we've only had one of those, involving the
11 current Commissioner.

12 REPRESENTATIVE WALKO: Now, prior to Commissioner
13 Horn, did they have them very often?

14 MR. ARENSBERG: Yes. Roughly, yearly or every
15 other year, we would meet with the Commissioner of
16 Corrections and address these issues with the previous
17 Commissioners.

18 REPRESENTATIVE WALKO: I wasn't joking when I
19 brought up about the one question, January 17th, 1982,
20 concerning the missing drill. Now, this seems to be --
21 what -- isn't somebody in charge of seeing that these are
22 all resolved? Like, what was the disposition of -- Page 2,
23 meet and discuss, Point 17, accountability of tools.
24 January 17th, 1982, the question was asked about a missing
25 drill. How are these ultimately resolved? Do they hang on

1 out there forever?

2 MR. ARENSBERG: We continue to bring them up,
3 so that the Union has some type of paper trail, to document
4 the fact that we have addressed these issues in the past.
5 If we did not keep that documentation going, I can assure
6 you that the disciplinary process that happened after this
7 escape would have been a lot greater than what it was, on
8 the employees that I represent.

9 REPRESENTATIVE WALKO: So, generally, what -- do
10 you have any examples of positive solutions to meet and
11 discuss recommendations, prior to the escape on January 8th?

12 MR. ARENSBERG: Yes, but I didn't supply them
13 to the Committee. I -- I have them, sir.

14 REPRESENTATIVE WALKO: Okay.

15 MR. ARENSBERG: But when we were doing our
16 packet, we wanted to show the Committee the issues that
17 we brought up, concerning security, that weren't addressed.
18 So, we have hundreds and hundreds and hundreds of pages
19 of documentation of meet and discusses, things that were
20 done and -- but we just didn't supply them.

21 REPRESENTATIVE WALKO: No, I didn't think that
22 you should, but I was just trying to get out how -- what
23 is the normal flow of the satisfaction of one of your
24 recommendations? Does it come from Harrisburg or does it
25 come from Superintendent White's Office?

1 MR. ARENSBERG: The meet and discuss process,
2 up until the time that Superintendent White arrived in
3 Pittsburgh, was that that dealt through the Deputy
4 Superintendents. The Deputy Superintendents would sit down
5 with myself and John, Sergeant Bush and we would have a
6 meet and discuss process. After Superintendent White
7 arrived in Pittsburgh, he became involved with the meet
8 and discuss process. It was something that was never done
9 there, but it did occur , after he arrived.

10 REPRESENTATIVE WALKO: And it's been pretty well
11 publicized here and I read it in the actual January report
12 on the escape. The Department had no written tool control
13 policy. And it was also -- was that one of your findings,
14 as well?

15 MR. ARENSBERG: There may have been a depart-
16 mentalized policy and then -- the Commissioner testified
17 yesterday about those reports, that yearly report that is
18 done and one yearly report stated that there was no tool
19 control at Western Penitentiary. That wasn't new news to
20 management. We've been telling them about that for years.
21 But there was no tool training either, for the employees
22 who were responsible for the control. The problem or the
23 major problem with tool control is, if I have a tool
24 cabinet and I have keys to it and Sergeant Bush and Mike
25 has keys to it, how can I be responsible for the tools in

1 that cabinet, when I leave my shop with my inmates and I
2 go out to work on the other side of the prison, only to
3 come back and find out there's two other individuals who
4 have keys to my cabinet?

5 REPRESENTATIVE WALKO: Now, Commissioner Horn
6 referred to a report. What report was he referring to?

7 MR. ARENSBERG: The --

8 REPRESENTATIVE WALKO: Was it the 1995 report?

9 MR. ARENSBERG: Yes, the yearly reports that I
10 was questioned about earlier, that I've never seen before.

11 REPRESENTATIVE WALKO: Okay. And he knew about
12 those reports. He knew that there was no tool control
13 policy at Western Penitentiary?

14 MR. ARENSBERG: I think that the Commissioner
15 testified yesterday that the Deputy Commissioners knew that.

16 REPRESENTATIVE WALKO: Deputy Commissioner Fulcomer?

17 MR. ARENSBERG: Yes.

18 REPRESENTATIVE WALKO: And he's the one who got
19 the \$3500 pay cut, as a result of him not implementing a
20 tool policy?

21 MR. ARENSBERG: Yes.

22 REPRESENTATIVE WALKO: With regard to the inmate
23 lending or the infamous now Swartz contract --

24 MR. ARENSBERG: Yes, sir?

25 REPRESENTATIVE WALKO: -- (continuing) -- were

1 jail guards supervising the inmates who were working on
2 that project?

3 MR. ARENSBERG: No, sir.

4 REPRESENTATIVE WALKO: Who was supervising the
5 inmates?

6 MR. ARENSBERG: We had one maintenance trade
7 instructor each night. Can I give you a little history
8 about that?

9 REPRESENTATIVE WALKO: Yes, please.

10 MR. ARENSBERG: When I came into work, I was off
11 for two weeks. I came back to work and I noticed the
12 inmates were in our prison, working all night long, digging
13 the jail up, running backhoes.

14 REPRESENTATIVE WALKO: I'm sorry. What do you
15 mean "all night long?"

16 MR. ARENSBERG: From ten o'clock at night, until
17 five o'clock in the morning, three o'clock, four o'clock
18 in the morning. They were running backhoes, front end
19 loaders, high pressure welding steam lines.

20 REPRESENTATIVE WALKO: The prisoners were running
21 high pressure welders?

22 MR. ARENSBERG: Yes. They were running high
23 pressure steam lines and replacing that water line, that
24 you heard him say yesterday about the fire hydrants. What
25 happened was Swartz bid a contract, \$600,000 for our jail.

1 The only employee I seen with Swartz was him. I never seen
2 any other employees.

3 REPRESENTATIVE WALKO: I'm sorry. There were
4 no other civilian employees with Swartz?

5 MR. ARENSBERG: No, sir. It was all --

6 REPRESENTATIVE WALKO: All workers were inmates,
7 is that correct?

8 MR. ARENSBERG: Yes, sir.

9 REPRESENTATIVE WALKO: I'm sorry.

10 MR. ARENSBERG: So, they continued to work
11 throughout the institution and they broke several high
12 pressure steam lines. The bid was \$600,000 on this
13 contract. He broke these steam lines. Our own maintenance
14 staff had to go in and repair those steam lines, at a cost
15 to the taxpayers and not at a cost to the -- that you would
16 think would come out of that \$600,000 that he had bid for
17 that contract.

18 REPRESENTATIVE WALKO: I'm sorry. Go ahead.

19 MR. ARENSBERG: He worked every night, from ten
20 o'clock at night till three o'clock, four o'clock, five
21 o'clock in the morning. And they had -- from where you
22 went into the institution yesterday, they had tunneled a
23 four-foot hole, all the way down from the institution, past
24 the hospital, all the way across our main yard, where I
25 showed you and then back up, around, behind that dining hall

1 and then left it there. He did not clean nothing up.

2 REPRESENTATIVE WALKO: So, the \$600,000 contract,
3 who -- I -- I'm trying to figure out where the \$600,000
4 went to. It wasn't all profit, was it? Did they bring
5 materials in? Did they provide their own gasoline for the
6 machinery?

7 MR. ARENSBERG: I'm glad you brought up the
8 gasoline. No, he stole the gasoline from the Commonwealth
9 of Pennsylvania. There's a --

10 REPRESENTATIVE WALKO: I'm sorry. Would you
11 repeat that, please?

12 MR. ARENSBERG: He stole the gasoline from the
13 Commonwealth. There's a gas tank. We found out, during
14 this investigation, that we have right here, that the
15 Department did, that he somehow hooked into a kerosene gas
16 tank, that's outside of the prison. And there was a hose
17 hooked up next to that boilerhouse that you walked by
18 yesterday, that he was filling his trucks and equipment
19 with, that diesel fuel. I did not -- we found out that,
20 after the escape, after the contract and as were taking
21 a tour one day, that that came to light.

22 REPRESENTATIVE WALKO: That's pretty shocking.
23 I mean, I'm sorry if I'm a little bit surprised.

24 MR. ARENSBERG: Well, the fact that that man was
25 able to enter that institution and leave that hose hooked

1 up, with 8,000 gallons of diesel fuel, that could have been
2 turned on and leaked into that institution, is unacceptable
3 to me and to anybody who works in there. We had no
4 knowledge of it. The Superintendent didn't have any
5 knowledge of it. He was with me when I made the tour and
6 found it. And we notified the investigators who were doing --
7 Deputy Benning and his investigators, at that time, what
8 we had found.

9 REPRESENTATIVE WALKO: Now, this Swartz must have
10 been pretty knowledgeable about that prison, the private
11 contractor, is that correct? He -- he used to work at the
12 prison, is that correct?

13 MR. ARENSBERG: No, his brother used to work
14 there and his brother used to be the Maintenance
15 Superintendent. His brother is currently the Maintenance
16 Superintendent at the largest prison in Pennsylvania, SCI
17 Graterford.

18 REPRESENTATIVE WALKO: I wonder if they are going
19 to have any contracts in the near future for Swartz Welding?

20 MR. ARENSBERG: I should say that he allegedly
21 stole. I don't know for a fact. He may have paid for it.
22 But to my knowledge, he may have even paid somebody for
23 that. I'm -- I should make the assumption that he
24 allegedly stole the gasoline.

25 REPRESENTATIVE WALKO: With regard to the Auto Body

1 Shop, was Mr. Swartz's equipment worked on at the prison
2 Auto Body Shop?

3 MR. ARENSBERG: His truck was redone.

4 REPRESENTATIVE WALKO: His truck was completely
5 redone?

6 MR. ARENSBERG: It was painted and redone.

7 REPRESENTATIVE WALKO: With regard to the tools
8 that were being used in the Swartz Welding contract, the
9 hydraulic jack that was possibly used in the escape, I
10 believe was used, is that correct?

11 MR. ARENSBERG: Yes, sir.

12 REPRESENTATIVE WALKO: Did any of your guards
13 question -- did your membership question you about this
14 practice that was going on with the Swartz Welding --

15 MR. ARENSBERG: I immediately notified my Council
16 Director and Assistant Director, Vernon Delino and Richy
17 Caponi, who are Council 84 Directors. They notified the
18 Labor and Industry in this area. I also called the
19 Governor's hotline. I informed them. I made a formal
20 protest to the meet and discuss process, requesting an
21 investigation by the Attorney General's Office into the
22 matter. I did that several months ago. Also, Deputy
23 Commissioner Fulcomer knew I did that. We moved that on
24 to a western meet and discuss that we had requested, an
25 investigation by the Attorney General's Office into the

1 matter.

2 REPRESENTATIVE WALKO: After you raised all of
3 these questions and you are talking quite a few months ago --

4 MR. ARENSBERG: Yes.

5 REPRESENTATIVE WALKO: -- (continuing) -- did
6 the contract work continue to go on?

7 MR. ARENSBERG: Yes.

8 REPRESENTATIVE WALKO: Unabated?

9 MR. ARENSBERG: Yes.

10 REPRESENTATIVE WALKO: With prisoner inmates
11 using all of those tools, is that --

12 MR. ARENSBERG: Yes.

13 REPRESENTATIVE WALKO: All night long that
14 continued?

15 MR. ARENSBERG: Yes, sir.

16 REPRESENTATIVE WALKO: With regard to shakedowns,
17 how often do you have shakedowns at Western Penitentiary
18 and are they needed?

19 MR. ARENSBERG: Yes. I don't think that you
20 could ever search the jail too much. The frequency of
21 those searches, the Union has been asking for those. We
22 call them "area searches." You have to understand what
23 helped these inmates in their escape was the officers were
24 not permitted to go into areas of that institution. And
25 one of the areas was -- we went down there and seen where

1 Inmate Pontes worked. I was never in that office, until
2 such time as the Senate and yourself went down there, on
3 that tour. That was the first time that I was ever in that
4 office. We weren't permitted to go down there. But the
5 inmates were left alone in that office, repeatedly.

6 REPRESENTATIVE WALKO: Now, you are quite
7 familiar with the inmates at the prison. I saw yesterday
8 on the tour, you were calling them by their first names.
9 I'm just wondering, the ones who were doing the welding,
10 the ones who were doing the plumbing, it's the plumbing
11 work basically --

12 MR. ARENSBERG: Yes.

13 REPRESENTATIVE WALKO: -- (continuing) -- were --
14 were they trained plumbers? What skills did those people
15 have and if you are not familiar with all of them, just
16 generally, were the people who were doing welding and
17 plumbing, were they qualified, to your knowledge?

18 MR. ARENSBERG: Some of them probably were, due
19 to the fact that our tradesmen instructors taught them
20 their trades.

21 REPRESENTATIVE WALKO: But did -- did your
22 instructors teach them how to handle backhoes and that sort
23 of thing?

24 MR. ARENSBERG: No. Swartz taught them that.

25 REPRESENTATIVE WALKO: If -- well, perhaps this is

1 a better question for management later on. If any of these
2 inmates was injured, I mean, working late and in the dirt
3 and the cold and with this welding equipment, if any of
4 them was injured, what would happen? To your knowledge,
5 was any injured?

6 MR. ARENSBERG: To my knowledge, none of them
7 was. They put in -- I was informed that one of the
8 inmate's foot was severely injured, during the construction
9 of this Swartz contract. I didn't -- I did not -- I do
10 not know, but I did not know that.

11 REPRESENTATIVE WALKO: One-third of 41 cents an
12 hour.

13 MR. ARENSBERG: It should be noted, too, that
14 from being in Harrisburg at a recent Presidents' meeting
15 and talking to the Presidents who represent the other 21
16 institutions in the state, it is -- to the best of my
17 knowledge, none of them has ever used inmate labor, to this
18 extent, with an outside contractor. Of course, every day --
19 the normal operation of a prison and the upkeep of a
20 prison, we do use inmate labor. But that's in house staff,
21 that's maintenance trade instructors, using those inmates.

22 Once again, you heard it earlier was productivity.
23 Why the Department of Corrections would want to put
24 productivity before security is beyond me. We can no
25 longer let that happen.

1 REPRESENTATIVE WALKO: I have one, final
2 question. With regard to -- it came to my mind when I
3 talked about workers being injured, doing plumbing,
4 welding, all hours of the night, until 5:00 a.m. Lord
5 knows when they sleep! But anyway, who runs the hospital
6 at the prison?

7 MR. ARENSBERG: An outside contractor. They run
8 the Medical Department.

9 REPRESENTATIVE WALKO: The Medical Department?

10 MR. ARENSBERG: It's -- it's a hard question to
11 answer, because there's a ground floor and a top floor of
12 the hospital, that the Department of Corrections is in
13 charge of and there's a middle floor of that hospital, that
14 a mental -- it's a mental health unit in there, that is
15 an outside contractor and I'm not sure who they are, but
16 the Department of Corrections actually doesn't have any
17 movement in that area, I guess you would say.

18 REPRESENTATIVE WALKO: The guards don't have
19 movement through that area?

20 MR. ARENSBERG: We have -- we have officers
21 stationed up there, for security purposes, but an outside
22 agency has -- runs it.

23 REPRESENTATIVE WALKO: Do they participate in
24 the meet and discuss process, the outside agency?

25 MR. ARENSBERG: No, sir.

1 REPRESENTATIVE WALKO: I have no further questions.
2 Thank you.

3 MR. ARENSBERG: Thank you.

4 CHAIRMAN BIRMELIN: Representative Orie?

5 REPRESENTATIVE ORIE: In follow up to Representa-
6 tive Walko, when these outside contractors are brought in,
7 there's no criminal background check run on these
8 individuals as they come into the prison?

9 MR. ARENSBERG: Yes, there is, to some extent.

10 REPRESENTATIVE ORIE: And I guess one thing that
11 I would like to remark on is, I guess everybody's initial
12 impression is to close Western Penitentiary. We've been
13 given the opportunity to review a Deevers Report about a
14 1953 outbreak.

15 MR. ARENSBERG: Yes.

16 REPRESENTATIVE ORIE: And the similarities are
17 shocking. In a sense, it all comes down to the tools. I
18 think one of the things they were saying was the security
19 and the lack of accountability for the tools. To me,
20 there's a resounding theme and that is the security and
21 the lack of control over these types of tools and access,
22 versus the structure, itself. I think that the fact that
23 your structure is aging and you haven't had -- I mean, this
24 incident is bad, but you haven't had more incidents, with
25 1800 inmates, the majority are Class 4 inmates, is a

1 reflection on something positive with this institution.

2 MR. ARENSBERG: Thank you.

3 REPRESENTATIVE ORIE: And I think that in regards
4 to what I read and I wish I would have had this prior to
5 this meeting today, the meet and discuss. I mean, as a
6 prosecutor, trying cases that resulted from individuals
7 smuggling in items to these inmates. For example, I read
8 on Page 6 of your report, that a visitor was caught
9 bringing in two, 22 caliber bullets. He only received a
10 30-day suspension. To me, this is glaring problems with
11 security. The fact that this isn't addressed, it -- it
12 endangers yourselves, as well as the CO officers on --
13 you -- you really are the ones mainly out there, facing
14 this hardship.

15 MR. ARENSBERG: Yes.

16 REPRESENTATIVE ORIE: And that concerns me.

17 With -- for example, with -- I read over the
18 report and it states that -- that you feel that the
19 Security Captain, if he would spend less time harassing
20 the CO's and more time investigating inmates' activities.
21 What do you mean by that? What is going on there, that you
22 feel is interfering with their work and your work?

23 MR. ARENSBERG: It became apparent at the
24 institution, that the Security Office was paying much more
25 attention to the employees instead of the inmates. You

1 have 1800 inmates and just several hundred employees and
2 they were spending an awful lot of time investigating
3 unsubstantiated allegations against the employees. And
4 that time could have been much better well spent investi-
5 gating rumors into this escape. And there were rumors
6 about the escape. I don't think that the Department of
7 Corrections has tried to deny that, at all. But there were
8 rumors about it, before it happened.

9 REPRESENTATIVE ORIE: This is the first I've
10 heard of that. I believe that one of the panel members
11 had asked had there been any type of notification or any
12 type of word of mouth of this going on. What -- what were
13 these rumors and when did they occur?

14 MR. ARENSBERG: Anything I would tell you would be
15 hearsay, because I don't know any of it to be factual,
16 other than one of the individuals who was in this escape,
17 was searched and it was alleged that he had implements of
18 escape, before the escape occurred. I don't know if it
19 was a month before or two months before or three months
20 before the escape. But I do know that his cell was
21 searched and he was found, supposedly with implements of
22 escape.

23 REPRESENTATIVE ORIE: You would agree with me
24 that a search was conducted, pursuant to these rumors --

25 MR. ARENSBERG: Yes.

1 REPRESENTATIVE ORIE: -- (continuing) -- that --
2 and that evidence was confiscated, consistent with escape
3 tools.

4 MR. ARENSBERG: To what -- to what I've been
5 told, not to what I've seen, only what I've been told, yes.

6 REPRESENTATIVE ORIE: And I guess I have another
7 concern and it was briefly touched upon by Commissioner
8 Horn yesterday, where he indicated that you, as CO's have
9 fears, in regards to stopping inmates, because of possible
10 ramifications from, for example the Tillery Case. Do you
11 feel that you compromise your job, at all, that you, your-
12 self are in fear of doing your duties, because of lawsuits,
13 fear of lawsuits?

14 MR. ARENSBERG: I don't think that the proper
15 terminology is fear. I think that maybe the Commissioner --
16 the statement was taken out of context. The -- the
17 restraints that were placed upon us for doing our job, were
18 placed on us by the Department of Corrections, by their
19 policies and also, by -- and to some extent, by the Court
20 Order. But believe me, the employees at that jail were
21 glad to see the Court Order come in there and get us more
22 adequate security, that enhanced our security levels in
23 the jail and not decreased it.

24 Treatment -- the Department of Corrections has
25 been run by treatment staff, probably 10 of the 12 years

FORM 1

1 that I've been there. You have to have -- treatment and
 2 security are never on the same page. No matter how much
 3 they want to say they are, they are not. The problem with
 4 the Department was in the -- and you referred to it as
 5 being intimidated or -- the officers aren't intimidated
 6 or scared of doing their job. They are kept from doing
 7 their job, by restraints placed on them, by treatment
 8 policies. And the word, I hate to hear it in the Depart-
 9 ment, is "productivity." "Well, you can't keep stopping
 10 the inmates from crossing the yard, Mr. Arensberg, because
 11 they've got to get to their job. They've got to get down
 12 there and put them license plates together for the
 13 residents of the Commonwealth of Pennsylvania." No, I'm
 14 sorry. They've got to have security and security has to
 15 be paramount, once again, at the jail. It was not, at the
 16 time of the escape. If I would have stopped those inmates,
 17 yes, I would be questioned. I ~~wasn't~~scared to do my job.
 18 Nor are the people I represent scared. We'll do it. Let
 19 us do our job. It's the only union I've been in and I've
 20 been in several, where I have gone to management and
 21 repeatedly, repeatedly asked them to let us do our job.

22 There's a lot of employees out there in the work
 23 force today, who spend eight hours a day, trying not to
 24 do their job. I have got to go and constantly ask for
 25 myself and the people I represent, to be able to do our

1 job. Let us do what the Department of Corrections trained
2 us to do, as professionals and that is to secure that
3 institution.

4 REPRESENTATIVE ORIE: I guess lastly, I'd just
5 like to reiterate that, you know, this same report, despite
6 the time change from 1983 versus 1996 is reflective from
7 the Governors and includes the same types of issues,
8 security and tool control. I mean, the inherent problems
9 to me are the security. And I'd just like to state, as a
10 veteran prosecutor, both in Allegheny County and the State
11 of Pennsylvania, I've had the opportunity to work with
12 many, many correctional officers, on various cases and I
13 don't see the defect in the structure. I don't see that
14 we need to close this Western Penitentiary. Now, instead,
15 it really, like you indicated, the security has to be
16 paramount, it has to be emphasized and restructured within
17 the system. Something was going right, that you were able
18 to do what you were able to do, under the circumstances,
19 with 1800 prisoners. Your control was phenomenal. And
20 that -- that really, to me indicates, despite whatever
21 problems within the building structure, that -- that the
22 building is capable of doing what it's intended to do, the
23 institution.

24 REPRESENTATIVE ORIE: Yes, it is. Thank you very
25 much.

1 REPRESENTATIVE ORIE: Thank you. I appreciate
2 your time, all of you.

3 CHAIRMAN BIRMELIN: Representative Manderino?

4 REPRESENTATIVE MANDERINO: Thank you, Mr. Chairman.

5 I have a couple of areas of questioning. Going
6 back to the Swartz contract --

7 MR. ARENSBERG: Yes, ma'am.

8 REPRESENTATIVE MANDERINO: -- (continuing) --
9 reminded me of the time frame for that. When did that
10 happen, again?

11 MR. ARENSBERG: Just from memory, I'd say
12 roughly, the whole thing occurred probably, within the last
13 12 months, from finish -- from the finish -- I mean, from
14 the start until the finish.

15 REPRESENTATIVE MANDERINO: And do you know how
16 long, after it finished, before the January break?

17 MR. ARENSBERG: Probably within weeks, maybe a
18 month or two, at the most.

19 REPRESENTATIVE MANDERINO: The worker -- maybe
20 the gentleman who knew is gone. I was wondering what
21 happened to -- to the worker who was injured on the job.

22 REPRESENTATIVE MANDERINO: It was an inmate
23 worker and I'll supply that to the Committee, as soon as
24 I find out. When I'm done -- when I'm done here, I'll make
25 some phone calls to the institution. That was the first

1 time I was aware. He -- I asked Mike if he knew the name
2 of the inmate. He doesn't have -- Gary Butler is his name,
3 ma'am.

4 REPRESENTATIVE MANDERINO: Mike, what I was
5 asking, while you were out of the room is, do you know --
6 I mean, it was described as a severe foot injury. Do you
7 know what the result of that was?

8 MR. DEGONISH: I -- the -- the inmate did not
9 work for me. So, I -- I really -- I don't know for sure,
10 but I remember I -- talking to his supervisor, that this
11 happened during the construction job, at night. It was
12 a severe foot injury, requiring multiple operations. Other
13 than that, I -- I really don't --

14 REPRESENTATIVE MANDERINO: So, he was out of the
15 institution then for some of his medical care and I assume
16 that that medical care was paid for by the --

17 MR. DEGONISH: By the institution. I believe
18 so.

19 REPRESENTATIVE MANDERINO: When inmates were
20 working on those jobs, with outside contractors, were they
21 being paid their regular inmate rate?

22 MR. ARENSBERG: Yes, they were paid 41 cents an
23 hour. As I said earlier, the only contractor that I know
24 this occurred was Mr. Swartz.

25 REPRESENTATIVE MANDERINO: You -- you referred to

1 alleged or at least questionable activity, vis-a-vis the
2 Swartz contract, that it was discovered for the first time,
3 when you were touring after the break. I know you talked
4 about a gas line.

5 MR. ARENSBERG: Yes.

6 REPRESENTATIVE MANDERINO: What is the connection
7 between, again, between the work the Swartz contract --
8 the work that was being done on the Swartz contract and
9 the proximity of the areas involved in the breakout?

10 MR. ARENSBERG: I don't know the answer to that,
11 except for the fact that -- that the jail -- the tunnels
12 that he was digging, where he was replacing the lines,
13 probably permitted the inmates the visibility to the under --
14 the underneath of the jail. Other than that, I don't know.

15 REPRESENTATIVE MANDERINO: Do you know, although
16 it's not directly related to the breakout, do you know if
17 there is any ongoing investigation or a written investiga-
18 tive report being done on the Swartz contract, itself?

19 MR. ARENSBERG: From what the Commissioner has
20 told me from reading his report, I've been informed that
21 it has, in fact, been turned over to the Attorney General's
22 Office and I also know that the Allegheny County
23 Commissioners were looking into it, but no one has
24 questioned me officially or, you know, in an official
25 capacity, concerning it or anything.

1 REPRESENTATIVE MANDERINO: Other than the hydraulic
2 jack, that, I assume we know for certain was a piece of
3 the Swartz equipment, was there other left behind Swartz
4 equipment? I mean, we saw lockers yesterday of 14,000
5 pieces of miscellaneous stuff that was removed from the
6 prison, not necessarily all tools. But were there other
7 things connected, directly connected to the Swartz
8 materials, that were found?

9 MR. ARENSBERG: Other than his truck that we
10 kept, I don't know. His truck was kept there, during --
11 right after the escape, his truck was then finally done.
12 And it was parked outside the garage and you walked around
13 inside, where the -- that panic button was. That's where
14 his truck was, right around the corner from there. And
15 I know that that -- to my knowledge, the Commissioner had
16 it towed. Where it went, I don't know.

17 REPRESENTATIVE MANDERINO: Is there some signifi-
18 cance to that, for example, when we were in the Automotive
19 Shop yesterday, we were told that some of the work might
20 be done on employees' cars, et cetera, but was that
21 unprecedented, that to be done -- work to be done on
22 vehicles that were not either state vehicles or employee
23 vehicles?

24 MR. ARENSBERG: Yes, that's the first time I ever
25 heard of it.

1 REPRESENTATIVE MANDERINO: One of the comments
2 made at the meet and discuss, that Representative Ori
3 talked about -- brought to your attention was regarding --
4 I wouldn't necessarily characterize it as a complaint, but
5 a concern that more time was spent investigating officers
6 and -- than inmates. My question is, not knowing the full
7 context of that, was that in relationship to any concerns
8 whether, within this particular institution or systemwide,
9 vis-a-vis, you know, a new policy on cracking down on drugs
10 or other contraband and finding out how it's getting into
11 the prisons?

12 MR. ARENSBERG: This is just based upon Local
13 2500's experience with the security staff and the security
14 problems that we felt that we were having at that time.

15 REPRESENTATIVE MANDERINO: Okay. But there
16 wasn't any kind of -- maybe I can make it -- at least to
17 your knowledge, there wasn't any kind of new, either system-
18 wide or institution policy, that you were experiencing
19 because of concerns about contraband?

20 MR. ARENSBERG: No.

21 REPRESENTATIVE MANDERINO: Thank you.

22 Perhaps everyone knows this but me, because it
23 is assumed, but I never heard anybody -- and I'm assuming
24 that there's at least one count, sometime in the morning
25 and there's at least one count, sometimes at the end of

1 the day. Is that what happens, basically two counts per
2 day?

3 MR. ARENSBERG: Our first count is roughly at
4 04:00, which is four o'clock in the morning. Our next
5 count will occur at 11:00 a.m. The next count after that
6 will occur at 3:30 p.m. and the next count after that, that
7 is the final count of the day, which happens roughly at
8 8:40, nine o'clock at night.

9 REPRESENTATIVE MANDERINO: Okay. So, four times
10 a day. And during those count periods, except for and I
11 understand what you were saying that sometimes there were
12 so many, et cetera, but the reality is, everybody is to
13 be in their cells, to be counted those four times a day,
14 unless they have an approved excuse for not being there?

15 MR. ARENSBERG: That is the practice now. It
16 wasn't the practice the day of the escape. That's how
17 Pontes and company were able to say they were counting out
18 in the laundry and be down in the Machine Shop or down in
19 that tunnel working.

20 REPRESENTATIVE MANDERINO: So, a number of times
21 you've said today that phototypical -- for security -- w
22 as that the reason, in your mind, that there were so many
23 people out of their cells, during those times, because of
24 other activities that they would be relied upon to do, that
25 was the productivity factor?

1 MR. ARENSBERG: Yes and I can give you an example
2 that's even occurred since the date of the escape. Manage-
3 ment was overly willing to accept the Union's input and
4 changes after the escape. So, we suggested, lock everybody
5 up at count time. It seemed a reasonable request by the
6 Union, that as count, you ought to be in your cell. So,
7 we did that.

8 The first problem we ran into was the dietary.
9 We couldn't get the inmates fed. Okay. So, we let the
10 dietary workers out. That was 40 or 50 inmates.

11 The next thing that was given to this Union and
12 to management was a request by CI, which is Correctional
13 Industries, who employ 250 inmates, that those inmates be
14 permitted out for count. And I said, "Here we go again.
15 We're back to the way we were."

16 So, what we did was, we left them inmates stay
17 out during chow, during their lunch process. Those
18 inmates, for productivity purposes, will remain out of
19 their cell while we are feeding chow and they will be fed
20 last. And then, they are sent to their cell, after they
21 are fed and we do a count. That wasn't the process that
22 started after the escape. It was just another one of those
23 productivity requests, that had to be addressed, because
24 not enough license plates were being produced.

25 REPRESENTATIVE MANDERINO: Finally, my last area

1 of questioning goes along the whole issue of communication,
2 not only within the institution, but from institutions to
3 the central office.

4 The meet and discuss process, under Act 95, on
5 your institution level, at SCI Pittsburgh, do you have
6 regularly scheduled or is it just when you bring something
7 up, quarterly meetings?

8 MR. ARENSBERG: Monthly.

9 REPRESENTATIVE MANDERINO: Monthly.

10 So, for example, I counted -- and I realize that
11 you were giving us just a summary, but I counted 18
12 instances, over the course of 17 years, that you documented
13 for us, from '79, to whatever you gave us, kind of 18
14 examples. But the reality of it is that over 17 years,
15 there would have been 17 times 12 supposedly set of
16 minutes, many of which may have been addressed?

17 MR. ARENSBERG: Yes. But the Union doesn't have
18 all the minutes. I would -- although we did have the
19 monthly meetings, the last one we had was probably two or
20 three months ago. They -- we can have them monthly. You
21 can have -- if I were to reduce to writing today, we could
22 have a meet and discuss tomorrow or the next day. The
23 amount of documentation that we went to, to supply the
24 Committee with just the brief minutes that we have given
25 you, was of endless hours of reading. There are a lot more

1 issues that we didn't bring up, that maybe we should have.
2 And if you'd like, I could supply that You see, the
3 grievance process, if there's anything in the grievance
4 process, we're not permitted to discuss it here. So, if
5 I wrote a grievance concerning the security of some part
6 of the institution, I could not bring it up in the meet
7 and discuss process.

8 REPRESENTATIVE MANDERINO: Yes. I'm less inter-
9 ested in the content, at this point, than I am in the
10 process.

11 MR. ARENSBERG: Okay.

12 REPRESENTATIVE MANDERINO: One of the things that
13 I'm hearing is that there are meet and discusses that may
14 just be oral and then, there are meet and discusses where
15 things are in writing or is it just a request for having
16 a meet and discuss must happen when you put something in
17 writing? I'm not understanding what you are saying.

18 MR. ARENSBERG: Oral meet and discusses really
19 don't occur. That's just a meeting that we're having a
20 conversation at. But the meet and discuss process is
21 reduced to writing. We'd supply management with a list
22 of questions. They supply us. And then, minutes are kept
23 by management and a copy of those minutes are sent to the
24 Union. I must go on record with you, that we do not grieve
25 everything that's put in the minutes, because they are

1 limited, some of them. But that document that you have
2 and all of the meet and discusses that we've gone to, that
3 are reduced to writing, have been sent to central office.

4 REPRESENTATIVE MANDERINO: And are they sent in
5 their full context form or just as summary documents?

6 MR. ARENSBERG: Their full form, because I've
7 been questioned by members of the central office, concerning
8 some of the things that we brought up.

9 REPRESENTATIVE MANDERINO: You said earlier today
10 that it was just yesterday that you learned about this
11 process of the annual audits or the annual reports, so
12 that, obviously, at least to your knowledge, there was no
13 incorporation of what was happening or what was being
14 pointed out, on a regular basis for the meet and discusses
15 and the annual reports.

16 MR. ARENSBERG: Correct.

17 REPRESENTATIVE MANDERINO: You don't have any
18 knowledge of whether or not a review of a year's worth of
19 minutes, that I assume are kept in a file or a binder,
20 there's no one here to ask now because I didn't know about
21 this yesterday and so, you don't know whether those are
22 something that are regularly reviewed?

23 MR. ARENSBERG: No, I do not.

24 REPRESENTATIVE MANDERINO: Do you have any
25 suggestion, from the Unions and on behalf of the corrections

1 officers' point of view, in the process of and I assume
2 it -- it is or will be the whole process of how annual
3 reviews are done and how input is being given? If that
4 process is being revised, would you have any suggestion
5 on how that process would either include you or at least
6 included information that the correction officers would
7 be aware of?

8 MR. ARENSBERG: I would think that the reports
9 should have a section of -- for the Union recommendations
10 in them and that would be sent into the Department, be able
11 to review the report in its entirety and to review the
12 Superintendent's request of what his recommendations and
13 actions are going to be, from that report. The process
14 that the Union currently has, involving reports, they do
15 what they call "staffing analysis." Sometimes it happens
16 every two years or three years or four years. It's where
17 they do a post survey, how many corrections officers you
18 have in your institution. We do have input into that
19 process, but that's the only process that we do have input
20 into.

21 REPRESENTATIVE MANDERINO: You mentioned statewide
22 meet and discusses.

23 MR. ARENSBERG: Yes.

24 REPRESENTATIVE MANDERINO: Are those regular and
25 if so, how often?

1 MR. ARENSBERG: As I stated, since Commissioner
2 Horn has been here, we've had one with Commissioner Horn.
3 We've had several with the Deputy Commissioner. They are
4 called "regional meet and discusses." But we've only had
5 one with Commissioner Horn. Under Commissioner Lehman,
6 I think we had probably yearly or semi-annually, maybe.
7 I'm just going from memory.

8 REPRESENTATIVE MANDERINO: Okay. And with all
9 deference to Commissioner Horn, I think he's only been here
10 two years.

11 MR. ARENSBERG: Yes.

12 REPRESENTATIVE MANDERINO: So, the fact that you've
13 had only one, isn't necessarily less frequent than what
14 I think you're telling us you had in the past.

15 MR. ARENSBERG: No.

16 REPRESENTATIVE MANDERINO: Thank you. No more
17 questions.

18 CHAIRMAN BIRMELIN: Gentlemen, I want to thank
19 you for your testimony.

20 Representative James is recognized for a very,
21 very brief question.

22 REPRESENTATIVE JAMES: Yes. Thank you.

23 I just want to ask you, based upon your experience,
24 two things. How do you feel about, if, in fact there was
25 some legislation passed that would give inmates current

1 time? Do you think it would be helpful to you?

2 MR. ARENSBERG: Yes. It would definitely ease
3 the overcrowding, yes.

4 REPRESENTATIVE JAMES: And also about older
5 inmates, over 60 and to 65, do you think that they should
6 be moved out of the institution, into some other kind of
7 alternative place, to give room?

8 MR. ARENSBERG: Well, I guess I can answer that
9 in two ways. First, we have Laurel Highlands. I guess
10 that's where they're going to start sending some of the
11 older inmates. But inside our prison, we call them "old
12 heads" and they have -- believe it or not, they help with
13 security, more than they hamper. They keep these young
14 gang bangers, that we are bringing in and these young guys
15 coming in, doing the five to ten-year bits and they are
16 not getting any parole. Parole decided not to parole any-
17 body anymore. It's made our overcrowding even worse. But
18 those older inmates help us keep ahold of our institution,
19 more so than hamper us.

20 REPRESENTATIVE JAMES: Well, that's good. That's
21 the first time I've heard that. So, you would -- you
22 wouldn't really want to see something that is going to
23 support the fact that they be moved out, since they've been
24 so helpful?

25 MR. ARENSBERG: No, sir.

1 REPRESENTATIVE JAMES: And you also said
2 something about gas being stolen?

3 MR. ARENSBERG: Yes.

4 REPRESENTATIVE JAMES: Was that reported to the
5 Attorney General's Office?

6 MR. ARENSBERG: To my knowledge, it was. And
7 as again, I'll allegedly say it was stolen, because I --
8 I know of no permission given to hook it -- and I know for
9 a fact that the Superintendent had no knowledge of it,
10 because I showed it to him, personally.

11 REPRESENTATIVE JAMES: Thank you.

12 CHAIRMAN BIRMELIN: Gentlemen, we do want to
13 thank you for your testimony. We appreciate your commit-
14 ment and your dedication to your job. And you know, as
15 members of this Committee and myself are aware of what's
16 going on and it's good to hear from all different people
17 who have a concern about the prisons. And I hope that the
18 staff that you represent is as committed as you gentlemen
19 are. I'm sure that one of your goals, as a Union, is to make
20 sure your people are doing their job,.

21 MR. ARENSBERG: Yes, sir.

22 CHAIRMAN BIRMELIN: We appreciate your efforts
23 in that regard. Thank you very much for taking the time
24 to be here. We appreciate it.

25 MR. ARENSBERG: Thank you very much.

1 MR. DEGONISH: Thank you.

2 MR. BUSH: Thank you.

3 CHAIRMAN BIRMELIN: Is Barbara Mackey present?

4 (No response.)

5 CHAIRMAN BIRMELIN: Seeing that she's not here,
6 we're going to ask Representative Harry Readshaw if he
7 would come and give some brief testimony and share with
8 us some information that he has on legislation that he has
9 introduced.

10 As you take your seat, let me just tell the panel
11 members here that he will be the last testifier, before
12 we break for lunch and that the University of Pittsburgh
13 is going to be providing that lunch for us in the dining
14 room.

15 Also, as an introduction to Representative Readshaw,
16 it is the function of this Committee's hearing to not only
17 discover the causes of the prison breakout and as I
18 mentioned earlier, in our oversight responsibilities, to
19 look at potential means for helping our prisons to run
20 better and to do the job that they have been called upon
21 to do. And sometimes that requires legislation. In this
22 particular case, that may be the case. And so, Representa-
23 tive Readshaw has two pieces of legislation that he has
24 introduced, that he is going to comment on briefly and
25 share with us some of the concerns that he has.

1 Representative Readshaw, welcome to our Committee.

2 REPRESENTATIVE READSHAW: Thank you, Mr. Chairman.

3 CHAIRMAN BIRMELIN: And feel free to testify.

4 REPRESENTATIVE READSHAW: thank you, Mr. Chairman.

5 I welcome all of the members of the Committee to Pittsburgh
6 and I thank you for conducting these hearings.

7 Each of the two bills I have introduced in
8 response to the January escape from Western Penitentiary
9 can be simplified to three words: One "No civilian
10 clothes" and two, "Call the police."

11 In the last session, we had a fruitful special
12 Legislative session on crime, during which we enacted
13 numerous bills that imposed tougher sentences for the violent
14 crimes that have increased in our society. In retrospect,
15 we should also have looked at what happens once we place
16 felons behind bars.

17 Following the discovery of the escape of the
18 inmates from Western Penitentiary, it was several hours
19 before local police agencies were notified. I venture to
20 say that the time that went by, until notification began,
21 the possibility of those escapees being somewhere in the
22 Dayton, Ohio area was a strong possibility.

23 Not only did this gap permit the escapees to get
24 out of the vicinity of the prison, we lost an opportunity
25 for them to be apprehended, as they traveled through

1 adjacent states. And one can only speculate how many
2 Pennsylvania or Ohio State Police patrol cars they passed
3 during those hours, with the police totally unaware to be
4 on the lookout for them.

5 All local police agencies in the area, including
6 the Pennsylvania State Police, should have been notified
7 immediately about the escape. And as of yesterday, when
8 I had an opportunity, with members of the Committee to tour
9 the penitentiary, I came to have a better understanding
10 of the complexities in obtaining a head count.

11 However, with those considerations in mind, I
12 still believe that the system should be, in some way
13 upgraded. And I'd like to refer you to House Bill 124,
14 which was submitted to the Judiciary Committee on January
15 the 29th. And with your permission, I'd just like to read
16 the gist of the legisliation. "The Department of Corrections
17 shall establish at all State correctional institutions,
18 a one-dial phone system, to alert all law enforcement
19 agencies within the County and other agencies, which the
20 Department of Corrections determines should receive the
21 information, whenever a breach of prison confines occurs.
22 The term 'one-dial system' shall mean a computerized tele-
23 phone system which, upon the dialing of a single number
24 by a prison official, automatically causes the placing of
25 telephone calls to agencies predetermined to receive a

1 prison-breach alert." And I'd also like to suggest that,
2 after yesterday and appreciating the difficulty in the head
3 count, a prerecorded message, through this same system,
4 even suspecting a breach has occurred, could also be passed
5 on to the appropriate police agencies.

6 The second Bill that I would like to briefly
7 explain is House Bill 207, which would prohibit State
8 correctional institute inmates from having access to
9 civilian clothing and require that inmates wear
10 identifiable prison uniforms at all times. Inmates,
11 especially those convicted of violent crime, should not
12 have access to civilian clothes. And that is obviously
13 my opinion and I think that it would be a step in the right
14 direction.

15 Once again, a point of reference to yesterday
16 and I don't know if any members would share this feeling
17 with me, but as we toured the facility and saw inmates
18 going to chow, with, at this time of year civilian outer
19 garments on, I would daresay that if we would take one,
20 two, three or possibly more of those inmates, who would
21 escape, have them walking in downtown Pittsburgh, on Fifth
22 Avenue or Smithfield Street, I would say that the civilian
23 populace would not be able to identify them as escaped
24 prisoners.

25 If it takes gaudy shade of orange or red prison

1 markings, so be it. Even if we have to dress them in the
2 old black and white striped outfits, that's fine, as long
3 as the public safety is protected.

4 Now, some may claim that requiring inmate
5 uniforms would be unfair or harsh. Prison is supposed to
6 be a place one does not want to live in. I would venture
7 that requiring uniforms, 24 hours a day, would help us
8 reenforce that, in addition to providing for better public
9 safety.

10 I thank you very much for the opportunity to
11 briefly explain this legislation. Obviously, if I did not
12 think it was beneficial, I never would have introduced the
13 legislation. And I hope, in the near future, that you find
14 it worthy and would consider it in Committee. Thank you
15 very much.

16 CHAIRMAN BIRMELIN: Representative Readshaw, on
17 House Bill 207, dealing with inmate clothing, we've heard
18 mention here in the last day or so and this may run afoul
19 of some court decisions, have you done any research on that?

20 REPRESENTATIVE READSHAW: No, I really haven't.
21 I understand the point you're making, but, with all due
22 respect, we have a decision to make here and I think, as
23 of yesterday, I was -- astonished is a little strong, but
24 I was concerned yesterday at the people who work in a
25 penitentiary may disagree, but they are obviously seeing

1 these prisoners on a day-to-day basis, but I, for one, if
2 I would see one of them walking down Beaver Avenue, as I
3 was going into the penitentiary, would not have identified
4 them as a **convict**. So, no, in answer to your question,
5 I haven't looked into any constitutional or other rules
6 and regulations governing that.

7 CHAIRMAN BIRMELIN: I bring that up, because,
8 should this Committee call this Bill up for a vote and it's
9 not my judgment to call, that's Representative Gannon's,
10 I know you are going to face that question.

11 REPRESENTATIVE READSHAW: I will be prepared.

12 CHAIRMAN BIRMELIN: And be prepared to answer
13 that question.

14 REPRESENTATIVE READSHAW: Yes.

15 CHAIRMAN BIRMELIN: So, I would, just as a
16 suggestion to you, you might want to look into that, before --

17 REPRESENTATIVE READSHAW: Point well taken.
18 Thank you.

19 CHAIRMAN BIRMELIN: Do any of the Committee
20 members have any questions for Representative Readshaw?
21 Representative Walko?

22 REPRESENTATIVE WALKO: Thank you, Mr. Chairman.

23 Representative Readshaw, I would like to comment
24 positively about House Bill 124, particularly the part
25 which deals with notification of schools. As a parent of a

1 five-year-old, in a school one-half mile away from the
2 breakout, I believe it's not just hysteria, but a real
3 thing, that parents want to know that the school knows
4 about this potential. So, I commend you.

5 REPRESENTATIVE READSHAW: Thank you very much.

6 CHAIRMAN BIRMELIN: Anyone else? Representative
7 Reber?

8 REPRESENTATIVE REBER: Just briefly, Mr. Chairman,
9 a follow-up comment to your inquiry relative to the issue
10 of the legality, if you will, of a piece of legislation
11 proposed by the gentleman, that discussion we had yesterday
12 emanated around the Consent Decree, as I understand, that
13 was entered into back in the Shapp Administration, the ICU
14 versus Shapp Case. I'm not sure of the genesis behind
15 that. You might want to take a look at that, because I'm
16 not so sure that the mandate was brought about, vis-a-vis
17 statute or federal legislation, federal litigation.
18 Probably, vis-a-vis the Consent Decree is what brought that
19 about. So -- and I understand, also, as I discussed the
20 matter with the Commissioner, that there is an attempt
21 being made to have that language removed and a petition
22 to so modify that Consent Decree is in the works, to my
23 understanding, by the Department of Corrections.

24 So, very well, your legislation may be ongoing,
25 if, in fact, that is done. In my opinion, that's not to

1 say that the mere fact that there's a Consent Decree out
2 there, that has that prohibition in, that you certainly
3 can't go forward and see if there's some way that we could,
4 even if that stays in place, modify it, so that we don't
5 run afoul of that particular Court Order. So, you might
6 want to zero in on the whys and wherefores, find out who
7 are the people involved in the negotiating that particular
8 Consent Decree.

9 REPRESENTATIVE READSHAW: Thank you.

10 REPRESENTATIVE REBER: Thank you, Mr. Chairman.

11 REPRESENTATIVE READSHAW: Thank you.

12 CHAIRMAN BIRMELIN: We will recess in just a
13 moment. Just for the benefit of the panel and those who
14 are here, we will let you know that we are meeting again
15 after the lunch break, at 1:45. We have a somewhat
16 compressed schedule, a little bit shorter than we expected
17 it to be. So, we will be back at 1:45. I think we'll be
18 able to finish in an hour to an hour and 15 minutes, once
19 we do get back here, Lord willing.

20 We are now recessed until 1:45.

21 -----

22 (Whereupon, at 12:23 p.m., the hearing was
23 adjourned, to reconvene at 1:45 p.m., this same day.)

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25

A F T E R N O O N S E S S I O N

1:45 p.m.

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2
3 CHAIRMAN BIRMELIN: Welcome back this afternoon,
4 those of you who were here this morning. Those of you who
5 weren't, welcome. I'm Representative Birmelin, chairing
6 this meeting of the House Judiciary Committee, Subcommittee
7 on Crime and Corrections, dealing with the prison escape
8 from SCI Pittsburgh, on January 8th, 1997. And we have
9 a few witnesses, not many, this afternoon. And hopefully,
10 we'll be able to take care of the testimony and any
11 questions that the members of the panel have for them, in
12 a little over an hour, if possible.

13 The first testifier we have this afternoon is
14 Mr. Michael Clate, who is from the Pennsylvania Prison
15 Society. Mr. Clate, if you would, come forward and share
16 your testimony with us.

17 MR. CLATE: Good afternoon. I appreciate the
18 opportunity to come to speak to you folks. I'd like to
19 maybe draw some lines so you know we're I'm at, so I can
20 also stay focused. I'm going to read to you a statement
21 from the Prison Society and then, I also, if possible,
22 would like to make a couple of comments, as a person who
23 has been with the Prison Society about eight years, has
24 worked at a work release center here in Allegheny County,
25 currently as a director of a ministry, Mennonite supported

1 ministry, called the Pittsburgh Hospitality House and then
2 maybe you can -- I also live close to the prison, so, I
3 can invite you to ask me questions from history and that
4 might help you get some clarity in what's going on here.

5 The Pennsylvania Prison Society, an organization
6 that has been monitoring the conditions of prisons and
7 inmates, for more than 215 years, is concerned that the
8 efforts to find a person to blame for the recent breakout
9 from the State Correctional Institution in Pittsburgh will
10 keep us from discerning the real causes. We of the
11 Pennsylvania Prison Society know SCIP from inside and out.
12 We interact with inmates, guards, administrators, in our
13 efforts to create healthy and responsible environment,
14 where offenders can rehabilitate themselves and become
15 contributing citizens. Ongoing forces, within and without
16 the prison system, from systemic violence, to overcrowding,
17 to withdrawal of rehabilitative activities, have
18 contributed to the idleness, the desperation and the anger
19 that counteracts the efforts at rehabilitation.

20 Western Penitentiary, as originally planned, was
21 never a nice place to live. It was designed to hold
22 approximately, 1,000 inmates, with minimal facilities for
23 recreation, education and production. Inmates had access
24 to counselors and medical care. But there were space to
25 be by yourself and to think.

1 Now, that prison has an inmate population of 1800
2 or more, many sharing very small accommodations; the
3 recreational yard eaten up by buildings. Education
4 programs have been cut back, to the point that there is
5 little opportunity for anyone who can read. Community
6 College courses completely canceled; University of
7 Pittsburgh courses reduced to skeleton status. The
8 counselors have such a caseload, that they are almost
9 powerless to help. And physicians are so overloaded, that
10 there is an effort to reduce physician visits, even those
11 who are significantly ill.

12 And guards feel the pressure and at times, use
13 excessive physical force. The inmates then feel unsupported,
14 victimized and angry, on top of the lack of social
15 consciousness and skills that brought them here. And they
16 serve the time spending that forced idleness in figuring
17 out why they were caught, devising escape techniques and
18 forming predatory internal power clicks. And while these
19 are inherent problems with any prison population, they are
20 amplified to an intolerable level, by the overcrowded
21 conditions and lack of support services. We ask that these
22 conditions be corrected immediately.

23 We citizens of the Commonwealth of Pennsylvania
24 make the final determination of whether inmates are
25 rehabilitated or not. We determine whether we teach inmates

1 how to act in society or whether we reinforce their
2 hostility. We decide whether we pay now or pay later, when
3 those people learn how to be violent. And we decide
4 whether we will support programs that enrich the lives of
5 the inmates or create conditions that lead to desperation
6 and breakouts.

7 We need to decide, not by anger, not by fear
8 mongering, not by ignorance, not by pointing fingers, but
9 by thought and concern, whether we will make the Department
10 of Corrections do just that, correct.

11 Most of the inmates we visit within the prison
12 look, act, think and feel like the rest of us. They've
13 been convicted of violating social laws, a few irreversibly.
14 But they show the same interests in being useful, in
15 loving, in learning how to contribute. We have an
16 opportunity to support that and the Prison Society feels
17 that it is an opportunity well worth pursuing.

18 One of the things that we could do here in the
19 Commonwealth, is look at models for state ombudsmen-type
20 organizations for the inmates. Also, there's been a lot
21 of talk about construction, fears of the prison closing
22 down. What does that do to the local economy? How do you
23 tear the prison down? What's the cost for doing that?
24 I've just understood that there may have even been some
25 money possibly earmarked for the building of a new prison.

1 I'm wondering whether or not if it's possible
2 to do things now, such as putting a population cap on the
3 prison? I heard a lot -- Martin Horn talked twice about
4 overcrowding and the amount of staff. I also want to point
5 out that the Tillery Case, even though it was a federal
6 lawsuit, that may have caused problems, it also called for
7 more staffing. It called for the new hospital, that you
8 saw when you toured, that was built. It called for proper --
9 it was calling for proper classification of inmates, to
10 reduce the violence of inmate to inmate. I think now, you
11 talked to people, talked to inmates, there is a heightened
12 level of tension. There's no activities. My question is,
13 is it possible that the idleness they have contributed to
14 these people who escaped? I don't have an answer to that.
15 But these are the types of things that we need to look at.

16 Allegheny County built a new jail. They have
17 a facility that can hold what, 300 people? Something like
18 that. The Annex, downtown. Maybe the state can take a
19 look at that, for some -- for temporarily reducing over-
20 crowded conditions. I'm just seeing the state is
21 subcontracting the county jails now or has talked about
22 it, at least.

23 There are some things that we can do creatively,
24 I guess that's my point, as well as looking at tearing down
25 the prison, rebuilding and so forth. And the Prison Society

1 would like to have an opportunity to have a continuing
2 dialogue with policymakers, to help them see or give
3 information that maybe they won't get from the Department
4 of Corrections or from maybe a guards' union or even a
5 family member. I hope that you take the opportunity to
6 utilize them. That's about it.

7 CHAIRMAN BIRMELIN: I'm going to ask you to stay
8 there for a minute or two, if you would, just to give the
9 opportunity to some of our members, if they have questions
10 of you, to do so.

11 MR. CLATE: Sure.

12 CHAIRMAN BIRMELIN: And I'll start with Represen-
13 tative Orie.

14 REPRESENTATIVE ORIE: I have no questions, at
15 this time.

16 CHAIRMAN BIRMELIN: Representative Caltigerone?

17 REPRESENTATIVE CALTIGERONE: No questions.

18 CHAIRMAN BIRMELIN: Representative Walko?

19 REPRESENTATIVE WALKO: I have a question.

20 Mr. Clate, you're aware -- are you aware that Western
21 Penitentiary is 162 percent of inmate population?

22 MR. CLATE: I knew that they were significantly
23 overcrowded. I did not know the percentage.

24 REPRESENTATIVE WALKO: I just wanted to clarify
25 one thing you said. You said you believe that the excess

1 population of Western Penitentiary leads to a lot of
2 pressure.

3 MR. CLATE: Yes.

4 REPRESENTATIVE WALKO: You mentioned in one case,
5 the guards, themselves.

6 MR. CLATE: Yes. I think it -- if it -- if --
7 if the Union is or the officers are feeling a frustration
8 of being able to have a handle on the particular population,
9 I'm sure they're looking at staffing to inmate ratios. I'm
10 sure that it is their concern. It should be all of ours.

11 REPRESENTATIVE WALKO: In your opinion, is the
12 staffing to inmate ratio at Western Penitentiary adequate?

13 MR. CLATE: I'm not sure if it's so much
14 staffing, as it is, again, a population cap. I mean,
15 you're looking at a physical plant, too, that you talked
16 about, that is so old, that -- again, if -- if there --
17 if there is a way to put a population cap on, so that you
18 can do minimal hiring or appropriate hiring, let's just
19 put it to you that way, where it's not going to be officers
20 kind of bumping into each other, just to satisfy staff to
21 inmate ratio. I -- I think -- I think you just need to
22 look at some other alternatives.

23 REPRESENTATIVE WALKO: Thank you. Thank you,
24 Mr. Chairman.

25 CHAIRMAN BIRMELIN: Representative Boscola?

1 REPRESENTATIVE BOSCOLA: No questions.

2 CHAIRMAN BIRMELIN: Representative Reber?

3 REPRESENTATIVE REBER: Just briefly. In the
4 course of your Society's intervention to the inmates at
5 the facility, was there any or has there been any evidence
6 that was expressed to you of the imminent situation leading
7 to a breakout or the possibility of a breakout or any talk
8 of that, in any way, shape or form, any kind of indications,
9 anything along that line?

10 MR. CLATE: No, sir. I think what I was amazed,
11 my first reaction was simply that someone must know about
12 it. As you pointed out, regarding snitches, right, running
13 the prison, maybe. Probably if I wanted to escape, the
14 last people I want to tell is another inmate, because I,
15 too, would realize that there are correctional informants.
16 So, it's not hard to believe that maybe some of the inmates
17 really didn't know. After -- after several interviews,
18 after the escape, they were just -- a lot of them were in
19 shock.

20 REPRESENTATIVE REBER: Do you interact virtually
21 with each and every inmate?

22 MR. CLATE: No, I do not. We have a County
23 Chapter here of a group of volunteers.

24 REPRESENTATIVE REBER: I didn't mean you,
25 personally.

1 MR. CLATE: Oh.

2 REPRESENTATIVE REBER: I meant your Society.
3 Do you -- do you basically get to talk with --

4 MR. CLATE: Over a period of time, in my
5 particular situation, because we also have families that
6 come in from the Philadelphia area. As you are probably
7 aware, 61 percent of the population in that institution
8 is not from Pittsburgh. It is from Philadelphia. And I
9 hear patterns of concerns from -- that's echoed through --
10 from the inmate to the family, to me, at the hospitality
11 house and then, we have our volunteers, who deal with a
12 large selection. I can't tell you the numbers. We do have
13 tracking sheets and we can produce numbers.

14 REPRESENTATIVE REBER: Well, let me ask you a
15 question in this way then.

16 MR. CLATE: Okay.

17 REPRESENTATIVE REBER: Does the Pennsylvania Prison
18 Society, as a matter of course, attempt to interact with
19 each and every inmate in the prison?

20 MR. CLATE: Yes. To the best of our resources.
21 Absolutely.

22 REPRESENTATIVE REBER: And if you had to put a
23 percentage on it, what percentage do you think you
24 ultimately succeed in interacting with?

25 MR. CLATE: I would say, over a period of time,

1 for the inmates who stay there for more than a year or two,
2 I would say probably, almost 50 percent of the people. We
3 -- you have to understand that we react to letters that
4 come and calls, requesting us to come to see them. We do
5 not go in, on a regular basis and walk range to range or
6 block to block. Sometimes, I think that's not a bad idea.

7 REPRESENTATIVE REBER: Of the six individuals
8 who were involved in this escape, did you or your Society
9 or representatives of your Society have contact with any
10 of them?

11 MR. CLATE: To my knowledge, I believe that there
12 was one volunteer who had contacted one of the -- one of
13 the people, but not on a regular basis. I, myself do not
14 have contact.

15 REPRESENTATIVE REBER: I understand that. I was
16 just curious if, in preparation for these proceedings, you
17 had --

18 MR. CLATE: Yes. We talk a lot to the folks in
19 the lifers' population. As you know, they are the calming
20 force in the institutions, because they have to spend the
21 rest of their lives there. And a large -- like I said,
22 a cross section helps us to try and get a sense of what
23 is going on. And of course, then we have family members
24 who are calling our local office here, with their concerns.

25 REPRESENTATIVE REBER: Thank you. Thank you,

1 Mr. Chairman.

2 CHAIRMAN BIRMELIN: Representative Manderino?

3 REPRESENTATIVE MANDERINO: Thank you, Mr. Chairman.

4 Mr. Clate, in your testimony, you referred to,
5 I guess for lack of a better term, I'll call programmatic
6 changes, lack of activity, decrease in programming,
7 decrease of Community College, et cetera. Were you
8 referring to over time or since January 8th? And if I
9 could, at the same time, just focus you on more than one
10 question, my -- my real concern is what changes, if any,
11 have you noticed, within SCI Pittsburgh, vis-a-vis program-
12 ming, job opportunities, things like that, that the great
13 bulk of the inmates there?

14 MR. CLATE: My understanding right now, for
15 example, none of the inmate organizations, since the
16 escape, have been permitted to meet. My understanding is
17 that there may not -- I -- I'm not sure about this. I
18 haven't had an opportunity to question the administration.
19 It is my understanding that there is very little or no
20 activity going on in the school. I'm not sure what is
21 going on with some of the therapeutic groups, such as your
22 stress management groups or -- you know, groups. I know
23 NA and AA currently are allowed to function. But I'm --
24 you know, we also have a concern about a buildup of
25 tension. And that buildup of tension could cause a safety

1 hazard to both inmates and staff. I'm particularly
2 concerned for -- well, again, concerned for staff. I don't
3 really want to minimize our concern for the staff and what
4 they have to go through, themselves. And one of my
5 favorite questions is always to ask an officer, "How long
6 have you been there? Eighteen years. Have you changed?
7 I don't know. If you ask my wife, she'll tell you that
8 I probably have changed." I mean, there are those kinds
9 of things that we look at wholistically.

10 A member of my own family was a correctional
11 officer in the New York State system. And I -- I can
12 identify with his stress. And I think probably the biggest
13 frustration you see with inmates will be not being able
14 to feel as though some one is listening to them.

15 I -- I hope that we -- you know, I have to tell
16 you that I've been a victim twice. And I just had a man,
17 who I was helping, an ex-offender, who just got sentenced
18 in Allegheny County. I had helped him to get a job. He
19 had a crack habit, he had a mental illness. And when the
20 man went back to jail and I was a witness and I had asked
21 the judge if we could do something about crime prevention,
22 because most of the crime that's committed today is by
23 people who go in and out of the system. And we need to
24 take a look at that, if we want to do something about crime
25 prevention.

1 I was a victim. I lost a couple thousand
2 dollars, that I can't get replaced. I live on a very small
3 stipend. I found out that this man had 19 prior convictions,
4 at 38-years-old, came out of prison and did not know how
5 to read. My frustration as a victim was the fact that the
6 sense of justice, to me, was having this man go to a
7 program that dealt with drug and alcohol impulse behavior
8 control, some sort of assessment about his mental health.
9 And then, after that program, he would work and he would
10 pay me back. That was a sense of justice, to me; not
11 coming back out, after a year and a half to two years, back
12 to the same neighborhood, which is within a few blocks of
13 me. I am the one who will have to eventually see him on
14 the street and deal with his anger and frustration. And
15 I think probably a lot of us out here feel the same way.

16 REPRESENTATIVE MANDERINO: If -- if possible,
17 because I suspect that we'll get a more thorough picture
18 from you, as an outside organization, than we will from
19 inside and I'll make a few questions, too, but I've learned
20 a lot these past two days and I'm sure we'll learn
21 tomorrow. It seems to me that a lot of what happened,
22 happened because of, for lack of a better word, poor
23 management control for the practices. And I don't think
24 that that be -- the result of that should be less
25 opportunity for the -- I mean, there were six inmates who

1 screwed it up. There are 1700, plus others, who are there,
2 who didn't necessarily screw it up. I mean, I'm being very
3 general. But what I'm saying today is, you think that
4 inmate organizations haven't been allowed to meet, you
5 think that what has happened with the school. If you could
6 definitely find out what's happening and let us know, I
7 would appreciate that.

8 MR. CLATE: I think that the person you want to
9 contact is the Activities Director of the prison, Mr. Ed
10 Howe, because I did talk --

11 REPRESENTATIVE MANDERINO: I'll ask him, too,
12 but I'm asking you, as an outsider.

13 MR. CLATE: Yes. I -- I can almost, for sure
14 say that, unless something happens today.

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

17 CHAIRMAN BIRMELIN: Thank you, Mr. Clate. We
18 appreciate your time.

19 Next, we're going to ask one of the members of
20 the panel to place himself in the position of a testifier,
21 Representative Walko, as with Representative Readshaw, has
22 introduced or he will be introducing legislation that he
23 would like this Committee to consider. So, he is going
24 to put on a different hat, at this time and become a
25 testifier. And you are not allowed to interrogate yourself.

1 REPRESENTATIVE WALKO: We were wondering about
2 that, Mr. Chairman.

3 CHAIRMAN BIRMELIN: We would encourage you to
4 give whatever testimony you have, at this time, to the
5 Committee.

6 REPRESENTATIVE WALKO: Thank you, Mr. Chairman.
7 And again, thanks for bringing the Subcommittee here to
8 Pittsburgh, on this important issue.

9 I have introduced House Bill 396, which would
10 ban the use of inmate labor on contracts, as part and
11 parcel of the contract to be performed by outside, private
12 contractors.

13 There are two basic reasons for introducing the
14 legislation. Security is the first.

15 The performance of inmate labor for private,
16 outside contractors in prisons has great potential for
17 breaches in security.

18 The Swartz's Welding contract, which is, I
19 believe ongoing at Western Penitentiary, is a great case
20 study: 1. Inmates there were and are supervised by
21 outside contractor and not by security personnel, as we
22 heard today again;

23 2. Inmates in that contract have access to tools,
24 they had access to blueprints and plans. (In the recent
25 escape, they probably got a hydraulic jack, which helped

1 them lift the warehouse floor out, in order to escape.) And
2 that jack came from the Swartz Welding contract.

3 The inmates were working long hours, for that
4 private contractor, into the evening and I heard today,
5 until 5:00 a.m., at times and they were also moving
6 unrestricted about the prison yard.

7 Another reason was the lack of supervision by
8 guards. I think opportunities in these kinds of situations
9 exist for the exchange of drugs and other contraband,
10 between private contractor employees and inmates. Of
11 course, there were no private contract employees, in this
12 case. But in other cases, it might be a problem.

13 As a matter of policy, I believe that it is bad
14 public policy to have prisoners perform work, at 41 cents
15 per hour, as in the Swartz Welding case, for private
16 profit-making contractors, when law-abiding citizens are
17 available and willing to do the work for a decent wage.

18 There is enough work to keep the inmates busy
19 and I strongly support making inmates work. There is a
20 license plate factory there and there is a kitchen, a
21 machine shop. Prisoners with lower security clearance
22 could form chain gangs and, under armed guard, clean up
23 our hillside and river banks.

24 Given our financial constraints in Pennsylvania,
25 I recognize that the taxpayers do have a legitimate concern

1 keeping the cost of construction in prisons as low as
2 possible. But please keep the following in mind:

3 1. The potential serious breaches in security,
4 as in the recent case at Western Penitentiary, can end up
5 costing us a great deal more than any of the cost savings
6 resulting from the use of inmate labor. Even if there is
7 no escape, often the cost of additional required security
8 could obliterate any savings in direct labor costs.

9 While there may be short-term savings with the
10 use of inmate labor, we have to wonder about the policy
11 of the work, particularly in cases involving plumbing and
12 welding. I believe the quality could suffer. And the true
13 cost of that work won't be reflected until later, when it
14 has to be repaired or replaced.

15 Another policy point, in my state House district,
16 there are skilled craftsmen, many skilled craftsmen and
17 laborers, who need the work. I do not believe that the
18 taxpayers would want law-abiding citizens, who need work,
19 to be displaced by criminals. And that is purely a matter
20 of public policy.

21 You know, I find it ironic, when bureaucrats talk
22 in terms of lowering costs on construction jobs, they
23 always look at the labor side of the equation. They don't
24 look at the profit margin and they didn't look at it in
25 the Swartz Welding case.

1 In this case, a certain profit margin was set
2 by the contractor. It didn't matter what the labor would
3 cost if he had a certain profit margin. The labor was at
4 41 cents an hour. And as soon as we get the records, we
5 will know exactly how many hours were involved. But that
6 labor was part and parcel of the contract. And it turns
7 out, I pointed out earlier, the inmates did all of the
8 work, for the entire contract.

9 The prisoners did the welding, the steam line
10 work and other work, which I believe should have been done
11 by experienced, skilled craftsmen.

12 Keep in mind, the contract was bid with two
13 prices: one based on law abiding workers and one based
14 on the use of inmate labor. But the contract specifications
15 and indeed, the contracts, themselves, were the same,
16 whether law abiding workers were used or whether inmate
17 labor was used. Thus, the often cited analogy to the home-
18 owner who gets two different bids; one for painting and
19 scraping and one just for painting a house and getting two
20 different prices, is irrelevant to the Swartz Welding
21 contract at Western Penitentiary. In that case, there is
22 no bifurcation of tasks. And indeed, as I said, the
23 contract for inmate labor and the contracts and specs for
24 private labor were identical. I'm sure we'll be hearing
25 more about that in the future; that particular contract and

1 this issue, in general.

2 With regard to the ban on the use of civilian
3 clothing by inmates, I support Representative Readshaw.
4 I believe it is bad policy to allow inmates to wear
5 civilian clothing. But there are a number of different
6 reasons, for my position. I believe that inmate uniforms
7 in prisons will foster a sense of regimentation and
8 facilitate discipline.

9 I believe that your uniformity among prisoner
10 clothing, including standardized socks, T-shirts, pants,
11 et cetera, will deter gang member identification.

12 Uniformity, I believe, will help when guards do
13 shakedowns and make them faster and easier.

14 And I believe that uniforms will, indeed make
15 it clear to the inmates that they are in a special circum-
16 stance and that they are to act, in a sense, differently
17 from civilians.

18 And of course, the escape which occurred, might
19 have been more difficult, had they not had the civilian
20 clothing.

21 With regard to notification of the community of
22 an escape, on January 8th, 1997, the day of the escape,
23 my five-year-old son, Nicholas, was at school. He attends
24 Horace Mann Elementary School.

25 Nicholas' school is only a few blocks from the

1 penitentiary. It's .5 miles from the point of escape. And
2 if you don't think I was angry to learn school officials
3 weren't notified in a timely manner of the escape, please,
4 don't think that.

5 Six dangerous and desperate inmates, including
6 two murderers, moved through a neighborhood of my son's
7 school. All sorts of tragedies could have occurred; car-
8 jackings, hostage-takings, murder. Not wild possibilities.
9 Real possibilities.

10 And I think failure to have a notification in
11 place, system in place, is inexcusable. Failure to imple-
12 ment what -- when there was one in place, by the person
13 charged to do it, was reprehensible. And I -- I, along
14 with many of my neighbors, demand that one be put in place.
15 Thank you.

16 Any questions?

17 CHAIRMAN BIRMELIN: Representative Orie?

18 REPRESENTATIVE ORIE: No questions.

19 CHAIRMAN BIRMELIN: Representative Caltigerone?

20 REPRESENTATIVE CALTIGERONE: No questions.

21 CHAIRMAN BIRMELIN: Representative James?

22 REPRESENTATIVE JAMES: Yes. Thank you,
23 Mr. Chairman and thank you, Representative Walko. I just
24 want to commend you from this and for starting. And I see
25 why you are in on the case, because it is in your district.

1 And I can understand and sympathize with the fact that your
2 son was at school and the community was not notified. That
3 is one of my concerns, why weren't the local police and
4 everybody notified or at least put on alert, once they
5 found something was wrong down there? And I hope that that
6 will be corrected, in the policies that will be established
7 as a result of this escape.

8 Just based upon what information you may or may
9 not have, would you think the community would be opposed
10 to a siren-type signal, if, in fact there was an escape?

11 REPRESENTATIVE WALKO: I think that many of my
12 constituents have mentioned the siren possibility. And
13 we support it. We -- we're all -- it's one of those cases
14 of, "My goodness, you mean there isn't one?" It's like,
15 "My goodness, you mean the doorbell doesn't work anymore?"
16 I mean, we were all shocked. I -- and I think there has
17 been a lot of positive movement in that regard. One, I
18 understand Superintendent Price has been meeting with or
19 talking with Judy Landa, who will testify tomorrow,
20 concerning the notification procedures. My community --
21 earlier today, there was the President of Brighton Heights
22 Block Watch, here in attendance. They will be working the
23 new Superintendent, to streamline notification procedures.
24 Certainly, the six schools in the immediate vicinity of
25 the prison should be locked into some notification procedure.

1 But in the least, a siren or a whistle, I think would be
2 most helpful.

3 REPRESENTATIVE JAMES: Thank you. Now, one other
4 thing. Do you feel as though the Department of Corrections
5 and Investigation is working along with your community,
6 in terms of things we need to do with them?

7 REPRESENTATIVE WALKO: Yes.

8 REPRESENTATIVE JAMES: Are you satisfied?

9 REPRESENTATIVE WALKO: Since January 8th, I must
10 say, I am impressed and I think they've done an excellent
11 job, from the Governor, on down to the prison yard. The --
12 I think a lot of our duty here, as Judiciary Committee
13 members, is to analyze what happened before and determining
14 accountability and responsibility for what occurred. But,
15 for example, the contact with Donna Cramer of Brighton
16 Heights Block Watch, Judy Landa of Brightwood Block Watch,
17 I think has been very good. Personally, Commissioner Horn,
18 Superintendent White have responded to all of my -- as many
19 questions as I have posed. So, I'm happy with what's
20 happened since January 8th.

21 And of course, on the tour yesterday, I was very
22 pleased with the difference in the condition of the
23 maintenance area, in particular, from January 15th, 1997,
24 to March 3rd, yesterday. I thought they made a tremendous
25 improvement, on everything from picking up garbage, to

1 picking -- clearing out the wood that was laying around.
2 You know, for example, the prisoners built the hydraulic
3 jack up about 12 feet, to where they had to push the floor
4 of the warehouse up. What did they build it up on? Wood
5 that was laying around. It's not there now and I'm very
6 pleased to give credit where credit is due, in that regard.

7 REPRESENTATIVE JAMES: Thank you.

8 CHAIRMAN BIRMELIN: Representative Boscola?

9 REPRESENTATIVE BOSCOLA: Don, do you know of
10 outside contractors being used, if that happened here, just
11 in Pittsburgh or do you know if there's other institutions
12 that use inmate labor, outside contractors?

13 REPRESENTATIVE WALKO: That's a very good question.
14 I'm not sure. I understand that it is being used at
15 different locations. For example, the Camp Hill -- one
16 of the buildings at Camp Hill was built by inmates. But
17 actually, I'm not sure if that was with an outside
18 contractor or under the direct supervision of prison
19 personnel. So, I'm not sure, to tell you the truth.

20 REPRESENTATIVE BOSCOLA: I know that at the boot
21 camp, the individuals there built the residential facility
22 and also one of the educational facilities. But I wasn't
23 sure if that was an outside contractor. So, that was my
24 other question. I didn't know if this was unique here at
25 this institution.

1 REPRESENTATIVE WALKO: From what the jail guards
2 here are saying, this was their first -- what I've heard
3 and heard today is that they were not aware of this kind
4 of contracting, at Western Penitentiary before. Frankly,
5 I'm not aware of it, around the state. And I think we
6 should look into it. If we are going to embark on that
7 course, I think we should be clear about bifurcating
8 contracts and clarifying security supervision. And I do
9 want to emphasize that I do believe inmates have to work.
10 It would be foolhardy for us to think that you could go
11 to prison and just vegetate. But I think that there are
12 important security and policy considerations at work here.
13 So, I think that we should ask that question, perhaps in
14 the wrap-up tomorrow.

15 REPRESENTATIVE BOSCOLA: All right. Thank you.

16 CHAIRMAN BIRMELIN: Representative Reber?

17 REPRESENTATIVE REBER: No questions.

18 CHAIRMAN BIRMELIN: Representative Manderino?

19 REPRESENTATIVE MANDERINO: No questions.

20 CHAIRMAN BIRMELIN: Representative Walko, you
21 may return to the panel.

22 REPRESENTATIVE WALKO: Yes.

23 CHAIRMAN BIRMELIN: In light of the legislation
24 that we've discussed briefly here with Representative Walko
25 and Readshaw, I've asked Mr. Rudy Arensberg to come back

1 to the witness table. And I know we didn't warn you of
2 this, until about two or three minutes ago, but sometimes
3 these things can be all of a sudden. So, I thought it
4 would be good to hear your take on at least these three
5 areas of legislation. And just for your review, the first
6 one was the legislation that Representative Readshaw was --
7 has introduced, that deals with the forbidding of civilian
8 clothing by prisoners. The second was his bill on the one-
9 dial phone system, the computerized automatic telephone,
10 to call people who should be notified of an escape and
11 Representative Walko's legislation, which he described,
12 dealing with the use of inmate labor by private contractor.

13 I know I'm putting you on the spot here, but I'm
14 asking you, if you could, to just give us briefly, your
15 take on those three areas of legislation.

16 MR. ARENSBERG: Would you like my overall view
17 or -- do you want to do each one separately? Would that be
18 best for you or --

19 CHAIRMAN BIRMELIN: Each one separately, would
20 be --

21 MR. ARENSBERG: The first one you mentioned was
22 on the clothing issue, correct?

23 CHAIRMAN BIRMELIN: Yes.

24 MR. ARENSBERG: In light of the fact that I don't
25 have the Bill at present in front of me, but from my

1 knowledge and my experience, I can tell you that there's
2 no rationale for them to have civilian clothing, other than
3 the fact of the Consent Decree, that the Commonwealth
4 signed with the inmates, years ago, well before my time.
5 I don't know anybody in the Department, who was working
6 there, at such time they didn't wear uniforms. You'd
7 probably have to talk to a veteran of over 35 years.

8 CHAIRMAN BIRMELIN: And the legislation is pretty
9 simple. It simply says, "All prison inmates are prohibited
10 from wearing civilian clothing while incarcerated." That's
11 pretty cut and dried.

12 MR. ARENSBERG: That's in the simplest form. We
13 can accept that and work with that.

14 CHAIRMAN BIRMELIN: I described to you word for
15 word the legislation.

16 MR. ARENSBERG: The problem -- the only problem
17 this Bill generates is the removal of the clothing that
18 they have accumulated over 30 or 40 years, inside the
19 prison.

20 CHAIRMAN BIRMELIN: That's why we have regulations.

21 MR. ARENSBERG: Yes.

22 CHAIRMAN BIRMELIN: This is legislation.

23 So, I gather from what you said then, that you
24 would be supportive of that?

25 MR. ARENSBERG: Yes. For people walking around

1 the institution. The one chairperson up there on the --
2 Representatives, even told me that it was hard enough for
3 them to recognize them in their brown coats and their brown
4 hats and their brown pants. But for us working there,
5 that's the ideal situation now, the way that they are
6 dressed now. If you'd have been there the day of the
7 escape, they would have been dressed as everybody is here
8 today in this room. They didn't have those outfits on that
9 day. They had on their civilian clothing.

10 CHAIRMAN BIRMELIN: The second legislative piece
11 that Representative Readshaw has suggested was the one-
12 dial phone system. And I'll read to you a portion of that
13 one.

14 MR. ARENSBERG: Yes, sir.

15 CHAIRMAN BIRMELIN: It says, "The term 'one-dial
16 phone system' shall mean a computerized telephone system
17 which, upon the dialing of a single number by a prison
18 official, automatically causes the placing of telephone
19 calls to all agencies predetermined to receive a prison-
20 breach alert."

21 MR. ARENSBERG: I think it's an excellent idea
22 and, in the support of Representative Walko, the fact about
23 the siren and the one system, well, I grew up right outside
24 that prison. I had to be home every night, when that alarm
25 went off and we locked the inmates up. I had to be home.

1 Everybody who lives in this general community of North
2 Side, you can hear that whistle for about four or five
3 miles. So, you would have immediate knowledge if an escape
4 did occur and we blew the whistle, longer than what
5 normally what happens. The whistle blows four times a day
6 now. So, you'd have to make some type of distinction,
7 between that and what normally occurs. This notification
8 process that he's -- would be excellent for everybody else
9 involved around the community.

10 CHAIRMAN BIRMELIN: The third piece of legisla-
11 tion I'd ask you to make a comment on was that, that
12 Representative Walko has introduced, dealing with the
13 forbidding of inmate labor on private contractor jobs in
14 the prison.

15 MR. ARENSBERG: That happened on the Swartz
16 contract and I hope it never happens again, sir.

17 CHAIRMAN BIRMELIN: Again, your answer would be
18 that you are responding -- that you are --

19 MR. ARENSBERG: I am in full support of it, yes.

20 CHAIRMAN BIRMELIN: Are there any other comments
21 that you would like to make, with respect to any of those
22 three?

23 MR. ARENSBERG: On those particular bills, as
24 I said, I haven't had -- I've been involved down at the
25 jail since the escape and making trips to Harrisburg and

1 back from there, for our meetings there. I haven't had
2 time to fully review them. But on their face value, I can
3 sit here and tell you that I support them wholeheartedly;
4 that those Bills -- the elimination of the clothing would
5 enhance security and identification of the inmates in the
6 jail.

7 The phone notification has to help with notifying
8 the community-at-large. And you've heard a lot of
9 testimony from the Commissioner and everybody about the
10 failure of the notification process that day. It actually
11 helped the inmates, more than it did deter them.

12 Other than that, I have no more comments on the
13 Bills.

14 CHAIRMAN BIRMELIN: Representative James has a
15 quick question for you.

16 REPRESENTATIVE JAMES: Thank you. I just wanted
17 to ask you, what -- what percentage, if you know, of the
18 inmates are from Philadelphia?

19 MR. ARENSBERG: I think it was testified earlier,
20 about 61 percent. Do you mean at Western?

21 REPRESENTATIVE JAMES: Yes.

22 MR. ARENSBERG: Probably 51 or 61 percent, it
23 was testified to earlier. Fifty-one percent, from Tim
24 Collins. Sixty-one percent. I stand corrected. But what
25 happened was the Department of Corrections implemented a

1 policy, that we just found out about after the escape, of
2 sending Philadelphia County inmates to this side of the
3 state, Pittsburgh inmates and Allegheny County inmates to
4 the other side of the state. Their rationale **for that**, I do
5 not understand. I don't think it's good operational
6 practice. But we haven't had any discussion with the Union
7 or the employees at Western Penitentiary have -- have never
8 had any discussions with management on that issue but I
9 only found out about it, in the last two weeks.

10 REPRESENTATIVE JAMES: So, as corrections officers,
11 representing the correction officers, you would be more
12 supportive if the inmates were from the same region?

13 MR. ARENSBERG: Surely. That way they could have
14 family support at their institution, they'd have more
15 visits. Inmates getting visits is good practice in an
16 institution. It takes some of that stress level.

17 REPRESENTATIVE JAMES: And helps you in your job?

18 MR. ARENSBERG: Yes.

19 REPRESENTATIVE JAMES: Thank you.

20 CHAIRMAN BIRMELIN: Representative Orie?

21 REPRESENTATIVE ORIE: I guess, just a follow-
22 up question, in regards to uniform legislation that was
23 proposed by Representative Readshaw. What I was, I guess
24 asking for your input on is whether or not you feel along
25 the lines, from a negative to that legislation, that deals

1 with specifically -- do you have some way to classify 4
2 inmates, who are probably the most serious offenders within
3 that institution?

4 MR. ARENSBERG: Yes.

5 REPRESENTATIVE ORIE: And perhaps a different
6 color for them, because I know that there are various
7 restrictions and commingling with other -- with other
8 inmates and perhaps putting them in a specific color,
9 different from the total population, from any particular --
10 so that you are more attuned to what they are doing or it
11 makes it more readily available to your sight, your
12 security, to see that individual in this color. Especially
13 the 4's, because I know that the number you have there is --
14 well, it's just like you indicated in your testimony, it's
15 much higher and much greater than any other institution.
16 And they are the most serious.

17 MR. ARENSBERG: Singling out the 4's, probably
18 by different color, that, in and of itself probably would
19 not be a good idea. But identifying who those individuals
20 are, would be. We, as correction officers, standing on
21 the corner and walking the block, most of the time, don't
22 necessarily know who the 4's are. Although the color would
23 distinguish that, there's a gang problem, when you start
24 identifying groups by colors, whatever the color may be.
25 We had a big problem with the blue and red colors, for a

1 long time. We had to eliminate them from being inside the
2 institution.

3 REPRESENTATIVE ORIE: Okay. I guess one of my
4 concerns is again and it doesn't particularly deal with
5 the escape, but it deals with some of the problems that
6 exist in the institution with the 4's, the violent
7 situations against the ones who are of lower ranks, 1, 2
8 and the various incident that resulted from that. I guess
9 the color lines -- I mean, I don't know how you can get
10 them identified. Do you have suggestions along those
11 lines, for that identification?

12 MR. ARENSBERG: They have started a process of
13 identifying them. It slips my mind what that is. But
14 there is a process that the Department has started. I'm
15 trying to draw it up from memory and I'm drawing a blank
16 on it, on what it is. But the only problem with the Level
17 4's is, when they move them to these other -- to these
18 prototypicals, what they'll do is they'll just eliminate
19 that Level 4 classification and make them a Level 3, so
20 they can put them in these dormitory settings. You heard
21 me state earlier that there's 3,000 to 4,000 inmates that
22 are maximum security status, sitting around in minimum
23 security cells. They may -- the Department of Corrections
24 may come in here and dispute that fact tomorrow, simply
25 by saying that they are not Level 4 or maximum security.

1 But that is just a matter of the Department of Corrections
2 and the managers, the unit managers taking that individual
3 and taking him from a Level 4, which is what he should be
4 and making him a Level 3, so that they can move him into
5 a dormitory setting. But he's still a Level 4.

6 REPRESENTATIVE ORIE: And I guess I have one,
7 just follow-up question. I guess you said 61 percent from
8 Tim Collins, from Western Pen. Mr Clate indicated that
9 he had received that information. Your input, as regards
10 to security, by locating prisoners from Philadelphia to
11 Pittsburgh and Pittsburgh to Philadelphia, I guess, do you
12 see any security benefits from that, in regards to the
13 area? And I know the family and the networking of the
14 family is important. But I'm just asking --

15 MR. ARENSBERG: Well, as he testified earlier
16 about the idle time, if the inmates aren't getting any
17 visits, they have no family support, because their family
18 is all in Philadelphia. It's a practice that never should
19 have started. I don't know why it did. It hasn't been
20 explained to me. And I was really surprised to find out
21 about it. Of course, we noticed it, by the increasing
22 number of Philadelphia inmates that started showing up at
23 our prison. But we just thought that more inmates were
24 being sent to Philadelphia and we just started receiving
25 more. We didn't know that they started -- Camp Hill --

1 Camp Hill Prison decides where all the inmates are going
2 to go in the state. That's where this policy generated
3 from, from the Department of Corrections. And they stated
4 that if they are from Philadelphia area, they will come
5 to Allegheny County and vice versa.

6 REPRESENTATIVE ORIE: And just one, last question.
7 With regards to the classification, I know the 4's are
8 separated. But are you separated by classification, as
9 to where you are in your cells?

10 MR. ARENSBERG: No. 4's aren't separated either.
11 Not at Western, no.

12 REPRESENTATIVE ORIE: Right. But I mean, is
13 there -- has there been a push for that type of a policy?

14 MR. ARENSBERG: Not to my knowledge.

15 REPRESENTATIVE ORIE: Do you see any benefits
16 to that?

17 MR. ARENSBERG: There's -- there's pros and cons
18 to it. Off the top of my head, all of the officers would
19 want to work in the Level 2 and the Level 1 housing unit
20 and no one would want to be over there with the Level 4's
21 and the Level 5's running around in the jail. That would
22 be the negative side of that.

23 REPRESENTATIVE ORIE: I have nothing further.
24 Thank you.

25 CHAIRMAN BIRMELIN: Thank you for coming back

1 and we appreciate that.

2 MR. ARENSBERG: Thank you, Chairman. Thank you
3 very much for your time.

4 CHAIRMAN BIRMELIN: Mr. Clate, just as a
5 momentary notice, I will ask you if you would do the same
6 as Mr. Arensberg did, in a few minutes.

7 MR. CLATE: Excuse me?

8 CHAIRMAN BIRMELIN: Would you, also give your
9 input on those three legislative proposals, in a few
10 minutes from now?

11 MR. CLATE: Sure.

12 CHAIRMAN BIRMELIN: We have Councilman Dan Onorato,
13 I hope I'm pronouncing that correctly, who has just walked
14 in. I know that he is a busy man and I'm asking him, as
15 one of our scheduled testifiers, if he would come up and
16 share with us his testimony and also stand for some brief
17 interrogation. Am I pronouncing that correctly?

18 COUNCILMAN ONORATO: Yes, Onorato.

19 CHAIRMAN BIRMELIN: Onorato?

20 COUNCILMAN ONORATO: Yes. Thank you.

21 CHAIRMAN BIRMELIN: Thanks for joining us.

22 COUNCILMAN ONORATO: Thank you very much,
23 Mr. Chairman and members of the House Judiciary Committee
24 and Representative Walko, my Representative. I want to
25 thank you for having the hearings here in Pittsburgh.

1 Let me start off by saying that I think a lot
2 has been debated and discussed on this issue already. And
3 a lot of action has been taken for the positive. So, if
4 I reiterate some of the points that have already been
5 addressed, I apologize. However, I think that they are
6 being handled.

7 As a Representative from the North Side, this
8 facility sits in my District. And not only does it sit
9 in my District, it also sits in the neighborhood where I
10 live. I'm probably about a mile and a half from the
11 facility, if not closer. And the concerns that I have as
12 a Representative and as a resident of the area was
13 initially the notification problem that we experienced.
14 And I know there's been action taken to address that. But
15 the notification to the City of Pittsburgh government, but
16 also the notification to the residents of the area. And
17 I don't know how we improve that. I heard discussions
18 regarding the horn that they use for other types of
19 notification to the general public, but also there was some
20 miscommunication between the Police Department, the Mayor's
21 Office and the officials of the prison.

22 And then, throughout the debate and discussion,
23 the public hearings since the escape, we found out things
24 that went on in the prison, that none of us would have
25 known. And that would be such things as the prisoners being

1 allowed to have the **street clothes**, their access to the
2 tools, their participation in the contracts and the
3 renovations going on at the prison. And what worries me
4 is that none of this would have been known to any of us,
5 including our Representatives at the state level, if this
6 escape didn't happen.

7 And the one thing that I keep on asking and I'm
8 trying to find out, something we can put in place is, when
9 this all settles down, in a year from now, 12 months from
10 now, all of us are back home in our Districts and every-
11 thing's back to normal, what assurances do we have that
12 things that are promised or changes that are made continue
13 to go on inside the prison walls? Because we really won't
14 know and we're going to be relying on what the officials
15 tell us.

16 And they're the concerns that I bring, at this
17 point, because, this is a maximum security prison. It's
18 critical to us on the North Side that we feel safe and
19 comfortable, that proper changes are made. Just going to
20 the issue of trying to promote the area, we have a lot of
21 stable neighborhoods in the city. This is on the edge of
22 a stable neighborhood. And if we start losing confidence
23 in the facility, I'm afraid of the ripple effect it could
24 have, also in the area, that it could have a negative
25 effect on the surrounding neighborhoods, both in and outside

1 of the city.

2 I guess the one issue that has been talked about,
3 the issue of follow up, I don't know if you plan on having
4 unannounced inspections or how you do the inspections of
5 a facility. But if there's any way that there could be
6 follow up to the public, to report on the unannounced
7 inspections of the facility, on an annual basis or biannual
8 basis, however you do it, maybe to keep the confidence
9 level up, even if the report is submitted to the Mayor's
10 Office or someone in city government, so that they can keep
11 track of what's going on, the Chief's Office.

12 But that -- they are my concerns, at this point.
13 And I'd be happy to answer any questions you might have
14 for me.

15 CHAIRMAN BIRMELIN: Thank you. I'll call on the
16 members and see if they have any.

17 COUNCILMAN ONORATO: Okay.

18 CHAIRMAN BIRMELIN: Representative James?

19 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.

20 Basically, it's the same question I asked Repre-
21 sentative Walko. As a councilperson and elected official,
22 thank you for testifying and sharing your concerns of the
23 community, as it relates to this travesty.

24 Would -- would you be in support of a siren-type
25 of notification, the fact that there was a prison break?

1 COUNCILMAN ONORATO: I would. And on a -- sort
2 of on a light note, we were at a meeting on the North Side,
3 where Representative Walko was there. And you have to
4 understand, I was born and raised on the North Side, real
5 close to this facility. And I didn't know that there was
6 a horn that gets sounded every day, for the prisoners to
7 be rounded up. I always thought, growing up, that there
8 was a horn coming from a boat from the Ohio River. I
9 didn't realize it was associated with the prison.

10 And I think that points out, if A, here I am,
11 as a Councilman, didn't realize that, we have to educate
12 the public, if we do put a siren in, what exactly that
13 siren means, as opposed to the normal horn that goes off
14 and that people know that something different's going on.

15 REPRESENTATIVE JAMES: Thank you.

16 CHAIRMAN BIRMELIN: Representative Manderino?

17 REPRESENTATIVE MANDERINO: Nothing.

18 CHAIRMAN BIRMELIN: Representative Reber?

19 REPRESENTATIVE REBER: No questions.

20 CHAIRMAN BIRMELIN: Representative Boscola?

21 REPRESENTATIVE BOSCOLA: No questions.

22 CHAIRMAN BIRMELIN: Representative Walko?

23 REPRESENTATIVE WALKO: Thank you, Mr. Chairman,
24 Councilman Onorato. It is an honor to be served by you.

25 COUNCILMAN ONORATO: Thank you.

1 REPRESENTATIVE WALKO: And you've been on top
2 of this issue, right from the very beginning, as well. And
3 I just wanted to ask you about your feelings about the
4 towers at the prison. You know, those -- there are still
5 plans, I understand, to deman at least one or two more
6 towers. And from your personal perspective and the
7 perspective of your constituents, do you have any thoughts
8 on that?

9 COUNCILMAN ONORATO: Yes. And there's two --
10 my response is twofold here. One, the issue of the prison,
11 itself and the aging of the facility and the discussion
12 of a new facility, I -- I am still not convinced that the
13 new facility is the answer. I recognize this facility is
14 over 100-years-old. And it has worked well for 100 years.
15 I -- I believe that all to often in this country, that we
16 get to that magical number of 100 and we think that it's
17 no good **anymore**. If a building is 100-years-old, it
18 should be torn down. If something is 100-years-old, we
19 need new technology. But if you go anywhere else in the
20 world or in Europe, 100 is actually new. I mean, they talk
21 in terms of 800, 600, 100-years-old is -- I believe that
22 the facility can still work. I believe that the towers
23 have to be manned, regardless of how good the -- the
24 electronics and the new technology is. The human element
25 has to remain, somewhere on that facility, for protection.

1 I think the towers are critical for the safety of the
2 guards and of the other inmates within the prison. But
3 more importantly, it's a very strong symbol to the
4 community, too, that the place is adequately manned.

5 The one issue that we found out and I didn't
6 bring up, probably in discussions, was that the one tower
7 is not being used because it is being pulled away from the
8 facility and that one of the guards has to sit in a truck
9 that no longer operates. But it's totally lost its
10 effectiveness, because they lost the height and they lost
11 the visibility. And therefore, it wasn't very appropriate
12 or it wasn't appropriate coverage for the facility, where
13 the guard was standing.

14 The towers were built for a reason. The
15 individual importance of those towers, I think still
16 exists, regardless of where the technology is going. And
17 I would like to see all of the towers up and operating.
18 And I would like to see that the money, state money be put
19 into renovating the tower, to put it back into operation,
20 before we spend the billions or millions on the new
21 facility. Because regardless of whether we build a new
22 one or not, I would think that the old prison is still
23 going to have some -- some -- something to do with the
24 system and that the tower is critical.

25 So, yes, to summarize my answer, I think that

1 the towers are critical. I would hope that that one tower
2 is repaired. And I would hope that they would always have
3 a human element in the towers, at this point.

4 REPRESENTATIVE WALKO: And one other thing,
5 Councilman. You are quite aware, as I know, of the
6 established block watches that we have on the North Side
7 and many other neighborhoods in the City of Pittsburgh have
8 them. Do you think, particularly those on the North Side,
9 should somehow be tied into the notification process, that
10 the block watches, themselves should be tied in?

11 COUNCILMAN ONORATO: Yes. And I think there's
12 a way that we can make it easy on the prison system, where
13 we don't give you a list of 10, to 20, to 30 numbers you
14 have to worry about calling. We could somehow maybe
15 coordinate it with our Public Safety Department. Or if
16 you put the Chief's Office on notice, then we would be
17 responsible for the phone tagging, at that point. But if
18 we could somehow establish a system where there's one, key
19 person in the city who would be responsible for
20 distributing the news and then, you -- you, the prison
21 would only have to worry about one phone call. I think
22 we can coordinate that.

23 REPRESENTATIVE WALKO: And with regard to your
24 inspection and perhaps spot inspections, I think that you
25 and I should get together in the next -- within the next

1 year and do such a spot surprise inspection of the prison.

2 COUNCILMAN ONORATO: Yes. And whatever this
3 Committee decides, I would like to see that addressed or
4 see what the answer is to that issue, of how we go from
5 this point forward, over the next several years, to make
6 sure that the changes that are suggested are made and are
7 continued. I would like to do that.

8 REPRESENTATIVE WALKO: Thank you.

9 COUNCILMAN ONORATO: Thank you.

10 CHAIRMAN BIRMELIN: Representative Caltigerone?

11 REPRESENTATIVE CALTIGERONE: No questions.

12 CHAIRMAN BIRMELIN: Representative Orie?

13 REPRESENTATIVE ORIE: No questions.

14 CHAIRMAN BIRMELIN: Thank you, Councilman Onorato.

15 We appreciate your input here.

16 COUNCILMAN ONORATO: Thank you.

17 CHAIRMAN BIRMELIN: And we'll let you get back
18 to the rest of your busy day.

19 COUNCILMAN ONORATO: Thank you.

20 CHAIRMAN BIRMELIN: Mr. Clate, if you would
21 reassume the testifying chair, I'd appreciate that. And
22 before you begin to respond to the questions I put before
23 Mr. Arensberg and for the benefit of the public here and
24 particularly for the members of this panel, I'd like to
25 remind you that we are meeting here tomorrow morning at

1 9:30. We'll only be here until about probably, 12:30, in
2 the early afternoon. And we have some very interesting
3 people testifying tomorrow. The Executive Producer of a
4 local TV station is going to be here, WPGH. The Deputy
5 Chief of Police is going to be here. The President of a
6 block watch is going to be here. The Chief of Security
7 for the Pittsburgh School System is going to be here. And
8 then, we will follow that up with the testimony, once
9 again, but perhaps maybe more answering questions than
10 anything else is going to be Mr. Martin Horn, the
11 Commissioner of the Department of Corrections and he will
12 also be bringing with him the new Superintendent of the
13 Pittsburgh Correctional Institution, Mr. Jim Price.

14 So, we have some interesting people testifying,
15 from a different perspective tomorrow and I would say
16 primarily to the notification aspect of the prison
17 breakout. And we hope to have that all concluded between
18 the hours of 9:30 and 12:30. That's very optimistic, I'm
19 sure, but we hope to do that tomorrow, since there are
20 several members of this Committee who have airplane flights
21 that cannot be delayed because they are not on them. So,
22 we will want to keep things moving along tomorrow.

23 Mr. Clate, I want to ask you to do this as
24 briefly as you can, so that we don't take a lot of time
25 here, but to just briefly give your thoughts, as they are

1 or have been perhaps formulated by the Pennsylvania Prisons
2 Society on those three pieces of legislation that have been
3 introduced by Representatives Readshaw and Walko, the first
4 being the requirement that no civilian clothing is allowed;
5 second, that there be a one-dial phone notification system
6 in the community and thirdly, that there be a prohibition
7 against inmate labor on contractor jobs within the prison.

8 MR. CLATE: Thank you for calling me back up
9 again. First of all, I would not want to make a statement
10 on behalf of the whole Prison Society, on a few pieces of
11 legislation that I've not even looked at.

12 CHAIRMAN BIRMELIN: Let's ask for your opinion.

13 MR. CLATE: Sure. And I think -- I -- I'm
14 hearing a lot -- I'm glad the legislation is introduced.
15 I hope that there would be some legislation that would be
16 introduced as quickly, to deal with the idleness of the
17 time in the prison.

18 For your benefit, regarding the statement, I
19 think it was his (indicating), actually, about inmate
20 transfers back and forth, if you contact the Philadelphia
21 Office, on Spring Garden Street, they can give you a formal
22 reply from Commissioner Horn to us, about that policy.

23 Second of all, there's five levels of security.
24 Level 5 is the highest. And Western is a Level 4 prison,
25 which is why, if you talk about uniforms, everyone -- most

1 of the people in Pittsburgh are probably wearing a Level 4
2 uniform.

3 The clothing issue, as a private citizen, an
4 individual, I'm sorry. I don't feel any safer because now
5 you're saying that they can wear civilian clothing. I
6 don't think the issue is clothing. I'm not sure how
7 clothing became kind of like the biggest, innovative,
8 creative-kind of thing we could think of to deal with
9 security inside a prison. I just don't -- I just don't
10 see it -- I'm not sure if it's real, that's all. And
11 clothing inside, you know, the -- you -- you took a tour
12 of the facility. Those what, two or three gates. There
13 are fences you saw. Do you remember coming out of the --
14 the reception area, down the steps? You had to go through
15 a fence. There's a gymnasium and a cafeteria-type of
16 thing. I mean, I -- I think that -- I'm not sure if issues
17 like that might not be a better way to go than simply say
18 clothing. I can meet a guy outside, who called and give
19 him a bag of clothing. I think that dehumanizing a person,
20 if that's what that does, may not be the way you want to
21 go.

22 On the contacting the neighborhood, of course.
23 Without saying. I've lived in the Bellevue-Avalon area.
24 I'm familiar with that horn. I know what it's -- I know
25 the frustration you think it's -- it sounds like the horn

1 from your volunteer fire department, in your own community.

2 That's really about all I can say. We can
3 monitor, you know, through Act 156, 1990. We can go in,
4 if this is implemented and get back to the -- to the
5 members of this Committee. I'm hoping, especially those
6 who live in Allegheny County, where I live at, are -- I
7 mean, are all of you from Philadelphia? Is there anyone
8 from Allegheny County? You (indicating) are the only
9 person? And he (indicating) is, too. Give us a call
10 sometime.

11 CHAIRMAN BIRMELIN: The third Bill was the inmate
12 labor on contractor jobs.

13 MR. CLATE: I -- I -- I think that that's some-
14 thing that you folks have to deal with internally, as far
15 as a management issue. I think that a lot of the private
16 citizens are going to start asking what are we getting for
17 \$30,000 an inmate, you know. What's the end product, if
18 you want to put it in business, bottom line terms. So,
19 I -- I can't -- I can't address that. That's something
20 you people need to look at internally. The Department
21 needs to look at it, internally and see if that's a wise
22 move or not. Inmates do do work. Women up at Cambridge
23 Springs put in -- I've seen them run backhoes, I've seen
24 them put in sidewalks, I've seen them do actual building.
25 In some cases, it's been pretty rewarding to see that. So,

1 again, I -- I don't want to comment on inmate labor being
2 used and is it taking away from jobs out in the city or
3 out in the -- you know, the criminals will have a job, you
4 know. I -- I don't know how to address that, sir. I think
5 that we all need jobs.

6 CHAIRMAN BIRMELIN: Thank you, Mr. Clate.

7 The last person we have to testify is a lady from
8 Philadelphia, Mrs. Karima Evans Morris, who has asked for
9 the opportunity to make a brief statement and the members
10 of the panel have two questions, as a part of her
11 statement. I will reiterate what we've already told
12 Mrs. Morris privately and that is that we're probably not
13 in a position to answer your questions today. However,
14 the fact that you are asking them and putting them on the
15 record becomes a part of what this Committee is looking
16 into, in its considerations. And we welcome you to the
17 microphone and give you that opportunity, at this time.

18 MRS. MORRIS: Good afternoon, Ladies and
19 Gentlemen. Can you hear me? Okay.

20 Thank you for giving me this opportunity to speak
21 at this hearing. My question comes from two perspectives:
22 one as a wife of an inmate who has been incarcerated for
23 13 years and presently, at the State Correctional
24 Institution of Pittsburgh. The other is from the criminolo-
25 gist point of view, which I am going -- I am getting my

1 Masters in.

2 I would like to know, what is the prison system
3 doing to help my husband, as well as other inmates, who
4 will be coming home soon, making that adjustment to the
5 culture of reentry into a free society? That's one
6 question. And I'm asking that, like I said, from two
7 perspectives.

8 There has been minimum or no movement of inmates
9 for jobs and educational programs, since the recapture of
10 the escaped inmates. How long will this continue? I have
11 concerns regarding the future of positive programming that
12 will help inmates, such as my husband, who is trying to
13 prepare for his reentry into society.

14 CHAIRMAN BIRMELIN: I'll ask you to answer any
15 questions that the panel members may have for you. Would
16 that be all right?

17 MRS. MORRIS: Yes. Great. I'd like to make a
18 statement, also. It's not on this paper.

19 CHAIRMAN BIRMELIN: Feel free to do so.

20 MRS. MORRIS: Thank you.

21 Since I visit -- I visit with my husband. I run
22 the prison van service from Philadelphia, to Western, to
23 bring inmates' families here, to visit with them. This
24 sort of gives them some incentive, because, as you said,
25 it's so far away. A lot of people can't really come to

1 Pittsburgh and afford to have someplace to stay or to
2 visit. It's very costly. Thanks to Michael Clate and
3 Hospitality House, which is what I'm about to erect in
4 Philadelphia, with other components of programs, that will
5 service inmates and their families. My Board of Directors
6 and I are now in the process of this happening.

7 But before the inmates come home, they need to
8 be prepared to come home into this culture shock that they
9 will be coming to. That's a question of importance to me.
10 And as a criminologist, we're about rehabilitation,
11 education and reform. Because you cannot just bring
12 inmates out and say, "Well, okay, you're out in the street.
13 You're on parole." And there you are. You must prepare
14 them. And you must also help them, so they can go back
15 to their families and become citizens again, you know and
16 resurrect the communities.

17 CHAIRMAN BIRMELIN: Do we have any questions from
18 the panel members? Representative James?

19 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.
20 Thank you, Mrs. Morris for testifying. And I'm glad to
21 hear you say that you have initiated -- you were telling
22 me yesterday that you are initiating a similar program out
23 in Philadelphia. And I guess with the large population
24 that we have in the facility and then finding out that the
25 Department of Corrections is housing and transferring

1 inmates from one side of the state to the other reminded
2 me of the days when the police department would catch gang
3 members and then take them over to the other gang's
4 territory and let them out.

5 MRS. MORRIS: I know.

6 REPRESENTATIVE JAMES: As a form of punishment.
7 But that's something that we ought to look into,
8 internally, because it's good hearing from the corrections
9 officers, who say that it would be better and help them
10 with their job, if the inmates were incarcerated in the
11 same area that they are from.

12 I understand that there's been a lot happening
13 since this situation, in terms of people who are due to
14 get out, coming out. But I understand that when inmates
15 get to like less than a year, that they are then sent to
16 either a halfway house or some other kind of a facility,
17 for six months, to help them transcend back into the
18 culture. Has that been stopped or does that continue?

19 MRS. MORRIS: Representative James, that is not
20 the case, really at Western. In fact, there are a couple
21 of gentlemen, who I know now, who should be eligible to
22 go to a halfway house and it seems to be some kind of
23 controversy here.

24 In fact, since the breakout and the recapture
25 of the inmates who broke out, everything is at a halt.

1 There is a job freeze. You can't even get a job. Inmates
2 can't, at Western. They eat 15 minutes. They have 15
3 minutes to eat. They are locked up, most of the time.
4 Okay? So, they -- the movement is real minimum. My under-
5 standing is that the inmates are actually attacking each
6 other, because of the frustration and the anger, because,
7 I remember as some Representative said, I don't know your
8 name, but when you mentioned that all of these other in-
9 mates had to suffer because of what six others did, I think
10 it's unfair, but it is going on. It's happening.

11 Fifteen minutes to eat? I think that's -- that's
12 a little rough there. You know, you've got to have time
13 to digest your food. They are locked up, most of the time.
14 I was talking to my husband and it's procedure when they
15 get ready to send out the bed linens to be cleaned and so,
16 for the inmates who don't have enough bed linens, they have
17 to sleep on the mattresses, until the linens come back.
18 This would -- this is one thing that would frustrate even
19 me; I'm sure any one of you, sitting on the panel.

20 My concerns are, when are things going to go
21 back, you know, to normal? Is it going to take, I mean
22 forever or is anyone looking into that? You know, because --
23 if these inmates are getting roweled up and hitting on each
24 other and frustrated, it's not going to only just stop
25 there. There is some concern about maybe rioting in the

1 prison.

2 REPRESENTATIVE JAMES: How long did they have
3 before? She said all of this has happened since --

4 MRS. MORRIS: Since the recapture.

5 REPRESENTATIVE JAMES: How long did the inmates
6 have to eat, prior?

7 MRS. MORRIS: Well, before, it was like a half
8 an hour or so. And I think most of them ate together.
9 Now, it's like they have it in sections. Each tier eats
10 by themselves or something of this way.

11 REPRESENTATIVE JAMES: Well, tomorrow, as the
12 Chairman indicated, Commissioner Horn is going to be here.
13 And I'm sure that during the investigation, of course, a
14 lot of things are going to change or halt, until policies
15 can be addressed. And so, maybe we can ask tomorrow. Will
16 you be here tomorrow?

17 MRS. MORRIS: Yes, sir, I will come back tomorrow.

18 CHAIRMAN BIRMELIN: Mrs. Morris, I would also
19 suggest to you, there are representatives of the prison
20 or the corrections system here. And if you were to --
21 if you would like, we would ask you to talk to them and
22 they might be able to get some questions answered for you.

23 MRS. MORRIS: Thank you.

24 CHAIRMAN BIRMELIN: Not immediately, but --

25 MRS. MORRIS: Right.

1 CHAIRMAN BIRMELIN: I'm sure that the questions
2 that you are asking about is there limited movement and
3 the end of the educational and jobs programs, as a
4 temporary measure should not last too much longer. But
5 I can't speak for the prison system.

6 MRS. MORRIS: Right.

7 CHAIRMAN BIRMELIN: So, if you would like, we
8 could introduce you to someone who might be able to provide
9 the answers to those questions for you.

10 MRS. MORRIS: Thank you very much.

11 CHAIRMAN BIRMELIN: Representative Boscola?

12 REPRESENTATIVE BOSCOLA: I have one, quick
13 question. This uniform issue has never really piqued my
14 curiosity, until Michael said something. I guess I just
15 wanted to ask you, as the wife of an inmate, do you think
16 that uniforms really dehumanize an individual? Is it
17 really a big deal if your husband wears a uniform or not,
18 to you?

19 MRS. MORRIS: Well, I will say that it's really
20 not a big deal about the uniforms. I mean, I -- you know.
21 More concerned -- I'm more concerned, as I said about jobs
22 and, you know, not dehumanizing the human being, let them
23 choke for like 10 or 15 minutes to eat, things of this sort.

24 REPRESENTATIVE BOSCOLA: Yes, I know. But you
25 have nurses who wear uniforms and children who go to certain

1 schools.

2 MRS. MORRIS: Yes.

3 REPRESENTATIVE BOSCOLA: And they have to wear
4 uniforms. Uniforms are just like an identifying piece.
5 And that's why I think that the security guards need it.
6 It's not that they are trying to dehumanize the individuals.
7 I just think, for security purposes, they need uniforms.
8 And I didn't know from your perspective, if you thought
9 that that was really bad, that they would allow -- I mean,
10 even if they say no civilian clothing, because of security
11 reasons.

12 MRS. MORRIS: Well, I'm a mental health, drug
13 and alcohol counselor. Okay? And I can't really see a
14 mental health problem developing because inmates have to
15 wear browns or blues. You know, there are far more other
16 things that are of concern, than clothing.

17 REPRESENTATIVE BOSCOLA: Thank you very much.

18 CHAIRMAN BIRMELIN: Representative Manderino?

19 REPRESENTATIVE MANDERINO: Thank you, Mr. Chairman.

20 Mrs. Morris, thanks for sharing with us. My
21 question is, your husband's been incarcerated for 13 years.
22 When, I assume he was transferred to Pittsburgh, it was
23 fairly recent. And I would ask you where was it he was
24 transferred from?

25 MRS. MORRIS: Rockview.

1 REPRESENTATIVE MANDERINO: When?

2 MRS. MORRIS: Gosh. I don't even remember. It's
3 just like time goes by -- but he's been at Western now
4 about nine months, almost a year.

5 REPRESENTATIVE MANDERINO: Was the -- if you
6 don't mind my asking you, was the transfer from Rockview
7 for disciplinary reasons or was it a crowding condition?

8 MRS. MORRIS: No, it was a crowding issue and
9 it was like almost time for him -- when it's almost time
10 for the inmates to come home, they transfer them further
11 away. I don't understand why, but this is the policy.

12 REPRESENTATIVE MANDERINO: Going back to the van
13 service, I know I've heard from constituents of mine and
14 I never noticed a problem, except for in this last year
15 or two, where family members wanted to try to see that
16 **their loved one** went to Graterford, so that they could visit
17 and provide family support. And for a while, I thought
18 that it was because of crowding that they weren't going
19 there. And I also learned earlier that it seems to be a
20 policy not to put them in facilities closer. It's not a
21 written policy, but it seems to be the current practice,
22 not to put them in the facility closest to their home and
23 family. How long have you been operating the van service
24 and have you really noticed the growth of Philadelphia
25 folks coming all the way out to Pittsburgh, as a recent

1 phenomenon?

2 MRS. MORRIS: Well, these -- like I said before,
3 it's costly to come from Philadelphia to Pittsburgh, for
4 a lot of these inmates' families, because they are a one-
5 parent family now, with children, with bills. You know,
6 they may have to work, they may have to take time to go
7 see your husband, bring the children. It's very costly.
8 My van service is like \$60 an adult, because I know that
9 people -- these people don't have too much money. And they
10 visit for two days. And I charge \$20 for children over
11 three-years-old. I'm not trying to get rich.

12 REPRESENTATIVE MANDERINO: No. My question was,
13 how long have you been operating the van service?

14 MRS. MORRIS: The van service?

15 REPRESENTATIVE MANDERINO: Yes. And is that
16 because of the outbreak of -- I -- I'm trying to see when --
17 when the demand, that there was actually an opportunity
18 to provide van service from Philadelphia to Pittsburgh.
19 That is what I am getting to, the time frame, how long that
20 you've been doing it and have you noticed a growth in
21 demand and about how recently.

22 MRS. MORRIS: Well, I've been doing this now for
23 about six months. And the demand is great. But like I
24 said, people weren't coming before, Philadelphia, because
25 it's costly. And so, I have affordable service, that they

1 can afford, you know. And this is why I've been -- I've
2 been getting a lot of calls and families coming out. I
3 come out twice a month.

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

6 CHAIRMAN BIRMELIN: Thank you, Mrs. Morris. We
7 appreciate your input.

8 I would ask the Committee members to stay here
9 for just a minute. I need to talk to you, before you
10 leave, so that we can make some arrangements for tonight.

11 We stand in recess until tomorrow morning, in
12 this room, at 9:30 a.m.

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14 (Whereupon, at 3:30 p.m., the hearing was
15 adjourned, to reconvene at 9:30 a.m., on Wednesday, March 5,
16 1997, in Pittsburgh, Pennsylvania.)

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I hereby certify, as the stenographic reporter, that the foregoing proceedings were reported stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

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FORM 1