

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

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

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University of Pittsburgh
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Pittsburgh, Pennsylvania

Wednesday, March 5, 1997

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

BEFORE:

- REPRESENTATIVE JERRY BIRMELIN, Chairman
- REPRESENTATIVE HAROLD JAMES, Vice Chairman
- REPRESENTATIVE THOMAS CALTIGERONE
- REPRESENTATIVE KATHY MANDERINO
- REPRESENTATIVE JANE ORIE
- REPRESENTATIVE DONALD WALKO
- REPRESENTATIVE ROBERT REBER
- BRIAN J. PRESKI, Esquire

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FORM 1

P R O C E E D I N G S

9:30 a.m.

1
2
3 CHAIRMAN BIRMELIN: Good morning. I want to
4 welcome you to our third and final session today of the
5 House Judiciary Committee Subcommittee on Crime and
6 Corrections. The hearing that we're having is on the
7 January 8th, 1997 prison breakout at the State Correctional
8 Institution in Pittsburgh. I'm the Chairman of the Sub-
9 committee on Crime and Corrections. I'm Representative
10 Birmelin. I represent Kane and Pike Counties.

11 To my immediate left is the Democratic Chairman
12 of the Judiciary Committee, Representative Tom Caltigerone.

13 To my immediate right is Brian Preski. He is
14 the Chief Counsel for the Committee.

15 To his right is Representative Robert Reber, from
16 Montgomery County. And we may or may not have a couple
17 of other members joining us in the next couple of hours.

18 Before we call our first witness, I want to, just
19 for the record, indicate that the testimony that has been
20 given over the last two days and today, is a part of the
21 official record of the House of Representatives. We will
22 be putting together an executive summary of it and not each
23 and every word that has been spoken. That wouldn't serve
24 any great purpose, I don't believe. Counsel Preski, myself
25 and other staff members will be working, trying to put

1 together a report for the Committee. We will prepare that
2 report and it will be available to the public. And if you
3 are here this morning and you are interested in obtaining
4 a copy of that report, if you would just let Brian Preski
5 know that you are interested in that, when it is published,
6 we will see that you get it. If, in failing to contact
7 us, you would still like one, contact your local State
8 Representative. I'm sure that he or she will be able to
9 provide that for you.

10 We've enjoyed some good testimony the last couple
11 of days. We've had some folks who have shared with us,
12 we believe, openly and frankly, some of the problems in
13 the State Correctional Institution. We've heard that they
14 contributed somewhat to the breakout. Of course, we
15 believe that the responsibility ultimately remains with
16 the prisoners who did it. But there were certain circum-
17 stances and conditions that enabled them to escape, that
18 should not have been allowed to exist. And in discussing
19 this, not only as the immediate problem of the breakout,
20 but prison conditions generally, in Pittsburgh, I think
21 that the Committee has been enlightened somewhat by the
22 testimony that we received.

23 This morning's testifiers are primarily going
24 to be focusing in on the issue of notification of the
25 public. We have with us a gentleman from a local TV station,

1 WPGH. We also have scheduled the Deputy Police Chief of
2 Pittsburgh, Mr. Charles Moffat. We have the President of
3 the Marshall-Brighton Block Watch, Miss Judith Landa. We
4 have with us the Chief of Security for the Pittsburgh School
5 System, Mr. Robert Fadzen. And then we are going to follow
6 up, in the last segment of this morning's testimony, with
7 the Superintendent, the newly appointed Superintendent of
8 Pittsburgh, Jim Price and the Commissioner of the
9 Department of Corrections, Mr. Martin Horn.

10 I will also indicate to the members of the Panel
11 particularly, but to the public as well, that we are
12 operating under a time frame this morning that we have to
13 stick to very, very closely. The members of this Panel,
14 including myself, have to be at the airport at a designated
15 time today and we hope to do the very best we can, in con-
16 cluding at noon sharp today.

17 So, with that in mind, I would -- I will give
18 the members of the Committee freedom to question the
19 witnesses, with the understanding that if we get to run
20 late, we may have to restrict the numbers of questions or
21 at least the time limit that you have. So, I would ask
22 your cooperation in making sure that your questions are
23 pertinent, they are to the point and that we can solicit
24 the information we are looking for and try not to abuse
25 the privilege.

1 We've been joined by two other members of the
2 Committee and I want to take the time to introduce them
3 to you. To my immediate left now is Representative Harold
4 James. He is my counterpart on the Democratic side of the
5 aisle. He is the Chairman of the Subcommittee on Crime
6 and Corrections.

7 Two places down is Representative Kathy
8 Manderino. She is from Philadelphia County, but is a
9 Western Pennsylvania roots-type person. Her county was
10 Westmoreland, I believe, that she grew up in, which is not
11 too far from here. So, we welcome them, as well to the
12 Committee.

13 The first testifier this morning is Mr. John
14 Poister, the Executive Producer of WPGH. Mr. Poister, we
15 would appreciate if you would come forward, take a seat.
16 I would caution you that you need to speak directly into
17 the microphone. One of our testifiers did not do so and
18 for a while yesterday, we had a difficult time hearing him.
19 So, if you could just speak right into the microphone and
20 share with us your testimony and then stay for some
21 questions, I would appreciate that.

22 Again, thank you.

23 MR. POISTER: You're welcome. And I'll make my
24 remarks brief this morning.

25 I represent WPGH-TV. And while I would not go so

1 far as to say that I also represent other broadcasters here
2 in the Pittsburgh area, I think that my testimony would
3 reflect their thoughts, based on conversations I've had
4 with several broadcast reporters, who covered the escape
5 here in Pittsburgh.

6 At Channel 53, we first learned of the escape
7 of the six inmates from Western Penitentiary at approxi-
8 mately, 2:25, on the afternoon of January 8th, 1997. Now,
9 we are a very, very new news gathering organization in
10 Pittsburgh. So, we believe that we were probably among
11 the last to hear of the escape. Our assignments desk
12 dispatched a reporter and photographer to the prison, with
13 the expectation that "the story," such as we knew it at
14 the time, would be wrapped up by the time we arrived.

15 We learned, however, through further phone
16 calls and from a reporter on the scene, that we were far
17 from being late on the story. Other news media were
18 learning of the story at roughly the same time. We further
19 learned that the escape had taken place some six hours
20 earlier.

21 The coverage of the escape -- the coverage that
22 the escape received here, in Pittsburgh, on television,
23 was extensive, with every news organization offering
24 lengthy reports of the escape and the manner in which it
25 was carried out. TV viewers were shown the pictures of

1 the escapees, as part of every airing of the story. And
2 I think that that is significant. And I'll come back to
3 that a little bit later on.

4 In reviewing the events surrounding the escape
5 and the broadcast coverage, two thoughts come to mind. The
6 delay in informing the media of the escape prevented the
7 Police and the Corrections Department from taking advantage
8 of the ability of TV to instantly flash pictures of the
9 escapees and other vital information to the populous. And
10 two, the nearly six and one-half hours between the time
11 that the escape was discovered and the first official
12 briefing to reporters, would give the impression to even
13 the most sympathetic observer, that there was chaos in the
14 penitentiary and regulations were not being followed.

15 Now, it is not my place to draw conclusions for
16 the Corrections Department. However, I believe, as a
17 broadcaster, that it would be wise for the Department to
18 bring together members of the various media in each area
19 where prisons are located and discuss ways of developing
20 procedures to interface with the media. I believe that
21 the media can offer some tips on how to get information
22 to the public in a timely and organized manner. I feel
23 that these meetings can result in a set of procedures the
24 Department can use in every area of the state; a
25 standardized checklist to handle media calls, that can

1 result in a smoother flow of information to the public.

2 Thank you.

3 CHAIRMAN BIRMELIN: Thank you for your prepared
4 statement, Mr. Poister. Is there anything that you would
5 like to add to that?

6 MR. POISTER: I just simply would say that, in
7 this case, we felt that we -- this was a situation where
8 the -- the media was -- the media can be a conduit, a
9 conduit of information to the public. And that is really
10 our role in the whole scheme of things. And in this case,
11 that was not used. That conduit was simply not -- not used
12 effectively. And perhaps valuable time was lost, as I look
13 at it from the standpoint of the Corrections Department.
14 And simply from -- from a reporter's standpoint, from a
15 broadcaster's standpoint, we felt that we could not do all
16 of the things that we can do, in covering the story,
17 because we were handicapped with the lack of flow of
18 information, for a long time. Even once we arrived at the
19 penitentiary that afternoon, there was some time between
20 the time our reporter arrived and the first official
21 briefing, which occurred, approximately, a half an hour
22 later. We learned of the escape, actually, as the
23 Pittsburgh Police were putting out their first bulletin
24 on the police radio. We called the police and got some
25 very sketchy information, virtually, as they were learning

1 it at the time. And I think that that -- that's also,
2 certainly from a -- a broadcaster, who is in that neighbor-
3 hood. Channel 53's studios are located about 10 minutes
4 away from the prison. A -- a timely response from the
5 corrections officials on the scene, could have helped us
6 and helped other media get this story out to the populous,
7 much, much quicker than we did.

8 CHAIRMAN BIRMELIN: Thank you. I indicated
9 earlier that I'd like to have you answer some questions.
10 However, there is only one that I have for you. And that
11 is that you said that you are a very new news gathering
12 operation. How new are you?

13 MR. POISTER: We -- we virtually just signed on
14 as a news operation, at the beginning of the year.

15 CHAIRMAN BIRMELIN: Is it a TV station or is it
16 a --

17 MR. POISTER: Well, it is an old TV station, but
18 a new news -- news program. They just began a News
19 Department, in the latter part of last year.

20 CHAIRMAN BIRMELIN: Are they affiliated with a
21 major network?

22 MR. POISTER: Fox. Fox Network.

23 CHAIRMAN BIRMELIN: Had you been previously a
24 Fox affiliate?

25 MR. POISTER: Yes.

1 CHAIRMAN BIRMELIN: I know that Fox has started
2 its own news network, as well. But I see that in good
3 portions of the country, there are various local Fox
4 affiliates that started their own news departments, which
5 I guess they virtually didn't have them at the first of
6 the year. So, is that why you started one?

7 MR. POISTER: Yes.

8 CHAIRMAN BIRMELIN: Representative James has a
9 question.

10 REPRESENTATIVE JAMES: Well, basically just a
11 comment and maybe a question. Thank you for testifying.
12 I think that your idea of working and being part of a
13 collective strategy, in terms of a prison break in the
14 future, you coming together with the police, I think that
15 you should be a part. I think that that is a great idea,
16 because the news vehicle can be a great vehicle, in terms
17 of people.

18 One other thing that I think is good, also, is
19 sometimes there is a fear from citizens, who sometimes call
20 the police, in turn, because they fear retaliation, because
21 they don't want the police to know who they are. They can
22 call the news media and at the same time relate to them
23 the fact that, "I saw something." So, I think that that
24 is a good vehicle. And I would hope that our Committee
25 would make sure that the news media is included with the

1 State Police, with Corrections and any other organization
2 that wish to try and prevent this in the future.

3 Thank you.

4 MR. POISTER: Thank you.

5 CHAIRMAN BIRMELIN: Since my original introduc-
6 tion of the Panel, we have two other members who have
7 joined us. Two positions to my right is Representative
8 Orié, from Allegheny County and Representative Don Walko,
9 who is also from Allegheny County.

10 At this point, I will recognize Representative
11 Orié, for any questions that she may have.

12 REPRESENTATIVE ORIE: I have no questions.

13 CHAIRMAN BIRMELIN: Representative Caltigerone?

14 REPRESENTATIVE CALTIGERONE: No questions.

15 CHAIRMAN BIRMELIN: Representative Walko?

16 REPRESENTATIVE Thank you, Mr. Chairman.

17 Mr. Poister, subsequent to the break and after
18 the initial news conference -- I believe that there was
19 a news conference at 3:00 p.m. that afternoon. Do you
20 think that the prison officials were forthright and in a
21 timely manner, sharing the information with you?

22 MR. POISTER: I would say not -- not entirely.
23 It took, I would -- probably the second day, before we
24 really understood the extent of what occurred within the
25 prison walls, to the extent of the work that was done, to --

1 to, in effect, tunnel out of the prison. And again, I
2 think it was -- it was a matter of maybe some -- some news
3 leaks to the media, not necessarily direct forthcoming
4 announcements from the -- from the prison officials there,
5 that -- that led to the questioning, that ultimately led
6 to the publicizing of the extent of what occurred within
7 the prison walls.

8 REPRESENTATIVE WALKO: So, in your opinion, the
9 prison officials would not have 'fessed up to their --
10 the way in which that facility was being operated. And I
11 know, as a State Representative of that area and also of
12 WPGH, that I learned everything, in the first week, from
13 tips and half of them were anonymous. "I'm a jail cook.
14 I don't want my name mentioned. I'm a nurse at the
15 hospital." Is that what you found to be the case?

16 MR. POISTER: I -- I would -- I would say that
17 that was probably the case in many -- in many instances.
18 We got a number of calls and I know that other news media
19 also received calls from people.

20 When you receive calls like that, you -- it's
21 difficult, because you cannot take them at face value. You
22 have to do some digging and you have to ask some questions.
23 One thing we did find, when we asked questions, if we asked
24 them with the sense of some knowledge, based on the
25 material that we were getting on the telephone from --

1 from people who were giving us tips, that we did get
2 answers. And it was just that it was a laborious
3 procedure. It occurred over a period of days. And I think
4 in reviewing the coverage, not only on television, but in
5 the newspapers, the full story didn't really get out, for --
6 for a couple of days after the escape.

7 REPRESENTATIVE WALKO: Thank you.

8 CHAIRMAN BIRMELIN: Representative Reber?

9 REPRESENTATIVE REBER: No questions.

10 CHAIRMAN BIRMELIN: Mr. Poister, a couple of
11 questions came to my mind, when the other members were
12 questioning you. So, if you don't mind, I'd like to follow
13 up on a couple of things.

14 In reading your testimony, it says, "We learned
15 of the escape," but it doesn't tell me how you learned.
16 How did you learn?

17 MR. POISTER: We -- we monitored the Pittsburgh
18 Police radio and we heard a bulletin, a call, alerting
19 people, alerting the force that there had been some
20 activity at the jail. They weren't exact in what they
21 said, but they said that there was a -- they -- they were
22 calling -- giving out a description of a car that had been
23 used in the escape. And a call to the police gave us some
24 information that there had been the possibility of an
25 escape. We later learned that they were really learning

1 about it, themselves, at about that same time and were in
2 the process of accumulating information. So, they gave
3 us enough information, that we felt that there was some-
4 thing going -- going on at the penitentiary and we decided
5 to dispatch a crew down there.

6 CHAIRMAN BIRMELIN: Nowhere yet have I heard
7 you say that the prison contacted you.

8 MR. POISTER: No. We were -- we were not
9 contacted by the prison. We, in fact, called the prison,
10 to follow up on the police call and were told that yes,
11 that something had occurred and that we might be wise to
12 have a reporter at the prison. And again, we were
13 operating somewhat blind. As I say, we were -- being a
14 new news gathering organization, you -- you don't have the
15 benefit of a lot of the tips and a lot of the pipelines
16 of information, that some of the more established news
17 operations have. And so, you always think that you are
18 learning things last. And based on what we were getting
19 on the telephone, we thought that, "Well, you know we're
20 going to get down there and the story is going to be over."
21 And we discovered, when we got down there, that we really
22 were there, as other people were learning about it, at the
23 same time, including the police. So, we were somewhat
24 surprised by that.

25 CHAIRMAN BIRMELIN: Do you know whether or not

1 the prison contacted any other media sources?

2 MR. POISTER: No, I do not.

3 CHAIRMAN BIRMELIN: In the two months since the
4 breakout occurred, has your relationship with prison
5 officials changed substantively, so that you would be
6 confident that you -- that you would know quicker in the
7 future, if this were to happen?

8 MR. POISTER: I would say not. Prison is not
9 necessarily a -- it -- it's not a beat call that is made
10 every day. You don't call the penitentiary to -- to find
11 out what's going on. So, you -- the normal interface
12 between a TV news operation or a radio station and -- and
13 the penitentiary, is usually only when there is something
14 bad going on. And so, that's -- that would be the times
15 that we would call, if were to hear something on a police
16 scanner or if we were to get a tip that something might
17 be going on. So, I would say that at this point, it would
18 be hard for me to judge whether or not things have changed,
19 in that regard.

20 CHAIRMAN BIRMELIN: Well, I know that the prison
21 officials aren't going to want you to know when anything
22 bad necessarily happens, because they're not going to want
23 to see it on the six o'clock news. However, a breakout
24 is not just a bad internal problem, it is a bad problem
25 for the community at large. And it would seem to me that

1 the comments that were made on the record by Representative
2 James are that you in the media probably are in the best
3 position to notify the public most quickly of such an
4 event. We are a radio and TV generation. Quite frankly,
5 in deference to our reporter friends here, we are not
6 going to wait until the next morning's newspaper to find
7 out what happened. If there's a prison breakout, we are
8 going to put that TV on and they are going to want to know
9 immediately. And you are two means of communication, I
10 think, for most people, to find out immediately about those
11 things. So, I would echo, as well your sentiments, that
12 there should be at least a system of notifying the public
13 media, particularly radio and television stations. It
14 would be in the best interests of the public and really,
15 it would be in the best interests of the prison, because
16 if the populous knows there are escapees, they'll be
17 looking for them. And quite frankly, if you've got, you
18 know, a million extra sets of eyes looking for escapees,
19 it's going to be more difficult to continue your escape.
20 But in this case, as we know it and as has been pointed
21 out, after so many hours were gone, why, it became much
22 more difficult to do anything about it.

23 Now, I'm not sure that things would have changed
24 dramatically, in your case, because they were long gone
25 before it was known that they were long gone. But in future

1 cases, if there were a breakout or even a prison riot, you
2 know, where there was a danger of a possible breakout,
3 notifying the public would be very helpful.

4 Again, I want to thank you for your testimony.
5 I guess I've inspired. Representative Manderino has a
6 question and she's recognized for that purpose.

7 REPRESENTATIVE MANDERINO: Thank you.

8 Just one question, Mr. Poister. At one of the
9 prior hearings, I guess it was Monday, one of the members
10 from the community said, "You know, it would have been nice
11 --" and -- and I realize that the delays in your coverage
12 are a result of a lack of information. But once -- not
13 being from the Philadelphia area, but once you knew, my
14 question goes to, in what format would you and the other
15 news broadcasters share the information? One guy had said
16 that, you know, when there's when there's a storm warning
17 or tornado warnings, you have this little, blue ribbon
18 going on across the bottom of your TV all the time, to warn
19 you. That's the kind of notice the community felt that
20 they -- that they should have gotten. Do you have any
21 thoughts, vis-a-vis community notification, should this
22 happen again, in terms of what is an appropriate kind of
23 way for the news media to help?

24 MR. POISTER: That might be one -- one option,
25 doing a crawl. There is a school of thought in television,

1 though, that often, once you've done that, for a little
2 while, it tends to become an annoyance for the -- for the
3 viewers, rather than a help. On the other hand, the TV
4 stations have the ability to break into programming and
5 to go live on breaking events and -- and did do that, in
6 this case.

7 And -- and I want to bring to everybody's
8 attention one other very important element here. I felt,
9 in reviewing the TV coverage of this event, that one thing
10 that TV did very well here and TV gets slammed for doing
11 a lot of things wrong, that -- that's -- that's for another
12 day. But in this particular case, in every story that was
13 run, on all the stations, with regard to this escape, the
14 pictures of the escapees were put on and shown for some
15 length of time, with the thought that if anybody in the
16 viewing audience might recognize these people, that -- that
17 they could, at least have a chance to view the picture and
18 maybe make a connection. And I think that that may be the
19 most important aspect of what television can do in a case
20 like this. If the corrections officials can get pictures
21 of the escapees out to the media, very promptly, we can
22 get those on the air very promptly. And that, I think is,
23 as you say, the million sets of eyes, looking for people,
24 that certainly might be a help. It might be a help.

25 REPRESENTATIVE MANDERINO: Thank you.

1 CHAIRMAN BIRMELIN: Chief Counsel Brian Preski
2 has a couple of questions for you.

3 MR. PRESKI: Just a few, Mr. Poister. I guess,
4 in a broadcaster's perfect world, when would you have liked
5 to have been notified of the escape?

6 MR. POISTER: 8:30.

7 MR. PRESKI: One of the things that we heard in
8 the testimony prior to this is that, in running the prison,
9 in the way that they do their counts and other things,
10 oftentimes you'll have prisoners who appear to be missing,
11 but are really in other areas and it takes some time for
12 that to be determined. This and what Commissioner Horn
13 testified earlier to is the reason for the six-hour delay.
14 Now, we've heard you talk about the notification you would
15 like to get to the media and everything else. It seems
16 that when the Pittsburgh Police knew, you knew. How can
17 we, when we prepare a system or a recommendation that
18 allows for media notification, as well as community, as
19 well as law enforcement, ensure that -- one of the concerns
20 that we constantly hear in media notification is that this
21 might start a panic. There might be an escape that you
22 report, that actually hasn't occurred or there might be
23 a potential escape, that you will report, when the inmates
24 were really in the medical services. As a broadcaster,
25 what independently do you do to verify these things and

1 what other steps are taken -- what happens behind the
2 scenes?

3 MR. POISTER: Well, I -- and I think that I can
4 give you a very quick rundown of what -- what occurred in
5 our newsroom and I think probably was reflected in TV and
6 radio newsrooms around the city.

7 As I mentioned, the first notification we got
8 came over the police radio, as the police were notifying
9 their personnel of a car that may have been used in an
10 escape from Western Penitentiary. That triggered, on our
11 part, a call to the police, who gave us what information
12 they could. And again, their information was -- was
13 sketchy and they told us that they were compiling informa-
14 tion, at that time and they did not have anything near --
15 near to uphold the whole picture of what had occurred.

16 Our next call was to the penitentiary, itself.
17 We -- there is a contact. There is a media contact at the
18 penitentiary. And at that point, he told us that yes,
19 there had been an escape and that he had no -- nothing
20 official to say, at that time, that they were preparing
21 to make a release to the media and that it would probably
22 be wise if we had a reporter at the -- at the penitentiary,
23 which we then did. We did not put anything on the air,
24 until we had gotten -- until after we got the official
25 briefing from the penitentiary. And I think in our

1 particular case, that is our policy. We don't go with news
2 that we get off the police scanner, because, as you say
3 and I think you are very correct, that is -- that is
4 notification to the police, to be on the lookout for
5 something. They did not have a complete picture of what
6 had occurred, nor did they know the time frame in which
7 it occurred. They were merely informing the police that
8 they were getting information in, that indicated that there
9 was something going on at the penitentiary. If we were
10 to do that, that would be irresponsible on our part,
11 because we would not have been able to check that
12 information out. And our newsroom depends on checking
13 facts. For us to go with the story, we would want to make
14 sure that we had some confirmation that something had
15 occurred.

16 So, that's -- that's the check and balance. And
17 I think that that's something -- again, if there was a
18 clear policy from the Corrections Department on notifica-
19 tion of the media, you would find that the media would then
20 more readily call, to get facts checked, before they put
21 something on the air.

22 MR. PRESKI: Okay. I guess my follow-up question
23 to that then, once the escape was publicized and well
24 known, the information that came out of SCI Pittsburgh
25 increased and wasn't satisfactory?

1 MR. POISTER: It did increase and as I -- as I
2 said, as -- as we were able to learn more, from -- from
3 various other sources and ask questions, we got more
4 information. A lot of it wasn't necessarily forthcoming.
5 We had to prod and push. But once we had information, they
6 -- they were able to confirm that information for us.

7 MR. PRESKI: One other question. I'm not sure
8 if you might know the answer to this one. The State Police
9 testified yesterday that they prepare what's called an
10 "escape packet" for each inmate that escaped. I wonder
11 if you're aware of that? And what it included was
12 basically the wanted poster, with information about the
13 crime, the identification and then mugshots. Is that what
14 you received from the penitentiary?

15 MR. POISTER: Yes. That -- that was -- that was
16 released in a relatively timely manner, after three
17 o'clock, which enabled us to get pictures of the -- of the
18 escapees and get them on the air.

19 MR. PRESKI: Thank you.

20 CHAIRMAN BIRMELIN: Well, we want to thank you,
21 Mr. Poister, for your testimony and for your input. I
22 think it's been helpful. It will be a part of the official
23 record and we will incorporate it into the report that we,
24 as a Committee will be publishing.

25 I guess, just as an aside and a personal comment

1 is that maybe you and other news gathering TV and radio
2 stations in the Pittsburgh area may want to sit down with
3 at least Superintendent Price, at the State Correctional
4 Institute of Pittsburgh and ask him if he would include
5 you in the notification process. I mean, it's nothing that
6 has to be done by law and it's certainly something that
7 they could do and probably would have interest in doing
8 with you. And it's also something that I think ought to
9 be done, not just for prison breakouts. I remember a few
10 years ago, at the Camp Hill Prison, there were riots there.
11 They were burning buildings and looting. They were kid-
12 napping and holding hostage guards. And it was an ugly
13 situation. Nobody broke out. Nobody escaped. But it
14 certainly was a dangerous situation and a dangerous area,
15 to be avoided. And people whose families were employees
16 of the prison, were very concerned about what was going
17 on there. And the news media there, as I recall, was on
18 top of the situation. And one of the reasons was because
19 the prison officials did notify the local media. And that
20 may be something that you want to take up with your
21 colleagues in the media and see if you can't work out an
22 agreement with the local prison, in that regard. It's just
23 a suggestion. It's not something, probably, that's going
24 to end up in making some law that says that they've got
25 to do it. I just sort of suspect that -- you know, that --

1 that's something that I would suggest that would be a good
2 idea for you to follow up on, as a news gathering organiza-
3 tion.

4 Again, thank you very much for your testimony.
5 We appreciate that.

6 MR. POISTER: Thank you.

7 CHAIRMAN BIRMELIN: Is Deputy Chief Charles
8 Moffat here?

9 (No response.)

10 CHAIRMAN BIRMELIN: Not seeing him, we will take
11 a brief recess. There is coffee here for you and water,
12 if you are interested. And if any of you have any
13 questions for members of the panel, we would be more than
14 happy to answer those.

15 Until Chief Moffat gets here, we will take a
16 short recess.

17 (Break taken.)

18 (Back on the record.)

19 CHAIRMAN BIRMELIN: Although Deputy Chief Moffat
20 is not here yet, we do have those folks here who are going
21 to be testifying after him, who have graciously agreed to
22 come in and testify before him.

23 I would call forward, if you would, please,
24 Evelyn Neiser, who works for the Pittsburgh School District
25 as a Coordinator, in the area in which the prison is

1 located; Judith Landa, President of the Marshall-Brighton
2 Block Watch and Robert Fadzen, Chief of Security for the
3 Pittsburgh School System. If you folks will please come
4 forward and have a seat here at the table in front of us.

5 I know that you are a little rushed here, since
6 you just walked in the door and agreed to fill in the gap,
7 while we were waiting for the Deputy Police Chief.

8 Would you folks identify yourselves?

9 MS. NEISER: I am Evelyn Neiser, from the
10 Pittsburgh School Board, District 9. My District is
11 directly in the vicinity of the prison.

12 MS. LANDA: I'm Judy Landa, President of the
13 Marshall-Brighton Block Watch, which is in the Marshall-
14 Shadeland neighborhood, the neighborhood that houses the
15 prison.

16 MR. FADZEN: Robert Fadzen, Chief of Police,
17 Pittsburgh Public Schools.

18 CHAIRMAN BIRMELIN: I would ask you that when
19 you do speak, you will have to move the microphone, person
20 to person. You need to get very close to it, so that we
21 can hear you. Certain members of our panel indicated that
22 they had a hard time hearing who you are. But I think that
23 they have figured it out. So, just try and keep in mind
24 that you need to get as close to the microphone as
25 possible. It's a big room and it echoes and it is difficult

1 to pick up your voice sometimes. So, it would help if you
2 would try to keep that in mind and we would appreciate it.

3 MS. LANDA: Would you like us to begin in any
4 particular order or --

5 CHAIRMAN BIRMELIN: Well, that is up to your
6 discretion. However you want to present your testimony,
7 please feel free to do so and then, when the three of you
8 have concluded with any statements that you have, we'd like
9 you to remain for a few minutes, so that the members of
10 the Panel, if they have any questions, they will be able
11 to ask them of you.

12 MS. NEISER: Okay. Fine. Go ahead.

13 MS. LANDA: Okay. Well, I'll begin.

14 Again, my name is Judy Landa. Thirteen years
15 ago, after experiencing life elsewhere, I moved back to
16 my hometown of Pittsburgh and my old neighborhood, which
17 is Marshall-Shadeland. It was then and is still a large,
18 usually safe, predominantly residential north side neighbor-
19 hood.

20 Early in 1990 -- I'm sorry, 1985, I founded the
21 Marshall-Brighton Block Watch. Over the years, this group
22 has grown and still continues to grow. I've been told by
23 police officers and city officials that it is one of the
24 largest and best organized block groups in the city. The
25 Marshall-Brighton Block Watch has been recognized on a city,

1 state and national level.

2 Early in 1996, we were touched by a truly violent
3 crime for the first time. An intruder was breaking into
4 homes, in the middle of the night and attacking elderly
5 residents. In one case, the victim was stabbed multiple
6 times in the chest. I have no happy ending to report. As
7 to the best of my knowledge, the actor has never been
8 caught. However, these violent incidents caused a very
9 important part of the Block Watch Program to be tested:
10 this being the telephone networking system. It works
11 simply as follows. I call neighborhood block leaders on
12 numerous streets, as soon as possible, after hearing of
13 a particular incident. They, in turn phone their
14 neighbors, along with whomever else they choose to inform,
15 also, as soon as possible. Since crime statistics don't
16 reflect preventive crimes, we cannot prove that we have
17 made a difference. We feel, however, that awareness is
18 the best prevention.

19 Early in 1997, however, when violent criminals,
20 including two convicted murderers were loose in our
21 neighborhood, we were not given the opportunity to
22 implement the telephone networking system. On the
23 afternoon of January 8th, I was outside, alone, walking
24 home from a local market, when I noticed a helicopter
25 flying overhead. Upon entering my home, just that quick,

1 the phone was ringing and a neighbor asked, "Why are there
2 helicopters over our houses?"

3 It was at that point, that the first news
4 bulletin was on television, stating something to the effect
5 of, "There may or may not have been an escape from Western
6 Pen. Convicts might have broken out or they might still
7 be inside hiding." Knowing that the state prison is in my
8 neighborhood, as Marshall-Shadeland includes the Woods Run
9 area and assuming that the helicopter was a State Police
10 helicopter, immediately, I tried phoning the State Police,
11 using the numbers listed in the phone book. My first call
12 was to what I believed to be the closest police barracks,
13 on Washington Boulevard in Pittsburgh. To my surprise,
14 the number had been disconnected. My second call was to
15 the Findlay Barracks, where I received a busy signal. My
16 only other State Police option was the Butler Barracks,
17 which would have been ridiculous. I then tried calling
18 the State Correctional facility directly and once again
19 received a busy signal. I hesitated phoning the Pittsburgh
20 Police, as I assumed they were incredibly busy, surrounding
21 the prison or were in hot pursuit of the escapees.
22 Realizing, however, that I could not begin a telephone
23 network without a description, I phoned my local police
24 station, which is Zone 1, directly and was informed that
25 they knew just about as much as I did. I then tried to

1 gain information from the media, which created confusion,
2 when they told me the escape occurred in the morning. It
3 was now after 3:00 p.m.

4 I want all of you to understand that what I
5 personally was feeling at this point was not so much fear
6 as frustration. My gut reaction was, "The last thing these
7 guys will do is hang out around here." However, I was
8 aware that if something went wrong, if needed a change of
9 clothing, credit cards or a car, the odds were the
10 assaulting, the robbing, the stealing would take place in
11 my neighborhood or nearby neighborhood. But what could
12 I do about this situation? Nothing. Why? Because I had
13 absolutely no information, whatsoever.

14 Weeks later, a reporter called this local neighbor-
15 hood the first in danger but also the first in line of
16 defense. I agree completely. Had I known of the escape
17 and had any type of description of the convicts or even
18 their vehicle, perhaps someone would have seen them,
19 notified the police and thereby prevented them from leaving
20 the area, much less the state.

21 On January 30th, my Block Watch meeting was
22 attended by Senator Wagner, Representative Walko, City
23 Councilman Onorato, former Superintendent White, Deputy
24 Superintendent Stickman and Union President Arensberg and
25 roughly, 200 area residents. Overall, I was pleased with

1 the honesty of the prison representatives, who admitted
2 the complete lapse of communication and promised this would
3 not happen again.

4 Before sharing the comments of several of my
5 neighbors who attended this meeting, I would like you to
6 be aware of my suggestions for improved prison community
7 communication: an ingoing telephone line, available only
8 to the immediate area. This would allow community leaders,
9 local schools and businesses to phone the prison for proper
10 information, directly upon hearing even a rumor of an
11 escape. Also, I suggest a testing of the whistle, as it
12 should have been sounded during an emergency, to
13 familiarize neighbors with that particular sound and to
14 determine who actually can hear the whistle.

15 In closing, comments from my neighbors, from my
16 neighbors' lips, to your ears, in no particular order,
17 comments that they would like to have passed on to you:
18 "Just how did they get the blueprints? Why weren't the
19 schools notified immediately? Why were they in civilian
20 clothes? We're tired of listening to the loud rock music
21 coming from the prison yard each and every holiday. No
22 more weightlifting. The rest of us have to pay to belong
23 to a health club. Why should they have free health care?
24 I've worked my whole life and I don't have free health
25 care. What about the frivolous lawsuits? Why should they

1 study law for free and then sue people, at our expense?"
2 And last but not least, the media's favorite comment, "I
3 say back to bread and water."

4 It seems what these six convicts have done, much
5 to the dismay of the other 1800 inmates, is make the rest
6 of us aware of just how good they have it. The State
7 Correctional Institution at Pittsburgh is aware of the lack
8 of community notification and they have resolved to fix
9 it. From what I've seen, improvements already are being
10 made. Perhaps you ladies and gentlemen can fix the rest.
11 Thank you.

12 MS. NEISER: Ladies and Gentlemen, thank you for
13 the opportunity to testify before you here today. My name
14 is Evelyn B. Neiser. I am a School Director for the
15 Pittsburgh Public Schools, District 9, which encompasses
16 the west end and north side areas of the City of
17 Pittsburgh. My reason for being here today is twofold.
18 First and foremost is to ask you to make sure the north
19 side schools are notified of any future prison breaks and
20 second, that you rethink the practice of permitting
21 prisoners to wear civilian clothing. While I understand
22 at the time of the most recent occurrence there was a
23 communication gap and that the Pittsburgh Police were never
24 notified, I can't urge you strongly enough to make sure
25 we become a part of the list to be notified.

1 We have 10 public schools and two parochial
2 schools, that house approximately, 6,000 students within
3 the area of the prison. The closest school is Horace Mann.
4 It is within a half mile of the prison.

5 Even though we have security systems in our
6 schools, it would still be very easy for a man dressed in
7 civilian clothes to press the bell and when asked who he
8 is to say, "I am a parent." Who would know who was a
9 prisoner, dressed in civilian clothes, with maybe a few
10 accomplices out of sight, waiting to enter with him? This
11 could result in a sever hostage situation.

12 Our parents did not realize there had been a
13 prison break until they went to pick their children up from
14 school and then, they weren't sure why the helicopters were
15 flying overhead. It was pure speculation, until the news
16 finally broke in the media.

17 We realize your job is a tough one and we
18 appreciate the job you do, but the bottom line is, we are
19 asking you to make one call to our own School Police
20 Department and not to let prisoners wear civilian clothing.
21 I was quite alarmed and some of the meetings I had spoken
22 at, to find that no one even thought about the schools in
23 the area to be notified. And so, that has been my reason
24 for making this very public.

25 Again, I thank you for your time and attention.

1 CHIEF FADZEN: I just want to reiterate what
2 Mrs. Neiser said. We could have flooded that area with
3 10 police cars instantly, to make sure that our people were
4 safe. I'm sure running a prison is a very tough job. And
5 I'm not one to second guess. But the one thing that has
6 to be fixed here is any future problems in that -- from
7 that facility, that the School District Police Department
8 needs to be notified, so we can take steps to protect our
9 kids. Thank you.

10 CHAIRMAN BIRMELIN: Thank you for your testimony
11 and I would ask the members of the Panel if they have any
12 questions for you. I will begin with Representative James.

13 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.
14 And thank you all for your testimony.

15 In reference to Ms. Landa and the Captain, I just
16 want to commend you for organizing that, because that is
17 the best way to deal with improving police services and
18 improving crime prevention in your neighborhood, is to have
19 an organized block watch.

20 Now, if, in fact there was a siren, with a
21 certain, specific signal, would that make it easier for
22 all of you to understand that there has been a prison break
23 and that you would have a certain reaction? I guess the
24 Chief of Police for the City would be able to then know
25 what he needs to do.

1 MS. LANDA: Yes. Apparently, there is a particular
2 sound. I've heard it referred to as both "the whistle"
3 and "the siren," that is an emergency sequence of the
4 blowing of the whistle. From what I understand, that did
5 not occur on January 8th. But the prison whistle blows
6 X number of times per day, for a variety of reasons. So,
7 I -- this is why I mentioned the -- a test run, perhaps
8 a new system, a louder siren, because we are not even sure
9 exactly. I think it depends literally on which way the
10 wind blows and whether or not there is traffic noise. But
11 if a new siren were installed or at the very least, if we
12 had the cooperation of the media and the whistle, in the
13 sequence of the emergency blows would be tested at a
14 particular time, then we could determine and then, of
15 course, we would know that when we hear that particular
16 sound, to begin the telephone network.

17 REPRESENTATIVE JAMES: Would the Police Chief
18 comment, also?

19 CHIEF FADZEN: The problem, from our point of
20 view with the whistle, is that we may not hear it. We are
21 spread all over the city. Our cars could be tied up in
22 the north side, at that particular time or in the west end
23 and we may not hear the thing, the whistle blown. The best
24 thing for us is that if you would notify the Pittsburgh
25 Police, we would get notified. If you would notify our

1 dispatcher, we would get notified. We -- we need a phone
2 call, so that we can take the steps we need to take.

3 MS. NEISER: I would just like to say one thing.
4 The people who live in that area there are very familiar
5 with the sound of that whistle or siren. And so, if there
6 were a break in that whistle or siren were used, people
7 would know immediately in the area what is happening,
8 because they are familiar with the sound.

9 REPRESENTATIVE JAMES: So, it seems as though
10 one of the things that we need to recommend is a
11 distinctive sound by the siren, which would be helpful to
12 all of the community, immediately upon some type of a
13 break. Would you have a problem if, in fact -- because
14 I heard you say that they may or may not have been -- there
15 may or may not have been a prison break. And would you
16 rather have that, may or may not have been, as opposed to
17 not hearing anything, until they show?

18 MS. LANDA: Boy, that's an interesting question.
19 I guess any news is better than no news. But it was very
20 confusing. It was almost humorous. They might be hiding
21 inside. Because then you would react, "Well, what kind
22 of game would that be? Why and where would they have been
23 hiding inside?" But yes, I would say any notification.
24 And aside from all of the new telephone systems, the speed
25 dialing, the whistle, if the media had been notified

1 immediately, even if the initial information was incorrect,
2 as it sometimes is, again, anything is better than nothing.

3 MS. NEISER: I would just like to say, we would
4 rather be proactive than reactive.

5 MS. LANDA: Right.

6 REPRESENTATIVE JAMES: Do you feel now that the
7 Department of Corrections and the State Police and the
8 police are working together now with the community?

9 MS. LANDA: I haven't had any conversation with
10 the State Police; just the City Police. But I have had,
11 since my large meeting, a smaller meeting, with prison
12 officials and Chief Fadzen, along with community represen-
13 tatives and representatives of both public and private
14 schools. And at this point, we are very pleased with the
15 progress, yes. But that progress is strictly the new speed
16 dial system, which I understand was just installed within
17 the past few weeks and they have done a test of that, which
18 has been accurate.

19 MS. NEISER: Yes. People have made themselves
20 more readily available to us, now that this has happened.
21 But I still think that there needs to be more
22 communication.

23 REPRESENTATIVE JAMES: Do you have a response,
24 Chief?

25 CHIEF FADZEN: Again, I've been to those meetings,

1 but I guess it's going to take an actual incident or some
2 kind of dry run test to see. In the test that Judy's
3 speaking of, we were not notified. And again, it might
4 just be a glitch in the program or whatever. I'm sure
5 we'll get it worked out.

6 REPRESENTATIVE JAMES: We would hope that you
7 would all be part of a connected body, working on some
8 actions that need to be taken and not to let this happen
9 again. And we will hope that you all would be included.
10 And I'm sure that you all would be working together on
11 that.

12 MS. NEISER: We'd appreciate that.

13 REPRESENTATIVE JAMES: Okay. Thank you.

14 CHAIRMAN BIRMELIN: Representative Reber?

15 REPRESENTATIVE REBER: Just -- just very briefly
16 and perhaps if you have any disagreement with my comment,
17 but I don't think that you'll have any disagreement,
18 though.

19 Mr. Chairman, I can't help but sit here,
20 especially after listening to the testimony relative to
21 the 10 public schools and two parochial schools, in the
22 immediate area of the prison, that the concern that is
23 being expressed in the matter, in the future, that the
24 appropriate notification and to have a game plan, is
25 somewhat emblematic, in my mind of the situation back where

1 I live. If Three Rivers Stadium were my home, your prison
2 is the power plant in my district. We have a very, very
3 high tech emergency management plan, with whistles, bells,
4 sirens, notifications. There is a yearly test of all the
5 various interest groups and what have you. And I'm going
6 to take some time, after these hearings are concluded and
7 just pass along some of my thoughts to Representative Walko,
8 so that he can possibly incorporate that into something
9 that you might be coming out with. There's the old saying,
10 "Location, location, location is everything." And of
11 course, in your situation, it's somewhat bolder than most
12 of the correctional facilities that we have around the
13 state. And I think, as a result of that, where, in fact
14 there is such a mass population of students, situations
15 that are, in harm's way, if you will, under these kinds
16 of situations, that we might develop an overall emergency
17 management scheme, where even yearly, there could be a mock
18 escape, to handle notification procedure, which goes on,
19 in many instances. I think that this might be something
20 to look to. And so, I don't think that you'd have any
21 problems with that. But if you do, I'd like to know.

22 CHIEF FADZEN: I think, sir, that you hit on a
23 very key issue. We do need to practice this. You're
24 talking about coordinating three, four law enforcement
25 agencies, we're talking about coordination between 10

1 schools, Judy's Block Watch Program. And the only way to
2 make sure that it works is to practice it. We do need to
3 dry run that.

4 REPRESENTATIVE REBER: I liked the statement that
5 you made, that if, in fact, you were aware, you could have
6 had 10 squad cars immediately on the site of the facility.
7 One of the most imposing things for people is police
8 presence and flashing lights and what have you. I think
9 that that is really what we want to maintain, is
10 organization and comfort level, right out of the box, with
11 something like this.

12 CHIEF FADZEN: We don't want to cause a panic,
13 but what Mrs. Neiser said is very true. We could have
14 notified the schools to be extra cautious about who you
15 let in and out, lock down your parking lots, make sure when
16 kids are being picked up at the end of the day that you
17 have teachers up there and we have policemen out there.
18 We could have been very proactive and people feel safer,
19 I think and you don't have a panic as a result of that.
20 We could have done a much better job, making our people
21 feel at ease and our children feel at ease.

22 REPRESENTATIVE REBER: Thank you.

23 REPRESENTATIVE JAMES: Okay. Chairman Birmelin
24 had to go out. The next person in line is Representative
25 Manderino.

FORM 1

1 REPRESENTATIVE MANDERINO: No questions.

2 REPRESENTATIVE JAMES: Representative Walko?

3 REPRESENTATIVE WALKO: Thank you, Mr. Chairman.

4 First of all, I'd like to commend Director Neiser for being
5 on top of the school notification issue, because, as a
6 parent, with a son at Horace Mann, I was extremely
7 concerned, mostly in retrospect, after the fact, because
8 I didn't know what was happening until approximately, 3:00
9 3:30 that afternoon, when I learned about the escape on
10 KQV, on the radio, when I was on the Turnpike.

11 Anyway, I'd also like to commend Judy Landa for
12 the excellent work that you do with the block watch. And
13 you have alluded to improvements being made. You mentioned
14 the one-call system. Specifically and perhaps addressing
15 regular communications with the prison officials, what
16 other improvements or would you list some of the
17 improvements which you feel have been made and are going
18 to be made?

19 MS. LANDA: Well, what I specifically was
20 referring to is the system, the new telephone system. And
21 again, that was just tested in the past few days. We do
22 have a concern about the system, in the instance of the
23 machine talking to a machine. And they haven't been able
24 to clarify that yet. For instance, if an answering machine
25 would pick up, since this is an outgoing voice mail, for

1 lack of a better phrase, with a machine picking up, in
2 other words, there's a few glitches. But -- but I think
3 that that is the first step, in many additional steps. But
4 right now, that's our major -- you know, that was our first
5 concern, will we be notified. And the reason that I stress
6 an ingoing line is, as you can see, I made multiple phone
7 calls to what I thought were the proper authorities. So,
8 what did I make, eight, ten phone calls and I got nothing.

9 So, again, I would like to impress, not just
10 outgoing message, but the ability to be able to phone
11 someone and get accurate information, as soon as possible.

12 REPRESENTATIVE WALKO: Well frankly, Ms. Landa,
13 I believe that you even called me that afternoon. But I
14 didn't know anything and I wasn't at my office yet. That
15 was one point that I made to the prison officials, that
16 Senator Wagner and myself received a lot of calls from
17 constituents. And we were totally in the dark, until I
18 went down afterwards and found out what was going on.

19 Now, has Superintendent Price agreed to meet
20 regularly with you, if not all the time, but regularly,
21 with the block watch?

22 MS. LANDA: Not specifically Superintendent
23 Price. I spoke with him once, briefly on the phone. But
24 as recently as yesterday, I spoke to Deputy Stickman and
25 he said that any -- any time -- that we could phone him

1 any time, with any questions or concerns and he would
2 gladly attend any meetings. And also, we have been dealing
3 with a security officer, I believe that it is Lieutenant
4 Fuchs and he's -- you know, we've been dealing with him
5 several times. But he's been updating us, as to the speed
6 calling system and he's agreed to attend the meetings.

7 MS. NEISER: I just would like to say to you,
8 you know, we -- we realize there's been a change in the
9 phone system, but, in a situation like this, it would be
10 far better to have someone on the other end of the phone,
11 who is alive, because, how many times do you leave a
12 message on voice mail and you never get a return call? So,
13 it would create a panic situation and that would only
14 enhance it and keep it going, if you weren't really talking
15 to someone, because, at a time like that, you know how
16 upset people become. And, you know, our parents certainly
17 were very upset to find out afterwards what had really
18 happened. And I received numerous phone calls. So, it
19 would be far better, that if there were a situation to
20 occur, that we would have a live voice on the other end,
21 because it would really cut down and calm people down.

22 REPRESENTATIVE WALKO: That's a very good point,
23 because obviously, a situation can have many, many nuances
24 and everything from the number of prisoners, to manner of
25 escape, injuries, et cetera.

1 Thank you very much.

2 MS. NEISER: Thank you.

3 REPRESENTATIVE JAMES: Thank you. Representative
4 Orié?

5 REPRESENTATIVE ORIE: First of all, I, too, would
6 like to commend the representatives from Allegheny County,
7 the neighborhood watch group and the importance and
8 significance. I also would concur with Representative Reber's
9 statement, that nothing more emphasizes the need for
10 communication than the information that you gave to us
11 concerning the impact on these 10 public schools and the
12 two parochial schools and the parents in the neighborhood
13 of this area.

14 I guess my first question would be directed to
15 the Chief of Security, in regards to the Pittsburgh
16 Schools. You had indicated that you had not received any
17 notification, but for clarification purposes, if you were
18 to receive a notification, would then you contact the
19 school, through your protocol or how -- how does that
20 happen?

21 CHIEF FADZEN: We would do several things. We
22 have a computer aided dispatch center, which would
23 immediately dispatch all available cars and all super-
24 visors to the immediate area of the prison. They know
25 where the schools are, they know who to talk to within the

1 schools. There would be done a one-on-one contact with
2 each and every school. We also would phone each and every
3 school, to make sure that the principal was aware. We
4 would call the area supervising principal, to make sure
5 that they were aware that there was a problem associated
6 with all the schools in that area. We would notify block
7 watch captains, like Judy, that there was a problem in the
8 area. We network very close with those types of organiza-
9 tions. We obviously would have called Pittsburgh and the
10 state, to see if there was anything we could do to help
11 them. And again, we could have put 10, very visible police
12 cars in that area, so that our -- mainly our children, but
13 also the parents of those children were aware that we were
14 concerned with the state of the other children, which we
15 obviously are.

16 REPRESENTATIVE ORIE: So, vehicles would be
17 dispatched to these 10 public schools?

18 CHIEF FADZEN: We would have a vehicle at each
19 and every one of those schools, sitting in the parking lot,
20 to make sure that there were no problems, that's right.

21 REPRESENTATIVE ORIE: And so that I'm clear on
22 this, just a simple phone call to you, with the ramifica-
23 tion and the notification that you would give, would be
24 taken -- would be taken care of completely, but
25 essentially, it would have fanned out from there?

1 CHIEF FADZEN: Our dispatch center is really a
2 one-stop shop for it.

3 REPRESENTATIVE ORIE: And in regards to the block
4 watch, itself, I guess my question to you is that you had
5 indicated that you tried to contact the prison and you were
6 unable to make a contact with the person on the phone. You
7 got voice mail instead. Is your suggestion that you would
8 have a contact person or somebody you could talk to, under
9 circumstances such as this?

10 MS. LANDA: Yes. A specific, I'm requesting a
11 specific number, that is not listed in the phone book; just
12 an additional, ingoing phone number, that would only be
13 given to the immediate community, which would just be an
14 emergency number. Even if, on other days there's just a
15 prerecorded message, that says, "Hello, you've reached the
16 State Correctional Institution, have a nice day," that --
17 that -- you know what I mean and then, in the case of an
18 emergency, there would be a living, breathing person
19 manning that particular line.

20 REPRESENTATIVE ORIE: All right. I guess my next
21 question would be, prior to this escape, did you have the
22 opportunity, as block watch -- head of these block watches,
23 to have contact with one specific person in the prison?
24 Was that established?

25 MS. LANDA: No. And I must say, I'm just as much

1 at fault, in that capacity, as the prison officials,
2 because this block watch, again, has been in existence.
3 It's a huge neighborhood group. There are other large
4 citizens groups in the immediate area. And up until now,
5 we never had reason. And yet, we are in constant communi-
6 cation with every business, with every school, a multitude
7 of facilities. But just the occasion hadn't arisen and
8 now, unfortunately, we are very aware that they are in the
9 neighborhood.

10 REPRESENTATIVE ORIE: Have measures been taken
11 since the outbreak, where you have had contact with a
12 specific individual within the prison, who would be your
13 contact person? Has that been established, as of this
14 date?

15 MS. LANDA: Yes. At this point, I've been
16 dealing with the Deputy Superintendent, but also, I believe
17 the Lieutenant I had mentioned, Lieutenant Fuchs. I'm not
18 sure of his exact title. I want to say a security person.
19 Perhaps it was security/informational officer. He
20 specifically is assigned to us.

21 REPRESENTATIVE ORIE: And I guess my last
22 question would be with regard to the music that you hear
23 from the yards, has it -- in regards -- has -- have
24 complaints, formal complaints been made to the prison
25 officials, prior to this incident, along the lines of --

1 as to the inconveniences that your neighborhood --

2 MS. LANDA: Yes. Neighbors have told me. Now
3 again, I'm not quite as close as -- as many people are,
4 obviously. But I've had people tell me that Fourth of
5 July, Memorial Day, blasting rock music. And apparently,
6 they have complained, because they have been told that it
7 is the prison band. It's not like they are bringing in,
8 you know, a famous entertainer. And they say, "Well, what
9 does that have to do with anything? It's their own band.
10 It's their own instruments. We have to listen to it. If
11 we had a band in our backyard, blasting that loudly, there
12 are ordinances. Yet, they are allowed, because they are
13 prisoners." And so, apparently, this has been an ongoing
14 problem.

15 REPRESENTATIVE ORIE: And with regards to the
16 neighborhood block watch, that you recently had over 200
17 people who were present, as well as these prison officials,
18 the Superintendent, have these issues come to light or have
19 they been addressed? Have they been brought to light with
20 these prison officials? Have the lines of communication
21 been opened?

22 MS. LANDA: I can't say that that specific issue
23 was brought to light. Again, I know that it had been
24 brought to the attention of prison officials. But I would
25 say the majority of the -- well, for instance, many of the

1 things that came up at the meeting regarding -- and Evelyn
2 alluded to the same thing. I think, first and foremost
3 is the prison uniform issue came up. I don't know -- can
4 the current prison officials give us that information?
5 Would that be your group? We heard information as to
6 absolutely no more civilian clothes, we've heard
7 temporarily no more civilian clothes. You know, in other
8 words, some major issues were coming up, that were more
9 of a state issue than just this local facility. So, I
10 can't say that everything has been directly answered.

11 MS. NEISER: I would just say to you that we have
12 been hearing things, but we haven't been told for sure,
13 that these changes are going to occur or have been made.
14 so, we are not really totally sure. There needs to be
15 ongoing communication and it needs to be more often than
16 it is right now.

17 MS. LANDA: And I feel sure, at my next meeting,
18 people will want to know have this -- has this been
19 addressed. We will hear the same questions again.

20 REPRESENTATIVE ORIE: I think that the Chairman
21 can tell you, the courts and the legislation that's pending
22 along these lines. We had discussed that yesterday with
23 Representative Readshaw. Legislation is pending.

24 My last question would be to you, have the lines
25 of communication been opened with your neighborhood watch

1 groups and the prison officials? Are you advanced from where
2 you were?

3 MS. LANDA: Oh, yes. Definitely.

4 REPRESENTATIVE ORIE: I don't have any other
5 questions.

6 CHAIRMAN BIRMELIN: Well, we want to thank you
7 folks for testifying. Sometimes, I know, when we have
8 public hearings, we wonder if it does any good. But I
9 think that all of the testimony that we have heard over
10 the last few days has been constructive. We see that some
11 prison changes have been made. And incidentally, the next
12 testifier is going to be Mr. Horn and Mr. Price. You might
13 want to stick around and hear their testimony.

14 We see that some changes have been made and we
15 know that there's concern that other changes be made. And
16 I think that as this Committee issues its report and I
17 think gives serious consideration to some of the legisla-
18 tion, which we discussed yesterday, which may deal with
19 some of these issues, such as civilian clothing and
20 notification, that you may see some positive things happen.
21 And -- but we are not happy about the fact that it took
22 a prison break to bring these about, but perhaps, in retro-
23 spect, we will be able to say that things were learned from
24 this incident and maybe make some improvements that will
25 help things in the future.

1 Thank you for your concern, as public citizens
2 and for the input that you've given us today. As I
3 mentioned earlier, before you got here, if you are
4 interested in getting a copy of the report of this
5 Committee, for your own information, that you contact Chief
6 Counsel, Brian Preski, seated to my right and he will see
7 that you get a copy of that.

8 Thank you very much for coming.

9 CHIEF FADZEN: Thank you.

10 MS. LANDA: Thank you.

11 MS. NEISER: Thank you.

12 CHAIRMAN BIRMELIN: The Deputy Police Chief has
13 still not shown up and so, I would like to call on the
14 Superintendent of the Pittsburgh State Correctional
15 Institution, Mr. Jim Price and the Commissioner of the
16 Department of Corrections, Mr. Martin Horn. If they would
17 come and testify.

18 Gentlemen, we know that at least Mr. Horn
19 testified earlier, two days ago and shared with us a lot
20 of information, as well as giving us a tour of the
21 facility. Thank you for that and for your cooperation.
22 I know that you were not here yesterday, but your staff
23 has informed you as to the testimony and so, you are
24 probably fairly well up to speed on all that was said and
25 done here in these three days. And we are not going to

1 ask you to come here and ditto everything that you have
2 already said. However, I would like to give you the
3 opportunity, if you have any additional thoughts, that
4 perhaps you hadn't expressed when you were here the first
5 time or in response to the testifiers who have given testi-
6 mony in the last two days, after you, as you were the first
7 one to testify.

8 COMMISSIONER HORN: Sure.

9 CHAIRMAN BIRMELIN: Maybe you'd like to respond
10 to something that you heard. I want to give you that
11 chance to respond today, to some points that were made or
12 some things of interest that may have sparked some
13 additional thoughts, on your part and also to welcome
14 Mr. Price, who will be testifying for the first time. And
15 we urge you to, if you wish, make a statement on your own
16 or as Mr. Horn testifies, to contribute to the dialogue
17 here.

18 So, Mr. Horn, we'd like to welcome you.

19 COMMISSIONER HORN: Thank you very much,
20 Mr. Chairman. I appreciate this opportunity to return and
21 to clarify some issues and to answer any follow-up question
22 that the members may have. I will attempt to be brief.

23 As I said earlier and I will repeat again, we
24 make no excuses for what happened here. It was inexcusable
25 and indefensible. And so, our posture throughout has been

1 to not be defensive. Our posture has been to learn from
2 it and to correct the deficiencies that we have identified
3 and to ensure that they are not occurring elsewhere. As
4 I indicated when I testified on Monday, I believe that we
5 have done that and we are making substantial strides and
6 I'd certainly prepared to review with the Committee the
7 status of the actions that we indicated we would take, in
8 the report that we submitted to the Governor, which we have
9 shared with you. And I'm sure, as well, that Superintendent
10 Price can explain to you the steps that he has taken, in
11 the few short weeks that he has been at the prison.

12 Over the last several days, you have heard
13 several things, much of which, I believe probably confirms
14 and reenforces things that I've said. I know that you have
15 heard strong arguments, with respect to the issue of
16 whether or not we should continue operating Western
17 Penitentiary, whether we should replace it. But this
18 hearing, as I understand it, has to do with the escape.
19 And as I have said repeatedly, the escape did not happen
20 because of the age of the facility. The escape happened
21 because of a failure of leadership and a failure of manage-
22 ment. And the most important thing that we have done and
23 I think the thing that had not been done in prior years,
24 even though the prison had five wardens over seven years,
25 we had never, "we," the Department, long before I got here,

1 but "we," the Department, had never fully changed the
2 leadership team. And no one person, by himself or herself,
3 can turn around an organization, as large and as complex
4 as Western Penitentiary, which has operated, with very
5 strong, very rich tradition, for many, many years. And
6 it was a mistake to think that one person could do that.
7 I think we now have the team of very energetic, very
8 bright, very competent individuals and I think that they,
9 above all understand that we have to work as a team.

10 In any organization, but most especially in
11 corrections, more important than the physical plant is the
12 personnel. And the most important resources that I have
13 are my personnel. I think that some of the finest men and
14 women in the Commonwealth work for the Pennsylvania Depart-
15 ment of Corrections, at SCI Pittsburgh and at the 23 other
16 prisons that we have. They are brave and overwhelmingly,
17 they are conscientious.

18 In any organization, however, where you have over
19 12,000 employees, sometimes people lose their edge. And
20 it's management's responsibility to ensure that people keep
21 their edge. And the edge got dull at Western Penitentiary
22 and now, we are sharpening it again.

23 I think that you have also heard that we have
24 worked very aggressively to improve the community notifica-
25 tion process and there is no question but that both

FORM 1

1 Department policy and local policy and indeed, the
 2 facility's own checklist called for those notifications
 3 to be made. That they weren't made was a failure, by the
 4 personnel on duty, charged with those responsibilities,
 5 on the day in question. We have retrained, we have
 6 reenforced and reemphasized the importance of those proce-
 7 dures and in addition, have met with the representatives
 8 of the community, both before Superintendent Price arrived
 9 and since. We have installed, in the facility, an
 10 automatic device, that automatically dials, I believe up
 11 to 17 telephone numbers and plays a recorded message, that
 12 will instantaneously alert block watch associations and
 13 so on. This is in addition to the speed dialing that was
 14 already in place.

15 We have, I believe and Superintendent Price can
 16 speak to it in greater detail, reached an agreement with
 17 the community about the use of the steam whistle, from the
 18 power plant, which has traditionally been used, but I --
 19 again, I think that it may well be that people sort of
 20 forgot that if the whistle went off, other than at the
 21 normal hours, that it meant something was amiss. And that --
 22 you know, there's always going to be the person in the
 23 community, who, when the whistle blows isn't home, but
 24 arrives home five minutes later and didn't hear the whistle
 25 blow. Then they'll say, "Gee, I didn't know there was an

1 escape." You're never going to achieve perfect notifica-
2 tion. And I also think that it would be inadvisable to
3 sound the whistle every time the count was off.

4 We are working very hard to speed up the count,
5 to improve the count process. But you visited the facility
6 and I think you could see firsthand how complicated it is
7 to clear that count.

8 We will continue to work, to improve the
9 operation. We believe that our first responsibility is
10 to the security of that facility and to the public safety.
11 And I believe that our actions to date have demonstrated
12 that. I'd be happy to answer any follow-up questions that
13 the Committee members may have.

14 CHAIRMAN BIRMELIN: Mr. Price, do you have
15 anything that you would like to share with us?

16 SUPERINTENDENT PRICE: I, too, appreciate this
17 opportunity to address the panel. I think my opening
18 statement would only echo what the Commissioner has already
19 said. I think that, in toto, what SCI Pittsburgh needs
20 is what we are doing right now. We are getting back to
21 basic security and corrections. And we are involved in
22 a lot of processes and a lot of changes and a new emphasis
23 on doing the right thing, as far as security inside and
24 outside. And I, too, will be -- gladly answer any
25 questions that you may have.

1 CHAIRMAN BIRMELIN: Before I turn this over to
2 the other members of the panel, I was just struck by one
3 statement that Robert Fadzen, Chief of Security for the
4 School System made, when he was here a few minutes ago and
5 I believe, before you got here, that you had already
6 completed a test run of the emergency calling system, is
7 that correct?

8 SUPERINTENDENT PRICE: That's correct.

9 CHAIRMAN BIRMELIN: And that he was not a part
10 of that. Were you aware of that?

11 SUPERINTENDENT PRICE: No, I wasn't. We notified
12 the schools. They are -- the -- the school numbers. You
13 have to bear with me a bit. The -- I may not know every
14 school in the District. I'm new to the Pittsburgh area.
15 But our Emergency Preparedness Lieutenant, who was referred
16 to, Lieutenant Fuchs, he has been involved in that process.
17 If there's anyone missed, we will certainly get back to
18 getting that all in place. Commissioner Horn said that there
19 were 17 people who were -- 17 numbers that would be put
20 on -- actually, it is 40. We have lots of room to put
21 everyone who is involved. If someone was missed, I'm sure
22 that they will be added to that list.

23 CHAIRMAN BIRMELIN: Well, I am not sure why he
24 was missed. I think my recollection is that --

25 SUPERINTENDENT PRICE: I --

1 CHAIRMAN BIRMELIN: He is still here and I would
2 suggest that perhaps before he leaves, you could go and
3 talk to him.

4 SUPERINTENDENT PRICE: Okay. I -- two things
5 I -- and I'm not absolutely certain. One of the numbers
6 to be called was the Chief of Security for the schools.
7 Also, numbers that were on there were schools. Again, I
8 would have to go back and make absolutely certain that --
9 that the numbers are correct and that it went to the right
10 place. I assume, because Lieutenant Fuchs had been
11 involved with it, that they were the right numbers. But
12 certainly, we will get it right.

13 There are plans that we will meet with all of
14 these persons and make sure that our notification is
15 complete. We would like to go too far, rather than not
16 go far enough.

17 CHAIRMAN BIRMELIN: As a follow-up to that and
18 I mentioned this to the folks who testified earlier today,
19 what -- on what grounds would you notify all of these
20 people? What would have to happen at the prison, for you
21 to get on the emergency dialing system and make all of
22 these prerecorded messages? What events would occur, for
23 you to use that system?

24 SUPERINTENDENT PRICE: We -- right now, we have it
25 in two categories: an escape or an incident inside the

1 institution, that may cause risk to the public. Not --
2 not an incident that would occur in a cell block, that was
3 of the nature, where there was just a few inmates involved.
4 But if there were a disruption in the yard, recreation
5 yard, for example, that may overflow into something else,
6 where something could possibly happen, it would be -- it
7 would be put out on a taped message, that, "We're having
8 a situation in the institution, that could cause public
9 risk." And we would be very careful. We don't want to
10 alarm people, when we don't need to. So, it would have
11 to be of a significant -- of -- of such a significance,
12 that it -- we would be concerned, that we would have to
13 be calling outside help in and -- or something like that,
14 that could get away from us, so to speak.

15 CHAIRMAN BIRMELIN: I appreciate your answer and
16 it's fairly much what I would have said if I were sitting
17 in your seat, because I remember the Camp Hill riots and
18 used that as an incident that -- there was no escape, where
19 there could have been some real problems, as a result of
20 that incident. And so, I thank you for that and I thank
21 you for your testimony and I would ask members of the Panel
22 now, if they have any questions of you. And I'll start
23 with Representative James.

24 REPRESENTATIVE JAMES: Thank you, Mr. Chairman.
25 Thank you again, Mr. Commissioner and Superintendent Price.

1 Thank you for coming.

2 Commissioner, I had indicated to you earlier,
3 Monday and said that I'm going to be reviewing the
4 testimony and reviewing the information that we have. And
5 I heard you today say that it was inexcusable, indefensible
6 and a failure of leadership and management and that you
7 subsequently made all of those changes. It's just that
8 I wouldn't want to second guess your policies or
9 discipline. But I just could not understand, based upon
10 the gravity of this situation, why the Superintendent was
11 not suspended, pending an investigation or the Deputy
12 Superintendent, because of the -- just this widespread
13 organized problem that we had here. And the fact that
14 there was some disciplinary action taken, in the demotion
15 of the Superintendent and the transfer, does that mean that
16 there will not be any further discipline, if, in fact, the
17 investigation warrants there should be?

18 COMMISSIONER HORN: If the investigation reveals
19 further shortcomings, further action will be taken.

20 REPRESENTATIVE JAMES: All right. Thank you.

21 Has there -- has there been established a coordi-
22 nated effort, which includes the community, local police,
23 the schools, in terms of trying to improve the situation,
24 if this ever happens again and are they continuing -- are
25 they going to be continuing meetings, which include everyone?

1 COMMISSIONER HORN: Yes.

2 REPRESENTATIVE JAMES: Did I leave out anybody,
3 concerning the community: police, schools, State Police,
4 as well as the Corrections Department?

5 COMMISSIONER HORN: County Police, emergency
6 squads, that sort of thing.

7 REPRESENTATIVE JAMES: Okay. Thank you.

8 CHAIRMAN BIRMELIN: Representative Orié?

9 REPRESENTATIVE ORIE: I guess I just have one,
10 follow-up question from Monday. You had indicated to us
11 that the annual operation inspections take place. And I
12 think when one of the CO's testified to us, they indicated
13 that they have no input in that matter, these reports or
14 whatever -- whatever suggestions are being made or any
15 input, giving some information in regards to security or
16 whatever. Have there been any changes along that line,
17 to change that policy, to get more input from the CO's,
18 with regards to this report and also to get their input
19 in for follow-up actions with this?

20 COMMISSIONER HORN: No.

21 REPRESENTATIVE ORIE: Is that something that you
22 will be looking into? My concern is that various matters
23 have been brought to us, for example, security measures.
24 For example, we found bullets coming into the visitors'
25 room or tools being found that shouldn't have been found.

1 Meets and discuss perhaps would facilitate more security
2 and keep alive the chain of communication.

3 COMMISSIONER HORN: Well, we -- we expect each
4 Superintendent to meet with the Union monthly and to
5 maintain written minutes of those meetings. And those
6 meetings -- the minutes of those meetings are sent to the
7 Regional Deputy Commissioner and I believe shared with
8 other Superintendents, as well. All the Superintendents
9 around the state see the minutes from each other's labor-
10 management meetings. I periodically review them.

11 Additionally, the -- the Union, through its
12 central office, has very great ready and immediate access
13 to myself. The Executive Assistant to the President of
14 AFSCME has my home phone, my pager number is on our
15 emergency notification system and has not hesitated to call
16 me, when he has heard from one of his locals, that there's
17 a problem at the prison that is not being addressed.

18 The annual operations inspections are an audit
19 of management. The Collective Bargaining Agreement governs
20 the extent to which the Unions and there are many different
21 Unions. There are Unions that represent the librarians.
22 There are Unions that represent the counselors. There is
23 a separate Union that represents the dentists. So, there
24 is more than one Union. So, we don't provide input on the
25 operations inspection. We provide input, in the form that

1 the state has specified, under its Collective Bargaining
2 Agreements. We follow those. I believe that we have been
3 following them religiously. And we expect the
4 Superintendents to keep an open line of communication with
5 the Unions.

6 I visit the prisons. When I visit the prisons,
7 I meet -- I was down at Greene yesterday. I met with the
8 Shop Steward there. I make myself available to
9 individuals. And if they feel that they are not having
10 the degree of access that they believe they should, I raise
11 that issue with the Superintendent. And if you ask Super-
12 intendents, they will tell you that I say to them, "You've
13 got to keep talking to these guys."

14 But ultimately, it is management's responsibility
15 to manage. And so far, this state has not moved to a
16 concept of participatory management, which is -- which is
17 sort of what you would end up with, if -- if we said we're
18 going to have -- if what the Union says is going to sort
19 of dictate everything we do. You -- you pay managers to
20 manage and that's what we expect them to do. And part of
21 managing is maintaining an open line of communication.

22 With respect to reports that were filed, I mean,
23 one of the things that you do is you audit the operation
24 of those offices. I've -- I've heard a lot of things that
25 were said here over the last day and a half, some of which

1 may not have been reported. And I say, "Well, you know,
2 if people knew things, where's the paperwork? Why wasn't
3 it reported to anybody?" I understand that there was a
4 statement made yesterday, to the effect that there were,
5 in fact, rumors about this escape. And I double checked
6 with Deputy Superintendent Benning and his investigative
7 team and they reviewed their notes and they see nobody
8 having told them that, during the course of their
9 investigation. This is the first we hear of that. So,
10 if someone knew it, I question why they didn't report it.
11 And if they reported it, to whom and when?

12 So, there are many statements that can be made,
13 but we have a process, we believe it's a sound process.
14 In this case, the follow up failed. I don't believe that
15 the auditing process failed, because I think the audits
16 were adequate. I think the audits found the shortcomings
17 and the problem was in the follow up.

18 REPRESENTATIVE ORIE: Just in follow up, one of
19 the allegations was that there was some type of prior
20 notification to the escape or that there was a search of
21 the cell of one of the inmates who escaped and that escape
22 tools were found in the cell. There's no record of that?

23 COMMISSIONER HORN: No record and it was not
24 raised with the investigator, to my knowledge. There was
25 a search of Inmate Conard's work area, in Correctional

1 Industries and some files were found and I think that what
2 happened -- I'm not sure whether a misconduct report was
3 written or whether it was written and dismissed at the
4 hearing, for lack of proof. But with respect to a find
5 in one of the particular inmates' cells, I -- I don't want
6 to say absolutely, because there's so much and it was a
7 month ago. I'd have to go back and review. But I don't --
8 I don't recall that. And if it -- if it occurred, we would
9 have reported it in that report.

10 REPRESENTATIVE ORIE: I appreciate your time.
11 Thank you.

12 CHAIRMAN BIRMELIN: Representative Walko?

13 REPRESENTATIVE WALKO: Thank you, Mr. Chairman.
14 Thank you, Commissioner, for being here today.

15 COMMISSIONER HORN: Thank you.

16 REPRESENTATIVE WALKO: The one -- first of all,
17 I believe you've done an excellent job, since January 8th
18 and I said that before and I really mean it.

19 COMMISSIONER HORN: Thank you.

20 REPRESENTATIVE WALKO: And I've witnessed various
21 improvements. I still have a problem getting past, beyond
22 or going back retroactively. And this predates you, of
23 course, Commissioner, that certain problems existed at
24 Western Penitentiary. And tool control was known to be
25 nonexistent or lacking. I believe there were meet and

1 discusses, going back to January 17th, 1982. There was
2 a drill missing and that was never apparently taken care
3 of or closed out. Civilian clothing, you hear all sorts
4 of things about that. That was there for years, I suppose.
5 I'm not sure when that started.

6 COMMISSIONER HORN: 1971.

7 REPRESENTATIVE WALKO: 1971. And yet, now, in
8 response to public outcry and I was just as surprised,
9 myself, to learn that there was civilian clothing. It's,
10 I guess still there and there was no action taken to fix
11 that problem.

12 There were count problems. Apparently, in the
13 meet and discusses, that was brought to attention, whether
14 it was Fulcomer or whoever and no action was taken on
15 those. I believe that there were indications, I believe
16 in the meet and discuss, things about key control and
17 again, I've heard from guards, saying that they didn't feel
18 that they had the right keys, the prisoners had keys. That
19 again goes back to 19 -- I don't know how long that might
20 have gone on.

21 And I just have a lot of problems seeing not only
22 the reevaluating of all the players, we're evaluating
23 management, yourself, really, the Governor and the way that
24 he is running his shop. And I just can't get beyond that,
25 that just someone wasn't doing their job, not just in the

1 prison yard, but in your office and perhaps above you. I
2 mean, do you think that you were doing your job?

3 COMMISSIONER HORN: Yes, sir, I do.

4 REPRESENTATIVE WALKO: Then why weren't those
5 specific actions taken, before this incident?

6 COMMISSIONER HORN: I think that specific actions
7 were taken, in certain areas. There are only so many hours
8 in a day. And also, action was taken, to the extent of
9 giving direction. You know, I -- there are 24 prisons.
10 Each prison has a warden, it has two deputy wardens, some
11 of them have three deputy wardens, they have majors. You
12 give people directions to do the job. And when you see
13 deficiencies, you say, "Fix it." And very often, people
14 say, "It's **fixed**."

15 I can't run every prison. If I had to run every
16 prison, myself, then I shouldn't have all of those wardens
17 and I should collect all of their salaries. And the same
18 thing for the deputy wardens.

19 Additionally I think, you know, that question
20 that you asked applies to every administration that
21 preceded me.

22 REPRESENTATIVE WALKO: I understand that.

23 COMMISSIONER HORN: And in speaking to people
24 who have been here before me, what they tell me is that,
25 at this prison, there is such a sense of pride and I

1 believe a misplaced sense of how well they do the job, that
2 there was tremendous resistance to change. Even this week
3 and I don't want to put Superintendent Price on the spot,
4 the frustration that he has, dealing with the issues that
5 it takes to make this prison run the way we believe it
6 should run, is a full-time job. The amount of time that
7 this one prison and this one incident has involved for me,
8 has been time that I haven't spent at Graterford or at
9 Huntingdon or at Waymart or at Dallas or at Frackville.
10 And the time that I spent in 1995, the better part of a
11 year, dealing with problems at Graterford, was time that
12 was not available to spend at Pittsburgh.

13 Additionally, I don't think that you can ignore
14 the demands that any corrections department, my predecessor,
15 and myself face, when it is -- for example, in the first
16 year that I arrived, the inmate population grew by 4,000
17 inmates, in a single year. And the amount of time that
18 you spend just figuring out where you are going to put the
19 inmates, the amount of time that you spend recruiting
20 staff, the amount of time that you spend opening new
21 facilities, the amount of time that you spend working with
22 architects to design new facilities, negotiating, the
23 amount of time that is spent, quite frankly, meeting with
24 legislators, meeting with local officials and doing all
25 of those things, in -- in an ideal world -- you know, from

1 1940 to 1980, the prison population in this state barely
2 budged. It fluctuated by 1200 inmates, in 40 years. Those
3 commissioners, I guess, had the luxury of eight prisons.
4 There's still only one commissioner, but there's 24
5 prisons. And that's not to make excuses. But that's to
6 explain how that can happen.

7 And I also think that with respect to Pittsburgh,
8 you cannot ignore and I think particularly, Superintendent
9 Price and I and others have discussed this, I don't think
10 that you can ignore the demands of trying to keep that
11 place running. So, just when you think that you're ready
12 to start working on tool control, you get flooded and you
13 use heat and hot water in your two major cell blocks and
14 you have to lock the place down for five days. If the
15 chiller pipes go and those cell blocks that were built in
16 1985, with sealed windows, start to get overheated, you've
17 got to get them fixed. And that becomes the priority. You
18 respond to the crises. And so, you can't fix the underlying
19 problems.

20 Moreover, quite frankly, the last warden, I
21 believe, was trying to accomplish it, without the
22 conscientious support of the people that he should have
23 been able to rely upon. I don't believe that they fully
24 supported what he did. I also believe that they saw --
25 many of the changes that we made in all of the other

1 facilities in the Department, I urge you strenuously to
2 visit another facility. Drive 50 minutes and visit SCI
3 Greene. Drive to visit -- come over to visit Camp Hill.
4 Go to visit Dallas or Waymart. Visit another prison. I
5 think that the changes that were made in the Department,
6 since 1989, at Camp Hill, passed Pittsburgh by. Pittsburgh
7 was almost lost in time.

8 The Superintendent and I were talking this
9 morning about the whole issue of the way that the inmate
10 employment office in Pittsburgh works or didn't work. And
11 it was almost as if central office said, "Well, we're going
12 to have this thing and we're going to control the way that
13 inmates get assigned to jobs." And at other prisons, it
14 got drafted into the life of the prison. But in Pittsburgh,
15 it was seen as just another cockamamy idea from Harrisburg,
16 that top level managers, the deputy superintendents perhaps
17 didn't believe in or didn't comprehend or didn't accept.
18 And so, they set an office up, but they never gave it the
19 support, the authority, the direction, the training or the
20 oversight. And again, that is not to make an excuse, but
21 when you are coping with all of those things, you are
22 constantly running against the tide.

23 Finally, you had five different wardens in seven
24 years. You cannot accomplish anything with that kind of
25 turnover.

1 REPRESENTATIVE WALKO: Thank you, Commissioner.
2 And since I quoted hearsay before, I have heard from a
3 number of jail guards, who indicate that you have been
4 doing an excellent job. And that goes prior to January 8,
5 with regard to addressing some of their concerns. And so,
6 in fairness to you --

7 COMMISSIONER HORN: I appreciate that. And, you
8 know, in prisons, Representative, you can't address
9 everything right away. I mean, you have to pace the
10 changes and you have to -- you know, the whole issue of
11 civilian clothing, I -- I have said this repeatedly. I
12 come from a state, I grew up in a state, where inmates all
13 wore green. And there was no street clothing allowed in
14 the prison. And in the spring of 1995, shortly after I
15 came on the job, I specifically remember visiting SCI
16 Dallas, seeing a large number of inmates walking around
17 in the late afternoon and not being able to tell who was
18 an inmate and who was a civilian employee and returning
19 to Harrisburg and saying to my deputy superintendents, all
20 of whom were experienced wardens before, deputy
21 commissioners, rather, before they were -- they all had
22 been superintendents, saying, "How can this be?" And they
23 said, "Well, we've always done it this way and it's not
24 a problem." And so, when I said, "All right. What's the
25 first thing we should deal with," it wasn't at the top of

1 my list. It was on the list, but it wasn't -- you know,
2 it was one of those things that, during my tenure, I'm
3 going to get to. But you can't get to everything.

4 REPRESENTATIVE WALKO: And finally, Commissioner,
5 just an observation on my part. A lot of the responsibility
6 in this whole affair probably should fall upon us as
7 Representatives. I mean, we have taken action, in my first
8 term, 41 new get tough on crime laws, which, including
9 "three strikes and you're out." And I voted for it. But
10 that is helping fill our prisons. And, you know, as you
11 pointed out, it is burgeoning. In the last year, we've
12 had 4,000 new inmates. And perhaps we're not living up
13 to the whole bargain. And that goes with the Governor and
14 every Representative and Senator, in fully and adequately
15 funding our corrections system, in fully and adequately
16 funding prevention programs, to keep the population down.

17 Without getting away from the specifics of this
18 issue, but it is very relevant, you pointed out in your
19 testimony and Mr. Clate from the prisoner rights group
20 pointed it out in his, Judy -- Rudy Arensberg pointed it
21 out in his, we are simply overcrowding SCI Pittsburgh. Our
22 entire system is at 152 percent of capacity. And I believe
23 that that is intolerable. I think that it is incumbent
24 upon us to address that problem.

25 COMMISSIONER HORN: Well, I appreciate that and

1 if I can respond, I think that there's no question. The
2 issue for me is society has to make a decision about how
3 much imprisonment it wants and who it wants to imprison.
4 And I believe that that is appropriately the function of
5 the Legislature. I always get uncomfortable when people
6 ask me what I think the Legislature ought to do. I don't
7 think that hat's my job.

8 Let me say this, however, the problem -- the
9 thing that I'm always concerned about is the pace of
10 growth. I can grow, but I can't grow overnight. I can't --
11 I can't -- Superintendent Price isn't a sheep and I can't
12 clone him. And I can't create experienced, talented
13 wardens fast enough. 4,000 inmates in a year is the
14 equivalent of two or three new prisons. I can't create
15 two or three new wardens every year, year-in and year-out.
16 So, I only ask that the people be attentive to the pace
17 of the growth.

18 But let me say this, with respect to the 41 bills
19 and the special session on crime, the growth that occurred
20 was fueled by things that happened well before that,
21 because the effect could not have been as great. And most
22 of the bills that were passed in the special session had
23 the effect of extending the length of stay of the people
24 who were going to prison, anyway. So, for example, the
25 change of penalty on Murder 3, from 10 to 20, to 20 to 40,

1 the effect of that won't be felt until 10 years out. The
2 effect of three strikes would not be felt until probably
3 a good year after the session ended, because people first
4 have to be convicted, under the law. So, to the extent
5 that we've had that problem, I don't think that it's
6 attributable, but I think, as the Legislature perceived,
7 it needs to address it. And I absolutely agree with you,
8 that I wish we could -- I wish we could head them off at
9 the pass, before they came to me and I think that that is
10 why -- that is why I am very pleased that this year, the
11 budget includes \$10 million for drug and alcohol treatment,
12 because I think the Intermediate Punishment Program is
13 working.

14 If you look at our statistics and I believe you
15 may have been at our Appropriations Committee hearing, the
16 statistics are clear that admissions to prison have
17 actually declined, in the last year. And the reason that
18 our population grew as quickly as it did, in 1995, was
19 because the Parole Board paroled fewer people; not because
20 more people came to prison. And I think that's because
21 the guidelines in the Intermediate Punishment Program are
22 working and I think that's worthy of support.

23 REPRESENTATIVE WALKO: But the one point you're
24 making, Commissioner, is that there might be an increase
25

1 in inmates, based on our --

2 COMMISSIONER HORN: In the out years. In the
3 out years.

4 REPRESENTATIVE WALKO: We had better get on the
5 stick now and get ready for that.

6 COMMISSIONER HORN: Yes.

7 REPRESENTATIVE WALKO: Because overcrowding, I
8 think, is the problem on many fronts.

9 COMMISSIONER HORN: Yes.

10 REPRESENTATIVE WALKO: Thank you, Commissioner.

11 COMMISSIONER HORN: Thank you.

12 CHAIRMAN BIRMELIN: Representative Manderino?

13 REPRESENTATIVE MANDERINO: Thank you, Mr. Chairman.

14 My first line of questioning is for the
15 Commissioner. I understood your testimony, that there were
16 five Superintendents. I'm assuming the Superintendent and
17 warden is the same thing?

18 COMMISSIONER HORN: Yes, ma'am.

19 REPRESENTATIVE MANDERINO: Within seven years.
20 Is it my understanding that the Superintendent's immediate
21 supervisor is the Deputy Commissioner for the Western
22 Regional District?

23 COMMISSIONER HORN: Yes, ma'am.

24 REPRESENTATIVE MANDERINO: And it is my under-
25 standing from your testimony on Monday that the Deputy

1 Regional Commissioner for the Western District has worked
2 in that capacity for 10 or 12 years.

3 COMMISSIONER HORN: I -- I -- I think I said I'm
4 not sure exactly how long he has been in that position.

5 REPRESENTATIVE MANDERINO: Has he been in that
6 position seven years?

7 COMMISSIONER HORN: Yes.

8 REPRESENTATIVE MANDERINO: The Deputy Regional
9 Commissioner for the Western District reports to the
10 Executive Deputy Director. How long has the Executive
11 Deputy Director been in that position?

12 COMMISSIONER HORN: Two years.

13 REPRESENTATIVE MANDERINO: Okay. So, he is -- his
14 term is commensurate with yours?

15 COMMISSIONER HORN: Yes, ma'am.

16 REPRESENTATIVE MANDERINO: The meet and discuss
17 sessions that happened, you know that minutes are kept and
18 you acknowledged that those minutes are kept, not only by
19 the Union and the Superintendent, but that copies of them
20 go to the central office, at least to the Deputy
21 Commissioner for the Western Regional District?

22 COMMISSIONER HORN: That's right.

23 REPRESENTATIVE MANDERINO: You said on Monday,
24 during the tour on Monday, during your testimony and again
25 today, that you can't know about things, unless things are

1 reported.

2 COMMISSIONER HORN: That's right.

3 REPRESENTATIVE MANDERINO: In the excerpts that
4 we received yesterday from the Union, vis-a-vis things
5 reported in the meet and discuss, let me just call to your
6 attention a few things.

7 "5-22-84 meet and discuss. Inmate workers
8 walking around with tools again and also, the Union stated
9 the inmates are leaving the shop with tools. Management
10 requests the officers to specifically list what inmates,
11 from what shops are doing this, " et cetera.

12 "Meet and discuss, 10-10-85. Where was the
13 grinder that was found on North Block from? Who was the
14 last person to sign and date the inventory? The grinder
15 was from CI Building," et cetera, et cetera.

16 "Meet and discuss, 9-3-80. Request that an
17 attempt be made to reduce the number of out counts during
18 the count. Management advised that that is an ongoing
19 process, to assure a successful operation of the
20 institution."

21 "9-4-91, meet and discuss Pittsburgh. On weekends,
22 inmate janitors are going to work in the administrative
23 complex, with no one to supervise them. Why is there no
24 officer with them? The Union stated that although these
25 inmates are doing a very good job, they are not being

1 supervised. The Union wants confirmation that the inmates
2 do have the proper clearances for this," et cetera, et
3 cetera.

4 I just read three or four of these, all of which
5 happened within the seven-year period, all of which could
6 have been reported to the State Deputy Regional
7 Commissioner and the central office.

8 COMMISSIONER HORN: No, ma'am, I'm sorry. That's
9 not so.

10 REPRESENTATIVE MANDERINO: Okay. Why not?

11 COMMISSIONER HORN: Because look at the dates
12 on them.

13 REPRESENTATIVE MANDERINO: Okay. Then I should --

14 COMMISSIONER HORN: Many of them predate his
15 tenure.

16 REPRESENTATIVE MANDERINO: Okay. Let me continue.

17 "9-4-91," that was the one about the janitors.

18 "1-6-95, there are still a lot of inmate workers
19 out back with all the construction and the Union has
20 concerns about the ease of an escape."

21 "2-10-90, different radio frequencies." That
22 may not necessarily -- I didn't check all of those.

23 My point is that, over and over we heard about
24 how, in fact, that Pittsburgh had their own way of doing
25 things and nobody in the central office knew what was going

1 on. My point is to suggest that your own vehicles were
2 in place, to point out what was going on and that that is
3 not fair to give us this answer that "There were five
4 different Superintendents for seven years and I've only
5 been here for two years," because there was some
6 continuity, both within the prison, as well as with the
7 central office, vis-a-vis who should have known what was
8 happening in Pittsburgh.

9 I -- I bring that to your attention, by way of
10 suggesting that to me, you also said this morning, in
11 response to Representative Walko that "If further
12 investigation indicates that further actions" and that was
13 with regard to other personnel "are necessary, it will
14 happen." My suggestion is that it seems to me that the
15 discipline went down the ranks very swiftly and that there's
16 a lot known about what should have been going up the ranks
17 and I'm very disappointed in what I've learned in two days
18 about how the discipline has worked or from my perspective,
19 has not gone up the ranks.

20 In '89, we have somewhere less than 24 prisons,
21 but certainly more than the eight prisons that you
22 indicated that prior Commissioners, 50 years ago were
23 dealing with and when riots broke out at Camp Hill,
24 discipline was swift and discipline went all the way to
25 the top.

1 COMMISSIONER HORN: May I comment on that?

2 REPRESENTATIVE MANDERINO: Yes.

3 COMMISSIONER HORN: It's my understanding that
4 that discipline had more to do with the conduct of the
5 people who were removed from office, after the Camp Hill
6 riot, than with the riot, itself. It had to do with
7 allegations that information had been withheld from
8 legislative committees and with the failure to address
9 problems, swiftly and decisively.

10 REPRESENTATIVE MANDERINO: Okay. And I'm not
11 suggesting that -- I wasn't in the Legislature in '89. I
12 am only at -- in -- in particular, I don't have any ax to
13 grind. I don't know the person. For all I know, they are
14 a good person. But when I sit here and listen to three
15 days' worth of testimony, of at least one link in the chain
16 of command, within the central office, that should have
17 known what was all going on and then, the discipline seems
18 to be the removal of an annual increase, that was probably
19 two or three -- I don't know what this person's salary is,
20 probably two or three or less than five percent of a one-
21 year annual increase in salary, it makes me stop and say,
22 you know -- one of my favorite quotes, that I try to use
23 to guide my own conduct in public office and otherwise is
24 a Thomas Paine quote from 1776: "A long habit of not
25 thinking a thing wrong gives the superficial appearance

1 of being right." It seems that that is very much what's
2 been -- was happening in Pittsburgh, for an awfully long
3 time. And it seems that there's some continuity, with
4 regard to top management teams, that knew or should have
5 known that that was going on. And that is the point that
6 I -- I'm trying to make with that line of questioning.

7 One of the things that I learned after you
8 testified, from Mr. Benning, who was the lead investigator,
9 is that the escape report of January 8th of 1997, which
10 we have received a copy of and I assume this is the report
11 to the Governor, that you referred to earlier.

12 COMMISSIONER HORN: Yes, ma'am.

13 REPRESENTATIVE MANDERINO: It was not written
14 by him, but that he wrote a different report and did
15 acknowledge that what he wrote is incorporated in here and
16 he also did acknowledge or at least suggest that he didn't
17 think that this differed substantially, in content, from
18 what he wrote. And my question is, is what he wrote a
19 public document, that we could have a copy of?

20 COMMISSIONER HORN: No, it was not. It was a
21 report to me, which I then extracted from, the relevant
22 portions and also, there were simultaneous investigations
23 of certain aspects of it, that were conducted by others
24 within my organization, including my counsel's office, with
25 respect to certain items and investigation of some of the

1 central office issues, which he was -- he was located at
2 the prison and was not competent or proximate to investigate.
3 So, those were all internal problems, that formed the basis
4 for my report to the Governor.

5 REPRESENTATIVE MANDERINO: Okay. Am I correct,
6 from his testimony, that his charge was to determine who
7 was responsible, to what degree and to prepare
8 recommendations for the responsible personnel, but only
9 form the Deputy Superintendent level down?

10 REPRESENTATIVE HORN: No. I think his responsi-
11 bility was to investigate it at Pittsburgh. I don't think
12 that anyone was immune at Pittsburgh. But he was not
13 charged with investigating central office.

14 REPRESENTATIVE MANDERINO: And it's also my under-
15 standing that this investigative team started out with four
16 people and was expanded to eight and that five of the eight
17 people on the investigative team were close from
18 institutions outside of Pittsburgh, but also within the
19 Western Regional District.

20 REPRESENTATIVE HORN: Yes.

21 REPRESENTATIVE MANDERINO: One of the things that
22 I thought would be useful, in listening to the testimony,
23 I offer it only as a suggestion, but perhaps it was what
24 Representative Walko was suggesting, that you -- you under-
25 stood that he was suggesting that -- that the Union did

1 have subsequent input into the annual audits. And you said
2 and I think, rightly so, that that is a management function
3 and a management responsibility and I agree. But I think
4 that what he might have been suggesting, based upon what
5 we learned, is that the issues raised during the meet and
6 discuss are issues that could be important red flags, to
7 be checked out during the annual audit and so, if there
8 is a way to look at whether or not the minutes of the meet
9 and discuss sessions are an important vehicle to review
10 what personnel at all levels of the prison have brought
11 to the attention of the top prison officials, within that
12 past year, as ways to then be part of the checkoff list
13 of what is checked during that annual audit, to see if,
14 indeed those kinds of situations are being remedied. I
15 think it was more by way of a suggestion, that that might
16 be an effective tool of what's happening, on a day-to-day
17 level in the prison, to be incorporated in what appears
18 to us, at least from the three days of testimony that we've
19 had so far, to be the major document that seems to be used
20 to evaluate the overall efficiency and effectiveness of
21 an individual prison operation. So, I would just put that
22 out, by way of my understanding of what I learned and what
23 I think Representative Walko was getting to.

24 One question that I'm not quite sure whether
25 Superintendent Price -- actually, I do have one or two

1 questions for Superintendent Price.

2 Since the breakout, what is happening or what
3 changes have been made within Pittsburgh, vis-a-vis
4 programming -- I'm calling it programming. I don't know
5 what you call it. But vis-a-vis the 1700 -- the 1700 and
6 some prisoners who are there, with regard to programming,
7 whether it is their job or educational opportunities or
8 other training or other things that -- that I guess I would
9 call would fill productively their idle time, what has
10 happened there, what's happening today and what are the
11 plans for the future?

12 SUPERINTENDENT PRICE: The programming, whether
13 it is work or going to school or being involved in
14 counseling programs or D and A, Drug and Alcohol Programs,
15 stress and anger management or whatever programs were
16 available, including the arts and crafts and some of the
17 vocational programs, are -- have **begun** There are nearly
18 as many students and workers there, as there were before.
19 It's certainly being operated a lot differently. There
20 are few opportunities for inmates to be in any place other
21 than a place where they are supposed to be and scheduled
22 to be. So, there have been some people who are eliminated
23 from those programs, some work programs in particular,
24 because of their security level or custody level is not
25 such, that it would be wise to put them in those areas.

1 The educational program is back up at the capacity
2 -- nearly the capacity that it was before. We certainly
3 want to get all of the programs back to where they were,
4 but back, with the security in mind and that we are not
5 running open programs, no.

6 We are probably recreating inmates formally,
7 let's call it formally, more so than what was done before.
8 The yard, for example before, used to be full, all the
9 time or nearly all the time. And the inmates were doing
10 this and that and at times, no one really knew what they
11 were doing. Now, we have scheduled recreation periods and
12 broken down in the gymnasium, in the auditorium and the
13 yard space and that sort of a thing is an issue. So, we
14 had to get it organized and get it into numbers. Now, the
15 recreation time for each group of inmates is not as long
16 as what it used to be, but the opportunity is there. It
17 might not be for two hours, three times a day, but it's
18 at least one session.

19 REPRESENTATIVE MANDERINO: And I --

20 CHAIRMAN BIRMELIN: Before you go any further,
21 Representative Manderino, I have to warn you that we have
22 run out of time and there are people who have to catch a
23 plane. I know you said you had one more question for
24 Superintendent Price and I'm going to ask you if you would
25 make that your one, last question.

1 REPRESENTATIVE MANDERINO: Yes. Yes, this is
2 my last question.

3 CHAIRMAN BIRMELIN: Thank you.

4 REPRESENTATIVE MANDERINO: And whoever knows the
5 information, please answer.

6 Yesterday we learned that during the work on the
7 Schwartz construction project, that there was a worker who
8 was injured, by the name of Gary Butler. My question is,
9 who knows what the injury was, how the injury was treated
10 and what is the medical status of Mr. Butler today and who
11 paid for it?

12 COMMISSIONER HORN: I do not have that
13 information available, but we can make it available to you.

14 REPRESENTATIVE MANDERINO: Thank you.

15 CHAIRMAN BIRMELIN: Thank you, Gentlemen, for
16 your testimony. We appreciate your cooperation, in coming
17 in and talking to us.

18 I'm going to leave the -- I'm going to recess
19 the Committee meeting, only for the purpose of accepting
20 written testimony; not that anyone else will be testifying
21 before us live, but that we may be able to receive it,
22 particularly from the Deputy Chief of the Pittsburgh
23 Police, who was not able to make it today and any others
24 who wish to do so.

25 And again, I will reiterate that if you wish to

1 have a copy of the report of this Committee, that you need
2 to contact Chief Counsel Brian Preski, with your name and
3 address, in writing, if you would, before you leave today.
4 We are about to leave, very shortly. So, do it as quickly
5 as possible. Thank you very much for your participation.

6 -----

7 (Whereupon, at 12:00 p.m., the hearing was
8 adjourned.)

9 -----

10 C E R T I F I C A T E

11 I hereby certify, as the stenographic reporter, that
12 the foregoing proceedings were reported stenographically by
13 me, and thereafter reduced to typewriting by me or under my
14 direction; and that this transcript is a true and accurate
15 record to the best of my ability.

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FORM 1

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