

STATEMENT OF

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Before the

HOUSE JUDICIARY COMMITTEE

ON CRIME AND CORRECTIONS

October 14, 1999

Good afternoon my name is Michael Fox and I am the Council Director of AFSCME's District Council 89. I am here on behalf of the approximately 10 thousand AFSCME members who work in the Department of Corrections and the Department of Public Welfare Forensic Units across Pennsylvania.

I'll begin by addressing a question that was asked of me by a reporter following the escape at Dallas. He asked me if I believed that the recent escapes at Dallas and Huntingdon illustrated a system wide security breakdown in the Commonwealths correctional institutions. I answered him with an emphatic no! I went on to say these escapes were an aberration. The prisons in the Commonwealth of Pennsylvania are secure and this fact is due to the professionalism and commitment of the men and women who work in these dangerously overcrowded facilities. These men and women work under some of the most dangerous and stressful conditions you can imagine and when you look at the whole picture we all should stand and give them a round of applause for the job they do and not judge them and the system they hold together on these isolated occurrences. At the time of these escapes there were approximately 36 thousand inmates in the state prisons and everyone of them wants out but through the vigilance and hard work of the staff they are held day in and day out securely within the walls and fences of our prisons, that's the norm and that's a good job. The reporter didn't print a word I said, I guess he thought a condemnation of the system and the men and women who work there would be more exciting than the truth.

Although as I said earlier the prisons are secure that does not mean that AFSCME and it's members do not believe more can and needs to be done. First our prisons are understaffed.

According to the 1998 Corrections Yearbook Pennsylvania ranks around 25th in the nation in inmate to staff ratio at 5.3 to 1 and since 1994 the rate of increase in staff has lagged behind the increase in the inmate population . There are Correction Officers who work alone in housing units with as many as 200 inmates. We have 2 story housing units at Cambridge Springs that 1 CO must cover. At Pittsburgh we need additional officers in the only yard outside the walls but because of cameras management doesn't agree. Towers at institutions that have them go unmanned. At some institutions posts that have been determined necessary by Department of Corrections post surveys for the security of the institution go unmanned. Often times these decisions are being made based upon cost considerations, not what would be in the best interest of security. By that I mean management might agree with us that increasing staff in a certain area is a good idea but because of the fiscal constraints being put on them they essentially have to compromise on security decisions. Being concerned with cost is important and necessary, we all understand that but when cost becomes the overriding consideration conditions occur that allow incidents, like escapes. A few years ago a decision was made as a part of a program to reduce overtime to de-man towers including the towers at Dallas. The Union objected to that decision and even went to arbitration in an attempt to have the decision overturned. We were not successful because the arbitrator could only consider the question of whether the Department of Corrections gave due regard to the safety of the employees in making their decision. He could not consider the security issues which were of a major concern to us. We attempted to have the towers re-manned through negotiations but since pure staffing issues are not considered mandatory subjects of bargaining and is a right reserved exclusively to management we were also unsuccessful in resolving the matter there. We were right had the towers been manned at Dallas that escape would have in all probability been thwarted. In February, 1993 the AFSCME

local union here at Huntingdon raised with the Superintendent the issue of constructing a tower to observe what is now G block due to the existing tower's obstructed view. It was again raised with the Superintendent in July, 1993. Had the recommendation of the AFSCME local been implemented the escape of inmate Johnson might not have occurred. My point here is not to say that the Department of Corrections officials disregard security issues because they don't. I believe they find themselves quite often having to choose between what might do the job and save some money versus what would be the best way to do the job but might be more costly. When making decisions about security in the prisons it should be about security and safety not money, if the professionals, my members and the prison administrators believe something is necessary for the security of the prison then it should be funded or when escapes like this occur we should all be willing to accept them as a cost of frugality.

We believe the Department of Corrections in their quest to cut costs is making too many staffing decisions based upon the introduction of electronics. We believe that the electronic devices can be a valuable tool to assist Correction Officers but the devices should not replace a live body. A live body in the tower at Dallas would have seen the escapees when the motion detection devices failed. When we argue that one CO in housing unit with 200 inmates is unsafe we are told that their personal alarm when activated will result in assistance within minutes. When we argue for more help in the yard we are told that the cameras are watching and if something happens help will be sent. The problems are that, 1) the personal alarms do not always work and an Officer who is responsible for watching the camera monitors also has other duties and may not notice the incident quickly enough and 2) think about being beaten for just 30 seconds while help is being sent. Since most assaults on staff are by single inmates I have been told by CO's all across the

state that if there is more than 1 CO in the area an incident that might otherwise end in an assault of a CO may not because an aggressive inmate will think twice about taking on two or more CO's when he might be willing to take his shot at a CO working alone. This from our perspective is a safety issue but it also is an issue of security. It is the staff who keep these institutions under control. It's not a personal alarm that is going to intercede to stop inmates from fighting and possibly escalating into something more serious. It's not a camera that will use it's experience and expertise to uncover escapes attempts or hidden weapons. It wasn't a perimeter motion detector that protected a CO from being killed at Camp Hill in 1989 or the caught the escapees at Dallas. In addition you have heard many times in the past that corrections security is about redundancy. To satisfy this requirement sufficient staff is necessary; to be a show of force and strength in the housing units and throughout the grounds of the interiors of the institutions; to patrol the external perimeter to ensure no external breaches exist and be in a position to respond to any threats to the security of the perimeter; and to staff the towers that over see the whole operation. As I said earlier had a tower been built that had and staffed at Dallas the escape might have been thwarted and the fact that the tower was manned at Camp Hill in 1989 a Correction Officers life was saved. Having the necessary staff can and should be complimented not replaced by the electronic devices.

Another area of concern for our members is the unit management system that was implemented under Secretary Lehman. We opposed the plan then and continue to oppose it because we believed then and continue to believe that it makes security secondary. AFSCME and the members we represent are not opposed to treatment but we believe that security should be the first consideration. A critical factor in maintaining security is maintaining discipline and it has

been reported to me that counselors and unit managers who now work directly in the housing units override a CO's decision to write up an inmate for misconduct because it wouldn't be conducive to his or her treatment program, this should not occur. We believe programs and treatment should take place in the appropriate areas of the institution, not on the blocks or in the housing units where the CO's should be in charge.

Mr. Chairman I have mentioned areas of disagreement between us and the Department of Corrections but I would be remiss if I did not say that there have many times when we have worked together on issues to enhance security, safety and increase staff. There has been more than one occasion when Secretary Horn and I have joined forces to seek approval to hire additional staff. The Secretary and I reached agreement that the policy establishing the procedure to analyze what posts are necessary at an institution will include input from the AFSCME local union. The Secretary acting on a recommendation from the then AFSCME local union president at Dallas instituted twice a year mandatory lock down drills. And there have been many other occasions when the Secretary has worked with us on many issues of security. In fact in my 17 years of dealing with the Department of Corrections Secretary Horn has been the most responsive and accessible Secretary I've had to work with. Unfortunately he cannot be at each institution and that is where we have concerns about management giving the views of the line officers appropriate consideration. Had the management at Dallas listened to our members the recommendation to the Secretary would not have been that they could do without the towers being manned 7 days a week 24 hours a day. It was shown that had management listened to the concerns of our members at Pittsburgh the conditions that existed that lead to that escape would have been changed. Had management listened to our members at Huntingdon in 1993 the escape

of inmate Johnson quite possibly would have been thwarted. Unfortunately the lesson that no-one knows the job better than those who do it is slow to be learned. I can recall that in 1989 some of the decisions that were made by management that lead to the riot were opposed by our members. Someday I believe the voice of the men and women who do this dangerous job will be listened to if we can have an environment where the right security decision is made even if it might increase cost.

Mr. Chairman in 1994 I testified in front of the House Judiciary Committee as a member of the Governors Commission on Corrections Planning and I would like to repeat something I said then because unfortunately it continues to be appropriate.

“ I participated on this Commission as a representative of the men and women who work in the state prisons and county jails. Often times these dedicated hard working professionals are overlooked in the ongoing debate over crime and punishment. Over the past several years and continuing today the politically popular message is to lock more criminals up and do it for longer periods of time. One can debate, as we did in the Commission over whether or not this policy will solve the crime problem but for now it appears that will continue to be the direction of public policy. In pursuing this course of action law makers and policy makers must pay attention to all the necessary components including adequately staffing the state correctional institutions and county jails needed to house this ever increasing inmate population. This is imperative to ensure the public safety as well as the safety of the men and women who perform the thankless and often overlooked jobs of maintaining the security of these institutions.”

Thank You for the opportunity to address you and I'll be happy to answer any questions.