

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

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Escape from SCI-Dallas

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House Judiciary Committee  
Subcommittee on Crime and Corrections

State Correctional Institution - Dallas  
Follies Road  
Dallas, Pennsylvania

Thursday, November 4, 1999 - 9:07 a.m.

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BEFORE:

Honorable Jerry Birmelin, Majority Chairperson  
Honorable George C. Hasay  
Honorable Harold James, Minority Chairperson  
Honorable Frank Dermody  
Honorable Babette Josephs  
Honorable Kathy Manderino  
Honorable Don Walko

ALSO PRESENT:

Brian Preski

Majority Chief Counsel to Judiciary Committee

Beryl Kuhr

Minority Counsel to Judiciary Committee

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1                   CHAIRPERSON BIRMELIN: Good morning. We want  
2 to welcome you this morning to the Pennsylvania House of  
3 Representatives Judiciary Committee's hearing on the prison  
4 escape that occurred here this August 16th, 1999. This is  
5 the Subcommittee on Crime and Corrections.

6                   I chair that Subcommittee. My name is  
7 Representative Birmelin. I represent Wayne and Pike  
8 Counties not too far from here, up in the northeast part of  
9 the state. And with us today are various members of the  
10 staff and the Committee itself.

11                   Even though it's a Subcommittee on Crime and  
12 Corrections, we also invite area legislators as well as  
13 full Committee members who may not be on this Subcommittee  
14 but who do sit on the House Judiciary staff. There may be  
15 one or two other Committee members who will be coming in  
16 late. And as they do so, I'll be sure to introduce them.

17                   For the time being, I will ask the members who  
18 are with me this morning and seated at this table to  
19 introduce themselves. We do not have a PA system. These  
20 microphones are for the Pennsylvania Cable Network. They  
21 are not an amplifier.

22                   So we will ask our members here to project,  
23 hopefully, loud enough so that people in the back of the  
24 room can hear you. It may be difficult for those of you  
25 who are in the back of the room to hear the answers and the

1 testimony of those who are presenting today.

2 I apologize for that. There's nothing I can  
3 do about that at this point. However, there is copies of  
4 written testimony available. Our counsel, Brian Preski,  
5 has placed extra copies in the back. Even though they are  
6 not to be holded to reading them word for word, they  
7 oftentimes do or at least paraphrase them.

8 That won't help you with the question and  
9 answer session unfortunately, but it will give you some  
10 indication of what their testimony is all about this  
11 morning. If, for whatever reason, you're not able to get a  
12 copy of any of the testimony, if you will contact myself or  
13 Chief Counsel Preski, give us your name and address  
14 and -- or a fax number, we'll be more than happy to see  
15 that you get a copy of anybody's testimony that you have  
16 today.

17 And as I've already noted, the Pennsylvania  
18 Cable Network is taping this show. I'm not sure when  
19 they're broadcasting it. Neither is the cameraman. But it  
20 may be possible for you to contact them if you want a copy  
21 of the testimony, wherein should be all of the  
22 present -- that which is presented as well as the question  
23 and answer sessions.

24 All that having been said, I'll ask the  
25 members who are seated with me at this table to introduce

1 themselves, starting with my far left.

2 MS. KUHR: I'm Beryl Kuhr. I'm counsel to the  
3 Democratic Chair of the Judiciary Committee, Kevin Blaum.

4 REPRESENTATIVE WALKO: Don Walko, State  
5 Representative from Pittsburgh.

6 MR. PRESKI: Brian Preski, Chief Counsel to  
7 the Committee.

8 REPRESENTATIVE HASAY: Representative George  
9 Hasay, Luzerne County.

10 REPRESENTATIVE JAMES: Representative Harold  
11 James, Philadelphia, and the Democratic Chair of the  
12 Subcommittee on Crime and Corrections.

13 CHAIRPERSON BIRMELIN: We are in  
14 Representative Hasay's district. And of course, he has a  
15 very strong interest in security here at the prison and has  
16 been involved in the issues here over the years. And so  
17 we're happy to have him with us as well.

18 And he will take part in the panel. Even  
19 though he's not a member of the House Judiciary Committee,  
20 we will give him that honor today of being an honorary  
21 member and all the full privileges thereto.

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

24 CHAIRPERSON BIRMELIN: He may want to leave  
25 now. It's sometimes not a privilege to be on this

1 Committee. It's a lot of work. Our first testimony today  
2 will be given by Secretary Marty Horn. He's the Secretary  
3 of Corrections for the Commonwealth of Pennsylvania.

4 And he is being joined this morning with  
5 Superintendent Ben Varner, who is the Superintendent here  
6 at Dallas, also obviously with the Department of  
7 Corrections. Gentlemen, we welcome you. Thank you for  
8 coming to give your testimony. And Secretary Horn,  
9 whenever you're ready, you may begin.

10 SECRETARY HORN: Thank you very much, Chairman  
11 Birmelin. I've abridged my comments slightly for this  
12 morning's purposes. But I would ask the Committee's  
13 indulgence for the purposes of giving you the fullest  
14 explanation of the events of August 16th.

15 I appreciate this opportunity to appear before  
16 you today to review the August 16th, 1999 escape of inmates  
17 Michael McCloskey and Anthony Yang from SCI-Dallas. The  
18 Department of Corrections takes very seriously its mission  
19 to protect public safety. I make public safety my first  
20 priority.

21 Our fundamental responsibility is to hold onto  
22 the inmates committed to us. While it is important to  
23 maintain the safety of all who work inside our prisons and  
24 the inmates committed to our custody, no aspect of our  
25 mission is more important than protecting our communities.

1 For that reason, the escape of McCloskey and  
2 Yang, following on the heels of everything we have done in  
3 the past several years to tighten security, is deeply  
4 troubling. I know it troubles the Governor, and I know it  
5 troubles you. It is not my purpose today to make excuses.

6 Rather, it is my purpose to lay out the facts  
7 to you as we know them, to share with you my conclusions  
8 about why this escape occurred, to outline the steps we  
9 have already taken to prevent future escapes, and to answer  
10 the questions you may have.

11 Prior to the escape, the Department believed  
12 that it was taking reasonable and prudent steps to upgrade  
13 the security of the perimeter at SCI-Dallas. Following his  
14 apprehension, one of the escapees, Michael McCloskey,  
15 stated to our investigator that the ongoing security  
16 enhancements at Dallas prompted him to attempt the escape.

17 If you'll allow me to read from his statement.  
18 Quote, They started tightening the jails up, taking away  
19 privileges, took all the street clothes, all that kind of  
20 stuff, making everything more difficult to live inside jail  
21 which is a good thing that makes people want to.

22 You see, you had a lot of people, as long as  
23 they are comfortable, they wasn't thinking about hitting  
24 the fence. But then they started making it a lot of  
25 uncomfortable, sectioning off the jail, you know, stuff



1 like that, making your levels different, taping your phone  
2 calls, of course, your different levels and everything.

3           A lot of little stuff that means a lot,  
4 though, to prisoners, especially if you got a lot of time,  
5 right. So then they started to build in Dallas, section  
6 everything off, dig up the ground, put in electric doors,  
7 put in the cameras and they built -- to the fence, they  
8 built cameras towards the fence.

9           I seen them putting in the wires and stuff.  
10 Well, they never put the wires in. But they put the tubing  
11 in and all. But it looked like they was going to put  
12 cameras around the fences and all. So I said that if I'm  
13 going to do it, then I got to do it now, which probably  
14 would have never happened if they didn't start doing what  
15 they was doing, close quote.

16           Michael McCloskey and Anthony Yang escaped  
17 from Dallas during the early morning hours of August 16th,  
18 1999. Both inmates were subsequently apprehended in a  
19 wooded area of Hanover Township, Luzerne County at 6:45  
20 p.m. on Thursday, August 19th by officers of this  
21 department and the Pennsylvania State Police.

22           Yang and McCloskey were cellmates since the  
23 summer of 1998. In statements from Yang and McCloskey  
24 following their apprehension, they told us they had been  
25 planning this escape for more than a year. The cell

1 windows in C Block, from which they escaped, have eight  
2 horizontal bars that are 5 3/16 inches apart and two  
3 vertical bars that are 8 3/4 inch apart.

4 By cutting one of the 3/4 inch diameter  
5 horizontal bars, the inmates created a space 8 3/4 inches  
6 by 11 1/8 inch through which they escaped from their second  
7 story cell. That space is hardly bigger than the paper  
8 this testimony is printed on.

9 I want to share with you a picture of the  
10 window from which they escaped and the opening through  
11 which they escaped on the -- taken immediately following  
12 the escape and before it was repaired. The inmates told us  
13 that they used their wall-mounted stainless steel cell  
14 mirror as a cutting instrument.

15 They stated to us that they had been cutting  
16 the bar in their cell off and on since they started  
17 planning the escape. When they weren't cutting the bar,  
18 they would use a toothpaste and cigarette ash mixture to  
19 conceal the cut.

20 The bar was finally cut completely through on  
21 August 14th, 1999. Yang lost 25 pounds prior to the  
22 escape, and both used a cardboard cutout the same size as  
23 the window to determine if they could squeeze through it.  
24 They were unable to get any outside assistance to help with  
25 their escape. So their plan did not extend further than to

1 simply escape over the fences and run to freedom.

2           Once they decided to go, they constructed a  
3 crude rope ladder during the day of August 15th, 1999.  
4 Yang reported that it took him only a few hours to make the  
5 ladder. The ladder was fashioned entirely from items that  
6 are permitted in inmates' cells.

7           It was made from torn and braided bed sheets,  
8 electrical cord, and wood that was obtained from  
9 dismantling the cell desk and bed boards. Both inmates  
10 were in their cell when the 10 -- 2:00 p.m. to 10:00 p.m.  
11 shift officers left at 10:00 p.m. on August 15th.

12           Shortly thereafter, they started timing the  
13 rounds of the exterior perimeter patrol vehicles. These  
14 vehicle patrols were their main concern because they knew  
15 the inside foot patrol officers did not walk very close to  
16 their planned escape route.

17           After timing the perimeter patrol vehicles,  
18 they decided to go. McCloskey stated that he looked at the  
19 clock, and it was 1:15 a.m. Yang was the first to try to  
20 get out of the second story window. His hips got stuck,  
21 and McCloskey pulled him back into the cell.

22           Yang then stripped down to his underwear and  
23 tried again immediately after the patrol went by again.  
24 The perimeter patrol officers on duty that night claimed to  
25 have made the appropriate rounds of the facility but stated

1 that they saw and heard nothing unusual during their  
2 rounds.

3           On his second attempt, with McCloskey helping  
4 him, Yang was able to get out of the second story window.  
5 McCloskey then threw Yang's clothes out the window along  
6 with the rope ladder. Yang got dressed and jumped into a  
7 nearby garbage can to conceal himself while the perimeter  
8 patrol vehicle went around again.

9           McCloskey then tried to get out of the window,  
10 and he also got stuck. Both inmates told us that while  
11 McCloskey's legs were sticking out the window and he was  
12 kicking and trying to get out, the perimeter patrol vehicle  
13 went around twice.

14           McCloskey finally had to strip to the waist  
15 and squeeze out of the window. He was able to reach back  
16 in his cell, grab his clothes, and leap to the ground. The  
17 C Block officer claims not to have seen or heard this  
18 activity as he made his rounds every half hour throughout  
19 the night.

20           The inmates next ran about 240 feet to the 12  
21 foot interior perimeter fence at the corner of C Block  
22 where it intersects the interior zone fence between towers  
23 1 and 2. Yang gave a boost to McCloskey, who was able to  
24 place the end board of the rope ladder across the corner of  
25 the fence and get on top.

1           McCloskey then jumped to the other side of the  
2 interior fence. They had an extension cord tied to the  
3 rope ladder, and Yang put the end of the extension cord  
4 through a nearby drainage culvert to retrieve it after he  
5 got over the interior fence.

6           Yang then climbed the rope ladder, got on top  
7 of the board and jumped over the interior fence. The fence  
8 alarm did not go off. The corner area is sturdier than  
9 other sections of the fence, and the inmates may have used  
10 the rope ladder more than the fence to do the actual  
11 climbing.

12           It is known that the Intrusion Detection  
13 System was operational on the night of the escape since  
14 several alarms were reported and responded to. No alarms  
15 were reported the entire night in the zone breached by  
16 McCloskey and Yang.

17           However, an alarm was reported and cleared in  
18 that zone at 9:08 a.m. on the morning of August 16th.  
19 Subsequent investigation has revealed that structural and  
20 environmental factors affected the performance of the  
21 Intrusion Detection System and were not corrected by  
22 facility staff.

23           McCloskey and Yang were now between the two  
24 perimeter fences. They retrieved their rope ladder by  
25 pulling it through the drainage culvert with the extension

1 cord. They then tried to climb the 14 foot exterior fence  
2 directly across from where they scaled the interior fence.

3 Yang again gave a boost to McCloskey, but  
4 McCloskey could not reach the top of the fence because this  
5 fence is 2 feet higher and it has more of the new style  
6 razor wire on it. McCloskey was cut by the razor wire  
7 numerous times.

8 He started to get tangled in it. So he came  
9 back down. Yang helped him get untangled. When they saw  
10 the perimeter patrol vehicle coming, they jumped into the  
11 drainage culvert until it passed. They were now less than  
12 36 feet from where the patrol vehicle repeatedly passed  
13 them.

14 Both inmates told us that they believed they  
15 were lying in the drainage culvert a long time, perhaps up  
16 to an hour, while the patrol vehicle passed. While it may  
17 have seemed like an hour to them, it is more likely that  
18 they had been lying there a shorter time.

19 This would put them in the drainage culvert  
20 between the two fences close to 1:40 a.m. McCloskey then  
21 sent Yang to the corner of the facility because he  
22 remembered that a vehicle gate on that corner had a ledge  
23 they could use to help them get out.

24 Yang checked out the corner, saw that  
25 McCloskey recalled it accurately and ran back to McCloskey

1 to tell him. The inmates then waited again for the patrol  
2 vehicle to pass, dropping to the ground as the vehicle went  
3 around the corner.

4 Together, they ran between the two perimeter  
5 fences to the corner of the facility. Yang again helped  
6 McCloskey climb up to the support bracket on the fence's  
7 vehicle gate, and McCloskey was able to get their rope  
8 ladder around the top portion of the fence pole.

9 McCloskey was entangled in the razor wire as  
10 the perimeter patrol vehicle came by again. Both inmates  
11 told us they were sure they would get caught at this time;  
12 but McCloskey remained still, and Yang dropped to the  
13 ground.

14 The patrol vehicle passed them at a distance  
15 of approximately 13 feet and, in fact, went by several more  
16 times while McCloskey was caught in the razor wire.  
17 McCloskey finally untangled himself, worked his way through  
18 the wire and jumped to the other side.

19 He then ran and hid on the other side of the  
20 road. Yang climbed up the same way as McCloskey and also  
21 got caught in the razor wire. Again, the patrol vehicle  
22 passed by several times and did not see Yang. He finally  
23 worked his way through the wire, got over the fence and  
24 joined McCloskey.

25 They left the rope ladder hanging on the

1 fence. Both inmates suffered numerous cuts while climbing  
2 through the razor wire on the fence. A significant amount  
3 of blood found at the scene indicated that the inmates were  
4 bleeding profusely.

5 An inside yard patrol was conducted by a  
6 corrections officer -- by a corrections officer at 2:20  
7 a.m. on August 16th. This officer stated to us that she  
8 walked next to the perimeter fence on the running track.  
9 This put her within 30 feet of the inside of the perimeter  
10 fence by tower 3 at approximately 2:20.

11 The inmates did not report seeing her walking  
12 this close to the perimeter fence, and she reported that  
13 she did not see or hear anything unusual. Thus, it is  
14 believed that McCloskey and Yang escaped over the exterior  
15 fence between 1:50 a.m. and 2:15 a.m.

16 Facility policy is clear in requiring that  
17 inmates be counted. Moreover, it states that the counting  
18 officer must either see the inmate standing; or during the  
19 night hours when standing counts are not required, the  
20 counting officer must see flesh or movement before counting  
21 an inmate present.

22 The officer on C Block during the 10:00 p.m.  
23 to 6:00 a.m. shift stated to us that he counted inmates at  
24 10:05 p.m. and both inmates were present. He stated he  
25 definitely saw movement by the inmates and a TV was on. He



1 further stated that checks of all cells were done at  
2 approximately half-hour intervals through the night with no  
3 problems observed.

4           This would have to include the time that the  
5 inmates were struggling to get through the window, yet he  
6 did not observe this activity. He further stated that he  
7 counted these inmates as being in their cell at 5:00 a.m.  
8 on August 16th.

9           In their haste to escape, McCloskey and Yang  
10 had quickly rolled up sheets and towels on both bunks.  
11 This was enough to fool the officer. He stated that he  
12 made his required rounds and earlier census checks on the  
13 block, but he obviously failed to see flesh or movement  
14 during that 5:00 a.m. count.

15           This officer told us that he observed the head  
16 of Yang on the top bunk and the feet of McCloskey on the  
17 lower bunk and both inmates appeared to him to be present  
18 in the cell. He stated that he believes both inmates were  
19 present at 5:00 a.m.

20           The officers assigned to the block between  
21 6:00 a.m. and 2:00 p.m. also did not notice the inmates  
22 missing from their cell during their checks. One of the  
23 officers stated that he made a round to lock all unlocked  
24 doors and that when he checked on the cell occupied by Yang  
25 and McCloskey, quote, both beds appeared to be occupied,

1 close quote.

2 No one noticed the rope ladder hanging on the  
3 exterior fence. An officer who did a walking perimeter  
4 fence check at 6:05 a.m., which brought him within a couple  
5 of feet of the rope ladder, failed to see it. The rope  
6 ladder was hanging on the exterior perimeter fence above  
7 the gate at the base of tower 3.

8 The yard officers opened the yard for morning  
9 recreation before 9:00 a.m. They also failed to see the  
10 rope ladder. And the 6:00 a.m. to 2:00 p.m. perimeter  
11 patrol officers during the day of August 16th failed to  
12 observe the rope ladder once daylight arrived.

13 Finally, prior to the yard being opened to  
14 inmates for recreation, tower 3 was manned. The officer  
15 assigned there, directly over the spot where the escape  
16 occurred and with a clear view from above, also failed to  
17 see the rope ladder hanging from the top of the fence. All  
18 of the officers who gave us statements concerning the night  
19 of the escape indicate that they observed nothing unusual  
20 that night.

21 Our investigation revealed that despite clear  
22 Department policy requiring that each inmate's cell be  
23 searched regularly and also requiring that periodic  
24 security inspections occur, there was inadequate inspection  
25 of the physical integrity of the cell.

1           If the window bar in C Block, 10 cell, that of  
2 Yang and McCloskey, was partially sawed for several months,  
3 this should have been detected by the block officers during  
4 their routine security inspections. The available  
5 documentation indicates that the last security inspection  
6 of their cell was made on August 11th, 1999. That it  
7 failed to detect the cut bars suggests it was performed  
8 inadequately, at best.

9           In addition to the corrections officers  
10 assigned to the search team and the block officers  
11 responsible for conducting security inspection cell checks,  
12 the maintenance staff at Dallas are periodically assigned  
13 to conduct physical inspections of each window bar in the  
14 facility.

15           Known as bar bangers by the inmates, these  
16 maintenance staff are required to hit each window bar with  
17 a hammer to confirm the physical integrity of the primary  
18 security barrier. The desk lieutenant prepared lists of  
19 the areas that were to be checked.

20           However, it appears that maintenance staff did  
21 not always follow those lists. Facility management failed  
22 to monitor the performance of this vital activity.  
23 McCloskey and Yang counted on the fact that the Dallas  
24 staff would not check the window bar that they were cutting  
25 and that they would not notice that they had been using

1 their cell mirror as a cutting instrument.

2           Also contributing to the escape was the  
3 failure of the Intrusion System to detect the climbing of  
4 the fence. Despite numerous complaints from the Union  
5 during periodic labor management meetings, facility  
6 management continued to insist that the Intrusion System  
7 was operational and represented such to the Department.

8           In response to these Union concerns, the  
9 Department gave clear direction to facility management in  
10 1996 to regularly inspect and test the fence and further  
11 gave authority to the shift commander to man towers when a  
12 zone of the fence was determined to be inoperative.

13           The age of the fence, deterioration of the  
14 footings around the fence, poor initial installation all  
15 may have contributed to a situation that decreased the  
16 utility of the Intrusion System. For whatever reason,  
17 numerous nuisance alarms were reported.

18           It appears that facility maintenance staff  
19 resisted learning about the fence and failed to properly  
20 test the fence and correct for these deficiencies. An  
21 outside consultant found staff disinterested in the  
22 maintenance of the system.

23           Facility management did nothing to address the  
24 concerns. And top facility management continued to  
25 represent to myself and to the Union that the Intrusion

1 System was working properly when clearly it was not.

2           When the exterior fence was constructed in  
3 1989, truck gates were built into it. And you can see  
4 those in the pictures that I've distributed to you. As  
5 part of those truck gates, protrusions designed to prevent  
6 the razor wire from interfering with the operation of the  
7 gate were added.

8           It was the existence of these protrusions  
9 which enabled Yang and McCloskey to obtain stability at  
10 sufficient height to get the rope ladder over the top of  
11 the 14 foot high exterior fence. We believe that absent  
12 these protrusions, this escape would not have been  
13 successful.

14           They have been removed. The Department had  
15 previously recognized the need for video surveillance in  
16 addition to the Intrusion System and mobile patrols on the  
17 Dallas perimeter. Plans had been made to install video  
18 surveillance equipment on the fence line during the current  
19 fiscal year.

20           \$180,671 worth of video equipment had been  
21 purchased prior to the escape. A video surveillance  
22 assessment was completed on March 8th in order to determine  
23 the optimum locations for the cameras. The Dallas  
24 maintenance staff had begun to install the conduit for the  
25 camera wiring.

1           McCloskey told investigators that he observed  
2 the installation of the conduit and that he knew the camera  
3 installation was imminent. He decided to attempt the  
4 escape because he reasoned that it would be much more  
5 difficult once the surveillance system was operational.

6           Every facility is unique. Clearly, Dallas is  
7 not as old as Pittsburgh or Huntingdon, having been built  
8 only 40 years ago. But as you undoubtedly observed during  
9 your tour and as with many structures built during that  
10 period, it is not built with the same kinds of materials as  
11 the older facilities and certainly not nearly as well as  
12 our newer facilities.

13           I deeply regret that this escape occurred and  
14 apologize on behalf of my Department to the citizens of the  
15 surrounding community for the fear they experienced and the  
16 disruption to their lives caused by this escape. I realize  
17 concern has been expressed regarding notifications to the  
18 community.

19           Newly appointed Superintendent Varner has met  
20 with concerned citizens and elected officials to discuss  
21 those issues and make changes to the notification process.  
22 The warning sirens have been fixed and are tested every  
23 week. Superintendent Varner has met with local police and  
24 established a communication linkage that did not previously  
25 exist.

1           The State Police have agreed to relieve local  
2 police at checkpoints within two hours. This escape  
3 occurred because of the failure of physical barriers and  
4 lax attitudes and complacency on the part of staff  
5 beginning well inside the perimeter.

6           We are taking steps to address as much of the  
7 problem as we can. We will continue to man the towers as  
8 an additional layer of redundancy over and above the  
9 Perimeter Intrusion Detection System and the mobile  
10 perimeter patrols.

11           The installation of video surveillance cameras  
12 will be completed by December 15th. Manning the towers 24  
13 hours a day will add over \$1 million a year to the cost of  
14 operating Dallas and by itself will not prevent escapes.  
15 While cost should not be determinative where public safety  
16 is concerned, the total cost of operating a corrections  
17 system is a matter of concern to all of us.

18           We have removed the cell mirrors which have  
19 been here for 30 years. Mirrors like this had been  
20 installed in our facilities throughout the state. There  
21 are literally thousands of them that need to be replaced.  
22 We are adding new, higher quality bars to all cell windows.

23           We have requested sufficient funds to install  
24 an additional Perimeter Intrusion Detection System at  
25 Dallas. We have replaced the old concertina with modern

1 razor wire. But accomplishing all these things does not  
2 happen at the snap of a finger.

3 No single system is effective in guarding  
4 against escapes, and no multiple systems are entirely  
5 foolproof. The escape-proof prison has yet to be built.  
6 While we can't prevent all escapes, we are in the business  
7 of reducing the possibility that an escape will occur. And  
8 we do that by layer upon layer of redundancy.

9 Good prison security begins inside the  
10 facility, not at the perimeter. Indeed, the perimeter is  
11 our last line of defense. The new superintendent and  
12 deputy are proven security professionals who know the  
13 importance of regular and thorough cell searches, security  
14 inspections, bar banging, and other activities necessary to  
15 insure that our first line of defense is inside the  
16 perimeter, not at the perimeter.

17 They will take the requisite steps to ensure  
18 that these activities occur. At the end of the day, all of  
19 our systems are only as good as the people who observe, the  
20 people who maintain, and the people who supervise within  
21 these prisons. I believe we have a sound training program.  
22 But we have to recognize that these jobs are tedious and  
23 oftentimes unpleasant, and staff do lose their focus.

24 As Yang told investigators, quote, Once a  
25 prison guard does something, he does it as a routine. That



1 routine has a cycle, close quote. The challenge to me as  
2 an administrator is to continually energize staff and help  
3 them to understand the importance of what they do no matter  
4 how trivial it may seem.

5 I know that I enjoy the support of the vast  
6 majority of men and women who work in the Department in  
7 that effort. We have initiated discussions with AFSCME to  
8 explore ways to relieve the tedium of power and patrol  
9 vehicle posts and assure the focus of block officers.

10 We are together establishing facility-level  
11 security practices committees to make improvements in a  
12 collaborative instead of a contentious way. We have  
13 authorized an increase of 31 positions to the corrections  
14 officer complement at Dallas.

15 Throughout this past year, I have said  
16 repeatedly, including before this body, how very proud I am  
17 of the 13,000 men and women of the Department of  
18 Corrections. Most of them perform truly extraordinary  
19 tasks under very trying circumstances for very little  
20 recognition day in and day out.

21 Sometimes individual members of our staff let  
22 us down. That is not a reason to think ill of the rest.  
23 Rather, it shows us how sterling the performance of the  
24 many is, and it invigorates us to work towards a day when  
25 all our employees perform to that standard.

1 Both Superintendent Varner and I will be happy  
2 to answer any questions that you have.

3 CHAIRPERSON BIRMELIN: And for the benefit of  
4 the members of this Committee and for those present and  
5 witnesses, it should be noted that Superintendent Varner  
6 was not here at the time of the escape. He has been  
7 appointed since then.

8 I have basically one question for you,  
9 Secretary Horn. And then I will ask members of our  
10 Committee here if they have any questions of you as well.  
11 I'm interested in knowing -- even though I believe as you  
12 do, that probably 99 percent of the staff in the Department  
13 of Corrections do their job and do it well day in and day  
14 out, are not greatly compensated, put their lives at risk  
15 oftentimes.

16 I think that's obvious when you have one  
17 officer for 70 or 80 prisoners, some of whom are convicted  
18 murderers. But it is important, I think, and not only in  
19 the sense that an escape occurred that could have  
20 endangered the public here, but also for a message to them  
21 that -- to the other employees -- that the fact that it's a  
22 boring job doesn't mean it shouldn't be done right.

23 I'm interested in knowing exactly what  
24 discipline took place to the COs who, in your estimation,  
25 after investigation should have done something different

1 and didn't do it; for instance, bed checks, et cetera. And  
2 what discipline was taken towards those who are higher up  
3 other than your first and second level COs who allowed a  
4 situation in which apathy, indifference, or the mundane  
5 allowed what happened to happen?

6           Could you share with us specifically what  
7 discipline has taken place to both, you know, the frontline  
8 COs and those in administration since this incident  
9 occurred?

10           SECRETARY HORN: Yes, sir. First of all, I  
11 think that part of my responsibility to the General  
12 Assembly and the Governor is to hold everyone in the  
13 Department accountable to do their jobs. And in that  
14 respect, I believe in what I referred to as a concept of  
15 command accountability.

16           I don't think that the lowest guy on the totem  
17 pole should be hung out to dry, particularly when there are  
18 demonstrable leadership failures at the top level. The  
19 superintendent and the major of the guard both retired from  
20 the Department just subsequent to this escape.

21           I met with them and expressed to them my  
22 displeasure with their performance and their leadership.  
23 And they chose to retire, which was an option that was  
24 available to them. The deputy for facility management was  
25 reassigned, insofar as many of the things that were

1 occurring here that -- or that were not occurring that  
2 should have been occurring were in his area of  
3 responsibility.

4           And so I think it's most important to hold the  
5 managers responsible for the performance of their  
6 subordinates, and we have done that. A total of five  
7 corrections officers have been disciplined with discipline  
8 ranging from reprimand to suspension. Depending upon the  
9 degree of culpability, the amount of proof, and the prior  
10 performance of the officer, all of those things influence  
11 the individual performance.

12           As a matter of policy, other than with  
13 terminations, the Department prefers not to reveal the  
14 individual names and disciplines attached to each officer.  
15 But a total of five officers were disciplined. And I don't  
16 think that we are disciplining any of those officers for  
17 not specifically performing their tasks.

18           But I think that their tasks were not  
19 performed in as effective, in as assiduous, in as thorough  
20 a manner as we like. And they must be held accountable for  
21 that. And to their credit, I believe most, if not all, of  
22 them have accepted their responsibility and will move on  
23 and hopefully learn from that.

24           And the progressive discipline that the state  
25 employs is intended both to teach employees to help them to

1 get better at their jobs and also to let everyone else  
2 know, as you said, that they have to be accountable and  
3 that no matter how tedious and how mundane and how  
4 repetitive these activities are, checking the cell at  
5 night, driving around the perimeter, that they have to be  
6 done thoroughly and effectively.

7           So we have held, as I say, five corrections  
8 officers accountable. They have received discipline  
9 ranging from reprimands to suspensions.

10           CHAIRPERSON BIRMELIN: And the only  
11 administrators are the two who retired, were the only ones  
12 that were -- they were not even disciplined. They would  
13 have been, perhaps, but --

14           SECRETARY HORN: Another management employee,  
15 as a matter of fact, did receive a reprimand.

16           CHAIRPERSON BIRMELIN: Just for our benefit,  
17 what does a reprimand mean?

18           SECRETARY HORN: Well, it is a form of  
19 discipline. It is a -- it is, under the collective  
20 bargaining agreement, in the Civil Service Rules something  
21 that remains on a person's record. It can be used against  
22 them. It's the first step in progressive discipline.

23           The way the State's disciplinary system works,  
24 where a person has had an otherwise satisfactory  
25 performance record, you don't fire them the first time

1 unless the violation rises to the level of a major  
2 integrity violation, that sort of thing.

3 CHAIRPERSON BIRMELIN: Thank you very much. I  
4 have two other members who have joined us, and I want to  
5 make sure I introduce them. To the left of me, third to my  
6 left is Representative Frank Dermody from Allegheny County.  
7 And all the way to the right on the other end of the table  
8 is Representative Babette Josephs from Philadelphia.

9 At this point in time, I will turn the  
10 questioning over to members of the panel, starting with  
11 Representative Hasay.

12 REPRESENTATIVE HASAY: Thank you, Mr.  
13 Chairman. Thank you, Secretary Horn today. I have heard  
14 now two conflicting statements about Superintendent  
15 Larkins, not that he retired but he was forced to retire.  
16 So I mean, I've heard two stories now on that. And I don't  
17 know who I should believe.

18 I'm really puzzled about that fact and the  
19 deputy as well. But that's over with now. I've worked  
20 with the Citizens Committee here since it first started  
21 with Senator Frank O'Connell. This facility has been  
22 understaffed ever since that time.

23 Because of the escapes, what has happened now  
24 is we've gotten the attention of the Governor, we've gotten  
25 the attention to get money in this 1959 facility not just

1 for the -- for the staff, but the inmates as well because  
2 the fence is 40 years old, the inner fence. And we need  
3 infrastructure money here.

4           So my first question to you is, what has the  
5 Department done to improve and increase the staff facility  
6 here at this institution?

7           SECRETARY HORN: Well, as I indicated in my  
8 testimony, we've already authorized them to hire 31  
9 additional corrections officers. And we are hoping that  
10 with the passage of the budget, perhaps a supplemental  
11 budget, there may be authorization for additional staff as  
12 well.

13           And in addition, as I also indicated, we are  
14 requesting money in a supplemental budget request to  
15 replace the interior fence. That may well be a capital  
16 project which, as you know, requires authorization by the  
17 Legislature. And the -- the procurement process and the  
18 construction process, when it's a capital project, is a  
19 more time-consuming one.

20           That's why I say these things can't be  
21 accomplished at the snap of a finger. And in addition, we  
22 will be installing a second Perimeter Intrusion Detection  
23 System in addition to the one that's already on the fence.

24           REPRESENTATIVE HASAY: How many guards have  
25 been hired here since August?

1                   SECRETARY HORN: I don't know offhand how many  
2 have been hired since August.

3                   MR. VARNER: We're in the process of --

4                   SECRETARY HORN: We're recruiting for the 31  
5 additional. I don't think they've actually been hired.  
6 They have to be screened; they have to pass the physicals;  
7 they have to be trained.

8                   REPRESENTATIVE HASAY: Okay. I know the  
9 maintenance staff has been inadequate here at this facility  
10 or those video cameras would have been installed before the  
11 escape.

12                   SECRETARY HORN: Right.

13                   REPRESENTATIVE HASAY: How many maintenance  
14 persons have you increased since that time, permanent  
15 maintenance people?

16                   SECRETARY HORN: We have not hired any  
17 permanent maintenance staff. There are four temporaries  
18 that have been hired. We are hoping that the Office of the  
19 Budget will see fit to acquiesce to our request for  
20 additional maintenance staff here.

21                   That is a very -- and you make a very  
22 important point. One of the contributing factors to this  
23 escape -- and it's very clear here. And I mentioned it in  
24 my written testimony. I didn't read it -- was the extent  
25 to which ongoing maintenance demands at this facility



1 contributed to allowing this escape to happen.

2           As you mentioned, certainly it interfered with  
3 the ability of the maintenance staff to get that video  
4 surveillance system installed. As I indicate, we recently,  
5 prior to the escape, had engaged an outside consultant to  
6 evaluate the physical plant here.

7           And that consultant has advised us that in  
8 order to preserve the useful life of this facility, over  
9 the next five to ten years, the Commonwealth is going to  
10 have to invest approximately \$45 million in everything from  
11 upgrading the electrical system here, which has on several  
12 occasions failed.

13           And what good is video surveillance or alarms  
14 and indeed what good -- you know, I'd hate to be an officer  
15 on a block when it's pitch black -- if the lights go out  
16 and the power fails? And the electrical system here is  
17 antiquated; it's deteriorating; and it needs to be  
18 replaced.

19           The heating system this facility utilizes was  
20 built with a very unique radiant heating system that's  
21 built into the floor that requires, any time a repair needs  
22 to be made, that literally the floors in the cellblocks  
23 need to be jackhammered to get to the pipes that run  
24 through the -- through the floors.

25           And so I will be the first to say that this

1 facility is inadequately staffed with maintenance staff.  
2 And it has always been much more difficult to obtain  
3 support for maintenance staff than for corrections  
4 officers. And that is something that I am hoping that this  
5 year, not just here at Dallas, but at Huntingdon and other  
6 places as well, we can make that case and that when it  
7 reaches the Legislature, it will be approved.

8           REPRESENTATIVE HASAY: The Legislature, I'm  
9 sure, in the House will address the supplemental  
10 appropriation for this facility. How about the sirens, the  
11 sirens that we have here? You know, they failed. They  
12 failed. Have they been addressed?

13           SECRETARY HORN: Yes, they have.  
14 Superintendent Varner very quickly got on top of that  
15 issue. And as I understand it, the previous administration  
16 was conducting silent tests of these sirens. There's a  
17 computer that sort of indicated that if they were to run,  
18 they would work.

19           But they actually never sounded them but,  
20 perhaps, twice a year. They are now being tested weekly  
21 and audibly for the entire community to hear, which allows  
22 us to know every week that they're operational. And I  
23 believe that the one siren that was inoperative, the one  
24 that's located on the grounds of the facility that was  
25 inoperative on the day of the escape, was inoperative

1 because a squirrel had nested in the siren.

2           And the Superintendent engaged an outside  
3 vendor to climb up there and remove it. Apparently,  
4 previous staff efforts to diagnose the problem had been  
5 unable to find the squirrel's nest and remove it.

6           REPRESENTATIVE HASAY: I am working with the  
7 Citizens Committee. And I've talked to Superintendent  
8 Varner. We will be having periodical meetings to keep a  
9 closer communication with not just the Citizens Committee  
10 but the media as well on improvements to the facility and  
11 just keeping in touch with what's happening at the  
12 facility.

13           I know you have -- you were concerned with the  
14 cost of the towers to be manned. That's been an issue ever  
15 since. The towers were not manned during the escape. And  
16 I don't care what the hell the cost is with the towers. I  
17 think it is important. Even if it happened, I think it's  
18 important for the security of the facility and the security  
19 of the community and residents in the community.

20           Perhaps if they would have been manned, there  
21 wouldn't have been an escape. Maybe Yang and McCloskey  
22 would have been seen because, you know, like you said, you  
23 go into a cycle. And sometimes, you know, you have to try  
24 to change that cycle so that the -- some of the staff don't  
25 get into a -- a particular pattern.

1           So I'm glad to see the towers are manned. And  
2 I understand the cost, but sometimes the Commonwealth has  
3 to bear the cost for security. I've also introduced a  
4 bill when we were in session a couple weeks ago, House Bill  
5 2014, that the House Judiciary Committee will be  
6 addressing.

7           It has to do with reimbursing the cost of  
8 local governments that had helped in the escape with the  
9 local police departments with the overtime they had to pay  
10 and the costs that they had to expend. Sometimes it's not  
11 a lot. To some of the local governments like Lehman  
12 Township and Jackson, it could be anywhere from 5- to  
13 \$8,000 a department.

14           But I think that the local governments need to  
15 be reimbursed for those expenses because if you have a  
16 second class township and you're running the township on  
17 maybe a budget of \$300,000 or \$200,000 a year, that 5- or  
18 \$8,000 is a lot of money to that township.

19           So I know that the Judiciary Committee will be  
20 exploring and reviewing that bill and having a public  
21 hearing on that bill in the future. So I thank you for  
22 coming here today and addressing the issue and monitoring  
23 this facility. I very much appreciate that. Thank you,  
24 Mr. Chairman.

25           CHAIRPERSON BIRMELIN: My counterpart as the

1 Democrat on this Committee and the Subcommittee Chairman is  
2 Representative Harold James from Philadelphia. And I'll  
3 give him the opportunity to ask questions next.

4 REPRESENTATIVE JAMES: Thank you, Mr.  
5 Chairman. And thank you, Commissioner. And thank both of  
6 you for being here. And thank you for the hospitality and  
7 the tour yesterday and with trying -- helping us to become  
8 more enlightened and informed as to what is happening here  
9 and as gracious you have been throughout these tours that  
10 we've had throughout the summer.

11 My concern is about relationships. Has there  
12 been any determination about Johnson and these two inmates  
13 here, were there any kind of relationship or communications  
14 between them? Has that been determined yet, or is that  
15 still being investigated?

16 SECRETARY HORN: We've investigated that.  
17 That was the first thing that went through our minds when  
18 the escape happened. There's absolutely no evidence that  
19 there was any relationship.

20 REPRESENTATIVE JAMES: Has it been checked  
21 then to the fact that Johnson has been alleged to have been  
22 part of some hate group or gang and that these inmates  
23 might have been part of some of the same groups?

24 SECRETARY HORN: We looked into that. And  
25 again, there is absolutely no evidence of any such

1 connection.

2           REPRESENTATIVE JAMES: And I heard you also  
3 say something about recruitment, recruitment efforts. I  
4 noticed that there were not too many African American or  
5 minority staff or officers, women -- or women. And can you  
6 tell us what's going on with that or if that's being looked  
7 into or going to be enhanced?

8           SECRETARY HORN: That is a continuing and very  
9 frustrating struggle for us. I perceive things the same  
10 way as you with respect to the homogeneity, if you will, of  
11 our staff. The Department is -- is sort of -- we have to  
12 live with the situation that we inherit, and that is that  
13 our facilities are located in the areas in which they are  
14 located.

15           Many of our facilities are located in areas  
16 where there is not a large pool of -- of local minority  
17 applicants -- although, certainly, there are women  
18 everywhere -- for many reasons. Perhaps this job has not  
19 been that attractive to women working in men's prisons.

20           We have done everything we can think of within  
21 the Rules of Civil Service and the merit system to increase  
22 the diversity of our work force. We have changed the way  
23 in which we do testing. Before my administration, when an  
24 individual facility needed corrections officers, the  
25 recruiting and the testing was done locally.

1           So all of the recruiting, say, for positions  
2 at Dallas would have been done in the Scranton/Wilkes-Barre  
3 area. We've gone through statewide recruiting and  
4 statewide testing so that an individual in Philadelphia can  
5 walk into a -- a job center or, indeed, into the office of  
6 his or her local legislator and obtain application forms  
7 and, indeed, take the test to become a corrections officer  
8 anywhere in the state, in Philadelphia and Pittsburgh and  
9 Harrisburg and Erie and wherever.

10           But they have to be willing to relocate when  
11 the jobs occur. It is very difficult for us to accomplish  
12 that. We have advertised in the minority newspapers, in  
13 the newspapers that are predominantly circulating in the  
14 African American community.

15           The two newspapers in Philadelphia and the  
16 courier in Pittsburgh, we have -- we buy advertisements, I  
17 believe, once a month in those newspapers as well as in the  
18 Spanish language newspapers throughout the state recruiting  
19 for the position of corrections officer.

20           We have recruited at predominantly African  
21 American -- historically African American colleges. We  
22 have set up booths and undertaken recruiting and bought  
23 advertisements at the NAACP statewide convention. We have  
24 reached out to local NAACP offices, and we've reached out  
25 to individual legislators to assist us.

1                   The difficulty that we encounter is the  
2 reluctance of individuals from minority groups to relocate  
3 to the areas where our prisons are located. That is a  
4 continuing struggle, and it is one that I intend to  
5 continue to make. I think we've made progress. Clearly,  
6 we've not made enough.

7                   REPRESENTATIVE JAMES: Well, I just want to  
8 indicate -- and I think I said this to you before -- that  
9 when we can help -- and I guess one of the things that  
10 maybe we as a legislature can do maybe in helping in terms  
11 of increasing maybe some of the benefits on the job, that  
12 may help in terms of recruitment. I guess that would help,  
13 right?

14                   SECRETARY HORN: Absolutely. We're all in  
15 favor of that.

16                   REPRESENTATIVE JAMES: Without a doubt. Also,  
17 I understand, like, in the RHU Unit at Huntingdon, there  
18 seems to have been concern that either there was some  
19 relaxation or too much flexibility with corrections  
20 officers that allow incidents to happen in the RHU Unit  
21 where you had an incident, I think, a year or so ago where  
22 two white inmates were allowed to get together in the RHU  
23 Unit and stabbed an African American. Is that still being  
24 investigated?

25                   SECRETARY HORN: No.



1 REPRESENTATIVE JAMES: Oh, is that over?

2 SECRETARY HORN: That's over. The officers  
3 who failed to prevent from that occurring, the officers who  
4 were supposed to be supervising the inmates in that RHU  
5 exercise area and who were -- who absented themselves from  
6 their posts have been disciplined, as have commissioned  
7 officers who were responsible for supervising those  
8 officers.

9 REPRESENTATIVE JAMES: Have you had any  
10 incidents at this institution similar to what happened in  
11 the RHU Unit there?

12 SECRETARY HORN: Not to my knowledge. I don't  
13 believe so.

14 REPRESENTATIVE JAMES: Okay. Any way that we  
15 can be of assistance in terms of that. I think we found  
16 that in some of the other incidents, there has been  
17 increase of the maintenance staff or staff of the prison  
18 and a coziness with some of the inmates.

19 Did you -- did you find that that happened  
20 here in this as much as it was at Pittsburgh and  
21 Huntingdon?

22 SECRETARY HORN: No. I don't -- I don't see  
23 anything that I've reviewed in the evidence in our  
24 investigation that suggests that. I think the issue here  
25 was one of -- of laxity. It was one of not paying close

1 enough attention. I don't think that these inmates had  
2 obtained any particular coziness with staff.

3 The other thing that was very interesting  
4 about this is that other inmates in the facility, nobody  
5 else knew about this, unlike at Huntingdon where there were  
6 lots of inmates who were part of this network. These two  
7 inmates kept this whole plot completely to themselves.

8 And so we could not find any other inmates who  
9 even had colluded with them. We couldn't believe that  
10 these two would pull it off without any assistance even  
11 from other inmates and it was just these two guys.

12 REPRESENTATIVE JAMES: Okay. So it doesn't  
13 show that they had that much influence as Johnson had with  
14 a lot of the inmates and staff?

15 SECRETARY HORN: No, no.

16 REPRESENTATIVE JAMES: Okay. Thank you.  
17 Thank you, Mr. Chairman.

18 CHAIRPERSON BIRMELIN: Representative Walko.

19 REPRESENTATIVE WALKO: Thank you, Mr.  
20 Chairman. Mr. Secretary, as you know, I represent the area  
21 wherein lies SCI-Pittsburgh. And back in 1997, we had the  
22 infamous escape. And one of the issues raised apparently  
23 has been an issue here, and that is community notification  
24 and community linkages.

25 And first of all, with regard to

1 SCI-Pittsburgh, there have been excellent linkages  
2 established even to the extent that I am on the list of  
3 notified people. This Tuesday they had a security check,  
4 and we were called.

5 But frankly, I'm disappointed that those  
6 linkages weren't established system-wide after  
7 SCI-Pittsburgh. And as you said in your testimony,  
8 Superintendent Warner -- Varner has met with local police  
9 and established a communication linkage that did not  
10 previously exist.

11 And I believe it should have been put in place  
12 at all 24 SCIs prior to this time. Can you comment on  
13 that?

14 SECRETARY HORN: Yes, I would like to comment  
15 on it. In fact, it was instituted system-wide. The issue  
16 here was that it was not implemented well. Every  
17 institution, every superintendent at every facility was  
18 instructed to establish those linkages.

19 The linkage here was established with the  
20 State Police and the local 911 system. As I understand  
21 it -- and Superintendent Varner may understand it even  
22 better -- there is a unique arrangement between some of the  
23 local police departments in some of the smaller townships  
24 here such that when 911 was notified, they didn't  
25 necessarily get the notification and, also, that the actual

1 radio communication link between State Police and 911 and  
2 these eight, I believe, departments was an imperfect one.

3           And so these eight departments felt that they  
4 were left out in the cold. That was something that was  
5 very unique to this locality. It was the responsibility of  
6 local management to address it. The local managers did not  
7 address it. That was a shortcoming. It's been addressed.

8           So I do want to correct the misimpression. It  
9 is the expectation that we've imposed on every  
10 superintendent. But every facility and every community has  
11 its own unique arrangements, and they need to tailor it.  
12 To Superintendent Varner's credit, he very quickly came in  
13 and very creatively found a way to address it. Ben, I  
14 don't know if you want to talk about that.

15           MR. VARNER: We worked out an agreement with  
16 911. The system was tested yesterday. It's installed here  
17 that if the Back Mountain Police Departments will have any  
18 type of incident, they will come. One of their individuals  
19 will be in the command post.

20           They have their own radio system here now to  
21 communicate, as well as the State Police. 911 has agreed  
22 that they will be our notification system. There will be a  
23 manual at their 911 center. If we tell them we have a  
24 situation, they will notify those agencies that we  
25 designate.

1                   And that's one thing that gets away from the  
2 institution so that we can handle the emergency here.

3                   REPRESENTATIVE WALKO: Thank you. Well, I  
4 would recommend, Secretary Horn, that we make sure that the  
5 management directives as you have laid them down for all 24  
6 SCIs -- and I realize that escapes are very rare and  
7 hopefully will continue to be very rare.

8                   But in the event one occurs, it can be  
9 devastating in a community. And I would request that there  
10 be an audit system-wide of community notification  
11 mechanisms to see that they're being implemented. And I  
12 have another question.

13                   It seems that there are a number of but for's  
14 in my opinion. But for the de-manning of the towers in  
15 1996, this escape might not have happened. But for the  
16 fact that there is no lighting over there at that corner or  
17 there was none at the time of this escape, but for that,  
18 perhaps they would not have been able to escape.

19                   But I really wanted your comment on the  
20 overcrowding factor. This prison, from my understanding  
21 gleaned from yesterday's tour, is very overcrowded. Their  
22 cell was a double cell when it should have been a single  
23 cell, and the double cell bunk bed existence facilitated  
24 the escape. Is that true?

25                   And just a follow-up. What -- system-wide,

1 are we overcrowded? And what would be the optimum level of  
2 cells? How many do we need in our system in Pennsylvania?

3 SECRETARY HORN: It's a very compound  
4 question.

5 REPRESENTATIVE WALKO: Yeah. I'm sorry about  
6 that.

7 SECRETARY HORN: That's okay. Let me try and  
8 answer all of your points. And if I forget them, please  
9 bring me back to them. Let me address the but for's for a  
10 moment. While there's no question but that that was a  
11 darker section of the perimeter than others, it was not  
12 completely darkened.

13 There is lighting throughout, but not  
14 particularly at that corner. And while it's true that the  
15 towers weren't manned, I'm not sure that if the towers were  
16 manned but you didn't have an Intrusion System and you  
17 didn't have a patrol vehicle, that you could therefore  
18 conclude that the escape would not have occurred. So I'm  
19 not prepared to concede those but for's.

20 Let me also say that in order for these  
21 inmates to have escaped, they had to believe, first of all,  
22 that they could see those -- that bar and that it wouldn't  
23 be detected. In order for this escape to have occurred,  
24 these inmates had to believe that they could absent  
25 themselves from that cell for a period of time and that

1 their absence would not be detected.

2           So there are a lot of but for's that occur  
3 before they ever reach the fence. And I think that in  
4 fairness, that has to be said. With respect to  
5 overcrowding, this prison was built for about 900 to 1,000  
6 inmates. It, on the day of the escape, housed about 1,800.  
7 It still houses about 1,800.

8           So it's probably got twice as many inmates as  
9 it was designed for. That has a tremendous impact. It  
10 impacts everything from maintenance to food service to our  
11 ability to keep inmates busy and occupied. It puts the  
12 work load on a corrections officer.

13           It makes it that much greater. Remember, on  
14 the night of the escape, there was a single officer  
15 assigned to C Block. There were 198 inmates on that block.  
16 Ideally, there should have been 100. As you correctly  
17 observed, the double-decker bed that is placed in that  
18 cell, I'm not sure that that itself -- I don't want to  
19 create the impression that it facilitated the escape.

20           But clearly -- and I think it was obvious to  
21 everyone who was there yesterday -- it obscures the vision  
22 of the officer, the vision that the officer has of  
23 the -- the window and the bars. And perhaps the officer  
24 would have seen the opening had there not been a  
25 double-decker bed there that night, or would have seen the

1 activity. So that's clearly an issue.

2 Our department is operating today at about 145  
3 percent of capacity. Now, the good news is that in 1996,  
4 we were over 150 percent of capacity. And so we have  
5 gradually brought the extent of overcrowding in our  
6 department down. We have opened additional capacity, and  
7 that is to the good. However, there is a long way to go.

8 We calculate that we have about 24,000, 25,000  
9 cells or beds for inmates on a single-cell occupancy basis.  
10 We're housing 36,000 inmates. So one could say that in  
11 order to achieve a full single-cell or in dormitories,  
12 appropriate number of inmates in our dormitories, which are  
13 also overcrowded, we would probably need to add 12,000  
14 cells to the system.

15 That's a substantial number and a substantial  
16 investment and not one that I think is likely to occur.  
17 And I think that's just an adjustment we need to -- it's a  
18 reality we live with every day.

19 REPRESENTATIVE WALKO: Thank you, Secretary  
20 Horn. Also, it does seem self-evident to me that we're  
21 understaffed system-wide, one, as far as correctional  
22 officers. And I think that the human errors involved here  
23 might largely be due to the fact that we are understaffed.

24 What's your opinion on that, and how much more  
25 money do we need to adequately staff our prisons?



1                   SECRETARY HORN: That's a very difficult  
2 question because, again, you know, I don't think that I can  
3 concede that an officer doing that 5:00 a.m. count when  
4 he's supposed to see flesh or movement and didn't see flesh  
5 or movement, that that had anything to do, you know,  
6 whether you have -- at the end of the day, only one officer  
7 does the count. And more staff won't change that.

8                   I'm still dependent on a single officer.  
9 There's still going to be one officer in a patrol vehicle.  
10 And if that officer doesn't look up either because he  
11 hasn't been trained to look up, either because his  
12 supervisors haven't instructed him to do so as part of  
13 their supervisory responsibility, or because he's  
14 preoccupied with thoughts of what he's going to do when he  
15 gets off shift, which is, you know, just only human, I'm  
16 not sure that adding more staff solves that problem.

17                   Having said that, one of the things that we  
18 know is that we have imposed additional responsibilities on  
19 our staff. We, I think, have in this state made a  
20 substantial investment in making our prison system drug  
21 free. And I think today we lead the nation in that  
22 respect.

23                   But as a result, we've increased the  
24 responsibilities on our officers who previously were doing  
25 the searching. So those officers today are listening to

1 telephones because you gave us the authority to listen to  
2 those phone calls. They're taking urines, and we're taking  
3 statewide over 100,000 urine specimens a year.

4           Those are responsibilities that have never  
5 been recognized in staffing. And clearly, the number of  
6 officers on a cellblock does relate, I think, more to the  
7 issue of safety. I think that where you have a cellblock  
8 with 200 inmates on the block where there used to be 100,  
9 you have to recognize that you have to have enough officers  
10 to provide for the safety, both of the staff and of the  
11 inmates.

12           REPRESENTATIVE WALKO: Yeah. Mr. Secretary,  
13 that was one of the things I was getting at. If you're  
14 preoccupied with concern about your safety, perhaps that  
15 preoccupation takes away, in many cases, from doing things  
16 like adequate security checks, flesh or -- flesh or  
17 movement checks.

18           SECRETARY HORN: Yes.

19           REPRESENTATIVE WALKO: I was going to say  
20 flesh or bones but -- then the other -- just a final  
21 comment. Until we realize -- the public is going to have  
22 to realize we're going to have to spend a lot of money to  
23 fix these problems.

24           And until we do the right thing as far as  
25 intermediate punishment and creative programs to change the

1 nature of punishment, we're going to be paying -- paying  
2 the freight for generations to come. Thank you, Mr.  
3 Secretary.

4 SECRETARY HORN: Thank you.

5 CHAIRPERSON BIRMELIN: And I would just like  
6 to echo a little bit of what Representative Walko finished  
7 up with. I think this whole issue of overcrowding, the  
8 only answer cannot be simply double-deck bunks and more  
9 prisons, for a variety of reasons which I will not express  
10 today because I'd be accused of being out of my soapbox.

11 But we need to revisit mandatory sentencing.  
12 We need to look at alternative punishments. We need to  
13 look into diversion programs. And it's not one thing.  
14 It's a lot of things. And I will say that this Judiciary  
15 Committee has begun to do that.

16 That process is one that many of us here today  
17 and the rest who are not here today who serve on this  
18 Committee are concerned with. Sometimes it's because we  
19 worry about things that happened that caused us to be here  
20 today, escapes.

21 We're also concerned about the waste of human  
22 life. We're also concerned about the cost to the taxpayers  
23 at \$23,000 per. There's a lot of factors here. But I  
24 would say that I know the members of this Judiciary  
25 Committee are concerned that overcrowding of prisons is not

1 necessarily the disease.

2           It's a symptom of the disease, and we need to  
3 treat the disease more than we do the symptoms. And that's  
4 been a big part of what I've been doing here on this  
5 Judiciary Committee as well as some of my members here who  
6 sit with me today.

7           We've also been joined by another  
8 representative. And she's to the -- she's the fourth  
9 person to my left, Representative Manderino from  
10 Philadelphia. And at this time, I'll ask Representative  
11 Dermody if he has a question?

12           REPRESENTATIVE DERMODY: Just -- I'll be  
13 briefer than Representative Walko.

14           CHAIRPERSON BIRMELIN: We hope so.

15           REPRESENTATIVE DERMODY: Thank you, Mr.  
16 Chairman. And good morning, Mr. Secretary.

17           SECRETARY HORN: Good morning.

18           REPRESENTATIVE DERMODY: I'd like to thank you  
19 for your help and cooperation not only on this issue here  
20 at the prison but several others and the work we've done  
21 with the Sentencing Commission trying to reduce  
22 overcrowding. I just have a couple of questions.

23           You testified that you've authorized the  
24 hiring of 31 additional corrections officers for  
25 SCI-Dallas. And am I correct in assuming that yourself,

1 along with the administration here and staff, have decided  
2 that you need 31 additional officers, correctional  
3 officers, to operate the facility properly?

4 SECRETARY HORN: Actually, I think 31 is the  
5 beginning. Let me just check.

6 MR. VARNER: Yeah, 31 is the number.

7 REPRESENTATIVE DERMODY: How many have you  
8 hired so far?

9 SECRETARY HORN: I don't think actually any of  
10 them have been hired. Once you make the decision to hire  
11 31, you -- obviously, we have people on the Civil Service  
12 list. You recruit them, you bring them in for their  
13 physicals, and so on. And it takes several weeks to get  
14 them on board, and then they go to our training academy for  
15 six weeks.

16 What we've done, however, in the meantime is  
17 that we're using overtime to staff those posts. So we're  
18 manning the towers where -- we've increased the number of  
19 personnel assigned to the search teams. So once we've  
20 recognized that the posts need to be manned, we man them  
21 using overtime.

22 But overtime costs you half, again, as much,  
23 number one. And number two, it burns out your staff.

24 REPRESENTATIVE DERMODY: That was my question.  
25 It was two parts actually. How long does it take from the

1 time you hire a corrections officer till you get that  
2 person on line working on a block?

3 MR. VARNER: They can work on a block -- as  
4 long as they're with another officer -- it's right around  
5 seven months.

6 REPRESENTATIVE DERMODY: So it takes seven  
7 months from the date you hire a -- a person before they're  
8 inside the prison working?

9 MR. VARNER: Before they can start doing some  
10 independent working and that they take up one of your  
11 posts.

12 REPRESENTATIVE DERMODY: And then my next  
13 question was, What are you doing in the meantime? And I  
14 guess --

15 SECRETARY HORN: We're using overtime.

16 REPRESENTATIVE DERMODY: That's a costly,  
17 expensive process.

18 SECRETARY HORN: Yes.

19 REPRESENTATIVE DERMODY: So it takes a while  
20 to get -- it will take a long time actually to get this  
21 person on prison staff.

22 SECRETARY HORN: That's right. I think the  
23 actual hiring of a corrections officer doesn't take -- the  
24 actual hiring and getting them on the payroll is probably  
25 90 days from the time we decide.

1 MR. VARNER: Yes. As soon as we got the  
2 go-ahead, right now we have 17 people in the process taking  
3 physicals. We took the top 80 names on the list. Out of  
4 that 80, it was like 33 people said -- they took the test.  
5 And now we're saying, Come work for us. Are you  
6 interested? And 33 showed up out of 80.

7 So we're going on further down the list to the  
8 other people.

9 REPRESENTATIVE DERMODY: I assume this is a  
10 problem statewide, correct?

11 SECRETARY HORN: Yes. And in fact, statewide,  
12 we've been given the go-ahead by the Office of the Budget  
13 in anticipation of a supplemental budget request to hire a  
14 total of I think it's 287 corrections officers throughout  
15 the state. And so all of our facilities are in the process  
16 of hiring additional staff.

17 REPRESENTATIVE DERMODY: Where are they  
18 trained?

19 SECRETARY HORN: They're trained both on the  
20 job at the facility -- it's a one-year training program  
21 that consists of on-the-job training -- and six weeks at  
22 our training academy.

23 REPRESENTATIVE DERMODY: And where is that?

24 SECRETARY HORN: That's in Elizabethtown.  
25 Five weeks. I'm sorry. Five weeks.

1                   REPRESENTATIVE DERMODY: What's the capacity  
2 of the training academy?

3                   SECRETARY HORN: The training academy can  
4 probably handle about 250, 300 people at a time.

5                   REPRESENTATIVE DERMODY: Thank you. Thank  
6 you, Mr. Secretary. Thank you.

7                   CHAIRPERSON BIRMELIN: Counsel Preski.

8                   MR. PRESKI: Just a few clarification  
9 questions, Commissioner. The prisoners were noted at the  
10 count, at the 10:00 a.m. count, that's when it was found  
11 they were missing?

12                   SECRETARY HORN: Yes.

13                   MR. PRESKI: And then I think you told us  
14 yesterday during the tour, it was about 10:41 when the  
15 escape was declared?

16                   SECRETARY HORN: Yes.

17                   MR. PRESKI: And then, Secretary Varner, my  
18 next question is for you. In the Secretary's testimony, he  
19 talks about you've established the communication linkage;  
20 you had these discussions with the community. Do you have  
21 any regular meetings set with the community?

22                   I mean, are these going to be an ongoing  
23 basis? Or how do you plan to handle that?

24                   MR. VARNER: Yes. My plans are to meet with  
25 them regularly. I've spoken to Representative Hasay.



1 We're going to set something up here in the first part of  
2 December. And I've -- the members of the communities have  
3 stopped in here periodically since I've been here. And,  
4 you know, we'll continue to do it that way.

5 MR. PRESKI: And then my last question is  
6 this, that yesterday during the tour, you had told us that  
7 you had just been accredited nationally.

8 MR. VARNER: Yes.

9 MR. PRESKI: The discussions that we heard  
10 here about the overcrowding and the staffing, did that come  
11 up during the accreditation? Or how was that handled by  
12 them? Obviously, if you got accredited to that body, the  
13 overcrowding we've heard over the staffing was not a  
14 problem to them?

15 MR. VARNER: No, it's a problem to them. You  
16 have over 400 standards that you have to meet. Forty-one  
17 of them are mandatory you must meet. The nonmandatory  
18 standards, we failed those because of overcrowding, two  
19 inmates in one cell, those type things. We failed those  
20 individual standards.

21 Out of the 400 standards, we had a 96 percent  
22 that we met and 100 percent of the mandatories.

23 MR. PRESKI: And accreditation doesn't come  
24 easily, does it?

25 MR. VARNER: No, it does not.

1                   MR. PRESKI: Do you know how many institutions  
2 statewide or how many institutions nationwide get  
3 accredited?

4                   SECRETARY HORN: I don't know nationwide. All  
5 of our facilities are either -- and I think of our 24  
6 facilities, I would say probably today 21 or 22 actually  
7 have their accreditation. And the two or three that don't  
8 are in the process, they're in the application process.

9                   For example, the Quehanna Boot Camp is in the  
10 process and anticipating an audit. Some of our newer  
11 facilities have not yet been accredited. Chester, for  
12 example, which opened only 18 months ago, just received its  
13 accreditation last week.

14                   So all of our facilities are either accredited  
15 or in candidacy status.

16                   MR. PRESKI: Thank you.

17                   CHAIRPERSON BIRMELIN: Representative Josephs  
18 has asked to ask some questions, but she can't talk very  
19 well. And if she can't say it loud enough, we're going to  
20 ask Representative James to give her an assist. I know  
21 that he can speak loudly. So Representative Josephs, give  
22 it a good try and --

23                   REPRESENTATIVE JOSEPHS: I don't think I can.  
24 I'm just hoarse.

25                   CHAIRPERSON BIRMELIN: Representative James

1 will give you some assistance.

2                   REPRESENTATIVE JAMES: Thank you, Mr.  
3 Chairman. On behalf of Representative Babette Josephs from  
4 Philadelphia, I want to ask you these questions. And of  
5 course, thank you both for testifying and for being here.  
6 The first question is about the escape at Huntingdon.

7                   Norman Johnson was either celled with Hamm,  
8 Ansel Hamm, or at least they at some time were in the cell  
9 together or were both at SCI-Huntingdon. The press  
10 represented that Hamm and Johnson were in the same gang  
11 before incarceration.

12                   Why was this allowed, one; and does the  
13 Department of Corrections separate code criminals? Would  
14 you answer that for me, please?

15                   SECRETARY HORN: When I became Secretary of  
16 Corrections, I instituted a policy of absolutely separating  
17 crime partners. I will tell you that prior to the escape,  
18 I had heard neither of Norman Johnson or Ansel Hamm. And  
19 it was only after the escape that I learned.

20                   I have no -- I do not believe they were ever  
21 celled together; although, I don't want to say  
22 unequivocally that they weren't. But I don't recall that  
23 from the investigation that they were. They were both at  
24 SCI-Huntingdon.

25                   And they probably were put there years ago and

1 just never -- it never got changed. Today we wouldn't do  
2 that.

3 REPRESENTATIVE JAMES: Okay. Thank you. And  
4 the second question is, Could you describe the procedures  
5 that are designed to improve the communications between  
6 correctional officers and managers all the way up to you?

7 SECRETARY HORN: Yes. And let me first -- I  
8 just want to respond to Mr. Preski's earlier question. The  
9 inmates were noted as missing at 10:20. And I believe that  
10 the first notification --

11 REPRESENTATIVE JAMES: That was 10:20 in the  
12 morning?

13 SECRETARY HORN: 10:20 a.m. And the  
14 notification was made at about 10:40 a.m. So about 20  
15 minutes before we confirmed that we were sure that they  
16 were noted missing by the block officer at 10:20. So it  
17 took us about 20 minutes. We do several things.

18 I am personally in regular communication with  
19 the state level representatives of the AFSCME, which  
20 represents the corrections officers. Each facility  
21 superintendent, first of all, is expected to manage by  
22 walking around.

23 And good superintendents, I think, are easily  
24 discernible from not so good superintendents because when  
25 you walk around, they know their staff. There's clearly an

1 easygoing relationship between them and their staff. Their  
2 staff approach them, and they -- there's a familiarity.  
3 And you see that, and you feel that in a well-run prison.

4           Secondly, all of our facility managers are  
5 expected to hold labor management meetings in a formal  
6 sense with the local collective bargaining agents, with the  
7 elected union leadership monthly. And in addition,  
8 regionally, the -- we hold regional labor management  
9 meetings on approximately a quarterly basis where our  
10 deputy secretaries will come down and meet with the  
11 superintendents and the representatives of the collective  
12 bargaining agents on a regional basis several times a year.

13           And then finally, on about an annual basis, we  
14 have a statewide labor management meeting.

15           REPRESENTATIVE JAMES: Have you improved those  
16 communications since the escapes?

17           SECRETARY HORN: Well, I think we have because  
18 I think that Superintendent Varner's management style is  
19 different from that of the previous administration. And  
20 that's easily observable to anyone who has walked through  
21 this facility in the past and who walks through it now.

22           And, you know, you can make people meet; but  
23 not all of our managers listen as well as they need to.  
24 And sometimes relationships become very adversarial and  
25 very contentious. And I think that's what had happened

1 here. And I think we had to break that Gordian knot with  
2 an ax, and that's what we've done.

3 REPRESENTATIVE JAMES: Now, you had indicated  
4 earlier -- and this again on behalf of Representative  
5 Babette Josephs -- that the escape was not discovered till  
6 about 10:20 a.m. However, in the testimony, it says  
7 something about the officers between 6:00 and 2:00 did not  
8 notice the inmates missing.

9 SECRETARY HORN: That's right.

10 REPRESENTATIVE JAMES: What's the -- I  
11 don't -- that's a little confusing.

12 SECRETARY HORN: Had they noticed the inmates  
13 earlier, we would have taken note of the escape earlier.

14 REPRESENTATIVE JAMES: So are they the same  
15 officers that noticed them missing at 10 o'clock?

16 SECRETARY HORN: On the 6:00 a.m. to 2:00 p.m.  
17 shift on the 16th of August, yes.

18 REPRESENTATIVE JAMES: So they didn't miss  
19 them until 10:00?

20 SECRETARY HORN: That's right.

21 REPRESENTATIVE JAMES: And so -- but they  
22 should have noticed them earlier?

23 SECRETARY HORN: That's right. Indeed, they  
24 certainly should have been noted missing by the officer on  
25 the earlier shift at 5:00 in the morning, which would have

1 given the inmates far less lead time and increased the  
2 likelihood that we would have apprehended them --

3 REPRESENTATIVE JAMES: Okay. She understands.

4 SECRETARY HORN: -- sooner. The point is that  
5 a better count wouldn't necessarily have prevented the  
6 escape, but it would have revealed the escape several hours  
7 earlier which would have given us a greater opportunity to  
8 find them while they were still on the grounds of the  
9 facility and not out in the woods.

10 REPRESENTATIVE JAMES: Okay. The last comment  
11 Representative Josephs has is she -- and I want to know  
12 about -- she wants to thank, first, representative -- the  
13 Chairman, Jerry Birmelin, for House Bill 1724. And I  
14 believe you're supportive of that?

15 SECRETARY HORN: I'm not --

16 CHAIRPERSON BIRMELIN: The community  
17 reparative board.

18 SECRETARY HORN: Oh, I think it's a wonderful  
19 idea.

20 REPRESENTATIVE JAMES: All right. Thank you,  
21 Mr. Chairman.

22 CHAIRPERSON BIRMELIN: Thank you, Secretary  
23 Horn and Superintendent Varner. We appreciate your coming.  
24 Thank you very much. Our next testifiers are Major Thomas  
25 F. Williams, Area II Commander of the Pennsylvania State

1 Police; and Captain Carmen Altavilla, Troop P Commander,  
2 Pennsylvania State Police. Gentlemen, if you would come  
3 forward.

4 Gentlemen, we want to thank you for coming  
5 today. Thank you for your testimony. And gentlemen, would  
6 you introduce yourselves, first of all? Which one of you  
7 is Major Williams?

8 MAJOR WILLIAMS: Yes. I'm -- good morning.  
9 I'm Major Thomas F. Williams, the Commander of Area II  
10 Police. And directly to my right is Captain Carmen  
11 Altavilla, who's the Commanding Officer of Troop P,  
12 Wyoming.

13 CHAIRPERSON BIRMELIN: We want to thank you  
14 for coming. And when you're ready, you may begin your  
15 testimony.

16 MAJOR WILLIAMS: I'd like to thank you for the  
17 opportunity to present testimony at this public hearing on  
18 the prison escape at SCI-Dallas. Pursuant to an agreement  
19 with the Pennsylvania Department of Corrections, the  
20 Pennsylvania State Police is responsible for the  
21 enforcement of the laws of the Commonwealth at all state  
22 correctional facilities.

23 This responsibility includes responding to  
24 criminal complaints, requests for assistance, and prison  
25 escapes. On August 16th, 1999, at approximately 10:35



1 a.m., Troop P, Wyoming received a telephone call from  
2 personnel at the State Correctional Institution at Dallas  
3 informing the PSP that a possible escape had occurred as  
4 two inmates were unaccounted for after returning from yard  
5 out.

6 PSP patrol units were immediately dispatched  
7 to SCI-D. Approximately five minutes later, PSP telephoned  
8 SCI-D for further information. SCI-D personnel related  
9 that they had not accounted for two inmates and had found a  
10 makeshift ladder which breached the outer perimeter fence.

11 SCI-D was treating this incident as an escape  
12 and had activated their emergency escape plan. Additional  
13 troopers from Troop P were dispatched to SCI-D. A command  
14 post was established at approximately 11:45 a.m. staffed by  
15 myself; Captain Carmen Altavilla, Commander Troop P; and  
16 other Troop P command staff personnel.

17 I might add that that command post was  
18 established in the administration building here on the  
19 grounds of SCI-Dallas. Assistance was requested from the  
20 PSP Bureau of Emergency and Special Operations Aviation  
21 Division as well as canine tracking dogs from the Luzerne  
22 County Sheriff's Department.

23 Pursuant to a previously agreed-to Escape  
24 Action Plan, area municipal police departments in  
25 conjunction with State Police patrols had set up

1 checkpoints at preestablished intersections around SCI-D.  
2 Additional troopers were also obtained from PSP Troop F,  
3 Montoursville; Troop N, Hazleton; and Troop R, Dunmore.

4           Upon arrival, the first canine unit was  
5 immediately directed to the apparent area where the  
6 escapees had breached the outer perimeter fence. SCI-D  
7 personnel began to duplicate photos and information on the  
8 escapees from their respective escape packets.

9           Once received, the information and photos were  
10 immediately disseminated to checkpoints and roving patrols.  
11 Photos were also disseminated to local residents for their  
12 information and safety. Area residents reported numerous  
13 sightings to the command post.

14           These leads were responded to but were met  
15 with negative results. Intelligence information on both  
16 escapees began developing, indicating a list of family and  
17 friends of both escapees. As the search progressed,  
18 additional canine units were dispatched from the Department  
19 of Veteran's Affairs Police, Department of Conservation and  
20 Natural Resources, Bureau of State Parks from Sullivan  
21 County, as well as private tracking dogs from Bradford and  
22 Schuylkill Counties joined in the search.

23           In addition, PSP troopers and municipal police  
24 checked residences surrounding the institution for any  
25 signs of forced entry. As darkness approached, a PSP

1 helicopter with forward looking infrared, which is FLIR for  
2 short, was utilized to search for the escapees with  
3 negative results.

4           The command post at SCI-D transferred to Troop  
5 P headquarters at approximately 11:00 p.m. The command  
6 post then resumed operation on site at SCI-D at 9:00 a.m.  
7 on Tuesday. The following day, August 17th, 1999, the PSP  
8 began using intelligence information obtained on the  
9 escapees.

10           Contact was made with the PSP BCI Fugitive  
11 Unit; Troop K, Philadelphia; and Troop M, Bethlehem.  
12 Additionally, the FBI field offices in Philadelphia and  
13 Atlantic City as well as the Philadelphia Police Department  
14 and the US Marshall field offices in Philadelphia and  
15 Scranton were notified.

16           On August 19th at 2:10 p.m. hours, the PSP in  
17 Wyoming received information from the US Marshall's Service  
18 in Scranton that information was received from their  
19 Philadelphia office regarding phone calls received at an  
20 acquaintance of the escapees.

21           The calls originated at a pay phone in Hanover  
22 Township, Luzerne County. At approximately the same time,  
23 an attempted robbery/assault occurred at this location by  
24 an individual who attempted to steal the victim's vehicle.  
25 PSP units proceeded to the scene and were met by municipal

1 police and the US Marshalls.

2 A command post was established at the rear of  
3 a shopping center in Hanover Township, Luzerne County where  
4 the pay phone and attempted robbery/assault occurred. PSP  
5 units began responding to the scene, and a perimeter was  
6 established.

7 The Luzerne County Communications was  
8 notified, and assistance from additional municipal police  
9 departments was obtained. Canine tracking dogs were once  
10 again requested from the Luzerne County Sheriff's  
11 Department and responded to the scene.

12 A contingent of Department of Corrections  
13 personnel was also dispatched from several state  
14 correctional facilities in the area. As the tracking dogs  
15 began their search, a hot trail was discovered and pursued.  
16 Positive identification of one of the escapees was  
17 established through latent fingerprints which were  
18 processed by the PSP Records and Identification Unit  
19 located in Troop P, Wyoming.

20 These fingerprints were found on items  
21 processed from the victim of the attempted robbery/assault.  
22 As the search progressed, the news media began broadcasting  
23 information on the search. Two area residents telephoned  
24 the PSP after seeing whom they believed were the escapees  
25 crossing a roadway.

1 Additional PSP ground units supplemented by  
2 corrections officers from SCI-D, SCI-Retreat, and  
3 SCI-Waymart were directed to this area. PSP helicopter  
4 units, which had been present for the search, were also  
5 directed to this area.

6 Shortly thereafter, a PSP helicopter located  
7 both escapees wading in the Susquehanna River. PSP and  
8 Department of Corrections ground units were directed to  
9 this area and apprehended the escapees without incident at  
10 approximately 7:20 p.m.

11 This concludes my testimony regarding the  
12 SCI-Dallas escapees. On behalf of the PSP, I would like to  
13 take this opportunity to thank personnel from the various  
14 municipal police agencies, the US Marshall's Service, and  
15 the Luzerne County Sheriff's Office for their assistance  
16 with the capture of the two escapees.

17 I would also like to thank the local citizenry  
18 and the news media for helping to bring this incident to a  
19 successful conclusion. In addition, I would like to give  
20 an extra special thanks to the cooperation provided by the  
21 Department of Corrections, not only during this instance,  
22 but also in the past.

23 The Department of Corrections has been  
24 instrumental in helping us formulate Pennsylvania State  
25 Police emergency plans for state correctional institutions.

1 We have met on September 13, 1999 with SCI-Dallas  
2 supervisory staff to exchange ideas and information for  
3 refining our plan.

4 Furthermore, on October 13th, 1999, we met  
5 with the new superintendent, Mr. Ben Varner, and his staff  
6 to update our emergency plans for state correctional  
7 institutions. Several additions and changes have been made  
8 to encourage a smooth flow of operations between the State  
9 Police, Department of Corrections, and local police  
10 agencies.

11 Once again, thank you, Mr. Chairman and  
12 members of the Committee for the opportunity to present  
13 testimony on this incident. Captain Altavilla and I will  
14 now be happy to answer any questions you or members of the  
15 Committee may have regarding this testimony.

16 CHAIRPERSON BIRMELIN: Thank you very much,  
17 sir. I had one question. I'm trying to find the page on  
18 which to reference that question. But somewhere in your  
19 testimony, you indicated that someone locally said they  
20 thought they saw the two escapees.

21 MAJOR WILLIAMS: That's correct, sir.

22 CHAIRPERSON BIRMELIN: On what basis did they  
23 think that they were the escapees?

24 MAJOR WILLIAMS: Based on the news media  
25 broadcasts and descriptions that were put out as to what

1 these people may have looked like and what they may have  
2 been wearing.

3 CHAIRPERSON BIRMELIN: What were they wearing?

4 MAJOR WILLIAMS: They were wearing -- I'm  
5 looking -- khaki?

6 CAPTAIN ALTAVILLA: Maroon. Maroon prison  
7 garb. I think the one you're referring to is the incident  
8 that occurred at the shopping center. With that incident,  
9 we had a description of an individual with a white T-shirt  
10 with maroon pants and wearing a hat.

11 That fit into the description of what we knew  
12 the escapees to be wearing at the time when they left. But  
13 also, the conclusive evidence, there was a Penn Register,  
14 information that we had received from the US Marshall  
15 Service that at least one of the individuals had been using  
16 a telephone at that location.

17 And secondly, one of our Records and  
18 Identification people had taken a fingerprint off the  
19 eyeglasses of the woman who they attempted to steal the  
20 vehicle. And we were able to, on scene, positively  
21 determine that it was Yang.

22 CHAIRPERSON BIRMELIN: You're calling the  
23 color maroon. And I'm thinking of, you know -- when I go  
24 through the prisons and I see all the prisoners, they're  
25 wearing brown.

1                   CAPTAIN ALTAVILLA: They're referred to as  
2 prison browns, right.

3                   CHAIRPERSON BIRMELIN: We're talking about the  
4 same color?

5                   CAPTAIN ALTAVILLA: Yes, we are.

6                   CHAIRPERSON BIRMELIN: Maroon and brown are  
7 different to me so -- and the reason why I ask that  
8 question is because as a matter of law, but also as a  
9 matter of policy before it became law, the DOC was changed  
10 and no longer allowed prisoners to wear civilian clothing,  
11 which I'm not sure if you're familiar with that --

12                  CAPTAIN ALTAVILLA: Yes, I am. Yes.

13                  CHAIRPERSON BIRMELIN: -- situation before or  
14 not. But that was one of the changes that was made after  
15 the escape that occurred a few years ago, approximately two  
16 and a half years ago at SCI-Pittsburgh where we had a  
17 public hearing. And that was one of the outcomes of that  
18 hearing, was the fact that we passed legislation that  
19 required that they not wear civilian clothing, that they  
20 had to wear certain clothing.

21                  Now, it may not have made any difference in  
22 the SCI escape but apparently made a difference here in  
23 that they were identified because of that clothing. Would  
24 you indicate that that was a help to you as the State  
25 Police in trying to track down these guys to know that they



1 were wearing a distinguishing type of clothing?

2           CAPTAIN ALTAVILLA: It was. Although, I have  
3 to add that we do know that during the course of the time  
4 from the escape until they were caught, that they had taken  
5 some clothes off a -- off a clothesline at a Plymouth  
6 Township residence.

7           And that's why the one T-shirt that was  
8 actually being worn by Yang at the time was not the shirt  
9 that he had left the institution with, but that is very  
10 true.

11           CHAIRPERSON BIRMELIN: Okay. What that tells  
12 me is that I think it was a good thing that they're  
13 required to wear the browns because either they were -- in  
14 the early moments of an escape, they would be wearing those  
15 clothing.

16           But they would recognize that they shouldn't  
17 be wearing that clothing and you would have to steal  
18 clothing, which would also give an indication of where they  
19 were. So I think that you would agree with me then that  
20 the mandate that they not wear civilian clothing is a good  
21 thing, at least as far as you're concerned.

22           MAJOR WILLIAMS: There's no question. As far  
23 as we're concerned, that is a good thing.

24           CHAIRPERSON BIRMELIN: Thank you very much.  
25 Representative Hasay.

1                   REPRESENTATIVE HASAY: Thank you, Mr.  
2 Chairman. I would first of all like to thank Major  
3 Williams and Captain Altavilla for all of your assistance  
4 through this August situation that we had this year. I  
5 noticed in your statement the State Police Records and ID  
6 Unit helped in the processing and investigation for the  
7 fingerprints?

8                   MAJOR WILLIAMS: That's correct.

9                   REPRESENTATIVE HASAY: I take it that was the  
10 lab?

11                  MAJOR WILLIAMS: No, it was not. That's a  
12 special unit which is assigned to each troop headquarters.  
13 We use those people to go out and assist our crime scenes,  
14 to assist at our crime scenes by collecting the evidence  
15 and taking fingerprints.

16                  We also assist many municipal police agencies  
17 in doing that. These are people that are specially trained  
18 to do this type of work, and they are at each troop  
19 headquarters. So it was our own people.

20                  REPRESENTATIVE HASAY: That's a great job,  
21 what you've done. How long has that been in existence at  
22 the station, at the barracks?

23                  MAJOR WILLIAMS: Oh, it's -- they've been  
24 around since I've been on the job. And that's 30-plus  
25 years so --

1                   REPRESENTATIVE HASAY: Okay. Thank you, Mr.  
2 Chairman. Thank you, Captain. And thank you, Major.

3                   CHAIRPERSON BIRMELIN: The tag team of Josephs  
4 and James will now be asking you some questions. And I'm  
5 really not sure whose questions are whose, but I'm sure  
6 that Representative James will be asking all of them.

7                   REPRESENTATIVE JAMES: Okay. This is going to  
8 be Representative Harold James' questions first. Thank  
9 you, Mr. Chairman. And thank you both for testifying. I  
10 just want to commend the State Police, the correctional  
11 officers, and the law enforcement agency for working good  
12 together on this escape, the Johnson escape.

13                   I think it was just an outstanding job in  
14 cooperation and helping the community and working with the  
15 community and doing what you do. I'd just like to ask, I  
16 heard you say that you're meeting with the corrections  
17 officials. And Representative Hasay said that he's having  
18 community meetings. Do you meet with the community also?

19                   MAJOR WILLIAMS: No, sir. We -- the Captain  
20 and I discussed that just briefly this morning. We have  
21 not participated in those community meetings, but I would  
22 certainly like to see us participate in those meetings  
23 because we have a community relations person assigned to  
24 the barracks here.

25                   And I see no reason why he shouldn't be at

1 those meetings to provide guidance or expertise concerning  
2 police matters.

3           REPRESENTATIVE JAMES: Right. I think -- I  
4 think it would be -- and I'm glad to hear you say that  
5 because I think that's important that you do be included or  
6 that you participate with the community and with all the  
7 other officials in the meeting because then we got  
8 everybody at the table.

9           And they don't have to -- okay. That's it for  
10 my questions, Mr. Chairman. And on behalf of -- is it okay  
11 for Representative Josephs? -- Representative Babette  
12 Josephs, how much has this escape cost the State Police?  
13 And if you don't know that now, you can send that into us.

14           MAJOR WILLIAMS: No. We do know that now.  
15 And I'll defer that to Captain Altavilla because he has  
16 those figures.

17           CAPTAIN ALTAVILLA: Sir, the actual escape,  
18 the four days from the 16th to the 19th actually cost the  
19 State Police in overtime \$21,319.58. And we also have that  
20 broken down by troop. But that's -- that's the total.

21           REPRESENTATIVE JAMES: Do you also have how  
22 much it cost local law enforcement?

23           CAPTAIN ALTAVILLA: No. What they did is they  
24 attended to their own matters as far as the finances. And  
25 I know at the Senate hearings, they did present the amount

1 that they had approved. But we do not have that.

2 MAJOR WILLIAMS: I can tell you it was nowhere  
3 near what it cost the State Police, though.

4 REPRESENTATIVE JAMES: If it's possible -- the  
5 document that you were just reading, Captain, is it  
6 possible to forward that to our Chairman so we can get  
7 copies?

8 MAJOR WILLIAMS: Yes, it is.

9 CAPTAIN ALTAVILLA: Certainly.

10 REPRESENTATIVE JAMES: And -- because I think  
11 what she's trying to determine, if we can get a cost, you  
12 know, local law enforcement costs, your costs, the  
13 corrections department cost, and just tie it in all to the  
14 escape, if that's possible, Mr. Chairman.

15 MAJOR WILLIAMS: It's not a problem. You'll  
16 receive it.

17 REPRESENTATIVE JAMES: All right. Thank you.  
18 Okay. Representative Babette Josephs thanks you.

19 CHAIRPERSON BIRMELIN: I received information,  
20 gentlemen, that I'm sure you'll be interested in knowing.  
21 And that is that the State Police will be invited to any  
22 future meetings with the community groups. That comes from  
23 Superintendent Varner so --

24 MAJOR WILLIAMS: Very good. We'll make sure  
25 that we have a representative there.

1                   CHAIRPERSON BIRMELIN: Yeah. I'm not sure  
2 where he is. I know he's around here somewhere. He's in  
3 the building here somewhere. But you may want to confirm  
4 with him when the next meeting is --

5                   CAPTAIN ALTAVILLA: We'll do that.

6                   CHAIRPERSON BIRMELIN: -- and make sure that  
7 you're on the list of invitees. Counsel Preski.

8                   MR. PRESKI: One question, Troopers. It says  
9 in your testimony, Several additions and changes have been  
10 made to encourage the smooth flow of operations between  
11 State Police, DOC, and the local police agencies. Could  
12 you just expand on that a little?

13                   MAJOR WILLIAMS: Sure. One of the real  
14 serious problems was a communications problem between the  
15 State Police and between the local police, the municipal  
16 police departments because we're on entirely different  
17 frequencies, different channels.

18                   We don't have enough portable radios to put  
19 out and issue them to each and every individual municipal  
20 police officer. So what we were doing, we were  
21 putting -- in addition to the municipal police officers, we  
22 would make sure we had a trooper at the scene which would  
23 give us access to that -- to that scene, to that location.

24                   What we have done now, we have been in contact  
25 with the supervisor at the local 911 emergency radio. And

1 we are now going to have them install an actual radio for  
2 the municipal police departments right at our command post.  
3 And that radio will be manned by a local officer who will  
4 ensure that the municipal police agencies involved get all  
5 the information that we give out to the State Police.

6           The other situation was sometimes the  
7 municipal police officers would be tied up at the scene of  
8 an intersection, a checkpoint for hours and hours and  
9 hours, sometimes four, five, six hours. They felt that  
10 that was taking them away from their local municipality.

11           And indeed, it was. So what we have  
12 determined in the future, at any future incident such as  
13 this, we will have Pennsylvania State Troopers relieve them  
14 within a two-hour period so that they may go back to their  
15 municipalities.

16           MR. PRESKI: Okay. Thank you very much.

17           CHAIRPERSON BIRMELIN: Gentlemen, that's all  
18 the questions our Committee has for you. And we want to  
19 thank you very much, number one, for capturing those two  
20 gentlemen. Maybe I'm using the word loosely, gentlemen.  
21 We want to thank you for your efforts and for your  
22 coordination and for your efforts to make sure that you are  
23 coordinating your efforts with local police better in the  
24 future.

25           I think -- we didn't want an escape to happen.

1 But hopefully, the things that have occurred since then and  
2 the changes that we've made in policy will help to prevent  
3 them from happening in the future or if it does happen,  
4 capturing those who escape as quickly as possible. We want  
5 to thank you for your good work and for testifying today.  
6 Thank you very much.

7 MAJOR WILLIAMS: Thank you.

8 CHAIRPERSON BIRMELIN: Our next testifiers are  
9 Michael Fox. He's the Council Director for AFSCME,  
10 District Council No. 89. And Corrections Officer Brian  
11 Smatko, who's the local AFSCME President here at the Dallas  
12 SCI. Gentlemen, thank you for coming. And please be  
13 seated at the table.

14 It's my understanding, Mr. Fox, that you don't  
15 have written testimony today?

16 MR. FOX: Yeah. The -- I submitted testimony  
17 to you at the Huntingdon hearing. And that testimony would  
18 be presented today. Now, if you want me to go through it  
19 again, I'd be happy to. But I don't think that would be  
20 necessary. However, there are a few points that I'll be  
21 adding on to that testimony verbally.

22 CHAIRPERSON BIRMELIN: Okay. Well, it  
23 probably wouldn't be necessary for you to repeat it. And  
24 I'm not sure that all of our members were at the Huntingdon  
25 hearing. Although, all that information was sent to them



1 in their offices so --

2 MR. FOX: I'm prepared to do so, Mr. Chairman,  
3 if you want.

4 CHAIRPERSON BIRMELIN: Well, why don't we  
5 distribute it from the last hearing to the members. And  
6 then Brian Smatko, your local president here, does have his  
7 in writing. And we will ask him to present his. And then  
8 as questions are asked of either of you, then maybe you can  
9 fill in some gaps that you think need to be filled in.

10 MR. FOX: Some of the information I was going  
11 to present to you was going to be in response to some  
12 questions that was asked of me at the last hearing that I  
13 didn't have answers to.

14 CHAIRPERSON BIRMELIN: That would be fine.  
15 Why don't we give Mr. Smatko first run at this. Welcome,  
16 gentlemen. Mr. Smatko, you may give your testimony when  
17 you're prepared to do so.

18 MR. SMATKO: Thank you, sir. Good morning.  
19 My name is Brian Smatko. I'm the President of American  
20 Federation of State, County, Municipal Employees Local  
21 2496, representing 450 employees at the State Correctional  
22 Institution at Dallas.

23 I've been employed at SCI-Dallas for over  
24 seven years. And I currently work the 06 to 1400 hour  
25 shift as a housing unit officer. I'd like to start off

1 today by saying that mistakes were made, mistakes that if  
2 not coupled together would not have resulted in an escape.  
3 Unfortunately, they did.

4 A few corrections officers made mistakes.  
5 Errors in judgment were made, and appropriate disciplinary  
6 action was taken against them. The officers served their  
7 discipline. And I have encouraged them and all corrections  
8 officers that we all recommit ourselves to our jobs.

9 However, mistakes, some serious, were  
10 committed by employees outside the Union at a much higher  
11 level. And it wasn't until the second escape that the  
12 Department finally realized that some of their decisions  
13 were detrimental to the overall security of the  
14 institution.

15 I would like to begin to put a lot of troubles  
16 here behind us. With the new Superintendent Ben Varner and  
17 Deputy Tom Lavan and a renewed commitment to a healthy  
18 labor/management relationship, things are improving. They  
19 have to. The public expects to be protected and not to  
20 have to worry about a murderer running around in their  
21 backyard. This cannot happen again.

22 The Department of Corrections conducted  
23 manpower surveys in 1990, 1993, and 1998. And every time,  
24 the numbers rose. Forty, 50, over 60 officers needed in  
25 1998, not including the tower officers. And that number is

1 expected to grow over 70 in the upcoming Manpower survey  
2 scheduled for November 8th and 9th of this year.

3           And yet the Department never acted on any of  
4 their own surveys done by their own security people.  
5 Instead, the Department incorporated new programs such as  
6 unit management that cost millions and, in the opinion of  
7 most 450 of my Local, is a failing program.

8           It just diverted money, money that could  
9 possibly have been used to hire additional corrections  
10 officers. Posts that have been identified for almost ten  
11 years still go unfilled. Just one example was additional  
12 search team officers, positions that have just recently  
13 been added following the second escape, now enables us to  
14 search every jail cell almost once a month. Where before,  
15 we were lucky to be getting it done once every six months.

16           It takes over 140 officers to staff the  
17 population blocks at SCI-Dallas. That's not including the  
18 restricted housing units. Then you have the exercise crews  
19 necessary to run the restricted housing units. You have  
20 tower officers, special post officers, search teams,  
21 hospital officers, transport officers, gate officers, yard  
22 officers, patrol officers, security and security-related  
23 officers, and many more.

24           And yet for the first time in years, a few  
25 positions have finally been added. And yet millions and

1 millions of dollars have been poured into treatment and  
2 treatment-related programs. It is my belief that security  
3 at a penal institution should be our first and foremost  
4 responsibility.

5           It is also my belief that when you neglect  
6 something long enough, it takes a lot to restore it to the  
7 condition that it should have been in all along. I'm sure  
8 that the numbers are staggering at what it cost to  
9 recapture McCloskey and Yang.

10           And yet it leaves me to wonder if the money  
11 saved by ignoring their own reports on staffing, the Union  
12 constantly pointing out problems about the Perimeter  
13 Intrusion Detection System, and the need for the towers  
14 over the years was enough to cover the cost of what it will  
15 take to rebuild not only Dallas's but several other  
16 institutions' complement of officers to ensure that the  
17 safety of the taxpayers is never again jeopardized.

18           I would like to give the facts to the  
19 Committee of the escape according to the documentation  
20 inside the prison that was available to me. Yang and  
21 McCloskey were celled together for 23 days prior to the  
22 escape. McCloskey was confined to the restricted housing  
23 unit K-A from May 19th of '99 to July 19th of '99.

24           Prior to that, they were celled together from  
25 July of '98 to April of '98 -- or April of '99 -- I'm

1 sorry -- in 10 cell. Yang arrived on C Block May of 1998  
2 and was lodged in cell 87. Approximately 60 days later,  
3 management approved a transfer of Yang to 10 cell to house  
4 with McCloskey.

5           According to McCloskey, a convicted murderer,  
6 they were cutting the bars for several months, as you heard  
7 in previous testimony, when this -- we know from the  
8 records -- is a lie. In fact, a lot of what McCloskey and  
9 Yang have said were lies.

10           And yet the Department took some of the things  
11 they said at face value and were used by the Department in  
12 previous testimony and testimony including today.

13 Concerning the Department's recognized need for video  
14 surveillance, according to the records at SCI-Dallas, the  
15 cameras that are now being installed have been in the  
16 warehouse for over two years prior to the escape and long  
17 enough for the warranties to expire even before they were  
18 taken out of the box.

19           The concertina wire installed after the  
20 escapes had been at the institution for over a year prior  
21 to the escapes. Someone a year ago recognized the need to  
22 replace the old withered and, in some cases, brittle wire  
23 that was at that time on the fence. Yet it sat unutilized  
24 because the manpower was never available to install it.

25           The method that was referred to previously on

1 how the bars are tested is inadequate at best. The method  
2 known as bar banging has been tested by Joint Committee  
3 including members of SCI-Dallas's upper management team and  
4 Union officials, and it was concluded that a bar that has  
5 been compromised will produce no different sound until the  
6 bar is cut totally through.

7           A more thorough test must be implemented to  
8 ensure the integrity of the bars at our institution. You  
9 must not rely on a procedure and hold people accountable to  
10 that procedure when the procedure itself cannot produce its  
11 expected result.

12           The employees were told time and time again  
13 that the Perimeter Intrusion Detection System doesn't  
14 blink. Over and over, repeated complaints were ignored  
15 being told that the system doesn't blink. We were told to  
16 rely on the Perimeter Intrusion Detection System. So we  
17 did. And in that respect, we became complacent. But at  
18 the same time, that's what management wanted.

19           Then the system blinked, and the corrections  
20 community was awoken from their closed-eye approach towards  
21 the possibility of a perimeter breach. Unfortunately, we  
22 compromised the security and safety of those who live  
23 around our institution. For that, I would like to  
24 apologize and pledge that myself and the people that I  
25 represent will never allow such egregious actions to be

1 taken again.

2           Since the dismissal of Superintendent Larkins  
3 and the inception of Ben Varner, there have been marked  
4 improvements. Improvements that have been needed for a  
5 long time are finally coming to fruition. Ideas on how  
6 to better improve security and to address security concerns  
7 more quickly are now being sought.

8           For the first time in many years, it seems  
9 that management is now listening with an open ear to some  
10 of the concerns brought forth by the Local, the citizens  
11 advisory group, and other security-minded groups, realizing  
12 that those who work in the thick of things sometimes have  
13 the best perception of some of the problems.

14           As the president of this Local and living on  
15 the brink of the 21st Century, I realize that we will never  
16 get everything that we as a Local want; and that is  
17 fiscally understandable. However, security should always  
18 remain at the forefront. And in doing that, we at Dallas  
19 expect to go another 20 years escape-free and once again  
20 become the crown jewel of the Pennsylvania prison system.

21           I would like to take this opportunity to thank  
22 the Committee and its distinguished members for this  
23 opportunity to present my testimony. I sincerely hope that  
24 through these hearings, we can achieve the goals commonly  
25 sought by all in this room. I would like to welcome any

1 questions you may have. And once again, thank you.

2 CHAIRPERSON BIRMELIN: Before we do that, Mr.  
3 Smatko, Mr. Fox, why don't you present your answers to  
4 questions that we had previously.

5 MR. FOX: Okay. Thank you, Mr. Chairman. At  
6 the last hearing, I think it was Representative Walko may  
7 have asked me a question with regard to a portion of my  
8 testimony where I was dealing with the inmate to staff  
9 ratio and the fact that Pennsylvania ranked 25th at a 5.3  
10 to 1 ratio.

11 And I think Representative Walko's question  
12 was, Well, what was the worst in the country; and what is  
13 the best? And at the time, I didn't know. And now I do.  
14 The worst is 12.3 to 1, and the best is 3.2 to 1. Now, in  
15 addition, as I said that day, that's -- that's a -- a  
16 misleading ratio in that -- that's overall.

17 That's a total number of corrections officers  
18 divided into the total number of inmates at an institution.  
19 And that's not a true picture of what it's like in the  
20 institution. For example, at Camp Hill, SCI-Camp Hill,  
21 there are 3,275 inmates.

22 On the 6:00 to 2:00, 8:00 to 4:00 shift  
23 combined, that ratio is 19 to 1. And that's the shift that  
24 has the highest number of staff. That goes down. When you  
25 get to the 2:00 to 10:00 shift, it goes to 26 to 1. Then



1 at the 10:00 to 6:00 shift, it goes to 46 to 1.

2 Mahanoy, one of the newer institutions -- and  
3 I think a question was asked of me last time also is should  
4 the -- or is the staffing the same at a prototypical as it  
5 is at an older institution? And I said that it was not,  
6 and it should not be.

7 The ratio on the 6:00 to 2:00, 8:00 to 4:00  
8 shift at Mahanoy is 23 to 1. On the 2:00 to 10:00, it's 31  
9 to 1. And on the 10:00 to 6:00, it's 55 to 1. And those  
10 ratios are fairly consistent no matter which institution  
11 that you -- that you look at.

12 And I was glad to hear the questioning of  
13 Secretary Horn this morning with regard to staffing and  
14 understaffing and overcrowding because that is a  
15 serious problem. We've spent the last a little over a  
16 month -- this is the third hearing I've been to.

17 The first was the Senate hearing, the second  
18 was this Committee's hearing at Huntingdon, and now this  
19 one. And during that period of time, something was  
20 transpiring in one of our State Correctional Institutions  
21 that didn't get the kind of press across the state that  
22 a -- that an event like an escape gets, that an event like  
23 a riot gets because, unfortunately, it's something that  
24 occurs day in and day out.

25 But I'm going to bring it to your attention

1 because I hope that this Committee in its deliberations  
2 will begin to tackle the understaffing issue in the State  
3 Correctional Institutions. At the State Correctional  
4 Institution at Houtzdale, again, one of the newer  
5 institutions, one of the prototypicals, in a two-week  
6 period of time, beginning on October the 8th, 1999, on  
7 October the 8th, 1999, a CO working in the RHU was kicked  
8 in the neck by an inmate.

9           On October the 12th, 1999, a CO on the 6:00 to  
10 2:00 shift working alone in a pod with 124 inmates was  
11 assaulted. That CO ended up with a broken nose and had to  
12 have his eyelid re-attached, that the assault was so  
13 serious. A second corrections officer in an adjoining pod  
14 coming to that officer's assistance was also assaulted  
15 seriously, suffered a broken nose and will have to have a  
16 plate put into his cheek.

17           In fact, one of these officers stopped  
18 breathing three times because of the blood pouring down the  
19 back of his neck. Eight days later, on October 20th, 1999,  
20 another corrections officer working alone in a pod  
21 assaulted seriously. On October 22nd -- oh, let me say  
22 something here.

23           Following the October 20th assault, I had  
24 conversations with Secretary Horn and Executive Deputy  
25 Secretary Beard, following which a lock down and shakedown

1 of the entire institution of Houtzdale took place on  
2 October the 21st.

3           Now, just to show you the ingenuity of  
4 inmates, one inmate somehow was successful in their  
5 speculation because he had a broken leg. He may have had  
6 it hidden in his cast. It may have been screwed into his  
7 crutches. But one inmate was successful in hiding a shank,  
8 a homemade weapon.

9           And on October the 22nd, the day after the  
10 institution-wide lock down and shakedown, a corrections  
11 officer again working alone in a pod was stabbed five  
12 times. That corrections officer, fortunately, did not have  
13 any vital organs pierced and was in the hospital for four  
14 and a half days. He's home now, and he's okay.

15           This was occurring as we're focused on  
16 the -- the issues at Huntingdon and Dallas, as we should  
17 be. But we shouldn't lose sight of the fact that there are  
18 22 other correctional institutions out there with similar  
19 problems that should and need to be addressed before an  
20 escape occurs.

21           I heard the comment a little bit ago  
22 about -- and it may have been Representative Hasay  
23 commented about how, you know, we respond to these things  
24 now that an escape has occurred. Unfortunately -- and as I  
25 said before, I've been working with the Department of

1 Corrections for over 17 years.

2           And that seems to be the pattern. We had  
3 understaffing and overcrowding before the riots at Camp  
4 Hill. The riots at Camp Hill occurred, attention gets  
5 focused, and a commitment to staff at 100 percent's made.  
6 And that occurs. Since then, we have a slide.

7           We now have escapes, brings attention to the  
8 system. Now, hopefully, we'll have the same type of  
9 progress. But I hope -- and I'm confident with your  
10 leadership, Mr. Chairman -- that the Legislature will not  
11 allow for complacency to set in among us all when we're  
12 dealing with the Department of Corrections so that we're  
13 addressing these problems, these serious conditions  
14 before -- before the serious assaults, the serious escapes,  
15 the serious riots occur.

16           The other thing that I -- that I feel  
17 compelled to comment on, during the course of the hearings,  
18 following the hearings, primarily in the press reports,  
19 there seems to have been a -- an impression built that, you  
20 know, that staff in correctional institutions, corrections  
21 officers in particular become complacent, become lax  
22 because of -- because of the tediousness and the  
23 repetitiveness of their job.

24           I talk to corrections officers every day. And  
25 that is the one thing that they've read about. In fact,

1 walking in here this morning, a corrections officer saw my  
2 bag, recognized me and said, Mr. Fox, don't let them keep  
3 blaming us. We do our job, and we do it well. And he's  
4 right.

5 I've received many calls about that point.  
6 And I think what you had, you had -- Officer Smatko is  
7 correct. Mistakes were made. But corrections officers are  
8 not unlike you or I. There are times when you lose focus  
9 on your job and a mistake's made.

10 That doesn't mean and it should not mean and  
11 it should not be interpreted as a system-wide complacency  
12 that has set in among corrections officers. I've told you  
13 what happened at Houtzdale over the past month. In the  
14 Department of Corrections, there averages one assault on a  
15 corrections officer every day.

16 Corrections officers know that their lives,  
17 lives of their brothers and sisters are in danger every  
18 day. When you work in those kind of conditions, you don't  
19 become lax. You don't become complacent. You are always  
20 on guard. But again, there are times when focus is lost.

21 In fact, I hope you don't take this personal;  
22 but I've watched PCN quite a bit. And I've seen a few  
23 times when members of our General Assembly have said, Mr.  
24 Chairman, I'd like to correct my vote. I hit the wrong  
25 button. Sometimes we lose focus. They're only human. We

1 all do that.

2           But please -- and I would -- and I would ask  
3 the press that are here, please do not continue to paint  
4 the corrections officers and the employees of the  
5 Department of Corrections with one broad brush that they're  
6 all complacent, they're all lax because they are not.

7           There was a question asked about, you know,  
8 our relationship, the Department and the Union and its  
9 employees -- and I appreciate that question because that's  
10 important -- and have there been any improvements made.  
11 Secretary Horn mentioned something kind of in passing that  
12 I'd like to elaborate on because I think it is important  
13 for us all to understand.

14           As I've said in my previous testimony, we have  
15 brought security issues to the labor management table.  
16 Oftentimes, they get lost in the shuffle; and they become  
17 part of what was described as a very contentious sometimes  
18 relationship, particularly here at Dallas.

19           Secretary Horn and I have met, and we have  
20 agreed to set up a joint committee of corrections officers  
21 and the management at an institution. We're going to try  
22 it at three institutions, one of which is going to be here  
23 at Dallas, where, on at least a monthly basis, the  
24 management of the institution will meet with  
25 representatives of the corrections officers and talk about

1 one thing and one thing only, security.

2           They will get the recommendations from the  
3 employees. The employees will have an opportunity to  
4 discuss what management plans on doing. Then at -- and  
5 again, at least quarterly, that meeting will definitely  
6 include the superintendent of the institution.

7           And I think what's critical in this process is  
8 that the recommendations of that -- of either party in that  
9 meeting, whether it's the Union or management, all those  
10 recommendations, whether accepted or rejected, get  
11 submitted to Harrisburg.

12           They go to the appropriate Deputy Secretary  
13 and then ultimately to the Secretary so that everyone from  
14 the institution to the Department level will know what  
15 recommendations are being made because maybe an idea that  
16 locally they don't think is a good idea to implement, maybe  
17 someone in Harrisburg might think it's a good idea.

18           So we have established a process where  
19 hopefully the input of the corrections officers and the  
20 staff of these institutions will be listened to and taken  
21 more seriously than they have in the past. And the other  
22 thing that I want to echo -- and it was a point made by  
23 Officer Smatko -- and that is that a lot of what you heard  
24 and what the opinions have been developed on that the staff  
25 were complacent and were lax is based upon only one thing:

1 The statement of the inmates.

2           It was the inmates who said they hung out a  
3 window for, I don't know, 15 or 20 minutes. I don't know if  
4 that's true. It was the inmates who said they hung on the  
5 fence for 15 or 20 minutes while the corrections officer  
6 was parked underneath. I don't know if that's true.

7           And, you know, so again, you know, I would ask  
8 you on behalf of the corrections officers, don't paint with  
9 a broad brush the assertions that somehow because of the  
10 job they do, they've become complacent or lax because I  
11 think quite the opposite is the case.

12           Because of the job they do, they are on their  
13 toes almost constantly. No one's perfect. Thank you, Mr.  
14 Chairman.

15           CHAIRPERSON BIRMELIN: Thank you, gentlemen,  
16 for your testimony. I want to extend an apology on  
17 Representative Hasay's part. He had another commitment  
18 that he had to be at, and that's why he had to leave  
19 earlier than the conclusion of these meetings.

20           I'm going to turn this over to my counterpart,  
21 Representative James, for a few minutes to run the meeting.  
22 And he'll give members the opportunity to ask questions.

23           REPRESENTATIVE JAMES: Thank you, Mr.  
24 Chairman. Thank you both for testifying. Just briefly, I  
25 don't -- and this is not to be argumentative. And I



1 appreciate and understand with respect to where you're  
2 coming from. But I don't remember hearing no members  
3 painting the correction officers with a broad brush.

4 I don't remember anybody -- I don't remember  
5 no members on the Judiciary Committee doing that. Now,  
6 whether it may be news media, I don't know. But I do know  
7 and from what I've heard since I've been here is that most  
8 people do their job and do it well and that in every  
9 profession we have people that don't do it well.

10 And the concern is that sometimes people  
11 don't -- in leadership don't want to recognize that or  
12 don't want to admit that. And when they do, they find out  
13 that it's better. I guess the question that I have is to  
14 Brian --

15 MR. SMATKO: Smatko, sir.

16 REPRESENTATIVE JAMES: Yeah. I think you have  
17 a tough job as being president and -- and having to work  
18 also. Now, I've heard consistently a couple times that a  
19 CO was working alone and there had been like 100 people in  
20 a certain area. Did that take place at Dallas?

21 MR. SMATKO: Yes.

22 REPRESENTATIVE JAMES: Okay. Has that been  
23 changed since the escape, or do you still have occasions  
24 where one CO works where there may be 100 inmates?

25 MR. SMATKO: We still have occasions where

1 there are two officers where 200 inmates are present.

2 REPRESENTATIVE JAMES: Okay. So what about  
3 the one officer?

4 MR. SMATKO: We have housing units that have  
5 one officer with 100 inmates that are present. When we run  
6 yard, you could have up to 1,000 inmates in the yard; and  
7 we have six officers. So there are a lot of instances -- I  
8 work on a population block.

9 There's three assigned, but only two at one  
10 time are ever there. We're in charge of 160 inmates.

11 REPRESENTATIVE JAMES: Where's the third one?

12 MR. SMATKO: The third one is used  
13 primarily -- the third one would seat them in the dining  
14 hall. He'll go to the yard with them; he'll do reliefs on  
15 other blocks; he'll do reliefs for other jobs.

16 REPRESENTATIVE JAMES: Is that one of the  
17 concerns that you express as a security concern with the  
18 management or administration?

19 MR. SMATKO: Yes, it is.

20 REPRESENTATIVE JAMES: And did you ask that  
21 that be increased?

22 MR. SMATKO: Yes, I did.

23 REPRESENTATIVE JAMES: To how many?

24 MR. SMATKO: To keep -- on a two-man block,  
25 two officers is sufficient to maintain. On a 200-inmate

1 population block, you need at least three officers because  
2 somebody has to watch the inmates and somebody has to watch  
3 you.

4 REPRESENTATIVE JAMES: So you -- I guess that  
5 would be one of your discussions with management --

6 MR. SMATKO: Yes, sir.

7 REPRESENTATIVE JAMES: -- until that is  
8 addressed. And that's because it hasn't been --

9 MR. SMATKO: That's correct.

10 REPRESENTATIVE JAMES: -- to your  
11 satisfaction.

12 MR. SMATKO: That's correct.

13 REPRESENTATIVE JAMES: Okay. You also said  
14 something about -- I like the way you say in your testimony  
15 that you -- under the new leadership, you want to put  
16 trouble behind you and work with the new superintendent to  
17 try to enhance and improve things. I think that's good as  
18 a leader.

19 Then you go to a part where you say that for  
20 the first time in years, a few positions have finally been  
21 added and that there have been money poured into treatment  
22 and treatment-related programs. How long have you been in  
23 corrections?

24 MR. SMATKO: Eight years, sir.

25 REPRESENTATIVE JAMES: You do not see a need

1 for treatment and treatment programs?

2 MR. SMATKO: I didn't say that, sir. What I  
3 said was -- I see that the amount of money spent on  
4 treatment programs is far surpassing the amount of money  
5 spent on staffing the prisons. What I meant by a few  
6 positions over the last few years, prisons always do  
7 hiring.

8 Most of the hiring are for people that  
9 retired, transferred, so on and so forth. The new  
10 positions are positions that were -- increased our  
11 complement, new posts, not just people, but new posts, the  
12 additional search team officers.

13 Up until prior to the escape, we had a search  
14 team of four members. They were responsible for doing all  
15 the urines, all the phone monitoring, all the ion scanning.

16 Plus, they were also tasked with searching cells,  
17 conducting investigations, gang-related materials and  
18 information.

19 And it wasn't until after the escape when the  
20 Department added search teams to each shift of the daylight  
21 hours, the 06 to 1400 and the 1400 to 2200, exclusive of  
22 the search team that was already in place.

23 REPRESENTATIVE JAMES: Okay. Now, my question  
24 to you is that do you see treatment and treatment programs  
25 helping to improve conditions in the institution?

1 MR. SMATKO: I see treatment programs  
2 improving the conditions in inmate lives. I don't view  
3 them in some respect as increasing the enhancement of the  
4 security. We have a program now under unit management  
5 where -- unit management is a program where someone is the  
6 middleman between the counselors and the corrections  
7 officers.

8 They're nothing more than, in my opinion, an  
9 overpaid go-between person. They are there to satisfy the  
10 inmates' needs as far as treatment, and yet they are also  
11 the ones that we have to send these inmates to when we have  
12 disciplinary problems.

13 I find it very difficult and troubling for  
14 someone in the treatment field to also wear the hat of  
15 disciplinarian.

16 REPRESENTATIVE JAMES: Okay. You also said  
17 that -- that you may not believe that they were cutting the  
18 bars for several months?

19 MR. SMATKO: That's correct, sir.

20 REPRESENTATIVE JAMES: Do you have any idea,  
21 based on your experience, how long you think they may have  
22 been doing it? How long --

23 MR. SMATKO: I believe that they started after  
24 McCloskey was released from the RHU, and it was done within  
25 two weeks prior to the escape.

1                   REPRESENTATIVE JAMES: So you think that that  
2 tool could have done that within that short period of time?

3                   MR. SMATKO: No doubt about it, sir.

4                   REPRESENTATIVE JAMES: Did you express that to  
5 management or the administration or know if they tried it  
6 to see if it worked?

7                   MR. SMATKO: It has been tried, and it does  
8 work.

9                   REPRESENTATIVE JAMES: Within the time frame  
10 you spoke about?

11                   MR. SMATKO: That's correct, sir. Hours and  
12 not days.

13                   REPRESENTATIVE JAMES: In your position as  
14 president of the Union, do you see a need for more  
15 diversity among correction officers?

16                   MR. SMATKO: Yes.

17                   REPRESENTATIVE JAMES: Do you see problems  
18 with racism here?

19                   MR. SMATKO: Isolated instances, yes, sir.

20                   REPRESENTATIVE JAMES: What do you do about  
21 them?

22                   MR. SMATKO: Most of the problems that I see  
23 about racism, sir, actually come from the inmates. Because  
24 I work on a housing unit, I have 160 inmates. I know 150  
25 of them. I've been there a few years now. I know a few of

1 them well. We received an inmate from the restricted  
2 housing unit a few years back that was labeled an extreme  
3 racist.

4 In the two years that we've had him on our  
5 block, he is now one of our janitors, works directly for  
6 me. And we have a wonderful rapport. I think part of the  
7 problem is there's not enough officers to get involved and  
8 to deal with inmates on a one-to-one basis.

9 Most officers that do, such as myself, go out  
10 of their way to make sure that some of the inmates are at  
11 least content with what's going on or at least  
12 knowledgeable and informed about some of the decisions that  
13 are made.

14 REPRESENTATIVE JAMES: As a union, do you try  
15 to deal with, you know -- there's been alleged rumors that  
16 there are correction officers and that some -- not only  
17 correction officers but inmates belonging to hate groups or  
18 racist groups. And how do you deal with that as a union,  
19 or do you disregard it, or do you report it?

20 MR. SMATKO: As a union, we do here at the  
21 institution have a Union member -- several Union members as  
22 a matter of fact that belong to a gang task force inside  
23 the institution. As a union, because most officers -- and  
24 those that are in my Local aren't all corrections officers.  
25 It's very difficult to address the concern about gangs at,

1 say, a union meeting.

2           However, we do make sure, as a union, that we  
3 are increasing our gang activities members. And we do keep  
4 updated lists, and we do encourage members to report things  
5 that they may otherwise consider maybe out of the ordinary  
6 but not necessarily meeting the guidelines of, say, a  
7 misconduct.

8           REPRESENTATIVE JAMES: Okay. All right.  
9 Thank you. Don Walko.

10           REPRESENTATIVE WALKO: Thank you, Mr.  
11 Chairman. For either Mr. Fox or Smatko, one of the things  
12 that we're charged with is analyzing how central  
13 administration is responding to problem -- problem  
14 identification, what corrective actions they're taking.

15           What I've heard from Mr. Smatko was until very  
16 recently, much of what you were saying has been ignored.  
17 And what I was -- and also, back in the case of  
18 SCI-Pittsburgh again, one of the things that came as a  
19 result of the meet-and-discusses that the AFSCME Union held  
20 were recommendations to central management regarding tool  
21 control, key control, access of correctional officers to  
22 maintenance areas.

23           And what I'm wondering is, on a -- on a  
24 system-wide level, are these concerns being addressed? I  
25 think you mentioned three SCIs are now entering some kind



1 of a phase of management/labor communication to the central  
2 administration. Is that enough? And what has been done?

3 MR. FOX: Okay. That -- let me answer it a  
4 couple of ways, Representative Walko. First, the -- the  
5 issue of local communications, you know, has in the past,  
6 particularly here at Dallas, been of a major concern. At  
7 the Senate Judiciary Committee hearing, ex-Superintendent  
8 Larkins testified.

9 And as I recall his testimony, he said that he  
10 viewed his relationship with the local union as good.  
11 Well, I think that was indicative of what the problem was  
12 here. You know, when I testified, I indicated to the  
13 Committee at that time that if there was one institution  
14 that I was getting calls with regard to the security issues  
15 on a regular basis, it was Dallas because Superintendent  
16 Larkins was more of a treatment-oriented philosophy than a  
17 security-oriented philosophy.

18 For example, the question was being asked  
19 about the clothing of the inmates. When the Department  
20 changed the policy on the clothing of inmates, one of the  
21 first places I got a call from after that policy was  
22 instituted was here at Dallas because Superintendent  
23 Larkins took it upon himself to give exceptions to that  
24 policy.

25 You know, so the -- the relationship up here

1 with Superintendent Larkins was not good, was bad. It was  
2 terrible for security. It doesn't surprise me that -- that  
3 something like this happened at Dallas given that attitude  
4 from Superintendent Larkins' perspective.

5 We had a similar problem in Pittsburgh where  
6 issues -- where issues were being brought forth but being  
7 ignored. System-wide, I would say that they're still not  
8 as good as I think they should be. Response needs  
9 to -- needs to occur quicker with regard to issues.

10 For example, again, I'll mention Houtzdale.  
11 You heard testimony from Secretary Horn that he instituted  
12 a new policy requiring regular standing counts where the  
13 inmates actually have to be roused out of bed, standing  
14 up, seen and counted.

15 Well, on October the 20th, I believe the date  
16 was, the superintendent at Houtzdale issued a policy making  
17 an exemption for certain inmate workers from the noon  
18 count. Now, you know, the question -- the question arises,  
19 you know, What do you do?

20 If you don't see skin and movement, you have a  
21 policy from your superintendent making an exemption, what  
22 does the CO do? I called the -- I called the deputy  
23 secretary in charge of that region, expressed my concern  
24 about that, expressed my view that that should be  
25 rescinded.

1                   Now, that call occurred -- today's Thursday.  
2 That call took place on Monday. I haven't gotten a  
3 response yet. When I get back to Harrisburg, I'm going to  
4 follow up on it. So I mean, we need improvement. But I  
5 said in my original testimony, of all of the -- all of the  
6 secretaries that I've dealt with over the past 17 years,  
7 Secretary Horn has probably been one of the more accessible  
8 to us and one of the more responsive.

9                   But again, we need to make improvement. Are  
10 three institutions enough? No, sir. I don't think they  
11 are. But there, you know, there's -- there's a concern  
12 about -- what we want to do is we want to make sure it  
13 works. We want to -- we want to -- once we get this all  
14 talked out, then we want to bring in representatives from  
15 our local unions who will participate on the committees,  
16 bring in the management people, and essentially have a  
17 training session on how to work together cooperatively so  
18 that -- so that this thing, when we put it in place, it  
19 will work.

20                   And what we thought was if we tried too many  
21 institutions at one time, it could become too unwieldy; and  
22 it may be doomed for failure. So we wanted to see what  
23 problems we experienced, fix those problems, then put it  
24 out system-wide. So it's not enough, sir. And we're  
25 hoping in a short period of time to make sure it's in all

1 institutions.

2           REPRESENTATIVE WALKO: And one final thing.  
3 The Governor retained the American Correctional Association  
4 and their so-called Blue Ribbon Committee to come in and  
5 review the entire system. And I was wondering -- first of  
6 all, I don't recall where they are in the stage of that  
7 review.

8           And I don't even recall how much they're being  
9 paid for it or anything like that. But I was wondering,  
10 have you had any interaction, Mr. Smatko or Mr. Fox, with  
11 this Blue Ribbon Committee that's overseeing -- evaluating  
12 what's going on in our correctional institutions?

13           MR. FOX: I was invited -- when the panel was  
14 put together and was meeting with Secretary Horn and  
15 Secretary Horn's deputies, Secretary Horn invited me to  
16 that briefing so that I would be aware of exactly what that  
17 panel was being instructed to do and what they're being  
18 charged to do.

19           And then I was given an opportunity to -- to  
20 address them and give them the concerns. And it was at  
21 that time that I requested that when they visited  
22 institutions -- and at that time, I thought they were going  
23 to visit them all -- when they visited institutions, to  
24 make sure that they visited and spent time with our local  
25 union leadership. And they agreed to do that. Now --

1 MR. SMATKO: I have met with the Blue Ribbon  
2 Panel. They were here -- I can't give you an exact date.  
3 But it was in the month of October. And we did have a  
4 chance to sit down with them for a good 45 minutes and  
5 discuss openly the concerns of our local, and not just the  
6 local, but the people that -- everyone here at the  
7 institution, about what we perceive as some of the security  
8 lapses that may have taken place and so on.

9 MR. FOX: And they're still visiting  
10 institutions. That's -- their -- I think their visits may  
11 be done by the end of November.

12 REPRESENTATIVE WALKO: Thank you. Thank you  
13 very much.

14 REPRESENTATIVE JAMES: Okay. Representative  
15 Manderino.

16 REPRESENTATIVE MANDERINO: Thank you for your  
17 testimony, and good morning. I have a couple questions for  
18 Corrections Officer Smatko. You told us in your testimony  
19 that the practice of shaking or banging on the bars that  
20 you were taught in order to secure -- in order to assure  
21 the security of the bars on the windows doesn't work.

22 And I'd like to ask you to elaborate on why  
23 that doesn't work --

24 MR. SMATKO: There was a joint test --

25 REPRESENTATIVE MANDERINO: -- why you came to

1 that conclusion.

2 MR. SMATKO: There was a joint test done after  
3 the escapes when the question of bar banging arose.

4 REPRESENTATIVE MANDERINO: Describe bar  
5 banging.

6 MR. SMATKO: Bar banging, although you can't  
7 see any bars in here, what you do is you take a ball-peen  
8 hammer and you bang the bar.

9 REPRESENTATIVE MANDERINO: You don't  
10 physically shake it as well?

11 MR. SMATKO: No, ma'am.

12 REPRESENTATIVE MANDERINO: You were never  
13 taught to physically shake it?

14 MR. SMATKO: No, ma'am.

15 REPRESENTATIVE MANDERINO: So you never  
16 physically shaken it? That wasn't the practice?

17 MR. SMATKO: That was the reason why we  
18 attacked the bar banging, because the policy was -- people  
19 were getting used to the idea of banging a bar. They were  
20 being told that should the bar be compromised, that it  
21 would create -- and in Secretary's own words -- a quite  
22 distinguishable sound.

23 When we took it and we made a display and cut  
24 bars to various degrees, the only bar that was  
25 distinguishable was the bar that was cut straight through.

1 So in essence, everything that we were told really held no  
2 relevance.

3 And by using a system and a procedure that  
4 doesn't produce the effect but yet telling them that it  
5 does, you sort of take your mind off of touching the bar,  
6 looking at the bar because, basically, you have the hammer,  
7 you bang it, you hear nothing different, and you leave.

8 REPRESENTATIVE MANDERINO: So are you saying  
9 to me that a human being checking the bar is not an  
10 adequate procedure, or are you just saying --

11 MR. SMATKO: I'm saying the bar banging itself  
12 is not an adequate procedure.

13 REPRESENTATIVE MANDERINO: And in your manuals  
14 and in your training, the notion of physically touching and  
15 shaking the bar like this, which I saw demonstrated on a  
16 million tours that I went on this summer, et cetera, that's  
17 not what you were taught to do?

18 MR. SMATKO: No.

19 REPRESENTATIVE MANDERINO: Okay. How about  
20 the flesh and movement policy? There's a flesh and  
21 movement policy for observing inmates during the evening  
22 rounds while they're sleeping, naturally not wanting to  
23 arouse them physically, but needing to see flesh and  
24 movement.

25 I think it's fair to say no matter whose

1 version of the facts you believe in terms of when people  
2 attempted the escape, we at least know what time you  
3 discovered they weren't there any longer.

4 MR. SMATKO: Correct.

5 REPRESENTATIVE MANDERINO: So there were at  
6 least some rounds where flesh and movement was not being  
7 seen.

8 MR. SMATKO: Okay. The flesh and movement --

9 REPRESENTATIVE MANDERINO: Now, explain that  
10 from a human perspective. And is that a good policy, or is  
11 that a policy we should no longer rely on?

12 MR. SMATKO: The policy -- the flesh and  
13 movement refers to when count is being taken. Prior to the  
14 escape, our institution didn't have a count until 11:30 in  
15 the morning. Meaning when I came on shift, the officer  
16 that I relieved, the midnight man, would tell me my count  
17 is 156 with 4 inmates out.

18 You would not make a physical count of those  
19 inmates until 11:30.

20 REPRESENTATIVE MANDERINO: And that was  
21 because of practice, or that was how your policy manuals  
22 here at the institution were written?

23 MR. SMATKO: That was past practice. And the  
24 post orders indicated that that's the time that count was  
25 taken. Now, since the escape, we have changed that



1 dramatically. We now take a 0620 count, and it's a  
2 standing count. Meaning that at 0620, 20 minutes after I'm  
3 in the institution, I have a list of inmates I know that  
4 went to work.

5           When I take my count, I count every inmate  
6 present. If I don't see them standing, I beat on the door  
7 or I open the door physically and awaken the inmate, where  
8 that policy was not in place prior to the escape.

9           REPRESENTATIVE MANDERINO: Okay. You jumped a  
10 little ahead of me because I'm going to get to the standing  
11 counts in a minute. I'm still on flesh and movement.

12           MR. SMATKO: Okay. The flesh and movement --

13           REPRESENTATIVE MANDERINO: You didn't have a  
14 policy that required the sight of flesh and movement when a  
15 person was sleeping prior to the escape, is that what  
16 you're telling me?

17           MR. SMATKO: No, we didn't. On the midnight  
18 shift, you were required to see flesh or movement when you  
19 made your count.

20           REPRESENTATIVE MANDERINO: Is that a realistic  
21 policy to assure that a human being is sleeping in there,  
22 and is that a realistic system for us to rely on with  
23 regard to corrections officers being able to tell if  
24 somebody's in there? Or should we throw that out as an  
25 indicator of safety?

1 MR. SMATKO: No. What happened was prior to  
2 the escape, should an officer awaken an inmate on a  
3 midnight count, say, 1:00 in the morning, 5:00 in the  
4 morning --

5 REPRESENTATIVE MANDERINO: I'm not saying wake  
6 him up. I'm talking flesh or movement.

7 MR. SMATKO: But if you didn't see flesh or  
8 movement, that would be your next action. You would have  
9 to physically awaken the inmate. And what happened was  
10 inmates started writing grievances against the officers  
11 saying they're harassing them.

12 So then officers in turn got paperwork that  
13 they would have to answer to management stating why they  
14 were harassing this inmate. The flesh and movement policy  
15 is a good policy. Inmates know now and officers know now,  
16 since the escape and since the discipline, that you will do  
17 whatever it takes to see flesh and movement in that cell.  
18 And as long as --

19 REPRESENTATIVE MANDERINO: So that we can  
20 continue to rely on in terms of a human system?

21 MR. SMATKO: That we can continue to rely on,  
22 yes, ma'am.

23 REPRESENTATIVE MANDERINO: Okay. Now let's  
24 talk about the standing counts.

25 MR. SMATKO: Sure.

1                   REPRESENTATIVE MANDERINO: We were told at  
2 past prison tours -- I was not here to go on yesterday's  
3 prison tour, but I can rest assured they were told it  
4 again -- that the policy prior to the breakouts were for  
5 standing counts at the first count after whatever you  
6 considered the wake-up 6:00 a.m. time.

7                   Are you telling me that was not the policy  
8 here in your manuals and in your procedures prior to the  
9 breakout?

10                  MR. SMATKO: That's exactly what I'm saying,  
11 ma'am.

12                  REPRESENTATIVE MANDERINO: You're saying that  
13 was not the practice and that was also not the written  
14 policy? Or it was your written policy; we just didn't  
15 practice it?

16                  MR. SMATKO: No, ma'am. It was neither  
17 written, nor was it the practice of the institution.

18                  REPRESENTATIVE MANDERINO: Thank you. That's  
19 the end of my questions. I just have one comment. And I'm  
20 glad that Representative James picked up on it, too. And  
21 sometimes you see things from only one vantage point. But  
22 just for the record, I was very disturbed -- maybe I  
23 understand it a little bit better -- to hear you at least  
24 suggest what I thought you were suggesting when you said  
25 that millions and millions of dollars have been poured into

1 treatment programs and you believe that security needs to  
2 be the first and foremost responsibility and that we  
3 shouldn't invest in treatment and training until we've  
4 invested in staffing, at least at the level that you as the  
5 Union think we should.

6           And I guess I just want to tell you from the  
7 big picture, we invest a whole lot of money more on all of  
8 the systems and just a pittance, when you look at the big  
9 scheme of things, on treatment and treatment-related  
10 programs.

11                           (Applause.)

12           REPRESENTATIVE MANDERINO: And the  
13 reason -- and the reason that we do that is the same reason  
14 that we are concerned about security breakouts of prisons,  
15 because we want our communities to be safe. And we know  
16 that except for the lifers in Pennsylvania, all of these  
17 folks are at some point returning to their community.

18           And at least I as a lawmaker feel that I have  
19 an obligation to make sure that when people are returning  
20 to their communities, that we have done something here that  
21 makes the people back in their communities that they will  
22 be returning to safe.

23           So I will assume from your clarifying remarks  
24 that you are not suggesting that we do away with treatment,  
25 and I hope that the Union won't take that kind of position.

1 MR. SMATKO: No, that was not my intention.

2 REPRESENTATIVE MANDERINO: Thank you.

3 CHAIRPERSON BIRMELIN: Representative Josephs.

4 REPRESENTATIVE JAMES: Okay. On behalf of  
5 Representative Josephs again, thank you both for  
6 testifying. First, she says that I have little confidence  
7 in mechanical or electronic security, anti-escape devices.  
8 Safety depends on the quality of the personnel, especially  
9 those in contact most with inmates.

10 I'm happy for the new procedures designed to  
11 improve communications and ask Officer Smatko the following  
12 question: Please describe past and present communications  
13 between correction officers and prison management. And how  
14 would you improve these communications, and when and how  
15 would you evaluate the response to the COs' security  
16 concerns?

17 MR. SMATKO: The past relationship when Mr.  
18 Larkins was a superintendent was atrocious. And I would  
19 feel safe to say that there was no communication. It was a  
20 confrontational issue every time that the Union and  
21 management met concerning any issue, not just security.

22 That made it very difficult to deal with him  
23 and his administration. Since Mr. Varner has taken over,  
24 the process has been a 180-degree turnaround. Mr. Varner  
25 is very open to the Union's concerns, and he hears every

1 one of them. We don't expect everything that we want to  
2 come to light, but we do expect to be heard on our  
3 concerns.

4           And in lieu of what Mr. Fox had testified to  
5 about the upcoming security councils that they have  
6 planned, I think that's a great idea. The most important  
7 thing is the superintendents and deputy superintendents and  
8 the Union officials that work at the institutions need to  
9 understand each other's job.

10           They need to understand where he's coming  
11 from, and they need to understand where I'm coming from.  
12 When you have an open and established rapport, the issue,  
13 irregardless of whatever it may be, is resolvable to both  
14 liking.

15           REPRESENTATIVE JAMES: So you think -- how  
16 would you improve them when you said that describing --

17           MR. SMATKO: That's one way to definitely  
18 address security issues is you need a forum where you can  
19 solely address security issues. The labor management forum  
20 that we have now encompasses every concern that we have,  
21 staffing, maintenance, trades, secretarial, so on and so  
22 forth.

23           I think the inclusion of simply a security  
24 forum is much needed given the time and, you know, the year  
25 coming into the future.

1                   REPRESENTATIVE JAMES: Thank you. How does  
2 the overcrowding affect the security for correctional  
3 officers?

4                   MR. SMATKO: Well, because -- again, as a  
5 housing unit officer, I know 150 of the 160 inmates  
6 assigned to me. When you deal with overcrowding, it  
7 becomes almost impossible, especially now that there are no  
8 civilian clothes to make distinguishable marks or pick  
9 somebody out.

10                   You have to know who they are, and you have to  
11 know their face. When you don't have the staff available,  
12 it makes it difficult to identify an inmate, let alone  
13 understand what he's going through and, you know, where  
14 we're trying to get.

15                   With more officers, you have better security.  
16 Officers feel more inclined to interact with inmates. When  
17 you have a ratio of 1300 to 6 in the yard, most officers  
18 don't feel inclined to go over and stand by the weight pile  
19 and talk to a convict because you have to worry about  
20 watching your fellow officer as much as you have to worry  
21 about a fight breaking out or an assault or so on and so  
22 forth.

23                   REPRESENTATIVE JAMES: Okay. Now, how does  
24 the crackdown on prisons, such as what has been happening  
25 after the escapes, affect the security for correctional

1 officers?

2 MR. SMATKO: Actually, the security has  
3 improved, especially at our prison. With the  
4 superintendent, they've incorporated programs that now give  
5 inmates a lot more free time, allow inmates more time at  
6 work. And in turn, when an inmate is receiving things that  
7 they may have not received in years past and receiving  
8 respect, then in turn, inmates give respect back.

9 And that's what they're starting to see now,  
10 that the changes we're making -- although most are  
11 security-minded, they are keeping in mind of what inmates'  
12 needs are and that inmates need to be working, they need to  
13 make money, and they need to be given an opportunity to  
14 improve them self.

15 REPRESENTATIVE JAMES: Well, that's the key  
16 word I haven't heard too much of. But it's a key word in  
17 terms of respect because, like you said, if you give  
18 respect, you can get that back most of the time.

19 MR. SMATKO: That's correct.

20 REPRESENTATIVE JAMES: And the next question  
21 from Representative Josephs is to Mr. Fox. What does Union  
22 management do about hate groups, racism, et cetera, among  
23 Union members and inmates?

24 MR. FOX: Well, the -- in corrections --  
25 AFSCME Council 13 on a statewide basis has a -- a



1 corrections conference that we sponsor. It's a weekend  
2 conference where we bring in instructors on various topics.  
3 In fact, our next one's coming up in January.

4 And we have -- we have corrections officers --  
5 in fact, two of the best work at SCI-Pittsburgh -- who are  
6 excellent instructors with regard to gangs, identifying  
7 gangs, understanding their language, understanding their  
8 signs, knowing how to react to them, interact with them.

9 And, you know, so we -- so we have training  
10 programs to instruct our members on various issues with  
11 regard to gangs, issues on -- dealing with conflicts inside  
12 a correctional institution, how to defuse a conflict,  
13 hopefully, without physical intervention.

14 When we're -- when we're made aware of racism  
15 and, you know, hate groups and that, I mean, we try to work  
16 with the Department, to the extent we can, to investigate  
17 it. You know, we don't have as free access to look into  
18 those types of things as you might think we would. So it's  
19 difficult for us to get into that.

20 But when it's brought to our attention, you  
21 know, we -- we attempt to deal with it through management.  
22 I will go to management and say, Listen, you have a problem  
23 here that needs to get addressed. Because if you  
24 have -- if you have acts of racism, whether it's, you know,  
25 going from one inmate to another, staff to an inmate, or

1 inmates to staff, you know, that's a recipe for  
2 confrontation, for violence.

3           And it's not only a -- a threat to the safety  
4 of our members, but it's also a threat to the security of  
5 the institution. So to the extent we can and to the extent  
6 we're made aware of it, we -- we work within the system to  
7 try to resolve it.

8           REPRESENTATIVE JAMES: Do you work on  
9 increasing or helping to increase minority recruitment, or  
10 do you encourage it?

11           MR. FOX: Well, the Department of Corrections  
12 approached us several years ago with regard to that  
13 problem. One of the things -- one of the things that, you  
14 know, we did was -- well, for example, we had a big -- as  
15 a result of a lawsuit we filed -- a big hiring move at  
16 Graterford several years ago.

17           And we worked with the Department at that time  
18 to go into the minority communities to recruit from those  
19 communities into the jobs at Graterford. We have also  
20 worked with the Department, where necessary, to provide for  
21 the appropriate minority recruitment, you know, where the  
22 Department will go to Civil Service.

23           Secretary Horn said earlier, you know, some of  
24 this is controlled by Civil Service. And if we see a need  
25 and there's a need at an institution for recruitment in the

1 minority areas, whether it be African American, Hispanic or  
2 women, the Department can request, from the Civil Service  
3 Commission, request for a selective certification.

4 So the Civil Service Commission then will send  
5 them only a list of the requested class. And that's  
6 something that we worked with the Department several years  
7 ago in developing the method of doing that.

8 REPRESENTATIVE JAMES: Okay. Thank you on  
9 behalf of Representative Josephs.

10 MR. FOX: Thank you.

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

13 CHAIRPERSON BIRMELIN: Thank you, gentlemen,  
14 for your testimony. Appreciate it. Is Mr. Fred Newman  
15 here? Mr. Fred Newman, are you present? I assume by no  
16 answer that he's not. We're going to take a 5-minute break  
17 to give everybody a chance to stretch and give our  
18 stenographer a short break. And I mean exactly five  
19 minutes.

20 (A brief recess was taken.)

21 CHAIRPERSON BIRMELIN: Please take your seats.  
22 I'd like to invite our next set of testifiers to please  
23 come forward. We have, hopefully, enough chairs for you.  
24 They include Joan Gauker of Graterfriends, Incorporated;  
25 Dianna Hollis, President of Pennsylvania CURE; Vince

1 Wallace, Lay Minister here at SCI-Dallas; and Angus Love,  
2 Esquire from the Pennsylvania Institutional Law Project.

3           If you folks would all find your seats, I  
4 would appreciate that so we could get started. I asked  
5 earlier if Mr. Newman was here. He apparently is not going  
6 to be here. So we only have two more sets of testifiers,  
7 and then we will be finished for the day.

8           I'm going to ask the folks who are testifying  
9 now as a panel if they would testify in the order in which  
10 they are a listed on our agenda. And that would mean that,  
11 Joan, you would be first; second would be Dianna; third  
12 would be Vince; and fourth would be Angus Love.

13           And we would ask that you all would present  
14 your testimony before any of you take any questions. And  
15 then as a group, as members wish to, they could ask  
16 individually or ask blanket questions that maybe they'll  
17 want a response from all of you on. But I know from, you  
18 know, skimming through the testimony that you have to  
19 present, we're coming from a broad angle of concerns here.

20           So why don't we get started with Joan Gauker  
21 from Graterfriends. Would you begin with your testimony,  
22 please?

23           MS. GAUKER: Thank you, Chairman Birmelin and  
24 the distinguished Committee members. I feel like I  
25 should --

1 REPRESENTATIVE JAMES: Do you have --

2 MS. GAUKER: I gave it to you. It's got  
3 Graterfriends attached to it. It's a thick packet. I gave  
4 it to your counsel. He was passing it out.

5 CHAIRPERSON BIRMELIN: Joan, we're going to  
6 put you on hold. Apparently, we need a few more copies.  
7 How many copies did you bring?

8 MS. GAUKER: I made 12, I think.

9 CHAIRPERSON BIRMELIN: We're in the process of  
10 making some more copies. Apparently, somebody absconded  
11 with them or put them in the back.

12 MS. GAUKER: Here's some more, yeah.

13 CHAIRPERSON BIRMELIN: People took them that  
14 didn't -- weren't on the Committee. Well, Joan, I think  
15 we've got you covered. Go ahead. Sorry for the  
16 interruption.

17 MS. GAUKER: It was a very interesting  
18 morning. And almost listening to everyone here, I felt I  
19 needed to reconstruct my talk because there's so many  
20 things that I really wanted to respond to. So I may go off  
21 on little tangents.

22 CHAIRPERSON BIRMELIN: Yeah. Don't feel like  
23 you're obligated to read this. I will caution you that  
24 this is probably the only testimony that will be received  
25 by members who are not present. If you wish to ignore what

1 you have written and given to us in the hopes that  
2 everybody reads it, that's fine, and you wish to talk about  
3 other things.

4           The only caveat I would ask you is that you  
5 try to keep your remarks to the subject at hand and that  
6 they not be far afield from the subjects that we've been  
7 discussing this morning. And keep in mind also you have  
8 three compatriots here who also would like to have --

9           MS. GAUKER: Exactly.

10           CHAIRPERSON BIRMELIN: -- an opportunity to  
11 present their remarks as well.

12           MS. GAUKER: Well, I am managing editor of the  
13 publication that I've attached to your testimony called  
14 Graterfriends. I believe I have two recent copies there.  
15 I've been a prison volunteer for 19 years. I go into the  
16 Graterford Prison regularly on a weekly basis.

17           And actually, I have free access to Graterford  
18 Prison because I'm Volunteer Coordinator there. So I'm  
19 considered volunteer staff. So what you're going to hear  
20 from me is a different perspective than you've heard from  
21 other people today.

22           Some of you may not like it. But believe me,  
23 I'm inside to a large degree as much as some of the other  
24 people that testified here today. And I can tell you  
25 things that are happening in there. Because of my

1 experience and the thousands of letters and phone calls  
2 that I receive each year from inside, as well as families  
3 on the outside, I'm here to tell you that the problem of  
4 escapes has nothing to do with fences or a lack of  
5 correctional officers.

6           Escapes happen when top administrators do not  
7 manage well. Secretary Horn said to you, You don't let the  
8 little guy hang. He said that to you. He said it's at the  
9 top. The monstrous leadership failures are at the top.  
10 But he didn't go all the way to the top.

11           He stopped with his top of his -- each  
12 institution. I'm here to tell you it's at the top. The  
13 mismanagement is at the top. This top administration  
14 that's not managing right now allows guards -- that concept  
15 that's there allows the guards to become complacent or  
16 lazy, not do their jobs correctly.

17           The Pennsylvania Prison System is nothing less  
18 than a bloated bureaucracy characterized by inefficiency  
19 and incompetence beginning with the top administration.  
20 And I know there are many good people in the DOC. They  
21 have compassion; they have good intentions; they do good  
22 works.

23           But their desire to actually rehabilitate  
24 prisoners is stifled into silence as they dare not risk  
25 offending top administrators. And I can tell you that

1 because of the people that I speak to when I'm inside  
2 prison. The whole atmosphere in the last five years has  
3 changed dramatically.

4 Not only has the system oppressed prisoners,  
5 which I'll speak to, and given them a sense of  
6 hopelessness, it has done the same for the staff. We're  
7 also gravely concerned with a system that rewards  
8 incompetence; for instance, the DOC transfer of  
9 Superintendent Varner to SCI-Dallas.

10 Now, I won't speak anymore about that. But we  
11 do consider this a management move that outrages and  
12 bewilders us. Dianna will speak more to that. Secretary  
13 Horn wants more guards to thwart escapes and better manage  
14 his prisons. But he said that the system was built on  
15 layers and layers of redundancy was his word.

16 What has happened now is the administration  
17 has turned these layers and layers of redundancy into  
18 layers and layers of oppression. So we may have things we  
19 have to change. But in the process when we change them,  
20 this system has become a very oppressive one.

21 In fact, if this is a system with long periods  
22 of idleness unfortunately built into the workday, then more  
23 guards -- adding more guards to the system will actually  
24 add more conflict because COs with idle time will look for  
25 ways to pass the time.



1 I don't care what the CO said here before.  
2 Believe me, they have a lot of idle time. If all they have  
3 to do is open doors and issue passes when there's no one  
4 there to open doors for or to give a pass to, they don't  
5 have anything else to do.

6 They write up prisoners for petty things.  
7 They deliberately aggravate prisoners. They play cards.  
8 They read newspapers, and they truly do sleep on jobs. And  
9 if you need confirmation of that, we can provide it.  
10 Secretary Horn's budget also will seek excessive  
11 overtime -- CO overtime pay, but common sense tells us that  
12 guards on overtime only compound the management problem.

13 Guards cannot be at peak performance after an  
14 8-hour shift. And if shifts were properly managed, there  
15 would be no need for excessive overtime. Instead, money is  
16 needed for education and activities for prisoners because  
17 prisoners involved in programs are not troublesome.

18 We recognize the problem has many, many  
19 facets. And the one thing that the CO did say was the unit  
20 management problem. I have to agree with the unit  
21 management program or concept. I have to agree. I don't  
22 think that's a good one. The point he made was very good.

23 The same person has to be the disciplinarian  
24 as the treatment. And on honestly, if you give somebody  
25 those choices, a lot of times it's going to go toward

1 discipline as -- in a way that's not treatment oriented.

2 So that is one of the problems.

3           But there's also inefficiency in our system to  
4 a degree that it's actually encouraged by the way our days  
5 are chopped up. Instead of counting prisoners on the job  
6 or in classrooms, as in many other systems, including the  
7 federal system, Pennsylvania sends its prisoners back to  
8 the cells for count.

9           This constant interruption and short time  
10 constraints leave teachers with precious little time to  
11 teach and civilians and prison workers with very little  
12 time for maintenance, correctional industries, laundry,  
13 painting, and so forth.

14           For example, civilians generally arrive around  
15 7:00 a.m. Prisoners get to the job about 8:00. Now, this  
16 is the institution I know. It could be different times  
17 other places. But then they have to leave by 11:00 for the  
18 lunch count. They don't return till 1:00 or 1:30, and they  
19 must leave again at 3:00. Then the civilian worker leaves  
20 at 3:00.

21           This lack of continuity on the job wastes  
22 times, it wastes taxpayers' money, it causes long delays in  
23 repair work. And we saw here at Dallas how some repair  
24 work is absolutely necessary. This inefficiency affects  
25 the whole prison.

1                   We are here as part of a coalition. That's  
2 why we're sitting this way. And this coalition is growing  
3 daily, and it intends to be a presence in the challenge of  
4 holding prison administrators accountable for their  
5 management. We are troubled by the dramatic increase in  
6 the number of allegations of wastefulness, abuse, and  
7 discrimination we are receiving.

8                   In fact, I have in the past received copies of  
9 the SCI-Dallas correctional officers' newsletter. And if  
10 you ever want to see a racist newsletter, get that, unless  
11 it's improved dramatically over the recent past. We are  
12 here because we know there's better ways to manage.

13                   Unfortunately, our system is so punishment  
14 oriented, it penalizes those with no involvement in the  
15 infractions; in this case, the escapes. Think about it.  
16 Three people escaped. There were no riots, and no one was  
17 hurt. But the rest of 36,000 behaving prisoners became the  
18 brunt of the DOC oppression.

19                   Prisoners are escape goats for DOC  
20 mismanagement. Such subjective management is not  
21 cost-effective, nor is it rehabilitative. DOC doesn't need  
22 an army to count people, open doors, sign passes. It  
23 doesn't need new regulations or more prisons. It needs to  
24 manage better and more humanely.

25                   The system wastes food, it wastes materials

1 and resources. It throws away -- I've been told that all  
2 the food that's left over gets thrown away. There's  
3 nothing given to shelters. There's no creative cooking. I  
4 know that now in some of the county jails, they do this  
5 creative loaf cooking with leftover foods.

6 I understand nothing like that happens in our  
7 system. In addition, when there's a shakedown, which now  
8 they're doing more and more in every prison, they throw out  
9 randomly the prisoners' towels, sheets, pillow cases, all  
10 of which have to be reissued to the prisoners. So this has  
11 to be expensive for the system.

12 And in the midst of the spiraling DOC costs,  
13 the DOC has now ordered new black uniforms for the guards.  
14 These black Gestapo-type uniforms had to be a tremendous  
15 expense to the DOC. And what is the purpose of the  
16 Gestapo-type uniform in an institution that's supposed to  
17 foster corrections?

18 Also an enormous waste of money and resources  
19 is the routine transport of prisoners across the state to  
20 house them as far away from their home as possible and then  
21 shuttle them back to their local courts whenever necessary.  
22 Doesn't this mean-spiritedness and its ensuing expense seem  
23 extreme?

24 Then there's the debacle concerning the prison  
25 farms. The farms were a tremendous management tool giving

1 incentives to thousands of prisoners. But just before  
2 closing the farms, saying they were losing money, the DOC  
3 bought horses and farm machinery and plowed under rows of  
4 tomatoes and potatoes.

5           And this same administration is spending -- I  
6 believe you asked the price -- \$100,000 on the Blue Ribbon  
7 Investigative Panel that no doubt will whitewash the DOC's  
8 mismanagement. This management already knows and Secretary  
9 Horn already told you people he knew what the problems  
10 were.

11           He didn't act on them, and now we're paying  
12 \$100,000 for a Blue Ribbon Panel to tell us what we already  
13 know. Secretary Horn said he'll be timid with his new  
14 budget request and -- more timid than he was in the past.  
15 And those budgets rose from 700 million to 1.2 billion.

16           However, if the Legislature obliges him, it  
17 will reward him and his administration for presiding over  
18 more escapes on his watch than in recent history. It will  
19 reward him for allowing guards to sleep on the job and for  
20 lax security that permitted these escapes, for staff not  
21 observing a kid being sexually molested in a visiting room  
22 for months on end, and for abusive and outrageous  
23 discrimination against prisoners.

24           At this point, it's not the prisoners who need  
25 restrictions. It's the DOC. Legislators need to insist on

1 zero prison growth, better management, line item budgeting.  
2 When you say you're going to give them more money for  
3 something, you have no idea if it goes to that.

4           The problem is not overcrowding. The problem  
5 is mismanagement. Every prison in the country is  
6 overcrowded, but some are managed a whole lot better than  
7 others. We ask you to hold the DOC accountable for each  
8 budget line, for proper prison management, and for working  
9 to make our streets safe by properly treating those in  
10 custody.

11           Possibly the DOC should be judged by its  
12 recidivism rate. With recidivism well over 60 percent,  
13 perhaps we should measure DOC management competence not by  
14 the money it spends and wastes, but by its success in  
15 preventing crime through lower recidivism rates.

16           Interestingly, this administration -- and I  
17 mean this administration -- I have been in the system  
18 over -- throughout the administration of many secretaries.  
19 They used to be called commissioners. And it was this  
20 administration who now has gutted all of our good programs  
21 or eliminated the very programs that reduce recidivism such  
22 as literacy, higher education, relevant job training,  
23 religious opportunities, and drug abuse.

24           And when we consider the continuing drug abuse  
25 problem as it relates to recidivism, clearly the existing

1 prison drug treatment programs are not effective or not  
2 applied to enough prisoners. If you please the Secretary,  
3 you virtually are handing him a blank check.

4 We ask you not to do this. As this system's  
5 manager, he must be held accountable for all the missed  
6 management and resulting escapes. Now, I have given you a  
7 copy of this month's Graterfriends, the November issue.  
8 And my cover editorial isn't something that I want to read  
9 to you.

10 But I was encouraged to pull out a few things  
11 because we believed Secretary Horn when he first spoke to  
12 us when he came here. We had a reception for him in  
13 Philadelphia. He spoke to us. He told us that he would  
14 run compassionate and just prisons.

15 However, if things weren't bad enough before  
16 he arrived, I say in my editorial, over the past five  
17 years, they've become immeasurably worse. Across the  
18 state, we've experienced a wave of oppression we could not  
19 have anticipated.

20 And then I write about the many positive  
21 volunteer programs that were gutted, particularly the  
22 prison literacy program and the family resource center  
23 program that works with prisoners -- or with children,  
24 particularly at Graterford.

25 In both of these programs, prisoners served as

1 volunteers and learned many valuable skills as a result of  
2 being program leaders and partners. They learned how to  
3 work as a team for the good of the program. They learned  
4 how to be positive leaders. They learned teaching and  
5 other skills, and they learned how to interact with outside  
6 volunteers.

7           They learned they were capable, worthwhile  
8 people who could make a positive contribution to society.  
9 They learned they could care and hope. But all this was  
10 taken away when, among other oppressive and mean measures,  
11 the DOC decreed that no prisoner could be in a leadership  
12 position in a group with outside volunteers.

13           And I've lived long enough that -- I've lived  
14 through World War II. And I know what a fascist system is.  
15 And I'm telling you, in this democracy, we are running a  
16 fascist prison system. And it's appalling that we should  
17 have such a system.

18           It's appalling enough that we have the system;  
19 but it's even more appalling that we place more of our  
20 citizens in it than necessary, keep them there longer than  
21 is prudent, take away their freedoms, and demean and  
22 isolate them, in fact oppress them, and then have the  
23 audacity to cast them back into society to make it on their  
24 own or repeat the prison experience.

25           Please help me understand this logic. I have



1 to agree with Chairman Birmelin, who said there is many  
2 other -- there are many other programs we have to institute  
3 here, alternatives to prison and getting back away from  
4 mandatory sentencing, all those things.

5 That's part of it. But immediately, we have a  
6 management problem in our prison system in Pennsylvania.

7 Thank you.

8 CHAIRPERSON BIRMELIN: Thank you, Joan.  
9 Dianna Hollis.

10 MS. HOLLIS: Chairman Birmelin, distinguished  
11 Committee members, my name is Dianna Hollis. I'm president  
12 of Pennsylvania CURE. And that stands for Citizens United  
13 for the Rehabilitation of Errants. I live in Central  
14 Pennsylvania. I have been a registered nurse for 30 years.

15 I worked as a registered nurse at SCI-Camp  
16 Hill back in 1982. Since that time, I've been involved  
17 with the prison system. I visit prisons. I speak with  
18 inmates and families through direct contact, through mail,  
19 and through the telephone.

20 But I come here today with some fears, some  
21 real fears, fear of retaliation because when I and others  
22 spoke out at the Capitol Rotunda in April of this past  
23 year, soon after I spoke out, my husband was transferred.  
24 He was an honor inmate. He is an honor inmate.

25 He was president of the inmate organization at

1 Coal Township. He was just informed one day, You're being  
2 transferred, much to the shock, quite honestly, of even his  
3 counselor, who had tears in her eyes the day she told him.  
4 So I know what retaliation is. We've been there. We've  
5 done that.

6 Well, he was transferred from Coal Township to  
7 Frackville. This is a Level II inmate, which is the  
8 highest level inmate you can get, to Frackville which is a  
9 Level IV institution. It's really an AC lock down  
10 institution. Most of the men are locked down in their  
11 cells most of the day.

12 So he was told this was a reward. This is a  
13 reward, going to a stricter housing institution when he has  
14 never been a risk, a security risk. Well, today, the DOC  
15 still has not explained to us, you know, why these actions  
16 occurred. We have our own ideas, which I think you know or  
17 know where I'm getting at.

18 The inmates at Coal Township in June had their  
19 annual banquet. In fact, my husband was planning, you  
20 know, planning the banquet. He's the president. And I was  
21 to receive a volunteer award, the Lois Williamson Award. I  
22 was approved to go in to receive the award.

23 My husband was suddenly transferred, and my  
24 permission to come into the institution to receive my award  
25 was revoked. So Mr. Chairman, it's my hope and prayer that

1 you and your committee would take steps with Secretary Horn  
2 and his administration to ensure that no retaliation comes  
3 against me. But my most concern is my husband within those  
4 walls, that staff will not retaliate against him.

5 So I ask, Mr. Chairman, can you assure me and  
6 the other members of our panel today that there will be no  
7 retaliation against my husband or us for us speaking out  
8 today?

9 CHAIRPERSON BIRMELIN: I don't know that I can  
10 give you that assurance since I don't run DOC. I can only  
11 tell you that from my part, I will take your comments today  
12 and I will keep them in mind. And you will have to let me  
13 know if anything does happen. And I will investigate the  
14 matter if that -- if anything happens.

15 It would be false assurance if I told you that  
16 I can run DOC and tell them what to do. I mean, that's not  
17 my function. And I don't want to give you a false  
18 assurance. I can only tell you that from my perspective, I  
19 will do my best to represent you if you feel that that has  
20 happened.

21 MS. HOLLIS: Well, I appreciate that. And  
22 this will be on the record then.

23 CHAIRPERSON BIRMELIN: By the way, your  
24 husband's name is?

25 MS. HOLLIS: Douglas.

1 CHAIRPERSON BIRMELIN: Hollis?

2 MS. HOLLIS: And by the way, he now is at  
3 Mahanoy.

4 CHAIRPERSON BIRMELIN: Hollis is his last  
5 name?

6 MS. HOLLIS: Hollis, yes. He was transferred  
7 from Frackville to Mahanoy.

8 CHAIRPERSON BIRMELIN: Later on, you can give  
9 me his number, assuming that he's assigned a number but --

10 MS. HOLLIS: I have it if you want it.

11 CHAIRPERSON BIRMELIN: Go ahead.

12 MS. HOLLIS: AF6355.

13 CHAIRPERSON BIRMELIN: The letter "A", letter  
14 "F" --

15 MS. HOLLIS: "A" like Adam, Frank. AF6355.

16 CHAIRPERSON BIRMELIN: Is that Mahanoy?

17 MS. HOLLIS: Yes, uh-huh.

18 CHAIRPERSON BIRMELIN: Okay. You can  
19 continue.

20 MS. HOLLIS: Okay. Well, some of the -- the  
21 two issues I'd like to talk to you a little bit about go  
22 hand-in-hand. It's the two R words, racism and  
23 retaliation. I've already talked a little bit about  
24 retaliation with my own personal experiences.

25 With my vast experiences and my contacts with

1 hundreds of inmates and their families, there is no  
2 question that racism and blatant discrimination is  
3 prevalent throughout the DOC system. It persists because  
4 those at the top ignore it, or they refuse to take  
5 appropriate steps to stop it.

6           By their inaction, the good-old-boy network  
7 has allowed the Ku Klux Klan sympathizers, white  
8 supremacists, and racist activity to pervade in nearly  
9 every state prison. What investigations there are result  
10 in whitewashes of the offensive guard behavior.

11           There is not a single incident in my memory  
12 where a prisoner's charge of abuse or discrimination was  
13 believed over a guard's denial. In many cases, there was  
14 incredible and substantial evidence to back up the inmate's  
15 claim. But, you know, we all know the inmate lies. The  
16 staff always tells the truth.

17           True, there is a grievance process that the  
18 inmate has. However, it's simply a farce. It's a  
19 rubber-stamping of the initial denial by the institutional  
20 staff. Even at SCI-Greene where just last year two  
21 high-ranking officers publicly confirmed widespread racial  
22 and physical abuse perpetrated by guards against inmates,  
23 there was no independent investigation conducted.

24           As a result, 40 officers accused got slaps on  
25 the wrist; and then two were initially fired. But later,

1 quietly, they were reinstated. What a message this  
2 whitewash sent to the inmates and to the other faithful  
3 officers who may never ever now speak out when they see  
4 abuse.

5           The very fact that Secretary Horn has promoted  
6 the then superintendent of SCI-Greene during this reign of  
7 terror, Ben Varner, to become now the superintendent of  
8 Dallas is further confirmation of our worst fears. It  
9 needs to be said that Mr. Varner was removed from  
10 SCI-Greene and transferred despite the DOC's own tepid  
11 investigation which revealed that dozens of his guards  
12 continually and repeatedly beat, abused, and used  
13 unnecessary force on people of color.

14           Guards under his control conducted an  
15 unauthorized raid on inmates, and they destroyed their  
16 meager personal possessions that later the DOC had to  
17 reimburse the inmates for their losses. The guards under  
18 his command were also accused of criminally altering and  
19 falsifying documents.

20           During Mr. Varner's watch at Greene, an inmate  
21 filed a federal lawsuit alleging a guard there severely  
22 beat him. With the inmate's own blood that spilled on the  
23 floor, the guard drew the initials KKK. Even more  
24 recently, inmates have written that guards, they're now  
25 bolder than ever. They think they can do more.

1           They have painted boxes with the lettering  
2 "Niggers R Us", and then in view of the colored inmate,  
3 kicked the box and then laughed. I have in my possession  
4 statements from inmates that certain guards at SCI-Greene  
5 are now trying to start a race war.

6           They're putting the blacks against the whites  
7 and vice versa. Lest you or anyone else doubt the  
8 widespread nature of KKK and white supremacist activity,  
9 please, I beg you, have your investigator check with the  
10 Pennsylvania Human Relations Commission to determine where  
11 such activity took place in the last decade.

12           And you will soon discover that the majority  
13 took place in counties where there are state prisons. It  
14 also needs to be repeated that in this decade, there have  
15 been actually cross burnings on some of the grounds of the  
16 state prisons. There are countless incidents that I could  
17 talk about and that we can document.

18           For example, at SCI-Huntingdon, there is a  
19 registered nurse who was escorted by an officer to make  
20 rounds to the cells of the inmates. The guard, whose name  
21 she gave me, which I will not share with you at this moment  
22 but I will give you later if you would like, as he would go  
23 with her, he would go up to the black inmates' cell doors  
24 and he would whisper the MF nigger word.

25           She told me daily -- there was daily verbal

1 abuse, dehumanization, degradation. That was part of the  
2 guards' routine. The black inmates are spoken to as if  
3 they are children. I sat here, and I listened today about  
4 the physical abuse that the guards are receiving.

5 I ask you, Why? Are they doing something?  
6 Are they harassing the inmate? Are they pushing him over  
7 the edge that he's retaliating, he can't take it no more?  
8 You kick a dog long enough, and he's going to bite you.  
9 And then when the dog bites you, you know, it's the dog's  
10 fault.

11 I ask you to look into why are these physical  
12 abuses happening to the staff? At Huntington, when I  
13 visited there, I saw a Klansman in his white sheet standing  
14 along the road a few miles outside of Huntingdon. There's  
15 a sign there, 7 o'clock Saturday night, back this road  
16 there's a KKK meeting.

17 The guards up there talk about being members.  
18 It's a known fact. Superintendent Love was appalled that  
19 he had guards there that belonged to the KKK. So it is  
20 here. It is within these institutions. There is another  
21 woman, a white woman, who left a black visitor stay  
22 overnight at her home up in the Huntingdon area.

23 She found a noose in her yard. At Coal  
24 Township, before that institution was completely built, on  
25 the walls, the skinheads, the Klansmen, they wrote on the



1 walls, "Nigger go home." Well, I guess they'd like to go  
2 home. But it does exist.

3 The whole question of the KKK and white  
4 supremacist infiltration has been ignored by this DOC  
5 administration. It has been ignored even in the face of  
6 clear evidence, not just from the inmates but from  
7 concerned even correctional officers. It has been ignored.

8 The atmosphere within these institutions is  
9 such that staff know they can get away with it. They know  
10 they can get away with racism, racial comment, racist  
11 comments and abuse, despite what Secretary Horn says in  
12 public. Why? Because when these instances come up of  
13 abuse, it's always denied, it's whitewashed, and it's  
14 covered up.

15 I'm reminded that the men who escaped were  
16 white. They weren't black. They were white. But the  
17 black inmate is more watched. He is more oppressed than  
18 the -- than the white inmate. The more the system keeps  
19 repressing and oppressing, the more resentment there is,  
20 the more anger there is from the inmates, and the less they  
21 are to be rehabilitated.

22 No wonder our recidivism rate is over 60  
23 percent. Moreover, desperate men with no hope and full of  
24 anger are more likely to take desperate actions. The more  
25 the DOC is allowed to be autonomous with no legislative

1 accountability or oversight, the more acts like escapes  
2 will happen and embarrass this Commonwealth.

3           This DOC administration has continually turned  
4 a deaf ear to the grievances of inmates and their families.  
5 Even lawyers visiting prisons that complain of racism,  
6 discrimination, humiliation. I have letters and affidavits  
7 that I can turn over to this Committee, but please don't  
8 shuffle them back to the DOC for a response because it will  
9 surely generate retaliation at worst and a whitewash at  
10 best.

11           Representative James, I know that you have  
12 been informed by several guards at state institutions about  
13 the DOC failures to hire people of color. I know you've  
14 addressed this issue today. Those who are hired are  
15 severely scrutinized and disciplined more severely than the  
16 white guards.

17           And the institutions that I had visited in  
18 over the years, Representative James, the few white staff  
19 people, guards they've had are treated so badly that they  
20 leave. One corrective measure the DOC could take, though,  
21 through good management would be to ensure that those  
22 people of color who are hired are not all clustered in a  
23 few institutions but, rather, they are uniformly spread  
24 throughout the system.

25           This one management tool will eliminate the

1 high ratio of white to black staff that exists, especially  
2 in our rural institutions. Significant reduction of the  
3 nearly all white staff at these institutions will curtail  
4 much of the blatant discrimination.

5           What we ask then is that there be a committee  
6 investigation or hearings into these concerns. We need  
7 more legislative oversight to hold this administration  
8 responsible from the top down, and that is Secretary Horn.  
9 He needs to be held accountable for its mismanagement and  
10 its tolerance of the pervasive discrimination that exists  
11 in this DOC.

12           Thank you for letting me testify and for your  
13 time.

14           CHAIRPERSON BIRMELIN: Mr. Wallace, you're  
15 next.

16           MR. WALLACE: Thank you, Chairman Birmelin and  
17 distinguished Committee members. My name is Vince Wallace  
18 from the Second Chance Ministries of Pennsylvania. I want  
19 to thank you for this opportunity to express some concerns  
20 I have since the escapes in August.

21           Each Tuesday afternoon, Second Chance  
22 Ministries has the honor of coming here to SCI-Dallas to do  
23 Bible studies. Prior to the escapes, we were able to meet  
24 from 3:00 p.m. through 4:30 p.m., a period of an hour and  
25 30 minutes. This time was sufficient to have the men

1 called out and present an entire Bible study.

2 I want to add that more often than not, a  
3 grace period was given of 10 minutes, extending our time to  
4 one hour and 40 minutes. Since the escapes, the time has  
5 been cut, this due to the fact of the men having to go back  
6 to their cells for count. Now we go from 3:00 p.m. to 4:00  
7 p.m.

8 And several problems have risen with this time  
9 cut. First, the men get called at 3:00 p.m. This means  
10 that by the time everyone arrives at chapel, it's now 3:10  
11 to 3:15 p.m. Each week, I'm approached by several men who  
12 say they hear the call on the their block, but their CO  
13 won't allow them to leave the block until 3:15, therefore  
14 arriving, say, by 3:20 and therefore missing the initial  
15 stages of the Bible study.

16 Secondly, the men have to be back in their  
17 cell for the 4:10 count. It says 4 o'clock on the sheet.  
18 The count is at 4:10. With this, we're -- it's causing us  
19 to break up at 3:50 p.m. And as you can see, this cuts our  
20 time more than in half of what it was before, 85 minutes  
21 versus the 35 minutes we're now allotted.

22 I'm aware that Superintendent Varner has  
23 proposed on a trial basis that the 4:10 count be run  
24 through the intramural activities in the gym. May I  
25 suggest now that this trial basis -- this trial count take

1 place in the chapel where it would be much easier to  
2 accommodate a count.

3           Allow us to be the testing ground that he  
4 needs. This would serve a twofold purpose. Firstly, it  
5 would open up the original time slots for the Tuesday  
6 afternoon Bible study. And secondly, it would restore the  
7 New Discipleship Class which has been cancelled. They run  
8 almost simultaneously.

9           The New Discipleship Class will run from 4  
10 o'clock to 5 o'clock in the hallway outside the chapel. So  
11 again, we're meeting at roughly the same time. It would  
12 also restore both services on Wednesday. It would  
13 reserve -- restore the Bible study done by Mr. John Pugh  
14 which has been cancelled.

15           And Mr. Pugh, by the way, is a former  
16 Volunteer of the Year award winner here at Dallas. I can't  
17 say enough, just the impact that I've seen of what  
18 volunteers mean to the inmates here at Dallas. And again,  
19 also restored would be Chaplain Paul's Wednesday night  
20 choir practice.

21           What is the relevance in all this? We spoke  
22 of treatment before, money compared to security. Because  
23 of the monastic nature of prison life, an individual's hope  
24 must be maintained. Without hope, what does any of us have  
25 to live for? Their normal -- the normal life they lived

1 has been stripped away.

2           The normal use of money has become a practice  
3 in bartering. Interaction with the opposite sex is all but  
4 nonexistent, and freedom is gone. Again, what is left?  
5 It's hope, hope brought on by faith-based ministries. The  
6 impact of these ministries is immeasurable.

7           I've been blessed to gain the acquaintance of  
8 men not only here at Dallas, but at SCI-Retreat,  
9 SCI-Waymart, as well as the Luzerne County Correctional  
10 Facility. And I am privileged to know those whose lives  
11 have genuinely been changed by following Biblical  
12 principles.

13           Men who have embraced Biblical principles  
14 while incarcerated have become productive members of  
15 society as we all want them to be. They're still following  
16 and still embracing the same Biblical principles learned in  
17 a Bible study while incarcerated.

18           Many of the prisoners I've talked to or  
19 correspond with here at Dallas are feeling the loss of  
20 hope. They know the impact of their -- in their lives  
21 because of their faith in God. They feel the institution  
22 is now stripping that away, too.

23           They are aware that as the 11:10 count goes,  
24 there are men out working. That count goes with these men  
25 at work. They do not return to their cells. And they're

1 curious why this can't fly in the chapel. Same situation.  
2 A man at work or a man at the chapel could be counted very  
3 easily.

4           As you know, oppression does not breed hope.  
5 It breeds hostility. Faith-based programs, Biblical  
6 directives, faith in Jesus Christ, these breed hope. Hope  
7 allows one to continue to excel and to persevere through  
8 the trials of life.

9           In closing, I would ask that these words not  
10 fall on deaf ears. The majority of us here today want to  
11 see a positive change, a safer community surrounding the  
12 prison, better communication with the administration and  
13 guards, a recidivism rate which will continue to decline,  
14 and men that will leave prison changed forever.

15           The changes proposed today are of no added  
16 cost to the system whatsoever. And I know that the rewards  
17 they reap will be great. The other thing you have in your  
18 hands that I presented was a letter from a Mr. Mitchell  
19 DiVentura who is incarcerated here at Dallas. Time doesn't  
20 permit me to go through this entire letter.

21           I would ask that you take the time and sit and  
22 read this. It's a letter of hopelessness describing the  
23 warehouses of human beings and utilizing of Draconian  
24 measures as punishment. I ask you to please take the time  
25 to read through this letter.

1           The last thing I want to address is something  
2 that Mr. Brian Smatko from AFSCME said earlier. He  
3 testified that millions of dollars have been spent on  
4 treatment of inmates versus scarce dollars spent on  
5 correction officers. By his testimony, he said there are  
6 450 correction officers here at Dallas.

7           This does not include the 30 additional  
8 security staff as lieutenants, captains and majors, which  
9 would bring our actual count to 480. The Legislature  
10 should be aware of the disparity of dollars spent between  
11 security and treatment.

12           At SCI-Dallas, for treatment purposes, there  
13 are -- and I'll run down this list -- 12 correction  
14 counselors, 6 drug and alcohol treatment specialists, 6  
15 psychological staff members, 6 privatized drug and alcohol  
16 therapeutic community staff, and 3 chaplains, for a total  
17 of 33.

18           Now, if we look at the teachers and again have  
19 them in question as their -- as being termed as treatment  
20 personnel, there's a total of 9, which brings our count to  
21 41. Security has 12 staff for every one treatment staff,  
22 and they want more money to enhance security.

23           Gentlemen and ladies, it lies in treatment.  
24 It lies in treatment of these men. I've seen too many  
25 lives changed by the treatment. And again, we want to see



1 the recidivism come down. But it comes from the treatment.  
2 It's not more guards. It is more treatment.

3 I just want to close by saying that there are  
4 100 volunteers here at Dallas. And if you take the time  
5 and learn who these people are and learn what they're about  
6 and listen to what they have to say, that can reshape, that  
7 can restore a prison system that has gone far awry. Thank  
8 you.

9 CHAIRPERSON BIRMELIN: Attorney Love.

10 MR. LOVE: Good morning. My name is Angus  
11 Love. And I'm the Executive Director of the Pennsylvania  
12 Institutional Law Project, the nonprofit public interest  
13 organization that seeks to provide civil legal services to  
14 the over 75,000 institutionalized persons in our  
15 Commonwealth.

16 I'm also a board member of CURE of  
17 Pennsylvania, Community Assistance for Prisoners, and the  
18 Pennsylvania Prison Society. I'd like to thank Chairman  
19 Birmelin and the Committee for the opportunity to testify  
20 today. We commend Commissioner Horn, the Department of  
21 Corrections, and the State Police for the successful  
22 capture of the three inmates who recently escaped.

23 We also breathed a sigh of relief knowing that  
24 public safety was not compromised by these escapes. But  
25 now that we have time to reflect on these events and to

1 take the necessary steps to minimize the potential of more  
2 incidents of this nature, we trust the Pennsylvania  
3 Department of Corrections can adequately handle the  
4 security issues involved.

5           The concern that I bring to our attention  
6 today involves the potential for scapegoating. The  
7 Webster's Dictionary defines it as, quote, One who has to  
8 shoulder blame due to another, unquote. We must be careful  
9 to conduct this investigation in a rational and  
10 professional manner.

11           All too often, the powerless, those who are  
12 already stigmatized are easy targets in the blame game.  
13 After the SCI-Pittsburgh escapes, uniforms were required of  
14 all Pennsylvania Department of Corrections inmates;  
15 although, this issue seemed to have little to do with the  
16 escape.

17           Recent changes in the count policy and the  
18 privacy issues suggest we may be going down this path  
19 again. I would like to, however, focus on three serious  
20 problems that do need attention rather than contributing to  
21 the blame game. These three issues involve the adequacy of  
22 medical care, the excessive telephone rates, and the  
23 incidence of physical and sexual abuse.

24           My office received as many as 10,000  
25 complaints per year. The largest number of these

1 complaints involved medical treatment. Many of these  
2 complaints are about the need for follow-up or specialized  
3 treatment of already diagnosed conditions.

4           If you think the man on the street is  
5 frustrated with the HMO-type policy decisions, you could  
6 imagine how frustrated an inmate can be. The problem  
7 involves nonmedical personnel controlling the flow of  
8 medical services regardless of the doctor's wishes.

9           The need to see a specialist, the need for  
10 so-called elective surgery, the need for outside  
11 hospitalization have become a major source of complaints.  
12 Cost-cutting incentives by for-profit private medical  
13 providers is a major source of concern.

14           Unlike the person on the street who can always  
15 go to an emergency room, the inmate has no other options.  
16 The profit motive and the alternatives -- the lack of  
17 alternatives create an atmosphere of mistrust and potential  
18 abuse. An example of that involves hypertension which  
19 disproportionately affects Afro-Americans. Doctors often  
20 prescribe medication but do little to no follow-up or  
21 monitoring. We continue to oppose profit making in the  
22 context of a core governmental function such as this.

23           The second issue involves telephone rates for  
24 individuals who accept telephone calls from persons  
25 incarcerated in the Pennsylvania State System. While the

1 public at large enjoys the benefits of long distance  
2 telephone competition, family and friends of incarcerated  
3 individuals are suffering the burdens of deregulation in a  
4 unique way.

5           Currently, the telephone calls cost \$4.84 for  
6 the first minute and 60 cents for every minute thereafter.  
7 This is a far cry from the 7 cents per minute commercials  
8 you see on television. At a recent hearing before the  
9 Pennsylvania Public Utility Commission in the case of  
10 Feigley v. AT&T, John Malcolm, who is responsible for all  
11 of the Pennsylvania telecommunications contracts,  
12 testified.

13           He indicated that the current contract between  
14 AT&T and the Commonwealth allows the Commonwealth to take  
15 the 47 percent profit off the gross receipts. The  
16 Commonwealth contract involving the Pennsylvania Department  
17 of Corrections which generates 90 percent of these revenues  
18 also involves pay phones located on Commonwealth property.

19           The entire contract generates \$6 million of  
20 profit per year. 3 million is placed into the general  
21 fund, and 3 million goes to the inmate general welfare  
22 fund. The Commonwealth's portion has grown from, according  
23 to Mr. Malcolm, 2 percent in the early '80s to the current  
24 level of 47 percent with authorization to reach 50 percent.

25           The main reason for this increase is the

1 Telecommunications Act of 1996. While it has created  
2 competition for some, it has created a literal and  
3 figurative captive market for others. Commissioner Horn  
4 recently responded to inquiries on this subject from  
5 Representative Bill DeWeese.

6           And I would -- if I could ask that this letter  
7 that Commissioner Horn wrote to Mr. DeWeese be entered into  
8 the record. He abdicated responsibility for this  
9 contractual arrangement noting that it was another  
10 department that negotiated and signed the contract.

11           But he did take credit for the profits,  
12 claiming that they reduced the cost of incarceration for  
13 Pennsylvania taxpayers. Unfortunately, he didn't mention  
14 who was picking up the tab; i.e., inmate families and  
15 friends. Many families, who are often low income and  
16 already devastated by the criminal acts of their loved  
17 ones, must now pay the extra cost to assist in  
18 incarcerating their kin.

19           This reminds me of third world policies that  
20 often require families to provide food for their  
21 incarcerated loved ones. This is a dangerous road to  
22 follow. Families, as Commissioner Horn recognizes, are an  
23 intricate part of rehabilitation. The closer the ties, the  
24 better chance of breaking out of the cycle of recidivism.  
25 Why should these folks pay their disproportionate share?

1                   Finally, a few words on sexual and physical  
2 abuse. With rampant overcrowding, tensions rise and abuse  
3 occurs. The sex scandal at SCI-Cambridge Springs is an  
4 example, five criminal convictions and a dozen terminations  
5 of male staff for sexually abusing female inmates. Yet the  
6 superintendent continues on his job as if nothing had  
7 happened, unlike the superintendent at this facility.

8                   How long can we ignore these problems of  
9 cross-gender supervision, training and investigation of  
10 sexual misconduct? Excessive use of force complaints come  
11 into my office every single day. While only one -- only a  
12 few are ever proven, the problem is real.

13                   Our office has won dozens -- won or settled  
14 dozens of cases in this area. The Office of Professional  
15 Responsibility at the DOC has disciplined several guards  
16 for this problem. These issues are real. They aren't  
17 going away. I encourage this committee to expand its  
18 charge and cover the overall conditions of the DOC and not  
19 just the cosmetic and often counterproductive changes in  
20 light of the escapes. Thank you.

21                   CHAIRPERSON BIRMELIN: Thank you, Mr. Love.  
22 Before I turn the questioning period over to the panel, let  
23 me say first of all that all four of you have addressed  
24 issues that go far beyond the issue of a -- an escape by  
25 two prisoners. And to that extent, that's --

1 MS. GAUKER: We disagree.

2 CHAIRPERSON BIRMELIN: Oh, yes, you have. You  
3 have gone far afield of the subject of the escape.  
4 However, if you'll let me finish without interrupting me, I  
5 would appreciate that. That's acceptable. I don't have a  
6 problem with that.

7 The only thing I'm going to ask our panel  
8 members is, is if we can try to relate the questions that  
9 they have -- I'm referring to this panel, my fellow  
10 colleagues -- if we can relate our questions in light of  
11 that problem that we are here to investigate and not use  
12 this simply as a springboard to criticize any and all  
13 things about the prison system that we may legitimately  
14 agree with you on or disagree with you on.

15 But we can probably spend the next three or  
16 four days discussing a lot of the topics that you've  
17 raised; for instance, the telephone situation or the Bible  
18 studies, et cetera. So in order to focus today -- and  
19 you've had the opportunity -- and I've not interrupted any  
20 of you -- to present your viewpoints on these things.

21 And you've certainly given us plenty of  
22 suggestions for future hearings. I do want to make sure  
23 that we don't want to just go so far afield with what we're  
24 doing here today that this becomes an all out critique of  
25 the prison system. This is not the time or place for it.

1           And I've given you all opportunity to share  
2 with us what you felt your concerns were. So I'm asking my  
3 fellow members on the panel if they would please, in their  
4 questioning, make sure that you focus in on the problems  
5 that related to the escape as regards of the testimony and  
6 not to get into subject matters that did not have some  
7 connection in that regard and in the comments that were  
8 made earlier.

9           All that having been said, Representative  
10 Manderino.

11           REPRESENTATIVE MANDERINO: You know that I was  
12 coming next. Thank you, Mr. Chairman. I recognize the  
13 voice of the panel and the point that you were making in  
14 terms of how each of the things that you discussed in your  
15 mind had a direct impact on the atmosphere both before and  
16 after the escape. So I see the connection.

17           But having said that, I would like to ask Joan  
18 to just tell me -- you said that after the escape, the  
19 administration gutted literacy programs. And I was under  
20 the impression from our prison tours after the escape that  
21 there was a policy of mandatory literacy education.

22           And so maybe I'm just misunderstanding and  
23 you're talking about something different.

24           MS. GAUKER: I think I said -- I'm sorry. I  
25 think I said in the past five years, those things have been



1 gutted, not necessarily right after this escape. But they  
2 continue to -- at the prison that I'm familiar and from  
3 what I hear from other prisons, the -- the timing is not  
4 allowed for.

5           The support by the security staff is not  
6 there. And the way they've changed things, it's almost  
7 impossible, just as Vincent described, to conduct programs.  
8 They took away the ability to comanage by prisoners, which  
9 was a vital part of those programs.

10           It was the way those programs were set up,  
11 particularly the literacy program. It gave prisoners an  
12 opportunity to develop some attributes of leadership and to  
13 work with outside volunteers. The DOC absolutely mandated  
14 that that cannot happen anymore. And so that gutted a  
15 vital part of that program.

16           The literacy program is almost nonexistent at  
17 Graterford at this point because they can't find the time  
18 to -- or the space to have --

19           REPRESENTATIVE MANDERINO: When you say  
20 literacy program then, you're talking about an adjunct  
21 literacy program where volunteers came in.

22           MS. GAUKER: Right.

23           REPRESENTATIVE MANDERINO: You're not talking  
24 about the educational programs --

25           MS. GAUKER: Right.

1                   REPRESENTATIVE MANDERINO:  -- operated in the  
2 classrooms by DOC?

3                   MS. GAUKER:  Correct.  But those also are not  
4 living up to what we would hope for.  The men are told  
5 there's a waiting list.  And when they get on the waiting  
6 list, they see that the classrooms are empty or could have  
7 more students in them so -- and the Pell Grants are gone.

8                   So, you know, there's -- I know our staff  
9 didn't do that but --

10                  REPRESENTATIVE MANDERINO:  Yeah.  No, I  
11 understand that.  Mr. Love, without going into a lot of  
12 details because this question, which I need to know the  
13 answer to but it's not directly on point, just tell me when  
14 the staff eliminations at SCI-Cambridge Springs with regard  
15 to sexual conduct happened.

16                  MR. LOVE:  The allegations of sexual abuse at  
17 Cambridge Springs began just shortly after it opened in the  
18 early 1990s.

19                  REPRESENTATIVE MANDERINO:  And I'm very aware  
20 of those.  When did the staff --

21                  MR. LOVE:  Terminations?

22                  REPRESENTATIVE MANDERINO:  -- firings and  
23 terminations happen?

24                  MR. LOVE:  I would say the last one probably  
25 happened about two years ago and occurred for three or four

1 years up until that point.

2 REPRESENTATIVE MANDERINO: So nothing -- those  
3 12 staff -- there wasn't, like, something that happened in  
4 the last two years where 12 staff were let go?

5 MR. LOVE: No.

6 REPRESENTATIVE MANDERINO: Because I was there  
7 two years ago, and I heard all of these allegations. And I  
8 thought you were telling me that something has happened  
9 since then. You're not telling me that. You're telling me  
10 that what you're referring to happened before that?

11 MR. LOVE: Yeah. I'm involved in litigation.  
12 So I'm very familiar with that current -- that period of  
13 time. I can't honestly say what the most recent activities  
14 are one way or the other.

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

17 CHAIRPERSON BIRMELIN: Representative James  
18 and Representative Josephs through Representative James.

19 REPRESENTATIVE JAMES: All right. Thank you,  
20 Mr. Chairman. And thank you all for testifying. As the  
21 Chairman stated, that you did give us a lot of information  
22 that should result in some additional hearings. And that  
23 needs to be looked at because you raised the consciousness  
24 of these incidents.

25 You said that Mr. Varner, the superintendent,

1 because now -- and I was going to ask this question -- but  
2 you say that he came from Greene County and then was  
3 assigned here. I think that's what you stated.

4 MS. GAUKER: Not directly. I recognize he  
5 didn't come directly, but he went via Retreat and then came  
6 here.

7 REPRESENTATIVE JAMES: Okay. And so you felt  
8 as though that by him being assigned here as a result of  
9 the escape, that that you thought was inappropriate because  
10 of the situation that was allowed to have happened at  
11 SCI-Greene?

12 MS. GAUKER: I believe it's inappropriate to  
13 reward incompetence. And this man is being moved -- he was  
14 not demoted. He was given another superintendent position  
15 at Retreat. And he had tremendous allegations at Greene.  
16 You know, lots of terrible things happened under his watch.

17 So he wasn't demoted or fired or whatever. He  
18 was given another superintendent position, and now he's  
19 working his way back up. I think that's rewarding  
20 incompetence, and that speaks to the prisoner population as  
21 well as the rest of the staff. So we'll get a slap on the  
22 wrist. We can continue to survive.

23 REPRESENTATIVE JAMES: That's where they had  
24 some correction officers, as you said, came -- one of you  
25 said came back. A couple was dismissed and then got their

1 jobs back.

2 MS. GAUKER: Dianna spoke to that, yes.

3 REPRESENTATIVE JAMES: They got their jobs  
4 back, but are they still at that institution?

5 MS. GAUKER: Were they reinstated at the same  
6 institution?

7 MS. HOLLIS: I don't know where they were  
8 reinstated.

9 REPRESENTATIVE JAMES: And that was because of  
10 the Union bargaining or something like that?

11 MS. HOLLIS: Probably the Union involvement.

12 REPRESENTATIVE JAMES: All right. So it seems  
13 as though that's what allows the other guards, the other  
14 correctional officers to say, Well, nothing's going to  
15 happen to me because of what happened to them or didn't  
16 happen. All right.

17 Now, you also expressed a fear of retaliation  
18 because of your comments, your testimony and your husband.  
19 And you expressed that now. And I just want to say that  
20 if, you know, as the Chairman said, that we cannot  
21 supervise DOC.

22 But if you make it aware -- make us aware of  
23 any retaliation that you feel to be retaliation, there's  
24 some things that we can check out to try to assure that  
25 that don't happen because that's what happens in a lot of

1 institutions as it relates to correctional officers who  
2 want to say the right thing.

3           As we walk through institutions, we have some  
4 correctional officers whisper certain things to us, we have  
5 some inmates whisper certain things to us in terms of  
6 talking about the problems of the racism and abuse or  
7 whatever is going on there.

8           And we have to take that into some  
9 consideration. So -- and I think that the best way to deal  
10 with this is to document these kind of incidents and these  
11 kind of reports. And that, you know, with enough  
12 documentation and enough coalition building, that we can  
13 assure that we can definitely have some hearings at some  
14 point and investigate those matters.

15           So you need to just continue this kind of  
16 documentation and coalition. So -- and so you believe now  
17 that you're still going to suffer some more retaliation?

18           MS. HOLLIS: Well, you know, it's hard to  
19 tell. Retaliation could come in a lot of forms. It can be  
20 in the simple thing that my husband would request something  
21 and be denied something, you know. It's hard to tell. You  
22 know, he can be given an excuse why he couldn't be, say,  
23 accepted into a course, a class, or anything.

24           It's hard sometimes to distinguish between  
25 retaliation, racism. My husband, by the way, is a black

1 gentleman. So we deal with the racial issue plus the  
2 retaliation. So we've got two things going. I don't know.  
3 I'll be visiting tomorrow. You know, we'll just take it  
4 day by day. I pray not.

5 REPRESENTATIVE JAMES: On these -- on these  
6 concerns that you raise -- and you put a lot of things in  
7 your testimony -- you talked about racism, dehumanization,  
8 et cetera, like that. Do you think that kind of lends to  
9 the fact of a breach or cause security problems?

10 MS. HOLLIS: Yes, I do, cause security  
11 problems.

12 REPRESENTATIVE JAMES: How?

13 MS. HOLLIS: Well, Joan, go ahead.

14 MS. GAUKER: Those kinds of things cause  
15 security problems because of the demeanor that permeates  
16 the prison system both among the COs and among the  
17 prisoners. Prisoners are constantly being agitated,  
18 harassed, called names, fear of reprisals.

19 There's that aspect of racism that puts the  
20 prisoners in one frame of mind. And then there's the other  
21 aspect of it that puts the COs in a position of power if  
22 they -- greater position of power than should be in this  
23 circumstance where they feel if it's okay to be a KKK  
24 member, it's okay to say these racist remarks because their  
25 fellow COs or their staff or the administration isn't doing

1 anything about it.

2           Then you develop an atmosphere that is not  
3 safe. You develop an atmosphere of safety when people feel  
4 they can trust each other, when they have some ability to  
5 care for each other. I actually listened to the CO. I  
6 mean, I think he really does care for his -- some of his  
7 charges.

8           But it's difficult for him to carry out a lot  
9 of that because of the numbers of people he has, but that's  
10 one reason. But also probably because what I've seen at  
11 Graterford is as soon as a staff, a lieutenant, or a  
12 captain begins to care about the volunteer programs, that  
13 person is taunted, harassed, little snide remarks are made.

14           And after a while, that person won't even talk  
15 to me. So then we have to get a new lieutenant that will  
16 work with us and all that kind of stuff. So this goes on.  
17 Now, tell me that's going to make for a safe atmosphere  
18 because you've got this kind of tension there all the time  
19 that can spark something just like that.

20           MR. LOVE: Can I add something to that? The  
21 current administration has cracked down very significantly  
22 on lifers in many ways. Commutation is no longer a viable  
23 release option. So they have no hope of ever being  
24 released.

25           They were previously -- the lifers who had



1 accumulated a good prison record over 10, 20 years were  
2 given outside clearances, ability to live in the trailers  
3 and whatnot. And prior to this regime, I don't recall any  
4 of those folks ever escaping. And all they had to do was  
5 walk away at Graterford, just walk down the road one night  
6 and they'd be gone.

7           And I don't recall any of them ever escaping.  
8 In this regime, put all those folks back behind the walls,  
9 cancel their ability to go to funerals, all these measures  
10 were taken, and now we have two lifers escape. And I think  
11 that's illustrative, not conclusive, but illustrative of  
12 the way things are being handled.

13           They've tightened up, yet they've had more  
14 escapes with the tightening of their regime than they had  
15 when they had trust.

16           MS. GAUKER: Because tightening can be one  
17 thing. But in this case, it's meaning oppression. The way  
18 that we're tightening under this administration is not  
19 making our -- our system secure and having the people do  
20 the job right. It's oppression. That's how they're  
21 tightening.

22           REPRESENTATIVE JAMES: What do you think that  
23 we can do as a legislature in terms of trying to work on  
24 these conditions --

25           MS. GAUKER: Well, you mentioned --

1 REPRESENTATIVE JAMES: -- besides having  
2 hearings?

3 MS. GAUKER: -- hearings. That's very  
4 important. I think they'll have many family members and  
5 even prisoners who, through their testimony, such letters  
6 will be -- so there's many hearings that you can have. In  
7 addition, you need legislative oversight.

8 You need to have some kind of line item  
9 budgeting, and you need to have some kind of oversight. An  
10 oversight committee is not unusual. There's other states  
11 that have an oversight committee for corrections. This  
12 state desperately needs one.

13 And review boards, you need citizen advisory  
14 boards for prisons, you need review boards. You need all  
15 kinds of opportunities for you to know what's going on in  
16 those prisons via opportunities to talk to -- to citizens  
17 and to the staff.

18 REPRESENTATIVE JAMES: What state do you see  
19 has the --

20 MS. GAUKER: I know that Tennessee -- I'm  
21 pretty sure it's Tennessee. And if you want, I can get  
22 information to you about --

23 REPRESENTATIVE JAMES: If there's others than  
24 Tennessee, would you produce that to our Chairman?

25 MS. GAUKER: You do have Tennessee's, though?

1 REPRESENTATIVE JAMES: No.

2 MS. GAUKER: Oh, any that I have. Okay. I  
3 know I received the Tennessee one. And I have a feeling  
4 that there were at least other --

5 REPRESENTATIVE JAMES: So that way, we can  
6 look at it and maybe want to model something out of it  
7 because --

8 MS. GAUKER: I hope you will, yes.

9 REPRESENTATIVE JAMES: As the Chairman is  
10 doing with the reparative boards. Okay. Thank you. Thank  
11 you very much.

12 MS. GAUKER: Thank you.

13 REPRESENTATIVE JAMES: And make sure that you  
14 continue the communication, the documentation in terms of  
15 what you believe to be the retaliation through our Chairman  
16 and a copy to myself so that we can distribute it to the  
17 Committee. And that way, we focus the kind of attention on  
18 it that's necessary. Thank you.

19 REPRESENTATIVE JOSEPHS: I'm going to try  
20 this. First, I have to apologize for my voice. But  
21 secondly -- well, I should remind you that a politician  
22 without a voice is a blessing. But I also want to say or  
23 croak that I respectfully disagree with the Chairperson  
24 here.

25 I think everything that you have said, all

1 four of you, is directly connected to security and the  
2 problem of escape that we have had in this administration  
3 and, in my memory, in no other administration since I've  
4 been in the Legislature.

5           So I thank you for your testimony here. And I  
6 have a request and perhaps a bargain to make with the  
7 Chairperson of this Subcommittee; although, he does not  
8 control the hearing schedule. Mr. Chairperson, if you will  
9 give me your commitment to advocate with the Chair of this  
10 Committee for some hearings on some of the subjects that  
11 have been raised by the people who have just testified on  
12 this panel before us, I will not ask any questions at this  
13 point.

14           CHAIRPERSON BIRMELIN: I would say that one of  
15 the functions of the Subcommittee is what we're doing  
16 today, but it also should be concerned more than just about  
17 escapes and security. I have no problem with us as  
18 legislators looking into those things which taxpayers pay  
19 for, which is obviously our prison system.

20           And as far as advocating with the Chairman, I  
21 would do that as a member of this panel of the Subcommittee  
22 members. If they would so agree to do so, we would -- we  
23 may have to arrive at what the subject matter would be and  
24 its scope. But I have no problem with us doing that  
25 because I think that is a legitimate function of this

1 Subcommittee.

2           And that doesn't mean that we're going to look  
3 at anything and everything, et cetera. There have to be  
4 some parameters established. And we can do -- we can do  
5 things along those lines. And I have no problem agreeing  
6 to that. Is that -- no more questions you said, right?

7           REPRESENTATIVE JOSEPHS: One thing. It's not  
8 a question. Several of us on this Committee and several of  
9 us who are not are also members of the Appropriations  
10 Committee. And I really invite and will call at least  
11 Angus. I'd like to work on questions and other kinds of  
12 things we might say when DOC testifies before us on the  
13 Appropriations. So thank you, Mr. Chairman. And I'm  
14 finished.

15           CHAIRPERSON BIRMELIN: I want to thank all of  
16 you.

17           REPRESENTATIVE JAMES: Thank you. I'm sorry.  
18 Mr. Chairman, I just want to ask the -- I don't know if you  
19 do it as a coalition. But do you make some suggestions to  
20 Secretary Horn, or do you have a meeting with him  
21 periodically, or how do you try to address some of these  
22 concerns?

23           MS. GAUKER: We haven't moved that far yet.  
24 We're a new coalition. But it certainly is a point we want  
25 to get to and a goal we have. So thank you. We're moving

1 in that direction.

2           REPRESENTATIVE JAMES: Well, if we can, let us  
3 know when you want to have those meetings; and we can do  
4 that or we can help encourage that. I think that would be  
5 going in the right direction because I've heard all of  
6 these good things about Secretary Horn.

7           And to hear these things, it just seems, you  
8 know, we need to just make sure that we sit down and  
9 address them because he seems to be responsive. And we  
10 just want to make sure he stays that way. Thank you.

11           CHAIRPERSON BIRMELIN: And I would echo  
12 Representative James's comments. I dealt with Secretary  
13 Horn for the five years or so that he has been the -- the  
14 Secretary of Corrections. And I'm not sure if the picture  
15 that you are portraying of him today is colored exclusively  
16 through your own experience or through the experience of  
17 those prisoners that you've dealt with.

18           But we deal with him on a different level and  
19 from a different perspective. And I can tell you that I  
20 have found him to be responsive, but I found him to be  
21 interested in running a better prison system. And I found  
22 him to be what I would essentially say is a good  
23 administrator who has to listen to all parties.

24           There's obviously those people that you are  
25 most concerned with, the prisoners. He also has to deal

1 with communities; he has to deal with the Governor's  
2 office; he has to deal with the taxpayers; he has to deal  
3 with the corrections officers and the educational staff, et  
4 cetera, and so forth.

5           And while I'm not disputing that your opinions  
6 that you shared today are your opinions honestly, I would  
7 say that I would probably not have those opinions and would  
8 disagree with you if you were to ask my opinion of he and  
9 his correction staff and the job that they do.

10           And I think Secretary Horn -- although, I  
11 don't want to speak for him. He's not here -- I think he  
12 would be the first to say that this is not a perfect system  
13 and could use improvement. He would also be the first to  
14 say that he would welcome help in doing it to make it a  
15 better system rather than simply pointing blame at people.

16           And I think that ought to be our approach if  
17 we do anything further in the area of public hearings, is  
18 we ought to say, Well, let's not just find out what we  
19 think is wrong; but let's find out what we think the system  
20 ought to be and how it can be improved.

21           And I think -- I think that's the approach  
22 that we should take. And I think that representative -- or  
23 Secretary Horn would be receptive to that if it's done in  
24 that light. If it's simply a witch-hunt -- and I don't  
25 think you intend it to be -- but if it simply were that, I

1 don't think that would be the best approach nor that it  
2 would be productive. You have the last word.

3 MS. GAUKER: I honestly think that that's why  
4 we were so anxious to speak here today because the  
5 perspective is colored by the -- by where you see him. You  
6 are not aware of -- you do not go inside the institutions  
7 on a regular basis. You do not communicate with the  
8 families or the prisoners themselves or the folks like us  
9 who are the volunteers who are actually on the front lines,  
10 possibly not even with the correctional officers to a large  
11 degree.

12 And so I respect where you're seeing it from.  
13 I fully understand that. I have no problem with that. But  
14 I believe that you need to be as open to our information  
15 that we're able to bring to you as what you've been able to  
16 see. And I only have to end with, while he may be open to  
17 improving the system, I've lived through many other  
18 commissioners and -- commissioners. He's the first one  
19 became a secretary -- and the oppressiveness, the number of  
20 escapes, the abuse, all that's going on since Commissioner  
21 Horn has come in.

22 If this is his watch, then I have to hold him  
23 responsible for it. It's not a witch-hunt. It's an  
24 administrative dilemma that we need to deal with. And it  
25 can be a multifactored thing. I'm not saying that. But



1 there is another perspective, and there are other things  
2 going on. And he is responsible, and that's why he was  
3 singled out today.

4 CHAIRPERSON BIRMELIN: And I would say in  
5 response to your comments that you would probably be amazed  
6 at the insight and knowledge that these people on this  
7 Judiciary staff have about our prison system. Not only do  
8 we tour them regularly, but we get letters, we get parents,  
9 we get loved ones, we get ex-felons who come in to see us.

10 So we're not as uninformed, perhaps, as you  
11 might think we are. And I'm not sure that you said that  
12 about us. And we're certainly not as involved as you are.  
13 However, I know from my own perspective, I've been in 20 of  
14 the 24 prisons. I have -- I get letters every month from  
15 prisoners. We talk to them privately.

16 We deal with issues. I know Representative  
17 James and I have had meetings with staff people, et cetera,  
18 et cetera, et cetera. So don't assume that we're  
19 completely ignorant of what's going on. But neither do we  
20 have the, you know, the in-depth knowledge that the people  
21 in the system that work with it do.

22 Representative -- or excuse me. Counsel  
23 Preski had a question he wants to ask you.

24 MR. PRESKI: One housekeeping matter. I know  
25 that you have a lobbyist now, and that's Mr. Preate. Would

1 it be permissible that I coordinate the meetings or  
2 anything we do in the future through him?

3 MS. GAUKER: Exactly. Exactly.

4 MR. PRESKI: Thank you.

5 CHAIRPERSON BIRMELIN: Thank you all for  
6 coming. Thank you.

7 MS. GAUKER: Thank you very much.

8 CHAIRPERSON BIRMELIN: The last testifier for  
9 the day is Greg Griffin, Vice President of the Pennsylvania  
10 State Correctional Officers Association. Mr. Griffin, is  
11 Mr. Ludwig with you today?

12 MR. GRIFFIN: Yes.

13 CHAIRPERSON BIRMELIN: He is. Okay. I'm  
14 sorry. I didn't introduce him as well. I wasn't sure if  
15 he was here. Lawrence Ludwig is the President of  
16 Pennsylvania State Correctional Officers Association. And  
17 they have testimony to present to us as well. Mr. Griffin,  
18 when you're prepared, you may do so.

19 MR. GRIFFIN: Good afternoon, members of the  
20 House Judiciary Committee. I am Gregory Griffin, a state  
21 corrections officer and Vice President of the Pennsylvania  
22 State Corrections Officers Association. With me also is  
23 President Larry Ludwig, a state corrections officer at  
24 SCI-Graterford. Officer Ludwig will be available for any  
25 questions.

1           On behalf of thousands of state corrections  
2 officers, I want to thank your committee for allowing us  
3 the opportunity to testify. State corrections officers are  
4 now testifying at this and future hearings because we  
5 believe there are very troubling times ahead for the  
6 Pennsylvania Department of Corrections unless immediate  
7 action is taken.

8           As I speak, thousands of state corrections  
9 officers are on duty behind the wire faced with the  
10 difficult task of maintaining order inside our 25 State  
11 Correctional Institutions. Our officers report for duty to  
12 the fourth most overcrowded institutions in the country.  
13 Many institutions are close to 200 percent capacity.

14           Pennsylvania officers are assaulted at the  
15 fourth highest rate in the nation. At SCI-Houtzdale, over  
16 80 corrections officers were assaulted last year. Last  
17 month, three Houtzdale officers were viciously attacked  
18 while facing 125 to 1 odds. One officer was stabbed eight  
19 times. Another officer was beaten so badly his family did  
20 not recognize him in the emergency room.

21           Even inmates are victims of the dangerous  
22 conditions behind the wire of Pennsylvania State  
23 Institutions. Pennsylvania inmates face the third highest  
24 inmate to inmate homicide rate in the nation. To combat  
25 these horrible conditions, it would make sense to provide

1 more and better trained officers; but that is not the case.

2           Pennsylvania State Corrections Officers are  
3 27th in the nation in training hours, 38th in the nation at  
4 inmate to corrections officer ratios. Twenty-seven years  
5 ago, in an upstate New York community in a jail called  
6 Attica, 11 corrections officers and 22 inmates lost their  
7 lives in five bloody days of riots.

8           In 1989, the Camp Hill riot, over 120 inmates  
9 and corrections officers were seriously injured when Camp  
10 Hill was nearly burnt to the ground. The investigations of  
11 these two riots determined that the contributing factors  
12 were understaffing of corrections officer posts, inadequate  
13 training of corrections officers, and severe overcrowding.

14           These exist -- these conditions exist here  
15 today in most of the 25 state institutions. The recent  
16 riot in 1995 at SCI-Coal Township where corrections  
17 officers and inmates alike suffered horrible injuries  
18 should have been a wake-up call.

19           I want to thank you, the members of the House  
20 Judiciary, for passing House Bill 6, the Corrections Peace  
21 Officer Bill, through your committee. With the eventual  
22 passage of House Bill 6 into law, state corrections  
23 officers will receive the latest law enforcement training.

24           In turn, public safety will be increased at  
25 our state institutions. Corrections officers accepted the

1 risks when we took our oath to serve and protect the  
2 public. Unfortunately, in my opinion, the training  
3 provided to state corrections officers is willfully  
4 inadequate to fulfill this obligation to the public.

5           Would Pennsylvania state taxpayers feel safe  
6 if they knew their State Police were 27th in the nation in  
7 training and standards? State Police are the highest  
8 trained police in the nation here in Pennsylvania. Why  
9 then is it okay to train our corrections officers at 27th  
10 in the nation?

11           Secretary Horn has stated that a substantial  
12 number of corrections officers will be hired if the  
13 Legislature passes the Department of Corrections budget  
14 request. Members of the House Judiciary Committee, an  
15 enormous responsibility rests in your hands.

16           Hard earned taxpayer dollars will have to be  
17 authorized by you in order to bring the state corrections  
18 officers up to the standards that will ensure increased  
19 public safety. I believe the public will support  
20 additional spending if the end result will be less escapes  
21 and safer institutions.

22           State corrections officers will be ready to  
23 testify at the budget hearings, if asked, in order to  
24 better inform the Legislature and the taxpayer. Thank you  
25 very much, and we're available for any questions that you

1 may have.

2 CHAIRPERSON BIRMELIN: Representative

3 Manderino?

4 REPRESENTATIVE MANDERINO: No.

5 CHAIRPERSON BIRMELIN: Representative James?

6 REPRESENTATIVE JAMES: No.

7 CHAIRPERSON BIRMELIN: Well, see, that's one  
8 of the problems when you're last. Nobody wants to ask you  
9 any questions.

10 MR. GRIFFIN: Well, we'll always return, sir.

11 CHAIRPERSON BIRMELIN: I believe you

12 work -- is it here or Retreat?

13 MR. GRIFFIN: State Correctional Institution  
14 at Retreat, sir.

15 CHAIRPERSON BIRMELIN: So you're not that far  
16 away. So thankfully you didn't come a long way to present  
17 your testimony. And you may be disappointed that we didn't  
18 ask you a lot of questions. Most people are. But maybe  
19 you're not. That concludes our hearing today. This  
20 meeting is adjourned. Thank you, gentlemen.

21 (Whereupon, at 1:10 p.m., the hearing  
22 adjourned.)

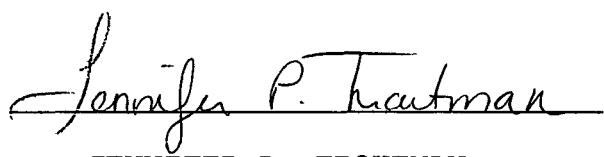
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause and that this is a true and correct transcript of the same.



JENNIFER P. TROUTMAN

Registered Professional Reporter

My Commission Expires:  
April 30, 2001

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