

PROCEEDINGS

1
 2 THE CHAIRPERSON: We're very appreciative of the
 3 opportunity to meet with you. I'll just give you quickly
 4 a brief overview of what the Pennsylvania Advisory Committee
 5 is, and what the Advisory Committees are actually, and our
 6 involvement here at Lewisburg Penitentiary.

7 The Advisory Committee to the U. S. Commission on
 8 Civil Rights has been established in each of the 50 states
 9 and the District of Columbia. I'm Chairperson of the
 10 Pennsylvania Committee, and we think you ought to be aware
 11 of the fact that the Commissioners are appointed by the
 12 President, and that the Committee members are appointed by
 13 the Commissioners.

14 All of us serve as volunteers without compensation,
 15 all committee members. Many of us are employed elsewhere,
 16 but we do serve on this committee as volunteers. So we
 17 just wanted you to understand that. And as members of this
 18 committee, and these committees across the country, our
 19 concerns are for the issues that are of concern to the mem-
 20 bers of the citizens of our state and the Pennsylvania
 21 Committee can't speak for any other committee, but the
 22 Pennsylvania Committee's approach and emphasis in all of
 23 the issues with which we become involved is always a con-
 24 structive one.

25 We really want to be of help. We a

CCR
 Meet.
 165

1 pot shots. We really are trying to obtain information,
2 because your responsibility is to advise the Commission on
3 all relevant information regarding the issues over which
4 they have jurisdiction in our state, and so we try to
5 obtain that information as objectively as possible. And
6 that's one of the reasons we're meeting with you, because
7 we need additional information and we're hoping that you
8 can provide it for us to the best of your ability today.

9 And also, we realize that in two hours we're not going
10 to, or whatever the time you can spare for us will be, we're
11 not going to get everything that we need, but hopefully we
12 can do that, you know, it can be provided another time.

13 MR. GRZEGOREK: I hope so.

14 THE CHAIRPERSON: So perhaps we ought to just go
15 around the table and introduce ourselves so we know who
16 everybody is, and for the record, I'm Grace Alpern,
17 Chairperson of the Pennsylvania Advisory Committee.

18 Elena, would you --

19 MS. MORGAN: I'm Elena Morgan; I'm on the Committee.

20 THE CHAIRPERSON: And you're from Harrisburg?

21 MS. MORGAN: Oh, and I'm from Harrisburg.

22 THE CHAIRPERSON: I should mention that we come from
23 all parts of the State. The Committee is as representative
24 of the total community as possible in its composition, and
25 we come from all parts of the State.

1 MR. GRZEGOREK: Okay, for the record, Steve Grzegorek,
2 Regional Director, Federal Bureau of Prisons.

3 MR. FENTON: I'm Charlie Fenton, I'm warden at
4 Lewisburg.

5 MR. KANE: I'm Patrick Kane, Executive Assistant in
6 this office.

7 MR. RUTLEDGE: I'm Ed Rutledge, Regional Director
8 of the Mid-Atlantic Regional Office of the Commission, which
9 is located in the District of Columbia.

10 MS. BECKER: I'm Jean Becker, and I'm with the State
11 Advisory Committee, and I'm from Harrisburg.

12 MS. SCHUMACHER: I'm Yvonne Schumacher, a member of
13 the field staff of the Mid-Atlantic Regional Office of
14 the Commission on Civil Rights.

15 MR. SQUIRES: I'm Don Squires. I'm also a member of
16 the field staff of the Mid-Atlantic Office.

17 MR. WILSON: I'm Charles Wilson. I'm a regional
18 counsel to the Mid-Atlantic Conference.

19 THE CHAIRPERSON: And I would just further explain
20 that the Committee, of course, is larger than the number
21 of people here. It was a sub-committee that went up to
22 Lewisburg and that is representing our committee here today.

23 I think there is something that I am supposed to read
24 into the record, and that is that I want to inform you that
25 this meeting is solely for the purpose of soliciting the

1 information respecting the subject matter which is within
 2 the jurisdiction of the U. S. Commission on Civil Rights,
 3 that is the administration of justice. This meeting is not
 4 a hearing, nor an adversary proceeding of any type.

5 However, in order to protect any individuals who have
 6 -- who provide this Committee with information, I will
 7 request that each participant refrain from making any state-
 8 ments which would tend to defame, degrade or incriminate
 9 any persons subject to the information being presented
 10 today. And that being said, we can proceed.

11 The first issue we'd like to discuss with you, and
 12 ask you some questions about is about legal services, and
 13 we wonder if you could describe for us the procedure in
 14 which an inmate would have access to the prison law library.

15 MR. GRZEGOREK: Okay. I can speak for the region.
 16 I know Mr. Fenton will probably speak to Lewisburg. Some
 17 of the information I'll give you will be rather sketchy,
 18 but I've been on the job for about three weeks. If there's
 19 any follow up, we'll be glad to provide you with the follow
 20 up documents, whatever you need, okay?

21 In all of our Federal institutions, we do have law
 22 libraries. These law libraries are inspected regularly by
 23 the Office of the Counsel, General Counsel in Washington,
 24 and our own regional counsel. We also have outside checks
 25

1 on the legal library sufficiency by members of the Bar
2 Association, by outside groups, such as private attorneys,
3 and there are certain standards which each institution must
4 meet.

5 Again, I would have to supply you with the program
6 statement, a national program statement to give you the
7 details. But the legal library must include the whole of
8 the U. S. Code; it must include certain reference books, and
9 it must include Federal supplement section, on, if there's
10 an attorney here, maybe you can help me out, the second
11 supplements --

12 MR. WILSON: The reports section and sub-section.

13 MR. GRZEGOREK: Okay, but these, the amount of legal
14 materials in the library are prescribed by our national
15 policy, and which again has been checked out by many people
16 and -- within the bureau and without the bureau.

17 As far as procedures for the law library, each insti-
18 tution runs a little bit differently, but in effect, every
19 man in the institution or woman in the institution has access
20 to that library on a routine basis.

21 Some institutions will run the law library five days
22 a week; others may run it seven days a week. The hours
23 will vary from institution to institution. I do not think
24 there is any institution in this region that runs a law
25 library less than three hours per day, five days per week.

1 You may get some variances in times. Some are open at night.
2 Some are not. Some are open on weekends; some are not.
3 And I can't sit here and tell you which ones are which.

4 THE CHAIRPERSON: Well, could we, for example, at
5 Lewisburg, could you tell us, Mr. Fenton, what the procedure
6 is? In other words, what are the hours and such questions
7 as is there a waiting list for a man to get to the library
8 and if so, how long would he have to wait? The average
9 wait and --

10 MR. FENTON: If I'd known you were interested in the
11 schedule, I would have brought it. I'll just be able to
12 answer in general terms.

13 THE CHAIRPERSON: In general terms --

14 MR. FENTON: It's open at least five days a week,
15 and I think six. It's open at least 30 hours per week on
16 those days.

17 Now, it's not terribly unusual, but somewhat unusual
18 thing about Lewisburg is that we have two law libraries.
19 In other words, the major law library is located in the
20 education department and is an adjunct of the -- the regular
21 library, or perhaps vice versa would be a better way to
22 express it. And it's freely available to anybody in the
23 general population during the times the education depart-
24 ment library is open.

25 THE CHAIRPERSON: May I interrupt you with questions

1 as you go?

2 MR. FENTON: Sure.

3

4 DIRECT EXAMINATION

5 BY THE CHAIRPERSON:

6 Q How does a man, suppose he wants to go to the library,
7 what does he have to do, does he ask someone; does he have
8 to fill out a form; what is the procedure?

9 A He walks up the stairs to the education department,
10 down the corridor, turns left into the library.

11 Q He doesn't have to ask permission from anybody?

12 A That's all there is to it.

13 Q Is he limited to the length of time he can stay in
14 the library and can more than one person be in the library
15 at a time?

16 A The limitation is only the hours the library is open.
17 It's arranged so that the books themselves are served by
18 inmates who are assigned for that purpose, by that I mean
19 they're shelved and unshelved, maintained in an order so
20 that they can be located and this sort of thing. So if he
21 goes to a window and asks the inmates doing that if he could
22 have such and such a volume.

23 Then the area for perusal is a conventional library.
24 It has tables and chairs, the only unconventional thing is
25 there's a number of typewriters there so that people who

1 choose can refer to their books and time while they're doing
2 it. There's no list; there's no limit on time; there's --

3 Q No limit, for example, can he go again the next day
4 if he wants to?

5 A And the next day and the next day and the next day.

6 Q No limit as to how many people can be in the library
7 at the same time?

8 A Well, there's practical limits, but there's no number
9 posted that says 25 or 60 or whatever.

10 Q I see. Where would administrative and segregation
11 people go, or convalescents go? What kind of access would
12 they have?

13 A This is what I started to mention. It's somewhat un-
14 usual in that all institutions do not have satellite librar-
15 ies. A separate law library is maintained in the segrega-
16 tion building, and still another law library is maintained
17 at the camp. Mr. Grzegorek mentioned earlier that there
18 are standards of content for these law libraries. These
19 are minimum standards. The main law library exceeds this
20 and has not only the required volumes, but a number of other
21 references. The satellites, however, are pretty well
22 limited to the minimum standards. They provide all that's
23 required and nothing more on those shelves.

24 Q Could we get a list of the books that are in those
25 libraries, would that be possible?

1 A I think you can get it right here from Mr. Essex, and
2 -- I'll be glad --

3 Q I don't mean the required books, because we have a
4 list of those, but I mean a list of the books that are
5 actually in the library. For example, the library that's
6 in the segregation unit?

7 A That will pretty well correspond to the minimum.
8 Sure, I'd be glad to do that.

9 Q Okay, thank you.

10 A Now, the library, the satellite library at the camp
11 is available in the same way that the one inside is avail-
12 able, except the hours are not as lengthy.

13 Q But it isn't available to those who are inside the
14 walls?

15 A Well, it's available to those who are on the camp.

16 Q We really have to confine --

17 A I'm trying to distinguish. I have two satellite
18 libraries. They're not identical, and I'm disposing of that
19 one. The second satellite library is the one in the segre-
20 gation unit. That's available to them on an as-asked for
21 basis.

22 In other words, if a man wants to use the law library,
23 he makes that request to use it. Then his name and the time
24 of his request is entered into a log. Within a day or two,
25 or three at the most, he then is put into the library for

1 an hour, there's a limit on one in this library. He can
 2 use it for that hour for whatever purposes he wants. If
 3 he wants material that's not available in that library,
 4 but is available in the larger library, then he makes that
 5 request to the education department, and they bring that
 6 reference down there for him.

7 Q Are men ever permitted to take the books to their
 8 cells?

9 A They should not be. I wouldn't -- I wouldn't say it
 10 never has happened, but they shouldn't be, no. If one man
 11 takes it to his cell, of course, it isn't available in the
 12 library for anybody else that wants to use it.

13 Q What about the assistance that I'm sure is invaluable
 14 to inmates as far as legal assistance that, not necessarily
 15 paid legal assistance paid by them, but the possible assis-
 16 tance of outside law students, use of people, for example
 17 from Bucknell or others? Do you have people coming in?

18 MR. GRZEGOREK: Let me speak for the region first,
 19 Charlie. That I'm familiar with at Petersburg where I came
 20 from, and I was warden.

21 We had these services of law students from William
 22 and Mary; at Danbury. We had the services of the law students
 23 from Yale, and that's as far as I know to this point.

24 Charlie?

25 A (By Mr. Fenton) At the nearest law school I'm aware

1 of to Lewisburg is Dickenson, and they do not provide stu-
2 dents, and we do not have a program with them. There are
3 no law students at Bucknell or Williamsburg or Penn State
4 or --

5 Q Have they ever been requested to provide students?

6 A I have never had any formal contacts with the law
7 school at Dickenson, no. Now ever is a long time, but I'm
8 not aware of any formal contacts.

9 Q I meant as far as you can recall. Are there special
10 hours in which lawyers visit, must visit the inmates, or --

11 A We encourage them to visit during business hours,
12 that is during the five days of the week in which we're
13 open. However that isn't practical for a number of them,
14 particularly if they come from New York or Washington or
15 someplace, and they prefer to, and we provide for their
16 weekend visits.

17 Q And what about telephone calls to lawyers? Suppose
18 a man needs to reach his lawyer? What does he have to do?

19 A Okay, every inmate, and by every I'm talking about
20 population, has a phone call per week if he wants to make
21 one. And he can make that to virtually anybody he cares
22 to. If he has a need for a legal call, above and beyond
23 the call which he would have anyway, or for some sort of
24 legal emergency, he talks then with his unit team, he has
25 a case worker counselor unit manager that comprise a unit

1 team, and if he explains the need for this, and they agree
2 there is a need, then he's permitted to make the call. But
3 that's on a special basis, and not counted against him.

4 MS. BECKER: I would like a clarification. Warden,
5 you said the population. Did you mean the whole population,
6 or just the general population that was allowed one tele-
7 phone call a week?

8 A (By Mr. Fenton) Population is a word in our jargon,
9 and it means people who are in ordinary quarters, partici-
10 pating in ordinary programs.

11 MS. BECKER: But not the segregation?

12 A (By Mr. Fenton) Segregation is not referred to as
13 population, nor is hospital.

14 MS. BECKER: Then those people -- that's what I wanted
15 to know.

16 Q (By the Chairperson) The question then, of course, is
17 are the people in segregation, if they want to reach their
18 lawyer --

19 A The people in segregation do not receive the weekly
20 calls such as people in the population do.

21 Q But are they permitted to reach their lawyers?

22 A But the legal call is on the same basis.

23 THE CHAIRPERSON: It's on the same basis.

24 MR. WILSON: I just wanted to make a request, if at
25 all possible, if we could get a copy of the Lewisburg Prison's

1 plan to implement or the plan which will show their legal
2 -- how their legal materials are set aside, or the hours
3 the materials will be used, or are able to be used, and
4 the persons designated as a law librarian --

5 MR. FENTON: Wait a minute..

6 MR. WILSON: -- to staff the law library.

7 MR. FENTON: Are we talking about the same list of
8 available books that we talked about previously?

9 THE CHAIRPERSON: No, I don't think --

10 MR. WILSON: Not the books themselves, but rather the
11 plan that probably has already been submitted to the regional
12 office, the local plan. Each institution has a local plan.

13 THE CHAIRPERSON: Is there someone in the library to
14 assist inmates in finding the information they need?

15 MR. FENTON: Well, the law library in Lewisburg is
16 under the supervision of the education department, and some
17 staff member is assigned general supervision over it. Now
18 if a man wants a book, he will refer to the inmates who
19 are assigned to put books back and forth. If he wants
20 legal assistance, he will generally refer to a jailhouse
21 lawyer, and negotiate a fee and do the best he can.

22 Q (By the Chairperson) Now, with regard to the legal
23 material, sometimes people need copies of some of their
24 legal papers or whatever. What is the policy regarding
25 xeroxing?

1 MR. GRZEGOREK: I think it costs the inmate 10 cents
2 a page or something.

3 MR. KANE: After the minimum.

4 MR. GRZEGOREK: After the 30.

5 MR. FENTON: That's part of the national policy.
6 Whatever it is elsewhere, it is in Lewisburg.

7 THE CHAIRMAN: You mean after 30 copies --

8 MR. GRZEGOREK: After 30 copies, a charge is 10 cents
9 a piece.

10 MS. SCHUMACHER: How does an inmate go about request-
11 ing something being xeroxed; just a staff member in his
12 unit?

13 MR. GRZEGOREK: There's a form.

14 THE CHAIRPERSON: Now, do you have anything you'd
15 like to add to what we've already asked you about the legal
16 services; is there something special that occurs to you as
17 I've raised any of these questions?

18 MR. GRZEGOREK: No, just the point on when you asked
19 are there any staff or maybe you didn't ask if there were
20 any staff to provide legal assistance. We cannot provide
21 legal assistance.

22 THE CHAIRPERSON: Not --

23 MR. FENTON: We can pull the book.

24 THE CHAIRPERSON: It's not legal assistance, it's
25 almost librarian assistance in terms of --

1 MR. FENTON: -- librarian assistance.

2 Q (By the Chairperson) I don't mean just where is the
3 book, but where would I find the kind of book that would
4 have the kind of information I need that kind of assistance?

5 A That is supplied by the education department, as far
6 as legal assistance and advice, no.

7 MR. SQUIRES: I just wanted to go back on one small
8 point. The people in hold over, or administrative segre-
9 gation, they have to use the segregation law library, or
10 can they go to use the main --

11 MR. FENTON: In Lewisburg, they use the one in segre-
12 gation.

13 MR. GRZEGOREK: This is generally throughout the
14 northeast region, I guess, throughout the Bureau of Prisons.

15 MS. BECKER: Grace, before you go, one, you had men-
16 tioned, Mr. Grzegorek, that the libraries were inspected
17 by various groups and entities. Do you have a -- when was
18 the last inspection?

19 MR. GRZEGOREK: Well --

20 MR. FENTON: I happen to have it in front of me.

21 MR. GRZEGOREK: Okay, you go ahead with yours.

22 MR. FENTON: July, 1979.

23 MS. BECKER: Oh, very recently.

24 MR. GRZEGOREK: Dan Sculler (phonetic) from the American
25 Bar Association helped us out setting up our law libraries.

1 Dan was in charge of the corrections, and Dan was the --
2 knowing me for many, many years, and he gave us some assis-
3 tance in setting up some policy when we first were checking
4 our law libraries to make sure that we had what we were
5 supposed to have. And we followed pretty much the correc-
6 tions part of the ABA Standards on Libraries.

7 THE CHAIRPERSON: Another question occurs to me.
8 Suppose the library was not up to standards, didn't have a
9 number of books or the titles, you know, that are supposed
10 to be in there, how long would an institution be given, and
11 what would the procedure be to enforce that regulation that
12 they meet the standard?

13 MR. GRZEGOREK: There's two ways: One administrative
14 for myself or the warden, okay, to put pressure on the
15 people if the books are noted to be missing, to replace them
16 immediately.

17 The second pressure would be coming from the U. S.
18 Courts in terms of there isn't a book in the library, Judge,
19 how come there isn't a book, and it's been gone for two weeks?
20 And immediately this law clerk or somebody would get ahold
21 of us. It's a very rare occurrence, I should add, but
22 there are two checks in that regard.

23 As far as times, depends on how fast West Publishing
24 can get the books in, we can get the books from West
25 Publishing.

1 THE CHAIRPERSON: Okay, then if there are no other
2 questions on legal services, and access, we'll move on to
3 our next issue, which is grievance procedures. We are
4 really trying to come to some understanding as objectively
5 as possible, of all of the information regarding the
6 grievance and disciplinary procedures which we'll be talk-
7 ing about next, as it's possible for us to do. And we
8 would really like to the best of our ability to examine the
9 trends, the patterns that seem to be emerging, and we feel
10 that this might best be done if it's possible for us to,
11 for example, get a log of the complaints of the inmates,
12 inmates file complaints, the BP's, if we could get a log,
13 let's say, for the past year, and simultaneously, if we
14 could read, let's say the last 50 charges, disciplinary
15 charges against inmates, we think this might help us to
16 see some kinds of patterns about the kinds of charges that
17 are being placed in both directions, you know. The kinds
18 of complaints inmates have; the kinds of problems that offi-
19 cers are having with inmates; and it might be -- we might
20 be able to be of some help in that way.

21 MR. GRZEGOREK: Okay. The only caveat that we have
22 here, and I --

23 THE CHAIRPERSON: We understand the privacy.

24 MR. GRZEGOREK: Right.

25 THE CHAIRPERSON: And we don't need names.

1 MR. GRZEGOREK: There's another caveat, however, and
2 my regional counsel is on vacation at this time. But as
3 I recall, we are in litigation right now in Danbury on this
4 issue. I may be mistaken about inmates suit or class action
5 suit requesting all the BP-9, BP-10's and logs. I would
6 have to get a clarification from our legal people before
7 I could respond to that.

8 THE CHAIRPERSON: Well, we didn't expect you to have
9 this information available to us, of course, but we would
10 appreciate it if it is -- if your legal advice is that it
11 can be provided, that we would like to have that information.

12 MR. GRZEGOREK: For the record, may I get a clarifi-
13 cation?

14 THE CHAIRPERSON: Sure.

15 MR. KANE: For assemblage of material. You are ask-
16 ing for --

17 THE CHAIRPERSON: We're asking for actually for three
18 things: A log of the complaints of the inmates for the
19 past year, just the log.

20 MR. FENTON: No, let me clarify that. That means
21 BP-9's only.

22 THE CHAIRPERSON: And then we'd like to read the com-
23 plaint itself.

24 MR. KANE: Okay. You're saying disciplinary and
25 administrative grievance in the same thing, and I get the

1 impression that you're equating them?

2 THE CHAIRPERSON: No, I'm not equating them by any
3 means. No, I was saying that just for the purposes, so you'd
4 understand what our purpose was, we're asking for the griev-
5 ance machinery to be looked at, but we're also, we also
6 want to look at the disciplinary --

7 MR. KANE: Okay, I wanted to make sure that you --
8 if we can release it, that you get the materials you wanted.

9 MR. GRZEGOREK: We're talking about the BP-9, the
10 origination at the institution.

11 MR. KANE: I didn't want to bombard you with infor-
12 mation on why do I not have enough-socks, if that wasn't what
13 you wanted. If you were more interested in incident reports
14 and disciplinary appeals.

15 THE CHAIRPERSON: Well, we want the complaints of the
16 inmates and if they're complaining that they're not getting
17 enough socks, maybe we need to know that, too. That's
18 their complaint, and you know, for whatever we decide that
19 means, when we look at all the information, I think we'd
20 like to see those complaints.

21 MR. FENTON: Well, there's still another further that
22 we ought to get this. I think we have readily available,
23 assuming that we should turn it over, a list of the nature
24 of the complaints since Day 1, so providing that list of --

25 THE CHAIRPERSON: That would be extremely helpful.

1 MR. FENTON: Complaint about food, complaints about
2 clothes.

3 THE CHAIRPERSON: Because that gives us an idea --

4 MR. FENTON: But then we also have copies of the
5 actual complaints.

6 THE CHAIRPERSON: And that's what I asked for.

7 MR. FENTON: And we also have copies of the answers,
8 so there's a whole -- there's three or four different
9 kinds of things we have here, and we don't know exactly
10 what we're talking about.

11 THE CHAIRPERSON: Then let me clarify it again. We'd
12 like that log because that just tells us the nature of the
13 complaints, so that's easy for us to do some kind of trend
14 study on. We'd also like to read the individual complaint
15 slip that has been made up, the detailed report as you
16 have said, and the response, if that's possible.

17 And we assume that if we got, let's say, the most
18 recent 50 or -- I don't know, you probably, you're the expert
19 there, you would know what would give us a good idea.

20 MR. GRZEGOREK: Do you want us to go back a year; do
21 you want us to go back 50?

22 THE CHAIRPERSON: All right, the log we'd like for a
23 year. We want to be reasonable in our requests with you,
24 so whatever would be reasonable as far as -- we'd love a
25 year's complaints if we could get that. But if that's

1 unreasonable, we're not trying to make things difficult for
2 you. We're just trying to be helpful.

3 MR. KANE: How many nines a month are you knocking
4 out?

5 MR. FENTON: Oh, it will vary, but the average wouldn't
6 be far from 100.

7 MR. KANE: A hundred a month, so you're looking at
8 1,200 grivances if you want.

9 THE CHAIRPERSON: Then why don't we say a three-month
10 period?

11 MR. SQUIRES: You're talking about the actual BP-9's?

12 MR. GRZEGOREK: The actual complaints with the responses.

13 MR. SQUIRES: I thought it was our understanding that
14 we would need the log for the whole year.

15 MR. GRZEGOREK: No problem.

16 MR. SQUIRES: And the actual BP-9's for the last 50.

17 THE CHAIRPERSON: You feel that 50 is sufficient?
18 Okay.

19 MR. GRZEGOREK: That would give you only one month
20 now.

21 THE CHAIRPERSON: That's why I say three months would
22 give you the better --

23 MR. GRZEGOREK: Why don't we give you a quarter?

24 THE CHAIRPERSON: Okay, I think that would be better.

25 MR. FENTON: Now, on the issue of disciplinary reports,

1 I will resist giving you the investigations, the reports
2 themselves and dispositions I don't have any problem with,
3 but the investigation I'd rather you didn't have.

4 THE CHAIRPERSON: I'm not sure I understand.

5 MR. FENTON: Well, there's several components to a
6 disciplinary report: One is the name of the offense and a
7 description of the offense.

8 THE CHAIRPERSON: And the situation in which it
9 occurred?

10 MR. FENTON: Yes, the situation, the context, that's
11 part of the description. But the next thing that happens
12 is an investigation and there's a report of the investiga-
13 tion, and I'd prefer that you not have that.

14 Then there's a disposition which says he was locked
15 up or exonerated or transferred or something, and that's
16 fine; you can have that.

17 THE CHAIRPERSON: Just for my own information, why
18 would you not -- what would be --

19 MR. FENTON: Because it frequently has the names of
20 other inmates to whom someone talked, and what they've
21 said.

22 THE CHAIRPERSON: We're perfectly willing, of course
23 that's a job, we understand you know, to have it laundered
24 so that we don't have names.

25 MR. GRZEGOREK: Even without the names, it still is

1 easy to construct.

2 THE CHAIRPERSON: All right, then we would certainly
3 be satisfied to have the description of the event and the
4 disposition of the case.

5 MR. FENTON: In other words, what we would give you
6 each individual inmate who was charged also received a copy
7 of.

8 THE CHAIRPERSON: Right.

9 MR. FENTON: So that as far as I can tell, there
10 wouldn't be any problem with you having it, because the
11 inmate's already got it.

12 THE CHAIRPERSON: Okay, fine.

13 MR. FENTON: Again, if there's a legal issue on
14 this, why I'm not -- I'm not speaking --

15 MS. SCHUMACHER: May I just clarify, the inmate then
16 does not have access to your investigative report. Is that
17 what you're saying ?

18 MR. FENTON: That's right.

19 MR. GRZEGOREK: However, do you want us to go back
20 on this?

21 THE CHAIRPERSON: We decided that that was going to
22 be quarterly.

23 MR. KANE: Here's the thing for the benefit of those
24 who do not have a grasp of the administrative remedy pro-
25 cess. The administrative remedy process entails a multitude

1 of issues, one section of which is appeal of disciplinary
2 procedures. So if you take, say 100 administrative reme-
3 dies over a given period of time, maybe 30 might be strictly
4 along disciplinary issues. An inmate receives an incident
5 report, he contests it, he files an appeal through the
6 administrative remedy procedure, so if we give you all the
7 administrative remedies, say for the past quarter, you're
8 going to get a good sampling of how disciplinary reports
9 are processed and appealed.

10 THE CHAIRMAN: That's what we want to do.

11 MR. GRZEGOREK: Would that be sufficient for your
12 needs now?

13 THE CHAIRPERSON: Yes, fine.

14 MR. GRZEGOREK: Okay, good enough.

15 THE CHAIRPERSON: The last time we were up at
16 Lewisburg, you weren't there, Warden, but one of your
17 executives said that it was 13 percent of the inmates who
18 lodged 87 percent of the complaints. Would you estimate
19 that that's still a fairly accurate description of the
20 situation? Has it improved; has it changed; is it more
21 or less or --

22 MR. FENTON: I don't know where he got his numbers,
23 but that sounds just about right. And that's my impression.
24 That far and away the vast majority of complaints are filed
25 by 10 percent of the inmates.

1 MR. GRZEGOREK: Pat, can you speak for the region
2 historically?

3 MR. KANE: You see the same names over and over and
4 over.

5 MR. FENTON: We have a complaint supposed to be
6 filed today because we didn't give the guy eight complaint
7 forms yesterday.

8 MR. GRZEGOREK: That's not allowable.

9 THE CHAIRPERSON: Now, what other categories of --
10 in administrative detention? You know, we know there are
11 holdovers.

12 MR. FENTON: If you're leaving the topic of grievances,
13 there's something I'd like to add.

14 THE CHAIRPERSON: Okay.

15 MR. FENTON: We have two other grievance procedures
16 at Lewisburg, one is totally informal by approaching any
17 staff member, hopefully an appropriate one, but any staff
18 member about whatever the problem is. I didn't get any
19 meat or why did we eat last today, or whatever it might be.
20 So that probably the majority of grievances are handled in
21 this form. There's no record of any kind. It's simply a
22 matter of approaching somebody who might be able to do some-
23 thing about whatever the issue is.

24 A second and more -- more formal, but still an informal
25 method, I have a system of dealing with complaints that

1 inmates can send to me. It's much speedier than a BP-9
2 process, and it's, in my opinion, about as effective in
3 terms of action.

4 THE CHAIRPERSON: Will you tell us what that is?

5 MR. FENTON: Well, when they -- there's a form called
6 an inmate request to staff member, or something is the
7 full title of it. When one of those is addressed to me,
8 I have a referral slip prepared in duplicate, so that
9 having received it, I then forward the complaint to the
10 appropriate person on the staff and the original of this
11 referral goes back to the inmate, so that he knows to
12 whom it's been referred, and knows whatever comments I
13 may have regarding this. What -- for example, on my
14 questions --

15 THE CHAIRPERSON: What would be the nature of the
16 kind of thing that might come to you?

17 MR. FENTON: The district attorney in Philadelphia
18 said he dropped my detainer, but the detainer's still on
19 my records.

20 THE CHAIRPERSON: And what might you -- what might
21 your response be?

22 MR. FENTON: I would refer that to the record office,
23 and ask for a briefing on the issue.

24 Now, the inmate would get this, the original of this
25 referral and he'd know to whom it had been referred, and

1 he would know the tenor of my questions. Subsequently I
2 will get the referral back from the record office, and they
3 will have put on there what the case is, that it may have
4 been dropped, but we've never been advised officially, or
5 we have been advised officially, and now it's been removed
6 from the file, or we have no indication whatever, or what-
7 ever the appropriate answer is.

8 At this point I add any comments I feel I should
9 and then return the whole thing back to the inmate. Now
10 this is much quicker than the BP-9 process, and for most
11 ordinary things, it gets them their answer. So these
12 other two methods are much more frequently used than the
13 BP-9.

14 MS. BECKER: Warden, about how many complaints like
15 that do you get referred to you? Through that system?

16 MR. FENTON: Well, they're not necessarily complaints;
17 they're questions frequently, or sometimes they're even
18 suggestions: Why don't you stop serving tomatoes and
19 hominy. I get several every day. I don't know, and I
20 get several more in speech with inmates as I walk around.

21 THE CHAIRPERSON: Is that a well-publicized procedure
22 that --

23 MR. FENTON: Well, in a community of 28 acres, every-
24 thing's publicized.

25 THE CHAIRPERSON: Do you keep any records of it?

1 MR. FENTON: No, no, I just dispose of them, that's
2 all.

3 MR. GRZEGOREK: Each warden in the region is expected
4 to get out in the installation at least several hours each
5 day to walk around and talk to inmates, and what Mr. Fenton
6 is relating is generally the procedure throughout this re-
7 gion, if not the whole Bureau of Prisons. Talk, walk
8 around, talk to the inmates, and I can say for my own self,
9 I have talked to five to 10 inmates every day. I suspect
10 that each warden in this region has about the same amount.
11 And in terms of resolution of issues, I can't speak to
12 that, I don't know if Mr. Fenton can speak to it, out of
13 10 how many are resolved, how many of these are complaints;
14 how many of these are suggestions, this type of thing.

15 In every case in the Bureau of Prisons, though,
16 there is a request for interview and a request for action
17 by a staff member, which Mr. Fenton referred to.

18 MR. WILSON: Warden, can you give this committee an
19 idea of how many complaints against inmates are filed on
20 a month, average number of complaints filed?

21 MR. FENTON: How many disciplinary boards?

22 MR. WILSON: Right.

23 MR. FENTON: No, again I could give you precise num-
24 bers if I'd known that you --

25 MR. WILSON: Just an approximation?

1 MR. FENTON: Oh, they meet three times a week, and
2 they probably handle about 10 each meeting, so probably
3 there's about 30 reports a week, give or take.

4 MR. WILSON: And so that would make what, 120 a
5 month, approximately, give or take some?

6 MR. FENTON: I tell you the guess started out in a
7 week, now when you start multiplying, you're multiplying
8 the error, but I won't quarrel with that, it might, yes,
9 but I want to make clear it's a guess.

10 MR. WILSON: Of that number, of the average number
11 that are filed against inmates, to your knowledge, how many
12 are exonerated; how many of those complaints are not sus-
13 tained?

14 MR. FENTON: Oh, if it goes to the actual hearing
15 process, in other words, it's fairly frequent, and I don't
16 want to give you a percentage, but it's fairly frequent.

17 MR. WILSON: Just an average number.

18 MR. FENTON: Well, if an inmate is written up for
19 something, and in fact he didn't do it, that's generally
20 discovered in the investigation, and it goes no further.

21 MR. WILSON: About how many of those?

22 MR. FENTON: In other words, so when it gets to the
23 hearing process, a hundred percent of them aren't found to
24 have committed it, but certainly more than 90 percent are
25 found to have committed whatever the act was, because those

1 who are found not to have committed it have generally
2 been weeded out before it reaches that stage.

3 MR. WILSON: So you say about 10 percent of those
4 that are filed are not sustained?

5 MR. FENTON: Oh --

6 MR. WILSON: Or exonerated, expunged?

7 MR. FENTON: Again we're at two different levels.
8 At the hearing level, I'm sure less than 10 percent. At
9 the very outside, 10 percent would be exonerated. It's
10 substantially less than 10 percent. Now, of all those that
11 are filed --

12 MR. WILSON: Say an average month period?

13 MR. FENTON: The other method is informal and unrecorded
14 In other words, if the officer who is the court reporter
15 writes a report on me for being out of bounds, and you
16 investigate it and discover that whoever was out of bounds
17 gave my name, but it wasn't me, that report is disposed of
18 there. It never gets to a hearing process, and so he
19 isn't exonerated in the sense of going to a hearing, which
20 finds he did not commit the act. It's disposed of because
21 everybody's satisfied this guy didn't do it, and that's
22 the end of it.

23 MR. WILSON; So you get like maybe 10 percent of the
24 formal complaints that are filed against an inmate are
25 dismissed or --

1 MR. FENTON: At the very --

2 THE CHAIRPERSON: At the most is what --

3 MR. FENTON: At the hearing process, at the very
4 most 10 percent, and I'm convinced substantially less than
5 10 percent.

6 Now, of all those written, how many are disposed of
7 informally, I don't have any idea. Some are. It's not
8 an infrequent thing, but I really don't have any percentage
9 and we don't have any records.

10 MR. SQUIRES: That's what I was going to ask, if you
11 had records?

12 MR. GRZEGOREK: It would be very hard, because there
13 have been suits on that. When a person is exonerated, at
14 the investigation level, then we must destroy all records
15 except for certain institutions that are running research
16 projects and all names and any type of identification must
17 be obliterated from that yellow copy of the incident report.
18 It's strictly for statistical and as I say, there's only
19 certain institutions, Mr. Fenton's is not one of the
20 research institutions, but by policy and by precedent in
21 certain District Courts, those records must be destroyed,
22 so it's not held against the man during the parole hearing.

23 THE CHAIRPERSON: But we really have asked for --

24 MR. WILSON: Permanent log?

25 THE CHAIRPERSON: Yes, we're going to be getting the

1 incident report with the disposition of the case for a
2 quarter, for a period of a quarter, so we will be able to
3 look at some of that information.

4 Was there anything else you wanted to ask about that?

5 MS. SCHUMACHER: I just, I'm going to back up just
6 a piece, you were talking before we got on this subject
7 about your accessibility to the inmates. Are you speaking
8 now of your capacity as regional director?

9 MR. GRZEGOREK: No, warden.

10 THE CHAIRPERSON: No, he said when he was a warden.

11 MR. GRZEGOREK: I've only been a regional director
12 for three weeks.

13 MS. SCHUMACHER: So the only access the inmates would
14 have to you would be the normal appeal?

15 MR. GRZEGOREK: Except once every quarter I make
16 visits to the institutions and walk through the compounds
17 with the wardens and check every part of the institution
18 to see if there are any unusual complaints that the inmates
19 have.

20 MR. KANE: Let me comment on one thing. Throughout
21 the Bureau, informal resolution of problems, any problems,
22 are encouraged by both the staff and inmates. It's quicker,
23 it's less costly, and it gets people answers.

24 Accessibility to Mr. Grzegorek is encouraged; any
25 inmate can sit down and write letters. We call it PMB,

1 Prisoner Mailbox. He can write letters, he can bombard
 2 the regional director with letters. On a practical letter
 3 they're handled by people in this office who are familiar
 4 with the issues. There's a certain amount of delegation
 5 that just is the nature of the beast. It has to happen.
 6 But the administrative remedy procedure, when you're talk-
 7 ing grievance, you're talking about formal resolution.
 8 That is really a last step. If it isn't word of mouth,
 9 if it isn't a letter to Mr. Grzegorek correspondence, then
 10 you're up into Congressional inquiries, and administrative
 11 remedies, and you must separate those when you're talking
 12 about accessability and answers to questions.

13 THE CHAIRPERSON: The next area that we'd like to
 14 discuss is the administrative detention, the whole issue
 15 of administrative detention. We have some questions about
 16 that I started to get to.

17 What are the categories of people who are held in
 18 administrative detention? We know there are people who
 19 are waiting transfer; there are people who are being held
 20 for their own protection. Could you tell us what those
 21 categories are?

22 MR. FENTON: I hesitate to paraphrase too much because
 23 it's a matter of national written policy, and local written
 24 policy, and I know you have copies of both of those.

25 But in general terms, people who are being protected;

1 people who are awaiting transfer; people who are in transit
2 from one place to another; people who have completed service
3 of a -- of a disciplinary term, a sanction, but something
4 else needs to be done, and they can't for one reason or
5 other safely be in the institution; these kinds of reasons
6 are why people might be in administrative detention.

7 THE CHAIRPERSON: Would it be possible for us to get
8 the records of, since I wouldn't expect you to know this
9 at the top of your head, as to how many are being held now
10 in administrative detention in each of those categories,
11 and for how long they have been there?

12 For example, how many are being held awaiting transfer,
13 and how long they've been there?

14 MR. FENTON: For example, we take a date like July
15 20, and say bang, a picture of the administrative detention
16 group today is --

17 THE CHAIRPERSON: Yes.

18 MR. FENTON: Sure, any day you want.

19 MR. GRZEGOREK: How long have you been there?

20 MR. FENTON: It would be easier to pick the current
21 day, whether it's today or tomorrow or Monday or whatever,
22 than it would be to try to reconstruct historically.

23 THE CHAIRPERSON: Why don't we say today, and find out
24 how many are there now, in which categories, and how long
25 they have been there, and one other question: What would

1 be the maximum, or is there a maximum time that a man can
2 be held in administrative detention in any of those cate-
3 gories?

4 MR. FENTON: There's no statutory or regulatory maxi-
5 mum.

6 THE CHAIRPERSON: Could a man be there for a year?

7 MR. FENTON: I've known a few cases of a year, give
8 or take a month or two, and these have always revolved
9 around Court appearances. It isn't uncommon to go several
10 months awaiting transfer, if it's a difficult transfer case.

11 The ordinary case probably would be closer to a month,
12 three weeks to a month on a transfer thing. A protection
13 case, if it's very difficult, can run into a number of
14 months. And by difficult, I mean if the man obviously needs
15 protection for reasons which are objectively ascertainable,
16 it's relatively easy to deal with that. But when a man
17 says I want to be locked up, I need protection, and will not
18 answer why, then it's much more difficult to deal with
19 that. And --

20 THE CHAIRPERSON: Is someone put into segregation,
21 administrative segregation for his own protection, even if
22 he is willing to take the risk of being out in the general
23 population?

24 MR. FENTON: Yes. Yes.

25 THE CHAIRPERSON: In other words, he does not, he is

1 not able to say, sign a waiver of liability or something,
2 and say I want to be --

3 MR. FENTON: Not as a matter of right. As a matter
4 of practice we sometimes do this, if we are willing to --
5 it's a decision about a man's life, and he certainly par-
6 ticipates in it. And his opinion has considerable weight.

7 And depending on who that man is, and what the situ-
8 ation is, and our perception of the danger, and of his
9 judgment, and so on and so on, yes, this kind of thing
10 happens, but it doesn't happen as a matter of right.

11 THE CHAIRPERSON: But ultimately, really the decision
12 then would be --

13 MR. FENTON: Normally the decision belongs to the in-
14 stitution and ultimately to me.

15 THE CHAIRPERSON: Ultimately, your decision even if
16 he says, well, I'm perfectly willing to take the risk, and --

17 MR. FENTON: We may very well.

18 THE CHAIRPERSON: -- I really am not in danger, and
19 they're just saying this, or whatever, you can still, if
20 you feel that he is, then you can --

21 MR. FENTON: I don't, the terms common or uncommon
22 are somewhat deceptive, but I am sure there are some people
23 in administrative detention today who fit that category.

24 MR. WILSON: Warden Fenton, if I might, do you prepare
25

1 a memorandum detailing why an inmate is placed in seg., I'm
2 Sorry, administrative segregation, and do you give --

3 MR. FENTON: Oh, yes.

4 MR. WILSON: Do you give a copy of that to the inmate?

5 MR. FENTON: Yes, it's a standard form, I forget the
6 number, 16 or something like that.

7 MR. KANE: You're using the term administrative seg-
8regation. Our term is administrative detention, just for
9 clarity.

10 MR. WILSON: I meant detention, right.

11 MR. KANE: There's a standard form as to why an
12 inmate is placed in administrative detention.

13 MR. WILSON: And that is given to each inmate?

14 MR. FENTON: Yes.

15 MR. WILSON: Is there any time limitation in which
16 that has to be given to him?

17 MR. FENTON: Yes, there is, but I don't remember what
18 it is. Again it's a matter of national policy, and it's a
19 matter of a day or so.

20 MR. KANE: It's very short.

21 MR. GRZEGOREK: Also, Pat, speak to the 30-day review
22 and the seven-day review.

23 MR. KANE: Well, I wanted to clarify, we must again,
24 I want to caution for the clarity, we have to separate
25 detention and we have to separate segregation, because these

1 are two big differences with us.

2 THE CHAIRPERSON: Could we get the last -- once again
3 we're talking about looking at those memos that are made up
4 that are given to the inmates, explaining why he is being
5 placed in administrative detention. Could we examine for
6 the same period of time for consistency throughout, let's
7 say the quarter period, the memos that were given to those
8 inmates for the, you know, for the most recent quarter?

9 MR. WILSON: Properly sanitized.

10 MR. FENTON: I'm not sure how those are dealt with
11 really. If those are maintained in a central place or
12 copies are, I don't have any problem with them, but if the
13 only place they are located is in each individual man's
14 files, that might be -- it might be difficult to reconstruct.
15 It would be easier to start here and go forward.

16 THE CHAIRPERSON: You wouldn't keep in your own files
17 a --

18 MR. FENTON: I'm not certain. I'm not certain that
19 we have an administrative file with copies of that particu-
20 lar thing. If we do, it will be no problem.

21 MR. GRZEGOREK: We can get them. The question is as
22 Mr. Fenton states, it may be much more difficult, time con-
23 suming, to go back and dig, rather than say from this point
24 on can we have them for the next month.

25 THE CHAIRPERSON: Okay, that's all right. As long as

1 we can look at some of those and then we know that there
2 is the review procedure after seven days, and that --

3 MR. GRZEGOREK: You are familiar with that then?

4 THE CHAIRPERSON: Pardon me?

5 MR. GRZEGOREK: You are familiar with the seven-day
6 and 30-day review?

7 THE CHAIRPERSON: Yes, we are.

8 MR. GRZEGOREK: Good.

9 THE CHAIRPERSON: And once again we assume the inmate
10 would receive some kind of notification in writing as to
11 what that review showed, or does he? Maybe we --

12 MR. FENTON: Well, again, it's a matter of national
13 policy, and local policy, and you've got copies of both.

14 THE CHAIRPERSON: If that's possible, we'd like to
15 see what those review, you know, for the same period, what-
16 ever we establish as from now until for the next month.

17 MR. GRZEGOREK: That may not be possible. That may
18 not be possible because of the psychological reviews in
19 there. And I don't know if that's subject to Freedom of
20 Information or Privacy Act, Pat?

21 MR. KANE: This is an issue that really we need to
22 talk with our counsel about.

23 MR. WILSON: I might ask one question in that regard,
24 is there a supervisor of the administrative detention unit?

25 MR. FENTON: There's a lieutenant in charge of that,

1 what's called special housing unit, and yes, he supervises.

2 MR. WILSON: And does he also supervise the record
3 intake and the distribution of the memorandum regarding
4 reasons for placement in administrative detention?

5 MR. FENTON: Yes. He in effect administers that area
6 and that includes all the records.

7 MS. BECKER: Warden, would you clarify something for
8 me? You said that you might hold an inmate in administra-
9 tive detention because he needs to have a Court appearance.
10 Does that mean you're taking the man out of the general
11 population when he's slated for a Court appearance and put
12 him in administrative detention, or do you take people,
13 can people go, inmates go right from the general population
14 to his Court appearance?

15 MR. FENTON: Okay.

16 MS. BECKER: And then I have one other question --

17 MR. FENTON: The answer is yes to both. A person may
18 come from another institution to appear in our Court. In
19 the Middle District of Pennsylvania. That man may be
20 totally unsuitable for our population, but he must be kept
21 in our institution in order to appear in Court.

22 MS. BECKER: What about your general population --

23 MR. FENTON: That's one kind. A second kind, a man
24 may be charged with a crime, and that crime and the events
25 surrounding it may, in effect, have made him unsuitable for

1 our population, but he must remain there until the Court
2 process is disposed of. Or a man may be charged with a
3 crime and regardless of the Court outcome, he will still
4 be suitable for our population. Well, anybody who's suit-
5 able for our population lives in our population. We don't
6 want them in administrative detention for a number of
7 reasons.

8 One is it's simply a whole lot more work. A witness
9 from our population or from elsewhere may be suitable for
10 our population or may not. Now, those people who are not
11 suitable for our population can't live in our population.
12 And so they are in administrative detention.

13 But this category as being charged as an offender and
14 therefore he's going to be in Court, that doesn't mean in
15 some factor that he must or must not be in administrative
16 detention. And the same is true with being a witness. It
17 couldn't necessarily mean one thing or the other.

18 THE CHAIRPERSON: Did you have another question?

19 MS. BECKER: One other thing that the Warden said,
20 and he said that the transfer procedure is about a month,
21 give or take.

22 THE CHAIRPERSON: Well, I wanted to go into the whole
23 transfer procedure.

24 MS. BECKER: Okay.

25 THE CHAIRPERSON: What is the normal routine for a

1 transfer?

2 MR. FENTON: We decide that a person should be trans-
3 ferred, that is we will recommend his transfer. What leads
4 us to that conclusion could be any one of a number of things,
5 including the inmate's request.

6 And so we recommend to the regional office up here in
7 Philadelphia that so and so be transferred to such a place
8 for such a reason. If it's routine, ordinary problem, that's
9 dealt with as expeditiously as the mails and the adminis-
10 trative process permit, and the next available transporta-
11 tion.

12 The man wouldn't necessarily be in administrative
13 detention. If he's in administrative detention, there's
14 the added element there that he's not suitable for our
15 population, and that may be why we recommended him for a
16 transfer.

17 THE CHAIRPERSON: Give an example of what would make
18 him not suitable for the population.

19 MR. FENTON: He's a youthful-appearing man and is
20 getting sex pressure from other inmates. And therefore we
21 think he should be transferred, and he thinks he should be
22 transferred, and he's not suitable for our population.

23 THE CHAIRPERSON: So the -- about how long would a
24 transfer take then, the normal transfer take?.

25 MR. FENTON: A case like that, if there aren't any

1 complications, we would routinely expect to have him gone
2 within a month. It would be possible.

3 THE CHAIRPERSON: Why would it take a month?

4 MR. FENTON: Well, first it has to be written up and
5 sent here, in fact first he has to be locked up and examined
6 and a decision made. Then after the decision is made, it
7 has to be written up, researched and written up, and repro-
8 duced and mailed to Philadelphia, where somebody has to
9 get it and look at it and check people's populations and
10 make a decision as to where. And then they have to write
11 an answer that says yes, move him, and it has to be mailed
12 back, and we have to get it and send it to the right team,
13 and they have to look at it and cut orders and I have to
14 sign them, and it has to go back to the proper place, and
15 then the bus has to come and it goes on.

16 THE CHAIRPERSON: It's already taken a month.

17 MR. FENTON: That's right, I can take a month telling
18 about it.

19 MR. KANE: Perhaps I could throw some light on this,
20 since I've been involved in the transfer process in this
21 office. As Mr. Fenton stated, the man is locked up, some
22 type of administrative decision within the institution has
23 to be made whether or not they even want to refer the guy
24 for a transfer, okay?

25 Once it comes in here, it's staff. Now, there are a

1 variety of requests for transfer, some are rather expedi-
2 tious, some are slow. Disciplinary transfers can get slowed
3 down because our procedures provide that all disciplinary
4 transfers outside of any region, these people must be
5 placed at a quarterly meeting. They go on an agenda for
6 quarterly meeting with the regional administrators for
7 correctional services. So that in itself is a very, is a
8 rather cumbersome and slow process.

9 There's another overriding issue in the entire trans-
10 fer process, that has, in the past, really brought it
11 down to a snail's pace in many instances. And that is
12 central monitoring cases and I don't know how many people
13 are familiar with that term. But this is a provision that
14 we have for monitoring those cases that need extra amount
15 of supervision and sensitive handling. Previously the
16 entire central monitoring thing was really handled by our
17 central office, and they were inundated with just voluminous
18 requests regarding central monitoring cases. Mr. Fenton
19 could make a referral in here for a man, say to go to
20 Atlanta. We could concur and say okay, let's run with it.
21 However, as a central monitoring case, this guy may have
22 separate ties, scattered throughout the country, we, in
23 turn, would have to go into the central office and wait for
24 a reply from them before we could even move him. So this
25 is now something that's handled pretty much in the regional

1 office so once they're staffed in here, we can make a
2 decision.

3 The other thing is movement. Once we decide to move
4 him, he must be what we call PC prisoner. He goes into
5 prisoner coordination, at that point the marshalls take over.
6 So a month is not unusual when you consider it from the day
7 he's locked up to the day that you can say okay, he's ready
8 for transfer to Atlanta.

9 THE CHAIRPERSON: What might be the longest time
10 that a person would have to wait at Lewisburg for transfer?

11 MR. FENTON: Well, he alluded to several things that
12 can complicate it. The longest time could conceivably go
13 a year. I think that, I think you've asked extreme case,
14 and I answered extreme case, but that's not inconceivable.

15 THE CHAIRPERSON: Did you want to ask a question?

16 MR. WILSON: Yes. Warden Fenton, getting back to the
17 example that you cited, about the youthful -- the man with
18 the youthful appearance, and you said, and you know we
19 agree he should be transferred, and he too agrees. What
20 happens in the case where an inmate would not agree, or
21 would want to take issue with that administrative decision
22 to transfer? Does the inmate have --

23 MR. FENTON: There's several levels at which he will
24 take issue, for example, the first thing we'll probably do
25 is lock him up for his own protection. He may take issue

1 with that.

2 MR. WILSON: Oh, so when you say that he's unsuitable,
3 see I didn't infer from what you said that he was in danger.
4 I was looking for categories and I didn't know that would
5 be dangerous.

6 MR. FENTON: Well, that is a category of danger. It's
7 very dangerous.

8 MR. WILSON: Well, then getting back, would he have
9 any -- you said -- well, I'll turn it back to you. You
10 were saying should he want to take issue, there are several
11 steps.

12 MR. FENTON: Well, that's the first level he would
13 take issue, and say I'm not under any pressure, and I can
14 handle it, and I don't need to be locked up here.

15 MR. WILSON: Will he file a formal grievance, or a
16 formal --

17 MR. FENTON: He can; he can disagree with the person
18 who's taking him down to the special housing unit. He can
19 disagree with the committee. He can disagree to me through
20 a cop-out. He can disagree through a BP-9. He can write
21 a letter to Steve or to the national director, or to his
22 Congressman. He can disagree on a great variety of the
23 levels.

24 Now, meanwhile we're deciding that we made a good
25 decision and he should transfer out, and now he can disagree

1 with that decision through all the ways I just mentioned,
2 and he can challenge it in Court.

3 THE CHAIRPERSON: Can a person ever be transferred
4 directly from the general population, or do they have to go
5 into administrative detention?

6 MR. FENTON: That's probably the most common.

7 THE CHAIRPERSON: Oh, it is?

8 MR. FENTON: Probably more transfer from general
9 population.

10 THE CHAIRPERSON: You don't necessarily have to go
11 to administrative detention?

12 MR. FENTON: No.

13 MR. KANE: He can transfer for program reasons.

14 MR. FENTON: The reason a man is in administrative
15 detention is because he's unsuitable for population. Now,
16 that happens rather frequently in transfer cases, but it
17 certainly isn't a characteristic of all transfer cases. Or
18 even the majority of transfer cases.

19 THE CHAIRPERSON: In the administrative detention, in
20 fact throughout the institution, is there a maximum number
21 of inmates who can be put in a cell; who can be kept in a
22 cell together?

23 MR. FENTON: I saw 27 once, but that was a lot of
24 years ago.

25 THE CHAIRPERSON: Well, let's say at Lewisburg?

1 MR. FENTON: No. No, it wasn't.

2 THE CHAIRPERSON: In other words, what is the -- in
3 Lewisburg now?

4 MR. FENTON: It's relatively common in Lewisburg, it's
5 less common now than it was a few months ago, but it still
6 happens that three will be in a cell for a short period of
7 time. It's common for two to be in a cell for rather extended
8 periods.

9 THE CHAIRPERSON: Why would there be three in a cell?

10 MR. FENTON: Well, if there are more people than there
11 are cells. We just can't build another cell.

12 MR. GRZEGOREK: Is it most common when the buses are
13 running, Charlie?

14 MR. FENTON: Well, this is what will happen: The New
15 York and the Terra Haute buses will meet and in the morning
16 they're both going out again. Well, they both dumped people
17 and they won't move out until morning. So all night we have
18 50 or 70 people that we won't have the next morning.

19 MR. WILSON: So how long is the average stay of three
20 people in a cell generally?

21 MR. FENTON: Oh, probably overnight.

22 MR. WILSON: Overnight, that the general --

23 MR. FENTON: That would be a reasonable average.

24 THE CHAIRPERSON: How would you handle an emergency
25 transfer, you know, can you get -- if you really had to get

1 someone out fast? You know?

2 MR. FENTON: I would make one or two fast phone calls,
3 I would put him in an automobile and my staff would take
4 him someplace.

5 MR. GRZEGOREK: The most common emergency transfer is
6 usually a medical transfer using the air evac. airplanes,
7 to Springfield and Lexington, that would be the place the
8 majority of transfers go.

9 MR. FENTON: It was one of those I was thinking of,
10 because the plane couldn't fly because of weather conditions,
11 and he went in the car before lunch and was gone to
12 Springfield.

13 MR. WILSON: How often do those emergency transfers
14 occur in a month's time?

15 MR. FENTON: Several times a year.

16 THE CHAIRPERSON: How many in a month's period?

17 MR. FENTON: In an average one it wouldn't happen at
18 all.

19 THE CHAIRPERSON: Does anyone have any other questions
20 on administrative detention?

21 MR. WILSON: Yes. While we were there we saw
22 an inmate who had had an emergency transfer for protection
23 to, from Ellenwood to your institution. And I'm just won-
24 dering if you had a protection case like that, if it's a
25 two-way street between Lewisburg and Ellenwood?

1 MR. FENTON: Ellenwood is a minimum security institution.
2 They have no cells at all of any kind. And we provide a ser-
3 vice for them that, for example Lakeland Camp would get from
4 downtown local county jail. We have cells and we don't
5 charge them for board, which they would have to pay to
6 Union County if Union County would take them. And so we
7 tried, where they have people who need a cell for one
8 reason or another, we provide the cell. But they don't
9 provide it for us because we don't have any.

10 THE CHAIRPERSON: Okay. Well, then do you have --
11 what institution do you have a cooperative arrangement with,
12 or do you for, we were talking about the emergency trans-
13 fers being medical. Are there ever any emergency transfers
14 that are protection?

15 MR. FENTON: Yes.

16 THE CHAIRPERSON: And where would that prisoner go?

17 MR. FENTON: Well, that's up to us. It will vary
18 from one case to another, but some of the constraints that
19 we have are the vast majority of Pennsylvania County pri-
20 sons will not take our prisoners because they're so litigious
21 that they don't want to mess with them. I have a personal
22 relationship with the Pennsylvania Department of Corrections,
23 and they will help us and have.

24 Different people in our service have arrangements
25 either official or personal with other state systems, and

1 so Connecticut or Delaware or North Dakota may take some-
2 body, depending on who it is and what the reason is, and
3 so on and so on. Now, frequently they can move to one of
4 our own institutions; frequently it's not that degree of
5 seriousness where they have to get out of the system alto-
6 gether, but a constraint that we have is that we are the only
7 penitentiary in this region, so that our region cannot act
8 unilaterally, unless in some fashion or form, the man is
9 also suitable for lesser security. But that's very rare,
10 or we wouldn't have him in the first place.

11 Now, that's in contrast to the North Central Region
12 which has four very secure places, and they, it gives them
13 a great deal of flexibility. At one time I had personal
14 relationships with some of the other secure institutions
15 and could deal directly with them. But our system has
16 changed, and we don't do business that way anymore. It's
17 done through the chain of command administrative thing
18 which is much better from an administrative standpoint,
19 but it makes it a little difficult to pull the trigger and
20 go bang when you need something in a hurry.

21 So there's always these possibilities and others I'm
22 sorry I haven't exhausted them.

23 THE CHAIRPERSON: Is that, I mean is it a serious
24 problem, or is it something that -- is it working out?

25 MR. GRZEGOREK: Nation-wide we're talking?

1 MR. FENTON: We're not getting anybody killed.

2 MR. GRZEGOREK: The two categories we're talking medi-
3 cal problems and we're talking serious protection cases
4 where the man's life may be in danger. And I would say this
5 would be in excess of 90 percent of the cases that we're
6 talking about on emergency transfer. It is a true emergency;
7 we are moving him for medical reasons or we're moving him
8 for protection, his life is in danger.

9 MR. SQUIRES: I have one more question about the three-
10 man cell. I was wondering if there are any -- if there's
11 any national policy on a limitation on how -- how long a
12 condition like that could exist. Say you found out that
13 conditions in one or another institution had three men in
14 a cell for a week or two weeks, is there any national limi-
15 tation saying that if this happens --

16 MR. GRZEGOREK: There is no national policy.

17 MR. FENTON: This is one reason that I would wish
18 that you had seen some other institutions, Atlanta and
19 Levenworth both have 10-man cells. Atlanta and Levenworth
20 both have segregations where they customarily put five or
21 six men.

22 MS. SCHUMACHER: What would be the size of those cells,
23 similar to the size of yours?

24 MR. FENTON: No, somewhat larger.

25 THE CHAIRPERSON: That wouldn't be possible --

1 MR. FENTON: Now, what do they look like; how do they
2 administer that; when is a 10-man cell a six-man cell?
3 When is a six-man cell a 10-man cell? All of these kinds
4 of things are really something you only establish by com-
5 parison.

6 MR. SQUIRES: But as far as Lewisburg goes, there's
7 no national policy on how many men can be in a five by
8 nine cell for how long?

9 MR. GRZEGOREK: No.

10 MR. FENTON: Let me add such a policy would have to
11 be national because if there are X number of cells and
12 there's X number of people, that's one man per cell. If
13 there's two men per cell, if there's three X number of
14 people, that's three men per cell. And the warden at the
15 institution does not determine who comes in and who goes
16 out.

17 THE CHAIRPERSON: He does determine who goes out,
18 doesn't he?

19 MR. FENTON: No, he does not. No warden in any insti-
20 tution.

21 MR. WILSON: Who makes that decision?

22 MR. GRZEGOREK: Parole board, statutory expiration
23 of sentence.

24 MR. FENTON: Judges.

25 THE CHAIRPERSON: But, all right, you do make the

1 determination in terms of transfers, though?

2 MR. FENTON: No, the warden does not.

3 THE CHAIRPERSON: Warden doesn't, you don't recommend
4 that the transfers take place?

5 MR. FENTON: Well, recommending and deciding are
6 two different things.

7 MR. GRZEGOREK: Regional director makes that decision.

8 THE CHAIRPERSON: In other words, you may have a
9 request denied?

10 MR. FENTON: Oh, certainly.

11 THE CHAIRPERSON: How frequently would that happen?

12 MR. FENTON: Well, my impression is likely about 98
13 percent of the time.

14 MR. KANE: It depends on which end you're at.

15 THE CHAIRPERSON: But actually --

16 MR. FENTON: You'll get a wide divergence of estimates
17 if you ask him and you ask me.

18 THE CHAIRPERSON: Well then, I guess we have to do
19 what we do in all cases, what would you say and what would
20 you say?

21 MS. BECKER: Grace, before we leave this whole area,
22 I have a question. It really backtracks a little.

23 Warden, the program regulations say that you have,
24 you may delegate authority to place an inmate, to make
25 the decision to place an inmate in administrative detention.

1 Who do you delegate this authority to usually, that a --
2 that the decision to place a particular inmate in --

3 MR. FENTON: Generally it's -- it's the man in charge
4 of the institution at the time, or the shift supervisor.

5 MS. BECKER: Is that the lowest level?

6 MR. FENTON: Yes.

7 MS. BECKER: That can put the man in administrative
8 detention?

9 MR. FENTON: Yes.

10 THE CHAIRPERSON: Okay? We move on to the disciplin-
11 ary procedures. We've already made a request with regard
12 to that. And we wondered why the windows are sealed in the
13 segregation unit.

14 MR. FENTON: I'm not sure when that decision -- I'm
15 not sure that decision was made. It was probably in the
16 '50's or '60's. And I don't have any record of why it was
17 done, but commonsense tells me because they passed contra-
18 band in and out.

19 THE CHAIRPERSON: I mean aren't there mesh windows that,
20 you know, through which they could not pass contraband? Iron
21 mesh or whatever?

22 MR. FENTON: If -- if, again this decision was made
23 15 or 20 years ago, it wasn't my judgment to put that
24 Lexan (phonetic) in there. I think it was good judgment.
25 Now, the question becomes whose judgment are we going to

1 follow? Should we use tempered glass and weld them shut?
2 Should we put padlocks on them and open them sometimes and
3 close them sometimes? Should we put a fine mesh on it, what
4 kind of fine mesh? What guage mesh? Is that effective?
5 And so on and so on. All those are rather complicated
6 and technical questions and in my judgment, if you're going
7 to prevent contraband, the method that's been used is
8 probably the most effective.

9 MR. WILSON: How often is contraband passed through
10 windows?

11 MR. FENTON: Through those windows it isn't passed
12 at all. Through the upstairs windows, it's passed 100
13 times a day.

14 MR. WILSON: And you haven't, or have you attempted
15 to seal the windows upstairs?

16 MR. FENTON: No, I welded the windows next door.

17 THE CHAIRPERSON: Now, there is a tremendous ventila-
18 tion problem, however, in segregation.

19 MR. FENTON: No, there's not.

20 MR. GRZEGOREK: No.

21 THE CHAIRPERSON: Well, there sure appeared to be
22 when we were there.

23 MR. GRZEGOREK: That's subject to Court suit. We just
24 received a ruling. And it's a matter of professional opin-
25 ion whether five air changes or nine air changes are sufficient

1 And there's a disagreement amongst experts, and I don't
2 know whether they're talking about cubic feet passing through
3 there, Charlie, or air flow.

4 MR. FENTON: That's frankly another professional dis-
5 agreement whether changes is a valid method of measurement.
6 And in my opinion, who am not a professional in the field,
7 it's not very valid because cubic feet is standard and air
8 changes will vary from one room to the next.

9 MR. WILSON: Let me ask a question while we're on
10 that. Have there been any other court suits that have
11 challenged ventilation or conditions?

12 MR. GRZEGOREK: Not that I'm aware of.

13 MR. WILSON; That would even, that have either been
14 entertained at the Federal Court level or --

15 MR. GRZEGOREK: Several that were submitted I can
16 speak as a warden of several institutions.

17 THE CHAIRPERSON: Are you speaking other institutions
18 or Lewisburg?

19 MR. WILSON: Speaking particularly with reference to
20 Lewisburg.

21 THE CHAIRPERSON: I think what Mr. Wilson is not
22 just asking about is ventilation, but any other suits.

23 MR. GRZEGOREK: Well, nationally I can speak person-
24 ally.--

25 MR. FENTON: I've got 30 million dollars worth of suits.

1 MR. GRZEGOREK: -- where the judge threw the cases
2 out and would not entertain the motion.

3 MR. WILSON: What about suits at Lewisburg?

4 MR. FENTON: Oh, yes, hundreds, thousands, I don't
5 even know how many, countless, infinite.

6 MR. WILSON: Total value dollars and cents?

7 MR. FENTON: Well, I'm probably being sued at this
8 moment for somewhere between 20 and 50 million dollars, but
9 it could be more than that. I don't have any idea. I
10 don't even read them.

11 MR. WILSON: Is that solely on the issue of conditions
12 at the prison?

13 MR. FENTON: That's on anything anybody can possibly
14 imagine.

15 MR. WILSON: What about on conditions?

16 MR. FENTON: The last one I saw in the paper was
17 I'm being sued for a million dollars because the guy was
18 shot in the neck during a hold-up, and we permitted his
19 situation to deteriorate.

20 MR. WILSON: What about conditions at the prison,
21 have there been any other suits instituted that have affected

22 MR. FENTON: Yes, yes, thousands is not really an
23 exaggeration. I have no idea.

24 THE CHAIRMAN: Is this common with most institutions?

25 MR. GRZEGOREK: Yes.

1 MR. FENTON: Again, this is why it would have been
2 so helpful if you'd got a basis of comparison during these
3 last three years.

4 MR. GRZEGOREK: We're talking, not only about the
5 secure institutions, we're talking about the camps; there's
6 thousands and thousands of suits.

7 MR. FENTON: Ellenwood is being sued.

8 THE CHAIRPERSON: We were told that you have some
9 plans for remodeling segregation unit. Could you tell us
10 what those are?

11 MR. FENTON: Yes, there's several things. Replacement
12 of the doors in conjunction with that complete replacement
13 of the locking mechanism, and in conjunction with that
14 complete relocation of the grills. Now, this will accomplish
15 several things. From my standpoint, it will increase secur-
16 ity considerably.

17 THE CHAIRPERSON: What kind of doors are going to be
18 placed?

19 MR. FENTON: Brand new metal door, Lexan frame, better
20 tray space, speaker kind of thing.

21 Now, the major thing you'd be concerned with and in
22 many ways that I'm concerned with is the operating mechanism
23 outside a grill will enable one officer in complete security
24 to admit men to and from their cells and the shower, and
25 retain security at all times. The result of this will be

1 much more secure, can extend over a much longer period of
2 the day, and free up staff to do other kinds of things like
3 recreation.

4 THE CHAIRPERSON: What is the time schedule on this?

5 MR. FENTON: Okay, the shop fabrication is going on
6 now, as I understand it, and when everything, in other
7 words, they're not going to fiddle around there, they're
8 going to have everything pre-fabricated as it were, bring
9 it in and then go bang, bang. So bang, bang is supposed
10 to happen in October, which probably means next May.

11 THE CHAIRPERSON: When I met with the security officer,
12 or safety officer, I guess it was, excuse me, he was explain-
13 ing your procedures and he said that there are smoke detec-
14 tors in all the living quarters, I think he said. Does
15 that include smoke detectors in the segregation units and
16 the detention?

17 MR. FENTON: Yes, it specifically includes that.

18 THE CHAIRPERSON: We understand that some Federal
19 institutions will be seeking accreditation by the Commission
20 on Accreditation. Will Lewisburg be doing that?

21 MR. FENTON: Eventually. Right now Ellenwood is, I
22 don't know how many others.

23 MR. GRZEGOREK: Four others.

24 MR. WILSON: It's all within your region?

25 MR. GRZEGOREK: No, one in my region, Ellenwood, the

1 next institution for accreditation will be Alderson in West
2 Virginia.

3 THE CHAIRPERSON: But you do have it in your plans to --

4 MR. GRZEGOREK: Yes.

5 MS. BECKER: When do you ask for --

6 MR. FENTON: I can just give you a personal response
7 to that and Steve knows more about national strategies than
8 I do. I went through the standards when they first came
9 out to give a guesstimate of where we were, in my judgment
10 we could pass now. I suspect from the volume of the prob-
11 lems that other institutions are running into unexpectedly,
12 I may not be right there, because there's a, there's a very,
13 very finicky attention to documentation that's giving some
14 of them fits. And I might have to re-do my documentation
15 much more than I think.

16 But as far as practices and procedures, I think I
17 could pass now.

18 MS. BECKER: When do you plan to request --

19 MR. FENTON: I wouldn't, that will be a national
20 decision.

21 MR. GRZEGOREK: That will be a decision of the execu-
22 tive staff and we're planning five this year, and at least
23 five next year.

24 THE CHAIRPERSON: Did you have a question?

25 MR. WILSON: No.

1 MS. BECKER: Grace, before we leave --

2 THE CHAIRPERSON: We're not leaving yet. We're not
3 leaving this issue. We are, however, leaving the issue of
4 accreditation, if that's what you mean?

5 MR. SQUIRES: No, I was looking -- I wanted to again
6 ask about if we could touch on whether the youth, YCA trans-
7 fers are handled in the same way as other transfers?

8 MR. GRZEGOREK: Negative.

9 MR. FENTON: No, we don't have any YCA prisoners
10 except as in-transits. In other words, we don't have any
11 prisoners who are YCA.

12 THE CHAIRPERSON: You had some who were in administra-
13 tive detention awaiting transfer, I believe that's what --

14 MR. FENTON: They came from someplace and they're on
15 their way to someplace.

16 MR. GRZEGOREK: That has been a problem, and we are
17 initiating a new bus movement.

18 THE CHAIRPERSON: What would be the longest time; is
19 there a time limit on how long a youth can be held in an
20 adult institution?

21 MR. GRZEGOREK: No.

22 THE CHAIRPERSON: Even, you know, awaiting transfer?

23 MR. FENTON: No, even under the recent Court orders
24 out of Wisconsin and Colorado, California, there is no limit.
25 As a practical matter, though, we are moving them as quickly

1 as possible, and we hope with the new bus procedure we'll
2 move them every week and the numbers that we receive from
3 you, or from Bill, Charlie, it looks like about three or
4 four per week.

5 MR. FENTON: Let me add something there. I really
6 don't want those people. I don't take them willingly at
7 all. There's no place else to put them.

8 Now, in Terra Haute, for example, they're able to
9 use community jails. I can't. Because the community jails
10 won't take them in Pennsylvania. I am providing a service
11 that somebody must provide, so I do it.

12 That it's not -- that it's not an ideal service, I
13 would be the first one to endorse that; it's not. And I
14 really don't want them at all.

15 MS. BECKER: You mentioned several times about your
16 bus, your new schedules. What are you referring to? About
17 transfer schedules?

18 MR. GRZEGOREK: This is a unique arrangement between
19 Lewisburg, Morgantown and Petersburg, and also the New
20 York MCC, where most of the new commitments, YCA's come in.
21 On the YCA commitments out of New York, we have been run-
22 ning buses and special vans from New York to -- straight
23 to Petersburg to by-pass the pen. Formerly the YCA's would
24 go in the penitentiary as late as nine to 10 months ago.
25 We've by-passed the penitentiary for those northeast

1 commitments, those New York commitments, Boston commitments,
2 now we have to be concerned about the western commitments,
3 the mid-west commitments that are housed in Mr. Fenton's
4 facility, or those transferring in from the mid-west, and
5 in that case, we are moving people from Lewisburg down to
6 Morgantown and the Petersburg bus will meet at Morgantown
7 just about weekly, or bi-weekly to pick up those YCA
8 offenders for southbound transfer to Petersburg.

9 THE CHAIRPERSON: Now, we're back in segregation.
10 We're talking about disciplinary cases. What personal
11 property are they permitted to take into segregation with
12 them?

13 MR. FENTON: Now, again to refer to Pat's point,
14 we're not confusing segregation with detention?

15 THE CHAIRPERSON: We're talking about segregation
16 now.

17 MR. FENTON: Segregation is sanctioned for an offense
18 which he is found to have committed, and he's committed to
19 segregation status and for all practical purposes, the answer
20 is none. He has certain amounts of reading material and
21 legal material.

22 THE CHAIRPERSON: Can he get legal papers?

23 MR. FENTON: Legal material, religious material,
24 that about exhausts it. Some casual reading.

25 THE CHAIRPERSON: Incidentally, it does remind me ,

1 however, speaking of administrative detention, are they
2 privileged to all the same things as the general population,
3 for example?

4 MR. FENTON: All is the wrong word.

5 THE CHAIRPERSON: All right.

6 MR. FENTON: Much, most, but not all.

7 THE CHAIRPERSON: Which would they not be?

8 MR. FENTON: Things that are particularly dangerous.

9 THE CHAIRPERSON: For example?

10 MR. FENTON: Glass containers.

11 THE CHAIRPERSON: Even though they're just awaiting
12 transfer?

13 MR. FENTON: Whatever, the glass is just as dangerous
14 no matter who it belongs to.

15 THE CHAIRPERSON: All right.

16 MR. GRZEGOREK: What about commissary for space?

17 MR. FENTON: Well, space is another issue, but I mean
18 if a man can have that much stuff, obviously he can't have
19 one of everything he can have. He can select which one of
20 everything will fill that much space. But he cannot go to
21 commissary and bring something in a glass container, regard-
22 less of how much space it takes up, because --

23 THE CHAIRPERSON: Now, where would he, which law
24 library would he have access to?

25 MR. FENTON: Again, are we back in segregation?

1 THE CHAIRPERSON: No, I'm sorry, just for the moment
2 back in administrative --

3 MR. FENTON: Anyone who lives in that building, which
4 we call the special housing unit, anyone in that building
5 uses that library.

6 THE CHAIRPERSON: Okay. Now, we're back in segrega-
7 tion.

8 MR. FENTON: Okay.

9 THE CHAIRPERSON: Disciplinary cases, so they are not
10 permitted for all intents and purposes, their personal property
11 other than legal papers?

12 MR. FENTON: And religious stuff, that's about it.

13 MS. BECKER: No letters from home?

14 MR. FENTON: Oh, yes, yes, yes. They have the same
15 mail privileges anyone else. They have visiting privileges
16 unless there's something unique about their case.

17 MS. BECKER: But the personal property that they
18 bring into the special quarters, can they take their letters
19 with them, can they take their children's pictures or their
20 wife's pictures?

21 MR. FENTON: No, no. That waits until they've come
22 out of that status.

23 THE CHAIRPERSON: Is there a special procedure they
24 must follow in order to get their legal papers?

25 MR. FENTON: Yes, they have to ask for them.

1 THE CHAIRPERSON: I mean they don't have to fill out
2 a form or something?

3 MR. FENTON: Well, they can ask any one of several
4 ways. One is to fill out the standard cop-out, and that's
5 probably the best in any bureaucracy if you fill something
6 out, somebody doesn't forget it. They put it in the pocket
7 and they take it to the desk, and afterwhile they do it,
8 but you don't have to fill it out. You can simply ask the
9 man for it and he'll take care of it.

10 MR. KANE: Again, for the record, cop-out is jargon.

11 THE CHAIRPERSON: We understand the term, yes.

12 Now, we spoke a great deal about the informal procedures
13 for resolving grievances, before we got to this point of
14 disciplinary segregation. And the case worker is very
15 important to that procedure, I would gather. The case worker
16 is the person to whom the inmate would go with questions
17 and complaints originally?

18 MR. FENTON: Okay. No, not necessarily. The case w
19 worker's sort of the executive officer of the unit team.
20 He does virtually everything that it's possible to do, and
21 that's one of the things he does, but if an inmate has a
22 question or a complaint, it's not at all necessary that he
23 go to a case worker. He could go to the quarters officer
24 or the lieutenant, or the supervisor in food service, or
25 the mail room officer, or whoever might be appropriate.

1 THE CHAIRPERSON: All right. What are the responsi-
2 bilities of a case worker besides administering to the inmates
3 directly?

4 MR. FENTON: He has the most complex and universal
5 list of responsibilities of anyone in the institution, with
6 the possible exception of the warden. He reflects the whole
7 world to the inmate, and the inmate to the whole world.
8 He researches the case of the inmate and presents it to me,
9 to the team, the parole board, the probation officers in
10 the community, his family, the Congressman. He makes the
11 executive recommendations as to programming, transfer,
12 parole; he researches the world for the inmate, what are
13 employment opportunities, what is available in terms of
14 drug care, and so forth, and so forth and so forth, and
15 provides this information to the inmate.

16 And how does he establish the rapport that permits
17 this communication, and how does he find out these facts,
18 and how does he motivate the inmate to take advantage of
19 them. And he's Big Brother and clergyman, and he's every-
20 thing.

21 THE CHAIRPERSON: What is his average case load?

22 MR. FENTON: Oh, it's just under 200 now, I think, at
23 Lewisburg. When I was case worker, it used to be 350.

24 MR. WILSON: In light of the complexity and universal-
25 ity of the job of the case worker, is there any special

1 training?

2 MR. FENTON: Yes, at a minimum he needs a bachelor's
3 degree, at a minimum. --

4 THE CHAIRPERSON: That's a minimum requirement. Is
5 there any additional training once he is selected as a case
6 worker?

7 MR. FENTON: Who is he selected --

8 THE CHAIRPERSON: Is there any additional training
9 given to him once he's selected as a case worker?

10 MR. FENTON: Sure.

11 THE CHAIRPERSON: What type of training is given to
12 him?

13 MR. FENTON: Probably the best training he gets is the
14 close supervision and cooperation he gets from his super-
15 visors and his peers. We also have formal case worker train-
16 ing programs, and they go away to a training center for that
17 purpose, I think for two weeks, aren't they, Pat?

18 MR. KANE: Yes, he gets -- any new employee gets a
19 variety of training.

20 MR. GRZEGOREK: All of us are former case workers,
21 by the way.

22 MR. KANE: That is common, that cuts across, but there
23 is the introduction training for case managers presently
24 being held at the Dallas Staff Training Center.

25 They are also in the process right now, as a matter

1 of fact, the regional administrator for case management
2 in this office is in the process at this moment of draft-
3 ing up the advanced training for case workers, so they're
4 going to carry it just that much further.

5 THE CHAIRPERSON: So there's a minimum of two weeks
6 training, you're saying? Is that the understanding --

7 MR. FENTON: I think you got it out of context. I
8 still think the most important training he gets is the on-
9 going, everyday --

10 THE CHAIRPERSON: On-the-job training?

11 MR. FENTON: -- coordination with his peers and con-
12 sultation with his supervisors. That's the most compre-
13 hensive training he gets and there's no end to it.

14 MR. WILSON: Right, I understand that, but --

15 THE CHAIRPERSON: You're talking about the formal
16 training?

17 MR. WILSON: Is there a formal training other than the
18 two weeks? Is there an on-going or type of continuing
19 education? Anything along those lines?

20 MR. KANE: Let me mention the case manager coordi-
21 nator who tends to be a specialist in the institution.

22 MR. WILSON: By the way, does he have any special
23 training?

24 MR. KANE: Well, let me address this issue first.
25 Case management coordinators meet on regularly scheduled

1 bases with case managers; it depends on the institution,
2 be it weekly, every other week, monthly, what have you.
3 But there is constant change in this system. A myriad of
4 directives coming down, policy statements. If you've tried
5 to track some of this stuff, you can see for yourself.

6 Well, to be an effective case manager, you must remain
7 current. You must stay on top of all the changes which
8 is a Herculean task at best. So regular meetings of all
9 the case managers and the case management coordinator to
10 go over this issue, the directives, to cut up the issues,
11 to talk about implementation, this is an extremely important
12 aspect of on-the-job training.

13 THE CHAIRPERSON: Isn't it almost impossible to do this
14 job with a 200 case load?

15 MR. GRZEGOREK: If I can answer, go back to the train-
16 ing, I think, the analogy that would be most apt would be
17 to get to Charles point, he's a lawyer, three of us sitting
18 here, I'm the least educated person just short of a master's
19 degree; Mr. Fenton has a master's and Pat has almost the
20 doctorate. And the quality of people that we are getting
21 in terms of just pure education, we are hiring almost
22 nothing but master's degree people in that case worker slot,
23 so you do have the basic preparation for the job. Even
24 before you hit the job.

25 Now, on-the-job training throughout case management

1 coordinator, just by make or break pressure to get things
2 done. The major responsibility for that case worker is
3 to get the man in, process him through the institution and
4 prepare him for release. He has two major responsibilities,
5 to get him in, get him out and get him out on time, and
6 get him the best chance possible, so that he has a reason-
7 able chance for success on the streets.

8 Now, in there, we have at least 40 hours of formal
9 training. Now, if you say formal training strictly for
10 case workers, no. Okay? There's other things, emergency
11 training involved in here and custodial training, but
12 actually no 40 hours case work training, per se, block that
13 you readily identify, pull out of a book someplace, this
14 man has had his 40 hours of formal training, no.

15 MR. WILSON; In light of that, that most of the people
16 who handle case worker assignment have master's degrees,
17 how many people who are case workers at Lewisburg Prison
18 have master's degrees?

19 MR. FENTON: I don't know. Again, I could have
20 brought you an exact number, but I don't know.

21 MR. GRZEGOREK: How about in the region, Pat?

22 MR. WILSON: Is it possible to get that information?

23 MR. FENTON: Yes, if you want to call up Tuesday I
24 can tell you over the phone. I don't have it now.

25 MR. KANE: I wouldn't want to speculate on that. I

1 might add that many --

2 MR. GRZEGOREK: I'll speculate and say it's about
3 three quarters.

4 MR. KANE: Many of them are working on them at this
5 point, which is, you know, working full-time and going to
6 school at night, if anyone's done that, you know what it's
7 like.

8 THE CHAIRPERSON: Now, is it customary to, I believe
9 you did say when we were having lunch there, Warden, that
10 many of the case workers are previous correctional officers
11 at the same institution. Now, just speaking, you know,
12 from a little bit that I can observe, it would seem to me
13 that that might make it very difficult situation, both for
14 him and the inmate, because here is the man who perhaps
15 has written shots as they're called on a man, and now he's
16 in the position of being his case worker, and making
17 recommendations to the parole board, or whatever. Does
18 that -- is that a problem?

19 MR. FENTON: Well, I think I'm the only one that's
20 had that experience here. I did that. And no, that's not
21 a problem, it's an enormous asset.

22 THE CHAIRPERSON: Well, for whom?

23 MR. FENTON: For both.

24 THE CHAIRPERSON: Would the inmate consider it?

25 MR. FENTON: For both the inmate and the case worker.

1 THE CHAIRPERSON: Why would you consider it an asset?

2 MR. FENTON: Well, why would anybody consider know-
3 ledge an asset?

4 THE CHAIRPERSON: Well, I'm not talking about, let
5 me get to the point, the point is that we're talking about
6 the possibility that a man who has written shots on an
7 inmate might have made an enemy of that inmate.

8 MR. WILSON: Or boys.

9 THE CHAIRPERSON: And will be in a difficult position.

10 MR. KANE: You're dealing in an imaginary scenario
11 that couldn't exist, all this enemy stuff is, I guess that's
12 maybe --

13 MR. WILSON; Maybe we should come more objectively and
14 say that a man who has written shots on an inmate, might
15 be less than objective in performing his duties as a case
16 worker.

17 THE CHAIRPERSON: Okay, that's a better way.

18 MR. GRZEGOREK: I'll even bring it harder than that
19 as a U. S. Probation Officer, and as a County and City
20 probation officer, I had to violate a man and then get that
21 same man out of the prison six months later, and have to
22 work with him. It happens, but I think the dictum is fair
23 met. How does the inmate perceive it? If you're fair as
24 a correction officer, as a counselor, as a case worker, they
25 recognize that. And in the vast majority of cases, I think

1 officers are fair.

2 MR. WILSON: But that's the easy one. If there has
3 been respect and trust established between the two people,
4 I mean that's no problem. I don't think. The problem is
5 if the situation has deteriorated or has not developed to
6 a position of trust.

7 MR. GRZEGOREK: Then I suggest you talk to the case
8 workers and you talk to the inmates that may have some
9 problems with the case workers, because I agree with
10 Charlie. I think you're setting up a scenario or straw man.

11 THE CHAIRPERSON: This is the reason we're raising
12 the question. The question is being raised because there
13 are, you know, there are allegations of instances in
14 which case workers have -- have been less than fair as cor-
15 rectional officers and --

16 MR. GRZEGOREK: Then did you go to the case workers?

17 THE CHAIRPERSON: No, no.

18 MR. FENTON: You will find allegations of unfairness
19 directed at any staff member in any capacity, whether or
20 not he formerly worked in that institution or any other
21 institution.

22 Now, if you're going to accuse the food service man
23 of giving out unfair portions of dessert, and he used to
24 work here as a correctional officer, you can say the reason
25 he's giving out unequal portions of dessert is he used to

1 be my quarters officer, and he hates me, but if he didn't
2 used to be a correctional officer there, then you can
3 accuse him of being a drunk, or a -- or you know, cooks
4 never were any good, or probably his wife isn't speaking
5 to him today, or you can think up any number. You could
6 as well say should we hire married case workers? You know,
7 they might disagree with their wife.

8 MR. WILSON: Well, Warden Fenton, could I ask you
9 this question: It strikes me that when you do get an
10 officer, a correctional officer, that a natural outgrowth
11 of that man's professional development, if you look at that,
12 that officer that you've hired and think in terms of the
13 development of that individual, okay? It seems to me that
14 as a natural outgrowth of that would be to encourage that
15 man to go, to go further in his education. If he has a
16 high school, I don't know what the -- what that --

17 MR. FENTON: That's absolutely right.

18 MR. WILSON: -- what the high schools --

19 MR. FENTON: Whatever the qualification is for that
20 position, if he's a college degree, you would encourage
21 him to go and get his mater's and thereby qualify for a
22 higher position within the prison, or on the outside.

23 MR. WILSON: Now, what I think we're -- well, what I'm
24 concerned about, and I think some of us are concerned about, is
25 how -- how does that balance with that person's previous

1 relationships in that institution?

2 You indicate that you think that maybe hiring or
3 having a case worker who has had experience, maybe as a
4 correctional officer or in some other capacity in the insti-
5 tution is probably an asset. Is that true? I mean --

6 MR. FENTON: I do. When I made the transition, I was
7 one of the very, very rare and it was -- it was just not
8 done as a matter of policy. I was a rare exception to
9 policy when I changed from correctional officer to case
10 worker.

11 Now policy has reversed since then, and the majority
12 become case workers from being correctional officers, because
13 nearly every one in the field shares my view that it is an
14 asset.

15 THE CHAIRPERSON: But do they become case workers
16 in the same institution in which they were correctional
17 officers?

18 MR. FENTON: Not necessarily.

19 MR. GRZEGOREK: Sometimes.

20 MR. KANE: They may.

21 MR. FENTON: There's a job opening and a man applies
22 for a job. If he wants to, he applies where he is, and if
23 he wants to go somewhere else --

24 MR. GRZEGOREK: Again, subject to a Civil Service
25 regulation.

1 THE CHAIRPERSON: Where else could a guard go?

2 MR. FENTON: We haven't had any guards, we haven't
3 since about 1939.

4 THE CHAIRPERSON: Excuse me, the officer, where could
5 an officer go just within Lewisburg, depending on qualifi-
6 cations? I'm just wondering how do you hold officers?
7 How do you hold them?

8 MR. FENTON: First, the job in the penitentiary as an
9 officer is one of the better jobs in the community in terms
10 of status, in terms of income, in terms of retirement, in
11 terms of stability. So contrary to Metropolitan New York,
12 Marion, Michigan, which is a suburb of Metropolitan Detroit,
13 Levenworth, which is Metropolitan Kansas City, in Lewisburg
14 we have a big advantage, rather than a disadvantage, so
15 holding people really isn't that much of a problem in those
16 terms.

17 Now, the problem is mobility. If you want a man to
18 develop himself, and I think we all do, upward mobility is
19 synonymous at some point with horizontal mobility. And many
20 people are not particularly anxious to move. And frankly
21 that trend is becoming worse as inflation and the disad-
22 vantages of the metropolitan areas become worse. Nobody
23 will go to New York; nobody will go to Detroit; nobody will
24 go to Miami.

25 MR. GRZEGOREK: Watch it, Charlie, I'm from Detroit.

1 MR. FENTON: Well, you left, didn't you?

2 When I say nobody, that's obviously an exaggeration.

3 THE CHAIRPERSON: Of course.

4 MR. FENTON: But motivating people to apply for jobs
5 as safety officer someplace else, now Harry Holliday came
6 to us from Marion. Apply for a job as teacher, elsewhere,
7 is difficult from Lewisburg. On the other hand, we have
8 applications to come to Lewisburg from all over the country.

9 Now, through a little bit of magic and chicanery and
10 motivation, I get a fair number of our people to apply for
11 positions elsewhere, by fair, I mean more than I used to.
12 But it really isn't a heavy percentage.

13 Now, that has nothing to do with case worker who was
14 a --

15 THE CHAIRPERSON: No, of course.

16 MR. FENTON: Now, most of your -- most of our men who
17 are now case workers have a characteristic in common. Most
18 of them moved to come to Lewisburg and begin their employ-
19 ment in the first place. I can't think of a single one
20 who is a local boy right now, and began as an officer and
21 then advanced to a case worker.

22 Typically they went to school at the University of
23 Maryland or the -- or at Michigan State, or at Kent State,
24 or somewhere, and their interest in corrections led them to
25 put in for a correctional position somewhere, and it happened

1 to be Lewisburg, a place they'd never heard of or seen.

2 And they came and they were sharp and they were trained
3 and they were interested, and they apply for higher positions
4 and they get them.

5 MR. WILSON: Warden Fenton, who selects the case
6 workers? Do you select them, or are they selected?

7 MR. FENTON: I sign off and again it's a sort of thing
8 that, who selects them, probably the people that recommend
9 them, in fact. In terms of who is -- whose signature is
10 on the paper, it's mine.

11 MR. WILSON: And then they're responsible for their
12 actions, essentially, then I take it?

13 MR. FENTON: Well, everyone's responsible for his ac-
14 tions.

15 MS. BECKER: Grace, I would like to, but before I do
16 I would like to add onto Charles' question. Do they pass
17 -- they have to take a Civil Service Test?

18 MR. FENTON: Well, everything is done under Civil
19 Service procedures. You take a test.

20 MR. GRZEGOREK: There used to be a test.

21 MR. FENTON: You take a test when you come off the
22 street. Now, after -- once you are on a Civil Service
23 employee, you advance according to the procedures wherever
24 you're going.

25 MS. BECKER: No, I meant the original test, you have

1 to get on an eligibility list?

2 MR. FENTON: Yes.

3 MR. GRZEGOREK: But it's a qualifications test now.
4 It used to be a test, I didn't take the test, maybe you did
5 Charlie, but I didn't take the test when I came on, and that
6 was 17 years ago.

7 Pat, I'm sure did take a test when he came on. It's
8 a qualifications test.

9 MR. FENTON: They call it a test, and you get a grade
10 for it.

11 MS. BECKER: It's not a written test thing?

12 MR. GRZEGOREK: Right.

13 MS. BECKER: One other thing and very quickly, is
14 there preference given to veterans?

15 MR. GRZEGOREK: Yes.

16 THE CHAIRPERSON: All right, now I'd like to get back
17 to my question. It has to do with the case workers you
18 mentioned, Warden, that, the case worker has a multiple
19 responsibility as far as his inmates, to you, to the commun-
20 ity, to the Congressman. How much time then does he have
21 to provide, with a 200 case load, adequate time or adequate
22 service to the inmates? And how do the -- out of the whole
23 system of how the inmate comes to the case worker, what kind
24 of service, what the -- implementation and the results of it?
25

1 MR. FENTON: As a matter of fact, from the inception
2 of my career, and certainly for well before that, and I
3 think this is true in nearly all other cases, public case
4 work agencies.

5 THE CHAIRPERSON: We're talking about Lewisburg?

6 MR. FENTON: We're talking about Lewisburg. Case
7 workers are in fact executives. Now, they don't like that,
8 and they've been complaining about it since long before I
9 started, that they don't have the time to devote to the one
10 on one counseling, motivation, personal interaction. They
11 never have, they don't now, and they never will.

12 MR. GRZEGOREK: They're executives of the team.

13 MR. FENTON: They're executives of the team, they
14 are the -- they manage the cases. In fact, we call them
15 now case managers.

16 Now, who does the man go to for counseling? Some-
17 times it is the case worker in fact, and the case worker
18 frankly leaps at whatever chances he can get to do that,
19 but we have counselors in each team who specifically are
20 counselors.

21 THE CHAIRPERSON: But they're not case workers?

22 MR. FENTON: But they're not case workers, they're
23 counselors.

24 THE CHAIRPERSON: Where do these people come from?
25 What is their education, training, and so forth?

1 MR. FENTON: They come from our own ranks, generally
2 correctional, but not necessarily. They may come from
3 teaching or from education, or from recreation or from
4 any, food service, from any level generally speaking.

5 THE CHAIRPERSON: What's their ratio to the population?

6 MR. FENTON: Twice that of the case workers at
7 Lewisburg.

8 MR. WILSON: So then we have 400 per counselor?

9 MR. FENTON: No, 100.

10 THE CHAIRPERSON: In other words, a case load of 100
11 per counselor.

12 MS. BECKER: Are there ever used inmates as counselors,
13 I mean as an official kind of situation?

14 MR. FENTON: Oh, Lord, no. That would be obscene.

15 MR. GRZEGOREK: There's also a teacher on the team.

16 MR. KANE: Let me mention something about this team.
17 I want to address the issue squarely that you raised about
18 alienation between the inmate and the staff member being
19 a former correctional officer.

20 First of all, if this were to happen, and it could
21 happen, of course, there's a safeguard built into it, and
22 that is that although the case manager has all these
23 responsibilities, he's certainly not an island, he's a
24 member of a team. On the team you've got a unit manager,
25 you've got a correctional counselor, you usually have an

1 educational advisor, a staff psychologist, and decisions
2 based on what's going to happen to that inmate while he's
3 there, decisions for the parole commission, recommendations
4 to the parole commission for release; these are team deci-
5 sions. They are not made in a closet by one man.

6 Now, if a bias was to surface, it would be squarely
7 addressed by the rest of the members of the team. The
8 other point I wanted to bring out was that if you're really
9 undermining the logic of prior experience, such as in
10 the case of the correctional officer, who had to write a
11 shot on the man, and then had to turn around and make case
12 management decisions, as that being a detriment, then you're
13 really undermining the logic of the gradual progression
14 through the system, because that very case -- that very
15 case manager that we're talking about may then in turn
16 become a unit manager, and if you think that you can alienate,
17 please, if you think you can alienate an inmate by writing
18 a shot on him, you ought to see the way he comes off the wall
19 when you write a progress report on him denying him parole.

20 MR. WILSON: Okay. No, I'm just saying that the --
21 you know, there are various ways to look at the issue. I
22 can see on one hand it would be good to give people that
23 you employ a career ladder; I can see where there might be
24 situations where that person would be under extreme pressure
25 as far as maintaining objectivity.

1 MR. KANE: Well, my answer to that would be one, my
2 experience shows that it has not surfaced, and two, if it
3 is there, it's going to be caught very shortly by the team
4 approach.

5 MR. WILSON: Yes, I think your point about team man-
6 agement is well taken.

7 MS. BECKER: Warden Fenton, do you have a particular
8 subject matter that the counselors and the case managers
9 can counsel inmates in the -- in what other topics or, are
10 some topics forbidden?

11 MR. FENTON: I can't imagine a forbidden topic, manu-
12 facture of firearms, perhaps. But -- if we ever had a
13 forbidden topic, all the counselors would want to do it.

14 MS. BECKER: Well, actually how does a man get access
15 to a case worker when there are -- a case manager, is he
16 assigned, say you have 200 to a manager, okay, and 400 to
17 a -- I mean 100 to a counselor. When the person comes in
18 and he's put into a unit, is he then assigned a counselor,
19 and that's the person, or do you have a rotation?

20 MR. FENTON: Again, it's very difficult to describe
21 an elephant to people who've never seen one. And that's
22 kind of what we're doing here. When the man comes in, yes,
23 he's studied, by that I mean physically, and psychologically,
24 and mentally and so on, so on; he is assigned to a unit.
25 That unit is comprised of staff members, and he is then the

1 responsibility of those staff members, one of whom is the
2 case worker to whom he's particularly assigned.

3 Now, a unit may have more than one case worker, but
4 he has one case worker to whom he's assigned. He may refer
5 a problem to the other case worker perhaps, as a matter of
6 convenience, or in the absence of the one he ordinarily
7 would deal with. How does he approach him? He walks
8 up to him in the corridor.

9 MS. BECKER: I mean there is no formal, then you're
10 saying he does not have to put in a form saying I request
11 time?

12 MR. FENTON: Well, he may. He may do that. He may.

13 MS. BECKER: But he does not have that requirement?

14 MR. GRZEGOREK: There is a mandatory requirement on
15 the progress reports, right, Patrick?

16 MR. KANE: Yes, yes, there is.

17 THE CHAIRPERSON: It was our understanding that the
18 -- this is what we were told is that the case workers will
19 say, they will be on the red top for half an hour or some-
20 thing, and they can be approached at that time? Is that a
21 customary --

22 MR. FENTON: This is one of the devices that I use
23 to maximize communication between staff and inmates is
24 this red top open house. Now, that's totally unlike any
25 other institution, and again I wish you'd seen other

1 institutions. We're the only one that has a red top, for
2 example. But this crossroads of the institution, this
3 community center, so to speak, is wherever one passes to
4 and fro at mealtimes. And so at the central meal, various
5 staff members from myself to the counselors to the case
6 workers to the unit managers to the lieutenant, to the
7 custodian supervisor, are there, available to speak to any-
8 one who wants to speak.

9 MR. WILSON: Warden Fenton, if you have 200 men per
10 case worker, doesn't that seem like an awfully long line
11 on the red top? I don't know, it's kind of a lot.

12 MR. FENTON: Well, yes, --

13 MR. WILSON: It's a lot of people in the red top.

14 MR. FENTON: Were you there, did you see it?

15 MR. WILSON; Yes, I've been there a couple of times.

16 MR. FENTON: Did you see a long line?

17 MR. WILSON: Maybe I wasn't there when a case worker
18 was on the line. I just saw normal course of movement, at
19 least it appeared to be normal.

20 MR. FENTON: The case worker has a case load which
21 he deals with in a systematic way. By that I mean men
22 come up at the proper intervals for parole, for annual
23 reviews, for other reviews between annual reviews, his
24 request, whether written or oral, are considered. Staff
25 members requests about him and he manages all this.

1 THE CHAIRPERSON: How long is that case worker usually
2 out on the red top? Is that a day-to-day situation?

3 MR. FENTON: It's daily.

4 THE CHAIRPERSON: Daily?

5 MR. FENTON: Daily and largely at his discretion as
6 long as his discretion isn't zero.

7 THE CHAIRPERSON: How much time is he out there?

8 MR. FENTON: Okay, beyond an hour would be ridiculous
9 because that's the length of the movement area there, so
10 it would be somewhat -- somewhere between five minutes and
11 and hour.

12 THE CHAIRPERSON: Anywhere from five minutes to an
13 hour?

14 MR. FENTON: Yes, but again, his case load is being
15 managed, which means this inmate that we're talking about,
16 Inmate X, doesn't have to run up to him on the red top to
17 talk about his parole thing.

18 THE CHAIRPERSON: He can make an appointment to see
19 him?

20 MR. FENTON: Or about his custody thing.

21 THE CHAIRPERSON: Can he make an appointment to see
22 him?

23 MR. FENTON: That's one of the reasons for catching
24 him on the red top. He may want to orally say I got a
25 letter about my job. I'd like you to put me on call up.

1 There's the contact. It's over with.

2 MS. BECKER: Warden, does that afford the inmate
3 some privacy with the counselor if he needs it or desires
4 it?

5 MR. FENTON: By privacy on the red top is not the
6 red top's strong point.

7 MS. BECKER: I mean does it afford him any kind of
8 privacy, can he do this, can he get privacy?

9 MR. FENTON: Sure, certainly.

10 THE CHAIRPERSON: Did you have a question, Don? All
11 right, I'm getting concerned about time, so I'd like to
12 move on, if you don't mind. And you know, let's, if we
13 can, keep to some basic questions and we can get some
14 additional information later if we need it.

15 With regard to religious activities, you do have men
16 of your inmate population who are Muslims, and we know that
17 the Ramadan holiday starts on July 9 for a month, I mean
18 July 29, I'm sorry, for one month. We wondered what plans
19 you've made to see that they can eat before sunrise and
20 after sunset?

21 MR. FENTON: Those who want to observe it during that
22 period have been able to make special purchases from the
23 commissary, in addition to that, during that period we bunch
24 many of our fresh fruit purchases for that quarter.

25 THE CHAIRPERSON: You do what? I didn't hear the word.

1 MR. FENTON: Bunch them, we --

2 MR. WILSON: Bag them up?

3 MR. FENTON: During the course of a three-month
4 quarter, a certain amount of fresh fruit is purchased.
5 During this particular quarter, we bunch it during that
6 one month because fresh fruit is the item which people
7 can take from the dining room.

8 THE CHAIRPERSON: All right, but you don't plan to
9 make any --

10 MR. FENTON: We do not serve any meal before sunrise,
11 nor after sunset, nor do I plan to.

12 MR. GRZEGOREK: That's pretty much national policy.

13 THE CHAIRPERSON: Well, we understand that a -- that
14 in Danbury there has just been a consent decree which re-
15 quires the institution to provide the arrangements during
16 Ramadan.

17 MR. GRZEGOREK: That applies to the District of
18 Connecticut; that is not an Appellate Court, that's not a
19 Supreme Court decision. I'll give you a good example why
20 we don't do it. As warden at Petersburg, I went to that
21 and I let the inmates eat before the regular meal in the
22 morning. Five of them hit the fence. Using that as an
23 excuse to hit the fence. We shot one fellow off the fence
24 and there's still one fellow at large. He happened to be
25 serving for murder.

1 THE CHAIRPERSON: I don't get the association.

2 MR. GRZEGOREK: They have to eat before light.

3 Our staffs are normally down, our staffs are down. We had,
4 I can't tell you how many people we had in the institution
5 at that time, but it was a smaller number than we generally
6 have during the day shift. And they use this opportunity
7 of the darkness to cover the movement, knowing that we
8 are short of staff.

9 To comply or to accede to what they want in terms of
10 eating before dark would cost us many hundreds of thousands
11 of dollars in overtime. We're not prepared to do that.
12 If the Court says, as they say in Danbury that you shall
13 do it, then we shall do it, but until it becomes an
14 Appellate Court decision for that appellate region or that
15 circuit or becomes a Supreme Court decision, we are not going
16 to do it.

17 THE CHAIRPERSON: How do you accommodate the prayer
18 requirements of the Muslims?

19 MR. FENTON: Requirement is a difficult word to deal
20 with, but in any faith group, there's a certain amount of
21 conversation with God, so to speak. Now, the formal group
22 scheduled services, whatever word you want to use to des-
23 cribe that sort of thing, is scheduled through the chaplain
24 as to time, place and supervision. For all faith groups,
25 including Muslims. For the informal, private, solitary,

1 personal, then any man does whatever he wants to do in
2 his own private, personal, solitary way.

3 THE CHAIRPERSON: As a group, is it possible for a
4 group to meet in a cell at other than the formal prayer
5 time for prayer purposes?

6 MR. FENTON: Well, a group can meet.

7 THE CHAIRPERSON: In other words, meet to play chess,
8 can they meet?

9 MR. FENTON: A group can meet at a time and a place
10 for religious purposes scheduled by the chaplain. Now, a
11 cell probably wouldn't be an appropriate place, and I would
12 wonder at a chaplain scheduling a cell. But I suppose if
13 he wanted to, I'd listen to the argument.

14 THE CHAIRPERSON: Well, apparently the Muslims pray
15 at certain times when perhaps the chapel would not be --

16 MR. FENTON: I didn't say he was there. I said
17 scheduled:

18 THE CHAIRPERSON: It would have to be scheduled by
19 the chaplain, is that what you're saying?

20 MR. FENTON: Any religious activity, formal, service,
21 whatever word you want to use, is scheduled by the chaplain
22 as the time, place and supervision.

23 MR. WILSON: Let me ask a question: Do you have a
24 chaplain, or he's called an Eman for the Muslims, do you
25 have one on staff? Is there one contemplated coming on

1 staff, is there a reasonable national policy?

2 THE CHAIRPERSON: Or do you have outside people
3 coming in?

4 MR. FENTON: There's outside people coming in.

5 MR. WILSON: How often do they come in?

6 MR. FENTON: Several times a month.

7 MR. GRZEGOREK: Every Friday?

8 MR. WILSON: Is that every Friday?

9 MR. FENTON: I don't think so.

10 MR. GRZEGOREK: I don't know, I'm asking.

11 MR. FENTON: He comes up from Philadelphia, and I
12 don't believe it's every Friday, but it's frequently. In
13 fact, there's two or three different groups represented,
14 and I'm not sure which has one and which doesn't.

15 THE CHAIRPERSON: According to your book, your infor-
16 mational, your inmate informational handbook, you have here
17 a Jewish service, for example, are held on a weekly basis.
18 You have Islamic services; there are religious leaders from
19 their respective outside religious communities who visit
20 the institutional Islamic communities on a monthly basis.
21 Why would there be a difference, for example?

22 MR. GRZEGOREK: Geography. Petersburg we had one
23 coming every Friday and we had, New York has one just about
24 daily; Danbury probably has one every week. It's a matter
25 of geography.

1 MR. FENTON: We have a rabbi that lives right in the
2 area, and he comes in fairly frequently. We don't have
3 any Muslim officials that live in the area.

4 MR. GRZEGOREK: He comes from Philadelphia.

5 MR. FENTON: There's more than one. See, there's three
6 different groups of Muslims to start with, and maybe more
7 than that, depending on as they splinter. Now, which ones
8 have community representatives at a given time tends to
9 vary.

10 MR. WILSON: You also have, well, you got Protestants,
11 we've got Methodists, --

12 MR. FENTON: The same way we have people come in from
13 the community for them, too.

14 MS. BECKER: Warden, do you pay your other chaplains,
15 your Jewish chaplains, your Jewish rabbis and ministers
16 that come in?

17 MR. FENTON: The chaplains that come in, I think two
18 or three out of 50 might be paid. We do pay our two full-
19 time chaplains.

20 MS. BECKER: Do you pay the Muslims?

21 MR. FENTON: I don't think so.

22 MR. WILSON: An Eman does come in, you're saying?

23 MR. FENTON: Yes.

24 MR. WILSON: And he comes in monthly?

25 MR. FENTON: Again, if you'd asked me to bring that

1 fact with me, I would have done it. If you're interested,
2 I can give it to you Tuesday.

3 MR. WILSON: We'll request it later.

4 THE CHAIRPERSON: Okay, we move on then and talk
5 about the mail situation?

6 MR. SQUIRES: One more short question.

7 THE CHAIRPERSON: I'm sorry.

8 MR. SQUIRES: I wasn't sure about the organized
9 religious activity. Do you consider two men in a segrega-
10 tion cell, administrative detention cell, praying together,
11 is that an organized, I mean would that be not allowed if
12 they wanted to do it in the middle of the night?

13 MR. FENTON: Well, frankly I can't imagine anybody
14 either knowing or caring, but if they decided to whoop it
15 up and sing, "Yes, We'll Gather At the River," and wake
16 everybody else up, I guess that would be organized and it
17 would have to cease and desist that all --

18 MR. SQUIRES: I mean if an officer just noticed they
19 were quietly praying together?

20 MR. GRZEGOREK: Certainly, if they were quiet.

21 MR. FENTON: I'd congratulate the officer who was
22 so observant, I can't imagine one knowing --

23 MR. WILSON: A question on regional policy level:
24 Does your regional policy adhere to the national policy?

25 MR. GRZEGOREK: We have no regional policy. There

1 are no regional policies, okay?

2 MR. WILSON: Thank you, that does it right there.
3 Do you anticipate enacting a regional policy with respect
4 to --

5 MR. GRZEGOREK: No, this was discussed at several
6 executive staff meetings and we're getting cumbersome with
7 our own programs. Program statements which used to be policy
8 statements at the institution and central office level,
9 we'd just add another layer of bureaucracy if we put it at
10 the regional level.

11 MR. WILSON: How do you intend to treat the religious
12 practices or observances of the Muslim community?

13 THE CHAIRPERSON: I think it was already described,
14 Charles, that they have to be scheduled by the chaplain as
15 far as services are concerned, and I think that really
16 answered it.

17 Is that it? Does that satisfy you?

18 MR. KANE: Is there something that's unanswered?

19 MR. WILSON: No, I'm seeing if that, I didn't get
20 the understanding of the policy. Maybe I might not have
21 heard it correctly.

22 MR. GRZEGOREK: No, as a matter of course, we review
23 policy statements in here from the institutions. I'm
24 not saying we review every one and we do it on a random
25 basis, and we do certain legal policies every single one.

1 So if there is, if you're asking if there's a review process
2 in the region for the institution supplemental policies,
3 yes, there is.

4 MS. BECKER: But you're talking about the two chap-
5 lains agreeing to scheduling, whether the chaplains are
6 concerned with Muslims or concerned with Jews or --

7 MR. FENTON: Well, the chaplains are assigned duties.
8 They don't, you know, they don't do it if they feel like it.

9 MS. BECKER: Are they the two paid chaplains?

10 MR. FENTON: The two paid chaplains.

11 MS. BECKER: Are the ones that schedule?

12 MR. FENTON: That's right.

13 MS. BECKER: Not the other chaplains that come in
14 intermittently?

15 MR. FENTON: Well, again I hate to separate hairs.
16 If the Episcopalians coming in, he doesn't write and say :
17 When can I come, and our chaplain writes: You can come
18 Sunday afternoon at three o'clock, take it or leave it.
19 They consult about what will be a mutually agreeable schedule
20 and that's true with any clergy.

21 THE CHAIRPERSON: I'd like to move on now, and express
22 a concern, I'm not even asking a question. We understand
23 that there is a new policy regarding the mail with limita-
24 tion on the number --

25 MR. GRZEGOREK: Correct.

1 THE CHAIRPERSON: -- and the fact that there are
2 unsealed envelopes and virtually everybody we spoke to was
3 terribly upset about that whole new policy, and we thought
4 you ought to be aware of the fact that everybody is very
5 tense about that.

6 MR. GRZEGOREK: I question the everybody.

7 MR. FENTON: I would question the tense.

8 THE CHAIRPERSON: I said everybody we spoke to.

9 MR. GRZEGOREK: Oh, okay. I would question that also.

10 MR. FENTON: I'd like to make a point there. Again,
11 not only have you not gone to other institutions for a
12 basis of comparison, but you have not talked to any but a
13 very select group of inmates, and I think you've done your-
14 selves a serious disservice. And I think you got a very,
15 very slanted and tangential view of prisons.

16 THE CHAIRPERSON: We did talk to --

17 -- MR. SQUIRES: We talk at random.

18 MR. FENTON: No, you did not.

19 THE CHAIRPERSON: We did select inmates at random from
20 numbers.

21 MR. FENTON: You selected six inmates that you brought
22 into a group of pre-selected inmates.

23 MR. WILSON: No, we interviewed them separately.

24 THE CHAIRPERSON: If one was interviewed separately,
25 they were not brought into the group.

1 MR. WILSON: And just for the record, we do have
2 members of our staff who have been involved in Attica, the
3 Tombs in New York, Alden Prison, New York. We have people
4 on our staffs that we use for regular reference.

5 MR. GRZEGOREK: So you took six inmates at random --

6 THE CHAIRPERSON: At random from numbers, you know -

7 MR. GRZEGOREK: You're asking have you --

8 MS. SCHUMACHER: We also had an opportunity to speak
9 to additional beyond those six as we moved through the
10 prison.

11 THE CHAIRPERSON: As we moved through the institution.

12 MR. FENTON: One wonders whether you were selecting
13 or selected.

14 MR. WILSON: You had a question.

15 MR. GRZEGOREK: I have a question: Could you tell me,
16 or maybe it's privileged information that you've selected
17 six at random. But how many did you interview that made
18 allegations?

19 MR. SQUIRES: All right, one of the six after I explained
20 why we were there, just said he'd rather not talk to us at
21 all.

22 MR. GRZEGOREK: That's right.

23 MR. SQUIRES: I don't know how he felt about anything.

24 MR. GRZEGOREK: He was going to get threatened, maybe.

25 THE CHAIRPERSON: He was afraid to speak to us.

1 MR. FENTON: He was afraid because there were people
2 in that room that he was afraid to speak in front of.

3 THE CHAIRPERSON: No, there was nobody speaking in
4 front of anyone. That's the point.

5 MR. WILSON; But just a minute, Grace, they were --
6 they were definitely in the same room, the random prisoners
7 were brought in when the group was in.

8 THE CHAIRPERSON: I'm saying they couldn't hear much,
9 other --

10 MR. WILSON: It doesn't matter.

11 MR. KANE: All they've got to do is see each others'
12 faces.

13 THE CHAIRPERSON: I agree with Warden Fenton -- I'm
14 not disagreeing.

15 MS. BECKER: Grace, we were talking about the letter
16 limit and the concern, and the thing is a fait accompli,
17 right? It's finished, we're just, I think what we're trying
18 to get to you that the concern is there for many reasons,
19 and --

20 MR. GRZEGOREK: The concern from the inmates that
21 you interviewed that everybody and the tenseness is what I
22 would disagree with.

23 MS. BECKER: Well, there is a concern about the limi-
24 tation on the number of letters that have franching privileges
25 and that the envelopes have to remain opened. That --

1 THE CHAIRPERSON: One man, excuse me, but I really
2 want to try to move it along, you know, we don't have to
3 beat this, you know.

4 MR. GRZEGOREK: You're expressing the concern.

5 MR. FENTON: Lot of inmates don't like it, I concede
6 that.

7 THE CHAIRPERSON: One of the examples that was used
8 was a concern about the unsealed envelopes was that one
9 inmate said that he had written a letter to his wife and
10 then to someone else, and the letters were, I'm sure by
11 mistake, put into the wrong envelopes and mailed, and he
12 says that could have been a very serious situation for him.
13 He might have lost his wife.

14 MR. FENTON: I strongly question that that could have
15 happened without me knowing about it. If such a thing hap-
16 pened, and he had complained to anybody, somebody would
17 have thought it was tragic and somebody else would have
18 thought it was hilarious, and I'd certainly know about it.

19 THE CHAIRPERSON: I'm only raising the point that
20 it's possible that this kind of thing might happen, you
21 know, with unsealed envelopes, I don't know. I'm raising
22 that as something that you might be aware of, and as a
23 concern of those to whom we spoke.

24 MR. GRZEGOREK: Sure. Did anybody express a concern
25 that there were indigent and that there would not be enough

1 stamps for them?

2 THE CHAIRPERSON: Yes, but it seems to me they were
3 aware if they didn't have the money, they could get --

4 MR. GRZEGOREK: I wanted that for the record.

5 MR. KANE: Did they express a concern for the
6 attorney-client legal money?

7 THE CHAIRPERSON: Yes, they did. They expressed a
8 concern about that.

9 MR. SQUIRES: Well, Grace, two quick things about
10 the mail. One was from a random inmate who said he had a
11 -- mailed letters to his family in South America which cost
12 32 cents, and since they only sell 15 cent stamps, he had
13 to put 45 cents on there. They didn't sell two cent stamps.

14 MR. FENTON: It's coincidental that would be one of
15 the random inmates, because I have correspondence, I guess,
16 from that same guy, or one of the other Columbians. We have
17 a number of Columbians, and I imagine that's where he's
18 from, and they're very concerned about that because if you
19 buy 15 cents, put two 15 cents, and now you've got to put
20 another 15 to carry, and what are they?

21 THE CHAIRPERSON: Seems to me that's easily remedied.

22 MR. FENTON: It's obviously unfair, and so it's obvi-
23 ous we're concerned about it, and going to solve it for
24 them.

25 THE CHAIRPERSON: Yes, have some one cent stamps

1 available, and that would solve that problem.

2 MR. GRZEGOREK: Sure.

3 THE CHAIRPERSON: If a lawyer provides an inmate with
4 papers during his visit, what procedures must the inmate
5 follow in order to take those papers to his cell? Can he
6 just take them to his cell? Does he have to submit them
7 to someone for approval before he takes them to his cell?

8 MR. FENTON: In a general way, and I don't want to
9 get too specific because I honestly don't know, but I am
10 sure they're examined in the sense that there's nothing in
11 them. Now, I would strongly object if that's not being
12 done. I'm sure they're not being examined in terms of
13 what --

14 THE CHAIRPERSON: They don't have to be left with
15 a case worker or something and then brought to his cell?

16 MR. FENTON: I don't think so, but again I don't want
17 to try to be terribly specific.

18 MS. SCHUMACHER: Is that same true vice versa, if
19 the inmate has papers to give to the attorney?

20 MR. FENTON: Well, frankly we're a lot less concerned
21 going out, but in general that would be a concern, yes.
22 They ship contraband out by the railroad cars, as far as
23 I'm concerned.

24 MS. SCHUMACHER: What I mean is the procedure the
25 same as far as the security check?

1 MR. KANE: Well, generally speaking, I would encourage,
2 and I think all staff would encourage if there's a transfer
3 of papers, do it in the proper and orderly way through
4 the mail.

5 MR. FENTON: The visiting place isn't the place to be
6 trading commodities.

7 Now, if it's essential for some reason or other, and
8 we have an emergency on our hands and something must be done
9 today that can't be done tomorrow, then we'll deal with
10 it as reasonably as we can, that there very well --

11 MR. GRZEGOREK: Sure, this isn't going to be invented
12 tomorrow for the first time. We must have been doing some-
13 thing like that.

14 THE CHAIRPERSON: Fine. If we can just find out
15 what the procedure is, that would be helpful. Can we move
16 on to the medical question, because we have four areas that
17 we want to get to as quickly as possible.

18 MR. GRZEGOREK: Again, just my question is if you
19 can tell me, if it's not privileged information, because
20 it bears up the point on your random sample, if in fact you
21 only interviewed six people that made allegations, then it
22 would be reasonable to assume that you'd only interviewed
23 six at random. However, if you interviewed 20 or 30 that
24 had allegations, I would assume to be quite scientific that
25 you'd get 20 or 30 at random to interview.

1 THE CHAIRPERSON: Our problem was a problem of time,
2 frankly. We had anticipated interviewing many more at
3 random than we, in fact, we really concur with Warden
4 Fenton's, I wouldn't call it arguments, you know, sugges-
5 tion, that we do that. I absolutely agree that it is not
6 fair as yet, based on the information we've gotten from
7 people who have asked to meet with us or who we've asked
8 to meet with.

9 MR. FENTON: I'll make a further point: The main
10 one it isn't fair to is you.

11 THE CHAIRPERSON: Well, and we're agreeing that you
12 know we can't form the kinds of conclusions that we need
13 to come to and have the full picture without that information.
14 And so we're hoping that perhaps we'll have an opportunity
15 to do that and restrict ourselves the next time, perhaps,
16 just to at random inmates and that would be most helpful
17 to us as well. So I absolutely agree that so far the pic-
18 ture is not complete.

19 And in all fairness to the integrity of the committee,
20 the problem of just the logistics of finding no random sample
21 person, we went down a list and you got to find the guy,
22 he's asleep, he's out in the yard. There was a logistical
23 problem, too.

24 We can work those logistics out if we're prepared at
25 this time to do it in that way.

1 All right, the medical procedure. What is the proce-
2 dure? We understand that a doctor is on duty until four
3 o'clock, and after that, medical technicians are on duty
4 after four, is that so, or --

5 MR. FENTON: The only inaccuracy is there's several
6 doctors on duty.

7 THE CHAIRPERSON: I didn't mean a doctor.

8 MR. FENTON: But generally speaking, yes, they keep
9 regular business hours and unless they're called in, or
10 unless there's an on-going medical problem, they generally
11 go home at quarter past four or thereabouts.

12 THE CHAIRPERSON: Then how does an inmate get access
13 to medical assistance after four o'clock?

14 MR. FENTON: He notifies any staff member that he has
15 a problem, that will be evaluated at the appropriate level,
16 for example if he's cut and bleeding, you don't need much
17 skillful evaluation of that. If he has a pain in his belly,
18 why then he'd be referred to the medical person on duty
19 for somewhat more skilled where does it hurt and how do you
20 feel, and say ah, and what's your temperature, and these
21 kinds of things. Then in the judgment of somebody or other,
22 a doctor should see him, the doctor is summoned by telephone.

23 THE CHAIRPERSON: The doctor is summoned by telephone
24 if needed?

25 MR. FENTON: Yes, or based on the, always one of the

1 doctors is the doctor on duty. So he carries a beeper
2 thing and he would be summoned off the golf course or what-
3 ever if that were to happen.

4 MS. BECKER: Does he go to the inmate in his work area,
5 or is he -- his cell area?

6 MR. FENTON: He goes wherever the inmate is.

7 MS. BECKER: He would go to the inmate?

8 MR. FENTON: I would think that if somebody thought
9 it was serious enough to call the doctor, they'd probably
10 have him in the hospital.

11 THE CHAIRPERSON: Suppose there's a disagreement on
12 that point, suppose the inmate says that he feels really
13 ill, but the medical technician doesn't feel that he does.

14 MR. FENTON: That answer is perfectly obvious. Who
15 would have to make decisions? Inmates don't make decisions.

16 THE CHAIRPERSON: Okay, so now we take the inmate
17 that feels that he is ill, and the medical technician doesn't
18 feel that it warrants medical attention, that it can wait
19 until the next day, and sets up an appointment which is
20 probably the more usual case, probably, I don't know, I'm
21 guessing.

22 MR. FENTON: Probably you're right.

23 THE CHAIRPERSON: I'll go on, he sets up an appoint-
24 ment for the doctor for the next day at one o'clock in the
25 afternoon. What would the inmate do come seven o'clock or

1 whatever rising time is at Lewisburg, what would he do?
2 Would he have to go to work; would he be able to stay on
3 sick call, or whatever, until that doctor sees him?

4 MR. FENTON: When he reported the evening before, he
5 reported symptoms of some kind, and the medic. evalu-
6 ated them and said you'll be all right tonight, you'll see
7 the doctor tomorrow. Now he goes one step further. He
8 says we'll have you see him first thing, be here first
9 thing in the morning, or it isn't very serious and you can
10 go to work and come in, we'll have your appointment set for
11 one o'clock. So the medic told him, in effect, the answer
12 to that.

13 Now the inmate gets up the next morning, and for rea-
14 sons of his symptoms, he disagrees with that. That, by
15 golly, he's not going out to work the way he feels, and not
16 see a doctor until one o'clock. So he goes to the hospital
17 on sick call procedure and says: I was in last night, and
18 the medic said that I should come back at one o'clock, but
19 it hurts right here and so somebody evaluates him again
20 makes another decision.

21 THE CHAIRPERSON: But it is conceivable that he might
22 have to go to work until he sees that doctor?

23 MR. FENTON: If the medic told him to.

24 THE CHAIRPERSON: Now, for medication, which some
25 inmates might regularly need either for heart or diabetes

1 or whatever, who gives it out? Is it the --

2 MR. FENTON: There's all levels of medication. From
3 -- from narcotics to aspirin. And gradations in between.
4 And they're striated into who handles them and how. We
5 have a, what we call a drug store thing, that's kind of a
6 jargon term where people come down and can get a thing like
7 an aspirin or a soda mint or whatever. Most things, however,
8 are given by written order by whoever is appropriate to
9 order that kind of drug. And it might be a medic or it
10 might be an M. D., or it might be the psychiatrist in some
11 cases.

12 Now, who issues that kind of drug under what condi-
13 tions. The nature of the drug determines that. Now, for
14 the most part it's issued by medics at regular scheduled
15 intervals. And we have a procedure called a pill line, and
16 people who are to take a pill in the evening come to the
17 evening pill line.

18 THE CHAIRPERSON: How many pill lines a day do you
19 have?

20 MR. FENTON: I think there's two, it's either two or
21 three, but the guy shows up and says I'm Jones, and he looks
22 at him and makes sure he's Jones and says yes, Jones, and
23 he has Jones' pre-packaged package, and he gives it to
24 him and watches him take the pill, and that's that.

25 THE CHAIRPERSON: So you have three pill lines a day,

1 then, at --

2 MR. FENTON: Don't hold me to the specific --

3 MR. GRZEGOREK: Most have two.

4 MR. KANE: Yes. there's two; there could be three.

5 THE CHAIRPERSON: What happens if a man needs four
6 at intervals a day?

7 MR. FENTON: That's for him and the medics to work out.

8 THE CHAIRPERSON: They can work that out?

9 MR. FENTON: Obviously if he needs four a day, you're
10 not going to give him two.

11 THE CHAIRPERSON: So that is --

12 MR. KANE: If he needs one a day, you're not going
13 to give him two, and you have to work it out according to
14 the individual case.

15 THE CHAIRPERSON: Is that medic available, they work
16 out something either so that someone else has that --

17 MR. FENTON: Uh-huh, uh-huh.

18 THE CHAIRPERSON: -- medication?

19 MR. FENTON: Or conceivably so the man carries it
20 himself, but that would be a rare --

21 THE CHAIRPERSON: Depending on what --

22 MR. FENTON: Commodity that that would be possible.

23 THE CHAIRPERSON: Who has access to the medical records?
24 In other words, are there inmates working in the hospital --

25 MR. FENTON: No.

1 THE CHAIRPERSON: -- who has access to the medical
2 records of an inmate?

3 MR. FENTON: For openers, only staff.

4 THE CHAIRPERSON: For example, can you see the medical
5 records of an inmate?

6 MR. FENTON: I suppose I have access to everything.
7 But as far as -- but to start with, only staff has access.
8 Now, which staff for medical records it would be largely
9 confined to medical staff. Well, I'm not a doctor, that's
10 true, but I have access. Would a case worker? It would
11 probably depend on the question. And in other words --

12 THE CHAIRPERSON: Would a correctional officer?

13 MR. FENTON: Generally speaking, no.

14 THE CHAIRPERSON: Why would a case worker need access
15 to the medical records?

16 MR. FENTON: Well, conceivably he might need to dis-
17 cuss with the psychologist or psychiatrist something. I
18 -- or he might have to write a letter to a Congressman about
19 what's wrong with his leg, and what have we done about it.

20 MR. GRZEGOREK: Or maybe include it in the progress
21 report.

22 MR. KANE: They have to be medically cleared for trans-
23 fers or release, something to that effect.

24 THE CHAIRPERSON: Are tranquilizers given to the in-
25 mates?

1 MR. FENTON: If ordered by a -- by a competent author-
2 ity.

3 THE CHAIRPERSON: What -- this is something you'll
4 probably have to give me later, but you might just again
5 give a guess as to the percentage of the population who are
6 given tranquilizers?

7 MR. FENTON: Five maybe.

8 THE CHAIRPERSON: About five percent?

9 MR. FENTON: That's a guess. I can -- I'm very con-
10 cerned about that, and I have precise figures, so if that's
11 something you're interested in, you can have precise figures.

12 THE CHAIRPERSON: It is something we're interested in.

13 MR. WILSON: Any forced tranquilization of inmates?

14 MR. FENTON: No.

15 MR. WILSON: None at all?

16 MR. FENTON: Well, never is a word that doesn't exist.

17 MR. WILSON: All right.

18 MR. FENTON: People have been administered Thorazine
19 and I can't think of any other "tranquilizer" that anybody's
20 ever been forced to --

21 MR. WILSON: Under what circumstances?

22 MR. FENTON: Under cases of violence and, in other
23 words, they're damaging themselves and others, and this
24 drug is medically appropriate.

25 MR. GRZEGOREK: Ordered by the psychiatrist, and

1 ordered by competent authority.

2 MR. WILSON: Always beforehand?

3 MR. FENTON: Absolutely, and administered by a medic.

4 THE CHAIRPERSON: We assume that complaints, we shouldn't
5 assume anything. Are complaints on sick call logged in any
6 way?

7 MR. GRZEGOREK: The only place would be the BP-9.

8 MR. FENTON: Yes, people complain to me about their
9 medical treatment.

10 THE CHAIRPERSON: I'm using the wrong word. When
11 someone comes to sick call, is there a record of the nature
12 of the complaint? That's what I mean.

13 MR. FENTON: They call it a chart in the hospital.
14 And they make entries on these charts and that's how it's
15 taken care of.

16 THE CHAIRPERSON: But you don't have a log, for example,
17 as you would with the kinds of complaints --

18 MR. GRZEGOREK: That would be individual inmate jacket.

19 THE CHAIRPERSON: Okay. We are interested in deaths
20 that occur for whatever reason.

21 MR. FENTON: Inmate deaths?

22 THE CHAIRPERSON: Inmate deaths. Is it possible for
23 us to get the records, let's say over the last two-year
24 period of the deaths and the medical records that immediately
25 preceded the deaths?

1 MR. FENTON: Well, as far as records -- as far as I'm
2 concerned, you can have the whole batch, but legally, I'm
3 not sure how much access you have to other people's medical
4 records.

5 MR. KANE: If you want sheer frequency, a count,
6 that's a snap.

7 THE CHAIRPERSON: Well, you know a number of questions,
8 of course, but we --

9 MR. GRZEGOREK: I guess Charles can answer that.
10 We're talking about privacy.

11 MR. WILSON: We'd be more interested in frequency,
12 as opposed to individuals.

13 MR. FENTON: And let me clarify your question for
14 you in another way. We rarely have anyone die in the prison
15 of natural causes. If it can be foreseen that he's in
16 that, in extremity, so to speak, he's nearly always in a
17 community hospital at the time of death. So it would be
18 deceptive, I think, simply to say we had four die in the
19 prison, if in fact we had four others die in Evangelical
20 Hospital that were sent there 24 hours or two days ahead
21 of time.

22 Now, how that's logged, I'm sure we have that, and
23 I'm not at all secretive about it.

24 THE CHAIRPERSON: Yes, I was going to say is there
25 some way we would know that so many of your inmates died in

1 community hospitals as well? You know?

2 MR. FENTON: I would hope that a majority of deaths
3 would have taken place in a community hospital.

4 MR. KANE: The information is retrievable, as to how
5 immediate, I don't know, and I don't know if Mr. Fenton can
6 answer that right now. It's something we have to check out.

7 THE CHAIRPERSON: Would you just check on that?

8 MR. KANE: If we dug around, we can certainly cover
9 two years.

10 MR. WILSON: I'm interested in knowing whether inmates
11 usually die in a medical setting. But what I'm just wonder-
12 ing about is --

13 MR. KANE: There's only one medical death in the last
14 three years that was not a medical setting. Now, there's
15 been three deaths by violence during that three-year period,
16 but there's only been one guy died of an acute pancreas
17 in a cell. But other than that, I don't think there's been
18 a single death on natural causes other than in the hospital
19 or the community hospital.

20 MR. WILSON: What I was wondering is, whether, when
21 you -- when you get a new inmate, is that -- are those
22 inmates evaluated medically?

23 MR. FENTON: Yes, there's an intake physical.

24 MR. WILSON: So that you would have a knowledge of
25 maybe emphysema or some kind of condition that would exist

1 that isn't --

2 MR. FENTON: We not only examine every new committment
3 or transfer to our institution, we also give a medical
4 evaluation to people who are only passing through. Any
5 inmate that comes into that wall has a medical evaluation.

6 THE CHAIRPERSON: Okay. Now, when you get an inmate
7 transferred in from another institution, I assume that his
8 records from that institution follow him and do those records
9 also include his medical records?

10 MR. FENTON: Yes, yes.

11 THE CHAIRPERSON: So if you would find somebody who
12 had hypertension or something --

13 MR. FENTON: Diabetes, heart condition --

14 THE CHAIRPERSON: -- something that isn't readily
15 physically ascertainable, you do know that?

16 MR. FENTON: We not only know it on people transferred
17 in, but we know it on travelers who are going through. And
18 the first thing on top of the jacket is the medical sheet,
19 and the first paragraph that leaps at you is, difficult
20 conditions.

21 MR. GRZEGOREK: Charles, in terms of the record, you
22 have subpoena powers to get those records, I would imagine.
23 My concern is the Privacy Act and the --

24 THE CHAIRPERSON: The Commission has --

25 MR. WILSON: This committee does not have subpoena

1 power to obtain records.

2 MR. GRZEGOREK: Okay.

3 THE CHAIRPERSON: The Commission does.

4 MR. GRZEGOREK: I'm perfectly willing to share what
5 we can legally share, but I don't want to get out on a
6 legal limb and have somebody saw it off behind me.

7 MR. WILSON: Just for a point of clarification, this
8 Committee does not have subpoena powers, the Commission it-
9 self does.

10 MR. GRZEGOREK: If you really are concerned about it
11 though, and we can't do it under our legal auspices, I
12 imagine the way to go would be the subpoena powers of the
13 Commission, if you want to, hope it doesn't have to go that
14 far.

15 THE CHAIRPERSON: If we thought it was important, yes.

16 MS. SCHUMACHER: That would be true even to sanitize
17 it with no names?

18 MR. GRZEGOREK: I'm not that familiar with it. I
19 was hoping my regional counsel would be with me here, because
20 I sign the things going out and we use the actual harm test
21 in investigative reports and memos where the names are
22 blocked out and the incidents and the times are blocked out.
23 And there's other times when we give information out to
24 doctors, perhaps, in litigation. So I'm unclear --

25 MR. WILSON: Privacy Act and Freedom of Information

1 Act would prohibit us unless litigation or it was obtained
2 under subpoena from obtaining that information.

3 MR. RUTLEDGE: Charles, you can talk to their general
4 counsel. Maybe just a telephone call.

5 MR. WILSON: I'll speak to him.

6 THE CHAIRPERSON: I'd like to move on to visitation.

7 And we only have a couple more questions for you.
8 What kind of search are visitors subjected to when they
9 come to visit?

10 MR. FENTON: They go through a metal detector. Ladies
11 who have purses of some kind, a determination is made whether
12 they're going to take that with them to the visiting room,
13 or they're going to leave it in a locker at the entrance.
14 If they leave it in the locker --

15 THE CHAIRPERSON: Who makes that determination?

16 MR. FENTON: It's made between the officer and the
17 lady, depending on what's involved. Size, need, convenience,
18 unacceptability, the officer might say oh, no, you're not,
19 and that's the decision. Or they might mutually agree, or
20 the lady might say, well, I really don't need it, and it's
21 easier to leave it. So they come to an agreement of some
22 kind.

23 Now, if she's going to take it with her, it's opened,
24 and as she supervises, he explores it with a wooden wand to
25 see what's in it. Well --

1 THE CHAIRPERSON: Is the search of a female any
2 different from the search of a male? In other words --

3 MR. FENTON: Well, very few males have purses.

4 THE CHAIRPERSON: No, is anyone ever asked to strip?

5 MR. FENTON: Yes, this has happened occasionally.

6 Generally speaking, we try to get a search warrant and
7 have the FBI do it. Now, we have on occasion given people
8 their choice do they want to submit to a strip search, or
9 do they want to not visit?

10 THE CHAIRPERSON: Are females, as well, in that cate-
11 gory?

12 MR. FENTON: Yes. Now, the difference is if they're
13 going to be --

14 THE CHAIRPERSON: Under what circumstances would that
15 happen?

16 MR. FENTON: Well, we have good reason to believe
17 they're carrying drugs, weapons, ammunition or something of
18 that sort.

19 MS. BECKER: Well, then do you search the female's
20 hair or the male's beards, the visitors that come in? How
21 do you know whether or not -- do you do it?

22 MR. FENTON: Well, the 99 and nine tenths percent that
23 come in, we don't search anything. We ask them if they're
24 carrying contraband and they all say no. If they lie to
25 us, they just committed another offense.

1 THE CHAIRPERSON: In order to get on the approved
2 visitor's list, are investigations ever made of visitors
3 themselves?

4 MR. FENTON: Yes.

5 THE CHAIRPERSON: Is that --

6 MR. FENTON: Cursory. You can't get very much.

7 THE CHAIRPERSON: Is that a, I mean does someone go
8 to the visitor's home or -- is that a possibility?

9 MR. FENTON: No, generally speaking you write the
10 police department and say so and so wants to visit, and
11 we'd like to know what the story is. And they send back a
12 form that says no name by record, that's all we get.

13 MR. WILSON: For the record, that's part of the prison
14 policy itself that they do in fact permit investigations of
15 visitors, potential visitors.

16 THE CHAIRPERSON: When there are group activities,
17 are families and friends permitted to attend? For instance,
18 religious or group activities, such as a banquet or --

19 MR. FENTON: With very rare exceptions, and I can't
20 think of an exception right off hand, the answer is no.

21 THE CHAIRPERSON: They're not?

22 MR. FENTON: No.

23 THE CHAIRPERSON: Why would that be? Let me give
24 you an example. The reason the question is being raised:
25 The banquet, the NAACP banquet, apparently some people, some

1 outside people were able to attend. Why would not the
2 inmate's relatives or friends be included?

3 MR. FENTON: Well, visualize first the visiting room.
4 The inmate is strip searched out of the visiting room.
5 Now, that's with his approved visitor. His mother, his
6 wife, his brother, his uncle or whoever it is. Now, why
7 do you suppose we do that? So that he won't bring in a
8 gun or drugs or money or a knife or ammunition or explosives
9 or whatever. Okay.

10 Now, let's have a visit without any search. What
11 do you suppose will happen? They'll bring in all of these
12 things. So we don't have visits without those searches, and
13 the only place that we can handle a visit with a search
14 is a visiting room. So we don't have visits anyplace else
15 except the visiting room.

16 THE CHAIRPERSON: Oh, and this banquet was not in the --

17 MR. FENTON: Oh, Lord, no.

18 THE CHAIRPERSON: Where was the banquet?

19 MR. FENTON: It was in the dining room.

20 MS. SCHUMACHER: But other outsiders did come in to
21 attend that?

22 MR. FENTON: Well, we think it unlikely that a stranger
23 will do that. And they're not, you know, we don't go out
24 on the highways and byways and drag them in. Generally if
25 somebody's coming in with the NAACP, he's a member of the

1 NAACP somewhere and he's endorsed by his chapter, and they're
2 not endorsing the kinds of people that come in carrying
3 guns and knives and so on.

4 Now, if we knew that the member of the chapter in
5 Podunk also happened to be his uncle, we wouldn't let him
6 in. We would think there we've got a connection and we've
7 got a personal knowledge, and we've got a possibility of
8 either persuasion or extortion or something that could cause
9 a serious problem.

10 MS. MORGAN: I have a question. Do you keep
11 records on the number of visitors you usually have with
12 the -- with the prisoner? Well, there is a limit on the
13 number of visits an inmate --

14 MR. FENTON: Yes, we do keep records.

15 MS. MORGAN: I'm just wondering, just -- we did not
16 see -- I did not see the visiting room. They may have
17 seen it at some point. I'm just wondering, several prisoners
18 said that the conditions were crowded and I was just wonder-
19 ing if you could give us the dimensions of the room and the
20 number of people that that room accommodates on a typical
21 visiting day?

22 MR. WILSON: We have requested that on a previous
23 occasion, and we could have that --

24 MR. FENTON: It's 80 feet long, more or less.

25 THE CHAIRPERSON: We don't have to have that right

1 now. That's something that could be supplied to us.

2 MR. FENTON: But frankly, the crowding on Saturdays,
3 Sundays and holidays in the past has been a problem. For-
4 tunately or unfortunately, this gas situation has ended
5 that problem. There haven't been any crowding now since
6 May.

7 MS. MORGAN: Well, my question would be: If it had
8 been a problem, had you done anything to alleviate that?

9 MR. FENTON: Yes.

10 MS. MORGAN: Say?

11 MR. FENTON: Well, it's -- it's simply a matter of
12 budgeting. You regulate how many visitors can be in a given
13 space at a given time.

14 MS. MORGAN: Okay, I mean there were no plans to
15 designate another room that could also be used for visiting?

16 MR. FENTON: No, the current room is in lieu of a
17 smaller room. The current room is enormous, those of you
18 that have seen it, it isn't a room, it's a hall.

19 THE CHAIRPERSON: It's a large room.

20 Are there any --

21 MR. GRZEGOREK: Because of security considerations,
22 the only alternative I used as an associate warden and
23 warden was to terminate visits after an hour to control
24 the people. Nobody likes to do this.

25 THE CHAIRPERSON: I'm sorry.

1 MR. GRZEGOREK: Terminate visits after three hours
2 rather than have a full six or seven hours of visits.
3 Nobody likes to do this. That's one way you can budget.
4 As to using another room, security would preclude that,
5 especially at a penitentiary.

6 THE CHAIRPERSON: Are there regulations as to, I
7 understand there are regulations regarding, you know, per-
8 sonal contact and things of that kind, but in terms of
9 where visitors may sit, are they assigned certain places
10 that they must sit and so forth?

11 MR. FENTON: The overwhelming majority come in and
12 select their own place somewhere in the room. Now, on a
13 week day, when we anticipate we'll have a group large
14 enough to fill this area, we might have, say don't use
15 that area over there because we don't want to make the whole
16 place dirty, but as far as -- there's no particular method
17 to that, it's simply a matter of here or there.

18 Now, there are a few prisoners and visitors that
19 their spot is designated, that they will sit near the desk.
20 But that's less than five percent, I guess.

21 MR. BECKER: I wanted to go on to the staffing.

22 THE CHAIRPERSON: We'd like to leave that and move on.
23 We have one more area that we want to discuss with you.

24 MR. SQUIRES: Grace, I have two questions that relate
25 to the drugs that we missed.

1 THE CHAIRPERSON: Okay.

2 MR. SQUIRES: And I think we did want to ask. One
3 was, are inmates always told what drugs they're being given?
4 Such as the ones that are tranquilized?

5 MR. GRZEGOREK: Probably seldom.

6 MR. FENTON: You know, when I -- I'm taking drugs
7 now from the doctor. I don't know what they are.

8 MR. SQUIRES: But if an inmate wanted to know --

9 THE CHAIRPERSON: If an inmate wanted to know, he
10 would be told?

11 MR. FENTON: I suppose so.

12 MR. GRZEGOREK: It would be depending on the judgment
13 of the doctor.

14 THE CHAIRPERSON: So he might be able to?

15 MR. FENTON: As Charles says, and I'm taking medica-
16 tion --

17 MR. SQUIRES: But you can find out.

18 MR. FENTON: I know it's not Reserpain. I don't know
19 what it is, but I know what it's not.

20 MR. SQUIRES: The other question I did have was:
21 Can an inmate see his medical records?

22 MR. GRZEGOREK: He can apply to the regional director
23 through the regional counsel for application for a copy of
24 his medical records.

25 MR. SQUIRES: It's not automatic?

1 MR. FENTON: No, FOY requirement.

2 THE CHAIRPERSON: Okay?

3 Regarding your staff, you do have an Affirmative
4 Action Program at --

5 MR. FENTON: Affirmative Action and EEO, and probably
6 there's a couple other things in there, too.

7 THE CHAIRPERSON: All right. We understand that
8 there is a turnover, there has been a turnover, let's say,
9 in the last year or so?

10 MR. FENTON: As a matter of fact, there's been turn-
11 over in the last two days. I've just fired about five
12 people and four of them were Black.

13 THE CHAIRPERSON: Would you tell us something about
14 why?

15 MR. FENTON: Yes, because they were dealing with
16 inmates.

17 THE CHAIRPERSON: What do you mean by dealing with
18 inmates?

19 MR. FENTON: Introducing contraband into the insti-
20 tution.

21 THE CHAIRPERSON: Would you say that this turnover has
22 increased or decreased since, you know, in the --

23 MR. FENTON: Well, it's increased because we've made
24 a more -- we've made a very substantial effort to recruit
25 and hire in the last three years, so there's been more

1 people brought on.

2 Now, because more people are brought on, then there's
3 been more subsequent transactions. The most common turnover
4 occurs when a man develops into a pretty good staff member
5 and he's got a year or more's training under his belt and
6 he wants to go, then, to an area that has more of a black
7 community, and I've lost a number of really pretty good
8 people that way.

9 THE CHAIRPERSON: Of the people who have left, and
10 in this last year, would you say -- could you give us an
11 estimate as to the percentage of those you've fired and
12 those who left of their own -- for whatever reasons?

13 MR. FENTON: I don't think I fired anybody. Well,
14 actually I haven't fired anybody yet. We're in that whole
15 process which takes a month or two until you get through
16 with it. And conceivably we might back up on one of these
17 if it turns out that he's all right. But --

18 THE CHAIRPERSON: Now, you're losing four --

19 MR. FENTON: I don't recall firing anybody else in the
20 last year.

21 MR. GRZEGOREK: Records are available if you need them.

22 MS. BECKER: I would like, would you request those?

23 MR. WILSON: We'll make the request.

24 THE CHAIRPERSON: Could we get the records?

25 MR. KANE: Records of firing?

1 THE CHAIRPERSON: In fact, what have there been, two
2 and a half years?

3 MR. FENTON: First of September will be three years.

4 MS. BECKER: The whole selection process in the last
5 year.

6 MR. GRZEGOREK: We can give you a log.

7 MS. BECKER: Broken down by race?

8 MR. GRZEGOREK: Yes.

9 MS. BECKER: Good.

10 THE CHAIRPERSON: Now, just your mentioning four of
11 your minority personnel will be leaving presents a problem
12 in my mind, because it's difficult to get them to begin
13 with out at Lewisburg.

14 MR. FENTON: That's right.

15 THE CHAIRPERSON: Have you designed, or can you think
16 of any constructive measures now to replace and to hold
17 onto what you already have?

18 MR. FENTON: Well, sure. You know, when I was a kid
19 I used to design football plays. Everyone went for a
20 touchdown. This guy block here and that guy block there,
21 and the fullback came across and run all the way.

22 THE CHAIRPERSON: Did you win?

23 MR. FENTON: When you got out on the field, somebody
24 was sticking his foot out tripping you, and you're lucky
25 if you got two yards.

1 It's easy to have a constructive plan, and I got
2 constructive plans that haven't even been used yet. But
3 it's very difficult, and the only unique feature that I
4 think I've added is I deliberately get my good employees
5 who are minorities to solicit and recruit their uncles,
6 brothers, and neighbors and try to open up that resource.
7 There's only two pools within 60 miles, Williamsport is
8 about 25 miles north, and Harrisburg's about 60 miles south,
9 and until we can begin to draw out of there through these
10 kinds of personal contacts, we're never going to have a
11 really worthwhile program. It's very difficult to crack
12 that.

13 THE CHAIRPERSON: But you said earlier today, Warden,
14 that people come from all over the country to Lewisburg.
15 Why wouldn't that be true of minority people as well?

16 MR. GRZEGOREK: You're talking entry level, I think,
17 aren't you, Charlie, here?

18 MR. FENTON: I'm talking entry level, but I'm also
19 talking something else. We've been totally unsuccessful
20 in hiring Black craftsmen. Now, I'm not categorizing these
21 people because I really don't know any of them personally.
22 I can't get to meet them, but apparently anybody that has
23 a craft and is Black has no interest whatever in leaving
24 Philadelphia or Pittsburgh or New York and going out into
25 the boonies where they're still circling the wagons

1 at sundown and they just don't want to live in rural areas.
2 And they don't want to live where there isn't a Black com-
3 munity, and particularly today, if you're Black and have a
4 profession or a skill, Lord, you're in demand. You can
5 name your salary where you're at. You don't have to go
6 out to Lewisburg, Pennsylvania to get it.

7 THE CHAIRPERSON: But you do intend to aggressively
8 pursue --

9 MR. FENTON: I don't intend to; I've been doing it
10 for three years.

11 MR. WILSON: I've got a question and a comment. The
12 question: Are those five that, or four who --

13 MR. FENTON: Whatever, yes --

14 MR. WILSON: Five or four, were they all in their
15 probationary period?

16 MR. FENTON: No, I think everybody's finished.

17 MR. WILSON: And we certainly would like to serve
18 with the Commission or at least our regional office would
19 like to serve as a resource if you want to make a request
20 to us.

21 MR. FENTON: Where you been for the last three years?
22 Anybody you send down we'll do the best you can. Anybody
23 you refer to Philadelphia, we'll take care of the inter-
24 viewing right here.

25 MR. GRZEGOREK: That's right.

1 MS. BECKER: Warden, since you said these four people
2 and the fifth one is White, I presume, not Spanish-speaking,
3 right? White? Well, since they were past their probation-
4 ary period, do you have a procedure where they can appeal?

5 MR. FENTON: Oh, sure, the whole Civil Service number.

6 MS. BECKER: You do go through?

7 MR. FENTON: That's the way I say I'm probably a
8 little premature in saying anything, because it's just
9 in the initial stages of this falderol, you know.

10 MR. BECKER: I would like to suggest particularly
11 at this time that the areas south of Harrisburg that have
12 a large minority population could be tapped even as far as
13 Baltimore, which is only 70 miles .

14 MR. GRZEGOREK: I think you got it out of perspective.
15 You should talk to Maurice Norbrey, who's our GS
16 coordinator, who's aggressively been targeting on Lewisburg
17 not so much because Lewisburg hasn't expended any efforts
18 due to get the resources and get the people and Ellenwood
19 and Morgantown and Alderson. We don't have the minority
20 recruiting problem in Peterburg, New York or Danbury.
21 Maurice Norbrey, he's about 50 feet away.

22 MS. BECKER: I want to examine what the EEO Program
23 is around Lewisburg Prison and whether it's making people
24 EEO hires receptive to go into that place. It's two kinds
25 of situations.

1 MR. FENTON: I'm quite sure to look at that. It
2 isn't near as clear cut and simple as you seem to indicate.

3 MR. KANE: Mr. Norbrey's in the office today if any-
4 one's interested, I'll be glad --

5 MR. FENTON: How many have you hired lately for
6 Lewisburg?

7 THE CHAIRMAN: I want to move on, if we may. Because
8 we're really just about at the end. The -- when an officer
9 is off duty, and there is a problem, how do you handle such
10 a problem? In other words, if he gets into some kind of
11 trouble?

12 MR. FENTON: Oh, he gets into a problem?

13 THE CHAIRPERSON: He gets into a problem.

14 MR. FENTON: Well, he's a person.

15 THE CHAIRPERSON: Suppose he hasn't behaved in a
16 manner becoming, you know, a police officer.

17 MR. FENTON: Yes, like he got drunk at the Fireman's
18 Picnic and popped a policeman in the eye during the raid.
19 There was a warden went down once of my predecessors and
20 acted as a character witness at his trial. Well --

21 MS. MORGAN: Well, do events like that typically come
22 to your attention where it's directly related to, say to his
23 performance at the prison? If that was -- if the example
24 you just gave, if that was a true thing where he -- he did
25 get drunk and punched somebody, it's a violent act. Does

1 the --

2 MR. GRZEGOREK: Was he arrested for it?

3 MS. MORGAN: If he's arrested for it, does it come
4 to your attention?

5 MR. GRZEGOREK: If he's arrested for it, under the
6 standards of conduct, he must report it. If he does not
7 report it, he can be subject to termination for not report-
8 ing it.

9 MS. MORGAN: Oh, so he is under a duty to report it?

10 MR. GRZEGOREK: Yes, ma'am, but just to put it in
11 what, you're dealing with people, and in a sense they're no
12 different than prisoners. Now, a guy's --

13 MS. MORGAN: One's in and one's out.

14 THE CHAIRPERSON: What we're asking is how do you
15 deal with it.

16 MR. FENTON: If a guy's in a tight spot and now you
17 figure out what you have to do. Then I have my own personal
18 approach to this, and it begins with levels of consciousness.
19 I first decide how much I want to know. Because in that
20 community I know almost everything. The police chief in
21 Lewisburg, for example, is a classmate of mine. And he
22 tells me who's beating his wife, and then I decide whether
23 I want to know that or not. And generally speaking, I don't
24 want to know.

25 And then I can get somebody else to talk to the guy

1 and deal with him and try to help him, if that seems appro-
2 priate.

3 On the other hand, sometimes something like this
4 shows that you're dealing with a bum that you really don't
5 want, that he doesn't belong in a -- in a Civil Service, he
6 particularly doesn't belong in a penitentiary; he doesn't
7 belong around prisoners and then you know things.

8 So I deal with it very, very individually, where I
9 can, and where it seems the thing to do. Try to get some
10 help for the guy and get him through a tight spot. Where
11 that isn't the right thing to do, well, then you go after
12 him and get rid of him.

13 MR. GRZEGOREK: That's when the man's not arrested.
14 If a man's arrested, there are regular procedures that
15 must be followed.

16 THE CHAIRPERSON: Did you have another question about
17 that?

18 The final question: What --

19 MS. MORGAN: Hopefully.

20 THE CHAIRPERSON: Hopefully. What is your policy
21 as to the housing and other measures of security, if you
22 feel they're needed, for homosexuals in the prison?

23 MR. FENTON: Homosexuals are led to understand, made
24 to understand very, very clearly, that that behavior will
25 not be tolerated. They will control themselves, or we will

1 control them. We will not tolerate homosexual behavior.

2 MR. WILSON: Does that apply for staff as well as
3 inmates?

4 MR. FENTON: Well, staff wouldn't exist. They go work
5 someplace else.

6 THE CHAIRPERSON: But do you have any -- are they
7 separated as to housing? I mean they're known homosexuals.
8 They may not be operating as homosexuals.

9 MR. FENTON: They're not classified as homosexuals.
10 Now, as a matter of practical experience, people who are the
11 passive, obligatory homosexual tends to be passive in
12 other ways as well. That isn't always true, but generally
13 it's true. Generally they wind up in one unit, so most
14 of the homosexuals and again I'm talking passives, are
15 found in FAL Unit.

16 Now FAL Unit has a variety of housing.

17 THE CHAIRPERSON: Within FAL Unit, are they separated?

18 MR. FENTON: Within FAL Unit, the unit manager and
19 the man himself and the team decides what's the most appro-
20 priate housing. Now, most of them can take care of them-
21 selves. Most of them can get along with the general unit,
22 and the type of housing isn't an essential factor.

23 Some, however, do require single cell housing in order
24 to -- in order to be able to function. Now, we make the
25 decision whether they get it or not, but he participates in

1 that decision, and --

2 THE CHAIRPERSON: But having said that he participates
3 in that decision, in fact are the homosexuals within the
4 FAL Unit pretty much separated?

5 MR. FENTON: No. They're in every type of housing.
6 They're in -- they're in dormitory; they're in cell. Now,
7 C-1 is the most protected housing we have outside of the
8 special housing unit. So C-1 probably has a disproportion-
9 ately high percentage of homosexuals, but they're not
10 selected on the basis of being homosexuals. They're selected
11 on the basis of people that, with our maximum help and
12 supervision, can make it in population. And several of
13 these are homosexuals.

14 THE CHAIRPERSON: Is there censorship of literature
15 regarding homosexual --

16 MR. FENTON: Okay, censorship. I don't knowingly
17 let in homosexual depiction, in other words. We're loose
18 as a goose, and the stuff gets in that I don't even know
19 about.

20 MS. BECKER: There are newspapers, there's one in
21 Philadelphia.

22 THE CHAIRPERSON: Would homosexuals have access to --

23 MR. FENTON: -- homosexual newspapers?

24 THE CHAIRPERSON: Yes.

25 MR. FENTON: No, if I know about it, I won't let it in.

1 MR. GRZEGOREK: National policy.

2 THE CHAIRPERSON: Is that national policy?

3 MR. FENTON: It's national policy, that's right.

4 MS. BECKER: Do you let in newspapers that say are
5 geared to males like the community, say certain type of
6 sports, that is?

7 MR. FENTON: Okay, we let in baseball; we let in polo;
8 we don't let in locksmithing; we don't let in a karate; we
9 don't let in homosexual. And the foundation for the deci-
10 sions is essentially the same. If it's a relatively non-
11 damaging and non-dangerous occupation, preoccupation or
12 avocation, no one cares. If the results of this avocation,
13 occupation or preoccupation is violence, then we care,
14 and we don't let it in. And that applies to locksmithing;
15 and it applies to karate; and it applies to homosexual.

16 THE CHAIRPERSON: Unrelated, but do you have any --
17 do you permit Alcoholics Anonymous to --

18 MR. FENTON: We encourage it.

19 THE CHAIRPERSON: Well, --

20 MR. FENTON: And in my time we don't now at Lewisburg,
21 but in my time we've had homosexual groups, self-help groups,
22 too.

23 THE CHAIRPERSON: I would like to say first, before
24 we wind up, because I didn't say it initially, and I really
25 should have, since we had met with Mr. Parcass (phonetic)

1 earlier, and I had said that to him, and in fairness to
2 Warden Fenton, I should say it to you, too. This was our
3 third visit to Lewisburg, and we initially came up there
4 because of a complaint which had been lodged with us. But
5 I want to say that Warden Fenton has been extremely coopera-
6 tive in every possible way. We've been given access to every
7 area of the institution which we requested, to anybody we
8 asked to meet, I'm sure at great trouble to himself to
9 have us come up there and do all the kinds of questioning
10 and investigating, and we do appreciate that. He has been
11 most cooperative. I wanted you to know that.

12 MR. FENTON: Let me respond, you've said this several
13 times and I'm always flattered, but let me say --

14 THE CHAIRPERSON: No, it's the truth, and I think it
15 should be told:

16 MR. FENTON: I, it's no trouble to me. And I don't
17 begrudge your visiting. I don't begrudge the time; I don't
18 begrudge any place you want to go or anything you want to
19 see with the peculiar legal restraints I have. I do begrudge
20 you're not doing enough.

21 THE CHAIRPERSON: Well, we haven't finished.

22 MR. FENTON: I feel that you've come with a preconcep-
23 tion. I feel that you've been communicated with by the un-
24 known, to me at least. I feel that you have not gone in
25 depth and in detail in a scholarly and scientific fashion

1 to the data, to the people, to the conditions, and I'm
2 not at all representing that institution as being the opti-
3 mum, but I feel badly that in the three years, nearly three
4 years, we've been associated since December the 6th, 1976,
5 you have not gone to any other institutions. And despite
6 repeated suggestions on this line, you have not made a
7 major effort to see random inmates.

8 And I just, I just feel that you're going to have
9 about the same result as if I got a bundle of shoemakers
10 to come investigate Civil Rights. Particularly if I
11 selected my bundle of shoemakers from some red neck area
12 of the south where in their spare time they ran around
13 wearing hoods and burning crosses.

14 THE CHAIRPERSON: Mr. Fenton, we couldn't agree with
15 you more, and that's why I said earlier that we hope you
16 will permit us to come again.

17 MR. FENTON: Definitely.

18 THE CHAIRPERSON: And that's the only way the at ran-
19 domly selected inmates, because we know that we have not
20 gotten a fair picture, or at least as objective a picture
21 as possible.

22 MR. FENTON: Somebody cut loose and come up and spend
23 a week.

24 THE CHAIRPERSON: It depends, do I have to stay right
25 there?

1 MR. FENTON: No.

2 MR. WILSON: On behalf of the U. S. Commission on
3 Civil Rights, and particularly the Mid-Atlantic Regional
4 Office, I'd like to personally thank each one of you for the
5 time you spent here today, and we'll look forward to meeting
6 you again, either in this forum --

7 MR. GRZEGOREK: I hope so; I hope so, Charles.

8 MR. WILSON: -- or in another forum.

9 MR. GRZEGOREK: I hope this isn't the end. I think
10 that's what we're saying.

11 THE CHAIRPERSON: We appreciate your cooperation
12 and your time. We know this is tedious for you, and late
13 for your luncheon. Anything else?

14 MR. KANE: Will we have access to a transcript?

15 MR. WILSON: Certainly.

16 MS. SCHUMACHER: There's no reason why not.

17 MR. FENTON: But please believe I do not begrudge a
18 minute. I put in this much time twice a month with groups
19 from colleges, with community civic groups. I'm delighted
20 to have you come in and see the place. I'm delighted to
21 explain. I'm delighted to have opinion leaders in the
22 community and some of the problem, whether they agree with
23 the solutions or not, so I don't begrudge a nickel.

24 The only thing I begrudge is you're not there long
25 enough to learn what's going on, and that's what I would like

1 to see.

2 THE CHAIRPERSON: Well, we hope to take advantage
3 of that.

4 MR. GRZEGOREK: Good.

5 MR. WILSON: Thank you, gentlemen, very much.

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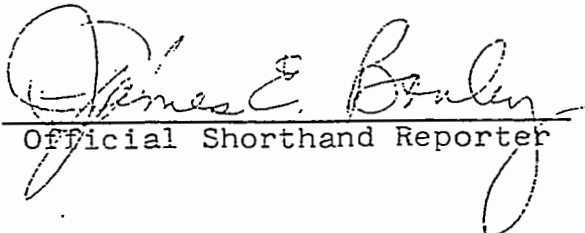
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1 STATE OF ARIZONA)
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I, JAMES E. BOULEY, do hereby certify that I am an Official Shorthand Reporter; that I was present at the hearing of the foregoing matter; that I took down in shorthand all proceedings had and testimony adduced at said hearing; that the same was thereafter transcribed under my supervision, and the foregoing 143 pages represent a complete and accurate transcription of my shorthand notes so taken.

WITNESS MY HAND this 26th day of July, 1979.


Official Shorthand Reporter