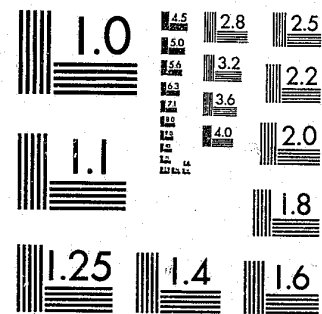


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THE REPORT
OF THE GOVERNOR'S PANEL
TO INVESTIGATE
THE RECENT HOSTAGE INCIDENT
AT GRATERFORD STATE
CORRECTIONAL INSTITUTION

88092^u

August 1982
Commonwealth of Pennsylvania

**THE REPORT
OF THE
GOVERNOR'S PANEL TO INVESTIGATE
THE RECENT HOSTAGE INCIDENT
AT GRATERFORD STATE CORRECTIONAL INSTITUTION**

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Member**

**U.S. Department of Justice
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**George F. Grode
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August 1982

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INTRODUCTION

The Incident

During the early evening of Wednesday, October 28, 1981, a group of inmates at the State Correctional Institution at Graterford attempted to escape from the Institution by climbing over the prison's 30 foot wall. They carried with them an extensive amount of escape materials which they stored within the prison and moved through the Institution's dining and kitchen areas to the intended escape point in the prison yard. They were armed with two shotguns, two handguns and an extensive amount of ammunition. The escape attempt failed. Four of the inmates who were part of the escape effort then retreated to the kitchen area of the prison and took hostage six members of the prison staff who had previously been captured and locked in a storage room, and thirty-two inmates who were in the kitchen area. The crisis continued for five days, from early Wednesday evening until the following Monday evening, when it ended with the surrender of the hostage-takers and with all hostages released unharmed.

The hostage-taking incident at Graterford came to a negotiated conclusion without violence. No lives were lost. No blood was shed. Damage to the institution was minor. The deaths that had occurred at Attica in New York State in 1971, at Huntsville in Texas in 1974, and at the New Mexico State Penitentiary in 1980 and the destruction that had befallen four State institutions in Michigan earlier in 1981 did not take place in Pennsylvania. Nonetheless, it could have been otherwise. The lives of many people, including Bureau of Correction staff and inmate hostages, had been put in immediate danger. The lives of State Police and outside observers and mediators who came to assist in the resolution of the incident had also been endangered. The inmates' possession of guns and ammunition and their control of hostages turned the ordinary power structure of the prison upside-down. As one of the hostage-takers repeatedly stated during the incident, "I've got the power now." At any time during the incident a carnage could have occurred. The circumstances that enabled the potentially destructive incident to develop and the reasons for its safe resolution needed examination.

Appointment of the Panel

After resolution of the crisis, Governor Thornburgh appointed a seven-member Panel to

investigate the hostage incident at Graterford. The Panel was charged not only to assess the incident but also to "review the conditions in the correctional system at Graterford and advise what, if any, further legislative or administrative actions might be appropriate to help ensure the safety of the inmates, correctional employees, visitors and the public in general," and further to "ensure that any lessons to be learned to prevent similar situations from recurring are identified."

Scope of the Review

The Panel has undertaken a detailed review of the hostage-taking incident itself, how it developed and how the authorities responded. The Panel has examined the level of preparedness of the Commonwealth to respond effectively to prison crises requiring prompt, effective intervention. The Panel has examined the conditions of confinement that existed at Graterford prior to, during and subsequent to the incident within the historical context of the prison and with reference to national advisory standards.

The Panel cooperated in its review with the Pennsylvania State Police, who had responsibility to investigate all crimes related to the escape attempt and hostage incident, including the illegal entry of weapons into the institution. There have been numerous reports on how the guns got in, many of which are plausible and are still under investigation by the State Police. The most frequent reports related to entry on various delivery trucks, including bread trucks which Joseph Bowen himself unloaded. Other reports related to packages entering through the mail room and weapons "dropped" during the night on the prison farm and then carried in by inmate farmers. There were also reports that the guns entered through the aid of visitors or corrupt staff. Finally, there were reports that the guns were brought in by other inmates not involved in this escape attempt, but which were taken from them by the captors.

The Panel has identified security deficiencies through which these or other guns could enter the prison. It is important to note that Graterford administrators have taken significant measures since the incident to limit the entry of contraband. Although entry of contraband can never be 100% controlled, it is the Panel's judgement that it would

be more difficult to penetrate institutional security today than it was during the period preceding the incident. Still, deficiencies exist and the Panel recommends improvements in this area.

Process of Review

In conducting its review, the Panel and staff made three separate full-day trips as a group and over thirty additional individual trips to Graterford. In addition the Panel met nine times to set direction, analyze findings and prepare this Report. Panel representatives have been at Graterford to conduct interviews and observe prison operations in both the daytime and the evening hours. Panel representatives have also visited the state correctional facilities at Camp Hill, Huntingdon and Dallas and the Federal Prison at Lewisburg to examine procedures used in these facilities and to interview inmates, including captors and hostages, who were present at Graterford during the hostage-taking incident, but were subsequently transferred elsewhere.

The Panel conducted two days of public hearings on the hostage-taking incident and received public testimony from Bureau of Correction Commissioner Ronald Marks and Deputy Commissioner Erskind DeRamus; Graterford Superintendent Julius Cuyler, Major Donald Vaughn and prison psychiatrist Dr. Gulderen Bora; State Police Deputy Commissioner Cyril Laffey, former State Police Captain John McKenna, who served as State Police Liaison at Graterford, and State Police Lieutenant John Flannery, who is Commander of the State Police Station at Limerick; representatives of the Federal Bureau of Prisons' Northeast Region, including Regional Director Stephen Grzegorek, Chief Psychologist Dr. Homer Keeney, Allenwood Prison Superintendent Robert Martin, and Equal Employment Opportunity Assistant Elliott Caggins; outside mediator Chuck Stone; and Jeffrey Bowen, brother of the ringleader of the captors.

The Panel conducted over 200 hours of interviews with representatives of the following: Governor's Office staff; Bureau of Correction officials; Graterford administrators, correctional officers and civilian staff; State Police officials and line personnel; Federal Bureau of Prison officials; National Institute of Corrections and other correctional consultants; Montgomery County District Attorneys' Office; Montgomery County Legal Services lawyers; staff hostages; inmate hostages; organized inmate groups; inmates randomly selected; the hostage-takers; citizen involvement groups and state and local union officials of the American Federation of State, County and Municipal Employees.

In addition to the formal interviews, Panel representatives spoke with numerous staff and inmates present in prison shops, the infirmary, the kitchen and elsewhere during our many trips to the prison.

The Panel reviewed files and manuals at Graterford, the Bureau of Correction Headquarters, the Attorney General's Office, Montgomery County Courthouse and elsewhere. Panel members and staff received dozens of letters and other correspondence from individuals concerned about the incident or about prison conditions. Telephone calls, several from anonymous sources, were received and the information considered.

Many reports were reviewed by the Panel to examine correctional issues in Pennsylvania and elsewhere. Special attention was given to reports following prison disturbances or hostage incidents in other states, especially a 1974 incident in Huntsville, Texas which paralleled the hostage-taking incident at Graterford in many ways, but in which two hostages and two inmates were killed after a ten-day stand-off ended without a negotiated solution. A bibliography which includes the principal source material used is appended to this Report.

The information contained in the chronology came from eyewitness accounts and records maintained during the incident. Where the Panel received conflicting information, it made judgements on the basis of the credibility of the different sources and plausibility of the information.

All staff services to the Panel were directed by George F. Grode, who also serves as Executive Director of the Pennsylvania Commission on Crime and Delinquency. Five members of the Commission's professional staff were assigned to work with the Panel on various aspects of this review. James O. Thomas, Jr. was assigned full-time to the Panel's inquiry and served as principal staff assistant. Martin V. Walsh, David L. McCorkle, Roy A. Willoughby and Baling R. Brown were assigned part-time. Each staff member made significant contributions. All five staff members had extensive prior experience working with correctional issues, programs and agencies in Pennsylvania. Thelma Elliott, Linda Kinsey, Lynn Hereda, Madeline Intrieri, Bonnie Fox, Shirley Numeroff and Diane Zeigler, all of the Pennsylvania Commission on Crime and Delinquency provided quality support in arranging logistics and in producing drafts of this document.

Richard H. Glanton, Executive Deputy General Counsel to the Governor, served as Special Counsel to the Panel.

The Panel incurred costs for travel, lodging and meals for meetings, but the Members served without pay. Consultant fees were incurred as part of an investigation of reported damage following the shutdown and as part of the review of medical services. In all, the Panel's efforts cost \$7,100 plus contributed staff and mailing services, all of which were paid by the Commission on Crime and Delinquency.

Organization of the Report

The Panel sought to chronicle the important events that led up to the hostage incident and the incident itself. The chronicle of events is contained in Section I of this Report, entitled: "A Chronology of Significant Events Surrounding the Escape Attempt/Hostage-Taking Incident at the Graterford State Correctional Institution."

The chronicle begins with what is known about the planning and preparations for the escape attempt and ends with the return to normal conditions. Although the chronology ends in January 1982, it is important to note that the incident is not over for many of the principal figures involved. The State Police investigation of the incident led to arraignment of the four individuals alleged to be the main escape planners and hostage-takers. The charges levied include kidnapping, attempted escape, weapons violations and conspiracy.

The incident continues to affect the staff hostages. As of the beginning of August 1982, all six staff hostages were still on medical leave. Some have shown evidence of coming to terms with the incident that should enable them to return to work in the correctional system in the future. Others still relive the experience daily and nightly, showing signs of extreme agitation and requiring medication to sleep. Most of the inmate hostages appear to have put the incident behind them; however, a few are still receiving medication and psychiatric treatment.

In Section II, the Panel sets forth twelve findings based on its review of the hostage-taking incident and of correctional services at Graterford. The findings include judgements on how the hostage incident was managed, highlight factors that contributed to its occurrence and recommend improvements in correctional operations in the Commonwealth and at Graterford.

Section III, entitled "Selected Issues and Recommendations," sets forth observations and recommendations on numerous issues examined by the Panel as part of its charge to suggest actions that

might help to ensure better correctional operations at Graterford. It is clear, however, that the nature of corrections today is complex and merits continuous attention, especially in light of the overcrowding at Graterford and other state prisons and the resulting stress. The issues examined are institutional security, "good time," the desecration of religious articles, media relations, staff resources, inmate classification, mental health services, medical services, prison industries, prisoner education, inmate accounts, inmate grievances, and food services.

The Report concludes with several appendices that should be of help in understanding the incident, including sketches of the institution, selected photographs, a glossary of names, the negotiated agreement and charges brought against the captors.

Acknowledgements

The Panel wishes to acknowledge the special assistance of Nicholas Lippincott, Chief Counsel to the Judiciary Committee of the Pennsylvania House of Representatives, and Mary Woolley, Executive Director of the same Committee; and Zahir Ra and Steven Williams, staff assistants to Senator Street.

In order to assess the medical and food services at Graterford, the Bureau of Correction cooperated with other agency representatives who updated information developed for the House Subcommittee on Crime and Corrections, in November 1980. The Panel's review of medical services was assisted by Ms. Christine Reese, Assistant Director of Educational Activities for the Pennsylvania Medical Society, who coordinated the activities of the medical review team. The review team consisted of Mr. Angus Love, staff attorney for Montgomery County Legal Aid Service; Ms. Mary Woolley and Mr. Kenneth Adami, staff of the House of Representatives; Mr. Joseph Hopko and Ms. Barbara Airasian, staff of the Pennsylvania Department of Health; and Dr. Herbert Tindall, a consultant physician. The review of food services was assisted by Mr. Gary German, Chief of the Department of Environmental Resources' Division of Food Protection.

Mr. William Anderson, a polygraph expert, assisted in the Panel's review of damage in Graterford's chapel, following the shutdown.

The Panel wishes to acknowledge the assistance of several federal officials, including Rudolph Giuliani, Associate U.S. Attorney General and Norman Carlson, Director of the Federal Bureau of Prisons, and the four Bureau of Prisons staff who assisted on the scene at Graterford during the

incident, testified before the Graterford Panel and provided valuable information on correctional operations: Stephen Grzegorek, Dr. Homer Keeney, Robert Martin and Elliott Caggins.

Allen Breed, Director of the National Institute of Corrections, provided advice and assistance to the Panel at the start of our work and on several occasions mid-stream. His experience and advice were most helpful, especially in areas of institutional security and emergency preparedness.

Commissioner Daniel Dunn and staff of the Pennsylvania State Police provided excellent cooperation. They detailed events during the incident and shared relevant information during the course of the Panel's review.

Attorney General LeRoy Zimmerman gave Panel staff access to records and personnel of the Attorney General's Office which were essential to research of court orders and consent decrees affecting correctional administration in Pennsylvania.

The Panel wishes to acknowledge the many inmates at Graterford, both former hostages and others, with whom we spoke and who helped us understand the incident and life at Graterford.

Officials and staff of the Bureau of Correction and the State Correctional Institution at Graterford deserve special acknowledgement. The Panel was given full cooperation and full access to staff, inmates and records under supervision of correctional officials. Corrections Commissioner Ronald Marks and Graterford Superintendent Julius Cuyler both evidenced a keen interest in the Panel's work, took steps to correct many deficiencies identified and made it possible for the Panel to complete its review in a timely fashion.

Finally, the Panel wishes to acknowledge the assistance and information provided by the staff hostages during the incident at Graterford who helped the Panel understand the facts and the affects of the incident.

SECTION I

A CHRONOLOGY OF SIGNIFICANT EVENTS SURROUNDING THE ESCAPE ATTEMPT/HOSTAGE TAKING INCIDENT AT THE GRATERFORD STATE CORRECTIONAL INSTITUTION

OCTOBER 28, 1981 TO NOVEMBER 2, 1981

This summary of significant events provides a comprehensive outline of the escape attempt, hostage-taking incident and related matters as understood by the Governor's Panel to Investigate the Recent Hostage Incident at Graterford State Correctional Institution. Information was obtained through extensive interviews, public hearings, the

review of written memoranda and reports prepared by the Bureau of Correction and State Police and the review of news accounts of the incident. Certain information obtained by the Panel is not included in this report so as not to jeopardize ongoing investigations or emergency preparedness planning.

EVENTS PRIOR TO OCTOBER 28, 1981

Planning and Preparation for the Escape Attempt

Preparation for the escape from Graterford Prison began long before the October 28, 1981 attempt. By some accounts, the escape effort was in the planning and preparation stage for three years. During this time, members of the escape party were recruited, contraband including keys, ropes, weapons and ammunition was acquired and stored, and prison routine was watched closely. Eventually, approximately eight inmates formed the escape party. By observing the collection of contraband, rope making and other activities, an additional unknown number of inmates became aware of the preparations for an escape.

Four of the inmates who prepared the escape eventually became the hostage takers after the escape failed. The leader of the group was Joseph Bowen, 35, a three-time convicted murderer serving two life sentences; Leroy Newsome, 27, convicted of first degree murder and serving a life sentence; Calvin Williams, 31, convicted of first degree murder and serving a life sentence; and Lawrence Ellison, 26, convicted of robbery and burglary and serving a sentence of 18 to 50 years. The other initial participants are not named here as they remain the subject of criminal investigations.

Because the escape plan required entry into the prison of guns, including two shotguns, sophisticated climbing apparatus and other unusual contraband, some of the escape planners had to maneuver themselves into work assignments and activities where they could obtain and store this contraband and where they could observe security procedures, staffing patterns and personal habits of guards and other staff. They also had to establish plausible bases for each of them to have access to the kitchen area from which the escape would be launched.

Because of the large amount of contraband included in the escape (273 different items of contraband were discovered) and the large number in the escape party, keeping the escape effort secret was a constant source of concern. The inmates planned to escape through the kitchen area and over the wall between towers 6 and 7 during dusk hours in late October or early November. The inmates planned to move escape materials from the cell block area to the kitchen area where other contraband was already stored. Using their weapons, the inmates planned to take control of the kitchen area, locking the guards and kitchen stewards in various small food storage rooms. Once assembled and organized in the kitchen, they would proceed to the loading dock and take possession of a delivery truck customarily parked by the dock just after the evening meal. They would drive the truck to the base of the wall between towers 6 and 7, stand on top of the truck and affix a rope to the top of the wall with pieces of institutional piping which formed a two-pronged hook. The inmates would climb the rope which had steps of regularly spaced blocks of wood tied to it and which they believed was strong enough to hold several climbers simultaneously. Once atop the wall, they would fix a second rope, which would be used for climbing down the outside. All of this would be done in a matter of minutes under the cover of dusk, but before the closest guard tower (tower 6) was manned at 7:00 p.m. Once on the outside, the escapees would either meet up with an escape vehicle, or would disappear into the surrounding woods and try to make good their escape, using the weapons as needed.

Several of the necessary elements to the plan fell neatly into place; others didn't. The inmates did obtain necessary escape materials, including:

- one caliber 22, Harrington & Richardson model 929, 9-shot revolver.
- one caliber 38, Howard Arms Company, 5-shot revolver.
- one 20 gauge Eastern Arms double barrel, cut-off shotgun.
- one 12 gauge, Crescent Firearms, Victor, single barrel, cut-off shotgun.
- one piece of tan rope 32 feet in length.
- one piece of white rope 28 feet in length containing 29 - 2"x2" blocks of wood.

The inmates also assembled and prepared to carry with them many items of high energy food and survival gear in case they were required to hole up in the woods for a long period. They also burdened themselves with excessive clothing, playing cards, toiletries, pornographic pictures and other items that could not have helped their effort.

One factor that didn't fall into place was timing. On October 28, 1981, the inmates were still days away from being fully ready for their escape. Nonetheless, there were rumors about an impending escape among a wide group of inmates and correctional officers heard general information about a possible escape plan or riot. One week earlier, correctional officers had confiscated escape materials and a complete set of institutional keys from inmate Paul Stanley, who was placed in administrative custody while awaiting transfer to another institution.

Rumors were frequent, though unvalidated and not specific. Many inmates and some staff were aware of speculation that an escape was in preparation. There are conflicting reports on how high escape rumors reached in the Graterford chain of command. There is no evidence that knowledge of these rumors came to the attention of Superintendent Cuyler, his deputies or other ranking officers. Tension was high among the inmates and several assaults occurred early in the week of October 28, 1981. Some Graterford staff asked for a total lock-up of the institution and a thorough search of all prison areas for weapons and contraband. The correctional officers' union representative advised Superintendent Cuyler that a riot could occur. Superintendent Cuyler viewed this as an overstatement of tensions in the institution. He decided that there was insufficient specific justification to close down the institution for the four to six days needed for a thorough search.

The escapist, aware that rumors of the escape were out, fearful that someone might expose their plan or that a possible shut-down and search would occur and their contraband would be confiscated, decided to try their escape immediately; that is on October 28, 1981.

EVENTS OF OCTOBER 28, 1981

The Escape Attempt

At approximately 5:00 p.m. on October 28, 1981, inmates assigned to work in the kitchen area who were to take part in the escape were joined by other inmates who skirted security checks by various ruses. Between 5:00 p.m. and 6:00 p.m., the escape planners took control of the kitchen area by neutralizing three guards and three kitchen stewards. They did this one person at a time, by isolating the individual, showing him a concealed gun and instructing him to calmly and quietly follow them. The staff were informed that the armed inmates wanted to escape rather than harm anyone and if they cooperated, no one would get hurt. Each staff person and a few inmate hostages was led to the rear of the kitchen area and locked into a small bread storage room. In two instances, armed inmates were unable to isolate the staff person without drawing special attention to themselves, so they removed a previously captured staff person from the bread room and used him to bring the individual into their trap under threat that if any alarm was sounded, the remaining staff would all be killed. As each staff person was captured, he was stripped of institutional keys. One correctional officer had a walkie-talkie which was also taken by the captors. In some instances, personal items were taken.

Each of the staff members, except one, surrendered peacefully to the captors. Correctional Officer John Bozek argued and resisted and had to be physically restrained by inmates and calmed down by a steward who had already been captured. The captured staff were out of contact with their supervisors and other staff for up to one and one-half hours without their absence being detected.

The three correctional officers taken hostage were Lieutenant Lorenzo Alleyne and Corrections Officers John Bozek and Gregory Ward. Lieutenant Alleyne was a shift supervisor responsible for patrolling large areas of the institution and overseeing security in the late afternoon of October 28, 1981. He was on tour in the kitchen area when taken hostage. Officers Bozek and Ward were assigned to control the gate separating the kitchen area from the cell block dining rooms and supervise security in the kitchen area itself. The three civilian kitchen stewards who were assigned on duty in the kitchen were Food Service Supervisor Eric Mohn and Food Service Instructors James Holiday and Wesley Lowery, Jr.

Prior to locking Officer Ward into the bread storage room, the inmates needed to visit D cell block where additional contraband was stored. By threatening Officer Ward with a gun and threatening

harm to the captured staff, the inmates compelled Ward to accompany them to D block and open the block door. Two of the inmates entered D block and returned pushing a laundry cart which contained various escape materials under a layer of clothes. The cart was taken to the kitchen area and Officer Ward was locked up in the bread storage room.

From approximately 5:00 p.m. to 6:15 p.m., during the capture of staff and assemblage of escape gear, 30-40 inmates were working in the kitchen, moving back and forth between the kitchen and the dining rooms. Some of them noticed the gradual disappearance of staff, others did not, as the kitchen area consists of approximately 35 different rooms and storage areas and the staff customarily move about. Some of the inmates working in the kitchen speculated that the unusual absence of staff was part of a possible escape. In general, the inmates who were not involved in the escape just did their jobs as usual, although some took precautions by crawling into cupboards or giant iron kettles to protect themselves in case shooting occurred. At least one inmate, Drake Hall, not previously involved in the effort, actively cooperated with those planning to escape and assisted in the preparations.

By 6:15 p.m., the escape plan was moving on a reasonable schedule and approximately nine inmates* were ready to go to the wall. This included the original group of escape planners and at least one other who became a participant during preparations in the kitchen. One significant hitch had developed, however, and presented a problem. The delivery truck, a common sight in the yard and needed to conceal movement to the wall, wasn't at the loading dock where it was supposed to be. During delivery of meals, it had run out of gas. This information had been communicated to the inmates while they were still locking up the staff around 5:30 p.m. They decided they had gone too far to wait for another day and decided to walk to the wall and use a 4 foot platform ladder to start their climb.

Thus, between 6:15 and 6:30 p.m., nine inmates set off from the kitchen loading dock carrying several heavy boxes of climbing gear, a ladder and escape materials, and headed across an open yard approximately 530 feet to a point between towers 6 and 7. It was dusk and the inmates hoped they wouldn't be seen. They were reportedly not concerned about being spotted by tower guards

*The exact number of inmates who participated in the escape attempt has never been established as eyewitnesses had to contend with diminished visibility and confusion in counting and identifying the inmates. Through investigation, nine inmates have been identified as at the wall. It is believed that a tenth and possibly an eleventh inmate were near the wall or in a position to rush the wall if the escape appeared to be working. The inmates who were clearly involved have chosen not to clarify this matter in light of the criminal investigation and pending prosecutions.

because they believed tower 6 was unmanned until 7:00 p.m. and that dusk and shadows would hide their movements from tower 7 and more distant towers. What they hadn't taken into account was that because Daylight Savings Time had ended three days earlier, tower 6 was manned at 6:00 p.m. The inmates also overestimated the cover of dusk and although they crossed the yard quickly, they were observed first by one and ultimately by each of three guards -- Officer Robert Molden in tower 6, Officer Paul Sites in tower 7 and Officer Edward Howard in tower 8.

As they crossed the yard, Officer Molden heard them talking loudly, seemingly unconcerned about being overheard. When they reached the wall, they had trouble attaching the hook some thirty feet overhead. Their plan called for raising the hook, made of piping, up the wall by adding pieces of electrical conduit to the pole and raising the hook higher as each new section of conduit was added. Once the hook was at the top of the wall, it was rotated to catch on. A 28-foot rope with 2" x 2" blocks attached at one-foot intervals as steps was both tied and taped to the hook. Catching the hook on the wall proved more difficult than anticipated, but after a few tries, it connected, albeit not securely. Joseph Bowen and behind him two other inmates stepped from the ladder and began to climb the rope. With three inmates on the rope, the climbing apparatus failed to hold. Although the rope itself held, the hook came free and the three inmates fell to the ground, the rope and hook coming with them. At this point, the inmates first noticed or first acknowledged Officers Molden and Sites yelling at them to leave the wall. An inmate turned, raised his arm and Officer Molden saw a muzzle flash. Officer Molden fired a warning shot. Three inmates retreated from the wall and headed toward the E block dining room area. A few other inmates retreated toward the kitchen, while Joseph Bowen and two other inmates made another effort to attach the hook to the wall and climb over. As guards were running across the yard toward them and the hook still wasn't securely attached, Bowen and the remaining inmates left the wall and retreated toward the kitchen area.

Had the inmates completed their climb up the wall, they would have found a detachment of three correctional officers armed with a shotgun, a pistol and batons waiting outside the wall at the point of escape. These officers had been sent to the scene

as part of perimeter security after the control center was notified by Officer Howard (Tower 8) that there was movement of inmates from the kitchen toward the wall. Officer Sites (Tower 7) stationed the armed officers at the point of the escape attempt.

The three tower guards observed the inmates in different stages of the escape. Officer Molden saw them first around 6:25 p.m. when the inmates started to cross the yard. Officer Molden thought he saw a correctional officer in the group but in the growing darkness he couldn't clearly count or identify the individuals, though some wore white kitchen worker uniforms and others had on regular brown institutional uniforms. Officer Molden first tried calling the control center, then the main gate to report the incident, but both telephone lines were busy. When the inmates reached the wall, he yelled a warning to the inmates to stay away from the wall. They either didn't hear him or acted as though they didn't hear him, and began mounting their hook and climbing.

While the inmates were crossing the yard, they were also seen by Officers Sites and Howard. Officer Howard called the control center and notified the day captain, Captain Walter Bullman, that there was a possible escape in progress between towers 6 and 7. The detachment armed with firearms was sent outside the wall by vehicle to intercept the escapists if they got over the wall. In addition, a group of four officers armed only with batons was dispatched on foot through the recreation yard to the outer prison yard where the inmates were reported. Another two officers with batons were sent toward the same point via a different route.

The tower guards were unable to determine the number of inmates at the wall, with estimates ranging from nine to fifteen. Estimates on how high the inmates climbed also varied, but it is reasonably clear from guards and inmates that the lead inmate, Bowen, got over halfway up the wall, possibly within ten feet of the top. The armed guards outside the wall heard the hook scrape the wall and slip off, the inmates fall to the ground, and the exchange of shots. The unarmed guard force inside arrived after the first exchange of shots and after some of the inmates had already left the wall. As the guards approached the remaining inmates, the inmates turned and fired a handgun in the direction of these officers. By now, all of the inmates had left the wall and were either back in the institution or enroute back across the yard.

In total, three shots were apparently fired in the yard, one by Officer Molden in tower 6 and two pistol shots by the inmates. The tower guards did not shoot at the inmates as they approached the wall

or while they scaled the wall in conformance with Bureau of Correction policy that deadly force not be used unless a life is threatened, or unless an escape cannot be stopped by use of lesser force. The tower guards stated that they would not have shot at the inmates until the inmates reached the top of the wall. Also, until the attempt failed, the tower guards did not know that the inmates had guns. By the time they knew of the presence of guns, guards on-foot had arrived and the tower guards were concerned that shooting into the growing darkness would endanger the guards or inmates not involved in the escape effort.

It is not known whether or not the inmates had plans to hook up with an escape vehicle if they got over the wall. Certainly, the gear they had with them would indicate they were prepared to live in the woods.

The Hostage Taking Incident Develops

A first group of approximately three inmates left the wall carrying a walkie-talkie and were seen heading toward the entrance to E block dining room. The walkie-talkie was later found outside of E block dining room. These inmates returned undetected into the general inmate population and did not become part of the hostage situation.

The remaining inmates returned to the kitchen area. They were followed by some of the unarmed correctional officers who had been dispatched by the control center. The officers reached the loading dock, peered through windows into the kitchen and saw armed and unarmed inmates. The armed inmates returned to the staff locked in the bread storage room, announced that the escape had failed and that they were now hostages. Lieutenant Alleyne and Correctional Officer Ward were then taken into the kitchen at gunpoint. Aware that correctional officers had arrived by the loading dock, Joseph Bowen told Officer Ward to tell the officers to back off and leave the area, as the inmates had hostages and guns, including shotguns, and would use them if the officers didn't comply. While Officer Ward was communicating this information to the guards, Bowen emerged on the dock with a gun at the head of Lieutenant Alleyne and discharged a shot in the direction of the officers. The officers retreated and at approximately 6:45 p.m. were directed to return to the control center for new assignments.

Inside the kitchen area, the armed inmates considered their options. They told Lieutenant Alleyne that they had hostages, weapons and a complete set of keys and would use the hostages to go through the prison and out the front gate. Lieutenant Alleyne told them that the keys would

open the front gate; that it is controlled by a buzzer system in the bullet-proof control room and the control room staff are trained not to let inmates out regardless of hostages or any actions against the hostages. At this point, the captors decided to stay in the kitchen area and build barricades to protect themselves in the event of an assault. The inmate kitchen workers were then put to work building barricades and securing the area. The staff hostages were locked back into the bread room amidst threats to their lives if they tried anything "funny." Lieutenant Alleyne was told that if there was any lack of cooperation he would be killed first. Officer Bozek was threatened and told that it was his resistance earlier that had slowed the escape plan and was responsible for its failure, and thus his death was deserved. Loaded weapons were waved at the hostages.

State Officials Respond to the Incident

While the escape attempt was in progress, Captain Bullman called Deputy Superintendent Lawrence Reid at his home to report the events. Mr. Reid was the Duty Officer on October 28, 1981. Mr. Reid called Superintendent Cuyler at home at 6:50 p.m. and informed him of what he knew. The information Cuyler received was confusing because the incident was changing from an escape attempt, to an armed escape attempt, to a failed escape attempt, to a hostage situation, to a barricaded hostage situation within minutes. Superintendent Cuyler ordered that the entire institution be immediately secured to isolate the problem area and called State Police Lieutenant Flannery, Commander of the local Limerick Station, at home to advise him of the situation and to request assistance. Superintendent Cuyler then immediately reported to the institution to take control. At the same time, Mr. Reid notified Deputy Superintendent Robert Mauger, Administrative Assistant Stephen Lucash, and Majors of the Guard David Vaughn and R. H. Spaid. All set out from their homes for the institution.

Superintendent Cuyler arrived at the institution first, at 7:00 p.m., and established the administration conference room as the command post. By this time, the inmates in the kitchen were building barricades and the reports were more clear. Superintendent Cuyler directed the rapid lock-up of the institution and at 7:12 p.m. notified Bureau of Correction Commissioner Ronald J. Marks. At this point, only Joseph Bowen was positively identified as being one of the captors, although it was assumed that all of the inmates at the wall might be involved.

At approximately 7:20 p.m., Lt. John Flannery and one other State Trooper arrived at the

institution. Other State Police began arriving thereafter. At this time, lock-up of the approximately 2,000 inmates at Graterford was nearly complete. Almost all Graterford administrative staff were present and assisted in the lock-up. A head count of inmates was underway to identify which inmates were missing from their cells.

The head count could not be completed at this time as small groups of inmates were still being returned to their cells from distant locations and because there was no functioning loudspeaker or other system to communicate clear instructions to everyone. Also, groups of officers were dispatched to investigate rumors that inmates were seen on the institution roof, out in the yard and elsewhere. No inmates were found.

In addition to these small groups of inmates absent from their cells, a larger group of sixteen inmates was discovered in E block dining room. This is the dining room toward which the first group of inmates seen running from the wall were headed. Staff were dispatched to determine who these inmates were and why they were in the E block dining room. Staff was told that these inmates had been engaged in after supper clean-up activities at the beginning of the hostage situation and lock-down, and had been "stranded" in the E block dining room. They were searched and returned to their cells without any records being made as to their identities.

Shortly after 9:00 p.m., tentative lists were prepared identifying thirty-six inmates who were unaccounted for. At this point, it was assumed that all were in the kitchen area. Superintendent Cuyler directed Graterford treatment staff to review the records of these thirty-six inmates and to work up profiles on the basis of their perceived dangerousness. Graterford's Treatment Director Thomas Stachelek oversaw this process and gave the Superintendent a list that identified the twelve most likely participants. It included all four hostage-takers.

At approximately 8:00 p.m., Joseph Bowen and Leroy Ellison were recognized as two armed inmates who appeared briefly in a corridor shouting obscenities, waving their weapons and challenging the officers in their sight to "come on in." Steward Mohn was standing with them and they appeared to be threatening him. These brief generalized taunts and expressions of readiness for armed combat occurred periodically throughout the evening against a backdrop of the sounds of barricades under construction.

From time to time during these early hours of the incident, there was telephone contact between staff and Lieutenant Alleyne. Around 7:30 p.m. and

again around 8:00 p.m., Graterford's Sergeant John Taylor spoke by phone to Lt. Alleyne who indicated that he was "O.K." and no one had been hurt. Around 8:45 p.m., Lieutenant Alleyne called out and said the captors wanted an outside telephone line to call their families. This request was refused until the inmates freed the hostages or began negotiations to set them free. Between 9:00 p.m. and 10:00 p.m., Lieutenant Alleyne placed two calls requesting medication for hostages with diabetes and other medical problems.

After the lock-up, correctional officers were available to guard the access points to the kitchen area. Administrative Assistant Stephen Lucash and two correctional officers armed with handguns, took position in the service corridor outside the kitchen. Lieutenant Robert Dietz and two correctional officers, also armed with handguns, took position at the loading dock. The captors had keys and weapons and had they decided to try to take over larger sections of the prison, they were expected to exit from either point. These six staff members held these positions for one and one-half hours.

State Police continued arriving so that by 10:00 p.m. forty-two armed troopers were present, under the command of Captain John McKenna, commanding officer of Troop K, the troop within which the Limerick Station was assigned. Armed teams of State Troopers were assigned to relieve and, in some instances, team up with the armed and unarmed correctional officers. Captain McKenna maintained frequent telephone contact with State Police Commissioner Daniel F. Dunn in Harrisburg.

Commissioner Marks called the Governor's Office and informed the Governor's Deputy Counsel Robert Ross and Governor Thornburgh of events at Graterford. The Governor then selected a Governor's Office management team and established a chain of command and communication to work with the State Police and the Bureau of Correction. The team consisted of the Governor, his General Counsel Jay C. Waldman, his Executive Deputy General Counsel Richard H. Glanton and his Press Secretary and Director of Communications, Paul W. Critchlow. Richard Glanton was designated to be the principal contact person.

While Commissioner Marks was briefing the Governor's Office, a group of eight correctional officers led by Major Vaughn set up a forward command post in the kitchen corridor and bake shop adjacent to the area held by the captors. Battery powered spotlights were set up to illuminate the area. At this point, everything outside of the areas controlled by the armed inmates was in place. The

Governor's Office was notified, the correctional and police agencies were coordinating their efforts, clear chains of command within each service were established, an adequate armed force was on the scene, properly deployed and increasing in numbers and equipment by the hour, hospitals and medical personnel were notified and in a state of preparation for emergencies, ambulances were at the institution, ten medical personnel were at the scene, C block dining room was converted to an emergency hospital, alternate arrangements for feeding the locked-in inmates were in progress, and work shift changes for all Graterford personnel were being communicated to them at their homes.

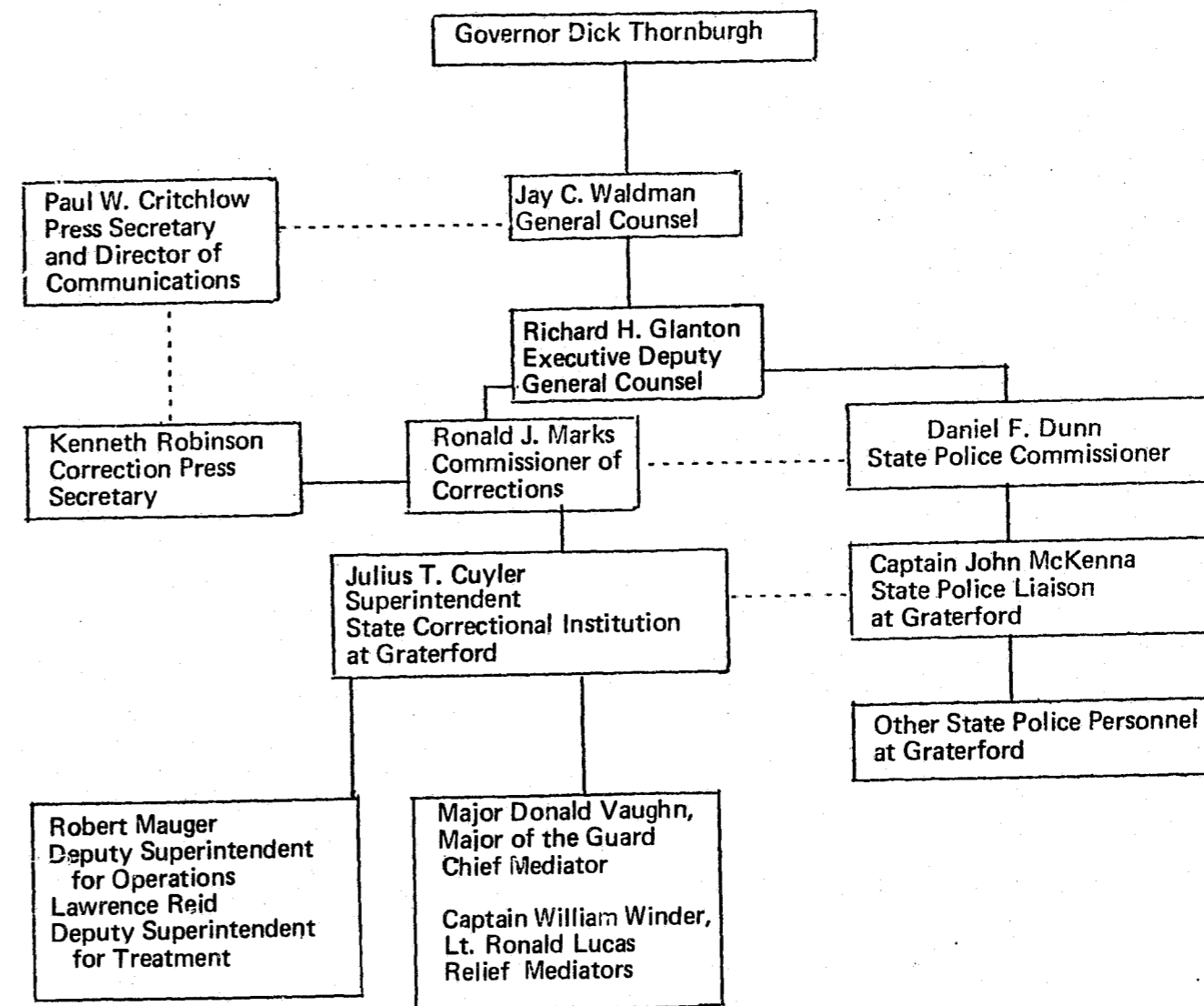
The chain of command was established as shown on the next page.

Tension Builds in the Kitchen

During the late evening of October 28, activity inside the kitchen was frantic. The captors had a great many doors and windows to secure. They were concerned about an assault and about snipers. Accusations flew, placing blame for the failure of the escape attempt. Tempers and emotions were at feverish pitches. Inmate hostages were ordered to smear windows with mixtures of catsup and flour so that guards would not be able to see in the next morning. Barricades were built using metal racks, tables, pots, kettles and other items. Mazes of pots and pans were made across the floors to impede movement of an assault force.

The staff hostages spent most of the evening locked in the bread box, although Lt. Alleyne was occasionally brought out to make telephone contact. The staff hostages were extremely pessimistic about their eventual fate. They saw the level of agitation of the captors who checked on them and saw the two handguns, two shotguns, and extensive ammunition in the hands of Joseph Bowen, Lawrence Ellison, Leroy Newsome and Calvin Williams. They heard the movements of police and correctional officers and the sounds of crashing pots and pans that were indistinguishable from the sounds of gunfire through the walls of their 15 foot by 25 foot by 13 foot windowless, cool storage room. On several occasions, Joseph Bowen confronted the staff hostages, sometimes telling them "to be cool" as he just wanted "to settle the thing so that none of his men got hurt or had to spend the rest of their lives in the hole," and other times stating that if an assault began, he would kill the staff hostages immediately. beginning with Lt. Alleyne. Every time the door to the bread storage room was unlocked, the hostages had to confront absolute uncertainty as to who was coming in, and for what purpose.

CHAIN OF COMMAND



Note: In addition to the State officials involved in the chain of command depicted above, experts in hostage-negotiation from the Federal Bureau of Prisons advised Glanton during the incident and hostage-negotiation experts from the New York City Police Department advised Commissioner Marks. Glanton and Marks shared with each other the observation and advice given by these experts.

The staff hostages believed that an assault would occur soon and developed a plan to hold the door to the bread storage room closed. They would remove their belts, tie them around the door knob and pull the belts creating a counter force against those trying to open the door. By this plan, they hoped they could keep the captors out until the assault force could retake the area.

Eventually, the staff hostages heard sounds that they thought were an exchange of gunfire between their captors and what they thought were machine guns. It was probably a table being dragged across the floor. Believing the assault was underway, they secured the door. The captors soon discovered the door wouldn't open and several of them tried forcing it, threatening to kill Lt. Alleyne when they finally did so. The door would not open. Finally, the captors promised that if the hostages yielded, they would not kill them. The hostages, worn out and aware there had been no assault and that eventually the door would be taken off its hinges by the captors, gave up. They were threatened again but not hurt.

As midnight approached, Major Vaughn established more frequent telephone contact with Joseph Bowen. Prison officials had earlier thought Bowen was the ringleader of the captors, and phone conversations that evening confirmed that Bowen was their spokesman. It was also clear that Bowen was willing to communicate through Major Vaughn, albeit intermittently and, at this point, not meaningfully, in terms of identifying demands, negotiation points or paths to resolve the situation.

Major Vaughn described to the Panel these conversations with Bowen. Joseph Bowen informed Major Vaughn that it was Bowen's "show and that he was running this and that he would make the decisions and that he would get back to me. He would go away and stay a half-hour, an hour at certain intervals, and he would come back and scream and holler again and tell me that this was his show and that he was making the decisions and he would let me know, that he would get back to me in another hour, and then he would go and stay another hour and come back - I was not trying to be pushy because I didn't know the particular situation, what condition the hostages were in, who the hostages were and who else was involved. We were still in the process of trying to determine who was back there as far as the staff and as far as inmates go."

EVENTS OF THURSDAY, OCTOBER 29, 1981

The First Night Passes

During the early morning hours of October 29, Major Vaughn spoke to Bowen several times by

phone. The conversations varied. Some dealt with medical needs of inmates and staff hostages. Others consisted of challenging outbursts by Bowen. There was no progress in identifying demands. Major Vaughn told Bowen that medical records were being checked and medicine would be provided to those in need. On the basis of these and prior conversations, it became clear that in addition to Bowen at least Ellison, Newsome and Williams were active as principal captors. Prison staff presumed that there were other principal captors as well.

During this period, the Graterford administration decided to deprive the inmates of some conveniences as a means of creating discomfort and hopefully bringing a quicker resolution. They turned off the water and gas service for the kitchen area and cut power to refrigeration units.

Around 3:30 a.m., a kitchen door opened, a gun barrel pointed down the corridor, and a loud blast occurred. The reason for this was at first unclear. Approximately one-half hour later, Lt. Alleyne called out to the control center to say that the captors wanted the authorities to remember that the captors had shotguns and ammunition. Shortly after this call, a kitchen door opened again, a hand and shotgun muzzle appeared, and it shot blindly down the corridor. No one was injured.

Later in the night, authorities left medication needed by inmates and guards by one of the doors where an inmate hostage picked it up for the captors.

By dawn, there were approximately 100 State Police in and around the prison armed with shotguns, revolvers, tear gas, bulletproof vests and gas masks. State Police and correctional officers were organized into four assault squads with each squad under the leadership of a State Police representative. The squad leaders were Captain McKenna, Major Roy Titler, Lt. Flannery and Lt. Edgar Richards. Each squad had four senior State Policemen armed with shotguns and the balance was armed with handguns and batons. The assault plans called for saturation of the area with tear gas prior to an attack. There were conflicting reports on whether the correctional officers were to participate as full members of the assault force or be used only as spotters.

The staff hostages spent the night in the bread storage area, referred to as the "bread box." They were extremely cold and several appeared to be ill. During Thursday they were allowed out into one corner of the kitchen area where they were guarded by an armed inmate. When developments seemed unusual or threatening to the captors, the staff hostages were returned to the bread box.

The inmate hostages were still busily adding to barricades and began building the principal barricade in the corridor just in front of the bread box. They did not finish this barricade until Friday. When complete, it extended from the floor to the ceiling and was about three feet thick at the base and two feet thick at the top with a three foot square hole in the middle that could be used as a shooting porthole or could be used to pick off an assault force one at a time as they clambered through it. The barricade was made of cases of canned goods, sacks of vegetables and other items.

*Communications and Activities
Continue Throughout the Day*

With the coming of daylight, communications with the inmates increased. Bowen, other inmates, Steward Holiday and Officer Ward either called or appeared at the doorway to ask for heat, blankets, cigarettes, more medication and a radio. Since the captors were unwilling to give up anything for these supplies, the authorities only provided medication. Several Graterford staff members, including a teacher of Bowen's, a prison psychiatrist and the chief of medical services spoke with inmates with whom they felt they had rapport, including Bowen. Dr. Gulderen Bora, consulting psychiatrist at the prison, urged the captors to release the diabetic hostages because of the severe consequences if they went into shock. The captors refused but did agree upon a schedule of regular urine samples and medication deliveries. An inmate nurse, William Fultz, volunteered to pick up urine samples and make deliveries which he did for several days. The basic situation, however, didn't change. Captain William Winder and Lieutenant Ronald Lucas spelled Major Vaughn as the principal spokesman.

In some of the telephone conversations, Bowen expressed a desire for a higher ranking mediator. Captain McKenna and Deputy Superintendent Reid were offered for this role but were unacceptable to Bowen. In one conversation, Bowen asked to speak to Commissioner Marks. In another, he asked to speak to his mother. In many conversations, Bowen was asked to identify what negotiating points he could offer to resolve the situation. He offered none.

Throughout the day, Graterford staff had been trying to locate and contact family members of hostages and captors to inform them what had been happening. They also hoped to obtain the cooperation of the hostage-takers' families in talking to the inmates and urging them to surrender. By the early evening, Bowen's brother and a sister and the mothers of two inmates believed to be captors came to Graterford. The family members had brief conversations with the inmates, but there were no significant changes.

In Harrisburg, Governor Thornburgh convened a meeting around 9:00 a.m. to review the situation, clarify roles and plan future actions. Present were Jay Waldman, Richard Glanton, Robert Ross, Paul Critchlow, Commissioner Dunn, Commissioner Marks and Dr. Raphael Belford, Chief of Psychological Services for the Bureau of Correction. The meeting focused on three principal questions: a) what was the range of possible things that could reasonably be expected to happen, from worst-case to best-case scenarios, b) what were the timeframes for probable key decisions and c) what were the levels of training and competence of the State Police and Bureau of Correction personnel on the scene? The Governor directed that, at all times, two objectives be kept in mind: a) resolving the incident as quickly as possible and without bloodshed, and b) insuring that no precedents were set which would encourage the future taking of hostages.

On the basis of information exchanged during the meeting, they decided to pursue a strategy of talking with the captors for as long as the hostages were unharmed. At the same time, they agreed that an assault team must be prepared to rush if an assault became necessary. The Commissioners of the police and corrections agencies assured the Governor that they had total confidence in the preparedness and ability of their commanders on the scene. The Governor decided that outside experts should not be brought in to assist at this time, but that since Pennsylvania had not had a correctional hostage situation in almost twenty years, consultation should occur with outside experts with more recent experience in such incidents. In light of the Governor's knowledge of capabilities within the Federal Bureau of Prisons, due to his previous tenure as Assistant United States Attorney General, he authorized Waldman to contact the U.S. Justice Department to request advisory assistance and ask that Federal experts be asked to stand by for more direct involvement if that were to be requested.

Finally, the Governor clarified the chain of command and communication and designated Richard Glanton to serve as the coordinator among the various parties. The chain had to remain flexible as events might develop at a pace which would require Glanton to have direct, immediate contact with the Governor or with other involved individuals. Following the meeting with the Governor, Waldman called Rudolph Giuliani, Associate Attorney General of the United States, to request the assistance of Federal experts. Mr. Giuliani and his deputy, Jeffrey Harris, in turn contacted Norman A. Carlson, Director of the Federal Bureau of Prisons, and directed him to identify appropriate Federal experts in hostage negotiation and emergency management and make them available to assist Pennsylvania. Director Carlson assembled a team headed by the

Bureau of Prisons' Northeast Regional Director, Stephen Grzegorek. Glanton and Grzegorek then established contact.

Glanton advised Grzegorek of the nature of the incident and status of developments at Graterford. Grzegorek stated that from what he heard, it sounded like everything was being done "by the book." Glanton asked if Grzegorek would keep his schedule sufficiently clear to come to Graterford if that became necessary. Grzegorek said that he and the other members of the Federal team had already cleared their schedules to respond to such a request.

At the Bureau of Correction, Commissioner Marks had established a "Crisis Team" consisting of key Bureau officials representing legal, psychological, engineering and other areas of expertise within the agency to participate in planning courses of action, both in regard to the hostage-takers, as well as in obtaining food and supplies from other State prisons that could be transferred to Graterford. Food for the institutional population was a special concern as the captors held the institution's food supply and food preparation area. Bureau of Correction officials also sought outside consultation and reviewed events with Lieutenant Robert Loudon of the New York City Police Department Crisis Intervention Team and retired New York Police Department Detective Dr. Harvey Schlossberg. These two individuals had conducted a hostage-negotiation training course for the Bureau of Correction and State Police less than two weeks prior to the incident. The New York officials advised that it sounded like the corrections personnel were doing all that could be done and that the captors had to come up with acceptable trades. The captors could have something only by giving other things up, most importantly giving up the staff hostages. They cautioned against providing the inmates with a radio since they feared that if Bowen heard broadcasts recounting his violent history and portraying him as a double-lifer with nothing to lose, he would not want to lose face by giving up peacefully. Richard Glanton and Commissioner Marks shared the information and advice they had each received from the Federal and New York City advisors.

A particularly difficult matter that came up during the early morning hours and throughout the day at Graterford was responding to the logistical and informational needs of the news media. The institution and the Bureau of Correction's press secretary in Harrisburg handled over a hundred phone calls from the press. A makeshift area to accommodate the press was set up in the visitors' waiting area at the institution. The press members present promptly overflowed the area. There was

only one phone for their use. When media representatives used that phone to call in to the kitchen and speak directly to the inmates, the phone was unplugged. At that point, news briefings were sporadic and information was sparse. Staff coming on duty and going off duty passed through the press area and passed on rumors and speculation to reporters who had been given little factual information. An institutional spokesman announced that Joseph Bowen was the ringleader and the press reported stories of Bowen's violent past. The relationship between the press and the Graterford officials was tense and remained so for several days.

Tension was more dramatic in the kitchen area. By mid-afternoon, the captors stopped talking to the corrections staff with whom they had prior relationships. Bowen and the other inmates reported that they had no reason to continue these conversations. Around 1:45 p.m., the door opened and three staff hostages appeared in the doorway, tied together. Shotguns were pointed at them. After eleven minutes, the door closed and they were gone. Prison authorities assumed that the purpose of this action was intimidation.

Around 8:30 p.m. Thursday evening, while State Police and Graterford personnel were in the corridor outside of the kitchen, the door opened and a face appeared briefly in the doorway. It appeared to be Bowen. This had been happening on and off for hours without incident or communication. On this occasion, a muzzle appeared and the police and corrections officials tried to move behind barriers and tables. Major Vaughn was reportedly slow to move and was grabbed by an unidentified State Trooper and pulled, toppling over a bench or chair. Two shotgun blasts tore down the corridor. A pellet or wadding from one of them hit State Police Officer Oskar Stabs in the leg. His leg was bruised and he was given medical attention. No one was seriously injured.

EVENTS OF FRIDAY, OCTOBER 30, 1981

A First Inmate Escapes

During the night, the inmates in the kitchen were cold, hungry and uncomfortable. They had ample raw food but couldn't prepare it. They had ice from the freezers melting for water. They broke up wooden furniture to burn in iron kettles both to try to cook some of the food and to keep warm. Everyone was on edge. At least one fight had broken out among the inmate hostages. Another inmate hostage had gone out of control, threatening others with a knife and had to be subdued by one of the hostage-takers. The four captors had to spend time

and energy managing the inmate hostages. The staff hostages now spent most of their time in a corner of the kitchen area under armed guard rather than back in the bread room. Although Graterford officials provided medication, it was often delayed in delivery and retrieval. Two of the staff hostages and two of the inmate hostages were diabetic and suffering from the irregular medication schedule, lack of food and sleep, as well as the cold. The hostages, inmates and staff alike, who were back in the kitchen didn't know if and when an assault would come. They were angry that blankets and cigarettes weren't provided. They felt abandoned. Almost all of the staff hostages at this point were convinced that they were going to die in the kitchen area. Many of the inmate hostages believed they were going to die. Some discussed plans to overpower the captors or escape.

Around 4:00 a.m., one inmate hostage made a telephone call out of the kitchen area and said he was going to try to escape out a boarded-up kitchen window. One-half hour later, this inmate climbed out of the window and was escorted to an office for interrogation.

Officials now received the first clear account of the botched escape attempt, the hostage-taking itself and, most importantly, the dynamics inside the kitchen. The inmate reported that he believed that the captors were not likely to hurt the hostages if they were given time to work things out, but that if the captors were put in immediate danger, anything could happen. Information from the inmate, together with facts already known, enabled officials to categorize the people in the kitchen as captors (4), staff hostages (6) and inmate hostages (31). Until this time, authorities believed that there were more than four captors.

An Interest in Negotiations Grows

Staff and inmate hostages began making telephone calls out of the kitchen. Primarily, they requested blankets, water and cigarettes. The staff hostages urged the administration to cooperate with the hostage-takers. Captor Calvin Williams called out and apologized for the shotgun blasts of the night before. He reiterated the captors' concern for their own safety.

Around 5:30 a.m., the kitchen door opened and Officer Ward appeared standing in the doorway with a rope tied around his waist. He stated that the captors wanted someone from the Bureau of Correction's administration in Harrisburg to be at Graterford to negotiate between 6:00 a.m. and 12:00 noon. This information was passed on to Commissioner Marks and Deputy Commissioner of Corrections Erskind DeRamus was flown by State Police helicopter to Graterford.

At approximately 11:00 a.m., Major Vaughn heard a shot from the kitchen area. It sounded like a shotgun blast. He called into the kitchen and demanded to know what happened. Bowen informed him that a gun had been dropped on the floor and accidentally discharged. Major Vaughn insisted that each staff hostage be brought to the door so that he could see them and talk to them. Bowen complied. The hostages were brought to the door one at a time and they assured Major Vaughn they were fine, although their stress was evident. As they stood at the door, a shotgun was pointed at them from beside the door.

In fact, the weapon was discharged accidentally. The captors often carried their weapons with the safety catches off. On this occasion, Bowen and Williams were walking in the corridor and the weapon accidentally discharged, just missing Williams.

Deputy Commissioner DeRamus arrived at Graterford around 1:40 p.m. and met with the captors. Bowen asked Lt. Alleyne to come to the door to verify that the Deputy Commissioner was actually in Bowen's presence. When Bowen was satisfied, he asked DeRamus to step out partly in front of him. They talked briefly and Bowen then determined that he wanted someone else and negotiations broke down until the following day. In particular, Bowen said he would talk the next day about bringing in an "independent negotiator." He then dramatized this point a while later by bringing Officer Ward to the door, holding a gun to his head, engaging in a long, obscene tirade in which he worked himself into a tremendous rage and insisted that only an outside "go-between" can avoid a slaughter. Deputy Commissioner DeRamus and Major Vaughn conferred on this matter and DeRamus told Vaughn that he had been authorized by Commissioner Marks to offer State Senator T. Milton Street as a mediator if that would help end the standoff. Major Vaughn suggested to Bowen that Senator Street had offered his services as a mediator and they would try to bring him in. Bowen agreed to the use of Senator Street.

Commissioner Marks wanted to accept Senator Street's offer because he was perceived to be a credible figure in the inmate community and because he had recently helped resolve a hunger strike staged by female inmates at the State Correctional Institution at Muncy. At this time the use of Senator Street had not been discussed with the Governor's Office nor with the Federal or New York City hostage-negotiation advisors.

During the balance of the day, the Governor's Office, Bureau of Correction and State Police Commissioner considered the issue of negotiators. The Governor's Office consulted with the Federal Bureau of Prisons' experts in hostage negotiation and Commissioner Marks talked to the New York City

Police hostage negotiators. All consultants advised against the use of any politician. Eventually, a decision was reached not to bring in outsiders yet, and to consider Senator Street as one of several possible outside mediators.

During the evening, a girlfriend of Calvin Williams came to the institution and spoke with him over the phone. Joseph Bowen's mother and his older brother, Jeffrey, spoke to Bowen. All of them urged the captors to end the incident peacefully so that no one, especially the captors themselves, would be killed or injured. Toward the end of the evening, Major Vaughn gave cigarettes to the captors and hostages.

Also that evening, a confrontation occurred between a reporter and the Graterford administration. At this time, a radio reporter brought a telephone into the area being used by the press. He plugged it into the live telephone jack from which the Bureau had pulled its phone and called into the kitchen, spoke to one of the inmates and recorded the conversation. Bureau of Correction officials detected this action and deactivated the telephone line. The authorities banned this reporter from the premises and notified the management of his radio station. Relations between the media and Graterford officials remained tense. In Harrisburg, the Governor's Press Secretary and Director of Communications, Paul Critchlow, decided to send Bureau of Correction press secretary Kenneth Robinson from Harrisburg to Graterford to conduct future press activities. Robinson was directed to conduct regular, periodic briefings for the press. Assistant Gubernatorial Press Secretary Kirk Wilson was assigned to assist in the handling of media inquiries at the Bureau of Correction's administrative office in Harrisburg. The press officers began to carefully coordinate the public dissemination of information partly because of a concern that the captors might find a radio in the kitchen area or gain access to media reports, and that inaccurate or inappropriate information might adversely affect negotiations.

During the evening, the Governor decided to ask the Federal Bureau of Prisons to assist on-site at Graterford. Shortly after midnight, Richard Glanton called Federal Bureau of Prisons' Regional Director Grzegorek and asked that the Federal Bureau bring experts in crisis response and hostage negotiation to the prison to advise on proper actions as an impasse appeared to have developed. The role of the Federal officials was described as to offer advice and assistance and to provide an additional direct line of communication and information from the scene to Glanton. Mr. Grzegorek agreed and a briefing between Glanton and the Federal team was scheduled for 6:00 a.m. the following morning.

Institutional Operations

While the focus of attention was on the activities in the kitchen area, other prison staff at Graterford had to contend with over 2,000 inmates who were locked in their cells. The Bureau's summary of the events notes that by the morning of the 30th, making meals for the general population in the small staff kitchen had become a difficult and almost impossible chore, as this kitchen is designed to serve only 200-300 people. As a result, they requested National Guard field kitchens and 15 units were delivered to the institution. Hot meals for the population of the institution were prepared expeditiously and were delivered as quickly as possible to inmates in their cell blocks. Inmates in the institution were allowed out of their cells in groups of five so that they could take showers and change their clothing. Commissary items were also made available to each of the cell blocks so that diet supplements could be purchased.

Generally, the inmates locked in their cells cooperated during the incident. One inmate did start a fire in his cell either in support of the captors or in protest of the lock-in. On Wednesday night many inmates called out to leave the lights on as they were fearful in the dark with armed police and armed inmates within the walls of the institution. Many inmates told the Panel that this was the most frightening event of their lives. Everyone knew of the slaughter of inmates by other inmates that occurred in New Mexico. There was fear of the institution being set on fire and the inmates being caught and suffocating inside. The inmates had radios and televisions and followed developments closely. As the days dragged on and as the inconvenience to the whole inmate population grew, so did their anger, and they frequently voiced threats as to actions they would take against the captors when the incident was over.

EVENTS OF SATURDAY, OCTOBER 31, 1981

The Inmate Hostages Leave the Kitchen

The events recorded on this date marked a turning point in the incident. Joseph Bowen and the other captors were not only concerned about their safety and ultimate release, but were pressured by the anxieties of the 31 inmate hostages in the kitchen area. Several of the inmates had histories of mental illness and primitive living conditions exacerbated their problems.

At approximately 4:37 a.m., a second inmate hostage escaped through a window in the kitchen area. This inmate provided some information about the problems in the kitchen area and verified the information provided by the first hostage escapee.

Just before 6:00 a.m., Richard Glanton met with the Federal Bureau of Prisons' advisory team in the Bureau of Prisons' Philadelphia Regional Office. Present were Glanton and Stephen Grzegorek, Bureau of Prisons' Northeast Regional Director, Dr. Homer Keeney, Chief Psychologist at the Petersburg Federal Correctional Institution, Robert Martin, Bureau of Prisons' Regional Correctional Administrator for Security and Robert Verderyan, Warden of the Petersburg Institution. Following a two hour briefing on all of the details of the incident, the status of negotiations and the backgrounds of key participants, the Federal advisors travelled to Graterford, arriving there at 9:15 a.m. All but Verderyan remained at Graterford until the conclusion of the incident. Upon Mr. Verderyan's return on Sunday to duties at Petersburg, Elliott Caggins, Equal Employment Opportunity Administrator for the Northeast Region came to assist the Federal team.

Mr. Kenneth Robinson, Press Officer for the Bureau of Correction, arrived at 6:00 a.m. and held his first briefing at 7:00 a.m. He scheduled regular press briefings every two hours. Press and correctional officials agreed that communication with the media improved significantly following Mr. Robinson's appearance on the scene.

Between 9:30 a.m. and 10:00 a.m., Joseph Bowen's mother told Bowen that Federal Bureau of Prisons' personnel were present to insure his safety if he gave up. Mrs. Bowen also told him that arrangements to have Senator Street come today hadn't worked out. Bowen accepted this without anger.

Major Vaughn and others expressed great apprehension that Bowen's reaction to this news would be violent, that he would consider it a betrayal. Inmate and staff hostages who were present report that this did not happen. According to them, Bowen never expected Senator Street or any other outside mediator to be admitted into the prison and that Bowen and the other captors believed it was a stalling tactic to buy time until snipers could find angles to shoot them down or until some other strategy using force could be put into place.

Pressures continued to mount in the kitchen area as an altercation broke out between two inmate hostages. They had been arguing over the theft of a watch. As a result, one inmate who had been receiving treatment for emotional disorders became agitated and, in the words of an observer, "started freaking out." Joseph Bowen was called to the area and confronted the inmate, who had armed himself with a knife and another kitchen object. Following

a lengthy discussion and several threats, other inmates joined in the argument. Eventually, the inmate dropped the knife without harming anyone.

At approximately 11:15 a.m., an inmate hostage complained to Bowen that he had placed all of them in jeopardy. Bowen announced to the inmate hostages that he hadn't been keeping them hostage at all; he was merely trying to look after their safety and that, if they wanted, they were free to leave at any time. Following some discussion and an attempt to clarify the situation, one inmate left the kitchen area at approximately 11:26 a.m. and, about noon, 24 other inmates left through the kitchen window and a door leading out of the bake shop. Prior to leaving, many of them thanked Bowen and the other captors. At 3:40 p.m., another inmate walked out of the front door of the kitchen and approximately one hour later, the last inmate to leave the kitchen area on Saturday came out the same way. One of the inmates who left the kitchen in this group has subsequently been identified as part of the escape effort. Seven inmates and six staff hostages remained in the kitchen from that point until the crisis ended.

The seven remaining inmates included the four captors and three others who voluntarily stayed behind. The three additional inmates were Drake Hall, Frank St. Clair and Otis Graham. Hall and St. Clair reported that they stayed to help keep things "cool" and to insure safety of the hostages. Interviews with the hostages confirmed that they had indeed helped them throughout the ordeal. Graham's motivation and role have never been clarified.

The Situation Worsens

After the first wave of 24 inmates came out of the kitchen, the situation worsened. The four inmates who later came out on Saturday and the three who stayed with the captors and the staff hostages related that the captors seemed to go through wide mood swings during this period. Alternately aggressive and despondent, Bowen ranted and raved, taunted the authorities to attack, but also became silent for stretches. The hostage-takers talked about "dying as men rather than surrendering like dogs." At about 1:10 p.m., Bowen reportedly took all of the weapons and all of the hostages back into a storage room and just sat there with them. Inmates still in the kitchen telephoned out that Bowen felt he had "something to prove" and is "ready to die." He later emerged and spoke to his mother on the phone. He told her that he wasn't going anywhere. He now insisted that the correctional officers had reneged on not bringing in Senator Street and he would only talk to Senator Street. Major Vaughn told Bowen that if he released the staff hostages, Senator

Street would be brought in. This information was never reported to the Governor's Office.

Around 5:00 p.m., one of the inmates who volunteered to remain called Major Vaughn and said that guards had telephoned into the kitchen threatening the captors, who now seemed more determined than ever to fight. Superintendent Cuyler then cut off phone service to the kitchen, except from the forward control post. This was the second instance of a breakdown in discipline by the guard force. Earlier there had been reports that correctional officers had surreptitiously brought personal weapons into the institution. One correctional officer was discovered by Lieutenant Dietz to have brought in a personal weapon and this was taken from the officer and put into the institutional arsenal.

The Federal advisors reported that the scene looked bleak at this time. The captors had still not presented any negotiating points. Inmate hostages who left the kitchen related that Bowen seemed to have become resigned to dying and was waiting for the State Police assault. The Federal advisors feared that Bowen was seeking a dramatic form of suicide.

Major Vaughn provided cigarettes to the captors as a means of keeping things calm.

A Mediator is Selected

Following discussion in the Governor's Office on the topic of selecting an appropriate outside mediator, Waldman, Glanton and Critchlow submitted a list containing the names of several possible mediators to Governor Thornburgh. They gave the highest recommendation to Philadelphia Daily News columnist Chuck Stone. Stone seemed to be an individual who would be acceptable to all parties. Regarded as "his own man," he had been critical of the state correctional system on many occasions and yet was seen by the corrections administrators as fair. In 1972 Stone had helped settle a work stoppage by 100 inmates at another State prison. Most importantly, since 1978, thirteen fugitives from justice had surrendered to Stone, all apparently seeking a guarantee that they would not be harmed by police at the surrender. Governor Thornburgh felt that Stone's well-known record of assuring the physical safety of those who returned themselves in to authorities could be a key to a peaceful resolution to the incident and authorized his staff to contact Stone. Richard Glanton called Stone at his home and requested his participation. Stone agreed to assist and Glanton said he would confirm the assignment the next morning if Stone was acceptable to the captors. Glanton called Commissioner Marks and relayed the Governor's

decision to propose Chuck Stone as the outside mediator.

At around 9:30 p.m., following an hour when the kitchen area was silent and no one was answering the phone there, a shot rang out. Three minutes later, Officer Ward called out to Major Vaughn to tell him that everything was O.K. Major Vaughn asked that all of the hostages be brought to the door and shown that they were all right. Vaughn said that if the hostages were fine, he would send a blanket for each of the people in the kitchen. The hostages were all shown and stated that they were fine. Bowen requested twelve blankets, one for each of his men and one for each of the other nine people, excepting himself. Major Vaughn sent thirteen blankets as an expression of gratitude that the hostages were not being harmed.

Those present in the kitchen area report that the shot was fired by Calvin Williams. They heard footsteps on the kitchen roof and the captors assumed it was a trooper trying to get a vantage point as a sniper. Williams shot a pistol at the spot where footsteps were heard and the shot was followed by the sound of footsteps running away from the area.

Around 10:30 p.m., Major Vaughn told Bowen that Chuck Stone was proposed as the mediator. Bowen asked for a few minutes to confer with his men. Inmate St. Clair called out in a few minutes and said that the captors knew of Stone and that he would be acceptable. Major Vaughn said he would tell his superior to make arrangements for Stone to be present on Sunday. Vaughn told Bowen that it would be necessary for Bowen to clarify his demands if the mediator were to help resolve the situation.

Throughout the day, the Federal advisors provided valuable assistance. Regional Director Grzegorek moved about the prison, encouraged the staff that they were doing a fine job and established a good rapport with Mrs. Bowen and Jeff Bowen, who had not fully trusted the state corrections personnel. Doctor Keeney drew upon his past experience as a hostage negotiator and trainer of Federal Bureau of Prisons' staff in hostage negotiation and advised Major Vaughn and the other backup negotiators. Grzegorek and Dr. Keeney also noted that Major Vaughn's attention was often diverted from negotiations as he was exercising command authority over some of the staff activities outside of the kitchen area and had to respond to complaints from the guards' union on several occasions. The Federal officials suggested that Vaughn should be relieved of all duties except those relating directly to the negotiations and this was done. Martin met with the Pennsylvania State Police and was available to advise them, although he found

their professionalism and preparedness to be of such a high level that little advice was needed. Periodically, Grzegorek advised Richard Glanton in the Governor's Office of the observations of the Federal officials. This gave the Governor's Office an additional direct line of communication and additional on-site reports of all aspects of the incident.

EVENTS OF SUNDAY, NOVEMBER 1, 1981

Negotiations Begin

During the night, Bowen had several exchanges with Lieutenant Lucas. The most significant exchange occurred around 1:00 a.m. when Bowen brought Officer Ward to the door with a gun to his head. Bowen believed that the boxes that had contained the blankets had something hidden in them and he wanted them moved. He was extremely agitated. Lieutenant Lucas moved the boxes.

At around 8:00 a.m., approximately 110 hours after the incident began, Bowen informed Lieutenant Lucas that the captors had drawn up their demands and when the mediator arrived, they would give them to him. The Governor's Office, after consultation with Commissioner Marks and Chuck Stone, clarified that Stone's role would be to: (1) receive the demands; (2) serve as an intermediary and clarifier of the demands; and (3) assure that he would monitor the physical security of the hostage-takers. He would not have the authority to make commitments on specific points in the demands. A State Police car was dispatched to pick up Mr. Stone and he arrived at the institution around 2:00 p.m. At 2:48 p.m., he arrived at the forward control post.

Major Vaughn called Bowen to finalize arrangements for the negotiations. Bowen raised procedural problems that caused delays. Jeffrey Bowen spoke with his brother on the phone and urged him to cooperate and meet with Chuck Stone and himself. Bowen asked for both Chuck Stone and Jeffrey Bowen to mediate and to enter the kitchen. Vaughn stated that the negotiations could not occur where the outside mediator would be out of his sight. Eventually they agreed that the negotiations would occur down the kitchen corridor that had become known as "shotgun alley." Stone informed the Panel that up to this moment, it had never been clear to him how the negotiations would be conducted and whether he would be alone or with State officials. Stone realized from his conversations with Glanton that there would be an element of personal risk, however, he had not realized that he would be on his own, away from governmental authorities and in

immediate personal danger. Nonetheless, he agreed to go forward. Before negotiations began, however, the captors brought Steward Mohn and Lt. Alleyne to a closed doorway. They were tied together with cord around their necks and a shotgun was pointed at them. These two hostages were kept out of sight in this doorway until negotiations with Stone had begun and then were shown to Stone apparently to demonstrate the captors' seriousness of intent.

Major Vaughn walked Stone and Jeff Bowen down the corridor. They carried folding chairs and sat with their backs against the corridor wall opposite a side door that Bowen spoke out of. Vaughn introduced Stone to Bowen then backed away. Bowen did most of the talking. He vented his complaints against society and the prison system. Bowen worked himself into a rage, waving a shotgun in the corridor. He cited numerous cases of what he considered unfair, inhumane racist treatment at Graterford.

Toward the end of Bowen's harangue, Calvin Williams slid a clipboard with twelve "negotiations" listed on it over to Jeff Bowen and Chuck Stone. Stone reviewed the twelve points orally with the captors to clarify them. Lt. Alleyne stated that he felt dizzy. Bowen announced that negotiations were over for the day and the hostage-takers locked themselves back into the kitchen area.

Chuck Stone briefed Major Vaughn, Superintendent Cuyler and the Federal officials. He briefed Commissioner Marks via telephone. He felt that the first session had provided Bowen an opportunity to "get a lot of things off his chest" and that the provision of twelve negotiating points was a significant step. He pointed out that the inmates wanted to know in advance what punishments or disciplinary actions awaited them if they surrendered, and that they would not be physically assaulted.

That evening Stone met with Richard Glanton at Glanton's home to clarify his understanding of the points. He also emphasized to Glanton the extent of concern the captors had for their physical safety. That night Glanton, in consultation with the Bureau of Correction, State Police and Federal advisors, went over the twelve points, considered the ramifications, conferred with Jay Waldman and began drafting responses for the Governor's consideration.

Back in the kitchen area the staff hostages became optimistic for the first time that the situation might end peacefully.

State officials were also optimistic at this time. For the most part, the demands seemed to be items that could be agreed to. The text of the twelve agreements is included in Appendix H to this report. Basically, the captors sought freedom from physical harm, no more than a 6-month confinement in maximum security segregation without further misconduct, no responsibility to pay for damage done to the institution during the incident, no extraordinary restrictions on visiting privileges, and the issuance of a radio for 24 hours after the release of the hostages. They also asked that no criminal charges be filed against any inmate not involved in the escape attempt or the hostage-taking.

EVENTS OF MONDAY, NOVEMBER 2, 1981

Additional Demands Presented and Negotiated

No contact occurred between the inmates and staff during the night. Between the hours of 6:00 a.m. and 8:00 a.m. on Monday morning, correctional staff handled routine matters. This included the exchange of urine specimens from the diabetic hostages, the transfer of water requested by the inmates and discussion about the health and welfare of those still in the kitchen area. Officers were advised that a couple of the staff hostages were "really suffering back here."

The lights in the kitchen remained on all night for the first time, indicating that the captors now did not anticipate an attack or sniper fire. By morning the hostage-takers' conversation and demeanor were less tense.

Having worked throughout the night responding to each of the twelve demands, by 9:30 a.m. Richard Glanton and Commissioner Marks had developed draft responses and submitted them to Jay Waldman for revision and approval. By 10:20 a.m., Governor Thornburgh reviewed and approved the final details of the responses and they were typed at Graterford and signed by Deputy Commissioner DeRamus and Superintendent Cuyler. One-half hour later, Chuck Stone and Jeff Bowen returned to meet with Joseph Bowen.

Stone was optimistic that a settlement could be reached. His only concern was that he had given his word the day before that the twelve points would be kept in confidence. Somehow a local newspaper had obtained a version close to the actual points and published them. Stone was concerned that Bowen might learn of the leaks and lose confidence in him. Fortunately, Bowen knew nothing of this.

When Stone and Jeff Bowen returned to the corridor, the captors again met the mediators with

two hostages tied together. This time it was Officers Bozek and Ward. Stone and Jeff Bowen explained that the demands had been agreed to and began to explain the responses. Joseph Bowen stated that there were new problems and offered seven new demands, including a request that all seven inmates still in the kitchen be transferred to a Federal prison. In addition, Bowen stated that the two correctional officers had some things to say. The officers expressed their disappointment that the corrections officials hadn't cared about them and hadn't provided blankets or other supplies promptly. They stated that the captors had treated them decently and had not harmed them. The shotgun was still pointed at them.

After one and one half hours, the mediators returned to the command post to confer on the seven new demands. Most of them had to do with protection and treatment in the Federal prison system and were not problematic. Federal Bureau of Prisons Regional Director Grzegorek conferred with Bureau of Prisons Director Carlson on accepting the seven inmates into the Federal system and on the specific negotiation points. With Director Carlson's authorization, Grzegorek agreed to the inmate transfers and to the seven points. The additional points were communicated to Commissioner Marks, Richard Glanton and Jay Waldman. After Governor Thornburgh was informed, he directed that they be consented to and this was communicated to Deputy Commissioner DeRamus and Superintendent Cuyler, who co-signed the agreement.

During the final round of negotiations, several of the inmates asked to speak with relatives and friends and some of those requests were granted. Final discussions began at approximately 4:45 p.m. Chuck Stone and Jeffrey Bowen presented Joseph Bowen with papers that outlined the settlement, signed by appropriate State and Federal authorities. Joseph Bowen discussed the document with them and said that some things looked good and others didn't. Stone tried to clarify specific points and reinforce his personal tie with Joseph Bowen and the other captors. Stone had talked to the mother of one of the inmates and passed on a message from her noting that she loved her son and wanted him to leave the prison that evening. Stone provided other personal details about the conversation. Finally, after a brief conversation with Joseph Bowen and a short argument between Joseph and Jeffrey Bowen over Joseph's delay, Chuck Stone and Jeff Bowen left the kitchen corridor. They informed correctional officers and State Police that Bowen was going to fire his weapons down the corridor, after which inmates and staff hostages would leave the kitchen area.

The Surrender Occurs

Seventeen shots were fired down "shotgun alley" from four weapons at 5:40 p.m. The guns were then carried by staff hostages to Major Vaughn. The inmates followed staff hostages out of the kitchen area. The incident was over.

Final Activities

State Police Major Roy Titler walked each of the inmates to a debriefing area where they were stripped and searched. The searches occurred in the presence of the State Police and Federal officials to insure the guarantees of physical safety. Each inmate was given a clean set of clothing and was taken under guard to the prison infirmary where he was given a physical examination. They were then taken by State Police and Federal officials to a waiting van and at 8:15 p.m., were transferred to the Federal Bureau of Prisons' institution at Lewisburg, Pennsylvania.

Graterford psychiatric and psychological staff met the hostages upon their release and took them for interviews, physical examinations and debriefing. They spoke and met with their families. At approximately 8:30 p.m., the staff hostages left for home with their families.

At about 6:30 p.m., Chuck Stone reported to the press corps that the crisis was over and gave them some of the details. He then went to the administrative offices to participate in a conference call with the Governor's Office and Commissioner Marks who expressed their gratitude. A formal press briefing was convened with Chuck Stone at 7:20 p.m., and questions from the news media were answered. A final press briefing was given by Kenneth Robinson at 10:45 p.m.

GRATERFORD IMMEDIATELY AFTER THE INCIDENT

The Shakedown and Return to Normalcy

The routine at Graterford did not begin to normalize until mid-November. During the six-day period after the captors surrendered, the authorities conducted a thorough shakedown of the prison. The search for contraband and weapons was comprehensive and as might be expected, created great tension between staff and inmates. Many inmates charged that personal possessions were broken or confiscated. By the end of this period, inmates had been housed in their individual cells without adequate exercise or activity for over 11 days.

Following extensive discussions with union officials representing guards and other workers at Graterford, the inmate population was unlocked on the evening of November 9, 1981. Contraband discovered during the institution-wide shakedown on November 2 to 8 included various zipguns, ammunition, knives, inmate manufactured keys, drugs and cash.

Following the shakedown it was discovered that damage had been done to cabinets in the Jewish and Catholic areas of the Chapel. Of particular concern, the damage in the Synagogue included the tearing of the sacred Torah. The Panel's investigation of this aspect of the shakedown is presented in Section III of this Report.

By mid-November most institutional operations returned to normal, although residual tension remained. By January 1982, the institutional climate was calm.

SECTION II

FINDINGS OF THE GOVERNOR'S PANEL TO INVESTIGATE THE RECENT HOSTAGE INCIDENT AT GRATERFORD STATE CORRECTIONAL INSTITUTION

On the basis of its review, the Governor's Panel to Investigate the Recent Hostage Incident at Graterford State Correctional Institution makes 12 findings.

FINDING 1. The successful resolution to the hostage-taking incident derived from the interaction of many factors, most prominently: (a) the leadership and good judgment evidenced by Governor Dick Thornburgh and his staff; (b) the professionalism and restraint evidenced by officials and staff of the Bureau of Correction and the State Police; (c) the courage and resourcefulness of several key participants, including Graterford's Major Donald Vaughn and intermediary Chuck Stone; (d) the advice and assistance provided by representatives of the Federal Bureau of Prisons; (e) the utilization of a credible outside mediator in the person of Chuck Stone; and (f) the recognition by the captors that they could not escape from the facility, coupled with the fear they had for their own physical safety and the eventual issuance of demands that did not include freedom, amnesty or other items that could not have been accommodated.

The Panel finds that Governor Thornburgh and his immediate staff - Jay Waldman, Richard Glanton and Paul Critchlow - provided effective leadership in: establishing a clear chain of command and communication; deciding to engage in dialogue rather than assaulting the hostage-takers' position, seeking the advisory presence of Federal officials, identifying and requesting Chuck Stone to serve as mediator once the impasse developed, and seeking Federal permission to accept the hostage takers into the Federal prison system.

The Panel finds that Bureau of Correction Commissioner Ronald J. Marks, State Police Commissioner Daniel F. Dunn and their central office staffs established immediate contact with the Governor's Office, each other and their responsible subordinates on the scene. Both agencies established the effective resolution of the hostage incident as their foremost mission and coordinated their efforts. Coordination was essential because of the shared responsibilities these two agencies have in responding to prison emergencies in Pennsylvania.

There was prompt notification and response to the incident by ranking Graterford and State Police

personnel. Within minutes of detection of the event, Superintendent Cuyler had been notified at his home, reported to the scene and had taken charge. He remained at the scene, oversaw the locking-up and management of the prison and participated in the decisions related to the hostage situation in the kitchen for most of the duration of the five-day incident.

The Panel finds that Graterford administrators and line staff promptly and correctly moved to lock-up the 2,136 inmates who were in various areas of the Institution at the start of the incident. Securing the Institution without conflict to minimize opportunities for the disorder to spread beyond the kitchen area was essential to effective containment of the incident.

Although there was substantial confusion among Graterford administrators and staff during the first two hours of the hostage incident and some individual breakdowns in staff discipline over the course of the incident, generally the administrators and line staff at Graterford performed their duties responsibly and with restraint under extremely trying circumstances.

The performance of the State Police on the scene was exemplary. Troop K Commander Captain John McKenna, who under State Police policy was the on-scene commander, and Major Roy Titler, maintained close communication with State Police Commissioner Daniel Dunn, made quality recommendations on the response options and had an armed, trained cadre prepared to assault if that became necessary. The State Police evidenced self-restraint and professionalism throughout the hostage situation, especially after a shotgun was fired down the corridor toward the State Police position and wadding or a pellet hit a trooper.

Of particular importance, the Panel affirms the decision to engage in dialogue with the captors rather than to assault the kitchen area so long as there was no evidence of harm to the hostages. During the initial minutes after taking control of the kitchen, the inmates were extremely excited, had taunted corrections officers to assault and had shot their weapons at least twice. They had extensive firepower and hostages. Graterford staff were unarmed and by the time they were able to obtain weapons from the

arsenal and Pennsylvania State Police had arrived, the captors had begun building barricades using hostage inmates as laborers. Within hours, the captors erected formidable barricades and an assault, even with the arrival of adequate reinforcements could have resulted in the loss of many lives. The decision to have an armed assault team ready in the event of violence by the captors, but to contain the problem, talk with the captors and negotiate for a peaceful resolution was the correct course of action.

The effective performance of key individuals at the scene of the incident contributed significantly to the successful outcome. Graterford Major Donald Vaughn has been cited by many officials present during the incident as demonstrating courage and resourcefulness. Because of his willingness to assume an important role and his credibility with Graterford inmates, Major Vaughn became the principal mediator during the first three days of the crisis. He spoke face-to-face and by telephone with the armed inmates and his mediating skills were outstanding. The same traits shown by Major Donald Vaughn were also evidenced by Captain William Winder and Lieutenant Ronald Lucas, who mediated in Vaughn's absence.

In addition to these performances, there were other noteworthy actions by Graterford staff. After the hostage-takers took control of the kitchen, they had the keys and weapons necessary to move out of the kitchen area and into the prison's cell blocks. Administrative Assistant Stephen Lucash and Lieutenant Robert Dietz, accompanied by Correctional Officers Joseph Roche, Thomas Buzzard, Kenneth Sobolewiski and Frank Cascino, armed only with pistols, were dispatched to cover the primary exit points from the kitchen--the loading dock and the service corridor. Even though they believed the captors had greater firepower, including shotguns, the officers held these positions for one and a half hours before being relieved by adequately armed replacements. Other correctional officers* risked their lives by pursuing the armed inmates across the prison yard to the kitchen while they themselves were carrying only batons. The six staff hostages, Lieutenant Lorenzo Alleyne, Correctional Officers Bozek and Ward and Kitchen Stewards Mohn, Holiday and Lowery, certainly contributed to the safe resolution of the incident by maintaining their discipline and composure under life threatening circumstances.

*Lieutenant Francis Ewing, Sergeant George Glahn and Correctional Officers Kevin Collins, Martin Earhart, Joseph Mushinski, Daniel Pastor and David Wachtman.

Excellent advice and support on the scene were provided by the Federal Bureau of Prison representatives, Stephen Grzegorek, Homer Kenney, Robert Martin and Elliott Caggins. Associate United States Attorney General Rudolph Giuliani, and Federal Bureau of Prisons Director Norman Carlson promptly responded in making the representatives available.

Outstanding courage and public service were displayed by the outside mediator, Chuck Stone, who responded to the Governor's request to assist in the resolution of the incident. Chuck Stone spent extended periods of time sitting with his back against a corridor wall talking to the armed captors who stood in a doorway across the corridor. He provided necessary clarification of negotiated points and provided assurance that no physical harm would befall the hostage-takers if they surrendered. Chuck Stone's ability to publish the captors' side of the story and to make public any reprisals against the captors is seen as an important element of his involvement. He was ably assisted in his efforts by Joseph Bowen's older brother, Jeffrey Bowen, who participated in the face-to-face discussions with the captors. The credibility and efforts of both Chuck Stone and Jeffrey Bowen contributed significantly to the peaceful outcome.

The hostage-taking incident followed a failed escape attempt. There is no evidence that this was a fall-back plan. The inmate captors wanted out of the prison. After returning to the kitchen and taking hostage the staff they had earlier incapacitated, the captors sought to determine whether they could escape. Hostage Lieutenant Lorenzo Alleyne made it clear to the captors that although they had keys that would enable them to march their hostages through the cell blocks and a variety of intermediate gates, they could not get out the front gate. The guards who controlled the front gate were located in an inaccessible bullet-proof cubicle and were under standing orders not to open the front gate regardless of any act that might be committed by insurgents. With the realization that escape was out of the question, the captors focused their concern on fortifying their position against an armed rush and seeking assurances that they would not be physically harmed. Physical safety was a foremost concern as ringleader Joseph Bowen had reportedly been severely beaten following his murder of a warden and deputy warden in Philadelphia's Holmesburg Prison before being transferred to State custody. His

realization, and that of the other hostage-takers that they had never been physically harmed by staff while at Graterford contributed to the captors' agreeing to negotiate a peaceful conclusion.

Finally, the willingness of the Federal authorities to accept the captors into the Federal system and the perception that this helped allay the fears of the captors of eventual retribution by staff or inmates were the final pieces to the effective solution.

FINDING 2. Emergency preparedness on the part of the Bureau of Correction and the Pennsylvania State Police is essential for effective response to crises such as the hostage incident.

The response of the leadership and staff of the Bureau of Correction and the State Police contributed significantly to the favorable outcome of the crisis at Graterford last October. Nonetheless, some emergency responsibilities were overlooked during the incident and there was considerable confusion as to the role armed correctional officers would have played if an assault on the kitchen had been ordered after State Police were on the scene.

It is imperative that the Bureau of Correction and the State Police have in place: 1) sound policies relating to response time, armed force, chain of command, negotiation parameters and operations assessment; 2) standing orders for certain critical operational assignments; and 3) thorough training for select personnel at Graterford and Troop K. The Panel has found deficiencies and ambiguities in existing policies, plans, orders and training and has identified emergency responsibilities that were not carried out during the hostage crisis. A discussion of these items as well as recommendations to overcome them are set forth in a separate confidential memorandum to the Governor.

FINDING 3. The presence of Joseph Bowen in the general inmate population was a consequence of grave inadequacies and inefficiencies in the criminal justice system. In addition, Bowen's placement at a minimally supervised work assignment where he was in contact with outside delivery vehicles was a lapse in institutional security.

Joseph Bowen was originally sentenced to the State prison system in 1965 at the age of 19. He was convicted of assault with intent to kill, carrying a concealed deadly weapon (firearm), aggravated assault, robbery, burglary, conspiracy and disorderly conduct. On these convictions, Bowen was given

three concurrent sentences of one and one half years to three years, to be followed by a consecutive sentence of six months to three years. Bowen served the full six years maximum. He received over 30 misconduct reports during his six-year stay. His behavior in custody was characterized by frequent verbal and physical aggression.

Four days after his release from prison in 1971, Bowen was arrested for shooting and killing a Philadelphia police officer, who caught Bowen trying to hot-wire a car. While being held in Philadelphia's Holmesburg Prison, Bowen's behavior was marked by the same patterns of belligerence and misconduct that characterized his earlier stay in State prison. This behavior reached its extreme in May of 1973 when Bowen, in concert with another inmate, stabbed and killed the warden and deputy warden of Holmesburg Prison and stabbed, but did not kill, a correctional officer. In light of these murders, Philadelphia officials felt that Bowen had to be removed from the Philadelphia prison system. Philadelphia promptly requested that the Commonwealth of Pennsylvania accept Bowen into the State prison system as an unsentenced prisoner. Bowen was transferred to State custody and placed in maximum security at the State Correctional Institution at Huntingdon. At that time, some 28 months after Bowen's arrest for killing the Philadelphia police officer, Bowen had still not been tried and convicted on that offense.

In July 1974, Bowen was transferred from Huntingdon to the State Correctional Institution at Graterford, the State prison most proximate to Philadelphia, in order that he might be more easily transported back and forth from Philadelphia for trial on the 1971 murder of the police officer and for court hearings on the murders of the warden and deputy warden. He was placed in the behavioral adjustment unit (maximum security) at Graterford. This was Bowen's second stay at Graterford. During 1971 after he was arrested for killing the Philadelphia police officer, he was temporarily transferred from Holmesburg Prison to Graterford to testify as a witness in a court hearing in Montgomery County. While in the Montgomery County Courthouse, Bowen and two other inmate witnesses attempted to break out of the court lock-up. Using wooden legs they broke off tables, they assaulted security guards. Later in 1974 at Graterford, staff uncovered evidence of an escape plan, of which Bowen was the alleged organizer. The escape plan included smuggling guns into the Institution through the visiting room in order to facilitate the escape. The written plans were discovered before the guns were smuggled into the prison.

On October 2, 1974 Joseph Bowen was convicted of second degree murder for the killing of the Philadelphia police officer on February 17, 1971. Sentencing on this conviction was delayed another year. In February 1975, shortly before Bowen's scheduled March 1975 trial for the murders of the correctional officials in Philadelphia, a suit was filed in Federal court on Bowen's behalf by Community Legal Services, Inc. of Philadelphia. The suit alleged that Bowen was unconstitutionally held in maximum security at Graterford and should be released to the general inmate population. The suit further sought \$10,000 in monetary damages to be paid to Bowen as compensation for the time he had spent in maximum security confinement. It cited constitutional rights violations and charged that under procedural due process guarantees of the Fourteenth Amendment to the United States Constitution and under Bureau of Correction policy, Bowen could be placed in maximum security only if warranted by specific acts committed in Bureau of Correction custody, after a hearing. His attorneys alleged that Bowen had not committed specific acts at Graterford that warranted maximum security and had not received a hearing before his initial placement in maximum security. This suit was in negotiation for two years between Community Legal Services and the Pennsylvania Attorney General's Office.

In March 1975, following nine court continuances, Bowen was convicted on the two Holmesburg murder charges and on the assault charge. In September 1975, Bowen was sentenced to two life terms, one term of 10 to 20 years, and one term of two to five years on the three murders and the assault. The two life sentences were for the killing of the warden and deputy warden. These were the maximum sentences allowed under Pennsylvania law at that time. Bowen continued to remain in maximum security at the prison following the sentencing.

This placement was reviewed on a month-to-month basis by Graterford's Program Review Committee and was continued on the basis of his attitude described in correctional reports as "arrogant, belligerent and threatening."

During the two years of negotiations between the Pennsylvania Attorney General's Office and Community Legal Services, Inc. of Philadelphia, Community Legal Services sought and received permission to have Bowen examined by a psychiatrist of their choosing. In a report submitted to the Attorney General's Office in July 1976, Bowen's psychiatrist stated that in his opinion Bowen's presence in maximum security confinement "was medically wrong" and psychiatrically and medically

harmful to the individual. He stated that Bowen's "lack of sociability has no relevance to dangerousness," and stated that in order for the cycle of violence - secure confinement - belligerence to be broken, Bowen would need to be given the opportunity for more meaningful interaction with others and his dangerousness should only be assessed at that time. Bowen's psychiatrist further stated that the assessment of "dangerousness" and "threat to present order" could only be made once Bowen was "thoroughly studied, psychologically, psychiatrically, and behavioralistically by competent professionals in the field qualified to make such predictions on human behavior." Following receipt of this psychiatric report, records available in the Attorney General's Office indicate that staff of the Attorney General's Office believed that the Federal courts would ultimately decide to order the removal of Bowen from maximum security. They also expressed concern that financial damages might be assessed against the Commonwealth.

In December 1976, Bowen's attorneys and Attorney General Robert Kane entered into a Federal consent decree. The consent decree was agreed to over the formal protest of the Commissioner of the Bureau of Correction, William B. Robinson. Even after the consent decree was signed, Commissioner Robinson urged the Attorney General's Office to seek a rehearing. In each instance, the Commissioner was overruled.

By the consent decree, the Commonwealth agreed to remove Bowen from the behavioral adjustment unit (maximum security) at Graterford and place him in administrative custody where he would have more opportunity for contact with others and greater opportunity for participation in institutional programs. Security and supervision in administrative custody remain, nonetheless, close, as all movements are supervised by staff. The consent decree further required preparation of a report on Bowen's psychological development while under administrative custody. This report was to be submitted to the court within three months of Bowen's removal from maximum security. Most significantly, the consent decree also provided that at the end of nine months, Bowen would be placed in "general population" within the prison, unless the Commonwealth showed reasons not to place him in general population at that time. Placement in general population would make Bowen eligible for all institutional programs and activities within the Institution and would not restrict his movements more than any other inmate's.

During the nine month period Bowen was in administrative custody, he received monthly

evaluations by the Institution's Program Review Committee. They found that his attitude continued to be arrogant, belligerent and threatening. The psychological evaluation of Bowen was not completed within the three month time frame provided for in the consent decree as Bowen refused to participate in the psychological assessment. This was communicated to his counsel. Bowen was informed that he must cooperate if he was to obtain release to general population. Bowen did subsequently cooperate and a report was prepared and submitted to the court.

The psychological report was prepared by Graterford treatment services staff. The institutional adjustment section of the report minimized Bowen's past behavioral problems and concluded by stating that Bowen had "not created any major security problems." The psychological impressions section of the report was based on "a limited amount of interviews" and is very brief and general. It described Bowen as distrustful, suspicious and hostile toward authority but also stated that he was open, honest, had religious convictions, moral codes, good impulse control and was capable of understanding the rules and regulations governing life in general population at Graterford. The psychological evaluation was transmitted from Graterford to the Attorney General's Office to the Federal court with brief transmittal notes.

The nine month trial period passed without Graterford, Bureau of Correction or Attorney General's Office staff initiating any written contacts on this case, with each other or the Federal court, other than the transmission of the psychological report. There was no submission to the court of reasons why Bowen should not be released to the general population.

Significantly however, there are memoranda on file from corrections officers and supervisors, prepared during the nine month period, which urge Superintendent Cuyler to oppose the transfer of Bowen to general population. The memoranda cite Bowen's past murders, history of belligerence and the fact that he was out of maximum security confinement in prison for only four days before he killed the police officer in Philadelphia. One letter stated that the author saw "no reason to light a fuse of dynamite in order to see if it will explode or not." Another letter stated: "In closing, I would like to ask you one more question: What rationale will we use to describe to loved ones and families of the future inmates and officers who have been killed or maimed by our lack of foresight? Help us who have to work and live in an institutional community to

keep our community as safe as possible." It was signed by Lieutenant Lorenzo Alleyne, who later became one of the six staff hostages taken by Bowen.

At the end of the nine month period, the Attorney General's Office received a letter from Community Legal Services, Inc. of Philadelphia pointing out that the nine months had passed, that no reasons had been submitted for keeping Bowen from general population, and therefore, Bowen should now be placed in general population. The letter concluded by stating that if Bowen was not placed in general population, Community Legal Services would take "appropriate action" against the Commonwealth for violating the consent decree.

The Attorney General's Office conferred with officials at Graterford and the Bureau of Correction. According to an internal memorandum to the file in the Attorney General's Office, the Attorney General's Office stated a willingness to contest the matter and informed the correctional officials that they should promptly prepare a report "replete with justification" for retaining Bowen in administrative custody. However, according to Bureau of Correction records and interviews with relevant correctional officials, their understanding was that the Attorney General's staff saw the case as hopeless and believed that the Federal court would order them to place Bowen in general population. They also believed that failure to place Bowen in general population after these nine months could result in the correctional officials being found in contempt of court and personally liable for financial damages. The weight of the evidence indicates that the Attorney General's Office did not exhibit interest in this case commensurate with its seriousness and did not pursue it vigorously. The correctional officials did not monitor this case closely and appear to have been extremely confused over the legal aspects.

Regardless of what understandings or misunderstandings existed, the Bureau of Correction and Graterford administrators chose to voluntarily place Bowen in general population and did so on November 7, 1977, thus making unnecessary any further litigation. Confusion on this matter existed from this point forward, as documentation available at Graterford on Bowen's transfer to general population continually makes reference to the "court order" or "Federal judge's action" that made the Institution place Bowen in general population. Indeed, on November 10, 1977, Superintendent Cuyler met with the Deputy Attorney General who handled the case and showed him a copy of a letter the Superintendent had drafted to the Federal judge citing the dangerous action by the judge in making the Institution put Bowen into general population.

Interviews with Graterford officials make it clear that staff and many administrators believed that Bowen was ordered into general population by the federal judge. They seemed unaware that Bowen's presence in general population came about as a result of voluntary agreement between Attorney General Kane and counsel for Joseph Bowen.

Subsequent to his release to general population, Bowen's behavior and attitude, although never becoming positive, showed less frequent and less dramatic signs of hostility and aggression. Nonetheless, between his release to general population in 1977 and the events of the hostage-taking incident in 1981, Bowen was cited for four misconducts which resulted in his placement into maximum security for short periods of time. Two of his misconducts, one in November 1978 and another in August 1979, specifically related to possession of escape material. The escape material found in 1978 consisted of maps, a travel brochure, a phone book and a hand-made weapon. The escape material confiscated in August 1979 was extensive and included 70 feet of rope, metal hooks and pieces of piping which presumably were to be tied to the rope as steps. In addition, further investigation revealed that the foundations for the bottom left-hand windows of his cell had been removed and then replaced with a soft putty.

In 1979 and again in 1980, Superintendent Cuyler requested the Bureau of Correction to transfer Bowen to another facility. The reasons cited included Bowen's involvement in escape preparations and his reputation for belligerence. These transfer requests were seen as "premature" and not in the "best interest of the Bureau of Correction and the inmate" and were denied. The Bureau's Transfer Committee believed Bowen could be best controlled by staff who had known him over the years and it was doubted that his adjustment would be more favorable in any other institution. In July 1981, Superintendent Cuyler again requested the transfer of Bowen to another State prison as Bowen, in concert with other inmates, including Calvin Williams, was believed to be engaged in a "movement to disrupt the normal routine of this institution." Bowen's "propensity for instigating others" into dangerous group activities was also cited. The request to transfer Bowen was one of several submitted by Superintendent Cuyler at this time. This transfer request was denied along with several others in Bureau headquarters in July of 1981, "due to the inability to transfer all inmates" for whom requests were filed. Some of the other requests were approved. The Bureau did not give specific reasons for the denial of Bowen's transfer.

In spite of Bowen's aggressive and belligerent history, his convictions for three murders of criminal justice officials, the frequently stated concerns that he was engaged in various conspiracies among inmates at the Institution, and four prior documented escape planning and preparation efforts, Bowen was assigned to a work detail in the kitchen area of the Institution. In this area there is ready access to knives and other possible makeshift weapons. Bowen was specifically engaged in work which included unloading outside delivery trucks, which received minimal inspection by institutional staff in the period of time preceding the hostage-taking incident.

FINDING 4. There is a need within the Bureau of Correction and specifically within Graterford to identify and closely observe those inmates who can be classified as primary security risks, because of their past deeds both in and out of prison. Prisoners who are caught in escape attempts or in predatory acts against other inmates or staff should be carefully tracked, so that work assignments, program participation, personal fund accounts, mail privileges and visiting procedures are not used by these inmates to further their criminal intentions. The efficacy of utilizing a separate section of each State prison or of designating one such prison in the State for the identified high security risk and predatory inmates should be explored. Regardless of whether a separate location is used or not, procedures for inmate control must be commensurate with their security risk and dangerousness.

In a large prison system there are apt to be some inmates so dangerous and intent on escape that the system cannot be adequately designed to absorb them without risking harm to other inmates and guards. Such inmates may not be manageable in Pennsylvania's prisons that house general population inmates, as no amount of attention to job assignment or program participation will be sufficient to manage them safely. Thus, a consideration should be given to the creation of a special secure facility(ies) for the housing of this type of inmate. At a minimum, an inmate with the background of a Joseph Bowen should not be allowed to have a job assignment which provides opportunities to conceal and move large amounts of contraband and to come in contact with outside service vendors. Prisoners, whose immediate past actions do not present a cause for placement in the institution's restrictive housing unit, but whose criminal and/or inmate history suggest a propensity for violence and/or escape must be carefully monitored while in general population. A recommendation related to this finding is made under "Inmate Classification" in Section III.

FINDING 5. Deficiencies in physical and operational security at Graterford contributed to the planning and execution of the escape attempt and to the hostage-taking.

The ability of the inmates to obtain, store and move weapons and institutional keys, escape equipment and other contraband through the prison undetected is greatly disturbing as is the knowledge that six staff members could be under the control of those preparing to escape for up to one and one-half hours without their absence being noted by supervisors or co-workers. The Panel has found a general laxness in control of inmate movement within the institution. The Panel has examined this and numerous other aspects of security at Graterford and offers many observations and recommendations on improving security in Section III.

FINDING 6. Damage to the Torah in the Synagogue was not caused by the team of correctional officers who searched the chapel area on November 5, 1981. Officers on the search team followed standing orders in conducting the search. However, damage to the doors of an ark and a cabinet in the Synagogue and a cabinet in the Catholic chaplain's office caused during the search could have been avoided.

The Panel makes several recommendations that, if implemented, will improve both conditions for inmate worship at Graterford and security in the chapel. First, the Panel recommends that the Bureau of Correction should designate an area within Graterford's chapel to be used solely as a Synagogue. Second, several specific revisions should be made to improve standard procedures for searching areas of worship in the chapel. Specifically, clergy or a designee should accompany correctional officers assigned to search the chapel. Third, staff at Graterford perceive that members of certain religious groups are receiving special treatment because they are allowed to observe religious practices and holidays. Religious practice of Jewish, Muslim, Catholic and other groups should be described to correctional staff during training programs. An inmate's right to observe religious holidays and practices is a principle that should be clearly stated in correctional policy and fulfilled by the action of correctional staff. Fourth, the entire chapel area, including offices of the clergy, is conducive to the storage of contraband. Either more searches or a redesign should be undertaken. Finally, about one-fourth of all inmates are Muslim, the largest religious group at Graterford. Appointment of a full-time Muslim clergy should be considered. A summary of the Panel's investigation of the "Desecration of Religious Articles" is included in Section III.

FINDING 7. There has been compliance with the 19 points to end the hostage incident.

The agreement between the insurgent inmates and the corrections officials is generally seen as reasonable and inmates within the Institution place importance on the Bureau living up to it. This could be a significant factor in the Bureau having the credibility to safely resolve any future incident of this nature and in the willingness of credible intermediaries to become involved.

FINDING 8. The escape attempt and hostage-taking incident were the result of a desire to break out of the prison, not a reaction to prison conditions. All four hostage-takers were chronic criminal offenders and three were serving life sentences without parole consideration. Bowen and Williams had a history of escape planning and escape attempts. Williams had successfully escaped from the State Correctional Institution at Camp Hill in 1976 by scaling the fence. Nonetheless, in keeping with its charge, the Panel has examined conditions of confinement at the Institution and has identified several conditions that contribute to institutional tensions and management problems at Graterford.

Section III of this Report provides discussion and recommendations concerning conditions of confinement, which includes: (a) increasing inmate populations at the facility, with resultant double-celling, higher inmate/staff ratios, more physical confrontations among inmates and between inmates and guards, and diversion of limited resources from programs to additional clothing, food and supplies for the expanded population; (b) the presence of approximately 200 inmates who cannot fully participate in the normal prison program due to mental health problems; (c) the need for additional maximum security cell space to house the predatory inmates who cannot be safely maintained in lesser security classifications; (d) the lack of expansion of institutional staff in the last two years even though the inmate population has gone up by 12% in that period and a rapid turnover of institutional staff has resulted in the presence of an inexperienced corps of first-line staff in direct contact with the inmates; (e) the need for additional in-service training of staff; (f) poor labor-management relations; (g) inadequately controlled inmate traffic; (h) insufficient medical services; (i) the need for better food preparation; and (j) delayed processing of inmate accounts.

FINDING 9. There is a need for the establishment of a "good time" system whereby inmates can earn time off their sentence for good behavior.

Testimony in support of the enactment of "good time" provisions such as have been proposed by Governor Thornburgh was given by numerous guards, inmates and correctional officials. The use of "good time" was seen as particularly important as an incentive for positive inmate behavior and for maintaining discipline and control of the prisoner population. The need for "good time" is further stated in Section III.

FINDING 10. The development of more jobs and better training programs in areas relevant to future employment opportunities is essential to rehabilitation efforts.

Particular attention was focused on the desirability of expanding the Pennsylvania prison industries program (PENCOF) and experimenting with private sector participation in prison industries. A discussion of these areas with recommendations is included in Section III.

FINDING 11. Following the escape attempt and the creation of this Panel, the Bureau of Correction and Graterford officials have taken numerous steps to remedy problems found by the Panel.

Significant policy and procedural changes have occurred at Graterford in the areas of emergency preparedness and institutional security. Increased emphasis has been placed on staff accountability. Conditions of confinement relating to institutional

cleanliness, food preparation, intramural athletics and processing of inmate accounts have all received careful attention and improvements are noted. The corrections officials should be commended for these efforts. They need to be sustained and the resources necessary to expand upon these efforts need to be provided to the Bureau of Correction so that the safety of the public, the staff and inmates of Graterford and the other institutions in the Commonwealth's correctional system are assured.

FINDING 12. The management and accountability of correctional services in the Commonwealth would be improved by the creation of a State Department of Corrections.

The current organizational placement of corrections as a Bureau within the Office of the General Counsel to the Governor deprives the corrections system of the visibility and stature that it warrants. National studies of the organization of corrections have pointed out that programmatic and budgetary needs of the prison system are more clearly identified and better met when corrections is accorded departmental rank and not submerged as a component of the Attorney General's Office, General Counsel's Office or other agency. Governor Thornburgh has advocated the creation of a State Department of Corrections and bills to accomplish this have been introduced in the General Assembly. We endorse legislation that will create a Department of Corrections.

Corrections must be given needed attention by the Governor and the Legislature in the 1980's. With prison populations climbing rapidly, it is imperative that adequate capital and operating resources be provided to the correctional system to ensure its safe and effective operation.

SECTION III

GRATERFORD EXAMINED:

SELECTED ISSUES AND RECOMMENDATIONS

In keeping with the Governor's charge that the Panel not only assess the incident but also "review the conditions in the correctional system at Graterford and advise, what, if any, further legislative or administrative actions might be appropriate to help ensure the safety of the inmates, correctional employees, visitors and the public in general," the Panel found it useful to consider the management and operation of the State Correctional Institution at Graterford within two larger contexts. First, all of institutional corrections in Pennsylvania and elsewhere have gone through periods of great change in the past decade. These changes have placed many pressures on the corrections system both in terms of greater numbers of inmates to manage and in terms of a wider diversity of expectations on the goals of corrections. Second, institutions like individuals have histories. Their development is influenced by many factors, and current problems can often be understood by examining the factors that brought them about. We have examined operations at Graterford in the light of the pressures placed on corrections in Pennsylvania in the 1980's and in light of the history of the Graterford institution itself.

The phrase "The Crisis in Corrections" is one that has been frequently used over the past year to describe a phenomenon that has increasingly occupied the minds of governors across the country. The National Governors' Association reported that concern over financing and managing state prison systems is the foremost public protection concern of governors. The Panel suggests that the problems associated with effective management of prisons will be greater than any other problem facing the criminal justice system over the next decade.

Effects of Overcrowding

The crisis in corrections developed out of the interplay of many factors. During the 1970's crime rose rapidly in Pennsylvania, though prison

*Executive clemency in Pennsylvania has been the subject of a study recently completed by the Pennsylvania Commission on Crime and Delinquency for the Pennsylvania Board of Pardons. The study examined the extent and nature of recidivism (re-arrests) for 1,591 individuals granted clemency from 1968 to 1981 and for whom validated case records were available. Approximately 30% of all those receiving clemency while serving prison terms were subsequently rearrested for new offenses. Copies of the report are available from the Pennsylvania Commission on Crime and Delinquency, P.O. Box 1167, Federal Square Station, Harrisburg, Pennsylvania 17108.

populations remained fairly stable. Crime rose in part because of the demographic fact the post-war baby boom generation was in its "high crime years" of the late teens and early twenties. These are not, however, the "high imprisonment years" as many of these youngsters once arrested were treated leniently as first or non-serious offenders and given probation or other non-prison sentences. As they have grown older, the courts have lost patience with them. The first offender who received probation but did not reform has come back to the courts as a repeat offender and is sentenced to prison. Thus, the "baby boom" group has moved into the "high imprisonment years" of the mid-twenties and late twenties.

In addition to the demographic shift, the societal tolerance for crime has dropped substantially. As a result, judges have been giving longer sentences over the past few years, and tough anti-crime mandatory sentencing and sentencing guideline measures have been enacted into law. The tougher stance of judges has already increased the average length of stay in State prison and the statutory measures will send more criminals to prison and for longer periods in the future. More frequent revocation of parole by the Pennsylvania Board of Probation and Parole returns more offenders back into the system. The reduced exercise of commutation* under the Thornburgh Administration has decreased the number of inmates released annually from state correctional institutions.

These factors have combined to increase the flow of inmates into prison and decrease the flow out. At the same time, the overall capacity of the State prison system has declined by 572 from 9,192 in 1969 to 8,620 in 1982, due partly to the closing of Eastern State Penitentiary in 1970. Although 2,380 new state prison beds are authorized for construction in the next few years (500 of these beds are planned for Graterford), they are not yet under construction. Thus, although the newly authorized

beds will provide eventual relief, overcrowding in the Bureau and at Graterford is a serious problem at present and will continue to be a problem in the future.

Graterford has a rated capacity of 2,000 inmates, using the one-man to a cell criteria that has historically been used in Pennsylvania State prisons and which the Panel supports as reasonable. The population at Graterford on June 30, 1982 was 2,152 or 152 inmates over capacity. Overcrowded conditions contribute to many problems of prison management. The ratio of inmates to staff goes up and problems of staff supervision of inmates and assurance of security increase. Additional funds must go to pay for food, clothing, medicine and health care for the larger number of inmates. Physical facilities such as showers, laundry and kitchen equipment receive greater wear, thus reducing the time allowed for each inmate's use and requiring more frequent repairs. Visiting rooms become more crowded, thus reducing privacy, and visiting times are shortened to allow more inmates to have visits. Idleness grows as institutional jobs do not increase and more inmates are unable to work. Counseling and other treatment services are less available as the time must be distributed across more clients and treatment staff resources are diverted to other areas related to inmate movement and supervision. Most importantly, inmate-to-inmate, and Inmate-to-staff aggression grows as these problems described here are compounded by sharing the 6' by 12' 8" cell with another inmate who is often young, angry and assertive. There is customarily an increase of inmate physical assaults on correctional officers.

Though under these conditions, the recruitment and retention of qualified staff becomes difficult and is examined more thoroughly in the body of this Section, the Panel has been encouraged that it received no reports of staff brutality or physical violence upon inmates by guards. Although many of the inmates interviewed expressed displeasure at what they perceived as guard harassment, none described any physical abuse. Indeed, it is widely believed by Institutional staff and Bureau officials that the fact that the captors knew they had never been physically harmed in their years of incarceration at Graterford contributed significantly to their willingness to work toward a resolution to the incident and is a reason they did not physically harm the hostages.

Graterford's History, Current Status and Limitations

Though the effects of overcrowding are straining the management and physical resources of all the Commonwealth's correctional institutions, Graterford

is particularly overtaxed. An appreciation of Graterford's history reveals an evolution from a facility utilized to house inmate farmers into Pennsylvania's largest maximum security prison. Graterford was opened fifty years ago as a satellite to the old Eastern State Penitentiary in Philadelphia, about thirty miles away. The original design of the structure was to provide for easy movement of prisoners out of their cell blocks, out of the prison and on to the 1654-acre reservation of farm land. The design of the prison did not contemplate space for program activities, school, correctional industries, diagnostic/classification, psychiatric care or indoor sports. Also, only limited space was provided for maximum security segregation, since only those who were assessed as sufficiently low security risks to work out on the farm would be housed at this prison.

Basically, the prison was built solely to sleep and feed a large number of inmates. There are five 692-foot long cell blocks that run perpendicularly from the main corridor, are parallel to each other and are each separated by a yard. Each block has four hundred cells in two tiers, central showers and a separate dining room. A massive kitchen, capable of accommodating 6,000 meals a day, is linked to the cell block dining rooms by a 400-foot long service corridor. Though the design of the physical plant did not lend itself to the provision of services and restriction and observation of inmate movements necessary for a large maximum security population, the architects did surround the 6,030-foot perimeter of the prison compound with a massive 30-foot high nonagon wall, four foot wide at its base. A watch tower was positioned at each juncture of the nine sides.

In 1969, at a time of relatively low and decreasing statewide prison population, a decision was reached to close the antiquated Eastern State Penitentiary. The initial plan to close Eastern State was predicated on the construction of a modern 1000 bed facility in the Philadelphia area, using funds appropriated for that purpose by the General Assembly in 1965. As often happens in corrections, community opposition to the new prison's location effectively destroyed the opportunity for that new construction. However, the 30-foot wall at Graterford allowed the plans for closing Eastern State to be salvaged, since its more seasoned and more dangerous inmates could be transferred to Graterford with minimal concern over their ability to escape. Eastern was completely deactivated on April 13, 1970.

Though by this time Graterford had already proceeded well on its evolution from a farm camp to a penitentiary, the merger of the former Eastern

State staff and inmates into Graterford dramatically changed the character of the prison. The population jumped from 1,200 to 1,600 inmates overnight. Graterford now had to accommodate purposes for which it was not built: diagnostic and classification services, indoor recreation, school, psychiatric isolation and various programs and treatment activities. To make space available for some of the essential services, others were cut back. Part of the hospital area was reorganized to provide treatment offices and a staff dining room. More recently a maintenance garage was converted to a make-shift gymnasium. Though critical to security and institutional authority, only 37 cells were and are today available for maximum security isolation for the most recalcitrant, violent and predatory inmates. Beyond the physical inadequacies of the facility, two staffs divergent in operating procedures, home environment and ethnic background were thrust under the same roof into competition for promotion and choice job assignment. Former Eastern staff were largely drawn from urban, black Philadelphia, while a majority of staff at Graterford had heritage from suburban or rural, white northeastern Pennsylvania. If not prejudice, there clearly exists a lack of communication and understanding between the staff from these two backgrounds, which impedes effective team work.

The same year (1970) that saw the merger of Eastern and Graterford heralded a total reorientation of Pennsylvania corrections with the appointment of a new Commissioner, who placed less emphasis on discipline and regimentation and more emphasis on inmate programs and rehabilitative treatment. In 1971, this approach caught up with Graterford with the appointment of a new Superintendent with a mandate from the Commissioner to lessen regimentation and control and to spur inmate activities and programs. Through the eagerness of the new Superintendent, these changes occurred in one fell swoop, partly because the "Great Society" programs at the Federal level provided the financial resources for school, job training, college education and the like. Institutional schedules providing for more freedom of inmate movement were arranged to permit participation in a variety of programs. Though the superintendency changed eight years ago and the extensive programming of years earlier has been largely terminated with the cutback of Federal funds, the general lack of regimen continues.

The dramatic shift of philosophy in the treatment of prisoners was coupled with new awareness of and perceived need for influence by prison staff unions. Pennsylvania employees gained the right to collectively bargain in 1970 and the correctional staff soon realized that not only could

they negotiate higher salaries and fringe benefits, but also they could now gain a great deal of leverage over operating decisions and policies, which were heretofore the exclusive prerogatives of the superintendent. The Graterford union's influence culminated in an illegal work stoppage and waikout in 1978 that resulted in several significant operational changes favored by the guards. Though the current State Administration's statements and actions have made it clear that illegal walkouts will no longer be tolerated, the right to collective bargaining means that management of Graterford as well as the other State prisons is to some degree negotiated with the rank and file, rather than commanded.

As the budget for Graterford was being allocated during the 70's for more treatment and educational programming and for higher staff salaries, routine and preventive maintenance was neglected. The entire roof was allowed to deteriorate to the point that today even after extensive repairs many cells routinely flood. Many windows on the 2000 cells are warped and sprung. The power plant is worn out and not capable of producing sufficient energy for the institution. The lighting in the yard and throughout the institution is inadequate.

Due to community opposition to proposed sites, the State had been unable to undertake the construction of a new prison in Southeastern Pennsylvania in the sixteen years, since funds were originally appropriated for that purpose in 1965. Consistent with the judgement of correctional professionals, the goal was to establish a small 500 bed facility in addition to Graterford. That desirable goal was not achieved. In September 1981, prior to the hostage ordeal, the Pennsylvania General Assembly authorized the construction of 500 additional cells within the walls of Graterford. This capital authorization provides the opportunity to address some of the problems listed in the preceding paragraphs. Through a comprehensive structural assessment and innovative architectural design, many of the deficiencies of the institution may be rectified as well as adding the additional cell space. The Bureau of Correction is currently drawing plans for a new diagnostic and classification center, new 100 cell restrictive housing unit, new infirmary and new psychiatric ward. The construction of new yard lighting, new field house, new roof and new power plant is already authorized. Though the remodeling Graterford will receive over the next three or four years is critically needed, this period of large scale construction will provide a particular challenge for the administration to maintain security. In this vein, the contemplated relocation of the State Police Field Installation at Limerick to the grounds of Graterford

will not only provide cost savings to the State, but should facilitate further security of the Institution.

One other element that contributes to the difficulties of managing staff and inmates at Graterford is the legacy from the 1970's of three separate, violent murders of a guard captain and two kitchen stewards by inmates who were in general population. To remain effective in their jobs, prison staff, particularly those correctional officers, stewards, tradesmen instructors and maintenance workers whose daily job assignments are to enforce rules within the bowels of the institution, must accept the potential for violent assault as a condition of employment. Assaults against staff occur at Graterford as they do at every other prison where violent, disrespectful people are confined against their will. However, the cumulative effect of three brutal staff killings at Graterford provides an acute distrust and wariness in the inmate/staff relationships, which

are not easily overcome. Since the establishment of the Bureau of Correction twenty-eight years ago, there have been only two other employees throughout the system that have been killed in the line of duty.

Effective management of corrections at Graterford under these stressful conditions makes administration of the facility one of the most demanding jobs in government. It requires attention, fiscal resources and commitment from both the Governor and the Legislature. It requires outstanding leadership at both the Bureau and institutional levels. Correctional administrators must possess the experience, judgement and high energy level needed to manage corrections in an environment made continually more complex by increasing volumes of inmates, strong organization among the rank and file staff, periodic judicial intervention and frequent news media scrutiny.

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ISSUE ONE: INSTITUTIONAL SECURITY

Commentary

Murder, assault, rape, extortion, drug dealing and other rackets occur in prisons. The frequency of violent crime, the extent of illicit commercial activity and the number of escapes and escape attempts within a prison is influenced to a large extent by the limitations imposed upon the introduction of contraband into the prison and upon the freedom of movement and association of the prisoners.

Prison contraband includes weapons, instructions to make weapons and explosives, escape materials, road maps, drugs, ingredients for hooch (home-made wine), cash and any other item that could jeopardize the safety of the prison and keeping of the prisoners. Much of the prison contraband is not native to institutional operations and therefore must be illegally brought into the prison. Notwithstanding the reason-altering effects of drugs and the increased risk of prison violence during their use, selling drugs in prison is a lucrative part of the underworld economy of the prison. Outside operatives buy, divide and funnel drugs into the prison. Inside merchants sell or trade the drugs. By prison standards, the merchants become rich and powerful and inmates rob and steal goods from other inmates to support their drug use. Though most prison weapons consist of shanks (home-made knives), zip guns or improvised clubs, manufactured guns do come into prisons. The security and safety of a prison requires preventing of contraband from coming into the prison.

Since prisons have considerably more inmates than staff, any time large numbers of inmates are unlocked from their cells, surveillance of their activities is difficult. Activities of school, work, religion, sports, counseling, eating and medical care are all necessary to the continued healthy functioning of the individual and the institution. However, the movement of inmates to these and other activities also provides opportunities for dealing in drugs, plotting escapes, getting revenge, intimidating and extorting, thieving, robbing and raping. The security and safety of a prison require limiting inmate travels to the various activities to prevent opportunity for violence, crime and conspiracy. Moreover, during any inmate disturbance, being able to limit the movement of the insurgents is critical to isolating and controlling the trouble.

The Panel finds that security operations at Graterford are in need of improvement, especially relating to control of contraband and inmate

movement. As noted earlier in this report, several deficiencies in standard security procedures were evident on the night of October 28, 1981 and provided the insurgent inmates the means and opportunity for escape or rebellion. Four guns and a large amount of ammunition were brought into Graterford undetected. Kitchen staff and correctional officers were held captive for over an hour without being missed and with inmates having total control of the culinary area. A large amount of the escape apparatus and paraphernalia was stored in cells. By overpowering any one of the officers, which they did, the insurgent inmates had keys which could open all corridors, all five blocks, the control center, the hospital and every other vital area of the prison. Therefore, from early on in its inquiry, the Panel became concerned over infusion of contraband into the prison and inmates' ability to move through the institution.

As the Panel identified weaknesses in procedural or physical security, it shared them with the Commissioner of Correction, so as not to needlessly delay corrective action. The Commissioner of Correction and the Superintendent of Graterford have made several important security tightening changes since the failed escape attempt. There have been more random cell searches, more thorough strip searches of inmates receiving visitors and more thorough pat down searches of inmates returning from work assignments on the grounds outside the wall. New restrictions on non-institutional vehicles formerly allowed in the prison are in place, as well as explicit instructions on the procedure for searches and escorts for those outside vehicles which have to enter the facility. There is now a staff call-in system for all security posts in the prison, which should make it considerably more difficult for staff's capture to remain undetected for long. A loud speaker system is now operational. A second metal detector has been purchased and installed, so that now both primary entrances to the prison are covered. Though the yard lighting and tower spot lights have not yet been upgraded, these improvements have been budgeted. However, in spite of these changes, many security problems the Panel found at the Institution at the time of crisis last fall continue.

The Panel offers four recommendations to control the introduction of contraband into the Institution:

Establishment of an Outside Storage Area: At the Graterford Institution all the supplies, food stuffs and raw materials necessary to care for over 2,000 prisoners, to operate correctional industries and to maintain the physical plant must be transported into the compound and stored until needed. Private vendors' vans, trucks and trailers laden with material deliveries are driven by civilians through a vehicular passage in the wall to various storage areas; there to be unloaded by inmate labor. Since the hostage incident, procedures have been established to more carefully inspect the vehicle and its contents before it enters the institution, to escort the civilian driver with a correctional officer and to supervise and monitor the unloading by inmates. However, the vast number of deliveries and the huge volume of cargo renders the security procedures less than optimal in discovering any determined effort to smuggle contraband into the prison.

Recommendation 1

The Panel recommends that the Bureau of Correction establish a warehouse located outside the walls of the institution. The greatest volume of supplies then could be delivered and stored outside the wall and small, closely supervised, institutional vehicles could transport supplies into the prison as needed.

Creation of an Adequate Facility for Screening Outside Workers: Prisoners who work on the farm or on grounds maintenance go outside the wall daily and then return into the prison for the evening meal and lodging. Though employing inmates outside the walls is necessary, there is much opportunity to retrieve contraband (drugs, cash, weapons) from a "drop" somewhere in the fields or along the road and to bring it into the prison. Existing procedure provides for a pat-down search of the inmates as they re-enter the prison, although the supervising officers may at their discretion strip search an inmate at random or when suspicious. However, the regular and routinized movement of these many inmates in and out of the prison and the fact that these prisoners are considered good security risks to be employed in outside work details, does not provide the incentive for vigorous surveillance or body searches. One of the trailers already on the compound (previously used by work-release inmates) could be converted to provide a two-room pass-through where all inmates would change clothes as they enter or leave the prison (remove clothes in one room; put fresh clothes on in the other room). This arrangement is similar to that used currently for inmates receiving visitors.

Recommendation 2

Given the widespread rumors that substantial contraband enters the institution through these outside workers, the Panel recommends the establishment of a facility for more thorough searches of returning workers.

Searches of Staff Entering the Prison: Though use of reliable metal detectors can help prevent weapons from being carried into the institution, other procedures must be employed to detect and prevent the flow of contraband such as drugs, maps, alcohol, etc. One such procedure, which has not been routinely used at Graterford for the past several years, is randomly selecting and "patting down" staff as they enter the institution. Though we believe it is a small number of staff who supply inmates with contraband, the Panel has received reports from guards and inmates alike that some contraband comes in through staff. Providing a random pat down search on each shift would raise the risk of detection and would clearly express a resolve of the prison administration to halt the flow of drugs into the institution. Likewise, the use of dogs trained to sniff and detect drugs could irregularly be brought through roll call line-up, as well as walked through the entire institution.

Recommendation 3

The Panel recommends that a greater determination be made to identify staff who breach security through the smuggling of contraband and that pat down searches, metal detectors and drug-sniffing dogs be used as part of this effort.

Security for Large Inmate Banquets: Various inmate organizations hold banquets for their membership and invited guests. These events are held in the summertime outdoors in a prison yard and can range in size from a hundred to over six hundred people, half of whom would be visitors to the institution. Much of the large quantities of food required for these banquets is prepared and brought into the prison by the invited visitors. The opportunity to bring contraband into the prison, when there is such a large number of people carrying various containers and baskets of food is very great. The deployment of sufficient correctional officers to provide adequate search and surveillance during the large banquets would cause the security in other parts of the prison to suffer or cause exorbitant overtime costs. Attempting a thorough search of all the invited visitors with insufficient staff would cause long delay in admitting people into the prison. The use of a pass-through metal detector and an airport type x-ray

machine (which could be used regularly at the mail room) seems necessary for the banquets. Additionally, in a maximum security setting, if such events are held, it seems reasonable to limit the number of visitors who are admitted at one time.

Recommendation 4

The Panel recommends that special precautions be taken to monitor the supplies brought into the institution for inmate banquets so as to intercept any contraband that is hidden in baskets, foodstuffs or other containers.

The Panel offers five recommendations to restrict inmate movements and access to areas of the prison:

Utilization of Zone Keys: Two keys provide access to most areas of the prison and are common to the key rings of all security posts in the prison. If the keys fall into the hands of an insurgent inmate (either by taking them from a correctional officer or by manufacturing duplicates) the purpose of the security gates is quickly defeated. A system of zone keys would provide that an officer would only have keys that would access his area of responsibility, thereby making the security gates capable of confining an inmate disturbance to a particular area of the prison, even if an inmate has taken an officer's keys.

Recommendation 5

The Panel recommends that the Bureau of Correction assess the costs of utilizing a zone key system and move toward establishing such a system as budgetary opportunity allows.

Regular Inspection of Locking Mechanisms and Security Gates: Locks, hinges, and gates that are continuously operated in a prison wear and deteriorate. At Graterford, if the mechanism breaks, it is repaired, but there is no regular examination by the prison locksmith to determine the sufficiency of the gate or lock to withstand force. A hair line crack in a hinge or a lock that can be pried open with a screw driver can allow an otherwise isolated prison disturbance to consume the entire compound.

Recommendation 6

The Panel recommends the establishment of a schedule of examination and preventive maintenance for all locking mechanisms and security gates.

Key Control: Many institutional keys (both official and home-made) have been found hidden or in the possession of inmates during searches of the prison over the last several years. These keys would open every area of the prison except for the main gate and include keys for prison vehicles. Changing the locking mechanisms and issuing the new keys under a procedure of precise accounting seems warranted.

Recommendation 7

The Bureau of Correction should assess the current system and insure the existence of a satisfactory key control system.

Controlling Inmate Traffic: Inmates who are in the general population at Graterford have freedom within the prison from 7:30 a.m. until 4:00 p.m. count. The written pass system is characterized as being an "on-you" system, where the correctional officers do not prevent inmates' entry to the blocks where they don't live or to other unauthorized areas. It is understood that if the inmate gets in trouble, the officer is not responsible. The institution utilizes very few work lines, school lines, or other lines. All four general population cell blocks are simultaneously opened to the main corridor allowing the majority of their 1600 inmates to flow into the hallway at the same time. Inmates also visit the cells of other inmates in violation of Bureau policy. Several inmates and guards have informed the Panel that the greatest amount of extortion and homosexuality occurs within the cells. Guards and inmates have urged the Panel to recommend that entry of an inmate into the cell of another should be prohibited. Conversation and interaction can occur in the blocks and does not require the presence of inmates in the cells of others.

Recommendation 8

In light of these observations, the Panel recommends that the Graterford administrators more effectively control inmate traffic. Special consideration should be given to enforcement of the pass system, staggered releases from the cell blocks and enforcement of the prohibition against inmates visiting other inmates' cells.

Physical Security of Control Center: The control center is the communications, dispatching and assignment point for all custodial personnel. At the time of a disturbance, it is the most critical area for the deployment of personnel. More than any other area, the loss of the control center to insurgent inmates would create management and organizational chaos at a time when swift, deliberate, systematic staff actions are most essential.

The Panel is concerned over the vulnerability of the control center, in the event of an inmate disturbance. The communications room is surrounded by plexiglass as a barrier to noise and dirt, rather than by hardened, translucent material sufficient to stop objects or gun fire. There is no outside ventilation system for the control center to keep out toxic gas and assure adequate fresh air. There is an unbarred window to the office adjacent to the communications room, which could easily be broken to gain access to the control center, and only one screen of security wire separates the inmate commissary from the inside of a room adjacent to the rear of the communications room.

Recommendation 9

The Panel recommends the physical security and placement of the control center be upgraded.

Recommendation 10

These examples as well as others reported confidentially to the Commissioner of Corrections or the Superintendent sufficiently trouble the Panel, that a thorough review of the physical and procedural security at Graterford State Correctional Institution is strongly recommended. This review should be conducted under the auspices of the Commissioner and should list prescriptive improvements with established timeframes for implementation.

ISSUE TWO: GOOD TIME

Commentary

The opportunity for prisoners to earn time off their sentence through good behavior while in custody is known as "good time." Correctional administrators throughout the country cite "good time" as a worthwhile incentive system that encourages good behavior by inmates and assists in the safe management and control of the prisoner population.

*The term "Torah" refers to the first part of the Bible, commonly known as the five Books of Moses or the Pentateuch. In the Jewish religion the Hebrew text of these books is written in a prescribed way by a scribe on parchment, which is then attached on two rollers. As the Torah portion is read at a weekly Synagogue service, the scroll is advanced by turning the rollers. The Torah is completely read each year and rolled to the beginning on the holiday of Simchas Torah.

**The chapel area consists of a large sanctuary used primarily by Protestants and Catholics. There is a mosque. In addition, there are several offices used by the three full-time clergy, two Protestant ministers and one Catholic priest. Finally, there is a small room that serves as the Synagogue, as well as a meeting room for small Christian sects.

The Panel finds wide support for the institution of a "good time" system in Pennsylvania. Bureau of Correction administrators, a prison psychiatrist and correctional officers at Graterford emphasized that "good time" was the single most important incentive they could think of for maintaining discipline and control of the inmate population as well as for encouraging inmate cooperation. Several inmates also urged its adoption.

Recommendation 11

The Panel recommends that Pennsylvania statutorily enact "good time" as a behavioral incentive in Pennsylvania's adult prison system.

ISSUE THREE: DESECRATION OF RELIGIOUS ARTICLES AT GRATERFORD

Commentary

Investigation Summary

On November 2, 1981 correctional officers were ordered to search the State Correctional Institution at Graterford. Numerous weapons, ammunition and other items were discovered and confiscated. One unanticipated result of the institutionwide search was the desecration of a Torah* and other objects of religious significance in the area that is used as a Synagogue by Jewish inmates. The search of the Synagogue occurred on November 5, 1981. The damaged Torah was discovered by two inmates on November 9, 1981.

Following the incident, it was alleged that four correctional officers had damaged the Torah and other religious articles belonging to Jewish inmates. Administrative charges were brought by the Bureau of Correction against each of the officers assigned to the team that searched the chapel.** In light of the documented sacrilege and subsequent charges, the Panel agreed that an independent investigation of the Torah desecration was warranted.

The Panel's investigation included interviews with staff and inmates at Graterford. Special assistance was provided by Rabbi Edward M. Maline and Reverend Sidney Barnes.

In order to verify information, Mr. William Anderson, a nationally known polygraph expert, scheduled interviews with three members of the search team. The fourth member of the search team left the Bureau's employ in March, 1982 to accept a job nearer his home. Ultimately, polygraph tests were administered to Correctional Officer James B. Douglas and Correctional Officer Linwood Hughes. Test results confirmed that the correctional officers were telling the truth. The two inmates who discovered the damaged Torah refused to be tested.

The Chapel Search - November 5, 1981

Lt. Rufus Jones was ordered to conduct a search of the chapel area on this date. He selected a detail of correctional officers from those serving on miscellaneous duty and proceeded to the chapel area. Officers selected for the assignment included Correctional Officer Willis E. Burgess, Correctional Officer James B. Douglas and Correctional Officer Linwood Hughes. As of August 1, 1982, these correctional staff members, except for Correctional Officer Burgess, were still employed by the Bureau of Correction.

Following the selection of the search team, Lt. Jones ordered Officer Douglas to go to the control room and pick up keys for the chapel area. Correctional officers then conducted a full search of the chapel area. The officers proceeded systematically and searched all areas to which they had access. This included the Synagogue area, the chapel, offices of clergy staff members and other open spaces within the chapel. Eman Schoor, a Muslim leader residing in D Block, was asked by Lt. Jones to accompany him during the search of the mosque.

Rev. Barnes, Protestant clergy, related that his co-worker, Rev. Nathan Williams, Protestant clergy, was informed of the chapel search by Lt. Jones. Rev. Williams could have accompanied the correctional officers during their search of the Synagogue area, but decided not to do so.

Lt. Jones stated during an interview that he had conducted prior searches of the prison, but had not recently searched the area of the chapel and had never searched the Synagogue. He stated that institutional lockdowns were an infrequent occurrence at Graterford. However, contraband had been discovered on prior searches of the chapel. Search procedures for the religious area are the same as those for other areas of the Institution. However, correctional officers are instructed to leave chapel areas exactly as they are found.

When Lt. Jones returned following the search of the mosque, he was informed that the unlocked areas of the chapel had been searched. However, locks to the Catholic chaplain's office and to the Synagogue prevented access to those areas. The keys to those locked cabinets could not be found and Lt. Jones discussed the matter with Rev. Williams. Rev. Williams informed the Lieutenant that keys were not available for the locked areas.

Lt. Jones had not previously searched the Synagogue and did not seek to determine whether any Jewish inmates had keys for the ark or other cabinets. He ordered Officer Linwood Hughes to go to the control center and pick up lock cutters. When Officer Hughes returned, he was ordered by Lt. Jones to remove padlocks from the cabinets. After removing the locks, the cabinets in the Synagogue still would not open as they had built-in locks. Lt. Jones ordered the officers to pry open the locks and that was accomplished, but not without splintering the ark's door panels.

In a large cabinet (the Holy ark) opposite the door of the Synagogue, the officers found the Torah. According to Officer Douglas, he removed the scroll from the cabinet, placed it on top of a table and proceeded to remove its cover and untied the strip of cloth which held the scroll together. The scroll was then searched by Officers Douglas and Burgess in a manner to prevent damage. When the scroll was found not to contain any contraband, Officer Douglas stated that he replaced the strip of cloth as he found it. The Torah was recovered and the scroll was then returned to the ark.

Lt. Jones stated that he gave Officers Douglas and Burgess specific instruction concerning the unrolling of the Torah. Lt. Jones left the room after instructing them in search procedures and did not return to the Synagogue until after the search had been completed.

Several articles of contraband were discovered by Correctional Officers Douglas, Hughes and Burgess. Those items included coffee and other foodstuffs. After searching the chapel and Synagogue, the area was secured by Officer Douglas and door keys were returned to the control room. Early on the afternoon of November 5, the four officers, Rev. Williams and the Muslim inmate left the chapel.

According to Rev. Barnes, he conducted a routine inspection of the chapel following the correctional officers' search on Thursday, November 5. He had learned upon arrival at the Institution that correctional officers had conducted a search of

the chapel area and he decided to survey the situation. He entered the Catholic office and noted the damage to cabinets that had been forcibly opened. Similarly, when he went to the Synagogue, he observed that the ark had been forced open. He observed damage to the ark, including broken sashes on the door. He noted that the Torah was in place and covered. Father John Gallio observed damage in the Synagogue with Rev. Barnes. No investigative action was taken by correctional officials at this time. The Synagogue door was locked and no one is known to have entered the room again until the inmates were released from their cells.

The possibility exists that someone could have entered the Synagogue after the search and before Rev. Barnes and Father Gallio's inspection or after their investigation. However, no evidence supporting this possibility was discovered by the Panel.

On Monday, November 9, 1981, inmates were released from the general lock-up. Shortly thereafter two inmates, Kenneth Paull and Sheldon Glasshofer, arrived at the chapel. They requested and Rev. Barnes provided them access to the Synagogue. At that point, Rev. Barnes left the inmates alone for a period that he estimated to be 15 minutes. The inmates returned to Rev. Barnes' office and asked him to accompany them to the Synagogue and view the damage, not only to the ark, but to the Torah and a small facsimile of a Torah. The damage was later inspected by several prison administrators.

Later in the day Rabbi Edward M. Maline was informed of the damage to the Torah and scheduled a visit to the Institution on Wednesday, November 11, 1981. On that visit, Rabbi Maline spoke to Rev. Barnes and surveyed the damage to the Torah and to the ark.

The Bureau repaired the damaged Holy Torah.

Subsequent Experiences of Staff Members

According to correctional officers interviewed, they were served an official notice of charges filed against them by the Bureau of Correction on November 11, 1981. The charges included: 1) conduct unbecoming an officer and negligence; 2) destroying state property and destruction of property belonging to Jewish inmates at Graterford; 3) destruction of state property, including locks, hasps, etc; 4) destruction of inmate property, including the Torah and the ark.

On Friday, November 13, 1981, the officers were notified of the charges by letter and were informed that an administrative hearing had been

scheduled for Monday, November 16. At the time of the hearing, the officers requested specific information relating to the charges and were informed that the Bureau of Correction was conducting an internal investigation in order to specify those charges. The administrative hearing was adjourned, to be continued when the investigation was completed. On May 10, 1982 Superintendent Cuyler officially informed each of the accused officers that the investigation had not substantiated the alleged infractions and that all pending charges had been dropped.

Interview with Rabbi Maline

Rabbi Edward M. Maline stated to Panel members that the desecration of the Torah was not an isolated act, but seemed to be one in a series of problems experienced by Jewish inmates at Graterford. Other problems that he cited include:

- Friends and family have had difficulty in obtaining passes so that visitors can meet with Jewish inmates.
- Representatives of religious groups sometimes have a problem entering the Institution. Delay has been experienced even if the proper forms are completed and available to gate guards. Rabbi Maline observed that on occasion he has waited 30 to 40 minutes before being allowed to enter the prison.
- Jewish inmates made special requests to prison officials to allow an annual banquet at the facility. The original requests were not granted and ultimately a law suit filed by an inmate led to an agreement that such a banquet could be held.
- The Jewish inmates do not have exclusive use of the Synagogue area. Rather, the area is considered to be a space to be used by Jewish inmates and other religious groups. On a recent visit to the Institution, Panel members observed that the Synagogue was being used by Jehovah's Witnesses for a service.
- The Synagogue had been broken into on a prior occasion. Religious documents were not desecrated at that time. However, human feces was found and the Synagogue required a thorough cleaning.

Rabbi Maline observed that the problems experienced by Jewish inmates may not be

intentional. Rather, they may be caused by the staff's general lack of understanding and concern about the religious programs operating in the prison. He noted that he first learned of the damage to the Synagogue on Monday, November 9, following the inmates' report that the Torah had been damaged. Rabbi Maline visited the Institution on Wednesday, November 11, and received a full account of the problem at that time. However, correctional officials, including religious staff members at Graterford, had not attempted or considered contacting Rabbi Maline either prior to or after it was known that the locks on the ark had been opened on November 5.

When asked what improvements were needed to ensure adequate opportunity for the practice of the Jewish faith at Graterford, the Rabbi stated that there is a need for a separate area of worship for Jewish inmates. Moreover, Rabbi Maline felt strongly that correctional officers must recognize that traditional religious practices of Jewish inmates should be accommodated within the prison.

The Panel did not discover how or by whom the Holy Torah was damaged. However, based on information developed, the following conclusions were reached:

1. Officers assigned to search the Torah did not damage the religious object. However, damage to the Holy ark resulted from action taken by correctional officers to pry open locked door panels. This damage could have been avoided if appropriate search procedures were used.
2. Officers assigned to search the chapel area completed the assignment according to standing orders.
3. Policies relating to the search of Graterford's chapel should be improved to ensure that similar problems do not recur.

The Panel makes three recommendations for improving the conditions for inmate worship at Graterford:

Recommendation 12

Jewish inmates at Graterford should formally request, and the Bureau should approve, the designation of an area of worship to be used solely by that group.

Recommendation 13

The followers of the Muslim faith comprise the largest religious group at Graterford. The Bureau should approve the appointment of a full-time Muslim clergy, if requested by Muslim inmates.

Recommendation 14

Several revisions should be considered to improve standard search procedures in the overall chapel area.

- a. Because of the chapel's physical layout, it is difficult to ensure adequate security. For example, inmates often hide contraband in the chapel's removable tile ceiling. This problem will be minimized if frequent, routine searches of the chapel area are conducted by correctional officers or permanent tile is installed. Routine searches will discourage inmates from storing contraband in the chapel. In addition, officers participating on search teams should receive training and gain skills in treating the religious articles of all denominations with sensitivity.*
- b. A member of the full-time clergy staff or designee at Graterford should accompany each chapel search team. Since there is no full-time Jewish or Muslim clergy, an inmate of that faith should be present during a search of the Synagogue or mosque.*
- c. Staff at Graterford should become familiar with Jewish religious practices and holidays. This should reduce the impression held by some staff at Graterford that Jewish inmates are receiving special treatment. This recommendation may be valid for other religious groups and it is recommended that the Bureau of Correction review the issue and take appropriate action.*

ISSUE FOUR: MEDIA RELATIONS

Commentary

As described in Section I, relations between the news media and correctional officials at Graterford were tense during the first three days of the incident. Corrections officials informed the Panel that on several occasions they felt that actions of the media seriously jeopardized efforts for a peaceful resolution. Yet it was a media representative, Chuck Stone, who helped bring the incident to a successful end. Newsmen have reported that they received inadequate information during the first few days of the incident. In light of the important role played by the media in prison disturbances, the Panel has examined the area of media performance and media relations during the incident.

It is clear that the problems with the media during the hostage incident had their roots in Graterford's inability to provide information on a regular basis. During the first few hours, approximately 100 telephone inquiries were handled by Bureau of Correction and Graterford spokesmen. At one point, between 150 and 200 reporters were on-site at Graterford covering the story. The institution was not prepared for this kind of presence or coverage. No special facilities for the media were set up. The media occupied the entrance area to the prison through which all staff entered and left during the incident. Only one telephone was available in this area, so it was extremely difficult for reporters to phone in their stories and meet deadlines. Eventually, a special bank of phones was set up for the news services in a parking lot adjacent to the main entrance. News briefings were initially provided by different institutional personnel who had other principal duties to perform. The briefings did not occur according to any regular schedule. The information was sparse, sometimes inconsistent with prior information and frequently at odds with information provided by staff, who passed through the media area.

In pursuit of their stories and in view of the limited information provided from official channels during the first three days, reporters called directly into the kitchen and spoke to inmates there. News representatives monitored State Police and corrections radio bands and obtained information that had not been officially confirmed or approved for release. A newspaper reporter obtained and published the tentative list of demands the captors gave to Chuck Stone. Mr. Stone had assured the captors the demands would remain confidential. A news helicopter flew close over the kitchen area during a crucial point in the negotiations and the captors, fearing that a helicopter assault had begun, temporarily broke off negotiations.

Because of this tension, the Bureau of Correction's Press Secretary was sent to Graterford on Saturday morning. At that point, the briefings were regularized, adequate information was provided and relations became more satisfactory.

Subsequent to the incident, the Bureau of Correction has taken steps to require each institution to establish an emergency briefing area for media representatives and to ensure that adequate telephone service is available. The Bureau has also undertaken a training program for those staff at each institution, who will be responsible for news briefings. Finally, each institution will be required to schedule an annual news media orientation program. This will involve a presentation of background information on the institution and a tour of the facilities.

The Graterford Panel concurs in the steps taken by the Bureau of Correction to better accommodate and work with the news media during any future disturbances at Graterford or elsewhere and offers two recommendations in this regard:

Recommendation 15

The Panel recommends that during an incident one institutional representative, trained in media relations, be given responsibility for all news briefings and be relieved of other responsibilities. Back-up persons should be identified so that twenty-four hour coverage is provided. The Bureau of Correction press spokesman should be available to go to the scene personally, if the incident or problems in media relations are of such magnitude as to warrant the greater Bureau-level expertise.

Recommendation 16

Information disseminated to the press during an incident should be provided only through official channels. Correctional and police personnel should be clearly instructed on the importance of ensuring that only accurate, valid information is provided to the press and that the information is provided through the official channels.

ISSUE FIVE: STAFF RESOURCES

Commentary

Staff Turnover

The increasing numbers of inmates and the influx of inmates who are more difficult to manage compound the problems and burdens placed on the existing staff complement at Graterford. For the 18 month period ending May 31, 1982, the Graterford inmate population increased twelve percent, while the staff complement increased by only one-half of one percent. The Panel reviewed manpower deployment and was informed that compared to other State prisons, Graterford has a higher staff turnover rate, resulting in more frequent vacancies, less experienced staff and an overtime cost in excess of \$2,000,000 for the 1981-82 budget year.

It is a widely held principle in correctional management that correctional officers need, and with time and experience acquire, a "sixth sense" which enables them to notice subtle alterations in habit, practice and attitude of inmates and inmate groups that enable them to identify potential problems early

on. Both correctional literature and correctional managers emphasize the need for a cadre of experienced officers. At Graterford, approximately 20% of the corrections officers have less than one year experience and are in effect trainees. Over 50% have less than five years of experience. Correctional experts outside of Pennsylvania confirm the concerns of Bureau administrators that this high level of inexperienced staff compounds problems of institutional management.

The Panel has not reviewed turnover for civilian positions at Graterford. However, officials report that turnover in kitchen steward, counselor and other positions is also high and the inexperience of staff leads to problems in these areas as well.

The availability of adequate numbers of trained, experienced staff is essential if Graterford is to be managed safely and effectively. The rapid increase in inmate population, together with anticipated increases, make it imperative that the Bureau of Correction recruit, train and retain adequate levels of staffing. Paradoxically, the same pressures of increased inmate populations and attendant problems that underscore the need for more experienced staff also contribute to increased staff stress and job dissatisfaction which leads to resignations, vacancies and overtime costs. The overtime costs at time-and-a-half deplete the budget and funds are then not available for replacement staff.

Training

The Panel's review of standards from the American Correctional Association, the National Advisory Commission on Standards and Goals for Corrections, and other documents highlights the need for quality training programs to enhance staff performance, staff accountability and staff sensitivity.

Interviews conducted by the Panel also highlighted the need for improved staff training. Administrators and ranking officers at Graterford, in most instances, were unfamiliar with the contents of their own institutional emergency preparedness plan and their role in carrying it out. Although hostage negotiation training had been provided less than two weeks before the incident, it was provided to only a small number of correctional personnel from each institution, primarily Superintendents and their Deputies, and was the first time it had been provided in many years. Although the Bureau has training material for staff on how to survive as a hostage, none of the many correctional officers and stewards interviewed, including the actual staff hostages,

had any knowledge of this material, or recollect being trained in this area. Tower guards were not adequately trained in the use of emergency telephones. Graterford's complaint officer assumed this position more than a year ago following extensive experience as a correctional officer but received no training on his responsibilities and role. Guards and inmates cited interpersonal and racial tensions between the guard force, yet in-service training has not been provided in interpersonal relations. Communications problems exist between Graterford management and the guards' union that impede effective cooperation. Tower guards are the institution's perimeter security, yet prior to the incident, they received no weapons training beyond basic training. The presence of mentally ill inmates and the special problems they create have not been addressed through staff training. Correctional officers are daily confronted with more extreme problems and experience increasing job-related stress, yet many of them have not participated in stress management training programs offered by the Bureau.

The Panel finds that greater resources and emphasis must be committed in the area of training. Implementation will require attention not only from correctional administrators and personnel, but also from the Governor's Office of Budget and Administration, the Pennsylvania General Assembly and the American Federation of State, County and Municipal Employees.

The Bureau of Correction's training activities are organized within its Personnel Management and Staff Development Division. Its function is to provide basic orientation, in-service and technical training to Bureau and county prison personnel.

This Division consists of four components:

- Central Academy which is responsible for the supervision of the basic academy orientation program and several in-service academy programs;
- Eastern Academy which is responsible for management and specialized train-the-trainer seminars;
- County Training which is responsible for coordination with the 67 county prisons for academy and on-site training (upon request of county);
- Institution Training which is responsible for the supervision and coordination of in-service training, pre-service training and

specialized training at the State facilities. This section has partial responsibility for overseeing the training coordinators who work as full-time trainers under the direction of the institutional superintendents.

Generally, the Bureau has the capability to provide relevant training in most areas to all staff levels so that American Correctional Association training standards are met. Where in-house resources are not available, other state agencies, universities and colleges or consultants are utilized.

(a) Entry Level Training

The rising prison population, staff shortages and the increased number of younger and more violent inmates serving longer sentences lay the groundwork for potentially dangerous environments. Entry into this environment must be preceded by a well-designed program to provide the new employee with the knowledge, skills and abilities to function properly. The new correctional officer on the cell block has a vital need to know what to do, and what not to do.

The Bureau of Correction correctly provides a seven week pre-service training program, consisting of 176 hours of training. The course length and course content compare very favorably with the most advanced standards for pre-service training of correctional officers. This basic training is followed up by three weeks (120 hours) of on-the-job training under intensive supervision. Following this period, the new officer gradually assumes more independent responsibility and for the remaining 42 weeks of his first year on the job, he receives on-the-job supervision on a part-time basis.

The Panel finds that the entry-level training program, although needing continual review, refinement and supervision, is a good one and well serves the Bureau of Correction.

(b) In-Service Training

Although entry level training is important, professionalism is a continuous learning process. The most common skills require regular practice; infrequently used skills need refreshing; and new methods and ideas should be tested. As the working environment changes, the employee must develop the skills and ability to change with it.

The American Correctional Association recommends the provision of 40 hours of in-service training annually to administrators, correctional

officers and food service workers, among others. This level of training is not provided at Graterford or other State institutions in Pennsylvania.

The problem with annual in-service training is not a lack of capability to deliver it, but the overtime cost involved. The Bureau maintains that the complement shortage makes it impossible to train correctional officers and food service workers during their normal work hours, as they are in critical positions that cannot go unattended. Consequently, staff must either volunteer to attend training during non-work hours or, if required to attend, must receive time and one-half compensation. This has been a perennial problem since the early seventies when the Commonwealth agreed to pay time and one-half for hours worked above the normal work day.

The estimated cost to provide the 40 hours of training to a correctional officer at time and one-half is \$512. To train all the correctional officers at Graterford would cost \$182,044 for a one year period. The cost for training a food service instructor for 40 hours is \$472 or \$14,160 for all the food service instructor staff at Graterford. The annual cost to train all Bureau correctional officers and food service instructors for 40 hours is estimated at \$889,160.

Treatment staff is also in need of in-service training. Fortunately, Bureau of Correction records show that 90% of treatment staff do participate in approved 40-hour in-service training annually. However, only 10% of correctional officers receive 40 hours of in-service training and only 15% of food service instructors receive this level of training.

(c) Supervisory and Management Training

Commissioner Marks advised the Panel that he believes existing Bureau policies, duty descriptions and procedures are adequate, albeit with room for continual refinement, and that the key to an effective, safe adult corrections system in Pennsylvania is the following: "If each employee does his job according to existing policies and procedures, for eight hours every day, the system will work and work well."

Ensuring that reasonable efforts are made to reach this level of performance requires accountability. Accountability rests not just on individual staff, but on managers and supervisors who must see to it that policies are clearly understood and that staff perform their duties properly. The supervisors must strive to ensure that first-line staff understand the reasons behind policy directives in order to maintain a safe institution.

Supervisory and managerial positions in corrections are generally filled through the upward promotion of staff. Lateral entry is rare. It is important that supervisors and managers continue to receive training, advice and direction in their new roles.

Four recommendations to improve Graterford's staff resources are made by the Panel:

Recommendation 17

The Panel recommends that the Secretary of Budget and Administration appoint a small task force of budgetary, personnel services and correctional officials to review staffing needs and resources at Graterford and elsewhere in the State prison system to ensure that staff resources are adequate to manage the growing inmate population in a safe and efficient manner. In addition to recruiting and retaining adequate staff, there must be a staff development program which promotes professionalism, competency, and encourages high standards of performance.

Recommendation 18

The Panel recommends that the Bureau of Correction enhance its in-service training program at Graterford and the other State prisons by taking gradual, affordable steps toward meeting the 40-hour annual in-service training standard. It should do this through the development of an increased training budget request and through negotiation with the Office of Budget and Administration and the General Assembly. Special efforts must be made to educate representatives of these bodies that correctional staff training is essential to effective correctional management.

Recommendation 19

The American Federation of State, County and Municipal Employees, which represents the correctional officers and food service workers at Graterford, needs to recognize the importance of ongoing training to the physical safety, mental health, longevity, and job satisfaction of its members. In this regard, it should work with the Bureau of Correction to identify training areas of greatest need, renegotiate the time and half pay requirement so that it does not apply to training provided outside of the normal work day and encourage its membership to participate in such training.

Recommendation 20

The Bureau should utilize the proffered specialized training expertise and materials of the Federal Bureau of Prisons to help alleviate the racial tension identified among the guard force and enhance team work among staff.

ISSUE SIX: INMATE CLASSIFICATION SYSTEM

Commentary

The purpose of classification is to indicate what should be done with a particular inmate regarding security, custody and program needs. Proper classification of inmates is of paramount importance, if large numbers of inmates are to be managed by small numbers of prison staff, if a continuum of maximum security and community-based programs is to be safely used and if more vulnerable inmates are going to be housed in the same facilities with more predatory inmates. Consequently, the Panel decided to study the Bureau of Correction's inmate classification system.

A classification system can only provide an indication of what "should be done" with a particular inmate. What actually can be done depends upon existing staff and resources. The increasing growth of prison population can severely limit the effectiveness of classification, since a principal concern changes from what should be done to where is there space?

The Bureau of Correction operates three diagnostic and classification centers (DCCs) for inmates entering or returning to Bureau custody. Each DCC serves a particular area of the State, geographically broken into reception regions. They are located at Graterford (Eastern), Camp Hill (Central) and Pittsburgh (Western). The DCCs are a distinct component of the state correctional institutions (SCIs) where they are housed and all arriving inmates are placed in the DCC section of the facility, not in the general population of the SCI.

From May 1, 1981 to April 30, 1982, the three DCCs processed 3,472 inmates. The Graterford DCC processed 1,558 of these inmates. New receptions must be processed within 20 work days according to Bureau policy. Often persons are not immediately transferred after classification due to overcrowded conditions throughout the SCIs and inmates await transfer about 10 additional days. For parole violators, the 20-day processing time starts after results from the recommitment hearing are received. Parole violators may be placed in general population 30 days after reception if hearing results have not been received. They are subsequently classified while

residing in general population.

As stated, the purpose of classification is to determine the security level, custody and program/service needs of each inmate. Each inmate is interviewed, tested and examined for medical condition, criminal history, current offense, mental status, educational level, cultural and religious background, escape risk, violence potential, vocational interest and other topics. A written report and evaluation, including custody recommendations, is prepared by the classification staff and used by the classification committee. The process, from the point of intake to the point of assignment to general population (or special custody), has standard policies and procedures that schedules all the necessary steps. The system operates from a clinical perspective (professional judgement) with a three to four member team (representing custody, counseling, psychological services and management perspectives) making a classification recommendation to the Deputy Commissioner of Correction who approves or disapproves it.

Each institution can accommodate inmates assigned to any of the five program levels. The levels range from I to V and indicate the type of custody an inmate requires, the privileges allowed and the programs needed. The five levels are: maximum, close, medium, minimum and community. Letter codes may be assigned to further discriminate within program levels. Ten codes, ranging from "work release" to "special observation", may be used with specific designations for outside visits, limited privileges or other categories of assignment or privilege.

This process of assigning inmates from any program level to any institution is considered a "multi-level" approach in classification. The Bureau of Correction uses this approach, even though most other correctional systems use a dual-level or single-level approach, wherein inmates from one or two particular program levels only are assigned to a particular institution. With the multi-level approach, each institution has a mix of all program levels. Therefore, when an inmate is reclassified, transfer to another SCI is usually unnecessary. All inmates are reclassified at least once a year and more often, as needed.

Assessment and improvement of the Bureau's initial classification system for incoming inmates has been a priority of Commissioner Marks, and the Bureau applied for and received a grant in 1981 from the National Institute of Corrections to study, evaluate and recommend changes in the existing

classification system. The Bureau contracted with the Correctional Services Group of Kansas City, Missouri, a consulting firm nationally recognized for its expertise in the area of inmate classification systems, to conduct the evaluation. In discussing this matter with the consultant, the Panel has learned their evaluation indicates few major changes are necessary, but some refinements are needed.

The Correctional Services Group stated that of the seven state systems they have evaluated, Pennsylvania measures very favorably overall, has the best written policies and procedures and the best performance. The consultant's final report was submitted to the Bureau of Correction in late June, 1982. Major recommendations have been made and will take about a year (beginning September 1982) to implement. The major refinements recommended by the consultant are as follows:

1. Program levels should be revised by making the existing system more descriptive and simple. As a result, more inmates will be assigned to each of the five program levels, rather than using only one or two levels for the vast majority of inmates. Such a change will assist in better identification of custody and programming needs and will make the system a more refined operation.
2. The method of classification should also be changed from a clinical (subjective) to a clinical-actuarial approach to provide greater objectivity by insuring that all classification factors are equally considered for each inmate. A total score will then indicate the program level most appropriate; and, information on interests and supervision needs will indicate which institutions would be most appropriate.

On the basis of its own review and discussion with the consultants, the Panel finds that the Bureau's initial classification system is basically a good one, although it can benefit from the recommended refinements. The initial classification system is able to reasonably indicate appropriate security, custody and program levels for incoming inmates.

Beyond the initial classification of inmates, however, problems of inmate placement, case management and reclassification are noted. In this regard, it was discovered that although a classification assignment might be geared to placement in a particular institution because of special program interests, this placement might not

be available due to oversubscription in that program or unease at that institution. Similarly, a review of the Bowen case revealed that Bowen spent very brief time periods in security confinement following his being detected in escape planning activities in 1978 and 1979, because there are very few maximum security bed spaces at Graterford and these were more urgently needed for inmates who were being assaultive or who were awaiting transfer to a secure mental health facility. Also, case management problems were noted, in that Bowen was employed in an institutional work assignment where he had minimally supervised contact with outside delivery vehicles. There was no system to track Bowen's work assignments or program involvements and thus he was able to attain a work assignment without it being known by a case manager or the Graterford administrators.

Recommendation 21

The Panel finds the recommendations contained in the Correctional Services Group's report to be reasonable and believes that the Bureau of Correction should implement the proposed refinements in order to improve the existing initial classification system. This should be done by a formal, systematic approach which will enable uniform application and periodic evaluation.

Recommendation 22

It is recommended that the Bureau strive to make initial classification consistent throughout its institutions. Currently a program level II-A designation at Graterford does not appear to be the same as a program level II-A at other institutions. A method of uniform assignment of program levels should be implemented; the consultant has suggested that the NIC Reclassification Instrument may be helpful for custody analysis to assist in Bureau-wide uniformity. In addition, there is a need for training to promote a thorough understanding of changes in methods of classification and the revised program levels for relevant Bureau staff.

Recommendation 23

Members of classification teams have indicated that records on inmates, such as pre-sentence investigations, mental health commitments, etc., are frequently not

available at the time of classification. Therefore, classification staff often must rely on inmate self-reports for information that is needed. Some counties readily provide information, some counties provide the information, but not in a timely fashion to prepare the classification summary, while other counties provide no information at all. The Bureau of Correction should work with the counties and with the Administrative Office of Pennsylvania Courts to institute a system whereby counties promptly furnish the necessary information.

Recommendation 24

After the initial classification process whereby the new inmate is placed in a particular institution at a certain security/custody/program level, there is a periodic reclassification at the institutional level. It is the Panel's impression that this reclassification is not as thorough and comprehensive as it should be in order to be aware of the need for changes in the inmate's security, custody or program level. It is recommended that greater attention be paid to the reclassification process.

Recommendation 25

There is a particular need for intensive case management of the small number of inmates such as Joseph Bowen who, because of the nature of their previous crimes and/or the behavior they exhibit while under correctional custody, present clear threats to safety and security. Prisoners who are caught in escape attempts or predatory acts against other inmates or staff should be carefully tracked so that work assignments, program participation, personal fund accounts, mail privileges and visiting procedures are not used by these inmates to further their criminal intentions.

ISSUE SEVEN: MENTAL HEALTH SERVICES

Commentary

The problem of treating prison inmates for mental illness is a matter of great concern to Pennsylvania's correctional administrators, mental health officials and inmates. For some mentally-ill

inmates and the guards who observe them, it is a matter of life and death. Although this problem has been studied by three separate task forces* in the past four years, the Panel requested and received from Bureau of Correction staff specific information on the magnitude of the problem at Graterford. This brief report does not duplicate the work completed by earlier research. Rather, the Panel has reviewed the findings of prior study groups in light of recent documentation of the number of inmates at Graterford who are unable to participate in correctional programs because of their mental illness.

The critical nature of the problems documented by the Panel requires the immediate attention of mental health and correctional officials and the full support of the Governor and the General Assembly.

Before recommendations were developed for improving the care and treatment of mentally-ill inmates at Graterford, several key questions were researched.

1. How many mentally-ill inmates at Graterford are a serious management problem for corrections administrators? How are psychopharmaceuticals used to control this population?

In April, 1982, Graterford's treatment staff identified 41 inmates who were seriously mentally-ill and who presented severe management problems to prison administrators.

Twelve of the 41 inmates were housed in the infirmary area's D Ward, which has been designated as a psychiatric holding area. The balance had to be held in other areas including the restrictive housing unit (11), E Gallery (11), and in general population (7). Given the very limited space in the restrictive housing unit, the presence of 11 mentally-ill inmates has meant that space needed to confine disciplinary cases has not been available for that purpose.

It was noted by treatment staff that other inmates in the general population have mental health problems that negatively affect their ability to participate in prison programs but who are not severe management problems. Many of these individuals are withdrawn or erratic in behavior, but are not seen as threats to safety or security in the institution.

Some require close monitoring to insure that their mental health condition does not regress to the point where transfer to a forensic mental health facility is necessary.

With reference to forensic mental health transfers, the Panel was provided with information that oftentimes patients returning from forensic mental health units have their psychosis in remission only while taking drugs. Since the drug taking is voluntary, when they stop taking the drugs, the problems recur.

A primary treatment method used by Graterford's psychiatrists involves the prescription of psychopharmaceuticals for mentally-ill inmates. Only staff psychiatrists prescribe these medications and a monthly monitoring report is forwarded to the Bureau's central office to ensure that adequate control is maintained on this treatment modality. Based on the Bureau's reports, the Panel learned that in June 1982, 292 inmates received psychopharmaceuticals. Thirty-three different psychopharmaceutical medications were prescribed including: thorazine (17 inmates), prolixin (2), ritalin (2), haldol (14) and dilantin (20). Consultants asked to review the medication schedule concluded that the use of psychopharmaceuticals by 13.4% of the inmates at Graterford was within acceptable standards.

The Panel concluded that inmates at Graterford exhibit mental illness symptoms of varying type and severity. On the date of the Panel's review about 1.9% (41) of the 2,150 inmates at Graterford required intensive mental health services.

Thus, as the following chart shows, there are up to 200 inmates at Graterford who have treatment needs that overlap services provided in the involuntary mental health treatment system and in the correctional system. In order to treat this group of inmates, the members of the Corrections/Mental Health Task Force recommended and representatives of the Department of Public Welfare and Bureau of Correction agreed that emergency mental health treatment services should be provided in prison. Long-term treatment for inmates should be provided in the Department of Public Welfare's forensic mental health hospitals.

*1978 - Governor Milton Shapp appointed a Task Force on Maximum Security Psychiatric Care.

1980 - A Pennsylvania House Judiciary Committee Joint Staff Task Force completed a report on mentally-ill inmates in State correctional facilities for the House Subcommittee on Crime and Corrections.

1981 - Attorney General Bartle appointed a Corrections/Mental Health Task Force to study the treatment needs of mentally-ill inmates.

CHART 1

Estimates of the Number of Graterford Inmates in Need of Mental Health Services (April 1982)

	Mentally-ill and a management problem	Mentally-ill and unable to participate fully in correctional programs*	Total in need of service
Number:	41	159	200
% of Population:	1.9%	6.4%	8.3%

* Estimated from figures developed by the Corrections/Mental Health Task Force.

2. *What mental health services should be provided in state correctional institutions?*

As defined by the Mental Health Procedures Act (P.L. 817, No. 143), July 9, 1976, as amended by P.L. 1362, No. 324, November 26, 1978, these services include:

- a. Section 407 - Voluntary services provided to inmates.
- b. Section 302 - Involuntary emergency and treatment services not to exceed 120 hours in duration as authorized by a physician.
- c. Section 303 - Extended involuntary emergency treatment services not to exceed 20 days as certified by a judge or mental health review officer.

Thus, emergency mental health treatment services operated by the Bureau and licensed by the Department of Public Welfare will, when established, provide a continuum of mental health services to those involuntarily committed for up to 25 days.

At the end of that 25-day period, continued involuntary treatment, if necessary, would be provided in a Department of Public Welfare operated forensic mental health facility for a period not to exceed 90 days. This court-ordered involuntary treatment would be authorized following the review of a Section 304 petition by a judge or mental health review officer. Extended treatment could be ordered after the initial 90-day commitment period elapsed.

3. *How will the Bureau provide emergency mental health treatment services to inmates at Graterford?*

Additional resources are required, if the staff at Graterford is to successfully manage inmates exhibiting mental health problems. Specifically, treatment services should be developed to accomplish the following objectives:

- a. To provide emergency mental health services in individual cells for acutely mentally-ill inmates requiring intensive staff supervision. Some persons assigned to these secure rooms will require transfer to programs operated by the Office of Mental Health as per the Mental Health Procedures Act. Involuntary emergency treatment as per Sections 302 and 303 of the Mental Health Procedures Act may be provided by the corrections based program. Extended involuntary treatment (Section 304) will continue to be provided by the Office of Mental Health facilities.
- b. To provide a mental health treatment ward for those inmates who cannot be treated in the general prison population, but are not severely mentally disabled and involuntarily committable as per the Mental Health Procedures Act. It is expected that the voluntary provisions of the Mental Health Procedures Act will be utilized to authorize placement in these residential areas.
- c. To provide additional out-patient services to inmates interested in and in need of treatment who are stable enough to maintain residence within the general inmate population.
- d. To provide supportive activities to individuals participating in each of the mental health treatment components.

If the continuum of mental health services as described initially by the Corrections/Mental Health Task Force is developed at Graterford, then prison administrators should be able to adequately manage this persistent and serious problem that affects up to 8.3% (200) inmates. The urgency of developing these services is stressed by the Panel as they are not now in place. Serious and well-documented management and treatment problems persist in their absence.

During the course of interviews with medical staff, it was discovered that prison overcrowding at Graterford further complicates the treatment of mentally-ill inmates. The specific problem occurs when new admissions arrive at Graterford. New inmates usually are housed in isolation on E Block until medical checks and classification procedures are completed. However, on occasion in recent months, E Block has been full and new admissions have been temporarily housed in the infirmary's D ward with mentally-ill inmates. The evaluation of medical services at Graterford completed by the Bureau's medical services chief in March, 1982 recommended that the practice of mixing new admissions and inmates awaiting placement or hearing on a mental health petition be discontinued. The Panel supports this finding and agrees that new arrivals can be negatively affected by initial contact with the seriously mentally-ill.

As a result of the cooperative efforts of legislators, judges, mental health administrators, correctional administrators and citizens who served on the Corrections/Mental Health Task Force, several chronic problems that had delayed the treatment of mentally-ill inmates in the State system have been relieved. Recently, a plan was implemented to ensure that Department of Public Welfare forensic mental health facilities serve only those individuals who are serious criminals and mentally-ill, thus freeing-up forensic beds that had been occupied by patients under civil commitments. Currently, the waiting list for placement in DPW forensic institutions has been reduced and inmates committed to the State's secure forensic mental health unit at Farview and to regional forensic mental health units can usually be transferred promptly. A total of 418 beds are available in the forensic mental health units. Of those beds, 225 are at Farview.

Commissioner Marks participated on the Task Force and has taken steps to implement recommendations. Thus, planning for the development of an emergency care mental health unit at Graterford has been initiated. The unit will be a part of the new 500-bed facility to be constructed within Graterford's walls. When completed and fully staffed, the new 65-bed in-patient unit will assist correctional staff in managing mental health cases.

Other recent improvements that have been implemented by the Bureau's staff include:

- The creation of a mental health services review committee at Graterford and each of the other state correctional institutions. The function of the committee is to review

current programming and treatment services and to annually prepare a report on these services and make suggestions for improving them.

A clinical review team has been created at Graterford to carefully review any suicide cases or serious suicide attempts to determine what may be learned to help avoid such events in the future.

The Bureau has hired two mental health coordinators at Graterford. It is the responsibility of the coordinators to keep track of emotionally unstable inmates to make certain that they receive the services that they need.

The Panel learned that in 1981, 57 petitions alleging the need for an inmate's involuntary commitment to a mental health facility were filed by Graterford's staff. The judge or a mental health review officer approved transfer to a mental health facility in 50 of the 57 cases. In 1981 40 cases were returned to Graterford following short periods of involuntary commitment at Farview State Hospital or a regional forensic unit. Thus, the movement of inmates in and out of the available mental health beds means that a substantial number of mental health cases will always remain at Graterford. The monitoring process described above will ensure that inmates in need of mental health services will not be lost in the process of transfer between correction and mental health systems.

In general, the Bureau of Correction can be commended on the planning and development work completed to date on this critical matter. If proposed, correctional mental health treatment services are developed and staffed according to plan, then the problem of treating those who are mentally-ill will be more successfully managed.

The Graterford Panel makes the following recommendations to continue the improvement of correctional mental health treatment efforts initiated by the Bureau:

Recommendation 26

The Panel recommends that emergency mental health treatment services should be provided by the Bureau of Correction to the group of inmates at Graterford who are unable to participate in correctional programs because of their mental illness. When necessary, inmates who are

chronically mentally-ill should be transferred to forensic mental health programs administered by the Department of Public Welfare's Office of Mental Health.

Recommendation 27

The Panel supports amendments to the Mental Health Procedures Act that will:

include correction facilities in the definition of sites that can operate DPW-licensed emergency mental health treatment units;

provide for the immediate transfer of inmates found committable under Section 304 of the Mental Health Procedures Act to DPW-operated mental health facilities.

Recommendation 28

Until emergency mental health treatment units are operative, the Panel recommends inmates with chronic or acute mental health problems should be housed separately from other inmates. In this regard, the Restrictive Housing Unit at Graterford should be used exclusively for housing disciplinary cases. It should not house mental health cases.

Similarly, the Panel recommends that it is inappropriate to co-house, even on a temporary basis, newly committed inmates with mentally-ill inmates on D Ward. Panel members agreed that prison adjustment problems for new inmates are compounded when their initial placement is in a ward with seriously mentally-ill inmates.

It is recognized that this recommendation may be difficult for the Bureau to fulfill. However, the seriousness of the problem requires prompt action by the Bureau and by the Department of Public Welfare's Office of Mental Health to ensure effective compliance. Mentally-ill inmates must receive adequate treatment services while the new facility at Graterford is being planned and built.

Recommendation 29

The Panel recommends that fiscal support should be provided by the General Assembly and the Governor's Office to ensure the necessary expansion of in-prison

mental health services for inmates, including the development of an emergency care mental health unit and adequate out-patient mental health service at Graterford.

ISSUE EIGHT: MEDICAL SERVICES

Commentary

The delivery of medical services to the 2,200 inmates at Graterford State Correctional Institution requires the skillful management of limited resources. However, some critical aspects of the correctional health care system are beyond the control of administrators. For example, the current shortage of registered nurses, practical nurses, physicians and other support staff cannot be affected by the action of medical services program managers in correctional facilities. Thus, even if the Bureau of Correction has sufficient funds, the competitive job market for health care professionals still makes it difficult to provide basic health care for inmates. For these and other reasons, needed improvement to medical services at Graterford must be carefully planned and judiciously implemented in the coming years.

Graterford expends \$1.4 million per year for the delivery of medical services to inmates. Fourteen doctors, 1 medical administrator, 5 medical specialists, 6 registered nurses, 8 correctional infirmary supervisors, and 1 clerk are charged with operating the medical health care services program. Numerous inmates work in the infirmary.

Health care expenditures for Graterford in 1981 included:

Salaries	\$ 700,000
Community Out-Patient/In-Patient Consultations (This includes hospital services required by inmates.)	598,875
Drugs	56,600
Medical Supplies	32,700
Medical/Surgical Equipment	29,500
TOTAL:	\$1,417,675

The infirmary consists of a 25-bed in-patient unit which provides minor acute care, uncomplicated chronic care and convalescent care. The dispensary consists of a drug room, a treatment/emergency area, a doctor's office, an ophthalmology room, a dental office, laboratory, x-ray room, drug storage area and various utility rooms.

Bureau of Correction Medical Services Evaluation-1981

The Bureau of Correction established a management review for health care services in 1980. The checklist developed by the Bureau is designed to assess major components of each institutional health care program and provides superintendents with a comprehensive evaluation of their own institution's health care delivery system. It also ensures that written communication is established between the Bureau's coordinator for medical services and administrators at each institution.

The most recent report on medical services at Graterford was provided to the Panel in March, 1982 by Commissioner Marks who noted that "there is much to be done; however, I remain optimistic and continue to pursue the day-to-day activity at Graterford from the standpoint that we need to continue to improve."

The Bureau's report describes specific areas where additional personnel are needed to improve the quality of health services delivery. Specifically, the report recommends:

1. the hiring of additional clerical personnel to expedite the heavy administrative workload of the medical services department;
2. the hiring of an additional dentist on a limited wage position to improve the delivery of dental services;
3. the recruitment of adequate numbers of staff to provide patient care on all shifts and to preclude inmates from performing functions in lieu of staff; and
4. the initiation of an intensive effort to recruit staff so licensed personnel are available to provide medical services in the infirmary 24 hours a day. This would require that a registered nurse and a correctional infirmary supervisor be physically present in the infirmary seven days a week, three shifts per day.

A continuing problem at Graterford has been the difficulty in maintaining a full complement of nine registered nurses. At present, three full-time nurses and a nursing supervisor are employed. While the general shortage of nurses makes it difficult for most hospitals to maintain adequate professional nursing staff, the situation is worse at Graterford since few nurses seem to be interested in working

in correctional institutions.

According to the nursing staff, nurses at Graterford frequently transfer to the State Institution for the Mentally III at Norristown. A starting nurse at Graterford could begin, if properly qualified, as a Nurse II for an annual salary of \$14,592. The same individual hired at Norristown State Hospital would begin at a position as a Psychiatric Nurse I with an entry level annual salary of \$16,646 per year, or possibly, as a Psychiatric Nurse II at \$17,408. Given the difference in starting salary for the two state institutions 20 miles apart, it is not difficult to understand why Graterford is unable to recruit, hire and retain qualified nursing staff. Competition in salary and working conditions at private hospitals in the area compounds the problem.

Medical staff observed that the inability to hire an adequate number of registered nurses results in greater responsibility for correctional infirmary supervisors. The supervisors work many overtime hours each week and the Medical Director at Graterford believes that the excessive workload may impair their efficiency and effectiveness. Nursing staff believe that in the rush to provide emergency and routine services, medication needed by inmates is sometimes not delivered on schedule.

The Bureau is attempting to upgrade personnel and services in correctional infirmaries, so that current minimum health care standards can be met. In this regard, the Bureau has made significant improvements in recent years, including:

- establishing annual physical examinations for all inmates over 40 years old;
- contracting with medical specialists and hospitals in the Graterford area to ensure the availability of diagnostic and treatment services;
- training and certification of all new employees in CPR and first aid;
- establishing a dental prosthesis service at Graterford's dental lab; and
- developing program services for the blind.

Comments on Compliance with AMA Standards for Health Care in Prisons

The preface of a report completed in 1980 on

medical services at Graterford and other state institutions noted that "the Joint Staff Task Force was established by the House Judiciary Subcommittee on Crime and Corrections to inspect and evaluate medical services in Pennsylvania state correctional institutions. The Task Force consisted of individuals from various state and private agencies who are experienced in monitoring health services." In order to determine compliance with the American Medical Association's standards, the Task Force used a series of questionnaires developed by the Pennsylvania Medical Society to measure medical services in each prison.

In response to its charge, the Panel directed that an update of the 1980 report should be completed. In order to complete this update the Panel secured the support and cooperation of the Pennsylvania Medical Society, the Pennsylvania Department of Health, Pennsylvania Legal Services, a contracted physician with expertise in evaluating correctional medical services and staff of the General Assembly.

On June 2, 1982, Mr. O. William Kelsey, Chief of the Health Care Section of the Pennsylvania Bureau of Correction, coordinated activities with Superintendent Cuyler and other administrators at Graterford to complete the health care services review. The review included interviews with correctional officers, inmates, medical services staff and the analysis of written policies, procedures and medical records.

In a publication entitled "Standards for Health Services in Prison (1979)," the American Medical Association cites 69 standards that define to some extent the quality of medical services within a prison. The standards fall in six general areas: administrative, personnel, care and treatment, pharmaceuticals, health records and medical-legal issues.

The Panel finds that Graterford is in general compliance with 56 of the applicable health services standards. They do not comply with 8 standards and 5 others do not apply. The following summary describes specific areas of concern needing prompt attention and improvement.

Standard 107 - SUPPORT SERVICES. If health services are delivered in the facility, adequate staff, space, equipment, supplies and materials as determined by the health authority are provided for the performance of health care delivery.

Shortages exist in the Graterford nursing staff and there is a need for an additional dentist. Major changes in policy and staffing are required to ensure the efficient operation of the pharmacy. The volume

of cases requiring medical service cannot be handled in the restricted space allocated for the infirmary. Bureau of Correction officials agree with these recommendations and plan to expand the infirmary. A fully equipped infirmary consisting of 60 in-patient beds will be included in the new 500-bed construction at Graterford.

Standard 122 - LICENSURE. State licensure, certification or registration requirements and restrictions apply to health care personnel who provide services to inmates. The verification of current credentials is on file in the facility.

Due to a ruling of the Civil Service Commission in 1978, correctional infirmary supervisors are no longer deemed to be qualified to fill medical health service provider positions in correctional facilities. The Bureau and the Civil Service Commission agreed that as the correctional infirmary supervisors leave the Bureau's employ, they will be replaced by registered nurses or licensed practical nurses. At the present time, eight correctional infirmary supervisors remain at Graterford.

Standard 127 - MEDICATIONS ADMINISTRATION TRAINING. A written policy and defined procedures guide the training of personnel who administer or distribute medication and require:

- training from the responsible physician and the facility administrator or their designees;
- training regarding:
 - accountability for administering or distributing medications in a timely manner according to physician's orders; and
 - recording the administration or distribution of medications in a manner and on a form approved by the health authority.

There is no written policy or defined procedure to guide the training of personnel who administer or distribute medication. The physician in charge at Graterford has not had the time or resources to conduct training sessions.

There is inadequate accountability for administering or distributing non-psychotropic medications. To some extent this results because the pharmacist is available only during the day shift and others, including inmates, are responsible for dispensing and administering the medications at other times. Although inmates that dispense medications

are employed in the infirmary area and supervised by correctional infirmary supervisors, this practice is extremely risky.

Inmates working in the infirmary record the administration of medication on the medical card of each inmate. That documentation includes the medication and dosage prescribed and the date of administration.

Standard 133 - INMATE WORKERS. Written policy requires that inmates are prohibited from the following duties:

- performing direct patient services;
- scheduling health care appointments;
- determining access of other inmates to health care services;
- handling or having access to:
 - surgical instruments, syringes, needles, medications, health records; and
 - operating equipment for which they are not trained.

Not only are inmates in the Graterford infirmary assigned specific tasks listed above, but they dispense and administer medications, even though many studies have recommended against these practices.

Standard 148 - CHEMICALLY DEPENDENT INMATES. Written policy and defined procedures regarding the clinical management of chemically dependent inmates require:

- diagnosis of chemical dependency by a physician;
- physician deciding whether an individual requires pharmacological or non-pharmacological care;
- an individualized treatment plan which is developed and implemented; and
- referral to specified community resources upon release when appropriate.

Standard 149 - DETOXIFICATION. A written policy and defined procedures require that detoxification from alcohol, opioids, stimulants and sedative hypnotic drugs are effective as follows:

- when provided at the facility it is under the medical supervision; and
- when not performed in the facility, it is conducted in a hospital or community detoxification center.

Although the Bureau's written policy generally conforms with these standards, the treatment of

inmates who are drug abusers is inadequate and requires special attention and cooperation between the Bureau of Correction and the Department of Health.

Graterford's Medical Director stated that on several occasions, inmates have been sent to other institutions for detoxification, particularly to Norristown State Hospital. However, these institutions have sent the inmates back to Graterford after prescribing a medical treatment, even though the prison does not have personnel trained to carry through with the treatment.

Standard 163 - MANAGEMENT OF PHARMACEUTICALS. A written policy and defined procedures require that the proper management of pharmaceuticals includes:

- adherence to State law as related to the practice of pharmacy;
- a formulary specifically developed for the facility;
- adherence to regulations established by the Federal Controlled Substances Act;
- prescription practices that require that:
 - psychotropic medications are prescribed only when clinically indicated and are not allowed for disciplinary reasons;
 - the long-term use of minor tranquilizers is discouraged;
 - "stop order" time periods are stated for behavior modifying patients and those subject to abuse;
 - re-evaluation be performed by the prescribing provider prior to the renewal of prescription;
 - procedures for medication dispensing and administration or distribution; and
 - maximum security storage and weekly inventory of all controlled substances, syringes and needles.

Much of the written policy and defined procedures concerning the handling of pharmaceuticals is adequate. The problem in this area relates to the implementation of those procedures and the number and type of staff available in the infirmary to properly dispense and administer medication.

Based on interviews with the pharmacist and Director of Medical Services at Graterford, the following information was documented:

1. During certain shifts each week, inmates, due to a shortage of personnel, are involved in the administration and distribution of

medication. When the pharmacist is absent, this is done under the supervision of a registered nurse or correctional infirmary supervisor. Inmates are also responsible for charting the administration of medication on medical health records in direct violation of American Medical Association standards and in possible violation of standards set by the Pennsylvania Pharmacy Board.

2. In summer, the pharmacy area can become so hot that capsules actually melt. There is no air conditioner in the pharmacy, nor is there adequate ventilation. Most medications are not manufactured to withstand high temperatures which can impair the effectiveness of some drugs.
3. The Federal Controlled Substances Act has established regulations guiding the handling of controlled substances. At Graterford, regulations relating to the storage and security of drugs are being violated. Specifically, controlled substances must be kept in a locked cabinet or safe within a locked room. This double-locking system does not exist at Graterford. When inmates refuse to take medication or when delivery is not possible, the drugs are put in a plastic bag and kept in a safe. Members of the review team observed a large bag filled with unmarked medications and were told by the pharmacist that from time to time he destroys these unused drugs. This system is not accountable.
4. Pharmacy services have not improved since a House Judiciary Joint Staff Task Force Review cited deficiencies in 1980. Controlled substances are stored on open shelving and not double locked. Moreover, expired drugs are sometimes used.

The Panel makes three recommendations for improving the delivery of medical services to inmates at Graterford:

Recommendation 30

Registered nurses at Graterford should be on duty 24 hours, seven days per week and should be classified at the same salary grade as those with similar training and experience, who are employed at Norristown State Hospital. Emphasis should be placed on the recruitment, hiring and in-service training of nursing staff.

Recommendation 31

The dispensing and administration of pharmaceuticals and the operation of the pharmacy must be improved. Medical services staffing shortages could be relieved if the Bureau develops a contract for the delivery of pharmaceutical services. A private pharmacy or professional group could assist the Bureau in assessing the feasibility of establishing such a system.

Recommendation 32

The Commissioner should establish a Graterford medical services review team consisting of Bureau staff and health care professionals to monitor the planned improvement of pharmaceutical and medical services. This team should explore methods of providing cost effective health care services to inmates and should address the chronic problems of understaffing, inadequate space, and the dispensing of medication. They should also consider the possibility of contracting for all medical services from the private sector, which is being pursued in other prisons throughout the country.

ISSUE NINE: PRISON INDUSTRIES

Commentary

The Graterford Panel received a wide range of testimony which emphasized the critical need to improve and expand correctional industries. This matter assumes increasing importance because of the rapid growth of inmate population without a concomitant increase in jobs, and presents an immediate problem of increased idleness and a long range problem of releasing most inmates at the end of their sentence without marketable skills. Many inmates expressed their frustration at not being able to stay active or learn a marketable skill through job training or correctional industry opportunity. In keeping with the high level of importance placed on correctional industries by prison officials, private citizens and inmates, the Panel examined correctional industries issues very closely.

The Panel has prepared the following analytical summary of the prison industries, both nationally and in Pennsylvania, and offers several recommendations for future action to improve correctional industries operations in Pennsylvania.

*Correctional Industries - A National Perspective**

Although most states do operate some form of correctional industries, most operate them on a very modest scale. Only about 10% of the almost 300,000 state prison inmates work in prison industries. The variance here ranges from Rhode Island, which employs 49% of its inmate population in correctional industries, to Mississippi, which employs only 2%. Pennsylvania employs 17% of its inmates in its correctional industries program.

Correctional industry programs are generally characterized as having short work days, low inmate wages and productivity, overstaffing of shops and limited product markets. Correctional industries generally use obsolete or outdated equipment. It is generally reported that work environments do not emulate conditions found in the private sector, including a lack of meaningful production standards or work measurement techniques. What research has been done has concluded that the skills acquired in correctional industry programs have had very limited impact in helping inmates obtain employment upon release.

One program that has been developed experimentally at the national level is the "Free Venture Program." Developed by the Federal Law Enforcement Assistance Administration, the Free Venture Program was intended to turn prison industries into financially viable enterprises resembling private businesses. The program incorporated specific characteristics of private industries, such as:

- a full workday for inmates, the length being defined by the supervisor's workday;
- wages based on production, with differentiation among workers by skill level, and the base level of wages significantly higher than those of inmates not participating in Free Venture;
- productivity standards comparable to those of outside industry, taking into account workers' skill and existing automation;
- final responsibility resting with industry management for hiring industrial workers, after preliminary screening of the total inmate workforce by custodial or

classification staff, and for firing workers;

• shop operations becoming self-sufficient or profitable within a reasonable time after start-up; and

• coordination of prison industries with correctional and other agencies placing released inmates in jobs to maximize the benefits of the prisoner's industrial experience.

The Free Venture Program has been tried in seven states. Inmates have generally been paid the Federal minimum wage or base wages with bonuses. Several of the projects have achieved productivity levels comparable to those found in outside facilities similarly equipped and have consistently generated profits. Yet, no state has successfully implemented all of the design elements of the Free Venture Program. Traditional prison industrial processes and attitudes have been reluctant to change and prison administrators have had great difficulty reorganizing supervision, counseling services, visiting programs, dining schedules and other aspects of prison life around the revised correctional industries programs.

Correctional Industries in Pennsylvania

Correctional industries is a "self-sustaining" operation that does not receive tax dollars. It pays for materials, inmate wages, salaries of state employees, and services and utilities received. As of April 1982, there were 144 civilian and 1,600 inmates (17.4% of the population) working for the Bureau's correctional industries division. The pay for inmate work ranges from 13¢ to 34¢ per hour during a six-hour work day. There are certain incentive clauses providing for up to \$1.00 per hour in a few areas. In 1981, the inmate payroll reached \$750,000 on a production of between \$15 million and \$16 million worth of goods.

According to the Bureau of Correction's recent 18-month report, the industries operation includes a total of 44 shops. Each institution has a variety of shops. More than half (808) of the 1,600 inmates employed are in farming (400), garment (295), and furniture (113) operations. The State Correctional Institution at Graterford employs approximately 440 inmates (out of a population of approximately 2,100)

*Material on the national perspective was derived from reports prepared by the National Institute of Corrections.

in correctional industries, manufacturing textiles for inmate uniforms, underwear and sheeting, dress shoes, work shoes and slippers, cardboard containers and farm products.

Correctional industries are not the only inmate jobs at Graterford. In addition to the 440 jobs available in correctional industries, it is the Bureau's goal to provide jobs for all of the able inmate population. Such jobs are in the culinary, maintenance, sanitation, infirmary and other areas. Due to the increase in the inmate population and the tight correctional budget, the goal of providing jobs for all able inmates has not been reached. Officials report that about 40% of the Graterford inmate population do not have jobs. Many of the existing jobs are half-day, some are less than half-day. As the number of inmates at the Institution increases, the number of hours each inmate is able to work will decrease and the period of idleness will increase.

Impediments to Prison Industries

In examining ways in which correctional industries jobs could be expanded and the correctional industries program could become more profitable and provide better post-release job preparation training, the Graterford Panel identified several impediments. They included the following:

1. A recent survey indicated that 68% of all inmates had only a second to eighth grade education. Sixty percent have a fifth grade or lower reading level. Only 1.2% had the ability to pass an entry-level examination for computer programmer trainee. Over 50% have never held a sustaining job.
2. Institutional superintendents are not business managers, their primary concern is for the custody and care of inmates. As the overcrowding problem increases, there is even greater concern with custody and security and fewer jobs to go around.
3. Correctional industry managers, engineers and other high technical level positions do not pay salaries comparable with private industry. Consequently, it is difficult to attract skilled people in these areas. About half of the existing correctional industry managers at the institutional level are former correctional officers.
4. There is insufficient coordination and integration between the educational and correctional industries programs. Thus, inmates who can't read instructions are

sometimes sent to work in jobs where such ability is essential and inmates who are participating in necessary educational instruction often leave the educational program to obtain a correctional industry job. Inmates are not required to participate in educational programs and rarely choose to do so voluntarily. In addition, inmates are often placed in industry programs without any prior orientation.

5. During the recent past, correctional industries has experienced a modest deficit, with the farming operation being the least profitable industry. These losses, coupled with rising costs, have created a vicious cycle since funds are not available to replace worn equipment or invest in new equipment that could create new jobs and/or profits.
6. Current law provides that only government agencies (excluding Federal government) or entities which receive tax dollars as part of their funding (e.g., school districts) are eligible to buy prison goods, thus limiting potential sales markets.
7. There are no requirements or incentives for government agencies or entities eligible to purchase from correctional industries. Other State agencies that purchase goods of the same type manufactured in correctional industries are not even required to solicit bids from correctional industries.
8. Correctional industries has had documented problems in product quality and late delivery which has discouraged previous purchasers from making new purchases.

The Panel believes these problems must be viewed as challenges to be overcome rather than reasons to downplay the importance of correctional industries. The problems of illiteracy, minimal work experience and poor job skills impede inmates finding jobs upon release from prison. The overwhelming majority of inmates are eventually released, either by parole or serving their maximum sentence. The lack of marketable skills of prisoners makes it difficult for the ex-offender to become a productive, taxpaying, responsible citizen. If inmates are not given the opportunity and encouraged to develop job-relevant skills, law-abiding citizens are penalized with higher welfare costs, loss of tax revenue and additional crime.

The Panel considered the need for inmates' development of better work habits and job skills within the context of the current economic situation in the Commonwealth and the need for expanded employment opportunities in the private sector. While cognizant of the current high unemployment rate, the Panel still believes there must be an intense and sustained effort to improve and expand correctional industries as a means of reducing recidivism and preparing inmates to become productive taxpayers.

The Graterford Panel provides six recommendations to improve and expand prison industries within the Bureau of Correction:

Recommendation 33

The Panel recommends that all State agencies be required to maintain lists of products manufactured by correctional industries and when seeking bids to purchase such products, be encouraged to submit requests for bids to the Bureau of Correction.

In support of this recommendation, the Panel has identified twenty-two products and services that could be significantly expanded if State agencies would purchase them. The Department of Public Welfare and Department of Education buy beds, sheets, mattresses, uniforms, soap and many other products for their institutions and colleges. The Department of Agriculture and Department of Environmental Resources purchase laboratory coats and smocks and coveralls. All State agencies purchase furniture, cartons, and other items available through correctional industries. If correctional industries were to capture only a small percentage of this vast State agency purchasing market, it would significantly enhance the program.

Recommendation 34

The Panel recommends that a Correctional Industries Advisory Board, consisting of influential leaders from business, unions, the Legislature, local elected officials and State government (General Services and Office of Budget and Administration), should be appointed either by the Governor or by the Commissioner of the Bureau of Correction.

The Board would be charged with ensuring the operation of a quality correctional industries program in Pennsylvania which is geared toward the production of needed products and the development of job skills and work experience that enhance the inmates' future employment prospects and value as employees.

Recommendation 35

The Bureau of Correction should work with the Department of General Services to identify new or expanded market areas. Resources permitting, the costs for reasonable start-up investments in terms of capital equipment should be undertaken by the Commonwealth.

Recommendation 36

The Bureau of Correction should establish an orientation program for inmates assigned to correctional industries. Correctional industry managers have consistently reported that inmates assigned to their shops arrive without orientation to their work responsibilities, salaries, work conditions, etc. The Bureau should also strive to integrate the educational and correctional industries programs. Educational achievement may be usefully established as a pre-condition to correctional industries participation.

Recommendation 37

The Bureau of Correction should place greater emphasis on ensuring quality control in correctional industries shops, and increased accountability on superintendents, industry managers and inmates to ensure that industries are run effectively and profitably.

Recommendation 38

The Correctional Industries Advisory Board and the Bureau of Correction should strive to assimilate some of the components of the Free Venture Program into Pennsylvania's correctional industries program. The patterning after private business and the direct involvement of private business in the corrections system, including the location of private industry employing inmate labor on prison grounds, is encouraged.

ISSUE TEN: PRISONER EDUCATION

Commentary

In order for an individual to find and hold a job, to understand laws and government, to maintain bank accounts, balance a checkbook and to simply function normally in society, he must be able to read, write and do basic arithmetic; skills usually acquired by the eighth grade of school. At Graterford, 1,300 inmates, sixty percent of the prison population, test below the threshold of eighth grade with the majority of these falling below the fifth grade level. However, attendance in basic academic and vocational programs averages less than 400 prisoners.

As dismal as these statistics are, the school program at Graterford is greatly improved from seven years ago. At that time, the Commonwealth's Department of Education became partners with the Bureau of Correction to develop schools within the State prisons. This arrangement combined the educational expertise and Federal and State funding capabilities of the Department of Education with the knowledge of inmate behavior, security skills and physical resources of correctional institutions.

Previously the program at Graterford consisted of one full-time teacher and relied on instruction in basketweaving and pottery. Today there are ten full-time and five part-time teachers and a full-time education director. All academic teachers are State certified. Course offerings include a broad range of academic subjects; vocational instruction in air conditioning/refrigeration, business typing, dental technology, electronics, home renovations, small engine repair and welding (currently planned); and post secondary courses leading to a one year certificate or an associate degree. In addition, a guidance counselor and a job placement specialist are employed full-time.

The Department of Education assures that funds earmarked for inmate education are spent according to planned priorities, rather than diverted to support prison operations. In keeping with its role of prison educational overseer, the Department of Education undertook an extensive review of all the State correctional institutions in 1980 and made recommendations on a range of issues from physical and equipment resources and student recruitment policy to teacher in-service training, affirmative action and use of inmate teacher aids. In all, they issued thirty recommendations to the Bureau of Correction. The Department of Education intends to re-evaluate each prison against these standards to measure improvements or continued weaknesses.

The Panel does not intend to duplicate the considerable work of the Department of Education in evaluating Graterford's school program nor to report the findings and recommendations of their review.* The Panel does find that the efforts at Graterford to assess, recruit and counsel inmates to enroll and remain in basic academic and vocational programs are inadequate. The lack of parity between the 34¢ an hour that can be obtained for the most menial prison job and the set 13¢ an hour (half of which goes into escrow) for attending school, discourages school enrollment for prisoners who want to earn money for extras (cigarettes, shampoo, snacks) or who need to send money home to dependents. The lack of academic or vocational requirements for prison industries jobs provides no incentive to attend school for the uneducated prisoner. Likewise the shortage of evening courses and the lack of coordination and cooperation between prison industries managers and school teachers discourages inmates who want to work and attend school. Even with considerable progress, Graterford has limited vocational courses for the size of its population, inadequate screening at time of reception for individualized educational planning and insufficient space to accommodate its current students.

The Panel concludes that inmates, who are unemployable when they enter prison because of an inability to read, write, and do basic arithmetic or because of a lack of vocational competence, should be taught these basic skills before being released. While recognizing the difficulties in forcing people to learn, the problems of coordinating schooling with prison industries and maintenance jobs and the necessity of reordering budget priorities, the Panel believes that to return prisoners to society without basic employment skills is foolhardy and exacts a monumental price from the public in welfare payments, lack of tax payments and additional crime.

The Panel also recognizes recent Federal leadership to address problems of illiteracy within correctional settings. In June of this year, the Federal Bureau of Prisons established a new rule mandating that inmates in Federal institutions attend an Adult Basic Education program for a minimum of 90 calendar days if they are functioning below the 6.0 academic grade level in reading, writing and mathematics. At the end of 90 days, the inmates may withdraw from the program or may continue voluntarily.

In Congress, Senator Arlen Specter has introduced a bill that would require that states make a "good faith effort" to see to it that prisoners released after terms of imprisonment of two years or more are able to read and have a basic skill so that they will be able to earn their way in the outside world as a condition of receiving any Federal funds for their prison programs.

Recommendation 39

The Panel recommends the adoption of a goal of assuring that every mentally sufficient inmate possesses at least eighth grade competency levels in reading, writing and mathematics before release into the community. Prison administrators, education officials, the Legislature and the Governor should adopt mandatory prisoner education as a rule and develop the strategies and resources for its implementation over the next five years. One modest interim step could be a requirement that in filling correctional industries jobs, priority will be given to those inmates who are enrolled in school or who possess eighth grade competency levels in reading, writing and mathematics.

ISSUE ELEVEN: INMATE ACCOUNTS

Commentary

The slow posting of money in inmate accounts, when inmates are received into or transferred out of Graterford, is a problem. When an inmate is received into prison without sufficient proof of funds in the prison account, he is unable to make purchases to supplement the necessities provided by the institution. The lack of cigarettes, snacks and toiletries allows the unsuspecting new inmate to accept a "friend's" offer, after which homosexual "favors" are expected. The inmate who accepted the "gifts" must then either succumb or fight. Also, slow posting may encourage new prisoners to seek funds from an inmate loan shark or to rob or extort the wanted goods from weaker inmates.

The problem can be traced to procedures at Graterford and some counties. Until recently, Graterford personnel were not preparing and sending the necessary documentation on inmate accounts as transfers from Graterford took place. Consequently, an inmate transferred to another prison may have experienced a thirty-day delay in having his account brought up to date. At the other end, however, the speed of posting accounts of inmates transferred to Graterford varies from county to county; posting from some counties occurs almost immediately but from others requires over a month.

The Panel asked the Bureau of Correction to analyze the accounting systems with a view to speeding the process. Since that time, Graterford personnel are now required to transfer all documentation of accounts to the receiving institution within 72 hours after an inmate is transferred. In addition, the Bureau has identified the counties which are particularly tardy in sending account records to the receiving institution. The Bureau is working with these counties to expedite their processing time.

Recommendation 40

The Panel urges the Bureau of Correction to monitor and abide by the 72-hour processing time limit on transfer of inmate accounts between State Correctional Institutions. Further, the Bureau should assure the timely transfer of inmate account records from counties, through the Bureau's semi-annual inspection responsibility of the county jails.

ISSUE TWELVE: INMATE GRIEVANCES

Commentary

The purpose of a "grievance mechanism" is to provide a formal means for obtaining resolution of complaints. The need for such a mechanism to deal with problems and help prevent the escalation of tensions is recognized by the Panel and by all of the correctional administrators with whom the Panel met.

In adult correctional systems throughout the country, three basic approaches have been utilized to implement a grievance mechanism - formal grievance procedures, ombudsman programs and inmate councils. Regardless of the method utilized, it requires the trust of three distinct constituencies - administration, line staff and inmates - each of which has a different perspective and interest.

The Bureau of Correction utilizes a structured, formal procedure to respond to grievances. It does not utilize an independent ombudsman or inmate councils. For the purpose of clarification the term "grievance mechanism" as used here includes both the inmate complaint system and the disciplinary grievance procedure.

Inmate Complaint System

The inmate complaint system applies to all aspects of prison conditions (food, medical, staff relations, etc.), except discipline and the pre-release programs. It calls for individual, written complaints which are delivered daily to the Superintendent's office in sealed envelopes.

*The interested reader is referred to the Bibliography, Appendix J to this Report.

A designated complaint officer acknowledges receipt, keeps records, investigates the matter and prepares a written summary and recommendations which he provides to the superintendent. Copies of the summary and recommendations are given to all affected parties. A written objection to any recommendation may be filed by any affected party.

The superintendent makes a decision on the matter and notifies all affected persons in writing. The complainant may appeal to a three-member panel at the Bureau of Correction in Harrisburg, if not satisfied with the disposition at the institution level. The Panel reviews the matter within 21 days of receipt and either affirms, modifies or reverses the earlier decision.

Panel staff conducted an analysis of inmate complaints filed at Graterford during the time period February - March 1981 and February - March 1982. This was a follow-up to a legislative staff evaluation in 1980. The majority of complaints in 1981 and 1982 fell into the missing property and correctional officer categories. The 1980 study indicated that medical and missing property were the most frequent areas complained about.

Total number of complaints for the time periods in the two evaluations were as follows:

March/April 1979	114
March/April 1980	103
February/March 1981	79
February/March 1982	132

The increase in 1982 can be attributed to 31 complaints regarding missing property filed in March.

Disciplinary Grievance Procedure

The Bureau of Correction's Administrative Directive 801 sets forth standards of behavior, defines Class I (most serious) and Class II (less serious) misconducts and establishes procedures for handling them.

A written misconduct report is made by a staff member and a copy provided to the inmate and relevant staff members. The misconduct is then referred to a hearing committee that makes a decision based on a preponderance of evidence. The hearing committee is composed of three members including one ranking correctional officer, a caseworker and either a teacher or vocational training instructor. The inmate is permitted to contest the misconduct and may call witnesses and receive assistance in presenting his case. A written summary is prepared and the inmate may receive the decision and rationale. The inmate may have the decision formally reviewed by

the program review committee (PRC) which is composed of the two deputy superintendents and the classification and treatment supervisor.

The three member PRC is to promptly render a decision and rationale to the inmate and chairman of the hearing committee. The inmate is given a written statement of the decision and its rationale. All PRC decisions are to be reviewed by the Superintendent who sustains the decision or reverses it. In addition to this appeal function, the PRC periodically reviews the cases of individuals detained in administrative or disciplinary custody and determines appropriate changes in status.

According to the Bureau's 18-month report, (January 1, 1980 to June 30, 1981), the following misconducts were reported for this period.

Misconducts	Statewide	Graterford
Class I	16,325	3,755
Class II	5,618	419
TOTAL:	21,943	4,174

The Bureau's "grievance mechanism" policies to govern inmate complaints and disciplinary grievances are in accordance with relevant American Correctional Association Standards regarding: (a) the opportunity to file complaints and obtain a timely response; (b) the establishment and publication of rules of conduct specifying prohibited behavior and penalties; (c) the existence of a written policy and procedure providing for a decision review and appeal process and informing inmates of the steps necessary to avail themselves of the process; and (d) the keeping of records on the complaints, grievances and appeals filed, as well as the dispositions of same.

However, testimony to the Panel, interviews with Central Office and Graterford staff, inmate interviews and analysis of complaint system and disciplinary review system records provide a wide range of perceptions regarding the effectiveness and credibility of the grievance mechanism. In general, it can be said that Bureau of Correction and Graterford administrators favor the existing grievance mechanism and feel that it is working well. Correctional officers at Graterford are largely indifferent to the complaint system, but feel that the disciplinary review system serves to give the inmates too many opportunities to delay justice, puts the officers on the defensive and detracts from staff resources to perform other necessary functions. Inmates generally praised Graterford's Complaint Officer personally, criticized the Superintendent for not supporting the Complaint Officer more frequently, and felt that the disciplinary review system was merely a long, drawn-out process for rubber-stamping guards' decisions and actions.

Although the differing assessments of the grievance mechanisms are predictable, the depth of negative feeling among the correctional officers and inmates can only serve to undermine the effectiveness of the system.

The Graterford Panel offers two recommendations to improve the handling of inmate grievances:

Recommendation 41

Effective implementation of a grievance mechanism requires more active involvement by the Bureau's Central Office. The "grievance mechanisms" of each institution should be periodically assessed and the changing nature of complaints and grievances should be observed. This observation should give the Central Office a better "barometer" of concerns at the institution and pinpoint potential problem areas for immediate attention and/or in-depth review. Also, the House Judiciary Subcommittee on Crime and Corrections should periodically review the Bureau's grievance mechanism in order to provide an independent assessment of its effectiveness and objectivity.

Recommendation 42

The Bureau of Correction should ensure that the inmate complaint system and disciplinary appeal process are known and understood by inmates and staff. The Panel found widespread misinformation and misunderstanding of the system, including its rationale and its procedures, among staff and inmates alike. Every inmate should have a copy of the inmate handbook (in which the system is described) and the handbook should be periodically updated and reissued.

ISSUE THIRTEEN: FOOD SERVICES Commentary

The Governor's Panel received many complaints on the food preparation services at Graterford. Specific complaints recorded included the following:

1. Food preparation areas at Graterford were infested with insects and rodents.
2. Conditions in food preparation areas were unsanitary.
3. Food was often served cold and menus did not provide a balanced and nutritious diet.

In order to complete a comprehensive review of food services, the Panel decided to update a report completed for the House Judiciary Subcommittee on

Crime and Corrections in November 1980. The House Task Force consisted of representatives of the Department of Environmental Resources and the staff of the House Subcommittee.

On May 13, 1982, Mr. Gary German, Chief of DER's Division of Food Protection, Mr. Keith Graham, Food Service Coordinator for the Bureau of Correction, and Panel staff visited Graterford to complete the review of sanitary conditions in the food preparation and storage areas.

Since the time of the Panel's first visit to Graterford on January 8, 1982, corridors, ceilings and walls in many storage and food preparation areas had been scraped and painted. These and other improvements in the physical appearance and cleanliness of the kitchen and food storage areas were observed during the review. The improved appearance of these areas and the comprehensive Food Services Evaluation Report completed by the Bureau's Food Service Coordinator indicate that significant efforts have been initiated to improve the quality of food preparation services. The report was developed early in 1982 and included an independent food services analysis completed by Foodynamics, Inc.

Commissioner Marks informed the Panel on April 15 that staff services at Graterford had been upgraded through the hiring of a food service supervisor and a coordinator. He related that therapeutic diets were available Bureauwide and that a consulting, registered dietitian/nutritionist assisted in menu preparation and evaluation. Continued improvement in the quality of food at Graterford is contingent upon staff performance and the purchase of needed equipment.

Based on an assessment of available information, the Panel finds:

1. The most recent Department of Environmental Resources sanitation review found minimal evidence of cockroaches and rodents. The Bureau has taken steps to ensure the continued control of the problem by hiring an exterminator and taking measures to prevent a recurrence of such problems. Additional safeguards should be taken to prevent the entry of insects and rodents.
2. The review of sanitary conditions showed that several significant improvements have occurred since the initial Joint Task Force review was completed in November, 1980. There are several areas where improvement is needed.

Areas of improvement cited:

- a) Weekly food service inspections are being conducted by the Food Service Manager. Training by the Central Office of the Bureau of Correction is being provided to the managers to help standardize this inspectional activity.
- b) Food Service managers and supervisors have been provided some training in food service sanitation.
- c) The Food Service Procedure Manual of the Bureau of Correction has been updated.
- d) Significant cleaning and painting of food preparation rooms and equipment has been accomplished.
- e) Evidence of rodents and cockroaches was minimal.
- f) Preparation and serving areas have been screened to control flies.

Efforts to follow through on other administrative recommendations of the November 1980 report should continue. Most important is the training of food service personnel in an attempt to keep updated on technical information.

Areas where improvement is needed and which have significant public health importance:

- a) Improper temperature for potentially hazardous food during preparation, display, service and transportation.
- b) Poor personal hygiene practiced by some food handlers.
- c) Improper methods of dishwashing and lack of proper equipment and utensil sanitation.
- d) The presence of exterior openings unprotected against insect rodent entrance.
- e) Improper storage of toxic materials.
- f) Improper thawing of frozen food and lack of adequate food protection during storage, preparation and display.

- 3. It is believed by the Panel that equipment problems and shortages at Graterford are largely responsible for the fact that food is served at 100°F - 125°F rather than at 145°F or above. The purchase of new equipment and the repair of existing steam tables will remedy this problem.

The nutritional aspect of food preparation is monitored by a contracted consultant and master menu planner. The consultant has commented that "the new therapeutic diet system is going well and that meals served during her visit to Graterford were in conformance with the Master Menu." A computerized assessment of nutrients is now being developed.

Overall, the Bureau staff has initiated a major effort to improve food services at Graterford. The following three recommendations are offered by the Graterford Panel in the belief that further improvement can be achieved.

Recommendation 43

It is recommended that gas-heated serving counters in the cell block dining rooms be repaired or replaced. More importantly, heated serving carts should be purchased for transporting foods from the kitchen to each of the dining areas. This will ensure that meals are served at the proper temperature, thereby preventing potential health/sanitation problems.

Recommendation 44

In order to improve sanitary conditions, and in conformance with the D.E.R. inspection report, the Panel recommends that:

- a. *Additional cleaning is needed in the elevator shaft.*
- b. *All meat cutting devices should be sanitized after use.*
- c. *Additional pot and pan storage areas are needed.*
- d. *Soap and towels must be provided to ensure use by food service employees.*
- e. *All products not in original containers must be labeled.*

- f. *All potentially "hazardous" foods must be held at 145°F (or above) or 45°F (or below). This will ensure that unwanted bacterial growth does not occur.*
- g. *The use of wooden paddles in the kitchen and bake shop be discontinued.*
- h. *More large garbage removal dumpsters are needed.*
- i. *All openings to the outside which may permit the entrance of insects or rodents should be closed.*

Recommendation 45

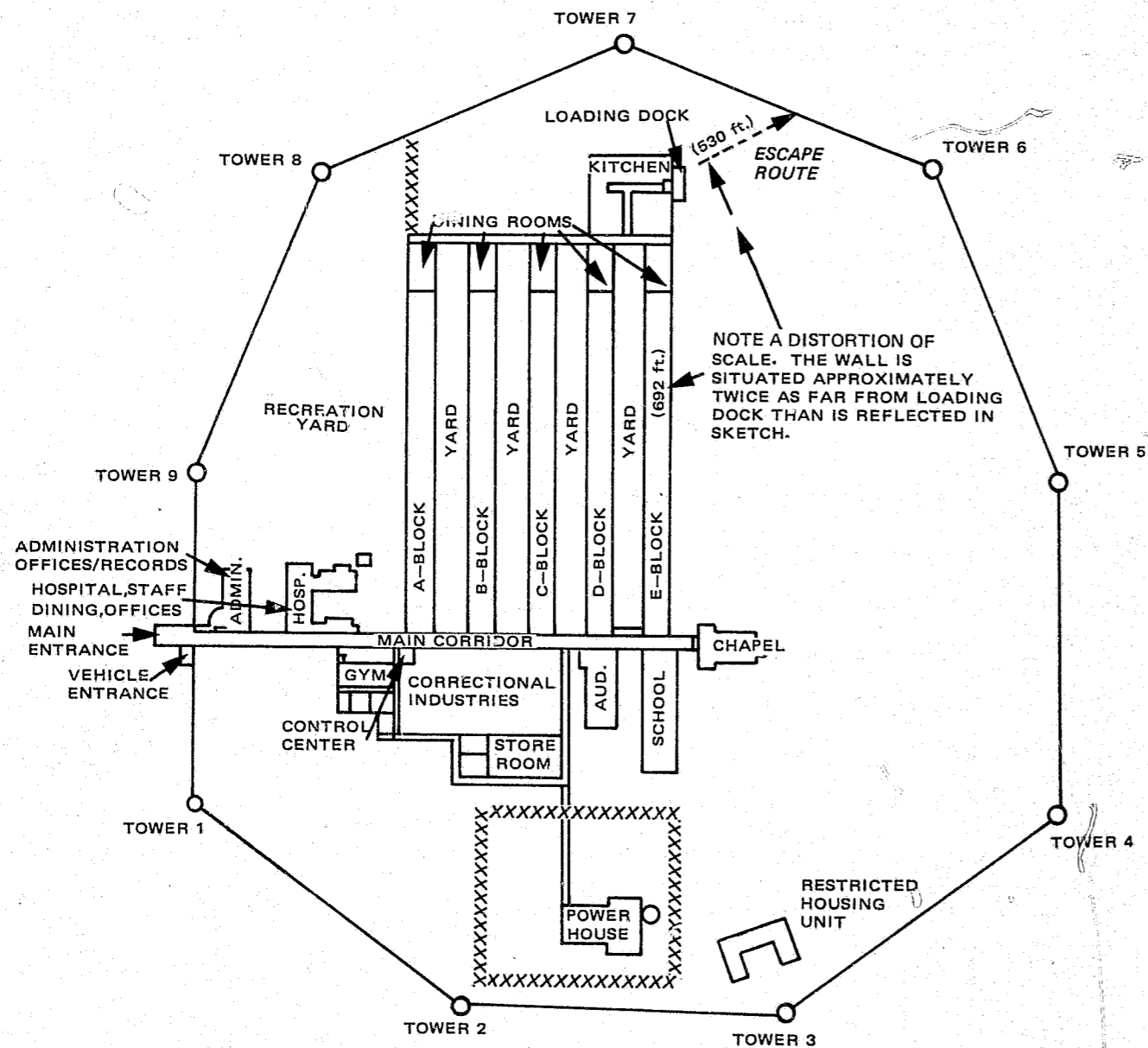
It is recommended that inmates assigned to the kitchen work crew should be carefully screened and then provided training to improve their job performance and future employability. Quality food preparation is essential to the smooth operation of any correctional facility. A well-trained and motivated work force should improve the quality of food preparation.

APPENDICES TO THE PANEL REPORT

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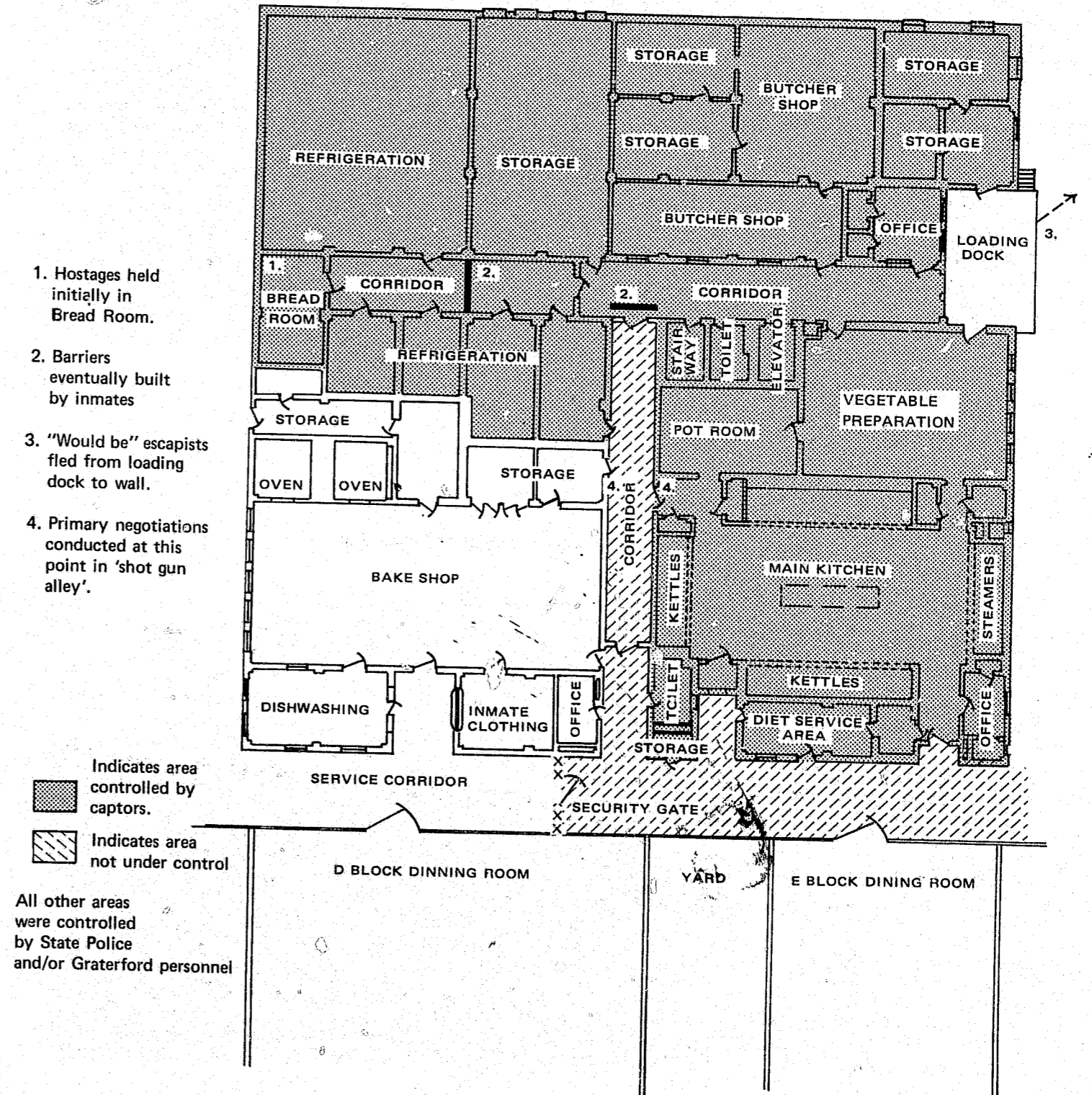
APPENDIX A

**SKETCH OF THE
STATE CORRECTIONAL INSTITUTION
AT GRATERFORD**

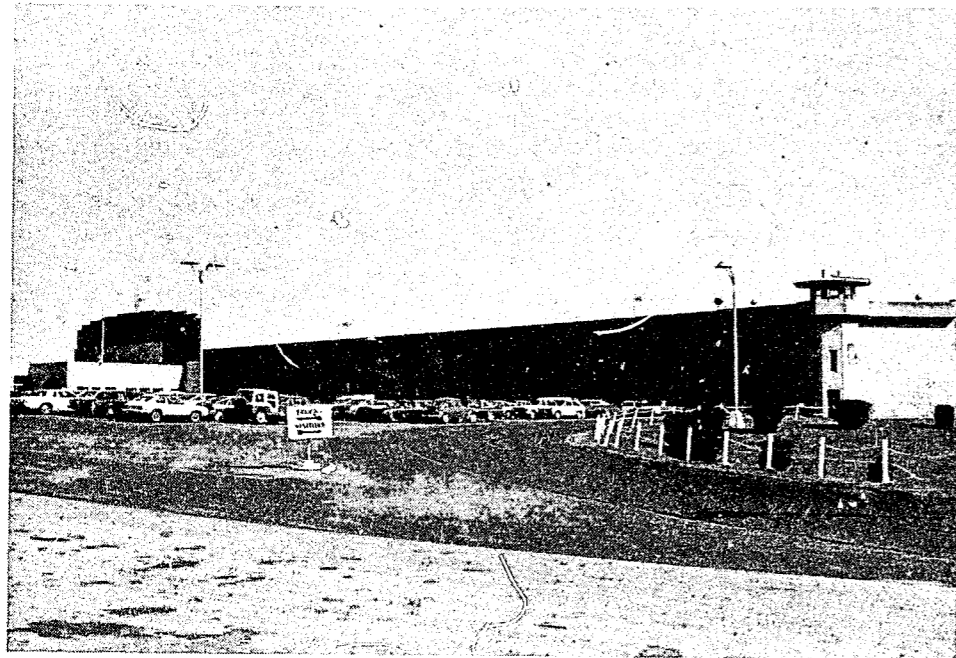


APPENDIX A CONTINUED

**SKETCH OF CULINARY AREA,
SCI-GRATERFORD**



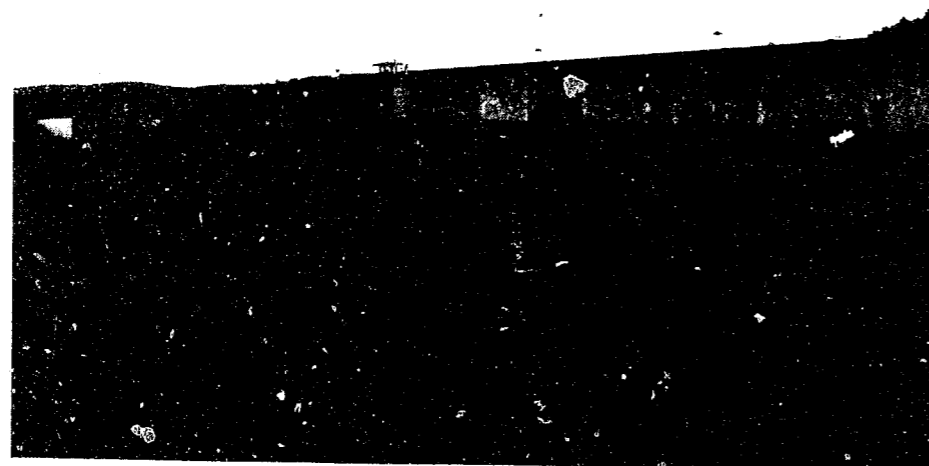
APPENDIX B
SELECTED PHOTOGRAPHS



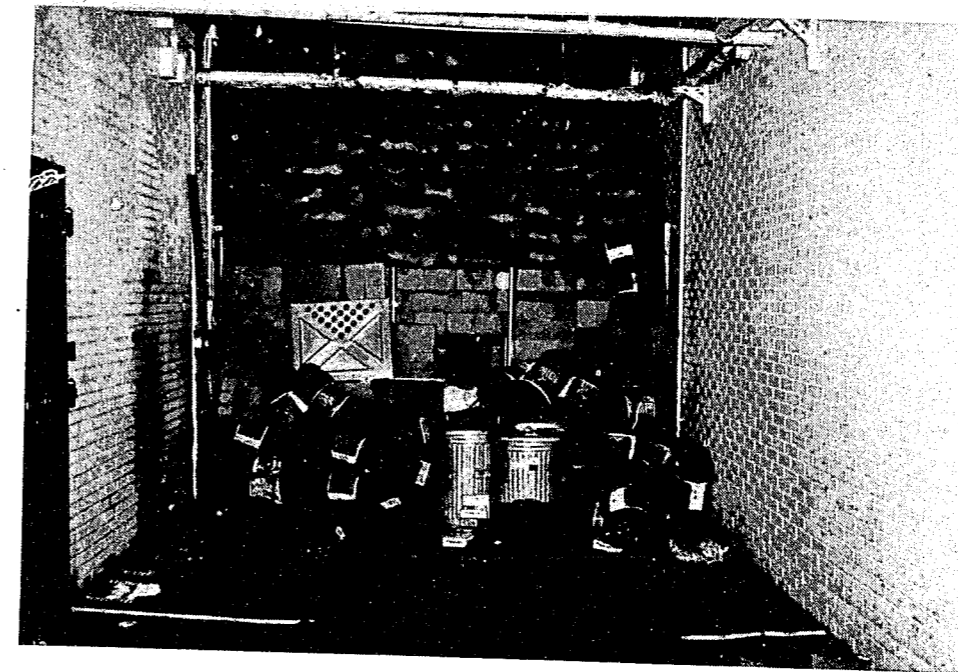
Graterford - SCI
Main entrance and vehicle lock on left; tower one on right.

Courtesy of Bureau of Correction

Loading dock with trailer on far left; tower seven; wall at the place of the escape attempt. Picture taken at the approximate time of the escape attempt.



Courtesy of State Police



Main barrier constructed in front of bread room. A three foot square shooting porthole is visible in the center of the picture.

Courtesy of State Police

- The guns that were smuggled into the prison and used during the escape attempt and the hostage-taking.
- Top - 12 gauge, single barrel cut-off shotgun, Crescent Firearms, Victor, manufactured prior to 1933.
 - Left center - 22 caliber, 9-shot revolver, Harrington & Richardson, model 929.
 - Right center - 38 caliber, 5 shot revolver, Howard Arms Company, manufactured prior to 1941.
 - Bottom - 20 gauge, double barrel cut-off shotgun, Eastern Arms, manufactured prior to 1921.



Courtesy of State Police

APPENDIX C

GLOSSARY OF NAMES ASSOCIATED WITH THE GRATERFORD
HOSTAGE INCIDENT

Staff Hostages

Lorenzo Alleyne - Lieutenant
John Bozek - Correctional Officer
James Holiday - Corrections Food Service Instructor
Wesley Lowery - Corrections Food Service Instructor
Eric Mohn - Corrections Food Service Supervisor
Gregory Ward - Correctional Officer

Governor's Office

Dick Thornburgh - Governor
Jay Waldman - General Counsel
Richard Glanton - Executive Deputy General Counsel
Robert Ross - Deputy General Counsel
Paul Critchlow - Press Secretary
Kirk Wilson - Assistant Press Secretary

Bureau of Correction - Headquarters

Ronald Marks - Commissioner
Erskind DeRamus - Deputy Commissioner
Raphael Belford - Chief of Psychological Services
Kenneth Robinson - Press Secretary

Bureau of Correction - Graterford SCI

Julius Cuyler - Superintendent
Robert Mauger - Deputy Superintendent for Operations
Lawrence Reid - Deputy Superintendent for Treatment
Donald Vaughn - Major - Principal Mediator during first three days
R. H. Spaid - Major
Walter Bullman - Captain - In charge of control center at time of incident
William Winder - Captain - Relief Mediator
Robert Dietz - Lieutenant
Ronald Lucas - Lieutenant - Relief Mediator
John Taylor - Sergeant
Thomas Buzzar - Correctional Officer
Frank Cascino - Correctional Officer
Edward Howard - Correctional Officer
Robert Molden - Correctional Officer
Joseph Roche - Correctional Officer
Paul Sites - Correctional Officer
Kenneth Sobolewski - Correctional Officer
Gulderen Bora - Consulting Psychiatrist
Stephen Lucash - Administrative Assistant for Operations
Thomas Stachelek - Treatment Director

Pennsylvania State Police

Daniel Dunn - Commissioner
Cyril Laffey - Deputy Commissioner
Roy Titler - Major - Area I Commander (Troops H, J, K, L and M)
John McKenna - Captain - Formerly Troop K Commander, now Chief of Detectives,
Delaware County
John Flannery - Lieutenant - Officer in charge of Limerick Field Installation,
Troop K
Edgar Richards - Lieutenant
Oskar Stabs - Trooper

United States Department of Justice

Rudolph Giuliani - Associate Attorney General
Jeffrey Harris - Deputy Associate Attorney General
Norman Carlson - Director, Federal Bureau of Prisons
Stephen Grzegorek - Northeast Regional Director, Federal Bureau of Prisons
Elliott Caggins - Equal Employment Opportunity Administrator for Northeast
Region, Federal Bureau of Prisons
Homer Keeney - Chief Psychologist, Federal Correctional Institution at
Petersburg, Virginia
Robert Martin - Formerly Correctional Administrator for Security, Northeast
Region, Federal Bureau of Prisons; now Superintendent, Federal Prison
Camp at Allenwood, Pennsylvania
Robert Verderyan - Warden, Federal Correctional Institution at Petersburg,
Virginia

Hostage Takers

Joseph Bowen
Lawrence Ellison
Leroy Newsome
Calvin Williams

Inmates Who Stayed in the Kitchen Voluntarily

Otis Graham
Drake Hall
Frank St. Clair

Outside Mediators

Chuck Stone - Senior Editor and Columnist, Philadelphia Daily News

Others

Jeff Bowen - Brother of Joseph Bowen
Marie Bowen - Mother of Joseph Bowen
Robert Louden - Member of New York City Police Department Hostage
Negotiating Team and Kidnap Task Force
Harvey Schlossberg - Formerly Director of the New York City Police
Department's Psychological Service Unit
T. Milton Street - Pennsylvania State Senator

APPENDIX D

EMPLOYEE HOSTAGES

<u>Employee Names</u>	<u>Title</u>	<u>Age</u>	<u>Experience</u>
<u>Correctional Officers</u>			
Lorenzo Alleyne	Lieutenant	54	18 years
John Bozek	Correctional Officer	34	4 years
Gregory Ward	Correctional Officer	33	4 years
<u>Kitchen Stewards</u>			
Eric Mohn	Food Service Instructor Supervisor	33	6 years
James Holiday	Food Service Instructor	31	22 months
Wesley Lowrey	Food Service Instructor	57	3 years

APPENDIX E

HOSTAGE TAKERS AND OTHER INVOLVED INMATES

<u>Name</u>	<u>Age</u>	<u>Hometown</u>	<u>Predominant Crime/Sentence</u>	<u>Minimum Release Date</u>
<u>Hostage Takers</u>				
Joseph Bowen	35	Philadelphia, Pa.	First Degree Murder/Life (2)	None
Lawrence Ellison	26	Philadelphia, Pa.	Robbery, Burglary, Aggravated Assault and Battery/18 to 50 years	10/22/92
Leroy Newsome	27	Philadelphia, Pa.	First Degree Murder/Life	None
Calvin Williams	31	Philadelphia, Pa.	First Degree Murder/Life	None
<u>Inmates Who Stayed in Kitchen Voluntarily</u>				
Otis Graham	33	Philadelphia, Pa.	Burglary/3 to 10 years; convicted parole violator serving backtime of 6 years, 11 months, 6 days; has a detainer sentence of 1 1/2 to 7 years to follow for Burglary and Larceny	12/27/87
Drake Hall	34	Philadelphia, Pa.	Robbery/10 to 20 years	10/21/86
Frank St. Clair	32	Philadelphia, Pa.	Theft/1 to 2 years	6/12/82

APPENDIX F

Materials Found Near the Wall at the Point of the Attempted Escape

1. Two sections of conduit each 10' 2" in length, 3" coupling on one end of each
2. One section of conduit, 6' 4" in length, U hook 1' X 1' 3" X 10"
3. Six 3" X 5" note books, black address book with papers, 2 Joseph BOWEN ID cards
4. Plastic bread wrapper containing crushed red pepper
5. Manilla envelope containing crushed red pepper
6. Red & clear plastic case containing compass, black leather band & directions
7. Nine bottles of Natural Brand Multiple Vitamin & Mineral Supplement (sealed bottles, 90 tablets per bottle)
8. Eight cans of Hoffman's Super Hi-Protein Formula 90 Tablets, 200 tablets each
9. One 3 oz. tube of Colgate toothpaste
10. One 2.8 oz. tube of Pepsodent toothpaste
11. One 3 oz. can of Hoppe's Lubricating Oil
12. One 1½ oz. container of G96 Buck Lure
13. One 3½ oz. can of Connors Fillets of Herring
14. One Space Brand Emergency Blanket, size: 56" X 84"
15. Three 8¼" clear plastic bottles containing clear liquid
16. One 5½" clear plastic bottle containing salt
17. One 6" clear plastic bottle containing salt
18. One 8" white plastic bottle containing clear liquid
19. One 8½" plastic bottle containing clear liquid
20. One 5½" clear plastic Baby Magic bottle containing clear liquid
21. One Thermos Emergency Thermal Blanket, size: 56" X 84"
22. Three rolls of toilet tissue
23. One Ridgid Heavy Duty 14" Pipe wrench
24. One Ridgid Heavy Duty 10" Pipe wrench
25. One pair of Channel Lock Pipe pliers
26. One Crescent 10" adjustable wrench
27. One tan plastic cup
28. One tin cup
29. One red and chrome Eveready 2 cell flashlight with batteries
30. Three 12" Howard High speed/coarse hack saw blades
31. One 8" Wear-Ever Aluminum dish with handle, engraved "POISON", "3966" & "2408"
32. One "L" pipe 10" X 13" with three couplings
33. Two each - plastic spoons, forks and knives
34. One 8" screw driver with yellow plastic handle
35. One Sears Craftsman hack saw handle with blade, red plastic handle
36. One piece of white rope containing six knots and five 2" X 2" blocks of wood, length - 4'
37. One piece of white rope containing 29 2" X 2" blocks of wood, 58 knots and a 14" pipe on one end, 27' 6" in length.
38. One piece of tan rope containing 28 cloth covered knots, 2 blocks of wood 2" X 2" and three uncovered knots, 32' 6" in length.
39. One piece of white rope 82' in length with knot in middle and large loop on each end
40. 67 pornographic pictures
41. 24 rubber bands
42. Two pieces of brown electrical wire, 40" and 18" in length
43. 16 pieces of black shoe laces
44. Two plastic bags containing .38 oz. envelopes of Lipton Beef Noodle Cup-a-soup, 20 envelopes per bag.

45. 61 envelopes of Lipton Cup-a-soup, assorted flavors
46. 27 packs of Camel Lights matches
47. 8 bags of Skinner's Salted Jumbo Peanuts, 2 3/4 oz. size
48. 5 bags of Simon's candy, 2 cherry and 3 Spearmint, 8 oz. size
49. 5 bags of Chuckles Ju Jubes, 8 oz. size
50. 11 chocolate bars, 4 oz. size, 5 Mr. Goodbar, 1 Krackel and 5 chocolate w/Almonds
51. 3 Snickers 6 pack
52. 2 Envelopes of Tang Instant Breakfast Drink, 4½ oz. size
53. 8 "D" size batteries
54. One sewing kit
55. One cake of Fostex skin cleanser
56. One cake of soap
57. Two tooth brushes, one blue and one white
58. Two Bic Stic ball pens, one with black string
59. Ten Lipton Flo-thru tea bags
60. One deck of Torpedo Poker playing cards
61. Two packs of Gillette double edge razor blades, 1 super stainless and 1 blue blades
62. One Scripto disposable lighter, yellow in color
63. One small can opener
64. 24 bread wrappers
65. 330 Frito-Lay Beef Sticks, .45 oz. size
66. One pair of grey sweat pants with red stripe on legs
67. One pair of grey sweat pants
68. One pair of Campus blue jeans
69. Three homemade sacks, brown corduroy
70. One homemade sack, brown cloth
71. One homemade quilted sack, green in color
72. One homemade quilted sack, green & white in color
73. One ski cap, blue and brown in color
74. One piece of white bath towel with "PA" in blue
75. Three green cloth belts with brass buckles
76. Two blue and white handkerchiefs
77. One brown cloth belt with brass buckle
78. One pair of insulated socks, red, green & black in color
79. One pair of wool socks, white with red and blue stripes
80. One white sock
81. One plastic rain hat, black in color
82. One brown cloth glove (pair)
83. One pair of tan leather gloves
84. One pair of grey plastic gloves
85. One pair of white cloth gloves
86. One flight jacket, green with orange liner
87. One brown jump suit with hood and quilted lining
88. One burlap bag

APPENDIX G

STATE COSTS ASSOCIATED WITH THE HOSTAGE INCIDENT

Physical damage to the Graterford State Correctional Institution during the hostage incident was minor. The greatest fiscal burden was incurred in the area of overtime costs for Graterford and State Police personnel, which amounted to \$384,651 out of a \$440,542 total cost. Correctional overtime costs include overtime necessary to conduct the post-incident shakedown from November 2 through November 8, 1981. The specific costs reported by the Bureau of Correction and the Pennsylvania State Police are presented below.

Classification of Costs

Overtime Costs for Institutional Personnel	\$288,390
Overtime Costs for State Police Personnel (approximate)	91,000
Correctional Industries Payroll Charges	24,530
Food Spoilage	12,511
Salaries of Hostages	11,326
Maintenance Materials for Repairs	2,744
Maintenance Repair Overtime Costs	5,261
Equipment Rental	1,965
National Guard Expenses	2,815
<hr/>	
Total	\$440,542

Source: Pennsylvania Bureau of Correction

APPENDIX H

Agreement With Insurgent Inmates

The absence of clear demands by the insurgent inmates during most of the five-day siege frustrated prison officials as they attempted to negotiate a non-violent conclusion to the crisis. When demands were finally drawn from the captors, they were largely points agreeable to the authorities.

The Panel has monitored the implementation of the agreement and concludes the nineteen points have been honored in both letter and spirit.

ISSUES AGREED UPON WILL BE HONORED ONLY WHEN ALL THE HOSTAGES ARE RELEASED UNHARMED:

1. Bureau of Corrections agrees to provide safe conduct for Bowen, Newsome, Ellison, Williams, Hall, Sinclair and Graham to appropriate housing unit as designated by the Bureau of Corrections. Also includes medical and state police interviews.
2. The Bureau of Corrections agrees that it will file no criminal charges against inmates who are not involved in the initial escape attempt or hostage taking.
3. The amount of hole time spent in disciplinary custody will be in accord with the Administrative Directive 801 governing Behavior Adjustment and Restrictive Housing procedures. No more than six (6) months in disciplinary custody, if no further misconducts occur.
4. Charges will be identified by the Pennsylvania State Police, after an investigation has been completed.
5. Bureau agrees to provide signed documents confirming the agreements reached in negotiations.
6. Any money owed, as a result of destruction of State property, will be deferred until inmates are in working status. At that time, a small percentage will be deducted from their wages, monthly. *WILL NOT BE CHARGED.*
7. Bureau agrees that visits and treatment will not be affected by the present charges.
8. Mr. Chuck Stone has agreed to provide complete coverage of the charges.
9. The Bureau concurs with the initial defendants acceptance of the charges.
10. The Bureau agrees to permit visiting immediately after the institution resumes normal operation.
11. A radio will be issued for a period of 24 hours immediately following the release of the hostages.
12. Everything agreed to we will put in writing.

Date: November 2, 1981

Signed: Julius T. Cuyler

Julius T. Cuyler
Superintendent-S.C.I.G.

Signed: Erskind DeRamus

Erskind DeRamus
Deputy Commissioner
Bureau of Correction

13. The Federal Authorities have agreed to accept the following inmates into the Federal Bureau of Prisons if State officials request. Joseph Bowen, Lawrence Ellison, Calvin Williams, LeRoy Newsome.
14. The Bureau and Federal Authorities agree to weekly contacts by someone in authority for all of Joe's people.
15. The Federal Bureau of Prisons will treat these inmates like any other State Boarders.
16. A change of venue is the responsibility of the courts; however, the Bureau of Corrections agrees not to oppose any such recommendation.
17. Any of the four inmates transferred from Graterford to the Federal Bureau of Prisons will be treated like any other inmate in Federal custody.
18. Upon request by the Bureau of Corrections, the Federal Government will make an immediate effort to transfer the following inmates to a Federal facility. Joseph Bowen, Lawrence Ellison, Calvin Williams, LeRoy Newsome.
19. Radio request is covered in Item #11.

DATED: November 2, 1981

SIGNED: Julius T. Cuyler
Superintendent

SIGNED: Erskind DeRamus
Erskind DeRamus
Deputy Commissioner

SIGNED: Z. Stephen Grzegorek
Z. Stephen Grzegorek
Regional Director
Federal Bureau of Prisons

APPENDIX I

The following are Bills of Information filed by the Montgomery County District Attorney's Office against defendants Joseph Bowen, Calvin Williams, Lawrence Ellison and Leroy Newsome.

	<u>Bowen</u>	<u>Williams</u>	<u>Ellison</u>	<u>Newsome</u>
Assault by Life Prisoner	X			
Assault by Prisoner	X	X	X	X
Escape	X	X	X	X
Terroristic Threats	X			X
Criminal Attempt/Escape	X	X	X	X
Weapons or Implements of Crime/Escape	X		X	X
Conspiracy/Weapons or Implements of Crime/Escape		X		X
Prohibitive Offensive Weapons	X	X	X	X
Conspiracy/Prohibitive Offensive Weapons			X	X
Possession Instruments of Crime	X	X	X	X
Conspiracy/Possession Instruments of Crime				X
Kidnapping	X	X	X	X
Conspiracy/Kidnapping		X	X	X
Criminal Conspiracy	X	X	X	X
Robbery		X		

Charges were filed 3/17/82. Defendants were arraigned 3/18/82. Preliminary hearing was held on 3/25/82 in Carroll A. Rosenberger's office in Schwenksville, Pennsylvania, Montgomery County.

Source: Montgomery County District Attorney's Office

APPENDIX J

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END