

TESTIMONY OF
MICHAEL FOX, COUNCIL DIRECTOR
AFSCME DISTRICT COUNCIL 89

HOUSE SUBCOMMITTEE
ON
CRIMES AND CORRECTIONS

APRIL 16, 1998

GOOD MORNING MY NAME IS MICHAEL FOX AND I AM THE DIRECTOR OF AFSCME's DISTRICT COUNCIL 89. AFSCME REPRESENTS OVER SIX THOUSAND CORRECTION OFFICERS IN THE DEPARTMENT OF CORRECTIONS. I HAVE REVIEWED THIS BILL WITH THE ELECTED REPRESENTATIVES OF EACH CORRECTIONAL INSTITUTION AND IT IS WITH THEIR GUIDANCE AND UPON THEIR REQUEST THAT I AM HERE TODAY TO TESTIFY IN SUPPORT OF HOUSE BILL 2278.

CORRECTION OFFICERS (CO) PERFORM THE MOST DIFFICULT AND DANGEROUS JOB IN THE LAW ENFORCEMENT COMMUNITY AND DO SO WITH THE LEAST AMOUNT OF RECOGNITION AND AUTHORITY. I BELIEVE THAT THIS LACK OF RECOGNITION AND THE RELUCTANCE TO GRANT THEM NEEDED AUTHORITY HAS A LOT TO DO WITH THE FACT THAT MOST OF US DO NOT UNDERSTAND THE DUTIES AND RESPONSIBILITIES OF A CO AND UNDER WHAT CONDITIONS THEY MUST WORK.

THESE MEN A WOMEN WORK IN INSTITUTIONS THAT ARE OVERCROWDED WITH THE WORST INDIVIDUALS SOCIETY HAS TO OFFER AND THEY MAINTAIN ORDER AND CONTROL ARMED WITH NOTHING MORE THAN THEIR WITS AND THE HOPE THAT THE ACTIONS THEY TAKE WILL BE SUPPORTED NOT ONLY BY THEIR SUPERIORS BUT ALSO BY THE LAW.

CORRECTION OFFICERS PERFORM A WIDE VARIETY FUNCTIONS IN ACCOMPLISHING THEIR GOAL AND ENSURING THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA ARE NOT VIOLATED . CORRECTIONS

OFFICERS ARE INVOLVED IN THE SEARCHING OF INMATES AND VISITORS IN ORDER TO CONTROL THE INFLUX OF CONTRABAND. IN PERFORMING THIS FUNCTION CO'S USE DRUG DOGS, ION SCAN MACHINES AND THE TIME TESTED PAT DOWN AND STRIP SEARCHES. UPON THE DISCOVERY OF CONTRABAND ON A VISITOR CO'S LACK THE AUTHORITY TO ARREST A VIOLATOR EVEN IF THE CONTRABAND IS DRUGS. THEIR ONLY OPTION IS TO ATTEMPT TO HOLD THE VIOLATOR UNTIL THE STATE POLICE ARRIVE. THE QUESTION IS BY WHAT AUTHORITY DO THEY DO THIS. CO'S ON A DAILY BASIS SEARCH INMATES AND THEIR CELLS FOR CONTRABAND, WEAPONS AND DRUGS PARTICULARLY. UPON DISCOVERY OF CONTRABAND THE INMATE IS SUBJECT TO THE INTERNAL DISCIPLINE PROCEDURES OF THE DOC BUT THEY SHOULD ALSO BE ARRESTED, CHARGED AND PROSECUTED AND THE CO SHOULD HAVE THE AUTHORITY TO MAKE THAT ARREST.

UPON AN ESCAPE FROM AN INSTITUTION CO'S ARE ISSUED WEAPONS AND ARE ASSIGNED TO SEARCH OUTSIDE THE INSTITUTION WHICH MAY INCLUDE INTO THE COMMUNITY NEIGHBORHOODS AS WELL AS SETTING UP CHECKPOINTS ALONG ROADS TO AND FROM THE INSTITUTION. ALL THIS IS DONE WITHOUT THE LEGAL AUTHORITY TO DO THE JOB RIGHT. AT THE CHECKPOINTS THE CO'S CAN ONLY PEER INTO THE WINDOW, THEY HAVE NO AUTHORITY TO DETAIN AND SEARCH A SUSPICIOUS VEHICLE TO ENSURE THE ESCAPEE IS NOT HIDING UNDER SOMETHING.

CO'S ESCORT INMATES INTO THE COMMUNITY, FOR EXAMPLE TO COMMUNITY

HOSPITALS THAT OBVIOUSLY LACK THE LEVEL OF SECURITY THAT ONE WOULD LIKE FOR HOUSING CONVICTED FELONS. THIS IS ACCOMPLISHED WITH TWO CO'S, ONE ARMED, UNTIL THE INMATE IS ADMITTED INTO THE HOSPITAL THEN ONE CO IS ASSIGNED TO STAY WITH THE INMATE, THAT CO IS ARMED. THE ROOM THE INMATE IS IN IS A REGULAR HOSPITAL ROOM WITH EASY ACCESS TO ANYONE WHO WOULD CHOOSE TO ENTER. IN FACT I WAS RECENTLY TOLD OF A SITUATION WHEN AN INMATE WAS TAKEN FROM HIS ROOM FOR TESTS AND OF COURSE THE CO ACCOMPANIED HIM. UPON THEIR RETURN TO THE ROOM THEY WERE GREETED BY A ROOM FULL OF PEOPLE THAT THE CO DID NOT KNOW, FORTUNATELY THEY WERE THERE TO SEE ANOTHER PATIENT AND HAD GONE INTO THE WRONG ROOM. BUT IT ILLUSTRATES THE POTENTIAL DANGER THE CO FACES IN THIS TYPE OF SETTING.

CO'S FROM GRATERFORD WERE ASSIGNED INTO THE COMMUNITY ONE YEAR FOLLOWING A SEVERE STORM TO SUPERVISE INMATES WHO WERE HELPING IN THE CLEANUP AND THE CO'S WERE ALSO TO PERFORM TRAFFIC AND CROWD CONTROL RESPONSIBILITIES. IT WAS NOT CLEAR TO ME THEN NOR IS IT CLEAR TO ME NOW BY WHAT AUTHORITY THEY PERFORMED CROWD AND TRAFFIC CONTROL, BUT WITH PEACE OFFICER STATUS THERE WOULD BE NO QUESTION.

DO THE LIMITS OF TIME I WILL NOT GIVE YOU ANYMORE EXAMPLES OF A CO'S JOB BUT I WILL SAY THAT INSIDE THESE CORRECTIONAL INSTITUTIONS WE HAVE SMALL CITIES INHABITED BY THOUSANDS OF PEOPLE WHO ARE ALL CRIMINALS. IN THESE CITIES WE HAVE FACTORIES FOR INMATES TO WORK, WE

HAVE COMMISSARIES FOR THEM TO SHOP, WE HAVE INFIRMARIES FOR THEM TO GET TREATMENT WHEN THEY ARE ILL, WE HAVE SCHOOLS FOR THEM TO GET EDUCATED, WE HAVE RECREATION AREAS FOR THEIR AMUSEMENT AND RELAXATION AND WE HAVE CRIME LIKE ANY OTHER CITY. THE ONE THING WE DON'T HAVE IS A POLICE FORCE RECOGNIZED AS SUCH BY THE LAW TO EFFECTIVELY ENFORCE THE LAWS OF THE COMMONWEALTH .

WHEN YOU CONSIDER THE ENVIRONMENT WITHIN WHICH THESE MEN AND WOMEN WORK IS THE GRANTING OF PEACE OFFICER STATUS THAT UNREASONABLE WHEN YOU CONSIDER THE FACT THAT A PARK POLICEMAN IN A THIRD CLASS COUNTY HAS IT.

IN CONCLUSION I WOULD LIKE TO SAY THESE MEN AND WOMEN DESERVE AND NEED OFFICIAL RECOGNITION OF THEIR DUTIES, RESPONSIBILITIES AND AUTHORITY.

MEMBERS OF THE COMMITTEE OFTEN TIMES I HEAR THE PENNSYLVANIA STATE POLICE REFERRED TO AS PENNSYLVANIA'S FINEST AND THEY ARE A FINE ORGANIZATION BUT I HAVE BEEN WORKING CLOSELY WITH THE EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS FOR OVER FIFTEEN YEARS AND I FIND THEM TO BE NOT ONLY PENNSYLVANIA'S FINEST BUT I BELIEVE PENNSYLVANIA'S BEST AND BRAVEST. FOR THEY DO A JOB VERY FEW OF US WOULD BE WILLING TO DO.

I WANT TO THANK YOU FOR THIS TIME AND I WOULD URGE YOU TO SUPPORT HB2278. I WILL BE HAPPY TO ANSWER ANY OF YOUR QUESTIONS.