

SEPTA withheld data, ex-official says

The Philadelphia Inquirer

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DECEMBER 18, 1999

Accident evidence withheld, testifies ex-Septa official

In a startling courtroom development, a former top Septa safety official testified yesterday the he had complained bitterly that the agency withheld key evidence during the probe of the 1996 escalator accident that tore off a 4-year-old boy's foot.

Robert M. Aleman, the former director of system safety for Septa, testified in Common Pleas Court that he expressed his "extreme displeasure" with Septa's handling of the investigation "from the beginning."

He said he told his superiors that the mishandling of the internal investigation prevented an objective conclusion of what caused an escalator stop to malfunction at the Cecil B. Moore subway station on North Broad Street and shear off Shareif Hall's foot on Nov. 27, 1996.

Aleman testified during a contempt of-court hearing against Septa that he was so disgusted with the investigation - including "loss of evidence and constant report editing" - that he signed the final accident report "under verbal protest." He wrote a memo to himself detailing his complaint for his work file.

That memo, dated May 15, 1997 - two days after the agency's final report of the boy's accident - surfaced yesterday as eight top Septa officials appeared in City Hall with stacks of additional documents about Septa's knowledge of escalator problems before and after the accident.

A jury on Tuesday awarded Shareif Hall and his mother, Deneen, \$51 million in damages, finding that Septa knew the escalator was dangerous and did not properly maintain it.

The Halls' lawyers did not receive the accident report until the third day of the seven-day trial. During the trial, Septa also turned over other documents showing the agency had known since 1994 that some of its subway escalators, including Cecil B. Moore, had mechanical problems.

[Thomas Kline](#), who sued Septa on behalf of the Halls, is requesting that the court fine Septa \$1 million for contempt for not releasing those documents under rules of discovery. Judge Frederica A. Massiah Jackson is expected to rule Monday on the issue.

After testimony that many of these documents had been in the files of Septa's general manager, Jack Leary, and the chief legal counsel, Roger Bowers, the judge ordered Leary and Bowers to appear Monday to explain why the reports had not been turned over to Shareif's lawyers. Among the volumes

of documents turned over yesterday was a Dec. 13, 1999, memo that said eight of Septa's 27 subway escalators were out of service at that time.

"What we have are documents that are just mind-boggling," Kline said. "Further, we had a revelation today that the whole accident investigation was called into question and called disreputable by one of the key people involved in the investigation."

Aleman also told the court he had complained that the "content of facts surrounding the accident" changed in various drafts before the final report was issued. Aleman, who declined to speak after his testimony, did not elaborate on the witness stand.

Kline said that one preliminary accident report stated the screws on the escalator had been "sheared off," but that those words - "sheared off" - were not in the final report.

The condition of the escalator screws was crucial, Kline said, in understanding whether the screws were rusted or stripped. Aleman testified that safety investigators never saw the screws, part of the physical evidence he said was withheld.

Septa, in its final accident report, suggest that the boy's shoe was untied and the laces were caught in the machinery. Shareif's lawyers showed at the trial his shoes were not untied, but rather that a step dropped at the top of the escalator and caused his foot to become mangled under it.

Aleman said in his memo, which was read into evidence yesterday, that safety officer James Bahn complained to him several times that language in his draft reports kept changing.

"I urged him to keep copies of all drafts . . . I informed my superiors that because of the way the investigation was handled . . . that the investigation in my eyes was not conducted appropriately, that I would sign under verbal protest and place a notation in my file," the memo said.

After Aleman, currently Septa's director of transportation for the Market-Frankford Line, testified, Massiah-Jackson remarked: "I can't believe what I'm hearing!"

After the hearing, Richard Maloney, Septa's spokesman, confirmed that Leary and Bowers would appear in court Monday morning. He did not know if Septa would put on any witnesses of its own when the hearing resumes.

"This has been a week of tremendous surprises for everybody. We're taking it a step at a time," Maloney said.

Maloney stressed that Septa riders should not worry about their safety.

"This contempt hearing is about management. It's not about the specific day-to-day operation of trains, buses and trolleys," he said. "I don't think our very valued customers should have any concern about the safety and integrity of the system"

Also testifying yesterday was Bahn, the safety officer who Aleman said also complained about the shifting of facts in various reports on the incident. Bahn said he, too, was frustrated by the investigation.

Bahn said Aleman returned to him several drafts of the investigative report with extensive markings for grammatical changes. Bahn also said that he had no evidence investigating escalator accidents and had attended only a two week vehicle accident investigation school before assuming his position.

Bahn said he never saw or received a copy of the final investigative report, despite the fact that his name was included on an internal routing memo along with other top Septa officials.