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ALLEGHENY COUNTY
JAIL OVERSIGHT BOARD SPECIAL MEETING

Thursday
March 28, 2024

Gold Room
4th Floor
Allegheny County Courthouse
436 Grant Street
Pittsburgh, Pennsylvania 15219

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MEMBERS OF THE BOARD IN ATTENDANCE:

County Executive Sara Innamorato
President Judge Susan Evashavik-DiLucente
Judge Kelly Bigley
Controller Corey O'Connor
Councilmember Bethany Hallam, for County Council
President Pat Catena
Man-E, Citizen Member
Robert Perkins, Citizen Member
Barbara Griffin, Citizen Member

COURT ADMINISTRATION IN ATTENDANCE:

William Crum

P R O C E E D I N G S

(3:02 o'clock p.m.)

JUDGE EVASHAVIK DILUCENTE: Good
afternoon, everybody.

Okay. I'm going to take roll call.
Judge Bigley?

JUDGE BIGLEY: Here.

JUDGE EVASHAVIK DILUCENTE:
Mr. O'Connor?

MR. O'CONNOR: Here.

JUDGE EVASHAVIK DILUCENTE:
Ms. Innamorato?

MS. INNAMORATO: Here.

JUDGE EVASHAVIK DILUCENTE: I'm
Judge Evashavik.

Ms. Hallam?

MS. HALLAM: Here.

JUDGE EVASHAVIK DILUCENTE:
Mr. Perkins?

MR. PERKINS: Here.

JUDGE EVASHAVIK DILUCENTE:
Mr. Nassir?

MAN-E: Here.

JUDGE EVASHAVIK DILUCENTE:
Ms. Griffin.

1 MS. GRIFFIN: Here.

2 JUDGE EVASHAVIK DILUCENTE: Sorry.
3 Nassir, I apologize.

4 Okay, everybody. We're not going
5 to have -- we're going to defer public comment to
6 the April 1, 2024 meeting.

7 MS. HALLAM: I don't think we can
8 do that.

9 JUDGE EVASHAVIK DILUCENTE: We can
10 do that.

11 MS. HALLAM: Not allow public
12 comment at a public meeting?

13 JUDGE EVASHAVIK DILUCENTE:
14 Correct. We can defer it to the next regular
15 meeting. We're not taking any action tonight.
16 We're not voting on anything tonight.

17 This meeting is going to have to
18 conclude at 5:00 because four Board Members at
19 least have to leave at 5:00, so I'm going to ask
20 that we kind of keep things moving.

21 First I do want to address -- I
22 think questions have been raised about who
23 offered these proposed bylaws, so I want to put
24 it right on the table that after the last
25 meeting, I asked Mr. Crum, who is my executive

1 assistant, to draft some proposed bylaws. And he
2 and I went back and forth and revised them and
3 re-revised them. And the bylaws that I
4 circulated were written by Mr. Crum and myself.

5 Okay. I'm sorry.

6 MS. HALLAM: Thank you for
7 clarifying.

8 JUDGE EVASHAVIK DILUCENTE: No
9 problem.

10 Okay. So first on our agenda is
11 the bylaws and what I'm going to propose that we
12 do is just go through section by section. And if
13 anybody has an objection at any particular
14 section, then we can discuss that.

15 So Section 1 is just the preamble.
16 Does anybody have an objection to Section 1?

17 (No response.)

18 JUDGE EVASHAVIK DILUCENTE: Okay.

19 MS. INNAMORATO: Oh, wait. Not an
20 objection but just with the references we make to
21 the PA State Code. If we could just include them
22 as an addendum when we publish the bylaws.

23 JUDGE EVASHAVIK DILUCENTE: Okay.

24 Anybody have a problem with that?

25 (No response.)

1 JUDGE EVASHAVIK DILUCENTE: All
2 right. Then we can do that.

3 And also I would note that we said
4 the rules are guided by the Board's Mission
5 Statement. I know Ms. Griffin had requested that
6 we have a Mission Statement. We don't have one
7 yet, so hopefully -- I'm sure that we will
8 eventually all agree upon one and adopt one.

9 Okay. Section 2. Any objection to
10 Section 2?

11 (No response.)

12 JUDGE EVASHAVIK DILUCENTE: No.
13 Section 3?

14 MS. GRIFFIN: Yes.

15 JUDGE EVASHAVIK DILUCENTE: Go
16 ahead.

17 MS. GRIFFIN: I just wanted to talk
18 about Section 3, paragraph F, that says, any
19 Board Member who receives HIPAA, et cetera,
20 information -- I'm not sure I would know whether
21 I'm receiving HIPAA information or not. Maybe we
22 could change that to any Board Member who
23 receives confidential, private, or sensitive
24 information. I'm just worried about not being
25 able to identify when I have HIPAA information or

1 not.

2 MS. HALLAM: Where are these?

3 MS. GRIFFIN: So Section -- it's on
4 Page 2.

5 MS. HALLAM: Section 3.

6 MS. GRIFFIN: Section 3, Page 2,
7 paragraph F.

8 MS. HALLAM: Thank you.

9 JUDGE EVASHAVIK DILUCENTE: Well,
10 HIPAA is generally known as being medication
11 information. Why don't we say medical,
12 confidential, or other --

13 JUDGE BIGLEY: If you knowingly
14 receive HIPAA. In other words, if a Board Member
15 receives HIPAA, this is not to be disseminated.

16 MS. HALLAM: Yeah.

17 JUDGE EVASHAVIK DILUCENTE: Well, I
18 don't -- don't you know when you receive medical
19 information?

20 MS. HALLAM: No, because you might
21 receive something that isn't HIPAA medical
22 information but it's still medical information.
23 And so I agree. I also wouldn't necessarily know
24 what is and what isn't.

25 JUDGE BIGLEY: Ms. Griffin is

1 worried that she might do this unknowingly. We
2 could just protect her by saying if somebody
3 shares information with her that's --

4 MS. GRIFFIN: There's also
5 sometimes a bit of debate on what's HIPAA and
6 what's not HIPAA. So (inaudible).

7 JUDGE EVASHAVIK DILUCENTE: Okay.
8 So what do you want it to read? Could you state
9 it again?

10 MS. GRIFFIN: Any Board Member who
11 receives confidential, private, or sensitive
12 information.

13 JUDGE EVASHAVIK DILUCENTE: Okay.
14 Ms. Innamorato, do you want to say something?

15 MS. INNAMORATO: I was going to add
16 that we should just note that these documents
17 should be marked confidential.

18 MS. HALLAM: That would be helpful
19 because then we wouldn't have to guess, right?

20 MS. INNAMORATO: Then all documents
21 coming from the administration marked
22 confidential should not be shared.

23 JUDGE EVASHAVIK DILUCENTE: Okay.

24 MS. INNAMORATO: And then we
25 should -- that will be an expectation that's set.

1 MS. HALLAM: The only comment I
2 would have about that is how can we be sure that
3 the jail isn't trying to make things confidential
4 that shouldn't be?

5 JUDGE BIGLEY: Then I think someone
6 should raise an objection.

7 MS. HALLAM: Okay.

8 AUDIENCE MEMBER: Microphone.

9 JUDGE BIGLEY: No. I don't think
10 anyone from the audience should be responding.

11 AUDIENCE MEMBER: We'd like to hear
12 that. We have a right to hear.

13 JUDGE EVASHAVIK DILUCENTE: They
14 have a right to hear, though, so please put your
15 microphone on.

16 JUDGE BIGLEY: If you have an
17 objection to whether or not anything is, in fact,
18 confidential, then you can raise that at the
19 time. But I think that they should be marking
20 things confidential.

21 MS. HALLAM: Okay. I'm cool with
22 that.

23 MR. PERKINS: Judge, I did have a
24 couple comments about this. I had about an hour
25 to review it before the meeting. But it seems

1 very broad. You know, I understand --

2 JUDGE BIGLEY: It was sent out a
3 couple days ago, though, too, this same document.
4 I would just say.

5 MR. PERKINS: Yeah, two days ago.
6 Yeah. But in any event, yeah, as far as private
7 or sensitive information -- I mean, I understand
8 HIPAA but like you could argue that anything is
9 sensitive or private.

10 So to the County Executive's point,
11 if we're going to specifically designate certain
12 information as confidential and privileged, then
13 it's clear. But otherwise, it's very broad and,
14 you know, arguably address things not even
15 related to my Board service -- or something I
16 look at, you know, in my capacity as a private
17 attorney or the judges look at in their capacity
18 as, you know, presiding over cases. I just think
19 it is -- it's too broad as written. And if we're
20 focused on HIPAA information, then it doesn't
21 need to be that broad.

22 JUDGE BIGLEY: I'm sorry. Could
23 you say what you said again? I'm sorry. I
24 didn't hear the first part.

25 MR. PERKINS: Essentially I think

1 it's overly broad and not clear what would be
2 referred to as private or sensitive information.

3 JUDGE EVASHAVIK DILUCENTE: Okay.
4 So I think that everybody would agree that if the
5 information is clearly marked confidential, they
6 can live with that, right?

7 MR. PERKINS: Yes.

8 JUDGE EVASHAVIK DILUCENTE: Okay.
9 So I will reword this and send it out for
10 everybody's review before the next meeting and --
11 to that effect.

12 JUDGE BIGLEY: I have no problem
13 with it written as it is. I think we're
14 over-analyzing small details.

15 JUDGE EVASHAVIK DILUCENTE: Okay.
16 Well, everybody is good with that, right? Mark
17 it -- marking it as confidential. Okay.

18 Moving on to Section 4.

19 MS. HALLAM: I have multiple issues
20 here.

21 JUDGE EVASHAVIK DILUCENTE: Okay.
22 Go ahead.

23 MS. HALLAM: Okay. So the first
24 thing is I thought, that at the last working
25 group, we had agreed to the election of the

1 chair, vice chair, that the one concession we
2 made is that the secretary would stay the
3 Controller's Office because they -- because of
4 many reasons that the Controller identified at
5 that meeting. And this -- I mean, in general I
6 want to make a comment first because I feel like
7 this document as a whole can -- is a completely
8 different direction than the document that we had
9 been working on and discussing for months now.
10 So I want to say that first.

11 But specifically in Section 4(b)
12 where it says the President Judge or President
13 Judge's Designee shall be the chairperson. I
14 thought we had agreed why that is bad practice,
15 especially because the President Judge gets a
16 designee. And so I would absolutely like to make
17 that the same as the Vice Chairperson.

18 And then the second thing would be
19 (c). I thought we had agreed on two-year terms.
20 We thought one year was too frequent of a
21 shakeup, and so it says to an annual term, which
22 shall run from January to December. I think that
23 should be two-year terms.

24 And then also under this section,
25 the -- if we go to (g), oh, sorry, (h), about not

1 having verbatim meeting minutes, the verbatim
2 meeting minutes are very important. It is what
3 the incarcerated individuals reference on their
4 tablets to understand what is being talked about
5 in the meeting. It is what we use for
6 accessibility purposes for people who aren't able
7 to attend, and it's also important for purposes
8 of historical preservation of the record so that
9 folks don't have to go back and watch the
10 recordings of meetings. We actually have those
11 meeting minutes verbatim.

12 JUDGE EVASHAVIK DILUCENTE: That's
13 provided in (g).

14 MS. HALLAM: I don't see verbatim.

15 JUDGE EVASHAVIK DILUCENTE: The
16 published transcript. That's what a transcript
17 is.

18 MS. HALLAM: Okay. So then is (h)
19 unnecessary and we should get rid of it?

20 JUDGE EVASHAVIK DILUCENTE: (h) is
21 just saying that there will also be the text of
22 the Motion so that you don't have to go search
23 through a transcript to find when and where was a
24 Motion passed so that you'll be able to quickly
25 and easily identify Motions that were passed.

1 It's just in addition to the
2 transcript.

3 MS. HALLAM: Okay. So then can we
4 add verbatim in somewhere in (g) or just
5 somewhere to make it clear that we are still
6 expecting verbatim minutes in addition --

7 JUDGE EVASHAVIK DILUCENTE: That's
8 what a transcript means, but if you want it
9 say --

10 MS. HALLAM: The published verbatim
11 transcript?

12 JUDGE EVASHAVIK DILUCENTE: Okay.
13 A transcript -- that's what a transcript is, but
14 you can -- does anybody object to having verbatim
15 added to transcript?

16 MS. GRIFFIN: That's fine.

17 JUDGE EVASHAVIK DILUCENTE: Okay.
18 We'll add verbatim.

19 MS. HALLAM: Okay. And then (b)
20 and (c), if we could discuss that. I would like
21 the Chairperson to be chosen in the same manner
22 as the Vice Chairperson by a majority vote and
23 two-year terms.

24 If anybody has a strong argument
25 for one-year terms, I wouldn't be against that.

1 I just thought that the consensus at the last
2 meeting was one year was too frequent of a
3 change.

4 JUDGE EVASHAVIK DILUCENTE: Okay.
5 At the last meeting, I believe that we had a
6 tally, and it was kind of tied as to the
7 President Judge being the Chairperson, is my
8 recollection. And I made the pitch for why I
9 believe the President Judge should be the
10 Chairperson because it's a member of the
11 judiciary who is a neutral, non-political person.

12 But does anybody else want to opine
13 on that?

14 MR. PERKINS: How do they do it in
15 other counties? Is it designated that like a
16 specific person is automatically the Chairperson?

17 MS. HALLAM: Most other Boards in
18 Allegheny County, the Chairperson is elected in
19 the same manner as the Vice Chairperson. So this
20 would be a deviation from the common practice in
21 our county.

22 And the statute does not say that
23 the President Judge or their designee is the
24 Chairperson.

25 JUDGE EVASHAVIK DILUCENTE: I do

1 not know how they do it in Jail Oversight Boards
2 to answer your specific question. I can't answer
3 that.

4 MS. HALLAM: But yeah. I would say
5 keep the common practice that we have throughout
6 the county of electing the Chairperson, again,
7 especially because of the issues that we have
8 experienced in the past with the designee of the
9 President Judge. I think that it should be an
10 elected Chairperson.

11 JUDGE EVASHAVIK DILUCENTE: I
12 understand. I would also say that historically
13 since the Jail Oversight Board has been in
14 existence, the President Judge has been the
15 Chairperson in this county.

16 MS. HALLAM: Well, we have never
17 had a Chairperson. We have simply had somebody
18 who ran the meetings. We have never had a
19 Chairperson for this Board.

20 JUDGE BIGLEY: That functioned --

21 JUDGE EVASHAVIK DILUCENTE: Which
22 is the equivalent of a Chairperson.

23 JUDGE BIGLEY: Which has been the
24 Chairperson. We just never -- I don't know that
25 we -- I think it helped that it's been the

1 Chairperson. It's been a de facto Chairperson.

2 MS. HALLAM: And I would argue that
3 that process is what we are -- the way that
4 things used to be done is what we are trying to
5 resolve --

6 JUDGE EVASHAVIK DILUCENTE: Okay.

7 MS. HALLAM: -- with these bylaws.

8 JUDGE EVASHAVIK DILUCENTE: Okay.
9 That's fine. Does anybody else want to opine on
10 that issue?

11 (No response.)

12 MR. PERKINS: I don't have a strong
13 view either way. I would vote for Your Honor to
14 be the President -- to be the Chairperson, so
15 like to me, like maybe it's a distinction without
16 a difference. But I don't know that it
17 necessarily matters that much.

18 JUDGE EVASHAVIK DILUCENTE: Okay.
19 I mean, we can move on and at the next meeting I
20 presume that Ms. Hallam will make a Motion to
21 amend Section 4(b) and we'll take a vote, because
22 this is the work session to discuss this.

23 How about does anybody have -- I'm
24 sorry.

25 MS. INNAMORATO: Oh, that's okay.

1 No, I was just going to mention around point (c),
2 I don't think doing a reorganization annually is
3 best practice and we should keep it as written.

4 JUDGE EVASHAVIK DILUCENTE: Anybody
5 want to comment on the annual or two-year term?

6 (No response.)

7 JUDGE EVASHAVIK DILUCENTE: Okay.
8 Section 5.

9 MS. HALLAM: I mean, this section,
10 I think we have to completely strike. It is --
11 it doesn't even reference Title 61, which every
12 other section does, because it goes in direct
13 contradiction to the State statute that
14 authorizes it.

15 It's even in contradiction to our
16 own bylaws when it talks about who's on the Board
17 in Section 2, and then it allows somebody to
18 designate, in effect, until written notice of
19 their revocation, a designee on the Board that is
20 not allowed by statute. I mean, this is the one
21 I think more than anything else in the whole
22 bylaws, we just take out Section 5.

23 JUDGE EVASHAVIK DILUCENTE: Okay.
24 Does anybody else want to opine on Section 5?

25 MS. INNAMORATO: The only thing

1 that I will mention is that we are a home-rule
2 charter at the County level. And within our
3 home-rule, it does allow -- it says, under the
4 power and duties of the Chief Executive, a
5 representative" -- represent the County or
6 designate a county representative in all meetings
7 and negotiations with heads of other governmental
8 or quasi-governmental bodies. So leaning on
9 that, there is a case to be made how we could
10 appoint a designee in our stead that would allow
11 and act as a voting member.

12 Now, I will say my intention is to
13 attend the meeting, but understanding that life
14 happens. There's other duties. So, you know,
15 this is kind of a safeguard to ensure that we can
16 continue meetings if there is other things that
17 happen in our lives and we can continue to do the
18 business of the people.

19 MS. HALLAM: And what I will say --
20 oh, sorry. Were you trying to talk? Go ahead.

21 MAN-E: Yeah. I was going to say,
22 of course, I agree that, you know, life happens.
23 But it also happens to people who are not
24 permitted to send designees, you know what I
25 mean? Even -- you know, we voted on the way that

1 it's written now, the three community members
2 would not be permitted to send a designee, and I
3 don't understand why. That creates a power
4 imbalance. I think that creates division amongst
5 the Board. We're supposed to be one. It really
6 doesn't make that much sense to me.

7 And, of course, it's in
8 contradiction of the statute itself, right? But
9 I think that's why we came with this letter
10 because, you know, it's an open litigation as
11 y'all say, you know what I'm saying? And unless
12 I'm wrong, I think I was the only Board Member
13 who was there and I heard what the Judge said.
14 And she didn't even allude to giving any
15 non-member of the Board any type of voting power,
16 you know what I mean?

17 And, you know, if you want to do it
18 like that, send a designee forever, you know what
19 I'm saying, I think we should be able to do it
20 too. If not, then we are unequal members of the
21 Board or unequal, whatever one is proper, and I
22 don't think that's right.

23 JUDGE EVASHAVIK DILUCENTE: Well,
24 it's kind of interesting that you say it's
25 illegal but it would be okay if you -- if

1 everybody could do it.

2 But hang on because I authored
3 this.

4 MAN-E: I don't -- I don't -- I
5 don't think it's okay. At all.

6 JUDGE EVASHAVIK DILUCENTE: Okay.
7 I authored this.

8 MAN-E: But I'm saying if there is
9 something that other Board Members are doing,
10 then the Board in its entirety should be able to
11 do it.

12 JUDGE EVASHAVIK DILUCENTE: Okay.
13 Okay. I authored this, and I'm going to tell you
14 my reasoning for it. The three public members
15 are designees.

16 MS. HALLAM: No, they're not.

17 JUDGE EVASHAVIK DILUCENTE:
18 Ms. Hallam is a designee.

19 MS. HALLAM: No, I'm not.

20 JUDGE EVASHAVIK DILUCENTE: Okay.
21 So you guys -- Judge Bigley is a designee. Judge
22 Bigley is my designee. Ms. Hallam is
23 Mr. Catena's designee, and the three public
24 members are Ms. Innamorato's designees. And so
25 you're already designees.

1 In my view, the County Executive,
2 the County Sheriff, and the County Controller, as
3 well as the President Judge have a lot of
4 business to attend to. In particular, the County
5 Executive. And I know that the audience and this
6 Board was extremely frustrated with Rich
7 Fitzgerald's failure to come to a Jail Oversight
8 Board meeting for I believe --

9 MS. HALLAM: 12 years.

10 JUDGE EVASHAVIK DILUCENTE: -- he
11 never came for 12 years. And I think that --

12 MS. HALLAM: This would allow that
13 to continue.

14 JUDGE EVASHAVIK DILUCENTE: --
15 that's the root of this is that everybody wants
16 to prevent what happened with Rich Fitzgerald.
17 But clearly it's not happening. Like, let's get
18 beyond that.

19 MS. HALLAM: Yes.

20 JUDGE EVASHAVIK DILUCENTE: Let's
21 get passed that. Ms. -- the County Executive has
22 so much business and so many things to attend to,
23 that it is really inconceivable to think that she
24 can make every single Jail Oversight Board
25 meeting. It's just inconceivable --

1 MS. HALLAM: It's once a month.

2 JUDGE EVASHAVIK DILUCENTE: -- and
3 it's impractical. Yeah, it's once a month.

4 MS. HALLAM: Then she just doesn't
5 vote. That's it.

6 JUDGE EVASHAVIK DILUCENTE: Well.

7 MS. HALLAM: So I will say now
8 since everyone else has got to say their peace, I
9 would like to say my peace, especially in
10 reference to the home-rule charter and whatever
11 it says.

12 State law supersedes the County
13 Charter. We cannot have a County Charter that
14 supersedes State law. Does everyone agree with
15 that?

16 (No response.)

17 MS. HALLAM: Does anyone disagree
18 that the County Charter cannot supercede State
19 law? Because what you are arguing is that it
20 very much can. And I think that is one of the
21 most basic principles of law is that the State
22 law supersedes the County law.

23 And even in referencing other State
24 laws like is done under the Preamble, the
25 specific always controls over the general. We

1 have a specific statute that authorizes this
2 Board. No county law, no local municipal law, no
3 broad general State law can supersede that. That
4 is the basic rule of statutory construction.

5 And so aside from every other
6 argument that I very much agree with, treating
7 the County Executive, the County Sheriff, and the
8 County Controller different than anyone else,
9 acting as if the citizen members are designees
10 when the word designee is very clear in the
11 statute not to apply to the citizen members.

12 I am a designee. I am the only
13 designee sitting up here, and I, and anyone that
14 you would assign as your designee --

15 JUDGE EVASHAVIK DILUCENTE: I
16 believe Judge Bigley is a designee.

17 MS. HALLAM: -- would be the only
18 designee.

19 Judge Bigley is not a designee.
20 She is a judge appointed by the President Judge.
21 She is an equal member of this Board. I am a
22 designee.

23 JUDGE EVASHAVIK DILUCENTE: You're
24 an equal member of the Board.

25 MS. HALLAM: I am a designee. No

1 one else sitting up here right now is a designee.
2 And again, back to the law because we can all
3 argue -- we all have busy lives. I have a busy
4 life. Community members have a busy life, and
5 they're not getting \$100,000 a year salaries.
6 Everybody up here has a busy life, and so I do
7 not think it's fair to say that certain members
8 of this Board have busier lives than others and
9 to use that as our argument in favor of this
10 section when we could just point to the law.

11 And the law is very explicit who is
12 it -- who is allowed a designee, who is not. We
13 could go back and forth about should they be able
14 to participate in subcommittee meetings. Should
15 they be allowed to sit in and listen in on those
16 meetings, but when it comes to the duties of this
17 Board, we cannot delegate that away and amend by
18 bylaws a State statute.

19 JUDGE EVASHAVIK DILUCENTE: Okay.

20 MAN-E: I agree with that. And I
21 do have to add, I do take a little bit of offense
22 to being called a designee, and I don't agree
23 with that.

24 And also, believe it or not, I have
25 two jobs, one of which asked me to be in

1 Harrisburg today, and I said I can't because I'm
2 doing this meeting. Because this is so important
3 to me, I have to keep reminding us, right, that
4 it's not really about us. It's about the people
5 who are in the jail whom I represent, you know
6 what I mean, which is part of the reason why I'm
7 happy to be an appointee on the Board. But that
8 doesn't mean I should have, you know, less power,
9 less influence than y'all. Like if I was
10 sitting -- if I was in Harrisburg, you know what
11 I mean, I wouldn't be able to send somebody in my
12 stead, all right?

13 And you're saying not only should
14 you be able to send other people on your behalf,
15 but they should be able to vote too, I don't
16 think that makes any sense, especially when at
17 the last meeting when we spoke about this we said
18 maybe we should wait and see what, you know, what
19 happens in the Courts and what the courts -- or
20 what Judge Emery said was, you know, she was
21 offended or not -- not even offended. She was
22 disappointed that we punted this to her instead
23 of us resolving it ourselves. But, but, she
24 specifically said as noted in this letter that
25 she's not opposed to people coming up and

1 participating and -- yeah, participating in
2 meetings but they should not have any voting
3 power, you know what I mean?

4 So if we are waiting to see what
5 the judge has to say, I think we should do that.
6 But I do think that, you know, we should not
7 create, you know, power imbalances on a Board
8 that's supposed to be equal.

9 JUDGE EVASHAVIK DILUCENTE: Thank
10 you. Anybody else?

11 MS. GRIFFIN: I just want to say, I
12 do agree that this section seems to contradict
13 the statute in allowing it to -- designees where
14 the statute clearly sets out who can be the --
15 who can be a designee and who cannot.

16 I'm hopeful that other chi- --
17 other parts of these bylaws will make it easier
18 for all of our members to participate, you know,
19 as busy as they are. We can change voting
20 meetings. We can change the dates and times by
21 agreement. We can make the meetings run more
22 smoothly and quickly by some of these rules, so
23 I'm hoping that that will alleviate some of those
24 concerns of just not having the time to be here.

25 JUDGE EVASHAVIK DILUCENTE: Thank

1 you. Anybody else?

2 MR. PERKINS: The only additional
3 comment I had is that I do see the value,
4 especially with subcommittees that the County
5 Executive and, you know, the -- people have busy
6 schedules during the week to have someone -- a
7 representative come to the meetings, a designee
8 who can contribute and do some research and
9 things like that. So I do see value in having
10 people other than just the Board Members just to
11 get things done. So I do see value in that. I
12 don't know if there's a distinction between
13 voting and participating and things of that
14 nature.

15 But I guess the other thought is
16 it's just kind of like -- somewhat disappointing
17 that we're arguing about this. It's kind of a
18 legal issue and maybe -- it seems like everyone
19 is in good faith coming to the meetings and
20 things like that. So I -- I don't know what the
21 answer is, but I think we can figure this part
22 out. I don't think it should prevent us from
23 getting the work done.

24 MS. HALLAM: I'll agree. I just do
25 not think we should enshrine in our bylaws

1 something that is clearly in violation of State
2 law.

3 JUDGE EVASHAVIK DILUCENTE: Okay.
4 Thank you.

5 Section 6.

6 MS. HALLAM: Wait. I'm confused.
7 We're not doing anything in this meeting. We're
8 not coming up with a final draft. I thought we
9 were going to be voting on bylaws at next week's
10 meeting.

11 JUDGE EVASHAVIK DILUCENTE: We are.

12 MS. HALLAM: So how can we do that
13 if we are not figuring out what they should look
14 like before Thursday? We're just not going to
15 pass bylaws on Thursday then and push this off
16 for another month.

17 JUDGE EVASHAVIK DILUCENTE: I am
18 assuming that there is going to be amendments
19 made at next week's meeting.

20 MS. HALLAM: I thought that's what
21 this group was for was to get it in the final
22 state for voting, and then anything that doesn't
23 happen today there would be amendments?

24 JUDGE EVASHAVIK DILUCENTE: Well,
25 it seems to me that there are some things that

1 we've agreed upon and some things that we haven't
2 agreed upon.

3 MS. HALLAM: So shouldn't we agree
4 upon this at this meeting so that the public
5 meeting isn't five hours long?

6 JUDGE BIGLEY: Well, the re- -- I
7 guess things are either going to pass or they're
8 not.

9 JUDGE EVASHAVIK DILUCENTE: Right.

10 MS. HALLAM: So basically what
11 you're saying is the version as you wrote it is
12 what we are voting on on Thursday? Up or down,
13 and we would have to amend each individual thing
14 from the floor? I mean, that sounds like not
15 great practice.

16 Committee meetings are supposed to
17 be for getting a bill in the final state for vote
18 at the full meeting.

19 MR. O'CONNOR: So I take it that
20 we're all giving input, and then there will be
21 another draft --

22 JUDGE BIGLEY: Right.

23 MR. O'CONNOR: -- sent to us early
24 next week. Because we can't -- we can't vote
25 tonight. We're not allowed.

1 MS. HALLAM: Why can we not? I
2 thought we Sunshine'd this meeting?

3 MR. O'CONNOR: You can't vote at
4 this meeting.

5 JUDGE EVASHAVIK DILUCENTE: We
6 can't vote without public comment.

7 MR. O'CONNOR: This is not --

8 MS. HALLAM: Right.

9 MR. O'CONNOR: Yeah. So what -- at
10 least how I saw it was we all put in our input.
11 The Judge is going to redraft -- send something
12 to us next week for a vote on Thursday.

13 MS. HALLAM: If yinz remember the
14 last working group meeting that we had, the only
15 reason that we had to do things in that way was
16 because the meeting was not Sunshine'd. And so
17 it was very -- made very explicit and very clear
18 that we would Sunshine this meeting so that we
19 did not have the same limitations as we had at
20 the last meeting, and that going forward these
21 would be committee meetings.

22 I serve on many committees. I know
23 how this works. It's that you get the draft,
24 which is what we were sent yesterday or the day
25 before. You work on it. You figure out what

1 version should go to the full Board for a vote at
2 the full meeting.

3 JUDGE EVASHAVIK DILUCENTE: I don't
4 think there's a consensus.

5 MR. O'CONNOR: I don't think it's
6 Sunshine'd.

7 MS. HALLAM: This meeting was
8 Sunshine'd.

9 MR. O'CONNOR: I don't think it
10 was --

11 JUDGE EVASHAVIK DILUCENTE: But
12 we're not voting at this meeting.

13 MS. HALLAM: Was this meeting
14 Sunshine'd or not?

15 JUDGE EVASHAVIK DILUCENTE: Yes.
16 Yes, it was, but we can't vote on anything
17 because we have not had public comment. The
18 public has a right to comment on anything that we
19 vote on.

20 MS. HALLAM: But that's why we
21 wanted them to comment at the beginning of the
22 meeting --

23 JUDGE EVASHAVIK DILUCENTE: Okay.

24 MS. HALLAM: -- and you said no.

25 JUDGE EVASHAVIK DILUCENTE: No,

1 you're right because we're not voting.

2 MS. HALLAM: But we could be.

3 JUDGE EVASHAVIK DILUCENTE: We're
4 not.

5 MS. HALLAM: And so are we taking
6 Section 5 out for the version that we are voting
7 on on Thursday?

8 JUDGE BIGLEY: No.

9 JUDGE EVASHAVIK DILUCENTE: No.
10 You can make a motion to amend.

11 JUDGE BIGLEY: Because that's
12 either -- I don't understand it. What would
13 the --

14 JUDGE EVASHAVIK DILUCENTE: If you
15 want to take a straw vote?

16 JUDGE BIGLEY: I think that the
17 issue with Section 5 is there's no changing
18 anything. I think either people are for it or
19 against it.

20 JUDGE EVASHAVIK DILUCENTE: Okay.

21 MAN-E: I think the issue with
22 Section 5 is that it's contrary to the statute,
23 you know what I mean? That's what I think.

24 JUDGE BIGLEY: But what I'm
25 saying --

1 MS. HALLAM: But then the whole
2 bylaws --

3 JUDGE BIGLEY: -- is that it's not
4 an amendment. It's not like we need to amend it.
5 People are either for it or against it.

6 MS. HALLAM: No, because it's an up
7 or down vote then on the whole bylaws.

8 JUDGE BIGLEY: That's exactly what
9 I'm saying.

10 JUDGE EVASHAVIK DILUCENTE: No.

11 MS. HALLAM: No?

12 JUDGE BIGLEY: That it can either
13 come out or go in.

14 JUDGE EVASHAVIK DILUCENTE: Yes.

15 JUDGE BIGLEY: That's the thing.

16 JUDGE EVASHAVIK DILUCENTE: When --

17 MS. HALLAM: So what you're saying
18 now is that each individual issue that we have
19 with these bylaws will have to be introduced by
20 amendment at next week's meeting. We will have
21 to have debate on this issues, public comment on
22 those issues, and we will not have a final draft
23 to vote on then.

24 MR. O'CONNOR: Yes.

25 MS. HALLAM: If we pass bylaws that

1 are --

2 MR. O'CONNOR: I think it's --

3 MS. HALLAM: I'm speaking, please.

4 If we pass bylaws that are in violation of the
5 law, our entire bylaws will be void, and we won't
6 be able to use them for anything. Nothing in
7 them --

8 JUDGE BIGLEY: Can someone --

9 MS. HALLAM: No, the entire
10 document will be void if we pass bylaws that are
11 in violation of the law. Again --

12 JUDGE EVASHAVIK DILUCENTE: Again,
13 I disagree.

14 JUDGE BIGLEY: That's with
15 Section 5.

16 MS. HALLAM: What's that?

17 JUDGE BIGLEY: Pass them with the
18 exception of Section 5, particularly if we're
19 going to distribute them prior to that.

20 MS. HALLAM: Right. So that's what
21 I'm asking. Are we taking out Section 5 before
22 we vote on them on Thursday?

23 JUDGE EVASHAVIK DILUCENTE: No. I
24 presume that when we come back on Thursday, you
25 are going to make a Motion to delete Section 5.

1 MS. HALLAM: So am I doing --

2 JUDGE EVASHAVIK DILUCENTE: We will
3 vote on your Motion to delete Section 5. If it
4 passes, Section 5 will come out.

5 MR. O'CONNOR: But wait. Not
6 just -- regardless of Section 5, after this
7 working session, by Monday of next week or --
8 well, I don't know, holiday tomorrow. People are
9 doing that, but by early next week there should
10 be a draft of all of our comments that we're
11 giving right now put into a final draft that we
12 can review before taking a final vote or making
13 amendments at the meeting. Is that -- that's
14 correct?

15 JUDGE EVASHAVIK DILUCENTE: Yeah.

16 MAN-E: I agree. Also, it should
17 actually include our input, all right, because we
18 gave input last time.

19 JUDGE BIGLEY: Yeah.

20 MR. O'CONNOR: Yeah, that's what
21 I'm gathering.

22 MAN-E: And it seems like it wasn't
23 included. Also, the public should be aware of
24 what we're voting on, especially if you want them
25 to come up and give public comment about it.

1 MS. HALLAM: Okay. So again, going
2 back to what I said originally. So every single
3 thing that is up for debate you want to debate
4 publicly on the floor line-by-line amendments?
5 Because that is what you're saying right now is
6 that we're not changing anything that is not
7 unanimously agreed upon. We will be doing that
8 in Thursday's meeting. And I just wanted to make
9 clear that you're ready for that to happen at the
10 public meeting that is already a three-hour
11 meeting. I don't want people to say, sorry, I
12 got to leave early. Can't have debate on the
13 bylaws. I will then be introducing two dozen
14 amendments to these bylaws because, again, this
15 is not the document we have been working on. You
16 wrote this with your staff. I very much
17 understand that and completely threw out
18 everything that we had been talking about and
19 working on for months. And now you're saying
20 that we cannot change anything?

21 JUDGE EVASHAVIK DILUCENTE: Okay.
22 I take issue with everything we've been working
23 on for months.

24 MR. O'CONNOR: Sorry, Judge. If I
25 could just help here.

1 JUDGE EVASHAVIK DILUCENTE: Go
2 ahead.

3 MR. O'CONNOR: So let's take -- go
4 back to the example on (f) on confidential. So
5 like something like that will be amended --

6 MS. HALLAM: Will be unanimously
7 agreed upon.

8 MR. O'CONNOR: Well, we're not
9 voting on anything, but something that had the
10 input. The Judge is going to get that, bring
11 that out to everybody by Tuesday. We'll have
12 that draft by Tuesday for Thursday's meeting. So
13 if there's something that, you know, I object to
14 (d), okay, I can make the amendment, or I can say
15 (d) should be stricken from the record.

16 But there are going to be changes
17 to this based on what we're doing per section.

18 MS. HALLAM: Yeah. That is exactly
19 what I just said, that the things that we
20 unanimously agree upon --

21 MR. O'CONNOR: I know. I'm just --

22 MS. HALLAM: -- will be changed for
23 the draft, and that anything that is not
24 unanimously agreed upon will have to be
25 introduced individually by amendment, discussed

1 individually by amendment, and voted on
2 individually.

3 And I just wanted to make clear
4 that that is the Board's intention because if we
5 are not doing these issues right now, that's
6 what's going to happen in the main public meeting
7 next Thursday.

8 JUDGE EVASHAVIK DILUCENTE: Well,
9 we're debating them right now. Everybody, the
10 amendments put on the floor, everybody's speaking
11 their peace.

12 MS. HALLAM: No.

13 JUDGE EVASHAVIK DILUCENTE: And
14 we -- no, you haven't spoken your peace?

15 MS. HALLAM: I did not put an
16 amendment on the floor.

17 JUDGE EVASHAVIK DILUCENTE: No, you
18 didn't, but you put your position on the floor.
19 You put your position and argued your position,
20 did you not?

21 MS. HALLAM: Yes. And we're going
22 to have to do that again next Thursday.

23 JUDGE EVASHAVIK DILUCENTE: Well,
24 why do we have to do it again? Do you need to
25 repeat everything you said? Do you find that

1 necessary?

2 MS. HALLAM: Yes, because there was
3 nothing done to it. Yes, that's what I'm asking.

4 JUDGE EVASHAVIK DILUCENTE:
5 Everybody knows your position.

6 MR. O'CONNOR: Judge, I think just
7 to clarify, we're all saying the same thing.

8 MS. HALLAM: Yes.

9 MR. O'CONNOR: So all we're saying
10 is the objections are -- everybody -- what
11 they're saying, there is going to be a new
12 document Tuesday.

13 MS. HALLAM: I understand.

14 MR. O'CONNOR: Is that correct,
15 Judge?

16 JUDGE EVASHAVIK DILUCENTE: Yes.

17 MR. O'CONNOR: Okay. That's --
18 that's -- I think what you needed to hear that
19 there is going to be --

20 MS. HALLAM: I did not need to hear
21 that. I have said that every single time I have
22 spoken about this.

23 JUDGE EVASHAVIK DILUCENTE: But the
24 Judge hasn't said that, that there will be
25 another draft of everybody's input that goes into

1 Tuesday.

2 MS. HALLAM: She did, but it won't
3 be everybody's input. It will only be a new
4 draft.

5 JUDGE EVASHAVIK DILUCENTE: Okay.
6 Here's what I will do. Here's what I will do.
7 For instance, everybody agreed Section 3(f)
8 should say that the documents marked
9 "confidential."

10 Section 4, everybody did not agree
11 that the President Judge should be the
12 Chairperson. So I will put Section 4(b), and I
13 will put alternate (b) that the Chairperson shall
14 be elected. So I will put two options in there,
15 okay?

16 MS. HALLAM: That is not -- not the
17 best practice for how to do legislating. That is
18 not how this is done. We should be --

19 JUDGE EVASHAVIK DILUCENTE: Okay.
20 Well, that's how we're going to do it.

21 MS. HALLAM: Okay. So I'm --
22 again, we are going to be debating. What is the
23 point of this working session then? Just to find
24 out the things that we all agree on? I don't
25 understand.

1 JUDGE EVASHAVIK DILUCENTE: Yes.

2 Yes.

3 MS. HALLAM: You're going to put
4 alternates. That doesn't make any sense.

5 JUDGE EVASHAVIK DILUCENTE: Okay.

6 MR. O'CONNOR: No alternates.

7 JUDGE EVASHAVIK DILUCENTE: Okay.

8 I won't do that.

9 MR. O'CONNOR: Yeah.

10 MS. HALLAM: See --

11 JUDGE EVASHAVIK DILUCENTE: There
12 will be a Motion to amend. I'll leave it.

13 Okay. So we're on to Section 6.
14 Does anybody --

15 MS. HALLAM: What is the point of
16 this working session? I'm sorry. Is it just to
17 find out what we all agree upon?

18 MS. GRIFFIN: Yeah. I think that's
19 what it kind of is.

20 MS. HALLAM: Okay. Cool.

21 MS. GRIFFIN: We're trying to work
22 it. That's what a working session is. We're
23 figuring out what we agree on, what we have
24 consensus on. We may never agree on some things
25 and then we'll have a vote on it. But we're

1 working --

2 MS. HALLAM: Then I would ask that
3 we not vote on bylaws at the Thursday meeting
4 because we should have time to get bylaws that
5 actually make sense and would not violate the
6 law.

7 JUDGE EVASHAVIK DILUCENTE: Okay.
8 You can make that Motion next Thursday.

9 Board Liaison -- okay. Sorry.
10 Ms. Innamorato.

11 MS. INNAMORATO: I'm sorry. Just
12 something under Section 4(h) of just identifying
13 how we are going to number our Motions so that
14 there's better recordkeeping and modification of
15 (h). I can write that language.

16 JUDGE EVASHAVIK DILUCENTE: Do you
17 want to propose a different --

18 MS. INNAMORATO: Just to codify
19 name and numbering systems for our Motions so
20 that when it's recorded that you can go back and
21 you can see, oh, in 24-001 Motion was made by
22 this JOB member. It contained this data, and
23 that way, it's better tracked.

24 JUDGE EVASHAVIK DILUCENTE: Okay.
25 So just contain some method by which one can go

1 back and find it?

2 MS. INNAMORATO: Yes. So there's
3 consistency in Motions. We don't have to look
4 through unorganized records --

5 JUDGE EVASHAVIK DILUCENTE: Okay.

6 MS. INNAMORATO: -- to find out the
7 business of this Board.

8 MAN-E: Before we move -- before we
9 move past this, I asked a question. I'm not sure
10 if it was answered. Whenever there is a new
11 draft that includes our input, is that going to
12 be available to the public to review and make
13 public comment on?

14 MS. HALLAM: It has to be if we're
15 voting on it. But they're only including
16 unanimous input. Not everybody's input in the
17 next draft. It's only going to be the things
18 that all of us agree upon.

19 JUDGE EVASHAVIK DILUCENTE: Well,
20 we could put the bylaws on the website.

21 MS. HALLAM: But that's a good
22 thing because then every single person up here
23 will have to vote whether or not they want to
24 break the law or not.

25 JUDGE EVASHAVIK DILUCENTE: Okay.

1 Okay. Board Liaison.

2 (No response.)

3 JUDGE EVASHAVIK DILUCENTE: Board
4 Solicitor.

5 (No response.)

6 JUDGE EVASHAVIK DILUCENTE:

7 Nothing. Okay.

8 ACJ and facilities.

9 MS. HALLAM: The only thing I do
10 want to say about Section 7(d) is, is this clear
11 that -- like, I just want to make sure that the
12 solicitor is never doing anything on behalf of
13 the Board without the Board's consent. So I
14 don't know if that would go in (d) because it
15 says the Board shall retain all these rights, but
16 is there anything that we need to add to make
17 sure that the solicitor is never acting on our
18 behalf without approval? Like, I don't see
19 anything in here that talks about the solicitor
20 shall do this at the guidance of the Board or if
21 it takes a majority vote.

22 I know on County Council we have to
23 have a majority vote to get the solicitor to do
24 something.

25 MS. INNAMORATO: I agree with that.

1 I think that we should have in -- we can even do
2 it in the intro paragraph. After authorized
3 approval, which means a majority vote -- do we
4 want a simple majority? Do we want two-thirds?

5 MS. HALLAM: I think simple
6 majority.

7 MS. INNAMORATO: Simple majority,
8 okay. I think that language should be added in
9 that intro and then that will clarify the other
10 sub-points.

11 JUDGE EVASHAVIK DILUCENTE: Okay.
12 All right. Section 8.

13 MS. HALLAM: Yeah. I have many
14 issues with this one, too.

15 So I don't know if this was
16 intentional. I really, really hope not, but it
17 limits the Board Members to only making one visit
18 a month. I don't think we should punish Board
19 Members that care to really exercise their duties
20 as a job. So that is in -- where is that
21 number -- oh, actually, we should go in order.
22 Let's start with (a).

23 Okay. So Section 8(a), written
24 report within 72 hours. I know a lot of the
25 members of this Board have full staff to be able

1 to assist them with that, but I know that the
2 community members do not have staff, and I, you
3 know, share a staff with 14 other council
4 members. So the 72 hours I think is a little
5 stringent. I would say amend it to maybe be ten
6 days after their visit they submit it to the
7 Board. But 72 hours, I just know I can't do
8 that.

9 JUDGE EVASHAVIK DILUCENTE: Okay.
10 Anybody -- what -- anybody agree -- what's
11 everybody's thoughts? Anybody care if it's ten
12 days?

13 MR. O'CONNOR: As long as they do
14 it.

15 JUDGE EVASHAVIK DILUCENTE: Okay.
16 Ten days it is.

17 MS. INNAMORATO: Will those be
18 calendar days or working days -- business days?

19 MS. HALLAM: Calendar days to make
20 it easy.

21 JUDGE EVASHAVIK DILUCENTE: Okay.

22 MS. HALLAM: And then the next
23 thing is the biggest. I say we just take this
24 sentence out. Individual Board Members shall not
25 conduct more than one unannounced inspection per

1 month, again in violation of the statute. We can
2 go any time we want.

3 JUDGE EVASHAVIK DILUCENTE: What's
4 everybody say? Unlimited?

5 MS. GRIFFIN: Not --

6 MS. HALLAM: Take out that
7 sentence.

8 MS. GRIFFIN: Yeah, I think -- I
9 think the statute allows -- doesn't place a limit
10 on the ability to go so.

11 JUDGE EVASHAVIK DILUCENTE: Okay.

12 MS. HALLAM: Again, next sentence
13 as well. If the inspection occurs after
14 lockdown, incarcerated individuals shall not be
15 interviewed. Again, contradictory to the
16 statute.

17 JUDGE BIGLEY: If you're an
18 attorney, you can't go --

19 MS. HALLAM: We are not attorneys.
20 We are Jail Oversight Board Members.

21 JUDGE BIGLEY: I still don't
22 think -- I think it's disruptive, and I don't --
23 I don't think that that is reasonable. I don't.
24 I don't think it should be happening after
25 certain hours. I do think that that's

1 unreasonable.

2 MS. HALLAM: Did the jail call you
3 and tell you I was going late at night?

4 JUDGE BIGLEY: No, they did not.

5 MS. HALLAM: Oh.

6 JUDGE BIGLEY: I don't know -- why
7 are you so like suspicious, like I have some --

8 MS. HALLAM: I just think it's
9 really --

10 JUDGE BIGLEY: -- relationship with
11 the jail. No. Nobody --

12 MS. HALLAM: -- weird to --

13 JUDGE BIGLEY: -- called me or told
14 me -- I just know that when I -- Rob, you're an
15 attorney. Can you go in during lockdown?

16 MS. HALLAM: No.

17 JUDGE BIGLEY: Can you go in during
18 lockdown?

19 MR. PERKINS: There's various
20 different categories.

21 JUDGE BIGLEY: You've never been
22 able to go in during lockdown. I know, because
23 no one can.

24 MS. HALLAM: But we can because the
25 statute --

1 JUDGE EVASHAVIK DILUCENTE: I don't
2 have --

3 JUDGE BIGLEY: But you shouldn't be
4 able to. No, the statute actually reads,
5 Bethany --

6 MS. HALLAM: Uh-huh.

7 JUDGE BIGLEY: The Board.

8 MS. HALLAM: Uh-huh.

9 JUDGE BIGLEY: It doesn't say
10 individual members at all.

11 MS. HALLAM: It does say the Board
12 Members shall. Yes, it does.

13 JUDGE EVASHAVIK DILUCENTE: No, it
14 says --

15 JUDGE BIGLEY: No, it says the
16 Board. It does not say Board Members.

17 JUDGE EVASHAVIK DILUCENTE: A
18 literal reading of the statute is if the entire
19 Board should go together.

20 JUDGE BIGLEY: Yeah. If you read
21 the statute, I think it -- I think it actually --
22 the way I read it, I think it actually means the
23 Board as a Board. I don't think it -- it
24 actually means individual members should be -- I
25 don't.

1 MS. HALLAM: It says the Board
2 Members shall.

3 JUDGE EVASHAVIK DILUCENTE: No, the
4 statute. You're reading the bylaws.

5 JUDGE BIGLEY: The statute says the
6 Board.

7 JUDGE EVASHAVIK DILUCENTE: The
8 statute says the Board.

9 JUDGE BIGLEY: It doesn't say Board
10 Members. It says the Board.

11 MS. HALLAM: The Board shall
12 prepare a written report. You're correct.

13 JUDGE EVASHAVIK DILUCENTE: No.

14 JUDGE BIGLEY: No, it's the Board.

15 JUDGE EVASHAVIK DILUCENTE: The
16 Board -- the Board shall, at least twice each
17 year, conduct an unannounced inspection. It
18 doesn't say Board Members.

19 JUDGE BIGLEY: It doesn't say Board
20 Members. It says the Board.

21 MS. HALLAM: So it is your position
22 that Board Members do not have access to the jail
23 unless they are with the whole Board?

24 JUDGE BIGLEY: I didn't say that.

25 I'm just saying -- well you're saying to me about

1 the statute, the statute. I'm saying read the
2 statute.

3 MS. HALLAM: Well, we threw out the
4 statute two sections ago, so I don't really think
5 we need to use that as a reference every time.

6 JUDGE BIGLEY: No, I'm just saying
7 when you're saying that, I'm just saying it says
8 "the Board." I'm just saying I think it
9 anticipates that it means the Board as a
10 contingent, like as a whole. I don't think it's
11 talking about individual members going -- I don't
12 know whether it does or doesn't.

13 MS. HALLAM: We have Board Members
14 who are arguing that they shouldn't even need to
15 come every month to the monthly meeting.

16 JUDGE BIGLEY: But I don't think it
17 means that we can go down during other periods or
18 that it gives us unfettered access at any time,
19 day or night, to go in during lockdown and
20 present some kind of, like, security risk or
21 any -- no, I don't.

22 JUDGE EVASHAVIK DILUCENTE: Okay.
23 First of all, let me just clarify it says --

24 MS. HALLAM: So the law I would
25 argue is the most important thing that we need to

1 be there.

2 JUDGE EVASHAVIK DILUCENTE: It
3 says --

4 JUDGE BIGLEY: I don't.

5 JUDGE EVASHAVIK DILUCENTE: -- if
6 the inspection -- I'd like to amend it to say if
7 the inspection occurs during lockdown.

8 MS. HALLAM: No.

9 JUDGE EVASHAVIK DILUCENTE: Not
10 after, just during lockdown, incarcerated
11 individuals shall not be interviewed. You can go
12 in during lockdown, but you cannot interview
13 incarcerated individuals. You're interfering
14 with the operation of the jail and the safety of
15 the jail. They have lockdown for a reason.

16 MAN-E: All right. My issue is
17 that they were recently locked down for like four
18 days. And the reason was not related to anything
19 that they did it. Quite often it's locked down
20 because they say they don't have enough staff.
21 Last time they were locked down they said because
22 there was an issue with their tracking system.

23 So for the four days -- my beef is,
24 you know, that it limits our ability to respond
25 to emergent situations, you know what I'm saying?

1 And, you know, again, I don't
2 really think it makes sense to limit our ability
3 or our power at all, especially if our concern is
4 supposed to be the people who we are
5 interviewing; we should have access to them, you
6 know what I mean?

7 And, you know, the last time we
8 went -- I'm sorry -- by show of hands, who on the
9 Board has been to the jail and done --

10 (Show of hands.)

11 MAN-E: I'm very happy to see that.
12 I'm very happy to see that. No doubt. No doubt.

13 I am certain that, you know, the
14 other Board didn't go -- the previous Board
15 didn't go.

16 I will -- I am concerned if all of
17 us have to go at the same time, it will never
18 happen, you know what I'm saying, by basically
19 like nullifying our power and our influence as
20 Board Member, you know what I mean?

21 And I don't really think that -- I
22 really don't think it makes any sense at all.
23 And if we care about the statute, we should care
24 about it in its entirety, you know what I mean,
25 especially when we're talking about designees,

1 which I think is -- is the main issue, as opposed
2 to like the Board's function of actually going in
3 and making sure that everything is operating the
4 way that it should be.

5 JUDGE EVASHAVIK DILUCENTE:

6 Ms. Innamorato.

7 MS. INNAMORATO: Thank you, Judge.

8 I think that, right, we should not have a literal
9 interpretation of the State statute and provide
10 that flexibility and allow for individual Board
11 Members to go and we should clearly state that in
12 our bylaws and clarify that it is Board Members.
13 So I believe that we should add that
14 clarification in.

15 I also believe in Section (a)
16 between individual Board Members on down, the
17 whole section, I do think that does hamper our
18 investigatory power that we have as Board
19 Members, but I think having something like --
20 just a statement that, you know, these
21 inspections shall be -- the last part, shall be
22 reasonable in scope and duration. That should
23 suffice. That should allow for flexibility that
24 wouldn't hamper the investigatory powers of the
25 members of this Board. It clarifies that

1 individuals can go into the jail and, you know,
2 it just gives some --

3 I think that limiting it in our
4 bylaws is hampering our ability to do what we're
5 tasked with doing.

6 MS. GRIFFIN: I agree. And I would
7 just take it up to that sentence if the
8 inspection occurs and keep the last sentence. It
9 says, yeah, it should be reasonable. We
10 shouldn't be putting ourselves in danger.
11 Incarcerated individuals of jail -- you know,
12 staff in danger. We should be reasonable about
13 our inspections -- which we talked about
14 reasonable.

15 JUDGE EVASHAVIK DILUCENTE: Okay.
16 Bethany and Man-E have gone to the jail
17 February 6th, 6:20 p.m. to 9:55 p.m.;
18 February 27, 7:45 p.m. to 11:10 p.m.; March 12,
19 6:39 p.m. to 10:50 p.m.; March 27, 7:45 to 11:30
20 p.m. Nightly lockdown is 7:45 p.m.

21 So all of those four visits,
22 they've been interviewing people after the
23 nightly lockdown, which is extremely disruptive,
24 because everybody is in bed for the night. Every
25 visit involves yanking people out of bed after

1 the lockdown, which I think is disruptive to the
2 operations and safety of the jail. That's what
3 this --

4 MS. HALLAM: So I would like to --
5 so first of all, I wasn't making it up. You did
6 have a record of every time I go to the jail, and
7 that's great because I would like to know who
8 else from the Board went during that same
9 timeframe to do an unannounced inspection of the
10 jail.

11 JUDGE EVASHAVIK DILUCENTE: I don't
12 know.

13 MS. HALLAM: Right. So we are
14 exercising our duties as Board Members and taking
15 it very seriously. We have full-time jobs that
16 we cannot leave work to go to the jail. So
17 nothing in the statute allows our access to the
18 jail to be hindered.

19 I think that even leaving
20 reasonable allows the jail to say it's after
21 count, that's unreasonable. When no one else can
22 go into the jail, no visits, no lawyers, anything
23 else, we, as Board Members, are the only people
24 who are able to. Limiting that in any way -- we
25 are never disruptive.

1 And what I will tell you will
2 happen is exactly what happened to me for the
3 past four years is every time I'd go to the jail,
4 up until very, very, very recently, I would have
5 to sit and wait for at least an hour, sit in the
6 entryway of the jail and wait for them to allow
7 me access because they said that that was
8 something they were allowed to do, that that was
9 reasonable.

10 Under Warden Dady's leadership,
11 that has stopped, and I now no longer have had to
12 do that for the past couple months, and I
13 appreciate that very much because I -- it is very
14 important that when no one else has access to the
15 jail, the Oversight Board does.

16 And so even saying, shall be
17 reasonable in scope, it sounds to me -- and
18 correct me if I'm wrong, like you're saying that
19 those times are unreasonable. And so that would
20 be limiting when we can access the jail.

21 JUDGE EVASHAVIK DILUCENTE: I'm not
22 saying that the times are unreasonable. I'm
23 saying that interviewing inmates when it's
24 supposed to be during lockdown I think can be a
25 safety concern. That is what I'm saying.

1 You can visit the --

2 MS. HALLAM: We go to their cell
3 doors.

4 JUDGE EVASHAVIK DILUCENTE: -- jail
5 at 3:00 a.m.

6 MS. HALLAM: They're locked in
7 their cell. There's no safety concern. We
8 screen through the door -- through a steel door
9 to talk to them most of the time.

10 I don't see the safety concern that
11 exists by -- if I wanted to go to jail at 3:00 in
12 the morning, I could do that.

13 JUDGE EVASHAVIK DILUCENTE: Yes. I
14 agree.

15 MS. HALLAM: Right. And I could
16 talk to people. I wouldn't because I'm not a
17 jerk so I'm not screaming at people when I know
18 that people are sleeping, but I can tell you that
19 we cannot limit our access as Board Members to
20 the jail, especially we're allowing all these
21 other things, too, in violation of the statute.
22 Never has it ever been in dispute when Board
23 Members can go to the jail. And I believe the
24 statute says that very explicitly if you read
25 that.

1 JUDGE EVASHAVIK DILUCENTE: And
2 nobody is trying to limit when you can go.

3 MS. HALLAM: I mean, it literally
4 says you can't do it more than once a month. You
5 can't do it after a lockdown. You can't
6 interfere with the normal operations of the
7 facility, and it shall be reasonable in scope and
8 duration. If I want to go for 24 hours, I can go
9 for 24 hours.

10 And the scope is -- we have access
11 to everything. The statute is very clear about
12 what we can see.

13 I think we take out from individual
14 Board Members down to the end of that paragraph.

15 MS. INNAMORATO: Do you agree that
16 we could keep in "shall be reasonable in scope
17 and duration"?

18 MS. HALLAM: No, because I have
19 seen that misused. I have seen them say
20 previously when that wasn't even codified in the
21 bylaws what's reasonable. Do you think it's
22 unreasonable that we go during a lockdown when,
23 oh, we don't have staff and that's why the jail
24 is on a lockdown? Well, all the more reason why
25 we need to get in there during that time.

1 Or if we go in the evening, I want
2 to see when the Ramadan meals are passed late at
3 night. I want to be able to talk to people at
4 the end of their day, see how they're feeling
5 from the Suboxone that they haven't gotten in
6 almost 24 hours now. See how their day has gone.
7 See if they got access to something that they
8 were promised a week ago. Talk to the night
9 shift supervisors who don't come on until 11:00
10 o'clock. Those are all things that need to
11 happen at different times of the day, and I am
12 very worried that saying "reasonable" is a very
13 ambiguous term and it will be construed in a way
14 that is ag- -- that limits our access as Board
15 Member.

16 MS. INNAMORATO: Uh-huh. But I do
17 think the things that you described are
18 reasonable and reasons to go into the jail.

19 MS. HALLAM: But different County
20 Executives and different Wardens could argue
21 otherwise because reasonable is such an ambiguous
22 term.

23 And again, I do believe the
24 statute -- you had it in front of you, Judge if I
25 could -- I don't have it in front of me. Do you

1 have the statute somewhere? It talks about our
2 access to the jail. I can pull it up.

3 JUDGE EVASHAVIK DILUCENTE: It just
4 says during the inspections the Board shall
5 interview a cross-section of inmates out of the
6 presence of the Warden and his agents to
7 determine the conditions within the prison and
8 alternative housing facilities.

9 MS. HALLAM: Right.

10 MAN-E: So on that note, thank you
11 for reading all the times that we've been to the
12 jail. That's something I actually take pride in.

13 The day that I was voted in
14 officially, we went to the jail immediately after
15 and hopefully, you know, we can continue to do so
16 unfettered.

17 But, but we have a list of folks
18 that we want to see, mainly given to us by family
19 members or community members and we never get
20 through the entire list. Every time we go for
21 however long we go, four hours, maybe five, we
22 don't even see -- we don't even get through, you
23 know, everybody that we want to talk to. I think
24 that speaks to the need for us to be there, but I
25 also think that speaks to, you know, that term or

1 that word "unreasonable" being misconstrued or
2 being interpreted in any way. Maybe you don't
3 think that's reasonable for us to be there for
4 four hours. I don't think it's reasonable for us
5 to wait for an hour until, you know, we get
6 somebody to escort us, you know what I mean?

7 JUDGE EVASHAVIK DILUCENTE: Well, I
8 agree. I agree with that.

9 MAN-E: But I think -- I think,
10 again, to reiterate, the reason that we're here
11 is for the safety, the wellbeing of the people
12 who are in there, you know what I mean?

13 And, you know, Bethany talked about
14 how we're not really interfering with the
15 operations of the jail. And we scream at the
16 incarcerated people through the door. And the
17 last time we were there, I believe that was
18 yesterday, I was screaming at my nephew, you know
19 what I mean, through the door who was locked
20 down -- you know, who wasn't asleep, even though
21 we were there, what you may consider it to be
22 late at night.

23 So I don't think we should put
24 anything in here, first off, that contradicts the
25 statute; secondly that limits our power and

1 ability.

2 JUDGE EVASHAVIK DILUCENTE:

3 Ms. Innamorato.

4 MS. INNAMORATO: Thank you. What
5 if we define -- what if the JOB defines what is
6 reasonable within the bylaws? So we have shall
7 be reasonable in scope and duration as defined by
8 the Jail Oversight Board. That way you're not
9 putting it on the administration to say you can't
10 come in here because we deem this unreasonable.

11 MS. HALLAM: Right. I would --

12 MS. INNAMORATO: So it's something
13 that we're just setting an expectation for
14 ourselves, and it's not something that could be
15 used by the administration.

16 MS. HALLAM: Right. But I would
17 still be worried that this Board would try to
18 limit it further than the scope of the statute.

19 And again, you know, I want to just
20 quote from the statute. I pulled it up. It
21 says, "The Board shall, at least twice a year,
22 conduct an unannounced inspection of the prison's
23 physical plant. During such inspections, the
24 Board shall interview a cross-section of inmates
25 out of the presence of the Warden and his agents

1 to determine the conditions." And then we write
2 the written report.

3 And then again, further down, "The
4 Board shall investigate the conditions, the
5 books, papers, and records of the prison,
6 including but not limited to the papers and
7 records of the Warden and those relating to
8 individual inmates shall at all times be
9 available by inspection of the Board."

10 So I know we have talked about that
11 subsection and relates to like us getting the
12 policies and procedures before. But here it very
13 clearly says at all times everything of the jail
14 should be available to us. Not when it's
15 reasonable to the administration or to individual
16 members of the Jail Oversight Board. Not when
17 it's convenient. Not when it's daylight. Not
18 when it's a weekday. You know, there is no limit
19 to be placed on our access to the jail as Board
20 Members because we are the oversight. How can we
21 be oversight if we can only be it during certain
22 hours?

23 JUDGE EVASHAVIK DILUCENTE: Okay.
24 Well, I think we agreed we're going to strike the
25 restriction of one unannounced visit a month.

1 We're going to strike the next sentence about
2 lockdown. So now we're down to the very last
3 sentence, right?

4 MS. HALLAM: And again, I believe
5 that it is --

6 JUDGE EVASHAVIK DILUCENTE: I
7 understand your position.

8 MS. HALLAM: -- too ambiguous to be
9 codified.

10 JUDGE EVASHAVIK DILUCENTE: Okay.
11 Can we leave in inspection shall not interfere
12 with the normal operations of the facility?

13 MS. HALLAM: Period.

14 JUDGE EVASHAVIK DILUCENTE: Period.
15 How about that?

16 MR. O'CONNOR: Yes.

17 JUDGE BIGLEY: And then the reports
18 within ten days we were changing that.

19 JUDGE EVASHAVIK DILUCENTE: Ten
20 days.

21 MS. HALLAM: We have that.

22 JUDGE EVASHAVIK DILUCENTE: Okay.
23 Done. Moving on to (b). Any objections to (b)?

24 MS. INNAMORATO: I think that we
25 can do -- it says within 72 hours. The Warden

1 should provide --

2 JUDGE BIGLEY: Ten days?

3 MS. INNAMORATO: No, I was going to
4 say 24 hours.

5 JUDGE BIGLEY: Okay.

6 MS. INNAMORATO: That's to shorten
7 the time.

8 MS. HALLAM: Oh, I absolutely think
9 that they can -- this -- again, this goes back to
10 the same thing. They have to give us access.
11 They cannot deny us access. They could write a
12 letter every day according to these bylaws saying
13 no you can't come and nothing stops them from
14 doing it.

15 They use safety and security for
16 everything, and we've learned that that means
17 understaffing to them. The jail is always
18 understaffing -- understaffed. So according to
19 this (b), they could at all times deny us access.
20 I think we just take out (b).

21 MS. INNAMORATO: Well, I think
22 that, you know, there are times where you've
23 gone, and you've expressed frustration because
24 you've had to wait for an incredibly long time to
25 get in --

1 MS. HALLAM: Uh-huh.

2 MS. INNAMORATO: -- and to, you
3 know, be able to conduct the inspection and the
4 interviews. Like, in that circumstance, I think
5 the Warden should be responsible for reporting
6 back of why it took so long for you to get access
7 as a Jail Oversight Board Member. And this
8 allows -- this creates an expectation of the
9 Warden to be able to provide that information.

10 MS. HALLAM: But it allows that --
11 so you're saying take out the denial or denied?
12 Because this right now says that they can deny us
13 access.

14 JUDGE BIGLEY: I don't read it that
15 way. I just -- I read it as, if they should, you
16 know, for some reason not -- if they do it, they
17 have to tell us why, not that it gives them
18 permission to deny.

19 MS. GRIFFIN: Correct.

20 MS. HALLAM: So then we take out
21 "or denied" and leave the rest? If in the -- if
22 what you're saying is when I have to wait an
23 hour, they should have to explain why.

24 MS. INNAMORATO: Yes.

25 MS. HALLAM: Then that still

1 happens if you take out "or denied." I think --

2 JUDGE BIGLEY: If there is --

3 JUDGE EVASHAVIK DILUCENTE: Read
4 it.

5 JUDGE BIGLEY: I don't read it at
6 all as ever giving them the right to deny you.
7 It just says that in the even --

8 MS. GRIFFIN: They should
9 unlawfully do that; they tell us why.

10 JUDGE EVASHAVIK DILUCENTE: I mean,
11 let's just set --

12 MS. HALLAM: But they're allowed as
13 long as they write it to us.

14 JUDGE EVASHAVIK DILUCENTE: Let's
15 say there's a bomb threat down there.

16 JUDGE BIGLEY: They're not denying.

17 JUDGE EVASHAVIK DILUCENTE: They're
18 not giving you the ability to come in. It would
19 be some extraordinary circumstance.

20 JUDGE BIGLEY: Because the first
21 sentence says they're not to -- they're not to
22 inhibit your access to the jail or housing
23 facility. That's the first sentence.

24 MAN-E: All right. Then they
25 shouldn't have been able to deny us access at

1 all.

2 MS. GRIFFIN: They shouldn't.

3 JUDGE BIGLEY: That's the first
4 sentence.

5 MAN-E: But in the other sentence
6 it says, if they deny us access they have to
7 explain why.

8 JUDGE EVASHAVIK DILUCENTE: Right.

9 JUDGE BIGLEY: Exactly.

10 MAN-E: Which they shouldn't do it
11 at all.

12 JUDGE EVASHAVIK DILUCENTE: Right.

13 MS. INNAMORATO: Exactly.

14 MAN-E: So it shouldn't be in
15 there.

16 MS. INNAMORATO: But there may be a
17 circumstance that arises where they --

18 JUDGE BIGLEY: In the event it does
19 happen.

20 MS. INNAMORATO: If they ever deny
21 a Board Member access, if they ever delay access,
22 they need to provide in written form to the Board
23 on why they did that within 24 hours.

24 MS. HALLAM: Do you see why that's
25 contradictory?

1 JUDGE BIGLEY: No.

2 MS. INNAMORATO: No.

3 MS. HALLAM: You're saying they
4 will never deny you, but if they do, they have to
5 give us a reason.

6 JUDGE BIGLEY: Yes.

7 MS. INNAMORATO: Yes.

8 JUDGE EVASHAVIK DILUCENTE: Yes.

9 MS. INNAMORATO: Because things
10 happen.

11 MS. HALLAM: So they will sometimes
12 deny us?

13 MS. INNAMORATO: No.

14 MS. HALLAM: Because things happen.
15 I mean, am I hearing the same stuff everybody
16 else is?

17 JUDGE EVASHAVIK DILUCENTE: You
18 just said that you used to have to wait an hour,
19 okay?

20 MS. HALLAM: Yes.

21 JUDGE EVASHAVIK DILUCENTE: We're
22 saying we don't like that.

23 JUDGE BIGLEY: Okay. Then you know
24 what -- why don't we just take that whole --

25 JUDGE EVASHAVIK DILUCENTE: They

1 try and make you wait an hour. They need to
2 provide an explanation in writing to the Board
3 within 24 hours why did they make you wait.

4 MS. HALLAM: Or delay. I've never
5 been denied. Why is denied in there?

6 JUDGE EVASHAVIK DILUCENTE: Well,
7 let's say, I gave the example of what if they're
8 a bomb threat and they say you can't come in
9 here?

10 MS. HALLAM: Is everyone else out
11 of there? Because if everyone else is still in
12 there, why can't I go in?

13 JUDGE BIGLEY: I'd say strike that
14 whole paragraph. Just strike the whole
15 paragraph.

16 MS. HALLAM: Sure. Cool.

17 JUDGE BIGLEY: Strike it.

18 MAN-E: Agreed.

19 JUDGE EVASHAVIK DILUCENTE: I think
20 it should be in there.

21 MS. GRIFFIN: I think it should be
22 in there with denied. Yes. If they should deny,
23 they should tell us why.

24 MS. HALLAM: But they can't deny.

25 MS. GRIFFIN: But they might, so

1 they're going to tell us.

2 JUDGE EVASHAVIK DILUCENTE: Okay.

3 Let's move on. We don't have a consensus.

4 Committees.

5 MS. HALLAM: This Board is worse
6 than the last one already, man. This is wild.
7 At least they didn't try to codify breaking the
8 law.

9 JUDGE EVASHAVIK DILUCENTE: That's
10 your opinion. That's your opinion.

11 MS. HALLAM: That is my opinion for
12 the record.

13 JUDGE EVASHAVIK DILUCENTE: Yes.
14 Committees.

15 MS. HALLAM: As someone who sat on
16 both Boards.

17 JUDGE EVASHAVIK DILUCENTE:
18 Committees. Anybody have anything?

19 (No response.)

20 JUDGE EVASHAVIK DILUCENTE: Okay.
21 Warden. Warden Reports.

22 MS. HALLAM: I have something about
23 Warden Reports.

24 MR. PERKINS: Judge, with respect
25 to the committees, it says three members per

1 subcommittee. Is that to keep it an odd number
2 as opposed to four?

3 JUDGE EVASHAVIK DILUCENTE: Yes.

4 MR. PERKINS: Okay.

5 MS. HALLAM: And on subsection (g),
6 a Board Member shall not serve on more than two
7 committees. Why not? If somebody wants to work
8 on all the committees and the Chair allows them,
9 why not let them? We've already given the Chair,
10 who is -- which again, I will dispute more of the
11 committees if --

12 JUDGE EVASHAVIK DILUCENTE: Well,
13 the Chair is not going to appoint members to
14 committees anymore. There's going to be a --

15 MS. HALLAM: Appointment Committee.

16 JUDGE EVASHAVIK DILUCENTE: Yes.

17 MS. HALLAM: I see that. And who
18 picks the Appointment Committee?

19 JUDGE EVASHAVIK DILUCENTE: Well,
20 the Chair does, yes.

21 MS. HALLAM: Right. So the Chair
22 is picking who appoints people to all the other
23 committees and the Chair is allegedly not going
24 to even be elected. And now only -- a Board
25 Member can only serve on two committees. I'd

1 like to be on all of them.

2 JUDGE EVASHAVIK DILUCENTE: Well,
3 to give a chance to every Board Member to serve
4 on committees.

5 MS. HALLAM: Okay. And wouldn't it
6 be better to just expand the number of people on
7 committees as opposed to limiting the number of
8 committees that a Board Member who wants to be
9 involved can be on?

10 JUDGE EVASHAVIK DILUCENTE: You
11 can't have five, and you need an odd number. If
12 you have five --

13 MS. HALLAM: We have a quorum.

14 JUDGE EVASHAVIK DILUCENTE: Right.

15 MS. HALLAM: I understand that.

16 JUDGE EVASHAVIK DILUCENTE: So you
17 have to have less than five.

18 MS. HALLAM: Uh-huh.

19 JUDGE EVASHAVIK DILUCENTE: And it
20 will be better to have three than four because if
21 you have four, you're going to have a tie.

22 MS. HALLAM: I don't dispute any of
23 that. So then can we take out (g)?

24 JUDGE EVASHAVIK DILUCENTE: Well,
25 what's everybody say?

1 MS. HALLAM: If the --

2 MR. PRICE: I noticed in the
3 previous Board they pretty specialized
4 subcommittees, like Book Committee and things
5 like that. So if you have 15 committees then,
6 you know, it's not unreasonable to be on more
7 than two, but if we're going to have like board
8 committees, like health and safety, then that
9 covers a lot of different things. And then it's
10 more reasonable to have, you know, a two limit.

11 But I think -- we don't --

12 JUDGE EVASHAVIK DILUCENTE: I think
13 it depends on how many committees.

14 MR. PERKINS: Yes.

15 JUDGE EVASHAVIK DILUCENTE: I don't
16 know how many committees we'll have. What's
17 everybody's pleasure?

18 MR. O'CONNOR: How many official
19 committees do we have now, five?

20 MS. HALLAM: I don't think we have
21 any official committees right now because they
22 have not -- we don't have a Chairperson.

23 JUDGE EVASHAVIK DILUCENTE: We have
24 the -- well, we have one committee.

25 MR. O'CONNOR: We can check how

1 many we have --

2 MS. HALLAM: What's the committee?

3 JUDGE EVASHAVIK DILUCENTE: There's
4 the one we established last month.

5 MS. HALLAM: The Healthcare
6 Advisory?

7 JUDGE EVASHAVIK DILUCENTE: Yes.
8 The healthcare.

9 MS. HALLAM: And who's on that?

10 JUDGE EVASHAVIK DILUCENTE: Nobody.

11 MS. HALLAM: So we don't -- it's a
12 half a committee.

13 JUDGE EVASHAVIK DILUCENTE: Well,
14 we established the committee.

15 JUDGE BIGLEY: I thought we had an
16 autism one.

17 MS. HALLAM: We used to have a
18 suicide prevention subcommittee, book
19 subcommittee --

20 MR. O'CONNOR: Bylaws, exit
21 interviews, suicide prevention, IIWF, books, and
22 healthcare services. So six committees as of
23 right now.

24 JUDGE EVASHAVIK DILUCENTE: Okay.
25 You want to make it four?

1 MS. INNAMORATO: I feel fine
2 striking (g).

3 JUDGE EVASHAVIK DILUCENTE: Okay.

4 MS. INNAMORATO: Because we have an
5 Appointment Committee, so.

6 JUDGE EVASHAVIK DILUCENTE: Okay.

7 MS. INNAMORATO: But I also --
8 unless we want to say something like no Board
9 Member should like -- I think there's a being
10 designated and leading a committee, that's one
11 thing. But I don't -- I think that every Board
12 Member should have access to every committee and
13 if we want to clarify that every Board Member
14 will have access to all committee meetings.

15 JUDGE EVASHAVIK DILUCENTE: But you
16 can't have a quorum is the problem.

17 MS. INNAMORATO: Oh, that's true.
18 That's right. That's why we were doing that.

19 JUDGE BIGLEY: So do we want to do
20 four?

21 MR. O'CONNOR: I don't know what
22 the committee is going to want.

23 MS. INNAMORATO: Yeah. I agree.

24 JUDGE EVASHAVIK DILUCENTE: Take it
25 out?

1 MR. O'CONNOR: We could have the
2 committee just make sure it's balanced out.

3 JUDGE EVASHAVIK DILUCENTE: Okay.
4 So anything else in Section 9?

5 (No response.)

6 JUDGE EVASHAVIK DILUCENTE: Section
7 10.

8 (No response.)

9 JUDGE EVASHAVIK DILUCENTE: Section
10 11.

11 MS. HALLAM: Wait, where's Section
12 10? It's not in here.

13 JUDGE EVASHAVIK DILUCENTE: 10 is
14 just the Warden.

15 MS. HALLAM: No, that's 11.

16 JUDGE BIGLEY: No, 10 is the
17 Warden.

18 MR. O'CONNOR: No, that goes from 9
19 to 11.

20 JUDGE EVASHAVIK DILUCENTE: I sent
21 out another one today.

22 MR. O'CONNOR: Oh, sorry.

23 JUDGE EVASHAVIK DILUCENTE: Because
24 I said the -- okay, Warden Reports.

25 MS. HALLAM: Yeah, I have a couple

1 things here. Let me figure out what number this
2 is. Just give me a minute. No later than seven
3 days before the next meeting. All of these
4 things are the things that we get already.

5 I just wanted to clarify, is (f)
6 the thing that the population breakdown of like
7 detainees and all of that, or is this just how
8 many people have come into the jail? You know
9 that sheet that we get that says like how many
10 people are serving sentences, how many people are
11 on detainees. What do they call that?

12 JUDGE EVASHAVIK DILUCENTE: Will,
13 what's (f)?

14 MR. CRUM: That was information
15 provided by other source documents including --

16 JUDGE EVASHAVIK DILUCENTE: Ankur,
17 you wrote a letter which had a proposed Warden's
18 report. Do you remember? And that's where Will
19 pulled a lot of this.

20 MR. SAKARIA: Are you referring to
21 3(f)?

22 JUDGE EVASHAVIK DILUCENTE: Yes.

23 MS. HALLAM: Yes.

24 MR. SAKARIA: The population
25 census?

1 MS. HALLAM: Yeah.

2 MR. SAKARIA: I took it out of the
3 report that comes from the Court.

4 JUDGE EVASHAVIK DILUCENTE: The
5 Court.

6 MR. SAKARIA: Yes. That's the ACJ
7 alternative housing population, the population
8 that --

9 JUDGE EVASHAVIK DILUCENTE: Does it
10 include --

11 MR. SAKARIA: I'm sorry to
12 interrupt.

13 JUDGE EVASHAVIK DILUCENTE: That's
14 okay.

15 MR. SAKARIA: The Board itself
16 raised this issue, that meeting regarding the
17 delay time from intake through release. That was
18 the basis from the transcript that this Board had
19 an issue with not having information about the
20 distance. It was incorporated in conjunction
21 with what this Board just stated.

22 JUDGE EVASHAVIK DILUCENTE: This
23 was the time from when they get to 6-A to when
24 they actually release the person.

25 MR. SAKARIA: That is correct.

1 JUDGE EVASHAVIK DILUCENTE: Okay.

2 MS. HALLAM: That's what you mean
3 by Intake Population Statistics?

4 MR. SAKARIA: That is a --

5 MS. HALLAM: That doesn't make
6 sense.

7 MR. SAKARIA: -- term indeed.
8 That's where it indicates concluding time to
9 release. So it is a general statement that
10 provides the Board the power to ask for Intake
11 Population Statistic Report, including the time
12 to release, the information. If someone with
13 better institutional knowledge amongst the Board
14 Members wants to define with more specificity the
15 terminology for that which I, as a layperson,
16 understand as Intake Population, I welcome you as
17 a Board to do it.

18 JUDGE EVASHAVIK DILUCENTE: We're
19 telling you -- Rob, what would you say -- we
20 could make that (g) and say -- what would we call
21 that?

22 MR. PERKINS: It could be within
23 (f), but you have the jail population dashboard
24 that DHS does, but you kind of have an
25 understanding of holding status and things of

1 that nature. And then the jail has a new
2 diversion program where they're giving people
3 inpatient beds for mental health treatment,
4 substance use treatment. Those are the types of
5 things that we can look at to understand kind of
6 the day-to-day population in the jail, and also
7 opportunities to perhaps get people out of jail
8 and into treatment programs.

9 JUDGE EVASHAVIK DILUCENTE: Yeah,
10 but like (f) deals with Intake. And that second
11 part of it including -- really deals with
12 release. It's not really Intake information. Do
13 you follow me?

14 MR. PERKINS: Jail population
15 status?

16 JUDGE EVASHAVIK DILUCENTE: I'll
17 figure it out, okay? But I'm going to separate
18 it into two different things. And (g) is going
19 to be time from receipt of 6-A to actual release.

20 MS. HALLAM: Okay. The other
21 information that the jail has agreed to give us
22 that was not included in here is when people --
23 when the jail requests because of medical reasons
24 that the Court's 6-A release, they had agreed to
25 give us that, but that is not listed in here. So

1 can we include that?

2 JUDGE EVASHAVIK DILUCENTE: Yes.

3 MS. HALLAM: Also, overdose
4 numbers, and then lockdowns.

5 JUDGE EVASHAVIK DILUCENTE: Okay.

6 What do you mean by overdose numbers?

7 MS. HALLAM: How many overdoses
8 happened in the jail in the past month. And
9 then --

10 JUDGE EVASHAVIK DILUCENTE: They do
11 provide lockdowns right now, right? I mean, they
12 provide that.

13 MS. HALLAM: But not ahead of the
14 monthly meeting. We do not always get that
15 because the law that dictates that, Chapter 205,
16 requires it to be done by the seventh day of the
17 month, and often our meetings are before, so we
18 might get a lockdown report a day after our
19 meeting and then we have to wait a whole month to
20 address any of the issues from it.

21 So I think lockdown reports,
22 overdoses. And again, I think we should be very
23 clear that we just want like numbers. Maybe if
24 they want to, you know, it would be nice to know
25 how many are happening at Intake. How many are

1 happening in other places in the jail, but I want
2 to be clear that we're not asking for like,
3 people's names who overdosed.

4 So, yeah, lockdowns, overdoses. I
5 forget how you phrased it when you asked the jail
6 about it, but the 6-A releases that were for
7 medical reasons.

8 JUDGE EVASHAVIK DILUCENTE: I
9 remember.

10 MS. HALLAM: Yeah. However you did
11 that. And then what's the other thing? There's
12 one more thing. Oh, hospitalizations. And a
13 hospitalization report like you would get when
14 you file a Right to Know request for ambulance
15 trips, it would say like, for example, hospital
16 on this day. Hospital run on this day for
17 suspected heart attack, suspected overdose. It
18 gives like a kind of detailed -- it's -- I think
19 they call it the ambulance log. I don't know if
20 Ankur or somebody, you remember what they call
21 that document that's like the ambulance logs.

22 MR. SAKARIA: That's the word.

23 MS. HALLAM: Yeah, ambulance logs.

24 JUDGE EVASHAVIK DILUCENTE: Just
25 ask for the ambulance logs.

1 MS. HALLAM: Ambulance logs, yeah.
2 And you can even say with PII redacted so that we
3 don't get anybody's name.

4 JUDGE EVASHAVIK DILUCENTE: Okay.
5 Anything else?

6 MR. PERKINS: Despite the lockdown,
7 do we want to be more specific about asking for a
8 detailed reason as to why we have lockdowns?

9 MS. HALLAM: Yeah, I like that.

10 JUDGE EVASHAVIK DILUCENTE: Yeah, I
11 like it, too, because the --

12 MS. HALLAM: Like, for example,
13 when we went yesterday, it was locked down for
14 two days because -- not even because of staffing,
15 but because the OMS System was down. Other
16 times, it's locked down because of staffing.
17 Other times, maybe it's locked down -- there's a
18 suspected escape. Saying safety and security
19 doesn't give us much information.

20 JUDGE EVASHAVIK DILUCENTE: Okay.
21 All right. I'll revise this and get it out to
22 you guys.

23 Anything else?

24 MS. HALLAM: I have something else.
25 Was somebody else talking, or was that me?

1 Are we still on Number 3, or are we
2 just doing the Section as a whole right now?

3 JUDGE EVASHAVIK DILUCENTE: As a
4 whole.

5 MS. HALLAM: Okay. So you have the
6 additions for Number 3. And then I'm going --
7 I'm going to number -- I really like Number 5,
8 but going to Number 6, it says upon receipt of a
9 monthly Warden's Report, the Board Secretary
10 shall have the power to issue a notice to attend
11 upon the Warden, Deputy Warden, or identified
12 requested designee. And I'm just -- I just
13 didn't really understand what that means. Is
14 that so that we can get like the nutritionist
15 here, so we can get the Suboxone doctor here, so
16 we can get -- is that what that means?

17 JUDGE EVASHAVIK DILUCENTE: Yeah.
18 To get anybody we want here to answer our
19 questions. I mean, really though, I mean the
20 Warden has to come anyway, so that's kind of --

21 MS. HALLAM: Can we maybe outline
22 that here that the Warden has to come? Because I
23 could interpret this to mean that they can issue
24 a notice to attend to the Warden, Deputy Warden,
25 or a designee for their position.

1 JUDGE EVASHAVIK DILUCENTE: Okay.
2 Let's just say upon unidentified requested
3 designee, because it goes without saying that the
4 Warden and Deputy Warden have to be here. So why
5 don't I strike the Warden, Deputy Warden. Just
6 say issue a notice to attend upon an unidentified
7 requested --

8 JUDGE BIGLEY: Or any other -- or
9 any other requested designee.

10 JUDGE EVASHAVIK DILUCENTE: Or
11 just -- yeah, okay. Yes.

12 JUDGE BIGLEY: In case there's
13 someone else you want to bring in.

14 MS. HALLAM: So basically -- I
15 don't know what I want the words to be.

16 JUDGE BIGLEY: Because there's
17 other -- you know, like that CRNC --

18 MS. HALLAM: Okay. So we
19 already -- so we can say -- the Warden and Deputy
20 Warden have to be here, but if we want to request
21 somebody else come.

22 JUDGE BIGLEY: So we can just say
23 any other requested --

24 JUDGE EVASHAVIK DILUCENTE: Yeah,
25 we're going to strike -- we're going to strike

1 the Warden and Deputy Warden because they already
2 have to come. We don't need to serve a subpoena
3 on them.

4 So are you guys with me?

5 MS. HALLAM: Yeah.

6 JUDGE EVASHAVIK DILUCENTE: So it's
7 just going to say we can issue a notice to attend
8 upon unidentified requested designee, whoever we
9 decide.

10 JUDGE BIGLEY: Okay.

11 JUDGE EVASHAVIK DILUCENTE: Yes,
12 Will?

13 (No response.)

14 JUDGE EVASHAVIK DILUCENTE: Okay.
15 Anybody else?

16 MS. HALLAM: I do have just a
17 question about like how we compel them to attend.
18 Like what if they don't?

19 JUDGE EVASHAVIK DILUCENTE: We'll
20 send the Sheriff to get them.

21 MS. HALLAM: Okay. Can we put that
22 in here?

23 JUDGE BIGLEY: I don't think we
24 necessarily need to. It's not like they're
25 reading it.

1 MS. HALLAM: Right. But I'm just.

2 JUDGE BIGLEY: It's not like the
3 unidentified person is reading this and is going
4 to be intimidated by it.

5 MS. HALLAM: But I mean just for
6 purposes of like --

7 JUDGE EVASHAVIK DILUCENTE: Well,
8 maybe it should be a subpoena.

9 JUDGE BIGLEY: But it says right
10 here it shall be governed by the format set forth
11 in the Rules of Civil Procedure.

12 MS. HALLAM: So can we put that
13 then?

14 JUDGE EVASHAVIK DILUCENTE: Okay.
15 Hang on.

16 MR. O'CONNOR: It says that the
17 Board Secretary --

18 JUDGE EVASHAVIK DILUCENTE: Let's
19 put that it shall be a subpoena.

20 MS. HALLAM: Yes.

21 JUDGE EVASHAVIK DILUCENTE: Instead
22 of a notice to attend.

23 MS. HALLAM: Yes. Love that.

24 JUDGE BIGLEY: And then like I
25 said, governed by the Rules of Civil Procedure in

1 234.3. They'll have to read that.

2 JUDGE EVASHAVIK DILUCENTE: Well,
3 we might need to change the Rule of Civil
4 Procedure --

5 MS. HALLAM: Yeah.

6 JUDGE EVASHAVIK DILUCENTE: -- if
7 we're changing it to a subpoena.

8 MS. HALLAM: Yeah, and it's also
9 talking about --

10 JUDGE EVASHAVIK DILUCENTE: Will,
11 will you take care of that, please?

12 MR. CRUM: Yes.

13 MS. HALLAM: The Warden or Warden's
14 representative. It still says in Subsection A,
15 the Notice to Attend may be issued by a --

16 JUDGE EVASHAVIK DILUCENTE: So it
17 will be issued to the designee.

18 MS. HALLAM: Yeah. We don't need
19 to compel the attendance of the Warden or the
20 representative to provide information because he
21 has to. I mean, I would love to subpoena the
22 Warden if he ever tried to not come, but that --

23 MR. CRUM: Your Honor, I'm hesitant
24 to interject about something like this.

25 JUDGE EVASHAVIK DILUCENTE: Go

1 ahead.

2 MR. CRUM: To the extent that that
3 infers that the Board has to power to subpoena,
4 which I am not going to weigh in on.

5 MR. O'CONNOR: What I'm saying is
6 they don't, but as the Secretary, in my role, I
7 can as the Controller. So if you just leave it
8 as Board Secretary, it's me anyway, or my office
9 anyway.

10 JUDGE EVASHAVIK DILUCENTE: Okay.

11 MS. HALLAM: So to clarify, it
12 would say upon receipt of a monthly Warden's
13 Report, the Board Secretary shall --

14 JUDGE EVASHAVIK DILUCENTE: Have
15 the power to issue a subpoena.

16 MS. HALLAM: -- have the power to
17 issue a subpoena upon an unidentified requested
18 designee to thereby appear before the Board at
19 the next regularly scheduled meeting date to
20 answer questions related to the monthly Warden's
21 Report or issues raised by the Board. Yes?

22 JUDGE EVASHAVIK DILUCENTE: Yes.

23 MR. O'CONNOR: Are you saying
24 that -- just if we can -- so what you're saying
25 is by law, it shouldn't say that the Board can do

1 it, but I know that, I can. Is that -- you're
2 saying that it shouldn't be in here because the
3 Board can't actually do that, but my duties as
4 Controller I can?

5 MR. CRUM: Yeah. In your role as
6 Controller extends to the Board to issue
7 subpoenas.

8 MR. O'CONNOR: Right. Okay. Why
9 don't we just work on that. I get what you're
10 saying. We'll work on how to do it, but I mean,
11 I know that I can do that.

12 MS. HALLAM: Okay.

13 MR. O'CONNOR: So why don't we just
14 try to figure out what that -- how you would
15 phrase that.

16 MS. HALLAM: And then just make
17 sure that we rephrase (a) as well when we do
18 whatever we do to 6. Make sure 6(a) is also
19 rephrased in accordance with whatever 6 changes
20 to.

21 MR. CRUM: If I may interject -- if
22 I'm out of order just tell me.

23 JUDGE EVASHAVIK DILUCENTE: Go
24 ahead, Will.

25 MR. CRUM: There will be instances

1 where perhaps the Board does not know who the
2 specific person is who has the knowledge about
3 particular subjects or statistics, and that you
4 may -- just to say, issuing a subpoena or Notice
5 to Attend, whatever vehicle you want to use,
6 where you might have to identify the person with
7 the most knowledge of the subject.

8 MR. O'CONNOR: Okay.

9 MR. CRUM: And that's why the
10 reference to the Rule of Civil Procedure, because
11 it permits that, and the prudence was not to
12 weigh in on at this point about subpoenas and
13 whether the Board has subpoena power.

14 So I don't give a legal opinion in
15 that regard. I'm just presenting something of
16 prudence. The Board may not know who it wants to
17 subpoena, but it is -- as designated in the
18 language, look Mr. Warden or Ms. Warden, if you
19 don't have the information, you have to be here
20 but you better bring that person with you who
21 does.

22 JUDGE EVASHAVIK DILUCENTE: Okay.

23 MR. CRUM: So that's the reason --
24 that's why the language --

25 JUDGE EVASHAVIK DILUCENTE: So

1 maybe we ought to keep it the way it is.

2 MR. CRUM: You could have
3 hypothetically a Warden who doesn't know a dime
4 about a nickel, but you want the person who has
5 knowledge of the nickel.

6 JUDGE EVASHAVIK DILUCENTE: Okay.
7 Okay. Anything else in Warden's Report.

8 AUDIENCE MEMBER: Could those
9 interjecting or being spoken to by the Board
10 please identify themselves just for the --
11 following along?

12 MR. CRUM: My name is William Crum,
13 C-R-U-M. I'm the Executive Assistant to the
14 President Judge and I'm also a licensed attorney
15 in the Commonwealth of Pennsylvania. I've been
16 licensed since 1985.

17 JUDGE EVASHAVIK DILUCENTE: Very
18 nice.

19 Anybody -- anything else? How
20 about under Annual Report? Anybody?

21 MS. INNAMORATO: The only thing I
22 would note about the Annual Report is that it's a
23 new requirement.

24 MS. HALLAM: What requirement?

25 MS. INNAMORATO: It's a new

1 requirement. Like we're -- we're manifesting
2 under these bylaws.

3 MS. GRIFFIN: Just in Paragraph 2,
4 I think there's a wording -- I think maybe we
5 mean compilation, yearly compilation.

6 JUDGE EVASHAVIK DILUCENTE: Oh.

7 MR. CRUM: I'm sorry.

8 MS. GRIFFIN: Or whoever drafted
9 this. I think it's a new section -- new
10 sentence. The Warden -- the Annual Report should
11 contain a yearly compilation. That's all. Just
12 a word change. I think that's what it was meant
13 to be. We could have a capitulation if that's
14 what you want to do, but...

15 MS. HALLAM: That's why it wasn't
16 funny to me because I didn't know what the word
17 meant.

18 MR. CRUM: You'll find -- that's
19 your discretion, but the secondary meaning of
20 capitulation means to reiterate. To
21 capitulate --

22 MS. GRIFFIN: Okay.

23 MR. CRUM: -- what the information
24 was.

25 MS. GRIFFIN: Okay.

1 MR. CRUM: The grammar or use of
2 language is your discretion.

3 JUDGE EVASHAVIK DILUCENTE: Okay.
4 Board Meetings and the Public.

5 You do.

6 MS. HALLAM: I have a lot of other
7 things. I don't want to talk too much.

8 JUDGE EVASHAVIK DILUCENTE: Anybody
9 have anything?

10 MAN-E: Yeah, yeah. We have a few
11 issues with it.

12 JUDGE EVASHAVIK DILUCENTE: Go
13 ahead.

14 MAN-E: So the one that says time
15 for public testimony should be afforded during
16 each public meeting. The person speaking before
17 the Board should deliver testimony during the
18 Public Comment portion and have to sign up
19 before.

20 When we -- well, it says, the Board
21 in January voted to give speakers up until Public
22 Comment to begin sign up.

23 I guess I have like comments about
24 Public Comment in general. Of course, like, you
25 know, the meetings start at 4:00. Normal working

1 hours are 9:00 to 5:00 already. People are
2 disenfranchised. We don't often take into
3 account people who have disabilities who can't
4 make it to the meeting. I know every time when I
5 was coming to give public comment --

6 JUDGE BIGLEY: Where are you?

7 MS. HALLAM: I think he's on
8 Subsection (b) or Section 13, Public
9 Participation.

10 JUDGE BIGLEY: Yeah, but I don't
11 know which section we're commenting on. What
12 number?

13 MS. HALLAM: 13.

14 JUDGE BIGLEY: Okay. Thank you.

15 MAN-E: Yeah. But just in general,
16 I don't think we should agree to anything that
17 limits the public's ability to participate,
18 especially because they're impacted by the jail
19 at large. You know, and so, you know, if we can,
20 I think we should, or like the Board voted to in
21 January, give speakers up until Public Comments
22 to begin signing up.

23 JUDGE EVASHAVIK DILUCENTE: Okay.
24 So Man-E is saying (b)(3) says you have to sign
25 up to speak prior to the commencement of the

1 meeting. Man-E is saying change that to say sign
2 up to speak before the Public -- before that
3 section. I can't remember -- Public Comment
4 starts.

5 What's everybody's pleasure?

6 JUDGE BIGLEY: I don't --

7 MR. O'CONNOR: Number 3.

8 MS. HALLAM: Could we change it to
9 before Public Comment ends, because we're not
10 going to re-open Public Comments for you, but as
11 long as you're here before we finish the Public
12 Comment section --

13 JUDGE EVASHAVIK DILUCENTE: My only
14 problem is the Public Comment takes so long. It
15 takes like two-thirds of our meeting. We never
16 have any time to do anything. That's my personal
17 comment.

18 JUDGE BIGLEY: I think there should
19 be a point where you're -- limit how much time we
20 have to get to --

21 JUDGE EVASHAVIK DILUCENTE:
22 Ms. Innamorato.

23 JUDGE BIGLEY: I think maybe it
24 should be cut off at say -- the meeting starts at
25 4:00. Maybe until 4:20, 4:30.

1 MS. HALLAM: How about 5:00?

2 JUDGE BIGLEY: But it shouldn't go
3 to 5:00. There has to be a point where we know
4 that we have an end, and we can say that we're
5 going to be reasonably starting to get to the
6 business. I mean, we have to.

7 JUDGE EVASHAVIK DILUCENTE:

8 Ms. Innamorato.

9 MS. INNAMORATO: Thank you, Judge.
10 I think that there's a way that we could allow
11 for people to sign up before the meeting without
12 having to physically be present. This is common
13 practice in many other -- may other Boards. I
14 don't know if we want to put that in here,
15 because we do list websites where people can get
16 information; where it should be listed. We
17 should have -- we could create a sign-up where
18 people could sign up up until 24 hours before the
19 meeting online and then keep that until the
20 beginning of Public Comment if they are in
21 person.

22 MS. HALLAM: Yeah, what if we do --

23 MS. INNAMORATO: So we could do --
24 we could do both. I think that's easy to do. I
25 don't -- you know, this shouldn't be a long

1 turn-around time do that. But if the folks are
2 willing to entertain people registering online
3 because they're allowed to submit Public Comment
4 online, they should be able to register. That's
5 a simple enough technological fix.

6 MS. HALLAM: So you're saying
7 online Public Comment and as long as they are in
8 person or additionally you can sign up in person
9 prior to the commencement of Public Comment
10 instead of the meeting?

11 MS. INNAMORATO: Yes.

12 JUDGE BIGLEY: The only thing I
13 think would be confusing is who goes in line
14 when, you know what I mean? People are going to
15 be like, well, I signed up online.

16 MS. HALLAM: Well, we would get
17 that list online before the meeting starts
18 because it closes it 24 hours before the meeting,
19 so anybody who signs up online would be before
20 anybody who signs up in person. So if you want
21 to speak early, sign up online.

22 JUDGE BIGLEY: They wouldn't
23 necessarily know. I guess we'd be calling out
24 the names.

25 MS. INNAMORATO: Uh-huh.

1 MS. HALLAM: So basically -- okay.
2 Sorry. I'm thinking out loud.

3 JUDGE EVASHAVIK DILUCENTE: Okay.
4 So they may sign up online and/or in person by
5 what time?

6 MS. HALLAM: I think you actually
7 distinguish. So at Council, what we do is you
8 have to sign up online for 24 hours before the
9 meeting starts. So it would be 4:00 p.m.
10 Wednesday if you want to sign up online.

11 In-person, I think we just change
12 meeting to Public Comment.

13 JUDGE EVASHAVIK DILUCENTE: Well,
14 who's going to get this sign-up sheet online?

15 MS. HALLAM: The Secretary of the
16 Board.

17 MS. INNAMORATO: I think we can
18 figure out how to operationalize that.

19 JUDGE BIGLEY: The people online do
20 not sign up yet. They still sign in. It will be
21 like if you signed up online, then you get the
22 list and you already have their name.

23 MR. O'CONNOR: So, I mean, the
24 Public Comment goes to the Court. So I'm sure
25 there's just a way to add something -- I mean,

1 it's more like a technology thing to just get a
2 list from them. We'll collect the letter -- the
3 ones that are outside like we always do. I think
4 that would be when you submit your public
5 comment, there should also be something on that
6 site that says -- instead of writing it. And
7 you're going to be here, that's when you would
8 sign up for it.

9 JUDGE EVASHAVIK DILUCENTE: Okay.
10 Mr. O'Connor will do it.

11 And then are we having an in-person
12 cut-off time?

13 JUDGE BIGLEY: I say when we cut it
14 off when Public Comment starts.

15 JUDGE EVASHAVIK DILUCENTE: When
16 Public Comment starts.

17 Okay. Anything else?

18 MAN-E: Yeah. In (b) (3) last of
19 all, I think it says, time for public testimony
20 shall be afforded during each public meeting,
21 blah, blah, blah, blah.

22 Are these working meetings also
23 included as a public meeting?

24 MS. HALLAM: Uh-huh. Yeah.

25 JUDGE EVASHAVIK DILUCENTE: Well,

1 generally speaking, no, because, as in today,
2 public -- we don't take action at working
3 meetings. So, no. This is so that we can
4 accomplish some work.

5 MS. HALLAM: We're talking a lot
6 back.

7 MAN-E: I gotcha. But I just don't
8 understand it because --

9 JUDGE BIGLEY: Hey, that's the
10 thing, as it is, we do this. You're saying --
11 you were saying about we're just getting a lot of
12 stuff -- here's the thing -- the reason for doing
13 this is because we're getting very little done at
14 the public meetings. So if we do that at these
15 meetings, then there is no point in coming to
16 these meetings, right? Because we're spending
17 hours, three hours sometimes, on that portion of
18 the public meeting. So if that's what these are
19 going to turn into, then no.

20 MS. HALLAM: So again, I want to
21 refer back to the law. The Sunshine Act
22 specifically says that there are exceptions to
23 the Sunshine where we can be in executive session
24 doing things, but when we are having public
25 meetings and we are debating issues in front of

1 the Board, it has to allow for public comment.
2 It has to be Sunshine'd and advertised. It is
3 very explicit on what we cannot allow public
4 comments on and what we can.

5 I mean, again, our committee
6 meetings on Council are very much what I equate
7 this to. It's where you get the work done on the
8 legislation that is in front of you. Those
9 absolutely have to have to allow for public
10 comment, have to be Sunshine'd, all of those
11 things. So I -- again, I don't have the Sunshine
12 Act in front of me.

13 JUDGE EVASHAVIK DILUCENTE: Well, I
14 do, and we can defer comment to the next public
15 meeting.

16 MAN-E: Yeah, but this is also a
17 public meeting. It was put up on the website
18 24 hours in advance. The agenda was published in
19 advance the same way that we do our regular
20 monthly meetings. So I don't understand the
21 public speakers are disenfranchised.

22 JUDGE EVASHAVIK DILUCENTE: Because
23 we need to accomplish some work. That's why.

24 MS. HALLAM: But we can't bypass
25 the Sunshine Act for that. This is a public

1 meeting.

2 JUDGE EVASHAVIK DILUCENTE: Yes, we
3 can. We're allowed to defer public comment to
4 the next meeting.

5 MS. HALLAM: To the next public
6 meeting.

7 JUDGE EVASHAVIK DILUCENTE: We're
8 going to --

9 MS. HALLAM: Not the next regular
10 Board meeting. The next public meeting. This is
11 a public meeting.

12 JUDGE EVASHAVIK DILUCENTE: Yeah.

13 MS. HALLAM: So if you would
14 have --

15 JUDGE EVASHAVIK DILUCENTE: We're
16 deferring comment today until the next meeting.
17 If you --

18 MS. HALLAM: So you're going to --
19 but you're saying with every meeting that's what
20 we're going to do?

21 JUDGE EVASHAVIK DILUCENTE: No.
22 We're going to have public comment on Thursday.
23 This is a work session. We're not having public
24 comment.

25 MS. HALLAM: But it is a public

1 meeting?

2 JUDGE EVASHAVIK DILUCENTE: Yes, it
3 is.

4 MS. HALLAM: Right.

5 JUDGE EVASHAVIK DILUCENTE: Yes.

6 And we don't have to --

7 MS. HALLAM: And we are debating
8 business of the Board.

9 JUDGE EVASHAVIK DILUCENTE: That's
10 right.

11 MS. HALLAM: With a quorum?

12 JUDGE EVASHAVIK DILUCENTE: That's
13 right.

14 MS. HALLAM: So we have to allow
15 public comment.

16 JUDGE EVASHAVIK DILUCENTE: No, we
17 don't. Sue the Board.

18 MS. HALLAM: I promise you that
19 after we pass these bylaws I will be doing that
20 anyway.

21 JUDGE EVASHAVIK DILUCENTE: I know
22 you will. You can include this in your lawsuit.

23 MS. HALLAM: I just want to remind
24 you that there is pending litigation,
25 specifically about violations of the Sunshine

1 Act.

2 JUDGE EVASHAVIK DILUCENTE: I know.

3 I know.

4 MS. HALLAM: So I would like to
5 resolve those issues so people don't have to keep
6 suing the Board to get us to do our job.

7 JUDGE EVASHAVIK DILUCENTE: Okay.

8 Well.

9 AUDIENCE MEMBER: Do your thing.

10 JUDGE EVASHAVIK DILUCENTE: I don't
11 know what to say.

12 MS. HALLAM: But I mean, wasn't
13 that the whole purpose of us making bylaws was to
14 be in compliance with the law? So why are we
15 making bylaws that are not compliant with the
16 law? I just don't understand.

17 JUDGE EVASHAVIK DILUCENTE: What's
18 not in compliance with the law?

19 MS. HALLAM: The Sunshine Act, the
20 Title 61 Statute.

21 JUDGE EVASHAVIK DILUCENTE: What
22 are you referring to that's not in compliance
23 with the law?

24 MS. HALLAM: Everything in these
25 bylaws that isn't in compliance with the law?

1 JUDGE EVASHAVIK DILUCENTE: Okay.

2 We're going backward.

3 MS. HALLAM: Right. I wasn't
4 planning on going backwards --

5 JUDGE EVASHAVIK DILUCENTE: And
6 this isn't public comment --

7 MS. HALLAM: -- about this not
8 going to Man-E's comment about public comment in
9 these meetings.

10 JUDGE EVASHAVIK DILUCENTE: Yes.

11 MS. HALLAM: I do believe the
12 Sunshine Act is clear.

13 JUDGE EVASHAVIK DILUCENTE: Okay.

14 MS. HALLAM: That we have to allow
15 public comment.

16 JUDGE EVASHAVIK DILUCENTE: Okay.
17 Let's not rehash that. It's my opinion that we
18 don't have to have public comment at this meeting
19 tonight. I understand you disagree. Why are we
20 going to argue until midnight?

21 MS. HALLAM: Because you asked
22 me --

23 JUDGE EVASHAVIK DILUCENTE: I don't
24 want to argue about it anymore. Let's move on.

25 What else would anybody like to say

1 about --

2 MS. HALLAM: This --

3 JUDGE EVASHAVIK DILUCENTE: -- this
4 portion of the bylaws?

5 MR. O'CONNOR: Sorry. I would just
6 say on 4, comment at meeting no less than 30
7 minutes. I would just delete that. Three
8 minutes as usual, but to keep it under 30
9 minutes. I don't think we should add that one.

10 MS. HALLAM: Yeah. I would agree.

11 MAN-E: And again --

12 JUDGE EVASHAVIK DILUCENTE: I would
13 just note that it says that after --

14 MR. O'CONNOR: Oh, that's right.

15 JUDGE EVASHAVIK DILUCENTE: -- that
16 after -- after you have to have a vote. Okay.

17 MS. HALLAM: Okay. That's more
18 things because I have some things.

19 I have a couple things. I know
20 that we're in Section 13 broadly, but we did kind
21 of skip over Subsection (a), Board Participation.
22 There's a couple things I want to point to in
23 there.

24 So first, I want to talk about in 1
25 that it says or other such dates and times as the

1 Board shall designate in advance. Who is the
2 Board? Like is that a majority vote of the Board
3 is the only thing that can move meetings from our
4 regular monthly time?

5 Again, I want to point to something
6 that has happened in the past that I think these
7 bylaws are trying to resolve where one member of
8 the Board would unilaterally change the date and
9 time of the meeting without the consent of the
10 rest of the Board.

11 So again, when we talked about this
12 previously in our initial draft that I have in
13 front of us, it talks about how only a majority
14 of the Board --

15 JUDGE EVASHAVIK DILUCENTE: Okay.
16 So how about I say as the Board by majority vote.

17 MS. HALLAM: As the Board by
18 majority vote shall designate in advance?

19 JUDGE EVASHAVIK DILUCENTE: Shall
20 designate in advance.

21 MS. HALLAM: Yeah.

22 Okay. So special meetings are
23 Sunshine'd that's good. I think maybe we should,
24 you know, look into what that means, a Sunshine'd
25 meeting and what has to be involved in that

1 meeting.

2 And in the -- I want to clarify. I
3 think that Number 5, if we could just clarify
4 what the intention of (a)(5) is. A Board Member
5 shall not act unilaterally or in concert with
6 another on behalf of the Board without authority
7 granted herein or by the governing approval of
8 proper vote in authoritative resolution of the
9 Board.

10 JUDGE EVASHAVIK DILUCENTE: That
11 just means that we act as a whole Board and any
12 action that is taken has to be by proper Board
13 vote. That's all it means.

14 MS. HALLAM: Yeah, but I don't know
15 that that is how this can be interpreted.

16 JUDGE EVASHAVIK DILUCENTE: Well,
17 how do you think it could be interpreted?

18 MS. HALLAM: Someone saying that
19 speaking as a member of the Jail Oversight Board
20 and the Board could allege that they're speaking
21 on behalf of the whole Board. I don't know. I
22 can't think of every single possible scenario. I
23 just don't understand the need for (5) unless
24 someone can point to what specifically it's
25 intended to prevent.

1 JUDGE EVASHAVIK DILUCENTE: It's
2 intended to prevent, I suppose, somebody
3 directing some action without the whole Board
4 agreeing.

5 MS. HALLAM: But this doesn't say
6 anything about directing an action. It says
7 shall not act. So I'm just wondering what that
8 specifically is.

9 JUDGE EVASHAVIK DILUCENTE: Well,
10 act is also direct. Shall not act. Take action.

11 MS. HALLAM: But couldn't that say
12 that a Board Member can't go by themselves to the
13 Jail Oversight Board because they're doing that
14 on behalf of the Board?

15 JUDGE EVASHAVIK DILUCENTE: No.
16 No.

17 MS. HALLAM: And without authority?

18 JUDGE EVASHAVIK DILUCENTE: No.

19 MS. HALLAM: I'm just saying, you
20 could argue --

21 JUDGE EVASHAVIK DILUCENTE: No.
22 No, because there's another section that says
23 Board Members may go to the jail.

24 MS. HALLAM: Right. I'm just
25 trying to give examples, but I haven't yet

1 received an example of what this is intended to
2 prevent.

3 JUDGE EVASHAVIK DILUCENTE: Could
4 anybody think of an example? I mean, it's
5 just -- you could think of one, Will?

6 MR. CRUM: If I'm asked, I will
7 give it.

8 JUDGE EVASHAVIK DILUCENTE: Go
9 ahead. Give one, please.

10 MR. CRUM: It's that if a Board
11 Member who is not a lawyer is interpreting
12 statutory language and representing that
13 interpretation as speaking on behalf of the
14 Board, that would be such an act.

15 In addition, to which it says Board
16 Member in their personal capacity decided to
17 bring a lawsuit against other Board Members in
18 their individual capacity, but representing in
19 their pleading that they were standing as a Board
20 Member, that would also be an example.

21 In addition to which, if a Board
22 Member brought said personal action against other
23 Board Members and used that as leverage against
24 the Board taking action, that would also be such
25 an example.

1 And that is what that language is
2 intended to provide is that the Board acts as a
3 Board in conjunction with Robert's Rule which
4 governs how the Board acts so that there is order
5 to meetings so that business can be conducted, so
6 that with that business, work is done. That it
7 ends the perpetual cycle that this Board has seen
8 horribly years in and years out where it becomes
9 a cyclical grudge session with nothing being
10 done.

11 So that identifies specifically
12 what that provision addresses. It has to stop.
13 It has to act as a total board and not
14 individually representing that you are speaking
15 on behalf of the Board, whether to the public, to
16 the media, or in judicial proceedings.

17 MS. HALLAM: Oh, yeah. We got to
18 strike Number 5 then because I don't think that
19 my right to sue as an individual member of this
20 Board should be restricted by a bylaw. I don't
21 think it can be legally. So I think we just take
22 out 5. I've basically done every single thing
23 that he's said over there, and I don't think you
24 can restrict me from doing that. From filing
25 suit -- I never speak as if I speak for the

1 Board, but anybody can say this is how I
2 interpret a statute. Anybody can file suit for
3 any reason at any time. Anybody in their
4 individual capacity as a member of Council, as a
5 member of a Board, as a member of an executive
6 branch can speak as an individual at any time.

7 So thank you for clarifying the
8 intent of that. I had a feeling that maybe
9 that's what it was about, so could we please
10 strike Number 5?

11 MR. CRUM: You're truth by a half.

12 MS. HALLAM: What half?

13 MR. CRUM: It's that you may sue as
14 an individual for anything you want.

15 MS. HALLAM: Uh-huh.

16 MR. CRUM: And please don't
17 misinterpret what I said.

18 MS. HALLAM: Uh-huh.

19 MR. CRUM: Once you, in pleadings,
20 assert that you are bringing a suit as a JOB
21 member, you have stepped over that line. That's
22 what that provision is saying. So that because a
23 Board Member does not get their way on a vote
24 does not permit that Board Member to circumvent
25 the Board's power to run to the Court of Common

1 Pleas and say, I -- my civil rights were violated
2 because they outvoted me. That's a problem.

3 That's where you avoid and
4 undermine the Board's own power to conduct its
5 own decision-making, because if someone does not
6 get their way, they would run to the Court of
7 Common Pleas, which is their right as an
8 individual.

9 MS. HALLAM: Uh-huh.

10 MR. CRUM: No question about it,
11 but it raises the issue about the Board's power
12 if this Board is going to permit individuals to
13 bring suit on behalf of their standing as an
14 individual and joined with their Board power.

15 I say that clearly to the media
16 that's here, to the public that's here. I am not
17 providing a legal answer or advice to this Board.
18 I was asked a question based on my knowledge and
19 the fact that I assisted in drafting provisions
20 as was I -- my requirement as the executive
21 assistant.

22 MAN-E: Yeah. I think we should
23 strike that.

24 MS. HALLAM: Strike that. I mean,
25 I serve here in my capacity as a County Council

1 member. I am the County Council President's
2 designee. If I want to sue the Board for
3 breaking the law as I was invited to do earlier,
4 I absolutely can do that in my capacity as a
5 member of the Board in which that is the injury
6 that I have. That is the harm that I have
7 experienced is that I am a member of this Board.
8 The Board violated the law.

9 And I do not think in any way that
10 this needs to be in here, not just for that
11 reason but for many other reasons.

12 If you want to go out and say
13 you're a member of the Jail Oversight Board, you
14 can do that. If you want to interpret a statute
15 as a person who read a statute online and thinks
16 it's very clear what that means, you can do that.

17 I think we just take this out.
18 It's unnecessary.

19 MS. INNAMORATO: What's it --

20 JUDGE EVASHAVIK DILUCENTE: What's
21 everybody's pleasure?

22 MS. HALLAM: We heard what it meant
23 so I think we very much need to take it out,
24 yeah.

25 Yeah, take out 5?

1 MAN-E: Yeah. I think we take it
2 out.

3 JUDGE EVASHAVIK DILUCENTE:
4 Everybody else?

5 AUDIENCE MEMBER: Microphones.

6 MS. HALLAM: Okay. So we're taking
7 it out? Cool.

8 JUDGE EVASHAVIK DILUCENTE: Out.

9 MS. HALLAM: Thank you.

10 JUDGE EVASHAVIK DILUCENTE: Also, I
11 know Executive Innamorato you brought something
12 up in the past -- I think it was you, about where
13 we like house the things? You know, how like
14 it's half on the Controller's website. Half on
15 the Court's website. Was that you that brought
16 that up at a meeting?

17 MS. INNAMORATO: No. Of what?

18 MS. HALLAM: It was kind of like,
19 hey, some of this stuff is on the Court's -- but
20 I'm just looking at (b)(2) and just like where
21 even the agendas are. And I was just -- just
22 kind of thinking.

23 MS. INNAMORATO: I don't think that
24 was me. I think it was just the nature of how it
25 was done in the past, and we just wanted to make

1 sure that -- where it lives. Like, if it's on
2 the Court and the Controller's website that it
3 would live in both places. However, that's how
4 people navigated --

5 MS. HALLAM: They'd still get to
6 it.

7 MS. INNAMORATO: -- for that
8 information, they'd still get all of the
9 information that they needed.

10 MS. HALLAM: Okay.

11 And then -- sorry. I don't want to
12 dominate. Does anyone else have anything about
13 this section because I have a couple more things,
14 but I don't want to like --

15 MAN-E: On (b)?

16 MS. HALLAM: On Public
17 Participation under Section 13.

18 MAN-E: Okay. So last meeting,
19 Number 10, we're talking about public comments
20 that are submitted electronically. I asked that
21 they be read. Online it says that they would be
22 read into the record. Now, you know, these
23 bylaws are saying that they shall not be read
24 aloud in a public meeting.

25 Again, I have to reiterate that,

1 you know, it's important for the public to
2 participate in these meetings. I think they
3 should have been able to give public comment
4 today. I still agree with that. And I think
5 anybody who submits a comment online has every
6 right -- has the same rights as everyone else to
7 have their comments read. I think that it
8 encourages public participation, and I think
9 that's what we want.

10 Again, I have to reiterate what
11 we're here for, you know what I'm saying? Most
12 of the time, when the public comes and speaks,
13 it's family members who are, you know, speaking
14 on behalf of their incarcerated people, or it's
15 activists, you know what I'm saying, who are
16 working on behalf of the incarcerated people. So
17 I don't think we should be limiting their
18 comments at all, you know what I mean? I think
19 we should be encouraging them -- encouraging the
20 community to come and participate or to submit
21 comments online.

22 I understand that it takes a long
23 time. I understand maybe I don't want to be here
24 that long, but I also understand if the jail
25 wasn't as messed up as it is, maybe it wouldn't

1 take that long. Maybe, you know, people wouldn't
2 have so much to say about it.

3 So again, I think we should
4 encourage public participation and not limit it
5 in any way.

6 JUDGE EVASHAVIK DILUCENTE: Anybody
7 else?

8 MS. HALLAM: Yeah. I agree very
9 much with everything that Man-E said about that.
10 I think we're specifically, I guess, talking
11 about Number 5 here. And so one, if I want to --
12 someone wants to come to a meeting and sign their
13 friend's name up, they can't speak for them twice
14 if they come, but they should absolutely be able
15 to reserve their time for another speaker. How
16 will you know if someone submits a public comment
17 request -- sign up online for another speaker?
18 You won't be able to police that.

19 So and then the second part about a
20 public speaker shall not read a non-present
21 person's comments. We have our meetings on a
22 Thursday at 4:00 Downtown. It is expensive to
23 park. People work. People are incarcerated and
24 can't get here. People can't find childcare. If
25 someone wants to read a comment for another

1 person, I absolutely think that that should be
2 allowed. I think if you want to some way limit
3 that, if that is the intention here, then I think
4 what it should be is that each person only gets
5 one public speaking slot. So you choose between
6 do I want to speak for myself or do I want to
7 speak for somebody else.

8 And like, no offense, John, if he's
9 still in the audience, but can we please do no
10 more of those 15-minute comments?

11 MS. INNAMORATO: I think you're
12 right. You can sign up for three minutes of
13 public comment as an individual. If you want to
14 read someone else's comments during that time,
15 that's fine. You're just subject to -- you can
16 do what you do in that three minutes.

17 MS. HALLAM: Yeah.

18 JUDGE EVASHAVIK DILUCENTE: Okay.
19 So you want to strike Number 5?

20 MS. HALLAM: Take out 5.

21 JUDGE EVASHAVIK DILUCENTE: But you
22 don't -- you do not -- I just heard that you
23 agree with you can't assume the time of another
24 person.

25 MS. HALLAM: You can -- you are

1 limited to -- public speakers may address the
2 Board for up to three minutes in 4. You don't
3 get three plus three plus three plus three. You
4 get three total in your public speaking no matter
5 what.

6 JUDGE EVASHAVIK DILUCENTE: Okay.
7 So therefore a public speaker shall not have the
8 right to assume the time of another person.
9 That's how 5 should read.

10 MS. HALLAM: A public --

11 JUDGE EVASHAVIK DILUCENTE: Speaker
12 shall not have the right to assume the time of
13 another person.

14 MS. HALLAM: But isn't that kind of
15 saying -- I'm -- that's still saying the same
16 thing as a public speaker shall not read a
17 non-present person's comments, right?

18 JUDGE EVASHAVIK DILUCENTE: I'm
19 taking that out.

20 MS. HALLAM: But I mean can't we
21 just take out 5 when 4 already says that? You
22 get to address the board for three minutes total
23 and that's it.

24 JUDGE EVASHAVIK DILUCENTE: Okay.
25 Fine.

1 MS. HALLAM: I mean, if I'm
2 wrong --

3 MS. INNAMORATO: We've seen that in
4 the past, right? We've just seen that in the
5 past where, you know, someone said, well, I'm
6 going to give my slot to this individual to give
7 them a total of 15 minutes, right?

8 MS. HALLAM: Right. No.

9 MS. INNAMORATO: So we want to do
10 a -- like just clarify that --

11 JUDGE EVASHAVIK DILUCENTE: That
12 you can't do that.

13 MS. INNAMORATO: -- each person
14 gets a three-minute slot.

15 MS. HALLAM: I think -- yeah. I
16 think 4 does say that. Public speakers may
17 address the Board for up to, or we could put for
18 a total of three minutes.

19 JUDGE EVASHAVIK DILUCENTE: Well, I
20 don't know what the -- why would you object to
21 saying the public speaker shall not have the
22 right to assume the time for another person? It
23 just makes it real clear.

24 MS. HALLAM: Because that means --
25 like, for example, I'm a public speaker. I

1 didn't sign up for my own slot. I'm assuming
2 someone else's time.

3 MS. INNAMORATO: No, I don't
4 really -- I don't see that. I see it as if
5 Bethany signed. Then Sara signed up and when
6 I -- I go, oh, I'm going to waive my time. I'm
7 going to give it to Bethany.

8 MS. HALLAM: Right. But then isn't
9 that already covered by public speakers get only
10 three minutes?

11 MS. INNAMORATO: Then you would be
12 assuming -- you would be assuming my time slot.

13 MS. HALLAM: But then you'd be
14 speaking for more than three minutes, which the
15 Board does not allow.

16 MS. INNAMORATO: Yeah. But
17 that's -- I mean, that's been our rules before
18 but we allowed it at another meeting because
19 there was not clarity behind it. So we
20 allowed -- we defaulted on the side of giving
21 latitude to the public as opposed to, you know,
22 constraining that. So this is clarified still
23 what happened last time cannot happen again.

24 MS. HALLAM: So what will it say in
25 5? A public speaker --

1 JUDGE EVASHAVIK DILUCENTE: Will
2 not have the right to assume the time of another
3 person.

4 MS. INNAMORATO: And we can strike
5 everything else.

6 MS. HALLAM: Can we say to add the
7 time of another person onto their own time?

8 JUDGE EVASHAVIK DILUCENTE: Fine.

9 MS. HALLAM: Thank you.

10 MAN-E: Yeah. I also don't like
11 Number 6 when it says all remarks should be made
12 to the Board as a body and not to a particular
13 Board Member.

14 Again, I think that like limits a
15 person's ability to speak on what they actually
16 want to say. Yeah, I don't think it's necessary.

17 JUDGE EVASHAVIK DILUCENTE: Well,
18 that -- the intent of that is that you should not
19 be making a personal attack on a Board Member.
20 That's basically the intent of that.

21 MS. HALLAM: But if there are four
22 Board Members who are voting against the thing, I
23 don't need to direct my comment to the full Board
24 because five of those people are doing the right
25 thing, and four of those people are not. So if

1 there's one person voting against the thing, I
2 think it's very fair to be able to say they are
3 talking about a subject matter that is
4 appropriate. They should very much be able to
5 say you two didn't vote on this. Shame on you.
6 Or you should vote on this. I know you spoke out
7 against it in the past, but you should vote for
8 this.

9 JUDGE BIGLEY: Wouldn't they also
10 just be able to say the Board should do this or
11 the Board should do that? They don't necessarily
12 have to direct it at specific people. They can
13 just say I think the Board should do this, right?

14 MAN-E: But I think they should
15 have the freedom to say what they want to say to
16 who they want to say it, you know what I mean?

17 MS. HALLAM: Uh-huh.

18 JUDGE BIGLEY: Then you could --
19 then you could do --

20 MS. HALLAM: And especially -- I
21 think it's very okay, like again, I keep --

22 JUDGE BIGLEY: However you want.

23 MS. HALLAM: I keep using the
24 example of County Council. People often come and
25 say so and so Council member, you are my Council

1 rep. I ask that you vote for this.

2 JUDGE BIGLEY: Yeah, well, that's
3 because they elect them.

4 MS. HALLAM: Right. But they also
5 elected us.

6 MAN-E: Some of us.

7 JUDGE BIGLEY: They didn't elect
8 me.

9 MS. HALLAM: You didn't get
10 elected?

11 JUDGE BIGLEY: They didn't elect me
12 to this job. No, not to this job.

13 JUDGE EVASHAVIK DILUCENTE: Nobody
14 was elected to this Board.

15 MS. HALLAM: But you --

16 JUDGE BIGLEY: No, not to this
17 Board.

18 MS. HALLAM: But the County
19 Executive, the Controller, the Sheriff, were
20 elected for roles that came with a seat on this
21 Board.

22 JUDGE BIGLEY: Right. But not to
23 this Board.

24 MS. HALLAM: But they were.

25 JUDGE BIGLEY: That's what I'm

1 saying. This is a different -- you realize --

2 MS. HALLAM: They're ex officio
3 members.

4 JUDGE BIGLEY: Yeah, but this is
5 different.

6 JUDGE EVASHAVIK DILUCENTE:

7 Ms. Innamorato.

8 MS. INNAMORATO: With Number 6, I
9 feel fine if we strike the -- the all remarks
10 should be made to the Board as a body and not to
11 a particular Board Member. I feel fine with
12 striking that.

13 I would ask that we leave the first
14 part of Subsection 6, which says that public
15 comment shall be limited to matters within the
16 jurisdiction of the Board. I say that because my
17 job touches many things. I don't want someone to
18 come into this Board meeting and start talking to
19 me about --

20 MS. HALLAM: Reassessment.

21 MS. INNAMORATO: -- the Health
22 Department or Reassessments or whatever.

23 MS. HALLAM: Yeah.

24 MS. INNAMORATO: Right? So that's
25 where I see protecting the time of this Board.

1 JUDGE EVASHAVIK DILUCENTE: Okay.
2 Anything else?

3 MS. HALLAM: Oh, yeah. I do
4 think -- specifically I get vulgar language.
5 What is vulgar? What is offensive? What are
6 slanderous remarks? I very much think refuse to
7 leave the podium after allotted time is a fair
8 thing to have in there, but I just want to know
9 like who is determining what is offensive and
10 what is slanderous. I think those are super big
11 things.

12 JUDGE BIGLEY: I think common
13 sense. Everybody knows if that somebody comes up
14 and it's offensive and vulgar, I think the Chair
15 can determine what is disruptive and vulgar and
16 offensive.

17 MS. HALLAM: Okay. Then can we
18 take out maybe slanderous remarks. If it's
19 offensive and vulgar, I think that covers what
20 slanderous remarks is attempting to cover.

21 MS. GRIFFIN: I'd take out
22 slanderous. I think it's a legal term.

23 MS. HALLAM: Yeah. Okay. So leave
24 the rest and put make -- take out make slanderous
25 remarks.

1 JUDGE EVASHAVIK DILUCENTE: Where
2 is it?

3 JUDGE BIGLEY: It's on the last
4 sentence on Page 10.

5 We've got to move this along.

6 JUDGE EVASHAVIK DILUCENTE: Okay.
7 Anything else?

8 MAN-E: Yeah. I kind of want to
9 jump back to Number 4. I know we spoke about it
10 a little bit, but I really don't understand. I
11 know it says, the Board after majority vote may
12 limit the total testimony of public comment at a
13 meeting to no less than 30 minutes. Does that
14 mean only ten people can speak?

15 MS. HALLAM: Um, good question.

16 JUDGE EVASHAVIK DILUCENTE: Yes.
17 And it would require a majority vote in order to
18 do that at any particular meeting.

19 MAN-E: So I kind of have a poor
20 memory. So before we came here today, I went
21 back, and I watched the previous meeting. And
22 this was specifically brought up and we agreed
23 not to put it in there. That's why I take issue
24 with Crum not only, you know, participating in
25 what's happening now, but also not including our

1 input in this draft.

2 We agreed, all of us agreed at the
3 last meeting not to limit the public comment. I
4 don't understand why we keep trying to
5 disenfranchise the public.

6 JUDGE BIGLEY: This is -- this is
7 only if we voted that there was a specific time
8 on a specific meeting. If we need to get to
9 something, that on that specific day that we
10 would limit it. It would require the majority of
11 the Board to vote on that day. Like say that
12 somebody had to get to something. It wouldn't
13 mean that this was done like as a blanket rule.

14 I get it. It's not like -- I think
15 it's just there in case that there was some date
16 on a specific date that the Board needed to do
17 that. And again, it would require a majority
18 vote. I would imagine that most times the Board
19 is not going to do that.

20 MAN-E: Well, I don't think the
21 Board should do it at all at any time.

22 JUDGE BIGLEY: So then they
23 probably never will, but it's there in case we
24 would ever need, under some circumstances for
25 some specific meeting to basically lighten the

1 load that day. I think we're putting --

2 MAN-E: But the load you're talking
3 about are like actually people. And I think it's
4 important for the Board --

5 JUDGE BIGLEY: I totally -- I
6 totally understand that. I'm just saying can't
7 you envision at some point there might be some
8 time where we actually might need to get to work
9 and have it in there just in case? Just in case?

10 MAN-E: No. I don't think we
11 should have it in there. I think this is --

12 JUDGE BIGLEY: Well, then don't
13 vote for it. I know, I get it. But I'm just
14 saying --

15 MAN-E: I won't vote for it. I
16 don't think it should be in there.

17 JUDGE BIGLEY: -- there might be
18 something in the bylaws that need --

19 MAN-E: But not only that, when we
20 talked about this at the last meeting, we agreed
21 to not even put it in the draft.

22 MS. HALLAM: We did.

23 MAN-E: So that's why I'm a little
24 frustrated because like Bethany said, all the
25 work that we have been doing on this -- or, yeah

1 doing on this for months seems to have been
2 forgotten about and not taken into account.

3 JUDGE BIGLEY: There's a lot of
4 things that I'm not -- but I get that there are
5 also times when there's things and things that
6 you put in there that you might never want or
7 need, but you have them there, again, just in
8 case. It's like it's there, just in case.

9 MAN-E: But it states that we
10 specifically agree --

11 JUDGE EVASHAVIK DILUCENTE: What's
12 everybody's pleasure?

13 MS. HALLAM: Again, I think the
14 first question is, though, what change -- we all
15 agreed at the last meeting -- that's the part I
16 really want --

17 JUDGE EVASHAVIK DILUCENTE: Well,
18 maybe it was a mistake. Not everybody is
19 perfect, okay? Maybe Crum made a mistake. Maybe
20 he didn't re- -- maybe he didn't even have the
21 transcript. I'm sure he didn't.

22 JUDGE BIGLEY: I don't know --

23 MS. HALLAM: He was there.

24 JUDGE EVASHAVIK DILUCENTE: Maybe
25 he forgets.

1 MR. CRUM: I'm sorry. I was in the
2 men's room.

3 JUDGE EVASHAVIK DILUCENTE: Not
4 everybody is perfect. You were accused of
5 intentionally putting something in here that
6 everybody wanted out.

7 MR. CRUM: I categorically deny
8 doing that.

9 MAN-E: That's what happened.
10 That's what happened. That's exactly what
11 happened. We can read the transcript if you
12 want.

13 JUDGE EVASHAVIK DILUCENTE: Okay.
14 Excuse me, Man-E. I take issue with you accusing
15 someone of intentionally doing something to
16 undermine somebody. You have no idea what his
17 intent was. And I don't think that's proper.

18 MAN-E: You're right. I don't know
19 what his intent was, but I do know --

20 JUDGE EVASHAVIK DILUCENTE: So
21 please don't make an accusation --

22 MAN-E: -- I do know that he --

23 JUDGE EVASHAVIK DILUCENTE: -- and
24 please don't interrupt me, okay?

25 MAN-E: I do know that we agreed.

1 JUDGE EVASHAVIK DILUCENTE: Do you
2 want it in our out?

3 MS. HALLAM: Excuse me. I'm not
4 done with this question.

5 JUDGE BIGLEY: We can make a
6 Motion.

7 MR. O'CONNOR: You can take it out.
8 If there's an emergency, you can make a Motion at
9 that time but delete it.

10 JUDGE EVASHAVIK DILUCENTE: Fine.
11 It's out.

12 JUDGE BIGLEY: All right. Anything
13 else on these? It's 5:00.

14 MS. HALLAM: Public comments shall
15 be reviewed by the --

16 Oh, so the only thing I will say is
17 for Number 10 here, is there going to be -- how
18 are we going to distinguish between the people
19 who are like signing up to comment versus the
20 people who are actually like submitting online
21 public comments? That's my only worry with 10,
22 because it said, you know, electronically
23 submitted public comments will be included in the
24 record.

25 JUDGE EVASHAVIK DILUCENTE: There

1 will be a sign-in sheet. Is that what you mean
2 for people who sign up to speak?

3 MS. HALLAM: I guess I more mean
4 when I -- I'm a public commenter, and I'm going
5 online to sign up for public comment. How do we
6 distinguish between I'm signing up because I want
7 this comment written and in the record and I'm
8 signing up because I want to give this comment in
9 person?

10 JUDGE EVASHAVIK DILUCENTE: Well,
11 there'll be a sign-up sheet to speak. I'm
12 assuming that IT can do this, okay?

13 MS. HALLAM: Okay.

14 JUDGE EVASHAVIK DILUCENTE: Because
15 it's on the port to do it. I assume they can do
16 it.

17 MS. HALLAM: Uh-huh.

18 JUDGE EVASHAVIK DILUCENTE: Right
19 now, people can submit a comment.

20 MS. HALLAM: Uh-huh.

21 JUDGE EVASHAVIK DILUCENTE: Okay.
22 We've all seen them.

23 MS. HALLAM: Uh-huh.

24 JUDGE EVASHAVIK DILUCENTE: There's
25 going to be a separate sign-up to speak. So it

1 will be two separate buttons that you click.

2 MS. HALLAM: Sign up to speak
3 versus sign up for public comment online.

4 JUDGE EVASHAVIK DILUCENTE: Submit
5 a public comment.

6 MS. HALLAM: Right.

7 JUDGE EVASHAVIK DILUCENTE: And
8 sign up to speak. It will be two separate
9 things.

10 MS. HALLAM: Okay. So we're going
11 to be adding an option?

12 JUDGE EVASHAVIK DILUCENTE: We're
13 going to be adding the option, yes.

14 MS. HALLAM: Okay. Okay. And then
15 I'm cool with (b), but I'm ready to move to (c)
16 if everyone else is.

17 JUDGE EVASHAVIK DILUCENTE: Go
18 ahead.

19 MS. HALLAM: Okay. (c)
20 specifically -- okay. A, I mean, Number 1, cool
21 with. Number 2, cool with, although I think it's
22 redundant. We have said that multiple times.
23 We -- under (b) -- under (a) of Subsection 8, we
24 say the meetings of the Board shall be otherwise
25 conducted in accordance with Roberts Rules of

1 Order. And then under (c)(2) we say Roberts
2 Rules of Order shall serve as the determinant of
3 proper decorum. That's my only thing with that
4 is that it's repetitive. If you need to keep it
5 both for -- you know, the meetings and the
6 decorum, I'm not going to fight about that.

7 I do have serious issues with
8 Number 4 and Number 5 and Number 6. Again, I
9 will go in order about those. So Number 4 is --
10 you cannot give superfluous commentary,
11 inflammatory remarks, profanity or other
12 disrespectful or undignified behavior. Profanity
13 I think is cool. I think we all know -- you
14 know, I know not to do that anymore, but
15 superfluous commentary and inflammatory remarks I
16 think is very ambiguous and is subject to
17 interpretation. Who is the person determining
18 that?

19 MR. CRUM: I'll determine it.

20 MS. HALLAM: Excuse me, Mr. Crum.

21 MR. CRUM: I am out of order.

22 You're right.

23 MS. HALLAM: Please. You are out
24 of order.

25 MR. CRUM: Someone did not defame

1 me on the record.

2 MS. HALLAM: No one defamed you on
3 the record. And it wasn't me so that's funny
4 that you're directing your comments towards me
5 right now.

6 JUDGE EVASHAVIK DILUCENTE: Okay.
7 Let's not -- let's calm down.

8 MR. CRUM: I'm directing to be
9 there.

10 MS. HALLAM: We would let no one
11 else in this audience act the way that Mr. Crum
12 is acting.

13 JUDGE EVASHAVIK DILUCENTE: Okay.
14 Stop talking, please, Mr. Crum.

15 MS. HALLAM: The next thing is
16 Board Member shall refrain from personal attacks,
17 derogatory name-calling. I am cool with those
18 two. I will say I'm not fighting against
19 personal attacks and derogatory name-calling, but
20 impugning the motives of others is the one that I
21 have issues with and being ambiguous.

22 For example, if I want to say
23 that -- I'm trying to think of an example that
24 would never be real, but if I want to say that I
25 question someone's motives on something, I think

1 that I should very much be allowed to say that,
2 especially if evidence points to that or past
3 practice points to that, or their own words point
4 to that.

5 So I would like to take out
6 impugning the motives of others. And I would
7 like to take out superfluous commentary and
8 inflammatory remarks from Number 4.

9 JUDGE EVASHAVIK DILUCENTE: Okay.
10 Does anybody disagree with taking those out?

11 (No response.)

12 JUDGE EVASHAVIK DILUCENTE: Fine.
13 They're out.

14 MS. HALLAM: And then on the back,
15 I'm worried about Number 6, especially if we
16 are -- you know, it's seeming going towards an
17 unelected Chair, if the Chairperson can make
18 someone just shut up basically when we're talking
19 about something until the issue is done. I mean,
20 I'm pretty sure that's going to be used.

21 JUDGE EVASHAVIK DILUCENTE: Well,
22 it says until a question of order is resolved.
23 That's Robert's Rules of Order, I believe.

24 MS. HALLAM: Okay. So that is
25 saying what? Tell me like what that looks like.

1 JUDGE EVASHAVIK DILUCENTE: Go
2 ahead.

3 MS. INNAMORATO: I would say an
4 example of the way that this meeting has been run
5 where we're talking over each other, we should
6 all have to signal to whoever the Chairperson is
7 that we would like to speak, and then they would
8 acknowledge us and we would -- we would speak.

9 If we have members who are speaking
10 over one another, then we would call for order
11 and then we could continue to go based on who's
12 called on and whose time is allowed to be -- who
13 is currently speaking, right? To me that's how
14 that works.

15 MS. HALLAM: Okay. I understand
16 that. Like, hey, this is a working session, so I
17 guess it's a little different because we are kind
18 of talking over each other. But you mean like
19 how in the meeting nobody goes and starts asking
20 questions until I say I want to talk.

21 JUDGE EVASHAVIK DILUCENTE: Yes.

22 MS. INNAMORATO: Uh-huh.

23 JUDGE EVASHAVIK DILUCENTE: Yes.

24 MS. HALLAM: Yeah. I don't love
25 it, but okay.

1 I'll move on to 7. My -- I very
2 much agree with conflicts of interest. You know,
3 if someone, you know, has stock in GTL, you
4 should probably tell us before we vote on a
5 tablet con- -- you know, having detailed tablets
6 in the jail.

7 My biggest issue is the Board
8 Member being disqualified from further
9 participation in the pending subject matter. I
10 do not think we can limit a Board Member's
11 participation in this Board who is either, you
12 know, duly appointed or duly elected in a role
13 that has a seat on this Board.

14 So I would just say end it after
15 resolution.

16 JUDGE EVASHAVIK DILUCENTE: Well,
17 it says any pending subject matter. So if you
18 have a conflict of interest --

19 MS. HALLAM: Uh-huh.

20 JUDGE EVASHAVIK DILUCENTE: You
21 should be disqualified.

22 MS. HALLAM: Then you should
23 abstain. You can't, like, for example, on
24 Council, you have to abstain from something you
25 have a conflict of interest on. But I can't say,

1 hey, you can't vote on this.

2 If they do with a conflict of
3 interest, then they are subject to ethical
4 remedies, but we can't stop them from voting and
5 participating in a conversation.

6 So I think that it would be cool
7 with up -- if it ended after determination by
8 Board resolution.

9 JUDGE EVASHAVIK DILUCENTE: I don't
10 care. What's everybody say?

11 MS. INNAMORATO: I think it's fine.
12 I think it's just an example of what that means.

13 MR. PERKINS: Judge, where it says
14 that we're bound by Codes of Conduct and Ethical
15 Standards, the -- what are those standards?

16 JUDGE EVASHAVIK DILUCENTE: I have
17 no idea.

18 MS. HALLAM: I know all about them.
19 No, but really. So County -- the County has an
20 ACE Commission, but I think this is just
21 including all Board Members in that Commission
22 now under the purview of the Allegheny County
23 Ethics Commission. That's what -- that's how I
24 interpret this to read.

25 I am already bound by it. The

1 judges have their own judicial ethics commission,
2 what the Judicial Conduct Board. The Exec and
3 the Controller and the Sheriff would all be under
4 that.

5 I -- my interpretation of this is
6 it brings the community members of this Board
7 under that standard unless somebody wants to say
8 more.

9 MR. O'CONNOR: No. There's a form
10 in most Boards. You have to fill it out. I
11 mean, we do as elected. But yeah, that's
12 probably something -- the Executive just
13 mentioned that. We probably should do that
14 anyway. It's a simple form. Everybody gets it
15 every year.

16 MR. PERKINS: Yeah. Okay.

17 JUDGE EVASHAVIK DILUCENTE: Okay.
18 I hate to say that it's 5:00.

19 MS. HALLAM: Can we schedule our
20 next one of these though because we didn't get to
21 anything else on the agenda and there was a lot
22 of stuff.

23 JUDGE EVASHAVIK DILUCENTE: Sure.

24 MS. HALLAM: Is everyone cool with
25 that before we bolt out? Corey, before you

1 leave, can we please pick another date? Can we
2 pick the date for the next one?

3 MR. O'CONNOR: I didn't know we
4 were doing another one.

5 MS. HALLAM: Oh, I think we should
6 never stop doing this. This is great. This is
7 the only time we get stuff done.

8 JUDGE EVASHAVIK DILUCENTE: Well,
9 there's an issue with the Controller's office
10 paying for the videotaping and the transcript.

11 MR. O'CONNOR: I'm trying to think
12 what we can get to that committee.

13 MS. HALLAM: We didn't get to
14 anything else on the agenda but the bylaws. So
15 every other thing. We didn't talk about worker
16 pay. We didn't get an update on the uniforms.
17 We didn't --

18 JUDGE EVASHAVIK DILUCENTE: Well,
19 maybe we should just put this on the agenda at
20 our regular meeting.

21 MS. HALLAM: The what?

22 JUDGE EVASHAVIK DILUCENTE: The
23 rest of these items.

24 MR. O'CONNOR: I don't know that
25 they're voting actions.

1 MS. HALLAM: Oh, yeah.

2 JUDGE EVASHAVIK DILUCENTE: But I
3 mean, we can discuss --

4 MS. HALLAM: The working pay is.
5 The worker pay is.

6 JUDGE EVASHAVIK DILUCENTE: We can
7 discuss these -- we're allowed to discuss these
8 issues at our next meeting.

9 MR. O'CONNOR: Oh, yeah, yeah,
10 yeah, yeah, yeah.

11 MS. HALLAM: Okay. I'm cool with
12 that.

13 JUDGE EVASHAVIK DILUCENTE: Let me
14 just tell you the issue is though paying for the
15 videotape and the transcript.

16 MS. HALLAM: Uh-huh.

17 JUDGE EVASHAVIK DILUCENTE: Okay.
18 Because the Controller budgeted 12 of these.
19 We've already had two extra ones.

20 MS. HALLAM: Uh-huh.

21 JUDGE EVASHAVIK DILUCENTE: And
22 that's going to be a problem.

23 MR. O'CONNOR: Yeah. We budgeted
24 for 12 meetings, and these are two extra ones.
25 So if we do more --

1 MS. HALLAM: How much does it cost?
2 Ish? Like a thousand bucks or like --

3 JUDGE EVASHAVIK DILUCENTE: Ankur
4 knows.

5 MR. O'CONNOR: It's not that much.

6 MS. HALLAM: How much?

7 MR. SAKARIA: It varies depending
8 on the duration of the meeting, so I can never
9 tell.

10 MR. O'CONNOR: We'll get numbers.

11 MS. HALLAM: Because, remember, we
12 do have the Incarcerated Individual's Welfare
13 Fund. I would say that if we have to in the
14 interim, I would work with County Council to fund
15 it for like maybe the next year. But we do have
16 the Incarcerated Individual's Welfare Fund at our
17 discretion if we need to dip into that to offset
18 the Controller's expenditures.

19 MR. O'CONNOR: I'll find a number.

20 (Whereupon, the hearing was
21 concluded at 5:10 p.m.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately to the best of my ability in the notes taken by me via an audio recording of the within cause and that this is a true and correct transcript of the same.



Diane G. Galvin
Notary Public

Commonwealth of Pennsylvania - Notary Seal
Diane G. Galvin, Notary Public
Allegheny County
My commission expires July 22, 2026
Commission number 1055705
Member, Pennsylvania Association of Notaries

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