

The monthly meeting of the Allegheny County Jail Oversight Board was held on Thursday October 4, 2018 in Conference Room #1 of the Allegheny County Courthouse in Pittsburgh, Pennsylvania at 4:00 PM.

Members Present

Honorable Judge David Cashman
Kevin Kraus representing Sheriff Mullen
Brad Korinski representing County Controller Chelsa Wagner
Barbara Parees representing County Executive Rich Fitzgerald
Ken Varhola representing Councilman DeFazio
Terri Klein
Others in attendance:
Warden Orlando Harper
Marion Damick of the Pennsylvania Prison Society

1. Public Comment

Ciora Thomas:

Hi my name is Ciora Thomas and I'm a consular and president of SisTers Pgh. I'm also a commissioner for LGBTQIA Affairs for Government conflict and also council member for LGBTQIA advisory council. The Allegheny County Jail has existed for nearly a decade, it's been a long time since the Allegheny County Jail has been around and since it's acceptance it has been a hot bed of danger for transgender and non-binary citizens of Pittsburgh who have been filtered through ACJ. Now as a member of these communities and an advocate to their interest the fear that exist around the institution is ... ACJ's Warren Orlando Harper has been accused of turning a blind eye to sexual harassment and is filtering the jail's compliance to federal laws meant to prevent sexual harassment. Trans-women behind bars are not only sexually assaulted, harassed, and received dispersant treatment by staff but are housed within a male gendered population putting an already targeted community in even more danger physical and sexual violence. Trans-women are not given equal access to medical treatment we need to continue transitioning while behind bars and are often housed within solitary confinement a documented form of psychological torture for months at a time under the pretense of safety. Whereas on September 5, 2018 a black trans-women was booked into Allegheny County Jail on a bench mark after arrival at Allegheny County Jail she was seen by a nurse who searched by both male and female guards five time who examined her body parts visually dissecting and misgendered her after she was verbally up front with the guards about her being transgender. She was searched again and met with transphobic slurs that outted her to the male inmates putting her life at risk. Whereas on July 29th 2018, a black trans-women was brutally raped by a male inmate who was detoxing from crystal meth. She wasn't granted a chance to tell her own story and was erased from the local media coverage. Trans-women nine times out of ten end up in the prison system due to minor charges related to activity of economic survival and because of having to live within a society not fully equipped to serve the trans community equally. In Pennsylvania it is still legal to discriminate against my community for employment and housing. Trans people are demonized even when victimized and forced to protect their lives, while also punished for fighting for our lives. I come here today to set the tone that enough is enough, with the board, with the wardens, with the staff at ACJ. We are prepared to go public with more testimonies from transgender and non-

binary inmates currently and formally housed within Allegheny County Jail. Those who have experienced the horror first hand including myself. I was arrested in Allegheny County Jail when I was 19 years old and sexually harassed by a guard that continued for days while I was there. And those who have experienced, again this at first hand we are victims, survivors, citizens, and inmates, sons and daughters we are loved by our family, friends and our community. We are not alone, we will not be silenced, our allies will not be silenced, the rain of oppression will end and we will continue to fight until our brothers and sisters no longer have to endure this toxic treatment. Orlando should be ashamed of himself for allowing such internal genocide to take place under his direction and should be fired immediately and charged accordingly for his blatant ignorance to responsibility, diligence, intersectionality, and covering up of rap culture within a government institution. It's truly a shame.

Judge Cashman: Okay, thank you. Review of the minutes of the September 6th 2018.

Ms. Thomas: Do you care to address that?

Judge Cashman: Pardon me?

Ms. Thomas: Do you care to address that?

Judge Cashman: No, I have no information on that other than what you said

Ms. Thomas: But I sat here and told you

Judge Cashman: I understand what you said, I have no information to know whether your correct or not.

Ms. Thomas: So you don't care to address the situation?

Judge Cashman: I just told you that 3 times

Ms. Thomas: About the rape that's been going on in Allegheny County Jail. You don't care to talk about that, or address that? We've sat down, I've sat down with your ACJ staff several times and we've sat down to discuss issues to support the jail plenty of times to sit down with a group of people, we sat down with the warden, we sat down with the guards to discuss the ways we can work together. That was not successful. I have girls coming out of the jail just recently maybe a week or two ago who have been raped and sexually assaulted right in the jail and their complaints have been erased and not seen or heard by anyone. But they're coming to me; they're coming to my organization now. My organization is now a place where these girls' voices can be heard and we can address this accordingly. And I am willing and ready to also have our governor press this issue also have our mayor of Pittsburgh press this issue so I advise the entire board to take this serious because this is a serious thing these girls are dying they're being killed behind bars they're being raped behind bars and they're being housed with dangerous men.

Judge Cashman: Thank you. Yes sir.

Unknown Speaker #1:

I have some additional comments. I'm going to speak about two things. One of which something I know a little bit about and the other thing I don't know as much about so I welcome myself to be corrected or people to say additional things about the second issue. The first thing I'd like to talk about is the fact that there is no presence of a veteran pod in the Allegheny county jail. I myself am a veteran. I served for three years in the United States military and deployed to Iraq. Having spent a lot of time with the people who were also deployed with me, I know what that does to people. The trauma, the PTSD and I see that the Allegheny County Jail made the decision that there were a special group of people who has special needs to be protected and supported. The budget was there for that, the infrastructure was there for that, the will was there for that. Veterans have needs because veterans been through trauma. Here's where I'm going to transition into things I don't know as much about and I welcome other people to correct me as I speak. People who identify as trans, trans people also have been through trauma they also have special needs. That trauma is compounded when their identity is not respected in these institutions where they do not have unity to engage in those protective behaviors that have kept them safe in their lives protective behaviors that have been learned through a lot of trauma and a lot of hurt. If there's a will if there's the budget to create special circumstances to create a special pod and special programs and special allowances for veterans I see absolutely no reason why there can't be that same budget, that same will to create a pod to create a safe environment for trans individuals so they can no longer be subjected to the same type of violence that was just referenced. The PTSD that veterans have been through that's past and they're healing from it by not creating a safe environment for trans individuals you are creating a situation where their PTSD is compounded every single day that is going to add to increased recidivism rates, that's going to lead to increased rates of people coming out of the jail and being shells of their former self. If you respect the individual rights of everyone who enters your jail and you can find it in yourself to create special circumstances for veterans I see no reason why there can't be a similar will and budget for a set of special circumstances for trans individuals. I might also add that under this current administration trans individuals are no longer able to join the military so this special set of circumstances that you created for veterans, trans individuals no longer have that right. I'm not a civil right attorney but I think that there is something worth looking into there that you created a system that trans people have absolutely no access to because they have been denied ability to join the military. I thank you for hearing me and I look forward to following this issue.

Judge Cashman: And let me point out one thing

Unknown Speaker #2: Hi I'm...

Judge Cashman: Excuse me can I just point out one thing. With respect to the veterans pod, that is an extension of veterans' court in criminal court and the money that was created for those particular problems. Programs come from veterans court itself, it doesn't come from the jail. The jail has provided us with a space where we can try to expand the number of people we can serve through veterans' court. That's just an explanation for that. With respect to the transgender I don't have any information as to what

MS. THOMAS: Excuse me? I didn't hear you.

Judge Cashman: Thank you. Yes ma'am? You want to say something?

Unknown Speaker #1: Sir. Just one additional question. So you said that the issue is that you don't have this information or an act in order to create circumstances that would lead to additional safety for trans individuals. I myself, as I was speaking said that I am not the expert on this issue, but there are people in this room that know a great deal more than me. Would you agree to meet with some of those individuals and representatives from that community?

Judge Cashman: I just told you yes!

Unknown Speaker #1: So that's an agreement that you will meet with representatives from the trans community here?

Judge Cashman: For the third time, yes. Yes ma'am?

Unknown Speaker #2: I am also a trans girl who was arrested a few years back for sex work. I had nowhere to stay, nowhere to sleep, no food to eat. I was arrested for prostitution and when I came down to the jail I was treated very wrong. They had male guards check me, take my hair off, put male on my door, put other males in there for the others guys to laugh at me and humiliate me in the other cell. Then yet transferred to another cell to be harassed by a whole group of other men. I had to bend over cough in front of other men. Expose my body parts, be laughed at, be tortured and yet the guards did nothing. They were turning the computer screen around when you come up on the pod. You're not allowed to turn the computer screen around. They were turning my picture around because I had girl hair and everything down as the other male people watched. And it's just not fair. You wouldn't know about the trans population because you guys just throw us within the male community ya'll don't have no type of respect towards the trans community so you wouldn't know.

MS. THOMAS: Nor trans representation on this board, nor queer representation on this board. I don't know people's ..(?). or where they come from in this life. But I don't, from my experience I don't see any LGBTQ people even on this board to speak for this community so that's an issue within itself. Do ya'll agree? I mean do you see that, that's there's no diversity here? There's no intersectional diversity on this board what so ever. So when we're talking about helping and supporting this community you have to think about the leadership that you have here too. You have to. If we're not thinking about the leadership that is representing the people that is inside your jail were are not going to be able to help those people or support those people when they're even leaving the jail.

Unknown Speaker #3: So I think what like a question is, so when we're looking at the intake process is there a way we can serve better to individuals and their concerns that we are hearing today?

Judge Cashman: I'm sorry repeat that again.

Unknown Speaker #3: Is there a way that we can reform the questions in intake so that we're treating trans individuals that are coming through ACJ with the proper care that is needed?

Judge Cashman: Well, the more information you can give us the better off we can look at the problem and try to make suggestions as to what would be possible ..

MS. Thomas: We've sat down with the warden. I'm sure he can speak on this behalf. We've sat down with him ..

Judge Cashman: Well, I'm not going to speak anymore because nobody wants to listen

MS. Thomas: Okay well I'm speaking you can listen. We've sat down with the ACJ warden and the guards. We've sat down with them. We've sat down with them at ..(?). center. We've sat down with them at separate spaces to actually help or train their system, to reverse their system to support this community. Nothing has happened. My girls are still going into ACJ under false pretenses and coming out of ACJ going through the same violence I went through, that she went through, and the rest of my girls went through. Let that soak in because this is not the last time you're going to see me. This is not the last time you're going to hear me, at all, so I just want to let that sink in. You can proceed.

Judge Cashman: I can? Well thank you. Review of the minutes September 6th 2018

Unknown Speaker #3: So back to my question. Was my question going to be answered?

Judge Cashman: No, she told me I could proceed.

Unknown Speaker #3: Yea, no proceed with answering my question.

Judge Cashman: No she told me I could proceed so I'm proceeding.

Unknown Speaker #3: Yea, my question wasn't answered

Judge Cashman: We're proceeding.

Unknown Speaker #2: This just shows that you guys don't care. It shows that you guys have no type of care towards the LGBTQ community. Period. What so ever. And the fact that we're sitting here letting you know that there are people in your facility that are being raped, attacked, misgendered and being hurt even more under you guys care and ya'll are just throwing it off as if you just really don't care.

Unknown Speaker #3: Well so then what is the procedure that is followed after rape?

Judge Cashman: I'm sorry.

Unknown Speaker #3: What is the procedure that's followed after someone reports being raped?

Judge Cashman: Warden?

Warden Harper: The procedure is, we have multiple procedures. We have an anonymous system in which they can get on the telephone and call CARR and make a notification to CARR. Also to our internal fairs department to a staff member so we have multiple ways in which an alleged rape can be reported.

Any rape that is reported we investigate immediately with my PRIA investigator and we have county police right on site.

Unknown Speaker #3: Why are you getting mad?

Warden Harper: Right on site to investigate all claims so these allegations about we don't take rape seriously is totally false.

Ms. Thomas & Unknown Speaker #2: It's not false

MS. THOMAS: You know it's not false. It's not only trans-women there are sis-women being raped in there too again by your guards.

Unknown Speaker #2: And it's thrown off

Warden Harper: If there's any inappropriate behavior like that notification needs to be made so we can properly investigate.

MS. THOMAS: What if they don't trust you?

Warden Harper: Well they should be able to trust an automated system by getting on the telephone and going to an outside source that will investigate.

Unknown Speaker #2: How do you get on a call if you're already incarcerated and it's happening there at your jail?

Warden Harper: I mean, I don't know what else you guys want me to do. We have an anonymous way in which people can report these incidents so they can report this anonymously where they don't have to deal with jail staff at all.

Unknown Speaker #2: So how do we know if you made a change with something like that?

Warden Harper: Made a change with something like what?

Unknown Speaker #2: How many times have people come to ya'll and let you know that they was being raped or attacked.

Warden Harper: I'm going to say this again every report of any allegation is reported by my PRIA coordinators and the county police.

Unknown Speaker #2: So how many times have ya'll resolved this situation?

Warden Harper: Our county police always resolve any allegations.

MS. Thomas: But it's still happening

Warden Harper: Like I said again we need to be advised of it so we can properly...

MS. Thomas: We've been advising you. People been telling you. We told you at the meeting. We told you at the meeting when I was sitting in your face and we were having these conversations. We've had that conversation before.

Warden Harper: Well, you know I just don't know what else to say to you because I ...

MS. Thomas: Well that's what you told us before and that's when all our communication stopped and we stopped having our meetings scheduled, meetings stopped happening. That's exactly what you said to us before "I don't know what to tell you." The whole group, everything stopped because you stopped communicating, you stopped communicating with the group.

Warden Harper: I disagree with you because one of the things I told you is that if they had any issues with anything happening in jail they were to contact me and I haven't received any notifications (?) at all about any allegations. So I don't know if that's true.

MS. Thomas: You know it's true. When we were having these meeting , first of all you were being difficult at the meetings when we were trying to teach you these things about trans people and about queer people of that nature. You were being difficult. Whatever we can handle that. We're community leaders. I'm a leader for the state. I'm a leader for the city. I'm a leader for my community. So I'm not being too rash here. We've had these conversations and that's why my tone maybe coming off as a bit frustrated, because we had these conversations before about the safety of our queer people who are coming in and outside of the jail. And yet again just last week I have a girl who is transitioning out of your jail and she was sexually assaulted and not given access to the things she needed and she tried to report it and nothing happened.

Warden Harper: I'm going to say this again. I think this administration has been at the forefront of trying to change our policies since I've been here. As she stated, I've met with her staff, my team has tried to work and come up with a policy and the meetings that we had we changed our policy to better serve the Trans community. We are working to work with the Trans. As far as the individual that got out and alleged that they were raped, did they go through our reporting procedures at the jail, call anonymous hotline, and make notifications to supervising staff, writing complaints, just telling people? Did they do that? I would just like to have the name of that individual to see if they took those methods to notify us about the alleged rape.

MS. Thomas: So what you're saying is, with rape victims they should have a timeline of when they tell that they were raped? So you're saying that rape victims, when they are raped and assaulted they need to do it directly and come directly and be right on point about what happened with it, about the situation that happened with them. I want you to know that it doesn't happen like that sometimes when people get raped sometimes they report it two years later, three years later, five years later it doesn't matter but you know that it's happening. The fact that we are telling you and you know that it's happening and you're not taking direct action to actually rectify when it's happening because we again, we have our testimonies from people who have been assaulted within your jail. Who are afraid to come forward and we are going to go forward with that. But I wanted to come to this meeting today to see where Allegheny county jail was with this conversation and now that I see where the warden of this jail

is at with this conversation we're going to have to do as far as doing what we have to do in these instances. But these things are happening.

Warden Harper: Again I'm going to say this. If we don't know about the allegations

MS. Thomas: You know about it! We tell you!

Warden Harper: If we don't know about the allegations that's allegedly taken place like the person that reported the incident

MS. Thomas: It's not just one person Orlando

Warden Harper: then how are we going to be able to investigate if we don't know?

MS. Thomas: You know because we tell you. I've said it five times. We tell you.

Unknown Speaker #3: I have a question. What are specifically the trainings that you said that you changed? What exactly are the trainings that you do?

Judge Cashman: I'm sorry sir?

Unknown Speaker #3: No he made a statement about the training that you go through. So what exactly did you change, what do you sit down and do to inform your COs about transgender even LGBTQIA issues?

Warden Harper: All employees are advised about our transgender policy and procedures that we take when transgenders enter our facility.

Ms. Thomas & Unknown Speaker #3: Which is?

Unknown Speaker #3: What is the procedure? Like what is the training on? You're saying that you're informed. What is the training? Like what is the criteria when it's something that they have to pass (?)

Warden Harper: They have a PowerPoint on our computerized system. They have to read our policy. They have to read the PowerPoint and they have to take a test at the end of the PowerPoint it has questions about the LGBTQIA

Unknown Speaker #2: And yet we still get treated wrong.

Unknown Speaker #3: No, I'm asking. You said is that you changed the policy so I'm asking is there a specific training that you do for transgender people. That's what you just told us that you changed that policy. So what is the actual training that you go through? What is the training for people dealing with transgender inmates?

Warden Harper: Are you talking about training for inmates or for my

Unknown Speaker #3: I'm talking about your COs

Warden Harper: Again I said we have a computerized training program for all employees that

Unknown Speaker #2: How are you sure that people are following this thing because at the end of the day there are still trans people that are there now who are coming out now as we speak

MS. Thomas: We got letters Orlando

Unknown Speaker #2: That are being humiliated. Ya'll are letting male guards touch all over us. Put us in the room with these guys that attack us, rape us, and stuff like that. What change have ya'll made? What are you doing?

MS. Thomas: We're still in the pods with men

Unknown Speaker #2: We're still being attacked the same way. They're putting male on the door. They're letting people humiliate and attack us. And no matter how many time we cry, write letters, and stuff like that. It is still happening now.

Warden Harper: I'm going to say this. I would really like to meet with you guys again to try and resolve these issues. Like I said my management team has not been advised about all of these issues and if we were advised we would take immediate action about these allegations. So I would really like to meet with you guys.

Unknown Speaker #3: Back to my question. So what is this training that you changed when you do the training? I'm just asking. I'm trying to give you as much respect as I can.

Warden Harper: And I'm doing the same thing. Again computer based training

Unknown Speaker #3: No it's computer based but you said that's your overall training. What have you change from the overall training to include transgender people?

Warden Harper: I don't want to get into all of that right now.

Unknown Speaker #3: That's the real question. That's the real issue.

Warden Harper: I have no problem meeting with you guys

Unknown Speaker #3: I don't need a specific meeting just for you to answer one question

2. Review of the Minutes for August 2, 2018

Meeting adjourned prior to approval of the minutes.

3. President's Report

Meeting adjourned prior to report.

4. Warden's Report

Meeting adjourned prior to report.

5. Deputy Warden's Report

Meeting adjourned prior to report.

6. Old Business

Nothing to report.

7. New Business

Nothing to report.

8. Allegheny County Jail Medical Services - Meeting adjourned prior to report.

a. Allegheny County Health Network

9. Community Corrections Reports - Meeting adjourned prior to report.

a. The Program for Offenders

b. The Renewal Center

c. Electronic Monitoring

d. Goodwill

10. Adjournment

Respectfully Submitted,



Chelsa Wagner

Secretary