

The monthly meeting of the Allegheny County Jail Oversight Board was held on Thursday August 2, 2018 in Conference Room #1 of the Allegheny County Courthouse in Pittsburgh, Pennsylvania at 4:00 PM.

Members Present

Honorable Judge David Cashman
Honorable Judge Dwayne Woodruff
Brad Korinski representing County Controller Chelsa Wagner
Terri Klein

Others in attendance:

Warden Orlando Harper
Marion Damick of the Pennsylvania Prison Society

1. Public Comment

Ms. Damick:

Last month when the last month asked about having more detainees; you said another group of people do that. It occurred to me that it may be helpful to mention who that other group would be.

Judge Cashman:

That group would be me and the other judges in the criminal division. We get a list every month of all the detainees, about three years ago the jail population was about 3,100 and I asked the people how many of those were being detained. What we found was a very high number, almost 50% of the population. I asked them to begin looking monthly at who is being detained and if they really need to be detained. When someone moves out of the division all of their cases stay with them; so I have to speak with the people currently in the division and the judges that have been in the division in the past.

Ms. Damick:

The grant you spoke about last meeting, part of that grant is to be used to reduce the number of people being detained. How is money supposed to help that?

Judge Cashman:

It allows you to hire more staff to identify detainees that would be better suited for alternative housing, electronic monitoring and gives you a better insight. As you know, we operate on a non-monetary bond system, so the people that are in the jail have allegedly committed bad crimes. We are trying to remove those people who don't need to be in the jail.

Ms. Damick:

The Prison Society is trying to make sure we see that happen, because delayed detainer hearings causes people to lose job and their outside lives. I also wanted to again comment to check next year on how that money was used. Please make sure you get a report for exactly how that money was used. I do not come with a lot of newspapers but this Trib article, Blind spot, How ACJ Fails to Prevent Sex Assault. Then I would like to comment on the lock downs; they were looking for scissors which stopped inmates from attending programs. As I understand, the CO's were told no overtime for the search which is why it took two weeks. That is two weeks that the inmates could not use the money you just approved to spend. One day later, there was another lock down because two elevators broke down. Lock downs do

not help the inmates get their training and programs, we are trying to help them change their lifestyle and not come back. I would like to point out to the County, consider what you are really doing. It is a great pity since we all pay County Tax.

Susan Davis here as a concerned citizens and past director of a social service agency:

I am referring today to the same article as Ms. Damick. The Trib article titled "Blind spot, How ACJ Fails to Prevent Sex Assault". Many of the women that are incarcerated have already faced sexual abuse, physical abuse, poverty and really hopelessness. We feel that they are put into a situation to fall victim to continued abuse. They are put into a situation where they once again feel the fear, in many cases they are leaving incarceration in worse shape than when they came in. I hope that there is some form of rehabilitation for reentry into the community. There were many troubling issues in the article that I would like to comment on, and maybe some of these have been remediated already, that would be great. The first one is the allowing of blind spots that block the jails camera system. We know that the guards are probably very aware of where the blind spots are, for some guards this gives them the opportunity to harass, suppress and possible abuse the women in those cells. It seems to be something that could be easily remediated by moving the women or adding cameras. The second point is according to the article there has been a failure to post public reports on findings of sexual misconduct. One of the statements that the paper quoted you saying was I feel that we don't have that many sexual abuse cases and misconduct, we keep a tight lid on that so I didn't feel it was important to do that right now. Our question is how many cases would make it important to post these reports. At the same time, when is that going to be posted and how will we be able to see those reports. Third, it has been nearly two years that have elapsed to prove that the jail meets the acts standards. We believe that this audit should be completed in all due hast. There will be a union contract negotiation coming up and we would like to see a provision added to that contract to have women be the guards that are in charge of the incarcerated women. We think that that would be one step towards preventing sexual abuse since we have heard stories of male guards being close to women inmates showering and restrooms. We have all heard the large Me Too movement; there are many men in high positions that are facing accusations of sexual abuse. All women and men have the right to be in an environment free of oppressors, we feel that it is time to make these changes and see them as simple fixes.

Warden Harper:

I have been silent too long your honor, so I am going to start speaking out about the great we do at the Allegheny County Jail. We take PREA very seriously, we have printed our report and it is on our website. We had 23 allegations of PREA in 2017 and only 1 was substantiated and that was a harassment case and a report has been generated on that case. When I first came to the ACJ in 2012 our PREA Policy was only 5 pages long, that was the first thing I worked on to ensure our policy was in line with PREA standards. Our policy is now 17 pages and in compliance with the PREA guidelines. This newspaper article; what happened to those individuals should not have happened, however our processes worked. It was reported to us and our PREA coordinator reported it to our internal affairs and that individual was locked up. We have two PREA investigators who are certified along with internal affairs which are County Police who are also PREA certified. We have a hot line on the pod, if anyone faces and harassment and/or sexual misconduct they can report it without anyone knowing about their report. The hotline goes to Pittsburgh Action Against Rape and our internal affairs so that it can be dealt with immediately. Also we have PREA posters on the pod and a video to show that we have a zero tolerance policy at the ACJ. They are also given a pamphlet on intake that states that the ACJ has a zero tolerance policy and how to report PREA and they sign confirming they received that information. I am confident that my team is doing what we need to do to stop harassment and misconduct at the ACJ. As far as the blind spots we have funding for those cameras and we are working on that. As far as females being the

only ones working female pods, I will have to worry about that during the negotiation process next year that will be in accordance of that contract. I am confident we are following PREA policy.

Judge Cashman:

The PA Department of Corrections did an inventory of all of the jails in the commonwealth and the highest rated jail was the ACJ. And I have that report.

Warden Harper:

PREA is not just about rape; it is also how we deal with our juvenile population and we are the only county jail in PA that has a PREA pod to separate the juveniles from the general population. Also it deals with how we handle our transgender inmates; we have followed the direction of the State DOC to have a committee to work on transgender evaluations. I am confident that we are PREA compliant.

Lois McClendon from New Voices for Reproductive Justice:

I am not going to go into any detail about what has been said already, but we have been involved since 2009 regarding women's health issues in the ACJ. We will be holding you all accountable for what you are saying today, I do have one question; if you were in compliance with all of those ACT standards? We stand on behalf of all women and girls including incarcerated women and whatever issues they face we will hold the entities accountable.

Warden Harper:

We have not had our PREA audit yet but we will be addressing all of these points in the audit.

2. President's Report

I have gotten a lot of mail over the last month about the lock downs at the jail and spoke with Warden Harper about those lock downs. They were carried out in a manner that was least disruptive because they were doing it pod by pod rather than shutting the whole jail down. I made sure that you could go through all of the pods and the recreation spaces; anywhere someone could hide such a small object. I have some things I'm going to talk to the warden about; about some inmates who were painting totally different pictures. I have one inmate telling people the jail has been locked down since March and that is not the case.

One thing that I have noticed is that there's a real spike in the number of pregnant females in the jail which is an unusual spike. I do have one question, are these individuals that are confirmed to be pregnant or individuals who allege to be pregnant?

Warden Harper:

These females are confirmed to be pregnant. They submit to a urine analysis when arriving to the jail, those individuals are pregnant.

I would have to say it's the philosophy of the oversight board that we take the necessary steps to get these people hopefully into other facilities than the jail where they are better suited for medical treatment and psychological treatment. I'll suggest that we take a long look at that to reduce the population of pregnant females in the Allegan County Jail.

Warden Harper:

Would you have management that is assigned still just that to try and get those pregnant female inmates out of the jail out of the gym everyday

I would like to get a review of the next month.

3. Warden's Report

I would like to announce to the board the Allegheny County Jail will be purchasing a full body scanner for the inmates coming into the facility. This full body scanner will help us to detect contraband coming into the facility that individual may place inside their bodies. We have just started the process to purchase and wanted to keep everyone updated.

Judge Cashman: Are you still doing strip searches of the inmates are for they meet with their counsel?

Harper: yes sir

Judge Cashman: will you be using a full body scan in place of and avoiding the strip search?

Warden Harper: yes sir

Judge Cashman: This will be a big help in eliminating one of my problems.

4. Deputy Warden's Report

Nothing to report this month

5. Old Business

Nothing to report.

6. New Business

Terri Klein:

I heard that there may be some confusion in the policy related to ICE detainers for inmates. But the policy was written that just because an inmate might hold and ICE detainer that was not reason to withhold their release. There was a question raised that not everyone, person I believe from the Sheriff's Office, that someone with an ICE detainer even though they were recommended for release could I be released. I would just like to know how that policy is disseminated among all people who would come in contact with this issue; Sheriff's Office, Allegheny County Jail, Records Office of the ACJ, district magistrates.

Warden Harper:

Let me just say this, we do not accept immigration inmates as a result of a detainer request for an administrative warrant from ICE. That immigrant has to have a warrant signed by a judge or magistrate judge; they must have committed a crime here for us to take them. If they have a detainer from ICE it will not delay their process from being released, it is in our policy 222. If I need to communicate this I can send this policy around. We do not hold inmates for these types of warrants.

Judge Cashman:

We do not enforce this type of Warrant these are enforced by the federal government. If someone comes in on a warrant from the judge or magistrate and they are relieved about warrant they will be released. They will be released to the US Marshal so that they can take care of their ICE warrant. And it is one person; mountain out of a molehill.

Terri Klein:

I would just say, with the current climate it might very well be more than one in the future.

Judge Cashman:

When you sent me that inquiry I ask the warden to go check.

7. Allegheny County Jail Medical Services

a. Allegheny County Health Network

Nothing to report.

8. Public Comment

Mick Papas: Just very briefly I have been faced with an ICE issue recently comma since then I've spoken with a number of people including ADA's throws also expressed some frustration regarding ICE detainers and the prosecution of those crimes in Pennsylvania. I would hope that there would be into all facets we are addressing this in the most appropriate way. If we can do some due diligence in all facets I think it would be a great value to you.

9. Community Corrections Reports

a. The Program for Offenders

Mike Gilmore program for the offenders; I would like to advise that we had our annual drug and alcohol license renewal, we passed for the license for the year. We also signed a contract for our PREA audit for next month.

b. The Renewal Center

Adam Zack, we are in our final stages for signing a contract for replacing our current resident tracking system with the new system this new system will have my metrics to generate various reports regarding the title we put into it. Also this month we have various trainings we will be attending at Robert Morris University on the 13th alcohol drug and concealment Trends and identifiers there's also another meeting at the University of Pittsburgh on the 19th to better understand the opioid epidemic including workshops and a few staff members will attend.

c. Electronic Monitoring

Jackie Piot; reporting numbers for May 53 cases assigned 33 people exited the program, 28 successfully, 5 were technical violations and no escapees for the month.

d. Goodwill

Danielle Brown with Goodwill; we are working on securing a grant for classes focusing on apprenticeships.

10. Review of the Minutes for June 7, 2018

The Board unanimously approved a motion by Terri Klein, to approve the minutes of the June 7, 2018 Board meeting. (Quorum was met with proxy votes held by Judge Cashman)

11. Adjournment

The Board unanimously approved a motion by Judge Woodruff to adjourn at 4:36 pm.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Chelsa Wagner", is written over a light blue rectangular background.

Chelsa Wagner

Secretary