

The monthly meeting of the Allegheny County Jail Oversight Board, Thursday, September 2, 2021 held as a virtual conference at 4:00 P.M.

**MEMBERS PRESENT**

**Honorable Judge Kim Clark**

**Bethany Hallam**

**Gayle Moss**

**Judge Beth Lazzara** (joined after roll call)

**Terri Klein**

**Sheriff William Mullen**

**Mr. Pilarski for County Executive Rich Fitzgerald**

**County Controller Chelsa Wagner**

**Others in Attendance:**

Warden Harper

Deputy Warden Williams

**1. Welcome, Call to Order and Rules**

**Judge Clark:**

Welcome to the September meeting of the Jail Oversight Board. I am Judge Kim Clark and I am going to call the meeting to order. The rules are that everyone in the meeting will be treated with dignity and respect. There is never any exception to that rule. We have a really full agenda tonight, and so I want to make sure that everyone gets an opportunity to be heard. I am going to do a roll call for comments to make sure that everyone who wants to weigh in on a particular issue or motion gets an opportunity to speak. When I call your name, you can unmute and speak. That does not mean at other times you will not be able to ask questions, but we do want to move the meeting along. I want to make sure that everyone's voice is heard if they wish to be heard.

**Ms. Wagner:**

I would just as, I am not aware from being on this board of any procedures for proxy votes. *(In reference to Mr. Pilarski stating he was proxy for board member Mr. Kamara at roll call)*

**Judge Clark:**

Looking at Roberts Rules of Orders, unless there is a specific...

**Mr. Korinski:**

Yes, that has never happened.

**Judge Clark:**

Well I understand that, but people have filled in for other people. I guess Mr. Pilarski can fill in for Mr. Kamara if he is asked. I do not know. You have filled in, Mr. Korinski, and you are not a member of the board. So, I would ask you to mute until you make your presentation. Ms. Hallam?

**Ms. Hallam:**

Yes, the rule for elected officials who are designated representatives on this board having proxies and representatives is different than community members who are appointed to this board having proxies and representatives. Appointed community members are not able to have proxies vote for them in a voting meeting and that is what this is.

**Judge Clark:**

Does that say that in the rules?

**Ms. Hallam:**

It says who is designated to be on this board on top of the community members. It says nothing about proxies voting. I can pull up the statute and we can reference it.

**Judge Clark:**

I understand what the statute is, but we have historically had people fill in for other people on the board.

**Ms. Hallam:**

For non-elected officials?

**Mr. Korinski:**

Your Honor, we have in our Controller's vault here the records of the Jail Oversight Board going back to the Civil War. I have reviewed all of those, frankly. I care about the Jail Oversight Board a great deal. I think people know that. We have had members vote, I mean, Ms. Parees has voted for County Executive Fitzgerald, I have voted for Ms. Wagner. We have never had a proxy for a community member by giving that proxy to another member of the board. That has never happened. I am willing to go back through 100 years of Jail Oversight Board and that has never happened, and it is all because of Mr. Garcia.

**Judge Clark:**

I do not doubt that the records from the Jail Oversight Board that you have kept in the vaults are correct. I do not doubt that. I guess the question for me, do we make a distinction between a community member having someone speak on their behalf as opposed to an elected official?

**Ms. Hallam:**

The statute does not clarify that. It does clarify who can have a representative and who cannot.

**Judge Clark:**

I get that. Really the statute only says that two people can have a representative, which is me and the Head of County Council, but historically those have not been the only people that have had representatives. That is all I am saying. We can have maybe Mr. Bacharach look that up and I will pull up the statute. We are not voting on anything at the beginning of the meeting anyway. Your point is well taken. We will look at that. Thank you.

The first thing on our agenda is a presentation and that is going to be an update on the referendum regarding Allegheny County Code Chapter 205 and a presentation about C-SAU. That is Warden Harper. I would ask that we let him do the presentation and then we can take some time for questions. We have a full discussion about that on the agenda, so I would really like to have those questions saved for that time. You may have a question that is burning right at the moment that you may want to ask. I am obviously not going to preclude that, but we will be having a full discussion. I would like to be able to move the meeting along. Warden Harper?

*Technical difficulties with sharing presentation. Moving on to other agenda items and will go back to presentation.*

### **3. Community Corrections Reports**

**Warden Harper:**

Judge Clark, could I recommend that we go ahead with Community Corrections first while we work through this problem please?

**Judge Clark:**

That is an excellent idea. We will do that. We will move down the agenda and when you are ready, let us know.

## **A. The Program for Offenders**

**Judge Clark:**

Can we hear from the Program for Offenders, please?

**Ms. Carol Bender:**

Good afternoon everyone. I will start with a little COVID update. Well, we are still plugging along. We have got about 75% of the staff fully vaccinated and we are running about 25% still unvaccinated. We are working every week to encourage and provide vaccination to any client who wants it. We did have one positive case diagnosed this week in our female site but luckily it remained an isolated incident. So far, everyone else has tested negative. Hopefully, we have contained that. In addition to our drug and alcohol treatment we have had our residents participating in some expressive art therapy groups, a trauma group, and parents in the know group provided by PAAR. An exciting one, one of our male residents was just chosen to speak at an alumni event at the Trade Institute of Pittsburgh. He is very excited about that. Both of our sites, male and female, will be participating in the Annual Recovery Walk next Saturday on September 11<sup>th</sup>. Some will be able to participate in person and some will participate through the virtual end. That is pretty much all the news going on over at our sites right now. If anyone has any questions, I would be happy to take any.

**Judge Clark:**

Anyone have any questions for Ms. Bender?

**Ms. Hallam:**

No, I just like to say thank you for bringing out the Recovery Walk coming up next weekend. If anyone who is able please come and join. It is on September 11<sup>th</sup>. It is an honor of everyone who is celebrating recovery and folks who have lost loved ones to overdose. Please come out and show support. I know I will be there.

**Judge Clark:**

Where does the walk begin and where do people convene?

**Ms. Hallam:**

North Shore

## **B. The Renewal Center**

**Judge Clark:**

Can we hear from Renewal please?

**Mr. Adam Zak:**

Good afternoon. Adam Zach reporting for Renewal Center. We are working on getting veterans' groups on a biweekly basis. Someone is going to come in from the Veterans' Administration and be with our men and women veterans for resources and support groups. Also, with the veterans, the Veterans Leadership Program is sponsoring an event called Stand Down Pittsburgh that is going to be on October 9<sup>th</sup>. They're going to provide free services for veterans including benefits, vocation, employment, eye care, clothing, food, etc. We are hoping we get a lot of are men and women veterans to go there. Like the Program for Offenders, we will also have staff and resident participation in the Recovery Walk coming up next week.

**Judge Clark:**

Thank you. Any questions?

**C. Electronic Monitoring**

**Judge Clark:**

Then we have Electronic Monitoring.

**Mr. Steve Esswein:**

Good afternoon all. Steve Esswein from the Probation Office. Outside of the report that we have submitted, we have nothing new to report this month.

**Judge Clark:**

Thank you.

**4. Review of the Minutes for August 5, 2021**

**Judge Clark:**

We will move on the agenda to our review of the minutes for the August 5th meeting. Those were sent out by Ms. Carroll. I hope you have had an opportunity to review those. If so, I will entertain any additions or corrections or a motion at this time.

**Ms. Moss:**

I have a correction. On the report that I gave, on page 23, the third down, we were talking about the Executive Director at Torrance, it says he. The Executive Director is a woman, Roberta Lawrence.

**Judge Clark:**

Thank you. We will make that correction. Any other additions or corrections?

**Ms. Hallam:**

I will make a motion to approve with that correction.

**Judge Clark:**

Alright, we have a motion to approve with the correction. Is there a second?

**Ms. Moss:**

I will second.

**Judge Clark:**

Thank you, Ms. Moss. Any discussion? All those in favor?

**Others:**

Aye

**Judge Clark:**

Any opposed? The minutes are approved with the correction. I just want to thank Ms. Carroll. It is a big job to do that and she does an excellent job. So, thank you.

***The board unanimously approved a motion by Ms. Hallam, duly seconded by Ms. Moss, to receive the Jail Oversight Board Meeting Minutes from August 5, 2021 with the correction.***

**5. Old Business**

## **A. Resuming In-Person Meetings**

### **Judge Clark:**

We will turn to old business. The first thing I have is resuming in-person meetings. The board did have an executive session and one of the things that we did talk about is the numbers have risen and whether we wanted to resume in person meetings. I think, someone can correct me if I am wrong, we decided that right now we should still meet virtually, in this format, until there is some change in the numbers. So, the next meeting will be virtual as well.

## **B. Update from GTL Regarding Money Left on Tablets After Incarcerated Individuals Leave the Facility**

### **Judge Clark:**

Then, we are going to have an update from Mr. Korinski on GTL regarding the money left on the tablets after the incarcerated individual leaves the facility. Mr. Korinski?

### **Mr. Korinski:**

In response to a lot of the concerns that the board members and the community had regarding what happens to monies left on the tablets when citizens leave the jail, I did contact a GTL and also the agent that the county has retained PRAESES, which is a technology company for vendors doing business in the jail. I spoke to both Tom Gibney from GTL and Erin Fraser from PRAESES. They could not have been more accommodating and generous with their time. I spoke to GTL for about 30 minutes. The big takeaways from that, your Honor, are, one, GTL does have a process when people leave the jail to get the money back from the tablets, including the monies that are given by the Incarcerated Individuals Welfare Fund. That is through a phone call to GTL. Two, GTL does not keep any monies that are left on the books. That remains on the books until someone contacts them. There is no concern with GTL taking anything that we are giving. Three, GTL is working with the Warden and the jail to have a system in place, which I expect to be in place in the next 60 days, that would enable citizens when they leave the jail to have a card that would get them their money without having to call GTL and having a claim. This is actually something that a lot of jails, probably most jails, do not have and it is a very forward-thinking program by Allegheny County. From the perspective of the Controller's Office, and the jail board knowing your concerns at this meeting, I was very pleased with the response I got from GTL and PRAESES. Thank you.

### **Judge Clark:**

Thank you for the work that you did in helping to figure this out, Mr. Korinski. Does anyone have any questions? I do not believe this requires any action by the board other than our deep thanks to Mr. Korinski. I would note for the record Judge Lazzara is with us.

### **Judge Lazzara:**

I am very sorry for being late. I had an obligation for school, and I am here now. I apologize for the late start.

### **Judge Clark:**

That is not an issue. Can we move to your report? Are you ready to do your report because we need the Warden for other stuff, and they are trying to get a PowerPoint presentation up? They are having a little difficulty.

## **I. Incarcerated Individuals' Welfare Fund Sub-Committee Report**

### **Judge Clark:**

We will skip down to the Incarcerated Individuals' Welfare Fund subcommittee report.

### **Judge Lazzara:**

I have to say that I have a committee and they are filled with movers and shakers. They are definitely working very hard and I appreciate all of their help every single time we have meetings. I think we should start with Ms. Klein has an update for the jail survey, which this subcommittee got on the roll. It has been moving forward and I would not like to steal Terri's thunder because she definitely has done so much work on this and I would like her to provide that report.

**Ms. Klein:**

Thank you. As of August 27<sup>th</sup>, Dean Farmer from the Pitt School of Social Work had received 1,129 completed surveys with data still needed from five pods. She expects to have around 1,300 surveys when she is done. She let me know that respondents are being more open and expressive than what she expected, so she has had to hire additional people to go through the surveys. She is planning to have a report completed by late fall. I would like to extend my appreciation to the people at the jail for allowing the survey to be handed out and collected.

**Judge Lazzara:**

Absolutely. I am so impressed with the numbers of people that have participated and the fact that there is so much good feedback. I am thinking this is going to help all of us determine, as we move forward, what the needs are and what we can do. We are really excited about that survey. Thank you, Terri.

The other thing that we met about is the Jail Oversight Board Liaison position. We had a very good meeting where we talked about that. I know the one that I missed because I was on vacation, I apologize, there were some questions about that liaison position and whether we wanted to continue with it. We had a very good discussion about that position. I think I speak on behalf of my entire committee, we were very unanimous in that we really believe this position would be exceptionally helpful for everyone. I was trying to figure out a good way to describe that for the folks in the public and on this board to understand. What I came up with is, you know I am the domestic violence court judge right now and a lot of domestic violence court cases are he said, she said. We get what the jail says, and we get what the public says. A lot of times, they do not meet, which is the same way that I have to do it with every non-jury case involving domestic violence in my courtroom. It is oftentimes hard to sort through those he said, she said, but generally when the evidence is presented, you will find a fact or two that will help you decide which way the decision should come down in a case. I think if we had this Jail Oversight Board Liaison, who could go into the jail and try to figure out where it stands. For example, the public sends a letter complaining that there is no hot water for showers and the jail says that there is, the Jail Oversight Board Liaison can go down and can test to see if there is hot water. Are there problems with the hot water at certain times of the day? That person can be there. Maybe they find out that the complaint is not accurate. That helps support the jail and the jail administration by discovering what the case was. Now maybe there is another situation where there is a problem with the food and the person goes down and discovers that maybe it is not quite the way it is being reported from the jail. It is a way for us to figure out what is the facts when we are not there. Even if we do our statutory duty and go down to the jail for visits, we are not going to be in the jail often enough to be able to really ascertain he said, she said, which way it really is. So, the jail liaison position would very much help us accomplish that. We talked a great deal and we came up with a motion. This the second motion. I would like to present that motion and then I know that there may be some questions or comments.

*ALLEGHENY COUNTY JAIL OVERSIGHT BOARD  
INCARCERATED INDIVIDUALS' WELFARE FUND SUBCOMMITTEE*

**MOTION**

*On June 3, 2021, the JOB voted in favor of a Motion presented by the IIWF which authorized a liaison position for the JOB in order to assist it in fulfilling its statutory obligations.*

*In furtherance of this June Motion, it is so Moved that*

*The JOB shall create a full-time salaried position of an independent JOB liaison. The position shall be established by the end of business on September 30, 2021, with the search to fill the position beginning immediately thereafter. The proposed job description for the position is attached to this motion and incorporated into it. The search to fill the position shall be conducted by the IIWF Subcommittee of the JOB with the assistance of any additional individual designated by the JOB Chair. The IIWF shall pay for all costs associated with the position, which shall not exceed \$85,000 for salary and benefits. Salary and benefits shall be subject to the regular review of, and potential modification by, the JOB.*

### **Job Description – JOB Liaison**

*The JOB liaison shall assist the Jail Oversight Board (JOB) in fulfilling and completing its statutory duties as set forth in 61 Pa. C.S. § 1724. The liaison shall generally inspect on the JOB’s behalf and report back to the JOB facts, findings and communications for the JOB’s consideration and action. The liaison shall have no power to act on its inspections, findings and communications, such power to act residing solely with the JOB.*

*More specifically, the liaison’s duties shall include, but not be limited to, serving as a liaison between the Board and ACJ staff to respond to and gather information about complaints of living and physical site conditions in the ACJ and any alternative housing facilities; inspecting and observing actual living and physical site conditions in the ACJ and any alternative housing facilities; assisting the Board in conducting its required twice yearly inspection of the ACJ; assisting the Board in reviewing the policies, practices, rules, regulations, procedures, books, records, forms, schedules, contracts and papers of the ACJ, including inmate records (as provided by the statute); and assisting the Board in formulating appropriate rules, regulations and forms deemed necessary for the proper administration of the Board and the ACJ, as set forth by statute. In addition, the liaison shall communicate with the public, including individual members of the public, advisory boards, community organizations and other concerned stakeholders, concerning matters involving the ACJ and the Board’s operation. The liaison shall be responsible for organizing public comments for JOB meetings, as well as gathering information about issues raised in said comments so that timely answers and responses may be provided at JOB meetings. The liaison shall also serve to educate and inform Board members on matters pertinent to the ACJ and corrections issues generally. The liaison shall function as the “eyes” and “ears” of the Board within the ACJ and alternative housing facilities.*

### **Knowledge**

- 1) *General knowledge of or familiarity with corrections/county jail environment/criminal justice system*

### **Abilities**

- 1) *Ability to gather information from a variety of sources, to organize and analyze the information, and to present unbiased information to the Board for its review and consideration;*
- 2) *Ability to interact and effectively communicate with a diverse range of individuals who have varying education levels, socioeconomic levels, and communication abilities;*
- 3) *Ability to read, learn and interpret jail policies, accreditation standards and information in inmate’s files;*
- 4) *Ability to produce comprehensive written reports and verbally present the information;*
- 5) *Ability to maintain confidentiality and secure records;*
- 6) *Ability to work independently without close supervision;*
- 7) *Ability to maintain impartiality and independent judgement. This is NOT a position designed to advocate for either inmates or the ACJ, nor is the position designed to find fault with ACJ operations or discredit public reports of problems or issues at the ACJ. The goal of this position is to present JOB members with facts and to assist JOB members to conduct themselves in accordance with their statutory duties.*

### **Experience**

- 1) *Experience in working with people who are incarcerated or are returning citizens and/or experience in or familiarity with the legal system;*
- 2) *Experience in developing relationships with individuals of varying backgrounds to obtain information;*
- 3) *Experience in written documentation of a case report and verbally presenting a case report;*
- 4) *Experience in using time management skills to manage a caseload;*
- 5) *Experience in using computer applications to create, track and report information.*

**Judge Clark:**

We have the motion. I think we should have some discussion. I do have a couple of questions, but we have a motion. I do not know whether anyone wants to second the motion and then we have the discussion. Ms. Hallam?

**Ms. Hallam:**

I will second that motion.

**Judge Clark:**

Alright. These are the issues that I want to raise. When the board voted I guess it was June 3<sup>rd</sup>, after that meeting I received several public comments from the public. They were very upset that the board voted on it at that meeting and the public did not get a chance to weigh in. Some of the public feels very strongly about taking a salary from the money that belongs to the residents of the jail. So that is one issue. The other issue that I have, or the one thing that I might suggest, is that we have not got the results of the survey yet, which is supposed to guide how the use of the funds from the Incarcerated Individuals' Welfare Fund. Maybe we need to see what the survey results say before we go further with this position. Third thing is the board does not have the authority to enter into the contracts, or higher, I do not believe, or supervise this person. I am not sure how that would work. Then the other thing is the salary is fairly high compared to other county salaries including, for example, starting salaries public defenders and district attorneys. So that is a regular, big chunk of money that would come out of, if we approve it, the Incarcerated Individuals' Welfare Fund, plus benefits.

**Judge Lazzara:**

The salary would not be \$85,000, that would be inclusive of everything. What is it, 40% is benefits or something? The salary would be much lower than \$85,000. That would be the entire line, just so we are clear.

**Judge Clark:**

Right. I guess the two biggest points I have is one, after the June meeting the public really requested an opportunity to weigh-in on it. So, while we have this motion and now, they can read it on the website. They can read the job description. I think they are more informed. I think we should hear from the public on it. The other thing is we have the survey and I would like to see what the survey informs us before we go further. It is kind of ironic because I know I have said at many meetings how now that we have all the subcommittees it is really hard for the board to do all of the things. This money does belong to the incarcerated individuals and so I want to make sure that we keep that in mind when we're deciding to use money for this purpose, and I guess really to help the board. That is all.

**Judge Lazzara:**

I think, Judge Clark, the Controller's office was going to have some discussion about the other uses of the IIWF fund so that everyone on this board would have a comparison for what it is been used for in the past and why this goes very directly to our mission of ensuring the health and welfare in the jail. It gives us an opportunity to have eyes and ears in the jail, which is the most important thing that we do not have. I do not know Brad if Chelsea is on. Chelsea is on. I do not know maybe if Chelsea can maybe address that.



**Judge Clark:**

I would just throw one thing out there too, I believe we do have some very good eyes and ears with the Prison Society, who contributes greatly. They do not obviously work for the board, but they have helped us some of our committees. They are in there regularly. They are very well trained to do things like interview residents in the jail and so forth. I am just going to throw that out there. One of the things that I was really pleased about with this particular board is I do think we are using the funds for things that they should be. During this pandemic one of the things that I am very grateful for is the ongoing motions that we have every month to use these funds to help the residents stay in touch with their families, which I think is huge, and to have money that they are able to do that. It has been really challenging during the pandemic. I am done. I just wanted to share my concerns. The other part is how it would work, who supervises, and who they report to. I mean there is a whole host of things because I do not think any of us should be the supervisors because we are the board members but that is probably for another discussion. I will turn it over to Ms. Wagner.

**Ms. Wagner:**

Thank you and I want to thank Judge Lazzara also. I know a lot of work as gone into this. Just to give a few specifics, I know the board has this within your materials, which is the financials of the Incarcerated Individuals' Welfare Expense Fund as of 8/31 of this year the balance is roughly \$2.3 million. Then just to give some examples as Judge Lazzara referenced, in the past, we have made allocations, in addition to what Judge Clark had mentioned as we've been doing every month, to clothing, to the Hope Pod, to Batterers' Intervention, to the Discharge Center, just to name a few examples. So, generally speaking what we have seen is that these monies are being used to best serve the incarcerated individuals. From the work of this committee, I would certainly say that we've done significant due diligence and certainly believe that having this person would be incredibly important to help the duties of this board in terms of looking after the health and welfare of those in jail. Relatively speaking it is not a large amount. I think, as we've discussed, in future years this could be something that could be specifically allocated by County Council, for example, or perhaps even grant funds, but it would be something that would allow this to begin. Then I would also just mention to support Judge Lazzara's point on the salary that would also be comparable to beginning Auditor positions, to give an example within the Controller's office. Again, not \$85,000 as a salary but inclusive of benefits.

**Judge Clark:**

Does anyone have any questions for Judge Lazzara or Ms. Wagner or anyone else that is on the committee? Alright. Then I guess I will call for a vote. I am going to do a roll call. Ms. Hallam?

**Ms. Hallam:**

Yes

**Mr. Pilarski:**

No

**Ms. Klein:**

Yes

**Judge Lazzara:**

Yes

**Ms. Moss:**

Abstained

**Sheriff Mullen:**

Yes

**Ms. Wagner:**

Yes

**Judge Clark:**

Alright, then the motion is carried. Thank you Judge Lazzara and thank you to the committee. I know it was a lot of work.

***The board approved a motion (5 Yea, 1 Nay, 1 Abstained) by Judge Lazzara, duly seconded by Ms. Hallam, that the Allegheny County Jail Oversight Board shall create a full-time salaried position of an independent JOB liaison.***

## **2. Presentation – Update on Referendum Regarding Allegheny County Code Chapter 205 and Presentation of C-SAU**

**Judge Clark:**

Warden Harper are you ready for your presentation?

**Warden Harper:**

Yes, we are. Good afternoon board. I would like to ask the board to allow me and Mr. Garcia to complete our presentation and at the end of our presentation we will answer any questions that you may have. As the Warden of this jail, it is my responsibility to administer policies, programs, and personnel operations but the job is much more complex than that. Ultimately the safety and health of inmates and staff falls on me. One of my biggest frustrations is how little is understood about the operation of this facility and how well-intentioned efforts have significant, and sometimes negative, consequences. As a correctional professional with over 30 years of experience in this field, I can tell you that is exactly what has happened here. The Allegheny County Jail has recorded an average daily population of 1,688 individuals this year to date. The vast majority of those living in our jail are compliant to requests from correctional employees. They enter and leave the facility with no problem. A small number of inmates, however, are non-compliant with the necessary requests and either after de-escalation and other options are utilized must be forcibly removed from their cells. This is a last resort and an option that is discouraged but sometimes necessary. Chapter 205 approved by electorate earlier this year prohibits the use of the restraint chair, chemical agents, and leg shackles on any person in the custody of the jail. According to the American Correctional Association, the best practice to gain compliance before CERT has to enter a cell to physically remove an inmate is the use of chemical agents. As an alternative to hands on use of force, chemical agents are 90% successful. Beginning December 6<sup>th</sup>, correctional officers will no longer have chemical agents available, nor will staff be able to utilize leg shackles or the restraint chair. The prohibition on leg shackles is a problem for which we still are researching a solution. The loss of leg guards is a tool that directly impacts the transportation of inmates by correctional officers. It also raises concerns and other issues when an inmate is hospitalized, including making that person a potential flight risk that could put the general public in danger. In my professional opinion, the prohibition against chemical agents will result in more injuries, more confrontations, more safety issues, and that those instances will continue to escalate. Our correctional staff are already working in extraordinary circumstances, but the lack of tools and resources will put their safety and well-being in jeopardy. When de-escalation tactics and diversionary tactics are unsuccessful and the inmate remains non-complaint, a forced, hands-on cell extraction becomes necessary. That process involves sending a minimum of 5 team members, who leave their respective jobs at the facility, potentially leaving other areas short staffed, to report to the pod where they are needed. Team members look like SWAT, but they are actually CERT (Correctional Emergency Response Team). CERT members wear a helmet, shield, body armor, and protection for the arms and legs. Then also must carry tools including handcuffs, shackles, shields, and chemical agents, if appropriate. Before physical entry of the cell, CERT members use chemical agents to soften the inmate and encourage compliance. Overall that effort is successful 90% of the time and no further action is needed. You can see from the slide how many times we have deployed chemical agents over the last 3 years. Now compare it to this slide, which reflects the number of times that a cell extraction has occurred. Once chemical agents are removed, the number of cell extractions will increase. If you

assume that these instances are not otherwise resolved, the CERT members would have been involved in 84 cell extractions in 2018, 131 cell extractions in 2019, and 71 cell extractions in 2020, rather than the numbers that you see here. This is the reason that we sought other tools and options. Cell extractions are risky for the inmates and the team members. This is actual video of a cell extraction from February 2016 conducted by our CERT team. This extraction was ordered because the inmate was non-compliant with required medications necessary for his physical health. Chemical agents were utilized first but the inmate used materials to shield his eyes, nose, and mouth from the spray. As a result, physical entry was necessary. (\*Video played\*) Having a team come in that looks like SWAT, which is going to physically restrain the inmate, can make situations worse. To avoid additional cell extractions and more risk to our inmates and staff we sought additional training tools as a resource for correctional officers. Accordingly, the jail entered into 3 separate sole source contracts. A sole source contract by its nature is not competitively bid because what is being sought is unique as it relates to their essential function. After research on the company and outreach to other correctional tactical training companies it was determined that the training and strategies provided by the Correctional Special Applications Unit was uniquely qualified to meet the goals of the jail and provide the best options available. This video is actual footage from a cell extraction using the Correctional Special Applications Unit strategies and approach. (\*Video played\*) I just need everyone to be aware that this inmate is a schizophrenic inmate that just broke the jaw of a nurse at that facility. The Correctional Special Applications Unit was called, and the incident resulted in the inmate having no force placed against him.

**Chief Deputy Warden Beasom:**

The C-SAU training and strategies ensures compliance with the recent referendum. It also enhances the jail's ability to address and respond to all circumstances. Specifically, specialized training, which lasts for 8 weeks, is already underway to the first group of correctional officers, to ensure they have the skill sets needed to manage every emergent situation. The emphasis is on using the lowest level of force options while resolving emergent situations quickly and with minimum disruption to other inmates, as well as staff. Senior Team Leader, Joseph Garcia, as well as every other contractor with C-SAU, went through the jail's rigorous security checks before being granted access to the facility just like all other contractors who perform work at the jail. These reviews include National Crime Information Center (NCIC) checks. In addition to the county jail, Mr. Garcia has also been vetted and granted access to provide training at 66 other facilities, including 52 Law Enforcement Agencies and 14 Departments of Corrections across 35 states. He has also been vetted, granted access, and provided training in 7 other countries including England. I want to be clear here. Methods used by C-SAU that have been highlighted in emails, faxes, videos, and other communications are not what will be utilized at the Allegheny County Jail. The facility is not using pepper spray, beanbag projectiles, or canines to name just a few. The training being provided is very specific to the needs of the Allegheny County Jail. When you enter a restaurant, you have a full menu of options to choose from but few of us order everything. Likewise, when we go into a store, we do not need to buy every item on the shelf. Even though C-SAU offers a broad spectrum of training and services, we have selected only those items we know we need. Often incidents that would utilize the team skills because of noncompliance are as a result of behavioral health concerns, mental health diagnosis, not taking prescribed medications, or due to drug or alcohol crisis. Today's correctional facilities are, in many cases, also mental health facilities. Currently 40% of the jail's population are on some type of mental health medication. The number of people taking mental health medications is not a true picture of mental health in the facility. According to the National Alliance on Mental Illness 20.6% of US adults experienced mental illness in 2019, which represents 1 in 5 adults. The National Institute of Mental Health estimates that only half of people with mental illness receive treatment. We also know from the CDC that measures necessary to reduce the spread of COVID-19, which are heightened in the jail, can make people feel isolated and lonely and increase stress and anxiety. In the 8 week C-SAU training, staff are receiving the most advanced training and will have the skills and tools to de-escalate, as well as recognize individuals suffering from mental health crisis, drug and alcohol crisis, and behavioral management problems. That portion of the training is presented in very first week and then reinforced and tested in the remaining 7 weeks, so that always remains at the forefront of their response. C-SAU members wear gray uniforms. They are not outfitted with helmets but instead have body protection and other protective gear. They carry tools, including handcuffs and Tasers, and also carry rescue items including a first aid kit. C-SAU team members are assigned to walk the facility when on duty. It is intended to create a less intimidating environment and provide an opportunity

to allow inmates to get used to seeing these personnel and to allow these officials to establish a relationship with the inmates. It is something that the jail administration does on an ongoing basis for exactly those same reasons. Training also covers steps that are taken before C-SAU is requested, as well as, after a member arrives. In any incident where an inmate is non-compliant, supervisory staff will be called first and utilized to de-escalate the situation. If unsuccessful, the medical and mental health staff will be called and will also be used to de-escalate the situation. These practices have already been put in place. An incident last week resulted in compliance by the inmate after interaction with and de-escalation by the supervisor and medical mental health staff. If those efforts are unsuccessful, the C-SAU team will be called to the scene where they will also try to de-escalate the situation. Based on their training and evaluation of what is occurring with the inmate this could also mean that the supervisor and/or medical mental health staff will be requested to continue to interact with the inmate to attempt to gain compliance. If and only if all other de-escalation options have failed, the jail's C-SAU training team will have the ability to use force to remove an inmate from a location or move them to another location, as is currently the case in our jail and at corrections facilities across the country. This can include a variety of tools such as kinetic energy delivery systems. These items are specifically designed to reduce the likelihood of penetration, broken bones, or severe injury. Additional tools include rubber balls and similar items that can be used for diversion or to encourage compliance with commands. Levels of force, as well as the application of force, is part of the training and is determined on a case by case basis that is reliant upon the actions of the non-compliant inmate and his or her interactions within response to the supervisor, medical mental health staff, and the C-SAU team member. All interactions with the inmate will be video recorded and reviewed by the chain of command in our internal affairs office to ensure all policies or procedures were followed and to provide for any other remedies or actions.

**Warden Harper:**

There have been reports that instances that involve the use of CERT teams are commonplace and with the C-SAU training these instances will only grow. That is not the case. It remains our hope and goal to never utilize force against anyone in the jail. Unfortunately, experience tells us, that is simply not the reality in a Correctional Facility. That being said, improvements made in training and interaction with non-compliant inmates over the past years have continued to reduce the number of cell extractions needed to be done. The C-SAU contract has not been the jail administration's only focus. The provisions of Chapter 205 provide that a person may not be confined to a cell for more than 20 hours a day. In order to ensure that incarcerated persons have time out of cell, while still ensuring appropriate safety measures, additional recreation areas have been built in the facility and are currently in use. The restraint chair was an important tool that was used to prevent individuals from self-harm or to restrain volatile inmates. With this use prohibited, the jail has contracted with a company for the installation of 10 padded cells to the facility. Three of the ten will be located in our intake department, with the remainder spread throughout the facility. Padded cells are used in other facilities throughout the country to protect inmates from self-harm, including three county jails in Pennsylvania. As previously noted, the jail administration is continuing to explore alternatives to leg shackles to ensure inmates and correctional employees are not assaulted with inmates using their feet and legs as weapon or to cause harm to themselves. A future update will be provided when the solution has been identified. Finally, as we shared the C-SAU members are receiving significant training to de-escalate and recognize individuals suffering from a mental health crisis, drug and alcohol crisis, and behavior management problems. To ensure that intervention, assistance, and de-escalation is the focus at this facility, correctional staff will also be provided with crisis intervention training, along with mental health first aid training. This is in addition to the implicit bias training recommended by the Jail Oversight Board that is expected to begin in the near future. Next, Jail Oversight Board, I would like to introduce Mr. Joseph Garcia, the leader of the Corrections Special Applications Unit. Mr. Garcia is an expert in training officers how to identify inmates with mental health, drug and alcohol, and behavior management issues. He believes everyone should be treated with dignity and respect and that force should only be used as a last resort. He recognized the correctional agencies are now mental health facilities and that communication and de-escalation must be exhausted prior to using any force. Now I would like to introduce to you Mr. Joseph Garcia.

**Mr. Garcia:**

Good afternoon, my name is Joseph Garcia. I am not the type to sit in a board room. I am a people person. I like to talk to people and I am having a hard time seeing people back there a bit. I am sure you have that you have heard much about me from the news media and a lot of different things. One of the things that I would like to share with you today, if possible, is a lot of the misconception that you have heard and understand I have over 27 years in law enforcement correction special operations. I was part of the original foundation of joining CERT teams and CERT teams in the 90's. Then I discovered two things. One, I had a very good friend of mine who is no longer in law enforcement, who is not here with us today, who passed away in 2002. He passed away in 2002 from contracting HIV from an inmate during a 5-man cell extraction. He worked for a major DOC. I will never forget that individual. We became friends not because he came to our program because he assisted us. From that time, the wheels start spinning with me. How could we prevent this? There was a lot of technology out there talking about suits and things like that. But we found that operators were searching members who were utilizing these suits when you are compressed with these Tyvek suits. Your equipment is restricted. Individuals start going through what we call self-preservation mode. You see, what I understood was this, when you put 5 individual officers to go inside a cell, these individuals are coming from their regular housing units and the agency is tasking them to go ahead and remove the individual. I can tell you firsthand as well as thousands of corrections officers who go inside the cell traditionally to remove an inmate, how risky it is. The number one thing they always think of, it is really simple, I want to go home. I want to go home safe and whoever is on the other side of that door is not going to hurt me or my partner. I understood this mindset, but I also did not understand the mindset of why do we have to treat all of the inmates the same. It does not make sense to me. I have seen mentally ill inmates hurt. I have seen non-English speaking inmates hurt. I have seen females hurt. I have seen violent inmates hurt. Because it is one type of tactic. Once you open the door and tell these operators or these officers to go in nobody knows what the result is going to be. I was one of the first individuals in the country to say I want to do something different. I was laughed at by thousands and thousands of individuals saying you will never change it. This is something that has been tried and true for decades now. So, I asked my sheriff at the time if I could change the operation. You know something, he gave me permission to do it. So, I went around the country, I went to different schools, different DOC's, I learned their tactics and it was all the same thing. You know what the CERT tactics, what their track record is? Thousands of officers hurt. Thousands or countless inmates unnecessarily hurt and/or killed. My reasoning behind this and why I want to change this is I want to use technology. I found the right technology to use through people believed in me. So basically, what happened was, I will come around so you can understand this, I wanted to develop a way that whoever was on the other side of that door, whatever inmate we had to deal with, we could deal with fairly. We could understand whatever situation they are in and we could try to work through the problem. And that if we ever had to use an option, whatever option it was, it would be measurable. That is it. That was the key. That was the key in being able to deal with every inmate regardless of where they come from. That we could deal with it measurably. In other words, if I have to use 5 individuals and tell them to go in there, whether they are African American, whatever ethnicity they are from, whatever their gender is, I want to make sure that results are always going to be equal. Technology allowed me to do that. So, this is what we started doing. We utilized technology that looks just like this. I do not know if you can see that. These are what they call furbies/squish balls. There is no metal like traditional. There is nothing metallic in here. It is something that your kitty cat would play with. This is what we use. This is what we used to get a behavioral response and to go into a behavioral change because when the accountability process comes, I want to know about the individual officers. How much force did you use? I can tell you. Where the force is applied? I can tell you. When did you stop? I could tell you. That is what the technology allows us to do. If you follow the traditional way of utilizing physical force, it gets very personal. What we are trying to do is before it gets personal, I want to be able to deescalate. I want to be able to try and find out what is causing this problem from the inmate's side of the house or the officer's side. To completely try to neutralize it. Therefore, that is what began the process and that is what has caught on in over 35 different states. That is basically it. That is what we teach.

**Warden Harper:**

Your Honor, that is the end of our presentation. We are open to any questions that you may have.

**Mr. Pilarski:**

Your Honor, in light of the presentation, I would like to make a motion. The one I had sent. I do not know if it is necessary for me to read the whole thing or just go through it but I think in light of the presentation it would be appropriate to discuss the motion this time.

**Judge Clark:**

Go ahead, Mr. Pilarski.

**Mr. Pilarski:**

Would you like me to read it?

**Judge Clark:**

Yes, you can read your motion.

**Mr. Pilarski:**

ALLEGHENY COUNTY JAIL OVERSIGHT BOARD

**MOTION**

*WHEREAS, through a referendum vote in May of 2021, the voting citizens of Allegheny County approved a referendum which limited the Allegheny County Jail's ("Jail") ability to respond to exigent circumstances by eliminating the Jail's use of a restraint chair, leg shackles and chemical agents such as pepper spray, embodied in Section 205 of the Allegheny County Administrative Code ("Section 205") effective December 6, 2021; and*

*WHEREAS, the members of the Allegheny County Jail Oversight Board ("JOB") recognize that circumstances do arise at the Jail which require inmates to be moved from one cell, pod or section of the Jail to another for purposes of health treatment, mental health treatment, court appearances, and other necessary attention; and*

*WHEREAS, the members of the JOB recognize that individuals arrive at the Jail in various states of distress, trauma, anxiety, and chemical influence, which impacts and in many cases dictates their response to necessary requests; and*

*WHEREAS, the members of the JOB recognize that, while the vast majority of inmates are cooperative with requests for movement, circumstances do arise in which an inmate is non-cooperative despite all manner of de-escalation and verbal intervention; and*

*WHEREAS, the restrictions presented by Section 205 require the Jail to implement alternative methods of necessary inmate movement in certain rare circumstances to insure the safety of inmates and jail personnel; and*

*WHEREAS, the Jail has contracted with C-SAU1 and other entities to provide training to Jail personnel consistent with Section 205 and the Jail's obligation to respect the rights of all individuals sent to the Jail; and*

*WHEREAS, the JOB has been presented with a motion to prohibit Corrections Special Applications Unit ("C-SAU") training and equipment identified in such training programs at the Jail; and*

*WHEREAS, it is the considered opinion of the members of the JOB that no decisions should be made regarding the JOB's oversight without said members reaching a fully informed opinion as to the scope and degree of the matters before the JOB; and*

*WHEREAS, the members of the JOB are aware that the depiction of events and presentation of issues found on the internet and through second-hand sources can often present an incomplete picture, if not a complete diversion, from truth and actual events; and*

*WHEREAS, the members of the JOB have been presented with depictions of events and presentations of issues relating to C-SAU training methods and practices; and*

*WHEREAS, the members of the JOB have been presented with information indicating that the C-SAU training being conducted is consistent with Section 205 and presents an opportunity to maximize the use of de-escalation techniques and to minimize the use of the force at the Jail; and*

*WHEREAS, the members of the JOB have been informed that the version of events proffered to the members of the JOB and the public does not accurately reflect the actual C-SAU training being conducted at the Jail; and*

*WHEREAS, the members of the JOB consider it their obligation to determine the actual methods and scope of the training being conducted prior to attempting to prohibit such training;*

*For the reasons set forth above, it is hereby determined that the Allegheny County Jail Oversight Board shall forego any action regarding C-SAU training at the Jail until such time as each member of the JOB, or in the alternative, members of the JOB designated by the JOB chair, has/have had the opportunity to personally observe a significant portion of said training at the Jail so as to obtain an informed opinion as to whether such training is in the best interests of Jail inmates and personnel, is consistent with Section 205 and all other legal obligations, and otherwise serves the best interests of the residents of Allegheny County.*

**Judge Clark:**

Alright, so we have a motion from Mr. Pilarski. Is there a second to the motion?

**Sheriff Mullen:**

I will second.

**Judge Clark:**

Alright. So, we have a motion and a second by Sheriff Mullen. We can have some discussion now. I guess I have a question because the motion indicates that the board would be able to observe the training. Warden Harper, could that happen? Could the board come and observe the training?

**Warden Harper:**

Absolutely, your Honor.

**Judge Clark:**

I am going to go down the list of members. Ms. Hallam, you are first on the list anyway, so you have your hand up.

**Ms. Hallam:**

My first question is, I just want to clarify under what authority Mr. Pilarski is introducing this motion, just for the record.

**Judge Clark:**

Well, he is representing Mr. Fitzgerald, who is a member of the board.

**Ms. Hallam:**

That is what I wanted to clarify. He was introducing this motion as the proxy for County Executive Fitzgerald.

**Judge Clark:**

Yes, I would assume. You could clarify that, Mr. Pilarski.

**Mr. Pilarski:**

Yes, that is correct.

**Ms. Hallam:**

Okay, thank you. Then my next question is, we actually do have videos that are online that show this training in other facilities, I was wondering if it was possible if we show that now as opposed to delaying this because from my understanding this training has already started. Mr. Pilarski, can you confirm whether or not you know that this training has already started in the jail?

**Mr. Pilarski:**

Yes, the training has started.

**Ms. Hallam:**

So, this is not about delaying a decision on something that has not yet started. You are asking this board, who is responsible for overseeing the health and wellbeing of the folks incarcerated in the jail, to allow a training to continue.

**Mr. Pilarski:**

I am asking you to delay the motion to stop the training because I believe it is in compliance. Again, I believe what you are seeing on the Internet is not indicative of the training the jail is receiving.

**Ms. Hallam:**

Well we were getting ready to ask Mr. Garcia some questions about what we have seen ourselves when you introduced this motion, so I just figured it was appropriate. I have one more question for you, Mr. Pilarski. The invoice for this training that was sent to the county for payment, did it or did it not say on the invoice for payment for this training that this invoice was approved by the jail board?

**Mr. Pilarski:**

I did not see the invoice.

**Ms. Hallam:**

Okay, I will tell you then. The invoice for this training said that it was approved by this board. There had been no care in the world about what this board thought was appropriate, what training this board thought was appropriate in the jail that we oversee until the media started reporting on it and until this same training in York County, another one of our counties in Pennsylvania, has been blowing up in local media there as well because of this same contractor. I am just wondering why you decided today to introduce a motion in regard to the C-SAU contract. When one, the training has already started. Two, the invoices have been submitted to the county for payment saying that they were approved by this board, which they were not. Three, I am assuming, but I guess I will ask, did you know about the C-SAU contract prior to this meeting?

**Mr. Pilarski:**

Did I know about it? Yes, I knew the training started and this would be the appropriate venue to make such a motion. You asked why I made it today, this would be the only appropriate venue that I have to make such a motion.

**Ms. Hallam:**

Can I ask why you thought this was the appropriate venue to make this motion today but you did not think that this was the appropriate venue to present the information on the C-SAU contract prior to today?

**Mr. Pilarski:**



The point is, all of the misinformation is out there and there is another motion, to me, maybe at this time render itself moot, if we just go and watch the training and see it to make the best informed decision. As opposed to believing what we see on the Internet. Let us go see for ourselves. You go see yourself. You have the information. You can ask all the questions you want. You go see and you will make the best, most thoughtful and informed decision as opposed to believing what is on the internet. I mean with all due respect, I googled everybody, including myself, there is a lot of lies on the internet about all of us. That does not mean what is out there with Mr. Garcia is true. Let us take the time, go see the training. Let us see it for truth. Let us touch it. Let us feel it. Let us ask those questions. I think that is the most appropriate time.

**Ms. Hallam:**

And that is what we are here in this meeting today, so I look forward to being able to ask those questions of Mr. Garcia himself. So, thank you.

**Judge Clark:**

We have lots of hands up, I was just going to go down the list, but I think Judge Lazzara had her hand up next. Then Ms. Moss. So, we will do Judge Lazzara and Ms. Moss. Then I will go back through and get everyone else because I think other people have questions or comments. Judge Lazzara?

**Judge Lazzara:**

I was just wondering if I could offer a friendly amendment to the motion because I do think that we should go see the training. I do think it is important for us to see the training. I would like to offer the friendly amendment that the training is paused and stopped in the jail until we have the opportunity to go see it and be able to assess it for ourselves. So, instead of Mr. Pilarski's motion, which just says let everything continue and then we go look at it, I do not have a problem with going to look at it, I agree it is a good idea, but perhaps we could pause the training until we have had an opportunity to see it. Then discuss it and vote on it. So, I would offer that amendment. He does not need to accept it, but you know that is the amendment that I offer.

**Mr. Pilarski:**

With all due respect, my other comment would be, we do not have to implement anything, if that is the case, but I do not see the benefit in pausing it. We would want to make sure we finish it as quick as we can, so we are in compliance by December 6<sup>th</sup>. We have a very short timeline here and if this training is not an option for us, we are not really left with much time to go do some other training.

**Judge Lazzara:**

So, you are then not accepting my friendly amendment?

**Mr. Pilarski:**

I am sorry. I am not.

**Judge Lazzara:**

Okay.

**Judge Clark:**

Ms. Moss?

**Ms. Moss:**

One question that I have is before C-SAU or whatever organization there would be called in, I would like the Warden to explain what de-escalation he does before it gets to that. If you would be willing to tell us. Because he already does do some de-escalation. Is that possible?

**Warden Harper:**

I can answer anything you would like, Jail Oversight Board.

**Ms. Moss:**

I am asking you to explain what your process of de-escalation before C-SAU (or another entity if there is one) comes in to take over when you cannot de-escalate.

**Warden Harper:**

As we said in our presentation, the first thing that is going to happen is a supervisor is going to go to the cell to ascertain what is the inmate's issues. The main thing we want to do is try to address the individual issues before we try to use force. Everything is video recorded. So, when the supervisor goes to the cell he is going to be trying to ascertain and everything is video recorded. If the inmate is still non-compliant, then medical and mental health is going to come and try to ascertain what is the issue and try to resolve the issue before C-SAU is called. When C-SAU is called, they are going to come and are going to ask the same thing. But before C-SAU is called they are going to have mental health come and brief them. Is the inmate on any mental health medication? Has he been taking his medication? Does he have a mental health issue? Once C-SAU gets that information they are going to go to the cell and try to de-escalate the situation also. If C-SAU feels that mental health needs to go back and reassess the inmate, mental health will go back before any force is used. So at least on 3 occasions, under video, the de-escalation techniques are video recorded.

**Ms. Moss:**

Thank you.

**Judge Clark:**

Ms. Klein, do you have any questions? It can be for Warden Harper, Mr. Garcia, Mr. Pilarski, or a comment. It does not even have to be a question.

**Ms. Klein:**

I would ask if I could put in a friendly amendment, which would be that we pause the training until we have a chance to look at it. But where I am going to be different is, I would like the jail to consider other options so that we are not caught behind the 8-ball when it is time for the resolution to take effect.

**Ms. Hallam:**

Judge Clark?

**Judge Clark:**

Yes?

**Ms. Hallam:**

Can I speak something on behalf of that? I just want to say I am concerned about even the possibility of us relying on what we are shown in a presentation if we come to the jail, based off the fact that evidence has been entered into court hearings across the country with video surveillance videos from correctional institutions with this specific training being used. I would rely on that more than I would, "Oh the Jail Oversight Board is here today, let us show them how it is done". I would like to ask that that be allowed to be shown during this meeting, since we have already seen C-SAU's presentation and the jail's presentation on this training. I would like to ask that we quickly show a clip from a facility with a video of this training that has already happened.

**Mr. Pilarski:**

Are you sure that this is the same training that we are receiving at the jail now? You are positive it is the same?

**Ms. Hallam:**

I am positive that is the same provider of training. That is what I am concerned about. It is the provider of this training. I did not see a bid go out for these sorts of services. This was a single source bid that was targeted specifically to this provider. Therefore, that makes it eligible for us to look at what this provider has done and what their track record is. If this would have been opened up to other entities to submit a proposal for a certain sort of training but that is not what the county did here. The county entered a single source bid only going to C-SAU, not opened up to anyone else. So, I do think it is relevant here that we look at the type of training that this entity does. So, Judge Clark, would you mind if we watch the video of that please?

**Judge Clark:**

Well I am going to ask to defer to the board as to what they want to do. Hold on, I thought the warden was going to say something in response to Ms. Klein's request for an amendment to the motion. Warden?

**Judge Lazzara:**

I mean I think Mr. Pilarski has to decide whether he is accepting that amendment.

**Judge Clark:**

Well that is true.

**Mr. Pilarski:**

I thought there was still some discussion.

**Judge Clark:**

I thought the Warden was going to say something in response to that, but I could be wrong.

**Warden Harper:**

Ms. Klein asked what our other options are. So, I am going to ask you, Ms. Klein, no, I am going to ask the whole board, you saw the options that we have. We are getting our chemical agent taken away. So, if the Correctional Special Application Unit is not allowed to work, the only option I have is to send 5 correctional officers in a cell to restrain an inmate and as I said we got away from that. In modern correctional theory, we got away from that. So, I am going to send 5 officers in the cell. That inmate is going to get hurt and my officers are going to get hurt. That is the only option and that is an option that we do not want to do.

**Judge Clark:**

Mr. Pilarski, do you want to accept the amendment?

**Mr. Pilarski:**

I am sorry, could Ms. Klein repeat it?

**Ms. Klein:**

Sure. My amendment would be to allow the board to see the training. While that is happening, the training is paused. Also, the jail looks for other providers. I know when C-SAU has been removed from contracts other providers have gone in to provide training.

**Mr. Pilarski:**

And again, with all due respect, my problem with pausing is all the other trainings that were investigated include items that can no longer be used because of the referendum. So, there is not a training out there that does not eliminate those items. This eliminates those items we cannot use. This training makes us compliant with the referendum. Everything else was researched first. If you go to the ACA or the NIJ, the first things they are going to tell you is to use pepper spray and use leg shackles. They are 2 of the top 5 things in terms of less lethal use of force. Those things

cannot be used anymore. They were taken away. If we continue to take tools out the toolbox of the Allegheny County Jail this is going to have an adverse effect of what we are trying to do here. Again, according to the correction professionals, I went and did my homework on the NIJ and ACA websites and did some other homework by speaking with other professionals. They believe this is going to have an adverse effect if we continue to take tools out of the toolbox.

**Deputy Warden Williams:**

May I ask for an additional point of clarity? Both motion amendments have asked for pausing of training but also allowing for observation of said training. I am a bit confused about how we achieve both objectives.

**Judge Clark:**

I was thinking the same thing. That was going to be my question if we pause the training then we cannot watch the training. I think what Mr. Pilarski is saying is to continue the training, we watch it, but they do not implement the training until the board says they can or not. I think that is what his point was.

**Judge Lazzara:**

Can I have him clarify that that is his point? That they would continue the training but not implement it until we have had a chance to watch it.

**Mr. Pilarski:**

Or until such time that December 6<sup>th</sup> comes. If we have not made a decision prior to December 6<sup>th</sup>, I think we are left with no options. But yes, that was my point. We go see the training and it would not be implemented prior to any decisions or December 6<sup>th</sup>, since that is the deadline.

**Judge Lazzara:**

What is our guarantee that we would be allowed to watch it before December 6<sup>th</sup>?

**Judge Clark:**

I think that is up to us, Judge Lazzara. We would have to commit to going or at least a certain number of us would have to commit to going. I do not know that we all have to go on the same day or at the same time. I think we have to commit. This is September. So, we have October and November.

**Ms. Moss:**

What is the deadline date?

**Judge Lazzara:**

December 6<sup>th</sup>.

**Ms. Moss:**

Oh okay. I thought you said September. I am thinking, how are you going to do that.

**Ms. Hallam:**

Judge Clark, can I ask for a point of clarification on that? So, the training that is being done currently, is that training being done with actual incarcerated folks in the Allegheny County Jail involved?

**Deputy Warden Williams:**

Can you say that one more time, Ms. Hallam?

**Ms. Hallam:**

Yeah, so the training that is happening currently, is it being done with the participation of actual people who are incarcerated in the jail right now?

**Warden Harper:**

The training that is being conducted now consists of the correctional officers roving the jail to get the experience that they need to handle these situations. So, yes.

**Ms. Hallam:**

Okay, so that is what I think they are asking in their amendment about pausing the training. I just also have another point of clarification because you keep mentioning the referendum and how it took “tools out of your toolbox”. First of all, I do not think that any jail should have had those tools in the toolbox in the first place, which is why an overwhelming number of residents and voters in Allegheny County voted to remove them. But you kept saying that you had nothing else to use and I just wanted to clarify, Warden Harper, do you still you have Tasers in the jail?

**Warden Harper:**

Ms. Hallam, we sure do have Tasers in the jail but those of us that know anything about Tasers know that Tasers cannot go through a door or a food slot when an inmate is locked behind a door. I am not going to open up the door and use a Taser and put my officers in jeopardy. Yes, we do have Tasers, but correctional experts know that Tasers are not effective all the time, Ms. Hallam.

**Ms. Hallam:**

I guess I am confused because in the video that you showed is an example of the C-SAU practice, they too are opening the door and going inside. Can you clarify what is the difference?

**Warden Harper:**

The difference is that they have the mechanisms and the equipment to protect themselves if something should happen and they are trained to use those options. A regular correction officer with just a Taser does not have the specialized training or the equipment to keep themselves and everybody else in the cell block safe. C-SAU is trained to handle situations like that and have the equipment to accomplish the mission with minimal people getting hurt.

**Ms. Hallam:**

And the Kel-Tec shotguns that are part of this training, how do you use those through a door?

**Warden Harper:**

Excuse me?

**Ms. Hallam:**

The Kel-Tec shotguns that you use in this training. You were talking about using Taser through a locked door, how do you use a Kel-Tec shotgun through a locked door?

**Mr. Garcia:**

Kel-Tec shotguns, when you are talking about a door, I am just going to address one little thing about the Tasers. A number of inmates use mattresses and use uniforms as barricades and those probes have a tendency of not sticking or connecting. What we want to be careful of is also that when we deploy any type of Taser, number 1, the effectiveness and number 2, the safety of the officer and the inmate. On a Kel-Tec shotgun that gives us distance. In other words, I do not want to be on top of an inmate trying to have them cooperate. It is going to be very quick, as you know with violence, as I am sure everyone is aware that the human response to closeness automatically instills a number of different things. But if I could do a stand-off from a distance I have a chance to use my voice, my brain, and hand signals to try to get the individual to understand I am not here to hurt you I just need to change your behavior so that we can safely secure you no matter what. So, we have tools as options. It is just like a police officer on the

street, or yourself, just because you have something does not mean you have to use it. I am sure you have a nice car, but it does not mean you have to go super-fast. It just means that you have an option if you want to pass another car. So I hope I just want to clear that up, just because we have tools to protect us and tools to be able to deal with barricades and different situation, it doesn't mean we have to use it. We want to allow them the option of being able to look at that inmate and deal with them accordingly but preferably at a stand-off distance.

**Ms. Hallam:**

If you wanted to answer my question, Mr. Garcia, my question was specifically, since it was referenced that Tasers cannot be shot through locked doors, how do you plan to, if needed, use the shotgun through locked doors?

**Mr. Garcia:**

No ma'am, I think when you say through it is impossible shoot anything through a solid door. We have to open the door no matter what.

**Ms. Hallam:**

Thank you, Mr. Garcia that was my point. The door has to be opened no matter what. Thank you very much.

**Judge Clark:**

Sheriff Mullen, do you have any questions or comments?

**Sheriff Mullen:**

Yes, I believe strongly in what the Warden is doing. Everybody knows he has done a good job. It has been proven by, you know, some people saying that. I think if he wants to use the training, I think that is his option because he will pay for it if the training does not work out. Maybe there should be a limit to how long we do the training to see if in fact it is still a good training.

**Ms. Hallam:**

Judge Clark, I want to speak to that, it is actually not the Warden who will pay for anything that goes wrong in this training it is the taxpayers of Allegheny County. Recently a case just settled for \$10 million where a corrections expert found that this specific training with C-SAU contributed to the death of a man named Jamal Sutherland in South Carolina. So, it is not the Warden who will pay. Nothing will come out of his pocket when something goes wrong because it will. It will be the taxpayers of Allegheny County who will be paying when something goes wrong.

**Judge Clark:**

Thank you.

**Mr. Pilarski:**

Your Honor, I think it is appropriate for Mr. Garcia to respond about the allegations of Jamal Sutherland.

**Mr. Garcia:**

Thank you so much. I would like to just clarify something. First of all, it is sad that Mr. Sutherland had to die or pass away but I want to make this board aware of one thing, in 2018, as you will find in the 77 page report, the SOG unit, the organization that I was involved with, we stopped our contract. We fulfilled our contract in 2018. In 2019 in March, I sent the letter, we have all of the evidence, it has been verified, that we will not re-sign with the Charleston County Sheriff's Office. In the report it also says that the agency took its SOG from 2019-2020 and started their own training. I want to establish 2 very important facts, one, one of the officers who was involved in the Jamal Sutherland case started our program, started a 6-week program, but was dismissed on request, what we call did not graduate the program, left in the second week of the 6-week program because he did not qualify. The other officer was not certified through our organization since 2017. We are 2 years removed from that, number one. Number 2, neither of the officers were certified by us. Number 3 they had another supervisor come in, who brought in traditional CERT training

and mixed it with a SOG and still wore the T shirt of SOG. That does not represent who we are. It would be like buying a beautiful Mercedes Benz and then you have an engine that you removed out of it. Then you put another engine in it and you still call it a Mercedes Benz, but it does not work the same way. So, we have no culpability. We have not been named in any lawsuit. We have cooperated fully with the FBI, who took all of our information that we provided to them. We changed the mental health program, but everybody involved in the Jamal Sutherland had nothing to do with our organization, our training, period. End of story. Those are the facts. I am sorry that that might distort what you are hearing on the media but those are the facts. Period.

**Ms. Hallam:**

Mr. Garcia, this is not something I have heard on the media. This is actually the Use of Force Analysis related to the death of Jamal Southerland in the Sheriff Al Cannon Detention Center, Charleston County Sheriff's Office, Charleston County, South Carolina. The author of this has specifically relayed to members of this board that the training that is referenced in this report is indeed your organization and your training. So that is not something that I heard from to media, that is from the mouth of the person who did this report. A former Sheriff.

**Mr. Garcia:**

Unfortunately, the hired consultant who did this report, understandably, did not have our full package, number 1. Number 2, he refers to SOG in a general term. It does not say C-SAU because it is impossible to say that we trained the 2 officers. One, again, who failed our program. So, with a 6-week program was dropped on his second week. Then, number 2, another officer who was not certified and plus was removed from the SOG team almost a year before that and then pulled from regular duties to do, unfortunately, a cell extraction. Number one, we do not use chemical agents. You can look at all of our manuals. We do not endorse chemical agents on the mental health. You know why? Because we do not know if they are having a behavioral breakdown or a medical breakdown, why exacerbate the situation? I established that within this community in 2016, on a paper with the National Sheriff Organization. Number two, again I do not know what Charleston County for 2 ½ years did when we terminated our contract, but here are the facts. In 2008 we started our contract to 2018, not one excessive use of force complaint, not one lawsuit, not one inmate killed and not one officer injured. So it seems kind of odd that almost 2 ½ years later, that I would be removed, that we left the contract, and we are to blame for something that we had no input in the training for 2 years. They blended traditional CERT and SOG and then tried to make their own program. It should be evidence that you should not deviate from a program that already works. Thank you so much.

**Judge Clark:**

I want to give Ms. Wagner the opportunity to speak. She is the only one that has not had an opportunity to weigh in and she is been very patient. So, Ms. Wagner?

**Ms. Wagner:**

Thank you. I have a number of questions both for Mr. Garcia and then also for the administration but maybe if I start with Mr. Garcia. You and the jail had both referenced your 27 years of law enforcement experience, we have not received a resume or a CV. Is that something that you can get to us?

I am sorry. Who is speaking?

**Warden Harper:**

We will look into that Ms. Wagner. I will get back with you later to see whether or not I can get you that.

**Ms. Wagner:**

Let me ask Mr. Garcia then. Mr. Garcia, for your 27 years, can you, as we are all here, just detail your employment background?

**Mr. Garcia:**

Thank you. I have worked for 4 major agencies, 4 major sheriff's departments.

**Ms. Wagner:**

Could you indicate them specifically, please?

**Mr. Garcia:**

Sure. Virginia Beach Sheriff's Office, Arlington County Sheriff's Office, Spartanburg County Sheriff's Office, and the City of Richmond Sheriff's Office.

**Ms. Wagner:**

Okay and is that your full employment history for the 27 years, I would say then dating back to 1995?

**Mr. Garcia:**

1992 and obviously working for the Corrections Special Operations Group as a contractor.

**Ms. Wagner:**

The information that we have then that you have worked with 14 Departments of Corrections. Can you tell us the 14 Department of Corrections that you have worked with?

**Mr. Garcia:**

Ma'am, I sign an NDA with every agency that I work with, so I would need to get permission to release those agencies just for a number of reasons.

**Ms. Wagner:**

Has the jail or the county administration been provided with that information?

**Mr. Garcia:**

Do you want to answer that, Sir?

**Warden Harper:**

We do have references of individuals of the correctional agencies that he has trained.

**Ms. Wagner:**

The 14 different corrections that are referred to?

**Warden Harper:**

We do have references. Yes ma'am.

**Ms. Wagner:**

There are 14. Okay. So, I presume that it was able to be provided contrary to whatever non-disclosure agreement Mr. Garcia is speaking of?

**Mr. Pilarski:**

If I may clarify, I do not think the Warden said he got 14. He said he got references. He did not put a number on it.

**Ms. Wagner:**

So, my question, let me just ask my question, let us not confuse it. I want to know if the county administration and/or the jail has the 14 different Corrections Departments that are claimed to have been worked with? It is a simple yes or no.



**Warden Harper:**

It is not a simple yes or no. What I can tell you, Ms. Wagner, is that we have the references. That is all I can say Ma'am.

**Ms. Wagner:**

In your information, Warden Harper, you have attested to us that exhaustive conversations with Mr. Garcia referring to his 27-year law enforcement history and also to 14 different Departments of Correction. We have viewed, not just in some wild internet searches that has been referred to by some other folks, but court documents and other verifiable documents that show concerns with those that we are able to identify. So, I think that is very important for us, as a jail board, to understand which other Departments of Corrections beyond for example, the one in South Carolina or York County of which we know that we are talking about. I also asked of the administration and of the jail, it has been stated multiple times that there was outreach to other tactical training companies. Can you inform us which other companies have been contacted?

**Warden Harper:**

I can definitely do that, but I do not have that information available right now, Ms. Wagner.

**Ms. Wagner:**

When might that be able to be provided to us?

**Warden Harper:**

As soon as I possibly can.

**Ms. Wagner:**

Well I think everyone was emphasizing the tight time frame here, so any approximation that you could give me would be appreciated.

**Warden Harper:**

As soon as I can, Ma'am.

**Ms. Wagner:**

I mean I do not think our board should be taking the approach, as soon as we can, we will review this, but I will leave it at that. Mr. Garcia, we understand that the contract from Allegheny County was entered into on the 14th of July, however, we only have information of an insurance carrier for your organization beginning on the 22nd of July. I see Next First Insurance. Were you insured prior to that?

**Mr. Garcia:**

Ma'am, that is going to be a question for our administration. Yes, we are, we were, but that is a handled by different group.

**Ms. Wagner:**

Okay. I am going to add a few comments if I may at this point. Mr. Garcia made comments about the South Carolina \$10 million verdict that Ms. Hallam was speaking of. I know this was sent to our board approximately 3 weeks ago, actually I think 4 weeks ago, right after our last meeting and the board did have the opportunity to review the expert report. I want to add because that has come into question in this call that Mr. Rainey, who is referred to as the person who did this report is a recognized national expert in the use of force, my understanding is that President Obama, through Attorney General Holder, appointed him to the National Institute of Corrections. He is the VP of that organization that provides best practices in jails and prisons. What I would like to ask, if we are going to be able to review this background, as I said before I want to be able to see a resume, CV, and information about the other Departments of Corrections, but I would also like this board the opportunity to hear from Mr. Rainey. I would also say that to the motion that has been offered by Mr. Pilarski, when we are looking at this notion of a demonstration, a

demonstration is but only one component. My Chief Counsel, Mr. Korinski, who is on this call, I think gave the best analogy when we were discussing this earlier today. If the county is engaged with an engineer and that engineer had a sizeable lawsuit, for example, for a bridge falling down, we wouldn't say, "engineer, we want to see a demonstration of how you build a bridge". We have very concerning allegations before us that a demonstration alone is not going to satisfy. This board most certainly needs to review full information. I would say a vendor of this magnitude, of these types of procedures within our jail, is just as concerning if we had residents going on a bridge and we were about to retain a contractor who had serious allegations in that respect. This board is charged with protecting the health and welfare of our inmates. So I want to also say that the notions of this county administration towards the need for expediency, and I think this may address one of your earlier questions, Warden Harper, and I certainly want to say that I completely respect and understand how difficult the job is for your administration and for the employees at the jail, however, we also have a referendum from the voters of this county. If the jail and the administration believes that it cannot safely comply with that referendum, I think your appropriate measure is to take that up in the courts, rather than bringing to us a sole source contract of which there are many credible questions, not simply wild Internet searches. So, just in closing for my comments what I would like to ask is that this board reconvene. I think given the time constraints that is something that we need to do more quickly. I know everyone on here has very busy schedules. I would ask that we reconvene in two weeks. Mr. Garcia, I know I have asked you questions but I do appreciate your attendance here today. I would ask that both Mr. Garcia participate in that meeting and that we also invite Mr. Rainey to participate in that meeting. Thank you.

**Judge Clark:**

Thank you, Ms. Wagner. Ms. Hallam just couple more comments. Then, I guess, we can at least call for the vote on the motion. I think depending on how the motion goes there are some other things that I have heard that I think are important and that the board could request. Ms. Hallam?

**Ms. Hallam:**

I appreciate that. I promise that I will be brief. I just have a couple more questions. I know Ms. Wagner has brought up questions about the resume of Mr. Garcia. Mr. Garcia, have you served in the military? I do not think you signed an NDA with the military. So, I figure it is okay to ask you that.

**Warden Harper:**

Ms. Hallam, we are not going to get into his history with the military. What we are going to do is base our opinions on the training that he is going to bring to our agency, the background checks that we did with NCIC and he was cleared, and him clearing the background checks with 4 or 5 other agencies and correctional facilities throughout the nation and the world. So, we are not going to talk about that.

**Ms. Hallam:**

Warden Harper, with all due respect, I do not believe, actually I know it is not your decision whether or not I can ask questions and have answers to them as a member of this board. So, I am going to ask again. This question is directed at Mr. Garcia, not Warden Harper. Mr. Garcia, have you served in the military?

**Warden Harper:**

And again, Ms. Hallam, I am going to step in. We will not be answering that question, Ms. Hallam.

**Ms. Hallam:**

You are not elected representative of this county, you are not a member of this board, and I am trying to be respectful and patient and calm but I do not appreciate you being an obstructionist in a very important line of questioning. If you are going to bring up his background checks, if you are going to bring up his previous experience, if you are going to bring up his prior training, I am within my absolute right to ask him if he has ever served in the military. The fact that you are so strongly dodging this question, is very concerning to me. Have you served in the military, Mr. Garcia?

**Judge Clark:**

Can you answer that question, please, Mr. Garcia? I do believe it is actually a relevant question.

**Mr. Garcia:**

Yes, ma'am, I have.

**Ms. Hallam:**

And were you discharged from the military?

**Warden Harper:**

We are not going to answer that question, Ms. Hallam. We are not going to answer that.

**Ms. Hallam:**

Again, Warden Harper, with all due respect, I really am trying to keep it cool here. Please. I am not talking to you. I am speaking to Mr. Garcia, who this line of questioning is about. His prior military experience truly is outside of your area of expertise, Warden Harper, I would like to hear from Mr. Garcia. Were you discharged from the military?

**Judge Clark:**

Ms. Hallam, this is what I would say because I think you are going to keep asking and the same thing is going to keep happening, I think we should take a vote on the motion. Depending on how the motion plays out, I think then the board has a right to request certain things. I think we should have those certain things. I do like the idea of Ms. Wagner having sort of an expedited board meeting just to deal with this issue. Then you can ask whatever you want to ask at that time.

**Ms. Hallam:**

Judge Clark, are you saying that I can ask Mr. Garcia in two weeks at the special meeting?

**Judge Clark:**

You can ask him today. I do not have any problems with you asking him today. I think they are not going to answer the question. I think we are at a standstill. We really need to move off and have the vote. But maybe he will answer the question.

**Ms. Hallam:**

Mr. Garcia, are you going to answer my questions because if you are not, I would like to move on to the vote? Are you going to answer my line of questioning?

**Judge Clark:**

Mr. Garcia go ahead.

**Mr. Garcia:**

I served in the military, number one. Number two, I never touted anything other than my 27 years of law enforcement experience. Everything else before that is private, is a personal matter, and I will not answer anything about my personal life. I am sticking professionally with my professional resume. Thank you very much.

**Ms. Hallam:**

So, part of my professional resume is that I actually was incarcerated and so I am wondering if as part of your professional resume where you ever incarcerated? Whether in a military facility or in a civilian facility? Did you ever serve any time in a Correctional Facility?

**Judge Clark:**

I do not think he wants to answer that now. I think we have to save that for later. There may be reasons that. For example, if somebody gets a pardon. I do not think they necessarily have to answer that. They could answer that. Personally, I think it is relevant. I think we should move on from this issue right now.

**Ms. Hallam:**

Judge Clark, can I just ask you then, when can we ask this line of relevant questions? I just want to make sure I am understanding this thing that we are voting on. Are we voting on a meeting in two weeks to ask relevant questions?

**Judge Clark:**

We are voting on the motion by Mr. Pilarski, that was seconded by Sheriff Mullen, to hold off on deciding about the C-SAU contract until the board has had an opportunity to review the training for themselves. I think the board can decide. If the motion passes, I like the idea Ms. Wagner had about convening sooner and having a meeting that is solely for the purpose of deciding this issue. There will not be any other issues on the agenda. It will be a special meeting for the board. But I do not know what the result of the motion is going to be. I think we need to decide because then we may get to another point. That is my point. I do not think any more questions at this point is going to be productive. Ms. Wagner?

**Ms. Wagner:**

Thank you, Judge. Mine is not a question. I just wanted to offer an amendment based on the discussion. So that we would also receive the resume and CV and a list of prior clients.

**Judge Clark:**

That is what I was going to request on behalf of the board. If Mr. Pilarski's motion passes that we ask for those things. I think the board has a right to have those things. That was going to be, sort of, the next step. I do not know that it has to be part of the motion or whether it would be a separate motion. I think we can just ask for it, but I think we should have it.

**Ms. Wagner:**

Thank you. I am happy with that.

**Ms. Hallam:**

Judge Clark, were any of the amendments that were mentioned by Judge Lazzara and Ms. Klein accepted?

**Judge Clark:**

He declined Judge Lazzara's motion and I do not believe we ever got to the point where he actually said whether he would accept Ms. Klein's friendly amendment. I think the point that Chief Williams made about stopping the training is that we would not have anything to watch. Ms. Klein?

**Ms. Klein:**

Since it was my amendment, thank you Ms. Williams for clarifying that obviously you cannot watch a paused training. If I could clarify my amendment would be that while we are watching the trainings they are not implemented and also that the jail would look at other contractors because we do not want to be behind the 8-ball.

**Judge Clark:**

Mr. Pilarski, do you accept that friendly amendment?

**Mr. Pilarski:**

I can say we will not implement anything but as I have said we have looked at other contractors. The other contractors all have items that we cannot use that they use in their training. So, to use them in training, I do not understand how it would be beneficial if they would train some things that we cannot utilize.

**Judge Lazzara:**

So, is that a no, Mr. Pilarski? No, you will not accept? I would like to propose another friendly amendment. Understanding that the training can continue, that we would go watch the training, we would be provided with all of the background information that we request and that there be no implementation whatsoever until the board approves it. So, if this goes beyond December 6, they do not automatically start using it. There would be no implementation in the Allegheny County Jail until the board has had a chance to do its due diligence, which I believe is what Mr. Pilarski wants us to do. I think we all want to do that due diligence. I think that there should be no implementation of this policy until the due diligence is completed. No matter what time it takes, understanding that there is a deadline of December 6<sup>th</sup>. We all understand this is an important thing and I am sure we can all make sure that we can be present to do it before that time.

**Mr. Pilarski:**

Your Honor, I do not disagree with you. My only concern, I am not an attorney, if this goes beyond December 6, I do not know what the repercussions would be if we do not implement something on December 6<sup>th</sup>.

**Judge Lazzara:**

You can implement something, but you cannot implement this program. That would be that would be my friendly amendment to you and that is the only way you are going to get my vote. So, I am going to tell you that right now. You make your decision on whether or not you are going to accept it or not.

**Mr. Pilarski:**

So, we would not implement it forever? I do not know. Is there an infinite timeline?

**Judge Clark:**

The board has the responsibility to decide something before December 6<sup>th</sup>. So, I think that is it. We did not vote on it, but I think we have decided kind of informally that we were going to reconvene earlier. So then will either have some other vote. I do not think that the friendly amendment is going to really change your motion substantially because we have to come back, and the board has an obligation to make sure that the jails complies with the law. I think we will be back. I cannot say what the result will be when we come back. There is still a proposed motion that could be presented at that time or a different motion by Ms. Wagner or Ms. Hallam or any other person on the board. But I think the motion right now, as I understand it, is to let the board take the opportunity to view the training before it makes a decision. I think that the board also wants to have certain other information about Mr. Garcia and so forth that is relevant to the board's decision making.

**Mr. Pilarski:**

Your Honor, I hear you and I hear Judge Lazzara. I do not have a problem with it but like I said, I do not know what the repercussion would be if we do not implement something by December 6<sup>th</sup>. I had no problems with the board views it. I would accept that friendly amendment but again with the caveat that I myself is hardly capable of saying what would happen beyond December 6<sup>th</sup> if we have not implemented anything.

**Judge Lazzara:**

I think we all know it is our responsibility to know that the jail has some ability to use, in situations that they will need to once the voters' will has been imposed on the jail. I think that we have the right to make sure that there is no implementation of this policy until we have had the opportunity to do our due diligence. You said earlier in response to a question that it would automatically go into effect on December 6<sup>th</sup>. I want to make sure that is not the case and that there is no implementation until this board agrees with the understanding that we are going to do our job. We are going to make sure we do our job to not leave the Warden with no options by December 6<sup>th</sup>.

**Mr. Pilarski:**

I certainly would not want to suggest that anyone on the board would not do their job or would not do the best. I just think we still have to do our due diligence like I said. I accept your friendly amendment. I am sure there will be plenty more discussions between now and December 6<sup>th</sup>.

**Judge Clark:**

Sheriff Mullen, do you second the motion with the friendly amendment?

**Sheriff Mullen:**

I do.

**Judge Clark:**

Alright.

**Ms. Hallam:**

Judge Clark, can you clarify what we are voting on? I think about to take a vote. Can we clarify what the motion is with the friendly amendment prior to the vote please? Just so we are all on the same page.

**Judge Clark:**

The motion is that the board should forego an action regarding C-SAU training at the jail until such time as each member of the board, or in the alternative, members of the board designated by the chair, has had the opportunity to observe a significant portion of the training at the Jail so as to obtain an informed opinion as to whether such training is in the best interest of the Jail inmates, and personnel and is consistent with Section 205 in all other legal obligations and otherwise serves the best interest of the residents of Allegheny County. In addition to that is the program will not be implemented until the board has actually taken action on whether it should.

**Judge Lazzara:**

And the information to be provided to us.

**Judge Clark:**

That is right. Also, that the information is provided to us.

**Ms. Hallam:**

Just to sum that all up, if we vote yes right now in this vote that is about to happen, we are saying yes, this training will stop until the board reconvenes to vote?

**Judge Clark:**

No, the training will continue.

**Ms. Hallam:**

The whole point of this conversation was how horrible this training is, if this motion does not stop it until we vote yes or no on it, then all Mr. Pilarski is trying to do is to last minute sneak in an agenda item after the agenda was set with a motion to try to stop this contract. I just believe that is disingenuous.

**Judge Clark:**

That is your opinion. We have the motion and we have the second. I am going to do a roll call vote, so we know who is voting. Ms. Hallam?

**Ms. Hallam:**

I am going to be a hard no.

**Judge Clark:**

Thank you. Mr. Pilarski, on behalf of Executive Fitzgerald?

**Mr. Pilarski:**

Yes

**Judge Clark:**

Alright. Ms. Klein?

**Ms. Klein:**

No

**Judge Clark:**

Judge Lazzara?

**Judge Lazzara:**

I am going to say yes because I think it is something needs to continue while we are trying to figure out whether this is the right thing.

**Judge Clark:**

Ms. Moss?

**Ms. Moss:**

I am doing a yes.

**Judge Clark:**

Sheriff Mullen?

**Sheriff Mullen:**

Yes

**Judge Clark:**

Ms. Wagner?

**Ms. Wagner:**

I am going to vote no but I do want to acknowledge I appreciate the amendment and to specifically secure the resume and the prior corrections departments with which this company has contracted. I believe we should have had that by now to answer the concerns that we have already had. So, I look forward to receiving that as it looks that this will be carried as a motion. Thank you.

**Judge Clark:**

It is 4 yes and 3 no. So, the motion is carried.

***The board approved a motion (4 Yea, 3 Nay) by Mr. Pilarski, on behalf of County Executive Fitzgerald, duly seconded by Sheriff Mullen, that the Allegheny County Jail Oversight Board shall forego any action regarding C-SAU training at the Jail until such time as each member of the JOB, or in the alternative, members of the JOB designated by the JOB chair, has/have had the opportunity to personally observe a significant portion of said training at the Jail so as to obtain an informed opinion as to whether such training is in the best interests of Jail inmates and personnel, is consistent with Section 205 and all other legal obligations, and otherwise serves the best interests of the residents of Allegheny County. With the amendment that the program will not be***

*implemented until the JOB has taken action on whether it should be executed, and the JOB is provided with all requested information.*

**Judge Clark:**

Then I will send Warden Harper tomorrow a list of the things that we are requesting. We have to proceed with speed so I would ask you to send me whatever it is you want so I do not leave anything out. Then I guess we need to work with the Warden. We do not all have to go at the same time, but does everybody want to go? The motion also says the Board Chair can designate who wants to go. Why do not you email me if you want to see the training and your availability? I am assuming that everybody wants to.

**Ms. Hallam:**

Are we still debating on Controller Wagner's motion about the meeting in two weeks? Is that something that is set, or do I need to second that motion and we have a vote on that?

**Judge Clark:**

I do not know that we actually need to have a vote on that. Does anybody disagree that we should not have a meeting in two weeks or close to two weeks?

**Ms. Wagner:**

May I just add one important point to that? I would ask that at that meeting Mr. Garcia again be available and that we also are able to hear from Mr. Rainey.

**Judge Clark:**

Right. I was going to ask Ms. Wagner if she would contact Mr. Rainey and see what his availability is. Since we are doing a virtual, it is a lot easier for people to participate because they do not have to travel anywhere. But I would like to know what his availability is and then we can set a date. The time is tight so if you could provide me with that.

**Ms. Wagner:**

Absolutely.

**Judge Clark:**

Then I will ask for Harper to give me some dates from Mr. Garcia, so we can then pick the same dates. If anybody knows that they are not going to be available any days in the next couple of weeks because of travel or vacation or anything would you please email me and let me know? I know I am asking you to do a lot of things between today and tomorrow, but I do not think we have a lot of time with all fairness to the Warden. I mean it is difficult and whatever is decided we need to act very quickly.

## **5. Old Business (continued)**

**Judge Clark:**

Because it is 6:10pm, we have some other items in old business and I think some of these can wait until the next meeting, such as the update on the Polycom policy and plans to resume visitations in the jail. I think it is fair to say that looking at numbers that are coming up every day, I think we can hold off on those things, unless there is something there Warden you just want to tell the board with respect to those things.

**Warden Harper:**

No ma'am.

## **9. Deputy Warden's Report**



**Judge Clark:**

Deputy Warden Williams, you usually give a very detailed report on the COVID update and I am going to ask you if you could perhaps do that rather quickly. Just with the number of public comments, I want to make sure that I get to some of them. A lot of them dealt with the C-SAU contract. I do not know that I am going to read most of those, but I am going to turn it over to you right now.

**Deputy Warden Williams:**

Thank you very much, your Honor. So, we have updated the website and it might be a bit confusing if you start to add the numbers together. You would come with a total number of positive cases which is higher than what we have had. The important thing to note is we do confirmatory testing for discordant results. If somebody tests positive with the PCR test and they have not had any symptoms, we may be confirming that with the confirmatory test, which is the PCR. Or on the opposite, there have been several times when we have utilized rapid testing with somebody who is demonstrating symptoms and they test negative, but we keep them isolated because they are symptomatic. Then we will do a viral diagnostic test to confirm whether or not they are positive. There are times when you see duplicate numbers. I did try to separate them out within the data, as well as providing the look back. Instead of spending a large number of time on all of the total numbers, which are available on the website, I want to be mindful of time and focus on the fact that within the last month we saw an enormous increase in positive cases, not just in Allegheny County, but in our facility as well. In August alone we did 3,976 rapid antigen tests, 3,701 of them were negative and 226 of them were positive. You will see those case counts on the website. Presently, we have 65 individuals who are positive in our facility right now. They are on our isolation units where we can meet their needs. We do have some on our medical housing unit that require additional monitoring. Then we do actually have two individuals who are presently hospitalized with COVID-19. So what has changed? Well, we are seeing a much larger incidence rate in recent admissions to our facility, which is reflective of the increasing rise in community cases as well. Through consultation with the Health Department we recognize that the R naught of the original virus of SARS-CoV-2 was believed to be 2, the R naught of the variant, Delta, is perceived to be 5. Though we have not sent our specimens to the CDC to get those confirmed to be Delta, since we do know that that is the large presence of cases within Allegheny County, we believe that to be also the case within our facility. The infection rate is 2 1/2 times more contagious than the previous strains. Additionally, we all know congregate settings are extremely challenging environments. Although we have the capability to cohort on our housing units, we may not be able to cohort individuals who are traveling offsite for medical procedures or to their legal obligations. This adds a layer vulnerability to our institution that we did not see in the earlier phases of the pandemic. As everything has opened up, we have all become more vulnerable. Right now, I referenced that we have two individuals who are known to be positive and having their needs met in a setting that affords a higher level of care and monitoring. We are limited in the level of monitoring that we can provide on sight. If someone requires continuous oxygen of 6 liters or more, they need to be transferred to a higher level of care due to a number of different medical concerns and complications, like hypoxia. We do not want people to have negative events or even more negative events as a result of COVID-19, so it is important that we allow them to have access to higher levels of care to treat them. When indicated, in terms of serious illness, we have also additionally enacted procedures to contact next of kin in order to engage the appropriate persons for the health care decision making process. This is extremely important because if the person is unable to make decisions about their own medical care, we do not want to be the ones doing that for them. So, we want to make sure that we are engaging the family members who are identified as next of kin, so that they can make the health care decisions. I can say this is no small feat with our population and does not always happen at the most timely time. I wanted to specifically thank the Office of the Public Defender, specifically Director Dugan, who has gone above and beyond to support our population and their families. During off hours, the Office of the Public Defender has been exceedingly responsive and available in assisting with collaboration with private counsel, or submitting emergency court orders, to increase coordination and communication of care for our patients that are in the hospital. They have been expeditious during times when it was most necessary and demonstrated their commitment to true public service. When somebody declines in health, we work very closely with the care team at the hospitals to make those decisions when we should be engaging others and I am very thankful that we have the relationship and the resources within Allegheny County that we can assist families, so that they can be engaged at a very important time. Within our staff, we have had 162 positive cases and 9

individuals who are currently engaging in their recovery process and have not yet returned to work. I know that some of the public comments referenced this, so I wanted it to be part of the presentation that beginning August 30, 2021, the Allegheny County Jail began surveillance testing on all employees, county and contracted, if present to the facility and have not demonstrated proof of vaccination. This surveillance testing is completed on a weekly basis. In terms of vaccinations, we have supported the vaccination of over 1,400 incarcerated individuals. We still maintain storage of Pfizer, Moderna, and the Janssen vaccine on site. We are continuously offering these vaccines and completing vaccination clinics Monday through Friday. Presently, we have 814, or 48%, of our current population who have received their full series. Of those, 691, or 41%, have been vaccinated with the full series and have additionally exhausted their two-week post vaccination. So, we would consider them to be fully immunized within the facility. This is an 11% increase from last month's percentage reporting and is no small feat in a population that is constantly changing. A lot of times we are the responsible entity for providing the second dose of Moderna or Pfizer when somebody has started that vaccination process in the community. That requires our health care staff to confirm what dose they may have received and when in the Pennsylvania Immunization Record, also known as PA-SIIS. Then scheduling out appropriately when they would be due for their next injection, making sure that they have received all of the informed consent and then providing the actual vaccination. We have, thanks to the board, continued to apply \$25 to the accounts of fully vaccinated individuals from the Incarcerated Individuals' Welfare Fund, with the exception of those that have been completed since August 27, 2021. That list keeps evolving and it is very fluid, and we continue to revisit that to make sure that we are applying those to the accounts. I am certain there might be additional questions related to this, but I wanted to provide the bulk of the specifics in mindfulness of the time.

**Judge Clark:**

Ms. Klein?

**Ms. Klein:**

Do you know if any of the staff who you said tested positive, have any of them tested positive twice?

**Deputy Warden Williams:**

We have had staff that have tested positive on more than one occasion. We have also had staff who were fully vaccinated test positive. Though both of those rates are extremely low within our staff populations they have occurred.

**Judge Clark:**

Ms. Hallam?

**Ms. Hallam:**

Yes, going of that question, what is the protocol for, I am just going to throw out a hypothetical, I am a Corrections Officer. I am vaccinated. I come in contact with a COVID positive person at the jail. I test negative. What is the procedure for that? Am I still forced to take time off work? If you could just speak to that.

**Deputy Warden Williams:**

Everything is going to be contingent on how the contact was actually defined. A contact exposure could be an employee who maybe has their masks just like mine is presently around a known positive case or they are not wearing the protective gear that would be most important or they are around another staff member and they're not compliant with the protective measures that are in place. So, if you are a vaccinated person, we would test you just to make sure that you are not also presently positive, you would quarantine for five days. As long as you do not develop symptoms and you continue to test negative, you are permitted to come back to work. We are definitely taking an abundance of caution because we are seeing breakthrough infections within the institution that it does not seem to be a worthwhile risk to continue disease spread. So, those are the procedures that were presently following.

**Ms. Hallam:**

Okay and for those five days that they are forced to quarantine, regardless if they are vaccinated or not, are they paid for that time?

**Deputy Warden Williams:**

If they have benefit time available, then it is paid.

**Ms. Hallam:**

So, they are not paid for that time, they must use benefit time that they have accrued for this mandatory quarantine?

**Deputy Warden Williams:**

Yes, ma'am.

**Ms. Hallam:**

Okay. Then my next question is, have any staff members that have tested positive for COVID been either hospitalized or lost their life to COVID? I know we report about the hospitalizations of incarcerated folks, but I am wondering if that has ever happened with the staff.

**Deputy Warden Williams:**

I cannot go into specifics related to personnel, but I can say that we have had several individuals who have had very severe expressions of the illness and some that have not returned to work. So out of respect for them I would not want to comment on that further. We do have people who are aware that people have been out and that is related to their protected health information. I would not want to give that information in a public setting.

**Ms. Hallam:**

Can I ask what the difference is? Why you are allowed to give that information about incarcerated folks but not about the staff members?

**Deputy Warden Williams:**

We are required to report on the hospitalizations of incarcerated individuals I am not required to provide protected health information of my employees. I have a duty and obligation to protect them as well.

**Ms. Hallam:**

Do you believe that you are prohibited from telling us if any staff members in the jail have been hospitalized or lost their life to COVID?

**Deputy Warden Williams:**

I do not think that it is appropriate. It is not regarding whether I am prohibited, I do not find it to be appropriate during this setting to discuss. It is possible that maybe during communications with the board that might be something we could discuss in the future, but I would not feel comfortable, at all, in this setting.

**Ms. Hallam:**

Then I would like to ask that after this meeting is over you communicate to the board, outside of this public setting, whether or not any staff members in the jail have been hospitalized or lost their lives to COVID. Thank you very much.

**Judge Clark:**

Ms. Wagner, did you have a question or comment?

**Ms. Wagner:**

I did have just a brief question. Deputy Warden, are you all in preparation to administer the booster dose?

**Deputy Warden Williams:**

Yes, we are. We have been in discussion with our electronic health record vendor to make sure that we can accurately document this as well. Right now, we have a specific queue that we are working out of for vaccinations. We have also been reviewing the individuals who would meet the criteria making sure that once we hit that timeline of which they are eligible that we would be providing that booster vaccination as soon as possible. Some of our staff are at that point.

**Ms. Wagner:**

Thank you.

**Judge Clark:**

Any other questions? Thank you, Deputy Warden Williams. I always appreciate the detail of the report that you give us, and I know it is worked to compile it. We really appreciate it and I hope the public appreciates it as well.

**8. Public Comments**

**Judge Clark:**

So just a couple of things with respect to the public comment, we had a lot of public comments. I want to thank the public for the comments and for expressing such interest in what I think are some of our most vulnerable citizens in Allegheny County, the people who are incarcerated. Many of the comments dealt with the C-SAU contract, in opposition of that.

**A. Alicia Turner**

*“How come these people don’t have working Hot water they are still human regardless of what the situation is these are peoples love ones?”*

**Judge Clark:**

Then we had a number of comments about conditions in the jail. There were a couple of comments about whether there was a lack of hot water. So, was there an issue with hot water?

**Warden Harper:**

We did have an issue with the water at one time period and that issue was addressed as quickly as possible. So, there was an issue one time and it was addressed.

**Judge Clark:**

Thank you.

**B. Vanessa Thompson**

*“Hello, My loved one mentioned fear of rodent droppings being in the inmates food due to seeing roaches and rats in the kitchen. Will there be an exterminator to take care of this problem? They also mentioned not having hot water. Will hot water be provided to the inmates for food as well as clean water for drinking? Lastly, another loved one has been waiting to see a judge for over 2 years. What is the process of getting in front of a judge? Thank you! Vanessa”*

**Judge Clark:**

Can you address the issue about the extermination and maybe Judge Lazzara and I can talk about the issue about getting their case to court? It has been complicated, I will say, during COVID and a lot of it depends on the reason someone is there. So, there are a number of factors. But can you comment on the issue of any rodent droppings and things?

**Warden Harper:**

So, the exterminator still comes twice, your Honor. That is still in progress.

**Judge Clark:**

Has there been an issue that you are aware of recently with what is described in the comment?

**Warden Harper:**

I do not know of any rodent droppings in the food in our kitchen, your Honor.

**C. Rachel Greene**

*"I'm looking for clarification on why people are placed in segregated housing. What must a person do, or what criteria must they meet, to be placed in segregation? Who decides how long a person stays in segregated housing, and how often do they reassess the situation?"*

**Judge Clark:**

I am not exactly sure what she means by that, but I do not know if you can comment upon that?

**Warden Harper:**

Criteria for segregated housing includes anyone who is a threat to themselves and others, anyone who violates policies and procedures. The program review committee determines how long an inmate remains in segregation. Reviews are conducted every 30 days.

**D. NCCH Review Comments**

**Judge Clark:**

Then there were a few comments on the NCCH review and specifically on inmates who are withdrawing. Since we did not go through that report at this meeting and I am going to ask that we hold these comments for the next board meeting. Then the Warden can give a full update because I think at the last board meeting there were some questions about them coming back in and reassess. I think that would be appropriate to have some discussion at our next board meeting about that because I thought those were good legitimate concerns.

**E. Shuman Center Closing Comments**

**Judge Clark:**

Then lastly there were a number of questions in the public comments about the closing of Shuman Center. I just have a couple of things to say, this board does not have anything to do with the closing of Shuman Center. Some of the comments expressed concern that the closing of Shuman Center would result in juveniles being detained in the Allegheny County Jail. I can say that is not the case. The juveniles that are in the county jail are there because they are charged as adults under the statute. They are not charged as juveniles. Juveniles who were charged with delinquent offenses cannot be housed in the county jail. They can only be housed in a detention center if the court determines that they should be detained pending a hearing on their case. Juvenile that are charged with homicide or murder, regardless of age, are charged as adults. Those cases start as adults because the crime of murder was excluded from the definition of delinquent offenses. Other juveniles that can be charged as adults are those who are 15 years of age or older and alleged to have committed one of the serious felonies: rape, involuntary deviate sexual intercourse, felony one robbery, kidnapping, carjacking, and some others while in possession of a deadly weapon. Many of the juveniles that are charged as adults are not detained, they get bond. The ones that are detained can petition the court for transfer of their case to juvenile proceedings. If the court grants that then they would be released from the jail and detained somewhere else if the court determines that they need to be detained. The statute is very specific as can be charged, I have great faith in the District Attorney that they are not going to try to trump up charges just to put juveniles in the jail or detain them. There are a lot of efforts happening

in Allegheny County with the cooperation of the District Attorney and police departments all over the county to actually divert more cases from the filing of charges. I think it is about 40% of the cases get some kind of diversion. Some are diversion without any charges being filed, where police can divert. Also, the Juvenile Act allows for the Probation Department to adjust any case without the filing of a petition. If the juvenile completes some community service, then no charges are filed, and the record is expunged. So that will not result in the increase of juveniles being detained in the county jail. I just want to say that, as a judge that works there and has worked in the juvenile court for about 22 years. With that I am going to move to a new business, and I know that we have Ms. Hallam's motions. Yes?

**Ms. Hallam:**

Before we move on to my motions, I have some concern about the public comments. This month something new happened with public comments were now the folks who are submitting public comments are limited to 750 characters.

**Judge Clark:**

That has been for a while, Ms. Hallam.

**Ms. Hallam:**

Why was that implemented? I am worried. We are not reading comments. We are limiting comments. Now we are just straight up excluding a lot of comments.

**Judge Clark:**

We get around 50 comments. I try my best to read as many as I can. When we first started this process with the virtual meetings, I actually did a practice run of my quickest reading of the comments and it took over an hour to read the comments. That is with no discussion. It was just me reading them with my stopwatch going one right from the other. There was one occasion where I actually wrote answers and had them posted on the website. I try my best but many of them are the same. People have raised the same issue, so I try to pick one or two that are representative of them. I am open to suggestions from the board as to how we can do this better. I really do appreciate the comments. You all get the comments. I get every one of them. If there's a comment that you can particular that you want read at the meeting, all you have to do is tell me, "Judge Clark please read this or you can read it yourself. If there is something you want to make sure is answered, you can do that. I go through them. Sometimes, I ask the Warden or Chief Williams to be sure we can answer certain ones, so that we are prepared to have some discussion. The meetings are lengthy. We just cannot get to all of these written comments. I think we got close to 50 this time when I counted. That is a lot and if we took 2 minutes on 50 comments, just reading them is 100 minutes. I do not know any other way to do it. If you all want to put your thinking caps on and figure out a better way to present these at the meeting. I go through them. I read every one of them. There is not one comment that I do not read. My staff compiles them and my secretary groups them in categories with headings, so I know what they are. I blow them up so I can read them easily at the meetings. I highlight the things that are questioned. Some of them are truly comments and they are not really asking questions. Some of them I did not read because we had a lot of discussion about the C-SAU contract. I did not read any of those comments. That does not mean that we are not thinking about them. If you want at subsequent meetings you can ask me to read one and I will do that.

**Ms. Hallam:**

My next question was going to be, since this emergency meeting we're having in two weeks is not a regular meeting but is a public meeting and is specifically about the C-SAU contract, I would like to ask the comments about the C-SAU contract that were not read today be read at that meeting. I do know that there are a lot of folks who reached out to us about that.

**Judge Clark:**

I would ask the board to go through them because many of them raised the same issue. So, if we have 20 comments that essentially say the same thing, I do not know that we would have the time to read 20 comments. If the board wants some of those comments read, I am fine with that. I am going to ask you to go through them and decide which ones you think should be read because they raise a lot of the same issues. They raised a lot of the issues that you raised in your questions and comments today. That is the best I can tell you.

**Judge Lazzara:**

I would really like to have that meeting be so that we can really talk about and talk with the experts about this contract. To really be able to go through the contract. Not that the comments are not important, but we do all get them. I know that I read every single one of them before every single meeting. I just think that it would be really important for us to have as much time as possible to really talk about the issues, ask questions of the expert that is coming, and to ask questions of Mr. Garcia. So that we can have a really fully informed decision.

**Ms. Hallam:**

I totally understand what you both are saying. I guess my concern is I do not want us to ever get to a point where we are discouraging public participation in our meetings. People are putting a lot of time and thought into their public comments and then we are just skipping over them. I guess this would be a good time to just say if anybody watching the meeting has an idea for how we can best handle public comments, you can email me. I will compile any suggestions and forward them along to the board. I do think we need to find a better way to handle participation from the public in these meetings because I know a lot of folks are very frustrated that they are not feeling heard, especially folks who either work in the jail or have loved ones in the jail or folks who are incarcerated themselves. So, if anybody has ideas on the best way, in a time condensed fashion, to address all the public comments we get, please email me or slide into my DMs on social media or whatever it is. I just want to find a solution for this.

**Judge Clark:**

I do want to say, I do appreciate the comments. I know some people feel like I said I do not. I read that some people feel like I hate the comments. I do not hate the comments. I really appreciate them. I think the public should be able to weigh-in. I do read every one of them and the board reads every one of them and the public gets to see them too because we post them on the website so people can read them. It is just that there is so many of them and this board is a very busy board. There is a lot of business that we have to do. Unfortunately, I have not been able to figure out a way. In the beginning I thought I did a good job of grouping them together and picking the comments that were representative. If there were ten comments about this same thing, I would pick one or two that were representative. I know some people feel upset because I did not read their specific comment and I understand that. I do not know that I would feel any differently if I took the time to submit a comment and then mine was not read. I do not know but I do not know a better way to do it given the constraints of the meeting. I just want the public to understand, I do really appreciate the comments and your interest in what happens at our county jail. I just want to make sure that people understand that.

**9. Deputy Warden's Report (continued)**

**Ms. Hallam:**

Thank you, Judge Clark. Then before I present the motions, I just realized one thing was missing from the Deputy Warden's report. The update on the plan for medications for opioid use disorder. We were supposed to get an update on the implementation of that and we just did not get it.

**Deputy Warden Williams:**

It is not that I skipped over it intentionally, I was asked specifically about COVID, but I do have those numbers.

**Ms. Hallam:**

Thank you.

**Deputy Warden Williams:**

We have 46 individuals who are presently incarcerated and prescribed Buprenorphine. From August 1<sup>st</sup>-31<sup>st</sup>, 88 unique individuals were prescribed Buprenorphine. We've been working to partner with other agencies, I know we talked about this last month but we've been doing it even more so this month, as a mitigation risk factor transferring between county jails has become slower and some of those facilities cannot accommodate medications for opioid use disorder. We have been working with video arraignment whenever it is legally feasible to meet their legal needs while also providing the medication while they are here. Lastly, we are working to source a pharmacy that is able to provide Sublocade to our facility. Sublocade is an extended release injection for Buprenorphine that is given one time monthly, whereas oral Buprenorphine is administered daily. The reason why this is important is we are seeing a lot of people in the community who are stable of Sublocade and that is their preference. It meets their recovery needs and we want to continue that. We just do not have the capacity to do so right now. So, when they would be due for their next injection they are transferred to an oral Buprenorphine, which is obviously not necessarily what they're used to in the community, but that is all that we can do at present until we get those resources.

**Ms. Hallam:**

That sounds great. Sounds like the numbers are ticking up. I am very glad to hear that. Any update on the implementation of Methadone?

**Deputy Warden Williams:**

Unfortunately, we have not been able to make progress with Methadone.

**Ms. Hallam:**

Okay but that is still in the works?

**Deputy Warden Williams:**

Absolutely.

**Ms. Hallam:**

Alright, Judge Clark, I am good to go for new business.

**8. Public Comments (continued)**

**B. Vanessa Thompson (continued)**

**Judge Clark:**

Ms. Thompson's comment was about someone who had been waiting to see a judge for over two years. Ms. Thompson if you are listening, I will email you to get more specifics to see if we can figure out what has happened because it is pretty general. There are so many reasons that could have happened. You will be getting an email from me requesting some additional information. Alright, Ms. Hallam?

**10. New Business**

**A. Motion to request money from the IIWF to be put on the commissary accounts of each person.**

**Ms. Hallam:**

The first motion is a motion to request money from the Incarcerated Individual's Welfare Fund to be put on the commissary account each person in the ACJ. At the time of my drafting of this motion there were 1,759 folks incarcerated in the jail, at \$50 per person is a total cost of \$87,950. So, I would like to move to approve this motion.



**Judge Lazzara:**

Second

**Judge Clark:**

Alright, it has been moved and second. All those in favor?

**Others:**

Aye

**Judge Clark:**

Any opposed? The motion is carried.

*The board unanimously approved a motion by Ms. Hallam, duly seconded by Judge Lazzara, to request money from IIWF to be put on the commissary accounts of each incarcerated individual (1,759 individuals x \$50.00 = Total \$87,950).*

**B. Motion to request money from the IIWF to be put on the tablet accounts of each person.**

**Judge Clark:**

Ms. Hallam?

**Ms. Hallam:**

The next one is a motion to request money from the Incarcerated Individual's Welfare Fund to be put on the tablet accounts of each person. Again, there are currently 1,759 people, \$50 for each person, total cost of \$87,950. I would like to move to approve.

**Ms. Moss:**

Second

**Judge Clark:**

Alright. Second from Ms. Moss. All those in favor?

**Others:**

Aye

**Judge Clark:**

Any opposed? The motion is carried.

*The board unanimously approved a motion by Ms. Hallam, duly seconded by Ms. Moss, to request money from Incarcerated Individual's Welfare Fund to be put on the tablet accounts of each incarcerated individual (1,759 individuals x \$50.00 = Total \$87,950).*

**Judge Clark:**

Any other new business for the good of the order today? Yes?

**Ms. Klein:**

I am so thankful that we do that, give the incarcerated people money, but just to put that in context, 1 motion would be more than the cost of the liaison and we do 2 times that every month. I hope that can allay some of the concerns about this expense to the Incarcerated Individuals' Welfare Fund.

**Ms. Hallam:**

And remember with that, Terri, the fund still does not fluctuate. It still sits it over \$2 million every month. So, you are right, that is a good perspective.

**Judge Clark:**

It was not the money they were complaining about. Ms. Moss, did you want to say something?

**Ms. Moss:**

This kind of brings back memories but this is their money and I do not think that we should be paying out of their money someone to come report to us. That is my problem. I think there should be some way that we have money to pay. I do not think it should come out their money. Their families and people are sending money to them to buy all that very expensive commissary and then we are going to pay someone. That is my reason.

**Judge Clark:**

Well you voted.

**Ms. Moss:**

That is why I abstained. I see this nightmare. I saw it before buying uniforms and all that.

**Judge Clark:**

But that is not happening anymore, so that is a good thing. It is progress. I will take it. Any other new business?

## 11. Adjournment

**Judge Clark:**

Alright, before we adjourn please, as soon as you can, get me the information that you want me to pass on to the Warden. So, we can move forward. I will entertain a motion to adjourn at this time.

**Ms. Moss:**

Moved.

**Ms. Wagner:**

Second.

**Judge Clark:**

Alright, I think we had a motion by Ms. Moss and a second by Ms. Wagner. So, we are adjourned. Everyone please, please still be careful. We are not out of the woods with COVID, as you know. So please stay safe. If I do not see you before tomorrow, have a wonderful holiday. We have a holiday weekend coming up. Be safe.

Kindest regard,



Chelsa Wagner

JAIL OVERSIGHT BOARD PUBLIC COMMENTS  
SEPTEMBER 2, 2021

NAME	CONCERN
Joshua Palmer	The death of Martin Bucek - What is the status of the medical examiner's investigation into Mr. Bucek's death? I feel there should be a much more robust and transparent reporting apparatus for in-custody deaths and I am LIVID about how jail admins have been passing the buck. The C-SAU and "less lethal" munitions contracts - They are vile. Cancel them immediately. The outbreak of COVID19 in the jails - In a probation hearing last week, a public defender mentioned that 11 of their cases were to proceed to trial without the PD having a chance to meet with them due to the COVID quarantine. This is an outrageous and unconstitutional violation of due process-what will be done about it?
Bailey Brown	Will the board please exhaustively discuss, and implement serious solutions regarding: the administration's shady procedures around the reporting of deaths in the jail; the impending closure of Shuman Juvenile and avoiding increasing the child population in this terrible jail; the lack of implementation of Medication Assisted Treatment for those suffering from addiction, consequences after the controller's finding Summit Foods in breach of contract for raising commissary prices and general objective investigation of the quality/safety of food and water in the jail - perhaps during the JOB's walk through, which if they have performed they have not informed the public. Please update on suicide prevention in light of probable attempt 8/18/21.
John Kenstowicz	At the last JOB meeting, Warden Harper stated that ACJ has been providing safe housing to people in withdrawal "prior to the NCCHC review". On p. 29 the NCCHC Report states: "Withdrawing inmates are not housed in a safe location that allows for effective monitoring, nor in suicide resistant cells. They are double celled and sleep on bunks. Staff report that inmates have fallen from the top bunk. This can result in injuries that present risks for seizures." Are people in withdrawal still being double celled and sleeping on bunks with a ladder? Is the JOB going to provide their own evaluation concerning whether ACJ is compliant with all 13 problem areas of the report? Would the Board consider NCCHC returning to ACJ to assess compliance?
Bailey Brown	I am demanding the Jail Oversight Board to pass a resolution directing Member/Executive Fitzgerald to Cancel the Contracts with CSAU & so-called Less Lethal weapons and munitions manufacturers, and direct all new weapons/ammo to be returned. By not doing so he is not only endangering the welfare of incarcerated persons, but opening the county to a lawsuit as pursued by the Abolitionist Law Center. I would reports addressed that the SERT team members have had their uniforms changed to black and have already made appearances on blocks armed with the new shotguns, to intimidate residents. Finally I am again calling on the board to dismiss Warden Harper in light of these underhanded tactics, and radically re-imagine justice in Allegheny County.
Taylor W	Plans have been announced to close Shuman Juvenile Detention Center. The possibility of relocating children into Allegheny County Jail is terrifying and must be stopped immediately. The Warden and his staff consistently subject those held in ACJ to violence and cruelty, including solitary confinement, restraint chairs, chemical weapons, the denial of healthcare, and many other inhumane tactics. These methods are considered torture by every reputable expert on incarceration, and it is unacceptable they are used against adults. Subjecting children to these conditions would be beyond disgusting. Any board member that does not do everything in their power to stop this is complicit in the torture of children. Please do your jobs just this once.
Allison Crowley	It's now been nearly 2 months since Martin Bucek died on July 3rd. The Medical Examiner should have finished the investigation by now, so what happened? What was the cause of death? (If the ME has "not" yet finished the investigation, why not?)
Richard Engel	Hello, yes, why is the warden signing contracts with paramilitary training groups and buying rifles without anyone approving these choices first? Do you think people voted for ending solitary confinement there because we want them shot? There should be proper food there and proper health care there. There should be no children there! There should be no Covid cases there! What are yinz doing???
Jodi Lincoln	Last week there were disturbing news reports about people starving at ACJ because of inadequate food provisions by Summit. I am hoping this is on the agenda for the meeting but want to make sure it is discussed and these questions are answered : What has the scope of the investigation been so far? What are the next steps? What is the timeline for findings and action? What can the JOB do to be proactive and not reactive about these situations? The JOB has been getting complaints for months about the food at ACJ and simply defers to the Warden who says Everything is Fine. There is obviously something broken with the current system of accountability. ACJ and Allegheny County did not comment publicly - we need to hear from them now. ThankYou
theresa Geiger	Well number one I think you should get down there and investigate that kind of Jill they're letting people down their starving they don't let them take showers they're not allowed out they're eating moldy bread they don't get water I mean come on animals in the main society get better treatment than them prisoners fire that Warden and start all over again this is ridiculous with these prisoners go through somebody needs to investigate name of the tune okay share submit
Elizabeth Schongar	I was disturbed to hear that children as young as 13 and 15 are in Allegheny County Jail awaiting trial and that the number has increased from 11 in February to over 30. I am disgusted to hear that they are subject to the deficiencies in healthcare, diet, and other abuses in the jail often discussed in this meeting. The jail needs to release children to the care of their families until trial, and when that would be too risky, then to a program such as CISP that provides oversight when they are not at school or at home. These programs need to be considered an extension of the jail so that overnight stays of more than 2 nights never happen, and any overnight stays for children are the exception. If JOB can't do this, let us know who can.
Patricia Thompson	1. Spread of covid 19 coming from outside (employees) infected the inmates? There has been inmates who were incarcerated well before Covid hit the United States. There are continued outbreaks in the jail. How is this going to be rectified? Locking them in their cells indefinitely is inhumane. 2. Because of the recurrent outbreaks, the inmates are not being fed as they should be. One evening, their dinner consisted of 2 pieces of bread, a pack of peanut butter and a cup of applesauce. What is the contingency plan for when and if there is nobody to prepare and serve meals? A lot of the inmates require a sustainable meal because of health and/or religious reasons. 3. Medication, the inmates have NOT been getting their medication.
anon anon	At a recent Board meeting Councilperson Hallam stated that people with Substance Use Disorders are regularly forced to go through unassisted withdrawal at the Jail. She described people lying helplessly in their own waste as they detox, explaining that she's received reports of this from currently incarcerated people and also personally witnessed it happening. Deputy Williams denied that the Jail would allow that, but vomiting and diarrhea are standard withdrawal symptoms, and there are people withdrawing in the Jail, and the Jail is understaffed, and incarcerated people are forced to wait days to see medical, so..... I don't see how it would even be logistically possible for the Jail to provide adequate care. Can Williams explain?
Bex Tasker	Now that the FDA has approved the Pfizer vaccine, will the ACJ require employees to be vaccinated? There are many other required vaccines for various forms of employment, especially for healthcare workers. This vaccine requirement will keep workers and incarcerated community members safer and limit outbreaks in the ACJ.
Calvin Broadus	The Warden has explicitly stated that he decided to seek contracts for new training and weapons to replace the violent tactics banned by recent legislation. If the Warden is unable to run his facility without relying on violence and cruelty, why should he keep his job? If ACJ cannot be run without the use of torture, it should be shut down immediately.
Thomas Frank	Can the Wardens update us on the progress of expanding Medication Assisted Treatment at the Jail? Do they have a timeline of when they will, at the very least, allow people with pre-existing prescriptions for (methadone, buprenorphine, etc.) to continue to take their medication while incarcerated? I remind the Wardens that they already provide MAT to pregnant people, and they already have grant funding specifically for MAT expansion. As Laura Williams surely knows, abruptly discontinuing treatment is never conducive to recovery. It's also arguably a violation of the ADA as it denies treatment to people on the basis of their disability, Substance Use Disorder. What's the plan?
Concerned Citizen	With Shuman closing, the County is considering moving the juveniles living there now into ACJ. I feel strongly that this should be out of the question entirely. The Board may be familiar with the story of Kalief Browder, who was arrested at 16 for allegedly stealing a backpack and then held at Rikers Island for three years. He spent most of that time in solitary confinement, as the jail didn't feel it was safe to put him in general population. Some of the most important developmental years of his life were spent in torturous conditions, and he was haunted by trauma and mental illness after his release. Browder killed himself in 2015. The Board cannot allow this to happen to our children.
Chelsea Scott	The NCCHC Suicide Prevention report suggested ACJ perform several quality improvement studies. 3 examples: study to review mental health conditions identified at intake and entered on the problem list and those identified but not entered. (p. 12); study to verify that patient health data is arriving on inmates transferred from other facilities and is reviewed by the mental health specialist who conducts mental health screening at intake (p. 14); study that includes nurses hired in the first 3 months of 2019 to track: What training they received ,The time frame (from point of hire) in which they received training, Which nurses from this cohort are still employed and which have resigned (p. 20). Has ACJ done any of these studies?
Janelle Lambert	At the last meeting when Warden Harper reported on implementing the NCCHC suicide prevention recommendations, he said that ACJ provides safe housing for withdrawal and had already done so prior to the NCCHC report. I would like to suggest that Warden Harper re-examine the report, which states on p. 29 that "Withdrawing inmates are not housed in a safe location that allows for effective monitoring, nor in suicide-resistant cells. They are double celled and sleep on bunkbeds (reportedly some still have a ladder). Staff report that inmates have fallen from the top bunk. This can result in injuries that present risk for seizures. These practices are not adequate for these patients." What, if anything, has changed?
Grant Callum	COs have tasers, why do they need guns? As Bethany Hallam mentioned at the last meeting, video footage of a woman named Kim Andrews being brutally assaulted with a taser at the jail surfaced in July and received extensive local coverage. The officers at ACJ already have weapons that they already overuse, and the Jail is already being sued for it. I can't imagine why anyone could ever think it was a good idea to give these people shotguns. Rich Fitzgerald should do the right thing and cancel the contracts with KelTec, Lightfield, and CSAU immediately, and the guns and ammunition should be returned to the vendors. I am afraid that people will die.
Concerned Citizen	CSAU and its head trainer Joseph Garcia are unqualified to teach staff at ACJ. Warden Harper claimed that they teach de-escalation, but they do not. I say that with certainty because criminal justice professionals analyzed his methods earlier this year after COs at a jail in Charleston, SC killed a man named Jamal Sutherland. Joseph Garcia had trained the Special Emergency Response Team at this jail, and the violence and aggression that he taught them was directly responsible for Sutherland's death. (see 9th Circuit Solicitor's Report and Sheriff Gary Raney's Report on Jamal Sutherland). This man and his methods are provably fatal. See also Joseph Garcia in York, PA, Weld County, CO, and Rikers Island in NYC. Same story everywhere he goes.
Rachel Greene	I'm looking for clarification on why people are placed in segregated housing. What must a person do, or what criteria must they meet, to be placed in segregation? Who decides how long a person stays in segregated housing, and how often do they reassess the situation?
Gregory J Dober	On August 23, 2021, the FDA approved the Pfizer-BioNTech COVID-19 Vaccine. Shortly after approval, many commercial companies and governments required/mandated their employees to receive the vaccine. For example, Delta Airlines will now require employees that forgo getting the vaccine to pay an additional \$200 a month in a medical surcharge. Other companies have imposed termination deadlines. As an instructor of biomedical ethics and health law, I believe that the Jail Oversight Board should make the recommendation to require/mandate all ACJ employees receive a Covid-19 vaccine. This recommendation can be made using the current public health and virology science, relevant public health law, and the ethics of duty. Gregory J. Dober
Carol Nichols	Do you think the contract with CSAU is appropriate? If so, why? If not, what oversight actions are you taking as a result to end this contract and prevent other contracts like it from happening in the future?
Simone Saul	I am so pained by the hurt and trauma being cultivated at ACJ. Inmates being mistreated and robbed of their humanity while guards destroy their own humanity by profiting off of this tortuous, unnecessarily violent form of societal control. I don't know what caused any of you to sit on this board but i beg you to do so with enough humility and determination to start making even the most basic changes. Do not allow people to live in conditions you would not allow for yourself, for your own family. Prioritize everyone's safety, don't increase the danger by introducing lethal and less-lethal weapons. Require decent food every day, provide mental health and substance abuse treatment. You are harming all of us. ACJ must do better.
Dawn M Beigel	I read the entire 38-page Suicide Prevention Report. Warden Harper reported at the last JOB meeting that 8 of the 13 recommendations had been implemented. Which ones and who observed/confirmed that they have been successfully implemented? What are the plans and timeline for implementing the remaining recommendations? I strongly oppose spending \$347,700 on new munitions contracts for less lethal weapons. Why spend money on less lethal weapons when ACJ staff could learn de-escalation skills and use their existing weapons LESS? The money would be better spent on proactive approaches like improving interpersonal communication with Verbal Judo or trauma-informed crisis management like Ukeru, developed by Grafton Integrated Health.
Mike Dempsey	So let me get this straight, the county has hired convicted criminal Joseph Garcia to circumvent the will of Allegheny county voters who clearly meant to rid the ACJ of excessive force and now the jail oversight board is overseeing the same jail that approved no bid contracts to hire a mercenary organization to train its staff in terror tactics, including rubber bullets and high projectile bean bag rounds? And somehow y'all are ok with that?! Everyone in this meeting and everyone who should be in this meeting but isn't (i.e. Fitz) ought to be ashamed of themselves.

JAIL OVERSIGHT BOARD PUBLIC COMMENTS  
 SEPTEMBER 2, 2021

NAME	CONCERN
Garret Wassermann	Has Warden Harper resigned yet? For numerous human rights violations and problems in the jail for years, but most recently including signing contracts to militarize the jail, in violation of the spirit of the voter referendum this past May. When will the oversight board and County Executive Fitzgerald cancel the contracts for militarized training and weapons at the jail?
Gregory J. Dober	<p>"With low vaccination rates in jails and prisons, it is only a matter of time before an influenza outbreak causes a public health disaster, echoing the pandemic that occurred in 1918. In the words of philosopher and essayist George Santayana, "Those who cannot remember the past are condemned to repeat it." Prison Legal News, June 2018.</p> <p>When I wrote that quote for PLN, my article highlighted the neglect that many departments of corrections showed during a prior flu pandemic during 2017-18. Unfortunately, I was partially correct that a public health crisis was awaiting incarcerated individuals due to neglect. The difference: two years later the problem was the novel virus known as Covid-19 and not influenza.</p> <p>On August 23, 2021, the FDA approved the Pfizer-BioNTech COVID-19 Vaccine. Shortly after approval, many commercial companies and governments required/mandated their employees to receive the vaccine. For example, Delta Airlines will now require employees that forgo getting the vaccine to pay an additional \$200 a month in a medical surcharge. Other entities have imposed termination deadlines. Bucks County announced that corrections employees will require vaccination by October 1 or be terminated.</p> <p>As an instructor of biomedical ethics and health law, I believe that the Jail Oversight Board should make the recommendation to require/mandate all ACJ employees receive a Covid-19 vaccine. This should go beyond the "noise" of politics, collective bargaining issues, and even misinformation from social media. Instead, this recommendation can be made using the current public health and virology science, relevant public health law, and the ethics of duty.</p> <p>My future prediction: Those correction departments that forgo this requirement and allow their employees to introduce Covid-19 into their facilities, will see additional future lawsuits. It will be for deliberate indifference. Looking at the elements and criteria of Estelle and Farmer, it may not be far-fetched.</p>
Concerned Citizen	The United Nations reported on torture and other cruel, inhuman or degrading treatment or punishment at its July 2008 General Assembly meeting. "The use of solitary confinement has a clearly documented negative impact on mental health and should be used only in exceptional circumstances or when absolutely necessary for criminal investigation purposes. In all cases, solitary confinement should be used for the shortest period of time." How does ACJ justify inmates being held for days, weeks, months, and years? 684 days? Expanding mental health treatment and staff training is sorely needed at ACJ. <a href="http://mentalhealthfirstaid.org">mentalhealthfirstaid.org</a> is a valuable skills-based training course teaching participants about mental health and substance use issues.
Sara Hillman	My question pertains to the decision by Warden Harper to check a box on the sole source contract for CSAU stating that there was no competitive alternative to CSAU for the training being sought by the ACJ. Did Warden Harper, Rich Fitzgerald or the JOB happen to do a background check on the company's owner, Joseph Garcia, to determine that he was sentenced to 2.5 years for aggravated assault? Or did that fact not seem pertinent to awarding these \$400,000+ contracts that will inevitably harm our loved ones residing at the jail?
Concerned Citizen	Guns and aggressive training run counter to jail Best Practices. Accrediting bodies like the ACA and NCCCH both encourage de-escalation training, and news reports of Garcia's training unanimously report that he teaches COs to use threats, intimidation, and violent escalation. Additionally, there are many veterans who find themselves in jail due to unfortunate circumstances and being threatened with guns or seeing flash grenades go off can be deeply triggering for their PTSD. Garcia also encourages COs to use only 2 officers for cell extractions, which is very dangerous. There should be 5 or 6 people involved in an extraction to ensure safety. There is simply no good reason to implement these practices, they're not safe for anyone.
Concerned Citizen	The Suicide Prevention Assessment Report observed minimal program activity and therapies. Bedtime is at 8 PM and wakeup time is 7 AM. There aren't enough activities at night. The report recommended increased monitoring and attention, individual and group therapy, psychosocial activities, and de-escalation skills. Perhaps Community Kitchen Pittsburgh (mentioned at last JOB meeting) is a viable activity. It provides culinary arts training and transitional job opportunities to those in transitional life phases, such as being unemployed, currently or formerly incarcerated, or facing other significant barriers. Could we learn more, specifically about the opportunities for those currently incarcerated? How would the program work at ACJ?
Concerned Citizen	Please cancel the contracts to buy guns and ammunition intended for crisis intervention and de-escalation. The May 2021 referendum directed the jail to use less force, not more. Replacing harmful tools with different harmful tools is not the answer. A trauma-informed culture would lead to improved interactions between staff and inmates, especially those living with a mental health condition. 70% of U.S. adults report experiencing at least one traumatic event in their lives. Childhood trauma can affect cognition and behavior for decades. When a person re-experiences past trauma, it negatively affects mood, cognitive behavior, and physical health. Long-term effects of exposure to trauma correlate to the school-to-prison pipeline.
Lori M Laber	Why are old covid tests still being used? Why is 2 E waiting 3 wks for laundry? Why are the inmates still eating unhealthy foods? Why is the Covid pod worse than a regular pod? Not monitored! Just Tylenol... they are hungry, cold, and sick... why not at least treat them like human beings while on covid... Why are some pods not getting sleep meds till 2 am in the morning and then they sleep through being able to order their commissary. That's not fair! Why are the COs withholding hot water again! WHY DO YOU HAVE SICK COs WORKING! Get it together!!!
Lorenzo Rulli	What is being done regarding the insufficient meals and frozen meals? Has a resolution been found to the lack of inmate workers in the kitchen? Will acj follow through with the militarization of their guards via the new contract? What is being done to get books distributed to inmates? What needs to be done to get books for the inmates in and on the mental health unit 5c? Will this be warden harpers last contract and if not will his background of employment be observed specifically the reason he left his last position? What is being done in regards to mentally ill inmates being released without treatment when they aren't ready which has led to a recent suicide attempt on the premises? When will in person meeting begin?
Kelvona Hymes	I want to know why the inmates are getting bag food, why there always in the cells I get calls about how my sister is being treated unfairly in there every time I call I can't get no one on the phone your staff is doing the inmates wrought would like some answers
Marie K Norman	In a time of global suffering and hardship, we should try our best to reduce or alleviate suffering where we can. Making the Allegheny County Jail a healthier and more humane place is something within our power to do. Allegheny County should reject the contract with C-SAU, which take an unnecessarily militarized approach and treats inmates like enemies. We should also provide inmates with decent food, not the poor quality, frozen meals they are currently receiving, books should be available, and visitation should be opened up as tablets are not available to all inmates. These are not unreasonable demands; they are simply measures to ensure that inmates, many of whom have not been convicted of any crime, are treated like human beings.
Kind & Collaborative	It's bizarre how much Judge Clark hates public comments. Every month I feel like I'm being sold out for daring to advocate on behalf of the incarcerated or for having the audacity to participate in the democratic process. She has complained in the past that some commenters don't write in the spirit of "kindness and collaboration," but how are we supposed to collaborate with someone who treats us with contempt? Are we truly expected to be polite to someone who behaves each month as though we are wasting her precious time with our petty concerns? Is Judge Clark demonstrating kindness when she waves aside life and death issues and tells us it can wait? Perhaps Judge Clark should take her own advice and try treating us with respect for a change.
Olivia Enders	I am appalled at the recent information that has circulated regarding the jail's NO-BID contract with C-SAU. Not only does this go against the intent of the voters, who voted overwhelmingly to restrict overly exclusionary and harmful tactics, but the lead, Joseph Garcia, has a troubling history that has come to light throughout numerous lawsuits and journalistic explorations into his problematic past. In pursuing this contract, Warden Harper is not merely being irresponsible with taxpayer money - he is actively promoting tactics that are ineffective, grounded in torture, and oft used disparately based on race and disability. Shame on anyone who does not vociferously stand against this contract. Fire Warden Harper for negligence.
Valerie A Klauscher	I am very concerned about the contract with CSAU and believe it should be terminated immediately. We do not need further militarization in a facility that already abuses its incarcerated population, particularly those suffering with mental health and addiction issues.
Tactical Life	Joseph Garcia of CSAU on his K9s (read the full interview at <a href="http://tinyurl.com/TacticalLife">tinyurl.com/TacticalLife</a> ) "Our giant schnauzers are coming out of the box at between 400 and 450 psi. They are breaking and crushing bones when they make a hit...When a giant schnauzer bites a human being and gets a grip on a leg, it automatically goes into crush. Every person I've ever seen get hit by one of our dogs screams for their life. I have never heard an inmate get hit by one of these dogs and remain silent." "The funny thing is we don't just send one dog we send two, three, four or five dogs simultaneously, and if you've never seen that kind of picture before just imagine five dogs coming at you that are all black and there is no stopping them." Is that de-escalation?
Deeply Concerned	Joseph Garcia of CSAU was featured in the August/Sept 2020 episode of "Tactical Life" magazine. (read it here: <a href="http://tinyurl.com/TacticalLife">tinyurl.com/TacticalLife</a> ). When asked how he got into this business, he said: "Black Water found out what I was doing, gave me a call and said, "Hey, would you be interested in this contract? We have Navy SEALs, we've got Delta guys, but nobody has the prison background and this contract just fell in our laps. Would you be interested in spearheading it?" I think it's unlikely that Blackwater ever got in touch with Joseph Garcia, in that he is a scammer with no credentials, but it's certainly very troubling that he claims to be doing work outsourced from the notorious mercenary army responsible for any number of war crimes.
Concerned Citizen	About a year ago, in August/Sept 2020, Joseph Garcia had this to say about the George Floyd protests: "From the prison and jail side, there's a lot of racial tension and it is mounting and extraordinarily high right now... There have already been some skirmishes and our concern is that there will be a racial war against the corrections officers." Unless the Board wants COs to take lessons from a man who views incarcerated African Americans as potential enemy combatants in a literal war, they should probably cancel the contracts. Source: <a href="http://tinyurl.com/TacticalLife">[tinyurl.com/TacticalLife]</a>
Lee M Willard	I believe that the men and women in jail have human rights. They are people so they need basic nutrition and enough to satisfy their appetites. They should have hot water for their showers. Books and classes are very basic rights as well. These people made mistakes for whatever reason. Some of them are innocent and in jail for no reason. I would like to do more to help all of you. I know it is a rough place to work and reside. I was in the military so I am a little tough, but I still believe that all Americans make mistakes. The other thing is addiction should not be a crime, it needs service and healing. A lot of crimes come from factors of desperation and anger. I would like to bless you all there somehow.
Fire The Warden	Warden Harper just went behind the backs of the Jail Oversight Board and the public to spend almost half a million dollars on shotguns, ammo, and training services from a con man with a criminal record. When asked about it at the meeting last month he said he was doing it to help implement the ballot initiative, and to help "de-escalate." I think there's enough evidence out there now that we can conclusively say Warden Harper lied. Is wasting nearly \$500,000 on services the public neither wants nor needs and then lying about it to the Oversight Board a fireable offense? What if that waste of money also led to take lessons from a man who views incarcerated African Americans as potential enemy combatants in a literal war, they should probably cancel the contracts. Source: <a href="http://tinyurl.com/TacticalLife">[tinyurl.com/TacticalLife]</a>
Concerned Citizen	I have a question about ACJ mail policy. The website says that "Only black/blue ink is permitted;" "No colored pens, pencils, highlighters or colored paper," and "No drawings or coloring, of any kind, with the use of paint, crayons, colored pencils, gel pens, chalk and/or markers." Why is that? Incarcerated people at ACJ aren't even given the physical mail they receive anyway, they are only given photocopies and the original mail is thrown in the trash. I don't understand how a xerox copy of a colorful drawing could pose a safety risk to the facility.
Vanessa Thompson	Hello, My loved one mentioned fear of rodent droppings being in the inmates food due to seeing roaches and rats in the kitchen. Will there be an exterminator to take care of this problem? They also mentioned not having hot water. Will hot water be provided to the inmates for food as well as clean water for drinking? Lastly, another loved one has been waiting to see a judge for over 2 years. What is the process of getting in front of a judge? Thank you! Vanessa

JAIL OVERSIGHT BOARD PUBLIC COMMENTS  
 SEPTEMBER 2, 2021

NAME	CONCERN
Cassandra Dickinson	The county jail is dispicable. You could literally die in that place and no one would notice or care. It's like a concentration camp , the food, the rules, the warden, the c.o.s, the medical staff, the food service, if you don't die you'll starve or get tased or maced by the guards if they have a bad day. No psych care at all, mentally ill are being ignored, thrown away in a cell, and attacked an punished if you don't respond how they want. We're just an irritation and inconvenience in between the guards/staff/warden and their paychecks. Needs TOTAL reform. Our constitution was drafted to prevent this. Help.
Alicia Turner	How come these people don't have working Hot water they are still human regardless of what the situation is these are peoples love ones
Alan Mason	How come Warden Harper let a \$400,000 no-bid contract to Garcia and his company C-SAU for training ACJ officers without excising any due diligence which would have revealed serious issues? And more so, how can the JOB go ahead and endorse such a contract and a contractor that espouses violence against and dehumanization of incarcerated in the ACJ after citizens of Allegheny County voted overwhelmingly in the May referendum for a less violent, more human approach to those housed in the jail?
Laura Perkins	I ask that the J.O.B. recommend that all C.O.s provide proof of Covid vaccination or submit to weekly Covid testing. Many, many government entities are doing this, and it is for the safety of everyone. Regarding progress on the recommendations of the Suicide Prevention Assessment - Warden Harper has claimed that the jail is making progress. I encourage the J.O.B. to request evidence for what the Warden is saying and to not take his general statements at word value. Regarding the contracts with CSAU - Everything about this is dangerous and dubious. What role can the J.O.B. play in protecting folks incarcerated at ACJ from a contract that clearly puts them in danger? Better de-escalation plan - hire more mental health employees.
Alexandra Hiniker	I'm expressing my concern not only about Joseph Garcia, CSAU, and the contracts, but also about the overarching commitment to "less lethal" weapons, which actually doesn't mean anything. What guarantee is there that there will not be any lethal incidents with these weapons, no matter who holds the contract? Additionally, it's unacceptable that there the Board has not reported a jail inspection or "walkthrough" of ACJ since 2019. According to the statute that created the jail oversight board structure, the Board is supposed to inspect the jail twice a year. What is the status of these mandated jail inspections?
Elle H	Hi, just wanted to encourage the Board to please perform a jail inspection soon. I know the Board does these inspections unannounced so they can't tell the public when they're going to do it, but I hope you all are planning to do one soon! I look forward to hearing your findings Thanks!!
Alexandra Hiniker	I'm expressing my concern not only about Joseph Garcia, CSAU, and the contracts, but also about the overarching commitment to "less lethal" weapons, which actually doesn't mean anything. What guarantee is there that there will not be any lethal incidents with these weapons, no matter who holds the contract? Additionally, it's unacceptable that there the Board has not reported a jail inspection or "walkthrough" of ACJ since 2019. According to the statute that created the jail oversight board structure, the Board is supposed to inspect the jail twice a year. What is the status of these mandated jail inspections?
Jay T Walker	What is happening with COVID at the Allegheny County Jail? What COVID mitigation steps are currently in place? Are inmates being tested regularly?
Michele Feingold	We all know the ACJ - consistently, inexcusably, and with intolerable impunity - violates the basic rights of incarcerated individuals, making their lives more unbearable and sometimes even untenable. No one other than a sadist benefits from the privations and abuses at the jail not the inmates, their loved ones, or the community as a whole. Inadequate nutrition, negligent handling of Covid-19, abysmal transparency, medical neglect, exploitation through commissary profiteering, lack of inspections, unsafe water, delayed implementation of suicide prevention implementation - all indecent, all unethical, and all an indictment of the jail and its overseers. Would you want YOUR loved ones to live under these conditions? Be honest. Would you?
Harm Reduction	Hi, wanted to share this position paper from the National Commission on Correctional Health Care (NCHC) about treating opioid use disorder in correctional settings: <a href="https://www.ncchc.org/filebin/Positions/Opioid-Use-Disorder-Treatment-in-Correctional-Settings-2021.pdf">https://www.ncchc.org/filebin/Positions/Opioid-Use-Disorder-Treatment-in-Correctional-Settings-2021.pdf</a> It suggests a few options for providing Medication Assisted Treatment, like transporting patients to community providers to receive medication or partnering with MAT providers in the community to provide treatment inside the Jail (as the Jail is already doing for pregnant people). I know that poses logistical challenges for the Jail but NCHC also provides technical assistance and that could be a good use of the IIWF since it directly benefits incarcerated individuals.
Amy C Tighe	Are there any thoughts going into the compassionate care release and the way that this is conducted? Specifically, is there a compassionate care route for individuals whose doctors still have options for treatment? In addition, what compassionate care release routes are there for individuals suffering from chronic illnesses, including psychiatric issues?
Michael Ginyard	[submitted on Mr. Ginyard's behalf] Following up on my comment last month about Mr. Ginyard's difficulty accessing medical care. He tells me that he still has not received medication that helps with his nerve pain or controls his blood sugar. He has pre-diabetes now, but if he doesn't receive adequate treatment soon he will develop diabetes and it will be irreversible. He would eat more healthily and get exercise if he could, but obviously his options are seriously limited. I hope the Board has been able to reach out to Mr. Ginyard, or plans to do so soon. He needs your help. (I know you are concerned about HIPAA and his privacy but he asked me to submit this and will certainly give the Board access to his medical records if requested.)
Erica Grassl	As the Board is surely aware, Joseph Garcia who is Senior Team Leader for CSAU has a checkered past and a bad reputation. He has made claims about belonging to prestigious societies and having published dozens of papers on corrections, but journalists have never been able to find any kind of evidence for this. He claims all his methods are "classified" and that's why he can't share any detailed information about anything he teaches or where he operates, which is of course an enormous red flag. He's caused scandals at Rikers in New York, Weld County jail in Colorado, Charleston County Jail, etc..... Please please cancel the contracts.