

A special meeting of the Allegheny County Jail Oversight Board, Monday, September 20, 2021 held as a virtual conference at 5:30 P.M.

MEMBERS PRESENT

Honorable Judge Kim Clark

Bethany Hallam

Stephen Pilarski for County Executive Rich Fitzgerald

Abass Kamara

Terri Klein

Judge Beth Lazzara (joined after roll call)

Gayle Moss

Chief Deputy Kevin Kraus for Sheriff Mullen

County Controller Chelsa Wagner

Others in Attendance:

Warden Harper

1. Welcome, Call to Order and Ground Rules

Judge Clark:

I want to welcome everyone to the special session of the Allegheny County Jail Oversight Board. This meeting has one purpose and that is to review and discuss the contract with C-SAU. So, with that I am going to call the meeting to order and do a roll call.

Ms. Hallam:

I want to raise the point of order, 2 of the people who checked in for roll call per the statute are not allowed to be voting members tonight. I would like to raise that objection to their participation in voting in this meeting. I want to point out the state statute that authorizes the JOB. It says the board should be comprised of the County Executive, 2 Judges of the Court of Common Pleas, 1 who shall be the President Judge, or their designee, the County Sheriff, the County Controller, the President of Council, or his designee, and 3 citizen members. It says nothing about a designee for either the County Sheriff or the County Executive and neither of those people are here. They did just have proxies check in on their behalf. So, I just want to object to their participation in the meeting today.

Judge Clark:

Your objection is noted. Historically we have allowed members who have not been able to present to have someone in their stead. It is usually someone that works for their agency. We have Kevin Kraus who has actually substituted for Sheriff Mullen when he has been away. I note your objection. Thank you.

Ms. Hallam:

I just want to add that just because it has been done improperly in the past, does not validate it to happen today. This is a request that they are not permitted to vote in this meeting.

Judge Clark:

I get that. I note your objection. Thank you. Alright, I just want to set up some ground rules. I would like to try to keep this meeting to 2-1/2 hours. I know that may be difficult. With that, we are running a little behind. I asked to be ready to start promptly at 5:30 but some people have had some technical difficulties. There is a couple of other people that have joined right now that I can see, and I do not know if they are other than Mr. Bacharach, County Solicitor is there. There are 2 others.

Ms. Moss:

Gail Moss is here.

Judge Clark:

Thank you, Ms. Moss. Then there is someone that just says anonymous underneath and I do not know who that is.

Jerry Baldwin:

Yes, this is Jerry Baldwin with C-SAU. I had the same type of problem.

Judge Clark:

So, the ground rules are that I had asked all the members to view any videos and documentation prior to the meeting because there would not be the opportunity to show those videos during the meeting. I believe they have lots of information that came in from lots of sources and it was shared by many board members and other people from the public. I want to thank the board members who shared the information that they received and from the public who sent in information for the board's consideration. I asked everyone to be prepared with questions and I am asking all members to refrain from giving speeches or directing questions at each other. I am going to do a roll call to allow every member the opportunity to ask questions or make a comment. I ask that we limit, at least in the first round, each member to two questions and I will follow up, so that we can give everyone the opportunity to be heard. Of course, if time permits, we will certainly allow more questions, but I am asking that everyone please do not repeat or rehash in an effort just to get the last word. I will give each member the opportunity to make a comment or statement prior to any vote we are going to take. I would ask if those comments or statements be limited to two minutes. Finally, I know that there are very strong opinions about this issue, but I would ask that everyone please use a respectful tone of voice when asking questions or speaking and that everyone should be treated with dignity and respect. There should not be any exception to that. So, with that we will move to the agenda.

2. Public Comment

Judge Clark:

First on the agenda is the public comments. We received many public comments and they have all been shared with the board. They will all be posted. I have chosen some comments to read. The ones I am going to read all contain a question we may or may not be able to answer during the meeting, rather than just a comment in general. I want to thank the public for their interest and for sharing their thoughts and questions. As I stated they will all be posted on the website. The questions that were to be received were all supposed to deal with the C-SAU contract. For those of you who submitted comments that dealt with another subject, I would ask that you please resubmit those comments for the next general board meeting so that we have them. Thank you.

A. Olivia Enders

“Mr. Garcia's speciality seems to be in providing new weapons, versus providing legitimate or substantively different procedures, as evidenced by the PPT shown at the previous board meeting. This directly contradicts the will of the voters when we voted for less restrictive practices/a more humane environment. The jail could have sought contracts with specialists in behavioral health, mental health, and/or trauma-informed practices, but instead, they sought out to continue to escalate and use force. Garcia's track record points to increased dangerous and sometimes deadly interactions. Does he get kickbacks from the weapons company? What are his qualifications in recognizing nuance w/in mental health disorders, substance abuse, etc.?”

Judge Clark:

I would ask if someone could answer whether it is Mr. Baldwin or maybe Warden Harper.

Warden Harper:

My response to that question is simply this, your Honor, C-SAU was selected because they were the only company that provided 8 weeks of training to correctional officers and the training includes mental health training and de-escalation techniques. That is my response to that question.

Judge Clark:

Mr. Baldwin, I do not know whether you can answer anything. There is a specific question about the qualifications.

Jerry Baldwin:

I had a statement prepared but I can speak to qualifications. With regard to Joseph Garcia, he has been a respected, high level corrections special operations trainer for many, many years. His references, his background, his resume, and confidential CV has been vetted by law enforcement agencies and institutions throughout the country and the world. He has established a reputation of being simply the best at what he does. Per the comment the person made that his training leads to, I do not know exactly what it was, assault, or that sort of thing, that is just 100% not true. The whole reason there is a question right now involving US C-SAU and the whole reason the board was formed was to look over whether or not C-SAU and Joseph Garcia's training had any influence over the Charleston area Jamal Sutherland death case. Of which, I am sure the board members already know, they spent a lot of time with Joseph over the last couple weeks as they have seen evidence of training. They have seen that our training has nothing at all to do with the case in Charleston. In fact, the case in Charleston involved an individual who was not even certified. So, none at all.

Judge Clark:

Mr. Baldwin I just wanted you to answer that question. I am going to give you a chance to make a presentation which will come after the public comment. Thank you.

Ms. Hallam:

Judge Clark, I am sorry, was there an answer to the question in his statement? At all?

Judge Clark:

I did not hear. The specific question was what are Mr. Garcia's qualifications in recognizing nuance within mental health disorders, substance abuse, etc. That was the specific question. If you cannot answer that, that is fine but that was a specific question.

Jerry Baldwin:

He has more than 30 years of doing this day in and day out and establishing training that is used throughout the country and the world dealing with that every single day and not having one single issue ever.

Judge Clark:

Thank you.

Ms. Wagner:

Judge Clark, can I ask a question just because as you have laid out, I think very correctly, a good agenda to make sure that we stand with these time constraints for this issue, I think if Mr. Baldwin or others do not have information that is responsive to the question...

Judge Clark:

They do not have to answer. They could say I do not know. I tell witnesses on the witness stand I do not know is a perfectly legitimate answer to a question if you do not know the answer. I would just say, that is fine. He will get a chance to present. Someone else joined while Mr. Baldwin was talking. Can you identify yourself please?

Jeffery Ebersole:

Hi, this is Jeff Ebersole. I do not know if you were referring to me, but I was having technical difficulties. I just able to call in the landline. I apologize.

Judge Clark:

Thank you, I think that is the number that I see.

B. Carol Nichols

“Why, exactly, is C-SAU the only option the county has for de-escalation training? Does the board agree with the warden and the County Executive that a company involved in multiple lawsuits and investigations, which the company also lied about during the last meeting, is the only option for this training?”

Judge Clark:

I think that is really a question for Warren Harper. He sort of answered that but I do not know if you want to add anything to that.

Warden Harper:

I sure do, your Honor. The Corrections Special Applications Unit was not the only option for the county to use de-escalation training. The Corrections Special Applications Unit was selected not just for the de-escalation training but because they train correctional officers for 8 straight weeks in a row as to how to deal with our mental health population and how to de-escalate situations at our facility. So, they were not the only option, but they were the best option, in my opinion, to bring this vendor to our facility.

Ms. Hallam:

Judge Clark, can I ask a question about that because, you know, maybe Controller Wagner can sub in but my understanding of no bid contracts was they are only appropriate and authorize when there is no other comparable entity that provides that service. Is that correct, Controller Wagner?

Ms. Wagner:

It is.

Ms. Hallam:

So, if there were other options, why was this a no bid contract?

Warden Harper:

The Corrections Special Applications Unit was the only vendor in the nation that provides 8 weeks of training. There is no vendor in the world that provides 8 weeks of constant training and then training reinforcement every quarter. You cannot find anybody that does that.

Ms. Hallam:

Was a proposal put out to ask if any of the other entities who do provide the training would be willing to make it an 8-week training?

Warden Harper:

I did not specifically get into 8 weeks. I did contact other vendors to see exactly what they provided, and nobody provided that. Ma'am.

Ms. Hallam:

Thank you very much.

C. Randall McNamara

“I was surprised at the JOB meeting that Mr. Garcia said he has only worked for the Spartanburg, Virginia Beach, Arlington, and Richmond Sheriff's Offices, because in a 2009 article in Police Magazine (<https://www.policemag.com/340195/less-lethal-force>) Mr. Garcia is identified as the "officer in charge for the

Berks County Prison SOG team in Pennsylvania." Additionally, a 2009 press release on Garcia's US Corrections Special Operations Group website (<https://tinyurl.com/uscsog2009>) states that Mr. Garcia is "a certified Pennsylvania Corrections Officer and Active Lt. with the Berks County Prison-Special Operations Group." Did Mr. Garcia ever work at Berks County Prison? Has he ever been a certified PA corrections officer?"

Judge Clark:

I do not know whether Mr. Baldwin is still on.

Mr. Baldwin:

Yes, I am still here, your Honor.

Judge Clark:

Do you know the answer to that question?

Mr. Baldwin:

I do. In fact, both York County and Berks County, have employed C-SAU and were 2 of the agencies that recommended C-SAU training to Allegheny County.

Judge Clark:

Has he ever been a certified Pennsylvania Corrections Officer? That was the second part of Mr. McNamara's question.

Mr. Baldwin:

Yes, he is certified in Pennsylvania and he has done training at both of those facilities.

D. Chloe Barone

"Joseph Garcia is now doing business as CSAU-1 LLC based out of South Carolina. However, CSAU-1 LLC was only incorporated on May 16, 2019 (https://opencorporates.com/companies/us_sc/969850). Why did Garcia abandon the name US C-SOG, and why is Allegheny County entering into \$325,000 sole-source contracts with businesses that have barely existed for 2 years?"

Judge Clark:

I think the Warden did answer the second part of it. I do not know whether Mr. Baldwin can talk about the name change.

Mr. Baldwin:

Sure, when the company US C-SOG, that was recommended, shuttered that business there was still contracts that Joseph Garcia honored and he was under a no compete clause while he was honoring those contracts. So, he continued to honor the contract through their end, which was when the non-complete clause also ended, and C-SAU became in existence.

E. Cameron Leighton

"At the last meeting Garcia showed off a type of ammo called the "SuperStar" and said it's safer to use than other kinds of less lethal ammo. But Lightfield Ammunition, the manufacturer, warns that "the user should only target large muscle groups and soft tissue from the abdomen and below. Always avoid targeting the head, neck, thorax, spine, kidney area and groin as serious injury or death may occur." [<http://www.litfld.com/products/less-lethal/>]. How could this ammo be safe for use at close range? Is there any kind of research or evidence to suggest that this ammo reduces risk of injury? The Jail also bought flash grenades and shotgun slugs designed for use against "problem wildlife"-- are those safe for a kitty cat to play with too?"

Judge Clark:

I guess any of the presenters are free to answer this comment. We have Mr. Ebersole, we have Mr. Baldwin and Warden Harper. I do not know if anyone can answer that particular question.

Warden Harper:

I would like to start off, your Honor. The first thing is I do not think this is the appropriate venue to talk about how we are going to utilize rounds at the Allegheny County Jail. I think that that is something that should be in the executive session but I do not feel that it is appropriate to talk about how we are going to utilize this ammunition or any other weapons at our jail.

Judge Clark:

No, I do not really think that is the question Warden. The question is, is this ammo safe for use at close range. It might happen in any kind of situation. I think that is the question. Not, particularly, how the jail is going to use it. I do not know whether Mr. Ebersole or Mr. Baldwin wants to comment on that.

Warden Harper:

Okay, I would like to comment. At close range, if the rounds should happen to be used after 3 or 4 times of trying to de-escalate the situation, it will be used for at more than 10 feet from the individual.

Judge Clark:

I do not know whether Mr. Ebersole or Mr. Baldwin want to add anything.

Mr. Baldwin:

The only thing that I would add is that this is not brand-new technology that came out yesterday. It has been used throughout the country and there has not been any issue related with the training provided by C-SAU or Joseph Garcia related to this, at all. It is not really an issue on our end.

Judge Clark:

Ms. Hallam?

Ms. Hallam:

I would like to ask questions for the C-SAU representatives. Have these weapons or the projectile that they shoot out ever harmed a person or lead to the death of a person?

Judge Clark:

Are you talking about in a correctional setting or anywhere?

Ms. Hallam:

In general, these rubber projectiles, have they ever seriously injured a person or caused the person to lose their life?

Mr. Ebersole:

I am not aware of any situation where C-SAU has used it or their departments that have deployed it in any type of liability. It does cause a bruise but as far as ta death, I am not aware of any, that has been used in the correctional setting under the training guidelines.

Ms. Hallam:

That is not what I asked. I asked specifically about these types of weapons, not about the training and not about at a correctional facility. I want to know if rubber projectiles have been known to seriously injure or lead to the death of a person. The answer is yes. I just want to hear you say it.

Judge Clark:

I think we can take notice that it has. I mean there is been a lot in the press recently about them. It is called less-lethal ammunition as opposed to non-lethal ammunition because I think that is the disclaimer. So, I think we can take note of that.

Ms. Hallam:

I just want to note for the record that there was a study published in 2017 that found that 3% of people hit by rubber projectiles died of the injury 15% of the...

Judge Clark:

Ms. Hallam?

Ms. Hallam:

...were permanently injured by rubber projectiles.

Judge Clark:

I had asked that there be no speeches. Everybody will get a chance to say so what they want to say at some point in the meeting.

F. Sam Hutchins

"I looked over the guns and ammunition that Warden Harper purchased and I have some questions. Why did the Jail order two types of ammo from Lightfield Ammunition that are explicitly designed for use against "bears and other large animals"? Those two products, the Midrange Rubber Slug and Extended Range Rubber Slug, are listed under the Agency Wildlife Control Products section of the Lightfield "less lethal" products page and have a range of 15-40 yards and 30+ yards, respectively. Are there a lot of bears encroaching on the Jail these days or are you just planning to use wildlife control products on human beings? [<http://www.litfld.com/products/less-lethal/>] Also please explain why the Jail needs rifles. Thank you."

Warden Harper:

I am going to say this in response to that question, is we made that determination for the orderly operation of our facility and also to be in compliance to the referendum.

G. Hera Castaneda

"I came across an interview with Joseph Garcia where he is described like this: "A holder of two black belts, Garcia also is a certified master of many lethal weapons....An ex-Air Force sergeant, Garcia - 5-foot-7 and 210 pounds - also is a sheriff's deputy and a SWAT-team instructor for prisons. His inch-thick resume is so bulky it could be used in a karate chopping stunt." [<https://scholar.lib.vt.edu/VA-news/VA-Pilot/issues/1997/vp970827/08260188.htm>] Is this an accurate description? Was Mr. Garcia an Air Force sergeant at some point? Does he hold two black belts in karate? For which lethal weapons has Mr. Garcia been designated a "certified master"?"

Judge Clark:

I do not know Mr. Baldwin if you are able to answer that.

Mr. Baldwin:

Upon advice of legal counsel questions about his confidential CV, which have already been vetted by professionals, which has led to his hiring already, that kind of answers those questions.

Ms. Hallam:

Can I ask a question about that? Why is it that his CV and resume keep being referenced throughout this meeting but have not being made available to members of this board?

Judge Clark:

I maybe should have mentioned this at the beginning, there were a number of requests that the board had for materials for this meeting that the board has not received. One was a complete CV for Mr. Garcia. One is a copy of the training agenda or menu as it was referred to in the last meeting. Another was a copy of the training materials provided to the attendance of the attendees of the training. As part of the presentations, I do believe we will hear from the board members that attended the training at the jail who were able to review and ask questions about some of these things. A list of Corrections facilities that have contracted with C-SAU. A complete listing of any and all lawsuits filed against the company including the court docket number and result of the litigation. Their response was there were no lawsuits filed against C-SAU. A complete copy of the contract, we have those. A list of references for C-SAU and Joseph Garcia. A copy of any videos or photos used in the training. Again, I think we will hear from the people who viewed the training about that. Then a list of the other companies that the County or the ACJ explored. The Warden has sort of talked about that and he will talk about that later. So, most of the things that were requested from Mr. Garcia were not provided to the Board. I do not know whether Mr. Baldwin wants to comment on why the CV is confidential.

Ms. Wagner:

Can I just add one quick comment, Judge Clark? A quick note that in response to my question directly to Mr. Garcia at the last meeting, asking that he provide a resume, he responded that he will. I just want to note that distinction here. That he committed to it, just like he committed to being here, and that has obviously not been done.

Judge Clark:

Thank you. I do not know if you can comment on that Mr. Baldwin. Why the board cannot see his resume or CV?

Mr. Baldwin:

I will address that later your Honor, but I believe the members of the board that attended the training, I believe all of those questions were satisfied to them and I am sure they will comment.

Judge Clark:

Alright, well we will hear from them. Thank you. I guess we will hear about that.

H. anon anon

"When did Joseph Garcia start teaching "corrections special operations"? He was in England working as a gate guard for the Air Force until 1990 and started his business US Corrections Special Operations Group sometime in the 90s. It doesn't seem like there would have been very much time for him to gain experience in the field before he began teaching to others."

Mr. Baldwin:

I believe in the 90s, in the early 90s, I do not have that exact date. It has been since the 90's to present day.

I. Training Certification?

"A lot of interviews with Mr. Garcia mention SOG team certifications with different levels or tiers. For example some news stories about Garcia's trainings mention that the facility being trained will now be the state's only Tier 1 unit, or will become one of only a few Level-One certified SOG groups. Can Mr. Garcia explain these certifications? What accrediting body is responsible for certification and how could someone reference a list of certified SOG groups?"

Judge Clark:

Mr. Baldwin, are you able to answer that?

Mr. Baldwin:

I am not on that one, maybe that is something Jeff has? I do not know.

Judge Clark:

Mr. Ebersole, are you able to answer that?

Okay, we will move on.

J. Vera Grant

"In his Official Proposal to Henderson County, North Carolina in 2018, Garcia listed dozens of subjects he teaches like "Unconventional Use of Noise Flash Distraction Devices," "Close Quarters Riot Control," and "High Risk Combative Inmates." There are none listed that reference de-escalation and the only references to mental health are "Dealing with the Mentally Ill" and "Mentally Ill Handling and Extractions." Which specific topics that Garcia has been teaching at ACJ these past 8 weeks? (this proposal has been publicly accessible online for 3 years so obviously that info is not classified or anything).

[https://www.hendersoncountync.gov/sites/default/files/fileattachments/fire_and_rescue_advisory_committee/meeting/116534/cah.pdf]"

Warden Harper:

There are multiple subjects that has been taught to correctional officers that are part of this program. Like I said, a lot of it is de-escalation, mental health, identification of medication, and that is all that I can speak up at this time.

Judge Clark:

Thank you.

3. Presentations

Judge Clark:

Alright, so I think now we have some presentations. I omitted from the actual written agenda, though I think I did indicate in an email to the board, that we would hear from any of the board members who attended the training to get their comments and thoughts about what they observed So, I would like to actually start with that and then go to the presentations. I know that Mr. Pilarski and Ms. Klein attended, and they coordinated the training sessions. I would like to thank them for that. I believe Ms. Moss also attended and I believe Kevin Kraus attended. Was there anyone else that attended that I did not know? Alright. I am going to start with Ms. Klein and go in the order that I see people. Ms. Klein, if you want to say anything.

Ms. Klein:

First of all, I was not aware that was my opportunity to talk to Mr. Garcia about his qualifications. I did not because I was assuming that I would get a copy of his CV. So, I do take issue with that comment because I was not aware that was going to be my only time. Also, to clarify, I spent, as did Mr. Pilarski, a lot of time looking over the handbook but that was, to my understanding, half of what was being proposed. I saw absolutely nothing that concerned me in the handbook except for the photograph, which I talked about. They were full combat gear which in my mind did not portray a sense of de-escalation. I was told those were old photographs. When we got there the candidates who are training were performing CPR. I know I have to be CPR certified for my work, but I need a specific person certified to train me and I have no idea what his qualifications are. And going again with the medications, I have no idea what his mental health qualifications are. He did tell me his wife was a trauma nurse. Just off the topic of the training, I will say,

I was unhappy to see when I got there that his mask was absolutely nowhere on his face. I know the jail is trying very hard to do COVID mitigations and I salute them for that. I did ask the warden about that and at that point he did ask Mr. Garcia to put his mask on. He did comply but, in my mind, there was a disregard to the jail's COVID precautions. I just want to say one more thing. Mr. Garcia was very gracious in having me ask any questions that I wanted. I did not always see eye to eye with his answers, but I do want to put it out there that he was open and wanted me to ask anything. I was very appreciative of that.

Judge Clark:

Thank you. Mr. Pilarski?

Mr. Pilarski:

Yes, thank you, your Honor. I would like to echo some of the things Ms. Klein said. Mr. Garcia was very open and answered any of the questions we had. But what was key for me was we asked Mr. Garcia to step away and he left the room. We asked questions of the individuals who were doing the training. What their thoughts were? What was the train they were receiving? All in common on how much they have learned. Some of those individuals have 18-20 years' experience in corrections. They talked about how much they have learned through this training. How different it was from the traditional CERT training they have received in the past and how much de-escalation was involved. They listed hundreds of drugs they had to know and try to be familiar with. They talked about the quizzes and tests that they go through and stuff like that. We went through some of the training materials while asking those questions. It was very nice to actually be able to question the individuals who actually go through training and hear their answers. Like Ms. Klein, I did not see anything that concerns me based on those answers. A lot of the stuff focused on de-escalation, in the training and talking to those individuals their focus was on the de-escalation.

Judge Clark:

Thank you. Mr. Kraus?

Chief Deputy Kraus:

Thank you. I am going to echo what they said. I was impressed with how they emphasized de-escalation and crisis intervention. They actually satisfied me that they were talking truthfully about gathering information, medications, mental health to try and de-escalate the situation. One other thing I would say is from a law enforcement perspective, from what we do every day and police departments do , if we have less lethal options that is a heck of a lot better than having to go hands-on with five guys rushing into a cell. I think we can all agree that is not going to end, probably, like everybody wants it to. I think some non-lethal options are key. I am a proponent for that. I did not see anything in the training, at least from my perspective, that I saw problematic in the training. I thought they were professional. I thought that they made us aware of all of the continuum of choices and options that they have before they have to go hands on. That was my takeaway from my observing the training.

Judge Clark:

Thank you. Hold on. I am going to get everybody and then I will ask the board if they have any questions. Ms. Moss?

Ms. Moss:

They always say, save the best for last. I echo what all 3 said. I thought it was good. I was glad that I went and observed. I saw a video. I do not know they showed a video. They showed a video of what has happened in the past when they would rush into a cell to do de-escalation, which would be 5 guards in at one time on one person. Then they showed what they do now with the other ways that they know how to de-escalate without rushing the person in the cell. I also did get to look at Mr. Garcia resume. It was on the PowerPoint. I asked about it and he did show it to me. I did not see anything in there really incriminating. I did not read it thoroughly because it was on a board. I scanned through and I did read through it. My concern, and I guess we will get to this later, I do not quite understand what the whole thing is because from my understanding that this person is coming to train our people, not to be there to be over them. So, he is going to give them a training of de-escalation and the best way you can, this is what I understand, and

then he just comes back to redo it every so many months or something. The training seemed good to me. That is about all I can answer. I do echo with people said ahead of me. I was glad I went. That is what I have to offer.

Judge Clark:

Ms. Hallam, do you have a question?

Ms. Hallam:

I have a couple. My first question is, I am little confused, Ms. Moss you were able to see Mr. Garcia's resume but no one else was just you?

Ms. Moss:

I do not know about anybody else. I am telling you what I saw.

Ms. Hallam:

Thank you for that. Chief Kraus, Mr. Pilarski, and Ms. Klein, did any one of the three of you see this PowerPoint with Mr. Garcia's resume?

Chief Deputy Kraus:

I did not see it. Full disclosure, I had to leave for another meeting, which was with the County Executive relating to something other than that, but I did not see that. I did not learn about a lot of this stuff until after I observed the training.

Ms. Moss:

I asked.

Mr. Pilarski:

I did not see the CV or anything while I was at that meeting nor did I ask. But I had seen it prior as the Senior Deputy County Manager when they selected Mr. Garcia. I had seen some of it. I did review the whole thing, but I had seen some of it at that time.

Ms. Hallam:

Ms. Klein, did you see it in the training?

Ms. Klein:

No.

Ms. Hallam:

Thank you. Did any of you all see any weapons when you were at this training?

Ms. Klein:

Yes, I specifically asked for a demonstration of the Kel-Tec shotguns and the fool that I am I volunteered to get shot at myself but, probably rightly so, the Warden did not do that. Deputy Warden Beasom, I say, took a bullet for me. We had to wear ear protectors and they shot, I am not sure what projectile it was, but yes. I felt like I needed to witness that.

Ms. Hallam:

When you saw the demonstration of the cell extraction or of the use of those Kel-Tec shotguns, did they put those same protections on the incarcerated folks as well?

Ms. Klein:

There was no incarcerated person. It was just Deputy Warden Beasom. I do not remember if he had it on. That is a good question.

Ms. Hallam:

I am just wondering what protective equipment he wore or the folks that conducted the training wore. I was under the impression that you saw the training done on incarcerated folks in the jail. That is not the case?

Mr. Pilarski:

No, not at all.

Chief Deputy Kraus:

All he had on was a pair of uniform pants. He did not have any protective gear that would diffuse or lessen the effect of the projectile.

Ms. Hallam:

Okay, did you all see a cell extraction?

Ms. Moss:

I saw a video.

Ms. Hallam:

Okay, none of you saw the actual cell extraction process happen. Thank you very much.

Judge Clark:

Anyone else have any questions for our board members that went with the training? Alright thank you. Then we are going to move to presentations.

A. Warden Harper

Judge Clark:

I am going to start with Warren Harper to see if there is anything else that you want to present to the board at this time.

Warden Harper:

I sure do. Good afternoon Judge Clark and members of the Jail Oversight Board. During our last Jail Oversight Board meeting I presented the board a PowerPoint presentation as to why I selected the Corrections Special Applications Unit to assist the Allegheny County Jail to comply with Chapter 205. In particular, not allowing the ACJ to use the restraint chair, chemical agents, and leg shackles. I also presented data as to chemical agents used in 2018, which was 75, in 2019 chemical agent was used 122 times, and in 2020 chemical agent was used 66 times. I also provided data to show how many cell extractions was conducted in 2018, which was 9, in 2019 was 9, and in 2020 was 5. Now if chemical agents were not allowed in 2018, 2019, and 2020 we would have seen 84 cell extractions in 2018, 131 cell extractions in 2019, and 71 cell extractions in 2020. I want to stress to the board again that if you vote to discontinue the contract with the Corrections Special Applications Unit, we have no choice but to send a 5 man cell extraction team in to remove inmates from their cells, causing injury to inmates and correctional officers and possibly death due to these cell extractions. The training that you viewed on the Internet is not training that is being conducted at the ACJ. I must comply with Chapter 205 before December 6, 2021. Ladies and gentlemen, it is the end of September. I only have a couple of months to be in compliance with Chapter 205. As I stated during the last Jail Oversight Board meeting when a situation arises at the ACJ and an inmate needs to be removed from a cell the following steps shall take place prior, I am going to say this again, the following steps must take place prior to the Corrections Special Applications Unit being called. A supervisor must report to the

scene to de-escalate the situation and this encounter must be video recorded. So that is one instance where we de-escalate, and it is video recorded. If the supervisor is unable to gain compliance, then the medical/mental health employee will be called to the scene to de-escalate the situation and this encounter is also video recorded. That is 2 instances where corrective officials have tried to de-escalate, and it is video recorded. If the medical/mental health employee is unable to gain compliance with Corrections Special Applications Unit will be called to the scene. Prior to the Corrections Special Applications Unit entering the area, the Corrections Special Applications Unit will consult with the supervisor and the mental health employee to ensure they have video recorded the de-escalation of the situation to determine whether the inmates is on any type of medications or has mental health and/or drug and alcohol issues. After the Corrections Special Applications Unit has ensured de-escalation techniques were used by the supervisor and mental health employee and they have reviewed the history of the inmate, they will enter the unit with the information provided and they will also try to de-escalate the situation. That encounter is video recorded. So that is 3 times at a minimum that we tried to de-escalate the situation prior to any use of force. I would like to thank the Jail Oversight Board members that took time out of their busy schedules to observe the Corrections Special Applications Unit training, talk to the correctional officers that are assigned to the unit and also had the ability to talk to Mr. Garcia. I hope that after you observed the training you will base your vote on facts not fiction. I am going to say this again, I hope that you base your vote on facts not fiction. We hope that the board will make the right decision to continue to train and the contract with the Corrections Special Applications Unit. Lastly, I would like to say, during the 6-7 weeks that the Corrections Special Applications Unit has been here, he has built leaders with these correctional officers. These correctional officers have learned more out of the 6-7 weeks that they have been with Mr. Garcia then they have their whole entire career with this agency. This is nothing but a win win for this agency. If the board decided to try to discontinue, the board will be saying that they want to send 5 men into a cell to restrain an inmate. That is all I have.

Judge Clark:

Thank you. I think I would like to go through the presentations and then I am going to do a roll call to ask questions because I think some of the presentations will maybe suggest different questions or answer some of the questions that you may have. So, I am going to try to do that. Ms. Wagner?

Ms. Wagner:

I just have one quick question because I thought this would be covered in the Warden's presentation. Just in case this was an oversight. One of the specific questions was to the Warden and to Mr. Pilarski, who both have spoken to having the information that we still have not seen. That was the information that the Warden did allude to earlier, just generally, the request for the other Departments of Corrections. We are constantly hearing 14 Departments of Corrections and I love to review facts but unfortunately, just like other pieces of information, we still have not seen that. Will there be an answer on that because the others will not be able to speak to that?

Warden Harper:

The answer to that is this, Mr. Garcia will only allow Judge Clark in his presence to call any references and/or correctional facilities. So, that is the response.

Ms. Wagner:

So how many references did you see? I keep hearing 14, 14, 14. Then the answers were elusive last time. So, are we talking about 14? How many did the county administration and the jail actually review? You can answer that. You do not have to go to Mr. Garcia who has essentially decided that this board is not worth his time to be here for us. How many did the county actually review?

Warden Harper:

I would say right now that I actually talked to 2 different counties and I have already told to you guys the counties that I have talked to. It was Berk County and York County. I have already answered that many times, Ms. Wagner.

Ms. Wagner:

That was the first time I have heard that. So those are the only 2 of the 14 that we have specifically gotten references to? Is that correct?

Warden Harper:

Those are the 2 I talked to.

Judge Clark:

I would like I would like to move on to the presentations and then you can ask questions. Someone else may be able to answer some of those questions.

B. Jerry Baldwin, Public Information Officer, C-SAU

Judge Clark:

Alright, Mr. Baldwin?

Mr. Baldwin:

Yes, your Honor. Part of this I stated before, but I will just restate it. Upon advice of our legal counsel, I will not be commenting on questions related to anything which falls outside the scope of training provided by C-SAU/Joseph Garcia for correctional institutions and law enforcement agencies across the country other than to say that Joseph Garcia has been a respected, high level corrections special operations training for many, many years. His references, his background, his resume, his confidential CV has been vetted by institutions and law enforcement agencies throughout the country and he has established the reputation of being the absolute best at what he does. This is why training was sought out by Allegheny County. This training saves agencies money by mitigating liability through specialized training known as measured use of force training. More importantly, it prevents injury and saves lives. His training has never once been named in a lawsuit involving excessive use of force. Anywhere. Ever. In fact, that is kind of the purpose of this board, you guys were wondering whether his training led to the death of Jamal Sutherland in Charleston. Not only did it not, but the contract was also up a long time before this happened and the folks that were named in the lawsuit were not certified and they were not using training that was authorized by C-SAU. So, we are not involved in that at all. It has never been named in a lawsuit. Ever. Finally, Allegheny County sought out C-SAU and they did, as the Warden stated, speak with other agencies, York and Berk County, and I think their references were stellar. The training that is provided, however, is specific to the needs of Allegheny County. Two other just quick notes that came up during the comment period, someone asked if those members of the board that went and participates in training, saw training done with inmates. That would never ever happen. We do not involve the inmates in the training. We do not create a situation in order to demonstrate the situation. The C-SAU SOG team at the facilities where we train are called when there is a situation where the regular folks that are there to manage the inmates cannot handle the situation on their own. So, I just wanted to make sure that you were aware of that. That is the end of my presentation. Thank you.

Judge Clark:

We are going to wait. We are going to get all the presentations and then we will ask the question. I would suggest, if you are like me and you might forget, to write it down because I always do that.

C. Jeffrey Ebersole, Retired Major, Loudon County Sheriff's Department

Judge Clark:

We are going to go to Mr. Ebersole. If you could just introduce yourself because I do not think the public will know your title and your connection.

Mr. Ebersole:

Thank you, your Honor. Thanks for having me. My name is Jeff Ebersole. I am a retired Major from Loudon County Sheriff's Office in a small jail facility with 470 beds. In 2012, I was responsible for looking at and doing research for a cell extraction team. I was there, doing my research, and I was given information about US C-SOG and 5-man cell extraction teams. Before implementing something in our facility, I had to look at budgetary constraints, training constraints, and the use of the manpower. For me and for my agency when I saw the differences between what US C-SOG offered versus the 5-man cell extraction team, it was world apart. It was a tested system that had been out there since the mid to late 90s. Prior, my agency's 5-man cell extraction team, which basically meant they got the 5 largest individuals from a squad. They put him in riot gear: riot helmets, shields, shoulder pads, elbow protectors, shin guards, and knee guards. They were basically in full riot gear. The testimony and the information I got from neighboring jurisdictions was the amount of lawsuits, and medical bills more than that, between staff and inmates getting hurt. There is basically 1 option with a 5-man extraction team and that is the guy with the shield smashing the inmate against the wall, 4 others go in there to try to maintain and control the individual. There is no customization. There is no de-escalation at that point. So, for me it was a no brainer for what US C-SOG had to offer. I could train a limited amount of staff. I did not have to train a least 8 to 10 guys per squad. I have a 25-person squad. So, I did not have to worry about training people so often or so many individuals. It was a lot safer. Again, it was customized, included de-escalation. It used calculated independent cell extractions each time based on the inmate. That is part of the pre-planning process in learning are there is mental health issues, are there chemical dependency issues, are there emotional issues, and part of the program that US C-SOG sets up. So, it is unique, and it is different for each individual that they deal with. It sounds like the Warden has got a great set of policies in place for the de-escalation aspect. I looked over the Use of Force Analysis for the Sutherland incident and it was glaring to me that it was a lack of leadership and a lack of policy that lead to a lot of the issues. There were a lot of issues in there. It was not just one individual aspect of that, but I can read in here, I think it was on page 12 about this incident. Let me see if I can find it really quick because it highlights what I thought as well. Here it is. The contract between CCSO and the vendor ended sometime in early 2019 and I did see where there was an email from Mr. Garcia to the agency, where he in March of 2019 was severing ties. So basically, it talks about at that point CCSO brought in training in-house themselves. It talks about two individuals who took primary responsibility for revising and delivering the new in-house SOG training. In 2019, CCSO created their own in-house policy. It also lists here there is no creation of any standardized objectives, any lesson plans, training handouts that were documented that were taught and ensured consistency between the SOG members. From my experience with US C-SOG our training was documented, we had slide shows, and we had presentations. It is a combination of giving as many tools to the correctional staff as possible to get the job done safely for the inmate and for themselves. For me it was another tool that they could utilize but at the DOC it would be like distractionary devices. The more options I gave staff the safer I felt the inmates were and the safer the staff were because they could de-escalate, they could use different avenues to resolve the situation opposed to, you got a 5 man team and that is all you've got. You resolve it by doing 5-man cell extraction and that is it. That does not give you many options. It does not give the inmate or the staff any options to do a safe cell extraction at that point. I will be happy to answer questions later. I do not want to continue to ramble. I feel like I am rambling a little bit. But again, for me and for my agency it was a tremendous boost for my staff not only the morale but the safety and the expense when it comes to a budget and training staff and maintaining training and maintaining records and equipment as well. That is it. Thank you. I appreciate your time.

D. Gary Raney, Sheriff (Retired), President of GAR, Inc. in Boise, ID

Judge Clark:

Mr. Raney, if you could introduce yourself please. Then we will hear your presentation.

Mr. Raney:

Thanks, Judge. My name is Gary Raney and I was hired by the Ada County Sheriff's Office in Boise, ID in 1983. I started out as a jail deputy. I served a career in the Sheriff's Office. I was elected sheriff in 2004. I retired in 2015.

In 2010, I was appointed to the Board of the National Institute of Corrections in Washington D.C. by the US Attorney General. I have been a past Chair of the Idaho Sheriff's Association, the Idaho Post Council and the Vice-Chair of the Idaho Criminal Justice Commission. Since retiring, I have opened a consulting practice and I have become very busy. My focus is really the prevention of in custody deaths and the reduction of force in the jails. I have analyzed and provided formal opinions on hundreds of uses of force and/or death incidents in jails. I am currently a Federal Court Monitor for 2 consent decrees in jails. One about a 4,500-bed jail and another a 6,000-bed jail in Southern California. To lay the groundwork of how we make these decisions, there are several court decisions that go toward what we rely upon. The main court decision that comes from jail practices is Kingsley versus Hendrickson, which kind of follows Graham versus Connor on the patrol side or out on the street side of what is reasonable force. Kingsley versus Hendrickson established the objective reasonableness standard for jails. In other words, what would a reasonable officer do in the same situation. What I see, very often, is that jails judge what a reasonable officer would do based on what other officers at their facility would do. The problem with that is if there is a systemic practice where the use of force is improper that does not make it reasonable. You need to look at reasonable across, sort of, a national standard. What Kingsley versus Hendrickson really did was state that staff can use force if necessary and reasonable, and that is keywords necessary and reasonable, for legitimate correctional objectives. For example: force medication, cell extractions, or conducting searches. Those things do not happen out on the street with patrol cars, but they are necessary in jail. This court decision established that often times jail officers have to use force to carry out these legitimate correctional objectives. What is reasonable? We judge that based on really was the force necessary or was it avoidable. This particularly important nowadays. Necessary was not the same standard 10 years ago as it is today for judging whether the force was reasonable. For example, if an inmate raised his hand and took a swing at me then the force that I used following that might be reasonable. But if I used inflammatory language, if I got up in his face, if I really escalated the situation then that force was unnecessary because it probably could have been avoided. We first look at whether it was necessary and then whether it is reasonable. As I said, would other reasonable correctional officers have done the same thing? Excessive force or unnecessary force is not reasonable force. What is de-escalation? That is sort of a vague term. It is hard to find a definition, but I can tell you there is some fundamental principles that we rely upon. De-escalation is probably first and foremost the use of verbal skills. Rather than escalating, yelling, and giving commands, it is using verbal skills for calm, clear commands, or conversations. The voice is non-threatening. Often trying to stop and use listening skills and they often have concerns, whether legitimate or not, there is still concerns. If appropriate it is good to validate those concerns. Also, attention reduction times, so time and space, or what we refer to as tactical repositioning, that may mean backing away, what we call a cooling off period. It may mean taking the tactical team that was at the door and having them back up and wait around the corner. Just giving that inmate time to calm, time to think. Again, restarting with calm verbal skills, with listening skills, and trying to exhaust all means by the time we reach the point where we have to use force. The next slide is de-escalation and crisis intervention. What it effectively is, is active listening, empathizing, understanding the inmate's concern, building a rapport, and trying to influence that inmate's decision because the successful goal is voluntary compliance. This next slide shows an escalation of the types of force we use from the de-escalation all the way up to deadly force. The de-escalation there is no harm. That is exactly why it should be implemented whenever it is feasible to be implemented. Those good de-escalation skills. It is a very important for the mentally ill. I will talk about Jamal Sutherland in a little bit. Those include cooling off periods. Calm, cool, non-threatening approaches. The next two slides where you see chemical agents and physical control techniques, and you see the arrow that those could be interchangeable. So, one does not necessarily come before the other. It is really situationally dependent. If we are going to do a cell extraction and we have asked the inmate to come out and to put his hands through the food port to be handcuffed, whatever the case may be. If he refused to do that for a long period of time and our de-escalation efforts have not worked, the next logical step is to introduce OC or pepper spray (Oleoresin Capsicum) under the door. On the flip side, if somebody standing at the booking counter is becoming agitated and they are becoming threatening, that is not grounds to use OC. In that case, then the physical control techniques should be applied first. But going back to explain them more, the physical agents, pepper spray, which I know have been banned there and I will discuss that, no long-term harm. It often leads to compliance with no physical contact. A good waiting period of 5 to 10 minutes for the OC to take effect, often

leads to compliance without any further force low. It has a low potential for systemic abuse. A lot of that is because the staff often suffers some of the same reactions that the inmate does. Physical control techniques, or where we are manipulating arms, wrists, hands, and sometimes legs, have rare long-term harm. Sometimes some prolong pain, hopefully short-term pain. Again, the appendages are controlled by officers. There is a moderate potential for systemic abuse. That abuse usually comes in the form of not releasing that control hold, that is a pain compliance hold, soon enough. Sort of getting in a little extra time when it is unnecessary. The next escalation is electronic control weapons, more commonly referred to or the main brand is TASER. Rare long-term harm. That harm usually does come from when a TASER is used, and somebody falls and may hit their head on a toilet or a bunk if they fall to the floor. This is advantageous because it maintains distance between the officer and the detainee. It is often a very effective visual deterrent because of red laser dot can be seen and they know that the TASER will be coming. So, they often come to comply without the TASER ever having to be deployed. It has a moderate to high potential for abuse not because of the actual use of the Taser itself or the way that it is used but because sometimes jails become too dependent on using it. So, they go from the de-escalation and that did not work, so they skip over the OC and the physical control techniques and use it too soon. We did not use TASERS for passive resistance. That means that somebody is only not doing what we tell them to do. Next step is impact weapons. These have a moderate to high risk for harm because they are exactly that. They are impact weapons meaning that we are going to hit somebody with something and that can cause injury. The most common one is a pepperball gun. That is a round pellet filled with pepperball powder, not the spray. It can be discharged; it can hit the floor and it can hit the wall around an inmate. That OC powder has a similar effect to the OC spray, but it could also be used as an impact weapon. So rather than hitting the wall or the floor, you can actually aim it at the inmate and use it as an impact weapon but also deploy OC at the same time. 12-Gauge shotguns - there is a variety of less lethal ammunition for them. Most all of those are simply an impact weapon with a bean bag or a weighted projectile that can be used. Most commonly within about 20 to 24 feet is the minimum distance. Then hit the inmate, hoping not to hit an eye or a testicle or something like that. Other specialty impact weapons, there is a variety of them: 37-millimeter, 40-millimeter, a weapon called FN303 that is pretty common. All of them shoot some projectile at a different mass and a different velocity and hit the inmate trying to get compliance. They have a low to moderate potential for abuse. Just because it is very visual. If there is any quality supervision at all then there is very little opportunity for abuse. And of course, the deadly force techniques. Obviously, the highest risk for harm. That not only includes lethal weapons, but it also includes neck restraints in most jurisdictions. This is more policy dependent and has a low potential for systemic abuse because of the severity of the nature of the event. In the next slide, I will not go through all of these blocks but across going left to right are levels of resistance and going down is the severity of the use of force. So, if somebody's offering passive resistance, we first always want to start with de-escalation. If that fails, then go to chemical agents and if that fails, go to control holds. These are referring to situations like cell extractions, not immediately hand to hand use of force. If they offer active resistance that means the inmate is doing something physically against the officer to try to prevent the officer's legitimate correctional objective. Then when de-escalation, chemical agents, and control holds are no longer practical to gain control over the inmate, there is a possibility of using the TASER or impact weapons. Assaultive resistance, meaning that the inmate is trying to injure either a staff member or another inmate, if that is in progress, would not be de-escalation worthy. Chemical agents may be used. Control holds may be used. It would also be acceptable to immediately go to a TASER and maybe using impact weapons, depending on the situation. Then, of course, a lethal threat is often responded to with lethal force. I want to talk for just a minute about the Allegheny County restrictions. The key question here is, what is the alternative? Ending solitary confinement is good, for the most part. Solitary confinement is far too common across the United States and many other places in the world. But when that psychotically, violent inmate comes into the jail, if we are not going to be able to isolate them, then what is the alternative? I have to say now that I have not thoroughly read the referendum and I am not familiar with the details, so I may have these wrong. If so, I would welcome questions at the end for clarification. Banning leg shackles is a moderate concern. Again, so what's the alternative? These leg shackles are really to prevent somebody from kicking, to prevent somebody from running, or to prevent somebody from destroying property. So, if they are going to use their feet and legs to do that, what do we do if we cannot use leg shackles? But there are other alternatives there that are not going to cause harm. Banning chemical agents,

particularly Oleoresin Capsicum (OC) will cause unnecessary harm to detainees in Allegheny County. That is the removal of a very important tool that is between de-escalation process and between physical contact that often leads to either staff or detainees being injured. So, the removal of that is unfortunate for the staff but you will see injuries caused by the physical manipulation techniques when chemical agents could have been effective. And lastly, the biggest concern that I have because I see it fairly commonly, banning of the restraint chair is a greater likelihood of death from compressional or positional asphyxia. Compressional asphyxia is when we are putting pressure on somebody's torso area and restricting their breathing. Positional asphyxia is when we positioned somebody in a certain manner that restricts their breathing. That is most commonly on their stomach, on the ground, often handcuffed and sometimes having been hauled. Restraint chairs were developed because people were dying from compressional and positional asphyxia. They bring the person up, they put him in a sitting position, they held with restraints rather than having the pressure of a knee on their back or the pressure of the floor against their stomach. This is a drastic decision in my opinion and the opinion of I think any other cohort that I have across the nation. I want to walk through what happened with Jamal Sutherland. I want to make it absolutely clear; I do not know what has happened in Allegheny County. I do not know what has been taught in Allegheny County. I only know the Jamal Sutherland case. This was in Charleston County, South Carolina, on January 4, 2021. Mr. Sutherland was a 31-year-old with a history of mental illness, and he had never been arrested. he felt himself decompensating, he self-admitted into Palmetto Behavioral Health Facility in North Charleston. As he entered, they changed his medication causing him to decompensate. He recognized that he was getting worse and he asked to be released. Behavioral health facility refused to release him and kept him there until he decompensated to the point where he struck a staff member. The behavioral health facility staff member called the police and insisted that Mr. Sutherland be arrested. The North Charleston Police Department tried not to but did end up arresting him and taking him to the Charleston County Jail. After he was incarcerated, that was the night before that this happened, the next morning 2 deputies were ordered to forcibly remove him from his cell and take him to court. My task is I was brought in to provide an analysis to aid the Charleston County Solicitor's decision, same as most states call it, District Attorney, on whether to file criminal charges against the deputies. Initially, by looking at the video that I was going to show a clip of, but Greg is projecting it and it was too big send. You can go look out there, it is on the Charleston County Solicitor's website if you have not seen it. I referred to it as a melee in my report. It is a horrible series of force and events that led to Mr. Sutherland's death. Charleston County has settled for \$10 million without really ever going to a lawsuit. Palmetto Behavioral Health Facility is still not settled. I presume it will be probably an additional, I am going to guess, \$5,000,000 or more in loss. As far as the criminal case, as I began to analyze it, I initially thought the two deputies would be charged because of the state of South Carolina's manslaughter statute, which is reckless disregard. There was no de-escalation by the two deputies. As soon as they contacted Mr. Sutherland there was a few comments and then they began yelling commands. As they pepper spray and open the door those commands were often contradictory, they were loud, they were confusing. He asked questions and rather than try to talk to him and engage him in conversation they just continued to yell the same commands over and over. The deputies pepper sprayed Mr. Sutherland twice. The second time was in the face and there was an insufficient waiting period both times. The second time there was only 53 seconds between the second deployment of OC in Mr. Sutherland face and the time that one of the deputies opened the door and tased him. He fell back against the floor. He again asked what it was about. He had some conversations. They ordered him to slide on the floor over toward the door, which he did. When he got close to the door and was asking what was happening, they did not answer his questions. He said he was not coming out the door any farther. So, the deputy went in behind and trapped himself inside the cell to conduct handcuffing, rather than having Mr. Sutherland turn and keep himself (the deputy) outside the cell where he had an escape. During handcuffing, which was poorly done, the real melee began. The 2 deputies tased Mr. Sutherland 10 times, 7 times by one deputy and 3 by the other deputy. After he was eventually brought under control enough then there was compressional asphyxia concerns with the knee on the center of the back, which they thought was appropriate, as long as it was not on the spine, not realizing that a knee across the back in the lung area could because death. But that did not cause his death. So, in the criminal analysis, the deputies were not taught de-escalation skills. I should say that the evidence was not just these 2 deputies, other members of what they call the Special Operations Group were also interviewed by the South Carolina Law Enforcement Division for their criminal

investigation of this. The deputies were not taught to use waiting periods after OC. As I said, there was only 53 seconds between the second deployment of OC and the use of a TASER. The deputies were incorrectly taught to use a TASER on passively resisting detainees. Mr. Sutherland was not doing anything aggressive. He was actually going to lay a blanket down on the bunk. In my personal opinion, I believe that he might have been about to give up because he walked from backside of the room, across, and put a blanket down that he had been holding after he had been sprayed with OC. But as he laid that down the deputy, in her words, saw the opportunity and shot him with a TASER. The 10 TASER deployments occurred. The deputies were not taught about shooting one of these or simultaneous TASER discharges. So those 10, many of them were overlapping at the same time. The deputies were not sufficiently taught about compressional or positional asphyxia concerns. As I said, their understanding was that a knee, as long as it was not on the spine, was an acceptable position. In other words, for the criminal analysis, they did not violate their training, so there was insufficient evidence of any reckless disregard. With that, I withstand for any questions.

Judge Clark:

Thank you, Mr. Raney.

4. Questions and Discussion by the Board

Judge Clark:

I am going to open up the questions for the board for any of the presenters. I would ask initially that you limit to two questions and a follow up, so that we go through and allow all the board members to ask questions. I am going to do a roll call. I am going to start in alphabetical order. Ms. Hallam, you are first.

Ms. Hallam:

Judge Clark, I do not want to use this as a question, but can I just ask that we get two questions from each of the presenters. So, we do not have to pick and choose since we did them all together.

Judge Clark:

Why do not we just start with your burning 2 questions and come back around. We have had a number of presenters and I will try to give everybody enough time. As I was listening to the presenters, I had some questions for some that I felt like others had answered. Let us try the things that you really want to highlight and ask. Let us try it that way, so that we can get through everyone. Someone else may ask the question of someone you wanted to. Let us try 2 questions and a follow up. How about that?

Ms. Hallam:

My first question is for Mr. Baldwin, who I believe is here representing C-SAU on behalf of Mr. Garcia. I would like to know what Mr. Baldwin's role is with C-SAU and detail his relationship with Mr. Garcia? Not just, I am the Public Information Officer, but like how long have you worked there, where exactly are you based out of, what work do you do because in all of the media that I have read about C-SAU I have never seen your name. So, I would just like to know your relationship to Garcia and details about your employment with C-SAU.

Mr. Baldwin:

Sure. Thanks for the question. My name is Jerry Baldwin. You are correct. I am the PIO, or Public Information Officer for C-SAU. I was previously the Public Information Officer and Director of Communications for US C-SOG. Prior to that, I was a Major with the Richmond City Sheriff's Office where I was also our communications leader, Director of Communications and was also the Chief of Special Operations. The special operations team worked through me, my department, professional standards. I wrote policies and helped develop policies with the accreditation manager. I worked across the state of Virginia to help audit and certify agencies with their jail.

Ms. Hallam:

I do not think you answered about the details of your relationship with Mr. Garcia.

Mr. Baldwin:

I have known Joseph Garcia since 2006 or 2007, when he initially introduced himself to our Sheriff's Office. I have known him ever since and then had an opportunity to work with them.

Ms. Hallam:

Then you had mentioned in your, I do not know that I would call it a presentation, but when you were speaking earlier you had mentioned that there were no lawsuits in which Mr. Garcia, or his companies, have been mentioned, correct?

Mr. Baldwin:

Specifically, I was talking about the reason we are here today, which was the Sutherland case involving excessive use of force. There have been zero lawsuits in his entire career or US C-SOG or C-SAU involving that. Back to the last thing that Mr. Raney presented, I will just say again none of the situation that happened in Charleston had anything to do with our training and related to TASER training, for example, we do not certify in TASER training. Those folks did not participate nor were they certified in the training we did authorize.

Ms. Hallam:

I think you misunderstood what I asked. You had said earlier that there were no instances in which Mr. Garcia, or his companies, were mentioned or named as defendants in lawsuits. You did not just say South Carolina. You said that it has never happened before.

Mr. Baldwin:

I can read you the statement. I did not only say South Carolina. You are correct. I said specifically, if you give me one second, I will read it again.

Ms. Hallam:

I mean you do not have to read your statement. We all heard it. It is in the record. This is a recorded meeting. Are you aware of lawsuits where Mr. Garcia and his companies were named as defendant, in any situation?

Mr. Baldwin:

No, I am not.

Ms. Hallam:

I would just like to ask, that you please not make assertions about things that you do not have the information about because US C-SOG was named as a defendant in a class action lawsuit that came out of the Worchester County House of Corrections. Are you familiar with that? Have you ever heard of that before?

Mr. Baldwin:

No, I am not.

Ms. Hallam:

Okay, thank you very much. I appreciate your help today.

Judge Clark:

Next, we will go to Mr. Kamara. Are you still with us?

Mr. Kamara:

I am.

Judge Clark:

Do you have any questions for any of our presenters?

Mr. Kamara:

No specific questions but thinking, largely, if there will be any opportunity to get time with Mr. Garcia or is this the final communication any of us on the board are going to have?

Judge Clark:

I think this is the final time. He has declined to attend the meeting today. So, if you have some questions maybe Mr. Baldwin could answer those. Otherwise no you will not have the opportunity.

Mr. Kamara:

I am just still listening and learning. I do not have any questions as of right now.

Judge Clark:

Alright, thank you. Ms. Klein, you are next.

Ms. Klein:

Yes, thank you. I believe I am going to direct this at Mr. Baldwin. Forgive me that I cannot remember the specifics, but I believe this was in the York Daily Record. There was a photograph and I believe it was in the York County Jail where the incarcerated people were up with their face to the wall. There were people, I believe it was Mr. Garcia or part of his training that was directing guns at them. I am hoping you can comment on that. I also believe that it was part of his promotional material and he was asked to take it down because it was obviously in violation. You cannot photograph at any jail. I am hoping you can clarify the purpose of that photograph.

Mr. Baldwin:

I am not familiar with a photograph like that, but if there were pictures taken that were not authorized and any agency asked us to remove it, we would do so immediately. Not being familiar with the specific one you are talking about or any requests from any agency, I am not really sure how to answer that other than if there were ever a promotional photo taken that was not authorized, we would certainly remove it.

Ms. Klein:

I believe it was removed. Okay. Thank you. Mr. Raney, thank you for your presentation. I am looking for guidance and what to do in relation to the referendum without using pepper spray or restraint chairs. Would you make any recommendations as far as training?

Mr. Raney:

Setting the restraint chair aside because I think that may be a different issue or maybe I am misunderstanding. Before pepper spray came about, we had various training tactics that we used. It went more from verbal techniques into hand to hand control techniques and that is what now is out of the formula. The proper training and the proper activities without OC are to use better de-escalation techniques, better avoidance techniques, but then the next step becomes typically hand to hand or empty hand control techniques with the manipulations. As far as the restraint chair there really is no other alternative other than holding the person down. That is why death, although I cannot say it is going to happen, but I can say the likelihood that a death will happen is now much greater.

Ms. Klein:

Thank you. That is all I have Judge.

Judge Clark:

Thank you, Ms. Klein. Next, we have Chief Kraus.

Chief Kraus:

Thanks, your Honor. I really do not have any questions. One was already answered. Thank you for the opportunity.

Judge Clark:

Alright, thank you. Has Judge Lazzara joined us?

Judge Lazzara:

I am on by phone because the computers are terrible. I really apologize for being on late. I wanted to know why Mr. Garcia did not choose to attend today.

Judge Clark:

Who are you asking to answer that question?

Judge Lazzara:

Anybody that knows the answer.

Mr. Baldwin:

I would be happy to address that and I am sure the Warden may want to as well. Upon advice from legal counsel, Joseph Garcia was told there was nothing that he could add to the conversation, the contract was already awarded, he was already vetted by the agency awarding the contract, as well as, others, references were called. This is a prime time for him to be doing business right now and it just was not appropriate for him to be here to answer the same questions that others are here to answer.

Judge Lazzara:

Well my issue with that is we were told we could not have a complete CV, but he would be willing to tell us about those things. Without him present, we certainly cannot ask any of those questions. How are we supposed to get the answers to those questions that we all have?

Mr. Baldwin:

It was my understanding that was what the presentation of the training modules that was attended by the board members was for.

Judge Lazzara:

So, that was the only way to get those answers at that point?

Mr. Baldwin:

Yes, your Honor.

Ms. Hallam:

Judge Lazzara, you got on late, but I wanted to remind you only 1 of the 4 members who went to the training...

Mr. Pilarski:

You are out of order for the rules set forth in the beginning.

Judge Clark:

Yes

Ms. Hallam:

Mr. Pilarski, you are not a member of this board you cannot call me for being out of order.

Ms. Moss:

I do not need anyone to speak for me. I can speak for myself.

Ms. Hallam:

Thanks, Ms. Moss.

Judge Clark:

Let us all remember the roles. We said no speeches and questioning each other. Judge Lazzara, do you have another question?

Judge Lazzara:

Nope, those are mine.

Judge Clark:

Alright, thank you. Ms. Moss?

Ms. Moss:

Well, pretty much most of my questions were answered. The one Ms. Klein had asked is what I was going to ask. Mine was going to be about the alternatives. We have to find a way to do this. Mr. Garcia is not here. He is not here. It could be because he never got paid. That could be a reason. I do not know. But we need to find alternatives for this situation. I do not know. I was not for the restraint chair because that was the reason why I went out looking for other alternatives, which was verbal judo. But as I talked to them, we do have to have something else in place that if verbal judo and de-escalation verbally does not work.

Judge Clark:

Ms. Moss, I would just ask because you will get a chance to make a statement at the end.

Ms. Moss:

My concern is if we do not use C-SAU what are we going to do to replace the techniques on talking people down. That is my concern.

Ms. Wagner:

May I make a suggestion? That may be something, I believe, from the presentation that Mr. Raney could answer.

Ms. Moss:

That is what I was going to ask. He just talked about the things that would be gone but did not answer what we replaced them with, or does he recommend a replacement of any of those?

Judge Clark:

Mr. Raney, can you answer that question.

Mr. Raney:

Yes, there is a variety of good de-escalation tools out there. They are still evolving, not that they are perfect. They are getting there. The crisis intervention training out of Memphis, TN is what really started all of this. It is been relied upon and now it is being adapted over into corrections for jails. Again, that is one of the most important steps because that avoids the use of force. Without those other tools, I was asked by one person ahead of time to check and so I did, I was curious. I called the Pennsylvania Department of Corrections who said they would provide training and fast. They provide training to any county if asked to do so. I think they said they have 6 different training courses on the use of

force. It would be the traditional methods where Allegheny County would have to, for example, not go to the pepper spray course, or not go to the restraint chair course. But there are still other courses that they could attend.

Ms. Moss:

Who was this, the Pennsylvania...?

Judge Clark:

Department of Corrections. Thank you, Ms. Moss. Mr. Pilarski?

Mr. Pilarski:

Thank you, your Honor. My questions for Mr. Raney. Have you ever seen Mr. Garcia's training or specific training being offered at Allegheny County Jail?

Mr. Raney:

No.

Mr. Pilarski:

So, you cannot speak to any of the de-escalation techniques being taught at the Allegheny County Jail through this training?

Mr. Raney:

No, I think I clarified that in my presentation, that I had no basis for knowing what is being taught now or what has been taught or being used in Allegheny County. My reference is what was being taught in Charleston, SC.

Mr. Pilarski:

Thank you very much.

Judge Clark:

Thank you. Ms. Wagner?

Ms. Wagner:

Yes, thank you. I know having the ability to go at the end of the alphabet, but I just wanted to ask a question if I may first, your Honor? Given the agenda and the proposed 45 minutes for board members to ask questions, I think we have individuals before us that I would like us to be able to perhaps ask more than 2 questions. Going round robin would be great but for the interest of time, I see that we started at 7:02 and were 15 minutes in. So, I just want to ask that request.

Judge Clark:

Yes, I did say if had time. I give credit to all of you, we are making good time. So, thank you all for being respectful of that. So, we will go back around.

Ms. Wagner:

Thank you. So, also with me there are some of the questions that I had that have been answered. I would like to ask a question of Mr. Baldwin because you are putting yourself out here as the Public Information Officer for C-SAU. How many employees does C-SAU have? And let me just say, recognizing the difference between a full-time employee, a W-2 employee, versus a 1099 employee.

Mr. Baldwin:

Yes, I know the difference. I believe anybody who works for C-SAU, just like anybody who worked for US C-SOG, are all 1099 employees.

Ms. Wagner:

How many of those are there?

Mr. Baldwin:

I do not have it a list of employees.

Ms. Wagner:

Respecting us here. Since you are the Public Information Officer, I am going to ask to give your best approximation.

Mr. Baldwin:

I am in Virginia, for example. Garcia is in South Carolina and then travels to whatever facility he is working in. There are units that have received training near facilities when he goes to do training that he activates for purpose of training over that eight weeks. I do not know a number and I am not going to say a guess. While I am speaking, one thing I would like to add, I believe you asked the question earlier about a lawsuit from 14 years ago.

Ms. Wagner:

No, that was not me.

Mr. Baldwin:

Okay, whoever asked that, I would be happy to provide some information on that.

Ms. Wagner:

If I may ask, during my questioning we can hold on that. I was patient during your presentation.

Mr. Baldwin:

Sure.

Ms. Wagner:

Thank you. So, you do not have information in terms of how many individuals, or whether Mr. Garcia is the only individual that is under the employee at any capacity right now with C-SAU? Is that correct?

Mr. Baldwin:

No, I do not have a list of any contractors that we activate when he goes to train. That is not part of what I do. I work on articles and things like that. That is just not part of my job.

Ms. Wagner:

Respectfully, I would also say that the question Ms. Klein had earlier there are a number of photos. I have seen that photo. Probably most of the people in the audience of this meeting have seen that photo. In fact, all that I have really been able to see, in fact, are that request for information are denied to journalists and that we just see photos on Instagram or Facebook. I think it is important to also ask you about what has come forth and has been misrepresented to this board. Are you familiar with what took place at the last board meeting? Did you happen to watch our last board meeting where Mr. Garcia was present?

Mr. Baldwin:

No, I did not.

Ms. Wagner:

I specifically asked Mr. Garcia because he had not then, and of course still has not provided us with a resume, I asked him to indicate his work history. It was a very specific question. I am happy to read the question. In the interest of

time, it was specific, and he claimed that he worked with 4 different agencies, including Richmond, which you said you work for yourself, Spartanburg County, Arlington, and Virginia Beach. However, the problem is that some very good journalists followed up with each of those departments and they all confirmed that Mr. Garcia had never been an employee of any of those four departments. Do you know anywhere, other than C-SAU, or the predecessor company, where Mr. Garcia has been employed?

Mr. Baldwin:

Yes, I think the term employment you are using as if he is a direct employee and not someone contracted to do a job, that he worked for. But I will tell you that the Virginia Beach Sheriff's Office, he was an actual Deputy employee there. I believe every other agency he has worked for it is been either as a someone contracted to provide very specific training or to help them work on policies.

Ms. Wagner:

I do believe it was that department if it was Virginia Beach. Well I am just going to leave it that folks have access to this Tribune Review article written by Paula Reed Ward that I think details those concerns. I am concerned, I will say, that looking up your resume, publicly, it indicates that you only worked with C-SAU for one year and that you are in the business of product sales and office sales. I am just very concerned that Mr. Garcia is not here and that we are having questions not answered by somebody who basically does not have the information, no disrespect to you. I would also just like to ask 1 follow up question to Mr. Raney. I appreciate, Mr. Raney, your presentation, and the objectivity of it by showing us some of the challenges with implementing the referendum, which unfortunately the board never had the opportunity to discuss before this contract. I do want to note that with this contract the word de-escalation, from what I can tell, does not even appear here once. That is a huge concern to me. From your experience, particularly in looking at this company, or this individual, I do not know that I would call it a company, in South Carolina, can you give us some more detail on the impact and their involvement in the Use of Force Analysis that you completed on the death of Jamal Sutherland, please.

Mr. Raney:

Certainly. When the 2 deputies came to the door, as I said, the immediately began yelling at him, "Sutherland, come put your hands through the door", "Sutherland, cuff up", "Sutherland, get on the ground", that kind of conversation and it only escalated. In the investigation by South Carolina Law Enforcement Division, when they asked about de-escalation, those deputies, as well as the others, said they were vaguely familiar with it. They had heard the term but had never been taught any de-escalation techniques. In fact, the one who used the most force, who was the team leader of these 2 SOG deputies, if I remember her quote, she said "It is all about loud commands". They were simply taught to be aggressive and intimidating, in order to gain compliance, at least there in Charleston County.

Ms. Wagner:

Okay, thank you. Just as one follow up...

Judge Clark:

You already had one follow up.

Ms. Wagner:

I am sorry, just on this topic to the answer for Mr. Raney. In your presentation you spoke to the best practices. I think as somebody with great experience nationally, would you consider any of what you have seen from this company, or this individual, to follow best practices in your industry?

Mr. Raney:

Again, I can only rely on what I saw in Charleston County and it was a gross violation of what we call generally accepted jail practices, as well as the use of force. Initially, without knowing the background, I thought they were going to be criminally charged because of the way that they were aggressive, the lack of necessary and reasonable efforts to avoid

the use of force, the use of force was premature in both the OC and the TASER, the multiple TASER applications (that was before we had a second opinion on the cause of death), the compression asphyxia concerns, all of those, as well as the training that was recorded there that the deputies received is...I am searching for a word. I just do not quite have the right word for it.

Ms. Wagner:

I am sorry to interrupt but that is what was taught by Garcia? I just want to be clear that we are talking about Garcia in this question of employment.

Mr. Raney:

Yes, the evidence is all out there with the 9th Circuit Solicitor's Office. The evidence is available, and the videos are available. It has, Mr. Garcia, which supported the deputies testimony when they were interviewed about when to use a TASER meaning TASER get passive resistance and a lot of the techniques by yelling, the premature force, all of that was consistent with what they were taught.

Ms. Wagner:

Thank you.

Judge Clark:

I just have a couple of questions. Mr. Raney, I think Mr. Baldwin had said that the folks that were involved in the death of Mr. Sutherland were not part of the training that C-SAU did. Did your investigation also reveal that?

Mr. Raney:

No, both of those deputies were trained by that company. That company ended the contract in the first of 2019, I want to say January or February when I became disillusioned but that is what those deputies were trained. Even from 2019 to 2021 they really still continued the same practices.

Judge Clark:

And you have already said that you have not seen the training at the jail. So, you cannot say whether it is the same training that Allegheny County Jail is receiving. Is that correct?

Mr. Raney:

That is correct.

Judge Clark:

Then my follow-up is, one of the things you said is that you had contacted the Department of Corrections. I also contacted them and receive some of the same information. Some of the information that they gave was some of the information that you presented and that the inability to use the pepper spray and shackles would be probably problematic and may lead to more injuries. How do you train? I think everybody agrees that de-escalation techniques, verbally trying to get people to de-escalate is the best-case scenario. But would it be fair to say, in a correctional setting, that there are some people that they will not be able to de-escalate with verbal skills?

Mr. Raney:

Oh absolutely. Especially the mentally ill, which are some of the most dangerous to deal with. The compensation against pepper spray is to use other techniques that are available more thoughtfully, more thoroughly, and maintain patience until you reach the point where those are exhausted. Then a different technique has to be used.

Judge Clark:

I understand that. So, what is the alternative when they have exhausted all the great practices on things like verbal judo and active listening? I am a big fan of motivational interviewing and all of those things. When someone still

cannot de-escalate and there is a dangerous situation, what are the best tools that corrections facilities could have to safely extract or de-escalate someone who was very aggressive and minimize the injury?

Mr. Raney:

The next two techniques that should be used, again, can be interchangeable depending on the situation. One is empty hand control techniques, again, that is twisting arms, legs, using control holds, and often pain compliance in order to control the inmate. Then with not using the OC spray, and I presume this also then outlaws the use of the pepperball gun, but the pepperball gun is one of the most common tools across the United States in jails to then control the inmate. If you do not have that, then I do not know the situation on TASERs there, again, going from an empty hand control technique into if you can use Tasers that would be the most common next step because they really are, despite some of the media, they are safe. They keep a distance between the officer and the inmate. There are occasional injuries but very few. Then the escalation if that fails would be an impact weapon, like the shotgun, the 37 millimeter, the 40 millimeter, or the FN 303. Things like that.

Judge Clark:

Thank you. Alright, so I have asked my two and my follow up. Even though I have more, I am going to go follow my own rules here. We are going to go back through. Ms. Hallam?

Ms. Hallam:

Thanks, Judge Clark. How many do I get this time?

Judge Clark:

We are going to do the same thing, 2 and a follow up so everyone gets a chance.

Ms. Hallam:

Okay, cool. My first question is for Mr. Raney. If you had the opportunity today would you hire Mr. Garcia and his company to come into your Correctional Facility?

Mr. Raney:

No.

Ms. Hallam:

Second question, Warden Harper, you earlier had mentioned and I know this probably seems like a long time ago now because we had to wait till the end for all the questions, but you kept pushing this eight weeks of continuous training, straight eight weeks of continuous training. Has Garcia been there for eight weeks now?

Warden Harper:

No.

Ms. Hallam:

Okay but the training has started?

Warden Harper:

Yes.

Ms. Hallam:

So, you are also not getting 8 weeks of continuous training out of Garcia, even though that was your rationale for why you had to hire him?

Warden Harper:

The correction officers have been in training for 6 weeks, Ms. Hallam, and they have 2 more weeks where there still training right now. So, we are getting those 8 weeks, Ma'am.

Ms. Hallam:

Mr. Garcia is in town currently providing that training?

Warden Harper:

Absolutely.

Ms. Hallam:

Oaky, and then my very last thing, who is the legal counsel who has advised the C-SAU folks, and maybe even Warden Harper, that Mr. Garcia was not permitted to be here today? I would like the name of that legal counsel please. I would assume the Public Information Officer from C-SAU would have that.

Mr. Baldwin:

This is Mr. Baldwin. I do not have that information and I am not sure if the Warden has that.

Ms. Hallam:

Okay, so you did not speak with the legal counsel? You just heard that the legal counsel told Mr. Garcia not to come tonight?

Mr. Baldwin:

I have not spoken with our legal counsel, correct.

Ms. Hallam:

Okay, but who is C-SAU's legal counsel?

Judge Clark:

He said he does not know that information.

Ms. Hallam:

A Public Information Officer does not know the legal counsel for the company of which he is the Public Information Officer?

Judge Clark:

That was his answer.

Ms. Hallam:

Okay, thank you very much for clarifying.

Judge Clark:

Mr. Kamara, do you have any questions?

Mr. Kamara:

Your Honor, I do not have any additional questions.

Judge Clark:

Ms. Klein?

Ms. Klein:

I do not have any additional questions.

Judge Clark:

Alright, Chief Kraus?

Chief Kraus:

I have no questions, your Honor. Thank you.

Judge Clark:

Judge Lazzara?

Judge Lazzara:

No questions. Thank you.

Judge Clark:

Ms. Moss?

Ms. Moss:

I just want Mr. Raney to repeat what he said. You are saying that the incident that happened in South Carolina the people that were involved were trained by Mr. Garcia?

Mr. Raney:

That is correct.

Ms. Moss:

Thank you. That is all.

Judge Clark:

Mr. Pilarski?

Mr. Pilarski:

I have no additional questions, your Honor.

Judge Clark:

Ms. Wagner?

Ms. Wagner:

Thank you. I hate that I have to use this as a question, but I will because I still have not gotten the answer from our County Administration, Mr. Pilarski, or Warden Harper. Who are the other companies that we have reviewed?

Judge Clark:

The Warden did provide that list. I thought I sent it out to everybody.

Ms. Wagner:

Did I miss that?

Ms. Moss:

It is on the back page of information requested for the meeting that you send. There are nine things there.

Ms. Wagner:

I apologize. That is my fault.

Ms. Moss:

I just noticed it when you asked the question.

Ms. Wagner:

Thank you. Then I am happy to review that. I would like to ask, Mr. Raney, again, I think are fortunate to have you here. Can you go into greater detail about best practices? We know that we have a very significant population at our jail of individuals with dual diagnosis, mentally ill. In terms of best practices, in dealing under the circumstances here you know that we are figuring out how to comply best with the will of the voters but also be mindful of those considerations.

Mr. Raney:

So, every jail suffers from the mental illness dilemma because our jails become mental health facilities in the United States. What is important mentally ill is to train staff to realize about the urgency. For example, in South Carolina he was ordered to go to court. They were determined to take him out of the cell and take him to court. There was a lack of judgment by not just the deputies but ranking officers there to say "hey, could we go back and get ahold of the Judge to avoid this?" That would have saved his life in this situation. With the mentally ill, it just makes all of the avoidance practices all that much more important of using the de-escalation techniques, using mental health staff, using deputies or correctional officers in soft uniforms. Again, I do not know what the dress is there in Allegheny County but polo shirts and pants. Keeping deputies in the same areas where they develop rapport with inmates before they decompensate. So that the inmate knows who they are and will be more likely to talk to them. Those are just some of the positive activities. There are many things that can be done in a jail setting to lessen the probability that force will be used. It is not just the de-escalation, it has to be really the whole package but there is a lot of good practices out there in some jails that are being very effective at reducing the force and helping them do better in life.

Ms. Wagner:

Thank you and if I may, Judge Clark, to stay within the parameters, as I said, I apologize for not seeing what I believe was a list that was provided by the Warden, but I would like to know from the Warden and Mr. Pilarski, what specific information have we seen about Mr. Garcia specific to any so-called "expertise" in dealing with individuals with mental illness.

Judge Clark:

Warden Harper, are you able to answer that?

Warden Harper:

I was able to go down and watch the training that he conducts to my staff as to how to deal with inmates with mental illness. So, I have actually watched that, and I agree with everything that Mr. Garcia has taught. Other than that, Ms. Wagner, I do not have anything else. Are you talking to somebody over there Ms. Wagner? I think I saw you put your finger up or something.

Ms. Wagner:

Yeah, because you did not answer my question. So, my question is based on this background that we know for today, we have never seen a resume. Let me just remind and preface this by saying, we held this meeting two weeks later because we were going to be provided with more information. I mean I am not going to put myself in anyone else's shoes but regardless of which department I am representing here, in terms of our fiduciary duty to the residents of the jail and the taxpayers of Allegheny County, I think everyone here should be irate by that. But what I am asking, because that has not been provided, what in his background, and maybe Mr. Baldwin can answer this but who knows, what in his background speaks to any experience whatsoever with dealing with individuals with mental illness? And training does not answer that question. I am sorry but training, doing a demonstration, does not answer that question.

Warden Harper:

I would say, just like Mr. Baldwin had said early, his 30 years of correctional experience. It is just like me being a correctional professional with 33 years. We know how to deal with these mentally ill individuals, and I think that what Mr. Garcia has started training my correctional officers will enable us to deal with this population better. That is all Ms. Wagner.

Ms. Wagner:

On this because I think we have to have a candid discussion. Warden Harper, you have asked us to deal with fact versus fiction, we have not been provided with anything other than numerical suggestions about his background. No basis for his background. You, conversely, as Warden of our jail, were thoroughly vetted in a public process. This individual has not been at all. I apologize but I am highly offended by the notion that we are even considering this man and I will leave it at that. Thank you.

Warden Harper:

I have to say something to combat that. I am offended that you guys have not, well, I am not going to say, we presented a whole bunch of evidence today to show how we will utilize C-SAU and how de-escalation will be utilized prior to C-SAU being called. As Mr. Raney stated, C-SAU's contract was terminated 2 years prior to Mr. Sutherland's unfortunate death. There is no way that nobody could put Mr. Garcia's training on Mr. Sutherland's death because he was removed 2 years prior. So, nobody could put that on Mr. Garcia and the Correctional Applications Unit. We provided you with a whole bunch of evidence during this session, but you just do not want to accept the evidence that we provided to you Ma'am.

Ms. Wagner:

Again, I have to respond to that because I am very concerned that it seems that no one in this county cared to perhaps read the report on Jamal Sutherland. Has anybody called South Carolina from our county to seek information? Has anybody called anyone? Have you sought to speak to corrections officers there? Have any of those types of calls been made?

Warden Harper:

Ms. Wagner, did you read page 12 from Mr. Raney's report? He was removed in 2019. Did you read the report yourself?

Judge Clark:

Hold on. We are just hashing and rehashing. This is not productive. What I would recommend because I think we have exhausted questions. I think anymore questions is just everybody rehashing what we have already heard. I would propose that we do not log off, do not hang up your phones, that we take 5 minutes just to break. Everybody can kind of cool down a little bit. Then we will go into the next part of our meeting, which is any motions and if there is a motion, any discussions. Then are final statements by the board and a possible vote if there is a motion. So that is what we are going to do. We are going to take 5 minutes. I am just going to turn my camera off. You can do that. Turn your camera and sound off. Please do not log out because we want to start promptly in 5 minutes. It is 7:47, so we want to start at 7:52. Alright, thank you.

Judge Lazzara:

Kim, the only problem is I have not been home all day and I am still at the office.

Judge Clark:

I am too. I understand. I know.

Judge Lazzara:

I also have not eaten all day. I have no idea how much longer this is going to go but I really do not intend on sitting here to do it.

Judge Clark:

Well I mean even if we did not take the 5 minutes, I know you told me that you wanted to leave by 7:30, I do not think that is going to happen.

Judge Lazzara:

It is already passed 7:30.

Judge Clark:

I understand that but I have been here. I get it. This has been my ongoing issue about the virtual meetings because I have been here all day. I have had a full court day. I have not left this office. I am hungry too. I get it. I do not know what else to tell you Judge Lazzara except that we are not going to finish even if we did not take the 5 minutes. I do not know what to tell you.

Ms. Hallam:

Judge Clark, out of respect to everyone's time, would I be able to make a motion for us to take a vote right now?

Judge Clark:

Well, there has to be a motion on the floor. There is a procedure to do that. That is what is going to happen when we come back. We may not have any additional discussion or questions because we have asked them. Then I would give each board member 2 minutes to make a final statement before we vote. That is the procedure that I have set forth in the agenda.

Ms. Hallam:

Right. I am just wondering about respect for time since you all are hungry and some folks have not been home yet, if there is a need for that or if we could just go straight through and get this done with.

Judge Clark:

I cannot answer that. There is not a motion on the floor. Somebody has to put a motion on the floor. So, at 7:52 if you want to make a motion, you can do that. It is the next thing on the agenda. Then I will ask if there is any discussion and we are going to have to follow the rules about allowing any discussion. I cannot imagine that there would be any more discussion but then I would just allow each board member to have two minutes to make their final thoughts. They can decline that. They do not have to have that. So that is it. But, yes, at 7:52 if you want to make that motion, you can but I would like the five minutes. I do not have them now. I have been sitting here since the beginning of the meeting. I have actually been on since 5:00 hoping that people would all get on. At 7:52 if that is what you want to do, you can do that.

Mr. Raney:

Judge, this is Gary Raney. Do you want me to stay on?

Ms. Wagner:

Mr. Raney, I think she already jumped off.

Mr. Raney:

Yes, she did.

Ms. Wagner:

Understanding just from the agenda where we go to motions and discussion, then final statements, with Judge Clark being the chair, obviously, I think she would have to indicate if there might be follow up questions of you all during that discussion. So, I apologize.

Mr. Raney:

That is okay. Do you think it is best I stay on and check?

Ms. Wagner:

If you are able to, for even just the two minutes, so we can ask her that question.

Mr. Raney:

That is fine.

Ms. Wagner:

Thank you. We appreciate it.

Mr. Raney:

Certainly.

Ms. Wagner:

Judge Clark, since I see you there, right when you stepped away Mr. Raney had asked if he should stay on or not. I said that you would be the one to answer that.

Judge Clark:

Well, I mean, somebody might have an additional question. I do not think so, but I would just say maybe he should. I think everybody is ready to conclude the meeting. Alright so it is 7:52. Is everybody back? *(Judge Clark took role call to confirm everyone was back from the break)*

5. Motions and Discussion

Judge Clark:

Alright, the next thing on the agenda is I will entertain any motions if there are motions at this time.

Ms. Wagner:

I am happy to offer the motion. This was the same motion that was provided in the board materials from our last meeting. In the interest of time, unless someone would like me to, I will not read the entire motion but the pertinent part. Again, I refer to the entire motion as it was included in the prior packets. *(The entire motion is included below)*

ALLEGHENY COUNTY JAIL OVERSIGHT BOARD

MOTION

Under Pennsylvania law, per 61 Pa. C.S. § 1724, the Allegheny County Jail Oversight Board is vested with administrative powers and duties over the operation and maintenance of the Jail. To wit, 61 Pa. C.S. § 1725 provides that the Allegheny County Jail Oversight Board shall promulgate such rules, regulations and forms as it deems necessary for the operation of the Jail.

Whereas, Allegheny County entered into a no-bid, sole source contract with "Corrections Special Applications Unit" (C-SAU) prior to any notification and/or consultation of the Allegheny County Jail Oversight Board for the training and

instruction of its correctional officers and employees following the passing of a county-wide referendum on May 18, 2021 in which voters overwhelmingly (with 166,000 or 70% of the vote) voted in favor of limiting solitary confinement in the jail and banning the use of restraint chairs, chemical agents and leg shackles. Whereas, Allegheny County seeks to have C-SAU train its corrections officers and employees in various techniques, methods and strategies in relation to the inmates of the Jail, including the use of shotguns and rubber bullets, all of which are included in C-SAU's self-described "Tier 1 Training." Subsequent to Allegheny County contracting with C-SAU on or about July 22, 2021, significant and concerning facts have been raised about the background, experience and work performed by C-SAU, its predecessor entities and its principal, Joseph Garcia.

Pursuant to the duties and obligations imposed upon it pursuant to Pennsylvania law, specifically 61 Pa. C.S. § 1724 and 61 Pa. C.S. § 1725, the Allegheny County Jail Oversight Board prohibits Allegheny County, C-SAU, Joseph Garcia, and/or any related entities from conducting any training of corrections officers or employees of the Allegheny County Jail. Further, the Jail Oversight Board prohibits Allegheny County from bringing into the jail any shotguns, rubber bullets or other similar equipment or animals identified or described in any C-SAU training program until permission is granted by the Allegheny County Jail Oversight Board.

Judge Clark:

Is there a second?

Ms. Hallam:

Second.

Judge Clark:

Alright, seconded by Ms. Hallam. Are there any additional questions or any discussion on the motion?

Mr. Kamara:

Your Honor, if you could just go over what a yea vote or a nay vote would mean on the motion. I think would be helpful for everybody.

Judge Clark:

I think yea vote would mean the board is saying that they are not approving the contract and asking to dissolve the contract but it is Ms. Wagner's motion so I will ask her to explain that.

Ms. Wagner:

I would agree with the explanation that you just gave, Judge Clark.

Judge Clark:

Anything else, Mr. Kamara?

Mr. Kamara:

No, I just wanted to ask for that clarification. Thank you.

6. Final Statements by Board Members & Vote

Judge Clark:

Alright, so if there are no other questions or discussion, I did indicate that I would give each board member 2 minutes if you wanted to make a final statement. You are not obligated to just because I asked you but if you do, I am going to do a roll call and ask if you wish to make a statement. I am going to limit everyone to 2 minutes. I am going to turn on the stopwatch. Ms. Hallam?

Ms. Hallam:

Yes, I would like to make one. The county contracted with a paramilitary company to conduct training for the ACJ staff and tactics that have been directly implicated in the death of a person in custody in a South Carolina jail, where they trained the staff that killed Jamal Sutherland, who Mr. Garcia said at our last meeting in his own words “had to die”. Not only do these contracts represent a disturbing step for the jail administration that is already facing multiple lawsuits for excessive use of force and solitary confinement, particularly on community members with serious mental illnesses, it opens the county up to further liability for future suits. Those are taxpayer dollars that will be spent on any lawsuits that the county has to settle. The county hired this company without any public process, clearly without any serious vetting, or any real consideration of potential alternatives. Supposedly it was in response to a referendum that was passed this year in Allegheny County, where voters overwhelmingly voted in favor to end solitary confinement and other violence and abuse at the jail. While the contractor claims to suddenly not be the same company that is described on his own website or in Garcia's own words in many podcasts, videos, and interviews that he is done, this is nothing more than official gaslighting. This company and its founder who has declared “break the jaw and walk away” as their mantra has left a trail of destruction, scandal, and death in their wake. Their actions and their history speak for themselves and the county stating that things are different now does not change that. The jail and the county administration only have themselves to blame for any time crunch. They did not approach the board at all until we discovered the contracts through other means. They delayed and pushed back, attacking our good faith questions and concerns with bad faith misinformation and misdirection. The veil threat of “we will have to hurt people if you cancel this contract” is unacceptable and frankly, unethical course of tactics. I am ashamed of the county administration...

Judge Clark:

Your two minutes is up.

Ms. Hallam:

Well that is a perfect ending. Thank you so much.

Judge Clark:

Alright, Mr. Kamara?

Mr. Kamara:

Your Honor, I will be very brief. I am coming to this process late but obviously have been learning a lot through the questions and conversation today. I think there is a much larger conversation that we should be having about process and next steps and tactics for future situations. I am largely leaning on the experience of the Warden and his leadership to try to answer some of the questions that have come up today, as well as questions that come up from folks in Allegheny County in recent votes. Thank you.

Judge Clark:

Thank you. Ms. Klein?

Ms. Klein:

Yes, thank you. As one of the community representatives of the Jail Oversight Board I believe this to be one of the most important decisions I have ever made. In order to research best practices for CERT situations I spoke with Dr. James Fine, MD, a psychiatrist, who has an expertise in mental health and corrections. He believes the safest methods in all cell extractions for correction officers and incarcerated individuals are the use of pepper spray and the judicial use of the restraint chair. I trust his opinions because he is specialized in addiction medicine and is board certified. Obviously, these are no longer available to the staff and ACJ. So, what strategies can ACJ use to replace these? The C-SAU training utilizes Kel-Tec shotguns with different projectiles. As I have not been able to see a CV with any certification or licenses that Mr. Garcia may have, I am being asked to trust that Mr. Garcia is qualified to provide the specialized training at the ACJ. According to the Trib, his Class II LCO Basic Jail Training Certification was revoked.

Warden Harper is certified by the American Correctional Association. Deputy Warden Beasom graduated from the Pennsylvania State Corrections Academy and has a bachelor's in criminal justice. I understand the very difficult that ACJ has been forced into as a result of this referendum. However, I am being asked to trust without the ability to verify and as a community representative, after reading the public comment and guided by my conscious, I am unable to do so.

Judge Clark:

Thank you, Ms. Klein. Chief Kraus?

Chief Kraus:

Thanks, your Honor. With great respect to Ms. Hallam's objection, I understand I am not the sheriff and the sheriff is a board member and I am not. I respect that. Thank you. I am here on his behalf. I agree with the board that I think Mr. Garcia should have made himself available to present before the board. I am not an attorney I do not understand the legal aspect of that, but I think he should have been here to answer some questions. So, are you asking for a vote now or are we going to come back to vote?

Judge Clark:

This is just for you to make your final statement. We are going to vote after everyone has the opportunity to make a final statement.

Chief Kraus:

I really do not have a statement other than I can completely appreciate the challenges of the Warden of this jail and all of the concerns that we have talked about tonight. Thank you for having me. I agree with what was said about we got to do the right thing going forward. We have to. Whatever that is going to be. Thank you.

Judge Clark:

Thank you. Judge Lazzara?

Judge Lazzara:

I have very few words. I mean we all, I think, are very worried about how the jail will comply with the referendum. I think we are all concerned that possible methods that could have worked have been taken away from the jail and we are concerned about how things are going to go forward. I am, however, incredibly concerned that the person who is supposed to be helping lead us forward has so completely refused to answer any questions or be available. I think that is something that has to be taken very seriously. So that is all I will say at this point until my vote. Thank you.

Judge Clark:

Thank you. Ms. Moss?

Ms. Moss:

I do not really have any comment.

Judge Clark:

Alright, thank you. Mr. Pilarski?

Mr. Pilarski:

Thank you, your Honor. I would just like to briefly say that having the ability to go see the training myself of what is specifically going to be offered at the jail, shown the de-escalation techniques that are being used, having talked to those officers about the specific training they are getting, again, relying on the expertise of the Warden and Deputy Wardens. They are the ones that are in there facing it every day. Then hearing the experts tonight say there are no

other options. The best options have been taken away from us. I think we are left with very few choices. Having seen the specific training, again, we have to rely on the experts in this in this field. Thank you.

Judge Clark:

Thank you. Ms. Wagner?

Ms. Wagner:

Thank you. I just want to reiterate some basic facts that Mr. Garcia refused to appear here, he refused to provide information, and he blatantly lied to this board about his employment background among other things. This board, as we know, is entrusted with protecting the health and the welfare of the residents of the jail but we are also to be accountable to the taxpayers of Allegheny County. I would say especially those of us who are elected representatives. I think it is best for us to think of this if this were just a simple matter at any one of our homes a roof repair or plumbing and we relied upon some glossy, social media type pamphlets. Then later learned that there were very concerning things about that contractor. Any one of us, in our homes, would do the prudent thing. We would stop the work and we would seek more information. The county here has done the opposite of that. I cannot explain why but I can tell you that the individual, the way in which this contract was initiated, all of this is reckless. To me, this is a mockery of the public trust. Thank you.

Judge Clark:

So, I will just add a couple of things. I am very concerned that Mr. Garcia was not here and that we have not seen his CV. Someone said to me this morning even if you apply for a job at Wendy's you still have to have a resume. So what is it about his CV and his background that we cannot know? Why cannot we check the references? That is concerning. I fully appreciate the Warden's position because the referendum has taken away the most recommended tools for after verbal de-escalation. So, I think the Warden is in a position of having to comply with the referendum by December 6th and we do not really have any good alternatives for him right now. I appreciate that. I do trust Warren Harper to do the right thing, but I am very concerned about Mr. Garcia, the training, and also not having the information. My gut tells me, what are we hiding here? That is a concern for me. Also, as President Judge, as Chair of the Board, I have received numerous communications from everyone. Some from people in agencies that I think are very well respected. They are people that I consider partners in this work, in our efforts, like the Prison Society, and others that who have sent information. It is a very weighty decision. I am very concerned about it. So that is my statement. Thank you.

With that, I am going to call for a vote. I am going to do a roll call vote. Please indicate whether you are in favor or opposed the motion or you abstain. Ms. Hallam?

Ms. Hallam:

I am in favor of the motion. Yes.

Judge Clark:

Mr. Kamara?

Mr. Kamara:

I vote nay.

Judge Clark:

Ms. Klein?

Ms. Klein:

I vote yes.

Judge Clark:
Chief Kraus?

Chief Kraus:
I am relying on the training that I observed. I vote nay.

Judge Clark:
Judge Lazzara?

Judge Lazzara:
I vote yes.

Judge Clark:
Ms. Moss?

Ms. Moss:
Abstained.

Judge Clark:
Mr. Pilarski?

Mr. Pilarski:
Again, relying what I saw. No.

Judge Clark:
Ms. Wagner?

Ms. Wagner:
Yes.

Judge Clark:
We have 4, 3, 1, so the motion is carried.

The board approved a motion (4 Yea, 3 Nay, 1 Abstained) by Ms. Wagner, duly seconded by Ms. Hallam, that the Allegheny County Jail Oversight Board prohibits Allegheny County, C-SAU, Joseph Garcia, and/or any related entities from conducting any training of corrections officers or employees of the Allegheny County Jail. Further, the Jail Oversight Board prohibits Allegheny County from bringing into the jail any shotguns, rubber bullets or other similar equipment or animals identified or described in any C-SAU training program until permission is granted by the Allegheny County Jail Oversight Board.

Judge Clark:
So just some final thoughts about the motion, I really am concerned that the jail will not be able to comply with the referendum and what is the board's responsibility in that. So, we have to quickly figure out what we can do. There have been some suggestions as to training. They have six weeks of de-escalation and I think that part is good but there has to clearly be some tools for the jail to use. I do not know what, if anything, the board can do with the recommendation about the referendum to change things. If the jail cannot comply by December 6th, what happens with that? Is there a way that the board, on behalf of the jail, if we feel they cannot comply, can that be extended? I do not know the answer to any of those questions. Those are some things that we are going to have to find out.

7. Adjournment

Judge Clark:

Anything else? If not, we will have a motion to adjourn.

Ms. Hallam:

Moved.

Judge Clark:

Alright, we are adjourned. I will be reaching out. You will probably get an email from me tomorrow asking for the board to assist in doing that. I will probably reach out to the Warden sometime tomorrow. I have a very full court calendar both tomorrow and Wednesday, but I will try to reach out to Warden Harper first and then send communication to the board. So, with that we are adjourned. Thank you.

Kindest regard,

A handwritten signature in blue ink that reads "Chelsa Wagner". The signature is written in a cursive, flowing style.

Chelsa Wagner

NAME	CONCERN
Anne McCafferty	The secrecy and underhandedness of the C-SAU transaction, including the apparent forging of the JOB approval on the first invoice, are appalling. This is not good government. Moreover, this contract does not address the real problem. The jail is lethally understaffed, choosing weapons and force over mental health interventions as an easy and quick way to address noncompliance. With 50 to 70 job vacancies at any time, primarily on the medical and mental health side, how about being proactive with recruitment and hiring? No whining about how hard it is—just do it. Think big: contract a specialized recruitment firm, offer hiring and retention bonuses, lead the market w pay scales, and provide inspired smart leadership. Choose excellence.
Andre S Kenstowicz	Taser guns were NOT banned on the May 18th referendum. Spending almost \$500,000 of hard-earned Pittsburgh taxpayer dollars on new weapons, when existing tasers already exist, is wasteful and irresponsible. Tasers are “electroshock weapons used to incapacitate targets via shocks, that temporarily impair the target to allow them to be handled in an unresisting and safe manner.” Existing tasers are therefore more than sufficient to subdue non-compliant prisoners, and the need for new, expensive weaponry is absent.
John Kenstowicz	Statement from “Police Law Enforcement Solutions” regarding Lightfield’s Super Star Less Lethal Projectile “Always avoid targeting the head, neck, thorax, spine, kidney and groin area as serious injury or death may occur.” When firing the shotgun, an ACJ officer cannot provide assurance that the projectile will not impact the areas of the body mentioned above, especially if the person incarcerated is moving. Lawsuits will inevitably follow with using this projectile with a shotgun. Joseph Garcia’s premise is that by firing projectiles from a shotgun will induce compliance. If the person incarcerated does not comply after the first firing, one would assume continued firing will take place increasing risks of “serious injury or death”.
Training Certification?	A lot of interviews with Mr. Garcia mention SOG team certifications with different levels or tiers. For example some news stories about Garcia’s trainings mention that the facility being trained will now be the state’s only Tier 1 unit, or will become one of only a few Level-One certified SOG groups. Can Mr. Garcia explain these certifications? What accrediting body is responsible for certification and how could someone reference a list of certified SOG groups?
anon anon	When did Joseph Garcia start teaching “corrections special operations”? He was in England working as a gate guard for the Air Force until 1990 and started his business US Corrections Special Operations Group sometime in the 90s. It doesn’t seem like there would have been very much time for him to gain experience in the field before he began teaching to others.
Hera Castaneda	I came across an interview with Joseph Garcia where he is described like this: “A holder of two black belts, Garcia also is a certified master of many lethal weapons...An ex-Air Force sergeant, Garcia - 5-foot-7 and 210 pounds - also is a sheriff’s deputy and a SWAT-team instructor for prisons. His inch-thick resume is so bulky it could be used in a karate chopping stunt.” [https://scholar.lib.vt.edu/VA-news/VA-Pilot/issues/1997/vp970827/08260188.htm] Is this an accurate description? Was Mr. Garcia an Air Force sergeant at some point? Does he hold two black belts in karate? For which lethal weapons has Mr. Garcia been designated a “certified master”?
Sam Hutchins	I looked over the guns and ammunition that Warden Harper purchased and I have some questions. Why did the Jail order two types of ammo from Lightfield Ammunition that are explicitly designed for use against “bears and other large animals”? Those two products, the Midrange Rubber Slug and Extended Range Rubber Slug, are listed under the Agency Wildlife Control Products section of the Lightfield “less lethal” products page and have a range of 15-40 yards and 30+ yards, respectively. Are there a lot of bears encroaching on the Jail these days or are you just planning to use wildlife control products on human beings? [http://www.litfld.com/products/less-lethal/] Also please explain why the Jail needs rifles. Thank you.
Cameron Leighton	At the last meeting Garcia showed off a type of ammo called the “SuperStar” and said it’s safer to use than other kinds of less lethal ammo. But Lightfield Ammunition, the manufacturer, warns that “the user should only target large muscle groups and soft tissue from the abdomen and below. Always avoid targeting the head, neck, thorax, spine, kidney area and groin as serious injury or death may occur.” [http://www.litfld.com/products/less-lethal/]. How could this ammo be safe for use at close range? Is there any kind of research or evidence to suggest that this ammo reduces risk of injury? The Jail also bought flash grenades and shotgun slugs designed for use against “problem wildlife”—are those safe for a kitty cat to play with too?
Gretchen Wilson	Garcia’s relationship with SACDC jail in Charleston ended because the jail fired him. In Dec 2018 Sgt. Shaw at SACDC complained that Garcia wouldn’t give the facility a SOG training syllabus or lesson plan and stated that Garcia provided “minimal training, often leaving these recruits not prepared.” Shaw said that some prospective SOG Operators chose not to join the SOG team because they didn’t want to deal with “the burden” of the “inconsistencies that come with Garcia.” Garcia also brought his “uncontrollable K-9’s” to trainings (even though SACDC doesn’t use bite dogs) and allowed the dogs to attack COs. [read report here: https://tinyurl.com/ShawStatement] Does the Board honestly believe this is a quality training program?
Caroline Campbell	At the mtg Joseph Garcia said that in the 10 years he trained officers at Sheriff Al Cannon Detention Center there was “not one excessive use of force complaint, not one lawsuit” (view the relevant clip here: https://tinyurl.com/NotOneLawsuit). This is simply not true. In 2016 the jail settled a lawsuit with a young woman who had been “denied a phone call for 14 hours” and “shocked with a Taser while strapped in a chair.” (See Meyer v Al Cannon, full suit at https://tinyurl.com/MeyerVCannon). Contrary to Sheriff Mullen’s belief that Wardens pay out lawsuits from their own pockets the expense was in fact borne by the taxpayers of Charleston County.
Caroline Campbell	[comment pt. 2/2] Mr. Garcia also claimed that “Everybody involved with the Jamal Sutherland case had nothing to do with our organization, our training, period.” However one of the SOG operators named in the Meyer v. Cannon lawsuit was Lindsay Fickett who went on to murder Jamal Sutherland earlier this year. Garcia may make the dubious claim that his training had no influence on Fickett’s behavior on January 5, 2021, but when the assault on Jane Doe occurred in 2014 he was most definitely responsible for SOG training. Additionally, some of the video that Gary Raney obtained in his investigation features Mr. Garcia “training” Fickett and other SOG operators in 2011 (by spraying them with mace). Mr. Garcia is clearly lying.
Chloe Barone	Joseph Garcia is now doing business as CSAU-1 LLC based out of South Carolina. However, CSAU-1 LLC was only incorporated on May 16, 2019 (https://opencorporates.com/companies/us_sc/969850). Why did Garcia abandon the name US C-SOG, and why is Allegheny County entering into \$325,000 sole-source contracts with businesses that have barely existed for 2 years?
Randall McNamara	I was surprised at the JOB meeting that Mr. Garcia said he has only worked for the Spartanburg, Virginia Beach, Arlington, and Richmond Sheriff’s Offices, because in a 2009 article in Police Magazine (https://www.policemag.com/340195/less-lethal-force) Mr. Garcia is identified as the “officer in charge for the Berks County Prison SOG team in Pennsylvania.” Additionally, a 2009 press release on Garcia’s US Corrections Special Operations Group website (https://tinyurl.com/uscsog2009) states that Mr. Garcia is “a certified Pennsylvania Corrections Officer and Active Lt. with the Berks County Prison-Special Operations Group.” Did Mr. Garcia ever work at Berks County Prison? Has he ever been a certified PA corrections officer?
Carol Nichols	Why, exactly, is C-SAU the only option the county has for de-escalation training? Does the board agree with the warden and the County Executive that a company involved in multiple lawsuits and investigations, which the company also lied about during the last meeting, is the only option for this training?
Olivia Enders	Mr. Garcia’s speciality seems to be in providing new weapons, versus providing legitimate or substantively different procedures, as evidenced by the PPT shown at the previous board meeting. This directly contradicts the will of the voters when we voted for less restrictive practices/a more humane environment. The jail could have sought contracts with specialists in behavioral health, mental health, and/or trauma-informed practices, but instead, they sought out to continue to escalate and use force. Garcia’s track record points to increased dangerous and sometimes deadly interactions. Does he get kickbacks from the weapons company? What are his qualifications in recognizing nuance w/in mental health disorders, substance abuse, etc.?
Rachel Cunningham	I am appalled that the county would hire someone who was actively fearmongering about a race war at this time last year. Tactical Life magazine interviewed Joseph Garcia for the Aug/Sept 2020 issue and when they asked if he and his riot squad had been “deployed” to break up Black Lives Matter protests he said no but predicted that there would soon be “a racial war against the corrections officers” soon. He said he was ready to deploy but was waiting for “them” [Black incarcerated people] to start the conflict. It’s horrifying that this trainer sees Black incarcerated people as literal enemy combatants who could “provoke” a war at any time, and it also makes me seriously doubt that Garcia knows anything about de-escalation.
Concerned Citizen	Joseph Garcia said he got into corrections special operations because he knew a guy who died in 2002 after contracting HIV during a cell extraction. But when he was interviewed last year for Tactical Life magazine [https://tinyurl.com/GarciaTL] he said his business got its start in 1993 when he was contacted by the private military contractor Blackwater. He says Blackwater was awarded contracts to train prison guards following the Lucasville prison riot and they passed the contracts along to Garcia because “we have Navy SEALs, we’ve got Delta guys, but nobody has the prison background.” That’s a really troubling claim, both because Blackwater was responsible for the Nisour Square massacre and also because Blackwater did not exist until 1997.
Ryan Perry	I would be absolutely SHOCKED if Warden Harper and/or Steve Pilarski ever looked at any other potential contractor to help the jail implement the ballot initiative. If they had actually looked at de-escalation firms they, too, would have come across Verbal Judo (the Board’s recommended firm) and would hopefully have been able to remember its name. They probably also would have listed the other firms they considered in the “Market Research” portion of the contract. That’s what the Market Research part of the sole source contract form is for! There is simply no reason to believe that any other contractor was ever considered at any point. [Please read comments at this meeting and not just questions! I’d like the Warden or Pilarski to respond]
Vera Grant	In his Official Proposal to Henderson County, North Carolina in 2018, Garcia listed dozens of subjects he teaches like “Unconventional Use of Noise Flash Distraction Devices,” “Close Quarters Riot Control,” and “High Risk Combative Inmates.” There are none listed that reference De-escalation and the only references to mental health are “Dealing with the Mentally III” and “Mentally III Handling and Extractions.” Which specific topics that Garcia has been teaching at ACJ these past 8 weeks? (this proposal has been publicly accessible online for 3 years so obviously that info is not classified or anything). [https://www.hendersoncountync.gov/sites/default/files/fileattachments/fire_and_rescue_vice_committee/meeting/116534/cah.pdf]
Tracy Parsons	Is it true that CSAU team leader Garcia has a criminal record for a violent offense for which he served time in England?
Matthew Lamberti	The prison management has some challenges, but they really can’t be met by allying with a fanatical grifter like Mr. Garcia. I’m not exaggerating, I’m taking him at his word. I worked on the ground at York County Prison, as a free legal service provider, for four years. Please take my word that nothing in place there with regard to security or mental health services should be a model for any prison, especially the Allegheny County Jail. The board may feel like it has to weigh pros and cons, but it should at least keep a human rights perspective forefront, and reject the C-SAU contract.

Jail Oversight Board Public Comments
September 20, 2021 Meeting

NAME	CONCERN
Anthony Becker	At the last meeting Steve Polarsky said the CSAU training is focused on de-escalation but I've looked at the contract & the County actually purchased a training in "High Risk Corrections Special Operations & Mitigation." The description of services says the training "addresses violent mentally ill inmates to responding to High Intensity Inmate Conflicts and Low Intensity Inmate Conflict incidents [sic]." Those simply are not the words of a contractor who knows or cares about mental health Best Practices! Garcia's dehumanizing approach teaches COs to see people with mental illness as risks to be mitigated & it's all too easy to see how that attitude led to Jamal Sutherland's death. The county's willingness to lie to defend CSAU is sickening.
Ashley Campbell	What is Mr. Garcia's relationship to the owners of Kel-Tec weapons? In the contract that the county signed with Kel-Tec, Warden Harper wrote that Garcia required the Jail to purchase Kel-Tec guns specifically, and Mr. Garcia has described Kel-Tec as one of his "sponsors" many times. He even references Kel-Tec on the home page of his CSAU website. ("CSAU is proud to be the Exclusive Master Armor Program for the KSG, KS7, RDB [3 models of less-lethal weapons] for Law Enforcement, Military, and Civilian Globally. To accommodate all agencies and Units, we have set up a Mobile Armor Unit. Call today for class schedule and or to schedule a host class at your facility location.") Is he just a glorified gun salesman?
Haley Haglund	It's deeply troubling to hear the Warden say that Garcia's employment history and resume aren't relevant. There are many job openings at the Jail currently and each of them requires applicants to submit a resume and references... Why is there a lower bar for people who TRAIN jail staff than there is for actual jail staff?? Also wondering if Mr. Harper submitted a resume when he applied to become Warden at ACJ. Did the County even ask for one or do they just hire anybody?
Walter Washington	The only thing I can think of about why Harper did this sly contract with Garcia is that he was paid off. Harper must be getting a kickback from Garcia or one of the other companies. Maybe that guy Palarski is in on it too. I expect the county or the district attorney or the jail board would order up an investigation of what happened and how because it is all so fishy. Judge Clark needs to get to the bottom of this rotten barrel.
Jane Jones	The debate over the Garcia contract for the Jail is ridiculous. There are so many problems and red flags it shouldn't have ever gotten to this point. Why Harper entered into this contract is a mystery—but nonetheless reveals his gross incompetence, tone deafness to the voters, and truly alarming misjudgment. In any case the board should nullify the contract immediately. First dump Garcia. Next fire Harper. Finally, the board has to ask itself, how has a body sworn to protect residents in the jail turned into an apologist for the most violent jail in the state and for a warden who is beyond incompetent?
John Smith	Warden Harper has doubled and tripled down on Garcia and a misconceived contract for the ACJ. Any scrutiny whatsoever would have revealed the problems with Garcia and his training. But Harper writes these off as inconsequential, personal beliefs and such. This is not about rooting for the Pirates or the Phillies. When Garcia disparages African Americans, the mentally ill and others it matters, because he is training officers expected to deal with them in tough situations with a measure of dignity and respect. Harper's discounting of past history, lawsuits, complaints and flat out lies by Garcia is incredible and demonstrates a lack of his managerial acumen and judgment.
Mark M Smith	I am not aware of any position within any capacity - State Federal or private entity where a contractor or applicant is allowed to decide which questions they will answer and what accusations they are allowed to not answer. My question is: How can the board and officials in general allow potential contractors to decide what part of their resume they will respond to and what parts they will not. How can the board and officials allow a contractor responsible for the leadership, safety and wellbeing of not only prisoners but staff members operate without answering and justifying serious integrity and professional accusations?
Chole Linn	At the June 2021 meeting of the Jail Oversight Board, I asked this question: Why does the County and this board continue to allow the Warden to operate the jail as if it were a PARAMILITARY ORGANIZATION?...I would think with all the calls for jail reform that this type of mentality would be frowned upon and disallowed. Judge Clark proceeded to tell the Warden that he didn't have to answer this question if he didn't want to so of course the Warden declined to answer. So my question to the board is: Why were you all so surprised then that the Warden, County Executive Fitzgerald and County Manager McKain would select Mr. Garcia, who basically encourages a paramilitary mentality, to train the correction officers?
Keri Bozich	People often misjudge inmates by generalizing them as "criminals" and "bad people." It is important to note that many held in the ACJ are awaiting trial and are therefore to be presumed innocent until proven guilty. Even outside of that, individuals convicted of crimes are not sweepingly bad people. Some grew up differently than you. Some made bad choices. Some are innocent. All are human. When there are instances at the ACJ requiring intervention, there are specialized units trained to do so. There is absolutely no need for C.O.s to be firing on individuals within the confines of the ACJ. You may think this battle doesn't pertain to you or interest you; I implore you to walk a mile in someone else's shoes.
Anthony Agnew	This week the 4 departments Garcia claimed to have worked for all denied that they had ever employed him. 2 additional facilities that Garcia has claimed to work at as a deputy or CO also told reporters that they had never employed him (Berks County Prison and Her Majesty's Prison Service). A few of these agencies may have contracted with US C-SOGB but none of them ever actually hired Joseph Garcia as an employee on their payroll. Did he begin training COs without ever having worked as a CO himself?
Gesina Phillips	I ask the JOB to prohibit C-SAU from operating in ACJ given the documented history of harm to incarcerated people resulting from the company's tactics. Statements by C-SAU leader Joseph Garcia about a coming "racial war against correctional officers"--alongside a militarized and violent training program--indicate that this program is more about violent subjugation and war on incarcerated people than it is about de-escalating conflict. This contract cannot lead to anything but further suffering for people incarcerated at ACJ. The money for this contract and for the purchase of additional "less-lethal" (meaning, still sometimes lethal) weapons would be better redirected to de-escalation training and services to support the incarcerated at ACJ.
Just Curious	Have any of you Board members ever been attacked by a less lethal weapon before? Have any of you been tased or shot with less lethal munitions? I think this is relevant because perhaps that's why most of the Board isn't taking this seriously. Maybe they don't understand how painful it is. I would encourage you all to look up pictures of injuries caused by rubber bullets, bean bags, or other less-lethal munitions. I hope you will think about the scars other people's bodies will bear because of your own inaction. I suspect Garcia and the Warden will claim that the Lightfield ammunition is "specially designed" to minimize risk of injury and not to break skin. If so I hope they will provide evidence that this claim has been tested and proven.
AMY TONTI	A significant number of inmates in ACJ have mental health/ drug dependence issues. Many have not been convicted of crimes, and if they have, not felonies. Abuse tactics by staffers have never yielded positive results. Meeting violence with violence only continues this cycle. Why not provide more REAL mental health and education and less hostile and violent treatment by the staff.
Bailey Brown	I am imploring this board to END the trainings and pass a resolution condemning these contracts, and the actions of the Executive Fitzgerald and Warden Harper. I should not have to repeat that Mr. Garcia and his trainings are not of good repute, and not in the best interest of the residents of ACJ. The board and the executive NEED to address why he does not personally attend to his duties under PA Title 61 §1723-B, and acknowledge that it was not appropriate for the executive to contact JOB members privately to sway their decisions on this issue, or to have a representative introduce a motion that stalled the process until trainings were almost complete. If I am wrong then please explain why, and stop being polite when it isn't warranted.
Sydney Yates	As a human being, the C-CSAU contract is appalling on a number of levels. Joseph Lee Garcia does not appear to be someone of great moral character, having been the subject of multiple lawsuits and lying about his employment history. Is that really someone the board wants to associate with? The proposed training and equipment he offers is inhumane and should NOT be implemented by ACJ. You already have the worst use of force statistics in the state and this contract will only increase those numbers. It is time for ACJ to STOP treating incarcerated people as less than human. This contract is absolutely inhumane and must not go through. Other non-violent options for handling mental health crises must be explored. Please shut down this contract.
Lorenzo Rulli	What is the current status of the investigation into the food indiscretion the ACJ? What plan is in place for book distribution to be happening on every unit? What is the resolution to the heat problem? Have any of you read the resume of the warden and deputy wardens recently?
Garret Wassermann	The C-CSAU contract should be canceled immediately. The contract violates the spirit and text of the popular referendum this past May. Violent, militarized response does NOT conform with the wishes of the people. Also, the warden's rush to get this contract signed with no transparency & oversight shows yet again how unfit he is to be warden; if he has not yet resigned by this JOB meeting, County Executive Fitzgerald should fire Warden Harper.
Cecilia Torres	After reading an article in the Tribune-Review about a militaristic training program at the jail I have to say as a taxpayer I am appalled. Most people incarcerated at the ACJ are still awaiting trial and are considered innocent until proven guilty in a court of law. They are not there to be guinea pigs. This training raises several questions: Who originally proposed using Garcia and his training program?; Who was supposed to vet his credentials?; and Who gave the final approval for this contract? Everyone responsible should do the right thing and resign, otherwise they should be fired! This contract also needs to be canceled otherwise I fear the County will be facing multiple lawsuits costing the taxpayers way too much money!
Miracle Jones	Good Morning Allegheny County Jail Oversight Board, My name is Miracle Jones, and as a resident of Allegheny County I am writing to you to request your opposition to this contract. The training and implementation of less lethal weapons comes at a time where residents and community members have requested and voted for more humane treatment and processes within the current system. This contract not only subverts the will of the people but also resorts to barbaric and outdated methods as tool of control. These methods are not only dangerous for the people who are on the receiving end of such force but also for the those implementing them. Given the racial disparities in this county, these methods are going to have a violent and disproportionate impact on Black people in this city which is why the previous comments and explanations by the trainer are abhorrent and call into question his fitness for duty and ability to carry out these duties without a discriminatory intent or impact. Moreover, the whole training program and weapons procurement are at odds with industry standards. It is my hope the Jail Oversight Board recognizes its unique opportunities to become an institution that creates avenues to help their community members who are incarcerated with diagnostic services, treatment programs, and life skill supports while training the jail staff in de-escalation techniques and cognitive behavioral alternatives that will not only make the jail safer for those who are detained but also working there. For the aforementioned reasons, I humbly requests you vote to cancel this contract and appose any similar contract in the future. Thank you for your time and understanding.
Ray Nakley	At a time when our country has been torn apart by the abuse of power by police agencies using military tactics and ever increasing deadly force, now is not and never will be the time to extend the problem into our jails by a purveyor of methods from a country our U.S. State Dept. has consistently cited for grave violations of human rights.
Sam Yates	The C-CSAU contract would be an absolute disaster and I strongly stand in opposition to it. Garcia seems to be well versed in conducting human rights violations and would only take an already dangerous situation to the point of no return. If you have any regard for human life, you will not approve this contract.
John Weiss	Those on the JOB who voted to allow the CSAU training to continue, are you not ashamed that you're vote has further enabled a known racist and hater of people with disabilities? I am embarrassed for you and for our county