

The monthly meeting of the Allegheny County Jail Oversight Board, Thursday, January 6, 2022 held in the Gold Room at 4:00 P.M.

**MEMBERS PRESENT**

**Judge Elliot Howsie**

**Bethany Hallam for Councilman Catena**

**Stephen Pilarski for County Executive Rich Fitzgerald**

**Terri Klein**

**Judge Beth Lazzara**

**Gayle Moss**

**Sheriff Kevin Kraus**

**Others in Attendance:**

Warden Harper

Deputy Warden Williams

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

**Judge Howsie:**

Good evening. My name is Judge Howsie. I am pleased and honored to become a part of board. I previously served back in, I believe, 2010 for a brief period of time before becoming the Director of Public Defender's office. I am just happy to be joining the board to continue the work of ensuring the maintenance and care of the jail and the facilities associated with the jail: halfway house, alternative programs but also, most importantly, the welfare of the inmates that reside in those locations. Thank you all for coming and I want to say happy new year to everyone. I thought it might be wise for us to begin the meeting with a moment of silence in light of the fact that Mark Flaherty, the previous County Controller, recently passed away. I was hoping we could do a moment of silence.

*Moment of silence in honor of Mark Flaherty.*

Alright with that being said, let us call the meeting to order and I will begin with roll call. *(Judge Howsie took roll call)*

**Ms. Hallam:**

Excuse me, I believe Tracy Royston is trying to participate by phone or something. *(Tracy was unable to attend in person due to an illness)*

**Judge Howsie:**

I spoke with her about that. I do not know that we have the ability to participate by phone. I do not know that we have those capabilities.

**Ms. Hallam:**

Maybe later in the meeting we can discuss a possibility for that.

**Judge Howsie:**

Sure, with that being said, I would like to go over the rules briefly with everyone. There will be some changes and variations of our previous rules, but everyone will be treated with dignity and respect. I think that is our obligation first and foremost, as board members and as people who are all concerned about the county jail and the alternative programs. Everyone will have the opportunity to be heard within reason. What we mean by within reason is within any limitations or time constraints that we may have but as long as your comments are geared towards the welfare and maintenance of the county jail and the inmates that reside there, you will have an opportunity to be heard. Anyone wishing to address the board must sign up. Depending on the number of people who wish to speak, there will

be time limits imposed. At the current time, there are three people that have indicated a desire to speak to the board. So, we will give each person approximately 4 minutes to provide their comments. I may also have to limit the number of speakers so that the board can conduct the business meeting. If there's time at the end, I may permit additional speakers. Profanity and yelling will not be tolerated under any circumstances. Anyone using profanity or anyone who is yelling will be removed from the meeting. If you are unable to do this, I am kindly asking that you leave at this time. Everyone will be treated with dignity and respect and I appreciate your consideration. Last but not least, public comments will no longer be read during the board meetings. Prior to the board meetings I will send the comments to the board for review. If a board member has concerns about a public comment that requires further research and/or investigation the board will take the necessary steps to provide an informed response in the next board meeting.

**Ms. Hallam:**

Excuse me, Judge Howsie? I object to that. We, this board, voted that when we were going to return to in person this was a condition of our vote to return to in person meeting. That online comments would still be accepted as they have been for the duration of the pandemic. I know that you were not a member of this board, but this is how we have been operating for the past going on two years now. At the very least, we were told that if we, as board members, wanted specific public comments read in the meetings that we would be able to pick and choose which comments we would like to be addressed in the meeting. So what you are saying now is going against everything that we have been discussing as a board since this pandemic started in March 2020 and I object to you saying that we are not allowed to read online public comments in the meetings.

**Judge Howsie:**

I appreciate your comments. I appreciate your concern but going forward there will be no public comments read in the meeting. It tends to get us off task and off focus. So, if you intend to present a public comment, we would ask that you be present to present that public comment. If it is something that we can respond to briefly in the meeting, we will do so as a board. In the event that we are unable to do that, the comments that require follow up, we will provide follow up in an informed response in the next meeting.

**Ms. Hallam:**

Judge Howsie? Excuse me. I think that is very irresponsible considering we had over 4,600 new cases of COVID in this county today. I think it is irresponsible that all of us are forced to be here and not able to participate online. I think we address that later in the meeting but for now we are talking about the public comments. To say that a member of this community cannot be heard and have their comments heard unless they risk their lives to come into a County Courthouse where people are not wearing masks all throughout the building, including at the entryways. Where there are almost over 4600 new cases just in the past 24 hours and the only way to have their comments heard is to come here and expose themselves to that. We are talking about people who are taking care of elderly parents, who have young children at home, who are not able to be vaccinated. We are talking about folks who are immunocompromised. Even folks who just cannot get down here because of transportation issues or work schedules. You are completely excluding them from this public meeting.

**Judge Howsie:**

That is not correct.

**Ms. Hallam:**

That is what it sounds like.

**Judge Howsie:**

That is not what I said. What I said was, public comments will be disseminated to the board. Everyone will have an opportunity to review those public comments. If you, as a board member, have a concern about a public comment you can present that concern to the board members. We will provide follow up and a response in a subsequent meeting.

**Ms. Hallam:**

And that is the point of the public comments being disseminated to the board in the email with the agenda ahead of the meeting. So that the Warden and the jail administration had the opportunity to gather the information and be prepared to respond to them in meetings. That is how we have been operating. That is the intention of this board. That is the intention of the receipt of public comments. That is the intention of the Sunshine Act. So, you are saying, that your first meeting on this board you are just going to completely throw all of that out the window. And also, in complete violation of a motion that this board passed. We voted on it. If you want to do it that way, then you will have to present it as a motion, and we will have to vote on it.

**Judge Howsie:**

As I previously stated, public comments will no longer be read. If someone wants to present a public comment you are more than welcome to appear at the meeting. Any public comments that are received by the board will be disseminated to the board. Board members will have an opportunity to review those public comments. If they require follow up or some concern and you would like to have a public comment addressed, then we will provide every opportunity to the appropriate parties to review your concern and provide an informed response in a subsequent meeting.

**Ms. Hallam:**

And that is what we are doing in this meeting...correct?

**Judge Howsie:**

That is what we are doing in this meeting and that is what we will be doing in every meeting.

**Ms. Hallam:**

So, I will have my concerns addressed about specific public comments in this meeting?

**Judge Howsie:**

You will be able to address that via email and we will have a response in a subsequent meeting.

**Ms. Hallam:**

But that is not the purpose of the discussion. People submit public comments not just for their own information but so that the public can hear the response to the public comments.

**Judge Howsie:**

Thank you. I have heard you. We have to agree to disagree. Thank you.

## **2. Community Corrections Reports**

**Judge Howsie:**

With that being said, we now have the community corrections report.

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

**Michelle Morris:**

My name is Michelle Morris. I am with The Program for Offenders Incorporated. I am here to announce today that as of January 1, 2022 we have changed our corporate name from The Program for Offenders to Passages to Recovery Incorporated. Our tax-exempt identification, our business address, and our management/administration will remain the same. We will be in next few weeks supplying more information to the judges and the criminal justice system, as well as revealing our new logo and website. We will be sending out information in regard to the

change of our new name. It is sort of new to us, the staff, and we have been working on it for some time but it was revealed and it is effective as of January 1<sup>st</sup>. Any questions about that?

**Ms. Klein:**

Did you say Passages to Recovery?

**Michelle Morris:**

It is called Passages to Recovery. We have taken out offenders so that we can encompass everyone. Thank you. Any questions about that?

**Judge Lazzara:**

We are sure that your great work will still continue.

## **B. The Renewal Center**

**Frank DeClair:**

Good afternoon everybody. Frank DeClair, Director of Work Release from Renewal Inc. Nothing new in pressing issues this month to report on other than with the recent spike in Omicron variant, we are taking some extra precautions with our procedures in the center. We are trying to limit in person meetings as much as possible and trying to just keep all the re-entrants and staff as safe as possible during these times, until we see the numbers heading in the right direction. We are going to limit things such as vendors coming into the center to provide care and things like that. Just an attempt to keep our population at what it is and move forward.

**Ms. Klein:**

Are the residents still permitted to leave and go to work?

**Frank DeClair:**

Yes, they are. Currently we are operating in that capacity. If we do have a spike in positive cases what we have done in the past is, we would put a unit or a room on lockdown. They would not be permitted to leave the Center for any reason until their quarantine period elapses.

**Ms. Klein:**

Can you describe what your current testing protocol is?

**Frank DeClair:**

When we have availability for the instant test, we will utilize those, but they are tough to come by now. We do have the capability to get some PCR tests and we send them out to the lab through Quest Diagnostics. This would be symptomatic residents.

**Judge Howsie:**

How many people do you have in The Renewal Center?

**Frank DeClair:**

Our county population?

**Judge Howsie:**

Yes.

**Frank DeClair:**

I believe on our work release unit we have, I think, 42 currently. So, numbers are down. We do have the capacity for much more. We have two work release units, with the capacity of 60 per unit but we are down to, I believe, 42. The pandemic has hit us pretty hard in that capacity. Thank you.

### **C. Electronic Monitoring**

**Frank Shearer:**

Good afternoon. My name is Frank Shearer. I am the Director of Adult Probation. Your Honor, Board, Happy Healthy New Year to everyone. So outside of our report, I just wanted to highlight a few things. We finished the month with 581 individuals under electronic monitoring supervision. During the month, we had 40 folks successfully complete, 1 absconder, and 1 person returned for technical violations of the program, which is actually pretty good. Normally those numbers are a bit higher, so that is actually a pretty good statistic. I just wanted to make a public comment, if possible, regarding electronic monitoring officers. We have 33 officers out of our 140 or so officers. Those folks work during the entire pandemic, during the shutdown and obviously going into some high-risk areas. I just wanted to make a sort of a public kudos to those officers who work during that time. Any questions or comments?

**Judge Lazzara:**

I can tell you that I appreciated having those officers on duty, because in order to get some people out of the jail we were putting them on electronic monitoring. You guys did a great job of helping us out with that. So, thank you.

**Frank Shearer:**

I appreciate that. Thank you, judge.

### **3. Review of the Minutes for December 2, 2021**

**Judge Howsie:**

Thank you. Has everyone had an opportunity to review the minutes from the December 2nd board meeting? Is there a motion to adopt those minutes?

**Judge Lazzara:**

So moved.

**Ms. Moss:**

Second.

**Judge Howsie:**

All in favor of adopting the minutes.

**Others:**

Aye

**Judge Howsie:**

Any opposed? The minutes are approved.

***The board unanimously approved a motion by Judge Lazzara, duly seconded by Ms. Moss, to receive the Jail Oversight Board Meeting Minutes from December 2, 2021.***

#### 4. Old Business

##### A. Suicide Prevention Sub-Committee

**Judge Howsie:**

Old business. Suicide prevention subcommittee?

**Judge Lazzara:**

I am not sure we know who is on that anymore and that has been our issue for the last couple of meetings. We probably need some clarity on who is on that committee.

**Ms. Hallam:**

Can I suggest that with a new term, a new legislative session with new members of the board that maybe we send around a new email of who wants to be on which committee? We can list what they are and see who wants to be on it? I can handle that if you would like.

**Judge Howsie:**

That is fine. Anyone opposed to that?

**Judge Lazzara:**

I think that is probably a good idea because I know that poor Warden was trying to schedule a meeting with us. It was very difficult because nobody was quite sure who was on it, who was leaving, and schedules. We appreciate the effort Warden.

**Judge Howsie:**

So, does it make sense to have a discussion about the subcommittee regarding re-inspection of completed recommendations? No? Okay.

##### B. Update on Policy for Polycom Devices to be used for Meetings with Other Providers

**Judge Howsie:**

Update on policy for Polycom devices to be used for meetings...

**Ms. Hallam:**

Excuse me, Judge Howsie, that is actually for Warden Harper to answer and updates on the status of recommendations from the report.

**Judge Howsie:**

I appreciate it. If I might, do you have an update regarding the Polycom devices to be used for the meetings, Warden Harper?

**Warden Harper:**

Good afternoon board members and happy new year. We are still having difficulties in our technological aspects pertaining to the Polycom. One of the things that we are trying to do is upgrading our OMSE system. This upgrade is what is taking so long for us to get the Polycom's online. Especially when it comes to the scheduling. I am hoping by the next board meeting, I have been saying this for the last couple of meetings, but I am really trying to get this up and running. So just be patient with us. When we get the upgrade done, hopefully, I will be a report out next month that the Polycom will be up and running.

**Judge Howsie:**

Anyone have any questions?

**A. Suicide Prevention Sub-Committee (*continued from above*)**

**Judge Howsie:**

Why do not we move on to the update on the status of the recommendations regarding the suicide prevention?

**Warden Harper:**

Your honor, I am proud to announce that we do have 1 of our suicide resistant cells completed. We have 6 more that we are working to install for a total of 7 within the facility. The reason why we decided to utilize the suicide resistant cells is because the referendum prohibited us from utilizing the restraint chair. So, we do have 1 up and operational and we are working on 6 more.

**Judge Howsie:**

Do you have a time frame for those other 6?

**Warden Harper:**

The only thing I could say, your honor, is as quickly as possible.

**Ms. Hallam:**

I have a question about that Judge Howsie. Is there any other solutions that you found to not being able to use the restraint chair? Is there any other tool that you have been using in place of the restraint chair?

**Warden Harper:**

No.

**Ms. Hallam:**

So, you have not been using stretchers to transport incarcerated individuals?

**Warden Harper:**

We did use a gurney one time to transport a hostile individual that would not walk to another location.

**Ms. Hallam:**

Is that something that in the past you would have used the restraint chair for?

**Warden Harper:**

Yes, ma'am.

**Ms. Hallam:**

So, you have replaced the restraint chair with the same concept, just now using a Gurney instead of the restraint chair?

**Warden Harper:**

If we have a hostile inmate that is refusing the walk, we will continue to use a gurney to transport that hopped out individual from one location to another.

**Mr. Pilarski:**

Warden, once they are transferring to where they would not walk to, are they releasing the gurney, or do they remain on the gurney?

**Warden Harper:**

They do not remain on the gurney. They are released from the gurney immediately.

**Mr. Pilarski:**

It is just a transportation mode?

**Warden Harper:**

Yes, sir it is.

**Judge Howsie:**

Any additional questions?

**Ms. Hallam:**

Just one question, I know I have the opportunity to actually see the new padded cells when I did a couple of weeks ago, what specifically are those cells going to be used for?

**Warden Harper:**

Those cells are going to be used to replace exactly what the restraint chair was used for. Housing incarcerated individuals that are harmful to themselves, harmful to others, and housing individuals that are a suicide risk to themselves. Those are the main utilizations of these suicide resistant cells.

**Ms. Hallam:**

Okay and when will you decide how to use those? Is there a protocol that you follow that if this incarcerated individual checks these boxes, we will put them in the cell?

**Warden Harper:**

We have a policy ma'am.

**Ms. Hallam:**

Can you share that policy with the board?

**Warden Harper:**

I do not want to do that in this public setting.

**Ms. Hallam:**

OK but at a later date, you will do it outside of the meeting?

**Warden Harper:**

Yes, ma'am. I will do that.

### **C. Update on Compliance with the Solitary Confinement Ban Ballot Referendum**

**Judge Howsie:**

Alright, what about an update on the compliance with solitary confinement ban ballot referendum, Warden?

**Warden Harper:**

I want to state to the board that since December the 5th we have been fully compliant to Chapter 205. We have not used any leg irons, chemical agent, and/or the restraint chair. We provided the monthly report every month by the 5th and it is placed on our website. If there are any lockdowns, we will make sure that we report that on our report. So, we are fully compliant and have been fully compliant.

**Ms. Hallam:**

I actually dispute the fact that you have been compliant with this referendum. I saw the report that you gave about how many people were in solitary confinement. So, yes, while the report was filed timely, the reason listed for every single person was "safety". I have the language of the referendum in front of me if you'd like me to read it for you but I do not see a single exception on here that is just broad "safety". We have a facility wide lockdown or we have emergency use of short term solitary confinement for individuals, in which case when that happens they must actually fill out a document that says I request to be in this emergency solitary confinement. I did not see that listed as any of the reasonings either. Another is protective custody. That is where they actually fill out the form requesting to be in protective custody. You wrote "safety" for every single one that was listed. I am wondering where in the exceptions to this rule against solitary confinement, "safety" is listed as one of them.

**Warden Harper:**

I think, in accordance with Chapter 205, which I do not have in front of me right now, it states that the Warden can make a determination as to what the reason is. I have made the determination for all of those reasons that we have somebody in segregation, not solitary confinement, because we do not have solitary confinement at all in our jail, that is for the safety and security for the institution and the inmates.

**Ms. Hallam:**

Right and that is true that you are to list what the reasoning is, but the only way that you can use it is for one of these three exceptions, not broad "safety". Again, I can read it. I can disseminate this. I can read it word for word if anybody else would like to hear it too. But nowhere in here does it say the Warden can claim "safety" and that is it, with no other explanation. To include that in the report and be allowed to hold someone in segregation.

**Warden Harper:**

Well my thing is this, I do not have it in front of me right now, and I do not want to prolong this meeting, but I will definitely review it in its fullest and I will report to you fully next month.

**Ms. Hallam:**

Okay and also, if it helps at all, the counties legal department did review the language of it before it was placed on the ballot for the voters to decide. So, if there is anything that you think is conflicting about it between your understanding and the actual intention of the language of the ordinance that is who I would suggest that you reach out to. I read through the report. First, I think it is absurd that there is that many people listed on it in general, but I know for certain of at least multiple errors. For example, one person who I spoke to who was in segregation in the last month for 9 days and was listed as being in there for 4 days, but the biggest concern is the rationale that you've listed as "safety" because that is not in compliance with this referendum. I want to make sure that you understand that because at the last meetings we have asked what your plan is to make sure that you are in compliance with the referendum and you refused to tell us what the actual plan was. You said that it would be fine, and you would be in compliance. Yet here we are in January looking at this report and it is very much not in compliance. Just because the report was given to us on the proper day does not mean that you can just put "safety" as the reason and not one of the three exceptions that are listed.

**Warden Harper:**

I totally disagree with you. We can agree to disagree. We are compliant. Like I said, we will have further conversations as I review it again next month. But we are compliant.

**Ms. Hallam:**

Well we can agree to disagree on things that are a matter of opinion, but this is a matter of fact. I have the language that is in front of me of the referendum as most people had seen in the past. It has been circulated to us it and was on the back of any petition that any signatory signed trying to get this on the ballot in the first place. The

language of the referendum is not a secret. You have told us in the past that you had it when you told us that you were planning to be in compliance with it. Yet here we are, you are not in compliance. So, if you are looking at the same thing I am looking at, how is it that you are reading different words than I am reading?

**Warden Harper:**

Ms. Hallam, again, that is fact in accordance to Ms. Hallam.

**Ms. Hallam:**

No, it is fact that it is written here in the ordinance.

**Warden Harper:**

We can sing together; we cannot talk together. Let me talk. We are compliant and I am not going to be having a back and forth argument about this. Next month, I will review it and we can have this conversation a little bit later.

**Ms. Hallam:**

Okay but you are not compliant. That is a fact.

**Judge Howsie:**

If I may, he has indicated to you that he will review his records, he will provide you information as to why the people were placed in confinement, and he'll have an updated answer for you.

**Ms. Hallam:**

And change your reporting method going forward to make sure it is in compliance with the referendum?

**Judge Howsie:**

He will provide you with an update. Any other questions?

#### **D. Incarcerated Individual Welfare Fund Report**

**Judge Howsie:**

Alright, with that being said, can we have the Incarcerated Individual Welfare Fund report from Judge Lazzara.

**Judge Lazzara:**

Good evening everybody and happy new year. My report is not exceptionally long today. As you know we have a very hard-working committee and I thank everybody who is on it. We will need some new members because we have lost some members with Chelsa Wagner becoming now the Honorable Chelsa Wagner. So, we will certainly need to have a change in our makeup. We would welcome anyone who wants to volunteer from the board to serve on our committee. First thing is the update on the survey from the School of Social Work. Terri Klein very nicely communicated with Betsy from the University of Pittsburgh. Betsy Farmer is the Dean there at the School of Social Work. They are still doing input of data and that is still going to take them some time. They, like everyone else, has been affected by Covid and they have lost some people. It has been taking them a little bit longer than they want to, but they do promise that they will still have the final report for us by sometime in March. I am quite sure Ms. Klein will continue to communicate with the Dean Farmer and we will continue to update you on those things.

The second thing is the update on the liaison position. As you know, we are all really excited about the liaison position. We think it will very much help both the public and the board, in terms of being able to go into the jail and communicate with the people there and find out what is going on a day to day basis. We talked about last time that we were going to get the Pennsylvania Prison Society. Basically, the board would be contracting with

the Prison Society and the Prison Society would be providing the manpower to do the work that we have set aside for the liaison. Mr. Pilarski and I were tasked by Judge Clark with coming up with the contract and making sure that that all got taken care of. Mr. Pilarski and I have had several meetings where we have gone through many of the things proposed by the Prison Society, as well as what our committee has proposed, and we think we have the great understanding of what is needed. We do have some additional work that we need to do, and we are going to have to talk to the Prison Society. That will be our next step. I would like to say that we had everything finalized but December was a short month due to the holiday, and quite frankly I had COVID right afterwards. So, I was not in any position to be meeting with Mr. Pilarski or anybody else during that time. So that delayed us a little bit and I apologize for being exposed and catching it. It is not nice. Get your vaccinations. But Mr. Pilarski and I actually just met again this week. We are going to continue moving forward because this is a really important project. We think we are going to be able to have good language that everybody on the board will certainly see and our committee will come back to it as well. We are working on that.

There is supposed to be an update on compensation for work performed by the inmates. That was something that we brought up at the last meeting, but our subcommittee did not have a chance to meet again because the short month and the fact that I was sick. So, I dropped the ball and did not send anything to anybody about meeting because quite frankly I did not feel like talking to anybody. We did not meet during the month December, but we will certainly get back together in January and move forward on that. So that is the committee report.

**Ms. Hallam:**

Has there been any timeline for the liaison position that was discussed in your conversations either with Mr. Pilarski or Prison Society?

**Judge Lazzara:**

We did not set the set a timeline. We needed to make sure we sort of understood what their proposal was. As you know, I sent out as soon as I got that. It was like right around Christmas when we got the most serious proposal and most final proposal from the Prison Society. So, we are moving on it really quickly. We need to have a conversation with them about some questions that we have about that. Our subcommittee has to meet to also inform those questions with the Prison Society. It is going to take a little bit longer. So, no definite date. I am sorry that was the bottom line.

**Judge Howsie:**

Any additional questions for Judge Lazzara?

**Judge Lazzara:**

By the way, I do have to thank Mr. Pilarski because my schedule is a mess right now because as you all know the courts have a major backlog and we are trying to get through that. He stayed on top of trying to get me to schedule and worked around my schedule so that we could meet. That was very helpful to me and I think that will probably continue to do that going forward, unfortunately. Sorry about that.

## **E. Update Regarding Summit Contract**

**Judge Howsie:**

Alright, we will have the update regarding the Summit contract from Warden Harper.

**Warden Harper:**

I tried to meet with Summit several times during the Christmas and the New Year holidays. The people that I was trying to meet with had health issues and vacations, so I was not able to meet with Summit. I did talk to Summit a couple of days ago and we are scheduled to meet next week for sure. So, for sure next week I will be able to report out about the commissary price.

**Judge Howsie:**

So, you are confident you will have a report for us for the next meeting.

**Warden Harper:**

I am confident.

**Judge Howsie:**

Alright. Anyone have any questions?

## 5. Public Comments

**Judge Howsie:**

We will now move on to public comments. There are 3 people that have signed up indicating they wish to make public comment. We ask that you limit your remarks to 4 minutes each and we will begin with John Kenstowicz.

### A. Public Comment #1 - John Kenstowicz:

**John Kenstowicz:**

I should be under 4 minutes Judge. My name is John Kenstowicz. I am actually involved with different organizations not just one. One is the Pennsylvania Prison Society. Another one is the Corrections Collective, which is based in Western Psych. I am also involved with the Duquesne University Think Tank for Restorative Justice. Then recently I have been involved with something called the Pennsylvania Interagency Forensic Task Force, which is a statewide organization composed of a lot of different providers, where we discuss issues related to reentry and also to jail in prisons. My public comment is relatively brief. At the last Oversight Board meeting, Warden Harper reported that no one responded to the RFP on the jails need for a mental health trainer. This was number 8611: Correctional Incident Response Program Development and Training. The RFP was opened on 10/7 and closed on 11/3. I was really disappointed that no one responded to this considering all the discussion I have had, we have had, regarding the need for mental health training at the jail. I got three questions. What mental health providers and stakeholders were contacted about the RFP? Was Western Psych contacted? As you know, Western Psych is nationally renowned as an expert in mental health. The third question is, has a provider for mental health training been identified? Has someone stepped forward and has the RFP been completed where there is going to be a mental health trainer for the jail? I appreciate a response on that.

**Judge Howsie:**

Thank you very much.

**Warden Harper:**

Mr. Kenstowicz, the RFP that went out was not for mental health training. The RFP that went out was for correctional response team training. So, you got that wrong. The next I want to say is this, we have started mental health first aid training for all correctional employees in our jail. We started that training in November and we have approximately 80 individuals trained in mental health first aid. We are going to continue mental health first aid training until March 31<sup>st</sup>. Our goal is to have everybody complete mental health first aid training by March 31<sup>st</sup> but that is going to be determined on our quarantines etc. Then, we are going to go to de-escalation training and then we are going to have crisis intervention training. We have already teamed up with DHS and DHS has found a vendor to provide these trainings.

**John Kenstowicz:**

Yeah but that is not what I am asking for. What I am asking is about the RFP and no one responded? I would like to know who was notified about the RFP? The contacts I have at Western Psych did not know anything about this. So, who became aware of this of this RFP?

**Warden Harper:**

Mr. Kenstowicz, once again, it was not a mental health training, it was a correctional response team RFP. That is what we were looking for. People to come in to provide training for my correctional response team.

**John Kenstowicz:**

Okay, so we are talking about crisis intervention, which is related to mental health. But the question that still remains is, and I think it is important for the board to understand the process of how these RFP's work. I am a social worker and I believe in process. Process to me is as important as outcome. So, in the future, going forward in something like this, again who is contacted when something like this comes up? I mean to me it is just amazing that we got nobody for this. That is the question. I understand the things that Warden is instituting regarding the mental health training. What I am after is really about this RFP? Can somebody answer that question?

**Judge Howsie:**

I believe he is given you his answer to the best of his ability. I think that he is talking about something different than what you are talking about.

**John Kenstowicz:**

I read the RFP. We did not get any response from this RFP. The question is, who was notified about this RFP? I mean how is the community and all the stakeholders to become aware of this if they are not notified? I would like to see that in the future, anything related to this, especially Western Psych, or some other stakeholders be contacted.

**Mr. Pilarski:**

If I may, I mean I do know for the purchasing process there is a process to sign up if you want to make bids or request for proposals. There is a place where you sign up for the purchasing department. So, you can sign to receive any type of RFP or bid. Then certain bids there are people who are contacted there in that list if they maybe bid in the past. What was that number you quoted?

**John Kenstowicz:**

It is 8611. This is the right one. It is the same one the Warden is referred to. Moving to the future, so this does not happen again, I would like these stakeholders to become aware when an RFP like this comes out that they have a chance and a choice to get involved with this or not.

**Mr. Pilarski:**

I do know they are advertised. That is part of the process too.

**John Kenstowicz:**

That is what I am after. How were they advertised?

**Mr. Pilarski:**

I can get an answer from purchasing and we can provide it. I know it is advertised in the newspaper, which is not so great anymore, but there's other ways they advertise. Like I said, I know there is a software you sign up and you receive all these notifications. You might receive on for construction that you just ignore but we get them all. There is a place to sign up so you could receive the information. Again, certain times, for example, there is a food vendor for Kane Hospital that they know these 10 people have been in the past, they will send it to them.

Sometimes there is a group. If it is known, they would do that. Anybody who signed up for that software would get a notification that there is an RFP out there. If they want to make a proposal they could do so.

**John Kenstowicz:**

I just want to make one more comment I will be done. I am involved with the Corrections Collective and they had no understanding or awareness of this particular RFP. I think they could have gotten involved with this possibly. They wanted to know about it when I described it to them. Moving into the future, I think we need to set up a process for stakeholders, like Western Psych, to become aware of an RFP like this.

**Ms. Hallam:**

Can I ask a follow up question on that too because I actually have the same concern as John? Maybe Mr. Pilarski or the Warden or whoever could speak to this is, are the jail RFP's posted on the Bonfire portal like the rest of the county RFP's?

**Mr. Pilarski:**

Any RFP for any department.

**Ms. Hallam:**

Right, so my problem with that specifically has been I have tried to look at RFP, but you have to actually have an account to use bonfire. So it is not actually as public as it seems to be, despite the newspaper advertisement I understand that happens, but you actually have to make an account in Bonfire to even be able to see the available RFP's in there. The problem is the kind of information that you need to show. It is not as simple as give me your email address and now you have a bonfire account. Make a password. You actually have to show like business insurance and other sorts of things that qualify you as a vendor to even be able to view RFP's in the Bonfire portal. Maybe that is something for us to discuss going forward, other ways to advertise them than just putting them in the newspaper or putting them on Bonfire. Actually, making them accessible and publicly advertised to a wider audience.

**Mr. Pilarski:**

The purpose of Bonfire is so people who do want to bid on any type things could go in or do that. So that is why they register. But I understand what you are saying.

**Ms. Hallam:**

Yeah, I totally understand what you are saying too. I just mean if that is how it is going to be, if that is the place that the county is going to house them, then maybe also have another website that the county houses all the RFP's that you do not need to log in and to provide business verification info to be able to view them.

**John Kenstowicz:**

So, the other question that was not answered, has the RFP been answered and is an organization or a provider going to be starting. I did not get that from you Warden. I am sorry.

**Warden Harper:**

We have not selected a vendor.

**John Kenstowicz:**

Have you gotten anybody? The last time you reported on this, you said you did not have anybody that responded to this.

**Warden Harper:**

I did say that.

**John Kenstowicz:**

Have you gotten anybody to respond to it so far?

**Warden Harper:**

No sir.

**John Kenstowicz:**

Can we move forward with getting this out there to different stakeholders that could be interested in this?

**Judge Lazzara:**

Is there any reason it cannot be on the jail's website? That we cannot put RFP's on the jail's website?

**Warden Harper:**

The RFP has been closed.

**Judge Lazzara:**

But open ones. When there is a new one for the jail, if it pertains particularly to the jail, why cannot it be put on the jail's website?

**Ms. Hallam:**

It is a great idea.

**Warden Harper:**

We can look into it. I mean that is the only thing I can say.

**Mr. Pilarski:**

I will talk to the law department about it. I know there is a specific solicitor for purchasing and see how it goes. I know there's languages, public, and stuff like that.

**John Kenstowicz:**

Mr. Pilarski, are we going to fill this position for the RFP? I know the time has passed. Is it going to be filled or not?

**Mr. Pilarski:**

Without any bidders there is no one to fill the position.

**John Kenstowicz:**

Well can we keep it open for possible bidders?

**Mr. Pilarski:**

We would have to put it back out again or do something like that. Obviously, they put it out with the scope, and no one bid, to do so under the same scope may not be the smartest thing. Maybe we can redo the scope to try to find out the reason nobody bid.

**John Kenstowicz:**

I just think a lot of people were not aware of it.

**Judge Howsie:**

Mr. Pilarski, for the next meeting would you be able to look into that process and provide information as to what avenues can be pursued to make it more public and more visible?

**Mr. Pilarski:**

Yes, sir, I can do that.

**Judge Howsie:**

Do you think that will address your concerns? Then maybe we will have an opportunity to identify other bidders because I think that is the goal, to have someone place a bid and get the contract. Thank you, sir.

**Ms. Hallam:**

And also Judge Howsie, maybe if we could reach out to the other jurisdictions who have successfully implemented something like the solitary confinement ban that we are referencing the need for this RFP for. There have been multiple other jurisdictions who have implemented a similar sort of policy. Maybe it would be helpful to reach out to them and ask them who they used to help train your officers so that they're not having to use force, so they're not having to use OC spray, a restraint chair, or a gurney, or whatever it is that is being used. Instead of just saying, hey we posted it in the newspaper, and no one answered. We put it on Bonfire, and no one answered. Maybe directly reaching out to those different jurisdictions who we know have implemented it, have done so successfully, and see who they use for this sort of training.

**Judge Howsie:**

I think that is wise, but I think it is more important to first hear from Mr Pilarski regarding the policies and procedures that they have to follow to put the RFP out. Once we are familiar enough and up to speed on those requirements, then we can determine the avenues to explore to get other people. But I think your point is valid. I think Mr Kenstowicz's point is valid as well, but I also know that the county will have its own loops and hoops that it has to jump through as well. But good point.

**Ms. Hallam:**

Yeah, I know the procedure for what has to be done to put out RFP's and take bids. I do know those procedures.

**Judge Howsie:**

That was not my point. My point was just getting an understanding of what happened, what went wrong, and what can be done differently before we revisit the issue.

**Ms. Hallam:**

Oh yeah. Absolutely. I think we should do that with everything, like a quality assessment. I think that would be great. Thank you.

**Judge Howsie:**

Thank you and thank you, Mr. Pilarski.

**B. Public Comment #2 – Jonas Caballero:**

**Judge Howsie:**

We will move to the next public comment We got a little off the rails there Mr. Kenstowicz. You got about five or six questions in your 4 minutes. Next up will be Jonas Caballero.

**Jonas Caballero:**

Hello everyone. Good evening My name Jonas Caballero. I am a full grade scholar. I am a paralegal. I am also a survivor of the Allegheny County Jail and Rikers Island. Today the Alliance for Police Accountability sent letters to everyone on this board alerting each and every one of you to the Allegheny County Jail's failure to comply with the central components of the ban on solitary confinement and the usage of non-lethal weapons at the jail. Both

of which went into effect last year. Allegheny County voters, as you are all well aware, overwhelmingly supported a referendum which banned solitary confinement at ACJ. This ban on solitary confinement went into effect last month. One of the key provisions of the ban is that it prohibits the confining of a person in their cell for 23 or more hours per day. Furthermore, as per the Warden's report, 294 people were in solitary confinement at ACJ this past December alone. Over the past month, it has come to the public's attention that incarcerated community members are routinely being denied recreation time. That rec time is being shortened to 1 to 2 hours or altogether cancelled for unjustifiable reasons. One reason that rec time was denied was because an elevator was not functioning. Another reason rec time was canceled was because a person who was in need of serious medical attention was desperately shouting out in the hopes of receiving medical care. These and many other reported reasons for rec time cancellations are in direct contravention of the very spirit of the referendum. Another shocking occurrence that has come to light are the allegations from numerous incarcerated individuals that correctional officers have been patrolling units, armed with guns capable of firing rubber bullets. These experiences can lead to lasting emotional and psychological harm. Not only does this violate the spirit of the referendum but also contravenes this very board's September motion banning non-lethal weapons at the jail. Lastly, the jail administration's reckless decision to keep the housing pods dangerously overcrowded with populations of 85 or more during a pandemic, and combine people of different charging classifications, violates CDC guidelines and standard correctional policies. It also endangers the life of every single human being at that jail. I urge the Jail Oversight Board to do everything in their power to ensure compliance with the law. I also urge the Jail Oversight Board to honor all motions that were decided upon by this very board, such as, allowing people to have their comments read as it was agreed upon by this board during a pandemic, such as, the one that we are in right now. Thank you.

**Judge Howsie:**

Thank you very much.

**Ms. Hallam:**

Are we going to have a response from the Warden about that? I would specifically like to know if there have been any officers, patrolling any pods, and carrying any sort of firearm appearing weapons.

**Warden Harper:**

We do have correctional officers carrying special delivery devices in our facility. Let me read to you exactly what the motion says. The motion says, "The Allegheny County Jail Oversight Board prohibits Allegheny County, C-SAU, Joseph Garcia, and any related entities from conducting any trainings of correctional officers and employees at the Allegheny County Jail. Further, the Jail Oversight Board prohibits Allegheny County from bringing into the jail, shotguns, rubber bullets, or any similar equipment or ammo identified." We have not brought in any shotguns because we have already had shotguns in the facility.

**Ms. Hallam:**

Come on Warden...

**Warden Harper:**

Let me finish my point. We did have our correctional officers trained by an instructor from Safariland as to how to use less than lethal munitions and they were trained as to how to carry that. So, we did not violate the motion because no entities from Joseph Garcia and C-SAU did the training, we had another entity due to training, and we did not bring anything into the facility.

**Ms. Hallam:**

May I ask a question of that? Following your same logic here, I would like you to answer question for me. Let us say an incarcerated individual gets placed in a cell and there is some sort of contraband that is in the cell. They did

not bring it in. Now you catch them with it. Are you going to charge them with entering contraband into a facility or are you going to believe them that it was there already, and they did not bring it in?

**Warden Harper:**

There has to be an investigator to make that determination, Ms. Hallam. I cannot answer that right now.

**Ms. Hallam:**

Okay but are you saying that if someone was caught with something that they are not allowed to have in the jail, as long as they did not bring it in, that is fine...right?

**Warden Harper:**

What is that? I do not understand the question...

**Ms. Hallam:**

Because what you are saying is that you are allowed to violate a motion that was passed by this board, that has the authority to tell you about the operations of the jail. Excuse me, I am speaking to him. I would like to not be interrupted. May I ask who that is?

**Judge Howsie:**

It is the solicitor. He is allowed to speak with the solicitor.

**Dennis Biondo:**

I am here on behalf of John Bacharach.

**Ms. Hallam:**

Thank you very much for introducing yourself. Yes, so I am wondering about that. How can you say that this is a prohibited item in this jail, but we did not bring it in since you prohibited it, so it is allowed to be in here? I am just asking if the same right would be afforded to people who are incarcerated in the jail that are caught with some sort of contraband. You are going to charge them with introducing contraband into a facility. I know you are because I know of incidences where that has happened. Where people were charged with bringing it in even though they were never caught bringing it in. They were just caught with contraband and faced that charge. So, ask me how that follows the same logic as what you are speaking to right now?

**Judge Howsie:**

I think more specifically what you are asking is...

**Ms. Hallam:**

Why he's violating the motion that this jail board passed? That is really what I am asking. I just like to prove him that he is wrong in his rational.

**Judge Howsie:**

Well instead of proving he is wrong, let us just ask a question he can answer. So, the question is, are you in violation of the motion that was presented by this board?

**Warden Harper:**

I am not.

**Ms. Hallam:**

And that is ok? Well, I believe that you are. I actually know that you are because I was responsible for helping vote to make sure that you could not have these weapons inside the jail. You are sitting here looking us in the face

telling us that you are doing it anyways, but because you did not bring them in since we banned it, it is okay. Right? Am I following that correctly? Because this just seems too absurd for me. I must be misunderstanding something.

**Dennis Biondo:**

I do not think he has to answer the question, your honor.

**Ms. Hallam:**

Solicitor, since you want to participate in this conversation, I would very much take your opinion here, do you believe that he is following the motion that this board passed by admitting that there are firearms?

**Dennis Biondo:**

Yes, I do.

**Ms. Hallam:**

Can I ask why you think that that is valid?

**Dennis Biondo:**

Once you read the motion, they are not in violation in what was passed.

**Ms. Hallam:**

I also remember the Warden standing in front of the jail saying that they could not do any sort of training whatsoever because that was in violation of the motion and that was proven clearly wrong. So why should I take his word for it this time? It is clearly an action of bad faith.

**Dennis Biondo:**

I am not here to answer questions.

**Ms. Hallam:**

But you are here to interject when I am asking questions of the warden, which is my statutory duty.

**Judge Howsie:**

Ms. Hallam, do you have a follow up question?

**Ms. Hallam:**

Just why are we going to set up here and just let them lie to us? We are just going to move on forward and say "Okay. Do not worry about it. Just keep breaking all the rules. Keep lying to us."? We are not going to do anything about it?

**Judge Howsie:**

What would you have us do?

**Ms. Hallam:**

I have no idea I would like some input from you. If you are going to chair the meeting, I would like to know what you are going to do about somebody lying to this board.

**Judge Howsie:**

I will take any suggestions you have.

**Ms. Hallam:**

Not allow it to happen. Not allow the solicitor to interject if he is not going to provide us evidence as to why they are in compliance with a referendum. Not to have a legal opinion, other than the county's own staff member, who is paid by this administration.

**Judge Howsie:**

If you would like to submit a recommendation on how we can address that, I am more than happy...

**Ms. Hallam:**

And will it be followed?

**Judge Howsie:**

I am more than happy to discuss it and follow up with you and the Warden. Any other questions regarding those comments? DO you have any else you would like...

**Ms. Hallam:**

I have one more question for the record. Can I have your name, solicitor?

**Dennis Biondo:**

Dennis Biondo

**Judge Howsie:**

Did you have anything else you wanted to add regarding that Warden Harper?

**Warden Harper:**

I do not.

**C. Public Comment #3 – Brian Englert:**

**Judge Howsie:**

Next, we have a public comment from Brian Englert. We ask that you limit your remarks to 4 minutes.

**Brian Englert:**

I will do my best. That was a tough act to follow right now. Happy New Year. My name is Brian Englert. I am President of the Allegheny County Prison Employee Independent Union. I represent 390 officers at your jail. I was overwhelmingly voted into this position, 3 to 1, because officers are tired of unfair treatment. There is a reason why are we the most interesting people in any social event we go to. People do not know what we do or what we deal with. We have seen things in our career most people cannot imagine. We deal with people at the lowest points in their lives. We deal with extremely dangerous individuals with less tools because of the 205 referendum. And yet, we continue to come to work. Just let you all know that jail runs because of us union officers. This year I lost a co-worker of 10 years that I had the pleasure of running 2 max units with. She went home after an overtime and died alone. I had another co-worker murdered while out with friends. One particularly hard was a solid young officer who committed suicide last year. We were lucky enough to get an hour or two to go to their funerals and grieve and go back to work. For almost 2 years now, officers have dealt with COVID at the jail. We run a 6 to 10 times higher risk of exposure than any normal occupation. Even with the vaccine mandate, we are currently in another outbreak affecting 1/3 of our non-intake units, approximately 6 of 18 units, with 2 in the last 24 hours. One of them being my unit. For a year we have asked for hazard pay. I asked Rich Fitzgerald at a petition signing event in April. Judge Howsie, you were there getting your petition signed. We were denied because the prior union leadership did not ask the County Manager, despite a petition of over 700 signatures. I lead the union now. I asked Deputy County Manager Pilarski. He was tied up. I asked the County Manager. He forwarded my request to the Warden. Well, you know, Rich said we had to ask Mr McCain. I followed the chain of command and now

we get okey-doked here. The Warden stated that our hazard pay was the parking reimbursement provided by the county. Some of us work weekends and do not get the reimbursement. The 89 officers that I represent that work night shift do not get it. I guess it is not hazardous at night. Even though last night, we accepted an inmate from Erie County that is COVID positive. Yet we do not send COVID positive inmates out of our jail but we took one in. Then I was told most jails do not provide parking reimbursement. That is true because of the 62 county jails, my partner and I contacted 20 personally so far, only 1 actually charges parking, Somerset County. It is not \$9 a day, it is \$14.00 a month for a secure garage lease. I will have more info on this later if anybody wants it. I am sure the number of jails that provide free parking will only increase. The \$9 to us represents \$0.84/hour. I work 16 hours/day, it is really only \$0.42/hour. I could provide list of dozens of jails that provide hazard bonuses and paid essential employees like myself and my union brothers and sisters. We were lucky enough to receive 2 nice banners, I guess. When I started, I was in a class of 34 and now there is nine of us left. We now currently have a class of 4 cadets. While most jails are providing hiring and retention bonuses now to maintain staffing, our county leadership doesn't feel we are central enough, despite their own Department of Human Services presentation earmarking funding for providing premium pay, not parking, to eligible workers performing essential work. They did give a vendor, the county, I think Mr McCain signed off on it, they gave Community Living and Support Services \$121,563 for hazard pay under the Allegheny County Agency for Aging unsolicited. They did not ask for it. They just got it. Currently they are providing double overtime to medical staff they managed to keep in the building. It is well deserved considering that last night the only medical unit nurse on my shift had to pass medication on one unit, perform diabetic checks for the whole jail, while carrying a medical emergency bag, should he need to respond to a situation while doing 2 other jobs off his assigned post. So, they definitely deserve double overtime. In January, the city enacted an ordinance ordering businesses, excluding state or federal offices, to provide 80 hours of emergency COVID sick leave to employees regardless of vaccination status. The county ignored that ordinance. Instead, they stole 416 benefit days from 42 officers via forced quarantine, whether vaccinated or not. They chose to follow half the policy, which governed the order, in which benefit time would be used. We filed complaints with the city and pending litigation. On September 29<sup>th</sup>, the county announced they would provide up to 80 hours of paid leave for reasons related to COVID-19 for employees who have submitted proof of vaccination. It is not clear if these are new days since FFCRA ended in March. Some officers were told they were already given the time earlier in the year, while unvaccinated. So, they are not eligible now even though we jumped through every hoop and became vaccinated. Over the last four months of the year, during the forced mandate window, we do not face contract tracing. While we were all being pressured to get the vaccine and some of us willingly, like myself, I was one of the first ones, the administration managed to take all remaining benefit time from officers, so they stopped. They were out of time to take from us. Now that we get new vacation and sick time, contract tracing is miraculously back, on a whim. One person who worked 2 hours around an infected vaccinated officer does not get quarantined, but another officer who spent minutes talking to them gets quarantined. Senior officers, a few weeks away from retirement, despite 1 or 2 additional booster shots are getting quarantined. It is not a coincidence that administration is gunning for our sick days and vacation time on forced quarantines. It is there only plan to control overtime in the summer. Instead of looking at why they are scheduled so lopsided, driving overtime, this is their plan, to take even more family time from my officers. Family time. That is not called vacation time or sick time. It is family time, which we have lacked over the last 2 years. We represent the PTA mom you see at a dance or the dad coaching youth soccer, like me, with bags under his eyes. The dance recital dad selling concessions at Heinz Field on our only day off. Yet they cannot wait to take her sick days and our vacation days on multiple quarantines already. Our family time. The time that we look forward out of building. They know what they are doing, and we are not stupid. This is what I want to thank administration for. They have managed to do what has not been done in the last five years. I have been there 11 years. They've managed to end the conflict between senior officers and junior officers, between black officers and white officers, between those who stay over 2000 hours for overtime like myself and those who refuse some over time to go to a cancer doctor to take care of their sick spouse. They have united us together to say this is enough. Since we were 6 to 10 times more likely exposed to COVID, we should get more emergency sick leave than other county employees. We should not be stripped of family times, so that we could miss another vacation with our loved ones or another sporting events for our kids. We should not be stripped of time when we finally have a wedding, or we have a wedding reception

because we got married during COVID. We are the people you see every day in your community trying to hold our own families together. We demand more emergency sick leave simply due to the increased risks we face each day versus the other county employees. We demand this for our mental health, and we demand this for our families. Thank you for your time.

**Judge Howsie:**

Thank you for your comments. I appreciate your comments, but I do not know that the board has, well I know that the board does not have the authority to address your concerns.

**Brian Englert:**

Your honor, I will go back to the first judge I ever had say that to me, man I wish I could remember her name. Anyways, the first judge that ever said that to me said, "I do not know what you could possibly ask us to do?". You mean your words carry no weight or influence in county government?

**Judge Howsie:**

Mine? Absolutely not.

**Brian Englert:**

Anybody on this board. We have the Deputy County Manager here. We have the Warden. We have you.

**Judge Howsie:**

The Jail Oversight Board is concerned with the welfare and the maintenance of the inmates in the county jail. We cannot possibly intervene in an employment issue. That is for the union and the county.

**Brian Englert:**

And I am here representing the union. I am making that statement publicly. I do not like excuses. The last time Judge McDaniel said that to me, you know what happened, the very next time, I had a meeting with the County Manager and action was taken. My numbers were way better than their numbers. Guess what, 82 part-time officers had their job hour cuts stopped and we were hired full-time in one year. I do not believe for one second then nobody up on this board has any influence to affect the decision like that. We are in charge and we supervise the people at the jail. We have board members that come to the jail and they go to the worst places like DHU. Nobody is coming to my pod. Nobody is coming to see what my inmates are dealing with: commissary that never shows up, food that it served frozen. The other night I got my trays at 8:30 at night, 8:30 at night I received my meals. So while it is great to go up to DHU and entertain all the worst behaved inmates, Ms. Klein, I know you went and spoke with the females that night I walked you through the X-ray machine. I have seen Ms. Moss come in to talk about CRU with the Warden and ignore me completely. Nobody comes and talks to the inmates, the real inmates, the real people that are going through the day to day. The real people that rely on me to put them in programs, to help them to get out of jail. The real people that sit down and talk to them. So, my mental health absolutely depends on the ability for the incarcerated people to do better in their life. My mental health relies on vacation time, which is being stolen from us. So, I am a stakeholder and I am a taxpayer and I am asking you to sit down and go to the right people and say, have the conversation and consider these things. It is at least that could be done. I deal with 80 people every day, 80 different personalities. I had mental health crisis all last month. I dealt with him accordingly. I dealt with it spectacularly. I hate to toot my own horn. I am the guy that cares about my job. I am the guy that does my job every day. I am the guy that put 112 people in programs prior to COVID with a 98% success rate. So, for you to say that you have no influence because what can you do, I just disagree your honor. Especially when it comes down to voting time when every politician quirks the union vote.

**Ms. Hallam:**

Judge Howsie, I just think that it is relevant based off of this last public comment, we actually do have responsibilities to the staff at the jail as well as this board. It is not just about the incarcerated folks. Maybe if

everyone gets an opportunity to review the statute that actually authorizes our authority. It says “the board's administrative powers and duties shall include the operation and maintenance of the prison and all alternative housing facilities.” It also says “the board shall, in the manner provided by law, promulgate such rules, regulations, and forms it deems necessary for the proper administration of the board and for the operation of the prison and alternative housing facilities.” So, therefore, the statute does provide for us to make sure that the jail is run properly, not just for the sake of the people who are incarcerated there but also the workers. If it is a toxic environment for the staff, it is a more toxic environment for the people who are incarcerated there who are not coming in and out of there every day. So, I very much do agree with what we are hearing right now. That we should be paying attention to this. Who do we get to hear from meeting after meeting but the administration, the bosses? We are supposed to be about the workers and about the people who are most vulnerable, the incarcerated folks in the workers in the jail. I would love to have a representative from the union or any member of the staff to come here and tell us what it is really like. Not what the bosses are saying. Not what the administration saying but with the actual people who are in there day in and day out, who want more than just a banner on the wall, who actually want to know that this board is listening to them. Then they are more receptive to us coming in there when we are doing our inspections as well. Then they're more receptive to the work that we are doing here because they know that we are listening to them too and that encourages them to deal with their mental health, to take their family days, to take their vacation days. Then come into a jail and hopefully provide a less toxic environment than what we are seeing right now.

**Judge Howsie:**

Thank you for your comments. Thank you, Sir.

**Brian Englert:**

I want to thank Ms. Hallam for stating that. I did not want to have to recite from the Jail Oversight Board criteria from the state website but that is exactly what it says. So, thank you for pointing that out.

**Judge Howsie:**

I got it right here but thank you so much. Ms. Hallam, if you could email me the language regarding the motion. I was not privy to that. The one regarding the instruments that she cannot be used in the jail. I like for us to have a conversation about that.

**Ms. Hallam:**

I would love that. Thank you.

## 6. Warden's Report

**Judge Howsie:**

We will now move to the Warden's report.

**Warden Harper:**

I am proud to report that on December 15<sup>th</sup>, our chaplain's department and our employees at Allegheny County Jail delivered Christmas packages to the incarcerated individuals in our facility. Every individual in our facility received a long john top, pen, comb, candies, cocoa, 1 hygiene item, writing tablet, a calendar, deck of cards, activity book, and a Christmas card. I just wanted to thank the chaplain's department and our employees for providing our incarcerated individuals with a Christmas package. That is all I have, you honor.

**Ms. Klein:**

Judge, I have a question. I was wondering that too Warden because historically the cost of the holiday packages has come out of the incarcerated persons fund and we were never asked. Can you explain why?

**Warden Harper:**

Yeah. We do not ask the board for any monies anymore from the inmate welfare fund. We provide the funding.

**Ms. Klein:**

Can you tell us where the funding came from since it usually comes from this fund?

**Warden Harper:**

I do not know exactly where it came from, but I can get back to you on that next month.

**Judge Howsie:**

Any other questions?

**Ms. Hallam:**

Yeah, I have a couple questions for the Warden. I was specifically waiting until this part to talk to you more about this. So I spoke with a woman who was recently incarcerated in 5MD. She was in RHU status. She was allowed to come out for rec for 4 hours a day, 2 hours at a time, but she was chained to a table the entire time. Handcuffed to the table through a loop. She unable to stand up. Prior to being on 5MD in RHU she was actually on the RHU pod in 4F. This was prior to the consolidation, or I forget the term that you all used in in prior times for what you called consolidation is it condensing the pods or something like that, but in 4F where everyone is on RHU, the women are not handcuffed for rec. Again, if it is not 4F, I see you shaking your head but whatever pod that this person was on...

**Deputy Warden Williams:**

4F is the correct unit. They are not all RHU status. That unit has multiple statuses. That is what I was shaking my head about.

**Ms. Hallam:**

Okay, are they handcuffed during rec in 4F?

**Deputy Warden Williams:**

The environment on that housing unit is set up differently than 5MD. 5MD is an acute mental health unit, so we have different management in that unit.

**Ms. Hallam:**

So, I guess I just want to clarify, when you are doing your report for the solitary, are you counting 4 hours of handcuffed rec the same as 4 hours of non-handcuffed rec?

**Warden Harper:**

The referendum says 4 hours of out of cell time.

**Ms. Hallam:**

Right. I know what it says.

**Warden Harper:**

It does count.

**Ms. Hallam:**

Okay, that is what I was asking. That was a question. She also was complaining of pain that she was having. She was not allowed to eat food at her table. If she wants to use the bathroom, she had to return to her cell to do that but

then her rec ended. Can you respond to that as well? If you go to your cell to use the bathroom while you are out, do you not get the rest of your rec time? Do you forfeit the rest of that time?

**Warden Harper:**

What I would really like, Ms. Hallam, is for you to send me the individual's name and DOC number, so I can actually look at it and investigate it and get back to you. I cannot really answer those questions right now.

**Ms. Hallam:**

With all due respect, I fear retaliation for this person in case she does end up incarcerated again. I do not want to give her name without her own permission. I will ask her first before I do that, but I just want to ask, do any of these things sound out of the ordinary to you? Are you shocked by hearing any of these things or is this proper protocol on certain pods such as 5MD?

**Warden Harper:**

I am not shocked. The referendum specifically states out of cell time is counted.

**Ms. Hallam:**

Alright, I was more asking about the treatment of human beings not even regarding the referendum right now. I was just saying about the time that she was out of her cell, if that is okay for her to be handcuffed, and not be able to stand up. Are you still counting that towards her hours of rec?

**Warden Harper:**

Like I said, Ms. Hallam, we have some severely mentally ill individuals in our facility. If that is the way we got to provide recreation or out of cell time for these individuals, that is the way we have to do it. So, until I know the exact name and DOC number of this individual, I cannot accurately answer your question.

**Ms. Hallam:**

Right, but people are being chained to tables. Yes?

**Warden Harper:**

Some people are...

**Ms. Hallam:**

That is what I was wondering. And that is counted as rec time?

**Warden Harper:**

Out of cell time. Yes ma'am.

**Judge Howsie:**

Any other questions?

## 7. Deputy Warden's Report

**Judge Howsie:**

We will have the Deputy Warden's report.

### A. COVID Update

**Deputy Warden Williams:**

Thank you, your honor. I will start with COVID. The website is not updated for today's numbers. We have been doing a large volume of testing today. So, I will get today's numbers on the website later, but I am able to at least report on those at this meeting. The numbers on the website are active as of yesterday, which include 3,658 individuals who received PCR tests, 437 of those have been found to be positive throughout the entirety of the pandemic. Presently, today, we have 89 positive cases within the facility. We are receiving a large volume of new arrests who are testing positive as soon as they come to our facility, including transfers, which one of the public comments just noted as well. We presently do have 17 tests. The majority of those tests are for purposes of transfer to other institutions, including Torrance State Hospital. Presently 0 incarcerated individuals are hospitalized from COVID-19. In the month of December alone, we did 3,276 rapid tests in the facility. Of those, 3,219 of them were negative, accounting for 98% and 37 were positive. So, it was a 1% positivity rate. Our numbers in January are going to definitely reflect the surges that we are seeing in the community as well. In the month of January, and today is the 6<sup>th</sup>, we have tested 8 full housing units. We are definitely getting impacted by everything that is currently going on. Between both modalities of testing in the month of December, we diagnosed 40 individuals, that was unduplicated, so unique individuals, with COVID-19. I needed to provide this number because it just is unreal. Since we started rapid testing, which was 8 months ago, we have offered 21,493 rapid tests in the institution. The supply chains have been strapped, as many of you were talking before the meeting about having a difficult time getting tested. We have to test because of the nature of our congregate setting for a number of different reasons. I think most people do not understand the volume of testing that has to be done. We test individuals when they come first into the facility. So, at that intake Sally port. No matter if they are committed to us or not, we need to know what their status is. We also test them if they are committed to the facility. So, at time of pre-arraignment, if they are assigned a bond or no bond and we are going to be keeping them in our custody we test them again. We also test them 7 days into their incarceration stay because some persons have been exposed, very recently, prior to coming into incarceration and they may not be testing positive because they do not have a significant viral load at the time of their admission. We also then test at day 14, once they have been in the facility. So that is 4 tests for a new arrest in our institution, but it could be even more in their first 14 days if they have to go to court. Many of us are familiar that the Sheriff's Department is tasked with transporting our individuals from our facility to the courthouse, and we do not want to place the deputies at any additional risk. We also recognize that these individuals will be held in bullpens together, mixing housing units. Our facility will keep them separate but once they leave us, we cannot account for that. So, we have to test every individual prior to them going to court as well. We test persons for symptoms. We test persons if they have been exposed to somebody with symptoms. Then oftentimes we retest as well. So, it is pretty extraordinary that we have done 21,493 rapid tests, not including those that were completed today. So that number is likely around 22,000. Since April 6, 2020, that was our first diagnosed case for an incarcerated individual, 892 positive cases in the institution. That is a large volume. It is a small percentage of the population that we have received but it is still a significant number. We are continuing to experience COVID right now. This does not stay just with our incarcerated individuals. We also presently have staff that are out. They are sick. We have individuals who have been exposed during the holidays and that has taken out a large majority of our workforce. We have many persons who are quarantined as well. There has been a lot of guidance that has been published related to quarantines, persons who are vaccinated, etc. and congregate settings, for good reason, have more strict guidelines to be followed. Because the disease can spread so quickly in confinement, we do have very stringent practices. Contact tracing has continued throughout the pandemic. We have seen a higher incidence rate of persons who were testing positive at work after having been working for several days around multiple persons. I think as human beings, though, it is not necessarily an excuse, it does explain what has happened, most of us are very tired of wearing masks. If you have never worn a mask for 16 hours, like many of our staff have to, you would understand why sometimes you see it like this. This, however, in a congregate setting can be very dangerous when you are sitting in close proximity with each other. We have continued to do vaccinations on site. Primarily offering those between Monday and Friday. We have completed vaccinations for over 2,000 incarcerated individuals. We had done some clinics with AHN's support early on into vaccine availability when that was first coming into our facility. Our staff alone, Allegheny County Jail dedicated employees, have provided over 1,700 vaccines. We are well over 2,000 with the support from AHN but we have been able to sustain this in our institution. We have still been maintaining

a supply of Pfizer, Moderna, and Johnson and Johnson on site. Unfortunately, though we are seeing a large volume of decreased interest in vaccinations at this time, particularly within our incarcerated population. We were vaccinating quite a number of people, very frequently. Individuals can still ask daily. They can say that by word of mouth, and we will register them to receive vaccinations. They can apply to receive one through the tablet program as well. They can tell a nurse during med pass. We have the capability of providing these very quickly, and then tracking when they might be due for their second dose if they choose one of the two dose series vaccines. In December though, we only had 167 persons elect to be vaccinated, which is a very low number for us. Especially considering the number of new arrests that we had within the institution during that time period. As of today, 706 of our incarcerated individuals have completed vaccination. That accounts for 47% of our incarcerated population. We fell behind, that was my fault, in the month of December for crediting persons to receive the \$25 bonus incentive that the board voted on. That was sent to our cashier's department on the 4th of January. Even persons who met that criteria, if they are not presently incarcerated it will be applied to their account. So, if they were to come back into incarceration that would be there because that was my error, not theirs. Before I move on, are there COVID related questions? I imagine so.

**Ms. Klein:**

Are there any incarcerated persons who are able to get any monoclonal or any of the new COVID pills or is that only available in a hospital setting?

**Deputy Warden Williams:**

We do not have access to those. If we were to transport them to the hospital our partners would be able to provide some of the monoclonal antibody treatments.

**Ms. Hallam:**

That was actually one of my questions. What is the treatment for someone who actively has COVID? Then also detail what the treatment is, and when I say treatment, I mean the treatment that they are receiving in the jail. Especially folks who are receiving long COVID symptoms or maybe returning from a hospitalization with COVID. Can you just talk about what we are doing to make sure that they get better?

**Deputy Warden Williams:**

Well I wish that there were like a standard guideline because that would be very easy to report. Once somebody is diagnosed as positive for COVID-19 we track them. We communicate that to the medical providers who do rounds on either the full housing units that are known to be isolation, or if we do have some shelter in place, maybe on 5B, because they're also high medical needs or one of the mental health units that providers will go there as well. It is going to depend on their symptom presentation for how they are treated. A lot of antipyretics are used, things like Tylenol, to manage fevers. If they need cough syrup, cough drops, or throat lozenges things like that for sore throat. They are encouraged to increase fluids. If they are having any concerns with oxygen saturation, they are monitoring that with a pulse ox. They are making sure that we can provide oxygen to those persons. If somebody declines in health and we particularly watch oxygen saturation the closest because that has the largest concerns, then we are going to send them to the hospital. We do have a baseline for criteria. I prefer not to discuss those specifics in which somebody would go to the hospital but we do require at least daily rounds from an advanced practitioner, which would include a nurse practitioner, physician assistant, or a medical doctor to complete those rounds on all positive persons every day.

**Ms. Hallam:**

Are their communications between you and their family members, their emergency contacts, throughout the duration of the treatment for COVID?

**Deputy Warden Williams:**

I was taking a very active role in the beginning of the pandemic, prior to us having Wi-Fi and tablets. So, while persons are still on isolation status, they are permitted to communicate through the utilization of the tablets. They have been awarded money from the board each month, so they have been able to communicate with family regardless of their present status. So, their indigent status is not something that has happened but if for some reason somebody cannot they do reach out and I will, with a release of information, communicate with their family members. There have been a few times as well where I have reached out to the courts. Unfortunately, just today with judge Lazzara, if somebody has an upcoming court hearing and they have particular concern that they may not be able to meet their legal obligations. It is not nearly as frequent as it at once had to be because they did not have communication devices.

**Ms. Hallam:**

Right. So, the tablets do make that easier. I am just asking because I spoke with this woman who said that her husband died after contracting COVID at the jail and that it was nine days before she even knew that her husband was hospitalized. She was actually never even able to speak with him before he died. She was not even able to go and see him and spend his final moments with him.

**Judge Howsie:**

Ms. Hallam, if I may cut you off, I have asked that we not read public comments.

**Ms. Hallam:**

I am not reading this comment. I have spoken to this person multiple times and I would like to ask questions about what happened there. This person obviously was not physically able to use a tablet because they were hospitalized prior to their death. The family members were not contacted for 9 days. What is the procedure for that? Someone hospitalized. They do not have a tablet. They do not have the communications methods that we are giving them the \$50 a month to be able to use for that. What is the procedure then for you to be in communication with a family member when that person seriously ill and unable to use those methods?

**Deputy Warden Williams:**

So that person was originally sent to the hospital. They exceeded the level of care that that we provided. For purposes of confidentiality, even if the public comments are posted, I would ask that the person's name not be included. But if the family member wants to disclose that, that is fine. I am not going to disclose that because that would be a violation on my part. When they went to the hospital, they exceeded the criteria that we had but they did not meet severe or serious criteria at the hospital. So, we do have procedures that when somebody declines in health, then we reach out to the family, when it becomes a severe potential life-threatening crisis. Within the facility I never like to minimize the work that the healthcare staff does by saying that we do basic nursing care because we do way more than that. We always have but we do have limits on the care that we can provide. We do not have all of the equipment or monitoring devices that hospitals do. So, people can go to the hospital without being in a severe health crisis. This person then declined in health and the hospital had contacted me directly stated we need to initiate communication directly with whomever is going to be making health care decisions on behalf of this patient. It was at that time that I reached out to the person that you are referencing. I cannot recall if it was 9 days. I would have to look at the calendar but if that is what she is stating I am going to trust that that is what happened. I would dispute that she was not able to see him. There was very extended coordination through the Sheriff's Department, the hospital, and the courts that permitted her to be at the hospital. She was not there when he passed. She was notified that he was declining, and I do not believe that she was able to get there. It was in the very early morning hours. Again, I do not recall the specifics of that event and I do not want to offend her by providing misinformation about the end of life. I can say that she was able to be present at the hospital but because he was Covid positive she could not be within that room. That is the hospital procedure and it would be ours as well. No hospitals were permitting families to be bedside when people were losing their lives to this. But she was able to be at the ICU. I believe she was able to see him through the window. I cannot imagine what that was like for her, but I have read that public comment. I do not believe it could be accurate.

**Ms. Hallam:**

Oh, was there a public comment about this?

**Deputy Warden Williams:**

Yes.

**Ms. Hallam:**

Oh no. Sorry I did not see that. This is just the person that I have talked to. She disputed what was put out in a press release saying that the jail and the hospital staff had worked continuously with her daily leading up to his death and she said that did not happen. So, I guess that kind of like ties into the press release policy too. Is press releases being put out about deaths of people inside the jail? How are you deciding what information is included in that? Because her own family did not know about the status of her husband at the time that the press release was put out by the jail.

**Deputy Warden Williams:**

It is a very tenuous situation and I do not know what the best practice would be. I know that in history, whenever a press release, because we are accountable and we should have to report when there's been a loss of life, and that happens after next of has been immediately notified, She was the identified next of kin as well as the medical decision maker. I understand this was an unbelievably painful time period and more complicated than most people have to deal with during end of life issues and that she was not able to communicate with all family but we do also have an obligation to report out. Otherwise we are accused of not reporting that information or hiding something. That is why I say it is tenuous. I am certain she would have preferred that things would have been handled differently.

**Ms. Hallam:**

I am sure she preferred that her husband was not dead.

**Deputy Warden Williams:**

I am certain that of that as well.

**Judge Howsie:**

Do you have another question?

**Ms. Hallam:**

Yeah, I do have another question.

**Judge Howsie:**

That is not consistent with public comments that you happen to have right beside your laptop.

**Ms. Hallam:**

Oh, no those were not public comments, those are just people that I have talked to. So my next question is about, you gave us the vaccination rate for incarcerated individuals, what about the staff members at the jail? Can you give us the percentage of staff members who are vaccinated right now as well?

**Deputy Warden Williams:**

No.

**Ms. Hallam:**

Why is that?

**Deputy Warden Williams:**

Well number one, I did not prepare those numbers and last month I told you I would not be reporting that.

**Ms. Hallam:**

But in previous months, in October and November, we were given both the percentage of staff members and incarcerated folks who were vaccinated and who were still unvaccinated. Can you just distinguish between, I know you have claimed HIPAA in the past...right?

**Deputy Warden Williams:**

No, I did not claim HIPAA. That was also in a public comment. What I stated was this was a personnel issue and I would not be discussing it. Then you asked several additional times and I stated no matter how many times you ask me, I will not be reporting this information. Then you asked me if I was refusing to provide the information and I stated I was.

**Ms. Hallam:**

I remember. I was there for that as well. I am just wondering why in previous months you gave us staff vaccination rates and then suddenly in December and January now we are not allowed to have them because it is a personnel issue. So, I guess maybe the question then instead is, what changed from October and November where we were given those numbers to December and January where you claim it is a personnel issue and you cannot give us that. What changed?

**Mr. Pilarski:**

Can I interrupt for one second?

**Ms. Hallam:**

I am sorry, you can ask a question after I get my answer from the Deputy Warden.

**Mr. Pilarski:**

I think I can give you an answer.

**Ms. Hallam:**

If you could wait one minute, please. I asked a question. I thought we had discussed like what we can sing together but we cannot talk together or something like that. So, could you please answer that question?

**Deputy Warden Williams:**

Perhaps my position changed on me providing that response.

**Ms. Hallam:**

So, it is your personal position. It is not an official jail policy.

**Judge Howsie:**

Ms. Hallam, do you have another question?

**Ms. Hallam:**

No, these are questions that I am not getting answers to. So, my questions would not keep going on and on if I would get an answer when I ask them.

**Judge Howsie:**

If I may, your questions are from the public comment.

**Ms. Hallam:**

No, they are not. This is literally on my own. I typed this up. It was from conversations we have had previously together before you got here.

**Judge Howsie:**

If I may, your questions are from the public comments. She is giving you her answer. she does not have the information. Do you have another question?

**Ms. Hallam:**

No, my question is about a previous conversation that we have had. I am wondering what changed between previous conversations.

**Judge Howsie:**

She answered you.

**Ms. Hallam:**

She did not. The jail policy changed, or your own personal opinion changed?

**Deputy Warden Williams:**

My personal opinion did not change. We have had personnel actions specifically related at this time to vaccination, making this a personnel issue that I am no longer going to discuss. This will be the second month in a row in which I have asserted that position.

**Ms. Hallam:**

Well I would keep asking you every month, but I think this is your last meeting here.

**Deputy Warden Williams:**

I will not be at the next month meeting.

**Ms. Hallam:**

Then I guess I will ask your successor. Thank you very much. Maybe they will have a different policy.

**Judge Howsie:**

Do you have any additional questions?

**Ms. Hallam:**

Not right now. In new business I will.

**Judge Howsie:**

Mr. Pilarski, do you have some you want to say?

**Mr. Pilarski:**

As of December 1<sup>st</sup>, the County required all employees to be vaccinated.

**Ms. Hallam:**

So, 100% of jail staff employees vaccinated?

**Mr. Pilarski:**

As far as I know, there is no one left that is not vaccinated. They have either moved on or have complied.

**Ms. Hallam:**

So, 100% of staff at the jail are vaccinated?

**Mr. Pilarski:**

That is my understanding.

**Ms. Hallam:**

Okay, thank you very much for answering that.

**Mr. Pilarski:**

That is my understanding. That would be 100% of the county, not just the jail.

**Judge Howsie:**

Ms. Klein, your question.

**Ms. Klein:**

Any luck with boosters? Are we still offering \$25 incentive for boosters?

**Deputy Warden Williams:**

We never received a vote or motion on boosters and if we did, I absolutely missed that. I just saw that sidebar. So, I have not been doing booster incentives for vaccines.

**Ms. Hallam:**

I will clarify. It is not that we made a specific motion for boosters. It was that anytime you get a shot you get the \$25.

**Judge Lazzara:**

Right. It was just for every shot they would get \$25. I would think the booster would be included. We did not we did not say but it was pretty much \$25 per shot per vaccine.

**Deputy Warden Williams:**

I thought that, and this is not meant to be argumentative, this is a potential misunderstanding, the specific motion was upon completion of the vaccine would receive \$25.

**Ms. Hallam:**

It was not. The motion was per shot because if you got the double shot, like Pfizer or Moderna, you would actually get \$50. If you got Johnson and Johnson, you would get \$25. The language was not completion it was per shot.

**Deputy Warden Williams:**

We have been doing that incorrectly then.

**Ms. Hallam:**

So, then boosters too would get the \$25.

**Deputy Warden Williams:**

Alright I will be working on that. So, if you speak to incarcerated individuals and they state that they are missing money, that is accurate.

**Judge Howsie:**

Ms. Klein, do you have another question?

**Ms. Klein:**

So, we do not need to make a motion for the \$25 for the booster?

**Ms. Hallam:**

No.

**Judge Howsie:**

Would you like to continue with your report?

## **B. Update on Modification to Healthcare Record Including Length of Individual Counseling Sessions**

**Deputy Warden Williams:**

I do not have an update on the modification to the healthcare record. That is something that we continue to work with the vendor to complete. We again have been making a series of changes related to the management of COVID within the facility, which have taken priority for changes within the health care record.

## **C. Medication Assisted Treatment Update**

**Deputy Warden Williams:**

For Medication Assisted Treatment, I have exciting updates. Presently in the facility we have 55 individuals who are prescribed you Buprenorphine, also referred to as Suboxone. This is an increase from last month. During the month of December, from December 1st to the 31<sup>st</sup>, 96 unique individuals were prescribed Buprenorphine and continued with their medication. We have previously discussed that we were seeking a vendor for Sublocade, which is the injection of Buprenorphine. A longer acting agent. That has been secured. That contract has been implemented. We have started to receive those medications and have had 8 individuals, who have either transitioned to Sublocade or who have been maintained on Sublocade. That number will continue to climb. As we have discussed in the past, we have seen a large volume of persons coming in and having been compliant on that medication. We had to transition them to oral Buprenorphine before we were able to get this supply and now, we will be able to continue that. Additionally, I had some rough news last month regarding Methadone. We have finalized with a vendor. We will be expanding Methadone services starting in February or March. We are waiting for them to hire some additional personnel, which is why there is a time range. They do need to hire additional staff, which has been a challenge. So hopefully February but if not, we believe that they will have some staff on hand for March for expansion of Methadone services.

## **D. Tracking Commitment to Torrance**

**Deputy Warden Williams:**

In terms of tracking commitment to Torrance, again, this is not something that the jail has any control over. But we do have 28 persons who are committed at present time for Torrance State Hospital. With 21 of those persons have been waiting for more than 30 days. Torrance is able to accept patients again. That was a struggle, as they were seeing and facing their own surges. We did have 4 individuals transferred this week and we anticipate 8 transferring next week. We hope that we will be able to reduce the numbers of commitments within the facility.

## **E. Update on a Plan to Resume Visitations in the Jail**

**Deputy Warden Williams:**

Then on an update to resume visitations in the jail. We want to do that but right now it is not feasible for a number of different reasons. I have been on the CDC's website too. I have talked to some other facilities as well. Many

facilities that we are doing in-person visits, whether they were contact or not, have since suspended those visits because of the surges that so many communities are seeing. Right now, the CDC for congregate settings recommends that if your facility has positive cases that you do virtual visitation. That seems to be a bit blanket statement. So, I think it is a suggested guideline that if you have positivity within the facility that you would do primarily virtual visits. Right now, our community is in a very high-risk transmission stage. Our staff is dealing with this constantly, as is the incarcerated population and it is not feasible at this time based on that to be able to expand or resume in person visitation. The CDC website has a very interesting portion. You can Google “congregate settings” within CDC and they have very specific guidelines. Again, because we are different than a lot of different settings of employment or of housing. They actually have some markers in there for community indicators with transmission risk and what risk your facility level may be at. Based on Allegheny County's current numbers we have exceeded substantial and we are in the high, which is the highest risk category. We will be continuing to work with the health department and discussing the community transmission rates to make sure that when it is safe or feasible to resume in person visitation that we do.

**Judge Howsie:**

Any additional questions?

**Ms. Hallam:**

So, first question is the Methadone vendor, can you say who that is?

**Deputy Warden Williams:**

The contract has not officially been signed so I cannot.

**Ms. Hallam:**

Okay but you will whenever it is signed.

**Deputy Warden Williams:**

Yes

**Ms. Hallam:**

My next question is when you start bringing the Methadone in, what will be the procedure for who gets to receive it? Do they have to come in on an active Methadone prescription? Do they have to be pregnant and test positive for opioids? Is it anybody who self identifies as needing it?

**Deputy Warden Williams:**

Presently we are still providing persons who are pregnant and already on Methadone. That has always been continued. Additionally, if an opioid dependent pregnant female comes into the facility, we will convert them. We will take them usually to an offsite so that they can be monitored at the level that they would need to be. It is up to the hospital's discretion to determine what is clinically responsible. Some individuals may do better with Buprenorphine or Subutex while they are pregnant, and others are converted to Methadone. We do not have any input on that. I will send them out for the evaluation and monitoring. Whichever medication they are transitioned to, we will continue that when they come to us. We are going to be phasing Methadone very similarly to how we are handling Suboxone right now. So, you need to come in on verified medication and be engaged in a program. We are going to be engaging in a stakeholder meeting with many of the Methadone providers to make sure that we are able to fulfill their requirements to confirm dosage, as well as, the last time that they received the medication in a timely manner. Methadone clinics have different hours than most facilities and we are 24/7. So, we recognize that there are many obstacles that need to be met in order to achieve this. Many clinics close around 1:00 PM. So, anybody who is coming in the evening it will be difficult for us to verify. There is no central database to demonstrate that somebody is prescribed methadone. So, once we have identified that they are confirmed as having a valid prescription and in treatment, then we will be able to continue that person on their methadone. We will work with the vendor to make

sure that they are making the clinical decisions on the therapeutic dosage, whether or not it needs to be increased or decreased. They will be providing the medication, which we will store on site and administer on site.

**Ms. Hallam:**

Then speaking of increasing or decreasing dosages, is there ever a situation where someone who is on MAT in the jail is taken off of it without a taper.

**Deputy Warden Williams:**

That should not happen. Sorry, no that would happen. We do not do Methadone taper. So that would absolutely happen. We provide detox medications for persons, right now, who come in on Methadone.

**Ms. Hallam:**

But Buprenorphine, nobody would be taking off that without a taper?

**Deputy Warden Williams:**

I do not want to say nobody. We have had some persons, it is very rare occurrence, who have been diverting the medications, not taking it. They are not testing positive for it. We will not taper their dosage. We will detox and discontinue the medication.

**Ms. Hallam:**

I was at the jail the Tuesday after Christmas and I spoke with a gentleman who as a punishment for a misconduct, had his Buprenorphine completely cut off. He started at 3/day, went down to 2/day after a few months and was completely cut off. He was accused of physically touching a nurse at med pass and was completely taken off his Buprenorphine. He was not put in segregation and still given his medication but was completely taken off his medication as a form of punishment. Can you speak to that and if that has ever happened previous to this situation?

**Deputy Warden Williams:**

I can and again will not mention the name. That person was transitioned to Sublocade. He was found to be diverting the medication, so not taking it, and potentially selling it or whatever he was doing. So, he was reduced in dosage so that he could be transitioned to the injection and he is on the injection. He is still on medication assisted treatment.

**Ms. Hallam:**

How many days was it from the date of his last dose prior to that incident to the date that he was transitioned to Sublocade? We have discussed before and we have talked about the different types of MAT and it is not that simple to just be like, "well you were on this now we are going to give you this". I am just wondering what the transition was. How did that work? Did he experience withdrawal symptoms? Was he monitored? Was he given detox meds during the transition?

**Deputy Warden Williams:**

I cannot speak to that. I am familiar enough with the case in the specific incident but not familiar enough to talk about the amount of days that it took to transition.

**Ms. Hallam:**

Okay but he is not on nothing right now?

**Deputy Warden Williams:**

No, he is on Sublocade right now.

**Ms. Hallam:**

Okay, you just do not know how many days he was on nothing?

**Deputy Warden Williams:**

I do not know what the clinical criteria to transition from the oral to the injection is. I believe it was done immediately following his decrease from the oral medication, but I would have to look at that to confirm.

**Ms. Hallam:**

When I saw him, it had been 30 hours since the last time he had received any kind of medication. He was told as a punishment that he was being taken off of Buprenorphine.

**Deputy Warden Williams:**

So, we do not punish people by taking them off of their medication. I think that is an important thing to clarify in this meeting.

**Ms. Hallam:**

But that is what happened in this situation?

**Deputy Warden Williams:**

No. So I would not agree. He was transitioned to a different medication because he was not complying with taking the medication. He was not participating in his treatment. He was still meeting clinical criteria for it. So, he was transitioned to a different form of treatment that does not allow him to divert it. That is not a punishment, it is maintaining somebody on a medication that they need, they have clinical criteria for it, but they have demonstrated that they were not responsible in taking that medication themselves. So, a different formulation was provided.

**Ms. Hallam:**

So, this only happens if they are tested for that medication and they do not show up positive in a urine screen for that medication?

**Deputy Warden Williams:**

I did not say that. He was found to be diverting the medication and determinations were made to transition him.

**Ms. Hallam:**

Okay and you are sure, even though you are not able to recite the policy between how much time they are off of it when they transition, that he was off...

**Deputy Warden Williams:**

There is not a policy. That is a clinical indication and I would need to check to determine what that timeline was.

**Ms. Hallam:**

Okay and you are just saying that you do not know what it is off by heart, but you are sure that that timeline was followed is what you are saying.

**Deputy Warden Williams:**

I am certain that he was treated by all of the medical practitioners that had decision making within his care.

**Ms. Hallam:**

Thank you for that.

**Judge Howsie:**

May I ask a question, you indicated that 21 people have been waiting more than 30 days to be transferred to Torrance. I wanted to know what is the typical time for transfer and do you see those numbers going down or increasing?

**Deputy Warden Williams:**

There has not really been a typical since I have been there. We would like to see them go far sooner than they do. We have not one individual who has been waiting since April. So, it would be wonderful if it were 90 days or less as a typical but with COVID that has definitely stretched. We have seen people well beyond that. There have been a number of times when the individuals have been tested even and then they have an outbreak at their facility, and it is not safe to transfer them, so we have to cancel that transfer.

**Judge Howsie:**

So, are you saying then that COVID has exasperated some of those transfers?

**Deputy Warden Williams:**

Very much.

**Judge Howsie:**

Okay, I had another question for you. You mentioned that you are seeing a decrease in the number of people who are electing to be vaccinated. Anecdotally, is that because maybe more people have been vaccinated or do you just see that people just have a reluctance to get the vaccine? And, if you can, anecdotally, what do you attribute that to?

**Deputy Warden Williams:**

A number of things. When we had our first clinic on site on the April 12, 2021 and then Johnson and Johnson were pulled from the shelves. I think that a lot of individuals, not just those that live within our facility, lost confidence in the vaccines. What we are seeing now with current surges and vaccinated persons still testing positive or contracting or transmitting it to others, I think that that has further decreased vaccine compliance or interests or confidence. These are typical normal human beings in our building. They are just with us until they get through their legal process and I think that they have been feeling that way.

**Judge Howsie:**

Thank you very much. Any additional questions?

**Judge Lazzara:**

I just wanted to know whether you still have the Vivitrol program and how that is doing? I think that is just a great option.

**Deputy Warden Williams:**

Yes, so we still have Vivitrol. We offer Naltrexone in the oral form as well as Vivitrol the injection form. We do Buprenorphine oral and Sublocade. We are expanding to Methadone and though it is not a MAT program, we still provide Narcan at time of release as well.

**Judge Howsie:**

Yes?

**Ms. Hallam:**

Sorry, I was just reading my notes here. It is going to sound like I am backtracking a little bit, but this is a COVID question that I skipped over. Do we accept people transferred in that test positive for COVID and is there ever a time that we do not?

**Deputy Warden Williams:**

We accept every person who is legally committed to our facility.

**Ms. Hallam:**

Okay, I know that we do testing before they leave to go somewhere else, so if that happens at another facility and they test positive there's nothing that will hold them from coming to us? They will not wait there till they do not?

**Deputy Warden Williams:**

No

**Ms. Hallam:**

Then the other question is, I know you said that we can expect, which I know as much as it sucks it seems inevitable, that the COVID infection rate is going to go up because we are seeing it on the outside it ends up on the inside too, do you think that that risk of infection would be decreased if the pods population were decreased?

**Deputy Warden Williams:**

The housing units that have the highest prevalence rate right now, it is not population related. One of those housing units has 65 persons the other has 74, which are lower than some other housing units that have no problems. It is mask compliance and social distancing. So, when we see persons not complying with the guidance, that is where we see the largest volume of person testing positive. So, we have two units right now that are very affected and through camera review, we can see that there were they were not compliant with those expectations.

**Ms. Hallam:**

Okay, and then the last question. This is not COVID related but just kind of health and well-being related. I know that since our last meeting another individual died in the jail. Again, the information that we have received is little information that it was. We did get notification of that. I just want to know if there is any more information you can speak to as to. I mean we have had an astronomical rate of death inside the jail just since COVID started. I am not saying that they are all COVID related but it is undisputed that compared to comparably sized facilities we have an astronomical rate of death in this jail. What is the plan to stop that from happening? I mean I know you want to hang up banners and commend the staff and be thankful for everything that is going on. But beyond that, what are we doing to say that this is not a jail that we are ashamed to be affiliated with?

**Deputy Warden Williams:**

I am sorry. I am not ashamed of this jail and I am not ashamed to be a part of it. I cannot believe you just use that language.

**Ms. Hallam:**

All the people that have died. Those are human beings. I just want to know what the solution is to stop that. Why are we so much worse than comparable sized facilities across the country? Can you answer that?

**Deputy Warden Williams:**

I will attempt to answer to the best of my capacity. If neighboring hospitals had to provide the amount of loss of life that they receive the numbers would be astronomical. I do not think that we would be saying the same of UPMC or AHN or that those persons that work and dedicate their lives should be ashamed. I think it is repugnant that you would even say something like that. We have dealt with and absolute enormous amount of grief and loss in the institution. It has been extremely difficult but that is not because people are not doing everything that they can and providing health care services. Our population is ill. They are coming to us not at the best times in their life. I think that it is important to acknowledge that we do not receive people who have had access to care in the community. We have not received people who have been able to be compliant. They have obstacles and barriers and socioeconomic barriers or obstacles that we cannot even imagine. We can talk about them, but we have not necessarily lived those lives. We have people who come to us very sick. The person who recently passed away was 80 years old and that does not mean that he deserved to die. He did not. We have an obligation and a duty to maintain the care, custody, and control of the persons in our facility. Medical staff did everything that they could for this gentleman. I cannot go into the specifics

and we do not have the autopsy report. I can tell you that this was related to natural causes and that will happen. I do not want it to happen. You do not want it to happen. But what you are asking and the manner in which you are asking it is so suggestive that it is infuriating to me. You are suggesting negligence. You are suggesting that people like myself or others that work in the institution do not care. That is not the case. When you say it, because you come from a level of authority, people perceive that to be fact and it is not.

**Ms. Hallam:**

Then can I ask you what is different about the situations that people are coming into the ACJ from, the barriers that they face, and other comparable facilities? We have a higher death rate than Rikers Island. The person who just died also was not 80, he was 74, but what I want to know is the things that you are saying are about correctional institutions, in general, about the system as a whole. It is not unique to the Allegheny County jail. I never once said anything about the staff members at the jail. What I talked about is how the administration acts about the operations at the jail and talks about the things that are going on in the jail, not addressing the fact that human beings are dying at a higher rate in our jail, that every single person up here is responsible for, that you all out there are responsible for, dying at a higher rate than at any other comparable facility in the entire country. Those barriers that you talked about are not unique to folks in Allegheny County. Those issues that you talked about, the health concerns that you talked about, the lack of treatment that people are coming from, the life situations that people are coming from, all of those things are not unique to our jail. So, for you to say that is the reason in response to my question, that is being disingenuous. That is repugnant. Not my question about why this is happening and what are you going to do to stop that from happening because that is your job. It is my job to make sure that you do that job. So, I think it is a very fair question and I would like to know what you are doing to stop that from happening.

**Deputy Warden Williams:**

I think the question is fair. In my position I expect to have criticism and questions like the one that you asked, it is the manner in which you ask and the suggestive nature that people are doing things wrong within the facility.

**Ms. Hallam:**

I never said that.

**Deputy Warden Williams:**

The particular word that I had issue with is that we should be "ashamed".

**Ms. Hallam:**

I am ashamed. I am ashamed that our jail has a higher death rate than Rikers Island when we see about the deaths in Rikers Island on the news on a national level. I am ashamed.

**Judge Lazzara:**

Ms. Hallam, do you think you can let her answer the question?

**Ms. Hallam:**

Yes, but I would like her to answer the question instead of doing a work around?

**Judge Lazzara:**

She is trying to answer, and you keep interrupting her. So, if you would let her please answer that question.

**Deputy Warden Williams:**

Honestly, I do not even know what your question is.

**Ms. Hallam:**

My question is what steps is the jail administration taking to make sure that we no longer have the highest rate of deaths of incarcerated folks of any comparable sized facility in the country? What is the jail doing to change that?

**Deputy Warden Williams:**

When we have sentinel events in the facility, which include what we would call good catches instead of near misses and the events that result in death, we do reviews of the entire record. We make determinations if there are any procedural errors or processes that could be strengthened within the institution to ensure that this does not happen again. We have extensive conversation within the healthcare department, specifically the management team, to make sure that we have the appropriate level of equipment. Our medical director typically provides advisement. Then we wait for the autopsy report to make further determinations as to whether or not this was a preventable death. I can tell you that when it is a natural cause death if you are doing cardiac resuscitation on somebody who is having a heart attack you may not save them, even if you do every single lifesaving measure. So, at this time we have not identified deficiencies to the care that was provided. It was not related to medication error. It was not related to missed medication. If I could stop people from dying in general I would, but that is not within my purview or power.

**Ms. Hallam:**

Have those reviews that you mentioned been done after each of these deaths that has happened at the Allegheny County jail? Have you identified any deficiencies that you have corrected?

**Deputy Warden Williams:**

There have been process improvements after some individuals who had taken their lives. Those have been where we have seen the most significant changes to either policy or procedure.

**Judge Howsie:**

Can we move on to a new business at this time?

**Mr. Pilarski:**

Can I just say one thing, your honor? I just want to say as someone who has personally spoken with you on vacation, at 1:00 o'clock in the morning, someone who has spoken to the Warden on Christmas Eve, Christmas Day, every holiday, and someone who's spoken with Deputy Beasom after hours and on vacations, I want to thank you because you do everything possible. Despite of everything you do, some things are not preventable. I want to thank you for everything you do because I personally know what you three go through and what you do for the taxpayers of Allegheny County. Every single day.

**8. New Business**

**A. Unannounced visits**

**Judge Howsie:**

Thank you. We are now moving on to new business. Ms. Klein, it is my understanding you had an unannounced visit. Would you like to briefly discuss that experience?

**Ms. Klein:**

I did not bring my notes with me. Yes. I believe I went on December 17<sup>th</sup>. It was in the evening. I was there from about 6:00 to 8:30. I will say Warden and Deputy Warden the mask compliance among the staff was not as high as it was the last time. I mean, you see my get up, I have to wear this at work. I totally get it. It is horrible. With the rate of Omicron, I would just encourage that people really be compliant as difficult and as human as we are. The facility was clean and orderly. I know nobody knew I was coming. I spent the majority of my time in the women low security pod. I passed on some questions that people had about the commissary to the Warden and thank you for checking into that. I am sorry I really did not know. The one I think in my notes I put recommendations. There are no women shoes on the commissary. I talked to a pregnant woman and she was afraid that she might

fall in the slippers. I did not know if we could put women shoes on the commissary. She did say she was not getting any snacks or fresh fruit. I know we have talked about this ad nauseam, but I did think that Dr. Anderson had requested that for pregnant women.

**Judge Howsie:**

If I may, you had also mentioned you had a concern for toothbrushes for processing.

**Ms. Klein:**

Thank you for reminding me. In processing, people were showing me their dirty hands and I understand there is hand sanitizer there but people are sometimes there for over 24 hours. I would feel really icky if I could not brush my teeth. So, I did not know if we could have those dry toothbrushes for people so that they could brush their teeth. Also, what the status of water and soap are in processing?

**Warden Harper:**

That is something we can look at Ms. Klein.

**Ms. Klein:**

Thank you.

**Judge Howsie:**

Lastly you had also indicated a concern for pregnant women getting the diet that was prescribed by medical staff.

**Deputy Warden Williams:**

We are continuing to work with the dietary vendor. There have definitely been more instances than not when fresh fruit was not provided but canned fruit instead. So, we are continuing to work on those items. You are right, Dr. Anderson, it is a good thing to credit her, she fought very hard through several different dietary vendors to make sure that those would be provided.

**Judge Howsie:**

Thank you. Ms. Hallam, you also had an unannounced visit. Would you like to briefly discuss it?

**Ms. Hallam:**

At our February meeting I will have a written report from that and my upcoming January visit. I will combine them both but thank you for that.

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

**Judge Howsie:**

Thank you. It is my understanding of a motion for the money regarding the IIWF.

**Ms. Hallam:**

I have 2 motions. The first one is I would like to make a motion for money from the Incarcerated Individual Welfare Fund to be put on the commissary accounts of each person in the ACJ. As of my drafting of this motion there were 1,534 folks incarcerated in the jail, \$50 for each person would be a total cost of \$76,700. I would like to ask for a second to that motion.

**Ms. Klein:**

Second.

**Judge Howsie:**

All in favor?

**Others:**

Aye

**Judge Howsie:**

So approved.

***The board unanimously approved a motion by Ms. Hallam, duly seconded by Ms. Klein, to request money from IIFW to be put on the commissary accounts of each incarcerated individual (1,534 individuals x \$50.00 = Total \$76,700).***

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

**Ms. Hallam:**

Thank you. Then the second one is a motion for money from the incarcerated individual welfare fund to be put on the tablet accounts of each person. Again 1,534 folks incarcerated in the jail, \$50 for each person for a total of \$76,700. I would like to make that motion and ask for a second.

**Ms. Moss:**

Second.

**Judge Howsie:**

All in favor?

**Others:**

Aye

**Judge Howsie:**

Anyone opposed? So approved.

***The board unanimously approved a motion by Ms. Hallam, duly seconded by Ms. Moss, to request money from Incarcerated Individual's Welfare Fund to be put on the tablet accounts of each incarcerated individual (1,534 individuals x \$50.00 = Total \$76,700).***

**Ms. Klein:**

Judge, I have an unannounced motion. In the past I have been for meeting in person, but I feel with Omicron that, you see my get up, I am really not comfortable with us meeting in person. I would like to make a motion that we resume virtual meetings until the Omicron crisis has passed.

**Ms. Hallam:**

I would like to second that motion.

**Judge Howsie:**

Does anyone have any discussion, any concerns any statements they like to make?

**Ms. Klein:**

I am happy to make a discussion. Today when I read in the newspaper the Allegheny County positivity rate was above 25%, I believe, and that is very conservative because that does not take into account home testing. This is just

anecdotally, people who are vaccinated and boosted are getting breakthrough infections. This is not to disparage the vaccine. Those people are not as sick as the people who are unvaccinated. But people in my work are fully vaccinated and testing positive. Anyhow, I feel like we are taking a risk and more so the public. That is why I am making this motion.

**Judge Lazzara:**

Ms. Klein can we do it on a meeting by meeting basis? So, like vote this time for just February and then be able to reconsider it in February for March. Would you accept that as a friendly amendment?

**Ms. Klein:**

Absolutely. So, the motion then would be to switch just to February to return to virtual. I do not know what that means as far as the court.

**Ms. Hallam:**

PJ can probably handle it. We will talk about it.

**Judge Howsie:**

Do you second?

**Ms. Hallam:**

I second.

**Judge Howsie:**

All in favor?

**Judge Howsie:**

Anyone opposed? The motion carries.

**Ms. Klein:**

I am sorry. I know. I really wanted to be back in person.

***The board unanimously approved a motion by Ms. Klein, duly seconded by Ms. Hallam, to return to a virtual meeting for the February meeting.***

**Judge Howsie:**

That is fine. Regarding the March meeting, I realized that it may necessarily be virtual depending on what we agree, but in the event that the meeting is in person, the room on Thursday, March 3<sup>rd</sup> is already reserved. So, is anyone interested in having the meeting on March 2<sup>nd</sup>, which will be Wednesday? We can either have the meeting later on March 3<sup>rd</sup> at 5:00pm or we can start at the regular time on March 2<sup>nd</sup>, which will be Wednesday.

**Ms. Hallam:**

Is there an opportunity to do it in like a different room? I know before we went virtual the Jail Oversight Board used to not meet in this room but meet at that same time. I personally, just giving my input, would like to keep it the same time if we could move it to a different room, I would be more comfortable with that.

**Judge Howsie:**

It is not available. I checked. There are no rooms available.

**Ms. Hallam:**

Well it is virtual then for March. There you go.

**Judge Howsie:**

Well that is not what I asked. In the event that is an in-person meeting, the options are to have it at 5:00pm on Thursday or 4:00pm, the regular time, on Wednesday.

**Ms. Hallam:**

I will move for Wednesday.

**Mr. Pilarski:**

I am for Wednesday too, rather than 5:00pm.

**Ms. Hallam:**

Do we need to vote for that?

**Judge Howsie:**

I would assume. So, all in favor of having a meeting on March 2nd Wednesday at 4:00 PM, if it is in person?

**Others:**

Aye

**Judge Howsie:**

Alright, so in the event that the meeting is in-person, it will be on March 2<sup>nd</sup>.

***The board unanimously approved a motion by Ms. Hallam, duly seconded by Mr. Pilarski, to change the March meeting to Wednesday, March 2, 2022 at 4:00pm IF the meeting is in person, due to availability of board rooms.***

**Judge Howsie:**

Judge Clark, I believe you may have had something you wanted to share.

**Judge Clark:**

Yes, about the Juvenile Justice Reform Act, which took effect in December. So, this act became effective December 21, 2021 and affects juveniles detained in jails or adult lockups. It only applies to cases that were filed on or after December 22<sup>nd</sup>, so it is not retroactive. The new law requires that any juvenile under the age of 18 being processed through criminal proceedings may not be held for pretrial in a jail or a lock up for adults, unless a judge determines it is in the interest of justice to detain a juvenile in the county jail. All juveniles must be separated by sight and sound from adult inmates. Should a judge determine it is in the interest of justice to detain a juvenile in a county jail, an interest of justice determination must be made at the time of the preliminary arraignment. So that would be usually the magisterial district judges and then every 30 days thereafter. So, there would have to be this series of hearings. The 30 days or after would then be heard by Common Pleas judges. A juvenile cannot be held in an adult facility for more than 180 days, unless the court finds good cause for an extension or unless waived by the juvenile. So the court has to consider the following factors in determining making the interests of justice determination: the age of the juvenile; the physical and mental maturity of the juvenile; the present mental state of the juvenile, including whether the juvenile presents an imminent risk of self-harm; the nature and circumstances of the alleged offense; the history of prior delinquent acts; the relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile and protect the safety of the public and other detainees; and any other relevant factors. In Allegheny County, cases involving juveniles charged as adults, or what we call ACT 33 cases, are always initiated at Pittsburgh Municipal Court right here downtown, with the preliminary arraignments to be held within 6 hours of the juvenile initially being detained. During the preceding the magisterial district judge will conduct the interest of justice determination prior to setting bail, which could result in the juvenile being held in the county jail. All MDJ's have been informed and forms have been developed for them to help them remember what the factors are and to process that.

I would just say there have been no juveniles charged in Allegheny County as an adult on or after December 21<sup>st</sup>. So, we do not have any new cases. There are currently 20 juveniles detained in Allegheny County Jail, which 7 of them are from other counties. The reason for that is even without this act juvenile's held in adult facilities had to be separated by sight and sound. Therefore, many county jails do not have that ability. So that is why we have 7 juveniles detained in the Allegheny County jail from other counties. I asked for a breakout of the ages and the charges to provide to you. These juveniles are the ones charged with the most serious charges. Many juveniles who have been charged as adults get bail. They are out just like any adult. But these ones are the most serious charges. There is one 14-year-old from Allegheny County charged with homicide. There are seven 15-year-old's: 4 are from Allegheny County and charged with criminal homicide; 1 is from Allegheny County and charged with aggravated assault and criminal conspiracy; 2 are from out of the county, 1 we know is charged with the homicide and we do not have information on the other 1. There are three 16-year-old's: 2 from Allegheny County charged with homicide; 1 from Allegheny County charged with robbery and possession of a firearm. There are nine 17-year-old's: 2 from Allegheny County charged with homicide; 1 from Allegheny County charged with robbery/burglary possession of a firearm; 1 from Allegheny County charged with indecent assault and possession of a firearm/robbery; 5 from out of county, 1 on a homicide, 2 for robbery and 2 charges unknown. As I stated we have not charged any juveniles as adults in Allegheny County since the Juvenile Justice Reform Act amendments have come into place. I just wanted to briefly address the issue of the detention because as you know Shuman Detention Center is closed. We do have beds available through private providers that we are using. Right now, we have 9 juveniles who were detained as juveniles in juvenile detention facilities. I think we have, at least right now, 16 available beds. I would just say that this issue of lack of detention beds is by no means just an Allegheny County issue. It is a statewide issue. Several years ago, there was a lot of juvenile justice reform in Pennsylvania, including the use of a detention risk assessment and really looking at only detaining youth who represented a danger to the community or a real risk to abscond. Over time, many juvenile detention facility's numbers, including when Shuman was open, dropped. So many counties closed detention facilities because they just could not keep them open for two or three juveniles in there. So, right now, there is a shortage of detention beds in Pennsylvania. Many folks feel that the state should help with the effort and we should have regional detention facilities. So that smaller counties would have access to detention beds that are not necessarily so far away from the home county of the juvenile that is charged. I can say personally, in Allegheny County, we are working with the state stakeholders, the State Department of Human Services, the Bureau of Juvenile Services, and others to develop regional detention centers and we would like one here in this region. I want to give a big shout out to Russ Carlino, our Chief Juvenile Probation Officer, who has been working very hard on this. I have had some conversations with some of the folks. So, it is a work in progress. But we do have, right now, 16 detention beds and we are working to have some other detention beds available. So that when we need to detain a juvenile we can. We still want to keep the numbers low because that was the whole design of the Juvenile Justice Reform in Pennsylvania, working with MacArthur and others to reduce those numbers and we did a good job. Right now, we do not have any juveniles charged as adult that would trigger the new laws. I am not optimistic that will continue but we have a process in place to make the interest of justice determinations if we believe the juvenile needs to be detained. As I stated, historically, we only really are detaining juveniles who are charged as adults on the most serious cases, where they have been charged with killing someone or seriously injuring someone with a firearm. Yes, Ms. Hallam?

**Ms. Hallam:**

First of all, I just want to thank you a million times over because I have been trying to find out this information and this is so helpful. Thank you for coming here and telling us that. Honestly, I cannot say that enough. So, thank you. My only question is, are you able to tell us what those facilities are that Allegheny County is using, both the ones that you said the beds are full and one that has 16 available beds? Is it more than one juvenile facility?

**Judge Clark:**

Yes.

**Ms. Hallam:**

What are they?

**Judge Clark:**

I think we have 8 beds with the Adelphoi Village and 8 beds with Cove PREP right now and we are looking to develop some other beds in case we need additional ones.

**Ms. Hallam:**

The kids that are in there already are in one of those two facilities?

**Judge Clark:**

Yes. Not all the beds are even full, so that is a good thing.

**Ms. Hallam:**

Right. Thank you.

**Judge Clark:**

Any other questions? Yes, Ms. Klein?

**Ms. Klein:**

I know you do not have a crystal ball, but would you anticipate with this law that the number of juveniles held at ACJ will go up, go down, or stay the same.

**Judge Clark:**

I cannot answer that. I think it depends on a lot of things. Many places are concerned. There does seem to be some surges of shootings and homicides. It depends on the circumstances I cannot say. A lot of it will depend on the age of the juvenile. Maybe a younger juvenile may go somewhere else to a detention facility. But I do think that yes there will still be youth that will be detained even under the best interest determination, I would likely say so. Right now, when you look at who we are detaining, who is not on bail, these are the most serious offenses. There is a serious issue for the safety of the public or retaliation against victims or witnesses. So yes, I would say that there is a likelihood that a judge, starting with the Magisterial District Judge, would make that determination. But things can change and that is why there is that review process every 30 days. There must be a review of the detention status and the judge has to reconsider all of those facts.

**Ms. Hallam:**

Those MDJ's, I know that you said it is the Common Pleas judges who will be doing the reviews, but that initial arrangement or whatever by the MDJ's, have they received a specific training on how to handle these cases?

**Judge Clark:**

Our court staff is working with them. They prepared some materials so that they can make the sure that they ask the right questions and do not forget any of the factors. They are the ones that set bail initially and many of the juveniles that are charged as adults they do give them bail and they are out. I think they will be able to do it just fine. They are really going to look at I would say homicide. There is a great likelihood that a juvenile would be detained. I mean there could be a determination that the juvenile needs to be detained but at a detention facility. That is difficult for detention facilities because there's risk in placing those juveniles in detention facilities with kids who may not have been charged with those types of offenses, those serious offenses as well. I mean there is a whole lot of science about young offenders and older offenders and how it can be harmful. It is something that we have to look at on a case by case basis.

**Ms. Hallam:**

I was just wondering if there would be some program through the Court of Common Pleas or through the state that could actually train them because this is a really sensitive topic, and these are babies.

**Judge Clark:**

It may be that someone will develop a training for the MDJ's and maybe even for judges as well. It is new and it does not just apply to Pennsylvania cases. I think a lot of states, talking with colleagues across Pennsylvania and in other states, it is a concern because when you are talking about the most dangerous kids, you want to make sure that the community is safe. That is the bottom line for many of the decisions in terms of pretrial detention.

**Ms. Hallam:**

Alright thank you so much, Judge Clark.

**9. Adjournment**

**Judge Howsie:**

Thank you Judge. Keeping in tradition with the sheriff...

**Sheriff Kraus:**

Motion to adjourn.

**Judge Howsie:**

Anyone second it?

**Judge Lazzara:**

Second.

**Judge Howsie:**

Thank you everyone. Thanks for coming.

Kind regards,



Tracy Royston

## Jail Oversight Board Public Comments – January 6, 2022

### COVID/Medical/Deaths

1. Name : Tory Wegerski

Comment : Are more incarcerated people testing positive due to the omicron variant? Are more corrections officers? What are the isolation/treatment protocols for incarcerated people, and what is the minimum time off required for a corrections officer who tests positive before they return to work? Are masks being required of employees? What is the number of people incarcerated or working in the ACJ who have tested positive since December 1st, 2021?

2. Name : Mildred Short

Comment : What treatments are provided someone at ACJ after lengthy hospitalization from contracting severe long haul Covid-19 from ACJ? Why would that same person's wheelchair be taken from that person after all muscle strength was lost? Why was NO physical therapy provided since doctor's strongly recommended long term nursing/rehab ?Why would a doctor there tell the person that others need the wheelchair? Are there not enough to go around? Why was that person's gallbladder surgery rescheduled and it was supposed to be done the beginning of this month as per surgeon. Why was it rescheduled anyway? Why was there no physical therapy provided as hospital strongly suggested long term nursing/rehab be provided for patient? No focus to decubitus on face?

3. Name : Confidential

Comment : My name is Confidential. My husband, Confidential, died after contracting covid at Allegheny County Jail. I was deeply hurt when Warden Harper said at a JOB meeting that they have been doing a "wonderful job" because only my husband has died during the pandemic. I would ask the Warden if he would consider it a success if only one of his relatives died from the virus. Also, Deputy Warden Williams has misrepresented how she treated us. It was 9 days before I even knew Confidential was hospitalized ,and I was never able to speak to my husband. I wasn't even permitted to spend his final dying moments with him. In fact, ACJ distributed a press release to the media about my husband's death before I was able to tell my family privately of Confidential's passing. ACJ's press release stated that "jail administration has worked daily with the hospital's medical team and the family member to ensure there were continued updates related to care." Hopefully, it is now clear to JOB that ACJ did not provide me with adequate updates on my husband's medical care or treat us with a modicum of dignity.

4. Name : Mildred Ahort

Comment : What are the numbers of inmates infected with Covid-19 right now? What is being done to stop the spread of it throughout the jail? Is it true that it begins in the kitchen of the jail? Why is the company who provides food? Is also the same company that provides commissary there too?

5. Name : Carol Nichols

Comment : What systemic changes is the jail making to prevent more deaths?

6. Name : Garret Wassermann

Comment : The county jail is up to six deaths this year, with reports since early 2020 of lack of heat, lack of nutritious food, 23 hours a day of lockdown, a hostile work environment for staff, and more. First, the warden serves at the pleasure of the county executive; Fitzgerald can and should replace

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Harper immediately and demand a thorough human rights investigation. But moreover — why are there so many people in the jail to begin with? Past studies have shown up to 80% of all held at the jail are being held pre-trial solely for lack of ability to pay cash bail. Can the JOB work with the DA and Courts to waive cash bail and let folks await their day in court safely from home instead of caged in close-quarters during a pandemic?

7. Name : John Smith

Comment : Can the Deputy Warden or the Warden clarify when HiPPA applies to reporting the number of inmates or ACJ employees who are vaccinated? The ACJ has reported these vaccination numbers. Also, at the JOB meetings in October & November, the Deputy Warden announced the number of employees who had been vaccinated and the number who had not provided any proof of vaccination.” However, when a JOB member asked for the same information at the December JOB meeting, the Deputy Warden refused to provide it, intimating that disclosure of numerical information would violate HIPPA or privacy right. Can the Deputy Warden or Warden explain the difference or change in position?

### **Solitary Confinement**

8. Name : Alan G Gutwein-Guenther

Organization(s):The Pittsburgh Quaker Religious Society of Friends

Comment : Speaking as a Quaker, we are not proud that Quakers began solitary confinement as a way that people could reflect on their crimes and atone for their sins. For many years, we have realized that this was a mistake, that solitary confinement is a terribly inhumane way to treat people, especially people with mental illness, which many inmates have. At the Allegheny County Jail, we believe the public has the right to know: 1) How many inmates have been subjected to solitary confinement in the past year; 2) A full list of the reasons they were confined and how long they were confined for each "reason." Note: Federal privacy regulations do not apply to aggregated statistics. We're not looking for names. We want numbers. Stop this cruelty now.

9. Name : dominic a Denuzzio

Comment : Warden Harper and ACJ staff should observe the legal ban on solitary confinement. Solitary is an inhumane form of torture and especially heinous during a public health crisis. A massive campaign led by APA demonstrated and highlighted the popular will of the people of Pittsburgh. Brought to a vote, Pittsburgh residents voted in favor of a ban on the immoral use of solitary confinement as a form of punishment. It is anti democratic to ignore the will of the people and go back on this popularly supported measure. No more solitary confinement!

### **Referendum**

10. Name : Albert P DeAmicis

Comment : The referendum on the DHU was a mistake for the safety of the inmates housed in general population and correctional officers. A lot of these inmates housed there under Administrative Custody in these units are highly assaultive and prey on the weaker inmates. These units house the most dangerous inmates in the American Correctional System. I ran the first DHU at the old facility for 6-

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years! There was an officer overpowered, handcuffed and locked in a cell,, while inmates who unlocked the other doors had escaped, One inmate was doing 150 years in Alabama, 30-60 years, 10-20 years and one is on death row for the rape and murder in the PA DOC! COs are murdered in these units. The Referendum is very irresponsible, and places COs in danger.

### Rubber Bullets

11. Name : mario grisom

Organization(s):alliance for police accountabilty

Comment : please remove rubber bullets from the jails and the ones using them be held accountable

12. Name : Alexis Mighty

Organization(s):Alliance for Police Accountability

Comment : Individuals placed in jail are being punished for their crimes. The purpose of a jail is to retribution, incapacitation, deterrence and rehabilitation. While emphasizing rehabilitation, the weapons being used to punish individuals in Allegheny County Jail are contradictory to the progress of growth of those who will return to society and heightening anger and frustration of those who won't. These weapons can also cause serious injuries and are damaging to the same individuals. While they are already being punished for their crimes, these disciplinary procedures create mental health issues, so why add to their PTSD. A protester was shot in the face last summer with a rubber pellet which caused him to lose an eye. How can this jail be effect

13. Name : Kyna James

Organization(s):Alliance for Police Accountability

Comment : We have received complaints of rubber bullet guns being used in A.C.J. Aware of the motion the Jail Oversight Board has in place this particular weapon is one of worse. As we seen during the protests in the summer of 2020 they have caused serious, and irreversible damage. In one instance someone lost their sight in one eye due to being shot with a rubber bullet gun. Sure this weapon is considered less lethal, but it is still LETHAL. We ask that you hold those accountable who have gone against the motion, and not allow this to continue any longer. We look forward to working with you in the future to ensure the human rights, and safety of those incarcerated is met. Thank you all so much.

14. Name : Jesse Wozniak

Comment : There are widespread reports of ACJ COs using chemical irritants and rubber bullets on those housed in ACJ. This is simply unconscionable and must end immediately. As you are well aware, ACJ is one of the deadliest county jails in America, and the over reliance on these types of aggressive interventions is no doubt a significant contributing factor. The use of these weapons should be ceased immediately, and all staff who have used these weapons in the past should be investigated and any who use them in the future should be disciplined or terminated.

### Other

15. Name : Bailey Brown

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Comment : Two Questions: Why does this board and the office of the county executive continue to ignore my question about why Mr. Rich Fitzgerald himself does not participate in these meetings? I would appreciate an actual answer, or at least any form of acknowledgement. Do the members of this board (especially the judges) actually believe that carceral punishment is justice, or that it leads to good outcomes? Please respond and explain. Thank you, Bailey Brown

16. Name : Chloe Linn

Comment : Where is Rich Fitzgerald!!!! Why is he allowed to continue to shirk his obligation to attend these meetings!!! The official state rules DO NOT give him the right to send someone else in his place!! Will Judge Howsie enforce the proper rules or will he continue to give Fitzgerald a pass and make excuses for him like Judge Clark did??? The taxpayers of Allegheny County deserve accountability from their elected officials. Start 2022 on the right note and tell Fitzgerald it is time for him to actually come to these meetings!! I guess I'll end this on a good note since the best news so far out of the ACJ is that Chief Deputy Warden of Healthcare Services Laura Williams is leaving!!

17. Name : Alan Davis

Comment : As a concerned citizen and taxpayer, I find it unacceptable that the ACJ is conducting itself in manners that are against regulations and even illegal. It is quite shocking to know that the supposed justice system is running nothing other than a for profit torture camp in the middle of the beautiful city of Pittsburgh. How can we as Americans criticize anyone else when we allow these human rights abuses to continue with no regard to life, liberty, or the pursuit of happiness? The ACJ is a leader in inmate suicide. As we know, many of the prisoners have not been convicted or have accepted plea deals despite their innocence. We also know that punishment does not rehabilitate. The worst criminals are not the ones behind bars at the ACJ.

18. Name : Jasmyne Delgado

Comment : Hello, As a family member of an incarcerated individual— Is there any word on why we (outside loved ones) have been unable to purchase a “Gift Pack” from Jail ATM since mid November? There are about 6-8 packages for the outside community to purchase but now there are only 2, Male or Female hygienic packages. As if the writing of this email, those two remain the only packages available for purchase. I would further provide proof but we are unable to attach images, however I do have screenshots from November to Current. Thank You.

19. Name : Concerned Taxpayer

Comment : Why is Mr. Pilarski and Warden Harper still resisting granting the retention bonus given to all other collective bargaining agencies in the county to include vendors not directly employed by the county -IE - Hazard Pay? The officer's union has submitted a request for the retention bonus which, per discussion in a prior meeting, was told that they needed to request to receive it - now the county is resisting disbursing the bonus. We as taxpayers are to assume that COVID is so dangerous that ALL executive branch employees had to receive a vaccine or be fired (11 officers lost their jobs over this) in a facility where 75 shanks were found in this fiscal year - 19 of which were found in the last month, are undeserving of a retention bonus???

20. Name : Lorenzo Rulli

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Comment : When are visitation expected to start again ? What is being done to end the 23-1 lockdown within the jail during this pandemic.

21. Name : Jane Smerling

Comment : Have officers been provided with any training on how to comply with the solitary ban referendum? Has ACJ provided training on disciplinary alternatives, which do not rely on force or lockins, and have been successfully implemented in correctional facilities in California, Massachusetts, Chicago and Colorado, and other regions? Has the administration contacted these facilities?