

The monthly meeting of the Allegheny County Jail Oversight Board, Thursday, February 3, 2022 held as a virtual conference 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**

**Acting Controller Tracy Royston**

**Sheriff Kevin Kraus** (technical difficulties and joined after roll call)

**Others in Attendance:**

Warden Harper

Chief Deputy Warden Beasom

HSA John Sciulli

Deputy HSA Dr. Brinkman

Deputy HSA Ms. Karen Kollar

Director Tom Baumgartner

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

**Judge Howsie:**

Good evening to everyone. I will call the meeting to order. I will also recite the rules. Everyone will be treated with dignity and respect. Everyone will have the opportunity to be heard within reason. Anyone wishing to address the board must sign up. Depending on the number of people who wish to speak we may impose a time limit. I may also limit the number of speakers so that the board can conduct the business of the meeting. These two rules apply more so when we are in person. If there is time at the end, I may permit additional speakers. Profanity and yelling will not be tolerated. 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. Thank you for your consideration.

**2. Presentation**

**Judge Howsie:**

With that being said, I believe there is a presentation that is scheduled. We will have the presentation at this time.

**Warden Harper:**

Your honor, yes, we do. We have Amy Kroll and she is going to be giving a presentation on Departments for Work Program. Amy?

**Amy Kroll:**

Hi, I am I am here to let you guys know in January we launched Pathways to Home. This is a new program. We had a six-month planning grant, but as you know with COVID it was quite tricky to go around and understand what this grant is. Basically, the grant is designed to be a bridge between individuals that are incarcerated to workforce. There is a lot of programs that do bridging for individuals from incarceration to the community but what we found is if the individual does not have a living wage job the chances of them coming back are super high. So with Partner4Work, which is the Allegheny County workforce board, we partnered with them to apply for this grant. So what does the grant do? Basically, we are enrolling individuals that are in Allegheny County Jail that are between 20 and 180 days from release.

From there, we actually sit down as workforce development specialists to talk to them about whatever they have done. We in reentry have always supplied the case management and the support services in the community but what is new for us is that we are now trying to help these guys bridge right into training and/or a job. So, we have had to take on a lot of training ourselves to understand the multitude of training programs out there but even more to talk to a lot of employers about our clients and their records. Finding out who would they be willing to employ and not. Then our biggest thing is we are not looking at employers if they're not paying above \$15-\$18 because in Allegheny County you have to make about \$18/hour in order to afford your rent, your utilities, your food, your transportation, your clothing, etc. We know that if we cannot get these things provided the chances of people coming back are very high. We enroll the individuals. We are doing a full IEP, which is an Individual Employment Assessment, on the individual. From there, we are actually talking to them about a lot of training. We have already enrolled 20 individuals. Just to give you a little snapshot, an individual that we enrolled in here went to alternative housing. From there he went to Allstate. We actually paid for the training in Allstate. He was getting \$10/hour, which is about \$350/week in a paycheck because you get paid to train. He did receive his CDL license last week and Rox Trucking hired him. He started on Monday and he is making \$25/hour. He does have a probationary period that he will be going through for the next 90 days. He does want to go back to school at night, which you can, because he is driving the smaller box trucks. To be able to drive the 18-wheelers, it is a 6-month program. Those guys cross county lines and some of the jobs you got to cross state lines. He is on probation, so that is his goal for the future. One of the things when you do an IEP is you look at what is a short-term goal, able to be obtained, able to live, and be able to afford to help his family. Then what is a long-term goal for these individuals. But the funding comes through the Department of Labor to Partner4Work and then we in turn our partnering with them to implement this program. Our goal is to have 100 guys enrolled in the first year. In just January and February, we have already enrolled 10. Three are now in training programs, with the rest as they get out or go to our work release program, they then will be involved in training programs or immediately to work. Because of our ServSafe certification in here it is a beautiful partnership. Once they get their ServSafe, they are going to go right over to Community Kitchens of Pittsburgh. They will be making a \$11/hour to train over there for the next 12 weeks/3 months. They now have internship programs that they will place you in at a higher wage after you have gotten to a certain part in your training. I never thought I would be talking to the Builders Guild. That is a training program where you go in and you touch some plumbing, you touch some carpentry, you touch some brick laying, and you go through all the different trades to see what you like because a major portion of the guys that we are dealing with, men and women, are young. I always call him the young knuckleheads because they do not even know what they are doing. Basically, you have to say to them, do you want to work with your head or your hands or do you want to work indoors or outdoors, before you even start their IEP. A lot of them have never even thought about it. It is a whole re-training, but we are we are all learning together. I think it is kind of been a really great program for an addition to re-entry because it is really making everybody look different at the trades and look different at employment. We always say we got to strike while the iron's hot. There is so many jobs out there and a lot of employers are becoming more and more forgiving of any criminal record. So, it is a time when our clients can really get involved in a really good scale and change their lives forever. We are seeing it over and over again. So that is the new program. It will be running all this year. I can periodically give the Warden updates on how people are doing and the amount of jobs, with higher pay, that these clients are getting when leaving these jails. Are there any questions? I have stunned all of you?

**Judge Howsie:**

They were all impressed. Great news.

**Amy Kroll:**

It really is. It is super exciting. This individual, to know that he got this job, he was just beyond bubbling. There are incentives too. Every individual could earn up to \$250 in incentives. They helped set their own goals. So, with this individual he said, I would like a \$50.00 gift card when I complete training. I would like another \$50 gift card when I am at my first job for 30 days. He said he wants gift cards to Walmart. He earned that first one when he got his CDL license. So, they actually set their own incentives, which makes it so much more of a plan that they are building. We are not saying this is what you have to do. This program is very much not a cookie cutter. Everybody is different.

Everybody has a different tray. Everybody has got to figure out what they want to do with their life, just like we all did. You got to stumble around a little bit. It is very different.

**Ms. Moss:**

Can I ask a question? When they get their CDL's who supports that because I know that is pretty expensive?

**Amy Kroll:**

We do. Through Partner4Work with his grant. Most of the training providers are paid \$5000 per participant. Actually, we all are going into a meeting because everybody knows they are now changing the CDL license for truck driving. It is coming out. The license has changed and the regs go into effect 2/7. There is a huge meeting on 2/11 of what is the different training. This individual knew that these regs were changing, so they changed their curriculum, so he is instead with it. So, he is good.

**Ms. Moss:**

That is good. That is very nice. I think it is a nice program.

**Judge Howsie:**

Very impressive. Any other questions?

**Judge Lazzara:**

That is just an absolutely fantastic program. I can see so many people getting the benefit of that. Are there any restrictions on who can participate?

**Amy Kroll:**

You have to be 18 years of age, you have to be returning to Allegheny County, and like everything else you have to be high and medium risk. We did go back to the Partner4Work and we asked them to talk to the Department of Labor to see if we can enroll individuals that are low risk. You know, just to see if we can get it way past 100. We want to blow that number out of the park. We are hoping to get a lot more this year.

**Judge Lazzara:**

Fantastic.

**Ms. Moss:**

Yeah that is great.

**Judge Howsie:**

I have a question. I think I understand what you mean, how do you determine if a person is high risk or medium risk?

**Amy Kroll:**

We go by their pretrial proxy score. That is age at first arrest, current age, and number of priors. We do go to probation when we think an individual's number is wrong. We have probation do the LSIR on the individual to see if that individual has a lot more risk. If the probation score is different, we go by the probation score.

**Judge Howsie:**

Impressive. Any other questions? Thank you very much ma'am. Thank you for the information. We appreciate it.

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

**Judge Howsie:**

Alright, we will now have the community corrections report.

**A. Passages to Recovery**

**B. The Renewal Center**

**Adam Zak:**

Hello. Good afternoon. This is Adam Zak reporting for Renewal Inc. Next Friday, February 11<sup>th</sup>, our workforce department will be hosting representatives from Land Force Pittsburgh for a job event. They will present an excellent opportunity for our men and women to receive 7 weeks of paid training followed by guaranteed employment. Training will include first aid, tree planting, OSHA 40, chainsaw safety, and restorative practices. Employment will consist of tree planting and care, invasive plant removal, trail construction, and basic construction just to name a few. Also, next week, February 11<sup>th</sup>, and also on February 18<sup>th</sup>, Divine Intervention Ministries in collaboration with UPMC will be hosting vaccine clinics at both of our residential facilities. We have been told the Moderna, Pfizer, and Johnson and Johnson vaccines will be available at the clinics. This will be open to all our residents and staff who would like to take advantage. Thank you.

**C. Electronic Monitoring**

**Steve Esswein:**

Good afternoon, Steve Esswein, at the probation office. So, nothing new to report outside of report that has been submitted. Just to highlight a few things, we did have 575 individuals on the bracelet at the end of the reporting month. We had 90 people that successfully completed the program during that reporting period and 5 were returned for program violations. That is all. Any questions? Thank you.

**Judge Howsie:**

My apologies, one more time, what was the total number of people on house arrest?

**Steve Esswein:**

575

**Judge Howsie:**

And that would all be as a result of being sentenced or is that pretrial as well?

**Steve Esswein:**

That would include pretrial also.

**Judge Howsie:**

Do you have a breakdown?

**Steve Esswein:**

Pretrial was roughly around 130.

**Judge Howsie:**

If my memory serves me correctly, there was a time when I think, maybe, I do not know, the court system as a whole was frowning upon the use of electronic home monitoring for pretrial detention. Is that still the case?

**Steve Esswein:**

I do not believe so. It is used pretty heavily. Like I said it is around 130 currently that that are on. We are putting them on and taking them off every day. So just depending on you know who is requiring it.

**Judge Howsie:**

Any other questions? Thank you very much.

#### 4. Review of the Minutes for January 6, 2022

**Judge Howsie:**

We will now move on to the review of the minutes. Hopefully, everyone had an opportunity to review the minutes from the meeting from January 6, 2022. Is there a motion?

**Ms. Hallam:**

So, moved.

**Judge Howsie:**

Is there a second?

**Judge Lazzara:**

Second

**Judge Howsie:**

Minutes are approved from the previous meeting.

*The board unanimously approved a motion by Ms. Hallam, duly seconded by Judge Lazzara, to receive the Jail Oversight Board Meeting Minutes from January 6, 2022.*

#### 5. Old Business

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

**Judge Howsie:**

We will now move on to old business. Suicide prevention subcommittee?

**Chief Beasom:**

Thank you, your honor. This is Chief Beasom. I am going to field this one for the Warden. We are jumping off the agenda a little bit here. The installation of the suicide resistant cells continues. I can report to 3 of the 10 that are slated for install are completed at this point. So that process will continue until the other 7 are completed and functional. That is all I have sir.

**Judge Howsie:**

Any questions or follow up?

**Ms. Moss:**

How many completions?

**Chief Beasom:**

3 completed Ms. Moss.

**Ms. Moss:**

Thank you.

**Judge Howsie:**

I know last meeting there was some concern regarding the timeframe for completing one of the cells. Generally speaking, I know it is hard to kind of say, what the time frame is, but do you have a guesstimate as to how long it typically takes to complete a suicide resistance cell?

**Chief Beasom:**

We are averaging about a week per cell, so we are hopeful with having 7 left that we should be done within the next 2 months.

**Judge Howsie:**

Any other questions?

**B. Update on policy for Polycom devices to be used for meeting with other providers**

**Judge Howsie:**

I guess we are moving on to the update on the policy for Polycom.

**Warden Harper:**

Good afternoon. First thing I would like to do is introduce everybody to the board. I have our HSA John Sciulli. I have our Deputy HSA Dr. Brinkman and Ms. Karen Kollar. I also have our Director for Substance Abuse, Mr. Tom Baumgartner with me, along with Chief Beasom. So, our Polycom's are operational but we are not able to use the RENOVO software as of yet but if individuals would like to utilize the Polycom machine they can fill out a request that is on the jail website. Now I just want to tell everybody with us having 14 isolated pods, our priority is to the courts. For those individuals that are on the isolated pods, we want to make sure that they have access to the courts first. So, our Polycom machines are operational. The RENOVO software is not operational at this time but if anybody would like to schedule a Polycom visit, they can utilize the request form on our website. That is all I have for the Polycom sir.

**Judge Howsie:**

Any follow up or any questions?

**C. Update on compliance with solitary confinement ban ballot referendum**

**Judge Howsie:**

What about the compliance with the solitary confinement ban ballot referendum, Warden?

**Warden Harper:**

Again, I want to report that we are completely compliant with Chapter 205. Now I do want the report to the board that you will see a change to the reporting on the report on the 5<sup>th</sup>, Saturday. The change that you will see is you will not the safety for all of the reasons for people being confined. You will see a different indication, which will be medical, assessment, and/or requested protective custody. That is what I am thinking about right now but that may change by Saturday. But I just want to report to the board safety will not be the only reason, we are going to look at other reasonings for that report. So that is all I have for compliance to Chapter 205.

**Judge Howsie:**

Ms. Hallam?

**Ms. Hallam:**

Yeah, I am confused. The referendum very clearly outlines what the reasons are that someone is allowed to be put in solitary confinement. I am wondering why you are trying to use different terminology instead of the terminology that is required as per the referendum.

**Warden Harper:**

Ms. Hallam tell me what you understand as to what the referendum say should be the reason.

**Ms. Hallam:**

Well if you give me one second here, I can actually read it to you and tell you. So here is the exception. You can report this as a facility wide lockdown. So that would be every single person in the jail. You could use that as a reason, but you would have to have every single person in the facility on there. Another is emergency use of short-term solitary confinement, which again can only be for 24 hours. Also, when it is requested protective custody, which is when they have to actually fill out a form and request that they be placed in it. So, if you are putting someone in solitary confinement those are the 3 exceptions that are allowed. Those should be the only reasons that are included in your report for why someone is in there.

**Warden Harper:**

So, I have heard your recommendations and I will consider those recommendations for Saturday's report.

**Ms. Hallam:**

I am sorry can I say one more thing? It is not really my recommendation, it was a referendum that was passed by the voters of Allegheny County, that was reviewed by the county legal department prior to going on the ballot. I just do not really understand why it is always coming across to you as this is my idea and this is what I would like to see, when it is so very clearly outlined in the language of the referendum. So, can you maybe speak to why you do not think that that is what the referendum says?

**Warden Harper:**

Ms. Hallam, I said that I will look at your recommendation and we will consider it. I am not going to get any further into that ma'am.

**Ms. Hallam:**

I am sorry. I am just confused because these are not my recommendations at all. I wish they would because they are brilliant, but they are not my recommendations. This is actually the language of the referendum. So, can we just get a report that complies with the referendum and not what your recommendations are for how the reporting should be done?

**Warden Harper:**

Again Ms. Hallam, we will look at your suggestion and if we feel as though that should be the reasoning, we will put it in the report.

**Ms. Hallam:**

Is there any someone else on the Board that could you know rephrase what I am saying in different words so that it could be better understood? I am just very confused as the why we have this language, it is very clear, it is outlined. I know you have the copy of the referendum. I know the board members have the copy of the referendum. Is there maybe someone else that could translate here a little bit where this disconnect is?

**Ms. Royston:**

This is Tracy. I am sorry. I will chime in a little bit. I am having technical difficulties. I am trying to get back on, but I am on the phone. You know this was an issue that even though I was not physically at the meeting, I was observing last month as well. I do think that there is some loose interpretation of this referendum that is happening. I would like to see the Board maybe have a meeting with the Warden and come up with some better definitions because I feel like when we are reporting solitary confinement or other measures we are skirting around what the referendum intended. I do not want to see that happen. I do think it is the responsibility of this Board to make sure that that is being complied with as the voters wanted. I support what you are saying Bethany and I think that maybe some clarification in terms of what we are requiring for reporting would be welcome.

**Ms. Hallam:**

I agree with that. I would appreciate it. I actually had suggested a subcommittee specifically for a referendum compliance, something along those lines. If maybe the Warden could read to me where in this referendum it says the reasoning that he is trying to give that would make it clear this up a little bit. I do not see anything on here about medical, unless again you want to use that as emergency short term, in which case the person cannot be held for more than 24 hours. That is the only thing that I could see in here that would even maybe almost align with that but again it could only be for 24 hours. So, I think it is pretty clear. I mean, I like that idea Tracy. Is anyone else on the Board maybe interested in forming a subcommittee to ensure that this is followed? Because I just think it is disingenuous to the voters who passed this legislation.

**Ms. Klein:**

This is Terri. I am sorry I am not on Teams. I am sorry to interrupt. I think it would be a really nice idea to have a meeting with the Warden and maybe take the temperature down a little bit, so it does not seem like every meeting were having this back and forth. I think it would be just helpful to have a conversation like Tracy said, what it means to all of us and come to a consensus because I think we could do that.

**Ms. Hallam:**

Yeah, I think so too. Also, if we could maybe get the report before the Jail Oversight Board meeting so that we could reference a report. What is going to happen is if you are putting this out on Saturday, now we are waiting a whole month to talk about the report from January. We are not trying to do gotchas. It is not like trying to turn the heat up or anything. It is really just trying to enforce a referendum that is now law in this county.

**Chief Beasom:**

Ms. Hallam, it is Chief Beasom. Per the referendum we have to send that report out on the 5th of each month. We need every one of those days from the end of the month up until the 5th to generate that information and review it for its accuracy. So, it is unfortunate that this meeting is on the 3rd of the month, but we need those five days.

**Ms. Hallam:**

Okay, I understand that. I appreciate you explaining that.

**Judge Howsie:**

My question is, I do not have the referendum handy and I know it is in an email and I am having trouble locating it, but what are the 3 reasons for the for solitary confinement?

**Ms. Hallam:**

This is under it says, "exceptions to the rule against solitary confinement". The first one is a facility wide lock down, where the Warden determines a facility wide lockdown is required to ensure the safety of persons held in the facility. The next one is emergency use of short-term solitary confinement, which they can be held for a period of 24 hours but no longer than necessary to determine what they should be isolated from other detainees. They cannot even be held in that 24 hours short-term solitary confinement unless the Warden has made and documented an individualized determination of the necessity for it, the person has received a personal and comprehensive medical and mental health examination conducted by licensed professionals, or the medical and mental health professionals has set forth any condition or conditions they believe are necessary to protect the person. Again, those 3 reasons for the 24-hour only. Then the last one is if the person themselves requests protective custody. In which case they actually have to fill out a form saying that they do this, which I have also ask for and I have not been provided a copy of that form as well. If it even exists. But those are the 3 things: 24 hours, facility wide lockdown, and requested for yourself.

**Judge Howsie:**

Even though I do not work in the jail I can envision situations that might necessitate solitary confinement that do not necessarily fall into these 3 catch-all's. I do think it would be worthwhile to have an executive session with the

Warden at some point in the future to discuss these categories and to try to get an understanding of some of the challenges he may be experiencing, but also the necessity of him having to comply with the referendum. I think that is a point worth noting and I think that is something we should definitely do in the future.

**Ms. Hallam:**

Right and again if someone wants to try to do another ballot referendum to change the law, if someone would like to legislate a change to the law, they can do that but this is a law that is on the books in Allegheny County. We cannot say that not everything falls into those 3 categories, you still have to follow it, or you have to change the law.

**Judge Howsie:**

Everyone is clear it is the law. No one is challenging that it is the law. I would think that the Warden is probably having some challenges regarding situations that he may be encountering in the jail that you and us may be unfamiliar with, so I think it would be worthwhile to have that meeting.

**Ms. Hallam:**

Absolutely. I look forward to it.

**Judge Howsie:**

Alright. With that being said, is there anything else regarding solitary confinement?

**Ms. Royston:**

Judge Howsie, will you take initiative to schedule that executive session?

**Judge Howsie:**

I sure will. Anything else? I wanted to point out that Sheriff Kraus has joined the meeting for anyone who was unaware.

**Sheriff Kraus:**

Thanks Judge. I had a little technical difficulty getting in here.

**Judge Howsie:**

A few people have, no problem. Good to see you.

**Sheriff Kraus:**

I was panicking, for the record. Thank you.

#### **D. IIWF Report**

**Judge Howsie:**

IIWF report, Judge Lazzara?

**Judge Lazzara:**

So, we have been working on a couple of things. The survey is still in the works. Terry, I think, has the latest information to update us on the survey of the incarcerated individuals.

**Ms. Klein:**

Dean farmer is hoping to have a first draft by late February and a final report in March.

**Judge Lazzara:**

That is fantastic. I guess they got an awful lot of data and it is taken a little bit longer than anybody thought because they were not sure they would have so much data. It is wonderful to see that everyone participated so well.

**Ms. Klein:**

And delays due to COVID I think among the people who were working on the information.

**Judge Lazzara:**

That is not surprising because I think everybody has COVID or has had it recently. The second big project that we have on our plate is the liaison position that has been approved by this board and that we are we are trying to get working through. We are looking to enter into a contract with the Pennsylvania Prison Society, where the Pennsylvania Prison Society would provide the personnel that would serve as the liaison. Obviously, that takes a contract between the County and the Pennsylvania Prison Society. We had our job description, they had the terms of what they thought they could do, and Steve Pilarski did an awful lot of work taking every memo that I sent him, which I think was a lot, and putting it together to come up with a list of terms that we thought satisfied both parties. That has been distributed to the members of the committee and we actually had a Team's conference discussing those. We think that the next logical step is to proceed with an in-person via teams meeting with Claire from the Pennsylvania Prison Society. So, I have circulated some times. Claire responded and we think we are going to do that at the end of next week. So, we will have be able to have a sit down and discuss any concerns that the Prison Society has, any concerns that we may have as members of the subcommittee, so that we can hammer out the final details. If all goes well hopefully we will have everything ready to go for the next board meeting as a final draft of things, so that we can really move forward with this important position that I think is just going to help out everybody involved. We are really excited that it is moving. Mr. Pilarski has done an awful lot of work and the committee has done an awful lot of work reviewing things that I send them with sometimes not a lot of notice. I appreciate that. I believe that Judge Howsie has told Mr. Pilarski that he is now on our committee, which we welcome him to serve on the subcommittee with us. I think that is it. I do not think I missed anything.

**Judge Howsie:**

Alright. Does anyone else have anything regarding the Incarcerated Individuals Welfare Fund? We will move on to the update regarding the Summit contract.

**Ms. Hallam:**

Judge Howsie, did we skip over one of the things on the agenda, the update on compensation for work performed?

**Judge Howsie:**

Forgive me, my apologies. Thank you very much. Update on compensation for work performed by the inmates at the ACJ?

**Warden Harper:**

I did not see that on the agenda, your honor, so I am not prepared to talk about that.

**Ms. Hallam:**

No, it is it was not for you to talk about. It was from our subcommittee meeting and I know the Acting Controller was going to look into it. That is what we were waiting on. I believe at previous meeting we said over the next 2 months they were going to study how much money it would cost and work with the jail to get numbers on how many hours a week are worked by incarcerated workers. So that we could then try to bring a motion to this board. So, it was not on the agenda as much as it something from the Incarcerated Individuals Welfare Fund Committee. I do not know Tracy if anything has happened with that. I know, again, I just want to make sure this does not get lost. I know there was a transition in the role of Controller. I just wanted to get an update on anything that is happening or if there is anything that the rest of the board can do to support that happening.

**Ms. Royston:**

We do not have anything new right now, but I can get something by the next meeting.

**Ms. Hallam:**

Awesome. Thank you so much.

**Ms. Klein:**

Speaking about that, I thought Mr. Pilarski was going to look into it. If there was going to be any issues with union contracts with paying incarcerated workers.

**Ms. Hallam:**

Oh, you are right Terri. Thank you, that too.

**Mr. Pilarski:**

I can tell you preliminary there would be issues with that in terms of work, but I have not done any extensive research into that. But preliminary yes there would be some issues that would have to be addressed for sure.

**Ms. Klein:**

Since you are our contract guru, is that something you could look into?

**Mr. Pilarski:**

Yes, I could do some further research into that.

**Ms. Royston:**

Steve, maybe you and I can touch base sometime next week and work together.

**Judge Lazzara:**

We can certainly put it back on for the IIWF subcommittee so that we can see where we are at that point.

**Ms. Hallam:**

I am happy to help you in any way possible. I did collect some data on just how many workers there are when I was pursuing this earlier last year. So, if I can be any help just loop me in and I would be more than happy to share.

#### **E. Update regarding Summit contract**

**Judge Howsie:**

Alright, update we regarding the Summit contract. Warden Harper?

**Warden Harper:**

So, the Summit contract ends August 2022. Therefore, I have decided that we are going to put an RFP out for the commissary services at the jail. We are in the process of revising the RFP based on what we have learned during this contract. Right now, we are in the process of reviewing the RFP and we are going to put it out for bid because the Summit commissary contract does end August 2022. That is all I have, your honor.

**Judge Howsie:**

Yes, Ms. Hallam?

**Ms. Hallam:**

First of all, that is great news. If we can help in any way in getting the word out. Also, if you could share the RFP with us when that goes out, I think that would be great as well. Is that end of August or beginning of August?

**Warden Harper:**

I am not exactly sure of the date.

**Ms. Hallam:**

In the meantime, maybe we could address this before then, I have been getting a lot of reports about folks who are either not getting their commissary or getting damaged commissary items and not getting a refund for them. I know that the procedure is like you check it when you pick up your commissary, if something is missing it is reported, and you are supposed to get refunded for it. Are you aware of that? Because I have heard it now from multiple people in different pods. I am just wondering if there is anything we can do in the meantime. If you could reach out the Summit and find out why that is happening, and it is indeed a Summit issue and not something internally at the jail. If you could please look into that.

**Warden Harper:**

It was brought to my attention and we are constantly having conversations with Summit commissary about those issues. So, I will keep you posted.

**Ms. Hallam:**

Okay, thank you.

**Judge Howsie:**

Based on the information we received last meeting, hopefully they will be able to get women's shoes from the commissary as well going forward. That was something that we brought up last meeting. Any other questions or concerns?

**Ms. Hallam:**

I was just going to see if there is any way even maybe the Incarcerated Individual Welfare Fund could work with the County on this to help draft an RFP. Based off of complaints that we have received and experiences with commissary and with Summit as the vendor. If we could maybe work together and draft that as a team.

**Warden Harper:**

What I would recommend and what I would ask is I am willing to take suggestions from board members. But the suggestion is going to have to be to me within a time period because I have to give this out. So, if you have any suggestions please get them to me within a week. So that I can go ahead and get this out.

**Ms. Hallam:**

I appreciate it very much. I will do that.

**Judge Howsie:**

Any other questions regarding the Summit contract?

**F. RFP process and suggestions on avenues to pursue to make it more public**

**Judge Howsie:**

Alright, Mr. Pilarski regarding the RFP process. Mr. Kenstowicz in the last meeting brought up some concerns about the RFP process. You had indicated that you would do some research and provide him with an update.

**Mr. Pilarski:**

I did. He asked specifically about RFP-8611, which went out for training on appropriate techniques responding to de-escalation in various situations at the jail. How to properly manage the incarcerated population, while complying with the referendum. The program included was not limited to it allowed people to place a bid for in whole for everything in there or any part or section in that. The RFP went out to the public on October 7th through

the November 3<sup>rd</sup>, 2021. Per purchasing requirements, it was advertised in both the Post-Gazette and the Tribune Review, as they have to advertise in a newspaper that has a certain circulation. The RFP was posted on Bonfire, which is the County software program, which is utilized to notify vendors. Through that, approximately 900 vendors were identified by their commodity code and they were notified of that solicitation. Additionally the purchasing agent who worked this RFP, reached out directly to the following groups or individuals via email direct email: the National Alliance of Mental Illness, Lexipol Public Safety Policy and Training, the American Correctional Association, the National Institute of Corrections, the National Commission of Correctional Healthcare, International Corrections and Prisons Association, the Department of Justice Office of Justice Programs, and an individual by the name of Jay Peree who had heard secondhand about the RFP and reached out to purchasing personally. Even though we send it out that solicitation, about 900 received and those direct emails, we did not get any proposals for the bid opening on November 3<sup>rd</sup>. Since then, we have regrouped and reassessed. I know through Erin Dalton, and the people of DHS, through their providers they have been able to provide some of the training that we sought through that RFP. Some of the training got started the jail. They will be working with DHS to do additional trainings for first responders, which the jail will be involved in and some of those other trainings. I know Mr. Kenstowicz specifically mentioned Western Psych. In talking with Erin Dalton, she said Western Psych is one of their providers. So, it is possible they would be involved in trainings going forward.

**Judge Howsie:**

Any questions or concerns?

**Ms. Royston:**

I am just wondering; did we circle back with Mr. Kenstowicz to let him know that that partnership was formed with DHS to execute that?

**Mr. Pilarski:**

I did not speak directly. I know he emailed but I think we had his promise was to do this meeting that is why we did not do this meeting.

**Ms. Royston:**

Okay perfect.

**Judge Howsie:**

Just to clarify, Mr. Kenstowicz was informed via email but also in the last meeting we indicated that that we would provide a response and follow up with detailed information in the meeting by way of Mr. Pilarski and that is exactly what we have done. Anything else regarding the RFP process?

## 6. Public Comments

**Judge Howsie:**

With that being said, we will now move on to public comments. I am sure some of these things, I would imagine, will be addressed in the Warden's report. All of the board members have received a copy of these public comments.

### A. Commissary

**Judge Howsie:**

I will just summarize but there have been a number of comments regarding the commissary in that things were not properly delivered, there had not been refunds, and items have been missing or destroyed. There have been ongoing issues with the commissary. There is also another comment discussing the gift packs and the lack of variety with the gift packs. Saying that there are only two meager gift packs available to choose from, both are hygienic, one for male or the other for female. The concern was about family members being able to purchase actual gift packs for their incarcerated individuals. I do not know if there is anything you could add to in addition

to what you said about the Summit contract and the RFP, Warden, but those are the comments regarding commissary.

**Warden Harper:**

The only thing I can say about that, your honor, is that we will look into the gift pack situations. We will add that to our conversation with Summit.

**B. Use of Force**

**Judge Howsie:**

Alright. There is a public comment regarding the use of force in the jail. There obviously was a vote back in September to ban rifles, shotguns, flash grenades, and other similar weapons. There is a concern that those devices are still being carried and/or employed in the jail. So that is something you could briefly address Warden.

**Warden Harper:**

The ACJ is in compliance with the motion passed by the JOB. Our correctional response unit serves as a team that roves the facility to provide support where needed. This includes security issues, as well as medical emergencies and other needs. The special delivery systems have been in use for some time and training and certification was done by an in-house trainer. That is my response to that question or comment.

**Judge Howsie:**

Yes, Ms., Hallam?

**Ms. Hallam:**

So, I have a question. I think it was last month's meeting that the Warden had said, and I think referenced to now, that since they have been doing this training they already had the shotguns they are walking around with, so it was not in violation of the motion. I am just kind of wondering, if you run out of ammo for those shotguns, do you intend to purchase more?

**Warden Harper:**

I intend to purchase more. Yes ma'am.

**Ms. Hallam:**

Okay, and do you believe that is not a violation of this motion that Judge Howsie just referenced?

**Warden Harper:**

I do not.

**Ms. Hallam:**

Oaky, so I am going to again read it for you. "Further the Jail Oversight Board prohibits Allegheny County from bringing into the jail any shotguns, rubber bullets, or other similar equipment." So, can you please explain to me why you do not believe that purchasing additional ammo, aka bringing it into the jail, would not be in violation of this motion?

**Warden Harper:**

The motion says rubber bullets. We do not utilize rubber bullets. We utilize a Koosh round. So that is totally different from what the motion is saying. So, I still believe that we are in compliance Ms. Hallam.

**Ms. Hallam:**

Okay, so now I think you missed those last couple words because it says "shotguns, rubber bullets, or other similar equipment." We were demonstrated those little Koosh. They are similar equipment. Would you agree?

**Warden Harper:**  
I would not agree.

**Ms. Hallam:**  
Can you please explain why you see them as different?

**Warden Harper:**  
I am not going to get into that in this setting. I believe that we are still in compliance to the referendum and in this setting, I am just not going to get into that detail. So, if you would like to get into that detail at a later meeting, I am more than willing to talk to you about that.

**Ms. Hallam:**  
Do you think that maybe an executive session would be an appropriate place for us to discuss this further?

**Warden Harper:**  
Well to me we do not have to have an executive session. You and I can have a meeting just you and me and talk about it. However, you want to have the conversation, Ms. Hallam.

**Ms. Royston:**  
Can I just interrupt and say I think this would go along with the previous conversation that we were talking about and should be part of that executive session too? Because it is all encompassing of the referendum, so why do not we just add that as part of the discussion.

**Mr. Pilarski:**  
Is this something that we should be asking the legal department on or something too?

**Ms. Royston:**  
I certainly think that yeah it would be worth it to pull in the legal department.

**Ms. Hallam:**  
Yeah because that is actually my concern, if this is not the setting and the executive session is not the setting, and very clearly there is language intentionally placed in here to make sure that there was no attempted skirting the intention of the motion, "or other similar equipment", which means anything similar to shotguns or rubber bullets would be prohibited from bringing into the facility. Last month the argument was that we already had them in the facility. So, I do think it would be appropriate for us to have a discussion on how you would bring additional ammo in without violating this referendum or this motion. So if you can tell me the appropriate place to do that, so that it is not just a one on one, but instead the entire group can discuss it, both the failure of compliance with the referendum and the motion. I think that would be a great tie at all in together, let us get together, and have a meeting.

**Judge Howsie:**  
Mr. Pilarski, you mentioned involving the legal department?

**Mr. Pilarski:**  
Yes

**Ms. Hallam:**  
I think that is a great idea actually. I would love to get a legal opinion, but can it please not be the jail's own legal department. Can we make sure that it is someone who does not have a clear conflict in opining on this situation?

**Mr. Pilarski:**

The jail does not have a legal department. The county has a law department, but they advise, you know, this is a county ordinance, I guess, kind of referendum so they would advise on it.

**Judge Howsie:**

Then, you will be able to contact the legal department regarding this issue, Mr. Pilarski?

**Mr. Pilarski:**

Yes, I can speak with Mr. Szefi, the solicitor.

**Ms. Hallam:**

Yeah, I just do not want to see the jail opening itself up for a potential lawsuit down the road because of failure to comply with both of these things. So, I think it might also be good to get that legal decision or a legal opinion prior to the meeting that we are all going to have together if you could do that.

**Warden Harper:**

Can I ask a question real quick Ms. Hallam? So what's your recommendation be as to how we would address issues if we are not allowed to have the special delivery systems and/or the bullets? Because you are trying to take everything away from us to protect the men and women living in this facility and working in this facility. So, I just want to ask you, what do you propose that we do ma'am?

**Ms. Hallam:**

Well I sure would not propose shooting anyone with anything. That would be a great start, any sort of projectiles whatsoever. You can wrap it up and call it by a different name all you want. But at the end of day you are still shooting projectiles at incarcerated individuals who do not have any way of defending themselves. That would be a really easy start. Luckily, it is not my job to decide what the solution is. Our job is to vote and draft motions and pass referendums and legislation to make sure that the folks in the jail are protected from serious injuries and deaths. Then your job is to follow those referendums and motions that we pass. So, I would just appreciate that happening. It should not have to be a battle. I know you think I love fighting with you on this.

**Warden Harper:**

Oh, you do. You do.

**Ms. Hallam:**

No, I would love to not. I would love to just come to these meetings be able to sit here take in all the information that you are giving and not have to argue. I truly would love that, but the reality is I cannot do that. I would not be able to sleep at night knowing that I was complacent in allowing the things to go on in the jail that are happening every day. All I ask is if going forward if we just all operate in good faith, you know, we get that legal opinion, and we have that meeting. I am so happy to help. If you would like to sit down and brainstorm and not attack and both operate in good faith, I would love to do that with you. All I know is that there was literally one thing that you were told you could not do, and you did that. So, I just want us to work to stop that from happening. To get rid of the shotguns that were banned by the motion, to get rid of any sort of similar equipment to rubber bullets and to just move forward in having a jail that is less dangerous for the people in there. That is all.

**Sheriff Kraus:**

Bethany, can I ask you a question?

**Ms. Hallam:**

Absolutely Kevin.

**Sheriff Kraus:**

I appreciate your view on this but what exactly would you expect a jail or law enforcement to do when force has to be applied? What exactly is your scope of what that entails?

**Ms. Hallam:**

I do not know that there is a situation where force needs to be applied ever.

**Sheriff Kraus:**

And I would ask you to explain that. I would ask you to do a ride along with law enforcement all day long. I just want to know your scope of the use of force or the lack of use of force and how that ends up in a situation, as an outcome.

**Ms. Hallam:**

Absolutely. So I will start by saying I do think that the policing on the outside is a different environment than corrections on the inside of the jail, where people are locked in cells and do not have any sort of weapons whatsoever. You already know that going into it right. You know going into the jail that these folks do not have a gun in their waist. You know going into it that these folks are already in a vulnerable state. Unless there is some sort of direct harm being done by one person to another person it is not something that is urgent. Wait it out. Talk them down. Maybe put in some additional effort to get some sort of de-escalation, mental health training inside the jail. Whatever that is. I know Ms. Moss had a really great suggestion for, I forget the name of the program...

**Ms. Hallam:**

Verbal judo. We talked about it.

**Ms. Hallam:**

Thank you. Yeah, we talked about it. We have seen these things in practice in other places. I think that it is possible to operate a jail without feeling the need to have shotguns, without feeling the need to have any sort of projectiles, without feeling the need to confront every single situation with escalating techniques instead of de-escalation techniques. I do think that is a possibility. I do think that it is something we should explore but I also know that until we have tried every other avenue that does not involve escalation, that does not involve weapons, that does not involve force. I mean the numbers of use of force in the Allegheny County jail are astronomical compared to any comparably sized facility in the nation. Why is that? You cannot say it is corrections because it is unique to the Allegheny County jail. Why is that? That is all I am trying to understand. Why is it that other folks have been able to figure it out, but we have not? Let us try some other tactics before we say you know what we have no other option let us violate this motion. Who cares what the Jail Oversight Board says. Who cares what they vote in tell me to do. Who cares because that is what is happening here. That is why I think it gets so frustrated in these meetings is because it feels like month after month after month we are bringing up the same concerns and we are hearing the same issues from people who are incarcerated and staff members in the jail. All we are getting is deflection from the jail administration. That is frustrating to me. Let us try other avenues before we say there is no other way to do it because otherwise you cannot.

**Judge Howsie:**

So, I think your point is valid. There is a referendum and the jail has to comply with the referendum. But I also think that it begs the question that when you do have an inmate who has become violent or an inmate who has not been talked down I think what I am hearing from the warden is to some extent he has to have options to deal with those situations as well. I think it begs the question, when those things have failed what is he permitted to do? Because he does not have pepper spray, he cannot use the devices that will fire any projectiles, so to some extent time outs are not working. I think what I am hearing from the warden is a level of frustration because he still has to deal with these situations and he has to deal with an environment that at times can become very violent and very hostile. So, I think that is the pushback that he is giving. He does have to comply with the referendum, but he also has to be able to manage the facility. That is a statement. That is not a question. But I do believe that it would warrant further discussion regarding some of the challenges he is having, as well as, the need for him to

comply with the referendum to try to understand some things from his perspective versus just saying there is a rule follow it and the rest of it is non-negotiable and that you can talk people down, you can de-escalate. I have never worked in the jail, but I have worked in Shuman for years. I can tell you sometimes talking does not always work. I recognize it excessive uses of the force are not permitted. They should not be tolerated, but we also need to hear, I believe, more from him regarding his position on some of the strategies that he is tried. I think that is what he is saying to you, Ms. Hallam.

**Ms. Hallam:**

I understand that. All I am asking is that before you say “what else can we do, our hands are tied”, can we look at the fact that there are plenty of other correctional facilities across this country they do not use these weapons and have lower violence rates than we have in the jail? Entire states, Massachusetts, and California, who basically eliminated solitary confinement and the weapons that we are discussing right now, and they are use cases of use of force or lower. Their rates of violence in their jail are lower. Remember that a majority of people in this jail suffer from a mental health diagnosis. They suffer from some sort of thing that makes them particularly vulnerable in this state. Now add on top of that the fact that they are locked in a facility, have not been able to have their family or loved ones come visit them in two years, have been dealing with a global pandemic that I for one know that I can speak to the fact that I am struggling with it and I am not in jail and I am sure most people are as well too. So, compound all of these things and tell me why there are not more ways and more things that we can try first. Let us bring one of these facilities that has eliminated the use of solitary confinement and the weapons to our meeting. Let us have meetings with them, whether it is executive session or in the public meeting. Before you try to say that this does not work try the other options first. Until you have tried it you cannot say that it does not work because you do not yet know.

**Warden Harper:**

One of things I am going to do is correct Ms. Hallam because we are the only county jail that has had leg irons taken from us. No jail in the world has had leg irons taken, chemical agents taken, and the restraint chair taken. I just want to clear that up first. If you find another jail that is done that let me know because I have been doing research. Now the second thing is this, you heard from your own expert saying that taking off the chemical agents, restraint chairs, and leg irons is unprecedented. You heard it from your own expert and some members of the board have reached out to other county jails and they were totally shocked about that. I just do not want us to put my employees and my incarcerated individuals in more harm by taking more tools from us. That is what it looks like you are trying to do.

**Ms. Hallam:**

Okay and I understand what you are saying. First of all, the expert that spoke to us was not in any way my expert it was simply a corrections expert. Second of all when did OC spray come into the jail? Do you know when it was because I do? About 20 years ago was the first time that the OC spray was introduced at the ACJ. So what did they do before that? Then you talk about the restraint chair. You openly admitted that you are using a stretcher, a Gurney, in place of a restraint chair. So do not act like all of your hands have been tied and all these tools have been removed when time after time after time you are finding work arounds and you are using them that were maybe not explicitly outlined. Jails have operated before these practices were ever in place and unfortunate for everyone involved jails will probably continue to operate after these things are removed from these facilities. So instead of treating this as in all of these people deserve to be treated as lesser than humans, deserve to be targeted with weapons, deserved to be strapped to the restraint chairs, remember that these are human beings. These are not animals. These are people with families. These are people who the overwhelming majority of them have never even been convicted of a crime. Yet we are spending the majority of the meeting fighting about why you are you are not allowed to shoot them with shotguns, with rubber projectiles. That just blows my mind. these are our neighbors.

**Warden Harper:**

I just want to say this. We do not treat our individuals incarcerated in our facility other than as human beings. So, I want to say that first and foremost. Now before chemical agents were using the penological theory we used to use a 5-man cell extraction team and go up in there and restrain those guys. But we found out that is not the way to do things. If you just spray a little bit of chemical agent, you normally get more compliance. So, my thing is this, the way you are trying to take us in more officers, employees, and inmates are going to be hurt, Ms. Hallam. I am done.

**Judge Howsie:**

Let me say this. Go ahead Ms. Royston.

**Ms. Royston:**

I was just going to say I think that we need to reserve this conversation because we could use the entire meeting to do it. I think rather than have this back and forth in order to separate some emotion from the conversation, that we need to have a very structured meeting with an agenda specifically to address each of these issues.

**Judge Howsie:**

I agree and that was exactly what I was going to say. Let us move on.

**Ms. Moss:**

I would appreciate that too because there is a lot that I would like to say that I just do not feel that the settings right on certain issues that I would like to address.

#### **C. ACJ Employment**

**Judge Howsie:**

Well said Ms. Royston, I was about to say let us move on to the next public comment. There was another public comment regarding the jail struggling to recruit new officers. There is the concern regarding the application fee and how it is impacting the jails ability to recruit qualified candidates for employment in the jail. Is there anything you could offer already the application fee Warden?

**Warden Harper:**

The fee was implemented by Human Resources to ensure some investment in the process for applicants. Applicants who are unable to pay the fee can apply for a hardship waiver to have the fee waived. This process is included in our job description for correctional officers on our website and it is also shared with potential applicants. So, they have a way to waive the fees.

**Mr. Pilarski:**

If I could just follow up a little bit on that, your honor. I mean in the past the county would get hundreds of applicants and we would have maybe 60 or 70 people show up for the test. So, there was a lot of time and effort spent and money spent processing applicants who had no intention of showing up to take the test. They instituted a small fee to try to get serious applicants. It resulted in less advocates and about the same amount of people showing up for the test. The process we use now, like the Warden said, has a small fee attached, I believe it is like \$40. You can ask for a waiver. To my knowledge to date 9 people ask for a waiver and all 9 people qualified for that waiver. In the days of the great resignation, as some people are calling it, this is not a problem just at the Allegheny County Jail, it is also a problem across the county and across the country. So, if anybody wants to apply for a job, direct them to our website to have them apply. We would be more than happy to take them.

#### **D. Medical**

**Judge Howsie:**

Thank you. The Warden had indicated that Mr. Sciulli, Dr. Brinkman, and Mr. Baumgartner were present, but I will put this public comment out there and it might be something they can address at some point during the meeting. There is a concern regarding the medicines being disseminated and distributed in the in the jail. There is concern about the amount of psychotropic drugs that are being given. There is this a concern about the impact that it is having on the inmates, in terms of how it tends to effect behavior and the long-term consequences associated with distributing those medications in the jail. That is pretty much paraphrasing but that is, generally speaking, what the concern is. I do not know if that is something that those individuals can speak to now or at some time during your report.

**Warden Harper:**

Your honor, I am going to speak to this because incarcerated individuals have the right to refuse medication. A lot of individuals do refuse their medication. So, their requested data that they are asking for is just not available. So that is our response to that. A lot of people do refuse the medication and they have a right to do that.

**Judge Howsie:**

I do have a question regarding medication. What if a person comes into the jail and they are currently taking a number of drugs for health issues that existed prior to arriving at the jail? What is the process for ensuring that that medication is being prescribed and/or continued while they are in the jail?

**Dr. Brinkman:**

So, at our intake process we do a medication verification to be able to bridge anything that is currently being prescribed. If any of the medications are found to not be current, they would have to then be seen by a provider internally to assess any kind of prescribing that they would add to the patient.

**Judge Howsie:**

This is something I have dealt with when I was in private practice. Is there a delay in that process? So if a person comes in and there is a medication they are receiving on a daily basis, he has been arrested and incarcerated in jail, what is the time frame for that to happen? There may be a concern about their levels being maintained or them needing to take that medication on a daily basis. What is the lag time between that evaluation and that medication being prescribed in the facility?

**Dr. Brinkman:**

Well if they are currently taking it when we run that medication verification then we have evidence of it, and they are able to have that ordered almost immediately.

**Judge Howsie:**

So then with the medication verification you are able to see the medications that have been prescribed for that individual and then you were able to monitor that and then continue with that medication.

**Dr. Brinkman:**

Correct.

**Judge Howsie:**

Understood I was not aware of that.

**Ms. Moss:**

I have a question on the medication myself and you kind of touched on it Judge Howsie. Say a person, and this is after the verification and you are already incarcerated, and you have daily medicine that you have to take at a certain time, how is the medicine disseminated? I have had a person ask me who said they did not get their medicine that day or it was a long time. Is there a certain time the medicines given out or what is that process?

**Warden Harper:**

Ms. Moss, what happens is we have LPNs that distribute the medications on the levels and the LPN's have approximately 300 to 400 individuals to provide medications to. We try everything in our power to try to get the medications to the individuals in a timely fashion but sometimes there are some issues. But we really try to get it to them in a timely fashion.

**Ms. Moss:**

Okay because I can remember that one of the problems that we had with Corizon when they were there was about getting medications to the residents. I have been asked this question a couple of different times about medication.

**Judge Howsie:**

Ms. Hallam?

**Ms. Hallam:**

Does that same policy for distributing the medications apply to folks on medication for opioid use disorder as well?

**Dr. Brinkman:**

In what respect are you asking? Yes, they do receive it but what are you asking?

**Ms. Hallam:**

Is it distributed by the same position? Is it the LPN's that are distributing that? Is it on the same time frame? Does that time frame sometimes change every day? As someone who used to be on an MOUD, I know that if you do not take that in specific time every day, and I know this is true for some psychiatric meds as well, that it could mess up the imbalance. You could even experience a little bit of withdrawal if you are not on the same schedule. I am just wondering if there are different procedures for distributing MOUD than there are for distributing the rest of the meds.

**Dr. Brinkman:**

Our medications for opioid use disorder are distributed on a separate time frame because of the procedures that are required for that administration. So, it is not administered at the same time as the rest of our medications.

**Ms. Hallam:**

Is there ever a pod or pods or entire levels of the jail that maybe get skipped over for one of the med passes from maybe staffing shortages? I know we used to get, I did not see it this month, but we used to get healthcare staffing vacancy reports on how many healthcare staffing vacancies there were in the jail. I know there is a lot. So, I am wondering if there is ever a time where a dosage is missed or on a holiday, per say? I know I got some reports from folks not getting their medication on Martin Luther King Jr. Day. I am just wondering if you could speak to if that ever happens and what you do to prevent that from happening again?

**Warden Harper:**

I am just going to say this, as I stated before, during COVID, quarantined, and everything there has been some occasions where individuals have received their medications late. But we do as much as we possibly can, and that is all the time, make sure that everybody getting their medications. But it may not be in a timely fashion because of the situation we are in with the pandemic.

**Ms. Hallam:**

Right but is there ever a time where an entire Med pass is skipped? You know, not just push back an hour or two late, but skipped.

**Warden Harper:**  
Not to my knowledge.

## **E. Food**

**Judge Howsie:**

Another comment we received was there was a concern about the food that is being given to the inmates and what is done when people have food allergies. I do not know if that is something you can address, Warden.

**Warden Harper:**

If an individual has a food allergy all the individual has to do is send a request to our provider to inform the provider that they have an allergy. The provider will call them up and evaluate them and the determination will be made by the provider to take care of their allergies.

**Judge Howsie:**

So basically, the responsibility lies obviously with the incarcerated individual to inform the staff of any allergies that exist.

**Warden Harper:**

Absolutely, your honor. There is no way we would be able to know about it. All they have to do is let us know. We will get them the medical attention that they need to take care of their diet.

**Judge Lazzara:**

Excuse me, but does that also work for intolerances? There is a difference between a milk allergy and a milk intolerance. People that have an allergy are going to have anaphylactic shock and people that have an intolerance are going to have digestive symptoms. Can they tell you that they are lactose intolerant and it is handled the same way as an allergy?

**Warden Harper:**

Your honor, I would think that would be the case. They just had to inform us, and the provider would make that decision.

## **F. LGBTQIA**

**Judge Howsie:**

Alright, next is a statement regarding the group of trans people in the facility. There is a concern that they might be isolated or being treated differently. I do not know if that is something you could address briefly, Warden.

**Warden Harper:**

We do not treat anybody differently. If a person has COVID, regardless of who they are, they are going to be isolated.

**Judge Howsie:**

So, in terms of trans people, is there anything more you can say about in terms of your approach? Is that something you can briefly discuss when dealing with the trans incarcerated individual?

**Warden Harper:**

I am going to say that whether they are transgender individuals, or not, all individuals are treated the same when it comes to this virus. If a trans individual, or anybody else, is positive for the virus they will be isolated. So, they are treated just like everybody else.

## G. Mental Health

**Judge Howsie:**

Alright. Another comment was regarding people in in the jail with mental health issues. Do they still have the ability to maintain contact with their family members?

**Warden Harper:**

Absolutely. The only way they would not be able to make contact with their families if they provided deemed that it is a security risk for them to be out, have the tablets, etc.

**Judge Howsie:**

So, they would still be able to maintain, I am assuming, telephone contact?

**Warden Harper:**

The would be able to maintain all contacts with their family unless deemed inappropriate by provider.

## H. Multi-Language Option

**Judge Howsie:**

Another comment dealt with ensuring that the incarcerated individuals have access to language. Given that there may be people in the facility that do not speak English, what steps are taken, if any, to address those issues regarding interpreters and/or even sign language?

**Warden Harper:**

We have the language line and we have the use of the TTY telephones in which these individuals can use so that they can communicate. Those are the two methods that we have.

## I. Solitary Confinement

**Judge Howsie:**

The last comment dealt with people being placed in solitary confinement, not being prohibited to leave their cells. It was my understanding that will be addressed in your report, which is due on the 5<sup>th</sup>. Ms. Hallam has already pointed out some concerns regarding status that you have used in the past. We will schedule an executive session to address those concerns. As far as the number and the issues related to solitary confinement, is it a fair statement to say that information will be contained in your report, which is due on the 5<sup>th</sup>?

**Warden Harper:**

It will.

**Judge Howsie:**

Alright. Anything else from anyone?

## 7. President's report

**Judge Howsie:**

Wit that being said, president's report. I do not have a report.

## 8. Warden's report

**Judge Howsie:**

We will move on to the Warden's report.

**Warden Harper:**

Good afternoon everybody. I am proud to announce that the OMSE upgrade has been completed. As of January 24<sup>th</sup>, all individuals leaving the ACJ will receive their tablet monies and all monies that is due to them. We are proud that this has finally been in place. Information as to how you can add money to an individual's account is on our website. It is no longer 2 accounts. It is just 1 inmate trust account. An incarcerated individual can put it on his tablet account to make calls.

Resuming visitation at ACJ: As you know earlier this month, we had over 250 incarcerated individuals that tested positive for COVID. As of today, there are only 34 incarcerated individuals that are tested positive for COVID and we have 14 pods that are isolated. I am going to say this again, we have 14 pods that are isolated. We have gradually seen a reduction of COVID cases in our jail. With the mitigation efforts that we put in place it has caused the COVID cases to go down but COVID cases in our community are still high. It is so high the PA Department of Corrections has ceased in-person visiting, along with other correctional county jails. One of the things I just want to say to everybody is that we want to get back to some type of normal. So when I see the community cases go down, when I see that our cases go down in our jail, and, most importantly, when our 14 isolated pods have been reduced, we already have a plan of action as to how we are going to implement in-person visiting. We have got to make sure that we are safe when we are doing it.

Mental health first aid: We began mental health first aid training in November. As of today, 290 employees have received mental health first aid training. That is all I have for the Warden's report.

**Judge Howsie:**

Yes, Ms. Hallam?

**Ms. Hallam:**

So, I want to start and then work backwards so about the COVID in the jail. According to the dashboard in January there were 256 incarcerated individuals who were infected with COVID throughout the month of January. Is that correct?

**Warden Harper:**

250 something, yes ma'am.

**Ms. Hallam:**

Right. So that is over 1/6 of the entire Allegheny County Jail population...right? I know the CDC had put out guidance telling correctional institutions not to overcrowd housing pods because it can and will lead to more large scale COVID outbreaks. I know that in previous meetings you had told us how you were, I always forget the word you use, like condensing, consolidating pods, collapsing pods maybe with the word and putting more people on each pod in order to shut down other pods. So, we have empty pods and then what seems like crowded pods. I guess what I am asking is, re you at all concerned that doing that is actually what has caused January number of folks infected with COVID to be so high?

**Warden Harper:**

First of all, I want to correct you with your interpretation of what CDC guidelines are. The CDC guidelines did not anything about the overcrowding of any pod. Secondly, I want to that none of our pods are overcrowded as I have stated many months and every month. We have come up with the process as to how we can manage the inmate population to reduce the cases in our facility. What we found out though was when we gave the incarcerated individuals more out of cell time, they were not compliant with wearing their masks properly, they were not compliant with socially distancing, they were not compliant. So that is why our cases went up. Until we can come up with a process to get these cases down, we are going to keep it the way it is. It has worked. We have shown that it has

worked. Our pods are not overcrowded. There are other issues that I am not going to talk about in this setting as to why I made that decision.

**Ms. Hallam:**

My concern is I know that the county had put out a press release not that long ago saying that the reason for lockdowns and stuff at the jail was because of staffing shortages. I am just wondering if these staffing shortages have anything to do with why the pods are being collapsed. Then also why there is more people on each pod and therefore 256 COVID cases in a month.

**Warden Harper:**

Ms. Hallam, again, I am not going to talk about staffing shortages in this meeting.

**Ms. Hallam:**

Is that something that we could schedule an executive session for this too since that seems to be the only place, I am allowed to get these answers?

**Warden Harper:**

I am willing to talk to you guys in any other setting beside the public setting.

**Ms. Hallam:**

I am just wondering why you put out a press release talking about staffing shortages but then are not comfortable talking about it in this meeting. It just seems kind of counter intuitive.

**Judge Howsie:**

I think he indicated that he does not wish to discuss that any further, but he is willing to have an offline conversation.

**Ms. Hallam:**

Okay, that sounds great. So, we got 2 executive sessions in the pipeline. I am very much looking forward to them.

**Judge Howsie:**

One for sure and a possible.

**Ms. Hallam:**

Sounds like 2.

**Judge Howsie:**

Sounds like one and a possible. What else would like to talk about regarding his report?

**Ms. Hallam:**

Really that I think is my biggest concern was just the staffing shortages and the COVID numbers. That is all I have for this.

**Judge Howsie:**

Thank you. Alright, Warden, is that the end of your report?

**Warden Harper:**

Your honor, yes, it is, sir.

## **9. Chief Deputy Warden's report**

**Judge Howsie:**

Alright. Can we hear from our Chief Deputy Warden?

**Chief Beasom:**

Thank you, your honor. I am going to be reporting on our recruiting efforts and recent promotions before I pass it off to the health care team. They are going to give the COVID update. We have a current cadet class of 4 individuals that are set to graduate tomorrow, Friday the 4<sup>th</sup>. Our next class is scheduled to begin on Monday, February 14<sup>th</sup> and that is consisting of 8 corrections officer candidates. Additionally, we have a physical agility exam scheduled for February 23<sup>rd</sup>-26<sup>th</sup> for all interested parties that have that have applied. Recently we have promoted to the rank of Sergeant, Captain, and Major. So, I would like to go through and detail those. We promoted 11 individuals to Sergeant recently: Sergeant Crum, Moseley, Carr Jr., Yeezy, Brickley, Andrascik, Besselman, Most, Barker, Rivera, and Peles. We have recently promoted 2 to the rank of Captain: Captain Sullivan and Captain Olean. Also 2 to the rank of Major: Major Young and Major Betakeeper. The jail administration would like to pass on their congratulations to all these individuals. If there are any questions on that I would be happy to answer them before I pass it off to the health care team.

**Judge Howsie:**

Yes, Ms. Hallam?

**Ms. Hallam:**

I just have a quick question. I had heard that, since we are speaking of promotions and stuff, that there were captains that were filling in for ADON positions when there was no one staffing them. Can you speak to that and if that happened, how many times that happened?

**Warden Harper:**

We are not going to talk about that, Ms. Hallam, in this setting. That is something that we need to talk about in an executive session that is not for the public.

**Ms. Hallam:**

Yeah but, I mean we can talk about that in executive session, I am just concerned. I almost understand your argument about why you want to talk about staffing shortages, in general, in executive session but there is no perceived security threat for talking about why a non-medical professional is filling in for a medical position in the jail. Can you speak about it here please?

**Warden Harper:**

No, I cannot ma'am. I already said that.

**Ms. Hallam:**

So staffing, in general, is just completely off limits?

**Warden Harper:**

It is off limits in the public setting. Yes ma'am.

**Judge Howsie:**

Anything else, Chief Deputy Warden?

**Chief Beasom:**

That is all I have.

**Judge Howsie:**

Congratulations to those persons who were all promoted. I think that is noteworthy. Anything else, Ms. Hallam? Anything else from anyone regarding a Chief Deputy Warden's report?

**Mr. Pilarski:**

I think there is a medical update.

**Chief Beasom:**

We are going to move on to the COVID update, sir.

**Judge Howsie:**

My apologies. Thank you.

**Judge Lazzara:**

Can we also congratulate the new Chief Deputy Warden since he did not include himself with any of that and say congratulations very much to Chief Deputy Warden Beasom? Well deserved.

**Judge Howsie:**

Yes, congratulations. I guess we are going to update on modification of healthcare record to include individual counseling sessions.

**Chief Beasom:**

We have the COVID update first. If that is okay, your honor.

**Judge Howsie:**

That is fine. I am sorry. Yes, that is fine.

**John Sciulli:**

Good evening everybody. So, the numbers on the Allegheny County Jail website have been updated to reflect 3,768 incarcerated individuals having received the PCR viral diagnostic test for COVID-19. Of those, 468 have been found to be positive throughout the duration of the pandemic. There are 34 incarcerated individuals presently positive in the facility. We currently have 14 iso-pods with ten pods on normal operations. Today's institutional count was 1,560. We have had 3,189 negative PCR tests and 14 pending tests. We have 0 incarcerated individuals hospitalized from COVID-19 at this present time. From January 1 through January 30, 2022, 5,179 rapid antigen tests were offered with 4,672 negative, 474 positive, and 33 refusals. In total, since April 12, 2021, we have offered 27,305 rapid antigen tests with 25,668 negative, 914 positive, and 705 refusals. We have had a total of 952 positive cases since the first diagnosed case of an incarcerated individual on April 6, 2020. As far as employees, throughout the pandemic we have had 250 staff report positive results. We presently have 15 individuals who continue through their recovery process and have not yet returned to work. For our vaccination update, our facility applied to be a vaccine provider in December 2020 and struggled to obtain our own supply of vaccines despite continuous application. We were fortunate to have the commitment in our partner organization, Allegheny Health Network, to support on site vaccination clinics. On April 12, 2021, our facility was able to host our first vaccination clinic for the incarcerated population. We have held additional onsite clinics without the additional support or supply from AHN to continue our efforts to support our population and the community to increase herd immunity. We are extremely grateful that more incarcerated individuals have elected to receive the COVID-19 vaccine, especially with the presence of other variants and rising case counts in the community. Additionally, we have the capacity to provide booster vaccines in compliance with recommendations from the CDC. We have begun the process of booster vaccinations for staff and incarcerated individuals. In total thus far the Allegheny County Jail supported the vaccination of over 2,328 incarcerated individuals and have provided over 384 booster vaccine doses. We have stored Pfizer, Moderna, and the Janssen vaccine. We continually offer these vaccines and complete vaccinations typically Monday through Friday. We have seen a decreasing interest in vaccinations amongst our incarcerated population and had only 90 persons interested in receiving the vaccine in the month of January. Last month we reported that we had 706 individuals who received the full series, this month we have 724 incarcerated individuals have received a full series. Despite continuous vaccination

clinics we have struggled to increase our percentage of incarcerated individuals who are vaccinated because of the transient nature of our population.

**Judge Howsie:**

Ms. Klein?

**Ms. Klein:**

What happens if an incarcerated individual refuses to be tested?

**John Sciulli:**

If they refuse to be tested, they are considered to be positive and maintain their isolation.

**Ms. Klein:**

I think that is the right thing to do.

**Judge Howsie:**

Great question. Any additional questions?

**Ms. Royston:**

Do we have an adequate number of tests now in the jail? I had heard something about them being delayed or something like that.

**Warden Harper:**

Well I just want to say this, I think everybody is having issues getting supplies with the rapid antigen test. It is not just us; everybody is having an issue with getting the tests.

**Ms. Royston:**

Can I forward onto you somebody who had reached out to me who who has a number of tests?

**Warden Harper:**

Absolutely.

**Judge Howsie:**

Any additional questions? We will move on to the next agenda item.

**Dr. Brinkman:**

So, related to the modification of the healthcare record in terms of individual counseling sessions, we have not been able to as the COVID updates have taken precedence over changing those areas of the health record. So, we have been able to still track some of our counseling sessions. We have had 22 counseling sessions. With some of the isolation procedures, we have had some adjusted interactions, which have allowed for 49 additional clinical contacts from our therapist.

**Judge Howsie:**

Any questions for Dr. Brinkman? Thank you. Medication assisted treatment update?

**Director Baumgartner:**

Hello everyone, Director Baumgartner. I think a lot of you are aware of some of the history. It is my first-time reporting on it, so I am just going to go over a few things really quickly with you. The jail has expanded its medication assisted treatment options for opioid use disorder by adding Sublocade. Sublocade is a once per month injection that is essentially impossible to divert. The jail has also expanded its contract with its Methadone provider and is actively developing the implementation of the Methadone service for additional individuals. Currently Methadone is only

available for pregnant individuals. For the medication assisted treatment presently in the facility, we have 64 individuals who are prescribed Buprenorphine, also referred to as Suboxone. Of that, we have 9 individuals receiving Sublocade, which is the long acting injectable form of Suboxone, and we are scheduled to administer 3 injections within the next few days. During the month of January, from January 1st to 31<sup>st</sup>, 114 unique individuals were prescribed Buprenorphine and continued with their medication, which again is an increase from December. That is all I have.

**Judge Howsie:**

Thank you. Any questions?

**Ms. Klein:**

Yeah, can I have a clarification? When you said you started Buprenorphine on incarcerated people, was that a new prescription for them or had they been receiving that in the community?

**Director Baumgartner:**

So, we started Sublocade but that would have been a continuation of the Buprenorphine. We do not do inductions for that medication, we do continuations.

**Ms. Klein:**

Okay, that is what I thought.

**Judge Lazzara:**

Would it be possible to add the Vivitrol numbers to your report on medication assisted treatment? I understand that the Vivitrol program is still continuing in the jail as well and I find that to be highly successful in our mental health court. So, it would be nice to add that.

**Director Baumgartner:**

Absolutely, Judge.

**Judge Lazzara:**

Thank you.

**Judge Howsie:**

Ms. Hallam?

**Ms. Hallam:**

Can a person be expelled from the MAT program for receiving a misconduct?

**Director Baumgartner:**

Misconducts do not expel people from MAT. So, we have treatment programs that maybe have different, the 5E program, which is the substance abuse program, which the conducts would have a bigger effect on. The medication is not discontinued for a misconduct, specifically.

**Ms. Hallam:**

Okay and are you eligible to receive MAT if you are in the shoe?

**Director Baumgartner:**

Yes.

**Ms. Hallam:**

Okay, so even people, for example on 8E are still eligible to receive MOUD.

**Director Baumgartner:**

Right. If people are on a pod and move to restrictive housing, then the MOUD medication goes with them.

**Ms. Hallam:**

Okay. Fantastic. Can you speak to any situation in which someone would be removed from MOUD program?

**Director Baumgartner:**

Our biggest issue with that would probably be in the lines of the diverting of the medication, without any effort towards stop diverting. So, we have to protect the individuals on the pod and make sure that that medication is not being misused.

**Ms. Hallam:**

Okay and that is the only reason, if you were like checking it or you know something like that?

**Director Baumgartner:**

Well also if there is any sort of you know violence related to the medication pass. All of these situations are reviewed, and on a treatment team type basis, to make sure that we are getting multiple input and we try to make the best possible decision given the situation.

**Ms. Hallam:**

Okay, thank you so much for that info.

**Judge Howsie:**

Alright. Any other additional questions? Regarding the commitments to Torrance?

**Dr. Brinkman:**

Yes, we have 19 awaiting admission that have been committed, 13 of those are beyond the 30 days. Currently we do not have any scheduled admissions at this time.

**Judge Howsie:**

Any questions?

**Ms. Hallam:**

No, I just have one thing I was just thinking of, did we talk about Methadone? I know we talked about Sublocade. Did we talk about expanding it? I thought I heard conflicting information. It used to be just pregnant people and then it was expanded. I think I read something the other day that said like 70 people were on it. I am just wondering if that is planned to be expanded even further and offer Methadone to more people.

**Director Baumgartner:**

Yeah, I did comment on that. We are in the process of expanding that program as well.

**Ms. Hallam:**

Right. I am just asking when and to whom?

**Director Baumgartner:**

It would be anyone who comes in, the same basis as Suboxone, it would be a continuation medication and that would have to be verified through an intensive process. We are still looking at finalizing things with a vendor to begin that process.

**Ms. Hallam:**

Okay, so no timeline right now, just in the works?

**Director Baumgartner:**

We are hoping the sooner the better. We are working towards it. It is a difficult process. I believe Chief Williams commented on that last month with the providers trying to get people hired and it is the same process across the board.

**Ms. Hallam:**

Yeah, that is where I thought she said last month that it was expanded to like 70 something people.

**Director Baumgartner:**

I think that may have been the Buprenorphine number.

**Ms. Hallam:**

Oh Okay, that is what it was. Alright. Thank you very much.

**Ms. Moss:**

I have a question. How many men and women are in the acute mental health section? Or did you give that number, I might have missed it? I know when I was there, I visited those two areas. You say you have 19 waiting to go to Torrance but how many people do we have in the acute mental health?

**Dr. Brinkman:**

Just because they are waiting to go to Torrance, does not mean they are currently on an acute mental health pod. However, related to the females that are on the acute mental health pod, we currently have 13. Then for men on the acute mental health pod, we have 22.

**Ms. Moss:**

Okay, thank you.

**Judge Howsie:**

Alright. Any other questions? A concern that everyone is expressing, plan to resume visitations in the jail.

**Warden Harper:**

Your honor, I just spoke about that earlier. As I stated before we are down to 34 positive cases within our jail. We have 14 pods that are isolated. We still have a huge caseload of positive individuals in our community. We want to bring these individuals out but we are just going to look and see when the cases are reduced in the community and when our isolation pods are reduced before we actually start trying to bring people in the facility.

**Judge Howsie:**

Understood. Any additional questions regarding that information?

## 10. New Business

**Judge Howsie:**

With the new business, Ms. Klein had indicated that she would like to make additional comments or remarks regarding her visit to the jail.

**Ms. Klein:**

Thank you, Judge Howsie. I apologize last month that I did not give a shout out to the people who shepherded me around the jail. Everyone was incredibly helpful and took me wherever I want and let me speak to the incarcerated

individuals in private. I apologize for that oversight and I am very appreciative of how kindly I was received at the jail. Thank you.

**Judge Howsie:**

Thank you. Additionally, in the past we would have two motions by Ms. Hallam, one to put \$50 on each incarcerated individual's account on their commissary and another motion to put \$50 on their tablet. It is my understanding that because of upgrades that have been done to the system, \$100 can now be placed on individual's commissary account and they have the ability to move that money around at their discretion. So that motion now will just be reduced to 1 motion for \$100 per incarcerated individuals, so they could use the money as they see fit. Ms. Hallam, would you like to take it away?

**Ms. Hallam:**

You took all the words right out of my mouth. Thank you, Judge Howsie. That was the perfect explanation. So that is exactly why there is 1 for \$100 instead of 2 for \$50 now. With that, I would like to make a motion for \$100 to be put on each person's commissary and tablet joint account. There was a total of 1,539 people when I drafted this motion, for a total of \$153,900. I would like to move to approve.

**Ms. Moss:**

Second.

**Judge Howsie:**

Anyone oppose? All in favor?

**Others:**

Aye

***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 commissary and tablet joint account of each incarcerated individual (1,534 individuals x \$100.00 = Total \$153,900).***

**Ms. Hallam:**

Judge Howsie, if no one has anything else I just like to say one more thing before the meeting adjourns.

**Judge Howsie:**

Sure.

**Ms. Hallam:**

Okay, so we have been sitting for about 2 hours now. One thing that not a single person brought up was that a man died after leaving the jail very recently, was found unconscious and unresponsive in his cell. His name is Paul Spisak. I first of all want to bring up how in the world did we sit through a 2-hour meeting, Warden's report, Deputy Warden's report and not hear this man's name. Not hear anything about the situation. I first want to bring up that. Then also I want to talk about the process, in general. I know in the past when people have died at the Allegheny County Jail, or something happens to them at the jail and they die at a hospital shortly after, as has happened in Mr. Spisak's case, that Warden Harper has said that there was an internal review that happens for each and every death. So, I just want to one, get an update on is that internal review happening or is this death excluded because he died in the hospital later. I also want to know if the jail is tracking the deaths of people who leave and die.

**Judge Howsie:**

Ms. Hallam, if I may, it looks like you are going to have a number of questions. So why do not we allow the Warden...

**Ms. Hallam:**

Can we please get an update on Mr. Spisak and what happened to him?

**Judge Howsie:**

After you get an answer to the question you can move on to the second, but whichever you prefer.

**Ms. Hallam:**

Sure, that is what I would like to know first. If we could please talk about the person who lost their life as a result of something that happened in the jail.

**Warden Harper:**

Paul Spisak was a 77-year-old male committed to the Allegheny County Jail on January 4, 2022 for an invasion of privacy charge and a probation violation. He was found unresponsive in a cell on January 22nd but alert and stable at the response by health care department. He was transported to a local hospital. The hospital advised that he had numerous medical complications and recommended that the next of kin be notified and engaged in treatment and care conversations with the hospital. The court released individual from custody of the jail on January 28, 2022 due to his condition. Once released we received no further updates or information from the hospital. As he is no longer in the custody of the ACJ, we did not receive any notification of his death. After receiving a media report, we confirmed with the medical examiner's office that Mr. Steve Spisak died on January 30, 2022 at 15:55 hours. We have no further information at this time. As with all incidents at the jail, it will be reviewed by internal affairs, county police, and jail administration. The medical examiner's office has taken jurisdiction of this case and will determine cause and matter and the release of the same according to its protocol. It is under investigation and that is all I can say about that case.

**Ms. Hallam:**

Okay, so my first question is who found him unresponsive? Was it, you know, like, he was just lying in his cell, did somebody see him fall? Can you just talk about what happened leading up to him being found unresponsive?

**Warden Harper:**

I do not think that I want to do that in this setting. I stated that he was found unresponsive. If you want more details, Ms. Hallam, I will be more than willing to do it in a nonpublic setting.

**Ms. Hallam:**

Okay, and then I think you answered my next question already but just to clarify, when someone is transported to the hospital, from the jail, are they always released from the custody of the jail?

**Warden Harper:**

They are not always released.

**Ms. Hallam:**

Who makes that decision whether or not to release them from the custody of the jail?

**Warden Harper:**

The courts make that decision.

**Ms. Hallam:**

Okay, I was just asking. So, the courts make the decision. How are the courts informed when someone is transported from the jail to the hospital?

**Judge Howsie:**

If I may, it is not so much that the courts are informed when someone is transported, there is just a motion filed. Someone, counselor, files a motion and a judge will rule on the motion.

**Ms. Hallam:**

Oaky, is this the 6A motion?

**Judge Lazzara:**

The 6A the order releasing them. The courts find out from various different ways that somebody has been sent to the hospital. Sometimes it is the attorney for the person who asks if they be released. Sometimes it is the Sheriff's Office because as long as they are in custody of the jail, the sheriffs have an obligation to monitor them and provide security. So, you know, it varies in in different ways how the courts are notified. It is not the overall courts; it is the judge who is assigned a case. Then the judge can make the decision as to whether or not that person is released from custody and at that point a 6A is set.

**Ms. Hallam:**

Thank you, Judge Lazzara, that is actually very helpful. That was that was what I was trying to get at. So, in this situation, did the jail notify the judge or how was the judge notified?

**Sheriff Kraus:**

I can speak for us. When that decision is made by the physicians, we notify whatever avenue that gets to the appropriate judge. In this instance, a judicial order you was given. Then we came off security and they went back to the jail. I think they went back to the jail, I do not to be honest. Did they go back Warden?

**Warden Harper:**

No

**Judge Lazzara:**

He died.

**Sheriff Kraus:**

There was a ROR, we were released, and the subject died.

**Ms. Moss:**

So, he died not in the custody of the jail. Is that correct?

**Judge Lazzara:**

That is correct.

**Sheriff Kraus:**

That is correct. Even though we provide security and, you know, prevalence of the inmate they die it is in the custody of the jail, but in this case, I believe, a ROR was issued. So, he was not in custody when he died, for the sake of the family, visitation, and so forth. I think that was the decision that was made.

**Ms. Hallam:**

I guess Warden Harper this is going back to you, does the jail track what happens to someone once they leave the jail and go to the hospital? Is there any sort of follow up on the jail's part to say, hey this person left our custody went to the hospital" if they get the release?

**Judge Lazzara:**

Ms. Hallam there would be a problem with HIPAA. The jail is not entitled to that information unless the patient would sign a release allowing the jail to get that information. I mean, I do not know how that happens.

**Ms. Hallam:**

I am sorry what I was asking is, for example, the jail does get the information that they knew this person went to the jail, they knew then that they were released from the custody of the jail while they were in the hospital. I am not talking about what happens after they were released from custody. I am talking about does the jail keep track of the people who leave the jail, go to the hospital, and then are released from custody from the hospital.

**Judge Lazzara:**

The jail has to know that they are released from custody because a 6A is sent to the jail. So obviously the jail would know that person was released from custody. What happens after they are released from custody; I do not know how the jail would be legally entitled to that information.

**Ms. Hallam:**

I am not asking about after the release from custody. I am trying to figure out if the jail is tracking people who are 6A released after they go to the hospital, not what happened after release.

**Judge Lazzara:**

They would get a bunch of 6A's. Do you know how many 6A's are sent out of the jail on a daily basis?

**Ms. Hallam:**

How many people are sent to the hospital from the jail? With that many there is too many to keep track of.

**Judge Lazzara:**

It does not say on the 6A that somebody is being released from the jail because they are in the hospital. The only thing that is sent down is a 6A that says you are to release this person from your custody. It does not say why. It simply says release this person.

**Ms. Hallam:**

I understand that. What I am asking is let us say John Smith is in the jail and I am the jail. I know John Smith just went to the hospital. So when I then get a 6A about John Smith wouldn't you think that I would be like, okay, I had something that went to the jail and then they were released from the jail and they never came back"? Maybe a better way of asking the question is, does the jail keep track of people who go to the hospital and never return to the jail?

**Judge Howsie:**

I think what Judge Lazzara was trying to say is once a 6A court order directs the jail to release the person from the custody of the jail, the Sheriff's Office is notified, they removed their security detail and there is no mechanism in place to track that or follow up with regarding a person who's been released from the custody.

**Ms. Hallam:**

So this has happened a 100 times before, people go to the hospital from the jail and their release from custody and die in the hospital? \That is what I am trying to figure out. How many times this has happened?

**Sheriff Kraus:**

People get sick. It is a medical issue, it is not a judicial issue, it is not illegal justice issue, people get sick. In this case, I think collectively, we tried to do the right thing. So, we did the ROR, we did the 6A, or whatever I cannot speak for the judges, but to allow him to be visited by his family before he died.

**Judge Howsie:**

I think, in addition, the jail has no concern regarding that person once he is released from the custody, unless and until, someone signs an arrest warrant, and someone brings him back to the jail. He is no longer the jails issue given the fact that he is been released from custody.

**Ms. Hallam:**

Right the issue, as the Jail Oversight Board, is that someone left the jail and never came back because they died. That is 100% a concern of this board or should be.

**Sheriff Kraus:**

But that happens. Just from a medical perspective, that happens.

**Ms. Hallam:**

I understand that it happens because 12 people have died in the past not even two years from that jail. I very much understand that happens. What I am trying to get to is if the jail is not tracking it, how are we, as the board, supposed to do our job and make sure that we are taking every measure possible to prevent deaths of the jail.

**Sheriff Kraus:**

If we have no evidence relating to custody, or any judicial order, or any criminal justice system order that they die and it is related strictly to a medical condition, what exactly do we have to explain?

**Ms. Hallam:**

We do not know yet what he died of, right? We do not yet know that it was a medical condition. We do not yet know why he died. All I want to know is how can we track when someone goes to the hospital from the jail and never comes back.

**Judge Lazzara:**

Hey Elliot, we have a suicide prevention sub-committee. Can I suggest that we expand it and have it be a preventable death subcommittee? So that we can have some people that ask questions about tracking. Some of this information Bethany, quite frankly, cannot be tracked unless somebody signs a release to allow it to be. But maybe we can have a small subcommittee of people talk about the of preventable deaths in the in the jail and talk about what we can be and cannot be tracked. Perhaps that small sub-committee can also follow the suicide prevention items, just as one subcommittee that can address some of those issues. Because it is going to take, I think, a small group of people talking and bouncing ideas and then finding out what we can or cannot do.

**Ms. Hallam:**

I love that idea.

**Mr. Pilarski:**

With all due respect, your honor, I think we have to be careful with the saying "preventable". We are assuming facts that are not necessary evidence. Once all the investigations are complete maybe there is a review that could be done.

**Judge Lazzara:**

Mr. Pilarski, that was an exceptionally legal objection that you made there assuming facts not evidence.

**Ms. Hallam:**

How about we call it Death Prevention?

**Judge Lazzara:**

We can call it whatever you want to call it but the idea is we would be able to discuss what we can get, what we cannot get, and if we find that there is a problem that we can talk about it.

**Judge Howsie:**

I agree. Just to follow up with that, when I was making my calls to each board member that was the consensus. That we would couple that with the suicide prevention subcommittee and that was something that we would definitely take a closer look at going forward. It was the consensus of the group then that would be done once the liaison comes

on as a way of educating all the board members, as well as the liaison. So that was definitely a consensus and something that everyone agreed with. I mean that is something we could do going forward.

**Ms. Hallam:**

Great. Thank you all so much.

**Judge Howsie:**

Anything else from anyone? Alright.

**Ms. Hallam:**

Well, I guess the only thing that I did not say about the last issue, is the answer no, there is no internal review of a death that happens outside of the jail? So, there would be no review of this death is what I am asking?

**Judge Howsie:**

There will be no way for them to know unless there some information will disseminate about it because of HIPAA. This is not a great example, but it would be no different if someone were released from the jail and went home and, God forbid, overdosed, and died. There is no way to follow that up either. There would be no way to know that either. The jail's stake in this is that they either house people who have been ordered or confined, and they release people who have been court ordered to be released. The things that you are discussing are not necessarily their focus given the fact that they are there for the custody and maintenance of the people in the facility.

**Ms. Hallam:**

Thank you Judge Howsie, I appreciate that answer.

## 11. Adjournment

**Judge Howsie:**

Alright. Anything else from anyone?

**Ms. Hallam:**

Motion to adjourn.

**Judge Howsie:**

Alright, Sheriff Kraus, we are all ears.

**Ms. Hallam:**

Kevin, I did not mean to take that from you.

**Judge Lazzara:**

Bethany you cannot do that, that is Kevin's.

**Sheriff Kraus:**

It is the only thing I bring to this.

**Ms. Hallam:**

That is not true.

**Sheriff Kraus:**

That is what I was told, do not say a word at these meetings, except motion to adjourn. So, duly delivered.

**Judge Howsie:**

Then I guess we do not need a second. Meeting is adjourned. Thanks everyone for your commitment. Stay safe. Stay warm.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Tracy Royston', with a stylized flourish at the end.

Tracy Royston

## February 2022 Jail Oversight Board Public Comments

### Commissary

**Name: Brian Englert**

Organization(s): ACPEIU

Comment: My inmates had commissary delivered 'as is' last week, and were not refunded on missing items or moldy items. This week commissary was not delivered to my unit on delivery day, or any other unit on my level, which houses the most inmates in the jail. No notice as to if there was an issue with the vendor. This is leading to increased tension on my unit which is currently on isolation like the rest of the units on my level. The vendor is terrible. Officer safety can be impacted the longer the vendor continues to defraud inmates.

**Name: Malcolm Durrige**

Comment: Months ago the Controller's Office found that Summit Foods was out of compliance with its contract. More specifically, the Board learned that Summit was overcharging for most if not all of its commissary items. Judge Clark asked about this as recently as the December 2021 Board meeting, but still it doesn't sound like anything has been done. This is really unfair to the people incarcerated at ACJ and their families, many of whom are already struggling to make ends meet. It also means that when Board takes money from the Incarcerated Individual's Welfare Fund to put on the books for incarcerated people, too much of that money turns into profit for Summit and not enough returns to the IIWF. How can we make sure that Summit follows the rules?

**Name: Jasmyne Delgado**

Comment: Since November 2021, Friends and Family have not been able to buy a decent "Gift Pack" from the approved ACJ website, Jail ATM. At one point there were 8-9 "Gift Packs" available to choose from, now there are a meager 2, both are hygienic one for Male and the other Female. When will Family & Friends be permitted to buy actual food Gift Packs once again?

### Public Comments

**Name: Sunshine Law?**

Comment: I was disappointed and even alarmed to hear Judge Howsie say that there will no longer be Public Comments. Most of the Board have full-time jobs or are otherwise very busy, and cannot spend as much time as they would like looking into claims about the Jail. Why, then, would the Board want to ignore public input? People whose lives are intimately affected by the jail-- the incarcerated and their loved ones, COs and their families, medical and mental health staff, community organizations, concerned residents-- all have valuable insight to share. They may have access to information that Board members do not. The questions they have are important, and it is in the public interest for the Jail to answer them in an open forum.

**Name: Carol Nichols**

Comment: If public questions and comments aren't going to be used to inform the meetings and priorities of the oversight board, what is the mechanism by which citizens can participate in the oversight of the jail that our taxes pay for?

**Name: Eliana B**

Comment: Public comments should be discussed during meetings if they are to have any relevance at all. If the board gets comments in an email but never reads or discusses them during meetings, what's the point? Why should we bother submitting public comments at all? Is this new policy meant to deter public participation? Is Judge Howsie or any other board member concerned that this violates the spirit of the Sunshine Act?

#### **Force Used in ACJ**

**Name: Samantha A**

Comment: The Board voted in September to ban rifles, shot guns, flash grenades and other similar weapons. The Warden has continued to store and use them anyway. At January's meeting he told the Board he isn't doing anything wrong because he got them before the resolution was passed. um.... what?! That puts the County back at risk of even more expensive litigation. In just the past few months a Colorado jail following Garcia's methods settled for millions of dollars and here in PA dozens of incarcerated people sued York County Prison over their use of Garcia's training and methods. The SERT team at ACJ is still carrying the weapons Garcia told them to buy. They are still using the techniques he taught them to use. We are going to get sued.

#### **ACJ Employment**

**Name: Brian Englert**

Organization(s): Officer's Union

Comment: With the jail struggling to recruit new Officers (4 cadets out of 91 applicants), it's time to drop the application fee to get more candidates applying to man a severely understaffed jail. Can we drop the application fee to get more recruits?

#### **Medical**

**Name: Elizabeth Schongar**

Comment: Thank you for considering my comments Which medicines are refused & how often at the jail? This could be tracked and reported by the number of instances per month without mentioning the patients. How many doses a day (on average each month) are major anti-psychotics such as Haloperidol and Thorazine prescribed at the jail? Major anti-psychotics have often been over prescribed in institutional settings because they make people compliant, even though they have terrible permanent side effects and also often worsen mental health. They are also among the most frequently refused medications in many institutions because they make a person thoroughly miserable by damping down dopamine (positive feedback) in the brain.

#### **Miscellaneous**

**Name: Elizabeth Schongar**

Comment: Please respond to my questions Why did someone die of bleeding at the jail? Are people who have food allergies or who think they have food allergies being accommodated? Is anyone being force fed? If so, how many? What reason do they give for not eating? Are LGBTQIA people, particularly Trans people, being isolated? Everyone is locked down, but not everyone is locked down alone. Do people with mental health issues all have access to call family members? Where are the children who used to go to the Shuman center going now? Are they all close enough to home for contact with their families and lawyers, and for evaluation for local programs?

**Name: Bex Tasker**

Comment: What steps is the jail currently taking to ensure that all those incarcerated have access to language, including those who do not speak English, may use ASL or other non-verbal forms of communication?

**Name: Stephanie Gagne**

Comment: I have been hearing from those inside the jail that they are not being given the 4 hours outside of their cells as legislated in Chapter 205 of the Allegheny County Code. This is disturbing to me as this is literally the law and should be followed instead of blatantly ignored. It is considered torture for people to sit in their cells alone for 23 hours a day and that is exactly what the jail is doing. It is disgusting and a human rights violation. Please do something about this.