

Minutes of the Monthly
Meeting of the
Lancaster County Prison Board
March 18, 2021

The meeting was called to order by Commissioner Joshua Parsons at 9:15 a.m. in Public Meeting Room at the Lancaster County Administrative Office Building.

Members Present: Commissioner Joshua Parsons, Commissioner Ray D'Agostino, Commissioner Craig Lehman, President Judge David Ashworth, District Attorney Heather Adams, Sheriff Christopher Leppler, and Controller Brian Hurter.

Others Present: Cheryl Steberger, William Aberts, Joseph Shiffer, Tammy Moyer, Cody Scheid, Kim Wolfe, Arla Brown, Bob Devonshire, Larry George, Kathleen Morrison, Louis Chirichello, James Neighbors, Kelly Ehrich, Kelly Rhoads, Rhiannon Rector, Kristal Abenshon, Anthony Kern, Jeff Hawkes, Todd Haskins, Aaron Sontz, Helen Zeager, Tom Zeager, Lisa Colon, Peggy Lou Platt, Christopher Tallarico, Kent Kroehler, Gretchen Gaudio, Carrie Kurtz, Troy Beam, Deb Beam, John Maina, and Diana Rivera.

Commissioner Parsons stated that the Prison Board met in executive session on Thursday, March 18, 2021 at 8:30 a.m. to discuss litigation, personnel matters, and a real estate matter. Specifically under litigation, the Board discussed the Jackson (20-5207), Leisure (18-02822), and Tyler (20-02919) cases.

Controller Hurter moved to approve the minutes of the January 21, 2021 Prison Board Meeting. Commissioner D'Agostino seconded. The motion carried unanimously.

Cheryl Steberger, Warden; William Aberts, Deputy Warden for Operations; Joseph Shiffer, Deputy Warden for Inmate Services; Cody Scheid, Business Manager; and Bob Devonshire, Director of Facilities; gave reports on their areas of responsibility. All of these reports, including operations and statistical information, are posted on the County's website.

Cheryl Steberger, Warden, reported the inmate population this morning is 630. The average inmate population in February 2020 was 757 and 619 in February 2021. Warden Steberger reported that the population was at a low of 580 on February 4, 2021. She stated that the population was below 600 for most of January.

Warden Steberger provided a COVID-19 update. She reported that four inmates and nine staff members have tested positive in February. Currently, there are two inmates who tested positive upon entering the facility after leaving the hospital. Warden Steberger reported that there are currently no staff members who have COVID-19. She stated that testing continues to be offered and conducted on the inmate population by PrimeCare. Warden Steberger reported that they are cautiously resuming activities in

the facility due to the low numbers of confirmed cases. She stated that block outs have been extended for the general population housing units, with opening half a tier instead of a quarter tier. Warden Steberger reported that inmates are permitted out of their cells two hours at a time, rather than an hour. She stated that their traveling barber was permitted back into the facility and the first haircuts were offered to the inmates for free. She reported that there was a total of 259 free haircuts. Warden Steberger reported that the Chaplains have opened virtual visits for the inmates. She reported that non-contact visitation restarted on March 1, 2021. She stated that 160 visitors have come into the facility and 90 inmates have received visitation. Warden Steberger reported that visitors must call in to schedule their visits instead of just appearing at the facility.

Warden Steberger reported that they continue to review the policies and procedures and will meet as a team in early April. She stated that she hopes to open more programs and activities in May.

William Aberts, Deputy Warden of Operations, reported the officers of the month for February: Second Shift, Officer Ryan Stoltzfus; Third Shift, Officer Jarred Burns. Officers Stoltzfus and Burns were unable to attend the meeting.

Deputy Warden Aberts reported on the staffing complement, allotment: 228, current: 182. He reported a new class of 10 officers started on March 1, 2021 and another new class will begin on May 10, 2021.

Deputy Warden Aberts reported that work was completed on the concrete floor in the main floor area near the elevators.

Joseph Shiffer, Deputy Warden for Inmate Services, reported that Chaplain virtual visits started on March 8, 2021. To date, there have been 13 virtual visits. Deputy Warden Shiffer stated that they continue to cautiously look at reopening treatment programs. He stated that they will be reviewing a process to start holding internal groups within the facility.

Deputy Warden Shiffer introduced the new Prison Rape Elimination Act (PREA) Caseworker, Kristal Abenshon, and the new Health Services Administrator (HSA) for PrimeCare, Rhiannon Rector, to those in attendance.

Deputy Warden Shiffer provided a reentry services update. He reported that Matthew Wagner has been working on a grant opportunity called Transform. He stated that the program is through the Department of Labor & Industry and the focus of the grant is to work with inmates on employment and training while in the institution and after release. Deputy Warden reported the recidivism rate for the reentry class at 90 days is 6.7%, 180 days is 14.8%, and one year is 40%. He stated that they continue to meet with

inmates weekly to provide support and work with community partners to help the inmates get back into the community.

President Judge Ashworth thanked the Prison staff for their help with the virtual hearings. He stated that their help has been very effective in providing the ability to keep the court system moving.

Cody Scheid, Business Manager, reported that the inmate tablet implementation and troubleshooting process has been completed. He noted that, to his knowledge, the inmate request process that the Prison established, in which all of inmate documentation is done electronically, is the first in the country.

Mr. Scheid reported that they submitted their request for Act 81 funding for 2020, which is a state grant for work release hours. He stated that they are expecting the funding to be less this year due to COVID-19.

Mr. Scheid reported that the Director of Administration position currently remains vacant.

Bob Devonshire, Director of Facilities Management, reported on his area of responsibilities:

- CGL is now fully staffed.
- Dishwasher, steam kettle, and skillet were ordered for the kitchen.
- Final quote received for the masonry repairs and a purchase order will be processed shortly.
- 2021 budget for capital projects is \$230,000 and \$1,358,585 for the operating budget.
- 165 work orders closed in January and 134 in February, with 299 closed year-to-date. This is an average of 150 work orders at the Prison closed per month for 2021.

Commissioner Lehman asked Deputy Warden Aberts how the Prison is managing with the staffing complement being so low. Deputy Warden Aberts stated that after meeting with the union, they decided to have one officer in the housing unit instead of two. He stated that by removing an officer in the housing unit, that alleviated a lot of mandatory overtime. Commissioner Lehman asked if the current complement of 182 is stable. Deputy Warden Aberts stated that they have had a few more officers resign after his

report was submitted. He noted that they have had a high turnover since COVID-19 began. He stated that they are doing everything they can to get people to apply.

Commissioner Parsons expressed his appreciation for all the leaders and the staff during this challenging year. He stated that the staff has done an outstanding job on keeping people safe, maintaining the facility, and opening programs back up. Commissioner Parsons also thanked the Courts, District Attorney's Office, and the Public Defender's Office for working together to try to keep things moving.

President Judge Ashworth reported that the existing Administrative Order expires at the end of April. He stated that there will be an additional Administrative Order because of the advanced communication technology that allows them to handle proceedings remotely. He stated in order for them to continue to use that until there is a rule change by the Supreme Court, they have to continue the judicial emergency. President Judge Ashworth stated that there will be an extension of the judicial emergency so they can continue to do probation violations, guilty pleas, and other proceedings remotely. He stated that they are moving forward, and they will be getting back into the courtrooms more often.

Commissioner Parsons reported that the next PrisonStat meeting is scheduled for March 23, 2021 at 1:30 p.m. in the Public Meeting Room at the Lancaster County Administrative Office Building.

In business from guests, John Maina, Collective Resistance Acting in Solidarity for Humanity (CRASH), thanked the Warden and the Board for their collaboration in keeping the inmate population low during COVID-19. Mr. Maina asked the Board for an update on a new prison, their plan to continue to keep the population low, and their opinion on eliminating cash bail.

Commissioner Parsons commented that the Board of Commissioners and the Prison Board agree that a new prison is needed at some point in the future. He stated that the first step of the process is an announcement on land acquisition, which cannot be disclosed to the public until such time they acquire the land, as that would skew the real estate market. Commissioner Parsons stated that the work in reducing the inmate population started years before COVID-19. He noted that at one point the inmate population was as high as 1,300, and is now under half of that amount. He stated that there is no other community in the Commonwealth of Pennsylvania that has done that safely. Commissioner Parsons stated that this was a result of moving the system faster so that they did not have the percentage of cases over a year old. He stated that they are looking at innovative and different ways to handle sentencing and pre-trial sentences. Commissioner Parsons stated that he does not think that cash bail is an issue in Lancaster County because it is reviewed multiple times by the Magisterial District Judge (MDJ) and at the Common Pleas level, to determine if the bail is

appropriate. He stated that he does not think we would get the decrease in the inmate population without having many eyes on the bail and making sure it is appropriate with input by the Public Defender's Office and the District Attorney's Office. Commissioner Parsons stated that if cash bail was an issue, we would not have the decrease in the inmate population that we have in a county our size.

President Judge Ashworth echoed Commissioner Parsons comments regarding the cash bail issue. He stated in the 21 years that he has been on the bench, he does not believe Lancaster County is among those jurisdictions that has a serious cash bail problem because there are procedures in place to address those issues. He stated that the purpose of bail is the safety of the community and to ensure that the person will show up for proceedings. President Judge Ashworth stated that if the bail that is initially set by the MDJ is deemed not to be appropriate, then the parties can come before a Court of Common Pleas Judge and address the issue. He stated that he thinks the procedure that is in place works well.

President Judge Ashworth commented on the Prison population. He stated that keeping the population low existed prior to COVID-19. President Judge Ashworth thanked the Prison, District Attorney's Office, and everybody working collaboratively to keep the population down.

District Attorney Adams commented that she agrees with the comments mentioned regarding cash bail. She stated that she does not think that cash bail is a problem in Lancaster County. She stated that in addition to the Court system, there is a committee in place at the Prison to review bail. District Attorney Adams stated that she would be strongly opposed to getting rid of cash bail because it is an effective tool, especially for violent offenses and for public safety.

Kent Kroehler, Have A Heart, asked how many people are kept in jail because they cannot afford a low bail and what is a low bail that ordinary people get, and poorer people cannot get. He also asked if there are people in Prison at bails below \$10,000.

President Judge Ashworth stated that he does not have specific data at the moment, but if the safety of the community is not a concern and there is a belief that the person will show up for proceedings, then it is a release on your own recognizance (ROR) type of bail. He stated that the default is not using cash bail unless there is a reason for the person to be in jail.

Commissioner Parsons commented that there is a set of legal requirements when each Judge is looking at bail with the input of the district justice, prosecutor, and defense team. He stated that bail is reviewed multiple times, including at the Common Pleas level. Commissioner Parsons stated that every case is looked at individually using what

the law requires. He stated the fact that they do not have more people in Prison tells you that the County is doing the right thing.

Commissioner Lehman commented that he agrees with Commissioner Parsons on the land acquisition for the new Prison. He stated that as soon as they have information to announce, he is confident that they will do it as quickly as they possibly can. Commissioner Lehman commented on the Prison population. He stated that in 2012 the population was over 1,300 and prior to COVID-19 the population was around 700-800. He stated that the large reduction in the inmate population happened prior to COVID-19. Commissioner Lehman stated that COVID-19 has reduced it even further, but the County had been making significant strides prior to COVID-19. He stated that the process in reducing the inmate population began nine years ago in 2012.

Commissioner Lehman commented on the cash bail issue. He stated that he thinks the issue is that some people are asking if a person is not a flight risk, not a public safety risk, and not a danger to themselves, are there any instances where bail is the only thing that is preventing them from being released. Commissioner Lehman stated that if these concerns are not an issue then there is no reason that they cannot be released on their own recognizance to be allowed to go back into the community. He stated that it is the government's responsibility to show that that is not the case. Commissioner Lehman stated that what he thinks the community is saying is that bail should not be the reason that anybody is in jail if all these other factors are deemed acceptable as it relates to not being a flight risk, not being a public safety risk, and not being a harm to themselves. He stated that the least amount of time that non-violent offenders spend in jail, the better the outcome will be for that individual and for the community.

Commissioner Parsons stated that there is no one on the Board that wants non-violent people in prison just because they cannot make a cash bail. He stated that the evidence of that shows that they have been doing this for years. Commissioner Parsons stated that if there is a case or multiple cases that has not been handled correctly then they can have that discussion. He stated that his frustration comes from when people apply terms that may be applicable in other areas in the state or country, that are not applicable here.

President Judge Ashworth commented that if there is an issue with bail, the defense attorney or the Public Defender's Office files a bail petition. The District Attorney and the defense attorney will come before a Judge and discuss whether or not the bail that is set is appropriate. President Judge Ashworth stated that it is the District Attorney's responsibility to review the bail and make a determination of those factors mentioned previously. He stated that typically if the District Attorney has no objection to bail being reduced or someone being released ROR, they will leave it to the discretion of the Court. If that occurs, the Judge will reduce bail to meet the criteria talked about and the bail will either be released or remain the same based upon that discussion. President

Judge Ashworth stated that if it is not brought to the Court's attention, then they are not aware of it and cannot deal with it.

Christopher Tallarico, Public Defender's Office, commented regarding the bail issue. He stated that there is still a small number of individuals who are arrested on charges and the on-call District Judge orders a small cash bail usually under \$10,000. When the preliminary hearing is held, usually about 10 days after the arrest, the Public Defender's Office addresses the cash bail at that time and getting it changed to unsecured bail or a bail monitoring. Mr. Tallarico stated that there is a robust pre-trial monitoring system in Lancaster County, especially for repeat DUI offenders. He stated that the monitoring system consists of drug and alcohol monitoring, ankle bracelets, and house arrests, which could be done on other cases as well. Mr. Tallarico stated there is a much smaller window of cases where the on-call District Judge sets a low cash bail, the bail remains unchanged after the preliminary hearing, and the client remains incarcerated.

Tom Zeager, Clay Township, complimented the Board, the Warden, and the last President Judge on making a lot of progress over the years. He stated that he agrees with Mr. Kroehler regarding bail. Mr. Zeager introduced the new President of Justice & Mercy, Troy Beam, to those in attendance.

Troy Beam, Justice & Mercy, commented that he thinks the members of the public wants to know what the statistics are of those who get a low bail and do not get out of jail. He stated that he wants to continue Justice & Mercy's vision and Mr. Zeager's mission of helping the least among us. Mr. Beam commented that he is a big opponent on life sentences without the chance of parole. He stated that he is looking forwarding to working with Lancaster County.

Mr. Kroehler commented that he has some suggestions for a change to the Prison website. He stated that he was charged a fee of \$10.00 and interest after putting money into an inmate's account with a credit card. He suggested to add a warning on the website where the credit action through jail ATM is offered, to state that if you use a credit card you will be charged cash advance fees through your credit card company. Mr. Kroehler also suggested moving the livestream for the meeting to the front page of the Prison website for easier access.

Mr. Kroehler commented that the current mission statement of the Prison needs to be reviewed. He stated that it contains nothing about the sense of direction for making a difference in people's lives and trying to exit them in a different condition then when they came in.

Mr. Kroehler reminded the Board that the Prison does not have a good way of handling juvenile females due to the obvious design disfunction of the facility. He stated that this is an issue that needs to be addressed when it is time to design a new facility, so there

is flexibility. He commended the Warden and the staff for managing that process and moving the juvenile female to a maximum security female state institution.

Mr. Kroehler read a quote from the Irwin book that he recommended to the Board, “a jail prisoner generally experiences more punishment per day than a convict in a state prison.” He stated that he does not think that is true for our Prison, but it is true for a lot of jails. Mr. Kroehler stated that our mission is to make sure that it does not happen.

Commissioner Lehman commented that he agrees with Mr. Koehler’s comments regarding the female juvenile, as it is another indication that the facility is functionally obsolete. He also agrees that the staff does a great job. Commissioner Lehman stated that he maintains that the facility itself is a negative contributing factor to everyone that is serving time or working there.

Lisa Colon, Lancaster City, commented that for the last seven winters she has volunteered at an emergency winter shelter. She stated that people were not able to take showers at the shelter this last winter and had to shower at churches several times a week. She noted that there were safety concerns due to not having proper footwear to take showers. Ms. Colon stated that she worked with Tammy Moyer, who was previously at the Prison, and Bob McCurdy from Oasis Management and they were able to get safe shoes that people could use to take showers. She thanked Ms. Moyer and Mr. McCurdy and stated that she is very appreciative.

Commissioner D’Agostino moved to adjourn the meeting at 10:25 a.m. Commissioner Lehman seconded. The motion carried unanimously. The next meeting is April 15, 2021 at 9:15 a.m.

Respectfully submitted,

Brian K. Hurter
Secretary