

Minutes of the Monthly
Meeting of the
Lancaster County Prison Board
May 19, 2022

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

Members Present: Commissioner Joshua Parsons, Commissioner Ray D'Agostino, President Judge David Ashworth, District Attorney Heather Adams, Sheriff Chris Leppler, and Controller Lisa Colón.

Not Present: Commissioner John Trescot.

Others Present: Cheryl Steberger, William Aberts, Joseph Shiffer, Kim Wolfe, Jason Curtis, Ross Kauffman, Julia Hernandez, Louis Chirichello, Bob Devonshire, Kent Kroehler, Chris Tallarico, Stacie Dixon, Jeff Hawkes, Colin Evans, Beth Reeves, Anne Weiss, Jason Perkowski, Carrie Kurtz, Karlee Shambaugh, Kathleen Morrison, Jackie Pfursich, Dan Cicala, Shayla Lewis, Ashley Garcia, Todd Haskins, Adam Holly, Michelle Batt, Ashley Nordis, Jonathan Fox, Shayne Goodman, Lydia Kovalchuk, and Diana Rivera.

President Judge Ashworth moved to approve the minutes of the April 21, 2022, 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; Arla Brown, Director of Administration; 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, provided an update on staffing. Warden Steberger reported the current staffing complement: allotment of 229, current staffing of 169, making it 60 officers short at the facility. She reported that eight new correctional officers will start in two weeks. She stated that 32 interviews were conducted in the month of April and 19 jobs were offered. Warden Steberger stated that there have been 15 interviews conducted so far this month, with another 15 scheduled. She stated that they have included the Captain and Lieutenants in the interview process and will continue to cross train them with the goal for them to conduct the interviews instead of herself and the Deputy.

Warden Steberger reported the inmate population this morning is 770. The average inmate population in April 2022 was 754 and 652 in April 2021. Warden Steberger noted that there are 118 female inmates and two juveniles. She stated that all housing units and programs are fully operational and additional block out times are being offered.

Warden Steberger reported that the Prison Board Meeting will be held at the Prison next month in the work release room.

Warden Steberger reported that the Lock and Key Award was presented to Sergeant Jason Curtis during Corrections Week. She invited Sergeant Curtis to the podium. Sergeant Curtis gave a short speech and said that he is humbled that he was chosen for this award and appreciates it. Sergeant Curtis received a round of applause from those in attendance.

William Aberts, Deputy Warden for Operations, reported the officers of the month for April: First Shift, Officer Austin Graser; Third Shift, Officer Irene Riley. Officers Graser and Riley were unable to attend the meeting.

Deputy Warden Aberts reported that there has been no activity on the control panel project since last month's meeting.

Deputy Warden Aberts reported that there will be full tier block outs as of May 23, 2022.

Joseph Shiffer, Deputy Warden for Inmate Services, provided a COVID update. Deputy Warden Shiffer reported that there were two inmates who tested positive for COVID in April and currently zero cases and hospitalizations in the facility. He stated that there has been a total of 470 positive cases to date since January 2021. Deputy Warden Shiffer reported that there has been a total of 554 COVID vaccinations and a total of 11,321 tests since the onset of COVID. Deputy Warden Shiffer reported that there is currently one staff member who tested positive. He stated that there were seven staff members who tested positive since January 1, 2022.

Deputy Warden Shiffer reported that the Work Release unit opened on April 25, 2022. There are currently 16 males and two females that are employed. Deputy Warden Shiffer stated that the staff in the Work Release unit are helping to clear detainers and bench warrants and have met with different employers to help inmates find employment.

Deputy Warden Shiffer provided a reentry services update. He stated that there are currently 36 participants in the program. Deputy Warden Shiffer reported that a new class of ten inmates started, and a class graduated two weeks ago. He stated that they continue to work with Anne Weiss, IU13, and CareerLink on the Pathways Home grant, which has approximately 64 participants.

Deputy Warden Shiffer provided a staffing update for his department. He stated that his department is now fully staffed. Deputy Warden Shiffer introduced the new Recreation Director, Ross Kauffman, General Specialist, Julia Hernandez, and Drug & Alcohol Specialist, Jean Leisher to those in attendance.

Arla Brown, Director of Administration, reported that they continue to offer monthly barbering services. In May, 44 inmates requested services, 11 of the 44 received services at no cost to them.

Ms. Brown reported that visitation continues to run smoothly. She stated that in the near future, they will have available, a user friendly brochure containing guidelines that will provide information to help the visitors and answer any questions they may have. Ms. Brown stated that once approved, the brochure will be available both electronically on their website and a hard copy at the visitation desk.

Ms. Brown reported that an audit of their financial processes in the Business Office will take place this month by the Controller's Office.

Ms. Brown reported that they are continuing with their monthly policy review meetings and began the review of their emergency plans.

Ms. Brown reported that the statistical information is provided online with the monthly report.

Bob Devonshire, Director of Facilities Management, reported that he recently graduated from Leadership Lancaster and toured the Prison with the group about a month ago. He stated the most feedback received was that the guards will take the time to stop and listen to the inmates, so they know their voice is being heard.

Mr. Devonshire reported on his areas of responsibility:

- CGL continues to be fully staffed.
- They continue to assist Deputy Warden Aberts on the door access control system upgrades.
- There were 81 work orders closed in April, with 282 closed year-to-date.

Jonathan Fox, Have A Heart, commented that he wanted to recognize Mr. Devonshire as he has been a leader long before his graduation from Leadership Lancaster. He asked if the group that toured the Prison had any other comments regarding the condition of the facility. Mr. Devonshire stated that it was an eye opener for the class and they did see some challenges, and obviously recognized that there is a need for a new building.

Controller Lisa Colón presented the financial report on the Prison. She reported that in comparison to last month's report, there has been an increase of \$3,782,497 in the expense side equaling an actual to date of \$10,443,109, that includes personnel services, supplies, and purchased services.

In business from guests, Mr. Fox, suggested having periodic evening meetings as there are people who cannot attend the meetings during the day.

Mr. Fox requested status of the information he requested at last month's meeting regarding the grievance report. Deputy Warden Shiffer stated that he does not know specifically what Mr. Fox wants to know. Mr. Fox stated that he was able to meet with PrimeCare and let them know the specifics of what he was requesting.

Mr. Fox requested a status of the design team for the new Prison. Commissioner Parsons commented that the Purchasing Department has issued the Request for Proposal (RFP) for the owner's representative and assume that they are receiving responses. He stated that he believes they should hear something by June on the next steps, which will then be brought to a Commissioners meeting and Prison Board meeting.

Kent Kroehler, Have A Heart, revisited the issue of the vendor contracts with commissions and "kickbacks". He stated that the Prison's total commissary revenue for the year was \$846,620 and the kickback was \$300,000, which nets the vendor a profit of \$546,000. Mr. Kroehler stated that his argument is not that the commissary products should be free, but rather that the inmates and families should pay close to market rate for those costs. The \$300,000 kickback is 54.9% of the total operating cost and profit of the vendor, which is a large number. Mr. Kroehler stated that everyday the County is overcharging mostly poor people by 55%. He stated that he is backing up his argument by three things: the prison's mission statement, American ideals that we affirm when we pledge to the flag, and the ethical proposition we call the golden rule. Mr. Kroehler stated that a 55% surcharge on people with limited income is an ethical failure. He stated that our commitment to our state admission, our justice ideals in American, and our ethics is an ongoing task. Mr. Kroehler stated that the commission "kickbacks" surcharge provisions are outdated and unjust as the current physical plant. He asked the Commissioners for their public commitment to reconsider this issue and have a discussion.

Commissioner Parsons commented that it is a fair point to discuss. He stated that someone who is incarcerated will have all of their basic needs met by the County, but the commissary for extras is a service and there is a cost to provide this by the Prison and the taxpayers. Commissioner Parsons stated that he has asked Warden Steberger to review the upcoming commissary contract and work with Purchasing to come up with

a recommendation and then have a public discussion. He stated that he does not think it is fair or helpful to the advocacy to say that it is an ethical failure.

Commissioner D'Agostino commented that he is open to the idea, to listening and taking the information and questions under advisement and looking at the matter. He stated, however, the County must provide the best service they can to the individuals that are in the County's care, but there are some portion of expenses that should be offset by those receiving County services within the prison. The taxpayers who are not utilizing the facility should not bear the entire cost, which is no different than many county and municipal services that have fees.

Mr. Kroehler stated that both Commissioners' responses fail to address the percentage issue of the surcharge. He stated that the 55% surcharge over all of the costs met by the vendor who provides operations and receives profits is too high. He stated that maybe 10% or 6% would be more reasonable. Mr. Kroehler stated that the Commissioners have powers unlike the individuals incarcerated. He stated that the commissary fund goes for capital and programming expenses, which are County costs and are not limited to the services provided by churches, congregations, charities, and families.

Warden Steberger commented that if she has an indigent inmate in the facility, they do provide their needs as far as hygiene items and legal items, which is required of them. The inmates also receive an indigent kit upon entering the facility as well.

Mr. Fox asked if any of the inmates were able to vote yesterday. Deputy Warden Shiffer stated that seven inmates voted.

Jason Perkowski, Power Interfaith, commented on the lawsuit against the County by the American Civil Liberties Union (ACLU) for not having a public defender present when bail is being set. Mr. Perkowski stated that when someone is going to have their liberties removed for a crime for which they have not yet been convicted it is important for them to have an opportunity to have a public defender. Mr. Perkowski stated that he has spoken with the Public Defender's Office, and they are more than willing to make sure that there is a public defender at each of those preliminary hearings where bail is being set. He noted that the Public Defender's Office is currently short several attorneys, but as soon as they ramp up to a full staff the Public Defender's Office believes that they can have a public defender at every hearing where bail is being set. Mr. Perkowski stated that they would also like to see that MDJ's and each of the Judges record the rationale of why bail was set the way that it was and an ongoing review analysis of that data about who is incarcerated pre-trial. Mr. Perkowski stated, in talking with the ACLU, they would like to settle this sooner rather than later. He stated that Power Interfaith suggest having the President Judge of the MDJ's sit on this Board as well, so they can be a part of this dialogue and hear concerns and suggestions made by

the public, even without a vote. Mr. Perkowski stated that they appreciate the work that the Prison Board and the staff at the Prison are doing. He stated that he thinks the things they have asked for are reasonable, attainable, and would like to see them happen sooner rather than later to both settle the ACLU lawsuit and to address the concerns of liberty.

Commissioner Parsons commented that once the County is sued, they cannot discuss the lawsuit outside of the attorneys.

President Judge Ashworth commented that the Prison Board is not the appropriate forum for this discussion. He stated that Prison Board does not have control over many of the issues that Mr. Perkowski discussed. President Judge Ashworth stated that the Administrative Office of Pennsylvania Courts (AOCPC), the legislatures, and the Supreme Court are the best forum for that. He stated that because of the pending lawsuit, he is not in a position to make any further comments.

Mr. Perkowski commented that if they can be of assistance, please ask them. He stated that they are here representing civil society who wants to make sure that we are moving forward on that to continue towards justice. Mr. Perkowski stated that all of the players that have authority over the things that they are raising are in this room and this is the one location to the best of their ability where these conversations do make sense. He stated that the Warden will be responsible, if the lawsuit moves forward the way that they think it will, for simply refusing to accept prisoners that come in that had their rights upheld by not having a public defender. Mr. Perkowski stated that the President Judge has oversight of whether sentences were appropriate, and bail was set appropriately, which impacts the number of inmates that are remanded into the custody of the Warden.

Commissioner Parsons commented that he understands that there is no good place to discuss these issues with the Courts, so by default it ends up at the Prison Board meetings. He stated that they have no power to make any decisions about bail. Commissioner Parsons stated that he disagrees with Mr. Perkowski's comment about the Warden refusing to accept an inmate. He stated that they follow the law and the Court's orders, even if they do not agree with them.

President Judge Ashworth commented that many of these issues have been discussed with the other departments and the procedures involved have been explained. He stated that some of the people in attendance do not like the explanations that were given and because of the litigation further discussions are not possible in this context.

Carrie Kurtz, Lancaster County Reentry Coalition (LCRC), commented that as partners of the County, the Prison, Adult Probation & Parole, District Attorney's Office, and the Drug & Alcohol Commission, the issues that Mr. Perkowski brought up are being

discussed and that change does not happen overnight. Ms. Kurtz stated that they have taken four strategic plans around reentry and put them into one, including the appropriate partners to address the concerns and the things that are needed to help reentry to be successful. She stated that most of the people in this meeting are committed to it and noted that Commissioner D'Agostino sits on their steering committee. Ms. Kurtz stated that with the consolidated reentry strategic project, there are four main areas that they are looking at: MDJ arraignment, diversion, reentry planning, and systemic. She stated that Lancaster County has a committed group of partners to do this, and they are working on it.

Commissioner D'Agostino moved to adjourn the meeting at 10:18 a.m. President Judge Ashworth seconded. The motion carried unanimously. The next meeting is June 16, 2022, at 9:15 a.m.

Respectfully submitted,

Lisa K. Colón
Secretary