

Minutes of the Monthly
Meeting of the
Lancaster County Prison Board
August 20, 2020

The meeting was called to order by Commissioner Joshua Parsons at 9:15 a.m. in Rooms 102/104 at the Lancaster County Administrative Office Building.

Members Present: Commissioner Joshua Parsons, Commissioner Craig Lehman, Judge Dennis Reinaker, District Attorney Heather Adams, Sheriff Christopher Lepler, and Controller Brian Hurter.

Not Present: Commissioner Ray D'Agostino and President Judge David Ashworth.

Others Present: Cheryl Steberger, Joseph Shiffer, William Aberts, Toni Warfel, Tammy Moyer, Cody Scheid, Arla Brown, Bob Devonshire, Larry George, Charlette Stout, Anthony Kern, Stacie Dixon, Christina Hausner, Kathleen Morrison, Todd Haskins, Jonathan Fox, Kent Kroehler, Tom Zeager, Troy Shifflett, Louis Chirichello, Byron Germer, Carter Walker, and Diana Rivera.

Commissioner Parsons stated that the Prison Board met in executive session on Thursday, August 20, 2020 at 8:45 a.m. to discuss labor negotiations, litigation, and personnel matters related to the discipline, suspension, and termination of employees. Specifically under litigation, the Board discussed the Cox (18-08525), Gbotoe (5:20 CV 00890), Lausell (16-11551), Melendez (20-02365), Reinhart (19-04061), Rodriguez (5:19 CV 03988), Tyler (20-02919), and Witherspoon (20-02288) cases.

Controller Hurter moved to approve the minutes of the June 18, 2020 Prison Board Meeting. Commissioner Lehman seconded. The motion carried unanimously.

Cheryl Steberger, Warden; William Aberts, Deputy Warden for Operations; Joseph Shiffer, Deputy Warden for Inmate Services; Tammy Moyer, 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, reported on the passing of three inmates at the facility within the last 30 days. She stated that Luis Ortiz-Velasquez was found unresponsive on June 28, 2020 during a routine check of his cell. The staff conducted cardiopulmonary resuscitation (CPR), called 911, and Lancaster Fire personnel and Emergency Medical Service (EMS) arrived at the facility and performed lifesaving efforts on the inmate. She stated that the inmate remained unresponsive and was pronounced deceased shortly thereafter. On July 17, 2020, inmate Justin Aicholz was found hanging and unresponsive during a routine check of his cell. Prison staff conducted CPR, called 911, and Lancaster Fire personnel and EMS arrived at the facility and conducted

lifesaving efforts on the inmate. She stated that the inmate was transported to Lancaster General Hospital (LGH) and was taken off life support on July 18, 2020. Warden Steberger reported the third inmate was William Kauffman who was found unresponsive on July 28, 2020 during a routine check of his cell. Prison staff conducted CPR, called 911, and Lancaster Fire personnel and EMS arrived at the facility and conducted lifesaving efforts on the inmate; however, the inmate remained unresponsive and was pronounced deceased shortly thereafter. She stated that she does not have the Coroner's autopsy results yet and expects the results in the next couple of weeks. She reported that all investigations were done in-house, as well as with the Lancaster City Police. Warden Steberger stated that the passing of these inmates is difficult for her, as well as the staff. She stated that she feels bad for the families of these individuals and is committed to keeping the environment safe at the facility.

Warden Steberger reported that PrisonStat was held on August 4, 2020. She stated that some of the issues discussed at the meeting were retention of the correctional staff at the facility, reduction in contraband, a review of suicide prevention measures, reducing staff assaults, and inmate on inmate assaults.

Warden Steberger reported that the average population in June 2019 was 801 and 688 in June 2020. The average population in July 2019 was 795 and 681 in July 2020. She reported that the population today is 650.

Warden Steberger reported that there are 16 staff members who tested positive for COVID-19, which is an additional eight from the last meeting held in June. She stated a total of 127 staff have been tested. She stated that there are 15 staff members who are currently out being tested. Warden Steberger reported that there are an additional 23 inmates who tested positive since the last meeting in June, which is now a total of 44. She stated that they have seen an increase on positive tests in inmates on the third floor in the past few weeks. Warden Steberger stated that they decided to test the entire unit and there are 99 tests pending. In addition to the 99 pending tests in the maximum unit, there were instances of COVID positive cases on the C-Main and Work Release housing units. She noted that Work Release inmates are not working out in the community and have not been since the pandemic started. Warden Steberger stated that inmates who worked in the kitchen were separated and housed in the C-Main and Work Release units. She stated that there was an inmate in the C-Main unit who had a high temperature and tested positive and was isolated. She stated that they will conduct rapid tests on the C-Main unit today. Warden Steberger stated that the high numbers are coming back from the Work Release unit who also work in the kitchen. She stated that both units have been on isolation in the last few days. She stated that the staff gathered inmates from another housing unit to get 700 meals out three times a day and worked with Aramark to get bagged lunches out instead of using trays. Warden Steberger stated that staff also worked in the kitchen due to several units being on isolation. She stated that she does not have an answer as to how this

happened. She stated that all Prison staff and inmates are wearing masks at the facility. Warden Steberger stated that there are instances where the inmates need to be told to wear their masks properly and at all times and it is difficult when working in an environment where there is no air conditioning and it is extremely hot. She stated that everyone is given a mask and they are enforcing it. Warden Steberger noted that there has been no serious hospitalizations with the staff and the inmate population due to COVID-19. She stated that visitation, chaplain visits, reentry services, and haircuts started for a short time; however, everything was stopped due to an increase in positive cases. She reported that 3,316 video conferences have been conducted since the start of the pandemic. Warden Steberger stated that they will continue to work on social distancing, wearing masks, hand washing, and whatever they can do to combat COVID-19 and prevent it from entering and spreading at the facility.

Jonathan Fox, Have A Heart, asked for the Director of PrimeCare to come to the podium and provide additional information regarding the COVID-19 cases.

Todd Haskins, PrimeCare, stated that he talks with the Warden daily on mitigation efforts to prevent the spread of the virus. He stated that the heat in the facility was an issue for the staff and the inmates, which probably intensified some of the issues that they dealt with.

Warden Steberger reported on the measures taken due to the heat this summer. She stated that ice continues to be served during lunch and dinner times. She stated that large commercial fans are in all housing units. Warden Steberger reported that inmates have been permitted to order one free pair of shorts at no cost to the inmate.

Warden Steberger invited Major William Aberts to the podium to announce his promotion to Deputy Warden of Operations. Warden Steberger pinned him with his chevrons. Deputy Warden Aberts received a round of applause from those in attendance.

Commissioner Lehman congratulated Deputy Warden Aberts and wished him well in his new role.

Commissioner Lehman commented that his sympathies go out to the families of the three inmates who passed away. He stated that from his perspective, he believes the Warden's heart is in the right place and she will try to do the right thing with both the inmates and the staff to try to address whatever needs to be addressed at the jail. He stated that we will never find another Warden who is going to care as much or more than the Warden we have right now, especially with the recent deaths at the jail and during COVID-19.

Commissioner Lehman asked the Warden if there was any contact tracing done at the facility between PrimeCare and the jail to figure out where the infection might have occurred after one of the inmates tested positive in one of the cell blocks. Mr. Haskins stated that when they receive a positive test, they must assume that the whole group has been exposed. He stated that their biggest issue is the number of individuals who are asymptomatic and can spread the virus and do not know it. He stated that most of the cases they see in institutions are asymptomatic individuals and contact tracing inside the jail is very difficult to identify that.

Warden Steberger noted that 127 of the staff members have been tested and 608 COVID tests have been conducted for inmates at the facility. Mr. Haskins stated that they also conduct antibody testing and COVID screens.

William Aberts, Deputy Warden of Operations, reported the officers of the month for July: First Shift, Officer Jeffrey Gebhart; Second Shift, Officer Troy Shifflett. Officer Shifflett received a round of applause from those in attendance. Officer Gebhart was unable to attend.

Deputy Warden Aberts invited Lieutenant Louis Chirichello to the podium to announce his promotion to Major. Warden Steberger and Deputy Warden Aberts pinned him with his chevrons. Major Chirichello received a round of applause from those in attendance. Major Chirichello gave a short speech and stated that it is a challenging job and he looks forward to working with everyone.

Deputy Warden Aberts invited Officer Byron Germer to the podium to announce his promotion to Sergeant. Warden Steberger and Deputy Warden Aberts pinned him with his chevrons. Sergeant Germer received a round of applause from those in attendance.

Deputy Warden Aberts announced Officer Michael Fischer's promotion to Sergeant. Sergeant Fischer was unable to attend.

Deputy Warden Aberts reported on the staffing complement, allotment: 228, current: 202. He reported a new class between six and eight officers will begin on September 14, 2020.

Deputy Warden Aberts reported that the camera project has slowed down as servers are being worked on. He stated that he expects the project to be done within the next couple of months.

Deputy Warden Aberts reported on the control panel project. He stated that a vendor was onsite to review problems and will communicate the issues with Southern Folgers. He stated that no real progress has been made as Southern Folgers cannot send anyone to the Prison as Texas is currently on lockdown due to the pandemic. Deputy

Warden Aberts stated that Southern Folgers sent local vendors to the facility and some progress was made.

Deputy Warden Aberts reported that the roof project is expected to begin as soon as bids are in.

Deputy Warden Aberts reported that the Prison Administration is currently working on a policy that would allow Prison K-9 officers to carry a sidearm while on outside perimeter details. He stated that the policy has been reviewed and approved by the County Solicitor.

Joseph Shiffer, Deputy Warden for Inmate Services, reported that he is involved in the Congregate Living Facility White Paper Committee. He stated that the committee is developing policies and procedures of congregate living facilities.

Deputy Warden Shiffer reported that LGH has assisted them in symptomatic and asymptomatic testing for the kitchen, C-Main unit, and Work Release unit. He stated that LGH has conducted 75 tests for the Prison.

Deputy Warden Shiffer reported that they have completed their United States 2020 Census at the beginning of August. He thanked John Collins and Christina Fluegel for collecting the data that the U.S. Census required.

Deputy Warden Shiffer reported that the reentry team met with Chris Dreisbach, Blueprints, to discuss providing drug and alcohol services and housing options, along with a variety of other services for the facility. He stated that Mr. Dreisbach is willing to assist the institution in providing those services upon release.

Deputy Warden Shiffer reported that they developed a new hire training module for new hires that started in July. He stated that he and Toni Warfel spent the day with the new class teaching them about the Inmate Services Department responsibilities.

Deputy Warden Shiffer provided a reentry services update. He reported that pre-release educational classes have started with Nabors Coaching. He stated that there were 12 graduates and his team will continue to work with the graduates upon release. Deputy Warden Shiffer reported their 90-day recidivism rate is 6.4% and 15.4% at 180 days. He stated that they continue to work diligently in creating new partnerships in the community and running their internal programs to make a difference in the lives of these individuals by providing the tools they need to be successful.

Tammy Moyer, Director of Administration, reported that the Wi-Fi installation is complete for the tablet project; however, the tablet delivery is behind due to COVID-19.

Bob Devonshire, Director of Facilities Management, reported that CGL is currently fully staffed.

Mr. Devonshire reported that a new tilt skillet was installed in the kitchen and bids for the roof replacement will be presented to the Board of Commissioners next Wednesday for approval.

Mr. Devonshire reported that he is working with Deputy Warden Aberts on projects associated with the control room panel upgrades.

Mr. Devonshire reported that they have been working on the Prison's 2021 budget.

Mr. Devonshire reported that 196 work orders were closed for June, 155 closed for July, 992 closed for the year, and an average of 248 work orders closed per month for 2020 for the Prison.

In new business, Ms. Moyer requested approval of Policy B-4 Inmate General Welfare Fund, which has no changes from last year. Controller Hurter moved to approve. Commissioner Lehman seconded. The motion carried unanimously.

Ms. Moyer requested approval of Policy B-5 Store Account Fund, which has no changes from last year. Controller Hurter moved to approve. Commissioner Lehman seconded. The motion carried unanimously.

Commissioner Parsons commented that this is probably the most challenging year in the history of Lancaster County Prison, not only with the day-to-day challenges in the Prison, but with the extreme heat in July, COVID-19, and the mental health challenges happening in the community. He stated that the staff has been heroic in preventing suicides and in their day-to-day work. He thanked the staff and stated that the work that has been done to reduce the population, efforts to make the Courts move faster, and the work with PrisonStat and suicide prevention over the last four years, have made them stronger and able to get through this. Commissioner Parsons stated that the way the Prison staff handled COVID-19 in the last six months was really a model and he is confident going forward that they will continue to deal with it in a safe way. He stated that they are fortunate that there have been no serious cases among inmates or staff and should continue to watch people who are older or who have medical conditions.

Commissioner Lehman commented that what COVID-19 has shown us, at least with the jail, has further exacerbated the weakness of the facility and made it so much harder to manage a facility like this. He stated that if COVID-19 does not show us that we are long past the time to transition to a new more modern facility, then we have lost the compassion and the rationality as a community. He stated that it is unfortunate sometimes that people think that individuals in the jail are different than we are. Commissioner Lehman stated that the tendency on the part of some, not all, is to

completely discount the individuals that are in the jail as unworthy or less deserving of compassion and we forget that we are all one stupid mistake away from being in jail. He stated if anyone thinks that any of us in this room is not capable of one stupid mistake then you have forgotten the full breath of the history of the human race. Commissioner Lehman stated that no one deserves to be in a box that is 93.4 degrees with no ability to get relief. He stated that if you think you have a hard time doing your job, think of the heroic efforts of Correctional Officers everyday, who also work in this facility to try and make sure it is safe for themselves, the inmates, and staff, and think about how difficult that job might be on a daily basis.

In business from guests, Carter Walker, LNP, asked the Warden if the inmate in 3-2 that was transferred upstate was working in the kitchen. Warden Steberger stated that he was not. Mr. Walker then asked if the Prison could say with certainty that no staff member that was working in the kitchen area tested positive. Warden Steberger stated that she does not talk about specifics regarding staff members. Mr. Walker asked the Warden if she can say with certainty that all staff members have stayed home when they are feeling ill. Warden Steberger stated that she would like to think they have stayed home when feeling ill. Mr. Walker asked the Warden if the Prison's investigators can say with certainty that the deaths on June 28, 2020 and July 28, 2020 had nothing to do with the heat in the facility. Commissioner Parsons stated that until they have the Coroner's report and the investigator's report that they cannot comment, but they have no indication now that the heat was the case in those deaths. Mr. Walker asked if the Prison tracks the heat inside the facility and inside the cell blocks. Warden Steberger stated that they started tracking the heat in July. Mr. Walker asked what the temperature was in the area that Mr. Kauffman died on July 28, 2020. Warden Steberger stated that the Coroner would have taken the temperature at that time and she does not know what the Coroner's indication was. She stated that temperature checks are done at a random selection by the Sergeant or Lieutenant on each shift. Mr. Walker had a question regarding the suspected suicide on July 18, 2020. He asked if the Prison could rule out that the heat in the facility might have contributed to that individual's suicide. Warden Steberger stated that she cannot comment on that and she would not know if it did or not. Mr. Walker asked if the individual's cell mates were interviewed or have said anything that might have indicated that. Commissioner Parsons commented that the information will be on the police report.

Jonathan Fox, Have A Heart, asked the Board for an update on building a new Prison. Commissioner Parsons stated that everyone on the Board agrees to start the process and the next step is real estate. Mr. Fox wanted to know when the process will start. Commissioner Parsons stated that the County has made a huge amount of progress in paying down their debt and building up their reserves so that they are at a point that they can take on a big project. He stated that the first step the public will probably see is when they acquire real estate, but they cannot share that publicly until that happens.

Commissioner Parsons stated that if it had not been for COVID-19, the public might have seen something move forward already.

Commissioner Lehman commented that the County cannot disclose that they are looking for a location because that will skew the real estate market. He stated that he understands that there is a serious desire to have more information. He further stated that if he gets to the point where he feels like things are not moving forward in some way, he will speak out. Commissioner Lehman stated that it is inappropriate for the County to be expected to give an update on any possible search for a location.

Christina Hausner, Solicitor, asked if there is any way that the Prison can be cooled without having a new facility. Commissioner Parsons stated that the answer is no. He stated that the facility was built in 1850 with no air conditioning and then the other portion was built in the late 1980s, early 1990s with a decision not to put air conditioning. Commissioner Parsons stated that when the County builds a new facility it will have air conditioning.

Blanding Watson, National Association for the Advancement of Colored People (NAACP), asked when the Coroner's report will be released. Warden Steberger stated that they were told they would have them by today, but they have not received them yet. Mr. Watson asked what the data is on the racial makeup of the Prison. Warden Steberger stated that she can get the information for him. Commissioner Parsons stated that the information is also posted online. Mr. Watson asked if the Courts are sending elderly and/or medically vulnerable people to LCP. Judge Reinaker stated that their position is anybody who does not need to be there will not be there. Mr. Watson asked if there are any transitional facilities being looked at until a new Prison can be built. Commissioner Parsons stated that one of the ways that they reduced the population from 1,300 to 650 is through alternatives whether its electronic monitoring and transitional facilities through Behavioral Health & Developmental Services (BH/DS). He stated that there is no other facility between the current Prison and a new one, for the total population. Mr. Watson asked if home confinement is being considered for non-violent offenders. Commissioner Parsons stated that the Courts have been very proactive about electronic monitoring. Judge Reinaker stated that the biggest reason that the numbers have been lower than ever before is because of home confinement. He stated that there have been all kinds of things that have been done to try and deal with this situation.

Commissioner Lehman noted that the population in 2012 was over 1,300 and the population this morning was 650. He stated that the population at the jail has been cut in half over the last eight years.

Kent Kroehler, Have A Heart, commented that if replacing the Prison is a ten year process from the time the Commissioners go public to walking people in the door of the

new facility, then this summer has alerted us to some capital needs and some additional mitigating circumstances for heat. He stated that you cannot look at the next ten years knowing what we have known from this year to continue to have 94 degree working temperatures and 94 degree temperatures for inmates to live in. Mr. Kroehler stated that there is an urgency to look at mitigation efforts that will cost money because it will take a 10-year process to build a new facility. He stated that he would push the urgency back on getting to the place where the Commissioners can be public about the new facility and also on giving some creative thought on how to mitigate problems across this period of time that will take until the new facility opens.

Commissioner Parsons stated that it takes more like five years from the time real estate is acquired and they have not hesitated to spend millions of dollars on anything that the Warden thought needed upgraded to bring the facility to the best possible standard that it can be, recognizing what it is.

Commissioner Lehman commented that if the County would acquire land between now and the middle of next year it would take about five years after that. He stated that once the debt service number really starts to decline and if we do not use that opportunity and the freed up spending capacity to take on a project like this, and those monies get spent elsewhere, that could push the timeline out further.

Mr. Kroehler asked if the forced air in the Prison is continuing moving now during the heat season. Warden Steberger stated that they have turned on the exhaust fans in the evening from 9:00 p.m. until 6:00 a.m. to try and bring the air throughout the facility. Mr. Kroehler asked if ice is being delivered to the cells. Warden Steberger stated that ice is only being delivered during lunch and dinner mealtimes.

Mr. Kroehler asked how people with serious mental illness are dealt with at release if they are not getting well at the Prison. Deputy Warden Shiffer stated that some of the inmates get stabilized and work with the mental health staff. He stated that they work with family members, friends, and different providers to get them an address. He stated that Transition to Community (TTC) is an option for the ones who are more seriously mentally ill to establish a plan for them as they leave. Deputy Warden Shiffer stated that they work with Mental Illness & Substance Abuse (MISA) to make sure those individuals are getting services out in the community once they are released.

Mr. Kroehler commended the Prison staff for the annual review of the policies and wanted to say that those policies control additional revenues to the institution through these two funds (Inmate General Welfare and Commissary). He stated that it is easy to overlook where they come from before they go to the commissary vendor and the phone vendor. These are excess of profit funds that are commissioned, as the contract says, back to the County by overcharging, in his opinion, excessive profits from inmates, their families, congregations, or charitable groups. Mr. Kroehler stated that the

inmates are in our custody as a community and as a County and we are now charging a small segment of the community an overage fee on commissary and phones, in order to put revenue into funds that we could use that ideally should be in the whole general fund of the Prison. He stated that it will save the whole community some small portion of their taxes because the general fund of the Prison does not reflect these two funds. Mr. Kroehler stated that maybe in the near future we could anticipate those vendors having different contracts and those funds becoming merged with the general operations of the Prison. He stated that they belong to the whole County, not just the families, inmates, congregations, and charities.

Tom Zeager, Justice & Mercy, made a comment regarding PrimeCare. He stated that they got a call about a Prison with a concern about a Continuous Positive Airway Pressure (CPAP) that was taken away from an inmate who could not sleep. He stated that he contacted Todd Haskins at PrimeCare and within days it was restored. Mr. Zeager made a comment regarding the extreme heat. He asked why more ice could not have been purchased. Warden Steberger stated that they have nowhere to store additional ice. Mr. Zeager suggested that the Prison check with companies who do residential air conditioning. He stated that there are machines that can be delivered on-site that produce cold air.

Controller Hurter moved to adjourn the meeting at 10:47 a.m. Commissioner Lehman seconded. The motion carried unanimously. The next meeting is September 17, 2020 at 9:15 a.m.

Respectfully submitted,

Brian K. Hurter
Secretary