

Minutes of the Monthly
Meeting of the
Lancaster County Prison Board
September 16, 2021

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, Commissioner Craig Lehman, President Judge David Ashworth, District Attorney Heather Adams, Chief Deputy Christopher Riggs, and Controller Brian Hurter.

Not Present: Sheriff Christopher Leppler.

Others Present: William Aberts, Joseph Shiffer, Kim Wolfe, Arla Brown, Bob Devonshire, Larry George, Kathleen Morrison, Jackie Pfursich, Louis Chirichello, Toni Warfel, Kristal Abenshon, Christina Fluegel, Peggy Lou Platt, Jonathan Fox, Kent Kroehler, Kelly Rhoads, John Maina, Nicole Vasquez, Teddy Vasquez, Gretchen Gaudio, Michelle Batt, Stacie Dixon, Chris Tallarico, Kelly Ehrich, Carrie Kurtz, Todd Haskins, Lydia Kovalchuk, Carter Walker, and Diana Rivera.

Commissioner D'Agostino moved to approve the minutes of the August 19, 2021 Prison Board Meeting. Controller Hurter seconded. The motion carried unanimously.

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.

William Aberts, Deputy Warden of Operations, reported the inmate population this morning is 728. The inmate population on September 1, 2021 was 730 and 717 on September 16, 2020.

Deputy Warden Aberts reported the staffing complement, allotment: 228, current: 162. He reported a new class of five officers began on September 13, 2021, with two males and three females, which is not included in the current complement.

Deputy Warden Aberts reported on some of the items the Prison is doing to assist with the staffing shortage. He stated that the Prison now has a Facebook page and job vacancies are being advertised on the page. He stated that job fairs are being held with the next one scheduled for September 25, 2021. He stated that during the week of September 5, 2021 through September 10, 2021, a total of 27 new applications were received and interviews are being scheduled. Deputy Warden Aberts stated that banners have been placed on the front and rear of the building, advertising current job openings and an advertisement was placed in the "Advertiser" for five weeks. He stated

that new staff are eligible to start work immediately, rather than waiting until a class is scheduled. He reported that the training has been shortened to include only mandatory subjects before a trainee can be placed on the floor. Deputy Warden Aberts stated that hiring and pay incentives were approved by the Board of Commissioners. He noted the Prison is reviewing the possibility of professional advertising.

Deputy Warden Aberts reported that the control panel project remains slow as it is difficult to get the vendors and contractors to complete the requirements of the job. He stated that a meeting is scheduled with all parties involved, County Solicitor, and Purchasing to discuss the next steps. Deputy Warden Aberts stated that there have been no water leaks reported from any of the roofs at the facility during the recent heavy downpours.

Joseph Shiffer, Deputy Warden for Inmate Services, provided a COVID-19 update. Deputy Warden Shiffer reported that there has been a total of 225 positive cases in the inmate population since January 1, 2021, which includes 128 cases since August 1, 2021, and 51 cases since September 1, 2021. Deputy Warden Shiffer reported that there have been five hospitalizations due to COVID and currently there are three individuals in the hospital with COVID. He stated that most of the COVID positive cases are asymptomatic, but they have seen a fair number of individuals with respiratory issues. He stated that those individuals are monitored daily through the medical department and have the availability to reach out to the medical department for assistance in treatment if they are having any symptoms or concerns. Deputy Warden Shiffer reported that the total number of inmate vaccinations is 316 and not 165 as reported at last month's meeting. Deputy Warden Shiffer reported that as of August 1, 2021, 26 staff members tested positive for COVID and there are two staff members who are currently out of the facility. Since January 1, 2021, 6,534 tests have been conducted at the facility.

Deputy Warden Shiffer reported that a work release audit was conducted by the Controller's Office. He stated that there were two findings related to inmate room and board and financial tracking. He stated that the work release staff addressed the issues immediately. The staff is committed to having good policies and practices related to inmate accounts and making sure that money is transferred and used appropriately.

Deputy Warden Shiffer provided a staffing update. He reported that two new staff were hired and are in the new hire training class. The new Reentry Specialist is Sophia Lombardo and the new General Specialist is Kelsey Kitzmiller. Deputy Warden Shiffer stated that they still have three more positions to fill, and are in the process of reviewing applications and setting up interviews.

Deputy Warden Shiffer provided a reentry services update. He stated that due to COVID, they are not holding any treatment or reentry courses. Deputy Warden Shiffer

stated that the staff continue to follow up with the individuals who graduated from their courses and are working with them to set up plans upon their release, as well as those who are out in the community.

Controller Hurter commented on the work release audit. He stated that this is the second year that the audit was conducted after a recommendation by the Prison Administration. Controller Hurter reported that there were two findings that were relatively minor, and he was very pleased with the results.

District Attorney Adams asked Deputy Warden Shiffer if he could comment on the status of the COVID outbreak at the Prison. Deputy Warden Shiffer reported that currently there are 94 active cases within the facility. He stated that numerous housing units are either on quarantine or isolation status. He stated that they have limited block out in those areas and the medical staff is checking on those individuals. Deputy Warden Shiffer reported that Toni Warfel is managing the classification of all the inmates that tested positive and all of the requests for testing.

Arla Brown, Director of Administration, reported that her department has three vacancies. She stated that they are reviewing applications for the part-time Mail Clerk position and will be conducting interviews soon.

Ms. Brown reported that the first job fair was held on September 8, 2021. She stated that they had four walk-ins and one potential applicant. WGAL was on site which prompted some feedback the following day. The next job fair will be held on September 25, 2021 from 9 a.m. to 2 p.m.

Ms. Brown reported that advertising has been done in the Merchandiser and on Facebook, in addition to hiring banners posted outside the facility.

Ms. Brown stated that they had their first in-depth meeting regarding the preparation for the Title 37 inspection coming up on November 16, 2021.

Ms. Brown reported that the statistical data is available on the Prison website for viewing.

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

- CGL is currently fully staffed.
- They continue to work with Purchasing to put the Prison maintenance RFP out as the five-year contract is up next Spring.

- They continue to work with Deputy Warden Aberts on the door access control system upgrades.
- There were 151 work orders closed in August, with 1,198 closed year-to-date. This is an average of 150 work orders at the Prison closed per month for 2021 and 173 closed work orders per month in a five year average.

Commissioner Lehman asked for a status update on the control system project. Deputy Warden Aberts stated that overall, the project is about 90% complete. He stated that there are numerous concerns in the main control center with wiring and electrical, which the vendors have not been able to address yet. Deputy Warden Aberts stated that there are constant issues with the intercom system within the Prison. He stated that the vendor, Southern Folgers, brought in a consultant to figure out the issues with the programming.

In business from guests, Carter Walker, LNP, asked for clarification of the COVID numbers and hospitalizations at the Prison. Deputy Warden Shiffer stated that there were five hospitalizations and 26 staff members that tested positive since August 1, 2021.

Michelle Batt asked how many pre-trial cases are in the inmate population. Deputy Warden Shiffer stated that he does not have the answer. Ms. Batt asked if she could get the information for the percentage of pre-trial population vs. sentences. Ms. Brown stated that she will give Ms. Batt her contact information and will try to get the information together for her. Ms. Batt asked for an update on the efforts being made to mitigate the inmate population with the recent COVID outbreak. President Judge Ashworth stated that every effort is being made for those people who are not a flight risk or not a danger to themselves or other people. House arrest is an option if necessary. Ms. Batt stated in June of 2020 mass petitions were sent to the Courts to review individual cases for early release. She asked if efforts are still being made to release individuals prior to the expiration of their sentence. President Judge Ashworth stated that nothing has changed and if anyone brings a petition to the Courts, they address it on a case by case basis. District Attorney Adams stated that their office has received communications from the Prison and they have looked at individual cases and some cases have been forwarded to the Courts for signature. President Judge Ashworth stated that the process that started in June 2020 is ongoing. Ms. Batt asked if there would be any interest among the leadership to institute a prison reduction committee to review all of the new commitments and then mass petitioning once or twice a week. President Judge Ashworth stated that it is something that could be explored but the process at the moment is working.

Nicole Vasquez asked if there were any inmates who are experiencing COVID symptoms longer than 2-4 weeks. Deputy Warden Shiffer stated that he is not aware of any long haulers, but even if there were, the medical department is going to be proactive in working with them to ensure that they are getting the proper care. Ms. Vasquez commented that while the Courts are saying that they are working to get those out of Prison who do not need to be there, she knows of people who are incarcerated and cannot meet the bail requirements who would not be serving time and were put in jail because they cannot afford the bail. Ms. Vasquez urges that there be harder procedures in place. She stated that it is not being done on every case and there are people being held pre-trial because they cannot afford their bail.

Kent Kroehler, Have A Heart, commented on the Prison population and staffing issue. He stated that operating on a staff level of 70% is a crisis. He asked how many 16 hour shifts were done last month. Deputy Warden Aberts stated that there have been many. He stated that mandatory and voluntary overtime is how they must cover the shortages. Mr. Kroehler stated that the Prison Administration is offloading the crisis to the Correctional Officers and not addressing the critical issue. He asked if anyone is looking at a plan that says what is the inmate number they would need to right size this jail for the 162 staff. Commissioner Parsons stated that staffing is a problem, and the Board of Commissioners approved the most significant financial incentive package that they have ever done. He stated that for new hires through three years of service the incentive is a \$7,500, 3-10 years is \$10,000, and 10 plus years is \$12,500, in addition to their regular pay. He stated that the other piece is getting the word out, which they are still working on. Commissioner Parsons stated that he is not aware of any other correctional facility that has taken that large a step. He stated that he thinks they will have a turnaround and with regards to the right sizing of the Prison, he stated that he has been focused on that since 2012. Commissioner Parsons stated that when he ran for Clerk of Courts there were 1,300 people in the Prison. He stated that there are a lot of different factors that go into who is in jail and all the departments in the Courts are all looking at those factors and trying to do that in a professional way. Commissioner Lehman commented that there are challenges at the jail, and he acknowledged that when the Board moved forward with recruitment and retention incentives. He stated that he still believes that unless we address the hourly rate there is a probability that we will continue to fall further behind as it relates to other county facilities in the region. Commissioner Lehman stated that things would be a lot worse if the population was still at 1,300. He noted there has been significant strides made in Lancaster County to reduce the inmate population. He stated that he does agree that there is some additional vigilance that is always required to make sure that only those people who need to be in jail are in jail. Commissioner Lehman stated that continuing to manage the jail population has to be an ongoing effort by the County. He stated that part of the reason why he does not think the "right sizing" approach that Mr. Kroehler is advocating is going to work is because of the physical structure of the current facility. Commissioner D'Agostino commented that he thinks that we need to look at the totality

of the situation that we are in. He stated that there is no doubt that we are in a very difficult situation and everything that they are working on is because they do care. He stated that as soon as the Prison staff came to them with concerns, they took immediate and decisive action. President Judge Ashworth stated that he thinks it needs to be repeated that they try to address cases on an individual basis. He stated that all of the departments involved over the last number of years have really taken the approach of figuring out some other alternative if the individuals do not need to be incarcerated. President Judge Ashworth stated that there are exceptions and when they are brought to the attention of everyone involved, they try to address those. He stated that it would be inappropriate to say 200 people need to be removed because there are not enough staff.

John Maina read scripture from Job 5:8 to those in attendance. He stated that he wanted to read the scripture and talk about the morality of what we are doing as far as incarceration and criminal justice locally. Mr. Maina responded to Mr. Kroehler and President Judge Ashworth regarding a solution for the inmate population that was brought up at a previous meeting. He stated that he would look at possibly doing a moratorium for 6-9 months on non-felony and non-violent cash bails and looking at the research of what that can effectively do.

Jonathan Fox, Have A Heart, stated that the inmate population in January 2020 was 724, 680 in August 2020, 620 in January 2021, and 678 in August 2021. Mr. Fox asked why that jump has occurred since January of this year. President Judge Ashworth stated that every case is dealt with on an individual basis. The number of people incarcerated is dependent upon the number of offenses that people are being charged. President Judge Ashworth stated that COVID, isolation, and an increase in domestic violence cases because of the pandemic are all factors of why the population has increased. He stated that there is no institutional reason as to why the population is higher, it is just situational. District Attorney Adams commented that months ago at a previous meeting she mentioned that the count was going to increase and one of the reasons for that was because of the moratorium on a lot of the warrants that the Court issued during the time COVID was at its peak. She stated that all of that has been lifted, so as people are picked up on warrants that will add to the population at the Prison. District Attorney Adams stated that another issue that may have affected the population was work release opened as well. Mr. Fox stated that he wants an analysis from the Board on how many people are incarcerated just because they cannot afford the bail. Commissioner Parsons commented that Prison Board is to manage the Prison and the Prison's job is to accept those people who are sent to it. He stated that many of these questions are court system questions, and he recognizes that there is no good forum for the community to ask those questions because the Judges don't really have a public meeting like the Prison Board. Commissioner Parsons stated that people are welcomed to ask those questions at the Prison Board meetings, but he does not know that the Board will be able to address many of these system-wide court questions. Mr.

Fox asked Commissioner Parsons if he has an opinion on the current status of the Clerk of Courts office in how it is detrimentally affecting the criminal justice in general. Commissioner Parsons stated that it is not a Prison question, but he is happy to answer the question. He stated that the Clerk of Courts staff goes up and down as it has in the past and the idea that this is having any kind of impact on the criminal justice system is not accurate. Commissioner Parsons stated that right now staffing across County government and every business in Lancaster County is a challenge for multiple reasons as discussed before.

Peggy Lou Platt, Justice & Mercy, wanted to congratulate the Warden on her award for the Pennsylvania Prison Society Prison Employee of the Year. She stated that the Warden and the Prison staff worked very hard this last year along with the Prison Board, and Justice & Mercy wanted to thank them for everything that they have done.

Commissioner Lehman commented on cash bail, inmate population, and the moratorium issue. He asked jail staff to come up with data showing the number of people that are currently incarcerated who are first time offenders and who are non-violent offenders, not including those that are already sentenced. Depending on what that number is, a discussion could be held to better understand why those folks are incarcerated and whether or not cash bail is the sole reason for their incarceration.

Commissioner Parsons stated that there are a hundred different factors when determining which cases are violent and non-violent that can make it difficult for the staff when compiling data. He stated that he has no objection to it and told the staff to do their best on getting the data.

Carrie Kurtz, Lancaster County Reentry Coalition, commented that there are two projects that they are working on that involve the Prison and the Adult Probation and Parole. She stated that they are process mapping the whole reentry process. She stated they are very close to completing the project and they do have some solutions. Ms. Kurtz stated that the staff at the Prison have been amazing with giving information. She stated that they are also doing a large data collection and analysis process through two interns. She stated that they are collecting raw data of everyone who is in the Prison and the data that they are collecting, shows how many times people have been incarcerated over the last three years, their charges, and any other data that will help them sort everything.

Commissioner Lehman commented that sometimes there is a first time offender with multiple offenses which is why they are incarcerated. He stated that if we start with this number and then have an understanding of that data, then we can have a rational conversation about that group. Then we can agree or disagree, based on the information, whether they should or should not be incarcerated.

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Commissioner D'Agostino moved to adjourn the meeting at 10:51 a.m. Commissioner Lehman seconded. The motion carried unanimously. The next meeting is October 21, 2021, at 9:15 a.m.

Respectfully submitted,

Brian K. Hurter
Secretary