

Minutes of the Monthly
Meeting of the
Lancaster County Prison Board
September 17, 2020

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, Judge Leonard Brown, District Attorney Heather Adams, Sheriff Christopher Leppler, and Controller Brian Hurter.

Not Present: President Judge David Ashworth.

Others Present: Cheryl Steberger, Joseph Shiffer, William Aberts, Toni Warfel, Cody Scheid, Kim Wolfe, Carrie Kurtz, Arla Brown, Bob Devonshire, Larry George, Stacie Dixon, Christopher Tallarico, Kathleen Morrison, Todd Haskins, Gretchen Gaudio, Ryan Gebhardt, Jonathan Fox, Kent Kroehler, Sandy Heisey, Tom Zeager, Peggy Lou Platt, Eric Kennel, Kim McDevitt, Yaima Lopez, Max Gilbert-Love, Teddy Vazquez, Duncan Harris, Pilisa M., Olivia M., Veronica, Kyle, Ian, Nick, Tallie, Juan, Thomas Jenkins, Carter Walker, and Diana Rivera.

Commissioner Parsons stated that the Prison Board met in executive session on Thursday, September 17, 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), 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 August 20, 2020 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 on behalf of 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 that the inmate population today is 709. She stated that the average population in August 2019 was 793 and 618 in August 2020. She noted that this is the first time the population has been over 700 since the onset of COVID-19 in March 2020. Warden Steberger stated that the reason there has been an increase in the population is due to domestic relations warrants, drug related warrants, and the recent protests. She stated that there are 31 inmates waiting to be transferred upstate.

Warden Steberger gave an update on the recent deaths at the facility. She stated that she received the Coroner's report for two of the three deaths. The cause of death for Luis Ortiz Velazquez is acute peritonitis due to a perforated ulcer. The Coroner ruled the manner of death as natural. The cause of death for William Kauffman is a dilated hypertensive cardio meglia due to diabetes. The Coroner ruled the manner of death as natural. Warden Steberger reported that Justin Aicholz's death was verbally given to her by the Coroner, which was a result of a completed suicide.

Warden Steberger reported that there have been 28 positive staff members since the start of COVID-19 in March. She stated that there are two staff members who are awaiting results and two staff with active cases who are on quarantine at home. A total of 160 staff have been tested since March.

Warden Steberger reported that there are 147 positive cases in the inmate population. She stated that there have been 182 positive cases since March and 35 have since recovered. She reported that one inmate was admitted to the hospital for COVID-19 related complications. Warden Steberger stated that they continue to conduct mass testing and 380 tests were done in five housing units. She stated that over 1,300 tests have been conducted on the inmate population since the onset of COVID-19. Warden Steberger reported that on September 3, 2020, over 300 inmates were moved into one of the larger housing units by the Corrections Emergency Response Team (CERT). She stated that they continue to have admissions and releases during the COVID-19 pandemic. Warden Steberger reported that there were 1,500 admissions and 1,639 releases since March 2020. She stated that they continue to work on combating the virus and attempting to prevent it from entering the facility. Warden Steberger stated that masks are still required, temperatures are being taken, personal protective equipment (PPE) is being issued, and commercial and daily cleaning is still being done.

William Aberts, Deputy Warden of Operations, reported the officers of the month for August: First Shift, Officer O'Day Jackson; Third Shift, Officer Joshua Onderdonk. Officers Jackson and Onderdonk were unable to attend.

Deputy Warden Aberts reported on the staffing complement, allotment: 228, current:197. He reported a new class of 11 officers began on September 14, 2020.

Deputy Warden Aberts reported that the camera project continues to progress appropriately. He stated that some projects were on pause due to COVID-19 and work was being done outside of the facility. He stated that in-house work will start next Monday.

Deputy Warden Aberts reported on the control panel project. He stated due to Texas still being on lockdown, Southern Folgers is unable to work in the facility.

Deputy Warden Aberts reported that the final phase of the roof project is expected to begin in early October.

Joseph Shiffer, Deputy Warden for Inmate Services, reported that due to the increase in COVID-19 cases, in-house treatment was suspended. He stated that they continue to work one on one with inmates on obtaining addresses, establishing treatment facilities upon release, and continuing treatment options upon release. Deputy Warden Shiffer stated that the treatment team was a big part of the mass movement of the inmates that the Warden mentioned earlier.

Deputy Warden Shiffer reported that they are currently interviewing for the vacant Inmate Services Specialist position and hope to fill the position soon.

Deputy Warden Shiffer provided a reentry services update. He stated that the reentry staff are working diligently with inmates to ensure that they have addresses upon release. He stated that they continue to follow up with inmates who participated in intensive reentry services within the facility. Deputy Warden Shiffer reported that the reentry class was discontinued on August 13, 2020. He stated that the 90-day recidivism rate is 6.4% and 15.2% at 180 days, serving 61 inmates. Deputy Warden Shiffer stated that they hope to get the reentry services up and running soon.

Cody Scheid on behalf of Tammy Moyer, Director of Administration, reported that inmate tablets are now on-site. He stated that they have enough tablets for each eligible inmate and hope to have them distributed by October. Mr. Scheid stated that once the tablets are up and running, the usage and commission reports will be included in the monthly statistics.

Mr. Scheid stated that the bi-annual escrow reports are included in this month's report.

Bob Devonshire, Director of Facilities Management, reported that CGL currently has one vacant position.

Mr. Devonshire reported that bids were awarded on August 26, 2020 for the roof replacement. He stated that a pre-construction meeting was held on September 3, 2020 and work will start shortly.

Mr. Devonshire reported that he continues to work with the Commissioners on their ten-year timeline for Prison capital planning and with Deputy Warden Aberts on tasks associated with the control room panels upgrades.

Mr. Devonshire reported that 137 work orders were closed for August, with 1,129 closed year-to-date. This is an average of 141 work orders closed per month at the Prison.

Commissioner Lehman asked the Warden if she had the prognosis for the inmate who was hospitalized due to COVID-19. Warden Steberger stated that she did not, but the inmate is in stable condition.

Controller Hurter asked what the turnaround time is for the COVID-19 tests. Todd Haskins, PrimeCare, stated that it takes one to two days to receive results.

In business from guests, Carter Walker, LNP, asked if the Prison will release the autopsy reports of the deceased inmates. Commissioner Parsons stated that it would be up to the Coroner to release the autopsy reports to the public. He stated that they will confirm that with the County Solicitor.

Jonathan Fox, Have A Heart, asked for the cause of death of the deceased inmates. Commissioner Parsons stated that the causes of deaths were natural for two of the deaths and a verbal report was received that the cause of death is suicide on the third death.

John Maina, Collective Resistance Acting in Solidarity for Humanity (CRASH), stated he is here today to speak for the voiceless. He stated that one of the group's biggest missions over the next few years is to limit law enforcement contact for behavioral health services. He stated that their goal is to create a self-sustainable community that helps the most vulnerable before they come into contact with law enforcement. Mr. Maina stated that they are asking for a new prison and submitted a petition for a more humane facility to the Board. He stated that there are more than 4,400 signatures on the petition, including 14 pages of comments. Mr. Maina read a few comments.

Commissioner Parsons thanked Mr. Maina for being here and presenting the petition. He stated that the Prison has been very focused on mental illness and started team MISA (Mental Illness and Substance Abuse) to analyze each inmate who has a serious mental illness. Team MISA works collaboratively to move the inmates through the system quicker, addressing their mental illness during their incarceration internally, or involving an outside group. Commissioner Parsons also talked about PrisonStat meetings and welcomed everyone in attendance to attend those meetings. He stated that some of the comments that were read were inaccurate and stated that the staff at the Prison works very hard to be humane and professional.

Commissioner D'Agostino stated that he appreciates Mr. Maina's comments regarding community input. He stated that Matthew Wagner does a good job with connecting inmates with services they need before they leave the Prison. He stated that they also work within the community such as the Lancaster County Re-entry Coalition to help individuals once they leave the Prison. Commissioner D'Agostino also commented that

when the County acquires real estate, they will be able to work as a community to figure out what the new prison will be like.

Commissioner Lehman commented that he has been calling for a new jail since 2009 and from his perspective, a new jail is long overdue. He stated that he is hopeful that in the not too distant future they will have some information to share on moving forward. He stated that he appreciates Mr. Maina's advocacy for a new jail. Commissioner Lehman stated that we will have to move forward with a new jail as a community because that is the only way we will get a project like this done.

Carrie Kurtz, Reentry Coordinator for the Lancaster County Reentry Coalition, commented that this County is working so well together to collaborate on reentry services. She stated that they are working hard to eliminate the gaps and needs that we are hearing today. She stated that they are active, engaged, and are committed to see that all of their reentries have the opportunity to reenter the community successfully.

Blanding Watson, National Association for the Advancement of Colored People (NAACP), echoed comments regarding building a new Prison due to bad conditions. Mr. Watson read safety measures for incarcerated people during the COVID-19 pandemic. He also read data regarding the inhumane conditions in federal, state, and local prisons, racial injustices, mental health needs, and COVID-19 conditions from the Administrators of Prisons. Mr. Watson stated he would like the County to address the issues surrounding building a new Prison and address the concerns of COVID-19 for the inmates and the staff.

Commissioner Parsons stated that he agrees with Mr. Watson on the challenges of COVID-19 at the Prison. He stated that he is proud of everything the staff has done to make the facility as safe as possible and the good results even though it is hard to prevent the virus from entering the facility. Commissioner Parsons stated that he would caution anyone who has not been attending Prison Board about applying things that are happening in other communities to Lancaster County. He stated that in 2011 the average wait time to get a trial or a parole violation hearing in Lancaster County was over a year for about 24% of the inmate population. He stated that they have worked in collaboration with other departments and put out a plan to improve the court process and as a result that number has dropped to about 5%. Commissioner Parsons stated that they have made many changes to speed up the process, such as house arrest, and because of that the population at the Prison went from about 1,300 inmates to the mid-600s. He stated that a lot of the work that Mr. Watson mentioned has been ongoing in Lancaster County for years, and they are always open to doing things better.

Commissioner Lehman noted that at one point there was a proposal in Lancaster County to build a second jail and keep the current facility in place. He stated that at that time he argued that an operational analysis of both facilities was needed to see whether that approach was cost effective or not. Commissioner Lehman stated that it was

obvious that two facilities are more expensive than one facility to operate, and because of the analysis the second facility was never built. He stated that he has been advocating since 2009 to work to get the population as low as possible before building a new facility. Commissioner Lehman stated that the population has been cut in half since 2012 from more than 1,300 to 650 as of last month. County debt service has started to decline and will continue to decline, assuming no significant new borrowings occur, creating the opportunity to use significant existing resources to build a new facility.

Kent Kroehler, Have A Heart, asked if it was noted in the Coroner's report that Mr. Kauffman's death was related to heat conditions. Warden Steberger stated that it was not mentioned. Mr. Kroehler commented that it is time to act now on building a new Prison.

Yaima Lopez came to the podium to comment. She stated that she is a protestor and an activist in Lancaster City. She read some comments from inmates that she has been in communication with. Some of the comments were regarding measures taken at the Prison during the COVID-19 pandemic, medical conditions, heat, food, and inmates being confined to their cells.

Commissioner Parsons stated all the Commissioners have eaten meals at the Prison and the food is okay. He stated that they have recently changed the food vendor to provide more fruits and vegetables.

Todd Haskins, PrimeCare, addressed some of the concerns by Ms. Lopez. He stated that he does not like to hear that people are dissatisfied with the healthcare they receive at the Prison. He stated that they test people multiple times for the virus because the only way to conquer and gain control of over COVID-19, is the tests. Mr. Haskins stated that once they identify that people are positive for COVID-19, the positive inmates will be moved somewhere else. Mr. Haskins stated that they will remain in that unit until they receive two negative test results. He stated that unfortunately COVID-19 does migrate its way through the facility. Mr. Haskins noted that Tylenol or Motrin will mask a person's temperature. He stated that they limit antipyretics, which is Tylenol or Motrin, to try to make sure it is not masking the symptoms of people who are ill that do not know it.

Commissioner Lehman commented that the food at the Prison has improved over the last few years. He stated that he has been going to the Prison, unannounced, every year for breakfast, lunch, and dinner and that the food is okay. He stated that the food at the Jail has always been carb heavy; however, with the new contract, there is now more fruits and vegetables being served. Commissioner Lehman stated that once we get through COVID-19, he will continue to have meals at the Jail and invited anyone who would like to join him.

Nick, Lancaster City, came to the podium and encouraged the Board to look at more ways to release vulnerable inmates who are incarcerated for minor charges, not incarcerating people, and continuing to reduce the inmate population. Nick asked District Attorney Heather Adams to drop the charges for all of those who were arrested this past week and help end the repression of the activists fighting for justice.

Judge Leonard Brown commented that he knows that President Judge Ashworth has been working with the District Attorney and Public Defender's office throughout the crisis to see what could be done to address some of the issues that the gentleman brought up.

Kim McDevitt, Mental Health America of Lancaster County (MHA), commented that as a representative of an education advocacy organization, she appreciates the work that has already been done. She stated that they have worked with behavioral health systems, law enforcement, and forensic departments. Those entrenched in this work are very dedicated, passionate, and address those with mental health challenges with great care. Ms. McDevitt stated that this is not a funding issue; however, this is very complex issue and they do not want to throw money away for a quick fix. She stated that this is a system issue. She stated that she has consulted with many other organizations throughout the country this week and understands that this is an ongoing problem throughout the country. Ms. McDevitt stated that Lancaster is very unique, responsive, and action minded. She stated that she is appealing for us to stay focused and continue to do this work. She stated that they need to support both those that are protecting us and those with mental health challenges, and work through the barriers to dissect the system and carefully fill in the gaps. Ms. McDevitt stated that the community needs to become educated and work with us to create change. She stated that MHA is open to hear people and work with organizations to advocate for this change.

Gretchen Gaudio, MHA, stated that she provides mental health groups in the Prison and helps people on the outside connect with different services. She stated that she has not been in the Prison due to COVID-19; however, she has been in contact with the staff at the Prison who are keeping her up to date. She stated that she appreciates the work that the staff at the Prison has been doing and allowing MHA to be of assistance. She looks forward to getting back into the Prison when all this has settled.

Commissioner D'Agostino moved to adjourn the meeting at 10:30 a.m. Commissioner Lehman seconded. The motion carried unanimously. The next meeting is October 15, 2020 at 9:15 a.m.

Respectfully submitted,

Brian K. Hurter
Secretary