Minutes of the Monthly Meeting of the Lancaster County Prison Board
November 20, 2014

The meeting was called to order by Commissioner Scott Martin at 9:30 a.m. in the Public Meeting Room at the Lancaster County Administrative Office Building.

Members Present: Commissioner Scott Martin, Commissioner Dennis Stuckey, Commissioner Craig Lehman, Judge Dennis Reinaker, District Attorney Craig Stedman, and Controller Brian Hurter.

Others Present: Crystal Clark, Claudia Shank, Charlie Douts, Joe Shiffer, Anthony Haws, Tammy Moyer, Andrea McCue, Major Ed Klinovski, Doug Hopwood, Kent Kroehler, Marty Mohn, Jonathan Fox, Ashley Garcia, Jeffrey Hawkes, Trish Nabors, Bob Cooper, Elaine Spangler, Jose Concepcion, T. Flinchbaugh, Kelly Rhoads, and Kathy Kunkel,

Sheriff Mark Reese was unable to attend the meeting.

Commissioner Martin noted that the Board met in executive session on November 20, 2014 at 8:30 a.m. to discuss litigation and personnel matters.

Commissioner Stuckey moved to approve the minutes of October 16, 2014. Commissioner Lehman seconded. The motion carried unanimously.

On motion of Commissioner Stuckey, seconded by District Attorney Stedman, it was agreed for the Lancaster County Prison Board to appoint Paul K. Smeal as Warden of the Lancaster County Prison effective November 10, 2014 at an annual salary of $110,000.

Voting Yes: Commissioner Martin, Commissioner Stuckey, Judge Reinaker, District Attorney Stedman, and Controller Hurter.

Voting No: Commissioner Lehman

Motion carries 5 to 1.

Commissioner Lehman stated the following reason for his no vote to hire Paul Smeal for the position of Warden:

The truth is, that the hiring process used to fill the position of Warden was intended to hire one person, Paul Smeal. The posting was basically an internal one along with a limited posting on the County website. Only someone aware of the posting or someone who happened across it on the website would be able to
be considered for the position. As I understand it, no other applicants were deemed qualified.

My reason for objecting to this hiring process is that this is how personal and/or political allies get appointed and/or hired to key positions within county government. While Paul falls into neither category, I cannot in good conscience support the hiring process for this position even though I personally like Paul and agree that he is qualified. To do so, would limit my future ability to object if a similar process is used to hire a personal and/or political ally for other key positions within county government.

Commissioner Stuckey stated that the position was posted in accordance with the County’s policy and that there were other applications received and reviewed for the position. He feels that Mr. Smeal was the best applicant for the position.

Commissioner Martin noted that for this position, and all appointments that are done, there does not need to be the normal hiring process. At the recommendation of the solicitor, the Board did post the Warden position on the County website for four days, which is the County’s minimum requirement for the hiring process. He also said that he felt a long, costly national search was pointless when the man we wanted was right here.

Judge Reinaker stated that while he agreed with Commissioner Lehman in theory, he felt this was an unusual and special circumstance that brings stability to prison management. He said that Paul’s willingness to come back to the prison in a permanent capacity is a godsend and gives us an opportunity to achieve the needed stability.

Paul Smeal, Warden; Joseph Shiffer, Acting Deputy Warden for Operations; Anthony Haws, Acting Deputy Warden for Inmate Services; Tammy Moyer, Director Administrative Services; and Charlie Douts, Director of Facilities Management; gave reports on their areas of responsibility. All of these reports, including statistical information, are posted on the County’s website.

Paul Smeal, Warden, reported that the population of the prison as of this morning was approximately 950. He noted that former Deputy Warden of Operations, Michael Billy, recently terminated his employment with the County. Joe Shiffer was named Acting Deputy Warden of Operations. At some point in the future the position for Deputy Warden of Operations will be posted. He noted that Tony Haws was named Acting Deputy Warden of Inmate Services. The Warden stated that he has met with staff, of all levels, and has been touring the housing units. He stated that he feels there is a good climate at the facility.
Jonathan Fox, as a member of Have A Heart Group, extended an invitation to Warden Smeeal to meet with the group. Warden Smeeal stated that has met with the Have A Heart Group two or three times during his previous stint as Acting Warden and would be willing to meet with them again. He suggested contacting Ashley Garcia to schedule a time.

Joe Shiffer, Acting Deputy Warden for Operations, reported that as of October 31, 2014, correctional officers are currently staffed at 204 employees with the maximum allowable staffing at 206. He stated that in addition to basic and other training, shift line-up and briefing trainings were held to review policy and procedures. He reported the misconduct/use of force activity report for October 2014.

Acting Deputy Warden Shiffer reported the Officers of the Month for October: Second shift, Officer Jose Concepcion (in attendance); first shift, Officer Thomas Staab; and third shift, Officer Jose Iguina.

Kent Kroehler, Have A Heart Group, stated that he presumed the number of misconduct/use of force instances have decreased over the last five years. Acting Deputy Warden Shiffer stated that while there was a slight increase in October, there has been an overall downward trend since five years ago. Mr. Kroehler asked if a statistical report could be shared with the public on quarterly or semi-annual basis. Mr. Shiffer said that he would look into getting the information.

Jonathan Fox referenced the code of ethics instituted at the prison several years ago and wondered about its current status. Acting Deputy Warden Shiffer stated the prison continues to maintain the code of ethics, it is posted at the prison, and training on the code of ethics is provided to all new hires.

Tony Haws, Acting Deputy Warden for Inmate Services, stated that he met with Rick Kastner, Director of the Drug & Alcohol Commission, and Shawn McNichol, of the RASE Project, to finalize plans for inmates being released to in-patient treatment programs. In addition, the program aids inmates who need to apply for Medical Assistance using the Compass website.

Acting Deputy Warden Haws stated that he met with Robyn Boyer, of the Children & Youth Agency, to discuss a new program for a parent/child visitation system at the prison. He also reported that there are currently 10 participants going through the Re-Entry Management Life Skills Course.

Acting Deputy Warden Haws reported that the New Beginnings program, which is operated by New Choices, started on November 10, 2014. The first group of 11 participants is scheduled to graduate on November 21, 2014.
Trish Nabors who directs the program, was in attendance and described the New Beginnings program. She noted that this is a 60 hour program for women which runs over a period of two weeks. Afterwards, there are individualized meetings that will take place at the prison. Upon release, these individuals will remain connected with the program counselors who will provide access to case management needs and assistance with employment and educational opportunities they may qualify for.

Commissioner Martin noted that Bob Cooper was in attendance and asked him to speak about the new two-year pilot program to be approved at a Commissioners’ meeting in December. Mr. Cooper stated that he has been an organizer for Ambassadors4Hope and has been working for several years to get a child services advocate for the Children Of Incarcerated Parents. He stated that Compass Mark will hire a child services advocate to be on-site at the prison during prisoner intake, find out if new inmates have children, and determine who is caring for them. The advocate will provide support to the families and for the wellbeing and academic function of the children. The annual cost of $66,000 for the advocate position will come from the prisoners’ commissary fund.

Tammy Moyer, Director of Administrative Services, reported that during the last six months, the new cost recovery invoicing program run by Apex Management has increased revenues by 39% when compared to the same six month period in 2013. Ms. Moyer noted that in addition to the invoice program increase, the prison was able to eliminate a part time position with an added savings of $12,000 a year.

Mr. Douts, Director of Facilities Management, reported on several projects:

- Constellation Energy Guaranteed Energy Savings Act (GESA) project is complete. They are now working on monitoring energy use.
- Work on the tower roof replacement is complete. Currently working on punch list items.
- Engineering firm in final design stage for fire alarm system. Anticipate end of year bid and installation work to begin in 2015.
- The kitchen dishwasher prep area remodel is complete.
- Domestic hot water boilers in the high-rise are scheduled for replacement by mid-December.

Major Ed Klinovski attended the meeting to present a request for the Prison Rape Elimination Act (PREA) third party reporting intergovernmental agreement with the Pennsylvania Department of Corrections (PADOC) for the Lancaster County Prison and Lancaster County Lockups. Mr. Klinovski stated that prison staff and Ms. Claudia Shank, County Solicitor’s Office, will review the specific language and work with the
PADOC towards attaining intergovernmental approval in order to meet the PREA third party reporting standards. He noted that there would be no cost for this service. It was the consensus of the Board for the prison to proceed on the development of an intergovernmental agreement with the PADOC. There was also discussion with the Board about where the prison stands with implementation of PREA requirements.

Doug Hopwood, on behalf of Melanie Snyder, Executive Director of the Lancaster County Reentry Management Organization (RMO), distributed the monthly report with the RMO Intensive Program – Cumulative Outcomes since 2011. The RMO reports are available on the website at www.lancastercountyreentry.org or search LinkedIn groups for “Lancaster County Reentry.”

Mr. Hopwood stated that 11 female LCP inmates will graduate from the RMO Re-entry Life Skills Course on November 21, 2014. To date, 175 LCP inmates have graduated from this program since 2011. He noted that 15 to 20 individuals have been attending the weekly Successful Returning Citizens Mentoring Support Group meetings.

Mr. Hopwood stated that in September and October 2014, 31 reentry clients were placed in employment, which on an average paid $11.01 per hour. He noted that 28 of these job placements are full-time positions and 17 of these job placements include benefits.

Kent Kroehler asked some questions about finances at the prison. He stated that while there is a policy already established on the expenditures from the general welfare fund there is no policy governing the expenditures from the commissary account. He asked that a policy be established and also asked for the prison to present an annual report on the income and expenditures from both funds. Commissioner Martin stated monies received from both of these funds are used on items related to inmate welfare at the prison. Commissioner Martin stated that the annual reports will be provided by the prison to the Prison Board at a future meeting.

Jonathan Fox asked the Commissioners if they are considering the employment application “ban the box” policy as done by Lancaster City Council. He stated that the City’s applications for most public jobs will no longer ask those seeking employment to identify if they have a criminal background. Commissioner Martin stated that the County has engaged in a long history in identifying positions that could be considered for individuals with a criminal background compared to the positions that are sensitive in nature. The County has encouraged and hired employees with criminal backgrounds.

Commissioner Stuckey moved to adjourn at 10:35 a.m. District Attorney Stedman seconded. The motion carried unanimously.
The next meeting of the Lancaster County Prison Board will be December 18, 2014 at 9:15 a.m. in the Public Meeting Room at the Lancaster County Prison.

Respectfully submitted,

Brian K. Hurter
Secretary