

Minutes of the Monthly
Meeting of the
Lancaster County Prison Board
January 21, 2021

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

Not Present: President Judge David Ashworth.

Others Present: Cheryl Steberger, William Aberts, Joseph Shiffer, Matthew Wagner, Tammy Moyer, Cody Scheid, Kim Wolfe, Arla Brown, Toni Warfel, Crystal Rodriguez, Bob Devonshire, Larry George, Jodi Barone, Kathleen Morrison, Louis Chirichello, Kelly Ehrich, Kelly Rhoads, Thomas Jenkins, Naeb Mengisteab, James Schnader, Megan Kreider, Tiana Medina, Anthony Kern, Kent Kroehler, Jonathan Fox, Gretchen Gaudioso, Carrie Kurtz, Carter Walker, and Diana Rivera.

Commissioner Parsons stated that the Prison Board met in executive session on Thursday, January 21, 2021 at 8:45 a.m. to discuss litigation, potential litigation, and personnel matters. Specifically under litigation, the Board discussed the Gbotoe (20-00890), Leisure (18-2822), Melendez (20-02365), and Tyler (20-02919) cases.

Controller Hurter moved to approve the minutes of the November 19, 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, provided a COVID-19 update. She reported that a total of 259 staff members have been tested for COVID-19 in 2020, with 61 confirmed cases. Warden Steberger reported that PrimeCare conducted 3,795 COVID-19 tests in the inmate population, with 368 confirmed cases. Currently there are nine positive staff members and 20 positive inmates in the facility. Warden Steberger stated that PrimeCare continues to offer testing to both the inmates and staff.

Warden Steberger reported that the average inmate population in December 2020 was 650 and 731 in December 2019. She stated that the highest population in 2020 was 788 in February and the lowest was 601 was on December 31, 2020. She reported that

there were 3,505 admissions and 3,486 releases in 2020. Warden Steberger stated that for the first time in 30 years, the population was below 600. The population has been under 600 for 10 days so far in January, with 590 being the low. She reported that in the last two months, 66 inmates have been transported upstate by the Sheriff's Department to serve their sentences.

Warden Steberger reported that while the population remains low, they have seen an increase in mentally ill inmates during 2020. She stated that the Mental Illness and Substance Abuse (MISA) team continues to work diligently with the mentally ill inmates to provide treatment plans to those individuals.

Warden Steberger reported that PrisonStat has only been held twice in 2020 due to the COVID-19 pandemic. She stated that a meeting will be scheduled in March 2021 and will be advertised to the public.

Warden Steberger noted some highlights in 2020 despite the pandemic. Tablets were introduced to the inmates and mail is being processed by an outside vendor to reduce contraband from entering the facility. She reported that 6,853 video conferences have been held since March 2020. Warden Steberger reported that there was an addition of a Captain's position to help with the overall efficiency of supervisory rank and structure. She stated that capital projects continue with the replacement of two roofs and the installation of a new camera system. She reported that the control panel project is on hold due to the pandemic.

Warden Steberger mentioned her appreciation to all the County Departments, such as the District Attorney's Office, Public Defender's Office, Sheriff's Office, Adult Probation and Parole, Domestic Relations, Bail Administration, Judges, and Prison staff for their help in the mitigation of the virus and keeping the population low. She stated that she is looking forward to 2021 and returning to some type of normalcy with restarting various programs. Warden Steberger stated that she remains focused on running a professional organization, as well as keeping the staff and inmates safe.

Warden Steberger read a letter received from John Wetzel, Secretary of the PA Department of Corrections, regarding the great work Lieutenant Michael Hersh and the training department did on the Prison's training curriculum. She stated that the training curriculum was approved.

Warden Steberger recognized employees who retired in December and January after a significant number of years at the Prison. She read off their names and years of service.

Warden Steberger announced that Tammy Moyer will be leaving the Prison at the end of the month. Warden Steberger reported that Ms. Moyer will be the Deputy Chief Clerk

for the Commissioner's Office. She stated that Ms. Moyer has been with the Prison for 25 years, starting out in the medical department and serving as Director of Administration for the last eight years. Warden Steberger thanked Ms. Moyer for her dedication, professionalism, and calming approach. She stated that Ms. Moyer will be greatly missed.

William Aberts, Deputy Warden for Operations, invited Officer Megan Kreider to the podium to announce her promotion to Sergeant. Deputy Warden Aberts gave her a badge and chevrons. Sergeant Kreider received a round of applause from those in attendance. Sergeant Kreider gave a short speech and stated that she looks forward to moving up.

Deputy Warden Aberts invited Officer James Schnader to the podium to announce his promotion to Sergeant. Deputy Warden Aberts gave him a badge and chevrons. Sergeant Schnader received a round of applause. Sergeant Schnader gave a short speech and stated that he is thankful for the opportunity.

Deputy Warden Aberts invited Officer Naeb Mengisteab to the podium to announce his promotion to Sergeant. Deputy Warden Aberts gave him a badge and chevrons. Sergeant Mengisteab received a round of applause. Sergeant Mengisteab gave a short speech and stated that he is thankful for the opportunity.

Deputy Warden Aberts invited Officer Tiana Medina to the podium to announce her promotion to Sergeant. Deputy Warden Aberts gave her a badge and chevrons. Sergeant Medina received a round of applause. Sergeant Medina gave a short speech and stated that she is grateful for the promotion.

Deputy Warden Aberts reported that they are conducting interviews on the last vacancy for a Sergeant position.

Deputy Warden Aberts reported on the staffing complement, allotment: 228, current:178. He reported a new class of 14 officers are currently receiving training.

Deputy Warden Aberts reported that the camera project is now complete.

Deputy Warden Aberts reported that the control panel project remains at a stand-still as they continue to work on future dates with the vendor.

Deputy Warden Aberts reported that the roof project is completed and are awaiting the final inspection by the vendor.

Deputy Warden Aberts reported that they are working closely with CGL regarding heating issues in various areas of the Prison. He stated that CGL has been able to correct many of the issues resulting in warmer temperatures.

Joseph Shiffer, Deputy Warden for Inmate Services, reported that Abbott rapid testing began at the Prison in late December. He stated that the results are received in 15 minutes. Deputy Warden Shiffer stated that it allows them to be more efficient and appropriate in how they are quarantining and housing the inmates. To date, 458 Abbott rapid tests have been conducted. Deputy Warden Shiffer explained that inmates are offered the Abbott rapid test immediately upon arrival. Results are received quickly which helps them classify the inmates and put them in the appropriate area. He stated the inmates are tested again after 2-3 days because of the incubation period. Deputy Warden Shiffer stated that the inmates are separated by commitment dates and tested again after 10-14 days before they go to the general population. He stated that a lot of the credit for their testing goes to the medical department and Toni Warfel.

Deputy Warden Shiffer reported that interviews have been conducted for the Prison Rape Elimination Act (PREA) Case Manager position and they hope to offer the position by the end of the week. He reported that a Drug & Alcohol Specialist position is vacant and will be posted in February.

Deputy Warden Shiffer provided a reentry services update. He reported that his team continues to do follow-ups with the inmates. He stated that they continue to have meetings twice per month with Tricia Nabors, New Beginnings. Deputy Warden reported their recidivism rate at 90 days is 7%, 180 days is 17%, and one year is 33%. He stated that they continue to work with community partners and also reach out to new partners. Deputy Warden Shiffer stated that they hope to get their programs up and running again within the next few months.

Jonathan Fox, Have A Heart, asked Deputy Warden Shiffer what programs have been halted due to COVID-19. Deputy Warden Shiffer stated that their face to face classes and group meetings have stopped due to COVID-19. He stated that they continue to work with inmates on housing and admissions to treatment facilities. Deputy Warden Shiffer stated that they are using this time to address issues they saw when they were running the programs and establishing new partnerships.

Tammy Moyer, Director of Administration, reported that the length of stay information has been broken down into pre-trial and sentenced, as requested by members of the public.

Ms. Moyer reported that the Prison received their financial audit for fiscal year 2019. She stated that this is the first time they received a perfect audit. She noted that the

Controller's Office had no findings. Ms. Moyer stated that credit goes to Cody Scheid and his team.

Cody Scheid reported that tablet commissions has been added to revenues in the monthly statistics report.

Controller Hurter congratulated the Prison on the audit. He stated that the Prison's cooperation and responsiveness has been fantastic. Controller Hurter thanked Ms. Moyer and Mr. Scheid for the work they put into the audit.

Bob Devonshire, Director of Facilities Management, reported that CGL currently has one vacant plumbing position. He stated that interviews were conducted, and an offer has been made.

Mr. Devonshire reported that the roof replacement on C building is 95% complete and should be wrapping up shortly.

Mr. Devonshire reported the 2020 budget for capital projects was \$107,000.00 and \$1,400,955.80 for operating. He stated that they operated within both budgets and did not have an overrun. Mr. Devonshire reported the 2021 budget for capital projects is \$230,000.00 for additional kitchen equipment and masonry work. He reported the 2021 operating budget is \$1,358,585.00.

Mr. Devonshire reported that 136 work orders were closed in December, with 1,722 closed year-to-date. This is an average of 144 work orders closed per month at the Prison for 2020.

Mr. Fox asked Mr. Devonshire for clarification on the difference between the capital budget and the operating budget. Mr. Devonshire stated that the capital budget is for projects, such as roof replacements and replacing steam kettles. The operating budget is for paying electric, gas, and products needed for repairing equipment. Mr. Devonshire stated that there has been an increase in costs this past year due to COVID-19, so they have increased the budget for 2021 to anticipate the additional labor costs for the some of the projects they are working on.

In business from guests, Kent Kroehler, Have A Heart, asked if Correctional Officers are routinely tested. Warden Steberger stated that there is no mandated testing. She stated that PrimeCare offers testing to all staff, including vendors. Mr. Kroehler encouraged all Correctional Officers to get tested frequently.

Mr. Kroehler asked District Attorney Adams how COVID-19 has impacted the 6th Amendment, The Speedy Trial Act, and if she is tracking how long it takes for people to get to trial or a plea bargain. District Attorney Adams stated that the current President

Judge's administrative order still suspends Pa. Code Rule 600, which is the statutory based rule of law that tells them how much time they have to bring a prisoner to trial. She stated that there is a separate constitutional based right to a speedy trial, and they have not seen any challenges based on that. She stated that they do not expect to, given the nature of the current caseload. District Attorney Adams stated that currently they have yet to have a prisoner trial. She stated that they were trying a decent number of cases; however, they were all walk-ins. She stated that right before the second shut down she talked to the Public Defender's Office and the President Judge and shared her thoughts that it would be safer to have trials with those that are incarcerated at Lancaster County Prison rather than people that are coming in from the community because they know where the prisoner has been. District Attorney Adams stated that there might be an ability to quarantine the inmate two weeks prior to trial. She stated that the President Judge listened to that idea and the second shut down came shortly after that. District Attorney Adams stated that they are aware of this issue, but that they are limited in what their office can do because of the President Judge's order at this time. She stated that this is something that they need to keep working on because they need to get these trials up and running. District Attorney Adams stated that she does not know if COVID-19 has hindered tracking the number of cases because guilty pleas are still occurring through video conferences. Mr. Kroehler asked if they can track how they are doing with detained people on the plea bargaining. District Attorney Adams stated that is something she can look into.

Mr. Fox asked District Attorney Adams what her recommendations are to President Judge Ashworth. District Attorney Adams stated that she feels that they were able to run trials safely for October, November, and December. She stated that she thinks there is a way to bring prisoners to the Courthouse for trials again.

Mr. Kroehler commented that the Commissioners, Warden, and staff should begin to conceive that a new facility is going to save costs. He stated that we should not think of those funds gained as applicable either for other County programs or for tax savings to taxpayers, but consider them instead as resources to put toward fulfilling the mission to provide a humane, secure environment, and changing lives.

Commissioner Lehman commented that building a new facility will not necessarily result in reduced costs. He stated that he believes that a new more modern facility will be more operationally efficient; however, there will be debt service on top of that. He stated that even if there are some operational savings, to say that somehow there will be less cost to the County as a result of building a new facility, is inaccurate. Commissioner Lehman stated that the issue should be about what is the proper level of programming that is required in a new facility that we cannot currently do now that will result in better outcomes going forward.

Mr. Kroehler commented that he hopes when the County moves to a Class 2A county, the Board will appoint three community people who are of a different race and/or background. He hopes the Board will get diversity out of adding those three people to the Board. Mr. Kroehler also encouraged the Warden and the Board to look carefully on how to diversify the executive staff, when replacing management staff.

Commissioner Lehman commented that we need to get clarification from the County Solicitor on when Lancaster County moves to 2A and if the Prison Board composition will change or not. He stated that sometimes a change in county class allows boards to continue as they are currently comprised. He does not know if there is a legal requirement to change the current composition of the Prison Board when Lancaster County becomes a 2A county. Commissioner Lehman stated that if there is a legal requirement, we should know about that sooner rather than later. Kathleen Morrison, Assistant County Solicitor, stated that she will look into these issues and will have answers before the next Prison Board meeting.

Mr. Fox asked when will Lancaster County become a Class 2A county. Commissioner Lehman stated that he believes the certification will happen around the end of 2021, or the beginning of 2022.

Mr. Fox asked the Warden if an inmate refuses testing, are they isolated or quarantined. Warden Steberger stated that if an inmate refuses testing, they are quarantined as if they have the virus. Mr. Fox asked if not mandating testing for staff members is a union issue. Warden Steberger stated that she makes the decision to not mandate testing.

Commissioner D'Agostino moved to adjourn the meeting at 10:22 a.m. Commissioner Lehman seconded. The motion carried unanimously. The next meeting is February 18, 2021 at 9:15 a.m.

Respectfully submitted,

Brian K. Hurter
Secretary