

Minutes of the Monthly
Meeting of the
Lancaster County Prison Board
March 17, 2022

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 John Trescot, President Judge David Ashworth, District Attorney Heather Adams, Sheriff Chris Leppler, and Controller Lisa Colón.

Others Present: Cheryl Steberger, William Aberts, Joseph Shiffer, Kim Wolfe, Arla Brown, Toni Warfel, Christina Fluegel, Kristal Abenshon, Thomas Jenkins, Ashley Garcia, Larry George, Bob Devonshire, Louis Chirichello, Anthony Kern, Tim Lapp, Dan Nephin, Suzette Wenger, Marty Kelley, Liz Fulmer, Ashley Novalis, Jeff Hawkes, Andrea Brown, Beth Ram, Jaua Koru, Judy Erb, Jason Perkowski, Susan Mull, Greg Newswenger, Darryl Yoder, Carrie Kurtz, Jean Bickmire, Anne Weiss, Hilda, Ian Reynolds, Tammy Rojas, Vinnie Rosado, Kristin Colangelo, Kent Kroehler, Stacie Dixon, Tess Feiler, Tim Seitz-Brown, Neil Ward, Jules Berkman-Hill, Mary Alice Ressler, Gerald Ressler, Peggy Lou Platt, Arthur Mann, C. Young, Jonathan Fox, Paula Koch, Matthew Rosing, Chris Tallarico, Joseph DiGarbo, Lynn Commero, Tom Lisi, and Diana Rivera.

President Judge Ashworth moved to approve the minutes of the February 17, 2022, 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; 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.

Cheryl Steberger, Warden, reported that an audit was conducted in the Records Department at the beginning of the month focusing on areas such as: status change, DNA, and correct charges being filed. During the audit, they found a backlog of booking and fingerprint orders due to COVID-19 protocols preventing inmates from coming down to the commitment area to prevent the spread of the virus. Warden Steberger stated that they found that there were 34 booking requests belonging to 52 inmates.

Warden Steberger provided a COVID-19 update. She reported that there are currently zero cases with staff and inmates at the facility. Warden Steberger stated that visitation and some programs have reopened. She stated that they will continue to reopen activities and she hopes that all of the programs will be reopened, including work release and recreation for the inmates by mid-April. Warden Steberger stated that Major Chirichello is working on increasing the block out time for the inmate population.

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Warden Steberger provided an update on staffing. She reported the current staffing complement: allotment of 229, current staffing of 162, making it 67 officers short at the facility. She stated that they were short 75 officers at last month's Prison Board meeting. Warden Steberger stated that she, along with the Deputies and Major Chirichello, continues to conduct interviews for the new correctional officer applicants. She stated that the \$4.50 wage increase and the \$7,500 sign on bonus has helped tremendously. Warden Steberger stated that she has seen a strong pool of applicants, applicants from other jails, and former employees. She noted that they had 22 interviews in February and hired 14 candidates. Warden Steberger reported that a new investigator, Justin Hackler, was hired and will start on March 21, 2022.

Warden Steberger reported the inmate population this morning is 756, including 114 female inmates. The inmate population in February 2022, was 746 and 622 in February 2021.

William Aberts, Deputy Warden for Operations, reported the officer of the month for February: Second Shift, Officer Jared Botchie. Officer Botchie was unable to attend the meeting.

Deputy Warden Aberts reported a new process for recognizing officers of the month: a certificate, "Officer of the Month" pin, an additional free mandatory (in addition to the normal monthly free pass), a \$25 gift card, and their photo with the certificate will be sent to the Prison-wide email group.

Deputy Warden Aberts reported that no work has been completed on the control panel project since February 2, 2022. He stated that it continues to be an impossible task to get anything completed on the project.

Joseph Shiffer, Deputy Warden for Inmate Services, provided a COVID update. Deputy Warden Shiffer reported that there are zero COVID cases in the facility. He reported that there has been a total of 464 positive cases in the inmate population since January 1, 2021, which includes 142 cases since February 2022. He stated that currently there are zero hospitalizations. Deputy Warden Shiffer reported that in February, 29 inmates were vaccinated. Thus far, the total number of vaccinated inmates is 479. Deputy Warden Shiffer reported since January 1, 2021, 10,102 tests have been conducted at the facility. He stated that there have been 65 staff testing positive since August 2021 and currently zero staff are positive.

Deputy Warden Shiffer provided a staffing update for his department. He stated that all positions have been filled. Deputy Warden Shiffer reported that the new Drug & Alcohol Specialist will be starting on Monday. He stated that they have made offers and are working through the process with two applicants for the Recreation Director and General Specialist positions. Deputy Warden Shiffer reported that Christina Fluegel's position was upgraded at the last Salary Board meeting in February. She is still the Reentry Program Coordinator, but her focus has switched to some new things, including

chronic care inmates, Mental Illness Substance Abuse (MISA), and the representative for specialty courts.

Deputy Warden Shiffer provided a reentry services update. He stated that two drug and alcohol groups with approximately 20 participants have started on February 28. He stated that they meet four times a week for an hour to an hour and a half. Deputy Warden Shiffer reported that reentry groups have started with Trish Neighbors and her staff on March 14, 2022. He stated that there are currently eight participants. Deputy Warden Shiffer reported that graduation for the reentry program will be next Friday. He stated that Scott Theurer from Donegal Substance Abuse Alliance will be helping them continue to engage the reentry graduates while they are in the institution and conducting drug and alcohol education classes in the work release area. Deputy Warden Shiffer stated that they will continue to add services and help individuals as they move out of the facility.

Deputy Warden Shiffer stated that last Fall, former Commissioner Craig Lehman had asked the Prison to start collecting data on bail for non-violent first time offenders. He stated that Christina Fluegel worked very hard at this project which consumed a lot of time. Ms. Fluegel came up to the podium and stated that the project consisted of looking at individuals that were incarcerated on non-violent offenses and first time offenders. She stated that they did a snapshot as of February 15, 2022, and at that point the total population was 798 individuals. She stated that non-violent offenders that were incarcerated totaled 426 and first time offenders was 35 out of 798. There were ten individuals incarcerated for non-violent and first time offenses. Ms. Fluegel stated that one individual came in sentenced on forgery charges and has since been released. Of those ten, less the one that was sentenced, there were nine individuals on bail who were first time offenders that were incarcerated on non-violent offenses. She stated that four of them had other charges and dockets that were also holding them. Of those nine, bail ranged from \$2,500, 10%, to denied based on the charges. Ms. Fluegel stated that there were two incarcerated on drug offenses, one on criminal trespass, two on stalking, three on theft, and one on DUI. The breakdown of ages was from 19-69 years old. There were seven males and two females that are non-violent first time offenders. The race was broken down to seven white, two black, two Hispanic, and seven non-Hispanic. Ms. Fluegel stated that they broke down the Mental Health Stability Rating (MHSR) for them: three were level A's, one was a level B, two were level C's, two were level D's, and one was unknown. Of the nine, two were homeless at incarceration. Ms. Fluegel stated that they did not want the definition of non-violent to be a biased approach, so they used the crimes code and used what they said were violent offenses to subtract those out of this report and these were the charges remaining.

Arla Brown, Director of Administration, reported that barber services are now being offered monthly on the first Tuesday of the month. Inmates will receive a notice on both the tablet and kiosk to sign up for the services a week in advance.

Ms. Brown reported that visitation services began on February 28, 2022 and seems to be going well.

Ms. Brown stated that they consider their processes to be a work in progress for their daily operations in the business office and throughout the Prison. She stated that they continue to seek improvement to be more efficient and effective. For example, a recent change from a staff member in the business office pertaining to visitation, includes the scanning of a birth certificate for a dependent. This document is scanned and then placed in the inmate's file and prevents the requirement of bringing the document on each visit.

Ms. Brown stated that they continue to hold monthly meetings to review their policy and procedures. All employees, regardless of position, are invited to these meetings. The meetings are held off-site to avoid distraction.

Ms. Brown reported that they submitted their General Information Report (GIR) as of January 31, 2022. This report contains a variety of statistical data regarding the inmate population as of that date.

Ms. Brown reported that the statistical information is provided online with her monthly report. This month's data includes the completed end of year data for 2021's tablet information that was not available last month, as well as the contract and telephone rate information requested at last month's meeting.

Bob Devonshire, Director of Facilities Management, reported on his areas of responsibility:

- CGL is currently fully staffed.
- They continue to assist Deputy Warden Aberts on the door access control system upgrades.
- There were 65 work orders closed in February, with 112 closed year-to-date.

Commissioner D'Agostino presented a proposed timeline for the design of the new Prison. He stated that he is very appreciative to work with a great team, which is the work group that worked on finding a new location up to the point of purchase. The work group consists of Warden Cheryl Steberger, Facilities Director Bob Devonshire, Purchasing Director Linda Schreiner, Chief Clerk Larry George, Deputy Chief Clerk Tammy Moyer, Solicitor Jackie Pfursich, Special Counsel Claudia Shank, and County Engineer Mark Lauriello. Commissioner D'Agostino stated that the projected timeline starts with the purchase of property up to the time the doors open. He stated that there was a unanimous recommendation of the work group to recommend to the Board of Commissioners to engage an owner's representative for the remainder of the project. Commissioner D'Agostino stated that the Purchasing Department is now developing a

Request for Proposal (RFP) process to present to the Board of Commissioners before the end of this month. He stated that this timeline will list different aspects, including having an owner's representative, an architect, land development, development services, engaging with the community, bids for construction, and opening the new Prison. Commissioner D'Agostino stated that this timeline suggests that the County will be able to open the new facility by Fall of 2026. He stated that it is important to note that like many plans over the course of years, it is subject to change, and likely will, given the numerous steps involved. Commissioner D'Agostino stated that he has a few handouts for anyone who is interested.

In business from guests, Jean Bickmire, President of Have A Heart, stated that her organization has been working on a "white paper" for the design of the new Prison. She stated that they want to build an institution that provides a positive change. Ms. Bickmire stated that they believe that rehabilitation should start at the beginning, so it is a good opportunity for the individuals to receive positive development if they are released early on. She stated that the key factors that exists in successful reentry are employment, housing, health, skill development, mentoring, and healthy relationships. Ms. Bickmire mentioned architect Dr. Marayca Lopez, a senior corrections analyst, who stated the factors for successful reentry are conveying the belief that people incarcerated are of value, provide access to natural light and fresh air, have a variety of spaces and outside views, enable comfortable temperature and reduce noise, build a facility that is incorporated in a neighborhood, and build for no more than 1,000 offenders. Ms. Bickmire noted some factors that they encourage to build a facility and some of those are: a single site which will have easy access for handicapped people, an environmentally friendly facility, install solar panels, HVAC system, porous paving in the parking lot, recreational yard, outdoor visitation, inmates help with gardening, cell blocks based on designated treatment, comfortable temperature and noise reduction, encourage mottos on the walls, no more than 2 inmates in a cell or single cells, and emergency call buttons. Ms. Bickmire stated that the new facility will have the opportunity to have intervening programs and lifestyles that can provide skills and reduce recidivism and crime.

Reverend Jason Perkowski stated that he represents Power Interfaith, which is an organization that has been working on justice on different issues around racism and inequities for the past 5 years in Lancaster County. He stated that there are others in the audience who join him today from five other organizations and at least 20+ faith communities in the area. Reverend Perkowski stated that the death of John Choma is what brought the group together initially. He stated that as a community they see the death of any individual as a lost to all of us. Reverend Perkowski stated that their commitment is to come together with the Prison Board and find a way that we can do better together. He introduced some of those in attendance to speak.

Greg Newswenger, Lancaster Quaker Meeting, spoke in support of Have A Heart's "white paper". He stated that Quakers have been advocates of prison reform since the 17th century. He stated that they are following the Prison design process with interest

and will be involved in any way they can be. Mr. Newswenger highlighted several things from Have A Heart's "white paper": size of the facility, needs assessment, and incarcerating people pre-trial. Mr. Newswenger stated that before embarking on this project, it is imperative to gather as much data as we can about what is happening in the current facility to allow us to plan well, wise, and an informative way. He stated that it is important to design this facility well to facilitate treatment, skill building, community programming, and for individuals to come back into the communities in positive and productive ways.

Tammy Rojas, Put People First PA, National Union of the Homeless, and PA Union of the Homeless, commented that during the February Prison Board meeting, Judge Ashworth made a comment that sometimes jail is the best place for a person in trouble. She stated a recent article on LNP interviewing Judge Ashworth showed an even deeper problematic issue. It showed how these false narratives and viewpoints held by people in power regarding people who wind up in prisons are then echoed in the media instead of the media digging deeper on the issue, which then shapes the public's viewpoint and understanding of the issue at hand. Ms. Rojas stated contrary to what Judge Ashworth, others in power, or the media believe, the reality is if we had our basic human needs met and guaranteed to us as human rights in the United States, our prisons would be near empty. She stated that she has suffered through trauma and mental health issues since a child and since health care is not recognized as a human right in the United States, she was doomed from the door. Ms. Rojas stated that she spent a couple of weeks in LCP in 2017 after months of suffering trauma from an emergency surgery of a removal of an ectopic pregnancy. She stated that she had no after care or trauma support, so she turned to drugs for the first time to self-medicate. Months later, she committed a minor misdemeanor crime that does not have a required jail sentence in order to obtain the self-medication and was given bail that she could not afford and ended up in LCP where her mental health was further neglected. She was shamed, treated like an animal, and denied her mental health medication and treatment. Ms. Rojas stated that this highly problematic viewpoint held by Judge Ashworth and others is not an uncommon ideology and is held amongst those in power in these kinds of positions all across the United States. She stated that we are systematically failing our people on basic human needs like healthcare, housing, education, etc. and yet we are a leader in mass incarceration. Ms. Rojas stated that we must address these systemic issues from the bottom up. She stated that they demand in regards to the new prison, to not expand capacity, and lessen it. On redeveloping 625 E King St, look at meeting the housing and health care needs for the poor, and use their research done in partnership with Franklin & Marshall College and their preliminary redevelopment vision for hospitals as a guide for what's needed. Ms. Rojas stated that their final demand is that we fight poverty, not the poor.

Matthew Rosing, Put People First PA and National Union of the Homeless, stated that he is here to speak today as someone who has been directly impacted by the cruel, unjust system. He stated that he has suffered mental health issues all of his life and the system has failed him throughout. It took decades for him to get a proper diagnosis and

care regarding his mental health. Mr. Rosing stated that all together he has served nine years in prison and served 14.5 months of that in LCP. He stated that when he was brought to LCP, he was suffering from a manic episode due to a bipolar schizo affective disorder and was also homeless at the time. He stated he was denied bail and was placed in medical housing due to his mental illness and was prescribed and given Seroquel. Mr. Rosing stated that the highest recommended dose per day is 800 milligrams divided throughout the day in multiple doses. It is also proper practice to start with a lower dose and gradually increase the dose as needed. Mr. Rosing stated that to start he was given 200 milligrams in the morning and 800 milligrams at night. He stated that PrimeCare did not follow the typical procedure with prescribing Seroquel, of gradually increasing the dosage and instead went straight to over 1,000 milligrams a day. During his time at LCP, PrimeCare gave him the amount of Seroquel that is past the daily recommended doses, and they crushed the medications, so all of the 800 milligrams hit him at once. Mr. Rosing stated that contrary to the comments made at the February Prison Board meeting, jail is not the best place for someone in trouble. He stated that if he had his basic human needs of housing and healthcare met prior to said crime, he would not have done said crime and ended up in prison. Mr. Rosing stated at the end of the 14.5 months in LCP, he was found not guilty and released. He stated that prison did not heal him and was not the best place for him when he was in trouble. He stated what healed him was an organization like Put People First PA and the National Union of the Homeless. Mr. Rosing stated that they are here today to demand an investigation from an outside third party source into the practices of PrimeCare, i.e., mental health risk assessment, bad management and overall medical practices. He stated that they also demand that we as a county government redirect funds spent on incarceration with mental health and addiction issues.

Joseph DiGarbo, Lancaster Quaker Meeting, commented that he is a retired therapist having worked in the addiction's treatment and mental health treatment for 48 years and many of those years he has worked in prisons and LCP as well. He stated that a committee was formed after the death of Mr. Nunez awhile back and rendered some recommendations to the Mental Health Association Emergency Response Coalition. Mr. DiGarbo stated that they have submitted 22 recommendations to the Coalition of Mental Health and law enforcement personnel a few months ago and were happy to see that a lot of those recommendations have been or are being implemented. He stated that there are a lot of people working very hard to improve the situation in Lancaster County. Mr. DiGarbo stated that he has also been a facilitator of the Alternatives to Violence project since 2001 and works in the Middle East now. He stated that he has seen a lot of people that have been very hurt by the system and hopes that it does not happen here. Mr. DiGarbo stated that when he was 17 years old, he was arrested with some kids in New York. He stated that he was with these kids that were doing some things in the street, but he was not involved. He stated that he was put in jail and sat there for a few hours before his father who had an attorney was able to get him out of the situation. Mr. DiGarbo stated that he went to college and came back and found out that he was found guilty and had to go to classes for 12 weeks over the summer. He stated that he did not go to the first class because of the weather, but when he went the

second class the Judge asked him to meet with him in his chambers. Mr. DiGarbo stated that the Judge said that he had been looking over the case and asked him if he did these crimes and Mr. DiGarbo told him that he did not. He stated that the Judge told him to go home and don't bother coming back. Mr. DiGarbo stated that the Judge changed his life and he will always remember that. He stated that he had money and was white and a lot of people do not have that privilege. Mr. DiGarbo stated that he wanted to share that story to show how people can change your life and how you can change other people's lives.

Reverend Perkowski wanted to wrap up his points by highlighting six areas based on the testimony heard today. He stated that they urge the Board to think carefully about how they use the 78 acres, not just for pre-trial housing, people who have been incarcerated after trial and found guilty, but to find a way to use up that acreage to bring help in advance with mental health treatment and substance abuse treatment. He stated that they want to work with the Board and be a part of the vision. Reverend Perkowski stated that they want to encourage someone to stand beside an individual who is being brought in before a Judge for their initial pre-trial hearing and potentially being giving bail, such as a public defender or a court appointed special advocate, or a volunteer. They would also like to see that the MDJ Judges when setting bail, have a process in which they put in writing the rationale behind why they made the decision for either letting someone out on unsecured bail or securing bail at whatever level. Reverend Perkowski stated they would also like to encourage an investigation on how we can better enhance medical care as people come into the prison. He stated that they would also like to see an ongoing commitment review panel and an ongoing investigation of who is incarcerated at pre-trial, why, for how long, and what sort of bails. He stated that he encourages the Board to look at all the points made, and they will be following up at next month's meeting.

President Judge Ashworth commented that he invites these organizations to come into his courtroom, drug court, and treatment court. He stated that 17 years ago he helped start the first treatment court in the County and is very much involved in the mental health issues and drug and alcohol issues. President Judge Ashworth stated that it is an extremely difficult issue to address, and he would like nothing better than to have all of the mental health systems and drug and alcohol systems established within the community, so people do not end up in the criminal justice system. He stated that he teaches a class at Franklin & Marshall College about addiction and recovery. President Judge Ashworth stated that he would like to dispel the mistaken impression that the Court, Judges, and him in particular prefer to incarcerate. He stated that he would like nothing better than to get the people the help that they need. President Judge Ashworth stated that he needs to correct either a mis-statement or an incomplete statement with regard to his comment about some people are better off in jail. He stated that the other day he had a gentleman who could not stop using drugs after the Courts provided him with numerous opportunities to get the help and treatment necessary for this gentleman. He stated that all of the attorneys involved, including the District Attorney and Defense Counsel agreed that if this gentleman was not

incarcerated immediately, he would die. President Judge Ashworth stated that the desire was not to incarcerate him, but to get him into a place where he could get the treatment that he needed to help himself with his substance abuse disorder. He stated that it is never his intention or the Judge's intentions to warehouse people and sometimes it is necessary to get people in a position where they can get the help they need, which is not necessarily a function or failure on the judicial system or the court system. President Judge Ashworth stated that he agrees with all of the comments that were made and he agrees that there needs to be a safety net before people come into the criminal justice system.

Jonathan Fox, Have A Heart, commented that he thinks that they are all on the same side. Second, he is disappointed on some of the District Justice bail setting. He asked how can we get the MDJ's to reevaluate the perimeters when setting bail. President Judge Ashworth commented that the whole bail issue is a topic that is better addressed not here at Prison Board, as they have no control over that. He stated that people who want the concepts with regard to bail need to talk to their legislators and the Supreme Court Rules Committee. He stated that as Judges, they follow the law, and these laws cannot be changed on a local level.

Susan Mull, Power, commented that poverty and racism stigma kill. She stated that she wants to say as someone who has been fighting for more than 28 years for anti-racism in Lancaster County and Philadelphia is that she gets to clarify many times what she has done as she is walking cloaked in white privilege; however, her brothers and sisters in the bipoc community do not get to clarify anything that has happened to them. Ms. Mull stated that if you have never looked at a person who looks like her, who is a teacher, and a person who has graduated from seminary, and yet she has been an inmate in LCP.

Neil Ward, Have A Heart, commented that there is a group called the Criminal Justice Advisory Board (CJAB) that repeatedly talks about bail and issues that are not relevant to Prison Board and he thinks that a lot of the things that were talked about today may not be relevant to the Prison. He stated that he really appreciates that this body is always transparent. Mr. Ward suggested that CJAB be a part of the comprehensive plan to make the Courts transparent.

Commissioner Parsons commented that CJAB is an internal body set by statute to coordinate criminal justice matters. He stated that the larger issue is people want to talk about bail, which is fine but Prison Board or CJAB has no ability to do anything about bail. He stated if you want to talk about bail you have to talk to the Court.

Commissioner Trescot moved to adjourn the meeting at 11:15 a.m. Commissioner D'Agostino seconded. The motion carried unanimously. The next meeting is April 21, 2022, at 9:15 a.m.

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Respectfully submitted,

Lisa K. Colón
Secretary