

Minutes of the Monthly
Meeting of the
Lancaster County Prison Board
May 20, 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, Judge Dennis Reinaker, 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, Tammy Moyer, Cody Scheid, Kim Wolfe, Arla Brown, Thomas Jenkins, Miguel Albino, Bob Devonshire, Larry George, Christine Hausner, Claudia Shenk, Kathleen Morrison, Louis Chirichello, Toni Warfel, Rhiannon Rector, Michelle Gallo, Peggy Lou Platt, Tom Zeager, Helen Zeager, Mark Lauriello, Stacie Dixon, Neil Ward, Kent Kroehler, Austin Beiler, Jeff Hawks, John Maina, Nicole Vasquez, Michelle Stoner, Meade Stoner, Gary Kling, Adam Thompson, Anne Shannon, Deborah Stuart, Andrew Sterner, Hannah Deboer, Michelle Akritas, Todd Haskins, Feleen Nancarvis, Bethany Tipton, Carrie Kurtz, Carter Walker, Lydia Kovalchuk, and Diana Rivera.

Commissioner D'Agostino moved to approve the minutes of the April 15, 2021 Prison Board Meeting. Controller Hurter seconded. The motion carried unanimously.

Cheryl Steberger, Warden; William Aberts, Deputy Warden for Operations; Joseph Shiffer, Deputy Warden for Inmate Services; Cody Scheid, Business Manager; 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 COVID-19 vaccine clinic was held at the facility in April where 12 staff members and 151 inmates were vaccinated. The second vaccine clinic will be on May 25, 2021, for those individuals needing their second dose. Warden Steberger thanked her staff for organizing the event and PrimeCare for administering the vaccines. She reported that recently an inmate tested positive upon commitment. Warden Steberger reported that testing continues to be conducted throughout the facility with approximately 4,000 tests being conducted this year. She stated that after meeting with her team, they established the next phase of opening at the facility.

Warden Steberger reported the inmate population this morning is 725. The average inmate population in April 2021 was 651. She stated that they have seen an increase in the inmate population as expected; however, the numbers are still low.

Warden Steberger reported that the COVID-19 Newsletter has been beneficial to her staff and the inmates. She stated that the newsletter is emailed to the staff and uploaded to the inmate tablets. A hard copy is also given to inmates in their cells.

Warden Steberger reported on the current COVID-19 restrictions. She noted that masks are still required for the staff and inmates when outside of their cells, social distancing efforts are still in place, and there is increased cleaning throughout the building. She stated that block out is back to normal at the facility and visitations have resumed. Warden Steberger stated that inmates are still required to eat their meals in their cells. She stated that attorneys and public defenders are no longer required to call ahead for legal visits. Treatment programs, chaplain visits, and church services have resumed. Warden Steberger reported that reentry groups have begun, and the first class was held on Monday.

Warden Steberger reported that National Correctional Officers and Employees Week was celebrated at the Prison May 3, 2021 through May 7, 2021. The events were held outside the facility. She thanked the Commissioners for coming out to the Prison the first day and reading the proclamation.

Warden Steberger reported that the Lock and Key Award was presented to Sergeant Phillip Klinger during Corrections Week. She invited Sergeant Klinger to the podium. Sergeant Klinger gave a short speech and thanked the administration for believing in him and his peers for motivating him. Sergeant Klinger received a round of applause from those in attendance.

Warden Steberger announced Arla Brown's promotion to Director of Administration. Ms. Brown received a round of applause from those in attendance.

Warden Steberger introduced the Prison Union's President, Officer Miguel Albino and Vice President, Officer Marcus Jones to those in attendance. She stated that she is grateful for the relationship that they have with the union and thanked them for their support.

William Aberts, Deputy Warden of Operations, reported the officer of the month for April: Third Shift, Officer Akeece Jones. Officer Jones was unable to attend the meeting.

Deputy Warden Aberts reported on the staffing complement, allotment: 228, current: 173. He reported a new class of 10 officers are currently in training.

Joseph Shiffer, Deputy Warden for Inmate Services, reported that a reentry class started this past Monday. He stated that there are five male inmates participating. Deputy Warden Shiffer reported drug and alcohol groups began on May 13, 2021, and chaplaincy services have started. Deputy Warden Shiffer reported that his team met with Franklin & Marshall College student, Jolie Rosenberg, to discuss enhancing some of their educational programs.

Cody Scheid, Business Manager, stated this month's packet now includes correct Trial vs Sentenced reports for both March and April.

Mr. Scheid reported that the e-messaging for March was at an all-time high. E-messaging has become the main form of communication between inmates and their loved ones. He stated that they have seen a dramatic decrease in the amount of regular mail that they receive both through digital services and through the facility. He stated as of May 17, 2021, there have been 77,396 text pages and 44,088 attachments (pictures) sent through the e-messaging system since it began last year.

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

- CGL is currently fully staffed.
- The kitchen equipment has been installed and is functional.
- The masonry repairs are being scheduled with the vendor.
- They continue to work with Deputy Warden Aberts on the door access control system upgrades.
- There were 141 work orders closed in April, with 662 closed year-to-date. This is an average of 166 work orders at the Prison closed per month for 2021 and 176 closed work orders per month in a five year average.

In new business, Commissioner D'Agostino stated that a brief presentation will be held by each member of the team that worked on developing the recommendation for the proposed site for the new county jail. That team included himself; Bob Devonshire, Director of Facilities; Larry George, Chief Clerk; Christina Hausner, Solicitor; Mark Lauriello of Rettew Associates, County Engineer; Claudia Shank of McNees Wallace & Nurick, Special Counsel; and Cheryl Steberger, Warden.

Warden Steberger gave a brief history of the Prison and said that the last time the castle was used was eight years ago, since the structure does not provide heating. She

stated that 90% of the building is not air conditioned. Warden Steberger stated that due to the lack of space, they have not reached their full potential with the programs offered.

Mr. Devonshire noted that the challenges they face in the current facility are heating and cooling the building, a lack of space, and constantly having to maintain a facility that is over 100 years old.

Warden Steberger stated that as the Prison was renovated and additions were added throughout the years, the kitchen, laundry, and medical area were not renovated and are still at the capacity to serve only 400 inmates.

Mr. Lauriello, the County's engineer from Rettew Associates, provided an executive summary of the presentation given at the Commissioner's Meeting on May 5, 2021. He stated that Rettew's role in this process has been site selection. The proposed site selected is the 75-acre Kreider property in Lancaster Township on the Conestoga River.

Commissioner D'Agostino stated that the Kreider site best meets all the criteria compared to the other sites. He stated that if they go forward and purchase this property, they will have a due diligence period. The vote today will not be to actually purchase the property but for the Prison Board to recommend the purchase of this property for a new County jail. Commissioner D'Agostino noted that if they purchase the property, they should look at preserving the land along the river as it will be beneficial to the residents.

Ms. Hausner and Ms. Shank discussed the legal requirements that the County must follow when purchasing real estate. Ms. Hausner noted that even though Prison Board is hearing this proposal and their input is requested, the actual agreement of sale will be considered by the Board of Commissioners next week at a Commissioner's Meeting. She stated that the Resolution being presented to the Prison Board today addresses the Prison Board recommending the purchase of this real estate to the Board of Commissioners.

Commissioner D'Agostino thanked the Kreider family for working with the County on the potential sale, the County team that worked on developing the proposal and final recommendations, prior Boards and staff for putting the County in an excellent financial position to move forward with the project, and acknowledged Lancaster Township had been contacted to inform them of the proposed purchase of the property.

Commissioner Lehman commented that the first time he was aware of this site was when he heard a rumor that former County Commissioner Dick Shellenberger had an interest in it prior to him serving on the Board of Commissioners. He stated that he went out and looked at the site during his first term as Commissioner to see it for himself. Commissioner Lehman stated that the County did briefly consider acquiring the

property but never moved forward mainly because of the difference between the asking price and the appraisal. He stated that when the issue came up again more recently, it was decided to take a fresh look at site location. He stated that he wants to assure the community that this was a completely fresh look, and he did not make any recommendations on the criteria even though he thought this was a viable site. Commissioner Lehman stated that he wants the community to have confidence in the criteria and the process that was put in place, so if and when there is a decision by the Board of Commissioners next week to move forward with acquisition, that there are no misconceptions that this process was not a fair approach.

Commissioner D'Agostino commented that there was never a conversation about this site prior to the group getting together and they did take a fresh look and started from scratch.

Judge Reinaker commented that when he was a member of Prison Board, a discussion was held in 2009 regarding building a new prison where plans were prepared by L. Robert Kimball that were part of the discussion. He stated that the conversations held back then were very different compared to the current discussion. He stated that the proposed capacity for that facility back then was in the vicinity of 2,100 people. Judge Reinaker stated that they have lowered the population and kept it low for quite some time. He noted if they moved forward at that time, they would have ended up with a larger facility than the County needed, similar to the Youth Intervention Center, which is exactly what they did not want. He stated that he hopes that people appreciate where we are today and what is likely to come of this, compared to 12 years ago when discussions were held to build a new prison. Judge Reinaker stated that anyone who had a role in that discussion deserves a tremendous amount of credit for what is going to happen now, compared to what would have happened back then.

Commissioner Lehman commented that after the process that recommended a more than 2,000 bed facility, there was another proposal to build a second jail and operate two facilities. He stated that he requested an operational analysis be conducted to see which approach was more cost effective. Of course, the operational analysis showed that it was a lot less costly to operate one facility rather than two. Commissioner Lehman stated that we then went through the process of reducing the inmate population because one of the arguments made was that we need to manage the inmate population as efficiently as possible, so you do not need to build a big facility which will then just be filled up. Since then, significant progress has been made to lower the inmate population and keep it low.

Commissioner Parsons asked for public comment.

Debbie Stewart, architect in Lancaster City, commented that she was really impressed with all the information the County engineer talked about. She stated that having

waterfront property available and accessible for different kinds of development is a great asset. She stated that this site could obviously be developed for some other better use, not meaning that the County does not need a new prison. Ms. Stewart stated that she objects to building a prison system on a second peninsula. She asked the Board to go back and consider if one of the other parcels could meet the criteria for a new prison and if there might be a better use for this property.

Tom Zeager, Clay Township, commented that he enjoyed the presentations so far. He stated that this Board has been more progressive than any other Board that he has ever seen. He stated that this property provides the opportunity for us to change the paradigm of prisons.

Austin Beiler, resident, commented that he and his family have lived in the area of the potential site of the new prison for about five years. He stated that he was very surprised that a prison was being proposed there and had he had known that five years ago, he would not have purchased his property. Mr. Beiler stated that he has a direct view of the Kreider property in his back yard and his family spend almost every day down at the river. He stated that he understands that this is an issue that has been talked about for years and respects the work that the team has done to get this far. Mr. Beiler stated that he is here today representing a lot of the neighbors who were unable to attend the meeting. He asked the Board to take a step back before voting to give more time and opportunity for neighbors that are going to be impacted to have the chance to comment and give their input on the property before going further.

Commissioner Parsons stated that he appreciates Mr. Beiler's constructive points and concerns and his professional approach on the issue.

Michelle Stoner and Meade Stoner, residents, commented that her family has lived on Highland Avenue for 20 years which is a very busy road. She stated that behind their house where the cemetery and proposed property lie, has been a sanctuary for her family. They bike ride, watch animals, and sit on the hill overlooking the site. Mrs. Stoner stated that she knows that this will not change the decision that the Board will make about purchasing the property, but she wants them to know that the site has been a very integral part of their lives. They experience nature and life back there, where outside of their front door they have cars racing by. Mrs. Stoner stated that it was very encouraging to hear that a trail will be built for public use, and she hopes that it will be a priority to preserve as much of the natural environment as possible. Mrs. Stoner asked who owns the road going back to the cemetery and if it is for sale. Mr. Lauriello stated that the road from Greenwood Avenue going back to the farmstead is owned by the Kreiders. Mr. Stoner asked if that road will be an accessible area for the Highland community. Mr. Lauriello stated that those are design details, they are quite a bit away from getting to the design process, and a lot of that will be done by Lancaster Township's requirements. Mr. Stoner stated that it is their hope that the area will be

accessible to the community. Mr. Stoner asked how the trail will have access to the County Park with the river being right there. Commissioner Lehman stated that it will be a part of the design process and that he is in favor of a greenway. He stated that there is one precedent for a pedestrian bridge that County Government has done and that one is part of the Northwest River Trail. Commissioner Lehman stated that he would also be open to other viable accessible options to connect the peninsula to County Park.

Kent Kroehler, Have A Heart, commented that we are a mission driven government, and the mission of this Prison is to provide humane and secure care, custody, and control. He stated that the nature of the facility and architecture should be a county "wow" and not a concrete block slab built on green land. Mr. Kroehler commended the team for the preparation of the presentations. He encourages the Board to keep a sense of urgency in the timeline for building the new facility, as the current facility is dysfunctional and an embarrassment to the County.

Hannah Deboer, Millersville, commented that she is a prison abolitionist and questioned why are we so invested in keeping people locked in cages. She commented that there is a better movement for a better world where we do not keep people locked in cages where people's jobs are not reliant on people being detained. Ms. Deboer asked how many people are currently awaiting pre-trial. Commissioner Parsons stated that it is usually about 70% of people in county jails are waiting for trial or some court action. Ms. Deboer referenced the Stanford Law Review that conducted a study in 2017 called the Downstream Consequences of Misdemeanor Pre-Trial Detention where they found devastating consequences for those who were in jails awaiting their trial, including loss of housing, loss of economic support, loss of employment, and loss of custody of children. She stated a large argument for that is that money bail is a commitment to public safety, which the Stanford Law Review found to be the complete opposite. Ms. Deboer stated that the study found when comparing individuals who posted bond in seven days versus those who were unable to do so, found that in just one month after bail hearings there were a significantly higher incidents of new misdemeanor charges among those who were detained at pre-trial, on the same if not similar ground compared to those who were not. She stated that over time this effect is even more pronounced. Ms. Deboer stated that her solution to this is a long-term solution and is marbled after multiple studies from the 1970's by stopping all of the construction of new prisons, in de-carceration and ex-carceration, and investing in community programs in which people can be rehabilitated outside of a prison system.

Warden Steberger commented that 411 inmates are awaiting pre-trial for the month of April.

John Maina and Nicole Vasquez, Central Pennsylvania Equity Project, formerly Collective Resistance Acting in Solidarity for Humanity (CRASH), stated that their

organization is here today to make an impact on people. He stated that the economic impact of the criminal justice system is real and serious. He stated that they believe the biggest issue affecting people is economic, so they try to find innovative ways to put money in people's pockets or eliminate excessive fees. Mr. Maina stated at the last meeting they attended, they discussed their concerns regarding cash bail and at that time no one really had any solid data. He stated that he brought some real data to back up some of the things that they had talked about with their concerns. Mr. Maina stated that they wanted to present it to the Board today because they notice that there are some disparities and they wanted to make sure that all the members of the Board are included in this conversation. Ms. Vasquez handed out documents to the Board to follow along on the research and data being presented. She stated that this data shows clear disparities, and they are suggesting that reforms are needed to increase fairness and transparency and to combat apparent inconsistencies. In conclusion, Mr. Maina asked that a lawyer is present for all defendants that come before a Magisterial District Judge (MDJ) that are assigned a cash bail, all MDJ's document all cash bails, and there be a moratorium of six to nine months on all monetary bails for non-felony charges.

Commissioner Lehman commented that if there is no public safety risk, no flight risk, and no risk to themselves, monetary bail should not be the sole reason for incarceration.

Judge Reinaker commented that it is difficult to take statistics like this without digging further into any given case to find out what the circumstances really are. He stated that the reason a lot of people with misdemeanor charges are unable to post cash bail, is because they were out on cash bail and committed a new offense while they were out or have not appeared for court proceedings. Judge Reinaker stated that the big reason for bail is to make sure that the individual is going to show up for the court proceedings when he/she is required to do so. He stated that a committee was formed many years ago, observed every single person who came into the Prison to determine why they were there, and reviewed whether anything else could be done, which was a big part of how they decreased the population.

Neil Ward, Have A Heart, asked if there was a way to bring organizations back into the facility and keep them involved with everything that is going on as it is important for all of them to be involved. Mr. Ward suggested to work on changing the name for the new facility from "jail" or "prison". Mr. Ward commented on cash bail. He asked for an update from Tracy Hogan, teaching assistant at F&M College, on what progress has been made on cash bail issues. Judge Reinaker stated that he would inform President Judge Ashworth of his request. Mr. Ward commented on fines and costs. He noted that they seem to be very excessive, and he does not understand how they work and what is being accomplished by it.

Feleen Nancarvis, Lancaster City, asked if there are any plans for the current facility once operations have relocated and if there is any intention for what the space will be used for.

Commissioner Parsons stated that the current facility will be an opportunity for the community to redevelop. He stated that they are not close to that, and no real discussion has been made other than some general thoughts.

Commissioner Lehman commented that this is an historic opportunity to have a chance to reknit a city neighborhood back together again. He stated that when the jail was first built, it was in a rural part of Lancaster County; however, over the last 50-100 years it has been in a vibrant urban neighborhood, which in his opinion, is not an appropriate location for the jail. Commissioner Lehman stated that future redevelopment of the current jail site could create a tax base for the city, the county, and the school district, which from a county perspective, would help offset some of the cost of the new jail.

Commissioner Parsons thanked the neighbors for attending the meeting today. He stated that he appreciates the constructive comments, and he understands their legitimate concerns about a substantial change in their neighborhood. Commissioner Parsons referenced Ms. Stewart's comments on the site being a waterfront. He stated that one of the reasons that this is a potentially good site for a jail is because there is river on three sides of it and therefore there are less neighbors. Commissioner Parsons noted that a lot of the owners of the other properties do not want to sell and the Kreiders are interested in selling and at a price that the County is allowed to pay. He stated that the greenway, tying it into other trails, having an area that looks almost park-like, and having the trees to hide the facility is important for the community. Commissioner Parsons stated that he is willing to spend some extra money to make sure that this is done right for the community, so there is as minimal an impact on neighbors as possible.

District Attorney Adams commented that she appreciated Judge Reinaker's comments about what a prison may have looked like had this project moved forward 10 or 11 years ago. She stated that had that prison been built it may not have been best for public safety. She stated that she supports having a prison that has programming and room to grow and for the reentry coalition that occurs at the prison. District Attorney Adams stated when people are released from prison, and they are able to have jobs and housing, then they are less likely to go back to jail. She stated that she is excited about this project.

Commissioner D'Agostino commented that he agrees with Commissioner Parsons' comments. He stated that the reason that this property is available today is because it is extremely difficult to develop. There are a lot of reasons that make it difficult to put in a residential development at the site.

Controller Hurter commented that he also agrees with Commissioner Parsons as it relates to the neighbors of the proposed property. He stated that the opportunity to build a new prison does not happen often and we need to make sure we do it right by working with the neighbors and making sure everyone is satisfied with the final result. Controller Hurter noted that the County has worked very hard to improve their financial position. He noted that the County has significantly improved their fund balance and cash position, in addition to paying off a significant amount of debt. Controller Hurter noted that the County has paid off almost \$100 million dollars in debt over the last ten years. He noted that this improved financial position allows the County to build a new facility that addresses both the needs of the Prison and the concerns raised by the neighbors.

Commissioner Lehman commented that the last two Board of Commissioners adopted budgets that were structurally balanced for eight years which meant that at the end of those years the County added money to the fund balance. He stated that is one of the main reasons why the County is in a good financial shape today.

Commissioner Parsons presented the proposed resolution recommending the land purchase proposal to the Prison Board for signatures. Commissioner D'Agostino moved to approve to adopt Resolution No. 1 of 2021 of the Lancaster County Prison Board Recommending the Purchase of Real Estate to the Board of Commissioners (attached). Commissioner Lehman seconded. The motion carried unanimously.

Commissioner D'Agostino moved to adjourn the meeting at 11:10 a.m. Commissioner Lehman seconded. The motion carried unanimously. The next meeting is June 17, 2021, at 9:15 a.m.

Respectfully submitted,

Brian K. Hurter
Secretary