

Call to Order:

A meeting of the Fayette County Prison Board was called to order on Wednesday, January 29, 2014 at 9:15am at the Fayette County Courthouse, Uniontown, Pennsylvania 15401 by Sheriff Brownfield.

Roll Call:

The Following Board Members were Present at the Time of Roll Call:

Sheriff Gary Brownfield
Controller Sean Lally
Commissioner Vincent Zapotosky
Commissioner Angela M. Zimmerlink

The Following Board Member was Present after Roll Call:

None

The Following Board Member was absent at the Time of Roll Call:

District Attorney Jack Heneks
Commissioner Alfred F. Ambrosini

Moment of Silence

Pledge of Allegiance

Amend the Agenda:

Commissioner Zapotosky stated he will take the lead on the amendment request. He asked to receive a second and a discussion. Everyone knows there is an influx of inmates that suffer from addiction but it is his understanding that the protocol established by the health care company may be less than adequate. He proposes the amendment state the board will work with the Fayette County Drug & Alcohol Commission and any local providers to help offset the ill effects of withdrawal that may allow for a saner, better, and more controlled environment. It is clear that the information he has received is lacking procedure protocol. He also proposes in the amendment that the correctional officers, warden, and correction officers of Deputy Wardens undergo training to identify (beyond a simple questionnaire) and monitor any inmate that seems to be complaining of any ill effects of withdrawal.

Commissioner Zimmerlink asked Commissioner Zapotosky what he wants on the agenda.

Commissioner Zapotosky answered for the board to review and work with Prime Care to develop a protocol and treatment of inmates that maybe suffering from levels of addiction. And for the county correctional staff and administrative staff to undergo any training available in identifying inmates that may be exhibiting signs of withdrawal or being under the influence. And for the board to work with providers such as Fayette County Drug & Alcohol and/or any other providers available to provide said treatment.

Moved by Commissioner Zapotosky and Seconded by Commissioner Zimmerlink to add this item to the agenda:

Sheriff Brownfield	-	Aye
District Attorney Heneks	-	Absent
Controller Lally	-	Aye
Commissioner Ambrosini	-	Absent
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye

Motion Passed Unanimously

Sheriff Brownfield motioned to amend the agenda to include the October minutes.

Moved by Sheriff Brownfield and Seconded by Controller Lally:

Sheriff Brownfield	-	Aye
District Attorney Heneks	-	Absent
Controller Lally	-	Aye
Commissioner Ambrosini	-	Absent
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye

Motion Passed Unanimously

Public Comment on Agenda Items and/or Amended Agenda Items:

None

Approval of October 2013 Meeting Minutes:

Moved by Controller Lally and Seconded by Sheriff Brownfield:

Sheriff Brownfield	-	Aye
District Attorney Heneks	-	Absent
Controller Lally	-	Aye
Commissioner Ambrosini	-	Absent
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye

Motion Passed Unanimously

Approval of November 2013 Meeting Minutes:

Moved by Controller Lally and Seconded by Sheriff Brownfield:

Sheriff Brownfield	-	Aye
District Attorney Heneks	-	Absent
Controller Lally	-	Aye
Commissioner Ambrosini	-	Absent
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye

Motion Passed Unanimously

Approval of December 2013 and January 2014 Bills:

Commissioner Zapotosky asked what the out of county rental is.

Controller Lally answered \$ 58,610 in December

Commissioner Zapotosky asked if there are any early estimates on January.

Prison Business Manager Jack Loughry answered about the same.

Commissioner Zapotosky said for a point of reference the trend is continuing.

Sheriff Brownfield stated nothing out of the norm.

Moved by Commissioner Zapotosky and Seconded by Sheriff Brownfield:

Sheriff Brownfield	-	Aye
District Attorney Heneks	-	Absent
Controller Lally	-	Aye
Commissioner Ambrosini	-	Absent
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye

Motion Passed Unanimously

Commissioner Zapotosky said the \$58,000 is leaving the county. The money is not providing any employment for the county. This is an important point of reference.

Controller Lally stated Butler County should be appreciative of us.

Commissioner Zapotosky said Fayette County has lowered their taxes by a quarter of a million dollars.

Controller Lally stated \$22,020.

Commissioner Zapotosky stated that's in writing.

Controller Lally confirmed yes.

Commissioner Zapotosky said Fayette's increasing their taxes and lowering other people's taxes.

Population Report for December 2013 and January 2014:

Warden Brian Miller reported the following:

254 Inmates are housed in Fayette County Prison (226 Males and 28 Females)

14 Inmates are housed in Bedford County Prison (6 Males and 8 Females)

8 Inmates are housed in Butler County Prison (All Males)

2 Inmates are housed in Center County Prison (All Males)

18 Inmates are housed in Greene County Prison (15 Males and 3 Females)

6 Inmates are going to Butler County Prison this morning (All Males)

Controller Lally asked Jack what the average cost is for Butler, are they the most expensive of prisons.

Prison Business Manager Jack Loughry answered he thinks it is, \$65 a day.

Commissioner Zapotosky stated there seems to be some difficulty in being able to isolate the location. There have been problems with sewage, etc. With great respect to the board, the unenviable will fall on the board of commissioners. He thinks they will accept that responsibility and play a significant role in whatever the future outcome will be. The board needs to reassess where they are going. He would like to look at options. He is afraid of cost to the tax payers but he is not afraid to do what is right because that will supersede everything. The board needs to come together to and make a good decision whether that be a new facility or modifications. The board needs to act on it in a collaborative fashion because if the board does not they will keep lowering taxes and keep adding on to other facilities and that is getting the board nowhere. He said Commissioner Zimmerlink mentioned workshops but the board is a workshop. The board needs input from the courts and has received support from them (President Judge and the District Attorney).

Controller Lally said last year 1.2, 1.3, 1.4 million dollars was spent on out of county rentals, \$360,000 on overtime costs, and he has no way of calculating how much was actually spent on travel and transportation of moving prisoners but is estimated at around \$100,000 or more. If any tax payer is ok with 1.7 million dollars in approximant numbers being spent to fund other counties than he guesses the county doesn't need a prison.

Court Related Items:

- **Report on the # of non-violent inmates/sentences incarcerated**

Commissioner Zimmerlink stated to address overcrowding issues you look at the possible solutions. You identify the problem, gather information (accurate data), and come up with a solution. The phase in progress is gathering data, it has been at that phase for too long, but that can be corrected by the board and/or commissioners taking direct action. To her understanding, there has been other counties who look at their inmate population report, amend their sentence, and then the inmates were permitted to enroll in the day reporting center. She asked Tammy if it is accurate if other counties modify their court orders.

Court Administrator Tammy Lambie answered she does not know if they modify their court orders. She does know to her understanding that adult probation evaluates each person currently coming through and if they are a candidate for it then they are doing it.

Commissioner Zimmerlink asked if Fayette County could look at those inmates who are already sentenced and review it for them to be part of the day reporting center.

Court Administrator Tammy Lambie answered it has been brought up, discussed, but has not had any direction.

Commissioner Zimmerlink said she would like the prison board to move to the direction of helping the courts identify the inmates who are now incarcerated who could be eligible (courts and adult probation decide on the eligible). The board has to identify the inmates that fall under that criteria (non-violent). It is her understanding the board can assist the courts and adult probation by having the warden identify the non-violent inmates.

Court Administrator Tammy Lambie stated it is probably a combination of someone from the jail and adult probation sitting down and going through each case.

Commissioner Zimmerlink asked the warden how he has been able to identify the inmates who are non-violent.

Commissioner Zapotosky asked if adult probation office would have a list of non-violent offenders.

Court Administrator Tammy Lambie answered yes, they have the cases but she doesn't think they keep track of who is in jail daily. An adult probation officer normally handles 60 cases but currently handles double.

Commissioner Zapotosky asked if they could pull a roster sheet and then make a comparison.

Commissioner Zimmerlink said the warden told her yesterday that he and Michelle were getting ready to speak to GTL and she would like to know what he found out and what needs to be done.

Warden Brian Miller stated the contact person of GTL is Ken Haney. He called him yesterday and left a message. He called him again this morning, left another message, and is waiting on his reply. He will also email him after today's meeting. He said Michelle can do all this now but has to manually. He thinks the prison can come up with a report that GTL can build into their system which can be printed out and will explain exactly what is going on with an inmate. There is one problem which is the information that comes into the prison, it has to be accurate, and it is not. The information can come from anywhere (magistrates and/or courts). There are too many times someone goes out to a magistrate, charges are dismissed, and the prison doesn't get the proper paper work.

Commissioner Zimmerlink said she understands all that. If someone won money and a new prison was built and running, the problems will still occur and have been occurring. The county should be able to look at the inmates and determine which ones are non-violent. She suggest someone talk to Tim Merlin from Day Reporting and/or Ken Haney from GTL to have the report looked at.

Prison Business Manager Jack Loughry stated he has a hard time getting in contact with GTL.

Commissioner Zimmerlink said that will be resolved.

Michelle stated she does not know the criteria for non-violent.

Commissioner Zimmerlink stated that needs corrected. The administrative staff all need to know what those requirements are, they are easy to get, and they will get that.

Michelle said it wouldn't be a problem to give a daily report to adult probation. There is a report already generated for inmate's charges and sentences.

- **Report for a detailed prison report which clearly state reasons for incarceration – parole violation, summary offense, awaiting sentence, waiting to go to DOC etc.**

Commissioner Zimmerlink stated the above bullet came from Tammy Lambie. She asked her in November what the court specifically needed to see in a report for the court to determine what inmates maybe eligible for the day reporting center. The report does have that information on it but it needs dissected and it is too time consuming. Judge Capuzzi use to be able to get a running total of how many people were in the jail and for what. It's clear what the court wants.

Michelle said the report is time consuming for a couple of reasons. With the new system, the information is not imputed in the same way. Right now she has 14 people waiting to go to the DOC and 13 are ready. Getting people to the DOC is not as easy as it used to be. They need a three day notice (but recently it has been two weeks) and they will only take up to a certain number of people a day (thinks it's 30 a day). The DOC people are located in Fayette's prison. She needs information from a person's hearing to see if they can go to DOC. There is a policy where people who have court cannot go to DOC.

Controller Lally asked Tammy if there are specifics to the law that determine what a non-violent offender is.

Court Administrator Tammy Lambie answered there are guidelines.

Controller Lally asked why someone can't pull up an inmate's history, make a determination as to violent or not, and check with the courts.

Court Administrator Tammy Lambie answered they don't have that authority.

Commissioner Zimmerlink asked how she gets the data in regards to the bullet above.

Michelle answered there is a report for that.

Court Administrator Tammy Lambie stated she thinks everyone needs to take the time to sit down and work things out.

Commissioner Zimmerlink stated she will circulate dates for next week, get the stakeholders, and have a meeting in the conference room. She would like everyone to bring the necessary information needed to accomplish something.

- **Updates of prison P&P**

Commissioner Zimmerlink stated sometime in June or July this board adopted the Berk's county policies and procedures and they were so post to be used to help rewrite the policy. She would like to know the status of the revisions and modifications to rewrite the policies and procedures.

Warden Brian Miller said he informed Deputy Warden Croftcheck of this. He sent an email yesterday stating he and Deputy Warden Zavada have categorized the policies and procedures that needs the most work with compliance title 57. 70% of the polices were corrected, the others need a little tweaking, and the others will be completed by the next prison board meeting. Policies will be ready for implementation during phase one training.

Commissioner Zimmerlink told the warden to email the revisions to her and the other board members by the end of the week. She asked Tammy if the courts would want to look at the revisions before they are adopted.

Court Administrator Tammy Lambie answered she would like them to.

Commissioner Zimmerlink asked if human resource would like them.

Human Resource Director Dominick Carnicella answered yes.

- **Discussion of inmate work program**

Commissioner Zimmerlink stated the county has an inmate work program and asked if it is under revision.

Warden Brian Miller answered it has been terminated.

Commissioner Zimmerlink said it can't be terminated.

Warden Brian Miller stated there is no program because Fred is not around anymore.

Commissioner Zimmerlink said there is a program because it says there is but it may not be utilized. Just because Fred is not around doesn't mean it shouldn't be utilized. The only people who can do away with the program are the people who approved it.

Warden Brian Miller stated when inmates are taken out of the building contraband comes into the building so that may want to be revisited.

Commissioner Zimmerlink said she understands that. When she started, the inmates would help across the street and in the parks. Fred was a guy with building & grounds who went through training. One certified person could supervise up to three inmates. Judge Solomon, courts, commissioners, and the prison board all thought it was good.

Warden Brian Miller stated he would like to abolish it. The contraband can't be controlled.

Commissioner Zimmerlink said she would like to revisit it. She asked if anyone was concerned with the contraband from when a correction officer has taken two inmates across the road to clean the fountain in the summer.

Warden Brian Miller stated anytime an inmate leaves the prison, contraband is coming into the prison. The prison does not want to do it but is told to do it so they have to do it.

Commissioner Zapotosky said this is a progression in a positive way with the DRC establishing guidelines. There are work release programs in other counties he has learned of in his past job experience. He realizes the concern and the cost that may be associated with it (staff) but perhaps input can be received from other counties. He just received a call that he has to go to the hospital. He asked if anything needs to be voted on.

Human Resource Director Dominick Carnicella stated there are a few items under personnel that needs voted on.

Personnel:

Human Resource Director Dominick Carnicella asked for an executive session.

Moved by Commissioner Zimmerlink and Seconded Controller Lally:

Sheriff Brownfield	-	Aye
District Attorney Heneks	-	Absent
Controller Lally	-	Aye
Commissioner Ambrosini	-	Absent
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye

Motion Passed Unanimously

Executive Session: 10:17am

Returned From Executive Session 11:11am

Moved by Commissioner Zimmerlink and Seconded Commissioner Zapotosky:

Sheriff Brownfield	-	Aye
District Attorney Heneks	-	Absent
Controller Lally	-	Aye
Commissioner Ambrosini	-	Absent
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye

Motion Passed Unanimously

Sheriff Brownfield stated there were matters on three employees that was discussed, no action was taken, and they are pending further investigation.

Human Resource Director Dominick Carnicella said to please approve the removal of the probationary period of three part-time corrections officers (Matthew Chapman, Richard Grimm, and Brian Grady) effective immediately.

Moved by Commissioner Zimmerlink and Seconded Commissioner Zapotosky:

Sheriff Brownfield - **Aye**
District Attorney Heneks - **Absent**
Controller Lally - **Aye**
Commissioner Ambrosini - **Absent**
Commissioner Zapotosky - **Aye**
Commissioner Zimmerlink - **Aye**

Motion Passed Unanimously

Human Resource Director **Dominick Carnicella** stated to please approve the hire of part-time corrections officer (\$15.52 per hour) **Kenneth Dingler**. He is a Veteran. February 10th.

Moved by Commissioner Zimmerlink and Seconded Commissioner Zapotosky:

Sheriff Brownfield - **Aye**
District Attorney Heneks - **Absent**
Controller Lally - **Aye**
Commissioner Ambrosini - **Absent**
Commissioner Zapotosky - **Aye**
Commissioner Zimmerlink - **Aye**

Motion Passed Unanimously

Human Resource Director **Dominick Carnicella** said to please approve hiring **Charles Hartman** as a part-time corrections officer at \$15.62 per hour effective February 17th.

Moved by Commissioner Zimmerlink and Seconded Controller Lally:

Sheriff Brownfield - **Aye**
District Attorney Heneks - **Absent**
Controller Lally - **Aye**
Commissioner Ambrosini - **Absent**
Commissioner Zapotosky - **Aye**
Commissioner Zimmerlink - **Aye**

Motion Passed Unanimously

Human Resource Director **Dominick Carnicella** stated to please approve hiring **Michael Heilman** as a part-time corrections officer at \$15.62 per hour effective February 24th.

Moved by Commissioner Zimmerlink and Seconded Commissioner Zapotosky:

Sheriff Brownfield - **Aye**
District Attorney Heneks - **Absent**
Controller Lally - **Aye**
Commissioner Ambrosini - **Absent**
Commissioner Zapotosky - **Aye**
Commissioner Zimmerlink - **Aye**

Motion Passed Unanimously

Commissioner Zapotosky Left the meeting.

- **Discussion of inmate work program**

Commissioner Zimmerlink stated for the warden to be prepared to inform the board, a week before the next meeting, why (for specific reasons) he would not want the inmate work program to continue and what would be need for the maintenance personnel to become certified.

- **Discussion of work release program**

Commissioner Zimmerlink said everyone knows there is a Criminal Justice Advisory Board in Fayette County that has quarterly meetings (there is one this Friday) at 8:30pm. She has asked the court administrator to put on their agenda to have a discussion of implementing a work release program in Fayette County. A work release program means that if there are any inmates that have outside employment, it would be taken into consideration (during sentencing) to release them so they can continue their job and they will then return after their work hours. She is not saying to do it or not to do it. Back in the September 2007 Prison Board Meetings, it was unanimously approved to look into it. She has asked the courts on how to go about doing it. The courts will listen to the stakeholder's pros and cons of whether it can be done in Fayette County.

- **Status and discussion of central court – what are the requirements of prison staff**

Commissioner Zimmerlink said the agenda should have stated, report from warden on DOC inspection.

Warden Brian Miller said there is no report.

Commissioner Zimmerlink stated if she gives an agenda item, it is to be put on the agenda. The courts asked the commissioners to enter into a lease agreement with the city of Uniontown to establish a central courts and the commissioners approved it. The chief clerk has informed the commissioners that there is a possibility that the courts do not want the central courts and instead wants the lease to be for a juvenile probation office.

Court Administrator Tammy Lambie said personally, she is proceeding as normal.

Commissioner Zimmerlink stated in order to go to the next step, it is to go to the city of Uniontown. The court needs to tell the warden specifically what the procedures and requirements are going to be for the prison staff to follow so central court can have the inmates there.

Court Administrator Tammy Lambie said the courts will do that and she would like to open by March but it depends on the contractors. This should speed the process up and get inmates out of jail sooner.

Commissioner Zimmerlink stated the other thing to discuss is the DOC inspection. The DOC came in and inspected on November 5th, 2013. She wants to know what has occurred since.

Warden Brian Miller said they did a review, sent a preliminary findings, and the prison has 30 days to correct the findings. The prison will send them back, they will re-review them, and send an inspection report.

Commissioner Zimmerlink stated she would like a copy of the report that the warden and sheriff received on January 7th before 1:00pm today. She asked the warden who has been working on correcting the findings.

Warden Brian Miller answered Barry Croftcheck.

Commissioner Zimmerlink stated she wants to have a meeting with Barry Croftcheck and the warden this week on what the preliminary findings are before they are mailed out. She wants to do this tomorrow and the board is invited.

Court Administrator:

None

Public Comment:

Prison Corrections Officer Michael Strickler said he was recently suspended for statements made against him.

Commissioner Zimmerlink stated he is in a public meeting, the press is here (anything said could be written in the paper), and prison board minutes are being taken.

Prison Corrections Officer Michael Strickler said he was prematurely let go while the two individuals who accused him are still in the building.

Commissioner Zimmerlink asked Mr. Hicks if he is aware of this.

Union President/Corrections Officer Mr. Hicks answered yes, verbally. There are no reports.

Commissioner Zimmerlink asked Dominick if he is knowledgeable of this, receiving reports, is it under investigation, and ready to be brought up to the prison board.

Human Resource Director Dominick Carnicella answered it is a personnel matter that is being investigated right now.

Prison Corrections Officer Michael Strickler stated he was wrongfully let go, suspended by telephone. He wasn't treated fairly on his last situation and he wants a full-fledged investigation.

Commissioner Zimmerlink said this is going to be handled in accordance with the human resource county policy and union procedures.

Union President/Corrections Officer Mr. Hicks ask if the board is aware of the needs of an officer's pay to be released because action was not taken during executive session.

Controller Lally stated there is no different action at this time pending further review.

Prison Corrections Officer Crystal Jacobs said she was notified that she would be suspended with pay until there is action.

Human Resource Director Dominick Carnicella confirmed yes.

Prison Corrections Officer Crystal Jacobs stated her check is being held.

Human Resource Director Dominick Carnicella stated it is being review right now so no separate action has been taken. He will inform the correction's officer of the decision once the prison board has made it.

Commissioner Zimmerlink said she will know before the end of the day.

Controller Lally stated the board's effort is to make a fair decision with any issue. The board needs to gather more information to do so.

Commissioner Zimmerlink said the board should let her know within in half hour, she is to see Dominick, and her question should be answered.

Adjournment:

No Quorum

Adjourned by Sheriff Brownfield