

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

RACHEL C. RADKE, and  
TANISHA LONG,

Plaintiffs,

vs.

THE ALLEGHENY COUNTY JAIL  
OVERSIGHT BOARD,

Defendant.

**CIVIL DIVISION**

GD No. 23-6514

Code: 020

**AMENDED COMPLAINT IN  
CIVIL ACTION**

Filed on Behalf of Plaintiffs  
Rachel Radke and Tanisha Long

Counsel of Record for this Party:

Witold J. Walczak  
Attorney ID: PA 62976  
ACLU OF PENNSYLVANIA  
P.O. Box 23058  
Pittsburgh, Pa 15222  
T: (412) 681-7864  
vwalczak@aclupa.org

Stephanie R. Reiss  
Attorney ID: PA 88316  
John K. Gisleson  
Attorney ID: PA 62511  
MORGAN, LEWIS & BOCKIUS LLP  
One Oxford Centre  
301 Grant St, 32<sup>nd</sup> Floor  
Pittsburgh, PA 15219  
T: (412) 560-3300  
stephanie.reiss@morganlewis.com  
john.gisleson@morganlewis.com

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

RACHEL C. RADKE, and	)	<b>CIVIL DIVISION</b>
TANISHA LONG,	)	
	)	
Plaintiffs,	)	GD No. 23-6514
	)	
vs.	)	Code: 020
	)	
THE ALLEGHENY COUNTY JAIL	)	
OVERSIGHT BOARD,	)	
	)	
Defendant.	)	

**AMENDED COMPLAINT IN CIVIL ACTION**

AND NOW comes Plaintiffs Rachel C. Radke and Tanisha Long, by and through their attorneys Witold J. Walczak, ACLU of Pennsylvania and Stephanie R. Reiss and John K. Gisleson of Morgan Lewis & Bockius, LLP, and bring the following Amended Complaint, and in support thereof state as follows:

**PARTIES**

1. Plaintiff Rachel C. Radke is an adult individual residing at 6318 Forward Avenue, Pittsburgh, PA 15217.
2. Plaintiff Tanisha Long is an adult individual residing at 127 Elmont Street, Apt. #2, Pittsburgh, PA 15205.
3. Defendant is the Allegheny County Jail Oversight Board. The address for the Allegheny County Jail Oversight Board is 436 Grant Street, Fourth Floor, Gold Room, Pittsburgh, PA 15219.

**FACTS**

4. Pennsylvania residents' rights to attend government agency meetings that discuss public business and to comment on the issues under consideration are vital to the functioning of

our democracy. Transparency and public participation, in the words of the Pennsylvania General Assembly, are “vital to the enhancement and proper functioning of the democratic process,” as “secrecy in public affairs undermines the faith of the public in government and the public’s effectiveness in fulfilling its role in a democratic society.” 65 Pa. Cons. Stat. § 702. These considerations prompted the Pennsylvania General Assembly to pass the Sunshine Act, 65 Pa. Cons. Stat. § 701, *et seq.*

5. The Allegheny County Jail Oversight Board (“Board”) has had a pattern and/or practice of violating the Sunshine Act over the past year by, *inter alia*, not publishing meeting agendas at least 24 hours in advance of public meetings, failing to provide the reasons for executive sessions, improperly discussing public business in executive sessions, evading Sunshine Act requirements entirely in subcommittee meetings, and failing to provide a reasonable and timely opportunity for public comments.
6. The Board has never adopted and published by-laws or meeting rules to regulate either operations generally or conduct of meetings specifically. The absence of clear promulgated rules leaves the Board Chair free to conduct operations in an arbitrary and capricious fashion, increasing the likelihood of Sunshine Act and other legal violations.
7. Plaintiffs Radke and Long have been regular attendees at Board meetings. They rely on timely posted agendas to prepare for meetings, periodically comment either publicly or in writing, and have a keen interest in learning as much about jail operations as possible to monitor the Board’s operations and compliance with law.

#### **Meeting Agendas Are Not Timely Published**

8. The Board is regularly not publishing meeting agendas at least 24 hours in advance of its public meetings as required by the Sunshine Act.

9. For example, the July 6, 2023, meeting of the Board was scheduled to be held at 4 p.m., but the agenda was not posted until July 5, 2023 at 8:21 p.m., only 20 hours and 39 minutes prior to the meeting.
10. The April 6, 2023 meeting of the Board was scheduled to be held at 4 p.m., but the agenda was not posted until that same day at 1:55 p.m., only 2 hours and 5 minutes before the meeting.
11. The March 2, 2023 meeting of the Board was scheduled to be held at 4 p.m., but no agenda was posted in advance of the meeting. Rather, the March 2, 2023 Board agenda was posted at 7:53 p.m. on March 2, which was 3 hours and 53 minutes *after* the start of the meeting.
12. The December 1, 2022 meeting of the Board was scheduled to be held at 4 p.m., but the agenda was not posted until 5:55 p.m. on November 30, 2022, only 22 hours and 5 minutes before the meeting.
13. The failure and/or delay in issuing agendas deprives or impairs the ability of the public, including Plaintiffs, to comment on matters of concern, official action or deliberation which are or may be before the Board prior to taking official action.

**Public Comments Have Been Illegally and Unreasonably Restricted**

14. Over the past year, the Board has not been providing a reasonable opportunity for public comments. The official website for the Board provides an option for online submission of public comment. Until the filing of this lawsuit, the website stated that, “Comments and questions *will be read in their entirety* provided they do not exceed 5 minutes and will be presented in the order in which they were received. Depending on the number of comments received, some may not be read at the meeting.” *See* Ex. A (Board website as

of May 23, 2023) (emphasis added). This same language is still present on the County Controller website. See <https://allegHENYcontroller.com/the-controller/jail-oversight-board/>.

15. As of the date of filing of this Amended Complaint, the Board website states:

“Comments *will be presented* in the order in which they were received. Depending on the number of comments received, some may not be read at the meeting. All public comments, will be given to the board and made a part of the meeting Minutes.”

(emphasis added) See <https://www.allegHENYcourts.us/general-information/jail-oversight-board/>.

16. Yet public comments submitted to the Board via its website have not been read or summarized at the meetings *at all* since on or about May 2022.

17. The Board Chair stated in January of 2022 that the Board would not be reading any online public comments at meetings going forward. See Ex. E (January 2022 Board Minutes excerpt) at 2. Comments were read aloud only in summary form three times in 2022: March, April, and May 2022. And between June 2022 and December 2022 no online comments were read or summarized. For example, in August 2022, Plaintiff Tanisha Long submitted online comments that were not read (although they were attached to the minutes), as she notes at the September 2022 Board meeting. See Ex. M (August 2022 Board Minutes) at p.3 of attached public comments; Ex. N (September 2022 Board Minutes excerpt) at 6; see also Ex. F (October 2022 Board Minutes excerpt) at 161 (member of the public complaining that online comments are either summarized or omitted entirely from Board meetings).

18. In July 2022, the link on the Board website to submit online public comments was never even opened. See Ex. J (July 2022 Board Minutes) at 7-8 (online public comment for July was never opened. Board Chair apologized for anyone not able to submit their comments as he was unaware there was an issue). And frequently the link to submit online comments is closed early, or if a Board meeting is rescheduled, never reopened. See, for example, Ex. C (May 2023 Board Minutes excerpt) at 82, 87 (citizens indicate that online comments were closed early or never opened).
19. At the meetings between September 2022 and May 2023, neither the Board Chair nor any other Board member read any online comments, summarized them, or entered them into the record to be attached to the Board Minutes.
20. In May 2023, the Board Chair stated that there had been no online comment submissions, despite many members of the public indicating that they submitted online comments. See Ex. B (April 2023 Board Minutes excerpt) at pages 50-51 (citizens indicating they submitted online comments and Board Chair stating they did not get any), Ex. C. (May 2023 Board Minutes excerpt) at pages 123-124 (Board Chair stating the Board had not received any online public comments in months).
21. At the June 2023 meeting, the Board Chair stated that, “due to a number of concerns that were expressed in the meeting, we checked the system for some – for giving public comments [online] and IT did determine that there was a breakdown in the system, so I apologize for any inconvenience that may have caused. It’s my understanding that that has been rectified. Public Comments are now being submitted online. Due to the time that we spent with Public Comments, I am not reading the Public Comments. They are listed, posted on the website for your review.” See Ex. D (June 2023 Board Minutes

excerpt) at 72:25-73:11. Four (4) comments for the June 2023 meeting appear on the county controller website, but no prior 2023 online comments were posted, read at the meetings, summarized, or made part of the official transcript.

22. A member of the public who submitted written comments via the Board website from January through May 2023 would reasonably have expected and believed that their comments would be considered before decisions were made on the subject matter of their comments and any pertinent issues. Instead, their comments were not presented to or considered by the Board.
23. In addition, during 2022 and into 2023, in-person public comments at the meetings have been limited to a strict 3-minute time limit, contrary to the 5-minute time limit that was represented on the Board website and Allegheny County-Controller website, and contrary to the established practice of allowing 5 minutes of comments per person previously.
24. During Board meetings throughout the past year, the Board Chair has improperly asserted that “public comments are not questions.” For example, see Ex. B (April 2023 Board Minutes excerpt) at 4. When members of the public ask questions of the Board or the Jail administration during their comments, the Board Chair has reprimanded them, refused to answer, and even told other board members and the wardens that they should not answer. For example, see Ex. F (October 2022 Board Minutes excerpt) at 180-81, 183, 194-95.
25. By prohibiting questions from members of the public at Board meetings, the Board is engaging in a content-based restriction on free expression within a designated public forum.

26. The prohibition on public questions is not narrowly tailored to serve a compelling government interest, and is a violation of the First Amendment to the United States Constitution.

27. The Pennsylvania's Office of Open Records states on its website in its FAQs on the Pennsylvania Sunshine Act:

Can the public ask questions during the comment period?

Yes. Although members of the agency are not *required* to provide an answer, it is a good practice to do so whenever possible. Answering questions can demonstrate a commitment to helping constituents and, in many cases, answering questions informally at a public meeting can reduce future requests under the Right-to-Know Law, which saves time and money for both the agency and the commenter / requester.

See <https://www.openrecords.pa.gov/SunshineAct.cfm>.

28. Although no member of the board or the Jail administration is required to answer questions, the Board Chair's instruction to meeting attendees not to ask questions during their comments violates the Sunshine Act's requirement that members of the public have a reasonable opportunity to comment.

29. The limitation or omission of public comments, including through prohibiting questions, impairs the ability of the public, including Plaintiffs, to comment on matters of concern, official action or deliberation which are or may be before the Board prior to taking official action.

**Executive Session Topics Are Not Being Reported And Closed Meetings Are Used Improperly to Evade Public Discussion**

30. The topics of discussion at executive sessions are regularly not being reported, and closed meetings with deliberations are being convened for reasons that are inconsistent with the Sunshine Act.



31. The Board does not consistently announce the scheduling of or reason for executive sessions at their public meetings. The Sunshine Act requires that “[t]he reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session.” 65 Pa. Cons. Stat. § 708.
32. At the April 2023 Allegheny County Jail Oversight Board meeting, the Board Chair disclosed that there had previously been a number of prior unannounced executive sessions. Specifically, the Board Chair stated that “you’ve had countless executive sessions.” Ex. B (April 2023 Board Minutes excerpt) at 137:3-4. Among those executive sessions, according to the Chair and board member Ms. Hallam, was a session on weapons confiscated at the jail (which appeared to occur around October 2022) and another session on deaths at the jail (which appeared to occur around March 2023). Ex. B at 137; see also Ex. G (Feb. 2023 Board Minutes excerpt) at 65-66, 70-71 (setting executive session on NCCH death investigation and healthcare). Based on the statement about “countless executive sessions,” there likely were other executive sessions beyond the two identified above.
33. Because the Board has not announced the scheduling or reason for any of the other executive sessions or subsequently disclosed their subject matter, it is impossible to determine what topics were actually addressed at the other executive sessions.
34. The failure to announce the subject matter of executive sessions prevents the public, including Plaintiffs, from determining whether the Board is complying with the Sunshine Act and limits or impairs their ability to comment on matters of concern, official action or deliberation which are or may be before the Board prior to taking official action.

35. To the extent that executive sessions have been held on any of the topics that Warden Harper has insisted must be reserved for executive session, such as forged recreational logs, sub-committee formation, use of force numbers, further discussions on the policy regarding changing dietary restrictions, details about overdose deaths, and information on hospitalizations or general medical care offered to inmates, see Ex. B (April 2023 Board Minutes excerpt) at p. 108-09, 134-37 (overdose deaths, hospitalization and general medical care); Ex. H (March 2023 Board minutes excerpt) at 95-97 (recreational logs); Ex. G (February 2023 Board Minutes excerpt) at 152 (medical care); Ex. I (January 2023 Board Minutes excerpt) at 70, 95-98 (use of force numbers and dietary restrictions); Ex. J (July 2022 Board Minutes) at 2 (sub-committee formation), these topics do not fall within the Sunshine Act exceptions to the public meeting requirement. *See* 65 Pa. Cons. Stat. § 708.
36. For the executive sessions explicitly mentioned on deaths in the jail and weapons confiscated, these also do not necessarily fall within the Sunshine Act exceptions to the public meeting requirement.
37. In addition, the Board excludes the public from various sub-committee meetings at which deliberations occur on topics that are inappropriate for executive session and, thus, in violation of the Sunshine Act.
38. For example:
- a. The jail book review subcommittee appears to be deliberating about which book sellers should be permitted to send books to the jail, see Ex. K (November 2022 Board Minutes excerpts) at 12-16, 41-43 (creating sub-committee and referring the issue to the sub-committee).

- b. The subcommittee on exit interviews appears to be creating a form document for exit interviews, conducting interviews of some staff members who resign, and deliberating on ways to address problems that lead to resignations, see Ex. L (December 2022 Board Minutes excerpt) at p. 168-174 (reconstituting exit interview sub-committee and referring the issues to the sub-committee).
  - c. The Incarcerated Individuals Welfare Fund (“IIWF”) subcommittee has engaged in deliberations and made decisions without public comment. See Ex. C, (May 2023 Board Minutes excerpt) at 34-35, 42 (describing the fact that the sub-committee deliberated on all candidates and voted to winnow the list for jail liaison candidates to one); Ex. H (March 2023 Board Minutes excerpt) at 50-51 (discussing anticipated process for subcommittee to winnow candidates) and 57-59 (discussions on paying incarcerated workers and addressing survey by Pitt Social Work); Ex.L (December 2022 Board Minutes excerpt) at 168 (discussion of subcommittee winnowing process for jail liaison); Ex. F (October 2022 Board Minutes excerpt) at 104-105, 112-113 (mentioning subcommittee deliberations about results of Pitt Survey and how to spend the IIWF’s money).
39. Conducting executive sessions on topics that do not fall within the public meeting exception and sub-committee meetings with deliberations on public topics violates the Sunshine Act and limits or impairs Plaintiffs’ ability to comment on matters of concern, official action or deliberation which are or may be before the Board.

**Injunctive Relief Is Necessary and Appropriate**

40. The foregoing paragraphs are incorporated herein by reference.

41. The violations discussed in the foregoing paragraphs demonstrate that the Board has a pattern and practice of violating clear requirements governing public agencies under Pennsylvania's Sunshine Act and the First Amendment.
42. Plaintiffs and other Allegheny County residents and taxpayers are suffering, and will continue to suffer, irreparable harm in the form of ongoing deprivation of their ability to participate in and observe critical government functions.
43. Plaintiffs have no adequate remedy at law for the ongoing violations, making prospective equitable relief necessary and appropriate.

**Count I – Violation of the Sunshine Act – 65 Pa. Cons. Stat. § 709(c.1)(1)(i)**  
**(Failure to post agendas 24 hours in advance of public meetings)**

44. Each of the preceding paragraphs is incorporated by reference as if set forth at length herein.
45. On June 30, 2021, Governor Wolf signed Act 65 of 2021 into law, which amended the Sunshine Act to require public agencies to publish a meeting agenda at least 24 hours in advance of a public meeting detailing the issues expected to be deliberated and voted on at that meeting. See 65 Pa. Cons. Stat. § 709(c.1)(1)(i).
46. Over the past year, the Board has repeatedly failed to post agendas for its public meetings at least 24 hours in advance, thereby failing to provide sufficient advance notice to the public of subjects to be discussed and depriving the public of information relevant to the decision whether to comment in advance of a meeting and to appear at the meeting.
47. In some instances, the Board has posted agendas for its public meetings *after* the public meetings were held.
48. As a result of the Board's failure to post agendas more than 24 hours in advance of its meetings, the citizens of Allegheny County, including Plaintiffs, are being deprived of

their statutory rights, opportunity to meaningfully participate, and have suffered and will continue to suffer harm.

**Count II – Violation of Sunshine Act – 65 Pa. Cons. Stat. § 708**  
**(Failing to announce topics for executive sessions)**

49. Each of the preceding paragraphs is incorporated by reference as if set forth at length herein.

50. The Sunshine Act, 65 Pa. Cons. Stat. § 708(b), provides:

The executive session may be held during an open meeting or at the conclusion of an open meeting or may be announced for a future time. **The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session.**

(emphasis added).

51. The Board has failed to announce the reason(s) for holding executive sessions at open meetings either immediately prior to or subsequent to executive sessions.

52. By the Board's failure to provide timely notice of the topics of executive sessions, the citizens of Allegheny County, including Plaintiffs, are being deprived of their statutory rights, opportunity to meaningfully participate, and have suffered and will continue to suffer harm.

**Count III – Violation of Sunshine Act – 65 Pa. Cons. Stat. § 708**  
**(Conducting improper closed meetings)**

53. Each of the preceding paragraphs is incorporated by reference as if set forth at length herein.

54. The Sunshine Act, 65 Pa. Cons. Stat. § 704, requires that “[o]fficial action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open

meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered).”

55. The exceptions to the open meeting requirement in 65 Pa. Cons. Stat. § 707, as applicable here, are for executive sessions on topics permitted under section 708, or conferences at which no agency business is deliberated.

56. Executive sessions under 65 Pa. Cons. Stat. § 708(a) are allowed: (1) to discuss employment issues (but not the appointment or selection of a person to fill a vacancy in any elected office), (2) to discuss collective bargaining issues, labor relations or arbitration, (3) to discuss the purchase or lease of real property, (4) to consult with an attorney or other professional advisor regarding litigation or expected litigation, (5) discuss privileged information or where confidentiality is protected by law, and (6) “[t]o discuss, plan or review matters and records that are deemed necessary for emergency preparedness, protection of public safety and security of all property in a manner that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.”

57. The Board has held executive sessions and closed sub-committee meetings at which deliberations occurred on topics that do not fall within any of the executive session exceptions to the public meeting requirement.

58. By the Board’s conducting executive sessions and deliberations in sub-committee meetings on topics that do not fall within the Sunshine Act exceptions, the citizens of Allegheny County, including Plaintiffs, are being deprived of their statutory rights, opportunity to meaningfully participate, and have suffered and will continue to suffer harm.

**Count IV - Violation of Sunshine Act –65 Pa. Cons. Stat. §§710.1 and  
First Amendment to U.S. Constitution  
(Failure to provide reasonable opportunity for public comments)**

59. Each of the preceding paragraphs is incorporated by reference as if set forth at length herein.

60. The Sunshine Act, 65 Pa. Cons. Stat. § 710.1(a), requires that the Board:

shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for ... comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action.

61. By the Board's failure to post agendas sufficiently in advance of its meetings, failure to consider any public comments submitted via its website in 2023, instruction to the public not to ask questions, and by reducing the length of the in-person comment period from five to three minutes starting in 2023 in contravention of its written policy, the Board has not provided a reasonable opportunity for comments on matters of concern.

62. By the Board's failure to provide a reasonable opportunity for public comment, the citizens of Allegheny County, including Plaintiffs, are being deprived of their statutory rights, opportunity to meaningfully participate, and have suffered and will continue to suffer harm.

63. By the Board's failure to allow public questions to the Board, the citizens of Allegheny County, including Plaintiffs, are being deprived of their rights to meaningfully participate under the Sunshine Act and denied their First Amendment right to free expression.

**RELIEF DEMANDED**

**WHEREFORE**, Plaintiffs request that this Honorable Court enter judgment against the Defendant and award the following relief:

- a. Issue a permanent injunction to enjoin the Allegheny County Jail Oversight Board from taking future actions without complying with all Sunshine Act requirements.
- b. Enter judgment for Plaintiffs that Defendant has violated the Sunshine Act by misusing executive sessions.
- c. Issue a declaratory judgment that Defendant may utilize executive sessions and private sub-committee meetings only in strict compliance with the Sunshine Act.
- d. Issue a declaratory judgment that Defendant must publicly announce all executive sessions and the subject matter of those executive sessions either at the public meeting immediately prior to or following the executive session.
- e. Issue a declaratory judgment that Defendant must read online public comment at meetings or, at minimum, incorporate them into the record if time does not permit reading the comments.
- f. Enjoin Defendant from orally instructing during public meetings that that the public may not ask questions, in compliance with the Sunshine Act and the First Amendment.
- g. Issue a declaratory judgment ordering Defendant to post agendas at least 24 hours in advance of each meeting.
- h. Issue a declaratory judgment ordering Defendant to adopt by-laws or other operating rules incorporating these requirements, pursuant to 61 Pa. Cons. Stat. Ann. § 1725.
- i. Award to Plaintiffs litigation fees pursuant to 65 Pa. Cons. Stat. § 714.1.
- j. Award to Plaintiffs filing costs and any further relief that this Honorable Court deems just and appropriate.



Respectfully submitted,

/s/Witold J. Walczak

Witold J. Walczak  
Attorney ID: PA 62976  
ACLU of Pennsylvania  
P.O. Box 23058  
Pittsburgh, Pa 15222  
T: (412) 681-7864  
[vwalczak@aclupa.org](mailto:vwalczak@aclupa.org)

Stephanie R. Reiss  
Attorney ID: PA 88316  
John K. Gisleson  
Attorney ID: PA 62511  
Morgan, Lewis & Bockius LLP  
One Oxford Centre, 301 Grant St  
Pittsburgh, PA 15219  
T: (412) 560-3300  
[stephanie.reiss@morganlewis.com](mailto:stephanie.reiss@morganlewis.com)  
[john.gisleson@morganlewis.com](mailto:john.gisleson@morganlewis.com)

*Attorneys for Plaintiffs Rachel Radke and Tanisha Long*

# **EXHIBIT A**



General Information

- [ADA and Interpreter Services](#)
- [Annual Reports](#)
- [Authorized Access ID Cards](#)

## Jail Oversight Board

[NCCHC Resources, Suicide Prevention Program Assessment](#)

### Jail Oversight Board Meetings

#### ADDRESS

- [COVID-19 Information](#)
- [Court Facility Map \(Downtown Only\)](#)
- [Employment Opportunities](#)
- [Financial Public Access](#)
- [Holiday Schedule](#)
- [Transcript Services](#)
- [Jail Oversight Board](#)
- [Public Access Policy](#)

#### MAY BOARD AGENDA

The Allegheny County Jail Oversight Board will hold an in-person meeting on **Thursday, June 8, 2023** at 4:00 p.m.

**The comment/question submission period has ended. It will open one week before the next meeting.**

Comments and questions will be read in their entirety provided they do not exceed 5 minutes and will be presented in the order in which they were received. Depending on the number of comments received, some may not be read at the meeting. All comments/questions, including those in excess of 5 minutes, will be given to the Board and made a part of the meeting Minutes.

Fourth Floor Court Room  
Pittsburgh, PA 15219  
[directions](#)

**PHONE**  
412.350.5410  
412.350.3930 fax

**HOURS OF OPERATION**  
Monday through Friday  
8:30 a.m.-4:30 p.m.

# **EXHIBIT B**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALLEGHENY COUNTY  
JAIL OVERSIGHT BOARD MEETING

Thursday  
April 6, 2023

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

P R O C E E D I N G S

(4:04 o'clock p.m.)

WELCOME, CALL TO ORDER & RULES

JUDGE HOWSIE: We will now call the meeting to order. Thank you for attending.

The rules that we've -- as we have previously discussed, I'd ask that everyone extend the same courtesy and respect to anyone that you would expect or want for yourself.

Please, there is no talking while others are talking. Public comments are not questions. They are statements, and so you're permitted to give your public comment, but you have a total of three minutes. When the buzzer sounds, we'd ask that you please stop speaking.

With that being said, roll call.

Abass Kamara?

MR. KAMARA: Here.

JUDGE HOWSIE: Controller O'Connor?

CONTROLLER O'CONNOR: Here.

JUDGE HOWSIE: Rich Fitzgerald?

MR. PILARSKI: Steve Pilarski.

JUDGE HOWSIE: Sheriff Kraus.

MR. KEARNEY: Jack Kearney.

JUDGE HOWSIE: Terry Klein?

1 long, but you have time to answer those e-mails  
2 and get these Motions on the table.

3           The best thing we've gotten so far  
4 is a book committee, but we still don't have  
5 books coming in the jail. We still don't have  
6 family members who are knowing when their people  
7 are in the hospital. We have people getting  
8 their asses beaten in elevators by COs, and no  
9 one will know unless there's people who can  
10 actually go into the jail and verify it  
11 themselves because their tablets get taken away,  
12 and they don't get to talk to their families.  
13 And when they're hospitalized, when their arms  
14 get broken in an elevator by a CO, no one knows  
15 because you keep everything a secret on purpose.

16           Bye.

17           JUDGE HOWSIE: Reverend Butler.  
18 Reverend Butler. There's no Reverend Dr. Luwana  
19 Butler?

20           (No response.)

21           JUDGE HOWSIE: That being said --

22           AUDIENCE MEMBER: Are you going to  
23 read the online public comment as it states on  
24 your website under five minutes?

25           JUDGE HOWSIE: I didn't get any

1 public comments so I apol- --

2 AUDIENCE MEMBER: Are you for real?

3 AUDIENCE MEMBER: You haven't read

4 them in a couple of weeks -- in a couple of

5 meetings, so we're just asking.

6 JUDGE HOWSIE: Did you send one?

7 AUDIENCE MEMBER: I just sent one a

8 couple of weeks ago.

9 JUDGE HOWSIE: Did you send one

10 this week?

11 AUDIENCE MEMBER: No.

12 JUDGE HOWSIE: Okay. I didn't get

13 one. So like I said, I didn't get any public

14 comments.

15 AUDIENCE MEMBER: It's weird

16 because it was there.

17 JUDGE HOWSIE: I did not -- I did

18 not receive any public comments. If I received

19 them, I will read them.

20 AUDIENCE MEMBER: Why not read

21 them?

22 JUDGE HOWSIE: I'm done talking

23 about it. I gave you my answer.

24 AUDIENCE MEMBER: So you're going

25 to avoid the question.



1 was used. That's as far as I can go in this  
2 forum.

3 MS. HALLAM: Okay. So you can't  
4 tell me like what it means to do control  
5 techniques versus what it means to do active  
6 countermeasures?

7 CHIEF DEPUTY WARDEN BEASOM:  
8 Correct.

9 MS. HALLAM: Okay. Is that -- are  
10 those terms that are specific to the Allegheny  
11 County Jail, or are those general corrections  
12 terms?

13 CHIEF DEPUTY WARDEN BEASOM: Those  
14 are general terms.

15 MS. HALLAM: Okay. So I can maybe  
16 look them up is what you're saying and get a  
17 definition, but you can't provide it in this  
18 forum?

19 CHIEF DEPUTY WARDEN BEASOM: The  
20 definitions are in the policy. I'd be happy to  
21 show it to you if you come to the jail or in  
22 executive session, I can show you the definitions  
23 of them.

24 MS. HALLAM: Okay. Next question  
25 is about -- I know at a previous meeting it was

1 MS. HALLAM: Okay. Next question  
2 is about I had received reports about multiple  
3 overdoses that happened among specifically  
4 kitchen staff in the past few weeks, and I was  
5 just wondering if you could speak to that, why  
6 the Board was not made aware of that, if any of  
7 those individuals -- if you have investigated how  
8 they got the drugs? If you had to take anybody  
9 to the hospital? Can you just give us a little  
10 detail around that?

11 WARDEN HARPER: That's something  
12 that I will not discuss in this forum, ma'am. We  
13 can discuss that in an executive session.

14 MS. HALLAM: Okay. Can you confirm  
15 that multiple people in the kitchen have  
16 overdosed in the past few weeks?

17 WARDEN HARPER: I'm not going to  
18 discuss that in this forum, ma'am.

19 MS. HALLAM: Why will you not  
20 discuss that in this forum?

21 WARDEN HARPER: I feel that it  
22 would be jeopardizing the safety and security of  
23 the facility discussing it in this forum.

24 MS. HALLAM: But is there a  
25 specific Sunshine Exemption that you're

1       referencing why you will not speak about it in  
2       this forum?

3                   WARDEN HARPER:   Again, Ms. Hallam,  
4       I'll be more than happy to speak to any Board  
5       Member about that in an executive session.

6                   MS. HALLAM:   Okay.  I'm just mainly  
7       concerned because I had to hear about it from not  
8       you, from not any of your administration, from  
9       not anyone on this Board.  How are we to know  
10      that these things are happening generally?  If  
11      there's an overdose in the jail, how is the Jail  
12      Oversight Board to be made aware of that?  Do I  
13      have to ask every day?

14                  WARDEN HARPER:   Ms. Hallam, I will  
15      be more than happy to discuss that with the Board  
16      Members in an executive session.  I'm not going  
17      to discuss that in this forum.

18                  MS. HALLAM:   I am not asking for  
19      you to discuss specifically the overdoses that  
20      recently happened.  What I'm asking you to  
21      discuss is how the Board is to know when  
22      incidents like that happen generally.

23                  WARDEN HARPER:   I think how the  
24      Board would know is if the individual has been  
25      transported to an outside facility and the doctor

1 we would not have that information to discuss  
2 that now, and nor would we discuss that in this  
3 forum, Ms. Hallam.

4 MS. HALLAM: And why would you not  
5 discuss that in this forum?

6 WARDEN HARPER: I don't think that  
7 it would be appropriate to discuss that in this  
8 forum, Ms. Hallam.

9 MS. HALLAM: Because of what  
10 reason?

11 WARDEN HARPER: HIPAA reasons,  
12 safety and security reasons. If you want  
13 information to that nature, we'd be more than  
14 happy to discuss all of that with you in an  
15 executive session.

16 MS. HALLAM: So you believe that  
17 talking generally, not about an individual's  
18 specific medical diagnosis or medical treatment,  
19 but generally about medical treatment for  
20 incarcerated individuals, is not something you  
21 can discuss in this forum?

22 WARDEN HARPER: I don't think we  
23 can discuss that in this forum, ma'am.

24 MS. HALLAM: I am pretty sure  
25 you're wrong, but we can revisit that at another

1 time.

2 What about surgeries? So in the  
3 past three months, it lists 13 surgeries. Do you  
4 remember any of those 13 surgeries and why those  
5 are happening?

6 WARDEN HARPER: No, ma'am.

7 MS. HALLAM: Okay. What about the  
8 cost of how much it costs the jail to -- or the  
9 County to transport someone to the hospital?

10 WARDEN HARPER: We don't have that  
11 information.

12 MS. HALLAM: Is that information  
13 that you would be able to get?

14 WARDEN HARPER: I'm not sure,  
15 ma'am.

16 MS. HALLAM: Okay. Please look  
17 into that for the next meeting. I would like to  
18 know specifically how much it costs to transport  
19 an incarcerated individual to the hospital, and  
20 how much a hospital stay costs, whether it's a  
21 per day, per week, how much we're paying for  
22 these individuals to go to the hospital.

23 And out of any general hospital  
24 visits, surgeries that were required, does the  
25 jail ever receive feedback about how these

1 emergency runs or surgeries could have been  
2 prevented via care at the jail?

3 HSA DR. BRINKMAN: I'm not sure  
4 what kind of feedback you are asking that we  
5 would get.

6 MS. HALLAM: I'm just wondering if  
7 someone goes to the hospital, does the jail ever  
8 say, hey, if they would have gotten this medical  
9 treatment, it wouldn't have come to this? This  
10 is something that could be added to their  
11 healthcare plan in the jail while they're in the  
12 jail's custody.

13 HSA DR. BRINKMAN: We -- as a team,  
14 we look at what kind of quality improvement  
15 measure we can make.

16 MS. HALLAM: And do you do that for  
17 every person that is taken to the hospital?

18 HSA DR. BRINKMAN: I can't say for  
19 sure.

20 MS. HALLAM: So going forward, you  
21 know, I would very much like that information,  
22 and how many incarcerated individuals are  
23 hospitalized every month, how long they're  
24 staying there.

25 And also, you know, the CDC and

1 Health Departments and hospitals are already  
2 reporting, you know, number information. We're  
3 not asking for any uniquely identifying medical  
4 information, but just generally, you know, what  
5 type of procedures and healthcare services are  
6 being offered to incarcerated individuals.

7 WARDEN HARPER: And Ms, Hallam, we  
8 will provide you all of that information, but we  
9 will only provide that in an executive session.  
10 We're not going to provide all that information  
11 in this open forum.

12 MS. HALLAM: You keep saying that,  
13 but like, when?

14 WARDEN HARPER: We will provide you  
15 all that information but in an executive session.

16 MS. HALLAM: And if all these --  
17 you know, dozens of executive sessions that you  
18 keep referencing, why haven't you called one to  
19 provide that information?

20 JUDGE HOWSIE: It's not for him to  
21 call. It's for you to call. If you want --

22 MS. HALLAM: I can call an  
23 executive session?

24 JUDGE HOWSIE: If you would like to  
25 have an executive session, you can have it.

1           However, the ones that we've had, and for  
2           whatever reason you can't remember being there,  
3           the information that was shared.

4                           Do you have another question?

5                           MS. HALLAM: I never said I was not  
6           in executive session. I specifically earlier was  
7           referencing not receiving a legal opinion.

8                           JUDGE HOWSIE: Ms. Hallam, if I  
9           may, a lot of the questions you ask out here,  
10          you've been given answers back there. And for  
11          whatever reason, when you get out here, you don't  
12          remember the discussion or remember the answers.  
13          It's disingenuous.

14                          MS. HALLAM: When is the last time  
15          we've had an executive session, Judge Howsie?

16                          JUDGE HOWSIE: We have a -- when  
17          you wanted to discuss the deaths in the jail.

18                          MS. HALLAM: That is the only  
19          executive session -- the information I have  
20          received, and you forbid me from talking about it  
21          in this session.

22                          JUDGE HOWSIE: But you went back  
23          there. You had an opportunity to ask that -- the  
24          people that came, every question you wanted about  
25          every death in the jail, the manner, the cause of



1 death, how it occurred. There was -- every  
2 person was discussed in detail, and you sat back  
3 there. You had no questions, and you come out  
4 here and you say no one ever tells me why people  
5 die in the jail, and it's not true. It's  
6 disingenuous.

7 MS. HALLAM: Judge Howsie, have I  
8 once asked a question about a death in the jail  
9 since that executive session?

10 JUDGE HOWSIE: Whether it's the  
11 death in the jail, whether it's the referendum,  
12 whether it's a legal opinion, whether it's why  
13 someone was taken to the hospital, you get this  
14 information, have access to it.

15 MS. HALLAM: I do not.

16 JUDGE HOWSIE: And you disregard  
17 the information the minute you hit this stage.

18 Do you have another question?

19 MS. HALLAM: I will clarify. The  
20 one thing that we have got information from, and  
21 it was about the deaths in the jail, and I was  
22 told I was not allowed to bring that up in  
23 meetings, and I have not.

24 JUDGE HOWSIE: That's not the only  
25 thing. It's not.

1 MS. HALLAM: That is what -- and  
2 when was that executive session?

3 JUDGE HOWSIE: Ms. Hallam, you've  
4 had countless executive sessions. You had one  
5 regarding the weapons that are being confiscated  
6 in the jail.

7 MS. HALLAM: Correct. That was  
8 one. I haven't asked about that.

9 JUDGE HOWSIE: It's countless. And  
10 you've -- and you for whatever reason, when you  
11 come out here, you act as if you've never had the  
12 information and you ask these questions and it's  
13 disingenuous because you get the information.

14 'Could you please move on?

15 MS. HALLAM: I believe that what  
16 you're saying right now is disingenuous, because  
17 I do agree that we had two executive sessions  
18 that were about those two things, the deaths in  
19 the jail and weapons in the jail, and we were  
20 told that we could not talk about anything that  
21 was brought up in those meetings. I have not  
22 talked about anything that was brought up in  
23 those meetings. And I'm specifically asking all  
24 these other questions that I'm still never  
25 getting answers to, things that are not,

1 appropriate for executive session that are being  
2 refused to us as a Board in this setting without  
3 any explanation as to why they won't be shared  
4 with us.

5 JUDGE HOWSIE: Do you have another  
6 question?

7 MS. HALLAM: Why do we have public  
8 meetings if everything is to be discussed in  
9 executive session?

10 JUDGE HOWSIE: Do you have another  
11 question?

12 MS. HALLAM: I have plenty more  
13 questions.

14 JUDGE HOWSIE: Let's hurry up.  
15 We're --

16 MS. HALLAM: Okay. The next thing  
17 is -- you know, speaking of the questions that  
18 I'm asking that are not getting answered, I want  
19 to reference again the Jail Oversight Board's  
20 statute that is very clear that one of our --  
21 this Board's duties are the oversight of the  
22 health and safekeeping of incarcerated  
23 individuals and the confirmation of the Chief  
24 Executive's selection of the Warden. So that  
25 actually, you know, reminds me, Warden Harper,

# **EXHIBIT C**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**ALLEGHENY COUNTY**  
**JAIL OVERSIGHT BOARD MEETING**

Thursday  
May 18, 2023

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

1 followed for this. And it's just going to be the  
2 same old stuff day in and day out. If we don't  
3 have a proper framework in place with this  
4 liaison, then nothing is going to be  
5 accomplished. So we would want a MOU in place  
6 with this liaison before we even vote on it --

7 MS. HALLAM: Uh-huh.

8 MR. HERBINKO: -- or else it's not  
9 going to be anything worthwhile.

10 JUDGE HOWSIE: Okay. Thank you,  
11 Mr. Herbinko. But as you're aware, I'm sure, as  
12 is County Controller Corey O'Connor, the  
13 committee has met, repeatedly met with  
14 approximately five to ten people, to my  
15 understanding, interviewed those people,  
16 conducted thorough interviews. They narrowed it  
17 down to a list of potential candidates. County  
18 Controller O'Connor was not present for that  
19 vote. A vote was made, and based on that vote,  
20 one person was -- came out of the vote as the --

21 MR. HERBINKO: With respect --

22 JUDGE HOWSIE: If I may finish.  
23 The one person that was voted for the position  
24 will be presented to the Board consistent with  
25 all prior interviews, discussions, and committee

1 meetings.

2 So if there's a concern about the  
3 MOU, you're more than welcome to discuss that  
4 with the Sheriff at a later date. The question  
5 for us now and today is yes or no to the person  
6 that the committee has nominated for the  
7 position.

8 So with all due respect, while I  
9 appreciate your concern, the question today and  
10 now is who votes in favor of Karen Duffola or who  
11 votes against her being hired for the position.

12 So with that being said, all in  
13 favor --

14 MS. HALLAM: I would like to have a  
15 statement. We, one, did not have discussion on  
16 it.

17 And two, I just want to make clear  
18 that everyone on this Board is okay with  
19 proceeding with a vote that, one, was not on the  
20 agenda and announced to the public in  
21 coordinate -- in following the law of the  
22 Sunshine Act.

23 And two, a vote that is being made  
24 ahead of Public Comment that may be about the  
25 vote.

1 AUDIENCE MEMBER: (Applause.)

2 MS. HALLAM: You should all be  
3 ashamed.

4 AUDIENCE MEMBER: (Applause.)

5 JUDGE HOWSIE: I must say, I think  
6 what's disingenuous is that, Ms. Hallam, you  
7 participated in the process, and when your  
8 candidate was -- did not receive the number of  
9 votes, you attempted to hijack the process by  
10 threatening people, telling them to vote, change  
11 their votes.

12 At the end of the day, the  
13 committee interviewed every person that they  
14 deemed to be suitable and worthy of an  
15 opportunity to interview. They interviewed those  
16 people. At the end of that process, that  
17 committee discussed each applicant. They voted,  
18 and Ms. Duffola got the requisite number of  
19 votes. She is the person. The process was fair.  
20 It didn't become unfair because you don't like  
21 the candidate. So to that end, with the Motion  
22 being made and properly seconded, the Motion  
23 carries. Karen Duffola will be hired as the  
24 Court Liaison.

25 MS. HALLAM: So just one second.



1 sir.

2 (Crowd Applause.)

3 JUDGE HOWSIE: Tanisha Long.

4 MS. LONG: Before I begin, I'm  
5 going to let you know I'm taking six minutes  
6 because I'm taking Kim Andrews' three minutes  
7 back. She gave them to me. You already had it  
8 allotted. You don't care about the rules. Me  
9 neither.

10 JUDGE HOWSIE: You've got your  
11 three minutes.

12 MS. LONG: So that I'm getting six.

13 JUDGE HOWSIE: You'll have three.

14 MS. LONG: You can -- I mean, I'm  
15 still going to talk, but it is what it is because  
16 I don't care anymore. I do not care anymore.  
17 You are embarrassing. You have two sitting  
18 judges on this Jail Oversight Board who do not  
19 care about the rules. They do not respect the  
20 public. Public -- online public comments for  
21 this meeting were shut down way before the  
22 24-hour window, so people who would be here to  
23 speak, and this is why I'm taking some minutes  
24 back, people who would be here to speak, who  
25 would have their thoughts written down, they

1 to limit the public's access to these meetings,  
2 from changing them, from not updating the meeting  
3 time and day on the Jail Oversight Board website,  
4 from not opening up public comments online, from  
5 changing the order. You've done everything to  
6 make sure that we don't get to participate in  
7 this process and that it operates under a veil of  
8 secrecy. I'm sick of you.

9 MR. JAMES: We will pack your  
10 courtroom.

11 MS. LONG: I'm sick of you.

12 MR. JAMES: We will pack your  
13 courtroom every day.

14 MS. LONG: That's it. That's all I  
15 have to say.

16 (Crowd Applause.)

17 JUDGE HOWSIE: Ann McStay.

18 (Crowd Applause.)

19 JUDGE HOWSIE: Ann McStay.

20 MS. MCSTAY: So I'm Ann McStay,  
21 A-N-N, M-C-S-T-A-Y.

22 JUDGE HOWSIE: Thank you.

23 MS. MCSTAY: After all of the  
24 articulate comments, the heartfelt comments, the  
25 distress that I've seen in the people here, and

1 we didn't -- I didn't hear any online public  
2 comments. I know we're supposed to be reading  
3 online public comments. I don't know if anybody  
4 else on the Board remembers the last time one was  
5 read in a meeting.

6           Maybe, Judge Howsie, since you've  
7 been seeming to try to like take control of  
8 things here, can you speak as to why you haven't  
9 been acknowledging online public comments?

10           JUDGE HOWSIE: I haven't received  
11 any public comments.

12           MS. HALLAM: But you said that last  
13 meeting, and I know for a fact that you have,  
14 because I saw them.

15           JUDGE HOWSIE: I have not received  
16 any public comments.

17           MS. HALLAM: And how do you usually  
18 receive them?

19           JUDGE HOWSIE: Do you have a  
20 question for the Warden or the Deputy Warden?

21           MS. HALLAM: My question is -- this  
22 question is for you.

23           JUDGE HOWSIE: I didn't receive any  
24 public comments. I've answered your question.

25           MS. HALLAM: Do you receive them

1 directly from the portal when people fill them  
2 out?

3 JUDGE HOWSIE: No, I do not.

4 MS. HALLAM: Is someone supposed to  
5 send them to you from the portal after people  
6 fill them out?

7 JUDGE HOWSIE: We have access to  
8 the portal. We check, and we haven't received  
9 any.

10 MS. HALLAM: In months?

11 JUDGE HOWSIE: Do you have a  
12 question?

13 MS. HALLAM: Is there a reason you  
14 don't want to answer that question?

15 JUDGE HOWSIE: I answered the  
16 question.

17 MS. HALLAM: You're alleging that  
18 no online public comments were submitted for the  
19 past few months?

20 JUDGE HOWSIE: I answered your  
21 question. Do you have a question for --

22 MS. HALLAM: I know that that is a  
23 lie.

24 JUDGE HOWSIE: Okay.

25 MS. HALLAM: So the next thing is,

# **EXHIBIT D**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**ALLEGHENY COUNTY**  
**JAIL OVERSIGHT BOARD MEETING**

Thursday  
June 8, 2023

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

1 of the regular paid attorneys. I hope that  
2 wasn't the reason. But whatever the reason was,  
3 it is not -- there is no -- nothing that you can  
4 do or should do to keep an attorney for an hour  
5 or more. They kept me -- another attorney. I  
6 didn't mind to talk to the other people there or  
7 whatever. If I had an officer take me to the --  
8 the prisoner, the attorneys have officers. If  
9 you don't have -- right. If you're low on  
10 servers. The reason -- that reflects on what  
11 happened last time. If you're low on employment,  
12 you don't have the people to take the attorneys  
13 to their clients. That is such a -- I would say  
14 crime. That is so illegal that I could scream.  
15 You know, I can't. So one thing leads to another  
16 that is wrong. Keep -- get rid of the first  
17 thing -- of the base of what kept that wrong.  
18 You'd be much better.

19 I hope to see you next month, and I  
20 hope that we get some better news.

21 JUDGE HOWSIE: Thank you, ma'am.

22 MS. DAMICK: Thank you.

23 JUDGE HOWSIE: Thank you.

24 (Audience applause.)

25 JUDGE HOWSIE: Due to a number of

1 concerns that were expressed in the meeting, we  
2 checked the system for some -- for giving Public  
3 Comments, and IT did determine that there was a  
4 breakdown with the system, so I apologize for the  
5 inconvenience that that may have caused.

6 It's my understanding that that has  
7 been rectified. Public Comments are now being  
8 submitted online. Due to the time that we spent  
9 with Public Comments, I am not reading the Public  
10 Comments. They are listed, posted on the website  
11 for your review.

12 With that being said, we will now  
13 have a review of the meetings -- for the  
14 minutes -- the Minutes from the meeting from last  
15 month, from the May meeting. Has everyone had an  
16 opportunity to review those Minutes?

17 AUDIENCE MEMBER: Momma, momma,  
18 can't you see? Momma, momma, can't you see?  
19 What's the system done to me? What's the system  
20 done to me? Ain't no use in looking down. Ain't  
21 no use in looking down. Ain't no justice on the  
22 ground. Ain't no justice on the ground.

23 JUDGE HOWSIE: Can we call the  
24 meeting? I'm calling the meeting.

25 (Audience singing.)



# **EXHIBIT E**

The monthly meeting of the Allegheny County-Jail Oversight Board, Thursday, January 6, 2022 held in the Gold Room at 4:00 P.M.

**MEMBERS PRESENT**

- Judge Elliot Howsie**
- Bethany Hallam for Councilman Catena**
- Stephen Pilarski for County Executive Rich Fitzgerald**
- Terri Klein**
- Judge Beth Lazzara**
- Gayle Moss**
- Sheriff Kevin Kraus**

**Others in Attendance:**

- Warden Harper
- Deputy Warden Williams

**1. Welcome, Call to Order and Rules**

**Judge Howsie:**

Good evening. My name is Judge Howsie. I am pleased and honored to become a part of board. I previously served back in, I believe, 2010 for a brief period of time before becoming the Director of Public Defender’s office. I am just happy to be joining the board to continue the work of ensuring the maintenance and care of the jail and the facilities associated with the jail: halfway house, alternative programs but also, most importantly, the welfare of the inmates that reside in those locations. Thank you all for coming and I want to say happy new year to everyone. I thought it might be wise for us to begin the meeting with a moment of silence in light of the fact that Mark Flaherty, the previous County Controller, recently passed away. I was hoping we could do a moment of silence.

*Moment of silence in honor of Mark Flaherty.*

Alright with that being said, let us call the meeting to order and I will begin with roll call. *(Judge Howsie took roll call)*

**Ms. Hallam:**

Excuse me, I believe Tracy Royston is trying to participate by phone or something. *(Tracy was unable to attend in person due to an illness)*

**Judge Howsie:**

I spoke with her about that. I do not know that we have the ability to participate by phone. I do not know that we have those capabilities.

**Ms. Hallam:**

Maybe later in the meeting we can discuss a possibility for that.

**Judge Howsie:**

Sure, with that being said, I would like to go over the rules briefly with everyone. There will be some changes and variations of our previous rules, but everyone will be treated with dignity and respect. I think that is our obligation first and foremost, as board members and as people who are all concerned about the county jail and the alternative programs. Everyone will have the opportunity to be heard within reason. What we mean by within reason is within any limitations or time constraints that we may have but as long as your comments are geared towards the welfare and maintenance of the county jail and the inmates that reside there, you will have an opportunity to be heard. Anyone wishing to address the board must sign up. Depending on the number of people who wish to speak, there will

be time limits imposed. At the current time, there are three people that have indicated a desire to speak to the board. So, we will give each person approximately 4 minutes to provide their comments. I may also have to limit the number of speakers so that the board can conduct the business meeting. If there's time at the end, I may permit additional speakers. Profanity and yelling will not be tolerated under any circumstances. Anyone using profanity or anyone who is yelling will be removed from the meeting. If you are unable to do this, I am kindly asking that you leave at this time. Everyone will be treated with dignity and respect and I appreciate your consideration. Last but not least, public comments will no longer be read during the board meetings. Prior to the board meetings I will send the comments to the board for review. If a board member has concerns about a public comment that requires further research and/or investigation the board will take the necessary steps to provide an informed response in the next board meeting.

**Ms. Hallam:**

Excuse me, Judge Howsie? I object to that. We, this board, voted that when we were going to return to in person this was a condition of our vote to return to in person meeting. That online comments would still be accepted as they have been for the duration of the pandemic. I know that you were not a member of this board, but this is how we have been operating for the past going on two years now. At the very least, we were told that if we, as board members, wanted specific public comments read in the meetings that we would be able to pick and choose which comments we would like to be addressed in the meeting. So what you are saying now is going against everything that we have been discussing as a board since this pandemic started in March 2020 and I object to you saying that we are not allowed to read online public comments in the meetings.

**Judge Howsie:**

I appreciate your comments. I appreciate your concern but going forward there will be no public comments read in the meeting. It tends to get us off task and off focus. So, if you intend to present a public comment, we would ask that you be present to present that public comment. If it is something that we can respond to briefly in the meeting, we will do so as a board. In the event that we are unable to do that, the comments that require follow up, we will provide follow up in an informed response in the next meeting.

**Ms. Hallam:**

Judge Howsie? Excuse me. I think that is very irresponsible considering we had over 4,600 new cases of COVID in this county today. I think it is irresponsible that all of us are forced to be here and not able to participate online. I think we address that later in the meeting but for now we are talking about the public comments. To say that a member of this community cannot be heard and have their comments heard unless they risk their lives to come into a County Courthouse where people are not wearing masks all throughout the building, including at the entryways. Where there are almost over 4600 new cases just in the past 24 hours and the only way to have their comments heard is to come here and expose themselves to that. We are talking about people who are taking care of elderly parents, who have young children at home, who are not able to be vaccinated. We are talking about folks who are immunocompromised. Even folks who just cannot get down here because of transportation issues or work schedules. You are completely excluding them from this public meeting.

**Judge Howsie:**

That is not correct.

**Ms. Hallam:**

That is what it sounds like.

**Judge Howsie:**

That is not what I said. What I said was, public comments will be disseminated to the board. Everyone will have an opportunity to review those public comments. If you, as a board member, have a concern about a public comment you can present that concern to the board members. We will provide follow up and a response in a subsequent meeting.

# **EXHIBIT F**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALLEGHENY COUNTY  
JAIL OVERSIGHT BOARD MEETING

Thursday  
October 6, 2022

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

1 Pitt Survey.

2 JUDGE HOWSIE: Absolutely.

3 MS. KLEIN: Okay. Thank you. The  
4 IIWF subcommittee met to discuss the results of  
5 the Pitt Survey. And just to review, we  
6 commissioned the survey to provide us with a  
7 needs assessment so that we could be most  
8 impactful with spending the fund's moneys.

9 We are guided by the principle of  
10 doing the most good for the most people. We  
11 heard the high levels of dissatisfaction with  
12 medical, dental, and mental healthcare at the  
13 ACJ. We believe this is due to staffing issues  
14 at the jail and we, as a committee, did not want  
15 to spend money on staffing as that is the  
16 county's responsibility. To that end, we focused  
17 on the high cost of commissary, hygiene products,  
18 meals, sleep quality, and access to reading  
19 materials.

20 We were unable -- we are unable to  
21 change the contract with the commissary provider.  
22 We talked about was it possible for us to  
23 decrease the commission that we get from  
24 commissary. No. So as a committee, we are  
25 recommending that we increase the monthly amount

1 put on residents' tablets and commissary accounts  
2 to help defray the high cost of commissary. And  
3 we encourage ACJ to consider pricing when  
4 choosing a new commissary vendor.

5 We were looking at community  
6 partners to bring in additional reading material,  
7 understanding that it needs to meet the security  
8 requirements of the facility. We want to improve  
9 the quality of sleep of jail residents and are in  
10 discussion with the warden with how we hope to do  
11 this.

12 We also like to increase the  
13 variety of hygiene products available to  
14 residents. We are very concerned about the  
15 number of residents who go to bed hungry, and  
16 we're looking at ways to remedy that. Once we  
17 clear our suggestions with the ACJ staff, we will  
18 be providing more details. And again, thanks to  
19 everyone who participated in this study.

20 And I don't know if there's  
21 anything else anyone wants to report from our  
22 meeting.

23 MR. O'CONNOR: Just -- sorry.

24 MS. KLEIN: Go ahead.

25 MR. O'CONNOR: No, I just had a

1 let everyone know, I mean, the Incarcerated  
2 Inmate Welfare Fund is very concerned about the  
3 condition -- the subcommittee is very concerned  
4 about the conditions. That's why we asked for  
5 the survey in the first place. It was  
6 frustrating to all of us that it took so long,  
7 but part of that was COVID, part of that was, you  
8 know, staffing at the Pitt level, part of that  
9 was we had to have a review.

10 We have information now that we can  
11 start moving forward, but everyone needs to  
12 understand that it's not going to be immediate.  
13 Nothing that is going to happen here is going to  
14 be immediate. We're going to try to address the  
15 commissary issue, the fact that it costs so much  
16 money --

17 AUDIENCE MEMBER: Yes.

18 JUDGE LAZZARA: Sir, I'm not  
19 answering questions from the floor. So we are  
20 going to address the commissary information in  
21 being overcharged by trying to add some  
22 additional money to the books. That's an  
23 immediate thing we can take. The other steps  
24 that we have, and we have talked about, which  
25 include the issues with sleep, the issues with



1 people going to bed hungry, we have ideas for  
2 those. We have to, however, look into how much  
3 is that going to cost us. Can we do that.  
4 What's the process to get that done as quickly as  
5 possible. We are working on those things right  
6 now, okay? We promise that we will get things  
7 down. That's why we had the survey done because  
8 we are interested in making people's lives better  
9 in the Allegheny County Jail. And we promise  
10 that we will do that.

11 So we are working on it, but you  
12 can't expect that we're going to have -- we're  
13 going to get this, and it's going to be done  
14 immediately. It just doesn't happen that way,  
15 unfortunately. I wish it would. So that's  
16 happening.

17 The committee is very engaged and  
18 very much working on it and working hard.

19 MS. HALLAM: I have one more thing  
20 to add.

21 JUDGE HOWSIE: Okay.

22 MS. HALLAM: Yeah. So, you know,  
23 Judge Lazzara, with all due respect, like I  
24 understand people's frustration. We've known  
25 about the things that we read in the survey -- I

1 members in jail, and those that care about human  
2 rights violations in jail, do not feel like our  
3 voices are heard in the way public comments are  
4 actually being made. Public comments submitted  
5 online are not adequately read. They're either  
6 summaries or omitted entirely from the Board  
7 meeting. Including them in the Board minutes is  
8 not enough.

9                   Additionally, when a report is made  
10 by jail employees or contractors after public  
11 comment, we do not get a chance to address that  
12 in our comments. When we are not given that  
13 chance, we have to wait a month to address the  
14 issues.

15                   And finally, it's not fair that the  
16 warden, who is not legally on the Jail Oversight  
17 Board, takes so much time away from the public  
18 who is seeking justice.

19                   JUDGE HOWSIE: Thank you. We will  
20 now hear from Tom Hoffman. Is there a Tom  
21 Hoffman here?

22                   (No response.)

23                   JUDGE HOWSIE: All right.  
24 Brandi Fisher, you're up.

25                   MS. FISHER: Good evening. I kind

1 the proof, I can give it to you. Thank you.

2 JUDGE HOWSIE: Okay. All right.

3 There's no last name. The first name is

4 Kimberly. I'll now hear from Kimberly.

5 MS. ANDREWS: It was on there.

6 JUDGE HOWSIE: Well, it's crossed

7 out. Ms. Kimberly.

8 MS. ANDREWS: K-I-M-B-E-R-L-Y

9 A-N-D-R-E-W-S.

10 So what is this -- like I want  
11 answers. Like I'm not here to comment. I'm here  
12 to question. So -- and honestly, I'm not even  
13 questioning you guys. I'm going to question who  
14 I know I'm going to get real honest answers from.

15 Bethany, who -- so on this Board  
16 what is -- like what's supposed to happen? What  
17 is this Board for?

18 JUDGE HOWSIE: We don't answer  
19 questions.

20 MS. HALLAM: We are statutorily  
21 mandated to provide for the health and well-being  
22 of the people in the jail, all policies,  
23 investigations all of that. We have a statutory  
24 obligation.

25 MS. ANDREWS: Okay. So during

1 these comments and concerns and questions --  
2 comments, concerns and questions -- comments,  
3 concern -- excuse me, you're running my time.  
4 Comment, concern, and questions, during this  
5 time, if someone has a comment and concern and  
6 question, is it supposed to be answered? Are you  
7 guys obligated to answer that?

8 MS. HALLAM: We're not obligated.  
9 We're allowed.

10 MS. ANDREWS: Okay. We're allowed  
11 but not obligated. Okay. So my question is is  
12 why have -- there has been so much stuff stated,  
13 proof, evidence -- the fact that nobody asked for  
14 this woman that just said blankly I got the  
15 evidence that Warden Harper is lying about who --  
16 what is going -- what's going on within the jail  
17 that -- and then you're shaking your head but  
18 during this whole thing, all these people,  
19 everybody had -- you have all these sheriffs here  
20 trying to -- got a personal guard for the warden,  
21 like everybody shaking their heads, putting  
22 there -- gotta snap their fingers because we're  
23 so tired. My baby, right there, my baby, my  
24 baby, I fear for him. I fear for everybody's  
25 babies because of you guys. Like you -- like I

1 the death or the injuries of this person. So  
2 what are you guys here for again? Nothing has  
3 happened. Tucker -- Sergeant Tucker, the person  
4 that, you know, was on video on WPXI pushing me  
5 in the elevator and me being tased multiple times  
6 and me being put in a restraint chair, she still  
7 works there. She still works there, so what are  
8 you guys here for?

9 JUDGE HOWSIE: Thank you. Your  
10 time is up.

11 MS. ANDREWS: Yeah. What are you  
12 guys here for? Can you answer that, sir?

13 JUDGE HOWSIE: I don't answer  
14 public comments. Thank you for your comments.

15 MS. ANDREWS: You're pathetic.

16 JUDGE HOWSIE: Thank you. We'll  
17 now hear from --

18 MS. ANDREWS: The only person that  
19 deserves to be up there is Bethany, because she's  
20 fighting for all of us.

21 JUDGE HOWSIE: Of course. We will  
22 now hear from Brian Englert.

23 MR. ENGLERT: Man, that's a tough  
24 act to follow right there.

25 E-N-G-L-E-R-T, first name Brian.

1 just -- I'm tired of being disrespected by this  
2 Board. I'm tired of incarcerated people being  
3 disrespected, and I'm tired of people talking  
4 about frustration when that is not even close to  
5 what we are feeling, not even close.

6 A man had his humerus broken. I  
7 heard other people reporting straight to me that  
8 they watched people get handcuffed naked and  
9 beat. That did not happen just once. It's  
10 multiple times, and I listen to these people  
11 every day. I am the one talking to them. So I  
12 would appreciate it if people who're paid more  
13 than me do their jobs.

14 JUDGE HOWSIE: Thank you.

15 We will now hear from Luke Watkins.

16 MR. WATKINS: Hi. My name is Luke  
17 Watkins. L-U-K-E W-A-T-K-I-N-S. I am  
18 unaffiliated. I'll try to be quick. I am  
19 directing this question to Councilperson Hallam  
20 because it seems like she is the only person that  
21 answers anybody. You said that the Board has a  
22 statutory requirement to do what you said? Where  
23 does that -- where did they draw that power from?

24 JUDGE HOWSIE: We don't answer  
25 questions.

1 MS. HALLAM: It's Title 61. It's a  
2 Pennsylvania state statute.

3 JUDGE HOWSIE: You're not to answer  
4 to public comments.

5 MS. HALLAM: We're allowed to.  
6 It's Title 61. You can look it up or if you want  
7 to give me your e-mail.

8 MR. WATKINS: It's 61 Chapter 17?

9 MS. HALLAM: Yes.

10 MR. WATKINS: Okay. Thank you.

11 So I'm just going to read Section B  
12 of Chapter 1723. Composition. The Board shall  
13 be composed of -- the Board, you guys, the county  
14 chief executive; two judges of the Court of  
15 Common Pleas, one of whom shall be the president  
16 judge, or his designee who shall be a judge and  
17 one judge appointed by the president judge; the  
18 county sheriff; the county controller; the  
19 president of county council or his designee;  
20 three citizen members as provided in subsection  
21 C.

22 So for two of the six of the  
23 series, they're explicitly given the power to  
24 give designees. The other four of the six are  
25 not, and obviously, Judge Howsie, you're not

# **EXHIBIT G**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALLEGHENY COUNTY  
JAIL OVERSIGHT BOARD MEETING

Thursday  
February 2, 2023

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

1 MS. HALLAM: When.

2 CONTROLLER O'CONNOR: We sent it  
3 out last week. We sent it to all Board Members,  
4 but we'll resend it. We have some edits  
5 ourselves. We have some edits that we have to do  
6 ourselves internally, but those three things will  
7 be coming out, just Old Business that I'd like  
8 everybody to follow up. Hopefully, we can solve  
9 that by March.

10 So thank you.

11 JUDGE HOWSIE: As far as the update  
12 regarding the NCCHC Report, I've spoken with the  
13 County Manager's Officer. They have a tentative  
14 date of the next board meeting to have an  
15 executive session to discuss the reports prior to  
16 the meeting. So they're in communication with  
17 the parties that prepared the report, and it  
18 looks like we're going to have an executive  
19 session regarding those reports next meeting.

20 I'm sorry.

21 MR. PILARSKI: We have -- the  
22 suicide prevention report is out.

23 JUDGE HOWSIE: The suicide  
24 prevention report is out, but it's the other  
25 report that they are -- that we're going to

1 discuss.

2 MS. HALLAM: The death  
3 investigation report, is that what we're talking  
4 about?

5 JUDGE HOWSIE: That's what we're  
6 talking about.

7 MS. HALLAM: Okay. I have  
8 something from Old Business too. I just want to  
9 say I had asked in a previous meeting, but I  
10 intend to introduce the Incarcerated Worker Pay  
11 motion next month. I haven't heard any  
12 complaints from anyone. I had asked before if  
13 anyone had any issues with the bill. None of the  
14 Board Members sent any over, so I'm going to  
15 assume no one has any issues with paying  
16 incarcerated workers. So I'm going to give it  
17 another month for anybody to respond and tell me  
18 if there's any specific questions you'd like  
19 answered so that we can have a subcommittee  
20 meeting to discuss it, but I'd like to have any  
21 concerns ahead of time.

22 JUDGE LAZZARA: Did you send out  
23 a -- like the writing of that?

24 MS. HALLAM: It is literally we're  
25 going to pay them minimum wage for everyone who

1 MS. HALLAM: Congratulations.

2 MS. MOSS: Thank you.

3 JUDGE HOWSIE: Can we take a  
4 two-minute break before we start the Warden's  
5 Report?

6 MR. KAMARA: Your Honor, could I  
7 put a -- either an idea for consensus or  
8 entertain a possible Motion. You mentioned that  
9 we're having a healthcare executive session  
10 before next month's meeting. I would ask that we  
11 try to have a -- the kind of conventional  
12 executive sessions that we've had before where I  
13 think we've gotten some work done. It's been  
14 helpful toward the Board. I don't know if this  
15 needs to be a Motion or a consensus.

16 I think one of the dynamics was we  
17 struggled about having everyone in the same room.  
18 I'd also, if I amend myself, say something that  
19 we try to make it as digital and as easy to  
20 attend for Board Members to talk about the issues  
21 before we attend here.

22 MS. MOSS: Right. I agree.

23 JUDGE HOWSIE: That's fine. That's  
24 something that I can send out an invite, and I  
25 can even set that up.

1 MR. KAMARA: That would be great.

2 JUDGE HOWSIE: There will still be  
3 an executive session regarding the NCCHC --

4 MR. KAMARA: That wasn't to  
5 substitute it. That was supposed to be in  
6 addition to.

7 JUDGE HOWSIE: I understand. Okay.  
8 Sure. All right. We'll take a two-minute break,  
9 is that okay?

10 All right. Thank you.

11 (Whereupon, a brief recess was  
12 held.)

13 **WARDEN'S REPORT**

14 JUDGE HOWSIE: All right. We will  
15 now have the Warden's Report.

16 Ms. Damick. Ms. Damick.

17 All right. We're going to have the  
18 Warden's Report. Warden.

19 WARDEN HARPER: Good afternoon,  
20 Board.

21 JUDGE HOWSIE: Good afternoon.

22 WARDEN HARPER: First thing I want  
23 to talk about is the Reentry Services at  
24 Allegheny County Jail.

25 Reentry Center. The Reentry Center

1 alleging that what was written in that article  
2 about the individual was untrue -- certain things  
3 that were written?

4 HSA DR. BRINKMAN: There were, yes.

5 MS. HALLAM: And can we discuss  
6 outside of this setting what you believe those  
7 things were?

8 HSA DR. BRINKMAN: In executive  
9 session, we can do that.

10 MS. HALLAM: Okay. When would you  
11 like to do that?

12 HSA DR. BRINKMAN: That's not up to  
13 me.

14 MS. HALLAM: And then the second  
15 thing was the other woman who comes here about  
16 her son. She talked about how -- and I remember,  
17 she was here last meeting too, saying the same  
18 exact thing as she had to come and say today.  
19 And he didn't get medical attention until  
20 January 30th. And I think our last Board meeting  
21 was what, like the 6th of January, and he didn't  
22 get any medical attention until January 30th.  
23 Can you speak to that?

24 HSA DR. BRINKMAN: It's going to be  
25 the same thing, that I -- I can't say anything

# **EXHIBIT H**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALLEGHENY COUNTY  
JAIL OVERSIGHT BOARD MEETING

Thursday  
March 2, 2023

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219



1 eye. I'm so sorry for your loss. Fuck all  
2 y'all. Except for you. Shut up.

3 JUDGE HOWSIE: Has everyone had an  
4 opportunity to review the minutes? From the  
5 previous meeting?

6 Is there a Motion?

7 JUDGE LAZZARA: I'll make a Motion.

8 MS. HALLAM: Second.

9 JUDGE HOWSIE: All in favor?

10 (Chorus of ayes.)

11 JUDGE HOWSIE: Any opposed?

12 (No response.)

13 JUDGE HOWSIE: Motion carries.

14 Old Business, Judge Lazzara.

15 **OLD BUSINESS**

16 JUDGE LAZZARA: All right. We were  
17 very hopeful that we were going to provide a  
18 recommendation for the position of Jail Liaison  
19 today. However, we need to do some background  
20 information, and that got a little bit delayed.  
21 So we are having that proceed. This person is  
22 going to be housed in the Sheriff's Office, so  
23 there are some things that the Sheriff's Office  
24 needs to look at with our candidates that we have  
25 right now. So that is being done now. We are

1 scheduled to meet next Thursday. And as of next  
2 Thursday, we believe that we will finalize our  
3 recommendation to the Board. So we apologize for  
4 not having that done today, but we want to make  
5 sure that all three candidates are vetted in the  
6 same exact way because that's the fairest way to  
7 do things. And so that won't be done until next  
8 week, and then we will do our vote next Thursday,  
9 we are hoping, right? That's what should happen.  
10 So that's where that stands.

11 So the next meeting we are going to  
12 provide the recommendation of the Incarcerated  
13 Individuals Welfare Fund subcommittee  
14 recommendation on the Jail Liaison position and  
15 hopefully be able to get approval so that we can  
16 do the hiring at that point in time.

17 And we're very excited because we  
18 did get some really great candidates, and so no  
19 matter who we pick, we think it's going to be a  
20 pretty great person.

21 Second thing is the stats on the  
22 jail which I always provide. I'm sorry, folks,  
23 that I did not print them out, but I sent  
24 everybody an e-mail with them. They come at the  
25 last minute, and I'm sorry, but I made sure that

1 to them because I'm quite sure pretrial services  
2 has that.

3 JUDGE HOWSIE: Any additional  
4 questions?

5 MS. HALLAM: No, but I do have  
6 another comment about the Incarcerated  
7 Individuals Welfare Fund. We had been talking a  
8 lot about paying the incarcerated workers, and so  
9 I just wanted to, while we were on this part,  
10 give an update as well.

11 So I -- me and Ms. Klein met with a  
12 benefits expert to make sure because a concern  
13 had been expressed that if we pay incarcerated  
14 workers they would somehow, or their families  
15 lose access to government assistance or other  
16 sorts of benefits. And so we met with a benefits  
17 expert. The benefits expert is working with the  
18 Pennsylvania Department of Human Services to get  
19 us a written report that we can provide to the  
20 Board and make sure that nobody would be  
21 negatively affected by the pay. But he seems to  
22 think that they wouldn't be, but we just wanted  
23 to get that in writing to provide to the rest of  
24 you.

25 And also, I'm going to be working

1 with the Controller's Office to develop a written  
2 proposal for the incarcerated workers' pay. Some  
3 folks had expressed interest in actually seeing  
4 it all in writing.

5           Again, we've checked all the boxes.  
6 We talked to everyone that anyone had expressed  
7 any concerns about issues with paying  
8 incarcerated workers, and I'm hoping that we can  
9 get that proposal to you before next month and  
10 talk about it at next month's meeting. So I just  
11 wanted to give the update.

12           JUDGE HOWSIE: Any additional  
13 questions?

14           JUDGE LAZZARA: Just one other  
15 thing on the Incarcerated Individuals Welfare  
16 Fund. We're also working on the  
17 recommendations -- not the recommendations, the  
18 results of the survey that was done by Pitt  
19 Social Work Department. We have several ideas on  
20 things that we can do to address some of the  
21 issues that are expressed there. We had had a  
22 prior conversation about those a while back, and  
23 I think because of the review of the voluminous  
24 amount of Jail Oversight Board liaison resumes,  
25 it sort of got put on the back burner,

1       unfortunately. But we had a conversation about  
2       those as well, and we're hoping to be able to  
3       provide some additional relief to the folks in  
4       there on some of the survey items that were  
5       revealed.

6                   MS. HALLAM: The only other  
7       question I have is I'm wondering who the person  
8       to ask is that actually has the breakdown of the  
9       expenditures that's coming out of the  
10      Incarcerated Individuals Welfare Fund. I love  
11      the report that we get that says the balance and  
12      the total expenditures. I'm just interested in a  
13      more line-item expenditures coming out of that  
14      account. I don't know where that would come  
15      from. Is that the Controller's Office, or is  
16      that the County or what?

17                   JUDGE LAZZARA: I would think  
18      that's the Controller's Office.

19                   MS. CARROLL: We have it.

20                   MS. HALLAM: Oh, you do have it?

21                   CONTROLLER O'CONNOR: We don't have  
22      it on me, but yeah.

23                   MS. CARROLL: We can get it.

24                   MS. HALLAM: Maybe along with this  
25      report that we get with a total balance, if we

1 question?

2 JUDGE HOWSIE: It is not. Do you  
3 have another question?

4 MS. HALLAM: I do have many more  
5 questions.

6 Okay. Additionally, other  
7 documents that I had asked for in the past and  
8 have not gotten, logs of when meals are served to  
9 the various pods. Did you provide that to the  
10 Chair this morning as well?

11 "Chair?"

12 DEPUTY WARDEN TOMA: No.

13 MS. HALLAM: Okay. The logs of  
14 recreation that are given for the individuals in  
15 various pods of the jail, did you provide that to  
16 any member of the Board, rec logs? We had asked  
17 for that as well.

18 Additionally, I -- I was wondering  
19 if anybody could speak to recent allegations of  
20 altering of rec logs? Has anyone in the jail  
21 administration been made aware of any allegations  
22 of recreation logs being altered?

23 AUDIENCE MEMBER: That's a fair  
24 question.

25 WARDEN HARPER: That's something

1 that I would like to talk to the Board offline,  
2 not in this public setting.

3 MS. HALLAM: Okay.

4 JUDGE HOWSIE: The public has to  
5 quit yelling out. It's inappropriate.

6 MS. HALLAM: I would like to ask  
7 what is your justification for withholding that  
8 from a public setting? I don't believe that it  
9 meets any of the exceptions under the Sunshine  
10 Act, personnel matters, safety, security? Which  
11 one are you alleging that this -- discussing this  
12 now would be --

13 WARDEN HARPER: I don't think it's  
14 just the appropriate time to discuss that in this  
15 setting, Ms. Hallam. So I'll be more than happy  
16 to talk to you about this in a private executive  
17 session, but not in this setting.

18 MS. HALLAM: But do you understand  
19 the breadth of the Sunshine Act that gives  
20 specific exceptions to things that you don't have  
21 to discuss in public meetings? Are you aware of  
22 that Act?

23 WARDEN HARPER: I'm aware of the  
24 Act, ma'am. Yes, ma'am.

25 MS. HALLAM: And so I would ask

1 once again, what exception do you believe this  
2 falls under, why you do not have to talk about it  
3 in a public meeting?

4 WARDEN HARPER: I don't know what  
5 exception, Ms. Hallam, but again, I will be more  
6 than willing to discuss this with you in an  
7 executive session.

8 MS. HALLAM: So the answer is not  
9 no?

10 WARDEN HARPER: I'll be happy to  
11 discuss this in an executive session, ma'am.

12 MS. HALLAM: That is plenty of an  
13 answer. Okay. Thank you very much.

14 Next, what about the providing us  
15 meal logs and rec logs? Are we going to get  
16 those at the next meeting, or are you all  
17 preparing a way to provide those to us? We've  
18 asked for them at numerous meetings now.

19 CHIEF DEPUTY WARDEN BEASOM: The  
20 addition of food logs was just started by the  
21 vendor recently, within the last couple of weeks.  
22 So I can -- I can try and compile those before  
23 the meeting.

24 MS. HALLAM: So prior to a few  
25 weeks ago the jail was not keeping track of when



# **EXHIBIT I**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**ALLEGHENY COUNTY**  
**JAIL OVERSIGHT BOARD MEETING**

Thursday  
January 5, 2023

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

1 other incarcerated individuals. These are the  
2 same bag meals that are provided to individuals  
3 that leave our facility and that go to court when  
4 they are housed in our Intake Department.

5 The State Department of Corrections  
6 also have an alternative meal policy for the same  
7 reasons.

8 Use-of-Force Numbers. We received  
9 an e-mail from Ms. Hallam requesting information  
10 regarding the use-of-force numbers. Chief Beasom  
11 has provided a written copy document, the number,  
12 type, and pod of each instance. Due to safety  
13 and security concerns, we will not be providing  
14 details surrounding each use of force in this  
15 setting, but we will be more than happy to  
16 discuss these issues in an executive session.

17 Jail Oversight Board Inspection.

18 MS. HALLAM: No, I don't have a  
19 written copy of it. Am I missing it?

20 JUDGE HOWSIE: I e-mailed a copy of  
21 it. It was e-mailed. I e-mailed it.

22 MS. HALLAM: When.

23 JUDGE HOWSIE: Today.

24 MS. HALLAM: Like just before the  
25 meeting?

1                   Individuals are free to practice  
2 any religion they choose and can change their  
3 religion with the Chaplain's Department at any  
4 time. The 30-day window applies only to meal  
5 changes. ACJ administration and the Chaplain's  
6 Department and the Law Department will be meeting  
7 this week to review the specifics of this policy.

8                   And you guys -- you guys were  
9 e-mailed this also today.

10                   MS. HALLAM: I don't check my  
11 e-mail an hour before coming here. I'm getting  
12 ready for the meeting, and I'm commuting here.  
13 Anyways -- so wait. I just want to confirm, so  
14 that if you change your religion after you have  
15 been incarcerated for 30 days, according to the  
16 current policy, you will not be afforded any  
17 dietary restrictions that are in accordance with  
18 your religion.

19                   WARDEN HARPER: Ms. Hallam, I am  
20 going to stick to the e-mail that I just read.  
21 Any further conversations pertaining to this we  
22 will have to do in executive session.

23                   AUDIENCE MEMBER: Nope.

24                   MS. HALLAM: Okay. So that was a  
25 very simple question. You -- I just wanted to

1 clarify what you had already said, because again,  
2 I did not see this e-mail. You must have sent it  
3 this afternoon. The --

4 You must change your dietary  
5 restrictions within 30 days of being  
6 incarcerated, or you cannot change them again,  
7 regardless of if it's for a religious  
8 accommodation?

9 WARDEN HARPER: Again, did you want  
10 me to read the e-mail again?

11 MS. HALLAM: Yeah, actually, would  
12 you read the e-mail, please? That would be  
13 helpful.

14 WARDEN HARPER: I will read the  
15 e-mail again.

16 MS. HALLAM: Yeah.

17 WARDEN HARPER: Currently,  
18 individuals must contact the Chaplain's  
19 Department within 30 days of incarceration should  
20 they choose to convert to another religion and to  
21 request a special religious diet. This policy is  
22 designed to prevent people from changing  
23 religions to get different meal trays, which has  
24 occurred in the past.

25 This individual request is

1 currently under review. In this case, the  
2 individual contacted the Chaplain's Department  
3 eight months after his committal. He first  
4 requested meal changes from the health staff and  
5 food vendors when he was denied by both. He then  
6 sought the same meal change but the meal for  
7 religious purposes.

8           Individuals are free to practice  
9 any religion they choose and can change their  
10 religion with the Chaplain's Department at any  
11 time. The 30-day window applies to only meal  
12 changes. The ACJ Administration, the Chaplain's  
13 Department and the Law Department will be meeting  
14 this week to review the specific request of this  
15 policy.

16           Anything else about this request we  
17 would have to talk about in executive session  
18 when I finish reviewing this with the Law  
19 Department.

20           MS. HALLAM: Yeah. So religion is  
21 not something that is covered under exceptions --  
22 you know, like that needs to be discussed in  
23 executive session. This is not a safety or  
24 security concern, and this is not a personnel  
25 matter. So we're not going to talk about

1 everything that you don't want to talk about in  
2 executive session. We're going to talk about it  
3 in this forum that we get to talk about it.

4 So I want to say, is one, are you  
5 saying that there's a religion registry with the  
6 Chaplain's Office that you maintain of -- sorry.  
7 End. Is there a religious registry?

8 WARDEN HARPER: I'm not going to  
9 speak any more about this subject, ma'am.

10 AUDIENCE MEMBER: Wow.

11 MS. HALLAM: Are you aware that  
12 some religions require specific dietary  
13 restrictions?

14 WARDEN HARPER: I am aware.

15 MS. HALLAM: Okay. Oh, my God.  
16 Sorry. I just wasn't expecting that to be the  
17 answer.

18 Okay. Next question is -- so is  
19 there -- are there any situations in which the  
20 schooling for the children in the Allegheny  
21 County Jail is withheld? Like, is there any time  
22 where if they're in the hole or the pod, you  
23 know -- there's some reason why schooling is  
24 withheld from individuals?

25 CHIEF DEPUTY WARDEN BEASOM:

# **EXHIBIT J**



The monthly meeting of the Allegheny County Jail Oversight Board, Thursday, July 7, 2022 held in the Gold Room at 4:00 P.M.

Recording available at <https://www.youtube.com/watch?v=56p08S9e6bQ> (Each agenda item is time stamped for referencing the YouTube recording)

**MEMBERS PRESENT**

**Judge Elliot Howsie**  
**Bethany Hallam for Councilman Catena**  
**Stephen Pilarski for County Executive Rich Fitzgerald**  
**Terri Klein**  
**M. Gayle Moss**  
**Acting Controller Tracy Royston**  
**Sheriff Kevin Kraus**  
**Judge Beth Lazzara**

**Others in Attendance:**

Warden Orlando Harper  
Chief Deputy Warden Jason Beasom  
Deputy Warden of Administrative Operations and Employee Development Blythe Toma  
Deputy HSA of Behavioral Health Renee Madden

**1. Welcome, Call to Order and Rules (0:00)**

**Judge Howsie (0:00):**

Meeting called to order and roll call was taken. The rules for the meeting were recited.

Ms. Hallam stated for the record that Mr. Pilarski is an illegal designee as per the statute.

**2. Community Corrections Reports (1:42)**

**A. Passages to Recovery (1:42):**

**Kevin Kordzi, Director of Residential Services:**

Passage to Recovery have added additional services over the last month: a mental health support agency and a drug and alcohol support service. Also, in discussion with Peoples Oakland to provide services including housing, employment, among other things. Court ordered visitations with children have resumed for over the past month or so. Regular visits are in the process of being back up and running.

There was further discussion regarding COVID count at the facility. They have one staff member presently positive.

**B. The Renewal Center (3:58):**

**Frank DeClair:**

The pre-audit took place on June 13-17<sup>th</sup> as mentioned at previous meeting. Renewal was 100% compliant with all mandatory and non-mandatory standards, as well as exceeded some of the standards for the audit. The final report will be forwarded to the jail once received. New software for re-entrants tracking was rolled out this week. They are working out the bugs but are very confident in the new software. Also, the staff, as well as some of the

inpatient re-entrants, will be participating in the upcoming recovery walk. As for COVID, currently no re-entrants are presently positive with 1 staff member returning tomorrow. Staff is required to stay home for 10 days.

There was discussion regarding re-entrant's with outside employment. Due to new system there is a delay in that information, but last month it was believed to be around 75% of re-entrant's are employed, at the Center, as a whole, last month was above 80%. It was requested by Ms. Hallam for employment numbers to be presented at each meeting going forward. Also, discussion of garnishment of those wages. Currently, only 10% is collected for court costs and fines. Previously, 20% for room and board was also deducted from wages and 10% was deducted for mandatory savings. This change occurred a few months ago.

**C. Electronic Monitoring (7:50):**

No presentation provided.

**3. Review of the Minutes for June 2, 2022 (8:03)**

*The board unanimously approved a motion by Ms. Hallam, duly seconded by Acting Controller Royston, to receive the Jail Oversight Board Meeting Minutes from June 2, 2022.*

**4. Old Business (8:23)**

**A. Suicide Prevention Sub-Committee (8:23):**

**i. Update on status of re-inspection from NCCHC (8:23):**

**Warden Harper:**

The NCCHC will report to the jail on August 22, 2022 to do the reinspection.

Ms. Hallam requested the board be provided with a copy of the report, once finalized. The Warden stated the board would receive a copy.

**ii. Update from Sub-Committee (9:13):**

**Judge Lazzara:**

This is the sub-committee that the board is not sure who all are members of it. The member who was the chair is not longer a member of the board.

It was suggested that an executive session should be had to discuss the various committees in general. Making sure all necessary committees are formed, the scopes are well defined, as well as which board members are on them.

**B. IWF Report (10:19):**

**i. Update on survey with Pitt School of Social Work (10:19):**

**Ms. Klein:**

The report got delayed due to COVID with Dean Farmer's group. The preliminary report was sent to Erin Dalton and Erin Dalton sent her comments back to Pitt School of Social Work. The final report is supposed to be delivered to Erin Dalton on July 20<sup>th</sup>. After Ms. Dalton reviews the report, she will send the board a copy, which will then be shared at the following monthly JOB meeting.

Judge Lazzara gave some background on the project. The Pitt School of Social Work has been contracted to survey the incarcerated individuals at the ACJ for their input on their needs and desires to provide suggestions on how to spend the monies in the Incarcerated Individual's Welfare Fund. One of the reasons for the delay in getting the report completed was the overwhelming response from the incarcerated individual's who participated in the survey.

**ii. Update on Liaison Position (12:53):**

**Judge Lazzara:**

As a reminder, this is a full-time position that would be advisory to the board and help to provide a real time assessment of what is going on at the jail. After discussions with PA Prison Society to subcontract the position, it was decided it would be best for the position to be internal. Sheriff Kraus offered his office to house the position. The JOB will supervise and direct the actual work performed by the liaison. Ms. Royston's office has done research on where to advertise and costs. The IWF will be providing a report to the board for approval that will have the details: where advertising will be for the position and a timeline of the hiring process.

There was further discussion to remind everyone that the position will be paid for out of the IWF initially with hopes that it will become a funded with the County or funded with grant money in the future.

Judge Lazzara presented the following motion on behalf of the IWF:

*ALLEGHENY COUNTY JAIL OVERSIGHT BOARD  
INCARCERATED INDIVIDUALS WELFARE FUND SUBCOMMITTEE*

**MOTION**

*WHEREAS, on June 3, 2021, the JOB voted in favor of a Motion presented by the IWF Sub-Committee which authorized a Liaison position for the JOB in order to assist it in fulfilling its statutory obligations;*

*WHEREAS, on September 2, 2021, the JOB voted in favor of a Motion presented by the IWF Sub-Committee which mandated creation of a full-time salaried position of JOB Liaison, incorporated the proposed job description into the position, authorized a search to be conducted by the IWF Sub-Committee to fill the position, and authorized payment of salary and benefits not to exceed \$85,000 from the IWF, said salary and benefits to be subject to regular review by the JOB;*

*WHEREAS search and research efforts have been conducted by the IWF Sub-Committee to fill the JOB Liaison position, including extensive conversations with the Pennsylvania Prison Society (PPS), a statutorily authorized organization, since 1829, serving the Commonwealth of Pennsylvania as an independent prison and jail monitor and ombuds;*

*WHEREAS conversations with the PPS were unproductive, and it was agreed by the JOB that the position of JOB Liaison would be recruited, hired, and maintained in a Department within the County;*

*WHEREAS the Office of the Sheriff of Allegheny County has agreed to maintain the position of JOB Liaison;*

*IT IS HEREBY MOVED that the JOB shall approve the creation of a full-time position of JOB Liaison within the Office of the Sheriff of Allegheny County. The JOB Liaison shall perform the duties of the JOB Liaison as described in the attached job description. The Office of the Sheriff of Allegheny County shall provide*

*administrative and supervisory support to the JOB for the management of the position. The JOB Liaison shall receive assignments and report findings directly to the JOB. Payment for the position shall be made from the IWF unless and until other funding sources, such as grants or budget line items, are approved for such payment.*

*IT IS FURTHER MOVED that the IWF Sub-Committee shall present to the JOB for approval a detailed plan for the recruitment and hiring of an individual for the JOB Liaison position. This plan will utilize multiple media to advertise and recruit for the position. It shall also set forth deadlines for advertising, review of resumes, and interviews. Upon the approval of the recruitment plan, the IWF Sub-Committee will implement the plan. Any costs of recruiting, such as advertising, shall be paid from the IWF. This recruitment plan shall be provided to the JOB for consideration and vote no later than the August JOB meeting.*

*Submitted: July 7, 2022*

***The board unanimously approved a motion by Judge Lazzara, duly seconded by Ms. Hallam, to the creation of JOB Liaison within the Office of the Sheriff of Allegheny County and the IWF Sub-Committee to present to the JOB for approval a detail plan for the recruitment and hiring of an individual for the JOB Liaison position.***

**iii. Update on compensation for work performed by incarcerated individuals at ACJ (19:52)**

**Ms. Hallam:**

This week, Ms. Hallam received the number of hours worked by incarcerated individuals at the ACJ. There are 228 incarcerated individual's working in the jail, with around 125 being pod workers and the rest work in laundry, food, etc. They work an average of 8 hours every day. Ms. Hallam will forward the information she received to the JOB to have a further discussion at the next meeting.

There was further discussion on finding a tax attorney that specializes in employment taxation in corrections to discuss compensation for incarcerated individuals. Ms. Hallam said she would talk to her contacts at the PA-DOC and asked Ms. Klein to talk to her contacts at the DOC to find out what they do.

**iv. Update on ADA compliance employee attending the meeting (22:13):**

**Warden Harper:**

The ADA Compliance employee will not be attending the meeting.

There was further discussion on clarification on what was requested at the last meeting. Judge Lazzara reviewed the minutes from last month regarding the ADA Compliance person attending the meeting as well as Warden Harper providing a copy of the tier system be given to the board. To eliminate any confusion, Judge Lazzara requested the ADA Compliance person at the next meeting, as well as a copy of the tier system in advance. Warden Harper stated he would have the ADA Compliance Officer there if possible. He does not manage the ADA Compliance Officer but will ask them to come. Warden Harper would like to provide the tier system documents during executive session to avoid jeopardizing the safety of the facility.

Further discussion was had to determine exactly who the board would like to attend the next meeting regarding ADA Compliance. Ms. Hallam clarified that there have been multiple allegations that the jail is potentially in violation of the ADA through treatment of the incarcerated individuals as well as policies. Her understanding is there is a county employee that is in charge of ADA compliance for the county and that person was to attend this meeting. She further clarified that her personal opinion is that the tier system is in violation of the ADA. Mr. Bacharach confirmed that the law department reviewed the tier system and did not have any legal objection to the document. Ms. Royston requested Mr. Bacharach provide the board with contact information for the person at the law department that can clarify that the tier system was reviewed for ADA compliance. Mr.

Bacharach will check with the solicitor. Ms. Hallam clarified that the board is not looking for a legal opinion, the board wants to speak to the person/people who reviewed the tier system documentation for ADA compliance.

Ms. Royston offered as the secretary of the board to send any action items to the board and jail administration shortly after each meeting.

**v. Update regarding Summit's dietician attending meeting (34:24):**

**Warden Harper:**

Summit's dietician will not be attending the meeting. Warden Harper stated that the last meeting it was discussed that board was going to provide questions for the dietician to respond to.

Ms. Hallam requested contact information for Summit dietician to have them come to the meeting. Warden Harper agreed to provide the board with that information.

Mr. Pilarski mentioned that Ms. Royston did suggest at the last meeting to give the dietician questions ahead of time. Ms. Royston suggested they discuss that further and devise questions at executive session. Also, suggested if Ms. Hallam wants to check with their availability for next meeting and the board will have questions prepared for that time. Judge Howsie suggested the questions be prepared either way in case Summit does not come to the meeting and the board can still get answers.

**vi. Update on RFP for commissary vendor (37:13):**

**Warden Harper:**

The commissary RFP has been posted.

**vii. Number of incarcerated individuals at ACJ waiting to go upstate (37:44):**

**Chief Deputy Warden Beasom:**

As of Monday, current 300B's are 70 males and 2 females. There are 3 males currently serving county sentence and once paroled for those sentences they will be transferred upstate. There are 6 males with open cases. There are 36 males set for transfer to the state this month. The remainder are waiting on room at the state.

**5. Public Comments (38:37)**

**A. John Kenstowicz (38:37):**

Mr. Kenstowicz quoted a statement made by Warden Harper at last month's JOB meeting that "ACJ's death rate is at an average with the rest of the country as identified by the US Bureau of Justice Statistics". Mr. Kenstowicz referenced Table 16 of the US Bureau of Justice Statistics that county jails with a population of 1,000 to 2,500, the average rate of death is 179 per 100,000 people, which is 2 or 3 deaths per year. Since April 2020, Mr. Kenstowicz states the ACJ far exceeds that average. Mr. Kenstowicz expressed concern over staffing crisis, stating 13 correctional officers have recently left employment and 50% of recently hired officers have resigned. Forced overtime affects physical and mental health and stability of families. He is requesting the board conduct exit interviews as voted upon last year. Also concerned about the lack of information provided to board regarding deaths at the jail. Believes the board needs to know if the jail is complying with NCCHC standard procedures. Suggests the board request the NCCHC to assess compliance while the NCCHC is there in August. Also stated that as per state statute, Warden Harper is required to provide medical record's review to the board regarding deaths at the jail. States the HIPAA law does not restrict entities from receiving records of deceased individuals if they are providing insight.

**B. Brett Amrhein (42:54):**

Mr. Amrhein is a correction's officer and union steward. Concerned about the elimination of an officer on mental health pod 5f, providing inadequate supervision to the individuals on that pod. Believes this decision was made by someone without any mental health background and without consultation of the Suicide Prevention Team or officers on that pod. Feels the JOB needs to take more action and demand the jail administration puts the officer back on 5f. He believes this is causing individual's to be cleared to quickly and put in general population, creating a safety issue to that individual and others. Concerned of a hostile work environment due to multiple write-ups by administration. Also, believes video surveillance was recently installed to watch officers for policy violations. Concerned that they are not allowed to order pizza to help with morale for the officers that are forced to work overtime. Also mentioned the uniform shortage and how they were ordered to get hand me downs from retired officers or ones that do not fit. Believes they deserve a better work environment. Also, wanted to tell his fellow co-workers that he appreciates them and to keep up the good work.

**C. Brian Englert (46:10):**

Mr. Englert is president of the correctional officer's union. Came to the meeting to discuss understaffing, lack of uniforms, and safety issues. Upset that he is being written up every time he comes and speaks at the JOB meetings. Mr. Englert stated he attended the last County Council meeting and requested the hiring be extended to outside of Allegheny County and to offer a hiring bonus. Also mentioned concern with violations from food service report from February and employees who eat there were not notified. Concerned about Suboxone med pass. He stated the nurse does not stay to confirm the recipient took the medication. Mentioned he was told if he did not stay to confirm medicine was taken, he would be written up even though he is not trained in Suboxone pass. Also mentioned the uniform shortage and the recommendation for hand me down uniforms from retired officers. Mr. Englert stated forced overtime is number 1 complaint, then they only have one uniform that they have to wash in between their long shifts.

**D. Jonas Moffat (49:44):**

Mr. Moffat referenced the current press coverage on Judge Mariani, and how it relates to judicial ethics of the JOB. Mr. Moffat stated that last month someone had mentioned Judge Howsie received approximately 25% of his campaign from Mr. Rich Fitzgerald. Believes there is a conflict of interest for Judge Howsie, or appearance of impropriety, not holding Mr. Fitzgerald accountable for not attending meetings but does not allow the public to speak if they arrive 2 minutes after the meeting has begun. Concerned about the number of deaths at ACJ, as well as the physical, sexual, and mental abuse and feels there is no action from the board. He thanked Ms. Hallam for her support.

**E. Juana Saunders (52:24):**

Ms. Saunders is the mother of Gerald Thomas Jr. Concerned about the lack of medical care at the jail. Stated that her son requested medical care for 3 days before collapsing at the jail. Does not feel her son's death was a natural death as the jail states. Concerned that even if her son had received medical care that nothing would have been done due to the lack of medical staff at the jail. Mentioned other incarcerated individuals that she stated did not receive proper medical treatment within the jail when needed. Does not believe the medical care for the inmates is a priority to the Warden.

**F. Tanisha Long (56:14):**

Questioned Mr. Fitzgerald's attendance at the meeting. Upset with Warden Harper's comments regarding having less deaths in the last 2 years, stating that the ACJ is less populated. Ms. Long spoke with some incarcerated individuals coming out of the jail last week. Ms. Long states these people were only given 1 hour of rec time each day and that it is not good for their mental health. Concerned that individuals in mental health pod are not receiving books loved ones sent at all and are not being sent back to the sender. Questioned why the board is no longer receiving wait times for psychiatrists. Stated the last report was received in August 2021. Concerned that

the jail is not providing those numbers because the numbers are so high. Feels mental health should be a bigger concern at the jail than what it is.

**G. Caroline Williams (59:02):**

Ms. Williams came to stand for the Saunders' family. Her son is currently incarcerated, and she thanked Judge Lazzara for always trying to help her son. Her son tells her the food he is eating and how he is in the cell for 23 hours a day and it bad for their mental health. Ms. Williams is concerned because these individuals are human beings that may have made a bad decision. Ms. Williams had another son incarcerated previously that had mental health issues and she had to continuously call the jail as she stated they did not believe her. Her son is currently home but she feels his mental state is worse now than when before he went into the jail. She asked that the jail listen to the kids and that they need help.

**H. Marion Damick (1:02:39):**

Ms. Damick is concerned for the taxpayers of Allegheny County having to pay settlements for lawsuits against the jail and believes the person responsible should be held accountable. Ms. Damick believes Warden Harper and Mr. Fitzgerald are responsible. Ms. Damick would like her tax money to go to improve the county. Believes the board should be paying attention to these issues.

**I. Jodi Lincoln (1:07:01):**

Ms. Lincoln is concerned that for years family members and loved ones have spoken at board meetings regarding mistreatment at the jail and she believes there has been no improvement. Ms. Lincoln is a member of the Pittsburgh Prison Book Project. This project sends free reading materials to incarcerated individuals. She is currently working with Ms. Hallam to put a proposal together to expand the options for books in the jail. She is concerned with the screening process for books coming into the jail. Believes the published guidelines do fall in line with industry standards but does not feel the jail is following best practices when deciding what books are allowed. Recommends books that are rejected be returned to sender and notification to intended recipient with reason for rejection provided to both parties, implementation of an appeal process if not one already, and policies made available for everyone to review as well as transparency on rejected books. Requests clarification on "safety and security". Offered her services to help create the policy.

**II. Ed Gray (1:11:34):**

Mr. Gray provided a definition for "ethics and reiterated Mr. Englert in that they (employees of the jail) constantly are written up for "Code of Ethics" violations. He feels they are being written up by people that do not show a high amount of ethics. Also mentioned how important respect is within the jail and how he does not have a lot of admiration for his administration. Hopes the board can help make some changes to make the jail a better place for employees and incarcerated individuals. Mr. Gray is upset a he has watched many JOB meetings online and has not seen many changes within the jail.

**III. Paul Fluitt (1:14:45):**

Mr. Fluitt discussed his wife's situation on May 21<sup>st</sup>, she was incarcerated on a 72-hour hold for missing a court date. His wife had just had a baby on May 16<sup>th</sup>. Mr. Fluitt stated that she did not receive the medical attention she should have for being post-partum. His wife had to write to the Warden herself to get any type of medical treatment. Believes the board should look into the processes of people coming into the jail. His wife spent 5 days in the jail when she was supposed to be on a 72-hour hold. Mr. Fluitt stated that she was promised she was not going to jail but the judge refused to see her. Concerned that she almost died in the jail if it was not for outside sources putting pressure on the jail to get her medical attention. HE would like to board to look into making sure the incarcerated individuals are getting what they need.

There was discussion regarding no online public comments being submitted. Ms. Hallam stated that the court website did not update the July meeting and the comment session was never opened. Judge Lazzara assured Ms. Hallam that

Judge Howsie does not take care of updating the website. She requested that the public let them know if that happens in the future and they will get it fixed, as she feels it is important for the public to be able to submit their comments. Judge Howsie apologized to the public for anyone not able to submit a comment online as he was unaware that there was an issue.

## **6. Warden's Report (1:21:27)**

### **Warden Harper:**

Warden Harper first clarified the information that as provided to the board earlier today regarding deaths at the ACJ. He stands by his statement from last meeting that deaths at ACJ are significantly lower than national average. Chief Deputy Toma will be presenting an analysis to the board. On Wednesday, June 29, 2022, the jail lifted the mask mandate for employees and incarcerated individuals, with the exception of intake, medical units, intake unit, and during all health encounters. The jail is still providing split recreation and if COVID cases remain low, the jail will move to full recreation.

There was a discussion regarding the staffing issue on 5f that was mentioned in a public comment and whether another officer was going to be added, if that was how it currently was staffed. Warden Harper asked that not be discussed in public setting. Judge Lazzara requested a phone call with Warden Harper to discuss. It was further discussed that this would be added to executive session to discuss. Ms. Hallam pointed out that the refusal to address issues in a public setting due to safety issues is a misinterpretation of the Sunshine Act and that discussing these issues in executive session has zero accountability.

There was discussion regarding the RFP for Rethinking the Jail. Warden Harper will need to do research and will provide an update in the future. The board also requested a copy of the RFP that was just posted for Commissary provider for the jail. Deputy Warden Toma is going to request a copy from Purchasing.

There was discussion regarding maintenance in the jail, specifically air conditioning issues. Any maintenance issues are reported to the maintenance department. The warden was unable to provide specific information as to timeframes and occurrences associated with maintenance requests for air conditioning are being resolved. Ms. Hallam requested Warden Harper to provide information to the board regarding any air conditioning maintenance requests over the past few months.

There was discussion as a follow up from the public comment regarding books at the jail. The jail's mail department, currently 3 employees, that individually determines which books are allowed in the jail based of off the jail's policies. Once the book is rejected, it is returned to the vendor. No notification or reasoning is currently provided from the jail to the sender or recipient unless a request is made from the sender. The jail keeps record that a submission was denied but does not keep track of the book or the reason. Books are also denied if there is no receipt or the receipt does not identify who sent the book. Deputy Warden Toma will look into what is recorded when a book is rejected. Deputy Warden Toma does not believe there is a record of which books have been denied or that there is an appeals process.

The commission for tablet and phone accounts goes into the general fund, the commissary commission goes into the Incarcerated Individual Welfare Fund. Ms. Hallam requested the jail administration report back how much money is generated from the phone and tablet commission monthly and why it no longer goes into the Incarcerated Individual's Welfare Fund. Judge Lazzara recalls that it was done in a prior administration to help balance the budget but would still suggest someone look into that for further clarification.

There was a question regarding the booking fee. The revenue received from the booking fee goes into an account earmarked for the salary of correctional officers who work in intake. The jail was unable to provide information on who is assessed the booking fee.



Ms. Hallam requested that the Medical Director either attend the board meetings or be able to have a dialogue between the board and Medical Director. Warden Harper will look into that.

There was a discussion regarding the most recent solitary confinement report. The report shows the jail on full facility-wide lockdown through the month of June. Warden Harper explained that when the jail opened for full recreation in early May, the COVID cases increased dramatically, which prompted the jail to go on full lockdown to bring the cases back down. The jail is currently on split recreation. According to the report, which Warden Harper confirmed, during the month of June, every person in intake was allowed out of their cell for at least for hours a day. Warden Harper reported that COVID cases have not gone up (at this time), since implementing voluntary mask wearing.

There was discussion regarding deaths in the jail. Ms. Hallam conducted research and found many jail oversight boards across the nation that do investigations of jail deaths and is wondering why information regarding ACJ deaths is not being handed over to the board. Warden Harper stated that the law department already told the board last month that additional information cannot be provided to the board due to pending litigation. Mr. Bacharach from the law department reiterated what the Warden stated and also that the law department believes it is prohibited by HIPAA. Ms. Hallam researched exceptions to HIPAA and believes the board falls under the exception for law enforcement as well as health oversight activities.

Ms. Hallam read the state statute for the jail oversight board, Title 61, Section 1724, subsection a and e. Ms. Hallam interprets this as the board should have access to anything the jail as access to, to be able to successfully oversee the jail. Mr. Bacharach states that he does not believe the board has been denied records they are entitled to and the board has been provided with all that is allowed in regard to deaths at the jail. Ms. Royston suggested that the board put together a detailed list for an executive session of what they believe should have access to regarding records of deaths in the jail. Mr. Bacharach suggested Ms. Hallam, or the board email the Warden or the Solicitor when requesting more information. Ms. Moss suggested the executive session happen before the next meeting so that the board is able to give some answers to the public as well as satisfaction for the board.

Judge Lazzara requested that Warden Harper to add back into the Warden's report that is provided prior to the meeting the number of people waiting for mental health specialists, number of sick calls, and number of people waiting for a psychologist. To also include average wait times for each of those.

## **7. Chief Deputy Warden's report (1:54:00)**

### **A. Staffing hiring and update on suicide prevention cells (1:54:00):**

#### **Chief Deputy Warden Beasom:**

There were 8 cadets that graduated on June 24<sup>th</sup> and started work on June 26<sup>th</sup>. A new class started on July 5<sup>th</sup>, with 19 cadets that are scheduled to graduate on September 9<sup>th</sup>. There are 6 sessions scheduled over the next 2-weeks to complete the physical agility test.

Ms. Hallam requested the board be provided with the average number of cadets that start the academy but do not complete it, as well as how long they stay once they start working at the jail. Deputy Warden Beasom stated the jail HR may have that information.

Chief Deputy Warden Beasom stated the class sizes in the past have been typically less than 10 and with officers retiring or taking different jobs, the jail is always fighting an uphill battle. The jail has streamlined the hiring process to try to get more officers but is open to suggestions.

Deputy Warden Beasom also gave an update on suicide resistant cells. There are still 7 of 10 complete. The doors to those 3 cells were reinstalled the day before the meeting and the vendor will need to finish them. He is hopeful that will be completed by the next meeting.

**B. COVID update and Jail's mortality rate (1:57:20):**

**Deputy Warden Toma (1:57:20):**

With 3 loss of lives in 2019, based on the annual number of admitted population, based on average rate of 100,000 people, the mortality rate was 19. The US Department Bureau of Justice Systems reported a value of 179 over 100,000. This is 10 times less than what was reported by the Bureau of Justice. The jail had 3 loss of life in 2020, extrapolated over 100,000 people, was a mortality rate of 34, which was 5 times less than what was reported in 2019. In 2021, the jail had 6 loss of lives, was a mortality rate of 65, which is 3 times less than what was reported in 2019.

Ms. Hallam requested the board be provided a copy of this report. Deputy Warden Toma stated she will email the board a copy. The jail's report includes all incarcerated individuals who were in the legal custody of the jail, following the definition in the report from the Bureau of Justice. Ms. Hallam stated that the Federal Bureau Death and Custody Reporting Act requires the death to be counted if custody was relinquished for medical reasons only and that the individual would still be in custody if it was not for the medical reason. Deputy Warden Toma will review the methodology to see what definition was referred to.

**Deputy HSA Madden (2:00:38):**

The number of incarcerated individuals tested for COVID-19 during June 2022 was 1,897, and of those 24, or 1.7%, were found to be positive. There are currently 3 incarcerated individuals presently positive in the facility with zero hospitalizations due to COVID-19. There has been an overall positivity rate of 4.1% at the Allegheny County jail since the first diagnosed case of an incarcerated individual on April 6, 2020. Regarding employees, there have been 291 staff report positive throughout the pandemic. We presently have 6 individuals who continue through their recovery process and have not yet returned to work.

Vaccination: The ACJ has supported the vaccination of incarcerated individuals by providing over 2,875 total doses thus far. The ACJ has continued to store Pfizer and Moderna vaccine. Last month, there were 592 individuals reported to have their full series. This month there is 655 individuals, which is 42%, that have received their full series. This is up 4% from last month. During the month of June, 180 vaccines during a 4-day vaccine clinic.

**C. Medication Assisted Treatment (2:02:26):**

**Deputy HSA Madden:**

Regarding medications for opioid use disorder and the expansion of these efforts, the jail continues to provide medication assisted treatment options including Naltrexone and Vivitrol for the treatment of alcoholism and opioid disorder and Suboxone and Sublocade for the treatment of opioid use disorder. During the month of June, there were 27 individuals prescribed oral Naltrexone, with 1 individual receiving the Vivitrol injections prior to community release. During the month of June, 124 individuals were treated with Suboxone, and 19 individuals were treated with Sublocade. The jail continues in its contract expansion with Tadiso, its Methadone provider, and is actively developing the implementation of the Methadone services for individuals currently receiving Methadone in the community. Tadiso is working on filling staffing positions, with 7 currently in the onboarding process.

**D. Tracking commitment to Torrance (2:03:38):**

**Deputy HSA Madden:**

During the month of June, 3 persons were admitted and transferred to Torrance State Hospital. In June, 11 new persons were committed and there are currently 19 patients awaiting admission. The longest wait is from March 2022.

**E. Tier 4 and Tier 5 (2:04:06):**

**Deputy HSA Madden:**

As a reminder, tier 5 includes any patient who is actively suicidal or self-harming. Tier 4 is any patient who is at imminent risk of harming themselves or others. In the month of June, 1 individual was identified as tier 5 and 11 individuals who were identified as a tier 4. The duration of time that a patient is on a tier will vary, which can be from hours to days.

There was discussion regarding COVID testing. The jail is still doing rapid testing on individuals coming into the facility and get retested around day 7 or 8 with a PCR test.

A follow up conversation regarding MAT. The jail is currently is still providing continuations only of MATs. There is a possibility that they will be put on a different medication assisted treatment once they are in the jail.

There was a discussion regarding gender affirming care. The jail generally continues hormone treatments and mental health services. Deputy HSA Madden does not know the background off all of the mental health providers and was unable to say if any of them have a background in providing gender affirming care.

Additional conversation regarding COVID vaccines. The jail reports to the board anyone who has their full series when quoting number of individuals that are 100% vaccinated. The jail is still providing money from the IIFW for each dose, including boosters.

Ms. Klein expressed her concern about the jail giving up masks with the BA.5 variant. Warden Harper let the board know they did meet with AHN the Allegheny County Health Department to come up with the plan. It is optional and employees and incarcerated individuals can still wear the masks if they would like to. The incarcerated individuals that have court dates have been wearing masks due to them going through intake department to be transported to the courthouse.

There was discussion regarding the COVID dashboard on the ACJ's website. Warden Harper stated it is still on the website and was not moved.

**8. New Business (2:11:00):**

Ms. Hallam requested to discuss a few items before the motions. She mentioned that an email was circulated with Judge Howsie's intention to cancel the August meeting. Ms. Hallam read section 1727 of the state statute that the JOB has to meet once a month. Judge Howsie mentioned that he called the board members and 6 of the 9 members who had conflicts that would lessen the likelihood of them attending the meeting on August 4<sup>th</sup>, as there would not be a quorum. He also mentioned, historically under other Judge's tenure, meetings have been cancelled. Ms. Hallam believes that the board should not continue illegal practices just because it was done that way in the past. Ms. Royston agrees that the statute states the board is to meet at least once monthly and would not be fulfilling the legal obligation by canceling August's meeting. Ms. Royston believes that, as well as her motion she submitted, should be discussed in a public meeting. Judge Lazzara requested that the meeting be moved to later in August to satisfy their obligation. Ms. Hallam also stated that it is a violation of the Sunshine Act to act on agency business unless it is in a public meeting. Ms. Hallam wanted to remind the board that Judge Howsie is not the chair of the board and that he is Judge Clark's designee. She feels if he cannot attend, then Judge Clark should, or she should assign another designee. Ms. Hallam does not believe Judge Howsie can unilaterally decide and that there is no chair to the board.

Ms. Hallam is also concerned the Judge Howsie told her and Ms. Royston that they were not allowed to add a motion to the agenda. Ms. Royston stated that according the Roberts Rules of Order, if a board member presents a motion, it is required to be presented in public. Ms. Hallam and Ms. Royston continued with the motions they submitted to be added to the agenda.

**Ms. Royston (2:18:45):**

Ms. Royston has tried to get this motion on the agenda 3 times. The first time Ms. Royston was told conversations were held outside and no one agreed to it. Last month, the motion was submitted late. This month, Ms. Royston was told the logistics were unavailable, which she feels should have been brought up in public discussion. The software to provide this service is free of charge.

*Motion that the Jail Oversight Board Members be allowed to attend meetings remotely, through Microsoft Teams or by phone, instead of strictly in person. There is no requirement prohibiting a virtual option, in the stature or otherwise, and instituting this option will only increase participation by board members. This option should be limited, with only 2 virtual options available per member, per year. This is the same option that County Council members have as well.*

***The board approved a motion (5 Yea, 3 Nay) by Ms. Royston, duly seconded by Ms. Hallam, to allow the JOB to attend meetings remotely, limited to 2 virtual options per member, per year.***

**Ms. Hallam (2:21:41):**

The next motion is similar to the one presented last month, but in taking feedback it has been amended. These substitutions are already being recorded as per the jail's policy and Ms. Hallam would just like the board to receive the report as well.

*Motion for the jail to notify the JOB members each month how many times the food served to incarcerated folks deviated from the posted menu. Notification will include detailed reasoning for the menu deviation(s) and what food was substituted.*

***The board approved a motion (6 Yea, 1 Nay, 1 Abstention) by Ms. Hallam, duly seconded by Ms. Klein, for the jail to notify the JOB members each month how many times the food served to incarcerated folks deviates from the posted menu, including reason for deviation and what food was substituted.***

**A. Motion for IIWF monies to be put on incarcerated individual accounts (2:25:01):**

**Ms. Hallam:**

*Motion to request money from the IIWF to be put on the joint tablet commissary accounts of each person incarcerated at the ACJ.*

***The board approved a motion (6 Yea, 2 Abstention) by Ms. Hallam, duly seconded by Ms. Moss, to request money from Incarcerated Individual's Welfare Fund to be put on the commissary and tablet joint account of each incarcerated individual (1,556 individuals x \$100.00 = Total \$155,600).***

**B. Motion for IIWF monies to be put on incarcerated individual accounts (2:25:01):**

**Judge Howsie:**

*Motion for the jail to forward to the JOB each Food Safety Assessment Report and any other inspections it receives from the Allegheny County Health Department within 30 days of receipt.*

***The board unanimously approved a motion by Ms. Hallam, duly seconded by Ms. Klein, for the jail to forward all inspection reports it receives from the Allegheny County Health Department to the JOB within 30 days of receipt.***

**Judge Lazzara (2:26:58):**

Judge Lazzara had promised Ms. Hallam to provide statistics about the population of the jail and what they are being held for. These statistics are as of 4:30pm on July 6, 2022. There were 1,456 people at the jail, 105 people in alternative housing facilities, excluding any people with holds by the federal government. There are 86 people (6%) in the jail are serving a county sentence as a result of a new conviction. There are 331 people (23%) in the jail have a hold from an external jurisdiction. There are 616 people (42%) in the jail were detained by Allegheny County Probation. They are being detained for violating probation on a crime for which they have previously been convicted. Of the 616 people, 547 people (89%) were moderate or high risk to reoffend based on probation proxy risk score. The remainder being held for a variety of reasons, including violent felonies, awaiting mental health commitments or service plans, and other reasons related to their own safety or the safety of the community. There are 360 people (25%) in the jail are pretrial only, meaning they have no other reason keeping them in jail. Of these people, 1% screened as low risk to reoffend based on the Allegheny County locally validated pre-trial risk assessment without consideration of the seriousness of their offenses. There are 85 people (6%) in the jail are pretrial only on monetary bonds, with 9 of these individuals screening as low risk for new criminal activity and were all facing violent charges. All pretrial monetary bond cases are reviewed for possible bail modification. For comparison purposes, the ACJ population, excluding federal holds but including alternative housing facilities, on March 16, 2020, right before COVID, the numbers were 2,075. This number included 1,859 people at the jail and 216 people in alternative housing. As of July 6<sup>th</sup>, there is a 22% decrease from March 16, 2020 and alternative housing is a 51% decrease. Detainer population as of March 16, 2020 was 889, and was 616 as of yesterday, which is a 31% decrease.

Ms. Hallam requested Judge Lazzara to email her that information. Judge Lazzara agreed and offered to provide this information every month.

**9. Adjournment (2:30:33)**

***Sheriff Kraus made the motion to adjourn, duly seconded by Ms. Royston. The meeting adjourned approximately 6:30pm.***

Kind regards,



Tracy Royston

# **EXHIBIT K**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALLEGHENY COUNTY  
JAIL OVERSIGHT BOARD MEETING

Thursday  
November 3, 2022

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

1 topic of books. We've been hearing month after  
2 month after month all the issues with receiving  
3 books in the jail, and so I'll kind of just give  
4 an overarching problem. So the problem has been  
5 that the -- according to the jail, the only two  
6 authorized book sellers for incarcerated  
7 individuals in the jail are Barnes & Noble and  
8 ChristianBooks.com. So the jail also claims that  
9 a paper receipt is required when they receive the  
10 book in order to not return it to sender, return  
11 it to where they bought it from. Barnes & Noble  
12 is no longer doing that, so as of right now the  
13 only books that people in the jail can get are  
14 from ChristianBooks.com. So these are addressed  
15 at that.

16 So the first Motion is trying to  
17 support our local bookstores. The one friendly  
18 amendment that I would like to make to all five  
19 of these Motions is if everyone would be okay  
20 with instead of making these forever going  
21 forward, that this was just a 90-day pilot  
22 program, that we try accepting books from these  
23 local bookstores. We see if there's any  
24 additional issues. We try to accept -- we try to  
25 not refuse paper receipts. We try to accept them



1 from USPS, FedEx and USPS. We're just going to  
2 try these Motions for 90 days, three months. So  
3 if everyone is okay before I introduce any of the  
4 Motions, I'd like to make a friendly amendment to  
5 a 90-day pilot program for each of these five  
6 Motions.

7 JUDGE LAZZARA: I was going to make  
8 a friendly amendment that we have a subcommittee  
9 sort of talk about it all to make sure that  
10 they're all good. I want books -- trust me. I  
11 love books. If you saw my house, I have  
12 seven million books everywhere, and I think it's  
13 the most important thing we can do. We give all  
14 of our mental health people who have babies books  
15 because it's that important to start reading  
16 early. So I truly believe in that, but I think  
17 that there is so many things that -- at least  
18 having a couple subcommittee meetings to talk  
19 about it and figure out, like, can we do this  
20 with the jail? Are there problems we don't know  
21 about? Because I don't want to say that we're  
22 going to do this and then it doesn't work and  
23 we're back in the position that we've been on  
24 other Motions where we sort of jump the gun.

25 So I would simply like to have a

1 subcommittee that we would get together -- and  
2 you know our subcommittees work -- that we could  
3 get together and figure out those things, get  
4 some input from the jail, make sure there's no  
5 issues, and then come back with a comprehensive  
6 like this is what we want to do and it will be  
7 done because it will be done, like, not scattered  
8 but thoughtfully.

9 MS. HALLAM: Yeah.

10 JUDGE LAZZARA: Not that you didn't  
11 think about it, Bethany.

12 MS. HALLAM: Yeah.

13 JUDGE LAZZARA: I'm not saying  
14 that --

15 MS. HALLAM: I was going to say I  
16 thought a lot about this, Judge.

17 JUDGE LAZZARA: But just to make  
18 sure that we have all of the input from all of  
19 the players to make sure that -- you know, when  
20 you say City Books and they say well, there's a  
21 security reason why City Books can't do it, and  
22 then, you know, we're giving people hope that is  
23 not going to happen, so like if we have a chance  
24 to sit down and talk about it, I think it could  
25 be helpful.

1 MS. HALLAM: Okay. So specifically  
2 City Books and Classic Lines, which is now  
3 Riverstone, they have already said that they're  
4 more than willing. They participate in a program  
5 with other correctional institutions at the  
6 federal and the state level, and they have  
7 already confirmed that they are willing to do it.  
8 But, in that case, can I offer a second friendly  
9 amendment instead of doing that because in the  
10 meantime what are we going to do? I know our  
11 subcommittees are great and I know that we get a  
12 lot done in them, but the reality is we've been  
13 talking about this for six, seven, eight, nine  
14 months and nothing else has moved. And so what I  
15 would ask, if then instead, if we could do maybe  
16 talk about the first one and the different people  
17 we accept them from, but in the meantime -- so  
18 that people can continue to get them from  
19 Barnes & Noble and ChristianBooks.com in the  
20 meantime, we do two through five, which is -- the  
21 first is a Motion to prohibit the Allegheny  
22 County Jail from refusing any book shipments  
23 simply for lack of a paper receipt since  
24 Barnes & Noble isn't doing paper receipts  
25 anymore.

1                   The second one is already part of  
2 the Jail's written policy that we accept book  
3 shipments from not just USPS but also FedEx and  
4 UPS.

5                   And then the third one is letting  
6 us know if you do deny a book, tell the people  
7 who are in jail why.

8                   And then the fifth one is tell us  
9 why.

10                   So while we have the subcommittee  
11 meetings to figure out if it's possible for us to  
12 expand, can we maybe move forward with two  
13 through five? Would everyone be okay with that?

14                   JUDGE LAZZARA: My only issue with  
15 the thing about the no paper receipt is are we  
16 aware that it's coming from Barnes & Noble?  
17 Like, if somebody just sends a UPS book, I don't  
18 know who it's coming from and there may be some  
19 issues with being able to know that it's coming  
20 from Barnes & Noble as opposed it's coming from  
21 the person whose trying to deliver something in  
22 that book that's contraband. So that would be --  
23 that would be my concern with that. And I think  
24 people are jumping up and down from the jail that  
25 wants to chime in.

1 MS. HALLAM: No. Some orders from  
2 Barnes & Noble are trying to be delivered to the  
3 jail -- and they do not have the paper receipt?

4 DEPUTY WARDEN TOMA: Correct.

5 MS. HALLAM: Correct. So can we  
6 please find a solution? If we're going to forego  
7 all these Motions that I've spent hours laboring  
8 over, can we please find a solution for now?

9 MR. PILARSKI: Well, one is moot.  
10 That's good news. One's moot we said. You said  
11 the one was moot.

12 MS. HALLAM: We'll see if that  
13 actually happens. They claim one is moot.

14 JUDGE LAZZARA: Well, look, so  
15 first of all can I make a Motion that we  
16 immediately start a subcommittee about the books?  
17 I know we've had this discussion before in the  
18 Incarcerated Individual Welfare Fund  
19 subcommittee. We started to talk about it and  
20 then there was additional research that needed to  
21 be done that didn't get done for a long time, and  
22 so it got put on the back-burner. It was put on  
23 the back-burner again because we were waiting for  
24 the study to come in based on the surveys.

25 We have survey information. We

1 have a ton of information. I think we're ready  
2 that we can act and we can do something. So if  
3 we can have a book subcommittee that will focus  
4 on this issue and have a good recommendation to  
5 come back to the Board with next month, we can  
6 work on that quick.

7 MS. HALLAM: I would like to  
8 volunteer to chair that committee, please. I'd  
9 be down for the subcommittee. Since everyone  
10 else has one, I'd like this to be mine. Cool?

11 Motion to create a subcommittee  
12 about books that I will chair. I'm asking for a  
13 second.

14 JUDGE LAZZARA: Well, wait.  
15 Judge Howsie is the Chair of the committee at  
16 this point in time so he was to call the vote,  
17 okay?

18 MS. HALLAM: I wasn't calling a  
19 vote. I was making a Motion.

20 JUDGE LAZZARA: I haven't even -- I  
21 haven't even had a second on my Motion yet, so  
22 the first idea is do we get a second on the  
23 Motion?

24 MS. HALLAM: For what?

25 JUDGE LAZZARA: For the book

1 subcommittee.

2 MS. HALLAM: I'll second.

3 JUDGE LAZZARA: Okay. So we have a  
4 book subcommittee.

5 JUDGE HOWSIE: All in favor?

6 (Chorus of ayes.)

7 JUDGE HOWSIE: Any opposed?

8 (No response.)

9 JUDGE HOWSIE: Motion carries.

10 We'll table these Motions until we have a Motion  
11 in subcommittee developed to address these  
12 issues.

13 JUDGE LAZZARA: And any information  
14 that can be provided on the status of the books  
15 in the jail, if you can bring it to the next  
16 meeting so we know where all of these processes  
17 are happening and what's happening. I think that  
18 would go a long way.

19 MR. O'CONNOR: Yeah. Just on that,  
20 I mean, the last two Motions, I don't -- I mean,  
21 that should be information that we should be  
22 given. I have a Right to Know and I have the  
23 list of books that have been banned here. So I  
24 mean, if I can get it or whoever got a Right to  
25 Know and we've got a copy of it -- so the Right

# **EXHIBIT L**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**ALLEGHENY COUNTY**  
**JAIL OVERSIGHT BOARD MEETING**

Thursday  
December 1, 2022

Gold Room  
4th Floor  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

1                   So once we're able to -- the IIWF  
2                   take a look at those last 13, then we've already  
3                   started talking about when we can have a meeting  
4                   to sit down and talk about who out of that group  
5                   we would like to do the initial interviews with.  
6                   We will not be interviewing all 55 or 56 of them.  
7                   That's too many, so it will be the people that we  
8                   all can sort of agree on giving the interviews  
9                   to. So it's really been a tremendous response.  
10                  And I know for me looking at it, I know that I've  
11                  seen some people that I think are the right  
12                  people for this job, and so I'm very excited  
13                  about what's in there. So we will be hopefully  
14                  before the next meeting, although with December,  
15                  I don't know. Hopefully, having that  
16                  conversation and being able to at least schedule  
17                  the interviews, which would be awesome. So I  
18                  wanted to update everybody on that.

19                  The other thing that I wanted to  
20                  bring up before I left was a matter that was  
21                  brought to everybody's attention by Mr. K, and  
22                  Mr. Korinski, who could also be a Mr. K. In  
23                  terms of the exit interviews, because I know that  
24                  Judge Clark was really the person who was sort of  
25                  spearheading the exit interviews, and I know

1 Bethany was on -- you guys sort of had a little  
2 committee that was doing the exit interviews.  
3 And then I know that we were waiting for a form  
4 to be drafted for the exit interviews that  
5 Judge Clark was talking about at some of the  
6 meetings. Do you remember that? She was talking  
7 about a form for the questions and sort of trying  
8 to institutionalize it, and then she left the  
9 Board. And I think that what happened is she was  
10 the head of that committee, and I think it sort  
11 of got lost. So I would sort of be making a  
12 motion to reinstitute --

13 MS. HALLAM: Second.

14 JUDGE LAZZARA: -- a committee for  
15 those exit interviews so that we can start doing  
16 that on a more consistent basis and learn why  
17 people are leaving the jail.

18 MS. HALLAM: I'll second that  
19 motion, and also I would like to be on that  
20 committee very much so. Because what I will say  
21 is I know -- and this is kind of also in response  
22 to Public Comment, although I know I'm not  
23 allowed to do that, but I -- I do exit interviews  
24 with some people. Again, I cannot get to every  
25 single person that reaches out to me, but I get

1 reached out to by a lot of people -- also people  
2 currently working in the jail, but specifically  
3 for exit interviews, people who leave the jail  
4 and want to tell me about it. Their problem is  
5 they're very worried about their anonymity, and  
6 they hear from someone that they can talk to me,  
7 and I talk to them. They do not want to talk to  
8 the full Board. So maybe if when we start this  
9 committee, we can figure out a solution to that  
10 as well. They are very worried about  
11 retaliation. They are very concerned about that,  
12 and I think that's a fair thing for them to be  
13 worried about.

14 So I do have conversations with  
15 people, but again, I don't write up a written  
16 report. I don't have a form that I could fill  
17 out. If I had that, even the ones that I do by  
18 myself, I could fill it out and provide that  
19 information maybe with a redacted last name or  
20 something to the Board. But I -- I do not find  
21 myself qualified to create that form.

22 JUDGE LAZZARA: Yeah, and that's --  
23 that's I think -- Judge Clark was working on that  
24 form if you guys don't recall.

25 MS. HALLAM: I don't remember that.

1 JUDGE LAZZARA: I don't think I'm  
2 crazy about that, but I think she was working on  
3 that, and then she left the Board, and so she  
4 turned it over to Judge Howsie. And I think that  
5 that project may have gotten lost in the shuffle.  
6 So I appreciate the fact that Mr. K and  
7 Brad Korinski have brought that up again.

8 MS. HALLAM: Awesome.

9 JUDGE LAZZARA: And I would make  
10 that motion that perhaps we reinstitute the  
11 subcommittee that was going to look at exit  
12 interviews and what we should ask people and how  
13 we should go about doing that.

14 MS. HALLAM: And I seconded that.

15 JUDGE HOWSIE: Any other  
16 discussion?

17 Is that something that we want to  
18 waive until we have an Executive Session about?

19 MS. HALLAM: No. We have a motion  
20 and a second. We need to vote.

21 JUDGE HOWSIE: Thank you,  
22 Ms. Hallam.

23 MS. HALLAM: You're welcome.

24 JUDGE HOWSIE: Is that something we  
25 should talk about in Executive Session? I've

1 never heard of any discussion.

2 MR. PILARSKI: Saying that you are  
3 not going to talk to the entire Board is a  
4 problem. I mean, you're painting a --

5 JUDGE LAZZARA: Well, no, it's  
6 not -- I don't think it's going -- it's a  
7 subcommittee that would be deciding how to go  
8 about those exit committees and everything. So  
9 I'm not saying --

10 MR. PILARSKI: You're saying that  
11 the --

12 JUDGE LAZZARA: I'm not saying that  
13 the entire Board should sit there and talk to  
14 them, but I think the Board should know why  
15 people are leaving.

16 MR. PILARSKI: Hiring and firing  
17 goes under the Executive Branch. I don't know  
18 what you're going to do with the information.

19 MS. HALLAM: Remind him -- you're  
20 not speaking into your microphone, first of all.  
21 And also the Executive -- we're not talking --  
22 you said hiring and firing goes under the  
23 executive is what he said off mic, but leaving,  
24 quitting your job is not.

25 JUDGE LAZZARA: Well, because we

1 want to --

2 MS. HALLAM: People voluntarily  
3 leaving.

4 JUDGE LAZZARA: -- see why -- we're  
5 not -- we're not -- we're not doing hiring and  
6 firing. We just want to see why they're leaving  
7 and is it something that we can remedy? Is it  
8 something that we can suggest to the  
9 administration about how to do something  
10 differently? Are they leaving because of how  
11 things are occurring in there? Are they leaving  
12 because -- you know, why are they leaving? We  
13 have no idea. So it would be nice to know  
14 because I think staff retention, especially in  
15 this day and age, is a huge issue. And if we can  
16 do something to retain staff, that would be an  
17 awesome thing. So it's just a matter of let's  
18 figure out where we can go with it. I know we  
19 were working on it before and it sort of fell off  
20 the radar.

21 JUDGE HOWSIE: Any votes in favor?

22 (Chorus of ayes.)

23 CONTROLLER O'CONNOR: Is it a  
24 confidential form?

25 JUDGE LAZZARA: We're not even

1 talking about the form. We're just talking about  
2 how to do it.

3 MS. KLEIN: Forming a subcommittee.

4 MS. HALLAM: Looks like four yeses.

5 JUDGE HOWSIE: Mr. O'Connor, is  
6 that a yes?

7 CONTROLLER O'CONNOR: Yeah, yeah.

8 JUDGE HOWSIE: Okay. Motion  
9 carries.

10 Anything else, Judge Lazzara?

11 JUDGE LAZZARA: No. That's it.

12 Sorry. And I apologize I have to leave, but I  
13 have -- I have pickup duties and there's nobody  
14 else to do it, so it's me. We all have lives out  
15 of this too. So sorry about that.

16 JUDGE HOWSIE: Do you have any  
17 additional --

18 MS. HALLAM: I have a lot more.  
19 Yeah.

20 Okay. Where did she go? Did she  
21 leave on purpose?

22 JUDGE HOWSIE: Why don't we go on.  
23 I'm sure she'll be back.

24 JUDGE LAZZARA: Yeah, she just --  
25 she went to the bathroom.



# **EXHIBIT M**

The monthly meeting of the Allegheny County Jail Oversight Board, Wednesday, August 24, 2022 held in the Gold Room at 4:00 P.M.

Recording available at <https://www.youtube.com/watch?v=2yFT7vxWI3Q> (Each agenda item is time stamped for referencing the YouTube recording)

**MEMBERS PRESENT**

- Judge Elliot Howsie**
- Councilman President Patrick Catena**
- Sheriff Kevin Kraus**
- Stephen Pilarski for County Executive Rich Fitzgerald**
- Judge Beth Lazzara**
- Terri Klein**
- Controller Corey O'Connor**
- Abas Kamara**

**Others in Attendance:**

- Warden Orlando Harper
- Chief Deputy Warden Jason Beasom
- Deputy HSA Dr. Brinkman
- Deputy Warden of Administrative Operations and Employee Development Blythe Toma
- Deputy HSA of Behavioral Health Renee Madden

**1. Welcome, Call to Order and Rules (11:25):**

**Judge Howsie (11:25):**

Meeting called to order and roll call was taken. The rules for the meeting were recited.

**2. Community Corrections Reports (12:23)**

**A. Passages to Recovery (12:23):**

**Michelle Morris:**

Passage to Recovery is continuing to partner with community agencies to provide services and support to their clients. Current population is 48, with 32 men and 16 women. Passages is working on implementing a new visitation policy for adult visitors to come back into the facility. Within the next month or so, Passages will be submitting requests to the jail for the clients to be able to go out into the community. They had 3 positive COVID cases in the past month.

Further conversation regarding length of stay. Typical stay is 6 months but can vary based on their sentence. Passages provides services and works with clients to make sure they have a smooth transition back to the community before they leave the facility.

Ms. Morris will request someone to provide an update at the next meeting regarding Passage to Recovery's involvement in the lead diversion efforts within Allegheny County.

Passages to Recovery provides induction Medication Assisted Treatment (MAT) for its clients.

**B. The Renewal Center (18:21):**

**Frank DeClair:**

Renewal Center had 11 volunteers participate in the Historic Hill Health Expo and Community Day event on August 20<sup>th</sup>, totaling 88 hours of community service. As per requested at last month's board meeting, May – 76% employment rate with average pay rate of \$13.17; June – 78% employment rate, with average pay rate of \$13.55; and July – 73% employment rate, with average pay rate of \$14.15.

**C. Electronic Monitoring (19:52):**

**Steve Esswein:**

There were 776 individuals on the bracelet at the end of June, with 27 individuals that successfully completed. This number includes Soberlink devices. Electronic Monitoring is working on getting more Soberlink devices. Grant money is typically used to purchase Soberlink devices.

**3. Review of the Minutes for July 7, 2022 (21:40)**

*The board approved a motion (8 Yea, 1 Abstention) by Judge Lazzara, duly seconded by Councilman Catena, to receive the Jail Oversight Board Meeting Minutes from July 7, 2022.*

**4. Old Business (22:03)**

**A. Update on status of re-inspection from NCCHC (22:03):**

**Warden Harper:**

The NCCHC performed the re-inspection from August 22-24, 2022. The draft report will be sent to the jail around 60-65 days after the inspection was completed. Warden Harper asked that any questions pertaining to NCCHC's historical review of fatalities at the jail be directed to the County Manager.

**B. IIWF Report (23:39):**

**i. Update on survey with Pitt School of Social Work (23:39):**

**Judge Lazzara:**

The survey is just about completed. Erin Dalton is going to provide a report at the September meeting.

**ii. Update on Liaison Position (24:23):**

**Judge Lazzara:**

The IIWF Sub-Committee came up with a detailed plan for recruitment and hiring of the JOB Liaison.

*ALLEGHENY COUNTY JAIL OVERSIGHT BOARD  
INCARCERATED INDIVIDUALS WELFARE FUND SUBCOMMITTEE*

**MOTION**

*WHEREAS, on June 3, 2021, the JOB voted in favor of a Motion presented by the IIWF Sub-Committee which authorized a Liaison position for the JOB in order to assist it in fulfilling its statutory obligations;*

*WHEREAS, on September 2, 2021, the JOB voted in favor of a Motion presented by the IIWF Sub-Committee which mandated creation of a full-time salaried position of JOB Liaison, incorporated the proposed job description into the position, authorized a search to be conducted by the IIWF Sub-Committee to fill the position, and authorized payment of salary and benefits not to exceed \$85,000 from the IIWF, said salary and benefits to be subject to regular review by the JOB;*

*WHEREAS search and research efforts have been conducted by the IIWF Sub-Committee to fill the JOB Liaison position, including extensive conversations with the Pennsylvania Prison Society (PPS), a statutorily authorized organization, since 1829, serving the Commonwealth of Pennsylvania as an independent prison and jail monitor and ombuds;*

*WHEREAS conversations with the PPS were unproductive, and it was agreed by the JOB that the position of JOB Liaison would be recruited, hired and maintained in a Department within the County;*

*WHEREAS the Office of the Sheriff of Allegheny County has agreed to maintain the position of JOB Liaison;*

*WHEREAS the JOB approved the creation of the JOB Liaison within the Office of the Sheriff of Allegheny County by unanimous vote on July 7, 2022 and further tasked the IIWF with creating and presenting a detailed plan for the recruitment and hiring of said position:*

*IT IS HEREBY MOVED that the JOB shall approve the recruitment and hiring plan attached hereto and made a part hereof.*

*Submitted: August 24, 2022*

**ALLEGHENY COUNTY JAIL OVERSIGHT BOARD LIAISON  
RECRUITMENT AND HIRING PLAN**

*The Incarcerated Individuals Welfare Fund (IIWF) Sub-Committee (IIWFSC) shall engage in the following steps to actively recruit, and ultimately hire, an outstanding candidate for the position of JOB Liaison.*

- 1. The IIWFSC shall submit the attached advertisement to the advertising sources listed on same attachment within five (5) days of receiving approval of the hiring and recruitment plan by the JOB.*
- 2. The IIWFSC shall allow twenty-one (21) days for the collection of resumes in response to the advertising. The Office of the Controller shall be responsible for the physical collection of the resumes. The Controller shall distribute the resumes to the members of the IIWFSC as they are received.*
- 3. Following the twenty-one day resume collection period, the members of the IIWFSC shall individually review the resumes and provide to the Controller's Office a list of their top five (5) candidates. The list of candidates must be provided to the Controller's Office no later than the end of business on the tenth (10<sup>th</sup>) day following receipt of the resumes at the conclusion of the twenty-one day collection period.*
- 4. If the IIWFSC, in its discretion, does not believe that a sufficient number of qualified resumes are received, then the IIWFSC shall request an additional period of time from the JOB to advertise the position and collect resumes.*
- 5. After the Controller's Office receives the list of the top five (5) candidates from each member of the IIWFSC, it shall compare the lists and provide a list of the overall top five (5) candidates to the IIWFSC. These top five (5) candidates shall be interviewed by the IIWFSC. Each of the top five (5) candidates shall be advised of their status within three (3) days of the list being provided to the IIWFSC.*
- 6. Interviews of the top five (5) candidates shall be conducted by the IIWFSC within fourteen (14) days of the list of the top five (5) candidates being submitted to it.*

7. *The IIWFSC shall have a recommendation to the JOB of a person to fill the position of the JOB Liaison within seven (7) days after the final interview.*

*PLACES TO ADVERTISE*

*Handshake*

*Interests: Law Enforcement, Legal Studies, Criminal Justice, Paralegal*

*LinkedIn*

*Indeed*

*Glassdoor*

*ZipRecruiter*

*Paralegal Programs*

*Duquesne*

*University of Pittsburgh College of General Studies  
CCAC*

*County Affiliated Websites*

*Office of the Controller*

*Sheriff's Office*

*ACJ*

*5<sup>th</sup> Judicial District (possible...needs discussion)*

*Law Schools/Programs*

*University of Pittsburgh School of Law*

*Duquesne University School of Law*

*Point Park University – Legal Studies BA*

*Allegheny County Bar Association (ACBA)*

***The board unanimously approved a motion by Judge Lazzara, duly seconded by Ms. Klein, to post and move forward with the recruitment and hiring plan presented.***

Prior to voting on the motion, Judge Howsie appointed Sheriff Kevin Kraus to be the Incarcerated Individual's Welfare Fund Subcommittee.

**F. ACJ and Alternative Housing Population Statistics (33:21):**

Judge Lazzara was unable to obtain this information in time for this meeting.

**G. Information regarding staff on 5F (33:52):**

**Judge Lazzara:**

Judge Lazzara had discussion with the Warden regarding 5F. She was informed that there is one less Correctional Officer on that pod due to the work the staff is doing to keep people more stabilized on that pod. Judge Lazzara suggests discussion with the individuals on 5F prior to making any recommendations.

**C. Update Regarding ADA Compliance Employee and Solicitor Attending Meeting to Discuss Tier System and Solitary Confinement Ban Referendum (35:02):**

**Warden Harper:**

The ADA Compliance Employee is unable to attend the JOB meetings. The Warden does not supervise that employee and is unable to mandate them to attend. The Warden believes there has already been conversation regarding the Solicitor attending the meeting.

There was further discussion regarding ADA compliance employee accommodations are handled through the County's Human Resources Department and the Law Department will get involved if there are legal questions. There was a concern regarding number of lawsuits and the money being spent. It was requested to have further discussion on this matter at a later date.

**D. Update regarding Summit's dietician attending meeting (39:28):**

**Warden Harper:**

The Dietician will not come to the board meetings. Summit requested the board submit questions to be answered. Warden Harper sent the board an email at 3:45pm today with Summit's Dietician's contact information. As well as the Commissary RFP, the mortality rate, the maintenance requests, and a link to the food menu and food substitutions.

There was further discussion regarding the Commissary RFP. The RFP will be awarded on September 7<sup>th</sup>. There were 3 vendors that submitted proposals.

It was suggested that Warden Harper send the information prior to 15 minutes before the meeting going forward.

To access the food substitutions, you need to go to the jail website, click on "Inmate Information", click on "Inmate Meals and Commissary", and click "Menu Substitution". These updates will be updated monthly on ACJ's website.

**E. Rethinking the Jail RFP Information (44:16):**

**Warden Harper:**

The RFP was submitted through DHS and Erin Dalton will give a presentation in the near future.

**5. Public Comments (45:41)**

**A. John Kenstowicz (45:41):**

Mr. Kenstowicz is speaking for Corrections Collective based in Western Psych. For the JOB to be able to fulfill their statutory right to review records of incarcerated individuals that have died in the jail and to eliminate the hesitation of jail administration due to potential leak of files, Mr. Kenstowicz suggested JOB review the documents on site. Also suggests the members of the board sign a confidentiality agreement preventing the board members from providing information to the public or press with severe consequences if violated. Mr. Kenstowicz is also recommended the JOB conduct exit interviews. In April 2022, there were 58.5 vacancies of medical and mental health providers. He suggested the JOB email all staff at the jail letting them know they would like to conduct exit interviews for employees that are leaving the jail to build awareness of the operations of the jail. Mr. Kenstowicz's third recommendation is that the JOB provide a statement to all ACJ staff regarding the board's oversight responsibility; the JOB Liaison role; value of staff insights; confidentiality when speaking with Liaison: detail of what would be done with information given to Liaison.

Judge Howsie informed Mr. Kenstowicz that the board will be having an executive session in the future to identify ways to have discussions regarding the deaths in the jail and the investigations by the county police.

**B. Marion Damick (50:21):**

Ms. Damick was impressed to read the article regarding the upcoming investigations on jail deaths. She expressed her concern regarding the rats at the jail. She suggested looking at the construction of the jail to try and see where the rats are getting in and spend the money to fix it. She does not believe anyone should be eating the food the jail is currently serving.

**C. John Kenstowicz (Deborah Luffy signed up to speak but gave her 3 minutes to Mr. Kenstowicz) (54:27):**

Mr. Kenstowicz concerned that for months he has mentioned the state statute requiring the JOB to do unannounced jail inspections at least 2x per year. This is to be accompanied by a written report to be uploaded to the JOB website. The only inspection report on the JOB website is one for Ms. Klein in 2021.

**Judge Howsie (56:27):**

Judge Howsie summarized the public comments that were submitted online. They are all included at the end of the minutes.

**6. Warden's Report (59:12):**

**Warden Harper:**

Warden Harper announced a new training work program at the ACJ that Amy Kroll is going to present.

**Amy Kroll:**

The Pre-Release Lead Abatement and Renovation, Repair, and Painting Program at ACJ is being offered by Professional Training Associates (PTA). This program was chosen due the feasibility of this training as well as the amount of employment opportunities in Allegheny County. Ms. Kroll provided details of what lead abatement is and the details of the program. The participant has to complete 24 hours of instruction to get both of these certifications with class taking place Mondays and Tuesdays from 8:00am-12:00pm. The first class consisted of 11 participants whom all passed their Renovation, Repair, and Painting Certification (written and hands-on tests) on August 19<sup>th</sup>. All 11 have signed up for the next class, which is a Lead Abatement Worker Certification. Once passed, these individuals will be eligible Lead Abatement Technicians. This training is eligible for any individual who will be at ACJ for 6 weeks and will be returning to Allegheny County. ACJ has been and will continue to work with connecting the individuals with construction and job opportunities along county bus lines. Ms. Kroll detailed many of the job opportunities for these individuals that obtain these certifications.

There was further discussion on expanding the opportunity to women in ACJ. As well as the alternative housing programs. There was around 40 men who signed up for the class. They picked applicants that previously had construction experience for the first class. The money for these trainings comes from grants: Pathways Home Grant through Partners4Work and Allegheny County Jail Collaborative funding. Judge Howsie commends the jail for providing these opportunities, as it has a positive impact on the individuals, and there is less of a chance of recidivism.

It was suggested that maybe the County start a points system for awarding contracts to vendors that have hired these individuals that have obtained these certifications through ACJ. It was agreed that it is worth looking into/discussing in the future.

**Warden Harper:**

The Food Service RFP will hopefully be posted by next week.

Both the food service and commissary service contracts with Summit will expire at the end of this year.

It was asked for the Warden to add use of force data to the jail website monthly. Warden was uncomfortable with posting it online but agreed to send it to the JOB monthly.

## **7. Chief Deputy Warden's report (1:12:45)**

### **A. Staffing promotions and hiring (1:12:45):**

#### **Chief Deputy Warden Beasom:**

There have not been any staff promotions since last month. There are 15 cadets that are scheduled to graduate on September 2<sup>nd</sup>. A new class started on September 12<sup>th</sup>, with 9 cadets scheduled at this time. There are 5 sessions scheduled for week of September 19<sup>th</sup> to complete the physical agility test. The next cadet class after September is tentative for beginning of November.

There was further discussion regarding staffing. Warden Harper requested that staffing not be discussed in a public setting. There was a concern regarding not sharing enough information with the public. It was discussed that the Warden attend an executive session and then the board can decide on how and if information can be disseminated to the public. Controller O'Connor's office is looking into conducting a staffing audit of the jail. The last one was done in 2009.

### **B. Update on Suicide Resistant Cells (1:20:45):**

#### **Chief Deputy Warden Beasom:**

There are still 7 of the 10 suicide resistant cells complete. The contract is in the process of being extended for the contractor to come in and finish the cells.

### **G. Number of Incarcerated Individuals at ACJ waiting to go upstate (1:21:01):**

#### **Chief Deputy Warden Beasom:**

There are 42 male individuals waiting, which consists of 3 with detainees, 8 have open cases, 12 scheduled on next transport, and 19 remaining.

### **C. COVID update (1:21:37):**

#### **Deputy HSA Dr. Brinkman (1:21:37):**

The ACJ has to follow different COVID mitigation efforts due to the congregate settings, as well as its large size. The incarcerated individuals come into the facility from a many different areas and have a higher rate of medical conditions. There is also regular movement around the facility between incarcerated individuals, staff, and visitors. The ACJ takes mitigation efforts seriously to protect safety and security of anyone who enters the jail and take guidance from infectious control experts, including CDC, NCCHC, state and local health departments and AHN partners. Since the pandemic began 2 years ago, ACJ has had 1 incarcerated individual death due to COVID. There have been 2,901 deaths of incarcerated individuals nationally and 166 within PA Dept of Corrections.

The number of incarcerated individuals tested for COVID-19 during July 2022 was 1,683, and of those, 1.7% were found to be positive. There are currently 23 incarcerated individuals presently positive in the facility with zero hospitalizations due to COVID-19. There has been an overall positivity rate of 4.05% at the Allegheny County Jail since the first diagnosed case of an incarcerated individual on April 6, 2020. Regarding employees, there have been 315 staff report positive throughout the pandemic. We presently have 2 individuals who continue through their recovery process and have not yet returned to work.

Vaccination: The ACJ has supported the vaccination of incarcerated individuals by providing over 2,952 total doses thus far. The ACJ has continued to store Pfizer and Moderna vaccine. Last month, there were 592 individuals reported to have their full series. This month there is 614 individuals, which is 42%, that have received their full series. This is the same percentage as last month.



**D. Medication Assisted Treatment (1:25:14):**

**Deputy HSA Dr. Brinkman (1:25:14):**

Regarding medications for opioid use disorder and the expansion of these efforts, the jail continues to provide medication assisted treatment options including Naltrexone and Vivitrol for the treatment of alcoholism and opioid disorder and Suboxone and Sublocade for the treatment of opioid use disorder. During the month of July, there were 31 individuals prescribed oral Naltrexone, with 3 individuals receiving the Vivitrol injections prior to community release. During the month of July, 121 individuals were treated with Suboxone, and 15 individuals were treated with Sublocade. The jail continues in its contract expansion with Tadiso, its Methadone provider, and are finalizing implementation of the Methadone services for individuals currently receiving Methadone in the community. Tadiso has begun orienting on site and ACJ is finalizing processes and IT needs.

There was additional discussion regarding providing inductions for prescriptions for MATs. The jail is unable to provide a timeline as to when this may occur. The jail plans to re-evaluate after the other programs are fully up and running.

**E. Tracking commitment to Torrance (1:28:05):**

**Deputy HSA Dr. Brinkman (1:28:05):**

During the month of July, 4 persons were admitted and transferred to Torrance State Hospital. In July, 7 new persons were committed and there are currently 13 patients awaiting admission. The longest wait is from June 10, 2022.

Judge Lazzara requested that the individuals whose commitment is rescinded based off of reevaluations.

**F. Tier 4 and Tier 5 (1:29:17):**

**Deputy HSA Dr. Brinkman (1:29:17):**

As a reminder, tier 5 includes any patient who is actively suicidal or self-harming. Tier 4 is any patient who is at imminent risk of harming themselves or others. In the month of July, 2 individuals were identified as tier 5 and 11 individuals who were identified as a tier 4. One of these individuals appeared in both tiers. The duration of time that a patient is on a tier will vary, which can be from hours to days.

There was a discussion regarding the autism screening not being able to be loaded into the jail's healthcare record. Warden Harper and IT personnel have a meeting scheduled tomorrow with Ms. Randall, who submitted a public comment, to get more information and to see if this is something that can be done. Warden informed the board that Ms. Randall trained the jail 2 years ago on how to identify individuals with autism. The jail has screenings in place already for developmental and mental health, the one being discussed is specific to autism spectrum.

**H. Medical Wait (1:34:26):**

**Deputy HSA Dr. Brinkman (1:34:26):**

Just an FYI, the numbers being provide also include individuals who have scheduled follow-up appointments, which may make wait times appear longer. There are 125 current medical sick call requests, longest wait is 16 days. There are 4 current mental health sick call requests, longest wait is 1 day. There are 156 psychiatry sick call requests, longest wait is 33 days. There are 0 waiting for mental health specialists.

If there is a concern regarding an incarcerated individual that is waiting to be seen, they can be "bumped up" and seen sooner.

**8. New Business (1:37:37):**

**A. Motion for IIWF monies to be put on incarcerated individual accounts (1:37:37):**

**Councilman Catena (1:37:37):**

*Motion to request money from the IIWF to be put on the joint tablet commissary accounts of each person incarcerated at the ACJ. There are 1,503 folks currently incarcerated in the jail. \$100 for each person, for a total cost of \$150,300.*

***The board approved a motion by Councilman Catena, duly seconded by Judge Lazzara, to request money from Incarcerated Individual's Welfare Fund to be put on the commissary and tablet joint account of each incarcerated individual (1,503 individuals x \$100.00 = Total \$150,300).***

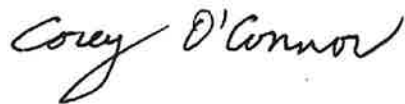
**B. Motion requesting to post and fill newly created liaison position (24:23):**

This was presented in Old Business.

**9. Adjournment (1:40:59)**

***Sheriff Kraus made the motion to adjourn, duly seconded by Controller O'Connor. The meeting adjourned approximately 5:30pm.***

Sincerely,

Handwritten signature of Corey O'Connor in cursive script.

## August 2022 JOB Public Comments

### Medical/ Health

Name: Nota Buyinit

Address: Pittsburgh , Pa 15211

Organization(s): County employee

Comment: Members of the board, could you please look into the recent information provided to the community that Mr. Fitzgerald has the NCCHC coming into the jail to investigate recent deaths? This is completely false information. The NCCHC is an accreditation that jails apply for. There has been members of the NCCHC walking around the jail for months looking around the jail and providing managment with issues to be resolved to become accredited. It is a joke that anyone would believe he just got someone in the jail that fast to do an investigation. Please, for the safety of inmates and frontline staff, could someone please look into this lie? We are going to continue to have more deaths and less staff if a real company isn't hired to investigate.

Name: Carol Nichols

Address: Pittsburgh, PA 15201

Comment: Fitzgerald contracting with the NCCHC to investigate deaths at ACJ is a step, but that will take months. What are the Jail Oversight Board and jail administration doing \*today\* about preventing more deaths? Especially in light of Ronald Andrus' death, the most recent of a long string of deaths of people in ACJ's custody. No one at ACJ has been sentenced to death; the jail's most basic job is to keep people in custody alive. You're failing.

Name: Malcolm Durrige

Address: Pittsburgh, PA 15207

Comment: I am grateful that the county has asked NCCHC to perform a review of deaths at ACJ, and I hope this is a step forward. I also have to ask, however, why the Jail Oversight Board was not consulted before the county made this decision? This is especially concerning as the County Executive has missed meeting after meeting of the JOB, and because the JOB has struggled to access any information about deaths even though they are statutorily entitled to that information. NCCHC are experts who will undoubtedly provide much useful data, but why bypass the JOB entirely?

### Food

Name: Richard Engel

Address: Pittsburgh, Pennsylvania

Comment: Can the public please see a list of the meals that were supposed to be served and of the meals that were actually served in the jail for the month of July 2022? June 2022? If not, why not? There are common complaints that there is very little food being served and that it is of inferior quality. Does the contract with the current food vendor include a requirement to document their work? Does the RFP to replace the food vendor require any new food vendor to document their work?

### Violence

Name: Brett Campbell

Address: Sharpsburg, PA 15215

Comment: The Board passed a motion in September 2021, almost a year ago, banning the use of guns and flash bangs in the jail. Earlier this year, however, Warden Harper said that the jail was in fact using those tools and would continue to do so. Are the rifles and shotguns the jail purchased still in use? If so, how frequently are they deployed?

### Miscellaneous

Name: Anonymous jail employee Concerned

Address: Pittsburgh, Pa 15219

Organization(s): Jail employee

Comment: Mr. Pularski, the illegal representative on this board, this question is for you since you illegally sit in for Mr. Fitzgerald every month. Could you please tell me how Mr. Fitzgerald can find time to go and talk to residents and businesses owners on the south side, but he can' not find the time to make it to a jail oversightboard meeting? A jail he is in charge of? Please do not respond by saying you can't speak for him, because you illegally do it every month. Please explain?

Name: Lu Randall

Address: Monroeville, PA 15146

lu@autismofpa.org

Organization(s): Autism Connection of Pennsylvania (our office is in Pittsburgh)

Comment: We can be the first in PA to support people with the hidden disability of autism in our jail. Autistic people: make disability-based social errors, get caught up in scams, are used to unknowingly commit crimes, or become homeless. They also have neurology-based behaviors that seem odd and are misunderstood by people who call 911. This disability can lead to charges and incarceration. But Autism is not screened for, so we cannot divert these people who need help. I've met with judges, doctors, and Warden Harper; all support putting an autism screener into the healthcare record. This requires a little funding. Please re-allocate costs to this, from savings due to the healthcare worker shortage, in this fiscal year. How may I follow up?

Name: Kiana Mayo

Address: Pittsburgh, Pennsylvania 15235

Comment: Bethany Hallam (Allegheny County Councilor) is on the jail's oversight board and is cited as saying [incarcerated people] being fed "ground-up bologna" instead of the meal posted on the menu for that day. Lack of food quality, kitchen sanitation, lack of staff, lack of proper medical care, discrimination, and violation of human rights is alarming. If the purpose of a correctional facility is to acclimate alleged criminals and convicted felons into society, lack of humane treatment and absence of compassion will contribute to the cycle of the repeated failures of the justice system to help incarcerated people on mental emotional and social levels. Would a more transparent list of expenses prompt those in charge to better assess spending?

Name: Rachel McGrady

Address: Wexford, PA 15090

Comment: (\*\*\*)This is a comment for Judge Howsie-- doesn't have to be read at the meeting(\*\*\*) I noticed that for the past couple meetings Judge Howsie has called Pat Catena's name instead of Bethany Hallam's during roll call. I understand Judge Howsie is new to the Board but he should know that County

Council President is allowed to assign a designee. Ms. Hallam isn't just temporarily "filling in" for Mr. Catena, nor is she serving as an illegal proxy like Steve Pilarski. She is a full member of the Board in the same way that Judge Howsie, as Judge Clark's designee, is a full member of the board. I don't think Judge Howsie would like it if every meeting started with Ms. Hallam asking why Judge Clark isn't there.....

Name: tanisha long

Address: Crafton , pa 15205

tanishaevonne@gmail.com

Comment: I would like to state that I am appalled by the behavior of the "chair" at the last jail oversight board meeting. Refusing to hear the public, refusing to hear motions, attempting to silence other board members, being argumentative, disrespectful, and rude. This aids in the dysfunction of the oversight board and works against the much needed public transparency. My hope is that we are working to aid the families of and the people currently incarcerated. These are PEOPLE. We need to treat them as such. I am embarrassed by what I witnessed at the last meeting.

# **EXHIBIT N**

The monthly meeting of the Allegheny County Jail Oversight Board, Thursday, September 1, 2022 held in the Gold Room at 4:00 P.M.

Recording available at <https://www.youtube.com/watch?v=3Joueh2IOR0> (Each agenda item is time stamped for referencing the YouTube recording)

**MEMBERS PRESENT**

**Judge Elliot Howsie**

**Councilwoman Bethany Hallam**

**Sheriff Kevin Kraus**

**Stephen Pilarski for County Executive Rich Fitzgerald**

**Terri Klein**

**Controller Corey O'Connor**

**Others in Attendance:**

Warden Orlando Harper

Chief Deputy Warden Jason Beasom

Deputy HSA Dr. Brinkman

Deputy Warden of Administrative Operations and Employee Development Blythe Toma

Deputy HSA of Behavioral Health Renee Madden

**1. Welcome, Call to Order and Rules (6:23)**

**Judge Howsie (6:23):**

Meeting called to order and roll call was taken. The rules for the meeting were recited.

Ms. Hallam objected to Stephen Pilarski voting on behalf of Executive Rich Fitzgerald.

**2. Presentation on Pitt School of Social Work Survey (7:21)**

**Erin Dalton, Director of the Department of Human Services (DHS) (7:21):**

DHS worked with the Pitt School of Social Work to conduct the survey. The survey was requested by the IWF Subcommittee of the Jail Oversight Board. The primary purpose of the survey was to determine how to effectively use the proceeds in the Incarcerated Individual Welfare Fund. It also provided a snapshot of conditions in the jail at that time. The funds used to conduct the survey were from the Incarcerated Individual Welfare Fund and the Department of Human Services. The data was collected late summer/early fall of 2021, which was in the height of the pandemic. Ms. Dalton went through the process of how the survey was disbursed and how confidential data was collected, acknowledging the significant efforts made by the jail and the Pitt School of Social Work to achieve an 89% response rate, with 72% providing open ended responses. Ms. Dalton added that DHS does partner with the jail to obtain feedback from incarcerated individuals on a regular basis. Ms. Dalton informed everyone that the survey was done while the jail was following CDC guidelines/lockdown orders and may not be illustrative of what is happening in the jail today. Ms. Dalton provided statistics that over half of the individuals booked at the jail are there for 15 days or less and this type of survey may over represent people who have been at the jail for a while. Also, to note that the incarcerated individuals that are there for less time may not have the opportunity to be provided long-term services and resources. Ms. Dalton is interested in conducting surveys like this again in the future.

**Dean Farmer, Pitt School of Social Work (12:28):**

Dean Farmer provided more detail of the process of how the survey questions were compiled. Pitt School of Social Work worked with the IWF Subcommittee on formulating the questions together. Dean Farmer reiterated that there was a high response rate and the jail was on lockdown due to the pandemic. Confidentiality of results was emphasized

to the respondents. The respondents received a Pepsi as an incentive to participate in the survey. Dean Farmer provided a summary of the survey results. Based on research it is believed that these survey results are representative. Dean Farmer wanted to note that 81% of the participants in the survey reported they had been in the jail previously.

In terms of basic needs, 28% of respondents said they have everything they needed to maintain basic hygiene and 82% of respondents said they purchased hygiene items from commissary. A list of items most frequently purchased was included in the report. The results were broken out by gender. In response to the questions regarding menstrual products, 29% of the women respondent's said they mostly had access to necessary products and 35% said the products they had were sufficient to meet their needs.

In terms of medical health, 66% of the respondents were either very unhappy or somewhat unhappy with the medical services within the jail. The 2 main concerns that were reported were wait time and not receiving proper medications for chronic conditions.

In term of mental health, standardized questions were asked. Approximately 50% of men and 44% of women responses suggested they have a likely diagnosis of a serious mental illness. Open-ended questions were not asked in this section, but some respondents did include additional comments.

In terms of comfort level, approximately 37% of respondents stated they were very uncomfortable and approximately 34% said they were somewhat uncomfortable in the jail. Only 25% stated they had sufficient clothes or covers to stay warm. Many respondents stated that they do not sleep well, which timing of sleeping medication seemed to be a common concern.

In terms of food, 72% of respondents stated very dissatisfied with the food. There were 76% of respondents that reported the food is not meeting their dietary requirements. There were 53% that frequently went to bed hungry and 35% that sometimes went to bed hungry. Many respondents were purchasing food items from commissary to meet their food needs and are unhappy with the costs of commissary based on open ended responses.

In terms of activities and services in the jail, respondents were utilizing the tablets greatly. Tablets were used as entertainment as well as connecting with family/friends as visitors were not allowed in the jail at the time of this survey. There were 94% respondents that used the tablet every day for a variety of activities. Only 4% of respondents stated they had enough money to cover paid material on tablets, with 34% stating never and 48% sometimes did not have enough. Around 75% of respondents had contact with their family at least once a week. There were 83% stating telephone and 72% stating tablet/video chatting was most frequent means of communication.

Some additional data regarding activities and services, keeping in mind the incarcerated individuals were on 23 and 1 lockdown during this time. In terms of exercising, men were exercising more and more satisfied with amount of exercise and types of exercise than women. There were 76% of respondents stating that reading was a usual activity and were reading quite often. Many respondents indicated they read well but would like to read better. Respondents also provided list of reading materials they are interested in. There were 57% of respondents that frequently or sometimes participated in religious activities at the jail.

The survey provides a summary of the information as well as tables of data collected for further detail.

The JOB was then provided an opportunity to comment and ask questions regarding the survey results. (30:14)

**Controller O'Connor (30:20):**

Mr. O'Connor made a motion to add the results to the meeting minutes, so they would be open to the public.



***The board unanimously approved a motion by Controller O'Connor, duly seconded by Councilwoman Hallam, to add the Pitt School of Social Work Needs Assessment Results to the minutes.***

**Survey Link: <https://alleghenycontroller.com/wp-content/uploads/2022/09/Pitt-School-of-Social-Work-ACJ-Needs-Assessment-Fall-2021.pdf>**

Mr. O'Connor suggested doing the survey more often. Jail Administration is looking at doing the survey annually at the least. There has not been discussion, at this time, that Pitt School of Social Work will conduct the survey again, but Dean Farmer agreed it would be beneficial to survey again coming out of the pandemic.

Mr. O'Connor requested a cost estimate from the commissary vendor for providing items around basic needs to the incarcerated individuals. Basic need items are currently provided on the pods and the jail administration is looking into expanding some of those items. Jail administration will provide a list of the most popular brands of basic needs items purchased on commissary with associated costs.

Mr. O'Connor requested a list of services/meetings being provided at the jail with a comparison of services that were provided pre-pandemic to where we are now. The services have increased since the survey was done, and the jail continues to monitor and implement more as COVID cases decline.

**Councilwoman Hallam (36:06):**

Ms. Hallam thanked Dean Farmer and everyone who assisted in getting this done. The Warden stated he received the survey results in early August. The Board was given the survey September 1<sup>st</sup>.

Ms. Hallam is concerned of the number of individuals that reported not receiving hygiene products. Warden Harper clarified that individuals coming into the jail receive "socks, t-shirts, underwear, soap, toothpaste, shampoo, all hygiene items they need". These items are also on the cell blocks and can be requested from a correctional officer. The incarcerated individuals purchase items off commissary if they do not prefer the ones provided. Ms. Hallam does not feel these items are provided to the incarcerated individuals, specifically mentioning access to toilet paper and menstrual products. The types of menstrual products were increased earlier this year when it was brought to the jail's attention. They have also been monitoring supplies and will continue to better as the population changes. Deputy Warden Toma mentioned that another survey will help determine whether the changes they have made over the last year have been impactful. Another change that is in the process based on survey results was an increase in the clothing provided. The jail has to look at how making a change will impact other services. Ms. Hallam requested the jail provide a list of changes they have made based on the survey results.

Ms. Hallam is concerned over the results in the medical section and the specific quotes provided by the respondents. Warden Harper reiterates what was stated earlier that this survey was in the height of the pandemic and did everything they could to provide service as quickly as possible. Medical staff at the jail have 4 minutes to respond to a medical emergency. Wait times on the day of the survey for non-emergency first appointment to medical was 8 days and 39 days for psychiatry. Ms. Hallam commented that incarcerated individuals are the only people in United States that have a constitutional right to healthcare. She is concerned about medications being given on time and the respondents reporting having to wait days for medications when they were coming into the jail. Ms. Hallam is concerned about respondents not getting adequate sleep and sleeping medications not given at correct times. Warden Harper confirmed, as previously reported, medications were given late during the height of the pandemic.

Ms. Hallam is also concerned about the results of survey in terms of food. Ms. Hallam requested information on what has been done in terms of rodent issues with food. The jail has an exterminator come twice a week and a food services RFP will be going out soon. The jail is cleaning and sanitizing more often as well. The current ACHD reports have a decrease in issues at the jail. Ms. Hallam is concerned that the dietary restrictions are not being reviewed by the correct individuals. This concern is being addressed with the new RFP for food services which is currently in review.

There was further discussion regarding the meal substitutions and reasons for substitutions. The contract for food services separates meals for incarcerated individuals and employees due to volume. Summit employees usually provide supervision the food preparation and service but occasionally officers and sergeants have done it due to staff shortages at Summit. The jail is hiring a contract compliance monitor and the management team are and will oversee the food process. Ms. Hallam suggested an emergency contract be put into place until new vendor is chosen to provide adequate food. Summit's contract was amended to add a protein supplement. The jail administration and the food vendor have corrective action meetings to address issues and concerns regarding the food service. The RFP will include more defined duties and responsibilities based on the concerns of the current contract.

Ms. Hallam is concerned regarding the mental health results. Every jail employee has received mental health first aid training. De-escalation training and crisis intervention training are in the works. Group services have increased and will continue to increase to pre-pandemic levels. To participate in a substance use disorder program the individual will have to apply, which they obtain by submitting a request to the substance use program. Once application is submitted and program criteria is met, they are able to participate in the program. There is a class size limit and currently a wait list for this program. If staff is accused of mistreating an incarcerated individual, the employee will have a hearing to determine if the infraction occurred. Ms. Hallam expressed concern regarding the lawsuits regarding mental health treatment in terms of use of force. Warden Harper reiterated the process as discussed in previous meetings using de-escalation techniques.

**Ms. Klein (1:13:37):**

Ms. Klein thanked Dean Farmer, the incarcerated individuals that participated and the jail staff. Ms. Klein was curious about DHS's payment for a portion of the survey. It was clarified the DHS supplemented an additional \$10,000 to the original \$20,000 paid for by IIWF to make sure there was enough resources to get a high-quality survey.

Ms. Klein is inquiring if there is anything that can be generalized from the survey to today. Dean Farmer does not feel she is in a position to do that and it would be speculation. She recommends repeating a modified version of the survey now while not in the height of the pandemic.

Ms. Klein requested that the subcommittee meet to discuss survey results and come up with suggestions on how to use the Incarcerated Individual's Welfare Fund.

Ms. Dalton added that the tablets were a strong investment using the Incarcerated Individual's Welfare Funds based on the survey results for that period of time.

Controller O'Connor requested a written response to the survey from the jail administration on things that have occurred since the survey. Warden Harper will look into it. Councilwoman Hallam requested to make a motion to ensure the jail administration provided a written response for the next meeting.

**Councilwoman Hallam (1:20:27):**

Councilwoman Hallam is concerned about the 23 and 1 lockdown. The jail is currently on split recreation but there are times where individuals do not get 4 hours a day out of cell time. Warden Harper stated he would provide Councilwoman Hallam information regarding any potential lockdown from the previous weekend.

Councilwoman Hallam expressed concern about staffing issues and how the jail administration will not provide information to the board despite a news article from today providing detailed statistics and staffing at the jail today compared to 2009. Warden Harper was not aware of any article. The jail administration was planning on presenting staffing information requested from President Pat Catena at the next JOB meeting. Councilwoman Hallam let the jail administration know the Jail Oversight Board is entitled to this information, as well as, information on deaths in the jail, any policies and procedures, any other information and will resort to subpoena powers of County Council and will ensure through court order or at the JOB meetings the jail administration will provide requested information.

**3. Review of the Minutes for August 24, 2022 (1:27:10)**

*The board unanimously approved a motion by Councilwoman Hallam, duly seconded by Terri Klein, to receive the Jail Oversight Board Meeting Minutes from August 24, 2022.*

**4. Public Comments (1:27:23)**

**A. Elaine Frantz (1:27:23):**

Ms. Frantz is concerned about the upcoming election and the access of people in the jail ability to vote. She is aware of the process that has been set up for incarcerated individuals to vote. Her concern is for individuals who are currently incarcerated and will still be in jail at the time of the election but have not been convicted of a felony, individuals who are currently incarcerated that are not sure if they will be incarcerated at the time of election, and individuals that will be arrested between now and Election Day. Ms. Frantz would like transparency on the steps the jail is taking to ensure all incarcerated individuals are given the opportunity to vote as well as education these individuals about their rights.

**B. Jay Ting Walker (1:29:41):**

Mr. Walker is concerned about the lack of compliance with the posted book policy on ACJ's website. Mr. Walker referenced Policy #430 stating it says only the Warden and Deputy Warden may reject materials, as well as that the jail administration will let the incarcerated individual and publisher know, in writing, regarding rejecting a book with the opportunity to appeal. Mr. Walker does not believe this policy is being followed and demands the JOB hold them accountable.

**C. Marion Damick (1:31:39):**

Ms. Damick is concerned about the money being spent to light up the bridges when the money could be spent on medical care at the jail, as well as the rat problem. Ms. Damick read through the vacancy report of the medical staff at the jail. She would like the county to spend the money where it is needed and to get people out of the jail to be productive citizens.

**D. John Kenstowicz (1:35:52):**

Mr. Kenstowicz is concerned about a potential conflict of interest by having the same vendor for commissary and food services at the jail. The economic incentive is high for the vendor to provide a low-quality meal to boost commissary sales. He recommends two separate RFPs be issued and a prohibition against a single vendor being awarded for both contracts. He also recommends providing valuable training for the liaison. He believes the liaison should have knowledge of the jail's policies and procedures. He recommends the liaison, as well as the JOB members, should have a copy of the NCCHC Standards for Health Services in Jails. Mr. Kenstowicz insists information from the jail should be disclosed to the public. He mentioned a study from Public Source stating Allegheny County Jail redaction of policies far exceeded other counties. He recommends the county contract with a correctional expert to conduct an assessment and make recommendations regarding the ACJ's practice of disclosing information to the public.

**E. Richard Garland (1:39:26):**

Mr. Garland is concerned about the education of juveniles at ACJ. He stated the correctional officer that was assigned to the Juvenile Education Unit was reassigned and a replacement has not been provided. He also stated that the juveniles are now staying on the housing unit for school. He is concerned there is no classroom and no access to computers. He is requesting the JOB make the change.

**F. Reverend Richard Freeman (Minister Ella Scales spoke on his behalf) (1:41:04):**

Minister Ella Scales read Reverend Richard Freeman's comment as he was unable to stay. Reverend Freeman is the President of the Pennsylvania Interface Impact Network and Senior Pastor of the Resurrection Baptist Church in Braddock, PA. Minister Scales presented 7 demands on a quest for justice and mercy for the incarcerated individuals that have lost their life. "1) Incarcerated individuals receive immediate medical attention, at their request, at no cost and the determination to provide care not to be left to the correctional staff. 2) Incarcerated individuals be given the ability to add, delete, or modify emergency contact information at their request during all stages of incarceration and custody and that this request be processed within 1 day of the ask. 3) Allegheny County Jail to notify the emergency contact and the Jail Oversight Board with complete details around the incarcerated individual's medical emergency, hospitalization, or death within 2 hours of any emergency event happening. 4) Family members or listed emergency contacts be allowed to immediate access to a hospitalized incarcerated individual. 5) Transparency into medical records of deceased incarcerated individuals. 6) Practical resources be made available for detainees and incarcerated individuals in the Allegheny County Jail. 7) A committee meeting with the Jail Oversight Board be held within 30 days of this demand that should be carried out."

There was discussion regarding making a motion to accept these recommendations. It was discussed that it would be addressed for next meeting.

**G. Reverend Rod Tate (1:44:46):**

Reverend Rod Tate stated he is the organizer of Pennsylvania Interface Impact Network and agrees with the demands of the previous speaker.

**H. Tanisha Long (1:45:13):**

Ms. Long was unable to attend the last meeting and is concerned that her online submitted comment was either not read or overly summarized. Her online comment referenced her concerns with the behavior of the JOB at the previous meeting. Concerned that people submitting comments online are not getting the full effect due to not being read or are being over summarized. Ms. Long commented that incarcerated individuals, as well as their families, have been voicing the same concerns as the results of the survey for years. Ms. Long expressed concerns about the excuse of Covid being used, the disrespect of the Warden, and the JOB members being stopped from asking questions.

**I. Juana Saunders (her sister, Diane, is reading on her behalf) (1:48:38):**

Ms. Saunders is the mother of Gerald Thomas Jr. who passed away on March 6, 2022. Ms. Saunders will continue to attend the meetings until incarcerated individuals are safe. Ms. Saunders is concerned of the effects that understaffing is having on the incarcerated individuals with 23-hour lock down, no rec time, and no visitation. Ms. Saunders believes nothing has changed in the last 4 months she has been attending meetings. Ms. Saunders is asking the board to make some changes.

Diane also stated her concern about the communication between jail administration and families. Diane believes there is no trust in the jail administration because of her experiences as an emergency contact for family members that are incarcerated in the jail. Diane states that she always has to reach out first.

**J. Brandi Fisher (1:52:49):**

Ms. Fisher commented on how she would like to know some of the answers of items that were raised during public comment. Ms. Fisher is concerned that there is no accountability of the issues going on at the jail and the Board's lack of emotion from hearing the results of the survey. Ms. Fisher expresses concern regarding what is being done in the jail to address all the issues that are being raised. Ms. Fisher commented on how incarcerated individuals are still in solitary confinement even with the ordinance in place. Ms. Fisher believes there has been no change.

**K. Sharon Bonavoglia (1:56:45):**

Ms. Bonavoglia stated the names of all the incarcerated individuals that have recently passed and believes the board should read those at the beginning of every meeting, "Richard Lenhart, Robert Blake, Cody Still, Daniel Pastorek, John Brady, Martin Bucek, Robert Harper, Vinckley Harris, Justin Brady, Paul Allen, Roger Millsbaugh, Paul Spisak, Gerald Thomas, Jerry Lee Ross Jr., Victor Joseph Zilinek, Ronald Andrus." Ms. Bonavoglia praised the public that attends the meetings as well as the board members that speak out. Ms. Bonavoglia is concerned that the Warden has been in this position for 10 years and has not been held accountable. Ms. Bonavoglia is planning on attending JOB meetings going forward and thanked Ms. Damick for her commitment to continue to show up.

**L. Ciora Thomas (2:00:20):**

Ms. Thomas was unable to stay to present her comment.

**M. Tim Stevens (2:00:26):**

Mr. Stevens, on behalf of B-PEP, requests that the Pitt School of Social Work survey be reviewed by the jail and board members, collectively, within the next 2 weeks. Mr. Stevens also requests that everyone respect Ms. Hallam. Mr. Stevens commented on the lack of passion of the board while reviewing the survey results. Mr. Stevens believes this is inhumane treatment and a large percentage of the people in the jail have not been found guilty. Mr. Stevens commented that the board should not permit this to happen. Mr. Stevens believes the jail should provide incarcerated individuals with all the basic items they need. Mr. Stevens requested that all incarcerated individuals be permitted to watch a video, created by B-PEP for individuals in jail, and be provided an opportunity to vote.

There was further discussion regarding clarification on the number of incarcerated individuals in ACJ that are convicted of a crime.

**5. New Business (2:06:57):**

Councilwoman Hallam inquired as to whether the NCCHC audit has begun. The jail administration did not enter the contract with the NCCHC audit for investigating deaths in the ACJ yet, so all questions need to be referred to the County Manager's office. At this time, no documentation has been requested from the jail for that audit. The contract has not been signed yet.

There was also discussion regarding female or non-binary juveniles are brought into the jail. They are housed separate from the juvenile males. The police officer that brings the juvenile to the jail will provide committing documents for the juvenile being charged as an adult. Councilwoman Hallam requested Warden Harper to find out who signs the committing documents.

**A. Motion for IIWF monies to be put on incarcerated individual accounts (2:12:14):**

**Councilwoman Hallam (2:12:37):**

*Motion to request money from the IIWF to be put on the joint tablet commissary accounts of each person incarcerated at the ACJ. There are 1,479 folks currently incarcerated in the jail. \$100 for each person, for a total cost of \$147,900.*

***The board unanimously approved a motion by Councilwoman Hallam, duly seconded by Controller O'Connor, to request money from Incarcerated Individual's Welfare Fund to be put on the commissary and tablet joint account of each incarcerated individual (1,479 individuals x \$100.00 = Total \$147,900).***

Judge Howsie received a letter from Summit stating they will answer questions in writing and/or attend a meeting if necessary. There was discussion as to whether it was appropriate and fair to other potential bidders

for Summit to attend in person due to being in the middle of the RFP process. Judge Howsie suggested the board submit questions regarding food service in writing regardless if Summit will be attending in person or not.

Judge Howsie also informed the board the Ms. Moss fell and has been unable to attend the last 2 meetings. He asked that you keep her in your thoughts and prayers.

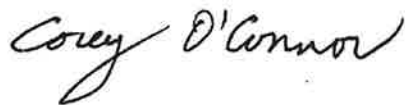
Judge Howsie thanked Ms. Klein for her commitment. Her birthday was the same day as August's meeting and her wedding anniversary was the same day as this meeting.

Controller O'Connor acknowledges a new staff member, Ankur Sakaria, Criminal Justice Attorney, at the Controller's Office that will be assisting and reaching out to all the board members.

**9. Adjournment (2:19:03)**

***Sheriff Kraus made the motion to adjourn. The meeting adjourned approximately 6:30pm.***

Sincerely,

A handwritten signature in cursive script that reads "Corey O'Connor". The signature is written in black ink and is positioned below the "Sincerely," text.

## September 2022 JOB Public Comments

### Weapons/Violence

Name: Brett Campbell

Address: Sharpsburg, PA 15215

Comment: Judge Howsie read my question at the last meeting but did not allow for any discussion so I am asking it again. I would really, really, really like an answer to this question. The Board passed a motion in September 2021, almost a year ago, banning the use of guns and flash bangs in the jail. Earlier this year, however, Warden Harper said that the jail was in fact using those tools and would continue to do so. Are the rifles and shotguns the jail purchased still in use? If so, how frequently are they deployed?

### Food

Name: Jane Adams

Address: Pittsburgh, Pennsylvania 15208

Comment: What nutritional guidelines does the dietician use to prepare menus for incarcerated persons and employees at the jail? Do ACJ managers or personnel assist in creating or reviewing these guidelines?

### Books

Name: Tanisha Washington

Address: Pittsburgh, PA 15213

Comment: Barnes & Noble is an authorized book seller for the Allegheny County Jail. However, ACJ has been rejecting books purchased from Barnes & Noble if there is no paper copy receipt. This is unfair. The Barnes & Noble warehouse that sends books to ACJ has gone paperless, meaning there is no paper copy of the receipt in the book shipment. Why is ACJ rejecting book shipments on this basis? What can be done to guarantee that inmates receive their books?

### Medical/ Health

Name: Rachel McGrady

Address: Wexford, PA 15090

Comment: Why was NCCHC inspecting the jail recently? Did they already complete their review of deaths at ACJ?

Name: Malcolm Durrige

Address: Pittsburgh, PA 15207

Comment: I feel like there is some confusion about why ADA compliance keeps coming up at meetings. To be clear, the Americans with Disabilities Act covers more than employment discrimination and other HR issues. The ADA also requires that "qualified inmates or detainees with disabilities are not discriminated against, denied benefits to which they are entitled, or excluded from programs, services, or activities for which they are eligible." [Fact sheet here: <https://adata.org/factsheet/corrections>]. The concern is that the jail's Tier System may discriminate against individuals with psychiatric disabilities by denying them benefits and/or excluding them from programs, services, and activities. Can the county PLEASE just look into this???

### Miscellaneous

Name: Holiday E Adair

Address: Pittsburgh, PA 15228

Comment: Sheriff Kraus supervising Prison Liaison is a conflict of interest July minutes of the JOB: "The JOB will supervise and direct the actual work performed by the liaison" Conflict of interest to let prison lawyer Mr. Bacharach decide what information the Jail can share with the JOB It is unacceptable that Warden Harper and Mr Bacharach continue to comply with simple requests Example Is the jail ADA compliant? Has come up for 3 JOB meetings JOB members have staff who can find out Failure to make data-based decisions despite having data at hand is amazing Rethinking the Jail consultation project needs accurate data Warden Harper is ignorant of proper statistical analysis (skewed report of prison deaths)750 limit violates 5 min. allowed!

Name: Carol Nichols

Address: Pittsburgh, PA 15201

Comment: Why do you even bother taking questions from the public if you're not going to answer them? Why can't the jail and the Jail Oversight Board be as open with the public about how our tax dollars are being spent as other jails?

Name: Savanna M Green

Address: Wilkesburg, PA 15221

Comment: I just want to give a SHOUT OUT to Judge Lazzara, Terri Klein, and Bethany Hallam for their dedication to the Board. I'm really excited to see what happens next with the JOB Liaison position and the IJWF Committee. Keep up the good work!!!

Name: Miracle Jones

Address: Pittsburgh, PA 15219

Organization(s): 1Hood Power

Comment: Good Afternoon Jail Oversight Board, My name is miracle jones, and I am a resident of Allegheny County. I am reaching out to you because there are people in the jail who are not only able to register to vote but also vote in this election. It is imperative to ensure the right to vote is protected and accessible for the most vulnerable of our populations. To that end, I ask that you to ensure the jail administrative decision-maker develops a public and detailed policy that affirms eligible voters in jail will be provided with an opportunity to register as well as vote in this and future elections. Thank you for your time and understanding.

Name: James Sullivan

Address: Pittsburgh, PA 15221

Comment: Inmates at ACJ haven't been able to get hard copies of the grievances they've submitted electronically on their tablets. What should they do? How long does this process take? Who is responsible for overseeing this process?



**VERIFICATION**

I, Rachel C. Radke, state that I am a Plaintiff in the foregoing matter and that the facts set forth in the foregoing Amended Complaint are true and correct to the best of my knowledge, information and belief. I further understand that false statements made herein are subject to the penalties of 18 Pa. Cons. Stat. § 4904, relating to unsworn falsification to authorities.

Date: 8/18/2023

  
\_\_\_\_\_  
Rachel C. Radke

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial courts* that require filing confidential information and documents differently than non-confidential information and documents.

/s/Witold J. Walczak  
Witold J. Walczak

**CERTIFICATE OF SERVICE**

I, Witold J. Walczak certify that on August 18, 2023, I filed the foregoing, **AMENDED COMPLAINT IN CIVIL ACTION**, via the Court's electronic filing system, which will provide notice to all counsel of record. I also served the forgoing **AMENDED COMPLAINT IN CIVIL ACTION** via e-mail and U.S. mail, postage prepaid, upon the following:

John A. Bacharach  
Assistant County Solicitor  
300 Fort Pitt Commons  
445 Fort Pitt Boulevard  
Pittsburgh, PA 15219  
[John.Bacharach@Alleghenycounty.us](mailto:John.Bacharach@Alleghenycounty.us)

*Counsel for Defendant*

/s/Witold J. Walczak  
\_\_\_\_\_  
Witold J. Walczak