

Call to Order:

A meeting of the Fayette County Prison Board was called to order on Wednesday, March 26, 2014 at 9:15am at the Fayette County Courthouse, Uniontown, Pennsylvania 15401 by Sheriff Brownfield.

Roll Call:

The Following Board Member(s) were Present at the Time of Roll Call:

Sheriff Gary Brownfield
Controller Sean Lally
Commissioner Alfred F. Ambrosini
Commissioner Vincent Zapotosky

The Following Board Member(s) was Present after Roll Call:

District Attorney Jack Heneks 9:21am
Commissioner Angela M. Zimmerlink 9:32am

Moment of Silence

Pledge of Allegiance

Approval of January 2014 Meeting Minutes:

Moved by Controller Lally and Seconded by District Attorney Heneks:

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

Motion Passed Unanimously

Amend the Agenda:

Commissioner Zapotosky said at the last meeting he made a motion to amend the agenda to establish some level of protocol with either Prime Care and/or any other agency (such as Fayette County Drug & Alcohol) to establish protocol for inmates who are coming in under the influence of some sort of substance (whether it is alcohol or drugs). The motion to amend did pass but however failed to be finalized in a resolution form.

Moved by Commissioner Zapotosky and Seconded by Sherriff Brownfield to Amend the Agenda as he Just Indicated:

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

Motion Passed Unanimously

Commissioner Zapotosky stated he would like to make that motion to work with the proper social service agencies, the warden and councilors to develop a set of protocols in regards to inmates that are coming in under the influence of some form of addiction (whether it be alcohol and/or drugs) with respected agencies with the county and/or the county's current contracted medical provider (Prime Care).

Moved by Commissioner Zapotosky and Seconded by Controller Lally:

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

Motion Passed Unanimously

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

None

Approval of February 2014 and March 2014 Bills:

Sheriff Brownfield asked if there is anything outstanding.

Warden Brian Miller answered no.

Commissioner Zapotosky said he will pass all items with the exception of money owed to out of counties. There is not a full prison board here. One member seems to have the answer to the county's woes regarding the outside rentals and he would like that person to explain the \$170,000.

Controller Lally stated the checks have already been cut.

Commissioner Zapotosky said he acknowledges that under protest. He highly recommends the member of the prison board formulate some approach to making restitution on the rental cost. He ask Commissioner Ambrosini if he agrees.

Commissioner Ambrosini answered he agrees. He is sure that everyone in the room has some understanding of how much work was done over last year and half or so to solve some of the problems (overcrowding, wasted money on outside rentals, and wasted money on inefficiencies) in the existing facility in which it stands.

Commissioner Zapotosky stated the current amount is \$170,000.

District Attorney Heneks said to his understanding, the amount is \$125,727.29 for January. From the judicial system stand point, daily strives have been made to reduce the jail population. They are trying to get state sentences that would be county sentences. They have been making efforts, using day reporting, and other devices but numbers are still consistent.

Commissioner Ambrosini stated he wants to thank the district attorney for his efforts in alternative sentencing to help reduce the increase of the jail population.

Commissioner Zapotosky said the population is not decreasing, just not escalating beyond the county's control.

Commissioner Ambrosini stated that is correct. Statistics not only in Pennsylvania but across the nation are the same. There are a lot of bright people trying to fix the jail problem. No body across the great country knows how to reduce the population of their prison. All that can be done is to lessen the increase. The courts and the district attorney's office is doing a great job in reducing the growth. The population is increasing, none of the experts are predicting that it will stop and as history has shown nobody has. Going forward to find solutions still needs to continue. The new justice center and the temporary annex are the solutions. The county will continue to forge ahead to result in solutions to the problems.

Controller Lally said the counties problems are not unique. He pulled a report from former Auditor General Jack Wagner. It states Pennsylvania's inmate population on the state level in 1980 was 8,243 and in 2014 is 61,146. The overall numbers was 1.17 billion in 2010 to 1.6 Billion in 2014 (37% increase in two years).

Commissioner Zapotosky asked if everyone is in objection to what the county is undertaking in regards to construction of a needed facility in a timely manner. Taxes are being lowered and

additions are being built in other counties. Some people may disagree with the approach or location. He asked if everyone agrees something needs to be done.

District Attorney Heneks stated the board is on record for that.

Commissioner Ambrosini said the county is also paying corrections officers in other counties.

Sheriff Brownfield stated he commends the commissioners for taking the steps they have. If the former board of commissioners would have taken the steps, a new prison would have been built. When the \$350,000 study was done, it stated the population by 2010 would double, and it has tripled. With the economy the way it is, he can't see things getting any better.

Commissioner Zapotosky asked Sheriff Brownfield how many years of service he has.

Sheriff Brownfield answered with 45 ½.

Commissioner Zapotosky stated he has the expertise to make his comments without challenge.

District Attorney Heneks said he only has 33 but he agrees. The county's doing its best within their limited system to try to contain the cost but it's a feudal effort without a new facility. A facility is needed to commentate in house drug and alcohol where the efforts now are not very effective causing recidivism. The more options there are the less recidivism there is, the more the citizens can be protected and the more taxpayers can be protected from expenses.

Sheriff Brownfield stated Commissioner Zimmerlink has entered the meeting.

Commissioner Ambrosini said there has been a number of prison studies done. Most of those have been done prior to 2002 and one was done in 2006. The one done in 2006 talked about treatment and the first recommendation stated because the county does not have the facilities, the treatments can't be implemented. The other studies he read when he first started all said the same thing. They predicted the rate of increase, overcrowding, expenses occurring now, and inefficiencies. It should be clear to any reasonable person, understanding that the discussions made were to move forward and find the solutions to the problems. The county is taking advantage by going up and beyond and working with all of their agencies (mental health, children and youth services, drug and alcohol) to develop the programing needed to help the inmates they can. The county is also developing a relationship with Penn State University to start an internship program with the jail. Penn State has criminal justice and sociology programs that are well matched with what needs to be done in the walls of the new facility to help people. The internship program will help the employees stay on their toes to help the interns and in additional it will show the inmates the county is trying to help them. This will help them develop self-esteem and they will accept the help. Recidivism rates will approve. If they can become productive citizens then it will improve public safety for the community. Federal funding will be acquired for research programs through the internship program through Penn state University. Once the new facility is built, the improvements don't stop. The county has to be involved in a continuous improvement process.

Commissioner Zapotosky stated the county had lost a chance to attain \$750,000 of federal funding because statistical data was not available which would have allowed for job retraining. He has hopes of programing to be backed up by statistical data so grant money will be available. He also looks forward to when inmates can be helped (regardless of the mistakes they made) to come back into society and be productive and provide for their families and themselves.

Commissioner Zimmerlink said (in September 2006 or 2007) the prison board minutes states her discussing the future of crowding all though the current situation was very minimum. Everyone agreed. Numbers were given of out of county rentals. Issues needed addressed at the time because of information that was received. Issues need addressed now for future years. It was decided based on prior 2003/2004 the then board of commissioners took out a bond for the annex, using phase 1 and phase 2 to address it. They weren't ignoring the problems like prior years because if they were they would not have built the annex and done the studies. In that meeting, the prison board addressed all of the studies that have been done. The CJAB board had been created. The RFP's were done to look at alternative sentencing, alterative housing, and everything. The motion was unanimous. What was to be done at that time was to continue on the phases and look at other options. The decision makers at the time were the commissioners and the prison board (Hardy, Vicites, Zimmerlink, Sheriff Brownfield, Controller Mark Roberts, District Attorney Nancy Vernon, and Judge Wagner).The issue was addressed. They saw what the past rentals were and what the potential could be. She asked Sheriff Brownfield how it wasn't addressed. It was totally inaccurate for people to say it wasn't. Vicites even went to CCAP for funding which he was told CJAB was needed. Everyone was on the same page. Treatment courts were prepared. It's not up to everyone in this room or the commissioner's office regarding sentencing, it's up to the Pennsylvania state guidelines and the courts. She asked Sheriff Brownfield if he changed his mind between 07 and now with implanting the treatment courts and alterative housing.

Sheriff Brownfield stated he has seen the population double then triple. More money is being spent.

Commissioner Zimmerlink said in either 2006 or 2007, the phases were to be continued.

Sheriff Brownfield asked how the phases fail through the cracks.

Commissioner Zimmerlink answered when the Kimball study stated to build 120 beds virtual structure here (phase 2) for 6.7 million dollars, no one wanted to bite the bullet. It was election year.

Commissioner Zapotosky stated 2006 and 2007 is respectfully seven, eight years ago and a lot of things have changed.

Commissioner Zimmerlink said to look at the bed numbers for out of county rentals, not the cost. Obviously the year to year cost goes up. The prior warden never said the place was falling down and now it is? She asked when the number of out of county rentals increased. She and a lot of people know the answer to that. The prior board of commissioners authorized the studies, not her. Commissioner Zapotosky could have made a motion at a meetings. She asked him why he didn't and he said he didn't have a second. This needs to be put into perspective. It just can't be said that people have ignored the prison issue.

Sheriff Brownfield stated if action is not taken now then the cost will be passed on to the kids. If action would have been taken before, the prison cost would have been half the cost as it is now.

Commissioner Zimmerlink said the past four years she has not heard anything.

District Attorney Heneks stated since he wasn't a member of the prison board back then, this whole discussion is irrelevant. The problems that exist right now in his office on a daily basic is what should be discussed.

Commissioner Ambrosini stated the fact of the matter is the prison board doesn't make these decisions, they make recommendations. The only thing that matters according to county code is that the commissioners make these decisions. This is a leadership issue that commissioners need to make. He said when he first came into office (about two years ago), Commissioner Zapotosky said there is a big problem, which is the jail. He doesn't think anyone would argue with that. A good process has been embarked on to get many stakeholders involved and create a project team so an evaluation can be conducted on all angles of the problem and the best most cost efficient decisions can be made for the taxpayers of Fayette County. Since this is being done, there will be a lot of other good things done to reduce recidivism, help people, and so forth. It is the ability of county leadership to stand up and do the right thing.

Commissioner Zapotosky said he respectfully disagrees with one aspect. Yes, the commissioners are the leaders but the prison board plays a role. This is a group of members that has significant backgrounds in law enforcement so they understand the needs the county is facing. It is the board's duty and reasonability to make sure the employees are in a venue that is safe for them, the inmates, and visitors.

Population Report for February 2014 and March 2014:

Warden Brian Miller reported the following:

249 inmates are housed in Fayette County Prison (217 Males and 32 Females).

43 in other counties (All Males).

24 inmates waiting to go to state.

14 court orders.

10 others are still waiting.

20 to 25 possible increase in Inmates with Criminal Court Week.

Commissioner Zimmerlink asked Warden Brian Miller if he combined February and March.

Warden Brian Miller answered that is today's count.

Commissioner Zimmerlink asked Warden Brian Miller what the population report is for February and what the population report is for March.

Warden Brian Miller answered February is 265 and March is 252.

Commissioner Zimmerlink asked Warden Brian Miller if he has the out of town rental number for January, February, and March.

Warden Brian Miller answered he does not have that information with him.

Commissioner Zimmerlink asked Warden Brian Miller if 43 out of county is only for March.

Warden Brian Miller answered yes.

District Attorney Heneks asked if the 252 number is both males and females.

Warden Brian Miller answered yes.

Controller Lally stated from a business perspective, in the last six months, the county has spent \$21,083.66 in wages and FICA for suspensions from the prison. In addition to that another \$3300 will be added for this month giving a grand total of \$24,383.66. The board needs to be more prudent in solving these problems. The possibilities were talked about on what to do concerning paid and unpaid suspensions. This needs to be discussed further.

Court Administrator:

None

Personnel:

Human Resource Director Dominick Carnicella said there is three possible disciplinary action matters to discuss. And there are new hires as well.

Moved by Commissioner Zapotosky and Seconded Commissioner Ambrosini to Enter into an Executive Session:

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

Motion Passed Unanimously

Executive Session: 10:14am

Moved by Commissioner Zapotosky and Seconded by Sheriff Brownfield to Return to Regular Session:

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

Motion Passed Unanimously

Human Resource Director Dominick Carnicella said to please consider removal of three part time corrections officers (Kenneth Dingler, Keith Ventor, and Michael Heilman) within their probationary period effective immediately.

Commissioner Zapotosky asked if it was failure to show.

Human Resource Director Dominick Carnicella answered yes.

Moved by Commissioner Zapotosky and Seconded Sheriff Brownfield:

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

Motion Passed Unanimously

Human Resource Director Dominick Carnicella stated to please approve to hiring Marissa Murray as a part-time corrections officer at \$15.62 per hour effective April 7th, 2014.

Sheriff Brownfield asked if everything was done by protocol.

Human Resource Director Dominick Carnicella answered yes.

Moved by Sheriff Brownfield and Seconded Commissioner Zapotosky:

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

Motion Passed Unanimously

Human Resource Director Dominick Carnicella said to please consider approving Henry Cumberland as a part-time corrections officer at \$15.62 per hour effective April 14th, 2014.

Moved by Sheriff Brownfield and Seconded Commissioner Zapotosky:

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

Motion Passed Unanimously

Human Resource Director Dominick Carnicella stated to consider approving a three day unpaid suspension plus restitution for Shawn Jewel Bush effective immediately.

Sheriff Brownfield asked if it was already served.

Human Resource Director Dominick Carnicella answered it will be retro actively applied.

Moved by Sheriff Brownfield and Seconded Controller Lally:

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

Motion Passed

District Attorney Heneks said he abstains because he did not take part of that discussion.

Sheriff Brownfield asked when he can return back to work.

Human Resource Director Dominick Carnicella answered it is pending the completion of the ESP program.

Sheriff Brownfield asked if he will get paid for that time.

Human Resource Director Dominick Carnicella answered it could be a paid leave of time. He will be in touch with him immediately on that.

Controller Lally asked if EAP could be explained.

Commissioner Zapotosky answered employment assistance program. Required pursuant federal statute. It must provide employees with the opportunity to seek any assistance program they may need or the employer feels they need. It's a federal law.

Human Resource Director Dominick Carnicella stated to please consider approving the ten day unpaid suspension of Gerald Michael Strickler and EAP program. This will also be retro actively applied.

Sheriff Brownfield asked if there are any stipulations.

Human Resource Director Dominick Carnicella answered completion of the EAP program.

Moved by Commissioner Zapotosky and Seconded by Controller Lally:

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

Motion Passed Unanimously

Human Resource Director Dominick Carnicella stated to consider approving a 30 day unpaid suspension of Crystal Jacobs and her return is conditional upon her ability to perform the duties of the job and that is to be applied retro actively.

Commissioner Zapotosky asked Dominick if he is going to be speaking to Ms. Jacobs in regards to other matters that cannot be discussed pursuant to HIPPA.

Human Resource Director Dominick Carnicella answered that is correct.

Moved by Commissioner Zapotosky and Seconded by Controller Lally:

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

Motion Passed Unanimously

Human Resource Director Dominick Carnicella said in establishing a procedure in regards to removal from work pending the results of the investigation. During an investigation when an employee is removed from the work place the pay should be withheld. Once the investigation is completed, if no suspension or termination is warranted then the employee shall be given the amount of money owed to them for the number of days they were removed from work.

Commissioner Zapotosky stated the process will be handled timely manner.

Human Resource Director Dominick Carnicella said however if disciplinary action may be warranted, a Loudermill hearing shall be held when applicable prior to the prison board considering whether to purpose unpaid suspension or termination. If a suspension or termination is approved by the board, the action shall be effective from the first day the employee was removed from work. If the employee receives an unpaid suspension, that employee shall be paid the difference between the number of days their pay was withheld during the investigation and the number of days of the unpaid suspension. That is to be effective immediately.

Prison Employee asked if this is just now being voted in. Her pay was withheld. Shawn Bush and Mike Strickler was paid. She said Dominick is covering himself by voting this in today.

Human Resource Director Dominick Carnicella stated this is something the prison board has asked to be reviewed and considered.

Prison Employee said Dominick waited until her union rep was out of town and pulled her check.

Human Resource Director Dominick Carnicella said there was a recommendation. He can give no further comment on this.

Prison Employee stated the board voting on this after this was done to her is to make this legal.

Human Resource Director Dominick Carnicella said this is not pertaining to her.

Moved by Commissioner Zapotosky and Seconded by Controller Lally:

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

Motion Passed Unanimously

Public Comment:

Union President/Corrections Officer Mr. Hicks stated he would like to make a comment in regards to the new policy. It seems this would not allow the officer to retrieve their property. The whole point of having Loudermill is to guarantee that does not happen. When an allegation

is investigated, why does the officer/employee have to be put on hold until the investigating body makes a decision? What just happened was delayed for more than two/three months. **Commissioner Zapotosky** said that why he said the investigations will be handled in a timely manner.

Union President/Corrections Officer Mr. Hicks stated he understands that. That can be said but the meetings planned had circumstances that came up that stopped them from happening. The employee's jobs and incomes are taken away so they become devastated. This particular instance had taken so much time.

Sheriff Brownfield said the time taken on this instance is inexcusable and it will not happen anymore.

Adjournment:

Moved by District Attorney Heneks and Seconded by Commissioner Ambrosini:

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

Motion Passed Unanimously