

Call to Order:

A meeting of the Fayette County Prison Board was called to order on Wednesday, April 30, 2014 at 9:15 A.M. 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 Angela Zimmerlink

The Following Board Member(s) were present after Roll Call:

- District Attorney Jack Heneks
- Commissioner Vince Zapotosky

Moment of Silence

Pledge of Allegiance

Approval of March 2014 Minutes:

Moved by Controller Lally and Seconded by Commissioner Ambrosini:

- | | | |
|--------------------------------|---|------------|
| Controller Lally | - | Aye |
| Sheriff Brownfield | - | Aye |
| Commissioner Ambrosini | - | Aye |
| Commissioner Zimmerlink | - | Aye |

Motion Passed Unanimously

Public Comment of Agenda Items:

Sheriff Brownfield asked if there were any public comments on agenda items.

William Jones asked if the board was aware of Reverend Sander’s background.

Sheriff Brownfield stated, that they are aware of this matter and it will be addressed at the Executive Session.

William Jones stated, that he was also fired from his last job.

Approval of April 2014 Bills:

Sheriff Brownfield asked if there were any comments to be made regarding April bills:

Warden Brian Miller said no.

**Commissioner Zapotosky entered meeting.*

Moved by Commissioner Zimmerlink and Seconded by Commissioner Zapotosky to approve April bills.

- | | | |
|--------------------------------|---|------------|
| Sheriff Brownfield | - | Aye |
| Controller Lally | - | Aye |
| Commissioner Ambrosini | - | Aye |
| Commissioner Zapotosky | - | Aye |
| Commissioner Zimmerlink | - | Aye |

Population Report for April 2014:

Warden Brian Miller stated, that we have 249 inmates housed in Fayette County Prison with 211 males and 38 females. He also said there are 14 in Butler County, 6 in Bedford County and 17 in Greene County.

All the inmates are males outside of Fayette County.

Commissioner Zimmerlink asked are there any State inmates to be transferred?

Warden Brian Miller stated, that there are 16 inmates.

Sheriff Brownfield asked we got the orders?

Warden Brian Miller stated, it will be soon.

**Note District Attorney Heneks had entered the meeting.*

Warden Brian Miller stated, that 31 inmates 2 weeks ago was waiting to be transferred to DOC and SCI PGH and he said he spoke with them and they would only take 14 every 2 weeks. We planned to take the others to SCI CampHill Western intake; however they said they will not take any.

Commissioner Zapotosky asked if these are inmates that have a state sentence?

Warden Brian Miller said we hold them at this time.

Commissioner Zapotosky asked if they compensate us, he said he thinks it is a point of order that we address the state. We do enough free work for the state I don't understand why they are, by order of the court "shirking" their responsibility.

Warden Brian Miller stated, that he asked that same question, and that SCI PGH are in the same situation we are in.

Commissioner Zapotosky stated, he doubts that if you look at their budget that they are in the same situation we are in. He suggested that we address the state regarding this matter, also need to address the state regarding numeration for the inmates, we are housing on our dollar.

Warden Brian Miller said these are the new commit inmates that have been given a state sentence.

Sherriff Brownfield said they can't take that many prisoners.

Commissioner Zapotosky asked, is there any opinion from the board on this?

District Attorney Heneks explained that new commit inmates are those just sentenced by a judge to state sentence.

Commissioner Ambrosini asked how many of those inmates do we have.

Warden Brian Miller said we had 32 inmates, now we have 16.

Warden Brian Miller stated, they will take 14 inmates every 2 weeks.

Commissioner Zapotosky asked so on a daily basis how many inmates are we housing?

Sheriff Brownfield said 18 inmates.

Commissioner Zapotosky asked, what does this cost the County?

Warden Brian Miller stated \$48 an inmate.

Commissioner Zapotosky stated, \$48 adds up pretty quickly over the course of 30 days. I don't know if this board is in agreement, but I think we should address the state on this.

Attorney Jack Heneks asked Sheriff Brownfield if those are the inmates that going to go to western?

District Attorney Heneks stated, we used to send them to CampHill.

Controller Lally asked from a legal perspective, can't we force payment from state?

District Attorney Heneks said we can sue them.

Controller Lally stated, let me know how that goes for you.

Commissioner Zimmerlink stated, I did make an inquiry about this subject to DOC in Harrisburg, but have not hear back yet. I will look for the copy and when I find it I'll let you know.

Commissioner Zimmerlink asked Warden Miller how many inmates were there last month. She said that the minutes last month said 14.

Warden Brian Miller agreed.

Commissioner Zimmerlink stated, I asked the court administrator Tammy Lambie, and she said that the intake at, DOC was who to contact,has not received no response.

Controller Lally asked if the DOC that was contacted in Harrisburg?

Commissioner Zimmerlink said yes.

Sheriff Brownfield asked District Attorney Heneks is 18 inmates generally the amount we hold?

District Attorney Heneks said we have a different plea court judge each month, and they get the plea. The judge tells us, probation officer, defense council, and defendant. If they can do the present sooner that would speed up the process.

Sheriff Brownfield asked is plea court once a month?

District Attorney Heneks said it is once a month, the sentences that are generated from those pleas are spread out. The judge has dates from a month to two months from the time of plea to the time of sentencing. The process is sped up. We are trying to get them out as fast as we can, twenty or thirty a month.

Sheriff Brownfield stated, about \$3000 is our expense.

District Attorney Heneks agreed.

Warden Brian Miller stated, that's what they will accept from us; the bigger counties they may accept more, though you have to remember they closed 2 State Institutions.

District Attorney Heneks said it is kind of ironic that we have an institution in Fayette County theoretically, we could use, but they don't accept those kind of inmates.

District Attorney Heneks said very few of our inmates go to Fayette, the corrections policy is too send them to Western Penn.

Sheriff Gary Brownfield asked are they are there for thirty days?

Commissioner Ambrosini asked District Attorney Heneks after the inmates are sentenced and court order is issued, when does the actually jurisdiction switch from the county to the state?

District Attorney Heneks said the Judge's orders states, that I direct the sheriff's office to take inmate immediately to the State Correctional Institution in Western PGH. Even if they appeal they are out of our jurisdiction. Once the judge sentences, he has authority for ten days to file a modification request, and then after the ten days, or after they file an appeal, they can file that within 30 days, but that doesn't restrict the delivery of the prisoner to the state institution.

Commissioner Ambrosini said that from a legal standpoint the state is responsible the same day.

Sheriff Gary Brownfield said, once they receive court order the inmates are gone within 24 to 48 hours.

Warden Brian Miller stated, once the judge sentences the inmate and the paperwork goes through the 300 B, it may be a week or two before we get the paperwork.

District Attorney Heneks stated, that there is a collateral issue. Sometimes the restitution green sheets aren't in place at sentencing, the Clerk's Office will not process them and give the order until the restitution amount is in there.

District Attorney Heneks said we can't process it until we get that order in place.

Warden Brian Miller said once we get all the paperwork and they are ready to go then you could start the clock.

District Attorney Heneks said he agrees, and at that point if the state says no then he agree that once Sheriff Brownfield tenders the inmates to the jail, and they say no then he thinks it should be state responsibility. That's his legal opinion.

Sheriff Brownfield asked, does anyone else have comments about the prison report?

Sheriff Brownfield said let us move on to item #9 Court Administrator

Court Administrator

Not present.

Commissioner Zimmerlink stated, that Tammy Lambie is not present so she agreed give a brief update. The judge and the courts have been asking for a more detailed jail roster, jail reports. At the CJAB

Meeting as well as here, we have had discussions of why there has been delays. We attempted to have this issue handled by internal jail staff, and it was beyond their capability. Some calls were made to the company who prepares the report. It has the approval of the court already. Ms. Lambie has stated she has already met with the President Judge, and has a clear direction of what needs to be put into the new reports. The extended reports process is moving along. Once the report is updated it is only as good as the numbers and information that is input. The reason why we need this to be updated is so that when the judge sees the background information and the courts have already publicly stated, there is a possibility with the valuable and accurate information they can look at our present jail population and possibly do resentencing. Resentencing meaning that if there is an individual in jail that could have been sentenced to daily treatment and reporting. The purpose of it, is two-fold it is not simply to ease jail over-crowding.

Sheriff Brownfield asked if there are any other questions.

District Attorney Heneks said we need to take a look at parole. I don't know if this is going to be resentencing or possibly parole for some of these inmates. The judge after 30 days does not have the control to modify the sentence. A county sentence, you probably have the right to grant early parole he understands that we are using the term resentence, but he thinks that it is really early parole.

Commissioner Zimmerlink said that she is just using the word resentencing because the President Judge used it in the CJAB meeting.

District Attorney Heneks stated, he thinks that the use of resentencing instead of parole could be just a matter of semantics? The judge's authority is he can revoke the parole and sentence them to the remainder of the term, which is part of our problem with the county. We can cut down on recidivism by using the day treatment center, but this doesn't mean that everyone who receives the day treatment will have to be sentenced to either state or county prison.

Sheriff Brownfield asked are there any other comments.

Personnel

Human Resources Director Dominick Carnicella asked an Executive Session to discuss disciplinary action.

Commissioner Zimmerlink asked H.R. Director Dominick Carnicella when we return, is there going to be any new hires.

H.R. Director Dominick Carnicella said yes.

Commissioner Zimmerlink asked what exactly?

H.R. Director Dominick Carnicella stated, three part-time Corrections Officers.

Commissioner Zimmerlink asked if the Executive Session is a personnel matter, a union, non-union or other?

Commissioner Ambrosini stated, that he also has two personnel issues to bring up in Executive Session. They both are involved in violation of policy.

Sheriff Brownfield said he also has a personnel issue to discuss, and he felt that these all fell under one issue.

Moved by Sheriff Brownfield and Seconded by Commissioner Zapotosky to go into Executive Session:

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

Controller Lally - **Aye**

Motion passed unanimously.

Returned from Executive Session at 11:00

Sheriff Brownfield stated, during Executive Session there was a lot of discussion about different matters.

H.R. Director Dominick Carnicella requested that the board consider removing Marissa Murry from her part-time Correction Officer position, effective today.

Moved by Commissioner Zapotosky and Seconded by Commissioner Zimmerlink: to remove Marissa Murry from per part-time Correction Officer position effective April 30, 2014.

Commissioner Ambrosini - **Aye**

Controller Lally - **Aye**

District Attorney Heneks - **Aye**

Sheriff Brownfield - **Aye**

Commissioner Zimmerlink - **Aye**

Commissioner Zimmerlink - **Aye**

Sheriff Brownfield asked if there are any questions.

*District Attorney Heneks left the meeting.

*Controller Sean Lally left the meeting.

Sheriff Brownfield stated, we still have a forum.

H.R. Director Dominick Carnicella said the Prison Board approved a procedure last month on investigatory process. If an employee gets suspended, it is part of the investigatory process, their pay is withheld.

Commissioner Zapotosky stated, that their pay is withheld until the end of the investigation and then if exonerated a numeration is made.

Commissioner Zimmerlink asked if this Board wants this individual to be suspended, effective today, with or without pay.

Commssioner Zapotosky said that he would like to make a motion without pay.

H.R. Director Dominick Carnicella stated, it will be without pay per the procedure that was approved at the last meeting. As part of the investigatory process any employee that is removed from the workplace pending an investigation, pay will be withheld. It could be 10 or 15 employees that are removed as part of the investigatory process, we would just abide by that process in which the Board already approved.

Commissioner Zapotosky asked if this was approved at the last meeting.

H.R. Director Dominick Carnicella stated, yes. We discussed the investigation in the Executive Session and at this time no disciplinary action will be taken.

Commissioner Zapotosky asked the question is there a suspension or not?

H.R. Director Dominick Carnicella stated, it's per the procedure pending on the outcome of the investigation and their pay is withheld pending the outcome.

Commissioner Zapotosky said, so there is a suspension without pay?

H.R. Director Dominic Carnicella said that they are removed from the workplace, and their pay is withheld pending the investigation.

Commissioner Zimmerlink asked, what is going to happen before the end of this day to the individual that has been brought to our attention?

H.R. Director Dominick Carnicella said the investigatory process has to be complete before any action can be taken. This procedure is for anyone who is removed from the workplace, pay is withheld.

Commissioner Zimmerlink asked, is there a written policy on this?

H.R. Director Dominick Carnicella said yes, there is a policy, and it was established at the last meeting.

Commissioner Zimmerlink asked if there is actually a written procedure.

H.R. Dominick Carnicella said it should be in the last month's minutes.

Commissioner Zimmerlink asked where is it?

H.R. Director Dominick Carnicella said it should be in the minutes.

Commissioner Zapotosky asked if you were suspended without pay, subject to an investigation and you were cleared of any wrong doing, then you would receive retro-active back to the date of suspension.

H.R. Director Dominick Carnicella said anyone who is in the investigatory process, is removed from the workplace and does not receive pay.

Commissioner Zimmerlink asked is this part-time Correction Officer that we are speaking of and, will that person be removed from the workplace?

H.R. Director Dominick Carnicella said yes.

Commissioner Zimmerlink asked if the individual's pay will be withheld?

H.R. Director Dominick Carnicella said yes.

Commissioner Zimmerlink asked, how long do you anticipate this investigation will take to report back to the Board? Will this part-time Correction Officer be sent home if that individual is here? Will you contact that person and tell them not to show up for work?

H.R. Director Dominick Carnicella said yes.

Warden Brian Miller said that he is not at work today.

Commissioner Zimmerlink asked H.R. Director Dominic Carnicella if he was calling this individual and notifying the Controller's Office with respect to the withholding of the pay.

Controller Lally stated, he thought in all of these situations that pay was withheld pending outcome.

Commissioner Ambrosini asked if the Warden Brian Miller would notify the person responsible for the scheduling to replace this person with someone else on the schedule.

Warden Brian Miller said yes.

Sheriff Brownfield stated, there was another matter of an individual that was transported from the jail to the hospital, which we felt that there was a need to review procedure.

Commissioner Ambrosini said that we need to review procedure regarding the matter.

Sheriff Brownfield said that we also discussed review of certain documents about an individual employed at the prison, and can't do anything until we get the results of that.

Commissioner Zimmerlink stated, there was an inmate that was released early, and the inmate notified the booking center, then the booking center then notified the APO. The inmate has now been returned to jail.

Commissioner Zimmerlink said that APO review their internal procedures as to how that happened, so that it doesn't happen again.

H.R. Director Dominick Carnicella asked under part-time recommendations, please consider the hire of David Wrona as a part-time Correction Officer at \$15.62 per hour effective May 12, 2014.

Sheriff Brownfield asked H. R. Director if background check, interviews, testing was completed.

H.R. Director Dominick Carnicella stated, all testing was completed.

Moved by Commissioner Zapotosky and Seconded by Commissioner Zimmerlink to hire David Wrona as a parttime Correction Officer at \$15.62 per hour effective May 19, 2014

Commissioner Ambrosini - **Aye**

Controller Lally - **Aye**

Commissioner Zapotosky - Aye
Sheriff Brownfield - Aye
Commissioner Zimmerlink - Aye

Motioned passed unanimously

H.R. Director Dominick Carnicella asked to consider the hire of Jacob Burncheck as a part-time Correction Officer at \$15.62 per hour effective May 19, 2014.

Commissioner Zimmerlink asked if drug test, criminal background test and motor vehicle all concluded?

H.R. Director Dominick Carnicella said yes.

Moved by Commissioner Zapotosky and Seconded by Commissioner Zimmerlink to hire Jacob Burncheck as a part-time Correction Officer at \$15.62 per hour effective May 19, 2014

Sheriff Brownfield - Aye
Commissioner Ambrosini - Aye
Controller Lally - Aye
Commissioner Zapotosky - Aye
Commissioner Zimmerlink - Aye

Motion passed unanimously

H.R. Director Dominick Carnicella asked for the Board to consider approving the hire of Tanya Bosley as a part-time Correction Officer \$15.62 per hour effective June 2, 2014.

Sheriff Brownfield asked if the same procedure has been followed.

H.R. Director Dominick Carnicella said yes.

Moved by Commissioner Zapotosky and Seconded by Commissioner Zimmerlink to hire part-time Correction Officer at \$15.62 per hour effective June 2, 2014.

Commissioner Ambrosini - Aye
Controller Lally - Aye
Sheriff Brownfield - Aye
Commissioner Zapotosky - Aye
Commissioner Zimmerlink - Aye

Motion passed unanimously.

Sheriff Brownfield said that we will move on to item #11

Public Comment:

Thomas Thompson stated, he would like to take a tour of the prison. He spoke with Commissioner Ambrosini and Commissioner Zimmerlink about a tour of the prison at the last Commissioner's Meeting. Just 7 people want to take the tour so Warden Miller said that May 9, 2014 is available.

Commissioner Zapotosky stated, to Warden Brian Miller he wants him to secure their safety.

Sheriff Brownfield asked Warden Brian Miller if we need a waiver form to release the County from any liability.

Warden Brian said yes, and Warden Miller said he supports the idea.

Sheriff Brownfield said he also supports the idea.

Sheriff Brownfield said they will sign a liability with the County just in case he is injured.

Commissioner Ambrosini thanked Mr. Thompson and thanked him for his interest in the prison.

Sheriff Brownfield asked Warden Brian Miller if you have a date and time?

Warden Brian Miller and Mr. Thompson agreed on May 9, 2014.

Sheriff Brownfield suggested there be no inmates transferred from holding cells during this time.

Sheriff Brownfield asked if there was any other public comment?

Motion to Adjourn

Moved by Controller Lally and Seconded by Commissioner Zimmerlink

Commissioner Ambrosini - **Aye**

Sheriff Brownfield - **Aye**

Commissioner Zapotosky - **Aye**

Controller Lally - **Aye**

Commissioner Zimmerlink - **Aye**

Motion passed unanimously

