

Call to Order:

A meeting of the Fayette County Prison Board was called to order on Wednesday, May 31, 2013 at 9:15am at the Fayette County Courthouse, Uniontown, Pennsylvania 15401 by Sheriff Brownfield.

Roll Call:

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

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

The Following Board Member was Present after Roll Call:

Commissioner Angela M. Zimmerlink

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

District Attorney Jack Heneks

Moment of Silence

Pledge of Allegiance

Public Comment:

None

Approval of April 2013 Meeting Minutes:

Moved by Commissioner Zapotosky, Seconded by Commissioner Ambrosini, to Approve the April 2013 Meetings Minutes:

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

Motion Passed Unanimously

Approval of May 2013 Bills:

Sherriff Brownfield asked if there is anything outstanding.

Warden Brian Miller answered no.

Moved by Commissioner Zapotosky, Seconded by Commissioner Ambrosini, to Approve the May 2013 Bills:

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

Motion Passed Unanimously

Population Report:

Warden Brian Miller said the population has gone up dramatically over the last two weeks. Right now there are a total of 254 inmates (222 Males and 32 females) housed in Fayette County Prison, a total of 55 inmates housed in Greene County Prison, 16 inmates housed in Butler County Prison, 10 inmates in Bedford County Prison, and 9 inmates in Cambria County Prison.

Sherriff Brownfield asked if Cambria is full.

Warden Brian Miller answered yes. Cambria and Bedford Counties will not take any more inmates.

Butler will take 10 more inmates. \$55 is the average to house inmates at Greene County. He spoke to Westmoreland County this morning and they will take 10 inmates at \$78 per day.

Commissioner Zapotosky stated a large portion of this increase is based on the summery warrant being issued.

Warden Brian Miller agreed. He said most of the inmates who came in over the weekend are because of summery warrants.

Sherriff Brownfield asked how many came in.

Warden Brian Miller answered with around 11.

Sherriff Brownfield said he would like to point out to the board that there has been one transport order issued to take inmates back from criminal court week that starts Monday. Department of Corrections State Institute require 48 hours. Criminal court week is in jeopardy because he only had an order for one and today is already Wednesday. He has informed the court administrator, President Judge, Senior Judge, and the District Attorney. They have a glitch in their computer system and they said they would provide a list and the prison will not give a prisoner without the proper paper work. The inmate influx could have been much greater if there were orders to bring back more prisoners for criminal court week.

Warden Brian Miller stated the average is usually 20 people for court week.

Sherriff Brownfield said if there were another 20 people they would had to have be place elsewhere for a minimum of a \$1000 a day.

Commissioner Zapotosky stated it has been identified there is a crisis.

Controller Lally said the cost is \$470,000 for the year in out of county rentals and the county is not even half way through the year. The county is on target for a \$1,000,000 in rentals.

Commissioner Ambrosini stated this is a serious issue. Now that the day reporting center has been adopted, hopefully it will offset some of the overcrowding.

Commissioner Zapotosky said an example are individuals who are incarcerated on a summery warrant for not paying the required collateral.

Commissioner Ambrosini stated the courts have made an effort to pick up those people with bench warrants so he would like to ask the sheriff how the county can avoid how people on bench warrants could avoid a bad scenario (constables arresting them).

Sherriff Brownfield answered with showing up to court date. Once a bench warrant is served the person is going to jail and can only be held for 48 hours in which will have to be seen by a judge. There was just a case where inmate was in jail for eight days without the court being notified which jeopardizes the whole case because it can be considered an unlawful arrest. He said he was notified by the court administrator that they were not notified the individual was in jail. He said he was notified by the warden that they were notified and had a fax confirmation. This also opens the county up for a civil suit because their being detained without cost.

Commissioner Ambrosini asked if a fine can be paid for the summery warrants.

Sheriff Brownfield answered they can be paid at a magistrate and payment arrangements can be made too. Payment plans are based on a person's income.

Commissioner Ambrosini asked if an ignored summery change can result in a bench warrant.

Sheriff Brownfield said that is doubtful.

Commissioner Zapotosky said there are going to be additional cost to the general fund because of the population increase and issues with summery warrants.

Sheriff Brownfield stated the whole thing needs looked over because by the warrants get served the constables cost more than the fine.

Commissioner Zimmerlink asked if the memo from the president judge was being referred to (where the inmates would be picked up and brought to the county and increase the population).

Warden Brian Miller answered yes.

Commissioner Zimmerlink asked when that came into effect.

Warden Brian Miller answered May 6th, he believes.

Commissioner Zimmerlink asked in the two week period, how many individuals were picked up.

Warden Brian Miller answered he thinks 28. 13 of them are still in the prison.

Commissioner Zimmerlink asked if anyone paid their fine.

Warden Brian Miller answered about 60% or made arrangements to.

Capitan David Rutter stated the booking center probably dealt with around 100 individuals who didn't make it to jail because they paid their collateral. There have been 100's of people who came forward and paid since this came up at the magistrate level. Also, the 13 people still in prison has seen the judge and been sentenced. Even if they were picked up during the day, they would have seen the magistrate during the day, had their hearing, and the judge would still sentence them. The increase is not just because of the summary warrants.

Commissioner Zimmerlink said she remembers Tammy Lambie mentioned at a meeting that hopefully the amounts would be paid and jail time would be avoided. Sometimes that don't happen and this is evidence of that. The problem now is the county has to house them. She asked how many are out of county now.

Warden Brain Miller answered 90.

Commissioner Zimmerlink asked if it is because of this.

Warden Brain Miller answered not only because of this.

Warden Brain Miller asked if when someone was brought to jail, if there would be a \$50 collateral.

Capitan David Rutter answered the minimum would be \$50 if the judge didn't set the collateral on the warrant.

Warden Brain Miller stated that is where the problem is. There is a guy who owes \$2800.

Capitan David Rutter said the judge could still let him out. After he sees him, the judge could put him on a payment plan. The problem with him is that he has 13 warrants and has been dodging the law. Two judges both had to arraign him because the person has charges from two officers.

Commissioner Zapotosky stated it is not just the 13 warrants. It is the other individuals with one warrant who cannot afford the collateral. The courts are cleaning up their records but were paying the price. 7,000 warrants have been sitting idle for many years that are now being done during this one period of time. This is going to be a burden to the taxpayers. There is the constable cost as well. We're picking up the cost for something that should have been done over the last several years. We're picking up the cost twice because some have already been paid for attempt to serve.

Commissioner Zimmerlink said the courts need to work with us a little bit better.

Commissioner Zapotosky stated someone is costing us a lot of money and we need to be proactive and find out what's going on.

Controller Lally asked if anyone has actually sat down with the courts.

Commissioner Zapotosky answered he has tried, is confused, and gets mixed statements from Tammy. We have talked about using alternative sources for this process to offset cost.

Sheriff Brownfield stated right now prisoners are going to Bedford and Butler County which is transportation cost.

Commissioner Zapotosky said he knows this is a necessary thing but it was necessary while it was being built up.

Warden Brian Miller stated right now the population is up and with this added to it, it really puts us over.

Controller Lally said were at \$94,000 last month, something has to change. He asked if anyone knows what 7,000 warrants will cost.

Commissioner Zapotosky asked if there is an alternative that would be a lot more feasible in this process than what is being done. He said he has spoken to the Sheriff about using court security but they are not certified to do it because of liability insurance through 1099. The possibility of deputies were looked at.

Capitan David Rutter stated anytime a policeman picks someone up a constable is not being paid. Whenever there is an old warrant, the police officer is brings the person to the booking center and someone from the booking center is taking the person to the prison so there is again there is no constable fee. The bottom line is the judge has the discussion and he's not blaming the judges because people cannot just be let go.

Controller Lally asked what the success rate is. There is 7,000 and the realism is probably 4,000.

Capitan David Rutter answered that's hard to say. His department writes about 20 citations a day to the magistrates. The magistrate's and police station give them new warrants to the booking center every day.

Commissioner Zimmerlink asked if there are figures and to bring them to the next prison board meeting.

Capitan David Rutter answered yes but not with him. He said when a constable picks someone up, they are taken to the prison if they do not have collateral, and the person either pays or gets released. The constables are required to call the booking center and inform them of who they received money from or took to jail. He don't know if they all do that and there is no way of knowing.

Commissioner Zapotosky asked what percentage of people had paid and were released within a 12 hour period.

Warden Brian Miller answered around 20%.

Capitan David Rutter said the booking center had a meeting with the constables to inform them that they want to exhaust all options before the person is sent to jail. He thinks here in the beginning, they have been getting a lot of people who were hiding, knew they were wanted, and refused to do what they were so post to do. Tammy and judges, and he have been trying to develop a plan so that the county doesn't have to consume the bill.

Commissioner Zapotosky stated there is one person working at the booking center. He then asked if there was a few contracts out with staff for the booking center.

Capitan David Rutter answered yes.

Commissioner Zapotosky asked if additional staff need to be down there to offset cost.

Capitan David Rutter answered no. He said he don't think there is money for it. The police department donates about 20 hours a week. Police department covers 80 hours a week and the booking center covers 100 hours a week. 168 hours is what the county gets billed for unless there is a warrant night where an extra person will work. Usually each magistrate does a warrant night but none have been done with the sheriff. The magistrates has always done this. They have picked up 40 to 50 people a night which causes an influx at the prison.

Commissioner Zimmerlink said everyone needs to sit down and talk about what's involved in the booking center, what's working and what needs to be revisited. It was said in the long run that the booking center would be a cost saving because of the coordination.

Commissioner Zapotosky asked Controller Lally if he could let the board know what the cost of the constables are.

Controller Lally answered he can keep a running total of what is coming in but the constables making \$52 is correct with their mileage and fees. It could be \$104 dollars for 2 constables to serve a \$50 summery warrant. That doesn't make sense.

Sheriff Brownfield stated Tammy informed him that her grant is running out. Someone will have to put up the cost on it.

Commissioner Zapotosky said he was under the impression the booking center is self-efficient. Tammy never mentioned anything to him.

Capitan David Rutter stated the booking center has had 2 grant extensions. The second year grant runs out at the end of June and then there is one more year that was approved for a couple months ago. That was the booking center fee was raised to \$300, which was original \$150. It was said that if the amount of criminal cases is multiplied by \$150 there would be \$250,000 which is the amount to run the booking center for a year. All the arrested people don't pay because they go to state prison or are put on payment plans. The money has slowly come in. There is probably a ½ million dollars handing out. Hopefully by the time the grant runs out the \$300 fee should put the booking center in the black.

Court Administrator:

Warden Brian Miller said Tammy is not hear but she gave him a copy of an agreement. There is a problem now with the transportation and hospital duty. There is a lot of cost when it comes to hospital duty. Right now there is a person who is incarcerated that goes to diclinous 3 days a week, 8 hours a day, between the hours of 8pm to 4am. Someone has to be paid overtime to work those hours.

Commissioner Zimmerlink asked if anyone knew why that person is going at that time. Is it the inmate requesting that time.

Warden Brian Miller answered no, that it is the medical place said.

Commissioner Zimmerlink asked if there is anything that can be done to rearrange the time.

Warden Brian Miller answered saying his medical staff is working on that. He is looking at sun contracting a state constable at the cost of \$15 per hour anytime there is a long term stay. There are a lot of inmates who are hospitalized in the Pittsburgh hospital and there is a hard time providing staff for that. He said he don't blame the guards for not wanting to work it because after a month of going to Pittsburgh every day, it is easy to get burned out.

Commissioner Zimmerlink stated there has to be security with the inmate at all times when they are not in the jail.

Warden Miller confirmed yes.

Commissioner Zimmerlink said the correction officer now have custody of the inmate when they are in a medical facility.

Warden Brian Miller confirmed correct.

Commissioner Zimmerlink asked if he feels it will be more cost effective for the constables to do it rather than the corrections officer.

Warden Brian Miller answered yes.

Commissioner Zimmerlink asked if a constable is permitted under the law.

Warden Brian Miller answered yes.

Commissioner Zimmerlink said the corrections officers are going with inmates when they go to a medical faculty. Instead of them going and being paid overtime, you are asking a constable to go.

Warden Brian Miller confirmed yes.

Commissioner Zimmerlink asked if there would be an issue with the corrections officers and the CVA.

Warden Brian Miller answered no.

Union President/Corrections Officer Mike Hicks answered no.

Commissioner Zimmerlink stated it was her understanding Warden Brian Miller only wanted this for the transporting of inmates while they were at a medical facility but she feels it goes beyond that.

Union President/Corrections Officer Mike Hicks said this would be contracting out a job. If the officers have a complaint about watching the inmates at the hospital that is too bad because that is their job. Article 2 union security section 204 states the constables would have to go to the DOC for training and they would have to join the union. The constables are not trained. There would be concerns for the officer's safety and the county's liability.

Warden Brian Miller stated the constable have the training, Act 44 and Act 49.

Commissioner Zapotosky said it was sited the type of standards constables must go under the unified judicial system, that they are elected or appointed, basic training, show proof of liability insurance, and vehicles must be road worthy.

Commissioner Zimmerlink stated number 5 says contractor (obviously the constable) will maintain PA Act 44/49 with firearm certification, have valid driver's license, and maintain personal and professional insurance in the amount of no less than \$250,000 with moon lighting insurance.

Union President/Corrections Officer Mike Hicks said that is what the constable would have with their particular job but they would still not be a member of the union and would have required DOC training. The correction officers would be sub-contracting their jobs out for the sake of saving money.

Commissioner Zapotosky asked Union President/Corrections Officer Mike Hicks if he was reading the CBA.

Union President/Corrections Officer Mike Hicks answered yes.

Commissioner Zapotosky stated those are issues that would have to be addressed.

Camera System:

Warden Brian Miller said the lack of the camera system was talked about at the last meeting. He contacted 1 company and obtained a bid. The bid came in at 100,099 for a camera system. He is asking the board what they want him to do in attempting to get a camera system in the prison. Does the board want a less expense system or does the board want a more expense system that can be used in the future. He thinks it's crucial that the prison camera system is in place. The biggest issue is lawsuits. He is asking the board how much they want to spend. Prices can range from \$50,000 to \$1,000,000. He is asking for advice.

Sheriff Brownfield asked who decides where the cameras are placed.

Warden Brian Miller answered himself.

Sheriff Brownfield heard a camera was moved without Warden Brian Miller's approval.

Commissioner Zapotosky stated the board needs to know what deficiencies there are because the county is being exposed. He don't want to spend \$1,000,000 but he does want one that is suitable.

Commissioner Zimmerlink said this should not be an issue because there was an independent individual come in who gave the board a report back in July on a whole section on cameras. Nothing happened with the report. Recommendations were to be reviewed and the board was to take action. The warden and deputy warden are in charge of the security. They need to look at the report and decide where the cameras need to be. That is their jurisdiction and authority. Independent bids are not permitted and if help is needed she will do so.

Commissioner Ambrosini stated any study or report may or may not indicate the priorities of cameras at certain location. They may just cover deficiencies. Priorities also need to be looked at. He asked what the most important priorities are because to avoid litigation some cameras will be more important in certain areas than others. Priorities as well as the most reasonable cost effective solutions need to be looked at.

Commissioner Zapotosky said he would act quickly on this because every day that goes by is potential for litigation.

Personnel:

Human Resource Director Dominick Carnicella stated there are three matters to for executive session. There is a grievance, possible discipline action, and leave of absence.

Executive Session:

Moved by Commissioner Zapotosky, Seconded by Commissioner Ambrosini, to Enter Into an Executive Session:

- Sheriff Brownfield** - **Aye**
- Chief Deputy Controller Wrona** - **Aye**
- Commissioner Ambrosini** - **Aye**
- Commissioner Zapotosky** - **Aye**
- Commissioner Zimmerlink** - **Aye**
- District Attorney Heneks** - **Absent**

Motion Passed Unanimously

Regular Session:

Moved by Commissioner Zapotosky, Seconded by Commissioner Ambrosini, to Return From Executive Session:

- Sheriff Brownfield** - **Aye**
- Chief Deputy Controller Wrona** - **Aye**
- Commissioner Ambrosini** - **Aye**
- Commissioner Zapotosky** - **Aye**
- Commissioner Zimmerlink** - **Aye**
- District Attorney Heneks** - **Absent**

Motion Passed Unanimously

Human Resource Director Dominick Carnicella said to please consider resolving the grievance pending arbitration regarding employee's use of paid time during family medical leave.

Moved by Commissioner Zapotosky, Seconded by Sherriff Brownfield, to Take No Action.

Sheriff Brownfield - Aye
Chief Deputy Controller Wrona - Aye
Commissioner Ambrosini - Aye
Commissioner Zapotosky - Aye
Commissioner Zimmerlink - Aye
District Attorney Heneks - Absent

Motion Passed Unanimously

Human Resource Director Dominick Carnicella stated to please consider extending the last chance agreement for part time corrections officer Merle Thompson for a 90 day period under the same terms and conditions.

Commissioner Zimmerlink said 90 day period beginning May 2nd.

Human Resource Director Dominick Carnicella stated that is correct.

Controller Lally asked if it was 90 working days or calendar days.

Human Resource Director Dominick Carnicella answered it would be 90 calendar days.

Commissioner Zimmerlink said 90 calendar days from May 22nd.

Human Resource Director Dominick Carnicella confirmed yes.

Moved by Commissioner Zapotosky, Seconded by Commissioner Zimmerlink,

Sheriff Brownfield - Aye
Chief Deputy Controller Wrona - Aye
Commissioner Ambrosini - Aye
Commissioner Zapotosky - Aye
Commissioner Zimmerlink - Aye
District Attorney Heneks - Absent

Motion Passed Unanimously

Human Resource Director Dominick Carnicella stated to please consider extending the personal leave of absence for full time correction officer Jessica Goode through June 26th, 2013.

Commissioner Zapotosky said June 25th.

Human Resource Director Dominick Carnicella confirmed June 25th.

Moved by Commissioner Zapotosky, Seconded by Commissioner Zimmerlink,

Sheriff Brownfield - Aye
Chief Deputy Controller Wrona - Aye
Commissioner Ambrosini - Aye
Commissioner Zapotosky - Aye
Commissioner Zimmerlink - Aye
District Attorney Heneks - Absent

Motion Passed Unanimously

Public Comment:

None

Adjournment:

Moved by Controller Lally, Seconded by Commissioner Ambrosini, to Adjourn the Meeting:

Sheriff Brownfield - Aye
Chief Deputy Controller Wrona - Aye
Commissioner Ambrosini - Aye
Commissioner Zapotosky - Aye
Commissioner Zimmerlink - Aye
District Attorney Heneks - Absent

Motion Passed Unanimously