

Call to Order:

A meeting of the Fayette County Prison Board was called to order on Wednesday, September 26, 2012 at 9:15am in Fayette County Commissioners Conference Room, Uniontown, Pennsylvania 15401 by Commissioner Ambrosini.

Roll Call:

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

Commissioner Alfred F. Ambrosini, Commissioner Zapotosky, District Attorney Jack Heneks, and Controller Sean Lally.

**Others in Attendance:**

Warden Brian Miller, Human Resource Director Dominick Carnicella, Deputy Warden Mike Zavada, Liz Zemba of the Tribune Review, Patty Yauger of the Herald Standard, Mitch, and Briana.

Moment of Silence

Pledge of Allegiance

Public Comment:

None

Approval of August 2012 Meeting Minutes:

**Moved by Commissioner Zapotosky, Seconded by District Attorney Heneks, to Approve the June 2012 Meetings Minutes:**

<b>Sheriff Brownfield</b>	-	<b>Absent</b>
<b>Controller Lally</b>	-	<b>Aye</b>
<b>Commissioner Ambrosini</b>	-	<b>Aye</b>
<b>Commissioner Zapotosky</b>	-	<b>Aye</b>
<b>Commissioner Zimmerlink</b>	-	<b>Absent</b>
<b>District Attorney Heneks</b>	-	<b>Aye</b>

**Motion Passed Unanimously**

Approval of September 2012 Bills:

**Commissioner Zapotosky** asked Warden Miller if there is anything out of the ordinary with the bills.

**Warden Miller** answered no.

**Moved by Commissioner Zapotosky, Seconded by Controller Lally, to Approve the September 2012 Bills:**

<b>Sheriff Brownfield</b>	-	<b>Absent</b>
<b>Controller Lally</b>	-	<b>Aye</b>
<b>Commissioner Ambrosini</b>	-	<b>Aye</b>
<b>Commissioner Zapotosky</b>	-	<b>Aye</b>
<b>Commissioner Zimmerlink</b>	-	<b>Absent</b>
<b>District Attorney Heneks</b>	-	<b>Aye</b>

**Motion Passed Unanimously**

Population Report:

**Warden Miller** reported a total of 241 inmates (214 Males and 27 females) housed in Fayette County and a total of 48 inmates (41 Males and 07 Females) housed in Greene County.

**Controller Lally** asked Warden Miller what the monthly expense was to house inmates outside of Fayette County Prison.

**Warden Miller** answered \$72,000 this month.

**Commissioner Zapotosky** stated Fayette County's monthly average is \$70,000 to \$100,000 to house inmates outside the county.

**Warden Miller** confirmed yes.

**District Attorney Heneks** asked Warden Miller if the males and females were in Green County Prison post sentence. He continued by saying he thought the prison was sending people who had all ready been sentenced.

**Warden Miller** answered that not all the inmates in Greene County Prison are sentenced because of security so inmates with less violent charges are there.

**Commissioner Zapotosky** asked Warden Miller if there is anticipated date when inmates are returned to the Fayette County Prison and does the Fayette County Prison move quickly to get them out of Greene County Prison.

**Warden Miller** replied by saying that most of the time there is a van going to Greene County Prison. He continued by saying when inmates leave, other inmates are going.

**Commissioner Zapotosky** stated it is still costing the Fayette County the same amount.

**Warden Miller** confirmed yes and continued by saying he had to transfer money into the fuel account because of transporting more inmates to Greene County.

*ACLU Grievance Procedures:*

**Commissioner Zapotosky** stated ACLU notified the Fayette County Prison in May concerning they are not in compliance with the prison litigation act of 1995 and are not providing inmates with the right of due progress in filing complaints. He continued by saying Warden Miller and himself has been on the phone with Alexandria Morgan Kurtz (Legal Rep) a few times and she wrote a letter dated September 19, 2012 which states she still has an issue with the Fayette County Prison's grievance policy. Commissioner Zapotosky said she ledges that one of the deputy wardens is given the discretion weather or not a complaint is valid and that it is not sufficient under the guidelines of the statute. He continued by saying that the ACLU is going to send out letters to the all inmates alerting them of this problem.

**Warden Miller** said the way the grievance procedure works is an inmate files a grievance, the grievance is handled by the deputy warden, and if the grievance is resolved than it ends there. He continued by saying that if the grievance is not resolved than it goes to himself and he resolves it. Warden Miller stated the main problem with grievances, they are frivolous.

**Commissioner Zapotosky** asked if there are sanctions for filing frivolous grievances.

**Warden Miller** answered yes.

**Warden Miller** said due to over population, inmates receive no discipline over frivolous grievances.

**Deputy Warden Zavada** stated he goes by the Fayette County policies and procedures handbook when it comes to handling grievances. He continued by saying that since the ACLU sent letters out, the grievance has quadruped.

**Commissioner Zapotosky** asked if the formal grievance procedure is in writing.

**Warden Miller** answered yes.

**Commissioner Zapotosky** asked Warden Miller if anything needs amended in the grievance procedure or are you satisfied.

**Warden Miller** replied the Fayette County Prison is satisfied but the ALCU is not.

**Commissioner Ambrosini** asked Warden Miller if Fayette County's formal grievance procedure is similar to Berks County's procedure.

**Warden Miller** answered it is similar to Berks County but they are not over populated and are able to discipline.

**Commissioner Zapotosky** asked if there are any other sanctions that can be issued as discipline for frivolous filing.

**Warden Miller** replied by saying the inmate's phones and televisions can be retracted.

**Commissioner Zapotosky** said the Fayette County Prison board needs to decide if the policy is efficient.

**District Attorney Heneks** stated the ALCU's two issues are pre-grievances and formal adjudication. He continued by saying they would rather not go straight to grievance without the formal process because it may prevent the inmate from filing the grievance. District Attorney Heneks said according to the ALCU they feel when the deputy warden decides not to give the inmate a grievance because there wasn't substance to the grievance it stops the grievance procedure. He continued by saying without anyone being on the record as being denied (verbally instead of writing), it can prevent grievances. District Attorney Heneks stated it is not mandated by the litigation act (it would have to be read) but that are the ALCU's two key points.

**Deputy Warden Zavada** stated no one has ever appealed his decision to the Warden.

**District Attorney Heneks** said in the procedure it says at the warden's discretion, he may reply verbally or in writing but would recommend it be done in writing. He continued by suggesting to write the ALCU stating Fayette County is complying with the pre-grievances because it has written confirmations.

**Commissioner Zapotosky** stated he feels the solicitor should write the letter.

**District Attorney Heneks** said he agrees.

*Executive Session (Personnel):*

**Warden Miller** recommended the board enter into an executive session for discipline reasons.

**Moved by Commissioner Zapotosky, Seconded by District Attorney Heneks, to Enter Into an Executive Session:**

<b>Sheriff Brownfield</b>	-	<b>Absent</b>
<b>Controller Lally</b>	-	<b>Aye</b>
<b>Commissioner Ambrosini</b>	-	<b>Aye</b>
<b>Commissioner Zapotosky</b>	-	<b>Aye</b>
<b>Commissioner Zimmerlink</b>	-	<b>Absent</b>
<b>District Attorney Heneks</b>	-	<b>Aye</b>

**Motion Passed Unanimously**

**Executive Session Started at 9:54am**

**Regular Session Continued at 10:20am**

Regular Session:

**Commissioner Ambrosini** stated sick time and call off issues were discussed in the executive session.

Personnel:

**Human Resource Director Carnicella** said to issue full-time Corrections Officer Bill Cobin a 5 day unpaid suspension due to continued attendance violations.

**Moved by Commissioner Zapotosky, Seconded by District Heneks, to Issue Full-Time Corrections Officer Bill Cobin a 5 day Unpaid Suspension Due to Continued Attendance Violations.**

<b>Sheriff Brownfield</b>	-	<b>Absent</b>
<b>Controller Lally</b>	-	<b>Aye</b>
<b>Commissioner Ambrosini</b>	-	<b>Aye</b>
<b>Commissioner Zapotosky</b>	-	<b>Aye</b>
<b>Commissioner Zimmerlink</b>	-	<b>Absent</b>
<b>District Attorney Heneks</b>	-	<b>Aye</b>

**Motion Passed Unanimously**

Public Comment:

**Briana** stated she is at the meeting to talk about a documentary series that is interested in filming in Fayette County, particularly about the Fayette County Justice System. She continued by saying she is speaking on behalf of Leopard Films which is a international company that currently has shows on the food network, ABC, BBC, BBC America, National Geographic, Do-It-Yourself, Home and Garden, and a couple other major and regional networks. Briana said she is the founder and creator of Brownsville film office and what they do is help bring film and production to Southwestern Pennsylvania. She continued by saying right now the state has a 25% tax credit for production companies so there is a lot of interest filming in Pennsylvania. Briana stated she works a lot with casting, production, direction, and facilitating. She continued by saying the film company is interested in Fayette County because she pitched for it and they are interested. Briana said she is at the meeting to put this idea out publicly, to the commissioners, and prison board because a lot of the film would be in and around the prison. Briana continued by saying the reason why they would want to film Fayette County is: 1) the facility (has a gothic look, the architect) and 2) the Fayette County inmates in which both are interesting.

**Commissioner Zapotosky** asked Briana if the film company is prepared to discuss their intentions regarding this proposal.

**Briana** answered she is here to answer questions. She continued by saying the creator and director of Leopard Films is named Harlem Freedman and is based out of Los Angeles. Briana said he would like to get a media release form so they would be able to come to Fayette County and film for about a week. She continued by saying there would be a gathering of footage, a sizzler wheel will be created (5 to 10 minute pitch to a network), and than the network would purchase the show.

**Commissioner Zapotosky** stated he would like to see an outlined structure of Mr. Freedman's intent and look at security aspects.

**Briana** said the film company's outline is to have a camera on Warden Miller, Mitch, Courthouse, Prison, and Magistrate Offices, which would be the structure of the show. She continued by saying the highlights each week would be the inmate stories.

**Commissioner Ambrosini** stated liability issues would have to be looked at. He continued by saying he is intrigued and this is something that can be a strong possibility if it brings revenue for the county. Commissioner Ambrosini said there are liability issues and legal aspects (county employees and inmates) that need looked at and the solicitors need to get involved.

**District Attorney Heneks** stated he concerned with a few issues such as glorified inmates, confidential information, and victims privacy.

**Commissioner Zapotosky** said he would like to get more detail such as the intent of the production company is. Commissioner Zapotosky continued by saying he would like to know what the angle is (human interest side). Commissioner Zapotosky continued by saying there is a negative outlook on Fayette County and he does not want to add to it. Commissioner Zapotosky stated he would like to see Fayette County's positive side come out if the film is made.

**Mitch** stated that he understands what District Attorney Heneks is saying and appreciates his points but are many aspects of the judicial system.

**Controller Lally** asked Briana if the sizzler reel is a hit to a major network, would it than become a weekly series.

**Briana** answered correct.

**Controller Lally** asked Briana if the filming crew would be here on a long term basic.

**Briana** replied correct and said there would be revenue brought in without question. She continued by saying the sizzler reel would be the first major step and should start after Christmas.

**Commissioner Zapotosky** stated the following would have to be checked: Security, Solicitor, Insurance Company.

**Briana** said that everyone involved would have to sign an agreement form.

**Controller Lally** asked Briana if she had a contract that could be viewed by the solicitor.

**Briana** answered there are contracts.

**Commissioner Ambrosini** asked if there would be compensation for items such as overtime and security.

**Briana** replied yes and stated everything would be included (make-up and food). She continued by saying everything the details will be in the contract and Leopard Film is fully insured.

**Commissioner Ambrosini** stated that after the solicitors review the contract, a meeting can be set up to talk more specifically.

**Briana** said Fayette County Businesses would benefit from this overall.

Adjournment:

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

**Sheriff Brownfield - Absent**

**Controller Lally - Aye**

**Commissioner Ambrosini - Aye**

**District Attorney Heneks - Aye**

**Commissioner Zapotosky - Aye**

**Commissioner Zimmerlink - Absent**

**Motion Passed Unanimously**