

Call to Order:

A meeting of the Fayette County Prison Board was called to order on Wednesday, September 24, 2014 at 9:15 at **the Fayette County Prison ---Chapel in Uniontown**, Pennsylvania 15401 by Sheriff Brownfield.

Roll Call:

The following Members were present at time of Roll Call:

Sheriff Brownfield

Commissioner Ambrosini

Commissioner Zapotosky

Commissioner Zimmerlink (by phone, first session)

Controller Wrona

District Attorney Heneks

*******Prior to the official start of the meeting...**

Commissioner Zapotosky stated there was an issue brought forth by a member of the public. He asked the individual with the complaint to stand up and state his name for the record.

Christopher Shellhammer stated, this is a public meeting, and he wanted to record and was denied. He said his cell phone was taken and locked up upstairs. He also said there are several cell phones sitting in this room.

Commissioner Zapotosky stated, there are several cell phones in this room, and your cell phone was locked up?

Christopher Shellhammer said yes his cell phone was taken.

Commissioner Zapotosky asked Warden Brian Miller if there was reason for the cell phone to be taken. He said to Commissioner Zimmerlink that the Warden's cell phone was not loud enough so he was going to call her back on a different phone. He then explained the issue of the member of the public's complaint of not being permitted to record or video the meeting because his cell phone was taken upon entry of the jail.

Commissioner Zapotosky said he was waiting for an explanation as to why. He then asked Warden Brian Miller why.

Warden Brian Miller said there is a policy in the prison stating no cell phones are permitted.

Commissioner Zapotosky repeated what the Warden stated so Commissioner Zimmerlink could hear the explanation.

Commissioner Zapotosky said if is a violation of policy, there are multiple violations of policy.

Ms. Jones asked what the punishment would be for violation of policy regarding cell phones.

Commissioner Zapotosky stated, this is a public meeting, and this is in no way a breach of security, this is a Chapel. He requested a change of venue in order to conduct the meeting, and meets the guidelines and does not affect any written or unwritten policy. He requested to amend the agenda, and a change of venue. He stated one of his concerns regarding this venue (the Chapel) is the meeting may not be audible to hear on a cell due to the air conditioner noise within the room. He suggested there may be comments Commissioner Zimmerlink may wish to make and be recorded for the minutes, and may not be heard due to the sound factor. He also wants to reach out to her and it may not be audible.

Commissioner Zimmerlink made comments that were not audible.

Warden Brian Miller suggested all cell phones with exception to the one being used for conference for the Commissioner, be collected and take them upstairs. He suggested only leaving the one remaining phone on the table for the conference. He stated the state requires 4 meetings a year at prison.

Commissioner Zapotosky stated it still prohibited the meeting from being recorded. He suggest for future meetings we hire someone to record the minutes.

District Attorney Heneks questioned that's what we were doing already isn't it.

Mr. Shellhammer stated, it was difficult to acquire the recordings.

Commissioner Zimmerlink made statements that were not audible.

*****Air conditioner is turned off and then Commissioner Zimmerlink is audible for the most part.**

Commissioner Zimmerlink stated, she thought the Warden Miller could get the gentlemen's cell phone from upstairs allow recording and video of the meeting, and all Warden Miller needed to do is then take the cell phone back at the end of the meeting and allow the individual to retrieve it when he leaves the building. It is a public meeting and we must allow recording of the meeting. This would not cause any security issues.

****District Attorney Heneks stated he was leaving the meeting and would return.**

Warden Brian Miller stated, he would be willing to return the cell phone(s) and follow Commissioner Zimmerlink's suggestions as long as the Board agreed to this as well.

The Board agreed (D.A. Heneks was not present)

Moment of Silence

Pledge of Allegiance

Commissioner Zapotosky stated, he had an issue to discuss that occurred yesterday. A discussion was held at the Warden's office regarding complaints made by Corrections Officers. Individuals present were Patty Yauger, Commissioner Ambrosini, Suzi Miller, and Warden Brian Miller. He stated he just spoke with a member of the union and had no knowledge of complaints filed, any concerns filed. Customarily, a complaint would go from a Correction Officers to a union representative or someone

higher up. He stated he asked if Ms. Kelly was present because she was the impetus of the article. That does not seem to be the case.

Approval of August Minutes:

Moved by Commissioner Ambrosini and Seconded by Sheriff Brownfield to approve the August 2014 Prison Board minutes.

Sheriff Brownfield	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Response not audible
Controller Wrona	-	Aye
District Attorney Heneks	-	Not Present

Motion passed unanimously

Public Comment on Agenda Items:

Charles, (last name not audible) stated he wanted to comment on a post on Commissioner Ambrosini's Facebook page. He said the post stated that an inmate spat at a Correction Officer, and he suggested that something must have triggered that response. He stated, he was locked up in the Fayette County Jail and said some of the Corrections Officers think they are better than the inmates, and have even told the inmates that. He also stated, the incident with the Correction Officer fearing for his life, but he said what about the inmates. He stated the prison has black mold and inmates are forced to sleep on cold steel without mats. Charles said Commissioner's post mentioned the new prison will not have bars but steel doors. Charles stated he has been in other prisons, and they have steel doors, and he said when the Corrections Officers came on to the block as they call it, there are no bars between the inmates and the Correction Officers. He said he thought there may have more problems in a prison without bars. He said it provides more safety. He also mentioned that there was a post on another webpage stating that anyone can sit in at the prison if they wanted to do it, and see the conditions. He never heard such a thing, and asked if this offer still stands. Charles said there was also mention of the Correction Officers who were concerned about their health, and the health of their family due to the potential of bringing home disease. He said the inmates have families too and concerns for their health.

Katherine Jones stated, she wanted to speak of issues regarding the existing prison. She stated her goal was not to stop the new prison, but to stop the gross mismanagement team from moving on to the new facility. She said the prison is deliberately and with malice, overcrowded with non-violent, victimless criminals. She stated those individuals are only here (the jail) because they are poor. She said if they could afford an attorney, they would not be here. She stated, based on a scatter plot of inmates from January 2014 to August 2014 ten percent of the population had either victim, or violence. She suggested that if you would knock off the ten percent of inmates that should not be here due to the type of offenses they were incarcerated for, you would be able to go right back to capacity for the prison. She suggested also if the Day Reporting Center was operational, and the Veterans Court was operational, as both were supposed to be, you could knock off as much as maybe twenty five to thirty

percent. She stated these things could be done without endangering the community or the stability of the community. She said that mandatory minimums are illegal. She stated there are unbelievable prevalence of DUI cases...She said DUI charges are the top charge within this facility. She said she didn't know how many actual DUIs, or administrative DUIs. She believes the prison is being overcrowded intentionally. She stated that the prison is also filthy. There is a gross mismanagement of the existing prison on behalf of the Warden, as well as the Commissioners.

Commissioner Zapotosky stated, there are certain components that come in to play, you can only put a dress on a pig for so long, before you notice the pig; referring to the current prison. He stated the prison needs work in multiple areas.

Ms. Jones stated, it is unfortunate District Attorney Heneks left, however she had a few things she wanted to discuss. November 2011, a man by the name of Parish George was struck and killed by a drunk driver, and she claimed the drunk driver walked away. She said in 2011 District Attorney Heneks refused to refile charges against a man by the name of Robert Rudnik guilty of drunk driving with property damage. She stated there was a DUI with a death and a DUI with property damage that Jack Heneks refused to prosecute, but she stated, we had a jail full of individuals found guilty of administrative DUIs. She said an administrative DUI is when no impairment has taken place, but a blood test shows THC. She said she could potentially eliminate a dozen more young men who couldn't afford an attorney, who were in the wrong place at the wrong time, and was stopped by law enforcement and taken in for blood test. She stated "we" could bring this building into capacity today. She said if all of these individuals would be treated in fair and equitable manner by the District Attorney, we could solve a lot of the problems of the jail. Ms. Jones stated Jack Heneks was guilty of driving under the influence of alcohol more than once. She said he does not have the moral authority to prosecute anyone.

Commissioner Zapotosky said with respect to Ms. Jones, District Attorney Heneks was not there to defend the accusations.

Ms. Jones said she was sorry he had to leave, she wanted him to hear what she had to say, and she said she thought the mess with the jail was intentional. She also stated, there are good guards, but if you allow the bad then you have trouble.

Commissioner Zapotosky said he is dumb-founded with the press conference that was held yesterday, based on Susi Kelly receiving numerous complaints from Correction Officers. He stated, he addressed the Correction Officers that were in charge of receiving complaints.

Kevin Locke interjected and stated that they were not the only officers in charge of receiving complaints.

Commissioner Zapotosky continued, and stated he was dumb-founded that there had not been any further advanced after what was explained yesterday. He said if anybody had anything else to advance with regards to this he would appreciate they do so.

Kevin Locke stated, if there was a press conference, not all the Correction Officers were informed. He said he was not informed, nor was Officer Bennett informed. He can only speak on behalf of himself and Officer Bennett.

Commissioner Zapotosky said he would reach out to Susi Kelly to find out how that press conference transpired. There seems to be a list of, at least five or six pages and warrants a follow up.

Kevin Locke said he had a question for Director of Human Resources Dominick Carnicella regarding five full-time positions that have not been filled. He questioned why the positions are not filled. He questioned whether the study he claimed he had to do was complete in order to fill the positions.

Director of Human Resources Dominick Carnicella he was in the process of analyzing the figures of part-time and full-time overtime cost.

Kevin Locke stated, the positions in question are existing positions due to promotion or resignation and the positions were never filled.

Director of Human Resources Dominick Carnicella stated, the positions were not budgeted for this year. He said they do have the required 43 bids and those positions are being filled as soon as possible.

Kevin Locke said he believed it was 2013 at least that the positions have not been filled.

Director of Human Resources Dominick Carnicella said the 43 required bid positions are budgeted for and planned to be filled as soon as possible. Any positions in addition to the 43...

Officer Bennett stated, you the county are going to spend money no matter what you the county do, because you are paying overtime to the officers who are not full-time anyway.

Commissioner Zapotosky intervened and said the topic was more of a personnel matter.

Sheriff Brownfield asked if there were any questions regarding the September bills.

Moved by Commissioner Ambrosini and Seconded by Commissioner Zapotosky to approve the September 2014 bills.

Sheriff Brownfield	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye
Controller Wrona	-	Aye
District Attorney Heneks	-	Not Present

Motion passed unanimously.

Sheriff Brownfield called for the population report from Warden Brian Miller.

Population Report for September 2014:

Warden Brian Miller stated, there were 197 male inmates in-house and 39 female inmates in-house for a total of 236 in-house. The out of county rentals are 28 male inmates in Greene County, and 19 in Bedford County for a total of 47 out of county male inmates.

Sheriff Brownfield asked for any questions on population report.

Court Administrator:

None Present

Commissioner Zapotosky stated, the issues brought by a member of the public, would fall under the Court Administrator's office and Public Defender's office, because it relates to indigent care.

Personnel:

Director of Human Resources Dominick Carnicella stated, he had one item. He asked to accept and ratify the resignation of full-time Correction Officer Crystal Jacobs effective September 2, 2014.

Moved by Sheriff and Seconded by Commissioner Ambrosini to accept and ratify the resignation of full-time Correction Officer Crystal Jacobs.

Sherriff Brownfield	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Abstain
Commissioner Zimmerlink	-	Aye
Controller Wrona	-	Aye
District Attorney Heneks	-	Not Present

Motion passed unanimously.

Commissioner Zapotosky stated, he had one item as well. He requested to go into Executive Session for possible disciplinary action.

Moved by Commissioner Zapotosky and Seconded by Controller Wrona to go into Executive Session for possible disciplinary action.

Sheriff Brownfield	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye
Controller Wrona	-	Aye
District Attorney Heneks	-	Not Present

Motion passed unanimously

Executive Session begins at 10:27 on September 24, 2014.

*****Executive Session recessed until Friday at 10am.**

Resumed regular session for September 24, 2014 Prison Board Meeting

Public Comment:

Mr. Jones spoke about incidents that had occurred with officers in other facilities. He said if you have officers doing unlawful acts, you have to get rid of those officers, because the officers who are good officers are put in a very uncomfortable situation. There needs to be something done with the officers who are bad for the wellbeing of all those involved. He understands the officers at the prison has a tough job to do but if leadership doesn't do anything about bad behavior then the leadership should be held accountable. He suggested there had been situations in the jail in which officers who report other officers, become targets, because they turned in an officer who wasn't doing the right thing. He said if there is an environment such as this within the jail, then there will never be resolution to the problems. Mr. Jones said if there is going to be a new prison, you must take out the bad officers, and if you don't and turn a blind eye to the bad, you should be held accountable.

Kevin Locke said he wanted an answer from Dominick regarding the 6 bids that are currently open.

Director of Human Resources Dominick Carnicella stated, the vacancies that are within the 43 full-time bids are being filled as soon as possible. He said the Warden and himself are working on, and have been interviewing candidates and recommending individuals.

Kevin Locke, Representative said why candidates are being interviewed, when you have part-time people to fill those positions.

Sheriff Brownfield said he thought the vacancies should be filled as soon as possible if overtime is being paid to the part-time officers already. He said that when individuals have to work a lot of overtime mistakes can be made, people can get hurt.

Commissioner Zapotosky suggested Sheriff Brownfield discuss what took place in Executive Session.

Sheriff Brownfield stated, no decisions were made during the Executive Session, and today's meeting would be recessed until Friday, at 10am at the Commissioner's Conference Room.

*****Meeting Recessed until Friday September 26, 2014**

Friday, September 26, 2014 Meeting is called to order by Commissioner Ambrosini, Co-Chair due to Sheriff Brownfield's absence in person. Sheriff Brownfield requested the meeting be chaired by the Vice because he was joining by phone, reconvened at 10:07 in the Commissioner's Conference Room at the Fayette County Courthouse, Uniontown, Pa 15401.

Roll Call:

Sheriff Brownfield	-	Aye (by phone)
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink (in person @ second session)		Aye
Controller Wrona	-	Aye
District Attorney Heneks	-	not present

Commissioner Ambrosini stated, this meeting was recessed until today, Friday September 26, 2014 so he asked if anyone wanted to move back into Executive Session to discuss personnel issues.

Commissioner Zapotosky stated, before moving into Executive Session, he received an email from a member of the media stating concerns of Correction Officers. He said he thinks that we the Board should discuss the concerns in the email. He claimed he never received a copy of those concerns. He was unaware who attended the meeting outside of Ms. Yauger and Susi Kelly. He was not aware of what the concerns were. He said he was informed when he walked into the jail by members of the media.

Commissioner Zimmerlink stated, she received an email containing concerns of Correction Officers. The email was sent to all Commissioners. She stated there are 9 items she would discuss from this list. She said, as we all know, the Prison Board is in charge of addressing these concerns. She stated that she wanted to follow up with Commissioner Zapotosky regarding these concerns.

Commissioner Zapotosky said the only individuals who received the email was the three commissioners, and their assistants, but not to the Controller or the D.A.

Commissioner Zimmerlink She stated, she read the email, and she would discuss the 9 concerns that were listed in the email. She said the email said the officers met with the Warden regarding the matters and would like a response from the Commissioners. She asked Warden about the emails. She asked the Warden to address the concerns mentioned in the email, and if anything has been done regarding the concerns.

Commissioner Zapotosky asked who the individuals were who attended the meeting regarding the concerns of the Correction Officers.

Commissioner Zimmerlink said the email did not specify who attended. She questioned Warden Brian Miller if he met with anyone, and if so, who.

Warden Brian Miller said there were reporters there.

Commissioner Zimmerlink asked if there were any Prison Board Members there.

Warden Brian Miller stated Commissioner Ambrosini was there.

Commissioner Zapotosky said “for the record” the only Prison Board Member at the meeting was Commissioner Ambrosini. In all fairness to all other board members, this was surprise and sadly so. He said if there were concerns, he would expect the Warden, the Correction Officers, as well as their union representative would have contacted us so this is the first time we have heard any of this.

Commissioner Zimmerlink said the first she heard of the meeting was yesterday when she received the email. She said the first concern listed was that the officers had no security, nothing like at the state level. She asked Warden Brian Miller if there was security at the jail.

Warden Brian Miller said yes.

Commissioner Zapotosky asked Warden Brian Miller to repeat his answer to whether there was security at our county jail.

Warden Brian Miller answered yes.

Commissioner Zimmerlink said the email said security is not like that at the state level. She asked the Warden if he would say there are different levels of security at the state level compare to the county.

Warden Brian Miller said he wasn't sure what they meant by the statement. He said he wasn't sure if they meant the number of inmates to guards. He said we do have issues, with the jail having open bars, the inmates do tend to throw urine and feces at the officers. He said he just wasn't sure what exactly they were referring to.

Commissioner Zimmerlink asked the Warden if the officers gave him an opportunity to go over the email of concerns.

Warden Brian Miller said the only time he saw those concerns was Monday.

Commissioner Zapotosky asked the Warden who provided him a couple of the concerns.

Warden Miller said Susi Kelli provided him with the concerns.

Commissioner Zapotosky asked if at any time was there any Correction Officers present.

Warden Brian Miller stated at no time was there a Correction Officer or union representative present.

Commissioner Zimmerlink stated we needed to call Sheriff Brownfield back, after we lost cell service to him.

Commissioner Zimmerlink said so when it says we have no security this is a concern.

Warden Brian Miller said the union representative needs to sit down and go through all of the questions and talk about what the officer's concerns are.

Commissioner Zimmerlink asked the Warden if her response to the email is no comment until the Warden has an opportunity to review them.

Warden Brian Miller said yes.

Commissioner Zapotosky interjects and ask who typed the concerns in question. He asked if there was anyone in the room that typed up the concerns and gave them to either of the reporters. He wanted to know who addressed these concerns with the Warden or is this contrived for the “shock” value that may exist. He said he was having a rough time buying into this, when there was no representative of the union or Correction Officers present at the meeting held by a sitting Commissioner, the Warden, and a member of the media. With all due respect, until the concerns are put forth before the board can anything be done.

Commissioner Ambrosini said he wanted to say something...

Commissioner Zimmerlink said she wanted to finish going through the concerns before comment. She said she wanted to ask the Warden and if he doesn’t know the answer because it was pushed on him, then fine. How would he be able to respond to a newspaper if he can’t respond to the questions now. She then asked Warden Brian Miller if it was true that an inmate could break through a wall in our jail.

Warden Brian Miller stated, an inmate could break through any wall, but to his knowledge there are attempts but no inmate has broken through any wall yet.

Commissioner Zimmerlink said the next concern said there was an uptick in the amount of contraband and assaults in the jail, and she asked the Warden if that was true.

Warden Brian Miller said contraband is always an issue, but he doesn’t think there has been an increase in the amount of contraband but he said there will always be contraband.

Commissioner Zimmerlink said the next concern was that the email said the Correction Officers only protection is gloves. Is this true.

Commissioner Zimmerlink

Warden Brian Miller stated, they do have weapons in the prison, but Correction Officers can’t carry them due to the risk of an inmate getting possession of it. The weapons are there at such time they are needed.

Commissioner Zimmerlink said this is the policy of the jail, and she asked if he was happy with that.

Warden Brian Miller explained what an emergency response team is and stated we do not have one at the jail.

Commissioner Zimmerlink said another concern listed in email said when SCI inmates assault guards they bring those inmates to the Fayette County Prison. She asked Warden if there is an issue with that now.

Warden Brian Miller said there have been issues with that in the past, but at the present time he believes all of the issues have been addressed. There was an instance that SCI brought five LTSU (long term segregation units) inmates from their institution. Warden stated he called the state and told them

that the state couldn't bring five of these inmates at once due the amount of staff needed to handle that many people. Since that time there hasn't been an issue since.

Commissioner Zimmerlink said the email stated the Correction Officers claimed they had to walk through human waste due to the sewer backing up on a daily basis. She said she asked Bob Carson knew of this complaint. He was not.

Warden Brian Miller said he was not aware that it happened on a daily basis, but have had issues. He said maintenance would be in charge of this p

Moved by Commissioner Zapotosky and Seconded by Commissioner Zimmerlink to move into Executive Session at 10:45.

Sheriff Brownfield	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Aye
Controller Wrona	-	Aye
District Attorney	-	Not present

Motion passed unanimously

*****District Attorney Heneks returned to meeting during Executive Session.**

Resumed Regular Session at 1:10pm on September 26, 2014

Sheriff Brownfield	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Not Present for vote
Controller Wrona	-	Aye

Motion passed unanimously

Commissioner Ambrosini stated, there was no decisions made at in Executive Session.

Commissioner Zapotosky stated, he wanted to address a question he asked Warden Brian Miller last month. He asked the Warden Brian Miller if he misinterpreted a question he was asked last month regarding a Correction Officer. Warden Brian Miller admitted that he did make the call to the officer. He said he did misinterpret the question when first asked.

Moved by Controller Wrona and Seconded by Commissioner Zapotosky to adjourn the Prison Board Meeting on September 26, 2014.

Sheriff Brownfield	-	Aye
Commissioner Ambrosini	-	Aye
Commissioner Zapotosky	-	Aye
Commissioner Zimmerlink	-	Absent at time of adjournment
Controller Wrona	-	Aye
District Attorney	-	Aye
Motion passed unanimously		
Meeting Adjourned at 1:15PM		

