

A Special meeting of the Prison Board was held on Wednesday, September 16, 2009 at 9:00 A.M. at the Fayette County Court House, Commissioners Office Conference Room

Roll call was done and the following members were present:

**Sheriff Gary Brownfield
District Attorney Nancy Vernon
Commissioner Vince Zapotosky
Commissioner Vincent A. Vicites
Commissioner Angela M. Zimmerlink
Judge John Wagner
Controller Sean Lally**

**Others: Warden Larry Medlock
Dominick Carnicella, Felice & Associates
Joseph E. Ferens, County Solicitor**

**Also: Jennifer Harr, Herald Standard
Liz Zemba, Tribune Review
William Stevens
Shannon Ferencz
Kristy Leigh Krilosky
Pam Stevens
Ted Pritchard**

Commissioner Zapotosky is asking Solicitor Ferens if it is okay for an individual to place a secondary recording device on the table.

Solicitor Ferens stated that it was okay if they record the proceedings but to not have the device on the table.

Family would like a copy of the minutes once the minutes are approved.

Sheriff Brownfield is stating that the reason this meeting was called was a result of a death of an inmate in the Fayette County Prison.

We will open this up for public comment period on the agenda item which is the death of the inmate.

Commissioner Zimmerlink would like to know exactly what the agenda is, because we were not given one. Sheriff Brownfield is stating to make sure that procedure is being followed.

Shannon Ferencz would like to know if there is a video tape of the guard who was watching, and the cell. There should be an intake form and also a psychological exam done on the inmate. This is all very important information, and at this time, where is the information.

Sheriff Brownfield is explaining that the death itself is being investigated by the state police. Any of those items would be given to the investigating officer. That is his job to obtain this information. We the Board can not really comment at this time, because of the ongoing investigation. We more or less called this meeting to see what procedure we were going to take with regards to the guards and their responsibility.

Solicitor Ferens, the prison board wanted to take some action with the people who were doing the job of watching the screens. As far as liability and responsibility, this matter is under investigation, and I am sure that the Pennsylvania State Police will take the matter to the District Attorney's office for what ever criminal liability there might be. Civil standpoint, we can not make any determination because there is an investigation going forward. And I will advise this board if they want to make some determination with regards to personnel that they call can executive session. The only purpose of today's meeting is to determine whether or not any action should be taken on a personnel issue.

Commissioner Zapotosky is stating that the family needs the reassurance that the prison board is handling this matter taking it very seriously and that all records are being reviewed sealed and protected properly so that nothing is tampered with. Allowing the PA State police to conduct the investigation.

Shannon Ferencz is asking where the items are at, what is the policy on suicide, when they are just coming in off the street, obviously you had him on camera, and how often is he watched? How often does someone walk passed his cell? Is 30 minutes acceptable to not keep watch of somebody who may be considered to be of some risk?

Solicitor Ferens is stating that those issues will all be addressed, and again I am not trying to put your questions off, but we do not know enough about what happened. As far as policies are concerned, I have not seen any policies; I just literally got back late last night As I was asked to be here this morning. But they are a matter of public record and available and can be disclosed, and I am certain that the PA State Police are investigating.

William Stevens is stating that again this is personnel, from the 25 minutes that he heard something from that boy, where was he for those 25 minutes.

Solicitor Ferens is stating that again this is part of the investigation, and he understands

that you are upset, but these are answers that we don't have at this time.

Shannon Ferencz would like to sit back and listen.

District Attorney Nancy Vernon is offering her condolences. I want to assure the family that Trooper James Pierce who has been in the District Attorney office twice is investigating this matter thoroughly, we have gone over all of the information that you are referring to, it is preserved and it is there. So this should assure you to some extent. I met yesterday with Philip Reilly; he is the Coroner of Fayette County. He is going to schedule an inquest which will take place the week before Thanksgiving. At that time everyone involved will be subpoenaed, evidence will be reviewed and statements will be taken. This is a public forum where you will be able to come and listen to the investigation. If you have any questions Trooper Pierce or myself would be happy to meet with you, to discuss them. I am telling you this to reassure you that we are not overlooking this.

Motion made by Commissioner Vicites and seconded by Controller Sean Lally to have an executive session to discuss personnel issues, included in the meeting will be, Solicitor Ferens, Warden Medlock, and Human Resource Director.

On the Roll Call vote was:

Sheriff Gary Brownfield	yes
District Attorney Nancy Vernon	yes
Commissioner Vince Zapotosky	yes
Commissioner Vincent A. Vicites	yes
Commissioner Angela M. Zimmerlink	yes
Judge John Wagner	yes
Controller Sean Lally	yes

Motion Carried Unanimously

Tribune Review Reporter Liz Zemba is objecting to the executive session.

Solicitor Ferens is stating that any personnel matter can be handled in an executive session.

Motion made by Commissioner Vince Vicites and seconded by District Attorney Nancy Vernon to return from Executive Session

On the Roll Call vote was:

Sheriff Gary Brownfield	yes
District Attorney Nancy Vernon	yes
Commissioner Vince Zapotosky	yes

Commissioner Vincent A. Vicites	yes
Commissioner Angela M. Zimmerlink	yes
Judge John Wagner	yes
Controller Sean Lally	yes

Motion Carried Unanimously

Motion made by Judge John Wagner to authorize the Warden to take the appropriate action in consultation with the Human Resource Department and in respect with our contractual obligations, against those individual or individuals that his investigation determines that action is warranted, it is my understanding that there will then be a hearing scheduled with the Human Resource department, the warden, the officers involved. Once hearing takes place then, they will need to come back to the board for official action. At this point we need to authorize the Warden to take the initial step. Motion was seconded by District Attorney Nancy Vernon.

On the Roll Call vote was:

Sheriff Gary Brownfield	yes
District Attorney Nancy Vernon	yes
Commissioner Vince Zapotosky	yes
Commissioner Vincent A. Vicites	yes
Commissioner Angela M. Zimmerlink	yes
Judge John Wagner	yes
Controller Sean Lally	yes

Motion Carried Unanimously

Judge John Wagner is adding that once the Human Resource office takes this action, this will be public record and available to any interested party that wants it, and bear in mind that this is only an initial step. We can't jump to the last step we must take things one step at a time

Shannon Ferencz is asking when this will take place.

Judge John Wagner is stating that he would think that the Warden would be acting promptly.

Public Comment:

Robert Ted Pritchard Senior is stating that in accordance with procedure the district attorney should forward this and their should be an independent State Police Investigation on the inmates suicide, no further comments made until investigation is done and an Coroners inquest is performed.

Sheriff Gary Brownfield is making Mr. Pritchard aware that all of this is being done as brought up prior to his attendance in the meeting.

Shannon Ferencz would like to know what action will be taken.

Judge John Wagner is stating that legally we can not take action until certain procedural steps have taken place. The Warden and Human resources must take the initial procedural step. This will be done very promptly.

Solicitor Ferens is stating to family that some official action will be taken by the warden any additional action will be done by a separate hearing. I realize that the process can be difficult.

Judge Wagner is stating that if you leave your number with Human Resources. Human resources can notify the family with the decisions of the hearing as a courtesy and whether or not it is public.

Motion made by Commissioner Vincent A. Vicites and seconded by Judge John Wagner to adjourn meeting

On the Roll Call vote was:

Sheriff Gary Brownfield	yes
District Attorney Nancy Vernon	yes
Commissioner Vince Zapotosky	yes
Commissioner Vincent A. Vicites	yes
Commissioner Angela M. Zimmerlink	yes
Judge John Wagner	yes
Controller Sean Lally	yes

Motion Carried Unanimously

Meeting Adjourned.