

**BERKS COUNTY PRISON BOARD MINUTES
FEBRUARY 26, 2020**

The Berks County Prison Board met in a regular session on Wednesday, February 26, 2020 at 9:00 A.M. in the Commissioners' Board Room on the 13th Floor of the Berks County Services Center, pursuant to due notice to Board members and the public.

CALL TO ORDER:

District Attorney Adams called the meeting to order at 9:00 A.M.

The following members were in attendance:

- District Attorney John Adams
- Commissioner Kevin Barnhardt
- Commissioner Christian Leinbach
- Commissioner Michael Rivera
- Controller Sandra Graffius
- Judge Scott Lash
- Sheriff Eric Weaknecht District

The following County staff also attended:

- Chief Administrative Officer Ronald Seaman
- Human Resources Director Jessica Weaknecht
- Solicitor Christine Sadler

APPROVAL OF MINUTES

A motion was made by Commissioner Barnhardt, second by Controller Graffius to approve the January 29, 2020 meeting minutes as presented. Motion carried.

PUBLIC COMMENT

None.

JAIL SENIOR STAFF REPORTS

INMATE POPULATION: Warden Janine Quigley stated the inmate population was 910. Of the population reported, 126 were female, 784 were male and 4 juveniles were being housed in Chester County. Warden Quigley presented a PowerPoint with population data from 2007 to 2019, indicating the highest and lowest daily populations. She pointed out the highest average population in 2007 was 1,297.

In 2013, the Jail began housing about 130 technical parole violator (TPV) inmates from the State which resulted in an artificial increase of the average population. In 2016, the TPV inmates were capped at 50 until they were reduced to zero in 2019. The Warden noted that in 1990 the average daily population was 527 and jumped to 1,113 in 2000. When removing TPV population data, there was a noticeable increase in 2017 which she said she believed was due to mass arrests through the DA's office. DA Adams said he believed that was the case.

Commissioner Barnhardt asked how many repeat offenders were in the population reported. The Warden did not have that information. Commissioner Leinbach requested the repeat offenders be identified to determine if the programs involving recidivism were effective. Warden Quigley will work with Booking to get the information. She said the reports for this information will have to be created manually until the DSI system is upgraded. Commissioner Barnhardt mentioned the possibility of having software built through the Savings and Efficiency Task Force. Solicitor Sadler pointed out that the difficulty; not having access to prior criminal history when booking.

Warden Quigley pointed out that the female population reached the peak of 168 which was the highest she had known. The female commitments were about 17.5% of all the commitments each year, not including TPV inmates. The average length of stay for females was about 20 days less than the males. DA Adams noted that he did not foresee the TPV inmates coming back. He said he expects the criminal justice reform movement to bring probation reform that could potentially impact the Jail.

CRIMINAL JUSTICE REFORM: Warden Quigley spoke about Act 115 of 2019, part of the justice reinvestment changes that include changes to parole. She explained, as of April, the State was permitted to do a 'Quick Dip' which places a person with a less severe parole violation or technical violation in prison or jail for three, five or seven days. They offered counties \$75 a day per inmate to participate in this program. The Warden contacted the population management team at the State to find out the estimated number of inmates they should expect to receive. She was told one to two inmates would be in the facility on any given day.

Warden Quigley said the benefit did not outweigh the cost of the time needed to book and process a person with unknown medications and unknown mental health situations, for such a short period. If this issue is brought to County officials from the State, the Warden recommends Berks County Jail does not participate in this program.

STAFFING: Chief Deputy Jeffrey Smith updated the Board on the status of the staffing; there were eleven correctional officer vacancies and two sergeant vacancies. Six cadets were enrolled in the academy and were scheduled to graduate April 15, 2020. The next correctional officer testing was scheduled April 14, 2020.

RENOVATION UPDATES: Deputy Warden Mike Buono reported the status of the renovation projects: the tree removal project was completed and an A/B visitation instruction kickoff meeting was scheduled for the following day.

Deputy Buono reported a hot water pipe cracked on February 19 and flooded the tunnels under the Delta unit. They shut off the hot water to do an emergency pipe repair. The pipe was put in by Vision Mechanical about a year and a half prior and they were in the process of determining if the warranty will cover parts and labor for the incident.

PCCD VIVITROL GRANT: Deputy Warden Stephanie Smith reported that the Chestnut Health Systems who were partnered with the National Institute for Health, reached out regarding participation in a national survey. This would assess county jails access to medication assistance and treatment resources. The survey will be a 30-45-minute interview about the resources offered in Berks County. This will assess resource needs and allocations for various projects.

DA Adams distributed the letter drafted by the Jail on behalf of the Prison Board regarding the Vivitrol Grant. He wanted to include an example in the letter without including the identity of the inmate. Deputy Smith suggested sending the letter to both the grant holder, PCCD and the fund holder, Department of Corrections. DA Adams explained that the way the grant was designed did not allow it to reach the people who were most in need of this medication. He said Berks was working hard diverting many individuals to drug treatment court. Commissioner Barnhardt noted that if this was not a grant, they could give Vivitrol to anyone who was eligible. DA Adams agreed but pointed out that Vivitrol was expensive. Commissioner Leinbach mentioned it would be beneficial if all Prison Board members signed the letter. DA Adams preferred one signature because of the time it will take to coordinate the letter being signed.

A motion to approve sending the letter regarding the Vivitrol Grant with partial modification to include a specific example of the challenges Berks County experienced was made by Controller Graffius and second by Commissioner Barnhardt. Motion carried.

SOLICITOR'S REPORT

Executive session was required to discuss personnel, litigation and contract negotiation requiring no action.

COMMENTS FROM THE JAIL BOARD

JAIL BUILDING PROJECT: DA Adams requested an update about the Prison Consultant Agreement status and overall future of the jail building project. Commissioner Leinbach said CAO Seaman and Solicitor Sadler lead the effort on CGL, who had a proposal ready. Two weeks prior, a discussion took place about extending the timeline to begin construction. Commissioner Leinbach made the point that they do not want to hire a consultant now to build in 2025 or 2030 so it was very important that this decision be considered sooner than later. Deciding the overall timeline will determine if they hire CGL. He spoke about CGL's role in guiding financial decisions for long and short terms and overseeing the bid process as the owner's representative.

Solicitor Sadler said she requested a cost estimate from CGL for the additional cost to the County to keep the Jail functional during the extended time period. Solicitor Sadler emphasized that they had reservations. She was hoping they will provide a cost estimate within the following week to be discussed at the Budget Ops meeting.

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Commissioner Barnhardt explained that he requested that the Commissioners delay deciding to move forward with CGL to gather more information because the impact on taxpayers. He said he spoke to Robert Patrizio, CFO and explained to the Board what he learned; the project will cost between \$150 to \$200 million and will be the highest expense to the County on record. In 2030 the bond forgiveness will drop \$9.5 million which will afford the County to bond finance at least \$150 to \$175 million. Commissioner Barnhardt said he was focused less on the condition of the building and more on the condition of the taxpayers being able to absorb a double-digit tax increase to build the jail.

Commissioner Barnhardt proposed that in 2029 they begin the engineering, soft costs, planning, permitting, etc., and use the County's budget surplus; then bond and finance the construction in 2030. He added, they should recognize that they invested at least \$13 million dollars of improvements to the 1993 portion of the Jail since he had been in office. He wondered if the patches and repairs will buy them enough time to avoid a large tax increase compared to a modest increase.

Commissioner Leinbach stated that when Commissioner Barnhardt asked to hold on the CGL decision to discuss this concept, he was in support of looking at all the options. Now he is concerned that a catastrophic failure on the 1933 portion of the Jail could deplete all savings. He had discussions with Ken Pick, Executive Director of the Berks County Redevelopment Authority and their new solicitor Dan Becker; one of the options of the lease nonprofit is that an authority designs, builds, owns and leases back. Commissioner Leinbach said the Redevelopment Authority was interested in this concept and could guarantee there would not be a profit mode in any aspect of the construction and/or lease back. He said CFO Patrizio was also interested in this concept.

Commissioner Leinbach said they had to decide to extend the project out 10 years or begin in a few months. He did not want to delay the construction until something went wrong. Commissioner Leinbach added that it was important that the Prison Board be involved in the discussion. Prison Board members should be notified and invited to the project meetings and materials should be available to them in advance.

Commissioner Barnhardt spoke about the population trends and questioned if it was a stable number. He pointed out that the County did not want to over or under build the jail. Warden Quigley said it would be beneficial for CGL to do another population study since the numbers used to project forward were from 2017. From DA Adams' perspective, there was a decline in State Prison populations, and he expects legislation to pass on probation reform that will impact the time period the violator will be incarcerated. The basis of the changes happening was to lessen the prison population.

HOUSING MENTAL HEALTH INMATES & DIVERSION: Controller Graffius asked if there was movement on mental health inmates being housed. DA Adams said statewide they were struggling with bed availability. Beds opened at Norristown State Hospital but then closed at Wernersville State Hospital. DA Adams spoke about the amount of time spent in diversion. They were able to divert people who would have been committed to Wernersville State Hospital.

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The Warden spoke about the diversion work in the County and how they focus on 50 inmates on a regular basis. She discussed their mental health management meetings and the departments and agencies involved. She reported Norristown State Hospital staff was now included in the meetings. She expressed how valuable the meetings were.

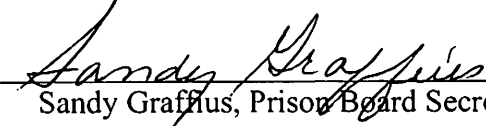
Commissioner Leinbach spoke about the leadership that drives the issue towards helping nonviolent people with underlying mental health issues; helping these individuals benefits the people, their families and the taxpayers. He added, until there were legislation changes, it was critical that they had the right people in place. He asked that DA Adams keep the Prison Board up to date about the probation legislation so they can weigh in as individuals or County Commissioners. DA Adams said he will send out information to the Board about the proposals.

EXECUTIVE SESSION

The Board moved to Executive session at 9:22 A.M. No action was taken.

ADJOURNMENT

The Board adjourned at 9:54 A.M. The next Prison Board meeting will be held March 25, 2020 in the Special Operations Center at the Berks County Jail.


Sandy Graffius, Prison Board Secretary