

**BOARD BYLAWS  
ALLEGHENY COUNTY JAIL OVERSIGHT BOARD  
ALLEGHENY COUNTY, PENNSYLVANIA**

**Section 1. PREAMBLE**

The following Bylaws are promulgated to govern the powers, duties, and operations of the Allegheny County Jail Oversight Board (“Board”). The Board was created in compliance with 61 Pa.C.S. §§ 1721-1728, as amended, and other applicable law, bylaws, and regulations. The Bylaws of the Allegheny County Jail Oversight Board represent the procedures whereby the Board conducts its business.

These Bylaws are also guided by the Board’s Mission Statement; 37 Pa. Code, Chapter 95, “County Correctional Institutions;” the Home Rule Charter of Allegheny County; the Allegheny County Administrative Code; and other applicable laws of the Commonwealth.

Robert’s Rules of Order shall serve as the parliamentary authority for all procedures not expressly set forth in these Bylaws.

**Section 2. THE BOARD**

In accordance with 61 Pa.C.S. § 1723, the Board shall be composed of:

- A. The County Chief Executive.
- B. Two judges of the Court of Common Pleas, one of whom shall be the President Judge, or their designee who shall also be a judge, and one Judge appointed by the President Judge.
- C. The County Sheriff.
- D. The County Controller.
- E. The President of County Council or their designee.
- F. Three citizen members, as provided by 61 Pa.C.S. § 1723(c).

**Section 3. GENERAL BOARD POWERS AND DUTIES**

In accordance with 61 Pa.C.S. § 1724, the Board’s powers and duties shall include:

- A. The operation and maintenance of the Allegheny County Jail (“ACJ”) and all alternative housing facilities, the oversight of the health and safekeeping

of incarcerated individuals, and the confirmation of the Chief Executive's selection of a Warden.

- B. The Board shall ensure that the living conditions within the prison and alternative housing facilities are healthful and otherwise adequate.
- C. The Board Members shall, at least twice each year, conduct an unannounced inspection of the ACJ's physical plant. During such inspections, the Board shall interview a cross section of incarcerated individuals, out of the presence of the Warden and his agents, to determine the conditions within the prison and alternative housing facilities. After each inspection, the Board shall prepare a written report setting forth its findings and determinations which shall be available for public inspection.
- D. The Board shall ensure that the ACJ is being operated in accordance with its regulations and the laws and regulations of this Commonwealth and of the United States.
- E. The Board shall investigate allegations of inadequate prison conditions and improper practices occurring within the ACJ and may make such other investigations or reviews of prison operation and maintenance. The books, papers and records of the prison, including, but not limited to, the papers and records of the Warden and those relating to individual incarcerated individuals, shall at all times be available for inspection by the Board.

#### **Section 4. BOARD ORGANIZATION AND OFFICERS**

In accordance with 61 Pa.C.S. § 1725, the Board shall, in the manner provided by law, promulgate such rules, regulations and forms it deems necessary for the proper administration of the Board and for the operation of the ACJ and alternative housing facilities. In furtherance thereof:

- A. The Board Officers shall consist of a Chairperson, Vice-Chairperson, and Secretary.
- B. The President Judge or the President Judge's designee shall be the Chairperson.
- C. The Board shall elect a Vice-Chairperson by majority vote, to an annual term, which shall run from January through December of each calendar year.
- D. The Controller shall be the Secretary.

- E. The Chairperson, or in that person's absence, the Vice-Chairperson, shall preside at all meetings of the Board, decide all points of order or procedure, and perform any duties required by law or these Bylaws.
- F. The Secretary shall act as clerk of Board meetings, record all Board actions and votes, and publish minutes of all Board transactions for public inspection.
- G. The minutes may be contained within the context of the published verbatim transcript; provided each motion finally voted on or otherwise disposed of is identified and contained within the last order of business on the record.
- H. The minutes shall identify, at a minimum, the text of motions as voted upon, the resolution of the same, and the vote tally. Motions shall be codified by year and number and shall contain a summary of the motion.

#### **Section 5. BOARD DESIGNEES**

- A. The following Board Members may designate an alternate individual to act as their representative in all matters before the Board: the County Chief Executive, the County Sheriff, and the County Controller. Said designees shall have the right to participate and vote at Board Meetings and shall be counted toward a quorum.
- B. The designating Board Member shall provide written notice to the Board Secretary of the identity of his or her Designee. Such Designations shall remain in effect until written notice of their revocation is received by the Board Secretary.

#### **Section 6. BOARD LIAISON**

Pursuant to its authority, the Board has created the position of a Jail Oversight Board Liaison ("Board Liaison"). The Board Liaison shall assist the Board in fulfilling its statutory duties pursuant to 61 Pa.C.S. §§ 1721-1728. The duties and responsibilities ascribed to this position shall not supersede or replace the Board's statutory duties but are to supplement the Board's functions.

- A. The Board Liaison shall not be a Board Member.
- B. The Board Liaison shall not have the right to cast a Board vote.
- C. The Board shall retain the right to promulgate rules, regulations, directives, and responsibilities applicable to the oversight of the Board Liaison position, its job description, and its attendant powers and duties.

## **Section 7. BOARD SOLICITOR**

Pursuant to its statutory authority and Allegheny County Council Bill No. 12854-23, No. 36-23-OR (enacted December 12, 2023, effective January 1, 2024), the Board may retain a Solicitor to provide legal advice to the Jail Oversight Board, as an entity, to assist the Board in fulfilling its statutory duties pursuant to 61 Pa.C.S. §§ 1721-1728. The Solicitor shall not represent nor provide legal advice to any Board Member or group of Board Members in their personal capacity. The Solicitor, upon majority vote of the Board, shall be empowered to represent any Board Member, group of Board Members, or the Board, *in their official capacity*. Upon majority vote of the Board, the Solicitor shall be authorized to advise the Board on legal and regulatory matters, and/or attend meetings as requested by the Board in advance.

- A. The Solicitor shall not be a Board Member.
- B. The Board shall abide by Ordinance No. 36-23-OR and, in pertinent part with §5-214.04(C), Jail Oversight Board Solicitor, Retention and Appropriations, whereby:

Under no circumstances shall the Solicitor hired pursuant to the terms of this Section be a full-time or part-time County employee at any time during their service to the Board. Neither the Solicitor hired pursuant to the terms of this Section nor any law firm or other entity employing such Solicitor on a full-time, part-time, or contract basis shall be a party to any contract with Allegheny County at any time during the course of the Solicitor's service to the Board.

- C. The Solicitor shall not have the right to cast a Board vote.
- D. The Board shall retain the right to promulgate rules, regulations, directives, and responsibilities applicable to the oversight of the Solicitor position, its job description, and its attendant duties and responsibilities on behalf of the Board.

## **Section 8. ACJ and FACILITY INSPECTIONS**

In accordance with 61 Pa.C.S. § 1724(c), the Board shall, at least twice each year, conduct an unannounced inspection of the ACJ's physical plant and after each inspection, the Board shall prepare a written report setting forth its findings and determinations which shall be available for public inspection.

- A. Any individual Board Member who conducts an inspection of the ACJ or any alternative housing facility shall submit a written report to the Secretary within 10 days of their visit setting forth the date, time, nature/purpose of

their visit, findings and determinations. Inspections shall not interfere with the normal operations of the facility.

- B. The Warden, staff, or other authorities in charge shall not inhibit a Board Member's prompt access to the ACJ or other alternative housing facilities. Access shall be granted within a reasonable period of time after arrival, subject to exceptions related to the health, safety, and/or security of persons or facility. In such event, the reason for delayed or denied access shall be communicated in writing to the Board by the Warden or facility authority within 24 hours of the Board member's unannounced visit.

## **Section 9. COMMITTEES**

In accordance with 61 Pa.C.S. § 1725:

- A. The Board may establish committees by majority vote. Committees may be standing, or for a limited purpose. When established for a limited purpose, the committee shall be deemed to be dissolved when its work has been completed.
- B. The Board hereby establishes a standing committee to make appointments to all other committees established by the Board. Said Committee shall be known as the Appointment Committee. The Chairperson of the Board shall appoint three Members from the Board to act as committee members on the Appointment Committee.
- C. Once a committee has been established, the Appointment Committee shall appoint Members from the Board to act as committee members. The Appointment Committee may appoint up to four board members to a committee, but no more than three voting members.
- D. Each committee, once established, shall by majority vote, appoint a Committee Chairperson and otherwise conduct its affairs. Each committee upon completion of a specific review or action shall report to the full Board, which shall take action as it deems necessary.
- E. Committees may be designated to include non-Board members at the time of formation. In such event, the committee members shall appoint the non-Board members to the committee.
- F. Every committee is authorized to consult and confer with persons with knowledge, experience, education, training, expertise, interest, or insight germane to the function of the committee.

- G. Committee meetings may be conducted remotely via Advanced Communication Technology as agreed by the participants, provided that no action is taken that violates Pennsylvania's Sunshine Act, 65 Pa.C.S.A. § 701, *et seq.*, as applicable.

## **Section 10. WARDEN**

In accordance with 61 Pa.C.S. § 1726:

- A. The Chief Executive shall appoint a Warden subject to confirmation by the Board. The Warden shall serve at the pleasure of the County Executive, who shall fix an appropriate salary.
- B. The Warden shall be a resident of Allegheny County within six months after the date of appointment.
- C. Subject to approval of the County Manager, the Warden shall employ deputies, assistants, and other personnel required to adequately operate the ACJ and alternative housing facilities.
- D. The Warden shall report to the County Chief Executive and to the Board.

## **Section 11. WARDEN REPORTS**

In accordance with 61 Pa.C.S. § 1726 and the authority vested in the Board pursuant to 61 Pa.C.S. § 1725, the Warden shall submit to the Board a Monthly Written Report ("MWR") and an Annual Written Report ("AWR").

### **A. Monthly Reports**

- 1. The Warden shall submit a Monthly Written Report ("MWR") to the Board which shall contain information on the population, conditions, and practices in ACJ and all other matters as specified by the Board.
- 2. The Warden's MWRs shall be submitted in writing or via email to the Chairperson, Vice-Chairperson, and Secretary, no later than seven days before the next regularly scheduled JOB Meeting.
- 3. The MWR shall contain reports including, at a minimum:
  - a. Community Corrections Reports;
  - b. Electronic Monitoring Reports;

- c. Segregation / Solitary Confinement Reports;
  - d. ACJ and Alternative Housing Statistics Reports;
  - e. Use of Force Statistics Reports, including date, time, location, names of jail staff members involved, and detailed reasons for each use of force;
  - f. Intake Population Statistics Reports;
  - g. Diversion statistic reports, to include totals released to diversion, time to release from approval, and totals approved but not released;
  - h. Release statistic reports, which shall include the time to release from ACJ's receipt of the 6A;
  - i. copies of ACJ requested judicial medical releases, with names redacted, to include incarcerated individual pod and whether release was granted;
  - j. copies of monthly overdose reports, including location, circumstances, and outcomes with names redacted;
  - k. copies of monthly ambulance logs with names redacted; and
  - l. monthly lockdown reports, to include dates, times, cause(s) reason(s), and/or circumstances of each lockdown, specific areas locked down, and duration of lockdown.
  - m. Monthly Tablet Report, to include on the date of reporting, the number of working tablets in the facility, how many tablets are on each pod in comparison to the number of incarcerated individuals housed on each pod, total number of pending tablet repairs, and the amount of time since each repair request was submitted to the tablet vendor.
4. The Warden's MWR shall also contain information on the number of personnel employed or retained in their representative capacity based upon job description, title, and professional or academic licensure. The specific identity (*i.e.*, name, address, telephone number, *etc.*) of said persons shall not be disclosed in the MWR.
5. The Warden's MWR shall also contain statistical information, including job description and professional, or academic licensure of:

- a. New hires or contracted personnel, including each date of hire;
  - b. Involuntarily-discharged personnel, including each date of departure;
  - c. Voluntarily-resigned personnel, including each date departure;
  - d. The current number of available unfilled positions by type;
  - e. The number of overtime shifts requested; and
  - f. The number of overtime shifts filled.
- e. The specific identity (*i.e.*, name, address, telephone number, etc.) of said persons shall not be disclosed in the MWR.
6. Upon receipt of an MWR, the Board Secretary shall have the power to issue a Notice to Attend upon an identified requested designee to thereby appear before the Board at the next regularly scheduled meeting date to answer questions related to the MWR or issues raised by Board.
    - a. The Notice to Attend may be issued via email to the requested designee via the Warden and shall be governed by the format set forth in Pennsylvania Rule of Civil Procedure 234.3, whereby the Board may compel the attendance of the Warden or their representative to provide information.
    - b. The notice shall be served reasonably in advance of the date upon which attendance is required. The notice may also require the party to produce documents or things.
    - c. Delay of the submission of an MWR to the Board shall not excuse the attendance of the person to whom the notice is provided.

**B. Annual Report**

1. The Warden shall submit an Annual Written Report (“AWR”) to the Board which shall contain information on the population, conditions, and practices in ACJ and all other matters as specified by the board. The AWR shall be available for public inspection on the ACJ website.



2. The AWR shall also contain a yearly compilation and summary of trends, issues, and challenges as identified in the previous year's MWRs. The AWR shall be *in addition to*, and not be a substitute for, an MWR.
3. The Warden's AWR shall be submitted in writing or via email to the Chairperson, Vice-Chairperson, and Secretary, no later than 14 days before the regularly scheduled February Board Meeting each year.
4. The Warden shall provide said information in a readable, searchable format.
5. The Warden shall appear in person before the Board to present witness and answer questions of the Board as related to the AWR including the state of the ACJ and all alternative housing facilities; maintenance; the health and safekeeping of incarcerated individuals; and living conditions.
6. The Warden is prohibited to send a designee, proxy, substitute, or representative to appear on his/her behalf. The Warden may *supplement* his or her appearance with persons or personnel knowledgeable of information identified in the AWR; or persons as requested by the Board.
7. Delay of the submission of an AWR to the Board shall not excuse the attendance of the Warden or other person(s) to whom notice is provided. The presence of the Warden to address the AWR is required, regardless of delay.

## **Section 12. BOARD MEETINGS AND THE PUBLIC**

In accordance with 61 Pa.C.S. § 1727 and the Sunshine Act, 65 Pa.C.S. § 701, *et seq.*:

### **A. Board participation**

1. The Board shall meet at least once each month on the first Thursday of each month in the Allegheny County Courthouse Gold Room, or other such date(s) and time(s) as the Board by majority vote shall designate in advance, and shall keep regular minutes of its proceedings which shall be open to public inspection.
2. The Board may hold special meetings from time to time as it deems necessary in accordance with Pennsylvania's Sunshine Act, 65 Pa.C.S.A. § 701, *et seq.*, as applicable. Such meetings shall be held upon 72 hours written notice to all Board members, unless the Board

Members agree to lessen or waive such notice requirements by majority vote.

3. A quorum shall be established by attendance of a majority of current Board Members. A majority vote of the Board Members present at a meeting shall be necessary for any action or business to be taken by the Board.
4. A Board meeting may proceed without a quorum. However, in the absence of a quorum, the Board shall not take any action or vote on any matter.
5. The County Sheriff shall provide a deputy sheriff and such additional deputies during public Board meetings to secure the peace and order of said meetings.
6. Board meetings shall be otherwise conducted in accordance with Robert's Rules of Order.

**B. Public participation**

1. Every monthly meeting of the Board is open for public inspection.
2. The agenda for each monthly Board meeting shall be published at least 48 hours prior to the start of such meeting at the: Allegheny County Courthouse; Allegheny Courts - Fifth Judicial District website; and Allegheny County Controller's website.

See <https://www.alleghecourts.us/general-information/jail-oversight-board/>, as amended.

See <https://alleghenycontroller.com/the-controller/jail-oversight-board/>, as amended.

3. Time for public testimony shall be afforded during each public meeting. Persons speaking before the Board shall deliver testimony during the public comment portion of the Board meeting and shall sign up to speak prior to the commencement of public comment. Public speakers may also sign up to speak on the Allegheny Courts – Fifth Judicial District – Jail Oversight Board website. The electronic sign-up sheet shall be open 7 days in advance of the meeting start and shall close 24 hours before the scheduled meeting start time.
4. Public speakers may address the Board for up to three minutes.

5. A Public Speaker shall not have the right to assume and add the time of another person to his/her time.
6. The Chairperson shall maintain order in all matters during public comment portions of the meeting. No speakers shall be allowed to use vulgar or offensive language, or refuse to leave the podium after the allotted time.
7. At the discretion of the Chairperson, persons offering public comment may be invited or directed to present their commentary or inquiry to the Board Liaison or Board Committee that is charged with the responsibility for the issue being addressed.
8. Public comments submitted electronically through the Allegheny Courts - Fifth Judicial District - Jail Oversight Board website shall be reviewed by the Board in their written form and the written form shall be made a part of the record. The Board acknowledges that electronic comments cannot be authenticated or verified absent public testimony. The electronically submitted public comments shall not be read aloud at a public meeting.

**C. Meetings Decorum**

1. All persons shall be treated with dignity and respect.
2. Robert's Rules of Order shall serve as the determinant of proper decorum.
3. Proper decorum shall be maintained while the Chairperson is speaking, when a Board Member has the floor, while a citizen is speaking, or during a voting procedure. Board members shall abide by the authority vested in the Chairperson and shall not speak out of turn.
4. Board Members shall confine their remarks to the question before the Board and shall constrain themselves from breaching formal protocol, including, but not limited to: profanity; or other disrespectful or undignified behavior.
5. Board Members shall refrain from personal attacks, derogatory name-calling, and/or repeated breach of protocol.
6. When a Board Member is called to order by the Chairperson, that person shall relinquish the floor immediately until the question of order is resolved.

7. Board Members shall disclose potential conflicts of interest or any concern for the appearance of impropriety; and shall state the potential conflict of interest or concern for determination by Board resolution.
8. A Board Member whose conduct repeatedly falls below the guidelines established herein, may be subject to a Motion for Censure to reprimand and/or constrain said Member's conduct.

### **Section 13. AMENDMENTS**

These Bylaws may be amended by the Board by two-thirds vote in accordance with Robert's Rules of Order.

### **Section 14. EFFECTIVE DATE**

These Allegheny County Jail Oversight Board Bylaws have been adopted at the regularly scheduled meeting of the Board held on the 4th day of April, 2024, and are effective of said date.