

IN THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:

Juliette Rihl,
Complainant,
vs.

Docket No.: 2020-2166

Allegheny County,

Respondent.

AFFIDAVIT OF WARDEN ORLANDO HARPER

I, Orlando Harper, hereby declare under the penalty of perjury, pursuant to 18 Pa. C. S. A. § 4904, that the following statements are true and correct based upon my personal knowledge, information and belief:

A. Introduction

1. My name is Orlando Harper. I am the Warden of the Allegheny County Jail (“ACJ” or “Jail”). I was appointed as Warden on October 15, 2012. As the Warden of the ACJ, I am responsible for all aspects of the ACJ. I am responsible for the safety and security of inmates and employees as well as non-employee personnel visiting the Jail.

2. I have been a correctional professional for 32 years. I began my career with the DC Department of Corrections, where I rose from the rank of correctional officer to Deputy Warden for Operations. As the Deputy Warden at the DC Department of Corrections, I was responsible for all operational aspects of the jail.

3. Among my duties at the ACJ is to edit, draft, update, review, and approve policies related to the operation of the facility which are constantly being reviewed and revised to keep consistent with corrections standards as well as state and federal law. The ACJ policies are maintained in a software program called Power DMS.

4. These policies are related to a law enforcement or public safety activity because each of these policies is necessary to maintain the institutional security of the ACJ and the safety of inmates, employees and contractors who live and work in the Jail.

5. In October of 2020, I received notice of a Right to Know Law (“RTKL”) request from Juliette Rihl seeking “any and all records that show Allegheny County Jail’s policies pertaining to mental health, suicide prevention, delivery and administration of medications and accommodations for inmates with a disability.” I determined which policies were responsive to her request, and I reviewed each one. I redacted the information that I considered exempt under the RTKL. I sent the redacted policies to the Allegheny County Department of Administrative Services.

6. The redactions were based on RTKL Section 708(b)(1)(ii), the personal security exemption. During the preparation of this affidavit, I also considered RTKL Section 708(b)2, the public safety exemption.

7. All of the policies currently at issue in this appeal are exempt from disclosure under both the personal security and public safety exemptions to the RTKL. Release of these policies without the necessary redactions poses a direct threat to ACJ staff, inmates and persons outside the facility, and it could cause a disruption in the proper functioning of the jail, which endangers public safety and public protection activity. These policies relate directly to procedures that are undertaken to ensure the stability, safety, and security of the functioning of the Allegheny County Jail. Knowledge of such policies could be used to interfere with the persons who carry out the duties defined in the policies, thereby putting inmates, employees, and the public at risk.

8. Following is a description of each policy and an explanation of why the redactions were necessary to protect information that is exempt from disclosure under the RTKL.

B. Policy No. 304 - Suicide Behavior Detection and Prevention

1. Policy No. 304 of the Allegheny County Bureau of Corrections (“ACBOC”) establishes a manual for medical and correctional employees to deal with inmates who are thinking about taking their own lives. A highly sensitive policy, No. 304 examines every part of the ACJ’s protocols for the detection and prevention of suicide. This policy ensures that the ACJ provides a safe and secure environment to preserve life, to prevent injury and to respond appropriately to special management needs of inmates.

2. Detection begins in the jail’s Intake Department and branches out to different parts of the facility depending on possible warning signs that may follow an inmate throughout his or her incarceration. Observation techniques, referrals, training, safety and security inspections, individual employee responsibilities and responses to suicide attempts are just some of the parts of this policy. Each of the aforementioned topics are presented with detailed guidelines that attempt to assist employees in dealing with suicidal inmates. In all cases, the nature of the information is incredibly sensitive.

3. Knowledge of the protocols used to detect and prevent suicide in the ACJ could be used to cause a harmful disruption inside the facility. In the past, inmates have used suicide detection and prevention techniques to cause harm to fellow inmates or employees. If Policy No. 304 were to become public knowledge, inmates would have a detailed game plan as to how the ACJ’s correctional officers and medical staff respond to suicidal inmates. This information, used nefariously, has the potential to endanger an employee or inmate with good intentions. It’s a situation that could escalate quickly, bringing harm to responding agents.

4. Additionally, if a suicidal inmate was aware of the contents of Policy No. 304, that inmate could move forward with plans to end his or her life without showing any of the signs or actions employees have been trained to look for in a suicidal inmate. Unfortunately, an understanding of

the detection and prevention techniques employed by the ACJ would give that inmate an advantage in carrying out a suicide.

C. Policy No. 305 - Mental Health Screening and Commitments

1. Policy No. 305 of the ACBOC provides specialized treatment, services and housing for inmates who display or have been diagnosed as having severe mental health problems and/or developmental disability.

2. Policy No. 305 is highly sensitive. It examines every part of the Jail's protocols for navigating mental health. The policy establishes a manual for medical and correctional employees to deal with inmates who need specialized treatment or services to deal with mental health issues.

3. Detection of mental health issues begins in the Jail's Intake Department and branches out to different parts of the facility depending on possible warning signs that may follow an inmate throughout his or her incarceration.

4. This policy includes observation techniques, referrals, training, safety and security inspections, individual employee responsibilities and responses to treatment. Each of the aforementioned topics are presented with detailed guidelines that attempt to assist employees in dealing with mental health issues.

5. Knowledge of the protocols used to treat mental health in the ACJ could be used to cause a harmful disruption inside the facility. In the past, inmates have used mental health deficiencies to cause harm to fellow inmates or employees. This policy would provide those inmates with a detailed game plan as to how the ACJ's correctional officers and medical staff respond to inmates dealing with mental health problems, whether they be referrals or movement to a different housing unit. This information, used nefariously, has the potential to endanger an employee or inmate with good intentions. It's a situation that could escalate quickly, bringing harm to responding agents. Therefore, redactions to this policy are necessary to prevent threats to the personal security of inmates and staff, and to the public protection activity occurring in the Jail.

6. Additionally, making this policy public could aid an inmate with mental health issues in masking those issues. Gone untreated, that mental illness has the potential to lead an inmate down a darker path toward suicide or some other harmful situation that may involve a fellow inmate or employee. Detection and treatment are the best responses to helping an inmate dealing with mental illness.

D. Policy No. 307 - Distribution of Medications to Inmate Population

1. Policy No. 307 of the ACBOC ensures that medication pass is provided to the inmate population in a coordinated manner to allow efficient distribution of medication and proper monitoring by correctional personnel.

2. Medication pass is a delicate balance that is facilitated at the ACJ on a daily basis. Policy No. 307 provides a blueprint as to how it is managed on the housing units.
3. The distribution of medicine to inmates is important, as it provides inmates with the help they need on a daily basis. This policy lays out the process, the personnel involved and the time elements around the medication pass.
4. Knowledge of the Medication pass policy would provide ample opportunity to cause a disruption at the Jail. First, this policy explains the process of the pass, specifically how many inmates are involved, and which personnel are managing it. Second, this policy describes the process for ensuring inmates have indeed taken their medicine. There have been several examples of inmates not taking their medicine or trading or selling it to other inmates. Ensuring inmates have indeed taken their medicine is essential responsibility of the medication pass. Also, the policy explains the plan if an inmate refuses to take his or her prescribed medication. Finally, the policy outlines specific locations in which medication pass is allowed to proceed with additional inmates out of their cells. These are all important reasons as to why No. 307 should not be made available to the public.
5. During medication pass, the housing unit officer and attending nurse are busy with the process, so inmates may take it as an opportunity to cause a disruption which could endanger an employee or fellow inmate. Additionally, ensuring all inmates have taken their meds is incredibly important. Understanding that process allows inmates the chance to pass on their much-needed meds or make a potential trade. Meds, in some cases, may be essential to keep an inmate from hurting a fellow inmate or employee.

E. Policy No. 311 - Reasonable Accommodations for Inmates with Qualified Disabilities

1. Policy No. 311 of the ACBOC provides services in a humane and respectful manner to Qualified Disabled Inmates (QDI), while ensuring that they are processed and housed safely and efficiently with reasonable accommodations to the greatest extent possible without undue hardship to the agency.
2. This policy provides a breakdown of who's eligible for QDI status, including disabled individuals and individuals who do not speak English. The policy outlines each disability and provides specific guidelines for providing the proper care and accommodations for each one.
3. This policy specifies which disabilities qualify an inmate for QDI status and what accommodations are available for QDIs. The accommodations could make it easier for an inmate to attain contraband or cause a disruption in the facility. Redaction of Policy No. 311 is necessary to reinforce the point that QDIs are not above the law in the facility. Special privileges may be discounted if QDIs cause a major disruption in the facility. A disruption can put those QDIs in

danger, as well as former inmates or employees. QDIs do not have the right to abuse the system.

4. QDIs also have more access to ACJ employees, which, depending on the inmate, could put an employee or fellow inmate in danger.

5. This policy also delves into the placement procedures for QDIs, as in which housing units they reside and how movement is conducted for each one, whether it be for courts, video arraignment or medical. Disclosure of these movements and residence status would present potential danger to the facility and all inside.

F. Policy No. 418, Medication and Healthcare Procedures for Inmates Residing in Alternative Housing

1. Policy No. 418 of the ACBOC ensures that all persons transferred to Alternative Housing have been medically and psychologically cleared by the ACBOC's healthcare provider. Further, it is the ACBOC policy that contracted Alternative Housing providers appropriately monitor, log and store residents' medications, and report any changes in medication use to the appropriate personnel as directed within this policy.

2. The redaction of Policy No. 418 is essential for a few reasons. Most importantly, the policy provides classified information regarding the transfer, distribution, tracking and storage of medication prescribed to inmates being transferred from the Allegheny County Jail to any of the regional Alternative Housing facilities. The policy also provides a detailed rundown of the transfer process regarding ACJ inmates and their move to Alternative Housing with prescribed medication. Public knowledge of these transfer procedures could lead to a situation where someone tried to disrupt the transfer to harm an inmate or steal his or her medication.

3. Another sensitive topic covered in Policy No. 418 is the process involving medical emergencies at Alternative Housing. More specifically, the steps taken by that Alternative Housing residence if a resident has to go to the hospital for an emergency visit. Emergency contacts involved with Alternative Housing and the Allegheny County Jail are listed within the policy. Those contacts are confidential.

4. Public disclosure of this Policy could threaten personal security and public safety. Developing an understanding of these transfer processes, regarding inmates and prescribed medication, between the Allegheny County Jail and Alternative Housing facilities, is a safety and security concern involving employees both at the ACJ and the Alternative Housing facilities. Additionally, if someone with bad intentions understood these procedures, they could use this knowledge to put the life of that transferred inmate in potential jeopardy, especially if an emergency transfer to a hospital or the taking of prescribed medication, is interrupted.

G. Policy No. 616 - Medication for all Authorized Personnel

1. Policy No. 616 of the ACBOC provides a safe and secure procedure for authorized personnel that need to take prescribed medications by a licensed medical practitioner (MD, CRNP, PA-C, etc.) while on duty at the ACJ.
2. Redaction of Policy No. 616 is necessary because of the threat of contraband entering the Jail. Certainly, some employees of the ACJ need to take medication during their shifts, and this policy outlines the procedure for those employees to bring that medication into the facility.
3. The policy explains the procedures employees need to follow to bring medicine into the facility, specifically the allowed dose and the notification process. The possibility that employees ACJ. Publicizing this policy would provide those working to get contraband into the facility with knowledge of the procedures and guidelines, specifically what is being checked and who is being notified.
4. This information jeopardizes the process instituted by the Allegheny County Jail. Contraband has the potential to disrupt the running of the facility, not to mention threaten the security and safety of employees and inmates. Knowledge of the process by which employees can bring medication into the Jail could lead to manipulation of that process, which could lead to contraband inside the Jail. This would threaten the personal security of inmates and staff, and would impact the public protection activity occurring inside the Jail.

Orlando L. Harper
11/12/20