

Dear Judge Ashworth:

I was surprised to see your letter of 11/23/21. I received it around the same time I received a call from LNP about it, meaning the Court released it to the media even before I could respond. That obviously is improper and not the type of communication you claim you want. I will note this has happened previously with your emails, which were provided to LNP and became part of a political race.

No one is surprised by staffing challenges -- virtually every business and government entity is having these challenges. This is true not just in Lancaster County, but all across Pennsylvania and indeed all across America. The Biden administration's policies of disincentivizing work and creating massive inflation are wreaking havoc in the economy and will be a continuing challenge for all of us for some time to come. There is no easy solution to these national problems.

I trust that you are well aware of the myriad of news articles on the staffing shortages that exist across all spheres in our nation, but I will call just a few local pieces to your attention:

"The continuing staffing shortages are forcing businesses across the Philadelphia region to cut back on days and hours of operation. Some say they've never dealt with staffing shortages on such a large scale... According to the most recent regional data from the Bureau of Labor Statistics' job openings and labor turnover survey: in July 2021, the Northeast region had over two million (2,111,000) job openings. That's up 19% from June 2021, up 72% from July 2020, and up 80% from July 2019." Dann Cuellar, "Staffing Shortages Continue To Impact Philadelphia-Area Businesses," on [6abc.com](http://6abc.com) (September 14, 2021).

Moreover, "[w]hile restaurants and retail have been hit hard by the pandemic and the ensuing staffing shortages, they are not alone. Shortages are affecting just about every industry....'There is no industry that is not feeling the pinch right now,' said Kevin Schreiber, president and CEO of York County Economic Alliance." Angel Albring and Lena Tzivekis, "'No more cooks left': York County continues to struggle with worker shortages," on [ydr.com](http://ydr.com) (September 2, 2021).

Further, as a former prosecutor who has practiced in our Courthouse, I am very cognizant of the importance of safety for all Court participants. It is of the highest priority. Unfortunately, the staffing challenges present in other occupations are magnified in law enforcement, due to the national policies described above, but also the movement to discredit all who serve in law enforcement and the corresponding, devastating effect on morale among those in the field. Many examples of this staffing shortage are available in the news as well:

"'People don't want to be police anymore,' one local police chief said. 'It's a good job, and good-paying job, but when you look at the national news every day, people just don't want to be officers.'" Mensah M. Dean, Julie Shaw, and Vinny Vella, "Police in Philly and beyond are struggling with a shortage of police recruits and a surge in retirements," on [inquirer.com](http://inquirer.com) (April 23, 2021).

"The 'perfect storm' is developing in police departments as fewer candidates are entering the profession, police officers are being publicly criticized following the killing of unarmed Blacks, departments are slashing their budgets and officers are retiring faster than they can be replaced.' ... According to a recent survey by the National Police Foundation, 86% of departments reported a staffing shortage." Rick McCrabb, "Shortage of police officers becoming 'a crisis across the country' as there are fewer cadets, more retirements," on [news.yahoo.com](http://news.yahoo.com) (June 22, 2021).

Given this Board of Commissioners' interest in ensuring the safety of all who participate in our County's Court system and also equal access to justice for all, we are taking the necessary steps to do what we can to compete. We have not allowed the continuing national problems to stop us from being proactive to try to address these problems. As you are aware, County government recently substantially raised starting wages, passed the highest cost of living wage increases for the entire employee pay scale in many, many years, and passed a substantial prison incentive package. We continue to work on other steps to counter these challenges. Government employers, which have union contracts – agreed to by both sides and which can only be changed through careful negotiations – face perhaps even more challenges than private sector employers, which already are significant. Regardless, we will continue to collaborate with anyone who does so in good faith and will continue to act on any good idea brought to us.

You have declined to discuss or even mention to me, in person or via phone, the issues you raised in your letter or any proposed solutions.

In an email of 10/21/21, I wrote to you that "I am happy to get together and talk." In fact, I have always been happy to discuss ANY issue with you and how we can work together for the taxpayers of Lancaster County. That is our job. You responded via email that day: "[t]hanks for your response. **I have nothing specific to discuss...**"

In short – no crisis on 10/20/21.

You also have my office and cell phone numbers. Yet you have made no effort to use those numbers to share any concerns with me prior to sending your letter.

On 11/16/21, you were at the Board of Commissioners work session meeting to make a request of a large financial commitment for a Magisterial District Court. The Board of Commissioners granted this request on 11/17/21. The Courts thanked us profusely for our cooperation. Throughout that process, you made no effort to share any concerns with us or any other proposals. You specifically raised no concerns about the MDJ offices, such as the ones you address in your letter. Nor have you ever done so that I recall.

On 11/1/21, you were at a Salary Board meeting where you made requests for the Court. The Salary Board granted these requests. In fact, I seconded your motion. (Actually, virtually every request you have made as President Judge has been granted, and I personally have bent over backwards to work with the Court in this and many other ways.) Yet again, you made no effort to share any concerns or proposed solutions with us.

**That is particularly odd given that the Board of Commissioners under my chairmanship has granted virtually every proposal you have ever brought to us.**

None of the other undersigned judges have made any effort to discuss this with us either.

Moreover, you have refused to act on suggestions that could immediately improve the safety concerns you have raised. For instance, I have repeatedly suggested that the personnel from Sheriff's Office MDJ warrant unit -- which only exists because of an order from your Court, has no basis in statute, and is not replicated in virtually any other county -- be reallocated to court security. You have refused to act on

this. In fact, under the law constables are required to do these duties, not sheriff's deputies, who should be providing courtroom security.

If you and your colleagues harbor the serious concerns outlined in your letter, I do not understand why they were not raised by you sooner, nor why they could not be discussed in a rational and professional manner rather than via a letter of complaint that was immediately sent to LNP.

Or perhaps it is not so much about your concerns, which you have refused to discuss with me, as it is about other things?

Perhaps some of your judges may be frustrated that Commissioner D'Agostino and I have discussed openly some of the problems with court access throughout the pandemic. Because while the Board of Commissioners has continuously fought for freedom and in defense of the U.S and PA Constitutions throughout the last 18 months, the Lancaster County Court has remained locked down. The fact is that this is actually what has caused access to justice issues. Reportedly some judges (who make almost \$200,000 a year) have insisted on "working from home" while the rest of County government continued to function largely in person and on site. Moreover, you continue to require masks in the courthouse even today despite the Pennsylvania Commonwealth Court's ruling against masks in schools. Your mandatory masking order runs counter to what virtually every other public entity in Lancaster County is doing – and contradicts the preservation of personal rights and liberties that this Board of Commissioners has sought to defend. Further, according to media accounts, a Lancaster County judge locked up a citizen in a holding cell for failing to wear a mask in the courthouse – a matter that appears to be on its face a serious violation of this citizen's rights (Are you investigating this? You indicated in the media account that the person "was not actually held in contempt" of court. How exactly is a juror legally incarcerated without actually being held in contempt?) Finally, it appears the Court sought to quietly treat employees differently based on personal medical choices about vaccination even though County government has control over human resources matters, and we have been exceedingly clear that County employees' private medical choices are exactly that -- their own private medical choices -- and we will not allow discrimination against them.

Every person who is elected to countywide office in Lancaster County (the minority party commissioner excepted) runs and is elected as a conservative, or as a judicial candidate with a claimed conservative judicial philosophy, and yet we see policies emanating from our Court more aligned with San Francisco, California, than Lancaster County, Pennsylvania.

Yes, I understand that our willingness to discuss these issues in the community may have caused consternation for some. But just as Governor Wolf's threats and insults did not stop us from speaking the truth and defending freedom, neither will this consternation. The citizens of Lancaster County expect, and deserve, no less. We will continue to represent Lancaster County -- and importantly -- Lancaster County values, just as we were elected to do.

Perhaps there is another reason that you decided to raise your concerns via a letter leaked to the press. Is a member of your Court, who previously supervised an office where \$150,000 went missing, disgruntled with the Board of Commissioners because we continue to exercise our free speech rights and seek a full and thorough investigation by the Pennsylvania Attorney General's office?

I have remained somewhat diplomatic about these problems in our courthouse out of an abiding respect for the Court and a personal desire to collaborate with you to solve problems for this County's

taxpayers. I thought that open dialogue between the Court and the Board would be more productive and yield solutions more quickly. But your unwillingness to even mention to me any of your concerns before sending such a letter and immediately releasing it to the press indicates that diplomacy on my part has been useless, and you prefer to debate these matters in a public and inflamed manner. That is regrettable given the Board of Commissioners outstanding working relationship with the prior President Judge and longstanding desire to work collaboratively with the Court. However, if that is what you prefer, I am happy to have that open discussion with the Lancaster County community.

I remain steadfast in my dedication to serving the people of Lancaster County. Should you or your colleagues wish to dialogue with me, I remain available to discuss "[y]our thoughts and ideas on how best to address these issues." As a matter of course, this Board of Commissioners remains, as always, willing to work with anyone acting in good faith to solve problems.

Sincerely,

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