

REGULATORY ANALYSIS FORM

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(1) Agency: Department of Corrections

2000 JAN 10 AM 10:37

INDEPENDENT REGULATORY
REVIEW COMMISSION

Harbison

(2) I.D. Number (Governor's Office Use)

19-3

IRRC Numbers

#2010

(3) Short Title

Motivational Boot Camps

(4) PA Code 37 Pa. Code
Section 93.301, et seq.

(5) Agency Contacts & Telephone Numbers

Primary Contact: Victoria S. Freimuth (717) 975-4860
Secondary Contact: Jill C. Fluck (717) 731-0444

(6) Type of Rulemaking (Check One)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No.
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and non-technical language.

The regulations govern the operation of Motivational Boot Camps in the Commonwealth of Pennsylvania. The Motivational Boot Camp Act (61 P.S. §1125(c)) requires the Department to promulgate regulations covering the following areas: Inmate Selection Criteria, Establishment of Boot Camp Selection Committees, Program Administration, Inmate Discipline, Curriculum and Supervision. The proposed regulations address all of these areas.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions:

The Motivational Boot Camp Act, P.L. 131, No. 215 (enacted December 19, 1990) (61 P.S. §1121 et seq.).

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes, the regulations are mandated by the Motivational Boot Camp Act, 61 P.S. §1121 et seq.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The regulations are mandated by the Motivational Boot Camp Act, 61 P.S. §1121 et seq.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

There are no public health, safety, environmental or general welfare risks associated with non-regulation.

13. Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The Department expects the Commonwealth to benefit from motivational boot camps in terms of financial savings. Since inmates who participate in the motivational boot camp will be incarcerated for shorter periods of time, the costs associated with traditional incarceration will be reduced.

The Department also expects inmates to benefit from motivational boot camps. Motivational boot camps are designed to instill a sense of self-discipline and personal responsibility in the inmates who participate in the boot camps to ensure effective and productive reintegration into the community.

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The Department does not expect anyone to be adversely affected by the regulations.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply).

The Department and inmates participating in motivational boot camps will be required to comply with the proposed regulations.

(16) Describe the communications with the input from the public in the development and drafting of the regulation. List the persons and/or groups who are involved, if applicable.

The Department did not solicit input from the public in the development and drafting of the regulations.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Since the regulated community will consist of inmates chosen to participate in motivational boot camps, the Department does not expect the regulations to have any fiscal impact on the regulated community.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Since the regulations do not require compliance by local governments, the Department does not expect the regulations to have any fiscal impact on local governments.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

There are no costs or savings associated with these regulations. The regulations will only provide a form of legitimacy to functions already being performed.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	CURRENT FY YEAR	FY + 1 YEAR	FY + 2 YEAR	FY + 3 YEAR	FY + 4 YEAR	FY + 5 YEAR
SAVINGS:	0	0	0	0	0	0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:	0	0	0	0	0	0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:	0	0	0	0	0	0
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

There are no costs or savings associated with these regulations. The regulations will only provide a form of legitimacy to functions already being performed.

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Not applicable.

PROGRAM	FY - 3	FY - 2	FY - 1	Current FY
Quehanna Boot Camp	\$5,147,000	\$5,447,000	\$5,421,000	\$6,470,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The Department does not expect the regulations to have any adverse affect on the motivational boot camp or to increase the costs of the Department. The regulations,. Which are mandated by statute, merely codify how the boot camp is currently operated.

(22) Describe the non-regulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The Department did not consider any alternative regulatory schemes in regard to motivational boot camps. The regulations are mandated by the Motivational Boot Camp Act, 61 P.S. §1121 et seq. The Department's regulations address only those areas specifically required to be covered in the enabling statute.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Not applicable.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The Department did not compare the regulations with regulations of other states who operate motivational boot camps.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Department does plan to accept public comment on the regulations. However, the Department does not expect to hold any public hearings or informational meetings concerning the regulations.

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The regulations will be reviewed on an annual basis once they become effective.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The Department anticipates that the regulations will become effective upon completion of the regulatory review process, all public comment periods and ultimate publication in the Pennsylvania Bulletin. Compliance with the regulations will be required upon the effective date of the regulations.

(31) Provide the schedule for continual review of the regulation.

The Department expects to review the regulations annually.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

#2010

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LEGISLATIVE REFERENCE BUREAU
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Department of Corrections
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 19-3

DATE OF ADOPTION: 10/13/99

BY: Martin F. Horn

TITLE: Martin F. Horn, Secretary
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to form and legality. Executive or Independent Agencies.

BY: [Signature]

10/22/99
DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

Title 37 - Law
DEPARTMENT OF CORRECTIONS
[37 PA. CODE CH. 93]
State Correctional Institutions and Facilities

The Department of Corrections (Department) acting under the authority conferred by the Motivational Boot Camp Act (act) (61 P. S. §§1121-1129), hereby promulgates regulations to be included in Chapter 93 (relating to State correctional institutions and facilities) pertaining to motivational boot camps to read as set forth in Annex A.

Under section 5(c) of the act (61 P. S. §1125(c)), the Secretary of the Department of Corrections is required to promulgate regulations concerning motivational boot camps. At a minimum, the regulations shall address inmate discipline, selection criteria, curriculum, supervision, administration and intensive training for all staff prior to their involvement with a motivational boot camp.

The regulations amend Chapter 93 by adding Subchapter C entitled "Motivational Boot Camps." Subchapter C consists of seven new sections beginning with §93.301 and ending with §93.367. Section 93.301 (relating to selection criteria) contains the minimum criteria required for selection into a motivational boot camp. Section 93.302 (relating to selection committee) establishes selection committees, which shall be responsible for recommending whether inmates are favorable candidates for placement in a motivational boot camp. Section 93.303 (relating to administration) establishes how motivational boot camps are to be administered by the Department. The supervisory structure of boot camp facilities is addressed in §93.304 (relating to supervision/organizational structure). Prescribed curriculum for motivational boot camp inmates is addressed in §93.305 (relating to curriculum). Inmate discipline for boot camp participants is addressed in §93.306 (relating to inmate discipline) and staff training is contained in §93.307 (relating to staff training).

Compliance with Executive Order 1996-1

The Department has reviewed the proposed regulations and has considered their purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1 (relating to regulatory review and promulgation). The regulations are statutorily mandated and otherwise comply with Executive Order 1996-1.

Statutory Authority

The Department adopts the regulations under the authority of section 5(c) of the act.

Fiscal Impact and Paperwork Requirements

Since the Department currently operates a motivational boot camp in accordance with the regulations, it does not expect the regulations to have a fiscal impact on or to create new paperwork requirements for the Commonwealth, its political subdivisions or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. §745.5(a)), on March 4, 1999, the Department submitted a copy of the proposed regulations published at 29 Pa. B. 1513 (March 20, 1999) to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Judiciary Committees (Committees). The Department submitted a copy of the final-form amendments to IRRC and the Committees on (INSERT DATE). In addition to submitting the regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

In preparing these final-form regulations the Department has considered the comments received from IRRC. The Department did not receive any comments from the public or from the Committees.

Effective Date

The regulations shall be effective upon closure of the public comment period, the regulatory review process and final publication in the *Pennsylvania Bulletin*.

Contact Person

Written questions concerning the Department's regulations may be submitted to Victoria S. Freimuth, Executive Assistant to the Secretary, Department of Corrections, 2520 Lisburn Road, P.O. Box 598, Camp Hill, PA 17001-0598.

The Department of Corrections finds that:

- (1) Notice of Proposed Rulemaking was published at 29 Pa. B. 1513 as required by §§201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201 and 1202) and the regulations thereunder, 1 Pa. Code §§7.1 and 7.2.
- (2) A public comment period was provided as required by law and no public comments were received by the Department for consideration.
- (3) The adoption of these regulations in the manner provided by this order is necessary and appropriate for the administration of the Department of Corrections.

Order

- a. The regulations of the Department of Corrections, 37 Pa. Code Chapter 93, are promulgated to read as set forth in Annex A.
- b. The Department shall submit this Order, 29 Pa. B. 1513 and Annex A to the Office of General Counsel and to the Office of Attorney General for approval as required by law.
- c. The Secretary of Corrections shall certify this Order, 29 Pa. B. 1513 and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as required by law.

d. This Order shall take effect upon publication in the Pennsylvania Bulletin.

Martin F. HORN,
Secretary of the
Department of Corrections

Fiscal Note: 19-3.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart B. DEPARTMENT OF CORRECTIONS

CHAPTER 93. STATE CORRECTIONAL
INSTITUTIONS AND FACILITIES

Subchapter C. MOTIVATIONAL BOOT CAMPS

93.300 Definitions

93.301. Selection criteria.

93.302. Selection committee.

93.303. Administration.

93.304. Supervision/organizational structure.

93.305. Curriculum.

93.306. Inmate discipline.

93.307. Staff training.

93.300. Definitions

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

Department – The Department of Corrections of the Commonwealth of Pennsylvania.

Diagnostic and Classification Center - A state correctional institution that receives inmates and assigns them custody levels through a classification process that evaluates the inmate's background and reason for incarceration before assigning them to a state correctional institution according to their custody level and needs.

Three-tiered approach - A three step disciplinary process in which an inmate first receives a demerit or demerits. Then, upon receiving 10 or more demerits in a 7 day period, he appears before the Deputy Commander's Review Board and may receive restrictions or additional duties. The final step is the Commander's Committee at which point an inmate may be removed from the motivational boot camp.

Ventilation therapy - A group session led by a counselor during which inmates are encouraged to discuss problems, stressful matters or pressures they are currently experiencing. The objective of the discussion is to help inmates identify, explore and ultimately either resolve or better cope with the stressors.

93.301. Selection criteria.

(a) An eligible inmate, as that term is defined in section 3 of the Motivational Boot Camp Act (61 P. S. §1123), may be selected by the Department of Corrections (Department) for participation in a motivational boot camp. In selecting inmates for participation in a motivational boot camp, the selection committee will consider all information relevant to whether the inmate is eligible for placement in a motivational boot camp and likely to perform competently while in the motivational boot camp. Selection criteria will include the following:

(1) The written application submitted by the inmate;

(2) Whether the inmate's participation in a motivational boot camp is consistent with the safety of the community;

(3) Whether the inmate's participation in a motivational boot camp is consistent with the welfare of the inmate;

(4) Whether the inmate's participation in a motivational boot camp is consistent with the objectives of the Department;

(5) The health and physical condition of the inmate;

(6) The inmate's criminal history;

(7) The inmate's escape history;

(8) The inmate's institutional adjustment during current and prior incarcerations;

(9) Outstanding detainers or parole warrants, or both, for the inmate;

(10) The inmate's psychological profile;

(11) Submittal of a signed memorandum of understanding as required by section 6 of the Motivational Boot Camp Act (61 P.S. §1126(c)).

(b) An inmate will not be guaranteed acceptance into a motivational boot camp even if the inmate is eligible and likely to successfully graduate from a motivational boot camp.

(c) Successful completion of the boot camp program requires completion of three phases. The first phase consists of orientation and introduction to discipline, physical training and treatment. The second phase consists of discipline, physical training and treatment. Third phase consists of preparing the inmates for life in society and striving for perfection in the aspects of the second phase of the program.

§93.302. Selection committee.(a) There shall be a motivational boot camp selection committee in each diagnostic and classification center operated by the Department of Corrections.

(b) Each selection committee shall be composed of the following individuals:

(1) The diagnostic center director or a corrections counselor supervisor, or both.

(2) A lieutenant or corrections counselor, or both.

(c) The selection committee is only responsible for recommending inmates for participation in a motivational boot camp.

(d) The superintendent of the State correctional institution in which a diagnostic and classification center is operated shall make the final decision as to inmate participation in a motivational boot camp.

§93.303. Administration.

(a) The Department of Corrections (Department) will administer motivational boot camps at sites to be determined by the Department.

(b) Each motivational boot camp will operate under the administrative supervision of a regional deputy commissioner or other official designated by the Secretary of the Department.

§93.304. Supervision/organizational structure.

(a) Each motivational boot camp will be organized as a paramilitary unit with a supervisory structure consisting of a camp commander, a deputy commander and area commander.

(b) The inmates will be organized into platoons consisting of no more than 50 inmates per platoon.

(c) Each platoon shall have at least 2 corrections drill instructors.

§93.305. Curriculum

Each motivational boot camp shall consist of the following curriculum:

(1) Rigorous physical activity.

(2) Intensive regimentation and discipline.

(3) Work on public and community projects.

(4) Substance abuse treatment.

(5) Continuing education.

(6) Vocational training.

(7) Prerelease counseling.

(8) Ventilation therapy.

93.306. Inmate discipline.

(a) A list of the rules to be followed by inmates participating in a motivational boot camp will be provided to all inmates during their orientation to the motivational boot camp.

(b) Serious rule infractions which constitute Class I misconducts listed in DC-ADM 801 – Inmate Disciplinary and Restricted Housing Procedures may result in an inmate's expulsion from a motivational boot camp.

(c) Minor rule infractions which constitute Class II misconducts listed in the DC-ADM 801 – Inmate Disciplinary and Restricted Housing Procedures will be dealt with according to a three-tiered approach.

(d) Inmates can be suspended or removed from a motivational boot camp for reasons other than violations of disciplinary rules, such as receipt by the Department of additional detainers or changes which make the inmate ineligible for the program or reasons which in the opinion of the Commander make the inmate unsuitable for the motivational boot camp or detrimental to the motivational boot camp.

§93.307. Staff training.

Staff directly involved with a motivational boot camp shall undergo a minimum of 4 weeks of intensive training in addition to training required of all Corrections employees. This training shall include instruction on the boot camp's programs including the drug and alcohol program, drill and ceremony, the role model concept and physical training. Training shall also include instruction on the goals and philosophy of the boot camp as well as basic security. Drill instructors shall receive the above-referenced training along with a five-month on-the-job training program including a two-week training assignment at a training center for Corrections drill instructors. Training for drill instructors shall include physical training of groups, drill and ceremony, leadership development and assessment, professional sensitivity and awareness, counseling techniques and instructional methods. Employees shall not work as drill instructors until they have received the above-referenced training and a certificate from the Secretary of the Department.

**DEPARTMENT OF CORRECTIONS RESPONSES TO COMMENTS OF THE
INDEPENDENT REGULATORY REVIEW COMMISSION
ON
DEPARTMENT OF CORRECTIONS REGULATION NO. 19-3
MOTIVATIONAL BOOT CAMPS
DATED MAY 20, 1999**

The Department of Corrections hereby submits the following responses to the numbered paragraphs of the Commission's comments which have been reproduced below.

1. Section 93.301. Selection criteria. – Clarity.

Subsection (a) contains a list of criteria the selection committee will consider when reviewing an inmate's application for placement in a motivational boot camp (boot camp). The Motivational Boot Camp Act (Act) (61 P.S. § 1126(c)) requires applicants to sign a memorandum of understanding in which they agree to be bound by the terms and conditions of the boot camp. The Department should add "Submittal of a signed memorandum of understanding as required by Section 6 of the Motivational Boot Camp Act (61 P.S. § 1126(c))" to the list of criteria reviewed by the selection committee.

Subsection (b) states that an inmate will not be guaranteed acceptance into a motivational boot camp even if the inmate is likely to successfully graduate from the boot camp. However, the proposed regulation does not contain the criteria for successful completion of a boot camp program. It is our understanding that these criteria are contained in the Inmate Handbook which is provided to all inmates who apply for boot camp participation. To improve the clarity of the regulation, the Department should add a new subsection which includes the criteria for successful completion of a boot camp program.

The phrase "Submittal of a signed memorandum of understanding as required by Section 6 of the Motivational Boot Camp Act (61 P.S. § 1126(c))" has been added as §93.301(d). The following language has been added as subsection (c) which includes the criteria for successful completion of the boot camp program:

Successful completion of the boot camp program requires completion of three phases. The first phase consists of orientation and introduction to discipline, physical training and treatment. The second phase consists of discipline, physical training and treatment. Third phase consists of preparing the inmates for life in society and striving for perfection in the aspects of the second phase of the program.

2. Section 93.302. Selection committee. – Clarity.

Subsection (a) contains a reference to the "Department of Corrections." The complete title of the Department is also used in Sections 93.301(a) and 93.303(a) and (b). However, the term "Department" is also used in the regulation. For consistency, the Department should add a

new section to the regulation entitled "Definitions," include the definition of "Department" in the new section and use "Department" throughout the regulation.

Subsection (a) also refers to each "diagnostic and classification center." The Act (61 P.S. §1124(c)) references this term, but does not define it. To improve the clarity of the regulation, the Department should include a definition of "diagnostic and classification center" in a new "Definitions" section of the regulation.

~~A definition section defining these terms has been added as §93.300.~~

3. Section 93.304. Supervision/organizational structure. – Clarity.

Subsection (b) provides that no more than 50 inmates are permitted in a platoon. The regulation does not, however, specify how many commanders or drill sergeants are required per platoon. We request the Department explain how it determines the required number of commanders or drill sergeants per platoon.

~~§93.304(c) has been added to provide that each platoon shall have at least two Corrections drill instructors.~~

4. Section 93.305. Curriculum. – Clarity.

This section lists the curriculum for inmates in a boot camp. Paragraph (8) lists "Ventilation therapy." This term is found in the definition of "motivational boot camp" in the Act-(61 P.S. §1123); however, it is not defined. The Department should include a definition of this term in a new "Definitions" section of the regulation.

~~A definition section defining this term has been added as §93.300.~~

5. Section 93.306. Inmate discipline. – Clarity

Subsection (b).

Subsection (b) provides the following:

(b) **Serious rule infractions** may result in an inmate's expulsion from a motivational boot camp. (Emphasis added.)

It is unclear what are considered "serious rule infractions." It is our understanding that "serious rule infractions" are Class I Category A – D misconduct charges which are listed in the Department's Statement of Policy entitled "Inmate Disciplinary and Restricted Housing Procedures (DC-ADM 801)" (Policy Statement 801). However, a policy statement only provides guidance to an agency; it is not a binding norm. Therefore, if the Department intends to enforce the provisions in Subsection (b), "serious rule infractions" should be specified in the regulation.

Subsection (c).

Subsection (c) states the following:

- (c) **Minor rule infractions** will be dealt with according to a **three-tiered approach**.
(Emphasis added.)

It is unclear what are considered "minor rule infractions." It is our understanding that "minor rule infractions" are Class II misconduct charges as listed in Policy Statement 801. As discussed in relation to Subsection (b), if the Department intends to enforce the provisions in Subsection (c), "minor rule infractions" should be specified in the regulation.

Also, it is unclear what the Department means by a "three-tiered approach." We understand that the three-tiered approach is described in detail in the Inmate Handbook. To improve the clarity of the regulation, the "three-tiered approach" should be specified in the regulation.

Subsection (d).

Subsection (d) provides the following:

- (d) Inmates can be suspended or removed from a motivational boot camp for reasons other than violations of disciplinary rules.

This provision is vague because it does not specify the other reasons for suspension or removal from a boot camp. In the final regulation, the Department should include a list of reasons for potential suspension or removal from a boot camp. For example, the Department should structure Subsection (d) as follows:

- (d) Inmates may be suspended or removed from a motivational boot camp for any of the following reasons:
- (1) Violations of disciplinary rules.
 - (2) ...
 - (3) ...

~~§93.306(b) and (c) have been revised to refer to Class I and Class II misconducts as set forth in DC-ADM 801 "Inmate Disciplinary and Restricted Housing Procedures." The Department does not believe it is appropriate to list the misconducts in the regulation because the list in DC-ADM 801 may be amended from time to time and because all inmates receive a copy of this policy upon admission to the diagnostic and classification center. The three-tiered approach has been defined in the definition section. §93.306(d) has been revised to specify reasons, other than rule violations, an inmate may be removed from the motivational boot camp.~~

6. Section 93.307. Staff training. – Clarity.

This section requires staff who work directly with inmates to undergo at least four weeks of intensive training. This provision is unclear for several reasons. First the regulation should list the subjects that must be addressed during the training and specify that the training will be provided by the Department or a Department-approved provider. The regulation should specify when the training must be completed after a staff person is hired. Finally, the regulation should also specify the limitations imposed on a staff person's duties if training does not start immediately upon hiring the staff person. The Department should clarify these issues in the final regulation.

§93.307 has been revised to explain that all staff receive a two-week orientation to the boot camp followed by a five-week basic training program at the Department's Training Academy followed by a two-week follow-up training at the boot camp. All staff are instructed on the boot camp's program including the drug and alcohol program and introduction to drill and ceremony, the role model concept and physical training, goals and philosophies, basic security overview. Drill instructors also undergo an extensive five month on-the-job training program which includes a two-week training assignment at a training center for Corrections drill instructors. Training includes physical training of groups, drill and ceremony, leadership development and assessment, professional sensitivity and awareness, counseling techniques and instructional methods. Employees may not work as drill instructors until they have received this training and a certificate from the Secretary of the Department.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PENNSYLVANIA 17001-0598

OFFICE OF THE
SECRETARY OF CORRECTIONS

January 10, 2000

VIA HAND DELIVERY

Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown 2
333 Market Street
Harrisburg, Pa 17101

Re: *Motivational Boot Camp Regulations*
37 Pa. Code Ch. 93

Dear Mr. Nyce:

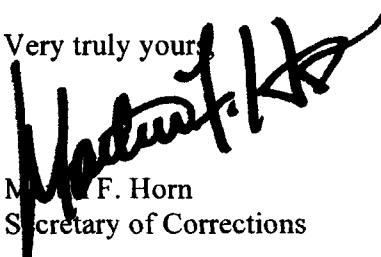
I am pleased to present for your review and approval the Pennsylvania Department of Corrections' final form Motivational Boot Camp Regulations. The regulations are promulgated under the authority conferred by the Motivational Boot Camp Act, Act of December 19, 1990, P.L. 1391, No. 215 (61 P.S. §1121, et seq.).

The Department of Corrections is required to promulgate regulations concerning Motivational Boot Camps under Section 5(c) of the Motivational Boot Camp Act, 61 P.S. §1125(c). The regulations will amend Chapter 93 by adding Subchapter C "Motivational Boot Camps." The amendments set forth the minimum criteria required for selection into a motivational boot camp. They establish selection committees responsible for recommending whether inmates are favorable candidates for placement in a motivational boot camp. They establish how motivational boot camps are to be administered by the Department. They address the supervisory structure of boot camp facilities, as well as the prescribed curriculum for motivational boot camp inmates, inmate discipline for boot camp participants and staff training.

The Department expects the regulations to have no fiscal impact for the Commonwealth. However, the Commonwealth will continue to benefit from the financial savings associated with inmate participation in motivational boot camps. Such inmates are incarcerated for shorter periods of time and, the costs associated with motivational boot camp participation are significantly less than those associated with traditional incarceration.

Of course, I am available at your convenience to answer any questions or concerns that you or any of the members of the Commission may have regarding the regulations.

Very truly yours,



Mark F. Horn
Secretary of Corrections

JCF/jls

Enclosure

cc: Syndi L. Guido, Deputy General Counsel
William Love, Deputy Secretary for Specialized Facilities & Programs
Sarah B. Vandenbraak, Chief Counsel
Mary Beth Marschik, Director, Office of Legislative Affairs
Victoria S. Freimuth, Executive Assistant to the Secretary
Karen Mitchell, Administrative Assistant, Governor's Policy Office
Lois M. Hein, Director, Bureau of Legislative & Regulatory Analysis, Office of the Budget
Jane M. Demko, Office Administrator, Office of General Counsel
Jill C. Fluck, Assistant Counsel
File

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

RECEIVED

2000 JAN 10 AM 10:38

INDEPENDENT REGULATORY
REVIEW COMMISSION

I.D. NUMBER: 19-3
 SUBJECT: Motivational Boot Camp
 AGENCY: DEPARTMENT OF CORRECTIONS

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
1-10-00	<i>Ed Harper</i>	HOUSE COMMITTEE ON JUDICIARY
1/10/00	<i>S. Thomas</i>	
1/10/00	<i>A. Stubbins</i>	SENATE COMMITTEE ON JUDICIARY
1/10/00	<i>Judy Metz Cagle</i>	
1/10/00	<i>Andrew Robert</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU