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7/29/2008

Arthur Coccodrilli, Chairman
Independent Regulatory Review Commission
333 Market Street,
14th Floor
Harrisburg, PA 17101

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Commissioner Coccodrilli:

I write on behalf of the County Commissioners Association of Pennsylvania and our affiliate, the Pennsylvania County Corrections Association (PCCA), to convey our formal remarks for the record on IRRC Regulation No. 2544 Department of Corrections #19-7: County Correctional Institutions. CCAP and the County Corrections Association have worked closely with the Department of Corrections in seeking changes from the proposed regulations, and while several concerns remain with the current draft, we urge the commission to approve the final form regulations as submitted. The regulations recognize sound practices in most cases, and will likely lead to improved operations and reduced liability for counties.

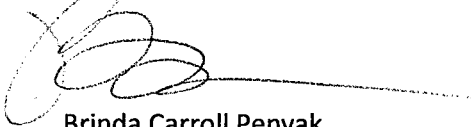
There is a compelling need to update and revise these regulations, and primarily for that reason, we urge approval despite our opinion that additional changes must be made. We have developed a collaborative relationship with the Department of Corrections largely as a result of our past disagreements over the regulations under review. During the past several years, the Department has reached out to both of our organizations in an effort to improve the regulations from the proposed version, but also to find ways to improve the quality of our correctional facilities through joint training, sharing of best practices, and a discussion forum that fosters understanding of the differences between the state correctional facilities and county jails. We believe that, through ongoing discussions, additional clarification of areas of concern with the final form regulations can be provided outside the regulatory process and where needed, amendments to the final form regulations once adopted can be achieved through a shortened rule making in the coming months and years. Our discussions with the Department on such a scenario have been very positive, and through the use of interpretive guidelines, questions can be responded to in a way that provides sufficient information for counties with compliance concerns. We applaud the Department for their efforts to date, and look forward to our continuing collaboration.

For the record, we feel compelled to state a few areas of concern that remain. We believe that, once implemented, the regulations could result in increased costs for some county facilities, although it would be impossible to quantify those costs or the number of facilities that may be impacted. Since the Department provides no funding to county jails, these costs will be borne by local property tax payers. We also restate our position that the Department does not have the authority to decertify a county jail since the statutory jurisdiction for county jails remains as the local prison board, and the county funding authority is the board of county commissioners. Title 61 vests the authority to operate county jails with the local prison boards. The documents also include a statement by the Department indicating that the rulemaking will define the

circumstances for declassification of a county jail by the department. We remain concerned that no written procedure for a decertification process or appeal process is identified.

Once again, we recognize the efforts of the Department of Corrections in devising a regulatory structure that recognizes the unique characteristics that exist from county to county in their corrections operations, and for their willingness to accept and incorporate feedback from the regulated entities. I would be happy to address any questions that you may have on behalf of both the County Commissioners Association of Pennsylvania, and our affiliate, the County Corrections Association of PA.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Brinda Carroll Penyak
Deputy Director