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2006 JUL 27 PM 2:40
INDEPENDENT REGULATORY
REVIEW COMMISSION

July 24, 2006

David B. Farney, Assistant Counsel
Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011

Dear Mr. Farney:

I write to offer comment on the proposed regulations on County Correctional Institutions as published in the June 24, 2006 Pennsylvania Bulletin, Vol. 36, #25.

I represent all of Greene County as well as portions of Fayette and Washington Counties. The Warden and Deputy Warden of Greene County Prison, in particular, have contacted me regarding their dissatisfaction with several portions of the proposed regulations.

A major point of contention is that the Department believes that the new regulations will cause no fiscal hardship for the counties. In fact, additional staffing will be necessary to comply with: proposed treatment requirements; documentation and inspection requirements caused by changes in security and maintenance categories; costs of new forms and other paperwork requirements to prove to the Department the proper documentation is taking place (albeit with different forms or at different points in the process.) Additionally, proposed rule changes will require staff to develop new policies – a process that will take significant staff time.

Despite having met and worked the Pennsylvania County Prison Warden’s Association (PCPWA) in developing the proposed regulations, the Association and the County Commissioners do not see the fruit of their combined counsel to the Department. The regulations as proposed deliver greater control to initiate actions at the county institutions while granting less flexibility to those entities to manage their unique populations and missions.

One action by the Department has aroused a great deal of response. I speak of the proposed regulation that again allows the Secretary to decertify a county from holding prisoners. I have a copy of Secretary Beard’s letter to the Association of County Commissioners (CCAP) in which he accedes to the Associations “suggestion that we (DOC) remove the decertification

process.” (from the Title 37 rewrite.) I also have a copy of CCPA’s Executive Director, Douglas Hill’s memo to the CCAP’s Board of Directors and its Courts and Corrections Committee, announcing Secretary Beard’s withdrawal of the prison decertification portions of the rewrite. He finishes his memo to the by saying, “I hope you will agree that this is a solid example of working with a state agency toward a cooperative solution.”

Finally, the PCPWA has questioned the authority of the Department to either promulgate standards for or to classify counties prisons as able to receive prisoners, suggesting instead that Prison Boards have such authority. I would rather that the Department seek to actually work with the counties and with the county prisons to reach mutually agreed to rules and regulations than to set these integrally involved entities in opposition to the Department via proposed regulations that are anathematic to county and county prison interests.

I would welcome the opportunity to meet with all interested parties to determine regulations that accomplish the mission of the Department while granting county institutions the latitude they require to appropriately carry out their functions. Please contact Helen Norton in my Harrisburg office should you require further input.

Sincerely,



H. William DeWeese
50th Legislative District
The Minority Leader

HWD/hfn