

PIKE COUNTY CORRECTIONAL FACILITY

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Mr. Farney,

I would like to take the opportunity to convey my viewpoints on the recently released amendments to Title 37, Chapter 95. First off let me applaud the efforts to elevate the operational standards throughout the Pennsylvania County Correctional system. Improvement must begin somewhere, and this is an encouraging event that kindles hope in an extremely troubled industry. As you are undoubtedly aware, change is unquestionably necessary in as far as four out of every five County Correctional Facilities in Pennsylvania fail to achieve compliance with these *minimum* standards. With all due respect counselor, that is deplorable. If this rate of failure is maintained, Pennsylvania will face the same fate as states such as California, and Wisconsin. Both of these states Correctional systems have been described as, "An imminent threat to public safety", and "Overcrowded time bombs where hope has been lost". This fact is an embarrassment within the correctional industry that I contend should be mandated to be rectified in a far shorter period of time than the three years outlined in this proposed rulemaking. I would concede to a three year period to comply with the latest rulemaking as counties have already had years to attain compliance with Title 37, Chapter 95. In short, the proposed criteria by which facilities will be reviewed for compliance with *minimum* standards predicates even lengthier non-compliance with Title 37. For facilities that are awarded compliance certificates, I recommend continued annual inspections as a means to maintain transparency to independent inspectors. This is a crucial mechanism in attaining consistency and proficiency alike, and additionally presents a magnificent opportunity to applaud your staff member's efforts. Positive portrayals of corrections in the media are very few and far between and portrayals of successful inspections would be a refreshing change.

Sub-standard performance and conditions of confinement are rampant throughout the state, and the proposed remedy is a "Notice of Deficiency" after the first deficient inspection, a "Warning" when the shortcomings are not rectified after the second year, and a "Citation" for a third year of sub standard operation. Correctional Facilities will be granted three more years to attain operational effectiveness which should have been reached years ago!! This prospect is devoid of logic. Overcrowded, unsafe, unclean correctional facilities tasked with confining human beings can be permitted to operate in violation of the law which governs them for three more years before decertification "may" be entertained by the Secretary? Why does this verbiage not include the word, "Will" be decertified? This represents a discretionary approach being taken to resolve the resoundingly pervasive issues within our

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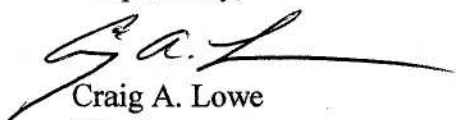
system. You would probably respond by reminding me that the Secretary of Corrections can act prior to this if deemed necessary. I will remind you that each day, for example, many county correctional institutions are overcrowded far in excess of their occupancy rating. If a facility houses hundreds more offenders than its design capacity, doesn't this represent a community and staff member safety issue requiring immediate rectification? This problem is usually exacerbated by sub-standard physical conditions inside the facility which should unquestionably incur the attention of the Secretary of Corrections. Will this scenario result in a vulnerability assessment due to a, "Potentially significant impact to the safety and security of the county prison---the offenders and staff members within it"? My question becomes, which county facility will the Secretary choose to begin with? In regards to *Sub Section 95.221 Personnel*, I do not feel the terms, Department of Corrections Certified Training" should be changed to, "Training". I know of County correctional facilities where Officers have been on duty for over twenty years without training, and where mandatory annual training is simply not conducted. Are facilities that do not train their staff members for various reasons qualified to incarcerate offenders? I think not, and I recommend that "**certified**" basic training be mandatory before staff members begin their careers. I do not think it is wise to allow each county to arbitrarily decide the definition of training which will suit them. The result will be significant inconsistency from county to county. Forgive me if I seem somewhat aggravated by current events, but I for one grow weary of the omnipresent excuses which are condoned each day in our profession.

In an Associated Press article written by Mark Scolforo and published June 27th, Franklin County Warden John Wetzel was quoted several times. He stated that, "As head of the 110 member Pennsylvania County Prison Wardens Association I will say that imposing the declassification penalty could trigger a court challenge". Additionally he said that, "The areas in which many of us have issues are when the state starts dictating how we do things". I would venture a guess that these prison administrators are more content with no one revealing their shortcomings to them. It presents a lot less work for them to do. The County Prison Wardens Association presented concerns regarding the costs of some of the changes. For the record, I firmly disagree with the viewpoints expressed by Warden Wetzel and the County Prison Wardens Association, and these viewpoints are most certainly not representative of all County Wardens in Pennsylvania. Factually speaking, much improvement can be attained with no additional fiscal outlay than is being invested already. Wardens who constantly bemoan "The cost" of what must be done don't tend to be too motivated or creative in my eyes. My interpretation of this trepidation is that it will remain an accepted practice to write the settlement checks which result from the many successful lawsuits filed against county correctional operations. This is largely considered, "The cost of doing business". Yet the true cost of doing business, i.e. hiring and training staff members and providing the necessary facilities and equipment are considered luxuries which aren't worth the expense!! This is a ridiculous fact that has to change or we will continue to languish in mediocrity at best, and our communities will ultimately pay the price of sub-standard performance.

In conclusion, I'd like to offer a few suggestions to rectify many identified shortcomings. Compliance with Chapter 95 Title 37 *Minimum Standards* needs to be mandatory. I consider holding County Government Officials and the Correctional Administrators they employ responsible for their actions and operations a resoundingly logical idea. They should proactively manage their facilities, staff members, and offenders so as to derive peak performance and efficiency. Programs and post incarceration

preparation needs to be extensive and readily accessed. Sub-standard performance from the top down should not be tolerated. Create a County Oversight Department which will bear inspection responsibility and possess empowerment to assist and standardize county corrections. This central office should be empowered to mandate county facilities to comply with Title 37 chapter 95, or face meaningful sanctions. County correctional facilities house offenders which represent an inexhaustible work force which should be utilized to maintain the highest standards of cleanliness. Why is anything contrary to this permitted? County Government Officials and the Correctional Administrators they employ have gotten away with mediocre performance and letting down their communities for long enough. In Pike County, compliance with Title 37 is an annual achievement. Immigration and Customs Enforcement Inspectors have repetitiously designated Pike as a "Superior" detention facility, one of 10 out of 310 in the country to achieve this. Pike County will learn in late June if the facility receives the National Commission on Correctional Health Care, "Facility of the Year" award. Most recently, the Pike County Correctional Facility was honored with an "Angel of Mercy" award from Justice and Mercy Incorporated. Lastly, I was recognized as the, "2006 Correctional Professional of the Year" by the Pennsylvania Prison Society. If you deem this recognition representative of my ability to elevate county correctional operations, I await your call to discuss the issues further.

Respectfully,



Craig A. Lowe
Warden