

COURT OF COMMON PLEAS  
JUDICIAL CHAMBER

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

BERKS COUNTY COURTHOUSE  
633 COURT STREET  
READING, PA 19601-3563  
610-478-6448

LINDA K. M. LUDGATE  
JUDGE

July 18, 2006

Chairman Alvin C. Bush  
IRRC  
333 Market Street  
14<sup>th</sup> Floor  
Harrisburg, PA 17101

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

Re: Proposed Regulations – Department of Corrections – 37 PA Code, Chapter 95

Dear Chairman Bush and Mr. Farney:

Please be advised that I am writing to comment on the proposed regulations promulgated by the Department of Corrections. I am writing in my capacity as the Administrative Judge of the Criminal Division of this bench and the entire criminal bench, voted July 13, 2006 in support of Warden Wagner's position and in favor of my sending this letter.

Presently, our Berks County Prison has an accreditation from NCCHC and according to the regulations that will no longer be accepted by the State, require additional accreditation. That is just one glaring example of the unnecessary expense of these proposed regulations. After reading the entire proposed regulations, I immediately contacted Warden Wagner out of my concern for the effect this would have on our local jail. This will become a larger bureaucracy at the state level, totally at the cost of the taxpayers and with no rational basis. Requiring more department reports, review and documents will become an overwhelming task. Those tasks will result in the need to hire more people at the cost of the county taxpayers only, an unfounded mandate.

In addition, let me note my concerns about the definitions under the disciplinary section. Our county prison has in place a very sound procedure to handle inmates who violate rules. When the inmate agrees to an informal adjustment, it can result in no permanent record made regarding the incident and it can then become a behavior modification tool. I respectfully request that you ask for a copy of the Berks County Prison procedures from Warden George Wagner.

To require that everyone in a jail be evaluated for treatment purposes is unnecessary and a waste of tax dollars. Our prison has an excellent treatment plan in place and I fail to see the point in the Department of Corrections adding additional requirements, especially for those who are going to the Department of Corrections for these sentences.

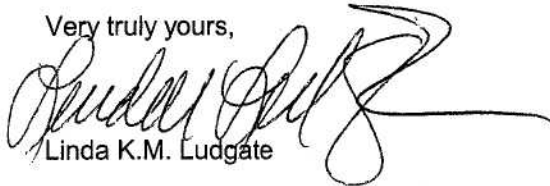
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David F. Farney, Asst. Counsel, Dept. of Corrections  
July 18, 2006  
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The Department of Corrections already has the authority to evaluate and regulate county jails on a case by case basis. These regulations are indeed "throwing the baby out with the bath water".

I respectfully request that these comments be distributed as comments of the entire Criminal Division.

Should hearings be scheduled, the criminal judges on our bench will request to testify before the committee.

Very truly yours,



Linda K.M. Ludgate

LKML:sch