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July 20, 2006

David B. Farney, Assistant Counsel
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Office of Chief Counsel
55 Utley Drive
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Re: Title 37, Chapter 95 – Administrative Standards, Regulations & Facilities

On behalf of our statewide membership – concerned citizens in every Pennsylvania county – I applaud this effort to strengthen the regulations governing operating standards for county jails. For some years it has been apparent that effective oversight in this area has been stymied by regulatory shortcomings; many of these deficiencies are addressed in the current proposal. In addition, we are respectfully submitting herein several recommendations for your consideration.

Please contact me if there are any questions or the need for further elaboration on any of the items included.

Best regards,

William M. DiMascio
Executive Director

das

Enclosure

RECEIVED
2006 JUL 27 PM 2:34
INDEPENDENT REGULATORY
REVIEW COMMISSION

Proposed Rulemaking
37 PA.CODE - CHAPTER 95
Administrative Standards, Regulations, & Facilities
County Jails

Pennsylvania Prison Society Comments

The Pennsylvania Prison Society is pleased to provide comments on the proposed changes to county prison standards. The Prison Society is and has been concerned about prison conditions in Pennsylvania during its entire two hundred and nineteen year history. Formed in 1787, the Prison Society has advocated for more humane, just, and efficient policies throughout the criminal justice system. Measures over the centuries have been taken to vastly improve the correctional system but there remains constant need for review and improvement.

Establishing uniform standards in county prisons is one such improvement. Once the proposed rule changes are reviewed, modified, and adopted, counties will have a clear base line or benchmark of operation with consistent and uniform standards. This will also provide the counties and the Department of Corrections more clarity on the administration and follow up to the inspection process. As counties begin this process, it is hoped that an increasing number will seek even higher standards such as accreditation through the American Correctional Association (ACA), the American Jail Association (AJA), or the National Commission on Correctional Health Care (NCCHC). Special recognition should be awarded to counties already receiving advanced accreditation and meeting the highest standards in corrections at this time.

Although we are supportive of the thrust of the proposed rule changes, we do have several comments and suggestions on specific sections. One of the most critical recommendations, however, is that the changes as proposed must include financial assistance to counties. Clearly, the state has a stake in the operation of county prisons and therefore, has an obligation to ensure that all necessary improvements will be made in a timely fashion. Assistance grants, a loan program, or other fiscal package should be made available to counties for these modifications.

The proposed inspection process includes audits, inspections, and assessments. It is structured to permit the Department of Corrections to focus limited resources on counties requiring improvements for compliance. Although a set procedure is in place with these rule changes, the Secretary of Corrections should retain the right to institute interim inspections or audits when conditions warrant such action.

Specific recommendations follow below.

Section 95.220b.Scope.

(2)(3)(4)(5)(6)

- *Prison Society Recommendation:* In addition to issuing a Pre-inspection Audit Report to the county administrator and the governing county prison authority, the report (and all other reports and documents listed in this section including the Compliance Report and Vulnerability Analysis) should also be announced to the public through the news media (i.e. newspapers) as matters of public record.

(11) (i) Declassification of the county prison resulting in the prison's ineligibility to receive prisoners sentenced to a maximum term of 6 months or more but less than 5 years.

- *Prison Society Recommendation:* A section providing detailed information and procedures should be included that describes what it means for a county prison to be "declassified." If or when the county prison is declassified, what happens to the inmates? What is the status of the prisoners? What is the status of the correctional personnel? What is the obligation of the state regarding the inmates and the physical structure? Since declassification would impact county employees as well as inmates, procedures must be delineated, reviewed, and modified if necessary, and approved prior to it becoming a reality.

Section 95.222.Admission and release.

(2) Release. (II)

- *Prison Society Recommendation:* Specifics should be added to written local policy that provides details for release. For example, a detailed list of the terms of release should be added to this section. The date and time of release, the location for release, how the inmate will be released, what the inmate may bring, i.e. money for transportation, for example should be included. Detailed terms of release would help minimize problems that arise when an inmate is released from prison. These details would take into consideration a discharge that may take place in the middle of the night, in an unknown location such as the population center of the city or county where the prison was located, and help facilitate a smoother transition for release.
- *Prison Society Recommendation:* The establishment of a re-entry fund could assist in the inmates' release. This fund would be based on the withholding of a percentage of the inmate's wages ensuring, however, that the first priority is to Act 84- restitution, victims' compensation etc. This fund would be used for the inmate upon his or her release so that initial financial re-entry issues are

minimized and do not present major obstacles. (See the section on work programs for additional discussion on the re-entry fund.)

Section 95.223. Orientation.

(iii)

- *Prison Society Recommendation:* Contact information regarding the Prison Society and other social service agencies should be provided to inmates during orientation.

Section 95.224. Inmate rules and staff procedures.

(5) (4)

- *Prison Society Recommendation:* Typographical error: bring (4) up to complete the sentence.

Section 92.233. Visiting.

- *Prison Society Recommendation:* A section should be included which discusses visitation as a tool for strengthening families and for reintegration. It is one of the most important junctions for maintaining and strengthening contact with family members, which is critical for returning to the community. Contact visits with family members should be maximized within the constraints of the facility. In addition, when possible, special consideration should be taken into account for children and their special needs when they visit, such as play areas and appropriate books and toys.

(1) (i) Availability of contact or noncontact visitation or both.

- *Prison Society Recommendation:* Although security concerns have brought about increased use of noncontact visitations, we strongly urge consideration of other strategies that favor contact visits. Strong family bonds are a major contributor to successful re-entry to society.

(4) Written local policy must, in accordance with the Official Visitation of Prisons Act (61P.S. 1091—1095) provide for visits by official visitors.

- *Prison Society Recommendation:* This is an important element since it provides access by the public through duly designated Official Visitors and elected officials. Monitoring conditions in county prisons by trained Official Visitors is a

role the Prison Society has played for most of its history. Public awareness and public linkage in this often closed system is vital for the integrity of the system.

Section 95.233a. Telephone communication.

(iii) The cost/method of payment.

- *Prison Society Recommendation:* Contact with family is critical for successful reintegration. Telephone communication is often the only communication vehicle for family members when a loved one is incarcerated. Further details and requirements for phone systems should be delineated. Furthermore, any profits or other financial gains or losses by the prison or by the telephone provider involving telephone communications should be disclosed to the public through the media.

Section 95.235. Work programs.

(3) Inmates who participate in a work program (other than personal housekeeping and housing area cleaning) shall receive some form of compensation.

- *Prison Society Recommendation:* As discussed in the section on Admission and release, re-entry withholding accounts should be established. These accounts would provide minimum funds to inmates upon release for immediate re-entry purposes. This would be structured to extend over time and would be in addition to funds already withheld through Act 84. (See the section on admission and release.)