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2006 JUL 27 PM 2:34

INDEPENDENT REGULATOR
RENEWAL COMMISSION

July 21, 2006

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

Dear Mr. Farney:

I am writing to advise you of the County Commissioners Association of Pennsylvania's (CCAP) objections to the adoption of the Department of Corrections' proposed changes to revise Title 37 regarding county correctional institutions. Again, as normal, these mandates are not accompanied with funds to administer these changes. I beg to differ with the Department of Corrections' assumption that there will be no fiscal impact upon the Commonwealth, its political subdivisions or general public. The Commonwealth will have no impact, but as usual the counties will be burdened with the financial responsibility.

The proposed regulations/mandates would:

1. Cost additional money, whereby county jails will need additional staff to meet the mandates, such as a staffing security analysis and emergency power back-up systems.
2. Impose standards that are suitable for state facilities, but not county facilities. By being mandated to require treatment services, such as education, social services, alcohol treatment and drug counseling, counties will have to provide additional funding. Currently counties can decide whether or not to provide these services based upon available funding/resources.
3. Reclassify non-compliant jails. The regulation does not define what declassification is, how the process would work, or to establish a process that would allow counties to appeal the decision to de-classify. Declassified jails would not be able to accept inmates, but the regulations do not indicate what would be done with inmates from a declassified facility. Will counties be forced to pay for housing of inmates at other facilities or will the Department of Corrections accept them?
4. Undermine statutorily granted local authority to control county jails. The above mentioned items reflect an effort by the state to force counties to

provide certain services without providing any funding to execute these mandates, which to me undermines the statutory authority of the county prison boards and funding authority of the county commissioners.

The Chairman of CCAP's Courts and Corrections Committee sent you a very detailed letter outlining the input that was provided to the Department of Corrections during their meetings with local jail administrators and county commissioners that were not included in the proposed regulations published June 24, 2006 in the Pennsylvania Bulletin.

I am urging the Department of Corrections to withdraw these proposed regulations from the Independent Regulatory Review Process and to begin the process all over in an attempt to include the input that was provided by the commissioners and the jail administrators. This would be the fair and appropriate way to handle this, since the counties will be the ones bearing the financial burden of implementing these new proposed regulations

Sincerely,



Jeff Haste

Chairman, Dauphin County Commissioner
Member, CCAP Courts and Corrections Committee
Chairman, Dauphin County Prison Board
Member, Commission for Justice Initiatives in Pennsylvania

Cc: The Honorable Stewart Greenleaf, Chairman
Senate Judiciary Committee

The Honorable Jay Costa, Minority Chairman
Senate Judiciary Committee

The Honorable Dennis O'Brien, Chairman
House Judiciary Committee

The Honorable Thomas Caltagirone, Minority Chairman
House Judiciary Committee

Alvin C. Bush, Chairman
Independent Regulatory Review Commission

Scott Schalles, Regulatory Analyst
Independent Regulatory Review Commission

Honorable Jeffrey E. Piccola
Senator