

RULES AND REGULATIONS

Title 37—LAW

DEPARTMENT OF CORRECTIONS

[37 PA. CODE CH. 93]

Motivational Boot Camps

The Department of Corrections (Department), acting under the authority conferred by the Motivational Boot Camp Act (act) (61 P. S. §§ 1121—1129), amends Chapter 93 (relating to State correctional institutions and facilities) to read as set forth in Annex A.

Under section 5(c) of the act (61 P. S. § 1125(c)), the Secretary of the Department is required to promulgate regulations concerning motivational boot camps. At a minimum, the regulations shall address inmate discipline, selection criteria, curriculum, supervision, administration and intensive training for all staff prior to their involvement with a motivational boot camp.

Subchapter C (relating to motivational boot camp) is being added. Section 93.301 (relating to definitions) contains definitions. Section 93.302 (relating to selection criteria) contains the minimum criteria required for selection into a motivational boot camp. Section 93.303 (relating to selection committee) establishes selection committees, which shall be responsible for recommending whether inmates are favorable candidates for placement in a motivational boot camp. Section 93.304 (relating to administration) establishes how motivational boot camps are to be administered by the Department. The supervisory structure of boot camp facilities is addressed in § 93.305 (relating to supervision/organizational structure). Prescribed curriculum for motivational boot camp inmates is addressed in § 93.306 (relating to curriculum). Inmate discipline for boot camp participants is addressed in § 93.307 (relating to inmate discipline) and staff training is contained in § 93.308 (relating to staff training).

Compliance with Executive Order 1996-1

The Department has reviewed the final-form regulations and has considered their purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1 (relating to regulatory review and promulgation). The final-form regulations are statutorily mandated and otherwise comply with Executive Order 1996-1.

Statutory Authority

The Department adopts the final-form regulations under the authority of section 5(c) of the act.

Fiscal Impact and Paperwork Requirements

Since the Department currently operates a motivational boot camp in accordance with the final-form regulations, it does not expect the final-form regulations to have a fiscal impact on or to create new paperwork requirements for the Commonwealth, its political subdivisions or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 4, 1999, the Department submitted a copy of the proposed regulations published at 29 Pa.B. 1513 (March 20, 1999) to the Independent Regulatory Review Commission (IRRC) and the Chairper-

sons of the House and Senate Judiciary Committees (Committees). The Department submitted a copy of the final-form regulations to IRRC and the Committees on January 10, 2000. In addition to submitting the final-form regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

In preparing these final-form regulations the Department has considered the comments received from IRRC. The Department did not receive any comments from the public or from the Committees. The final-form regulations were deemed approved by the House and Senate Judiciary Committees on January 30, 2000. IRRC met on February 3, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)). The Office of General Counsel and the Office of Attorney General approved the final-form regulations.

Effective Date

The final-form regulations shall be effective upon final publication in the *Pennsylvania Bulletin*.

Contact Person

Written questions concerning the Department's final-form regulations may be submitted to Victoria S. Freimuth, Executive Assistant to the Secretary, Department of Corrections, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598.

Findings

The Department finds that:

(1) Notice of proposed rulemaking was published at 29 Pa.B. 1513 as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no public comments were received by the Department for consideration.

(3) The adoption of these final-form regulations in the manner provided by this order is necessary and appropriate for the administration of the Department.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 37 Pa. Code Chapter 93, are amended by adding §§ 93.301—93.308 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General for approval as required by law.

(c) The Secretary of Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

MARTIN F. HORN,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 965 (February 19, 2000).)

Fiscal Note: Fiscal Note 19-3 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart B. DEPARTMENT OF CORRECTIONS

CHAPTER 93. STATE CORRECTIONAL INSTITUTIONS AND FACILITIES

Subchapter C. MOTIVATIONAL BOOT CAMPS

Sec.	
93.301.	Definitions.
93.302.	Selection criteria.
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93.304.	Administration.
93.305.	Supervision/organizational structure.
93.306.	Curriculum.
93.307.	Inmate discipline.
93.308.	Staff training.

§ 93.301. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

Act—The Motivational Boot Camp Act (61 P. S. §§ 1121—1129).

Department—The Department of Corrections of the Commonwealth.

Diagnostic and classification center—A State correctional institution that receives inmates and assigns them custody levels through a classification process that evaluates the inmates' backgrounds and reasons for incarceration before assigning them to a State correctional institution according to their custody level and needs.

Secretary—The Secretary of the Department.

Three-tiered approach—A three-step disciplinary process in which an inmate first receives a demerit or demerits. Upon receiving ten or more demerits in a 7-day period, the inmate shall appear before the Deputy Commander's review board and may receive restrictions or additional duties. The final step is the commander's committee at which point an inmate may be removed from the motivational boot camp.

Ventilation therapy—A group session led by a counselor during which inmates are encouraged to discuss problems, stressful matters or pressures they are currently experiencing. The objective of the discussion is to help inmates identify, explore and ultimately either resolve or better cope with the stressors.

§ 93.302. Selection criteria.

(a) An eligible inmate, as that term is defined in section 3 of the act (61 P. S. § 1123), may be selected by the Department for participation in a motivational boot camp. In selecting inmates for participation in a motivational boot camp, the selection committee will consider all information relevant to whether the inmate is eligible for placement in a motivational boot camp and likely to perform competently while in the motivational boot camp. Selection criteria will include the following:

- (1) The written application submitted by the inmate.
- (2) Whether the inmate's participation in a motivational boot camp is consistent with the safety of the community.
- (3) Whether the inmate's participation in a motivational boot camp is consistent with the welfare of the inmate.
- (4) Whether the inmate's participation in a motivational boot camp is consistent with the objectives of the Department.
- (5) The health and physical condition of the inmate.
- (6) The inmate's criminal history.
- (7) The inmate's escape history.
- (8) The inmate's institutional adjustment during current and prior incarcerations.
- (9) Outstanding detainers or parole warrants, or both, for the inmate.
- (10) The inmate's psychological profile.
- (11) The submittal of a signed memorandum of understanding as required by section 6(c) of the act (61 P. S. § 1126(c)).

(b) An inmate will not be guaranteed acceptance into a motivational boot camp even if the inmate is eligible and likely to successfully graduate from a motivational boot camp.

(c) Successful completion of the boot camp program requires completion of three phases.

- (1) The first phase consists of orientation and introduction to discipline, physical training and treatment.
- (2) The second phase consists of discipline, physical training and treatment.
- (3) The third phase consists of preparing the inmates for life in society and striving for perfection in the aspects of the second phase of the program.

§ 93.303. Selection committee.

(a) There shall be a motivational boot camp selection committee in each diagnostic and classification center operated by the Department.

(b) Each selection committee shall be composed of the following individuals:

- (1) The diagnostic center director or a corrections counselor supervisor, or both.
- (2) A lieutenant or corrections counselor, or both.

(c) The selection committee is only responsible for recommending inmates for participation in a motivational boot camp.

(d) The superintendent of the State correctional institution in which a diagnostic and classification center is operated shall make the final decision as to inmate participation in a motivational boot camp.

§ 93.304. Administration.

(a) The Department will administer motivational boot camps at sites to be determined by the Department.

(b) Each motivational boot camp will operate under the administrative supervision of a regional deputy commissioner or other official designated by the Secretary.

§ 93.305. Supervision/organizational structure.

(a) Each motivational boot camp will be organized as a paramilitary unit with a supervisory structure consisting of a camp commander, a deputy commander and area commanders.

(b) The inmates will be organized into platoons consisting of no more than 50 inmates per platoon.

(c) Each platoon shall have at least two Department drill instructors.

§ 93.306. Curriculum.

Each motivational boot camp shall consist of the following curriculum:

- (1) Rigorous physical activity.
- (2) Intensive regimentation and discipline.
- (3) Work on public and community projects.
- (4) Substance abuse treatment.
- (5) Continuing education.
- (6) Vocational training.
- (7) Prerelease counseling.
- (8) Ventilation therapy.

§ 93.307. Inmate discipline.

(a) A list of the rules to be followed by inmates participating in a motivational boot camp will be provided to an inmate during orientation to the motivational boot camp.

(b) Serious rule infractions which constitute Class I misconducts listed in DC-ADM 801—*Inmate Disciplinary and Restricted Housing Procedures*—may result in an inmate's expulsion from a motivational boot camp.

(c) Minor rule infractions which constitute Class II misconducts listed in the DC-ADM 801—*Inmate Disciplinary and Restricted Housing Procedures*—will be dealt with according to a three-tiered approach.

(d) Inmates can be suspended or removed from a motivational boot camp for reasons other than violations of disciplinary rules, such as receipt by the Department of additional detainees or changes which make the inmate ineligible for the program or reasons which in the opinion of the commander make the inmate unsuitable for the motivational boot camp or detrimental to the motivational boot camp.

§ 93.308. Staff training.

Staff directly involved with a motivational boot camp shall undergo a minimum of 4 weeks of intensive training in addition to training required of all Department employees.

(1) This training shall include instruction on the boot camp's programs including the drug and alcohol program, drill and ceremony, the role model concept and physical training.

(2) Training shall also include instruction on the goals and philosophy of the boot camp as well as basic security.

(3) Drill instructors shall receive the training along with a 5-month on-the-job training program including a 2-week training assignment at a training center for Department drill instructors.

(4) Training for drill instructors shall include physical training of groups, drill and ceremony, leadership development and assessment, professional sensitivity and awareness, counseling techniques and instructional methods.

(5) Employees will not work as drill instructors until they have received this training and a certificate from the Secretary.

[Pa.B. Doc. No. 00-371. Filed for public inspection March 3, 2000, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 57]

[Correction]

Annual Resource Report Filing Requirements

Errors occurred in the adoption of 52 Pa. Code § 57.141(b) (relating to general) as it appeared at 30 Pa.B. 1129, 1132 (February 26, 2000). The correct version of 52 Pa. Code § 57.141(b) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 57. ELECTRIC SERVICE

Subchapter L. ANNUAL RESOURCE PLANNING REPORT

§ 57.141. General.

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(b) As a condition to receiving a copy of the ARPR, the OCA and OSBA shall be obligated to honor and treat as confidential those portions of the report designated by the utility as proprietary.

(1) If the Commission, OCA, OSBA or any person challenges the proprietary claim as frivolous or not otherwise justified, the Secretary's Bureau will issue, upon written request, a Secretarial letter directing the EDC to file a petition for protective order under § 5.423 (relating to orders to limit availability of proprietary information) within 14 days.

(2) Absent the timely filing of such a petition, the proprietary information claim will be deemed to have been waived. The proprietary claim will be honored during the Commission's consideration of the petition for protective order.

[Pa.B. Doc. No. 00-338. Filed for public inspection February 25, 2000, 9:00 a.m.]