

ORDINANCE NO. 04-2014

AN ORDINANCE AUTHORIZING THE BOARD OF COMMISSIONERS OF THE COUNTY OF BERKS TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF CORRECTIONS, AND THE COUNTY OF BERKS ESTABLISHING TERMS UNDER WHICH THE DEPARTMENT OF CORRECTIONS WILL ASSIST THE COUNTY OF BERKS IN ESTABLISHING A MECHANISM FOR INDIVIDUALS TO REPORT ALLEGATIONS OF SEXUAL ABUSES OCCURRING AT COUNTY CORRECTIONAL FACILITIES

WHEREAS, the Prison Rape Elimination Act 28 C.F.R. §115.51, requires county jails to establish a mechanism for individuals to report allegations of sexual abuses occurring at county correctional facilities; and

WHEREAS, the County operates a full custody correctional center; and

WHEREAS, the County desires to partner with the Pennsylvania Department of Corrections in establishing the terms as described above for individuals to report allegations of sexual abuses occurring at county correctional facilities.

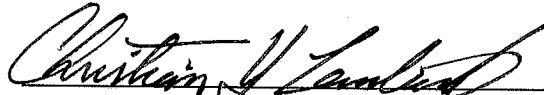
NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of the County of Berks, Pennsylvania as follows:

1. The Title and Background of this Ordinance set forth above are incorporated herein by reference.
2. The Board of Commissioners of the County of Berks ("Commissioners") hereby approve entering into the Agreement, a copy of which is attached hereto and incorporate herein as Attached A (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that the County of Berks ("County") shall be bound by the Agreement.
3. The Commissioners are hereby authorized and directed on behalf of the County: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement.
4. All actions of any officer, agent or other representative of the Commonwealth and County heretofore taken in the pursuit of the establishment of the Intergovernmental Agreement is hereby ratified and approved in all respects.
5. The Commissioners are hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.


6. Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.
7. This Ordinance shall become effective as provided by applicable law.

ENACTED AND ORDAINED this 8 day of MAY, 2014.

COUNTY OF BERKS

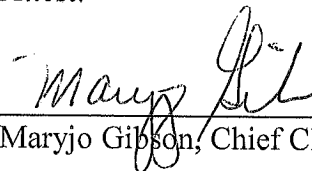


Christian Y. Lombach, Chair



Kevin S. Barnhardt, Commissioner

Attest:



Maryjo Gibson, Chief Clerk

Not Present at meeting
Mark C. Scott, Esq., Commissioner

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement made the ___ day of _____, 2014 by and between the County of Berks (County") and the Commonwealth of Pennsylvania, Department of Corrections ("DOC") establishes the terms under which the DOC will assist the County in establishing a mechanism for individuals to report allegations of sexual abuses occurring at county correctional facilities.

WHEREAS; Congress enacted and the President executed the Prison Rape Elimination Act ("PREA"), and

WHEREAS; PREA requires county jails to establish a mechanism for individuals to report allegations of sexual abuses occurring at county correctional facilities; and

WHEREAS; the DOC operates the State Correctional Institution at Camp Hill ("SCI-Camp Hill"); and

WHEREAS, the SCI-Camp Hill Control Center is staffed 24 hours per day, 7 days per week; and

WHEREAS; the SCI-Camp Hill Control Center has the ability to receive telephone calls on a 24 hour per day, 7 days per week basis;

NOW THEREFORE, the parties hereto agree as follows:

1. The DOC will establish a telephone line at the SCI-Camp Hill Control Center to receive telephone calls from individuals who wish to report allegations of sexual abuse at the County's correctional facilities.
2. The DOC will provide the County with the telephone number of the line established pursuant to Paragraph 1. The County may post such telephone number at such locations within its correctional facilities as it deems appropriate.
3. The SCI-Camp Hill Control Center will receive telephone calls to the line established pursuant to Paragraph 1 and notify the County contact designated pursuant to Paragraph 4 below of any allegations of sexual abuse at a County correctional facility. Notification shall be both verbally via a telephone call to the person at the number provided by the County and electronically to the email address provided by the County.
4. The County will notify the SCI-Camp Hill Control Center of the name, title, telephone number and email address to which the notification described in Paragraph 3 is to be directed.

5. Neither the SCI-Camp Hill Control Center nor the DOC, its officers, employees or agents shall be responsible for investigating allegations of sexual abuse at the County's correctional facilities.

6. Each party will be responsible for any costs that party incurs in performing its obligations under this Intergovernmental Agreement.

7. The County shall indemnify and hold harmless the SCI-Camp Hill Control Center and the DOC, its officers, employees and agents for any loss, cost, damage or expense arising from litigation initiated by any person not a party to this agreement and arising from the establishment, operation or failure to operate the telephone line established pursuant to Paragraph 1.

8. This Intergovernmental Agreement is not intended to, and does not create, any contractual rights or obligations with respect to persons not a party hereto.

9. This Intergovernmental Agreement shall be interpreted under the laws of the Commonwealth of Pennsylvania.

10. The Intergovernmental Agreement may be modified only in writing with the same formality as the original Intergovernmental Agreement.

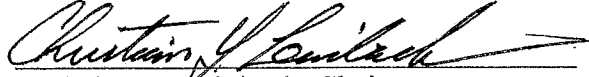
11. The parties hereto are each independent entities. The relationship of the parties shall not be construed to constitute a partnership, joint venture or any other relationship other than that of independent entities.

12. This Intergovernmental Agreement represents the entire understanding between the parties. No other prior or contemporaneous oral or written understandings exist in regard to this relationship.

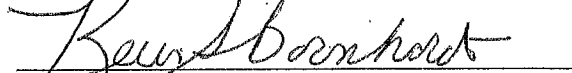
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IN WITNESS WHEREOF and intending to be legally bound the parties have affixed their signatures as set forth below.

COUNTY OF BERKS



Christian Y. Leinbach, Chair

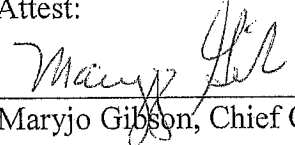


Kevin S. Barnhardt, Commissioner

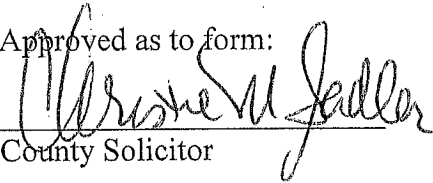
Not Present at meeting

Mark C. Scott, Esq., Commissioner

Attest:


Maryjo Gibson, Chief Clerk

Approved as to form:


Christine M. Jodler
County Solicitor

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

Secretary

Approved as to Form and Legality:

Chief Counsel

Office of Chief Counsel



February 20, 2014

Janine Quigley
Berks County Jail System
1287 County Welfare Road
Leesport, PA 19533

RE: Prison Rape Elimination Act (PREA) Third Party
Reporting Requirement

Dear Acting Warden Quigley:

Your county has indicated an interest in utilizing the Department of Corrections, State Correctional Institution at Camp Hill reporting line as the solution for a third party reporting mechanism as required by the National Standards to Prevent, Detect and Respond to Prison Rape under the Prison Rape Elimination Act 28 C.F.R §115.51. The Department has drafted the enclosed Intergovernmental Agreement for your county's review and signature to complete the process.

Any questions with regard to the terms and conditions of the Intergovernmental Agreement should be directed to the Deputy Chief Counsel Randy Sears at rsears@pa.gov or 717.728.7740. Any questions in regard to the PREA requirements should be directed to PREA Coordinator Jennifer Feicht at c-jeifeicht@pa.gov or 724.679.7280.

Please return the signed Intergovernmental Agreement to:

Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050
Attn: Thomas Greishaw

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Greishaw', written over a horizontal line.

Thomas Greishaw
Director, Office of County Inspection and Services

Enclosed: (1) Intergovernmental Agreement

cc: Deputy Chief Counsel Randy Sears
PREA Coordinator Jennifer Feicht
Executive Assistant Carole Mattis
File

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IN WITNESS WHEREOF and intending to be legally bound the parties have affixed their signatures as set forth below.

ATTEST _____ COUNTY

Commissioners

APPROVED AS TO FORM

County Solicitor

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

Secretary

APPROVED AS TO FORM AND LEGALITY

Chief Counsel

Office of Chief Counsel