



Pennsylvania Council of Churches

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African Methodist Episcopal
Zion Church

American Baptist Churches

Christian Church in the US and Canada
(Disciples of Christ)

Christian Methodist Episcopal Church

Church of the Brethren

Church of God (Anderson, IN)

Church of God in Christ

Episcopal Church

Evangelical Lutheran Church in America

Greek Orthodox Archdiocese of America

Moravian Church in America

Orthodox Church in America

Pennsylvania Baptist State Convention, Inc.

Presbyterian Church (USA)

Religious Society of Friends

Schwenkfelder Church

United Church of Christ

United Holy Church of America, Inc.

United Methodist Church

July 9, 2004

John S. Shaffer, Ph.D.,
Deputy Secretary for Administration
2520 Lisburn Road
P.O. Box 598
Camp Hill, PA 17001-0598

Dear Mr. Shaffer:

The Pennsylvania Council of Churches, in its *Principles for Legislative Advocacy 2003-2004*, states:

All inmates must be guaranteed the right of religious expression, including opportunity for communal and sacramental worship under the leadership of ordained or otherwise accredited clergy or religious leaders.

Consequently, the Council **opposes** the proposed revisions to §93.6. Religious activities of Chapter 93, State Correctional Institutions and Facilities, Subchapter A, Rights and Privileges.

As we read these proposed revisions, they seem intended to maximize the flexibility of correctional institutions when dealing with the religious rights and needs of inmates while minimizing the guarantees to legitimate religious expression.

Specifically, proposed revisions to §93.6 (a) remove the guarantee that an inmate may "satisfy the needs of his religious life," may "possess approved religious items," or be accommodated in dietary restrictions, making it increasingly possible that inmates will be denied what they need in order to express their faith.

Proposed revisions to §93.6 (b) (1) and (2) remove the connection between faith groups and those permitted to hold services in correctional facilities by eliminating the need for religiously-endorsed faith group representatives. The ordering of ministry is of significant concern to all Christian churches, and none affiliated with the Council would welcome volunteers purporting to minister in their name without their endorsement. Please leave such authorization (ordination or commissioning) to the churches, rather than claiming it for the administration of correctional institutions.

Finally, the proposed elimination of §93.6 (c), together with the proposed revision of §93.6 (b) (1), creates the suspicion that the ultimate intent of the proposed regulation is to eliminate regular communal and sacramental worship within correctional facilities. Absent explicit discussion of how regular services are to be held and how faith groups are to be given authorization to meet the religious needs of inmates, the proposed revisions seem little more than a pretext for denying religious freedom to accommodate administrative concerns.

In the face of these concerns, we respectfully request the withdrawal of these proposed revisions.

Sincerely,

Gary L. Harke,
Executive Director

DEPUTY
EXECUTIVE
COMMISSIONER

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CORRECTIONS

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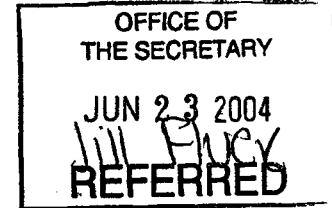
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Original: 2403

Scott Eugene Griffin, AY1980
P.O. Box 200, SCI-Camp Hill
Camp Hill, PA 17001-0200

June 19, 2004

John S. Shaffer, Ph.D.
Deputy Secretary for Administration
Department of Corrections
2520 Lisburn Road, P.O. Box 598
Camp Hill, PA 17001-0598



RE: DOC PROPOSED RULEMAKING

Dear Deputy Secretary Shaffer:

I am respectfully writing this letter in response to the proposed rulemaking by the Department of Corrections, that was published in the *Pennsylvania Bulletin*, Vol. 34, No. 24, June 12, 2004 edition.

My comment concerns § 93.12. Prison Medical Services Program, Subsection (e) which proposes an increase from [\$2] 3 to \$4 on July 1, 2005, and \$5 on July 1, 2007. This will place a burden on indigent inmates (even though the medical service fee will be debited) and inmates who have sufficient funds will be deterred from seeking medical services or dental services. I have overheard inmates on many occasions complaining about the \$2 fee for sickline and \$2 fee for each prescription.

How can the Department of Corrections justify this increase of medical service fees? Over the years, there have been increases of commissary prices, the inmate compensation has been cut back to 6 hours, idle pay was reduced, and no pay increase since December 1991; this does not equate.

Please do not change the \$2 medical service fee and please reconsider the \$4 and \$5 medical fee increase and delete it from the proposed rulemaking. There are other solutions to significantly ease the burden of medical costs on the Department of Corrections, the drastic medical fee increase is not the sole solution, a major step towards easing the burden of medical costs along with other costs of incarcerating inmates is eliminating overcrowding (which can only be rectified by the PA Board of Probation and Parole).

Thank you for your time concerning this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Scott Eugene Griffin".

Scott Eugene Griffin

c file

Original: 2403

6

PENNSYLVANIA INSTITUTIONAL LAW PROJECT

924 CHERRY STREET, SUITE 523
PHILADELPHIA, PENNSYLVANIA 19107

ANGUS R. LOVE
EXECUTIVE DIRECTOR

PHONE: (215) 925-2966
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DEPUTY COMMISSIONER

JUL 12 PM 12:02

RECEIVED
DEPARTMENT OF CORRECTIONS

July 7, 2004

John S. Schaffer; Ph.D.
Deputy Secretary for Administration
2520 Lisburn Rd.
P.O. Box 598
Camp Hill, Pa. 17001-0598

Penna. Institutional Law Project Comments of Proposed Rulemaking-Department of Corrections
[Pa. Code, Chapters 91, 93, 94]

Dear Deputy Schaffer;

I am writing to comment on the above proposed rule changes on behalf of the Pennsylvania Institutional Law Project.

Sec. 91.6- Use of Force and Restraints- The proposed changes expand the situations when force can be used . We do not believe that any changes are necessary. The new proposed regulations allow for force to be used if there is a failure to comply with rules and other methods are ineffective. While I understand the rationale for this, there are situations that can develop where you are allowing the use of force when it may be inappropriate. There are many Class two misconducts that border on petty such as failure to stand for count, failure to cuff pants and use of profanity. This new regulation would sanction use of force in these situations which I do not think is appropriate or constitutional in accordance with 8th amendment jurisprudence.

The expansion of the use of deadly force is also troubling. As I understand it, anyone seeking to escape can be killed. I would suggest additional language that all other means have been tried without success and it only be a last resort. I would also be concerned about the second section allowing deadly force when an inmate convicted of a forcible felony when attempting an escape from a work detail. How will guard know what one is convicted of? What is the definition of a forcible felony?

Sec. 93.2. Inmate Correspondence- There are situations that were considered legal mail and not subject to search outside the presence of the inmate under the old rules that are not included in this new criteria and as such will now be inspected outside the inmate's presence. Three types come to mind; court legal mail, attorney's outside the state, and correspondence with other legal agencies such as the FBI or Pa.State Police. The opening of court mail in the mail room could cause problems i.e. retaliation if the Pa. DOC is a party to the action. There are several national legal groups that provide legal advise and representation that may not be aware of new regulations and incorrectly assume their correspondences are privileged. Similarly there are national agencies such as EPA or OSHA that do some investigations in prisons.

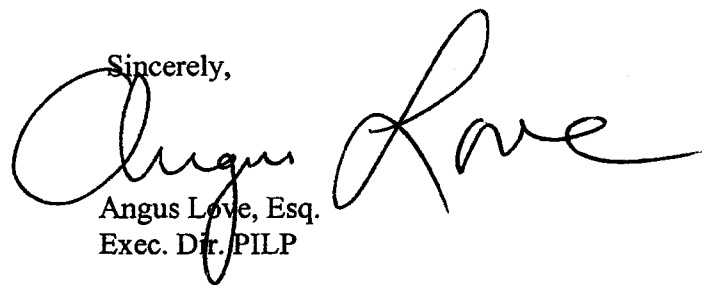
Sec. 93.9 Inmate Complaints-This appears to add frivolous to the complaints that can trigger disciplinary proceedings against an inmate. As you may be aware, the Prisoner Litigation Reform Act [PLRA] requires exhaustion of administrative remedies prior to starting a lawsuit. This expansion runs contrary to the PLRA spirit. 'Frivolous' can be in the eye of the beholder and subject one to disciplinary action for trying to comply with the law as they understand it. Thus it could have a chilling effect on one's access to the courts as guaranteed by the 1st Amendment

Sec. 93.10 Inmate Discipline- section 2 seems to create a second track for disciplinary proceedings i.e. informal resolutions. While it makes sense in many situations that are recognized as minor, it could be used in more serious situations that may run afoul of due process jurisprudence such as *Wolf v. McDonell*. 418 U.S. 539.

The use of some evidence in section 5 weakens the standard for guilt in a proceeding that has offers little protections for an inmate . It may also run contrary to above due process jurisprudence.

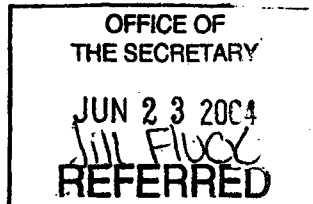
Sec.93.12- Prison Medical Health Program- I must begin by noting that I have litigated and lost this issue in federal court [*Reynolds v. Wagner*] but still believe it inhabits preventive health care with little gained in the process. The changes proposed such as raising the co-pay further inhibit efforts to contain illness at the earliest possible stages. They are also much higher than current medicare co-pay amounts in an environment where money is much more difficult to obtain. I do approve of adding intermittent diseases to the list of exceptions.

Sincerely,

A handwritten signature in black ink that reads "Angus Love". The signature is written in a cursive, flowing style with a large initial "A".

Angus Love, Esq.
Exec. Dir. PILP

Original: 2403



Francis R. Ferri
EN 0177
SCI Camp Hill
P.O. Box 200
Camp Hill, Pa 17001-0200

June 20, 2004

Mr. John S. Shaffer, Ph.D.,
Deputy Secretary For Administration
2520 Lisburn Road
P.O. Box 598
Camp Hill, Pa. 17001-0598

RE: Proposed Rule Section 93.12, Prison Medical Services.
(Published on June 12, 2004)

Dear Mr. Shaffer:

Outlined below are my "Comments" and objections to the proposed enactment of Rule 93.12.

- 1) The Department has not shown the need for the Proposed change.
- 2) In order to justify a 100% increase of the prisoner's "fee" to obtain medical services from \$2.00 per visit any by proxy per medication received, to \$4.00 and later \$5.00, the onus upon the Department will not be satisfied simply because it is over budget.

The budget was under financed from the onset.

- 3) Next, the implications of the new \$4. and \$5. dollar consultation fee, means that for a one time use of a laxitive, or headache, the cost to the prisoner will be \$8, and later \$10.

This is extrotrion, to say the least.

- 4) Next, the prisoners' pay scale has not increased in the past 10 years, while purchasing necessary tolitries has risen 20 to 30%, for items such as toothpaste, toothbrushes, razors, shaving cream, etc., that the prison should be supplying free to the prisoner population.

Prisoners will be compelled to choose between medical services or cleanliness, or at times paying for mailing legal pleadings. The problem becomes more acute as 20% of all prisoner funds is deducted from his pay or incoming contributions, while others pay court imposed child support, fines, etc.

- 5) Under the present format, a prisoner seeking medication for a persistent cold; flu; sore-throat; risks \$2 on the premise he may or may not be provided with the medication sought.
- 6) Under the proposed fee schedule, the prisoner risks \$5. to be denied medication, when the fee itself would more than likely cover the cost of the medication. This is especially true, when the medical visit fee is compounded by fulfilling the request with a one time prescription, now a \$10. fee.

The medical department earns a profit.

- 7) The SCI Camp Hill's Medical Service Provider has a policy of denying medications for colds; flus; sore throats and other costly serious medical needs to the prisoner, until challenged to supply the services in Court.

The point to be made here is that: these maladies are brought on when one prisoner in a housing gets the cold, etc., and due to the ventilation systems, or lack of same, the germs spread and 50% of the housing unit has the illness. Thus, the institution is the cause for spread of the disease, yet chooses to charge the prisoner for a medical visit, and then deny medication.

If medication is denied, then no "fee" for the visit should be charged.

- 8) The Department's budget problems should not be borne or heaped upon the prison population. They are 100s Staff and Guard perks, that need to be addressed before imposing unwarranted hardships upon the prison population.

Thank you for your time in reviewing these comments.

Very truly yours,


Francis R. Ferri