

Berks County Prison

1287 County Welfare Road, Leesport, PA 19533

July 14, 2006

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

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Mr. Farney,

I am the supervising chaplain of the Berks County Prison in Leesport, PA. I am also the chaplain for the Pennsylvania County Wardens Association. I have been involved extensively in correctional ministry since 1979. Concerning the proposed changes to the PA Title 37, I have the following concerns regarding section **95.237. Religion.**

PROPOSED

(1) Written local policy must provide that inmates have access to religious activities. Participation in religious activities shall be a matter of choice on the part of each inmate. Religious activities shall be conducted in a location and manner that does not impinge upon the choice of an inmate not to participate.

By removing the phrase, "consistent with orderly administration of the jail," and inserting language that allocates the entire decision making process to the inmate, i.e. "participation in religious activities shall be a matter of choice on the part of each inmate," proposed subsection (1) presents an unsafe condition for inmates and staff and a nightmare for chaplains who are trying to provide a safe and orderly worship experience for people of faith.

Currently, we have 1300 inmates incarcerated in our institution. In order to meet the religious needs of our inmate community we hold 32 religious activities each week. These include major worship services, religious education classes, meetings with faith representatives, prayer services, grief and loss group, and marriage and family classes. Catholic, Protestant, Orthodox Christian, Jewish, Muslim, and Buddhists each have organized groups. Native Americans, Rastafarians, Hindu's and other religious groups that only have one or two inmates receive special accommodations to fulfill their faith requirements. The chapel is one of the few places where many inmates gather from all of the general housing units. When an inmate enters this institution he/she is asked to identify his/her faith so we could best accommodate their religious practice and provide an orderly worship service. Catholic inmates go to Catholic Mass, Protestants attend Protestant Worship, Muslims attend Islamic Ju'muah Prayers, etc.

Prior to my appointment as chaplain of this institution 1997, inmates were allowed to go to any religious service they desired at any time. The Imam complained that inmates who had no interest in Islam were coming to Ju'muah and being disruptive. During a Protestant Worship Service, there was a disruption by inmates who had no investment in that religion. Also, it was not uncommon for inmates to try to engage in physical altercations with "enemies" or co-defendants at chapel. Disrespect and disruption was commonplace, yet, a majority of inmates voiced their desire to have their religious services without distraction. I met with the jail administration, we worked out the current plan by which inmates declare their faith, and we accommodate them accordingly. Since this change, attendance at religious services has

increased dramatically, and disruptions have been eliminated. Proposed subsection (1) would remove the administration from the provision and reinstate disruption and unsafe conditions.

(2) Individuals seeking to provide religious guidance to inmates shall be screened and selected by the prison administrator or designee. Screening and selection must include qualifications associated with clinical pastoral education or equivalent specialized training and endorsement by the appropriate religious certifying body.

Not all of the religious representatives that visit with inmates in our institution as spiritual advisors have a clinical pastoral education requirement from their endorsing religious bodies. In fact, some religious bodies are openly adverse to clinical pastoral education and view it as a main-line Protestant function. By attempting to impose this requirement, the DOC is dictating to religious leaders an expectation that may violate their conscious and their freedom to lead their people as spiritual guides. In addition, the language does not identify any acceptable equivalent specialized training. Please be aware that the word "pastoral" has Judeo-Christian implications. I am concerned with the message that is being sent in this language.

(3) Written local policy must provide for the accommodation of religious practices consistent with the security needs and orderly administration of the prison. The policy must describe the procedure for reviewing an inmate request for accommodation of a religious practice or activity.

This institution currently houses several inmates who claim to be Taino (American Indian). While they are here, they are allowed to keep their long hair in accordance with their spiritual beliefs. However, the chaplain's office receives multiple requests from these inmates asking for help because they allege that they lose this right when they are transferred to the State Correctional Facilities. I have already had communication with Rev. Ulli Klemm, Administrator of Religion and Volunteer Services, Inmate Services at the Department of Corrections concerning this issue. It is my understanding that the DOC allows hair length exemptions for such inmates, however, inmates have shared that they have been sent to detention (aka the hole) while they waited for the religious exemption process to unfold. I am afraid that the same bureaucracy will relinquish the freedom of religion that is already maintained at this local level.

Overall, I am concerned with the language of the entire section. I believe that wardens and chaplains alike should be concerned with the vagueness of the proposed guidelines that may lead to interpretations that no one ever dreamed. Also, the intermixing of the words "jail" and "prison," in the document seem to be evidence of an inability to distinguish between the two. Some of these guidelines may be suitable for a State Correctional Institution, aka prison, but it is my opinion that they are damaging to jails. Most of all, I am concerned with the imposition that the DOC is making on religion and the loss of integrity for local clergy and chaplains to perform their duties according to their spiritual heritage and conscious. Finally, I am concerned that *Wardens of County institutions will certainly be forced to jeopardize the safety and security of their institutions to accommodate this bureaucracy.*

Sincerely,



Patrick Tutella
Chaplain Supervisor