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PENNSYLVANIA INSTITUTIONAL LAW PROJECT

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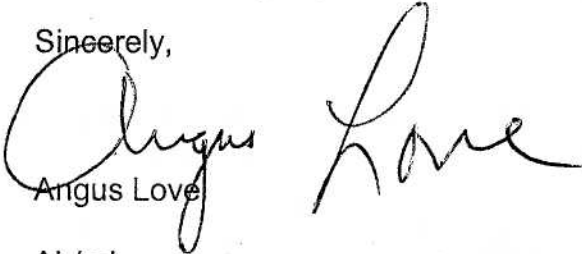
David Farney, Esquire
Assistant Counsel
Pennsylvania Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011

RE: Proposed Rule Making by the PA DOC Regarding 37 PA Code Chapter 95 – County Correctional Institutes

Dear Mr. Farney:

Enclosed please find comments of the Pennsylvania Institutional Law Project with regard to the above-referenced matter. I hope you have an opportunity to give our comments some serious thought. I commend you on the strengthening of the county jail inspection process.

Sincerely,


Angus Love

AL/ral

Enclosure

cc: File

The Pennsylvania Institutional Law Project Comments on proposed amendments to Title 37 Chapter 95 [relating to county correctional institutions].

#95.233a - Telephone communication

Access to telephones is a critical component of a successful transition to a productive life after prison.¹ Leaders in the corrections profession have recognized the need to extend telephone privileges to people in their custody as a means of strengthening ties to family and community.² Charges for these calls are often excessive.³ Due to the unique features of the deregulation of the telephone industry, some correctional facilities take advantage of the lack of competition and will enter into contracts driven by commissions that hover in the 30% to 40% range and reach as high as 65% of all income generated. These costs are paid by family members who have to choose between the excessive rates and refusal of the calls. Many families can't afford these rates.⁴ Correctional administrators often struggle to stretch their budgets and are tempted with a contract of such lucrative proportions. They are confronted with an ethical dilemma of choosing to make money or assist inmates become better prepared for re-entering society.

The proposed amendments fail to address this vital topic. All the amendment does is requiring a written policy. They do say that information about the system should be available to inmates in section 4 but don't require any public disclosure of the terms of the contract. They also fail to note the importance of these communications in the rehabilitative process. These amendments offer an opportunity address a serious problem. For these reasons, the PILP suggests that this standard be revised in accordance with the aforementioned comments.

Sec. 95.229 – Bedding

Subsection 5 states that mattresses should be sterilized on a regular basis. The PILP suggests that they also be sterilized between uses as sheets and pillowcases are.

Respectfully Submitted,

Angus Love, Esq.
Executive Director-PILP

¹ U.S. Department of Justice, Office of the Inspector General, 'Criminal Calls: A Review of the Bureau of Prisons' Management of Inmate Telephone Privileges, Ch. II, n.6 [Aug.1999]

² American Correctional Association October 1996 Resolution on Excessive Phone Tariffs [adopted January 24, 2001] and ACA related standards.

³ ACA 1996 Resolution -ibid

⁴ In the Matter of :Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Comments of the Ad Hoc Coalition for the Right to Communicate Regarding Petition for Rulemaking or, in the alternative, Petition to Address Referral Issues in the Pending Rulemaking, and accompanying declarations, FCC Docket No.96-128 [filed Mar. 10, 2004]