

# Correctional Forum

A PUBLICATION OF THE PENNSYLVANIA PRISON SOCIETY

Promoting a humane, just and constructive correctional system and a rational approach to criminal justice since 1787

## FEDERAL JUDGE: REVICTIMIZATION RELIEF ACT UNCONSTITUTIONAL

IMPORTANT VICTORY FOR PRISONERS AND ADVOCACY GROUPS

by Sara Rose, with Mindy Bogue

On April 28, U.S. Middle District Chief Judge Christopher C. Conner ruled that Pennsylvania’s Revictimization Relief Act (RRA) is “manifestly unconstitutional.” He judged the law a violation of the freedom of speech protected by the First Amendment of the U.S. Constitution

Judge Conner said, “A past criminal offense does not extinguish the offender’s constitutional right to free expression. The First Amendment does not evanesce at the prison gate, and its enduring guarantee of freedom of speech subsumes the right to expressive conduct that some may find offensive.” He also found the law to be “unlawfully proposed, vaguely executed, and patently over-broad.”

He discovered that, after the law was enacted, it had a chilling effect on the free speech of prisoners and organizations that relied on such

[See RRA Unconstitutional on page 8](#)



**In his ruling, Judge Christopher Conner cited comments from the law’s supporters showing it was clearly a device for suppressing offender speech.**

## CRIMINAL DEBT CAN MAKE SUCCESSFULLY RETURNING TO SOCIETY VERY DIFFICULT

RETURNING CITIZENS CAN TAKE STEPS TO AVOID PROBLEMS

by Jamie Gullen

Sheila, a client at Community Legal Services, was convicted of an offense in 2011. She served several months in prison, and several years of probation. She finally finished her sentence, and her probation officer told her that she had completed all requirements. Sheila was ready to move forward with her life, and thought that her interaction with the criminal court system was over. Unfortunately, she was wrong.



**Returning citizens often face hundreds, if not thousands, of dollars in fees and court costs once they are released from prison. If they don’t handle this issue properly, they may end up back in prison.**

[See Criminal Debt on page 9](#)

## U.S. DEPT. OF JUSTICE ISSUES REPORT ON PHILA POLICE DEPARTMENT

COMMISSIONER RAMSEY REQUESTED INVESTIGATION AFTER SHOOTINGS IN 2013

by Mindy Bogue

After a series of police shootings over four days in 2013, Philadelphia Police Commissioner Charles Ramsey asked U.S. Department of Justice (DOJ) to take a hard look at his department to assess its strengths and weaknesses. This investigation culminated in *An Assessment of Deadly Force in the Philadelphia Police Department*, which was released in late March 2015. While the investigation found several areas in which Philadelphia’s police department need to improve – particularly regarding the use of deadly force on unarmed citizens – the investigation was voluntary and the process was very different from the recent DOJ investigation that found rampant bias in the Ferguson, MO criminal

[See Phila Police on page 10](#)

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**EDITORIAL**

**GIDEON AND THE STATE OF INDIGENT DEFENSE**

by Ellen T. Greenlee and Justice Phyllis H. Subin

*“In our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.” – Justice Hugo Black, of the Gideon Court*

Clarence Earl Gideon was a most unlikely hero – a frail, uneducated, 50-ish drifter – who was convicted in Florida in 1963 of burglary of a pool hall – a crime that he may not have committed. Denied counsel and unable to effectively attack the evidence against him, he was quickly convicted and sentenced to five years of hard labor. Writing in pencil on prison letterhead, his simple message – which would end up in the U.S. Supreme Court – was that anyone accused of a crime should have the right to a competent lawyer:

“It makes no difference how old I am or what color I am or what church I belong to if any. The question is I did not get a fair trial. The question is very simple. I requested the court to appoint me a lawyer and the court refused. All countrys [sic] try to give there [sic] citizens a fair trial and see to it that they have counsel.”

A unanimous Supreme Court agreed with him, appointed Abe Fortas (who would later join the Court) to represent Gideon, who was subsequently acquitted. The right to counsel was born.

The *Gideon* court declared that “lawyers in criminal courts are necessities, not luxuries,” and it required that states must provide counsel to indigent defendants in felony trial cases. The *Gideon* decision was soon followed by U.S. Supreme Court rulings extending the Sixth Amendment right to counsel, made obligatory upon the states by the Fourteenth Amendment, to direct appeals of criminal cases, as well as to misdemeanor cases and probation hearings that involve the possible denial of a person’s liberty. In 1967, the U.S. Supreme Court recognized that, in delinquency proceedings, children have a constitutional right to counsel. In 1972, Pennsylvania incorporated this right in the Pennsylvania Juvenile Act.

So, with all these specific rights to counsel mandated by the U.S. Supreme Court, where does Pennsylvania stand in meeting this obligation to fund criminal defense for its poor citizens? Pennsylvania stands alone as the only state among 50 that provides no general funds to meet its obligations. Instead, Pennsylvania has delegated this responsibility to the counties, which struggle to provide funding and resources for indigent defense. (Philadelphia, as the only City of the First Class, is exempt from this requirement. For more than 40 years, the City has funded the non-profit Defender Association of Philadelphia, governed by a board of directors who appoint the Chief Defender and First Assistant Defender). Since the public defense funding burden rests solely with the counties, some critics have opined that this amounts to “justice by geography” for adults and juveniles facing criminal charges.

The budgets for county defender offices vary greatly, with some including money for



**The U.S. Supreme Court ruled on *Gideon* in 1963. Over 50 years later, Pennsylvania is the only state that does not provide general funds for indigent defense. Instead, the counties must struggle to meet this responsibility.**

**See Gideon on page 8**

## WATER MAIN BREAK AT SCI ALBION CAUSED TEMPORARY PROBLEMS, BUT UNDER CONTROL

by Angus Love

In the early morning hours of Monday, March 9, 2015, the sole source of water for SCI Albion had a leak in the valve from the tank. Investigators then found a problem with the tank itself, and emptied it. Complications immediately started to mount as toilets stopped working, showers were unavailable, and there was no drinking water. Bottled water was purchased for consumption, and portable toilets were brought in for inmate and staff usage. The administration used portable water tanks to provide more drinking water. Shower tents were set up.

The Pennsylvania Department of Corrections announced a limited emergency and cancelled all visits. Inmates were reportedly getting two eight-ounce cups of water a day. The stench from the overflowed and inoperative toilets was prevalent. Relatives calling the prison were told that "things were under control." Legal authorities at the Pennsylvania chapter of the ACLU and the Pennsylvania Institutional Law Project, as well as representatives from the Pennsylvania Prison Society, monitored the situation.

On Thursday, March 12, a partial water supply was restored and water began flowing to three of the housing units. The water tower was fixed and refilling had begun. Secretary Wetzel issued a press release later that day indicating that the situation was nearing resolution. Work had proceeded around the clock. Wetzel commended Superintendent Nancy Giroux and her team for their attentiveness to the situation. While state prisons do have emergency plans for power outages, no such plan was in place for water emergencies. Fortunately, quick thinking and resourcefulness were enough to handle this situation. Visits were restored by the weekend, including Prison Society bus visits.



**Several advocacy organizations were keeping an eye on the situation, which was handled by the DOC within the week.**

Angus Love is the Executive Director of the Pennsylvania Institutional Law Project. For more information, visit [www.pailp.org](http://www.pailp.org).

## PENN STATE HONORS SHARON "PEACHIE" WIGGINS

by Ellen Melchiondo

The Sharon Wiggins Biographical Materials Archive at Penn State University (PSU) Eberly Family Special Collections Library at The Paterno Library is as special and unique as Sharon, before and during her incarceration at SCI Muncy. This archive is unique in that it stands alone; it is not part of any particular department. Sharon's archive, highlighting a person who served a life-without parole sentence, is a testament to the importance of higher education for the incarcerated.

PSU provided Sharon with the opportunity to earn an associate degree. They also significantly supported her by employing her as their Student Services Liaison at SCI Muncy, which resulted in an award for Creative Programming from Brigham Young University.

"As a Penn State alum, and mentor to so many, her service as a role model beyond her incarceration is astonishing," said Jackie Esposito, University Archivist and Librarian.

*"Her service as a role model beyond her incarceration is astonishing."*  
— Jackie Esposito,  
University Archivist and Librarian.

She received the Pennsylvania Prison Society Meritorious Award in 1993, and In-

**See Peachie on page 7**

## COAL ASH CONTINUES TO BE DUMPED NEAR SCI FAYETTE

by Zahara Hill

Last September, SCI Fayette made headlines for possibly exposing prisoners to a number of illnesses. In the Winter 2015 edition of *Correctional Forum*, we discussed the crisis at Fayette. The Abolitionist Law Center and Human Rights Coalition believe that the coal ash dump near SCI Fayette has caused a number of illnesses in the prisoners. SCI Fayette was built atop what was once among one of the largest coal mines in the world.

Surveys were distributed to 75 prisoners regarding the coal ash dump and more than three out of four respondents admitted to having respiratory, sinus, or throat conditions. The employees at SCI Fayette are also undergoing health issues

**See SCI Fayette on page 9**



# CHAPTER HIGHLIGHTS

by John Hargreaves

The Prison Society now has three college chapters.

The chapter at Indiana University of Pennsylvania is about 20 years old. Rosemary Gido, formerly a member of the Prison Society Board of Directors and the Advisory Council, played a pivotal role in its formation. She also teaches at the university. The group is active at SCI Pine Grove and a local jail.

One hundred students attended a Prison Society presentation at Susquehanna University. Free pizza may have played a role. This chapter has six official visitors who are led by philosophy professor Lissa Skitolsky. She has been teaching a popular class in philosophy at SCI Muncy.

The new Messiah College group is led by longtime professor and official visitor, Kate Whiteley. This chapter has nine students who are interested in visiting Cumberland, Dauphin, and York county prisons, as well as SCI Camp Hill. Two members have been visiting for six months.



**The newly-established Pennsylvania Prison Society chapter at Messiah College is led by professor and official visitor Kate Whiteley. Two members have already been visiting county prisons and SCI Camp Hill for the past six months. Photo by Ben Derk.**

Are you interested in becoming an Official Visitor for the Prison Society? Contact Emily Cashell at 215-564-6005, x116 or [ecashell@prisonsociety.org](mailto:ecashell@prisonsociety.org).



## NOTES IN PASSING

### MILTON BERKES (1925-2015)

Milton Berkes, former vice chairman of the Pennsylvania Prison Society Board of Directors, died on April 3 at age 90. A longtime Bucks County Democratic Party chair, he was a state legislator who helped change how Pennsylvania treats addiction. His friend, author James A. Michener, once called Mr. Berkes the “quickest mind” in the county for his political abilities, according to *The Philadelphia Inquirer*.

While he was famous in Pennsylvania politics, his proudest achievement was authoring the state’s 1972 Drug and Alcohol Abuse Control Act. It was nicknamed the “Berkes Bill,” and redefined drug abuse as a health issue, allowing counties to use federal

money to create treatment programs. While few programs existed at the time, more than 700 are in use today. His bill was considered “visionary” compared to similar bills of other states, as it called for government agencies to work together. For example, it allowed addiction treatment services into prisons and prevention programs into schools.

In 2009, the Health Department’s Bureau of Drug and Alcohol became a cabinet-level agency.

Berkes grew up in Philadelphia’s Strawberry Mansion section, where his Jewish parents moved to escape Europe. He later served in the Pacific during World War II. After the war, he earned a bachelor’s and a master’s degree at Temple University. He and his wife, Ethel, moved to Levittown in the 1950s, which is when his interest in politics grew. He became the first Democrat ever elected in Falls Township.

A memorial service was held Monday, April 6, during which he was honored by the Jewish War Veterans and family members who wore campaign buttons from his vast collection.

## NEW VISITORS

### ALLEGHENY COUNTY

Scilla Wahrhaftig  
Saraya Alexander

### BLAIR COUNTY

David Tate  
John Grove

### FAYETTE COUNTY

Betty Saunders

### LANCASTER COUNTY

Justin Rule  
Darren Brown

### MONTGOMERY COUNTY

Marsha Lewis

### POTTER COUNTY

John Leete

### SNYDER COUNTY

Jeff Higbee  
Danielle Huscher  
Shannon Niesbod

### WEST VIRGINIA

H.L. Rogers

# IS IT TIME FOR MARIJUANA DECRIMINALIZATION IN PA?

Commentary by Matthew Rosen

*Editor's note: On May 12, the Pennsylvania Senate passed Senate Bill 3 and sent it to the House of Representatives for consideration.*

On January 27, State Senator Mike Folmer introduced Senate Bill 3 (SB 3), which would legalize the use of marijuana for medicinal use in Pennsylvania. Governor Tom Wolf has expressed his support for the bill, and if it passes, it would make Pennsylvania the 27th state in the country to permit medical marijuana.

This would certainly be a great relief for patients who suffer from chronic pain, nausea, and/or lack of appetite due to illnesses such as cancer, multiple sclerosis, and HIV/AIDS. At the same time, these individuals represent a fraction of citizens who have been harmed by criminal laws against marijuana use. Accordingly, Pennsylvanians who want a fair and reasonable justice system should continue to push for the full decriminalization of marijuana use.

Every year, more than half a million people are arrested for marijuana possession in the United States.

These arrests can have numerous negative consequences. People who are arrested for marijuana possession must endure the shame and humiliation of arrest, and face the criminal penalties that accompany it. They are also stuck with a permanent criminal record that can affect their employment, education, and housing opportunities.

Thousands of people are deported from the country every year on the basis of marijuana arrests. And when probationers and parolees are found with marijuana, they can be charged with a violation of the terms of their release and sent back to prison as a result.

Too often, the people who must endure these consequences are minorities. Even though whites and African-Americans use marijuana at equivalent rates, African-Americans are over four times more likely than whites to be arrested for it.

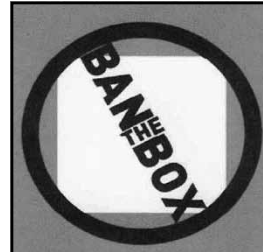
The enforcement of these laws is financially burdensome for the government, costing the country about \$3.6 billion each year. It also diverts law enforcement resources from addressing violent crime and other public safety priorities. In fact, there are more arrests for marijuana pos-



**A recent poll shows that 72 percent of Americans favor the decriminalization of marijuana.** Photo by eggrole via Flickr.

# BAN THE BOX LAWS SLOWLY EXPANDING

by Zahara Hill



**Philadelphia passed "Ban the Box" legislation in 2011, but our goal is for all Pennsylvania businesses to give returning citizens fair access to jobs.**

Although the national push to "ban the box" (officially known as The Fair Criminal Records Screening Standards Ordinance in Philadelphia) hasn't progressed as quickly as hoped, the question of a past criminal record is slowly disappearing from a number of applications for employment. Ban the Box legislation is now

effective in 15 states and 70 municipalities. In July 2011, Philadelphia banned the use of the check box on employment applications; the exception being private companies with fewer than 10 employees in the city.

Virginia became the most recent state to remove the question from job applications when Governor Terry McAuliffe signed an executive order to do the same in early April 2015. Allentown, Pennsylvania, voted unanimously to remove the question from their employment applications beginning in May. Reading and Pittsburgh also recently passed similar legislation. There is also discussion of a statewide ban making its way to Pennsylvania's House of Representatives this year.

While *Daily Progress* reports that 60 percent of employers are not willing to hire someone with a criminal background, Walmart, Target and Bed Bath & Beyond have placed themselves in the minority, removing the checkbox from their applications.

While the movement appears to be making slight headway, the checkbox is still present on college applications. The fight to ban the box only pertains to applications for employment, not higher education, but the movement should be all-encompassing to prevent the often inevitable discriminatory dismissal of those with criminal records.

For more information, visit [www.dailyprogress.com](http://www.dailyprogress.com).

See Marijuana on page 7

# LEGISLATIVE HIGHLIGHTS

The Pennsylvania General Assembly is currently working on various legislation, including some that involve the repeal of the death penalty, expungement, and guidelines for dealing with children of incarcerated parents. If you can access the Prisoner Reentry Network, check the Legislative tab on top to be able to search for bills and additional information ([www.phillyreentry.com](http://www.phillyreentry.com)). Please note that these bills are current as of May 21, 2015.

BILL No. PRINTER No.	DESCRIPTION	CHIEF SPONSOR	ACTION STATUS	PPS POSITION
HB 722 PN 857	Provides for expungement. Requires expungement of arrest records of individuals who were arrested due to a case of mistaken identity.	Rep. A. Cruz D- Philadelphia County	Referred to House Judiciary Committee, 3/6/15	Support
HB 807 PN 952	Expands protection and provision of services for children of incarcerated parents, including not terminating parental rights if the parent attempts connections with the child per the family service plan. Also provides for an arrest protocol to identify children during the arrest of a parent. Similar to SB 163.	Rep. T. Murt R-Montgomery and Philadelphia counties	In House Judiciary, 3/17/15	Support
SB 275 PN 154	In some cases, gives sentencing judge the discretion to impose a lesser sentence than the mandatory sentence if the judge has a compelling reason to believe that a substantial injustice would occur by applying the mandatory sentence.	Sen. S. Greenleaf R-Bucks and Montgomery counties	Referred to Senate Judiciary Committee, 1/16/15	Support
SB 276 PN 155	Establishes the Pennsylvania Center for Effective Indigent Defense Legal Representation. This bill appropriates funds to comply with the 50-year-old <i>Gideon</i> ruling (see page two) via a center to support the delivery of services to indigent criminal defendants in Pennsylvania.	Sen. S. Greenleaf R-Bucks and Montgomery counties	Referred to Senate Judiciary Committee, 1/16/15	Support
SB 452 PN 399	Stops PA correctional institutions from providing prisoners with free or reduced-cost postage.	Sen. L. Boscola D-Lehigh and Northampton counties	Referred to Senate Judiciary, 2/12/15	Oppose
SB 493 PN 432	Repeals the death penalty in Pennsylvania.	Sen. D. Leach D-Delaware and Montgomery counties	Referred to Senate Judiciary 2/13/15	Support
SB 525 PN 472	Establishes the Prison Industry Enhancement Authority; providing for private industry employment and compensation of inmates in prison.	Sen. S. Greenleaf R-Bucks and Montgomery counties	Passed Senate Judiciary 3/3/15; Re-referred to Senate Appropriations 4/4/15	Support

## PEN PAL PROGRAM NEEDS WRITERS

Mary Mother of Captives, based in Greater Philadelphia, hosts a pen pal program that allows the public to “visit” the imprisoned from home. This program has grown to include over 175 state and federal prisons across the country, and the organization currently serves over 575 incarcerated individuals. The writers’ names and addresses are kept confidential, and the program helps prisoners know that some “on the outside” recognize their plight and want to

help (non-monetarily) support them during their incarceration. The program serves all religious beliefs, races, genders, etc. For many prisoners, pen pals are the only contact they have with the outside world.

The program is currently experiencing a shortage of writers; about 100 prisoners are backlogged, waiting for writers to contact them. **If you are interested in becoming a writer for this program, contact John or Sue at 610-259-3178, or email [Susan\\_MMOC@comcast.net](mailto:Susan_MMOC@comcast.net).** (Please note that this is NOT a matchmaking service.)



## PRISONERS OVER 50 ARE FASTEST GROWING SEGMENT OF FEDERAL PRISON POPULATION

by *Mindy Bogue*

On May 6, the U.S. Department of Justice released *The Impact of an Aging Inmate Population* on the Federal Bureau of Prisons (BOP), a report on the aging population of the federal prison system. The report presented problems regarding incarcerated older prisoners, and proposed solutions. Though the report focuses on the BOP, most of the findings also apply to Pennsylvania's state prisons, which house the second-highest proportion of geriatric prisoners in the nation, and where more than one-third of the prisoners are over the age of 40.

In September 2013, the BOP incarcerated 164,566 federal inmates in 119 BOP-managed institutions. According to BOP data, inmates age 50 and older were the fastest growing segment of its inmate population, increasing 25 percent from 24,857 in fiscal year (FY) 2009 to 30,962 in FY 2013. Based on BOP cost data, it is estimated that the BOP spent approximately \$881 million, or 19 percent of its total budget, to incarcerate aging inmates in FY 2013

### Findings

- Aging inmates are more costly to incarcerate, primarily due to their medical needs.
- BOP institutions lack appropriate staffing levels to address the needs of an aging inmate population and provide limited training for this purpose.
- The physical infrastructure of BOP institutions cannot adequately house aging inmates.
- The BOP does not provide programming opportunities specifically addressing the needs of aging inmates.
- Aging inmates commit less misconduct while incarcerated and have a lower rate of re-arrest once released.

**See Aging Population on page 10**



**Prisoners age 50 and older are the fastest growing segment of the prison population in the federal system.**  
Photo by Chattanooga Endeavors, Inc. (Flickr).

### ***Peachie*, continued from page 3**

mate of The Year Award in 2009. Sharon participated in the Prison Society's Arts and Humanities Program under the leadership of Mary Dewitt, then director of the program (1990 to 1995).

At an Eastern State Penitentiary exhibit of Mary's portraits of women serving life sentences, I was introduced to "Peachie." I got to know her over the last two years of her life. When she passed away on March 24, 2013, I realized I wanted to preserve her life and legacy, and make available unique academic research resources that will advance criminal justice reform in Pennsylvania by donating letters, papers, photographs, tributes and press that I had acquired from and about Peachie.

Thank you to PSU for making my idea a reality with the new archive.

**Ellen Melchiondo is a Pennsylvania Prison Society Official Visitor in Centre County.**

**If you would like to add materials to this archive, please send to: Jackie Esposito, University Archivist, Penn State University, 104 Paterno Library, University Park, PA 16802.**

### ***Marijuana*, continued from page 5**

session every year than for all violent crimes combined.

For these reasons, Americans are beginning to recognize that marijuana use may be a vice, but should not be an arrestable offense. A recent poll shows that 72 percent of Americans favor the decriminalization of marijuana. Policymakers across the nation are beginning to come to similar conclusions. The U.S. Department of Justice has made it clear that it will not interfere with state efforts to liberalize state marijuana laws. Accordingly, as of April 2015, 18 states have decriminalized marijuana possession to some degree, and four states have legalized it outright.

There is a growing consensus in favor of the decriminalization of marijuana. State lawmakers should get on board with efforts to remove criminal penalties for all users of marijuana, not just those with serious illnesses. The time has come to stop making thousands of nonviolent and otherwise law-abiding marijuana users needlessly suffer.

**For more information about SB 3, go to [www.phillyreentry.com](http://www.phillyreentry.com) and click on Legislate.**

**RRA Unconstitutional, continued from page 1**

speech. For instance, The Pennsylvania Prison Society began including a warning in its *Graterfriends* newsletter that warned anyone interested in submitting an article of possible repercussions under this law. Some prisoners sent letters that they said they'd like to be published but were afraid to because of the RRA. Another example is Prison Radio, who had to curtail Mumia Abu-Jamal's weekly commentaries.

Judge Conner also cited comments from the law's supporters that showed it was clearly a device for suppressing offender speech. He attacked the law's lack of definition, finding that

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*"A past criminal offense does not extinguish the offender's constitutional right to free expression." – Judge Christopher Conner*

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it doesn't clearly state what kind of speech or action it forbids, nor does it specify what standards will be used to determine the level of revictimization: "Short of clairvoyance, plaintiffs cannot determine in advance whether or to what extent a particular expression will impact a victim's sensibilities."

Supporters of the law, including bill sponsor State Representative Mike Vereb, plan to appeal the ruling or create a replacement bill.

**Background on the Challenge to the Law**

The RRA, also called The Silencing Act, allowed courts to prevent people convicted of personal injury crimes from engaging in any conduct that may cause mental anguish to victims of those crimes. Judge Conner heard arguments on March 30 from the plaintiffs in two cases challenging the law (including individuals in prison and those who have been released, as well as journalists, and advocacy groups), and Attorney General Kane, who is named as the defendant in both cases.

The law's challengers argued that the Revictimization Relief Act autho-

rized courts to prohibit individuals convicted of crimes from engaging in speech that causes mental anguish to the crime victim. According to the challengers, it would also allow courts to prevent journalists or news organizations from publishing interviews with individuals convicted of crimes if the victims said that publication would cause them mental anguish. These outcomes, the plaintiffs say, restrict speech based on the reaction of the listener,

which violates the First Amendment.

Counsel for Attorney General Kane countered that the law prohibits conduct and is thus subject to a lower level of scrutiny than laws that restrict expression alone.

The March 30 argument followed a March 6 judgment in which Judge Conner ruled that the plaintiffs in the two cases had standing to challenge the law and denied Attorney General Kane's motion to dismiss the case.

In his March 6 opinion, Judge Conner recognized that the law could chill individuals from speaking, explaining that at least one plaintiff, Kerry Shaka-boona Marshall, shelved the publication of his memoir, which details his life as a juvenile offender serving life without parole, for fear of a lawsuit. Judge Conner also pointed out that "the harm notably extends beyond self-censorship, as third parties have begun denying speaking and publishing opportunities to the offender plaintiffs for fear of enforcement action."

The plaintiffs "have alleged real and reasonable fears that the legislation will be enforced against them in the immediate future, and the Attorney General has not expressly or impliedly indicated that she will not enforce it," Judge Conner said, holding that the plaintiffs in both cases had standing to challenge the law.

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Sara Rose is a staff attorney for the Pennsylvania chapter of the ACLU. For more information, visit [www.aclupa.org](http://www.aclupa.org)

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**Gideon, continued from page 2**

continuing legal education for attorneys, while other offices have no such budget line. Unlike the Defender Association of Philadelphia, they do not have a full-time training director who is responsible for new attorney training, continuing legal education programs, trial attorney skills training, and materials necessary for the competent representation promised to Gideon by the Supreme Court.

In response to this very real need in Pennsylvania for enhancing representation by state public defenders, court-appointed counsel, and contract counsel in criminal matters, the Pennsylvania Coalition for Justice was

established in August 2011. At the center of its advocacy work is support for a Pennsylvania Center for Effective Indigent Defense Representation called for in Senate Bill 276 (SB 276), which would provide hands-on training for new defenders, capital case representation, delinquency attorneys, as well as appellate and post-conviction advocacy, and management training for public defender supervisors.

SB 276 calls for an appropriation of \$1 million to get the center up and running. Note that in 2014, the State District Attorneys Association had a line-item of \$1.8 million for operations and training. The state judiciary is also funded to provide training for new judges. Only the defense receives no

state funding.

We need the support of all who recognize the absolute necessity of working to improve the delivery of legal services in criminal matters to all Pennsylvanians. Please contact one or more senators on the Judiciary Committee ([pa.sen.judiciary.gov](http://pa.sen.judiciary.gov)) to enlist his/her support to get this bill moving. Thanks for your interest and support.

**Ellen T. Greenlee is the Board President for the Pennsylvania Coalition for Justice. She is also on the board of the Pennsylvania Prison Society.**

**Justice Phyllis H. Subin is the Executive Director of the Pennsylvania Coalition for Justice.**



**Criminal Debt, continued from page 1**

She began receiving letters from the court telling her that she owed thousands of dollars for court fines and costs, bail judgments, and supervision fees. The county assistance office told her she would no longer get cash assistance to support herself and her three children until she got into a payment plan.

When an individual like Sheila is convicted of any offense in Pennsylvania, a host of court costs are automatically assessed, ranging from fees to support the Judicial Computer Project to the Victim's Compensation Fund. These costs can amount to hundreds of dollars in each case. A criminal sentence may also include additional fines or an order to pay restitution to a victim.

On top of these costs and fines, Sheila was also assessed a "supervision fee." In Philadelphia, this is a \$25 monthly fee while a person is on probation. For long probation sentences like Sheila's, these fees add up to thousands of dollars. Additionally, when Sheila missed a court date because she was in the hospital with her child, a bail judgment was assessed. This assessment was for the full amount of the \$5,000 bail originally set in her case.

Sheila was understandably frustrated when she learned she owed thousands of dollars; neither during sentencing or under probation was she informed. Court debt can prevent people from cleaning up their records through the expungement and pardon processes, can interfere with getting certain public benefits, and can lead to collections by private debt collection agencies.

The good news is that Sheila, and others like her, can take steps to reduce the amount of debt owed, and deal with any remaining debt.

First, in Philadelphia, bail judgments assessed prior to March 4, 2010 are no longer being collected! The judgments should be removed from court records soon.

For bail judgments like Sheila's, which were entered after March 4, 2010, individuals can file petitions to reduce or

vacate the judgments if the individuals came back to court soon after missing court, or if court was missed for a good reason, like being in the hospital. In Philadelphia, Sheila can file a petition to reduce or vacate bail on the third floor of the Criminal Justice Center.

Second, either at sentencing or later on, supervision fees may be waived by a judge if paying the fees would be a financial hardship. Meeting certain criteria like receiving public benefits, having a disability, or being a full-time student makes it more likely that supervision fees will be waived.

If an individual is currently being sentenced or is on probation, he should speak to his defense attorney

or probation officer about waiving supervision fees. If someone like Sheila owes supervision fees on an old case in Philadelphia, a motion to waive supervision fees can be filed by going to the motions desk on the second floor of the Criminal Justice Center.

Third, after eliminating whatever debt she can, Sheila should get into an affordable payment plan to pay the remaining court fines and costs she owes. Getting into a payment plan is important to avoid having problems with public benefits and to avoid getting sent to collections. In Philadelphia, Sheila can get into a payment plan by going to courtroom 1104 any day of the week at 1:00 p.m. Sheila should bring any proof of her financial situation, including her receipt of public benefits, and should NOT agree to a payment amount that is unaffordable. She should also ask the court to sign a form that she is now "in compliance" with a payment plan so she and her children will not lose their cash assistance.

Dealing with criminal court debt can be stressful and frustrating, but advocates are working hard to improve these systems and help individuals like Sheila understand their rights and advocate for themselves.

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*Court debt can prevent people from cleaning up their records and can interfere with obtaining some public benefits.*

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**Jamie Gullen is a staff attorney at Community Legal Services. To learn more about Community Legal Services, visit [www.cls.org](http://www.cls.org)**

**SCI Fayette, continued from page 3**

including breast, kidney, and thyroid cancers. As for the prisoners who have suffered from cancer (there were 11 fatal cancer cases from January 2010 to December 2013), they say they weren't taken seriously by the medical staff until their cancers proved terminal.

The *Pittsburgh Post-Gazette* published an article in 2010 that stated there were nine reported cancer cases from the 18 residences located on the other side of the prison.

Despite the multitude of terminal cancer cases and other illnesses, Matt Canestrone Contracting renewed their permit to dump coal at the site, which means another 416,000 tons of coal ash will be dumped near the prison grounds next year.

**For more information, visit [www.abolitionistlawcenter.org](http://www.abolitionistlawcenter.org).**

**Aging Population, continued from page 7**

- Aging inmates could be viable candidates for early release, resulting in significant cost savings; but BOP policy strictly limits those who can be considered and, as a result, few have been released.

**Recommendations**

- Develop national guidelines for the availability and purpose of inmate companion programs.
- Consider the feasibility of placing additional social workers in more institutions, particularly those with larger populations of aging inmates.
- Provide all staff training to identify signs of aging and assist in communicating with aging inmates.
- Reexamine the accessibility and the physical infrastructure of all of its institutions to accommodate the large number of aging inmates with mobility needs.
- Study the feasibility of creating units, institutions, or other structures specifically for aging inmates in those institutions with high concentrations of aging inmates.
- Systematically identify programming needs of aging inmates and develop programs and activities to meet those needs.
- Develop sections in release preparation courses that address the post-incarceration medical care and retirement needs of aging inmates.
- Consider revising its compassionate release policy to facilitate the release of appropriate aging inmates, including by lowering the age requirement and eliminating the minimum 10 years served requirement.

**Conclusion from the report**

The investigators concluded that a growing aging inmate population has an adverse impact on the BOP's ability to provide a safe, humane, cost-efficient, and appropriately secure environment for aging inmates and to assist aging inmates reentering the community. Although the BOP has revised its compassionate release policy to expand consideration for early release to aging inmates, which could help mitigate the effects of a growing aging inmate population, few aging inmates have been released under it. Several aspects of the BOP's inmate management, including costs, housing, and programming, are affected by an aging inmate population that is growing more quickly than the rest of the BOP's inmate population.

For more information, visit [www.oig.justice.gov](http://www.oig.justice.gov), click on Reports, then All Reports. You will find this report listed under the date May 6, 2015.

**Phila Police, continued from page 1**

justice system. What follows is an overview of some of the findings from the report and its conclusion.

Some of the report's findings include:

- Philadelphia Police Department (PPD) officers do not receive regular, consistent training on the department's deadly force policy.
- For some PPD recruits, de-escalation training has been little more than lecture and observations. Focus group participants generally agreed that more de-escalation training was needed at the academy.
- Incidents involving discourtesy, use of force, and allegations of bias by PPD officers leave segments of the community feeling disenfranchised and distrustful of the police department
- The PPD lacks a field-training program to help transition academy graduates into full-time work as officers.
- PPD officers do not receive in-service defensive tactics training.
- Officer-involved shootings (OIS) investigations generally lack consistency.
- The scope of investigations into officer-involved shootings focuses solely on policy, while largely neglecting officer tactics and decision-making.
- Distrust in the ability of the PPD to investigate itself pervades segments of the community. Scandals of the past and present, high profile OIS incidents, and lack of transparency in investigative outcomes help cement this distrust.

**Conclusion from the report**

From the report: "The PPD is a large, complex organization with a deeply rooted history and culture. The department's complexity reflects, in part, the growing complexity of the role of police in society, which has evolved from reactive to proactive in its fight against crime. We are recommending the department take the same evolutionary steps in its approach to public interactions, use of force, and deadly force. The first step was already completed when the commissioner requested this assessment from the COPS Office. The department has been fully cooperative with our assessment and has both literally and figuratively opened its books to our team. For that, the department is deserving of praise.

The department has much work to do in the months and years ahead. Our assessment uncovered policy, training, and operational deficiencies in addition to an undercurrent of significant strife between the community and department. It yielded 48 findings and 91 recommendations for the department to reform its deadly force practices."

For more information, visit [www.justice.gov](http://www.justice.gov), click on News, then click More News and Speeches under Justice News.

# WHAT'S NEW AT THE PRISON SOCIETY?

The Pennsylvania Prison Society has been hard at work, sending staff members, official visitors, and volunteers to visit prisons throughout the state, launching new programs at various institutions, and creating more chapters. One of our biggest successes came in late April, with the ruling that the Revictimization Relief Act is unconstitutional. Below is an overview of our recent accomplishments. Stay tuned as we continue to work and collaborate with other organizations to change the criminal justice system for the better.

- We saw victory in a lawsuit with 10 other plaintiffs against Pennsylvania Attorney General Kathleen Kane regarding the constitutionality of the Revictimization Relief Act that was signed into law in October 2014. Judge Christopher Conner ruled that the law was unconstitutional on April 28, 2015.
- Our conveners conference on May 9 was full of discussion regarding news affecting prisoners and the Prison Society's advocacy work. There was also an informative panel that discussed the responsibilities of official visitors and pitfalls they should avoid. (More information will be available in our next issue of *Correctional Forum*).
- We are training volunteers for our pilot mentoring program at SCI Chester, and continuing reentry and coalition activity across Pennsylvania
- Director of Volunteers John Hargreaves has been busy, working with conveners and visitors to create two new college chapters of the Prison Society: Messiah College and Susquehanna University. Some members of the Susquehanna University chapter have already been visiting prisoners for several months.
- We are active with the Pennsylvania Sentencing Commission Strategic Planning Work Group and Union County Housing Work Group, collaborating throughout the state.
- Prison Society staff and Official Visitors recently toured various prisons and county jails, including Delaware County's George W. Hill Correctional Facility and SCIs Muncy, Pine Grove and Pittsburgh. Executive Director Ann Schwartzman took advantage of these tours to visit with chapters in the areas of the prisons, including the Pittsburgh and Indiana University of Pennsylvania chapters.

## Pennsylvania Prison Society Annual Meeting and Fundraiser

**Philadelphia-based muralist Eric Okdeh will speak about working with incarcerated men at Grateford.**

**4:00 p.m.  
Thursday, June 11, 2015**

**Ethical Society  
1906 Rittenhouse Square  
Philadelphia, PA 19103**

**Cocktail reception and silent auction will follow.**

**Visit [www.prisonsociety.org](http://www.prisonsociety.org) for details and to purchase tickets.**

## Correctional Forum Subscription Information

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“Remember, what you do to these men  
you do to God.”

— Mother Teresa (1910-1997)  
during her visit to San Quentin Prison

# Correctional Forum

SPRING 2015

A PUBLICATION OF THE PENNSYLVANIA PRISON SOCIETY

Promoting a humane, just and constructive correctional system and a rational approach to criminal justice since 1787

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