

A Publication of The Pennsylvania Prison Society

# GRATERFRIENDS

*The mission of the Pennsylvania Prison Society is to advocate for humane prisons and a rational approach to criminal justice.*

## New 'Vaccine or Test' Rule for Correctional Officers Takes Effect

*Pennsylvania Prison Society*

Tuesday, September 7th, was the deadline for staff at State Correctional Institutions to get vaccinated, or submit to weekly testing. In order to be exempt from the weekly testing requirement, staff members must be fully vaccinated. Staff who have only received one dose will still have to submit to weekly testing. As an incentive, the state of Pennsylvania offered employees who are vaccinated by October 1st, 2021, an additional 7.5 or 8 hours of paid time off. This rule comes off an announcement made by Governor Wolf, who compared this measure to vaccine mandates by other states, such as New Jersey. Wolf says, "I think it's the right thing for us to do, especially for those who depend on the commonwealth and the commonwealth employees to keep them safe."

According to the PA DOC's COVID-19 Dashboard (the online platform the DOC updates with COVID data across its 23 facilities), there are currently 10,010 staff members who are unvaccinated. That's

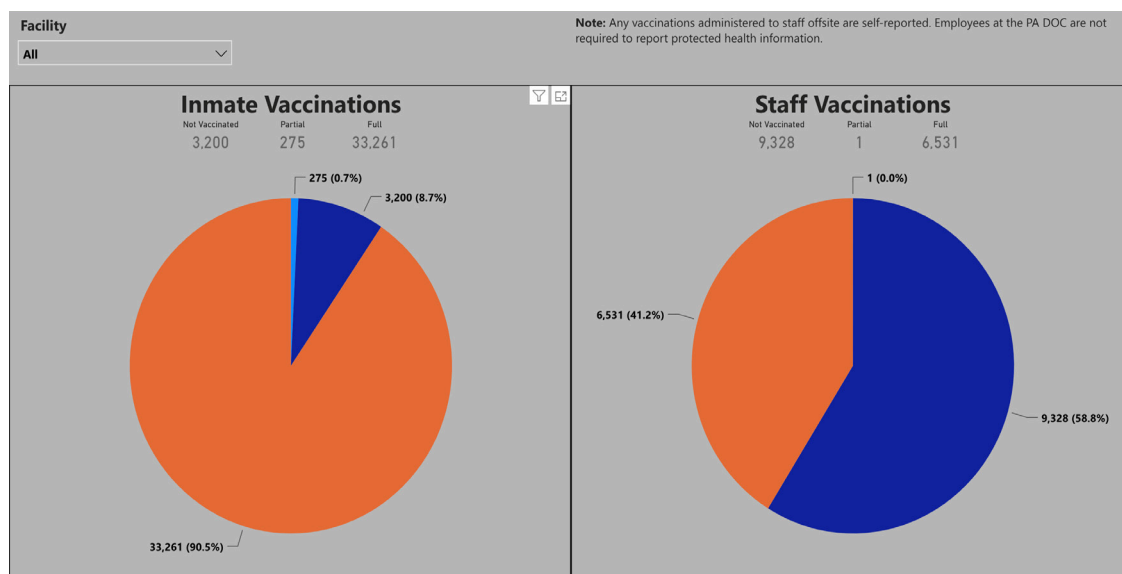
approximately two-thirds of the total staff population across SCI's. The actual number of vaccinated staff is probably somewhat higher, since up until now, DOC staff have not been required to report their vaccination status. Meanwhile, 90.2% of incarcerated people across all facilities are fully vaccinated.

The Prison Society hopes that this "vaccine or test" rule will help protect people across the state. "If you don't choose to get vaccinated, you're not serving as a shield," Governor Wolf said in announcing the new policy, "and you're putting the people around you — your neighbors, your family members, your friends, your community — at risk." Amid growing concerns about the highly transmissible delta variant, this requirement could help keep people inside safe during this wave of the pandemic. This change also affects new hires in state correctional facilities, as anyone hired after September 7th is required to be vaccinated. It's important

to note, though, that the mandate does not apply to staff in county jails, where vaccination rates also remain stubbornly low.

The DOC has also suspended in-person visits for unvaccinated people in custody and separated them from the rest of the prison population to reduce their contact with "potential carriers of the virus." But, as some of your frustrated family members have called us to point out, incarcerated people could still be exposed to unvaccinated corrections officers. The state's new mandate should help narrow that potential avenue of infection.

The PA DOC is currently offering the one dose Johnson & Johnson vaccine at all men's facilities, and Moderna or Pfizer at SCI Muncy and SCI Cambridge Springs. If you would like to learn more information about the vaccine, or report conditions at your facility, please write to us.



*From the PA DOC COVID-19 Dashboard*

*The opinions expressed are of the authors and not necessarily those of Graterfriends.*

# From the Social Services Director



Dear Friends of the Society,

It's hard to believe that we are approaching the end of 2021. This has been a year where all of our expectations and hopes have been repeatedly challenged, as well as a year where we have come together to come up with new solutions and ways of being.

All staff and many of our volunteers have been fully vaccinated since April. And since then, we have tried to see as many of you in person as we can. Both staff and volunteers have conducted walkthroughs in nineteen Pennsylvania prisons to observe conditions and interview many of you about what life has been like since the start of the pandemic. We have used what we have seen and heard to alert the press and to advocate for policies changes, including increases to out of cell time and the resumption of family visits.

The threats posed by COVID-19, and particularly by the Delta variant, are real, and our primary concern is for the health and

safety of all incarcerated people. Please continue to write to us and to have your family members call us--we are made stronger and better as a Society when we work together to identify problems and create solutions.

In closing, I also want to assure you that we are working to identify ways to safely remove some of the barriers that still exist for in person visiting. Many of your loved ones may have rode our buses to visit you prior to the pandemic. We have not yet identified a way to resume that service, but please know that we hope to once again provide a way for your family members to safely access direct, affordable transportation to SCIs across the Commonwealth. In the interim, Prison Society staff are available to help your loved ones set up and access video visits-- if they are having challenges with the technology, please have them reach out to us at 215-564-4775. 21521

With gratitude,  
Kirstin

---

## Graterfriends

EXECUTIVE DIRECTOR

Claire Shubik-Richards

DESIGNER

Kailyn Schneider

EDITORIAL ORGANIZER

Noelle Gambale

EDITORIAL ASSISTANTS

Taylor Lawritson, Kevin Bendesky, Jack Murphy, Shana Vaid, Monica Mellon,  
Will Bein, Marissa Ephron, Naya Blue, Lily Hopwood

FOUNDER

Joan Gauker

CONTRIBUTORS

*as they appear*

Lara Bros, Nicole Sloane, The Pennsylvania Innocence Project, Jill McCorkel,  
Grace Harris, Latisha Webb, Maria Goellner, James R. Turner, Timothy Milton  
Vales, Larry Stephenson, Kevin Patterson, Terrence Seldon, Vincent Ritchie,  
Frederick Page, Jeremy Mulligan, Carol Hann, Brian Fuller, James Brown,  
George Rahsaan Brooks, George Rahsaan Brooks, Candis Bradshaw, Ilyas  
Abdul-Hadi

---

**Graterfriends is a publication from the Pennsylvania Prison Society.**

**We reserve the right to edit submissions. Original submissions will not be returned. Allegations of misconduct must be documented and statistics should be supported by sources. All submissions should be no more than 500 words, or two double-spaced pages. Letters more than 200 words, or one double-spaced page, will not be published in their entirety and may be shortened for clarity and space.**

**To protect Graterfriends from copyright infringement, please attach a note, on your submission, stating that you are the original author of the work and that you give us permission to edit and print; date and sign the declaration.**

# From The Pennsylvania Prison Society

## Update: In-Cell Meal Service Survey

Lara Bros

Thank you to the 431 of you who have replied to our survey about in-cell meal service. We received responses from all facilities except SCI Chester and Quehanna Boot Camp. We are in the process of analyzing and synthesizing the results, but wanted to provide a preview of what we are finding. Once we have completed our analysis, we will present the results to the Department of Correction leadership, Graterfriends subscribers, and to the broader public. Our analysis will include policy recommendations based upon your direct feedback.

This survey was compiled as a way to get feedback from you after the DOC's announcement of their plan to continue in-cell meal service after the pandemic, ending the use of chow halls/dining halls. The DOC has been delivering all meals directly to cells since March 2020, in order to mitigate the spread of COVID-19, and says that food quality has not changed, and the elimination of chow halls will benefit people in custody.

We have done two versions of the survey, with the most recent one being updated this past June. Currently, we are working on analysis of the 331 most recent survey responses. The first version of the survey consisted of 13 questions, with most questions having 3 different options where respondents could indicate preference. The second version also has 13 questions, but with added options for respondents to indicate reasons why they prefer meals in-cell or in the dining hall.

In the analysis of the first 100 results of the survey, results generally indicated that food was of diminished quality, less varied, portions were smaller and not served hot, and respondents buy more food off of commissary. In regard to quality, 78% of respondents stated that food was worse than before the pandemic, with 69% stating they had received rotten fruits, vegetables and other food in the last month. 67% receive fewer hot meals, and 72% reported portion sizes were considerably smaller. In regard to the number of fruits and vegetables received now compared to pre-pandemic levels, nearly two-thirds of respondents (59%) noted they received the same amount. When asked if it was preferred to have food served in the dining hall or delivered, 48% of respondents strongly preferred food in the dining hall, while 12% preferred it delivered to the cells. Another 12% were indifferent. It is important to note that this initial analysis drew from a considerably smaller sample size. Only 100 respondents are included in this analysis, while the next round of analysis will include the entire 431+ survey responses received thus far. We are expecting the answers to show a variety of preferences based on age and facility.

One respondent from SCI Muncy detailed that she “definitely prefers the food being delivered. Yes it wasn’t as hot but it does eliminate a lot of the unnecessary contact with other units... and a lot less drama for staff and inmates.” Another respondent from SCI Coal Township stated: “With keeping open the chow halls we communicate with people better and more. By taking away chow halls, the captains, Lieutenants, and majors enter our unit, sign their books, and leave the unit without being seen. If we

keep chow movements, those officers can no longer ignore us because on the way to chow, once we see them we can stop them and tell them our concerns.” Similar concerns about this being another method of control by the DOC, on top of the nearly 23 hour a day lockdowns throughout the pandemic, have also been expressed.

We are compiling responses from the survey and sending over the results to the DOC for comment. Our full analysis and recommendations will then be shared with you, the public, and the press.

## Revocation Court Cannot Revoke Probation Before it Begins

Nicole Sloane

In the case of *Commonwealth v. David Simmons*, 2021 PA Super 166 (2021), the Superior Court of Pennsylvania en banc held that a revocation court erred when it found that Simmons violated a condition of an order of probation that Simmons had not yet started serving.

The facts of the case reveal that Simmons plead guilty to two firearms offenses in 2017. He was sentenced to serve six to 23 months in jail followed by three years of probation. A year and a half later, Simmons was charged with additional criminal offenses. The arrest occurred when Simmons was on parole and before his term of probation for one of the 2017 charges had started.

Simmons pleaded guilty to the new charges and was sentenced. As a result of the new convictions, the court revoked Simmons' parole and anticipatorily revoked his probation. The Court resentence Simmons to two and one-half to five years in prison. Simmons appealed. The Superior Court initially affirmed the judgment of sentence but then granted Simmons' request for reargument en banc.

In its opinion the Superior Court en banc held that the sentencing court had erred in two ways when it revoked and resentence Simmons to a new sentence for his 2017 charges. First, the Court held that the revocation court erred when it held that Simmons violated a condition of probation that had not yet begun. This holding overruled the 40-year-old holding in the case of *Commonwealth v. Wendowski*, 420 A.2d 628 (Pa. Super. Ct. 1980). Since *Wendowski*, the courts have held that a defendant may violate the conditions of a probationary order by committing a new crime after sentencing but before the defendant begins serving the period of probation. In the *Simmons* decision, the Superior Court found that the holding in *Wendowski* and other similar cases violates the plain language of the law. The Court found that the plain language of the law is that a trial court may only revoke an order of probation upon proof of the violation of specified conditions of the probation. 204 Pa. Code § 307.1. Simmons could not violate a specific condition of his probation before he started serving probation.

The Superior Court also held that the trial court illegally resentence Simmons to a new term of incarceration when the court revoked Simmons' parole. An order revoking parole does not impose a new sentence but rather, requires a criminal defendant to be recommitted for the sentence previously imposed. The revocation of parole is a recommittal and the court is not free to impose a new sentence.

The Superior Court therefore vacated Simmons' sentences and

remanded to the trial court to reinstate the original order.

**Expanding Assistance for Spanish and other Non-English Speakers**

*The Pennsylvania Innocence Project:*

*(in English)*

As you may know, the Pennsylvania Innocence Project works to exonerate those convicted of crimes they did not commit. The Project is eager to assist non-English speakers and especially Spanish speaking individuals. We are now able to communicate with incarcerated individuals directly in Spanish and other languages. Our website is offered in Spanish, and we have interpreters and translators on call so that we can more effectively communicate to better serve non-English speaking individuals.

The Project reviews cases of people in prison who are actually innocent. The Project only takes cases from individuals convicted in Pennsylvania state or federal court, where the convicted individual is innocent and had no role in the incident that led to the conviction. Further, the individual must have completed the appeal of their conviction and have at least 10 years of their sentence, probation, or parole remaining.

If you would like the Project to consider reviewing your case, please send us a short letter in the language you are the most comfortable with that explains the following:

1. What you were convicted of – what the charges were;
2. Whether there was a trial or whether you pled guilty/no contest (accepting plea deals is included in this);
3. Why you say you are innocent; and
4. Where you are in your appeals process.

Please send your letter to:

Pennsylvania Innocence Project  
1515 Market Street, Suite 300  
Philadelphia, PA 19102.

The letter must come from you, not a family member or friend. We look forward to hearing from you. Our website address is [painnocence.org](http://painnocence.org).

*(en Español)*

El Pennsylvania Innocence Project amplía la asistencia para hablantes de español y otras personas que no hablan inglés

Como tal vez sepa, el Pennsylvania Innocence Project (Proyecto Inocencia de Pensilvania) trabaja para absolver a personas condenadas por delitos que no cometieron. El Proyecto está entusiasmado con ayudar a personas que no hablan inglés, especialmente hispanohablantes. Ahora podemos comunicarnos con personas encarceladas directamente en español y en otros idiomas. Tenemos una versión en español de nuestro sitio web, y también tenemos intérpretes y traductores de guardia para poder comunicarnos de una manera más eficaz y servir mejor a las personas que no hablan inglés.

El Proyecto revisa los casos de personas encarceladas que en realidad son inocentes. Solo puede tomar casos de personas condenadas en el estado de Pensilvania o la corte federal que sean inocentes y que no tengan participación en el incidente que originó la condena. Además, estas personas deben haber terminado

el proceso de apelación de su condena y deben quedarle al menos 10 años de condena, libertad condicional a prueba o libertad bajo palabra.

Si desea que el Proyecto revise su caso, envíenos una breve carta en el idioma en el que sienta mejor expresándose y en donde explique lo siguiente:

1. Por qué delito fue condenado, cuáles fueron los cargos;
2. Si hubo un juicio o si se declaró culpable/no impugnó (se aceptan los acuerdos para declararse culpable);
3. Por qué afirma que es inocente; y
4. En qué fase está su proceso de apelación.

Envíe su carta a:

Pennsylvania Innocence Project  
1515 Market Street, Suite 300  
Philadelphia, PA 19102.

Debemos recibir la carta de usted, no de un familiar o amigo. Esperamos tener noticias suyas pronto. La dirección de nuestro sitio web es [painnocence.org](http://painnocence.org).

**From Attica to Alderson**

*Dr. Jill McCorkel, Villanova University*

This September marks the 50th anniversary of the Attica Prison Uprising. Chances are you're familiar with at least some of the events that occurred over the four-day period, beginning on September 9th, 1971. For better or worse, the uprising at Attica has achieved a prominent place in American popular culture. It is the subject of dozens of songs, poems, movies, books, and documentaries—including two new documentaries that are premiering this month at the Toronto International Film Festival and on HBO Max.

Violence is central to these depictions and accounts. Perhaps that is one of the reasons why Attica continues to loom so large in our memories—even after 50 years. There is the violence of the riot which left at least 43 people dead and hundreds more wounded. And then there is the systemic violence that the riot exposed—physical abuse, inadequate medical care, overcrowding, racism and racial inequality, unsanitary conditions, and denial of basic legal rights and protections. As popular retellings of the Attica story make clear, the violence that unfolded over four days in D Yard was inextricably linked to the violence of the system itself.

Attica is an important part of American history because of what it reveals about violence, racism, and the origins of mass incarceration. But there's more to this story. Attica was not the only prison rebellion that occurred that September. A second rebellion—also lasting four days—took place at Alderson, a federal prison located in West Virginia. There are no movies, books, or pop songs about the Alderson uprising. It did not receive much in the way of national press coverage. No government investigation ensued. The erasure of Alderson from the historical record is so complete it is as if it never happened. That is unfortunate. Alderson, like Attica, offers a critical vantage point from which to understand the intersections of violence, inequality, and mass incarceration.

If the name Alderson rings a bell, it may be because this is the



prison where Martha Stewart (retail mogul, friend of Snoop Dogg) served her sentence for securities fraud. Or perhaps you know that Alderson was where jazz singer Billie Holiday was sent in 1947 for narcotics possession. It was established in 1927 as the first federal prison for women. Today it is a minimum-security prison “camp” housing just under 700 women.

Architecturally, Alderson could not be more different from Attica. Journalists often compare it to a college campus—there are no armed guards and women live in cottage-style dormitories. It was dubbed “Camp Cupcake” by the news media when Martha Stewart was doing time there.

Beneath the surface, however, conditions at Alderson in 1971 echoed those at Attica. Women reported widespread physical abuse and sexual assault, unsanitary conditions, medical neglect, racism and racial inequality, exploitative work conditions, inadequate vocational, rehabilitative, and educational opportunities, and a lack due process and basic legal protections.

In the days following the Attica uprising, 200 women at Alderson occupied the prison’s garment factory to peacefully protest the “Attica Holocaust” and to issue their own list of 42 demands including, “release of all those who are sick, disabled, and are being held without trial, or whose sentences have now expired.” When they refused to return to their dormitories, prison administrators brought in additional correctional officers from nearby prisons. The standoff ended several days later but not before protestors had been tear gassed and threatened with additional time. Administrators named 66 women as “security threats” and transferred them to a maximum-security men’s facility.

While the violence in Alderson’s garment factory paled in comparison to Attica’s D-Yard, it would be a mistake to suggest that the events that occurred there are less historically irrelevant. The uprising at Alderson revealed that systemic violence was not limited to men’s prisons. It was present in facilities for women as well—even when those facilities appeared to be less foreboding and restrictive in design. Further, women protestors at Alderson were among the first to call for what is today considered a novel and radical political platform—prison abolition. They put it this way in their statement of demands, “The goal should be prison abolition. To have no alternative at all would be better than to continue the present reality. And we can’t wait for the ending of racism, sexism, and poverty in this country before we begin tearing down the walls.”

#### **Your Right to Diabetes Care in Prison and Jails**

*Grace Harris, Esq. of the Pennsylvania Institutional Law Project*

Incarcerated people living with diabetes have a constitutional right to adequate medical care for their day-to-day symptoms and to prevent long-term complications. About 40% of incarcerated people in the United States have at least one chronic health condition. Diabetes is one of the most common chronic health conditions. Diabetes, like many chronic health conditions, requires regular—sometimes daily—medical care and monitoring. Because of the restrictive nature of life in prison and jails, it can be difficult for people with diabetes to receive appropriate and

timely healthcare.

Prisons and jails must provide adequate healthcare to all incarcerated people. Denial of medical care when prison staff knows that the person has a serious medical need is likely a violation of an incarcerated person’s constitutional Eighth Amendment right to be free from cruel and unusual punishment. *Estelle v. Gamble*, 429 U.S. 97 (1976). Diabetes is considered a serious medical need. *Rouse v. Plantier*, 182 F.3d 192 (3d Cir. 1999). Given the nature of diabetes, this means that prison medical staff may have a constitutional duty to monitor people with diabetes on a frequent if not daily basis. *Gaddis v. Campbell*, 301 F. Supp. 2d 1310 (M.D. Ala. 2004).

Diabetes is a condition that arises when the body does not create enough insulin to keep a person’s blood sugar levels within healthy, normal limits. There are two types of diabetes: Type I and Type II. The type of treatment needed to keep a diabetic person’s blood sugar at a safe level depends on the person and their diagnosis. People with Type I diabetes do not produce insulin, so they often need daily insulin injections. People with Type II diabetes produce some insulin but not always enough. They may be treated with other medications or lifestyle adjustments to increase the body’s natural insulin production, but they may also be prescribed insulin if other treatments are not successful.

Unfortunately, there are several common, long-term complications that can happen when someone’s diabetes is mismanaged or poorly treated. One complication is diabetic neuropathy, which occurs when high blood sugar causes nerve damage, usually in legs or feet. Diabetic neuropathy can cause pain, tingling, and numbness in a person’s legs and feet. At the extreme, diabetes can cause permanent damage that may require amputation.

Other common complications include skin infections, heart disease, kidney disease, and diabetic retinopathy, which is a loss of eyesight due to uncontrolled diabetes. Because Diabetic Retinopathy is so common, the American Diabetes Association recommends that eye exams (including dilation of the eyes) occur on an annual or biannual basis. Development of these complications may be a good indication that a person’s diabetes is not being properly controlled. Prison medical staff should not only be monitoring a person’s blood sugar, but also regularly checking for symptoms of these complications.

Although prisons and jails should provide care according to a specific person’s medical needs, there are some standard treatments for diabetes that a facility may be legally required to provide. For example, jails and prisons may need to offer the option of a diabetic diet, because the food a person eats greatly affects their blood sugar levels. *Sellers v. Henman*, 41 F.3d 1100 (7th Cir. 1994).

Additionally, facilities may be required to administer regular blood sugar and Hemoglobin A1C tests to check how well a person’s blood sugar is being controlled. *Gaddis v. Campbell*, 301 F. Supp. at 1318-1319. If an incarcerated person is an insulin-dependent diabetic, the facility will need to provide them with insulin. *Natale v. Camden Cty. Corr. Facility*, 318 F.3d 575 (3d Cir. 2003).

The Pennsylvania Institutional Law Project (PILP) is a statewide legal aid organization that works to advance the constitutional and civil rights of people incarcerated and detained in Pennsylvania, including the right to medical care. Please note that each letter and potential client will undergo an evaluation process and that they cannot guarantee advice or representation. PILP and its affiliate, the Lewisburg Prison Project, can only assist individuals with civil rights violations related to the conditions of their confinement (medical, mental health, excessive force, etc.). They cannot assist with criminal cases, sentencing, or parole issues.

**Sista2Sista Soul2Soul Programs**  
*Dr. Latisha Webb*

In 2010, Opportunity, Inc. began as a construction training class for men residing in a homeless shelter located in Philadelphia, PA. In the earlier part of 2011, Dr. William Webb IV, a minister, grassroots leader and human services practitioner, saw the construction trades as a mechanism for advancing and creating opportunities for members of disenfranchised communities. Later on in 2011, Dr. Latisha Webb joined her husband by planning fundraising events, developing curricula and putting in the organization's infrastructure. The Webbs' felt led to establish a non-religious entity led by people of faith to serve spiritual, economic, and social needs. Soon enough a construction training class transformed into a trauma-informed non-profit organization that offers a variety of human services.

Fast forwarding to March 2020, Opportunity, Inc. had to pivot due to COVID-19. Thus in August 2020, Opportunity, Inc. reestablished its partnership with ReConstruction, Inc. in Philadelphia and began partnering with Let's Get Free in Pittsburg to launch the Sista2Sista Soul2Soul program. Starting with 57 women who are incarcerated at SCI Muncy and Cambridge Springs, the program connects women in the community with women who are incarcerated by creating communal art projects that translate into greeting cards. Women in the community who participate in the communal art projects receive a 'goodie bag' with gender-specific essential items, such as sanitary napkins, condoms, facial masks, socks, toothbrushes, and nail files, to name a few. All women, whether young or old, homeless, sheltered or behind bars will not be forgotten during these trying times and beyond.

For example, the submitted artwork for this issue is titled, PowHer-Ful created during the month of May 2021 for the first Mother's Day Special. Three multi-generational families of mothers and daughters came together to paint and share an intimate moment as a family. They also added layers to the canvas that helped to create this beautiful piece of art.

The Sista2Sista Soul2Soul program represents the power of women. Women can exude the type of power that allows them to break free of carceral states within their spiritual, psychological, emotional, sexual, physical and social dimensions. When was the last time you told a woman just how PowHer-Ful she is?

Now, the Sista2Sista Soul2Soul program creates art and community for 319 women who are incarcerated and serving 20+ years. Over 12 volunteers write the women monthly through collab-

orations and strategic partnerships with Why Not Prosper and Keep It Real Ministry (KIRM) in Philadelphia; Naomi's Project in Maryland and Dr. C. Williams in CA. Each of these partnerships has and is making this program a HUGE success.

In closing, Opportunity, Inc. and KIRM work closely together at a food bank located at 59th & Lansdowne Ave in West Philly. If you are being released or your family is in need of food, KIRM Food Bank is open Monday through Saturday from 10-12 noon. If your outside Sista circle of 3-5 women would like to host a communal art project to create artwork for the next greeting card, then they can send an email to [drwebb@opportunitytoadvance.com](mailto:drwebb@opportunitytoadvance.com).

**New Member Introduction**  
*FAMM*

Welcome to FAMM's New Policy Director

Dear Pennsylvania Prison Society FAMMily,

I'm Maria Goellner and I recently joined FAMM as Pennsylvania State Policy Director. FAMM is a nonpartisan reform organization. We believe that the system locks up too many people for too long, that harsh sentences do not make us safer, and that the justice system is hurting families. My job is to advocate for you and your families and get state lawmakers to change unfair sentencing laws. I spent the last decade as a public interest attorney representing people charged with crimes in court in Pennsylvania, Florida, and New York City, most recently with the Federal Defenders. Though I protected the rights and dignity of thousands of adults, children, and families, challenging laws one case at a time didn't work fast enough. We need systemic change – for you and your loved ones – right now in Pennsylvania.

I'm hitting the ground running and working hard on FAMM's Second Chance Agenda. This includes working together to ramp up the movement to end life without parole and provide for medical and geriatric parole in Pennsylvania to bring those of you who are sick and aging home to your loved ones. FAMM is showing lawmakers why everyone – regardless of the type of conviction – deserves opportunities for second chances, including expanded clemency. We're also fighting the possible return of mandatory minimums in Pennsylvania – which some lawmakers are trying to bring back despite tons of data and common sense telling us that they are cruel and don't make our home communities safer.

We are in this for the long haul together! And together we will bring real change to Pennsylvania's criminal legal system. Please support FAMM's work in Pennsylvania and encourage your families to do the same. Check out FAMM's Legislative Updates, and be well.

Respectfully,  
Maria Goellner

# Reports From the Inside

## Response to Devastating All White Jury

*James R. Turner, SCI Dallas*

This submission is a response to Mr. Omar Askia Ali-Sistrunk's article published in the May & June issue of *Graterfriends*: "The Devastating All White Jury."

Here's my story: In February of 2014, I was tried by an ALL WHITE JURY in Beaver County, PA. After seven hours of jury deliberation, I was acquitted of first-degree murder and found guilty of third-degree murder because the jury, with the help of my trial attorneys, found my self-defense theory to be insubstantial.

During the voir dire phase of the trial, my defense attorney expressed to prospective juror No. 31, later empaneled as juror No. 12, that "only an expert witness gets extra credibility." During the guilt phase of trial, the prosecution called the county forensic pathologist, who gave a damning, surprise testimony during the prosecution's direct examination. The testimony was beyond discovery and my trial attorney confessed in the PCRA hearing that he didn't bother to interview the expert prior to the trial.

Despite the pathologist's total contradiction of my theory of self defense, my trial attorney failed to ask for a mistrial for the prejudicial surprise. He also didn't object to the admission of the surprise testimony and failed to request a continuance to consult with his own expert, who could have easily countered the Commonwealth's witness's damning speculation.

It's evident to anyone who has read the testimony that the jury didn't give the damning conjecture from the pathologist a second thought, even though it was inconsistent and ridiculous because it was based on other evidence.

Following Mr. Sistrunk's suggestion, that's my story.

## If Dr. Martin Luther King, Jr. Was Alive Today, What Would He Think and Say?

*Timothy Milton Vales, Army Veteran in Veterans Service Unit, SCI-Mercer*

For the record, when Dr. King delivered his iconic "I Have A Dream" speech back on August 28, 1963, I was a little over a month old. Then, when I was short of turning five, Dr. King was assassinated on April 4, 1968, in Memphis, Tennessee, where he was preparing to lead another peaceful protest march for the rights of workers who were being treated unfairly.

In order for me to make a good faith effort in this writing, I am reminded of the significant importance of recognizing the word history. For the 39 years that Dr. King was with us, history was defined by his legacy of fighting for all, especially for those who were most marginalized in society. For this, his story still lives on to this day and will be an everlasting part of our history. Tellingly, in Dr. King's "I Have A Dream" address, his spoken account was about his vision of building bridges between different groups of people for the betterment of America. Most importantly, his goal was to seek truth, hope, unity, and justice for all.

The questions we must ask are: "Is justice just a word? Is it real,

or is it an old myth?" If Dr. King was alive today, or for the past 52 years that we lived to see, his answer would likely be that justice, in practice, straddles the line between being just a word and an old myth. Why? Well, we have all heard of the word "justice," but justice has not been extended to all of us. Instead, justice for Black people and many other Americans remains an everlasting battle we fight with no real recognition or resolution in sight.

Ultimately, the very social justice that Dr. King spoke about then does not yet exist. With this, I am of the profound belief that in order for us as a nation to unite and become stronger, we must be sincere in our efforts to reweave the fabric of our communities as a means to bring society towards righteousness; it must be one of permanence and not some scintillate of consciousness.

Therefore, justice cannot continue to be swept under the rug, trampled on, and disrespected. Furthermore, justice should not be negotiable or offered to solely persons of a select class or creed. Rather, justice should be unselfishly delivered and fully respected. If we are aiming for justice in the most virtuous state, all biases must be eradicated, and all vestiges of superiority or bigoted ideology have to be removed and totally erased. In order for us to succeed, we must champion an agenda that balances the interests of society as a whole, rather than the few. Only then will we reach our potential and become the just and humane nation Dr. King envisioned.

In closing, after having fully appreciated the impact of Dr. King within his lifetime and thereafter, I am deeply encouraged and motivated to express, "We must accept finite disappointment, but never lose infinite hope."

## Support Our Supporters

*Larry Stephenson, SCI Phoenix*

As a concerned life-sentenced prisoner with over 47 years served and 72 years of age (with very little hope of ever going home alive again), I know the importance of having support from outside organizations to keep our dire fight for freedom at the forefront.

For decades, organizations like the Coalition to Abolish Death by Incarceration (CADBI), Decarcerate PA, the Pennsylvania Prison Society, the Human Rights Coalition, Let's Get Free, Amistad Law Project, and a few more groups have been soldiering consistently for our release with very little financial help from those of us on the inside. Without these organizations' support, Lifers would virtually be forgotten. And that's a fact!

It is an absolute truth that politics play a huge part in keeping Lifers under the burden of "Death by Incarceration" (DBI). A political action committee (PAC) is a political committee that collects monetary contributions from members and donates those funds to campaigns for or against political candidates, ballot initiatives, or legislation. The duty of PACs is to raise funds to build what's often called a "war chest"—a powerful tool to influence legislators and potential legislators to promote their agenda.

The organizations that fight the powers-that-be on behalf of prisoners (especially Lifers) have no PAC or war chest of money. That's unacceptable and totally unintelligent on our (prisoners')

behalf! However, we can correct this oversight. Here's how:

With over 5,400 people serving DBI in Pennsylvania, we are known in politics as a "special interest group" (SIG). SIGs are formed when a multitude of people are directly affected by a common purpose and cause. Due to our DBI sentences and no way of recourse from that injustice—except through the delicate and often unfair political process of commutation—we have no way out. We must establish our PAC and war chest now! Here's how:

With 5,200 Lifers donating \$5 each month for one year, we can build a powerful and effective PAC and war chest consisting of a total of \$312,000! Here's the equation: 5,200 Lifers donating \$5 each month = \$26,000 x 12 months = \$312,000. Our support groups will work miracles for us with that powerful financial sum! Just think about this! Eliminate a few candy bars and some potato chips from our weekly or monthly budget and make the supreme sacrifice for our freedom. I believe we can accomplish this serious mission. With that said, let's circle our wagons and get our freedom!

### **The Theory of Hope** *Kevin Patterson, SCI Phoenix*

In May 2021, Samantha Melamed wrote an article called "Dozens accused a detective of fabrication and abuse. Many cases he built remain intact," in *The Philadelphia Inquirer*, discussing the abuse of authority by Philadelphia Detectives Henry Glenn and James Pitts. I, too, am a victim of the coercive and interrogative practices they used to get the results that they desired.

It is beyond my comprehension that judges, DA's, and detectives move forward in cases without an independent or thorough investigation, especially when there are questionable witnesses and shaky evidence. However, I am just a layman in the eyes of the law. Nevertheless, articles like this one should make the public question what "common sense" and "clear evidence" really is in our justice system.

With a blind eye being turned by those in power, who can act to correct the unjust actions and abuses of authority by cops like those mentioned in the article cited above? How can anyone receive justice? Who are the advocates for the wrongfully accused and convicted? Who and where are the advocates for our families? Where do we turn when justice is denied?

I have been incarcerated for many years now, and the only evidence against me was the coerced statements and testimony of a drug-afflicted young lady, and the statements I was pressured to make against myself by Detectives Pitts and Glenn. The attorney I had was uninterested in really representing me in my case. Where is my advocate?

These detectives may have been good cops at one time or another, just as those who are referred to as criminals may have been law-abiding citizens at one time or another. Indeed, most people should be offered a second chance. However, repeated crimes and abuses of authority are beyond the decency of multiple chances. The unlawful actions of these detectives, who are sworn to uphold and enforce the law, spit in the face of justice. Police

misconduct is then exacerbated by judges and DA's who ignore, justify, or turn a blind eye to such actions in order to obtain convictions and harsher sentences. People in positions of authority are no more or less human than the citizens they are supposed to serve and thus are not above the law but mandated to abide thereby in the course of carrying out their duties.

The question is: since there is a segment on CNN called "Keeping Them Honest," who is advocating to keep our law enforcers and judges honest in order for justice to prevail?

### **RRL** *Terrence Seldon, SCI Greene*

My name is Terrence Seldon, LA4818. I am writing on behalf of all inmates who suffer from mental illnesses that are on Restricted Release Lists or any other long-term administrative custody. This is my experience of being in the RHU in SCI Forest:

In Pittsburgh and Greene, I witnessed inmates who killed themselves due to mental health issues. SCI Forest had an inmate who Correctional Officers used to harass. That man would eat his waste. He would be cell abducted and maced multiple times. I just found out that he committed suicide. The Department of Corrections has inmates in the RHU for years, and some of us have not had any write-ups or misconducts in over two years. And yet, we are still in the RHU.

There continue to be inmates who try to kill themselves. We file grievances, but they never get answered and most of the time, we won't get a grievance number on our copies. I have gotten worse with my mental health inside the RHU. I have been misconduct free since January 2019. I was told by staff that my paperwork had been sent to the central office for Wetzel to sign off. But he's not signing off on nobody's paperwork.

I was approved in April 2020 to do a step-down and Wetzel did not sign off. I was also approved to do an outside step-down and Wetzel didn't sign off. Now, another step-down was sent to him last month, and I was told by my unit team that he has not signed off on anybody's packet in over a year at SCI Greene. But he's signing the packets for us to be placed in long-term administrative custody.

I am asking for help. And so are the inmates that are on long-term administrative segregation with mental health issues.

### **Being the Best Self** *Vincent Ritchie, SCI Frackville*

This is my first time doing something like this; however, the goal I have set for myself is to be the best me I can be, not the man others want me to be. Like every other mortal in earth's human history, I have made mistakes, many of them to fit in with others because why not? With some of the mistakes I've made, I had no clue it would be a bad decision at the time. I am paying for it right now.

In February 2019, my probation officer came to my approved residence while I was not home. In March, I was arrested, then in May I had my special probation revoked and resentenced be-



cause I was not home. 2½ years into a 2-4 year sentence, followed by a 2 year probation sentence, things are making a turn for the better.

Two Senate bills have recently gone into effect—SB14 on January 1, 2021 and SB5 on March 9, 2021. Both are amending Title 42 - Judiciary and Judicial Procedure. I am sharing this information because it seems like everyone has a consecutive probation sentence following their incarceration, like I did and still do because I cannot be in many places at once. I encourage you to write to the PA Senate (157 Senate Library, Harrisburg, PA 17120) and request copies of these two Senate bills and then share them with others. Hopefully others will have better luck than I did. Being sent back and forth between the DOC and my county, all I want is to have one of the most important things back: freedom. Take care, be safe, and hopefully this helps many people. Good luck.

### Resentencing: An Equal Justice Initiative

*Frederick Page, SCI Phoenix*

While criminal justice reform is at the forefront of equal justice initiatives, there lies hope to create and generate profound new ideas. One often overlooked approach is to legislate for resentencing after a person has achieved transformation or rehabilitation. This was the case with *Montgomery v. Louisiana* (2012), which allowed recent juvenile Lifers to be resentenced. There are many successful stories to draw from around the country. The Youth Sentencing and Reentry Project in Philadelphia, Pennsylvania is one successful model.

Juvenile Lifers have been afforded resentencing after receiving life without parole sentences. In Pennsylvania, many sentences have been recalculated: from 25 years to 40 or more years with parole remaining. This has proven to be a fair administration of justice, especially when compared to the post-sentencing “modification of sentence” motion. A person who is convicted and sentenced has 30 days by law in Pennsylvania to file for such sentencing reconsiderations. However, there are few requests granted at the front of a person’s sentence.

Let’s remember by legislative intent that a person being sentenced by the courts should be guaranteed that their potential for transformation/rehabilitation is considered. Sadly, that has not been the case for many people sentenced to long-term sentences, such as life without parole and virtual life sentences (excessively long terms equating to a life sentence).

Resentencing would allow for people worthy of mercy, who have transformed their lives and become productive human beings who contribute to their communities inside, to have their fate reconsidered. If reconsideration legislation were to be implemented as a criminal justice reform, we could address some aspects of systemic racism and archaic ideals of punishment within the system. In fact, we would apply a more humane, efficient ideal to the criminal justice system through resentencing—one that reviews and evaluates the inmate by their own merit.

Resentencing programs could also incorporate healing for the many victims whose lives have been affected by crimes committed against them. For those who are willing to face the perpetra-

tor of their pain, suffering, or loss, borders could be removed, freeing them up to feel safe and to find closure on both sides.

Too often are victims left traumatized and fearful. Why not validate their pain and suffering by giving them an opportunity to heal rather than carry anger and trauma that further complicates their lives. If not an offering of justice, empowering them to be able to forgive and rebuild their lives is without question a pathway to renewed wholeness. This would in fact curb the cycle of hate, bitterness, and revenge associated with crime in our communities. This type of legislation could give voice to victims as well, including their being informed of the person’s progress and having a say in their release. This would stop the pattern of ignoring victims who truly want to forgive. No one should be able to negate or minimize their conscious desire to forgive the person who caused them harm.

Resentencing would be but one mechanism to bring about some form of justice to a system that has long forgotten how to practice equality and justice. Even more so, it would create a more ethical and moral approach to crime and justice generally. We must address the social ills of our communities rather than discard people as unredeemable or of no human value.

Resentencing, after a person has served a significant portion of their sentence, is the way of the future. Let’s give more consideration to truth, fact, and research than to the racial bias and prejudice of the past. In doing so, I believe we would position ourselves as a society whose values are practical and evolving in time and wisdom. Resentencing is the criminal justice reform of the present—an equal justice initiative.

### Accountability

*Jeremy Mulligan, SCI Huntingdon*

tor of their pain, suffering, or loss, borders could be removed, freeing them up to feel safe and to find closure on both sides.

Too often are victims left traumatized and fearful. Why not validate their pain and suffering by giving them an opportunity to heal rather than carry anger and trauma that further complicates their lives. If not an offering of justice, empowering them to be able to forgive and rebuild their lives is without question a pathway to renewed wholeness. This would in fact curb the cycle of hate, bitterness, and revenge associated with crime in our communities. This type of legislation could give voice to victims as well, including their being informed of the person’s progress and having a say in their release. This would stop the pattern of ignoring victims who truly want to forgive. No one should be able to negate or minimize their conscious desire to forgive the person who caused them harm.

Resentencing would be but one mechanism to bring about some form of justice to a system that has long forgotten how to practice equality and justice. Even more so, it would create a more ethical and moral approach to crime and justice generally. We must address the social ills of our communities rather than discard people as unredeemable or of no human value.

Resentencing, after a person has served a significant portion of their sentence, is the way of the future. Let’s give more consid-

eration to truth, fact, and research than to the racial bias and prejudice of the past. In doing so, I believe we would position ourselves as a society whose values are practical and evolving in time and wisdom. Resentencing is the criminal justice reform of the present—an equal justice initiative.

### Who Is the Voice for Innocent Inmates?

*Carol Hann, SCI Muncy*

Did you ever go into the prison system and think: do inmate lives matter? Or further, did you ever think: do innocent inmate lives matter?

You go to the chow hall or yard and see things that others sense as normal. But there isn't anything normal about it to the average person—unless perhaps you're camping, but you're not. You're an innocent inmate stuck in the system, so life goes on.

The prison is worried about the water used to flush your toilet, so they hook up a button you press to flush your toilet that doesn't work, or it has no water pressure to flush it, and all this contaminated waste in your toilet hangs around for you to get the porta-potty feel of camping. But we're not camping; there's no tent, no sleeping bag, and no Coleman lantern. So you have to use your imagination.

Also during this imaginary camping trip, the sinks and showers leak water continually, so they save money with these "flush" buttons and lose money with the leaky showers and sinks. So there is no lake to jump in, no fishing, and no tents or sleeping bags. But to help your imagination, we are provided with a "porta-potty" likeness in our cells to give us that camping out feel; isn't that wonderful?

So the question arises: do prison lives matter? The answer is obviously "no."

We are just a body count for government funding. When asked about the continuing problem of toilets that don't flush, the staff's response was "Don't come to prison."

The food that we get served has on the box, "not for human consumption." You don't like the food? "Don't come to prison."

You don't like flat, ripped mattresses and torn sheets or blankets? "Don't come to prison."

You don't like the lack of medical care or that nobody believes you're ill until you collapse or have a heart attack? "Don't come to prison."

So when officials say, "Don't come to prison," or, "You committed the crime, do the time." Okay, well, what if you didn't? What if you're innocent?

As I sit here and imagine myself on a camping trip instead of watching the clock until I can flush my toilet again, let's hear from you: what would be a better solution for my toilet and for wrongfully convicted inmates, until prisoners' lives begin to matter? Maybe when prisoners' lives matter, there will be govern-

ment funding for us instead of nothing. I've "waited for something" but to no avail.

### What Can I Do?

*Brian Fuller, Torres Unit (Hondo, Texas)*

This is not about personal preference. This is about the greater good. We're not here to focus on the wants of a select few, but rather the needs of many. There's nothing wrong with the desire and determination that drive the successful to achieve great things. However, WE will no longer allow this predatory malice of greed and corruption to be accepted as the status quo.

Integrity has been replaced by manipulation and bribery. It's bad enough that this malfeasance robs our citizens of the means to support their families. When the cost of this reprobate criminal mentality can be measured in human lives, then it's time to rise up and put a stop to it. These are not mere percentage points or demographic statistics. They are our loved ones: family, friends, and neighbors. We don't care how much money these dirty officials and crooked executives pay to hide their crimes. The light of truth shines brightly on the darkness. Our Constitution was put in place to eliminate oppression and tyranny. These sacred principles will not be perverted for profit.

The recent tragedies in Texas are neither the result of weather anomaly nor poor preparation. They are the direct result of fraud and deception. Residents of Texas have recently paid some of the highest utility rates in the nation. When the coffers run low, as a result of mismanagement, the costs are passed to consumers. Now, this elitist treachery has produced the dark harvest of filling coffins and devastating families. It's time those responsible to be brought to justice.

This mythological concept of "justice" has long been FOR SALE down here in the LONE STAR STATE. Executives, politicians, judges, and lawyers created this organized crime syndicate known as "the system." Then they ravaged our society with impunity! For all practical purposes, they are above the LAW. Because of the power they wield over customizing their own agendas into legislation, we are all held captive as slaves to this BEAST.

What is the difference between a conflict of interest and insider trading? What is the difference between bribery, extortion, and special interest lobbying? How long do these people think we will sit back and say nothing? Do they actually think they are getting away with it? Of course they do. And it is all because of the widespread distraction of propaganda disguised as advertising, entertainment, and news. It has lulled us into this stupor of laziness, complacency, and disillusionment.

When good people do nothing, evil abounds. We are not numbers. We are human beings. And as human beings, we have human, civil, and due process RIGHTS! It's high time we start to behave as such. A closed mouth does not get fed. The greedy elitists are not going to take one single step towards doing the right thing. If we are to ensure a future and save this nation, then we must actively assume the role of our own ADVOCATES and work together for ALL OF US!

Are you tired of watching racist cops gun people down? Are you tired of filthy rich perverts paying their way out of prosecution? Are you tired of seeing children and seniors suffer while elected officials deflect responsibility and defend their own personal gain? Then the questions we must ask ourselves are: What have I done to stop it? What have I done to spread the word and support the cause?

Now that we've taken a moment to reflect upon what we didn't do, let us forever more commit ourselves to that means which ensures that this will never happen again. Don't believe the old lies of "too big to fail" or "above the law." They are fairy tales. The only reason they were perpetuated is that we have all been deceived.

Eventually, I will find someone willing to forward a letter to the right people. Eventually, I will find those people of integrity who care more about the letter of the LAW than the almighty dollar. For decades, this rampant greed and corruption has been leaving a trail of death and destruction in its wake. It's high time that WE as a people WAKE UP to all this evil that is happening around us.

#### Lifers Bill

*James Brown, SCI Phoenix*

Here we go again! In 2019, Senator Sharif Street reintroduced his bill requesting parole for Lifers in the state of Pennsylvania; parole would be granted to those convicted of first-degree murder after serving 35 years and to those convicted of second degree-murder after serving 25 years. What a SHAM!

How can it be said that, no matter what you do, your only relief is death? That you're going to make parole whenever you die?

Legislatures suppress the will of the people, ignore citizens' choice for political seats in this democracy, and maintain the status quo of white supremacy! All one needs to do is look at the January 6th, 2021 insurrection on the Capitol to see the two separate justices: one for white privilege and the other for the unequal treatment of others.

The results from such an insurrection by anyone else would have been met with deadly force, and there would have been murder charges and indictments placed on any group other than these racist white supremacists. As you can see, they caused the deaths of Capitol police and NONE of them have been charged for murder or even manslaughter! Who are the real criminals? How much more blatant can WHITE POWER get?

#### Safe Interactions Between Police and Citizens

*George Rahsaan Brooks, SCI Coal Township*

Human nature brings the need for organized law enforcement. Police have generally been a necessary evil.

Yet, judging from the seemingly countless articles dealing with police misconduct that I have read, police seem to be more hostile than necessary.

To begin with, it is imperative for all citizens to be familiar with

their basic rights as well as the laws of their state and community. It must also be understood that, in spite of whatever psychological testing applicants for police work must pass before being hired, a few abhorrent personalities will slip through. Once in uniform, a bad cop can, and will, eventually negatively affect other cops — much like a bad apple will spoil an entire barrel. Most importantly, one must understand that police officers are trained first and foremost to protect themselves from harm. In many cases, this results in an us versus them mindset with the cops being the "us" and the citizens being the "them."

As incidents of police brutality are more frequently coming to the public's attention, legislatures are strengthening laws.

Where necessary, new laws and stiffer penalties are being enacted to further deter police officers from assaulting and brutalizing the very citizens they are tasked to serve and protect.

#### DEATH SENTENCES

*Candis Bradshaw, SCI Muncy*

There is a lot of debate in this country about whether or not we should even have the ability to sentence someone to death. Now that I have met people who were serving death sentences, which turned to life in prison, I am even more firmly committed against the death penalty. It is not our place to act like God. God is the ultimate punisher.

Death row itself is inhumane, from how it has been described to me. People on death row are not allowed to have any physical contact with anyone. One death row inmate told me she still has trouble accepting any form of physical contact. This is because of being devoid of touch for so long. There's plexiglass all around them.

Their visits are through a phone only. I recently was able to watch Death Row Stories on National Geographic. It was the first time I was able to stomach watching that show. I knew that the drugs used in death by lethal injection were commonly used anesthetics, but there is one drug in particular that is only made in Europe. European drug firms are refusing to send supplies to the US because of the drug's use in the death penalty, so states that impose the death penalty are scrambling to find alternatives. These drugs were made to put people asleep so they do not feel the pain of surgery, not to kill someone.

Death by lethal injection is not always safe, as many people suffer greatly during the process. Basic human nature may say, "Fine. Let them suffer for their crimes. Look at what they did." But is it our place to be in the role of God? The few people I know who were on death row are some of the most humble people I have ever met in my life. I'd say one would have to be humble to endure what they had to go through.

People do have the ability to change. We as a country need to rethink capital punishment and how it is executed.

**Hurry Up and Wait**  
*Ilyas Abdul-Hadi, SCI Houtzdale*

How long do I have to wait?

This whole system is based on the “hurry up and wait” slogan. I’ve been incarcerated for fifteen years and been all the way on the other side of the state. You see, I’m from Philly and have been housed at SCI Greene and SCI Houtzdale, both of which are hours away from my children, parents, family, and friends. As a Lifer, I had to wait 10 years (the policy at the time) for a promotional transfer to a prison in my region. I’ve done just that, but I have been awaiting my approved transfer since around April 2020. The reasons why I need the transfer are because my father has cancer that is now spreading in his body and my mother has dementia, has had her knees replaced, and can’t ride for long without her legs stiffening up on her. Both of my parents are in their late 70s. My children have also become busy in their lives which makes it more difficult for them to visit.

My father has contacted the Superintendent and even called Central Office explaining their situation and pleading for me to be transferred to SCI Phoenix to no avail. I’ve spoken with my counselor and the Superintendent concerning the issue, but all I’m told is that “they’re not doing those types of transfers.” They can transfer dudes from the RHU with discipline problems out of the jail and they can transfer inmates from intake jails to their housing jails, but they’re not transferring the inmates that have abided by the policies implemented for them to earn a promotional transfer (we earned it).

Now I’ve done my part, been write-up free, done my programs, participated in groups and programs (I’m what you’d call a “model inmate”), and the jail and central office has approved me; however, I’m still sitting in SCI Houtzdale awaiting transfer.

Oh yeah, I got it—“hurry up and wait.”

**Secondhand Smoke (“SHS”) Attack for Prisoners**  
*Bernard Jerry-El, SCI Laurel Highlands*

Prisoners have continuously lost the battle with the DOC over secondhand smoke (SHS) or Environmental Tobacco Smoke (ETS) and vaping smoke. As such, I suggest that we recalibrate our arguments and attacks on the subject matters as follows:

The Surgeon General’s reports on smoking and tobacco have been held admissible in federal court pursuant to the public records Hearsay Exception in Fed. Rules of Evid. Rule 803(\*), since the reports are prepared pursuant to the Surgeon General’s legal obligation “to report new and current information on smoking and health to the U.S. Congress.”

Currently, most court rulings conflict when it comes to the Surgeon General’s Report on ETS/SHS. Federal courts appear to be clinging to the anachronistic view that inhaling secondhand cigarette or e-cigarette smoke is not harmful to one’s health, which cannot be further from the truth, as revealed in the Surgeon General’s 2006 report. Other courts have a desire to overlook the Surgeon General’s fact-finding mission in order to protect big business and the DOC; the average citizen and especially prisoners

do not have standing to contest them. But, is the opinion of the top doctor in the world absurd? Surely, it is worth reiterating that “there is NO risk-free level of exposure to secondhand smoke.” See the difference?

If courts are experts on law and legal matters, then the Surgeon General is the world’s expert on medicine and the findings of the scientific community. The Surgeon General knows more about ETS/SHS than any judicial body. Thus, the 1993 standard must be revised, and the Surgeon General’s standard of 2006 implemented anew, to properly serve this community and the world at large.

Prisoners must argue in favor of the Surgeon General’s contention that “there is NO risk-free level of exposure to secondhand smoke” and not that only “excessively high levels of ETS” are harmful.

Receiving compensation for ETS/SHS violations is based on the time period you were subjected to involuntarily inhaling ETS/SHS and on whether you have a real injury or injuries. My injury was contracting COPD and bronchitis. You’ll get nothing from a short period of ETS/SHS suffering. In fact, you’ll get a four hundred dollar bill to pay, if your claim is premature. I recently filed a Motion for Expedited Preliminary Injunction on the ETS/SHS issue. Even if you have a good case, look to appeal it to the Third Circuit because the District Court almost always denies pro se litigant’s actions just to test your resolve or exhaust your funds so you may not or cannot appeal.

For Further Reading on This Topic:

See *Hicks v. Correctional Corp. of America*, 2009 U.S. Dist. LEXIS 83946, 2009 WL 2969768, \*5 (W.D.La. 2009)

*Davis v. McCain*, 2018 U.S. Dist. LEXIS 176002 (5th Cir. 2018)

*Atkinson v. Taylor*, 316 F.3d. 257, 262 (3d Cir. 2003).

*Beech Aircraft Corp. v. Rainey*, 488 U.S. 153, 109 S. Ct. 439 (1988) (“factually based conclusions or opinions [in investigative reports] are not on that account excluded from the scope of Rule 803 (8) ( C )”); 2 McCormick on Evidence 296 ( C ) Investigative Reports (6th ed.) (citing Boerner).

For the objective and subjective elements of *Helling*, study the trilogy of *HICKS/DAVIS/BEALE*.

Editor’s Note: PA State prisons have been smoke free since 2019.

## Become a Prison Monitor

Every month the Prison Society receives hundreds of calls and letters from people inside and their loved ones. A Prison Monitor is a volunteer who, under the direction of the Prison Society, responds to these calls by meeting with individual incarcerated people about their concerns, and advocates for change. The Prison Society conducts this vital work in county and state prisons throughout Pennsylvania.

Tell your loved one to contact us at (215) 910-4571 or [customerservice@prisonsociety.org](mailto:customerservice@prisonsociety.org) to become a Prison Monitor today!



# Resources

---

## FAMM

FAMM, a DC-based sentencing reform organization, is working to fight mandatory minimums in Pennsylvania, but needs case examples to help convince lawmakers to support fair sentencing. If you are serving a long mandatory sentence for a drug or gun offense, please send 1) your name, 2) your contact information, 3) contact information for an outside friend or family member, 4) a brief description of your offense, and 5) your sentence, to:

### FAMM

Attn: Pennsylvania Stories  
1100 H Street, NW, Suite 1000  
Washington, DC 20005

*Note: FAMM does not offer direct legal assistance, but the organization will contact you by mail if they'd like to learn more about your case.*

## DREAMCORPS

Through our partnership with Morehouse School of Medicine's National Covid-19 Resiliency Network, Dream Corps JUSTICE is working to ensure that justice impacted individuals and their families have access to new COVID 19 related resources to help reduce the negative impact of the pandemic on their communities. Some of these

resources include: a symptom checker, COVID-19 test locator, vaccine finder, factsheets, and more. The National COVID-19 Resiliency Network provides awareness of culturally appropriate health education information and linkage to care, helping organizations and families recover from pandemic difficulties.

If you are a justice impacted individual, or you have a loved one currently or formerly incarcerated, go to [www.msm.edu/ncrn](http://www.msm.edu/ncrn) for more information.

## PARSOL

The PA Association for Rational Sexual Offense Laws (PARSOL) was founded in 2017 in response to the growing realization that sex offender registries were becoming unwieldy, unnecessarily punitive, and ineffective at their stated goal of keeping people safe from sexual harm. We are the state affiliate of the National Association for Rational Sexual Offense Laws (NARSOL).

Our mission is to advocate for sex offense public safety measures that work for all Pennsylvanians: policy based on prevention, laws that respect our Constitution, and the dignity of all people. This includes an end to sex offense registries.

The PARSOL Legal Committee tracks in-state, out-of-state, and federal court rulings that affect sex offense registration laws. We work with legal professionals to submit additional support arguments to pending cases. Currently we are following *Commonwealth v. George Torsilieri*. The case was remanded back to the Chester County Common Pleas Court by the PA Supreme Court for an evidentiary hearing on SORNA II's irrebuttable presumption challenge that those who are on the registry are at a high risk of sexually re-offending. PARSOL does not give legal advice. Our legislative efforts are currently aimed at tracking proposed changes to the laws around sex offenses and the registry as well as educating lawmakers. We visit the Capitol in Harrisburg and we also organize virtual meetings online.

If you would like to get involved or if you need support, please reach out to us at:

[info@parsol.org](mailto:info@parsol.org)  
717 820 2237, or  
PARSOL  
P.O. Box 399  
New Freedom, PA 17349

## POLICE TRANSPARENCY PROJECT

### Mission Statement:

The Police Transparency Project's mission is to compile information on unconstitutional interrogation patterns and practices used by Philadelphia Homicide detectives over the last three decades, which have resulted in countless wrongful convictions of actually innocent defendants. The Police Transparency Project seeks to gather information and documentation about specific homicide detectives' and supervisors' participation in these abuses and to make that information readily accessible to attorneys, defendants and the general public. It is hoped that this will help promote lasting systemic changes and facilitate an environment of transparency and trust between the police and the community.

### The need for transparency

Without transparency there can be no trust between Philadelphians and the police. Practices inside the Homicide Unit are largely hidden from the public. While some evidence of detective misconduct has been, and currently is, the subject of Philadelphia Police Internal Affairs investigations, those investigations are not made public. Information about those investigations cannot be generally accessed by defendants and/or their counsel much less the general public. Moreover, after a defendant is convicted, he no longer has a 'right' to discovery and cannot subpoena these records absent court approval.

### Goal of the PTP

The database will be a critical resource for use in criminal trials, appeals and civil actions. Evidence that detectives investigating a particular homicide case had a history of utilizing this unconstitutional pattern and practice could, under the right factual circumstances, be used during trial to impeach the detectives' trial testimony and/or as a basis on appeal to grant relief to wrongly convicted defendants.

In addition, information compiled on the database will provide the statistical basis to identify the need for police training, policy changes and legislative initiatives. It is hoped that information gleaned from this database will help promote lasting systemic changes and facilitate an environment where Philadelphians can trust the reliability and constitutionality of homicide convictions in their city.

### Contact Information

[Office@thepolicetransparencyproject.com](mailto:Office@thepolicetransparencyproject.com)  
1400 Spring Garden St. #911  
Philadelphia, PA 19130  
[Thepolicetransparencyproject.com](http://Thepolicetransparencyproject.com)  
(484) 686-3279

# Legislative Highlights

PPS is partnering with FAMM, ACLU of PA, Americans for Prosperity, the Commonwealth Foundation and others to support positive reforms. In January, representatives from all five of these organizations spent a day at the State Capitol sharing their priorities with lawmakers and expressing their bipartisan support for criminal justice reform. The following are new legislative criminal justice initiatives introduced since August. For information on other currently pending criminal justice reform legislation, see previous issue. [Note: SJC = Senate Judiciary Committee, HJC = House Judiciary Committee.]

## FAMM LEGISLATIVE UPDATE: September 2021

The state legislature returns to Harrisburg from summer break in mid-September. The House and Senate are in session 3-6 days per month until the end of the year. Remember that it is a long road for a bill to become law: it must be approved by committees, the House of Representatives, and the Senate and then signed by Governor Wolf.

### **Mandatory minimum sentences for gun offenses**

Unfortunately, mandatory minimum sentencing bills are advancing in the state legislature. The state Supreme Court struck down mandatory minimum sentences for gun and drug offenses in 2015. Now, several lawmakers are trying to pass bills that would create mandatory sentences for people who possess guns.

HB 1587 (Rep. Amen Brown): This bill would create two-, five-, or 10-year mandatory minimum sentences for people who possess guns and have a felony record, depending on the kind and number of prior convictions the person has.

HB 1590 (Rep. Todd Stephens): This bill would require courts to impose the lesser of 5 years or the minimum sentence required by the state's sentencing guidelines if the person is convicted of a crime of violence, an armed drug offense, or possessing a gun with a felony record.

FAMM and the Prison Society oppose both bills, but the House Judiciary Committee passed both bills by party line votes on June 15, 2021. The bills are now in the House Rules Committee and could advance any time after session begins. We will continue to oppose both bills and encourage Governor Wolf to keep his promise that he would veto any bill containing mandatory minimums.

### **Life Without Parole Reform -- SB 135 (Sen. Street)**

SB 135 would, if passed, provide parole eligibility after 20, 25, 30, or 35 years in prison to adults and juveniles convicted of first and second degree murder, depending on their age at the time of the commission of the offense, and who the victim was. The bill has not yet received any votes or review by committees. It was referred to the Senate Judiciary Committee in February 2021.

### **Clemency reform -- SB 694 (Sen. Bartolotta) and HB 1719 (Rep. McClinton)**

The state constitution currently says that the governor may not grant clemency to a person unless the Pennsylvania Board of Pardons first recommends the person for clemency by a unanimous vote of 5-0. Senator Bartolotta has introduced a bill in the Senate that, if passed, would propose changing the constitution so that the governor can grant clemency whenever the Board of Pardons recommends a person for clemency by a vote of 4-1. Representative McClinton has introduced a similar bill in the House, though hers would allow a 3-2 vote to advance. This would enable more people to be considered for clemency by the governor. The bills have not yet received any votes or review by committees. They were referred to their respective chamber's Judiciary Committees in April and July 2021.

### **Medical and Geriatric Parole Opportunities -- SB 835 (Sen. Street)**

Sen. Street and other sponsors have introduced a bill that would create a parole mechanism for certain ill and/or aging prisoners to petition the Parole Board for release. The medical parole provision would apply to people who have a qualifying serious medical issue and a weakened ability to function in prison because of it. The geriatric parole provision is separate, and would apply to people who are 55+, have served half their time (or 25 years, whichever is less), and the Parole Board agrees that there is no danger to the public. The bill has not yet received any votes or review by committees. It was referred to the Senate Judiciary Committee in August 2021.

### **Prison Conditions -- HB 1283 (Rep. Bullock) and SB 686 (Sen. Muth and Sen. Kane)**

HB 1283 would, if passed, provide incarcerated parents with one free phone call or email per month to each of their children. SB 686, if passed, would ban the use of solitary confinement for juveniles and adults, and provide alternative disciplinary measures, such as limiting visitation, recreation, and work opportunities, or mandating unpaid work for up to two weeks. The bill would allow confinement to a person's own cell. The cosponsors note that solitary confinement can cause psychological and emotional harm, trauma, depression, anxiety, and an increased risk of self-harm. The bill has not yet received any votes or review by committees. It was referred to the Senate Judiciary Committee in August 2021.

# Reader Survey

---

*We welcome comments and suggestions from all readers. Please complete this form and mail it to Pennsylvania Prison Society.*

*We have been working to update our resource guide with some more relevant and up to date sources. You should see these in the issues starting in 2022.*

**Do you have any resources (legal, writing, etc.) that you have used and would like us to include to help other readers?**

*There are multiple steps that each issue of Graterfriends has to go through to get to the prisons. We want to know about that process.*

**Have you been receiving Graterfriends on time? That is, if it is the September/October issue-are you receiving this in October? Have you been receiving the issues consistently every other month?**

First Class postage is required to re-mail

230 South Broad Street, Suite 605

Philadelphia, PA 19102

# September & October 2021 Graterfriends

NON-PROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
CLAYSBURG, PA  
PERMIT NO. 84

## Subscription Information

Support our mission and become a member

Receive Graterfriends for:

Print Edition for \$3 per year  
Incarcerated Individuals

Print Edition for \$25 per year  
Non Incarcerated Individuals

Digital Edition Free on our website

Make a check or money order payable to:

The Pennsylvania Prison Society  
230 South Broad Street, Suite 605  
Philadelphia, PA 19102

Memberships/subscriptions last for 1 year.

New subscribers: **Please allow 12 weeks for receipt of your first issue.**

Subscriptions cannot be refunded.

Starting January 1, 2020, all multi-year subscriptions must be exact; any overage will be counted as a donation to the Society (i.e. a \$10 check will be processed as a 3-year subscription and a \$1 donation).

.....  
Name \_\_\_\_\_

DOC ID Number \_\_\_\_\_ Institution \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Payment Amount \_\_\_\_\_ Payment Method \_\_\_\_\_