



DISABILITY-RELATED INQUIRIES CONCERNING INDIVIDUALS INCARCERATED IN PRISON

Jail and Prison: What Is the Difference?

People often use the terms jail and prison interchangeably. However, jails and prisons have different purposes, authority, and populations. A prison is operated by a state or the federal government, while a jail is the responsibility of a county or city. Pennsylvania also has a few privately-operated county jails.

State Correctional Institutions (SCI) in Pennsylvania

The Department of Corrections is responsible for overseeing the operation of 26 state correctional institutions, one motivational boot camp, 14 community Corrections centers, nearly 40 contract facilities, a training academy, approximately 16,000 employees and more than 51,000 inmates. The Department is headed by the Secretary of Corrections who is responsible for the overall management and operation of the Pennsylvania Department of Corrections to ensure the safe, humane incarceration of adult and young adult offenders committed by the Commonwealth's judicial system. The address is:

Pennsylvania Department of Corrections
2520 Lisburn Road
P.O. Box 598

Camp Hill, PA 17001-0598
717-975-4927

What Is the Criminal Justice Process? (Flow Chart in Appendix A)

Once a person is arrested and arraigned, he or she awaits adjudication in jail or awaits adjudication in the community. The person then enters a guilty plea or the case goes to trial.

The next two steps are as follows:

1. The individual is found not guilty and is released, or
2. The individual is found guilty and is sentenced.

If an individual is found guilty and sentenced, he or she can be sent to either a federal or state prison or to a county or city jail. After a person has completed his or her sentence at a federal or state prison, he or she can either be released to the community, be sentenced to parole, or be subject to work release. After a person has completed their sentence at a county or city jail, he or she can either be released to the community, be sentenced to probation and/or community supervision, or be subject to work release.

If a person has violated his or her parole or probation, alternate sanctions are placed on the individual such as probation or intensive supervision probation, fines and restitution, community services, day reporting or house arrest, or any other alternative to incarceration programs.

What happens when a person is incarcerated in the State Prison?

When an inmate enters into the Department, the diagnostic and classification process begins. This means that the inmate is tested for mental, physical, and emotional problems so that he or she can receive a correctional plan. It also shows the inmate's strengths, such as his or her education, skills, and emotional stability.

A female inmate entering into the Department will go through the State Correctional Facility at Muncy. A male inmate coming into the Department will go through the State Correctional Facility at either Graterford, or Pittsburgh, or Camp Hill; however, every man is classified at the Diagnostic and Classification Center in Camp Hill. The whole diagnostic and classification process takes about four to six weeks. A newly committed inmate is separated from the general population inmates during this time.

The inmate is assigned a corrections counselor and is given his/her first cell assignment. He or she will also get an Inmate Handbook which explains the rules about inmate behavior, inmate grooming, telephone calls, and religious programs.

Many tests are performed before putting the inmate in population with other inmates. The initial medical screening rules out obvious medical problems, emotional problems, and TB. The staff also gives tests that tell if the inmate has a mental illness. The inmate takes IQ tests and tests that measure educational achievement. A new inmate will also take a test that tells if he or she has a problem with drugs or alcohol and how serious the problem is.

The inmate is also interviewed by other treatment professionals. Interviews by corrections counselors, psychologists, drug and alcohol treatment specialists, chaplains, educators, and medical staff help to decide what treatment or education the inmate needs and how closely he/she needs to be supervised. An inmate covered by the DNA Detection of Sexual and Violent Offenders Act are required to have a blood sample taken, which is sent to the Pennsylvania State Police (PSP).

After all the tests and interviews are completed, the inmate is assigned a custody level. The custody level determines the amount of security needed to manage the inmate. In addition, a Needs Assessment is completed which tells the prison staff what the inmate's needs are in treatment and education.

What does my loved one do if he or she has concerns?

The inmate and staff are strongly encouraged to resolve concerns informally; however guidelines are in place for the formal review of all complaints. The inmate may be offered up to a maximum five working days to discuss the complaint with other staff members. If the inmate resolves the matter within the five working days the grievance is recorded as "resolved." If the grievance is not resolved at this point, the Grievance Officer is mandated to provide a written response to the inmate's complaint within 10 working days, submit a copy to the inmate and a copy of the response to the Grievance Coordinator for tracking purposes.

My loved one has been complaining about improper medical services.

What can I do in such a situation?

Encourage your loved one to follow the correct procedure for filing a grievance at the facility. It is very important that an inmate exhausts all available administrative remedies (i.e. a claim of alleged deliberate indifference to one's medical needs/physical abuse) before other actions can be taken according to The Prison Litigation Reform Act of 1996 (PLRA). They may contact the Medical Director and Health Care Administrator for the prison to see what their knowledge of the situation is and if they can help. It is most effective if a family member or loved one can make that call. If you, as the outside support person, are not a blood relative, you may have to be authorized to discuss the inmate's medical records. This involves more paperwork but is possible. Keep in mind, even if the staff is not authorized to share information with you over the phone, you can share information with them. Let them know what you know about the situation.

You may also try contacting local prison advocacy groups for assistance in this matter. Provide as much information as possible to the inmate about his/ her medical condition or prescriptions prescribed. The information can be used in the efforts to get the institutions medical personnel to address the inmates concerns. If the inmate has a chronic condition for which they received treatment on the outside, ask a former doctor to write a letter to the prison health staff inquiring about the person's care or to make a phone call to the prison on the person's behalf.

I feel that an inmate with a disability is not being accommodated reasonably to carry out activities of daily living. What should I do to ensure that he or she is not being subjected to discrimination?

If you have reason to believe that an inmate has been denied access to a program, service, or activity because of his/ her disability, you must advise them that it is preferable, when possible, to resolve concerns quickly and informally rather than through the official grievance process. This can be done by using the DC-135A, Inmate Request to Staff or to have a direct conversation with the Unit Manager or Officer-In- Charge. While every effort should be made to resolve concerns informally prior to filing an official grievance, failure to attempt to informally resolve concerns will not be cause to reject an official grievance. However, it will be considered in any appeal. If the inmate finds that there is no response, the inmate may proceed to file a formal request for accommodation as follows:

1. An inmate seeking an accommodation for a disability shall submit to the Corrections Healthcare Administrator (CHCA), or to the person performing the functions of the CHCA. If the facility does not have a CHCA, he or she should make a request using the Inmate Disability Accommodation Request Form.
2. The Inmate Disability Accommodation Request Form must describe the inmate's specific disability(ies), the specific activity(ies), and the specific action the inmate wishes the Department to take to allow him/her to perform the activities.
3. Any observing staff member can make a request for accommodation on behalf of an inmate.

What is the process for requesting an accommodation? (Flow Chart in Appendix B)

An inmate should submit a request for accommodation to the Corrections Healthcare Administrator (CHCA), who reviews the forms, the medical records, arranges to have the inmate tested if needed, and interviews the inmate. The next step involves the Facility Manager who reviews the forms with the Medical Department along with other staff with relevant knowledge. Then the Central Office Inmate Disability Accommodation Committee reviews the request and findings and indicates agreement or disagreement or alternative accommodations and submits this to the Facility Manager. The Facility manager informs inmate of the final determination.

An inmate who is dissatisfied with the determination of the Central Office Inmate Disability Accommodation Committee (COIDAC) may submit a grievance under Department policy DC-ADM 804, "Inmate Grievance System."

What is entailed in the Grievance Process?

There is a three-phase approach to the grievance process. The inmate files the initial grievance with the Grievance Coordinator, designated as the Facility Manager's Assistant, at the facility where he/she is being housed. Once the grievance is received, the Grievance Coordinator must assign the grievance a tracking number and assign it to a Grievance Officer for investigation or review. The inmate may grieve any concern except those identified and related to the Inmate Disciplinary Procedures and the Administrative Custody Procedures, because these matters are outlined in other Department policies.

The Grievance Officer is designated in policy as a Department Head or Management level staff person. The Grievance Officer reviews the complaint and provides a response to the inmate within ten working days, unless an extension is granted. The inmate is advised of any extension to further review the complaint. The inmate may request an extension to the timeframes set forth in policy by contacting the Grievance Coordinator before the required time elapses.

Phase II of the process is considered the first level of appeal to the Facility Manager. If the inmate is not satisfied with the finding of the Grievance Officer, he/she may appeal the findings to the Facility Manager for review. The inmate must file this appeal within five working days after the receipt of the initial response from the Grievance Officer. The Facility Manager shall respond to the inmate within 15 working days.

The final phase of the process is the inmate's appeal to the Secretary's Office of Inmate Grievances and Appeals. This office reviews all final appeals and renders a decision based on the policies, directives and procedures of the Department and applicable laws and regulations. Every effort will be made to respond to the inmate appeal within 30 working days.

A grievance has been filed. What can I do to make sure my loved one is safe?

It is good to know where your loved one in prison is in the grievance procedure. You may call and say "They have reached this stage of the grievance procedure, nothing is being done. I am concerned, what can I do to make sure my loved one is all right? I am worried, this is what I know,

what do you know?” It is best to call before 3:00 pm. If you do not have long distance telephone service and/or it is hard for you to make calls because of your work schedule, contact an outside organization for possible help.

Reentry Services in Pennsylvania

Reentry involves the use of programs targeted at promoting the effective reintegration of offenders back to communities upon release from prison and jail. Reentry programming, which often involves a comprehensive case management approach, is intended to assist offenders in acquiring the life skills needed to succeed in the community and become law-abiding citizens. A variety of programs are used to assist offenders in the reentry process, including prerelease programs, drug rehabilitation and vocational training, and work programs. Please contact us for information on services in your local region.

Criminal Justice Language

Familiarizing yourself with these terms may be helpful.

Community Corrections: Elements of the criminal justice system that take place in the community, including bail monitoring, sanctions in lieu of incarceration, and post-incarceration supervision.

Alternative Sanctions: Individuals who commit misdemeanors and certain felonies may be sentenced to an alternative sanction to divert them from incarceration. Common alternative sanctions include supervision by a probation officer and community service.

Parole: A form of post-release supervision for individuals released from incarceration, generally in state or federal prison. While on parole, individuals must meet certain conditions, which might include abiding by curfews, seeking and maintaining employment, or participating in drug testing and substance abuse treatment.

Probation: A sanction imposed by the court requiring an individual to abide by specified conditions for a period of time under community supervision by a probation officer.

Cognitive Behavioral Treatment: Therapeutic techniques designed to help individuals address problematic thinking patterns and actions (Chapman and Hough 1998).

Continuum of Care: Coordination between corrections administrators and community-based partners to ensure that when an individual is released from incarceration he or she continues to have access to services.

Criminogenic Needs: Factors that research has shown to be highly correlated with future criminal behavior and that can be changed.

Discharge Planning: Preparation in the form of creating a written plan for an individual's release from custody, including that person's goals and the services and programs he or she should access. In some jurisdictions, discharge plans are referred to as case management, transition, reentry, supervision, or aftercare plans.

Evidence-Based Practices: The conscientious, explicit, and judicious use of current best evidence in making decisions about the care of individual offenders by integrating individual clinical expertise with the best available external clinical evidence from systematic research (adapted from Sackett et al. 1996).

Felony: A crime typically considered serious, such as murder, aggravated assault, rape, battery, arson, and some levels of drug sales. Conviction for a felony generally results in more than one year of incarceration in a state or federal correctional institution.

Gender-Responsive: Taking into account that women's pathways to crime and needs are significantly different from those of their male counterparts.

In-Reach: The process of community-based agencies working with offenders during their period of incarceration in a jail or prison setting.

Misdemeanor: A crime typically considered less serious, such as petty theft, prostitution, simple assault, disorderly conduct, trespassing, vandalism, and minor drug possession. Conviction for a misdemeanor generally results in less than one year of incarceration or an alternative sanction.

Reentry: The process of leaving prison or jail and returning to society. All returning inmates experience reentry, irrespective of their method of release or form of supervision, if any (adapted from Travis, Solomon, and Waul 2001).

Recidivism: The rearrest, reconviction, or reincarceration of an individual. Reincarceration can occur through violation of post-release supervision requirements or committing a new crime.

Risk and Needs Assessment: A system of assessing criminogenic risks and needs for the purpose of determining transition needs (Martin and Rosazza 2004).

Work Release: Provides incarcerated individuals with the opportunity to work in the community while they are housed in a correctional facility. Work release acts as a transition from incarceration to the community. It is at times ordered by a judge.

Wrap-Around Services: Supportive services, such as child care, vocational, educational, and transportation services, that are designed to improve an individual's access to and retention in primary supportive services, such as substance abuse treatment.

Unless otherwise noted, definitions have been adapted from Lindahl and Mukamal (2007) and Reentry Policy Council (2005).

Contact Information

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: intake@disabilityrightspa.org.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with

disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

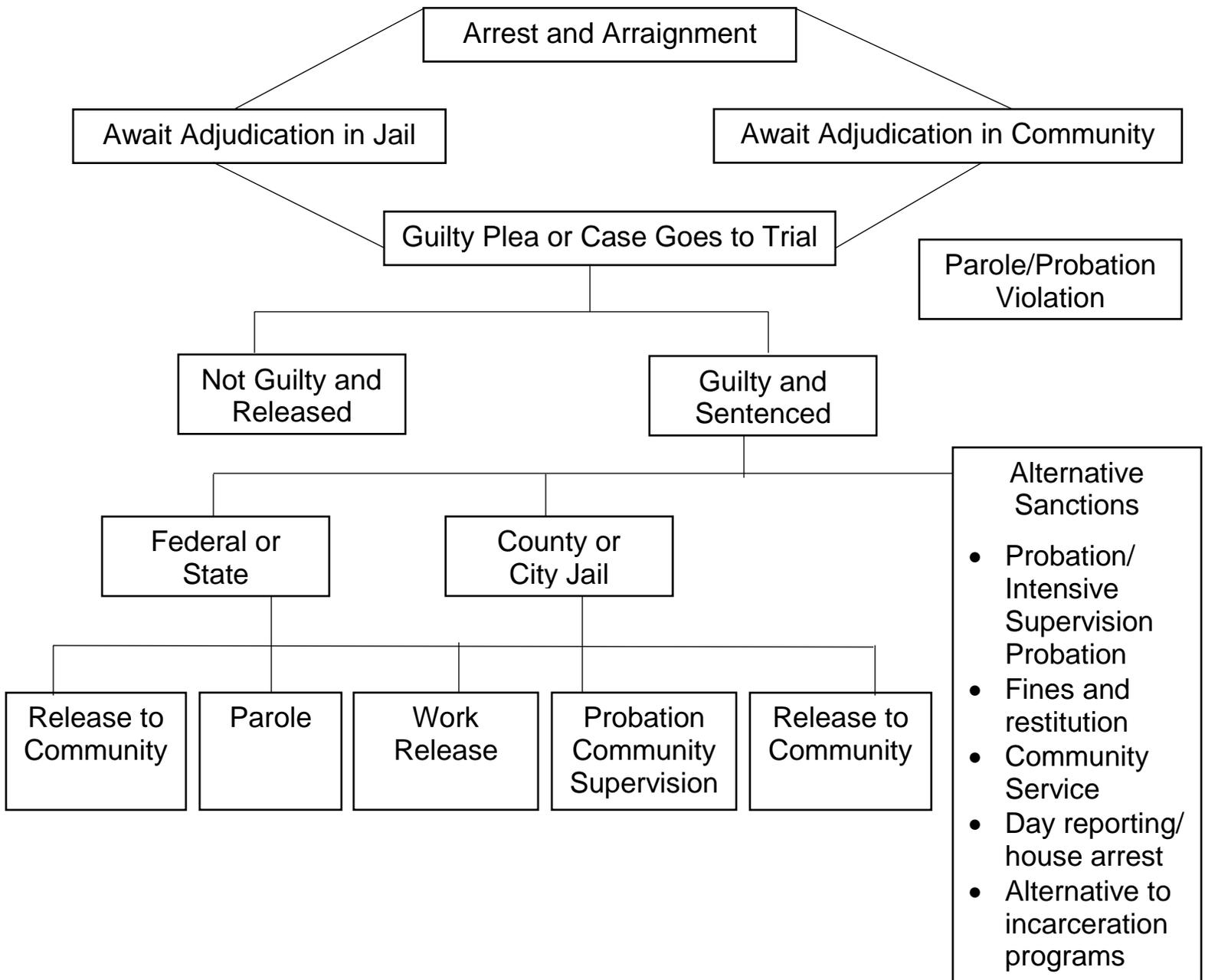
IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.

PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.

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Appendix A: Flow Chart of the Criminal Justice Process

(Description below flow chart)



Description of Flow Chart of the Criminal Justice System: The above image depicts the process involved from the time an individual is arrested by law enforcement. Once a person is arrested and arraigned, he or she awaits adjudication in jail or awaits adjudication in the community. The person then enters a guilty plea or the case goes to trial. The next two steps are as follows:

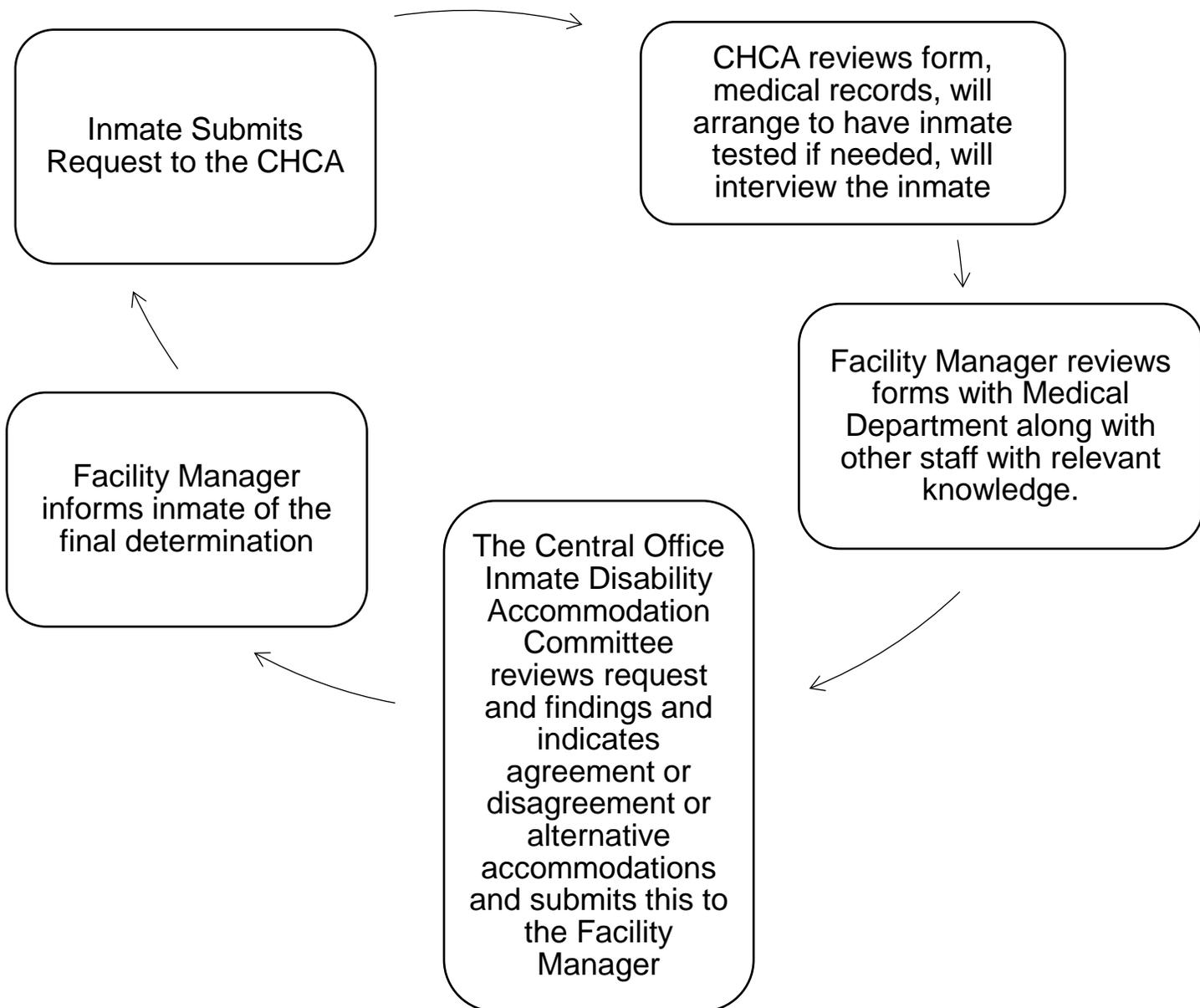
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Appendix B: Flow Chart of the Criminal Justice Process
(Description below flow chart)



Description of Flow Chart of the Process for Requesting an

Accommodation: The above image depicts the process involved after an inmate submits a request for accommodation to the Corrections Healthcare Administrator (CHCA). The CHCA reviews the forms, medical records, arranges to have inmate tested if needed, and interviews the inmate. The next step involves the Facility Manager who reviews forms with Medical Department along with other staff with relevant knowledge. Then the Central Office Inmate Disability Accommodation Committee reviews the request and findings and indicates agreement or disagreement or alternative accommodations and submits this to the Facility Manager. The Facility manager informs the inmate of the final determination.