

Dear Member of Congress,

We write in support of amending the Prison Litigation Reform Act (PLRA), which was signed into law in 1996. The original intent of the PLRA was to reduce frivolous litigation by prisoners, and it has been quite successful at accomplishing this. We continue to support the core element of the PLRA, which is the screening provision that has proven effective at identifying and throwing out frivolous claims. But after 11 years it is also evident that unintended consequences of the law have left prisoners with little judicial protection against actual incidents of sexual abuse, religious discrimination, and other rights violations.

The time has come for Congress to take another look at this law in order to fix the problems that have resulted in countless horror stories to which we cannot turn a blind eye.

One of the unintended consequences was caused by the “exhaustion” provision, which basically states that prisoners must exhaust all recourse options available to them in the grievance systems in prison before gaining the ability to file a lawsuit in federal court. On its face, this is a good provision – assuming there is a sound grievance process in place and it is followed by prison officials, we believe prisoners must first try to solve their problems there. In reality, however, the grievance processes in many prisons are too convoluted to be workable for a majority of inmates, many of whom are illiterate and/or mentally ill. Further, there are documented incidents where corrections officers have manipulated the process to intentionally prevent inmates from exhausting their options. And many incarcerated individuals, including rape victims, fear for their safety if they file a complaint with prison officials. The result: many prisoners are not able to exhaust their options in prison, and are thus unable to gain access to the federal courts.

Another unintended consequence has been that federal courts are too often powerless to protect incarcerated juveniles, who were never the source of frivolous lawsuits in the first place. Because the PLRA applies to juveniles, its exhaustion provision frequently prevents federal courts from intervening to protect children from abuse and rape in detention. Recently, a state-wide scandal in Texas revealed that for years children detained by the Texas Youth Commission were subject to sexual abuse by staff. But because one of the supervisors, who is blamed for forcing children to perform sexual acts on him also held the key to the complaint box, the children had nowhere to go for help, and the courts were powerless to intervene. Once the scandal broke and the Texas legislature stepped in, detained children and their parents were able to come forward and over one thousand complaints of sexual abuse have now been alleged.

A third consequence has been that victims of religious rights violations, sexual harassment, and even victims of coerced sex are often denied access to appropriate judicial remedies because of the PLRA’s “physical injury” provision, which requires a person to prove he or she suffered a physical injury in order to obtain compensatory damages, regardless of whether any mental or emotional injury was incurred. A prisoner who is repeatedly denied the right to practice his or her religion –attend services, meet

with a chaplain, or obtain a bible, Koran, or Torah – cannot prove a physical injury. Likewise, a female prisoner who has her breasts fondled by a male guard may not be able to prove she suffered physical injury. And a child in detention, who is told by a guard that he may not have visits with his mother unless he performs sexual favors for the guard, likely cannot prove a physical injury under the PLRA. These abuses cause suffering that cannot be overlooked simply because they are not physical in nature.

We believe justice and morality require that incarcerated children be exempted from the PLRA, and that the exhaustion and physical injury provisions be fixed.

We must not turn our heads away from abuses such as rape and religious rights violations simply because they occur behind prison walls. We have a moral obligation to protect the rights of those who are most vulnerable in our society. As leaders in the faith community, we urge Congress to determine what fixes need to be made to ensure that the fundamental rights of prisoners are protected, and amend the PLRA.

Sincerely,

Church of the Brethren Witness/Washington Office

Church of Scientology

Friends Committee on National Legislation

Institute on Religion and Public Policy

International CURE

Mennonite Central Committee, Washington Office

National Advocacy Center of the Sisters of the Good Shepherd

National Alliance for Faith and Justice

National Association of Evangelicals

Presbyterian Church (USA), Washington Office

Sojourners

United Church of Christ, Justice and Witness Ministries

United Methodist Church, General Board of Church and Society