



## **General Board of Church and Society of The United Methodist Church**

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### ***United Methodist Church Agency Urges Reform of the Prison Litigation Reform Act***

The General Board of Church and Society of The United Methodist Church strongly urges reform of the Prison Litigation Reform Act of 1996. While the original intention of the PLRA was to end frivolous lawsuits by prisoners, the unintended consequences of this legislation has, in effect, exposed prisoners to assault, abuse, and the denial of basic civil and human rights. The United Methodist Church has long stood for the protection of the rights of those imprisoned. Because of this we strongly urge reforms to the 1996 Prison Litigation Reform Act to be enacted.

The reforms needed include repealing the provision which prohibits prisoners from bringing lawsuits for mental or emotional injury without first showing physical injury. Under the PLRA as it stands, in order to obtain compensatory damages in federal court a prisoner must first prove a physical injury. Forms of abuse that are not covered by this provision include sexual assault and rape, unsanitary conditions, and degrading treatment. This provision also denies prisoners remedies for violations of their First Amendment right to freedom of religion.

The exhaustion provisions in the PLRA do not allow prisoner's suits if they have failed to exhaust their facilities' grievance process, no matter how meritorious their claims are, or how brief the deadlines for filing those grievances may be. This has effected many prisoners who are hospitalized, intimidated, or traumatized from filing grievances through internal systems in the prisons because fear of reprisal and often times, because their time of hospitalization exceeded the brief deadline given for filing grievances. The intricate nature of these internal grievance systems also presents tremendous obstacles for prisoners to protect their constitutional rights.

The exhaustion provisions are particularly problematic for the most vulnerable prisoners, who are the least likely to be aware of exhaustion requirements and internal systems for filing grievances, even though they are frequently the victims of sexual assault and others forms of abuse. We urge that youth, the most vulnerable of prison populations, be exempted from the PLRA entirely, and that the exhaustion provision be amended to allow access to courts for prisoners who have been victims of assault and abuse.

Indigent prisoners whose rights have been violated should not be discriminated against simply because they are poor and cannot afford the ever-increasing filing fees. These fees were meant to provide hesitation for inmates whose cases were frivolous, but these fees could have better effect if they were imposed only on those prisoners whose cases are dismissed at the initial merits screening.

The General Board of Church and Society of The United Methodist Church urges that legislation be enacted to repeal or amend the above provisions of the Prison Litigation Reform Act. While the screening provision of the PLRA will remain intact so as to catch frivolous lawsuits from seeing the light of day, the reforms suggested here will allow meritorious constitutional claims by prisoners to be heard by the courts while also preventing frivolous lawsuits, which was the true intention of the PLRA.