

Dear Member of Congress:

We write in support of amending the Prison Litigation Reform Act (PLRA), which was signed into law in 1996. The purpose of the PLRA was legitimate—to reduce frivolous litigation by prisoners. In operation, however, we have found that parts of the law have been extremely damaging, barring meritorious claims from reaching federal courts.

The screening provision, which is the core of the PLRA, should be preserved in order to continue to weed out frivolous lawsuits. Other provisions of the PLRA, however, need reconsideration. For example, the exhaustion provision of the PLRA, which requires prisoners to complete internal grievance processes before filing a lawsuit, created unforeseen complications for prison administrators and the constitutional rights of prisoners.

Even with the best possible grievance system in place, there are circumstances when a prisoner may not have the opportunity to, or may be fearful of, filing a complaint. For example, when a prisoner is transferred to another prison or to a hospital for treatment, he or she would likely miss a filing deadline. When a prisoner is raped or assaulted by another prisoner, he or she may fear retaliation for reporting the incident internally, but should not be banned from taking his or her claims to court. We certainly agree that prison officials should have an opportunity to address problems internally before they go to court. In order to preserve this important function, we recommend that the PLRA be amended so that courts will stay a prisoner's case for 90 days if he or she has not exhausted internal remedies, to allow the jail or prison to remedy the complaint before a case proceeds.

We are also particularly concerned about the application of the PLRA to confined juveniles. They have never been major contributors to the problem of frivolous litigation by prisoners; therefore the law should not apply to them.

The courts and the rule of law must play a meaningful role in our nation's jails and prisons. We know that the best correctional institutions in our country serve the public and must be open to public scrutiny. It is the courts that provide this necessary scrutiny to correctional institutions. And their function is ever more important in a time where our jail and prison populations are skyrocketing while state budgets are shrinking. Therefore, we must amend the PLRA to allow the courts to play their critical role in our justice system.

Now it is time to take a second look at the PLRA. As current and former correctional officials, our profession is ill-served by the PLRA as it is currently written and we strongly urge you to make appropriate fixes to the law.

Sincerely,

David Bogard, *former Director of Corrections for Arlington County, VA and Special Assistant to the Superintendent of the Philadelphia, PA Prisons System*

*Allen Breed, former Director of the California Youth Authority, former chairman of the California Youth Offender Parole Board, former Director of the National Institute of Corrections*

*Kathleen Dennehy, former Commissioner for the Massachusetts Department of Correction*

*Michael Hennessey, Sheriff of San Francisco*

*Joseph Lehman, former Director of the Pennsylvania Department of Correction, Maine Department of Correction, and Washington Department of Correction*

*Steve J. Martin, former General Counsel to the Texas Department of Criminal Justice*

*Charles Montgomery, former Superintendent Federal Prison System, former Warden Georgia State Prison, and former Director of Institution Operations, San Juan, Puerto Rico*

*Ray Procunier, former Secretary of the Department of Corrections in California, Texas, Virginia, and New Mexico; former Chairman of the California Parole Board*

*Chase Riveland, former Director of the Colorado Department of Correction, and Washington Department of Correction*

*Jeanne Woodford, former Secretary of the California Department of Correction and Rehabilitation, former warden of San Quentin Prison*