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FCC Mail Room

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November 14, 2014

Greetings Secretary Dortch,

I've written you prior regarding the negative impact of high costs of intra-state phone call charges for Inmates, now I would like to address the illegality of the Pa.DOC engaging in these unlawful practices:

1. All Inmates once sentenced are placed into the Care and Custody of the Pa. DOC as Wards Of The Court, by way of a sentencing/ commitment process.

2. Once the DOC accepts the Wards into their care and custody, primarily for treatment/ rehabilitation, they (the DOC) take on the fiduciary duties (a high level of duty) as Custodians/ Guardians.

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3. For all lawful intents and purposes, Wards are recognized by the Courts as either incapacitated persons, or persons in need of care.

4. This is why Inmates/ Wards/ Patients (involuntarily Placed In Custody), unknowingly are coerced into signing **Power Of Attorneys [See: Attached]**, that grant Guardianship duties to DOC Custodians, for making money transactions on their behalf.

5. As Guardians/ Custodians, DOC Administrators possess a high level of duty to do that which is in the very best interest of all Wards/ Inmates who are placed into their care and custody at all times, in accordance with Guardianship laws.

6. The Pa. DOC receives a minim of \$7,000,000.00 in kickbacks annually generated from Inmates/ Wards participation in the Pa.DOC Phone System.

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7. The Pa.DOC also receives in excess of a billion dollars annually for operational costs, security and a major portion of said funding utilized for inmates rehabilitation/ treatment needs. Wards are even sentenced by Pa. Sentencing Courts and placed into the care and custody of the DOC, so that they may be rehabilitated in the DOC.

8. The DOC as Guardians/ Custodians of all Inmates cannot wear two hats. They Can Not lawfully request, accept and generate money via hard earned Tax Payers money that has been converted into funding, then on the other hand ignore their Guardianship/ Custodian duties and recognize Inmates/ Wards as a means by which to generate revenue . In light of DOC Personnel as Guardians possessing a Fiduciary Duty to always do that which is in the Best Overall Interest Of All Inmates/ Wards Placed Into Their Care. They cannot neglect their sworn and contracted duties, by ignoring the financial interests of Inmates/ Wards placed into their care and custody.

9. By accepting the Court's commitments of Wards/ Inmates from sentencing/ commitment Court Orders, the DOC as Guardians/ Custodians accepted the responsibilities of providing for all of Inmates needs and Contracted with the Commonwealth to provide for all of Inmates/ Wards needs, via their agreement when they received funding they themselves requested from the annual budget to provide for all of Inmates/ Wards Needs. Nowhere in said agreement does it state that they would utilize Inmates/ Wards and their families as a means by which to generate revenue. This indirectly would constitute peonage.

10. For the DOC to accept kickbacks for unreasonable phone rates, that exist nowhere else except behind prison walls, is to subject Inmates to punitive conditions because they can no longer in truth claim that they are observing their Guardianship duties towards doing what in the best overall interest of Inmates/ Wards, if they recognize them as a means by which to generate through kickbacks and selective bid contracts to companies that will exploit Inmates and their families financially. The Two Cannot Co-Exist.

11. This in the long run has an effect on Inmates liberty interests, because not only do the outrageous prices cause separations between Inmates and their families, DOC Personnel are reluctant to provide adequate treatment/ rehabilitation that will aide in Inmates obtaining their liberty, because

they recognize them as a means by which to generate revenue. This is in spite of Mission Statements (contractual in nature), and bold promises to the public to utilize their hard earned tax paying dollars for the good of the Commonwealth, and return Men/Women to communities/society rehabilitated, with the necessary skills to be successful. Even when they do release Men/Women, because of their inadequate approach to rehabilitation/treatment, they do so with designs on their return to their money making machine Prisons, which places Inmates and their families and the public in perpetual servitude.

12. All commissary sale profits are supposed to in accordance with Pa.Admin. Law, go into the Inmate General Welfare Fund (IGWF). By accepting these kickbacks from telephone companies, which sales are derived in large part from Inmate Commissary Phone Card Purchases, they are indirectly stealing form the IGWF, as they have been for years. This is because they do not worry about the threat of an audit, but they are directly robbing the tax paying public as well by accepting kickbacks without even providing tax breaks for the tax paying public, who foots the bill for they DOC to begin with.

In closing Secretary Dortch, I wish to state that it is important that whenever attacking the indiscretions of the Department Of Corrections, you have to attack the source in which they generate revenue, the manner in which said money is utilized and unlawful nature of said practices. Audits and Investigations are necessary.

Please forward your response to the Name, Number and Address provided above on page one.

Sincerely

cc: file


Edward Monroe

LEGAL DISPOSITIONS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

(INSTITUTION)

1. POWER OF ATTORNEY

I, (print inmate name and DCI number) _____, do make, constitute, and appoint the Superintendent/Director, or his/her authorized representative, of any institution, facility or center within the Department of Corrections to which I am then confined my true and lawful attorney for me and in my name to sign my name as endorsement on all checks, money orders, or bank drafts for deposit to my credit in the Inmate General Welfare Fund Cash Account and to receive and document receipt of mail on my behalf. This power shall continue so long as I am an inmate of any institution, facility or center within the Department of Corrections and shall not be affected by my subsequent disability or incapacity while confined therein unless sooner revoked. This power shall be for the doing of all lawful acts necessary to carry out the purposes set forth above. I hereby ratify, confirm and intend to be bound by any and all acts, as described in the previous sentence, which these attorneys or substitutes shall commit pursuant to this power of attorney.

Witnessed by: _____

Inmate's
Signature: _____

Witnessed by: _____

2. DESIGNATION OF GUARDIAN OF PROPERTY

I, (print inmate's name and DCI number) _____, hereby designate (print guardian's name) _____, who lives at (print street address) _____, (print city or town) _____, (print county) _____, (print state) _____, (postal zip code) _____ telephone (_____) _____, as the guardian of all property to which I hold lawful title at the time of my death which is either in my personal possession or in one of the facilities or an account of the Department of Corrections to hold until such property shall be disposed of according to law. This designation shall be null, void and of no further effect upon my release from the jurisdiction of the Department of Corrections.

Inmate's Signature

Date

Witness

Date

Witness

Date

3. ADVISEMENT OF RIGHT OF COMMUNICATION

If any problem arises within the institution concerning your confinement, you may bring the matter to the attention of the appropriate staff members for assistance. The Inmate Complaint Review System may be used if applicable. In addition, you may address privileged communication at any time to the Superintendent, the Deputy Commissioner of Corrections, the Commissioner of Corrections, the Attorney General, the Governor, or any elected local official or any appointed or elected state or federal official. This is not to be construed as limiting your access to the courts in any way. I have read or have been read the following advisement and hereby acknowledge receipt thereof.

Inmate's Signature

Witness

Date