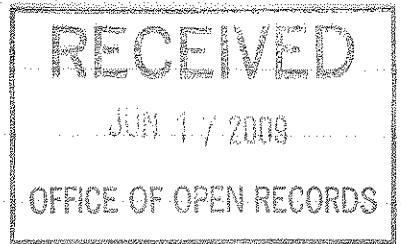


PENNSYLVANIA OFFICE OF OPEN RECORDS



IN THE MATTER OF: )

DONALD RUSCH, )  
COMPLAINANT )

DOCKET # AP2009-0307

v. )

PA. DEPT. OF CORRECTIONS )  
RESPONDENT )

REQUEST FOR RECONSIDERATION

DONALD RUSCH (CITIZEN) SUBMITTED A REQUEST TO THE PA. DEPARTMENT OF CORRECTIONS SEEKING A COPY OF THE THERAPEUTIC COMMUNITY OPERATIONS MANUAL AND/OR ATTACHMENT 6A PURSUANT TO THE RIGHT TO KNOW LAW, 65 P.S. § 67.101 ET SEQ. (RTKL). INITIALLY, THE REQUEST WAS DENIED BY THE DOC CITING VARIOUS EXEMPTIONS OF THE RTKL.

ON MAY 6, 2009, MARIA MACUS-BRYAN, COUNSEL FOR THE DOC, SUBMITTED A CORRESPONDENCE IN SUPPORT OF THE RTKL REQUEST DENIAL. ATTACHED TO THIS CORRESPONDENCE WAS A DECLARATION OF TERRI A. SOMERS, DRUG AND ALCOHOL PROGRAM MANAGER FOR THE DOC. THIS 4 PAGE DECLARATION STATED VARIOUS REASONS WHY THE TIC MANUAL AND/OR ATTACHMENT 6A SHOULD NOT BE DISCLOSED TO CITIZEN RUSCH. MOREOVER, THE OFFICE OF OPEN RECORDS RELIED HEAVILY ON THIS DECLARATION FOR DENYING CITIZEN'S APPEAL.

for disclosure of Attachment 6A. (Final determination dated May 27, 2009.) On May 14, 2009, Ms. Marcus Bryson submitted a correspondence to the Office of Open Records stating the following:

- 1). THE T.C. MANUAL IS ATTACHMENT 6A, INDICATING THEY ARE ONE IN THE SAME AND PART OF POLICY 7.4.1.
- 2). THE AFOREMENTIONED IS AVAILABLE TO THE PUBLIC AND AVAILABLE IN THE S.C.I.P. LIBRARY.

Therefore, the declaration of Ms. Somers is irrelevant since the DOC has admitted the requested materials are a matter of public record.

Citizen repeatedly requested access to these documents through the institutional library, however was not successful in obtaining them. See such correspondence dated May 21, 2009.

On May 27, 2009, Audrey Bugilone issued a final determination. The citizen's appeal was granted in part and denied in part. The DOC was required to provide citizen with a printout of the T.C. Manual available on the DOC website, which it has not. Ms. Bugilone determined however, that the DOC was not required to provide Attachment 6A. Again, the T.C. Manual and Attachment 6A are one in the same. Citizen has

UNTIL JUNE 23, 2009, TO APPEAL THE FINAL DETERMINATION. CITIZEN CANNOT PROPERLY APPEAL WITHOUT FIRST BEING FURNISHED WITH THE DOCUMENTS ORDERED TO BE PROVIDED BY THE OFFICE OF OPEN RECORDS. MORE SO, AN APPEAL COULD BE MOOT ONCE CITIZEN RECEIVES SAID DOCUMENTS.

WHEREFORE, PREMISED ON THE FOREGOING, DONALD RUSCH (CITIZEN) RESPECTFULLY REQUESTS THE OFFICE OF OPEN RECORDS RECONSIDER ITS MAY 22, 2009, DETERMINATION AND FIND THE T.C. MANUAL AND ATTACHMENT 6A ARE ONE IN THE SAME. CITIZEN ALSO REQUESTS THE APPEALS OFFICE FIND THE DOC DID NOT COMPLY WITH THE MAY 22, 2009, DETERMINATION BY NOT PROVIDING, OR MAKES AVAILABLE FOR VIEWING THE T.C. MANUAL

Respectfully Submitted,

DATED: JUNE 14, 2009

Donald Rusch

CC: MARIA MACUS-BRYAN

7.4.1.

**I. Definitions**

All pertinent definitions are contained in the glossary of terms for this procedures manual.

**II. Procedures**

**A. Purpose**

This manual contains instructions for incorporating Department wide standards, policies, procedures, and structured forms for the operation of the Therapeutic Communities (TCs) within each facility. It shall assist the staff in understanding the goals and objectives of the program and the means by which to achieve them.

**B. Functions**

This manual serves two basic functions:

1. it is used to teach staff assigned to the TC and serve in the on-going training of all TC staff; and
2. it serves as a reference on policy, specific procedures, operations, and the overall mission of the TC.

**C. Introduction**

1. TCs are residential AOD treatment programs where an inmate is housed in a separate unit in the facility. The TC model views addiction as a disorder of the whole person, reflecting problems in conduct, attitudes, values, moods, and emotional management.
2. The primary therapeutic agent in the TC is the whole milieu, best defined as "community-as-healer." The process depends upon a solid structure that provides a surrogate family and community, with distinct values and morals. Key to the process is direct, honest and immediate feedback or "mirroring," which gives external control and definition to the individual in a way that provides "social order."<sup>1</sup>

**D. Performance Goals<sup>2</sup>**

Treatment staff and security staff function as a team in order to accomplish the following performance goals. These performance goals shall ensure that the Department's mission for the TC is achieved:

1. Establish a TC treatment environment for an AOD dependent inmate with a demonstrated need and interest in TC treatment.<sup>3</sup>

<sup>1</sup> 4-4438

<sup>2</sup> 4-4438

<sup>3</sup> 4-4439

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P. O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY
_____
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>CAROL SCIRE</i>	FACILITY: <i>S.C.I.P.</i>	DATE: <i>JUNE 12, 2009</i>
FROM: (INMATE NAME & NUMBER) <i>DONALD RUSCH HE-7208</i>	SIGNATURE of INMATE: <i>Donald Rusch</i>	
WORK ASSIGNMENT: <i>REFRIGERATION SHOP</i>	HOUSING ASSIGNMENT: <i>CA-454</i>	
INSTRUCTIONS:		
<p>1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.</p> <p>2. State your grievance in Block A in a brief and understandable manner.</p> <p>3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.</p>		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). <b>State all relief that you are seeking.</b></p> <p><i>ON MAY 14, 2009, AND PURSUANT TO A RIGHT TO KNOW LAW (RTKL) REQUEST, DOC ASSISTANT COUNSEL MARIA MCHES-BRYAN STATED, ATTACHMENT 6A OF POLICY 7.41 (T.C. MANUAL) WAS AVAILABLE IN THE S.C.I.P. LIBRARY, SINCE THAT DATE AND UP UNTIL TODAY I HAVE REQUESTED THIS MANUAL THROUGH MR. KELLER, THE VOCATIONAL COUNSELOR, SINCE THIS INSTITUTION HAS NO LIBRARIAN, ASST. LIBRARIAN OR ANY OTHER TYPE OF LIBRARIAN, MR. KELLER VIGILANTLY ATTEMPTED TO DOWNLOAD THIS MATERIAL FROM THE DOC WEBSITE WITHOUT SUCCESS. I WAS INFORMED BY MR. KELLER THAT MS. SCIRE, MS. NIRMIC AND MS. LUDWIG WOULD GET THE MATERIALS. TODAY I WAS INFORMED THAT MS. SCIRE STATED PRINCIPAL ZAKOWSKI WOULD PROVIDE THE MATERIAL. ON MAY 22, 2009, THE OFFICE OF OPEN RECORDS ORDERED THE DOC TO PROVIDE ME WITH THE T.C. MANUAL IN A FINAL DETERMINATION. I HAVE UNTIL 6/24/09 TO APPEAL, HOWEVER I CANNOT APPEAL WITHOUT FIRST REVIEWING THE T.C. MANUAL/ATTACHMENT 6A. I WOULD ARGUE AGAINST SOMEBODY IN THE DOC PROVIDE FOR MY VIEWING THE MATERIALS.</i></p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance.</p> <p><i>ATTEMPTED ON NUMEROUS OCCASIONS TO OBTAIN THIS MATERIAL FROM THE S.C.I.P. LIBRARY.</i></p>		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

\_\_\_\_\_  
Signature of Facility Grievance Coordinator

\_\_\_\_\_  
Date