

*Pennsylvania Institutional
Law Project*



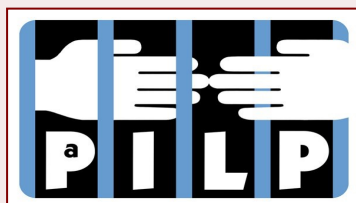
2016 Annual Report

A Message From The Executive Director Angus Love

Like many of us, I was dismayed at the outcome of the recent Presidential election. I give little credence to the inflammatory campaign rhetoric as there are few things hollower than campaign promises. Unfortunately, now that President Elect Trump's administration is shaping up, it appears that the threat to vulnerable people such as those we represent, is real. President-Elect Trump recently called the rights of persons awaiting trial "criminal's rights", arguing that law and order should be the rule of the day. That is a clarion call for us to double our efforts to protect the constitutional rights of institutionalized persons, as well as immigrants, Muslims, Mexicans, gays and others not in the main stream of American society. This will be an interesting and possibly devastating four years. Once solid funding streams are now in doubt. The United States Supreme Court and the federal court system will undergo significant changes over time via Trump appointments.

As I have previously discussed, efforts to reform our criminal justice system have achieved bipartisan support and are moving forward on the local, state, and federal levels. Mayor Jim Kenney is reducing the Philadelphia County jail population by significant numbers. Governor Wolf is preparing to introduce Justice Reinvestment II, a comprehensive bill to reduce prison populations. The Smarter Sentencing proposal has enough votes for passage in Washington, but was held back until the election was over.

We must not let this momentum fade back to the days of mass incarceration. Thus I call on you to help us build a firewall, not a Mexican wall, to protect our cherished values embodied in the Constitution. Please consider a donation so that we can continue the outstanding work the PILP has done in the past and is described in this annual report. Thank you for your time and attention.



Inside Lewisburg Prison: A Choice Between A Violent Cellmate Or Shackles

Lewisburg Penitentiary



The National Religious Campaign Against Torture recently sent a letter to Attorney General Loretta Lynch on behalf of over 40 religious, civil right and human rights organizations, including the Pennsylvania Institutional Law Projects, protesting the conditions of confinement at the Special Management Unit [SMU] at the United States Penitentiary at Lewisburg. The letter referenced recent media reports published by NPR and the Marshall Project uncovering harrowing allegations of abuse and torture in the SMU. It goes on to note that 4 inmates have been killed since 2009, the assault rate is 6 times higher than other Bureau of Prisons [BOP] facilities, and guards have broken up over 300 fights in that time span. The Marshall report "28 Days in Chains" details the sad tale of our client Sebastian Richardson, a class representative in Richardson v. BOP who refused to be double celled with an inmate named "the Prophet" who had a history of attacking cellmates.

“Richardson was then taken down to a laundry room where he was stripped, dressed in paper clothes, and put in “hard” restraints. Id. at 20. Next, he was locked in a cell with another prisoner (who was also in hard restraints) and left there for three days before being transferred yet again. Id. All told, Richardson alleges that he was held in hard restraints for nearly a month, was forced to sleep on the floor for much of that time, and frequently was refused both showers and bathroom breaks.” Circuit Judge Smith, US Court of Appeals For The 3RD Circuit.

Inmates who were forced to go into the cell with a known danger and were attacked led to the companion class action represented by the Dechert LLP.

Judge Theodore McKee of the United States Court of Appeals noted in the Sheldon v. Bledsoe decision:

“The Special Management Unit, or “SMU,” is a housing unit within the United States Penitentiary at Lewisburg, Pennsylvania (“USP-Lewisburg”). The SMU houses inmates who have been identified as having violent tendencies or who have a history of gang involvement during their incarceration. Inmates assigned to the SMU are confined to their cells for 23 hours a day, but they can spend the remaining hour in a recreation cage if they choose. SMU officials (including several of the defendants) are responsible for assigning cellmates in a manner that ensures the safety and security of the prison.” p.3

PILP and Dechert continue to work on these important class actions. President Barack Obama recently ban juveniles from such facilities. The US Justice Department also weighed in with more humane policies for these and other disciplinary units in the BOP system. The battle will not doubt continue under the regime of President-Elect Trump.



PILP, Saul Ewing and ACLU of Pa. Tackle Transgender Issues

Ms. Burton is a transgender woman currently incarcerated in SCI Frackville, a maximum security men's prison. She has lived as a woman since she was a teenager and received hormone therapy since she was 16. Despite this, the DOC has insisted on housing her in institutions that match her birth gender, housing her in seven different male prisons since 2012.

Throughout her incarceration Ms. Burton has been sexually harassed and abused. She has repeatedly been forced to shower with male inmates and change clothing while male inmates watch, despite her visible breasts. When Ms. Burton reported that she saw inmates masturbating as they watched her, instead of disciplining these inmates, staff blamed Ms. Burton for attracting their attention. She has also alleged being groped during pat downs and strip-searches by male guards, and called derogatory names, including "faggot," "she-he," and "it." In 2014, she alleges that a guard forced Burton to perform oral sex on him, and in 2015, guards left the door to Ms. Burton's cell unlocked, allowing another inmate to enter her cell and rape her.

Ms. Burton has repeatedly reported the abuse she has endured to the DOC's sexual abuse hotline and begged prison officials to transfer her to a women's prison, to no avail. In September 2016, PILP, along with ACLU of Pennsylvania and attorneys from Saul Ewing LLP filed a lawsuit on her behalf alleging that the DOC has failed to put policies and training in place to ensure the safety of transgender women inmates, including disregarding the national standards set forth by the Prison Rape Elimination Act to protect inmates from sexual abuse. The lawsuit also seeks to have Ms. Burton transferred to a women's prison.



PILP Challenges DOC Failure to Provide New Miracle Drug for Hep C Inmates

About 7,000 prisoners in the Pennsylvania Department of Corrections (DOC) are infected with Hepatitis C, with about 5,500 of those prisoners suffer from long-term chronic Hepatitis C. Hepatitis C is a virus that causes liver inflammation that can result in serious liver damage, such as cirrhosis and liver cancer, and is the leading cause for liver transplants. An estimated 3.2 million people in the United States are living with chronic hepatitis C infection.

Until recently, the medical treatment for Hepatitis C caused difficult and painful side effects. However, in 2013, a new drug treatment program, called direct-acting antivirals, with brand names Harvoni or Solvaldi, cures Hepatitis C with almost a 95% cure rate, and is taken by pill with very few side effects. The downside is the extremely high cost of the medications, where a course of treatment can cost \$85,000.

The DOC responded to the new treatment program by ceasing the provision of any treatment for prisoners with Hepatitis C. The DOC now implements a system of rationing the medication, where prisoners who are not sick enough do not qualify, and those who are too sick do not qualify to receive this medication. This is in direct contrast to guidelines by the major medical associations, including the American Association of Liver Diseases (AASLD) and the Infectious Diseases Society of American (IDSA), which provide that virtually all patients infected with Hepatitis C should be treated.

PILP, David Rudovsky, and Dechert have brought a class action lawsuit, challenging the DOC's failure to provide this potentially lifesaving treatment to thousands of prisoners in the DOC. The case is currently in the discovery stage. PILP's work on this issue has been highlighted in the Wall Street Journal, CBS Philly, and FiveThirtyEight.

PILP LEGAL HIGHLIGHTS FOR 2016

Hollihan v. PA DOC - Richard Hollihan, an inmate at the State Correctional Institute at Somerset filed this class action challenging the "One Good Eye" policy of the Pennsylvania Department of Corrections. The policy states that inmates are not guaranteed binocular vision. If you have had successful cataract surgery on one eye, then you don't need the other eye corrected if it is deteriorating. Chief Judge Christopher Connor rejected the DOC effort to dismiss the case and ruled that the policy is draconian and likely a violation of the United States Constitution's 8th Amendment prohibition against cruel and unusual punishment. In light of that ruling, the DOC has agreed to abandon the policy. Settlement negotiations are underway. The PILP is assisted by Pepper Hamilton and Kairys and Rudovsky law firms.

Richardson v. BOP - PILP is collaborating with Dechert LLP and the Washington Lawyer's Committee for Civil Rights and Urban Affairs on one of two related cases which challenge a federal penitentiary punitive restraints policy and harmful cell-assignment practices in their Special Management Units. Both cases were assigned to Judge Nealon, a John F. Kennedy appointee who summarily dismissed them. The appeals led to two precedential decisions from the US Court of Appeals for the Third Circuit reinstating the claims in both cases. The Special Management Unit at the Lewisburg Penitentiary, which houses the worst of the worst in the federal prison system, forces individuals into double occupancy cells. If the inmate is concerned about potential violence with the cellmate, he can either go into the cell and risk assault [Shelton v. BOP] or refuse and be put in 4 point restraints for weeks at a time. [Richardson v. BOP]. "All Things Considered" on National Public Radio recently did a two part series on the cases. Following the series, a petition drive has been launched by the National Religious Campaign Against Torture asking the Attorney General Lynch to abandon the Practice.

Chimenti v. Pa. DOC - This class action challenges the DOC's refusal to provide a new drug, Harvoni, to persons suffering from Hepatitis C. The drug has produced amazing results in the free world but costs over \$80,000 per person. It also greatly reduces the time period that one must be on the drug from 6 months to 12 weeks. It has had an amazing success rate of over 90%. It is estimated that as many as 10,000 inmates have Hepatitis C. PILP is partnering with Dechert and Kairys and Rudovsky.

Williams v. City of Philadelphia - This ongoing class litigation challenging the triple celling policy has been put in suspense in order to give incoming Mayor Jim Kenney a chance to resolve the situation without court intervention.

Harris v. Risbon- Richard Harris filed the lawsuit challenging the Therapeutic Community's drug and alcohol treatment program due to religious concerns. He objected to the requirement to pledge allegiance to Jesus Christ and Christianity. The program required religious reading each day and commitment to the religious principles of Christianity. The United States Constitution's 1st Amendment requires such programs to be neutral on religion. Accordingly, the Pa DOC agreed to modify the program and remove Christian content. Damages were awarded to Mr. Harris and PILP received attorney fees.

Shane Scott v. Comm. of PA - Shane was working on a boiler removal project at the State Correctional Institution at Rockview when he fell from the roof and broke both of his ankles. His suit alleged failure to provide fall protection for inmate workers on this dangerous project. After a lengthy discovery process the matter was settled for a significant amount of damages and attorney fees. PILP was assisted by Bill Fox, Esq.

PILP LEGAL HIGHLIGHTS FOR 2016 (Continued)

Lenelle Gray v. USA- Lenelle was attacked by his cellmate who had a razor in a high security section of the Lewisburg Penitentiary. Razors are supposed to be collected after use. Gray was severely cut in the face and required significant medical treatment. A settlement for damages and attorney fees was reached.

E.D. V. Sharkey - A female immigrant from Central America was retained in the Berks County Residential Center when she allegedly was repeatedly sexually assaulted by a guard. PILP has filed a lawsuit against the guard [Sharkey], ICE and Berks County personnel that operate the facility and Berks County for their failure to protect the immigration detainee from sexual abuse. PILP is assisted by Matthew Archambeault, Esq.



PILP Board of Directors

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David Rudovsky, Esquire

D. Toni Byrd, Esquire—Treasurer

Leodus Jones—Vice President

Peggy Sims

Mary Walsh

Rick Beaton

Eric Corson

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PILP Expenditures

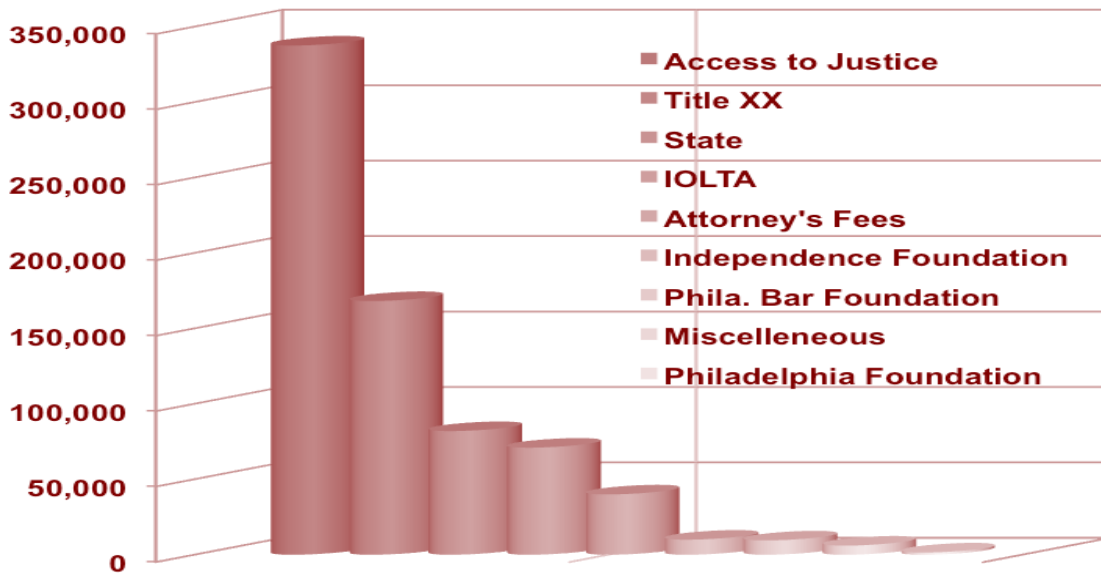
Fiscal Year 2016—2017 (projected)



Salaries	\$452,465
Employee Benefits	\$149,380
Consultants	\$37,588
Travel	\$13,300
Space Costs	\$62,440
Consumable Supplies	\$9,130
Furniture & Equipment	\$10,884
Printing, Copying & Postage	\$19,800
Law Library	\$5,600
Telephone	\$3,700
Court Costs	\$100
Insurance & Bonding	\$3,240
Depositions & Transcripts	\$3,850
Dues Professional Orgs	\$3,851
Tuition & Seminar Fees	\$1,200
Connectivity	\$850
Miscellaneous	\$5,375
TOTAL EXPENDITURES	\$782,653

PILP Revenues

Fiscal Year 2016—2017 (projected)



Projected Expenses:	\$782,653.00
Revenues	
Access to Justice	\$350,542.00
Title XX	\$227,860.00
State	\$111,064.00
IOLTA	\$ 31,053.00
Attorney's Fees	\$ 50,000.00
Independence Foundation	\$ 10,000.00
Philadelphia Bar Foundation	\$ 10,000.00
Interest Income & Contributions	\$ 2,730.00
Other	\$ 17,005.00

TOTAL OPERATING REVENUES

\$810,254.00

Re-Entry & Self-Help

PILP considers it crucial that prisoners are prepared for their eventual re-entry to society, and PILP is proud to be deeply involved in efforts to ensure that our clients have the tools and resources needed to become productive citizens and avoid the risk of recidivism.

Family Visitation and Custody

By advocating for incarcerated parents, we help strengthen the support networks that newly released prisoners often rely on.

Immigration and Work Status

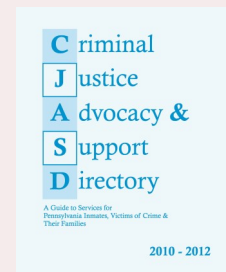
When an individual is deported or unnecessarily detained, the impact on their family and community can be devastating, emotionally and financially.

Self-Help Materials

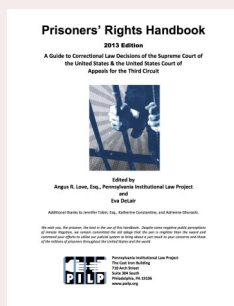
In addition to litigation, PILP assists thousands of prisoners every year by providing self-help materials that empower the individual in an alienating system. Among our publications offered at no charge are:

Criminal Justice Advocacy & Support Directory

Published in conjunction with CenterPeace, Inc., this re-entry guide provides a comprehensive listing of organizations and agencies that assist ex-offenders in their transition to public life.



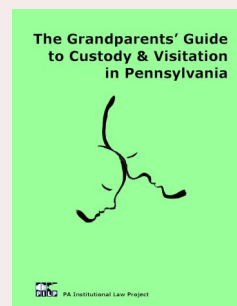
Prisoners' Rights Handbook



How To Change Your Name



Grandparents' Guide To Custody & Visitation In PA



Compassionate Release In Pennsylvania 2014





Contact Information

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**Alexandra Morgan-Kurtz, Esquire—Attorney
Rebecca Susman, Legal Assistant (not pictured)
James Baker, Volunteer Attorney**

Inmate Thank You Quotes To PILP

I would like to thank all of the staff at the PA Institutional Law Project that takes the time out of there day to help the people that are incarcerated. Thank you and God bless you.

Aloha to you all:

Thank you very much for the information you've sent to me. Awesome job, work well done I'd say. Very, very grateful too. Keep doing the very awesome and great work.

Thank you for answering me back so soon. I really appreciate all your help, and again, thank you very much for your time.

Hello, I had to send y'all another thank you letter to thank you for everything that you have done for me. I have learned a lot about prisoner's rights, thanks to y'all. I wish I was rich right now to donate a lot, but I'm not rich.

Dear Angus Love:

I received the Jailhouse Lawyer's Handbook and Prisoner's Rights Handbook last week. Thank You! I've already learned a lot. I appreciate your help. Keep up your good work.

Dear Angus Love: My eye, I should say, my second eye has been fixed on December 7, 2016, and I'm writing this letter, compared to my others, it's a lot better. I still have a little sting in my eye. They said that will go away. I just wanted to send some good, instead of complaints all the time. All that helped on the one good eye project. Thank you.

I have received the copy of the JLH Handbook. I am very thankful and I will put it to good use. I will also share it with others. Keep up your fine work there, and congratulations to all the volunteers that do such a fine job. Let them know that the prisoners truly appreciate their efforts and hard work. Again, deep gratitude for your kindness and generosity.

www.pailp.org

You Can Make a Difference

Please contribute to the PA Institutional Law Project. Your tax-deductible donation will help ensure that **all** Pennsylvanians' rights are honored.

Send donations to:

PA Institutional Law Project

718 Arch Street, Suite 304 S

Philadelphia, PA 19106

Or go to pailp.org to make a donation via *PayPal*



The PA Institutional Law Project
would like to extend special thanks to the
following organizations for their financial contributions to our efforts:

Access To Justice

The Philadelphia Foundation

The Independence Foundation

The Philadelphia Bar Foundation



"The degree of civilization in a society can be judged by entering its prisons."

-Fyodor Dostoyevsky