
**PENNSYLVANIA
INSTITUTIONAL
LAW PROJECT**

ANNUAL REPORT

2020



2020 A YEAR LIKE NO OTHER

Dear Friends and Supporters,

The year 2020 was a year like no other, but was especially challenging for those who are incarcerated and detained. Overwhelmingly, since the start of the pandemic, incarcerated people have been suffering from inadequate protections against COVID-19, languishing in severe lockdowns that confine them to a small cell for hours on end, or struggling to access necessary services like medical care, religious accommodations, and recreation.

When COVID-19 hit, Pennsylvania Institutional Law Project (PILP) staff immediately started monitoring, investigating, and advocating on behalf of incarcerated people. People in prisons, jails, and detention centers are particularly vulnerable due to living in congregate settings, and because many have medical vulnerabilities. PILP, along with co-counsel, also brought two class-action lawsuits against the Philadelphia Department of Prisons and Allegheny County Jail, pushing for protections against COVID-19 and seeking humane conditions.

PILP has also continued to advocate and sue on behalf of incarcerated people and their constitutional and civil rights, whether they were assaulted, sexually abused, or subjected to the lack of medical or mental health care, punitive solitary confinement conditions, or denied religious accommodations. PILP staff obtained a significant settlement on behalf of an immigration detainee who was sexually abused by a supervising staffer when she was detained with her 3-year old son, filed a class action challenging a jail's failure to provide adequate mental health care and its discriminatory and brutal treatment of people with psychiatric disabilities, and litigated cases seeking proper medical care for transgender clients, among other things.

PILP has taken a deeper dive into combatting the systemic racism that incarcerated people face in mass incarceration. PILP attorneys secured the release from extended solitary confinement of a



A YEAR LIKE NO OTHER

Black man who refused to have his dreadlocks cut off for religious reasons, and included race discrimination claims challenging the policy. PILP also initiated a new lawsuit with co-counsel on behalf of 3 formerly incarcerated Black women with disabilities who were brutally assaulted at a county jail by the same white Sargent with an extensive history of violence.

The year 2020 also coincided with a year of great transition for the Pennsylvania Institutional Law Project. After almost 4 decades under the leadership of Angus Love, I was honored and privileged to serve as Interim Executive Director and then be formally selected as PILP's new Executive Director.

Taking the helm during a pandemic came with its own challenges. Behind the scenes, we sought to enable remote work, upgrade technology, strengthen supervision, and improve internal infrastructure so that we could enhance communication and better serve our clients during these unprecedented and difficult times.

PILP was fortunate to receive additional COVID-19 funding that enabled us to hire additional temporary staff to meet the increased demand for our legal services, staff a confidential free hotline for incarcerated people in the Philadelphia prisons, and take on new projects that elevated the voices of our clients.

For the first time, PILP produced a short animated film, called "Living in Prison During COVID-19," featuring the actual voices and experiences of incarcerated clients and the mother of an incarcerated person. The film provided information about how prisons should address COVID-19 and exposed what it is like to be incarcerated during the pandemic. The video can be viewed on PILP's website at www.pailp.org.

We thank you for your continued support in fighting against inhumane conditions, abuse, and systemic racism that are rampant in prisons, jails, and immigration detention centers, and in ensuring that people behind bars are afforded their constitutional and civil rights.

Sincerely,



Su Ming Yeh
Executive Director

COVID IN PRISON

Prisons and jails are hotspots of COVID-19 in the United States.

The fact is, if you're living in prison during this pandemic, you're at a higher risk of getting COVID-19. Life in prison is group living. You have meals and recreation together and share common areas. You are unable to socially distance on your housing block or in your cell, or you may live in an open dorm. Staying 6 feet apart is often impossible. Dozens of people enter and leave prisons every day, increasing the chance that you will come in contact with someone who has been exposed. These are direct words of incarcerated people in Pennsylvania who are living in prisons and jails during the COVID-19 pandemic:

"I feel unsafe because we're in very congested areas. We're basically like sitting ducks."

"If there is a cluster that breaks out, I think we're in the line of fire."

"During the time of my being sick [with COVID-19], I really didn't receive any medical care."

"The racism, that goes on in here, is very deep and they never deal with it. And now that we're under COVID-19, it's like more in your face than before."

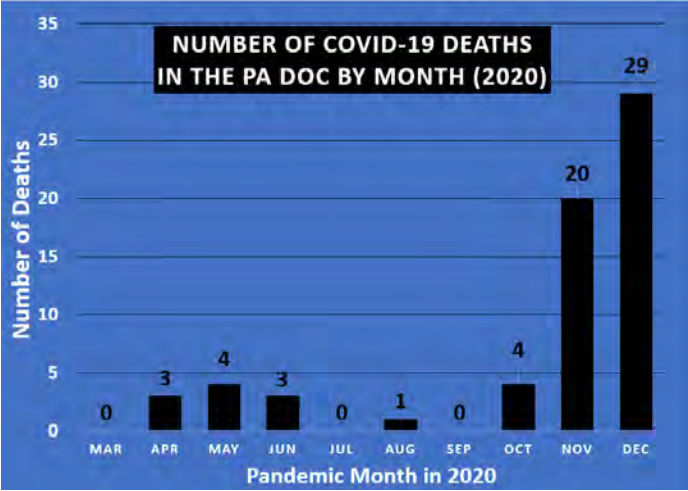
"Your movement is very restricted. It feels like you're a chicken in a chicken coop"

"If I caught COVID-19, a serious case right now, they would leave me for dead."

Roughly 20% of America's prison population has been infected with COVID-19

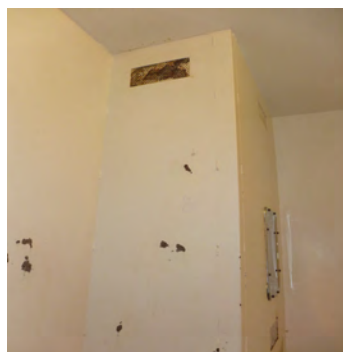
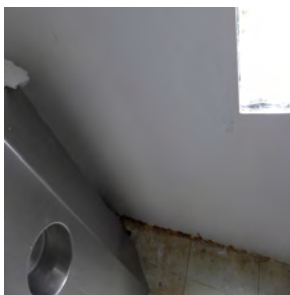
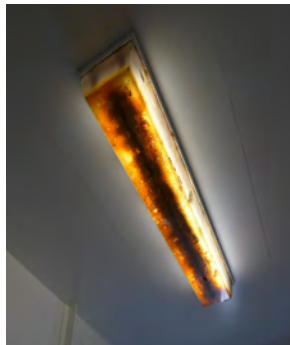
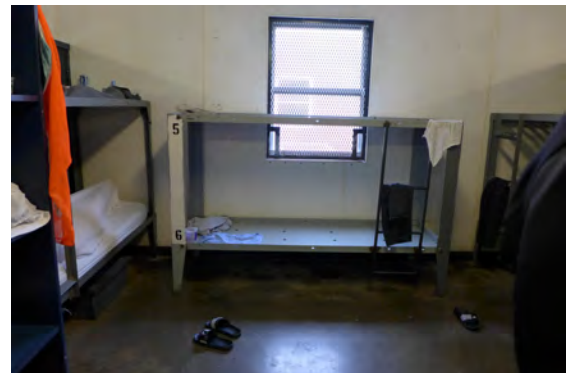
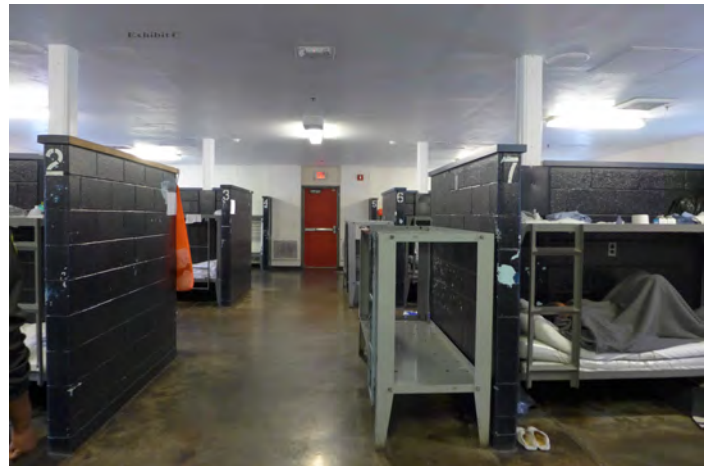


The gym at SCI Huntingdon converted into an infirmary to house incarcerated people with COVID-19



COVID IN PRISON

At a time when the world was focused on mitigating the effects of COVID-19 by social distancing, mask-wearing, and making every effort to sanitize surfaces, the prison population was, in large part, left to fend for themselves. Below you can see images of some of the deplorable living conditions much of the incarcerated population in Pennsylvania was forced to endure as the deadly pandemic spread across the country. Close quarter group living, poor ventilation, and unsanitary facilities are just a handful of the challenges those living behind bars were facing.



COVID IN PRISON

OUR IMPACT

A snapshot of PILP's COVID-19-related work in 2020.

5,000

STAFF HOURS

PILP staff allocated roughly 5,000 collective hours in 2020 on COVID-related advocacy work.

217

CASE FILES

PILP provided legal advice/advocacy on COVID related issues to over 200 clients

21

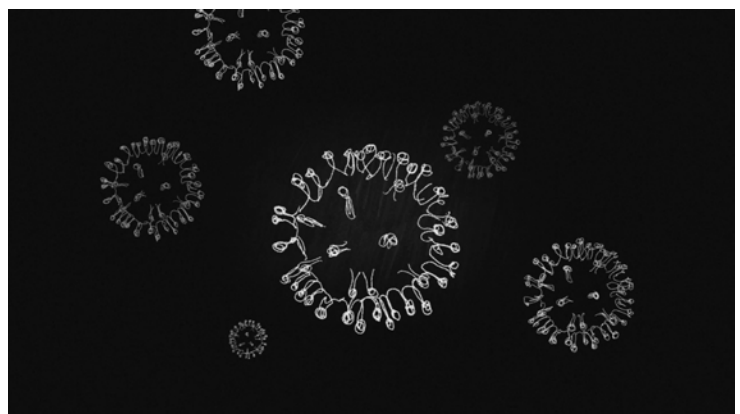
ADVOCACY LETTERS

A total of 21 advocacy letters on behalf of individuals or addressing systemic issues at prisons relating to COVID-19. Letters were sent to federal, state, county prisons, jails, and residential reentry centers, and immigration detention centers.

1

LETTER TO GOV. WOLF

PILP sent a letter to Governor Wolf in disputing his statement that incarcerated people were more “secure” in prison from COVID-19 than the general population, and requesting mass testing of incarcerated people for COVID-19, and the lifting of lockdown conditions imposed in response to COVID-19.



These screengrabs were taken from a video produced by PILP, featuring the voices of incarcerated individuals detailing their experiences behind bars during the COVID-19 pandemic. Living in Prison During COVID-19 can be seen at www.pailp.org. PILP legal assistant Chester Hollman III (pictured below) provided narration for the video.





LEWISBURG PRISON PROJECT



USP Lewisburg underwent a number of changes in 2020. The Special Management Unit was completely transferred to AUSP Thomson in Illinois and is no longer operational at USP Lewisburg. The penitentiary remained mostly empty until April when over 900 people who were incarcerated in FCI Estill in South Carolina were abruptly transferred after a tornado damaged the institution. Unfortunately, this unprecedented mass transfer resulted in a dramatic change in living conditions for the people who arrived from FCI Estill. USP Lewisburg is a high-security facility structured to operate the Special Management Unit, notorious for its lockdown conditions and staff misconduct. Those transferred from FCI Estill had low-security designations and privileges.

However, at USP Lewisburg, they faced cramped and dirty living conditions, no AC in the hot summer months, limited access to phones to contact their family, and the loss or denial of their personal property. In July, we wrote an advocacy letter on behalf of those who were transferred to USP Lewisburg concerning their treatment by staff, COVID-19 precautions, and the environmental conditions of the prison. In the fall, a COVID-19 outbreak occurred, and we continued to survey and monitor conditions at USP Lewisburg. However, following a re-designation plan by the BOP, everyone from FCI Estill was eventually transferred to other institutions throughout the country.

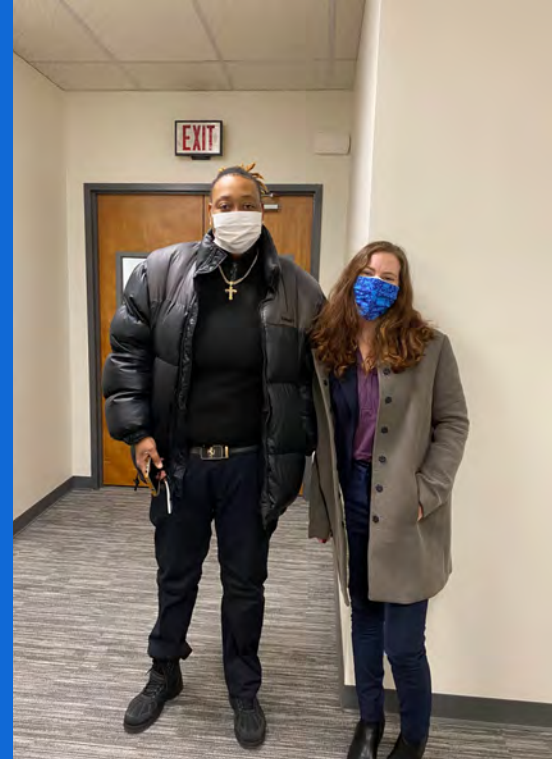
The penitentiary was once again empty until a COVID-19 outbreak at the Lewisburg Satellite Camp occurred, and those who tested positive for the virus were moved to the USP for isolation and quarantine. We continue to monitor the conditions at USP Lewisburg and to provide legal advice and advocacy to anyone who is incarcerated there.

IOLTA ZONE GRANT

The Pennsylvania Institutional Law Project was awarded an IOLTA Zone Grant this year for a new project, which allows PILP, in partnership with the Lewisburg Prison Project, to provide legal help, advocacy, and representation for women, transgender, and gender-nonconforming people, as well as those individuals subjected to gender-based violence, while incarcerated in the northeastern zone of Pennsylvania.

The Zone Grant is an opportunity to focus on this particularly vulnerable group in a location with a dearth of legal resources. The project also has a community education component where staff will create educational materials and increase outreach to these underserved areas.

Incarcerated women, transgender, and gender-nonconforming people are a rapidly growing population with specific needs and concerns, especially in the areas of medical care, personal safety, and humane conditions of confinement. In the initial months of this grant, PILP engaged in advocacy on behalf of multiple women with unmet healthcare needs and sent out a questionnaire to over a hundred women at SCI Muncy to investigate inadequacies in the treatment of individuals with diabetes.



Legal Fellow Grace Harris, Esq. and client Synquila Williams after a deposition.

LEGAL HIGHLIGHTS IN 2020

McGill/Pratt/Robinson - Dreadlocks

Racism, over-reliance on solitary confinement, and exaggerated responses to purported security concerns are fundamental features of American mass incarceration. The Lebanon County Correctional Facility (LCCF) is no exception. In 2020, PILP litigated two lawsuits on behalf of three Black men—Eric McGill, Leonttay Pratt, and Lamont Robinson—who were placed in solitary confinement at LCCF solely because they refused to cut off their dreadlocks. All three men are Rastafarian and have their hair in dreadlocks in accordance with their religious beliefs.

The lawsuits contend that this policy violated our clients' right to religious liberty and their right, as pretrial detainees, to be free from arbitrary prison rules that amount to punishment. In Mr. Pratt's and Mr. Robinson's case, PILP also brought a claim under the Equal Protection Clause of the Fourteenth Amendment, challenging LCCF's policy as racially discriminatory.

After PILP filed a motion for a preliminary injunction on behalf of Mr. McGill and the U.S. Department of Justice filed a Statement of Interest in support, LCCF added a religious exemption to its hair policy, and all three of our clients were released from solitary confinement. At the time, Mr. McGill had spent about 15 months in solitary confinement, Mr. Pratt five months, and Mr. Robinson two months. PILP is continuing to litigate these cases with the goals of obtaining damages for our clients for the torture Lebanon County inflicted on them and eliminating LCCF's continued prohibition of natural Black hairstyles worn for nonreligious reasons.



Matthew Feldman, Esq.
Staff Attorney



"It is not lost on us or Mr. McGill that Lebanon County is singling out a Black hairstyle and a Black religion for this discriminatory, inhumane, and illegal treatment."

Matthew Feldman, Esq.

LEGAL HIGHLIGHTS IN 2020



Su Ming Yeh, Esq.
Executive Director

E.D. v. Sharkey

PILP represented E.D., an immigration detainee held with her 3-year old son at the Berks County Residential Center, which is one of only 3 family immigration detention centers in the United States. While detained, E.D. was sexually abused by a county employee who had supervisory and custodial duties over her, and who was later convicted of institutional sexual assault. The county employee served 4 months for his criminal sentence, while E.D. was detained for 8 months. PILP brought an action against this employee, but also against the county and others for their failures to prevent and protect E.D. from this sexual abuse.

The case was vigorously litigated, with an appeal to the U.S. Court of Appeals for the Third Circuit where PILP obtained a precedential opinion holding that immigration detainees do, in fact, have the same constitutional protections as pre-trial detainees. The case settled days before trial for a meaningful amount in a settlement conference before U.S. District Court Judge Edward G. Smith. PILP also brought a separate but related Federal Tort Claims Act claim against the United States on behalf of E.D., which also resulted in a settlement. PILP o-
counseled the case with Matthew Archambeault, Esq., for the duration of the case, and Sozi Tulante and Benjamin McAnaney of Dechert LLP joined the case for trial.

Woman sexually assaulted at Berks County Residential Center gets settlement from county

By David Mekeel dmekeel@readingeagle.com @dmekeel on Twitter
Jan 23, 2020



Reading Eagle

LEGAL HIGHLIGHTS IN 2020

Remick v. Philadelphia

PILP, along with a team of lawyers from Kairys Rudovsky Messing Feinberg & Lin, ACLU-PA, and Dechert LLP, filed a class-action lawsuit against the Philadelphia Department of Prisons (PDP) in April 2020 for its failures to protect incarcerated people from the effects of COVID-19 and for imposing inhumane conditions. Incarcerated people had little or no ability to keep clean and sanitary conditions during the COVID-19 pandemic, and were suffering from severe lockdown conditions for over 23 hours a day, which prevented people from showering or calling friends and family.

On June 3, 2020, a Consent Order on Partial Settlement Agreement was issued, which stipulated that incarcerated people should receive basic necessities such as soap, cleaning supplies, masks, 45 minutes out-of-cell time, and access to medical care. However, despite this early progress, problems with compliance with the Court Order quickly became apparent.

PILP and its partners set up direct channels to communicate with the incarcerated people, including legal mail and a confidential free hotline that incarcerated people could call. Since the start, PILP has communicated with about 1000 incarcerated people in the PDP, and is often the only one with regular access to people inside.

The parties provide updates at Court proceedings every 2 weeks, which became critical when the prisons imposed “shelter-in-place” and people were only out-of-their cells for 15 minutes a day if that. Through the legal team’s advocacy and repeated requests, and after a suicide by an incarcerated person, in December 2020, the Court mandated universal testing of prison staff and incarcerated people, and reiterated that incarcerated people should receive 45 minutes out-of-cell time. In January 2021, the Court then ordered 2 hours out-of-cell time by February 10, 2021 and 3 hours out-of-cell time by February 25, 2021. PILP and its partners continue to litigate the issue, now seeking to ensure that incarcerated people are able to receive vaccines as they become available.

The Inquirer

Federal judge: Philly jails must relax extreme COVID-19 lockdown measures for sake of mental health

by Samantha Melamed, Posted: January 14, 2021-10:4 PM



“This was an important first step in providing all incarcerated people in the Philadelphia prisons with the basics necessary to combat the spread of the coronavirus.”

Su Ming Yeh

LEGAL HIGHLIGHTS IN 2020

Graham v. Allegheny County

Shortly after the COVID shutdowns began, PILP, along with a team of lawyers from Abolitionist Law Center, ACLU of Pennsylvania, and Dechert LLP worked around the clock to bring a class action lawsuit and motion for preliminary injunction against Allegheny County Jail for the County's abysmal failure to implement precautions against COVID-19.

In a time when we already knew the importance of socially distancing, the Jail chose to close down housing pods and condense the population. At the same time, there were shortages of masks, soap, and cleaning supplies. The Jail ultimately entered into a Consent Order requiring the implementation of more extensive quarantine protocols, the provision of masks, soap and cleaning supplies, symptom-based COVID-19 testing, smaller cohorts for recreation, and the single celling of all medically vulnerable individuals.

Throughout 2020 we continued to monitor conditions at the Jail and in the Fall of 2020, obtained an amended Consent Order that required additional randomized testing at the Jail. The conditions at the Jail continue to put the health and safety of incarcerated people and the community at risk, and we continue to seek additional remedies including further testing and vaccination of both incarcerated people and staff.



Alexandra Morgan-Kurtz, Esq.
Managing Attorney

LEGAL HIGHLIGHTS IN 2020

Allegheny County Jail (ACJ) Cases

Allegheny County Jail. One year, three lawsuits, and one advocacy letter. It was a busy year in Allegheny County, as time and again, PILP and its allies challenged horrific conditions and poor decision-making at ACJ. First, in the spring of 2020, PILP and its allies filed a class-action lawsuit and obtained a Consent Order to address the Jail's alarming decisions to ignore CDC guidance for the prevention of COVID-19.

Then in September, PILP, Abolitionist Law Center, and Schnader Harrison filed a class action on behalf of all individuals with psychiatric disabilities challenging the complete absence of a mental healthcare system at the jail. Rather than provide counseling, therapy, or even regular medications, people with psychiatric disabilities are not only ignored but brutalized with physical violence, overuse of pepper spray, frequent placement in the draconian restraint chair, and solitary confinement. These ubiquitous uses of force occur for every minor infraction, even simply for seeking mental healthcare.



Ex-Allegheny County Jail inmates with disabilities sue over alleged abuse by sergeant

TORSTEN OVE
Pittsburgh Post-Gazette
tove@post-gazette.com

10/20/2020 9:46 AM

Three former Allegheny County Jail detainees with psychiatric disabilities say in a federal lawsuit that a jail sergeant, John Raible, repeatedly assaulted them and others with disabilities.

The suit was filed Tuesday by the Abolitionist Law Center, the Pennsylvania Institutional Law Project and the law firm K&L Gates on behalf of three women: April Walker, LaVonna Dorsey and Alexis Diggs.

LEGAL HIGHLIGHTS IN 2020

ACJ Cases Continued

The lawsuit requests the Court order the elimination of solitary confinement, the reduction of force against individuals with psychiatric disabilities, and a complete overhaul of the mental healthcare system at the Jail. Just 3 months later, PILP, Abolitionist Law Center, and K&L Gates sued Allegheny County Jail officials and Corrections Officer Raible on behalf of three Black women with disabilities who were each brutally assaulted by Raible. One woman was pepper-sprayed and slammed into the floor while pregnant, requiring hospitalization, while another was pepper-sprayed while naked in a strip cage before being placed in a restraint chair for several hours. These women are just a few of Raible's many victims in a long history of violence condoned by his supervisors. The lawsuit seeks damages not only from Raible but also the administration of ACJ, which has perpetuated a regime of extreme violence at the Jail. Finally, in December, PILP, Abolitionist Law Center, and the ACLU of Pennsylvania sent an advocacy letter to the County after an announcement was made that the Jail would be banning the purchase of all books by incarcerated people or others on their behalf.

This senseless policy was utterly inconsistent with the First Amendment and particularly harsh in the time of COVID-19 when incarcerated people have so few outlets. Within a week of receiving the letter, Allegheny County Jail reversed its policy. 2020 was a grueling and terrifying year, but for those in Allegheny County Jail, hopefully, it is the start of the immense structural change that is so greatly needed.



"What's most troubling is the absolute disregard shown by supervisors to a clear pattern of torture and discrimination against women with disabilities."

Alexandra Morgan-Kurtz

LEGAL HIGHLIGHTS IN 2020

Transgender Healthcare Cases

Prisons are a particularly cruel environment for transgender people. They are over five times more likely to be sexually assaulted by staff and over nine times more likely to be sexually assaulted by other incarcerated people. In addition to the constant threat of physical violence and harassment, incarcerated people with gender dysphoria rarely receive the medical treatment they need. Symptoms of gender dysphoria are exacerbated in the prison environment as people cannot live and be treated as their identified gender. The consequences of these systemic failures are disastrous, with disturbing rates of suicide attempts and self-harm among these populations.

The Pennsylvania Department of Corrections has done little to protect this population. Instead of providing individuals with necessary medical care, accommodations, and support, the DOC has implemented an elaborate administrative committee system that interferes with medical care and ignores well-established community standards of care. Overriding the recommendation of the DOC's own medical staff directly involved in treatment, this committee composed of administrative and security officials has repeatedly denied transgender individuals necessary medical care.

In 2020, PILP filed lawsuits on behalf of two individuals, a nonbinary person incarcerated at SCI Cambridge Springs and a transgender woman at SCI Mahanoy, who have been denied gender-affirming surgery as well as other medical care and accommodations to allow them to socially transition. Both of these individuals suffer daily from their mistreated gender dysphoria, have engaged in serious acts of self-harm, and reported to DOC officials persistent ideations of harm. Despite this, the DOC continues to override the medical judgment of their treating physicians and refuses to provide them with lifesaving care.



An example of a prison medical office.

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 Ayanna Jackson – Legal Assistant
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 Jeremy Isard – Legal Fellow
 Jennifer Tobin – Consulting Attorney
 Ben Bowens – Communications Consultant



Like much of the working world, PILP was forced to transition to virtual staff meetings in 2020 due to the ongoing pandemic.

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 Stina Stannik – Paralegal
 Terrell Mosley – Legal Assistant / Community Outreach Coordinator

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Chelsea Coccia

In honor of the Black community
Lauren Klein

In memory of Breonna Taylor

Daniel DeBrakeleer

In honor or memory of George Floyd

Rick Cummings

Chris Hartey

Ian Heffner

Adrian Mall

Mark Rook

*In memory of George Floyd and every
other victims of systemic and
institutional racism*

Nichola DiBattista

*In honor or memory of the countless, all
affected, those that never make it to
prison at the hands of police brutality,
or all those who have suffered injustices
in the legal system.*

Benjamin Bruening

Owen Green

Jen Mathews

Samuel Swarr

*In honor of the freedom fighters
in the U.S. and Hong Kong*

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Artwork by M.S., incarcerated at
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THANK YOU!

The Pennsylvania Institutional Law Project would like to thank the following law firms and organizations:

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Abolitionist Law Center

ACLU of PA

**National Council for Formerly Incarcerated and Currently Incarcerated Women & Girls
Community Justice Project**

Susquehanna Valley Mediation Center

Why Not Prosper

X-Offenders for Community Empowerment



Paper flowers gifted to PILP from client on death row.



PILP received the Outstanding Achievement Award from the Washington Lawyers' Committee For Civil Rights and Urban Affairs in June 2020.

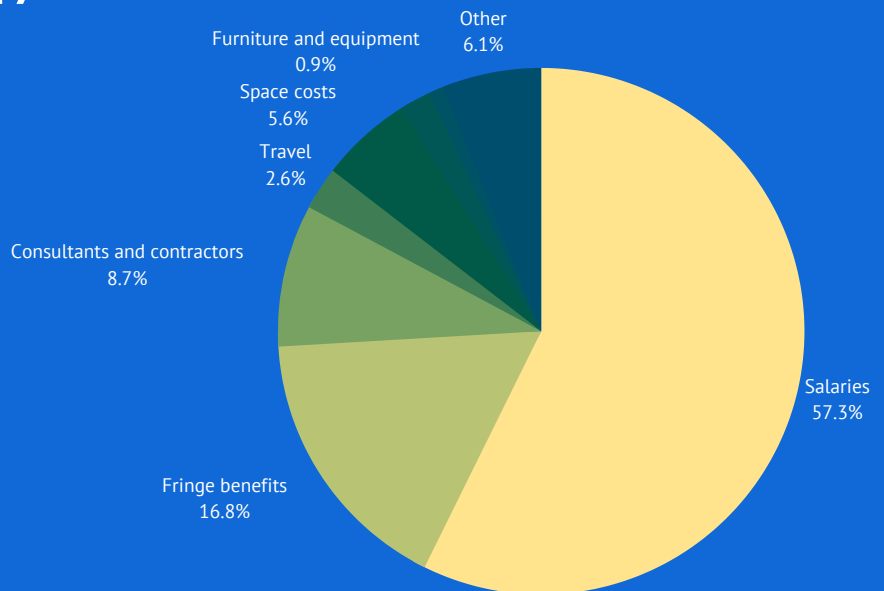
FINANCIAL STATEMENT

Revenue \$1,237,384

Contracts and grants	\$1,014,1910
Contributions	\$71,316
Court awards	\$151,052
Interest income	\$825

Expenditures \$1,100,147

Salaries	\$630,417
Fringe benefits	\$184,419
Consultants/contractors	\$96,164
Travel	\$29,044
Space costs	\$61,610
Consumable supplies	\$21,664
Furniture and equipment	\$9,936
Other	\$66,893



The Pennsylvania Institutional Law Project (PILP) is dedicated to advancing the constitutional and civil rights of people incarcerated and detained in Pennsylvania, through legal assistance, advocacy, and litigation.

PILP is a non-profit organization and the only civil statewide legal aid agency focused on incarcerated people in Pennsylvania. We provide all of our services at no cost to our clients.

Please support our work!

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