

# Settlement Requires Major Changes and Increased Staffing at Allegheny County Jail

*Comprehensive upgrade of mental health program among sweeping changes*

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PITTSBURGH - An agreement has been reached in *Howard v. Williams*, a class action lawsuit on behalf of people with psychiatric disabilities incarcerated in Allegheny County Jail (ACJ). Filed on September 15, 2020, the suit alleged severe and systemic constitutional violations, as well as violations of the Americans with Disabilities Act, for the jail's failure to provide adequate mental health care and its discriminatory and brutal treatment of people with psychiatric disabilities. The settlement, which is subject to court approval, demands substantial changes that will impact all people with psychiatric disabilities who are currently, or will in the future, be held at ACJ. The Class is represented by the Abolitionist Law Center (ALC), the Pennsylvania Institutional Law Project (PILP), and Whiteford, Taylor & Preston LLP (Whiteford).

“The lawsuit was bitter at first. But this is a sweet victory. Law enforcement doesn't get to break the law to enforce it,” said Jason Porter, one of the suit's plaintiffs.

The lawsuit asserted that ACJ lacks a functioning mental health care system despite housing hundreds of people with psychiatric disabilities, including anxiety, depression, PTSD, bipolar disorder, and schizophrenia. Every aspect of a comprehensive system for mental health care, from intake screening, to medication management, provision of counseling and therapy, suicide prevention, and training, was either non-existent or wholly deficient at ACJ at the time the lawsuit was filed.

“This Consent Order heralds a fundamental shift in the way mental health is addressed at the Allegheny County Jail. Incarcerated individuals with mental health conditions will now have psychotherapy available, private interview spaces for counseling sessions and interactions with mental health staff, time frames in which mental health encounters must occur, new educational programming, and a renewed focus on treatment, de-escalation and reduction of use of force,” said Keith E. Whitson, an attorney with Whiteford. “These are meaningful changes that will have a substantial impact on individuals incarcerated at ACJ and their families.”

A major provision of the settlement brings changes to a system that has responded to people in mental health crises with brutal levels of force. People with psychiatric disabilities have been punished for the manifestation of their mental health symptoms, and for simply requesting mental health care. The settlement requires Allegheny County to provide more training both for mental health staff and correctional officers, and a wide variety of de-escalation measures designed to reduce use of force. The County also has agreed to regular outside reviews and monitoring.

Since the lawsuit was filed, use of force incidents have already decreased by 28%, and builds on progress from a county-wide referendum passed in December 2021.

“When this case was filed in September 2020, ACJ had more documented instances of staff using violence against incarcerated people than any other county in the state by far. Since then, those numbers have decreased dramatically, and this settlement will ensure they continue to decrease by monitoring and enforcement of mandatory de-escalation policies that—if implemented properly—will protect incarcerated people from brutality that has been a hallmark of ACJ,” said ALC attorney Jaclyn Kurin.

Inadequate staffing has long been an issue at ACJ that has contributed significantly to the lack of adequate care and the jail’s reliance on punishment rather than treatment. With this settlement, the County is committing to hire additional mental health staff, including staff that will be able to provide therapeutic counseling. The County further has agreed to maintain minimum staffing levels to ensure appropriate levels of treatment.

Other key provisions include ensuring that mental health staff can make clinical decisions without interference from non-medical personnel. Further, the agreement limits the amount of time any person with a mental health condition can be placed in segregation, provides that cages shall not constitute out-of-cell time, and requires “meaningful social interaction and treatment” for all.

“The grievous harm that incarcerated people, and our community, experienced as a result of the non-existent mental health care system at ACJ prior to this litigation was devastating,” said Alexandra Morgan-Kurtz, Deputy Director of the Pennsylvania Institutional Law Project. “This settlement marks a crucial step forward in ensuring that people are provided with actual treatment and not facing life threatening conditions while incarcerated at ACJ.”

Shaquille Howard, Brooke Goode, Jason Porter, Keisha Cohen, and Albert Castaphany served as representatives of the Class. The Class and the County filed a motion with the Court seeking approval of the settlement, noting that the settlement will protect all people with psychiatric disabilities who are currently, or will in the future, be held at the ACJ.

“I just wanna thank God for his people that he sent to speak for those who cannot speak for themselves. I’m appreciative to everyone who was involved in helping bring change to the Allegheny County jail,” said Shaquille Howard. “I’m happy and thankful that no one else has to endure the things that I endured during my time at the ACJ . Most of all I’m glad that chapter of my life has concluded, but I’ll never forget what was done to me.”

The consent order and judgment for *Howard v. Williams, 20-cv-1989*, was filed in the United States District Court for the Western District of Pennsylvania. The plaintiffs are represented by Alexandra Morgan-Kurtz of the Pennsylvania Institutional Law Project; Bret Grote, Jaclyn Kurin, and Dolly Prabhu of Abolitionist Law Center; and Keith E. Whitson of Whiteford, Taylor & Preston LLP.

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*The [Abolitionist Law Center](#) is a public interest law firm inspired by the struggle of political and politicized prisoners, and organized for the purpose of abolishing class and race-based mass incarceration in the United States. Abolitionist Law Center litigates on behalf of people whose human rights have been violated in prison, educates the general public about the evils of mass incarceration, and works to develop a mass movement against the American punishment system by building alliances and nurturing solidarity across social divisions. Follow [Abolitionist Law Center](#) on Facebook, [@AbolitionistLC](#) on Twitter, and [@Abolitionistlc](#) on Instagram.*

*The Pennsylvania Institutional Law Project (PILP) is a legal aid organization that seeks to advance the constitutional and civil rights of people incarcerated and detained in Pennsylvania’s jails, prisons, state hospitals, and immigration detention centers by providing free civil legal assistance, advocacy, and representation.*