



PENNSYLVANIA INSTITUTIONAL LAW PROJECT

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Berks County Abruptly Empties Men's Community Reentry Center Rather Than Provide Incarcerated Women With Equal Access

PHILADELPHIA, PA – In a severe step backward for gender equality and reentry services for incarcerated people, the Berks County Commissioners abruptly emptied the Berks County Community Reentry Center (CRC), which provided rehabilitation and reentry services to incarcerated men with the lowest-risk status. This was a brazen act by Berks County on the eve of trial, three weeks after a federal court already found Berks County violated the Constitution by excluding incarcerated women from receiving the same rights and privileges as the men housed in the CRC, solely on the basis of their gender. “It appears that the Berks County Commissioners would rather have no reentry center at all than a reentry center open to women,” stated attorney Matthew A. Feldman of the Pennsylvania Institutional Law Project.

The *Victory, et al. v. Berks County* class action case is scheduled to go to trial on Tuesday, November 12, 2019. The lawsuit challenges the practice of imprisoning women with the “Trusty” classification in jail cells while housing men with the same classification in the separate CRC. There, the men enjoy far more time out of their cells, greater access to privileges, better visitation conditions, and easier access to furloughs. The federal court has already found that the Berks County Jail System’s unequal treatment of “Trusty” women and men is unconstitutional in several ways, with only a few remaining undecided issues going to trial. Plaintiffs Theresa Bohning (née Victory), Alice Velazquez-Diaz, and a class consisting of all current and future female Trusty prisoners in the Berks County Jail are represented by the Pennsylvania Institutional Law Project (PILP) and Dechert LLP.

Shortly after noon on Friday, November 8, 2019, the last business day before trial, the county’s attorneys filed a notice with the Court, stating that all the men housed in the CRC had been moved to the Jail and that there was no longer anyone housed in the CRC. The first notice that was filed said that the Board of Commissioners “voted” to empty the CRC. Later the county’s attorneys filed an amended notice, in which the word “voted” was replaced with “decided.” It is unclear when this decision was made, but there is no reference to it in the Board of Commissioners’ meeting minutes from the past two months, which indicates the decision was made without any public input or notice. The [CRC website](#) has also been taken down.

Berks County has previously touted the benefits of the CRC, which opened in 2010, boasting that it served the public interest by “reducing recidivism and assisting residents in re-establishing themselves as productive members of our community.” By closing the CRC, the



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Berks County Commissioners have removed valuable services and opportunities for incarcerated people who the jail system's own classification process has identified as the most trustworthy, thus hindering their ability to successfully reenter their communities upon release.

The Berks County Commissioners decided to eviscerate this public benefit to avoid further oversight from a federal court that has already found them in violation of the Constitution for denying women the benefits available to men in the CRC. "Women are the most rapidly expanding population in the U.S. prison system, yet historically, prisons and jails have often provided inadequate and subpar housing facilities, medical care, and other necessities for incarcerated women. This case revolves around the extent to which prisons and jails need to provide equal housing and access to rehabilitative opportunities to incarcerated women," explained Su Ming Yeh, Deputy Director of the Pennsylvania Institutional Law Project.

"I was very disappointed and shocked to learn about the decision to move the Trusty men out of the CRC building rather than find a way to provide women the same privileges men received while housed in the CRC. I am in agreement with my lawyers that there are a lot of questions that need to be answered and issues to be resolved. I look forward to the trial next week and providing the court with information about the inequalities I experienced in the jail and pray justice prevails," said Theresa Bohning (née Victory)

For your reference, please see the attached October 17th Court memorandum that found Berks County was violating the Constitution, the Berks County Defendants' two notices filed earlier Friday regarding the CRC, and the brief response filed by PILP and Dechert Friday evening.

Trial in *Victory v. Berks County*, 18 Civ. 5170, starts Tuesday, November 12, 2019, and is expected to last 2-4 days, at the James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, Courtroom 6B, before The Honorable Mark A. Kearney.

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