

2021 Annual Report

Pennsylvania Institutional Law Project

CELEBRATING 40 YEARS OF ADVANCING THE RIGHTS OF
INCARCERATED PEOPLE





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PILP staff was forced to continue meeting virtually due to the ongoing COVID-19 pandemic.





Onward

Dear Friends and Colleagues,

The year 2021 continued to be a challenge for those who are incarcerated and detained. Significantly, it also marked the Pennsylvania Institutional Law Project's 40th year.

As the COVID-19 pandemic continued into its second year, PILP remained concerned about adequate protections against the COVID-19 virus. As the pandemic stretches on, prison restrictions continue to detrimentally affect PILP's clients, including access to necessary services.

As a prime example, PILP's class action against the Philadelphia Department of Prisons continued to combat severe lockdowns that confine people to a small cell for hours on end, delays in access to medical and mental health care, lack of due process before disciplinary punishment is imposed, barriers to being brought to court and meeting with lawyers, and the increase in violence and deaths in the jail system.

PILP 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. For example, PILP represented a woman denied routine chronic care for diabetes resulting in long-term harm to her health, a non-binary individual seeking adequate medical care and accommodations, and an individual held in long-term segregation conditions.

Onward (Cont.)

With the support of new grants, PILP implemented a project seeking to increase access to medication for opioid use disorder, and another project in providing legal advocacy and representation for women and LGBTQ+ people who are incarcerated in the Northeast zone of Pennsylvania.

PILP organized its first large event, titled PILP 40: Celebrating 40 years of the Pennsylvania Institutional Law Project. The virtual evening featured MacArthur grant awardee Dwayne Betts, and was hosted by Emmy award-winning journalist Erin Coleman. Clients and staff also gave pre-recorded comments about PILP's work and its impact, which can be viewed on PILP's website at pailp.org/pilp-40. We were delighted that so many people could join and support us.

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

Sincerely,

SU MING YEH

Executive Director, Pennsylvania Institutional Law Project

PILP40

*Celebrating 40 years of the
Pennsylvania Institutional Law Project*

A NIGHT TO REMEMBER



On October 26, 2021, current and former PILP staff, PILP board members, supporters, former clients, a television host, and a MacArthur Genuis Grant recipient came together to celebrate and reflect on 40 years of the organization's invaluable work. PILP40 was an hour-long virtual event hosted by NBCPhiladelphia's Erin Coleman and featured a keynote address by formerly incarcerated celebrated poet Reginald Dwayne Betts.

PILP40, which also featured videos of staff and clients, served as a fundraising opportunity which brought in more than \$25,000 to the organization. A first for the organization, the virtual fundraiser event was extremely well received by all who attended. For those of us who value and support PILP's mission, it was truly a night to remember. You can watch the video segment at pailp.org/pilp-40



Erin Coleman, Anchor/Reporter for NBCPhiladelphia served as host for the virtual event.



PILP Board President Michael Carroll made a spirited plea for support of PILP's work.



Reginald Dwayne Betts delivered a moving keynote address.

BY BEN BOWENS

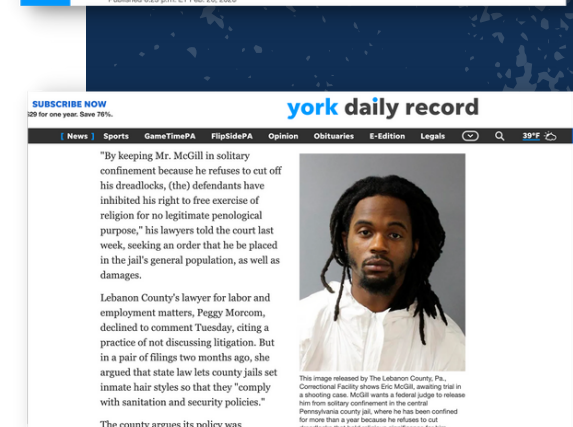
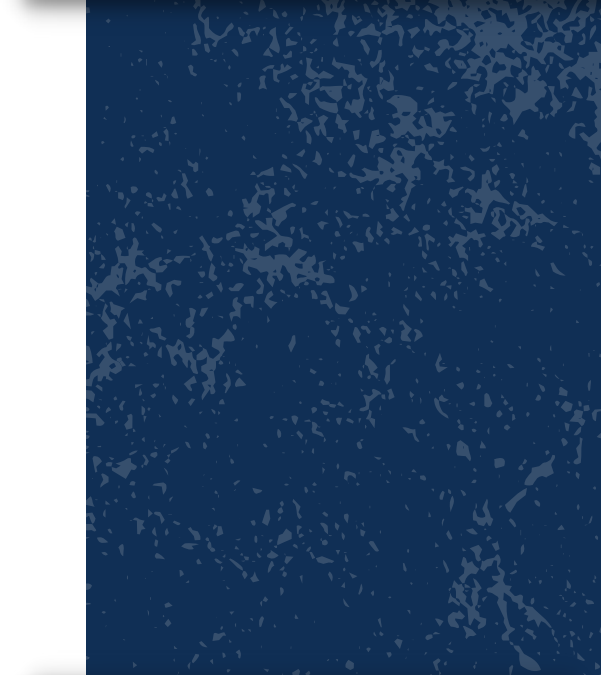
Communications Manager, Pennsylvania Institutional Law Project

Punishing Hair



When Eric S. McGill, Jr., sued officials of the Lebanon County Correctional Facility, he had been in solitary confinement for more than nine months solely because he refused to cut off his dreadlocks. Without the assistance of an attorney, from the inside of his small jail cell, Mr. McGill filed a federal lawsuit—because he knew it was wrong for the jail to be torturing him for his Rastafarian religious beliefs and treating him differently from white incarcerated people with long hair. While the jail permitted long straight hair, it prohibited natural Black hairstyles, including dreadlocks, braids, and cornrows.

A few months later, in February 2020, PILP began representing Mr. McGill, filed an amended complaint, and asked the Court to order Lebanon County to release him from solitary confinement. PILP's amended complaint asserted that the county was violating Mr. McGill's right to freely exercise his religion and his right, as a pretrial detainee, to be free from arbitrary, irrational jail regulations. Meanwhile, two other Black men, Leonttayy Amir Pratt and Lamont Chambers, both also Rastafarian, had contacted PILP because they too were being held in solitary confinement for refusing to cut off their dreadlocks. Like Mr. McGill, Mr. Pratt had the courage and ingenuity to file a lawsuit, without an attorney, from inside a solitary confinement cell. PILP then began representing Mr. Pratt and Mr. Chambers and filed an amended complaint with the same claims as in Mr. McGill's case, plus an additional claim that the county's actions violated the men's right to equal protection by discriminating them based on their race.





As a result of PILP’s advocacy—both in its court filings and in the media—the United States Department of Justice filed a “statement of interest” in support of Mr. McGill’s religious liberty claim. Shortly after, in April 2020, Lebanon County added a religious exemption to its hair policy and released all three men from solitary confinement. PILP continued to litigate their cases, however, to ensure that they received compensation and to ensure Lebanon County would not subject anyone else to the same treatment. In October 2021, the county entered into a settlement agreement, agreeing to pay a total of \$147,500 to Mr. McGill, Mr. Pratt, and Mr. Chambers and agreeing to completely eliminate its ban on dreadlocks, braids, and cornrows. PILP is proud to have worked with these brave clients to achieve this important victory.

BY MATTHEW FELDMAN

*Supervising Attorney,
Pennsylvania Institutional Law Project*

Lebanon County Agrees to Change Hair Policy and Pay \$147k in Dreadlocks Solitary Confinement Cases

The Pennsylvania Institutional Law Project (PILP) is pleased to announce that a settlement agreement has been reached in the case of three Black men placed in solitary confinement at the Lebanon County Correctional Facility for refusing to cut their hair. The men, who were being held at the jail pretrial, were placed in solitary confinement pursuant to a jail policy that prohibited braids, cornrows, and dreadlocks but permitted other forms of long hair. The three men are all Rastafarian and wear their hair in deadlocks in accordance with their religious beliefs.



"I felt who I identify myself as was not appreciated, and in return, I was punished for trying to maintain my identity. So I felt the message Lebanon County sent was that who I am as a person is not acceptable," said Leonttavy Pratt, one of the plaintiffs.



"WITH THIS COVID-19 PANDEMIC
WE ARE BASICALLY SITTING
DUCKS IN HERE"

* LACK OF *

Medical Care Behind Bars

1.

MOUD/MAT

As overdose deaths soar in Pennsylvania and nationally, the Vital Strategies Overdose Prevention Program and the Pennsylvania Institutional Law Project partnered to address the opioid epidemic in jails and prisons.

"SOME OF OUR CLIENTS DIABETES SYMPTOMS HAD GOTTEN SO BAD THAT THEY WERE AT RISK OF BLINDNESS, LOSING LIMBS OR EVEN DEATH."

2.

DIABETES

Of the more than 2 million people incarcerated in jails and prisons in the United States, nearly 80,000 have type 1 or type 2 diabetes. In 2021, PILP has taken action on behalf of several clients struggling with adequate diabetic care behind bars.

3.

COVID-19

With the onset of the Delta and Omicron variants, incarcerated people continued to be seriously impacted by COVID-19 in 2021.

"PILP REACHED OUT TO ME AND GOT INVOLVED WITH MY SITUATION. THANK GOD FOR THAT BECAUSE I WAS GOING THROUGH WITHDRAWAL FROM METHADONE AND FELT LIKE I WAS GOING TO DIE."





MOUD/MAT IN JAIL

The MOUD/MAT project is an ongoing initiative that aims to help people incarcerated across Pennsylvania gain access to medications such as methadone, buprenorphine, and extended-release naltrexone for opioid use disorder. Legal support and assistance are provided through legal advocacy, providing legal advice, informing people of their legal rights to medication for opioid use disorder (MOUD) or Medication-Assisted Treatment (MAT) in jails and prisons, and through litigation. The project has assisted more than sixty individuals from ages 71 to 25 to exercise their rights to obtain medication.

When Ms. R., who had a methadone prescription on the day of incarceration, June 7, 2021, was denied the medication at the jail, she was "forced to withdraw" or detox. For weeks, she suffered excruciating pain, nausea, vomiting, insomnia, lack of concentration, and fatigue. PILP got involved by educating Ms. R. on her legal rights and providing advocacy. Thankfully, on January 27, 2022, Ms. R. received her first dose of Suboxone, a medication for opioid use disorder (MOUD), the first MOUD medication she had since June.

On August 9, 2021, Shaun Strickland was incarcerated at George W. Hill Correctional Facility in Delaware County, where he was denied the methadone he had been taking for the past eleven years for opioid use disorder. The denial of methadone forced Mr. Strickland to withdraw, causing him to experience both acute and lingering withdraw symptoms due to the severity of his disease. PILP got involved, provided education, advocacy and filed the lawsuit, *Strickland v. Delaware County et al.*, Civil No. 21-4141, (E.D. Pa., September 17, 2021).

This project launched an advocacy network of individuals committed to supporting access to MOUD medications in jails and prisons. In addition to legal support, this project also studies the current treatment in county jails, identifying possible civil rights violations and gaps in treatment. It aims to shed light on the disproportionate impact of the opioid-involved overdose crisis on communities of color in Pennsylvania, where the highest arrest and conviction rates occur.

BY ADRIENNE ABNER

Attorney, Pennsylvania Institutional Law Project



DIABETES

Around 12% of Pennsylvanians live with diabetes. Incarcerated people with diabetes have little power over things like diet and exercise that are crucial to keeping diabetes under control. Unfortunately, this situation is aggravated by prisons failing to ensure the robust testing and monitoring regimens recommended by the American Diabetes Association. Few incarcerated people have access to important technologies, such as continuous glucose monitors and insulin pumps, putting them at a great disadvantage in treating their condition. Denying an incarcerated person proper diabetic care can transform a treatable, livable condition into a dangerous, multifaceted illness that can damage major organs and become permanently debilitating or even deadly.

In 2021, PILP and the Lewisburg Prison Project, thanks in part to the IOLTA Zone Grant, advocated on behalf of numerous incarcerated individuals denied access to fundamental care necessary to manage diabetes. PILP created and sent a questionnaire focused on diabetes care to dozens of people incarcerated at SCI Muncy and prisons across the Commonwealth. PILP then sent advocacy letters to the DOC on behalf of multiple women with diabetes. One woman, Lucinda Andrews, had received such poor care for her untreated diabetic neuropathy with painful ulcers that she lived in daily fear of amputation. After PILP's letter, she began receiving marked improvement in her medical care.

PILP litigated three cases in federal court on behalf of incarcerated people with diabetes in 2021. In *Williams v. Smith*, a woman formerly incarcerated at SCI Muncy had such uncontrolled diabetes that it caused permanent injury requiring a home health aide after her release. An expert report from the former president of the American Diabetes Association, Dr. Philipson, noted several systemic deficiencies in the DOC's chronic care, causing deficient diabetes management for Ms. Williams.



DIABETES (CONT)

PILP also continued to litigate *Chmiel v. PA Dep't of Corrections*, where PILP's client suffered severe diabetic retinopathy that has resulted in near blindness after a decade of inadequate care in DOC custody.

These issues are not limited to the Pennsylvania state prisons. In 2021, PILP filed *Kavanaugh v. United States*, on behalf of a man incarcerated in the federal Bureau of Prisons (BOP) with Type I diabetes. The BOP misidentified him as a Type II diabetic, and while at USP Lewisburg, routinely denied him access to insulin despite his worsening condition. BOP staff ultimately prescribed Mr. Kavanaugh with a medication contraindicated for individuals with Type I diabetes, resulting in his near-death from Diabetic Ketoacidosis ("DKA") with acute renal failure.

Individuals with diabetes are far from the only ones to suffer at the hands of a carceral healthcare system, where medical care is often provided by for-profit medical subcontractors. Prison healthcare is particularly abysmal for all individuals with pre-existing conditions that require chronic care. PILP will continue to fight for systemic change to ensure that all incarcerated individuals receive necessary medical care.

BY ALEXANDRA MORGAN-KURTZ

Managing Attorney, Pennsylvania Institutional Law Project



COVID-19 IN JAIL & PRISONS

Incarcerated people continued to be significantly impacted by COVID-19 in 2021. People in jails and prisons across Pennsylvania experienced restrictions on their time out of their cells, programming, visitation with loved ones, and access to necessary supplies to prevent the spread of the virus. As COVID-19 variants and surges caused people on the outside to return to social distancing and precautionary measures, incarcerated people were often left facing severe lockdowns, and challenges in receiving timely and necessary medical care.

When the COVID-19 vaccines were first released, PILP advocated for incarcerated people and prison staff to have access to COVID-19 vaccines. While a number of jails and prisons offered vaccines, incarcerated people were largely dependent on jail and prison officials to provide information about the novel vaccines and their safety. As a result, many people were afraid to accept the vaccine, given the widespread experience of receiving poor medical care in prison, mistrust of staff, and the country's extensive history of racist medical experimentation. To help combat this hesitancy, PILP provided vaccine information and encouragement to thousands of incarcerated people over the course of 2021.

In Philadelphia's jails, PILP continued to litigate the class action lawsuit, *Remick v. City of Philadelphia*, with co-counsel Kairys, Rudovsky, Messing, Feinberg & Lin, Abolitionist Law Center, and Dechert LLP. COVID-19 and other issues precipitated massive staff shortages in Philadelphia's jails, exacerbating grave problems including solitary-like isolation, delayed medical care, limited programming, inadequate hygiene and cleaning supplies, and the lack of due process before being placed in disciplinary segregation. Pervasive quarantines prevented many pretrial detainees from getting to court and speaking with their attorneys. Through the *Remick* case, PILP and its co-counsel secured several court orders aimed at improving these conditions. After failing to comply with a court order requiring out-of-cell time, the City paid \$125,000 on two separate occasions to Philadelphia's bail funds in landmark settlement agreements. The *Remick* lawsuit is still ongoing and PILP continues to advocate for better conditions in the Philadelphia jails and an appropriate response to the persistent dangers of COVID-19.

BY GRACE HARRIS

Legal Fellow, Pennsylvania Institutional Law Project

THANK YOU 2021 SUPPORTERS

Many thanks to the following funders, donors, and supporters in
FY 2020-2021 (July 1, 2020 – December 31, 2021)

We deeply appreciate every single donation that makes our work possible.

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Your support of PILP has been overwhelming. We couldn't do our important work without your continued support!

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In honor of Black Lives Matter

Patrick Lobo

In honor of incarcerated people everywhere

Julianna Brown

In honor of Julianna Brown's commitment to the mission

Scott Brown

In honor of Phi Alpha Delta Law Fraternity

Araj Ahmed

In honor of Angus Love

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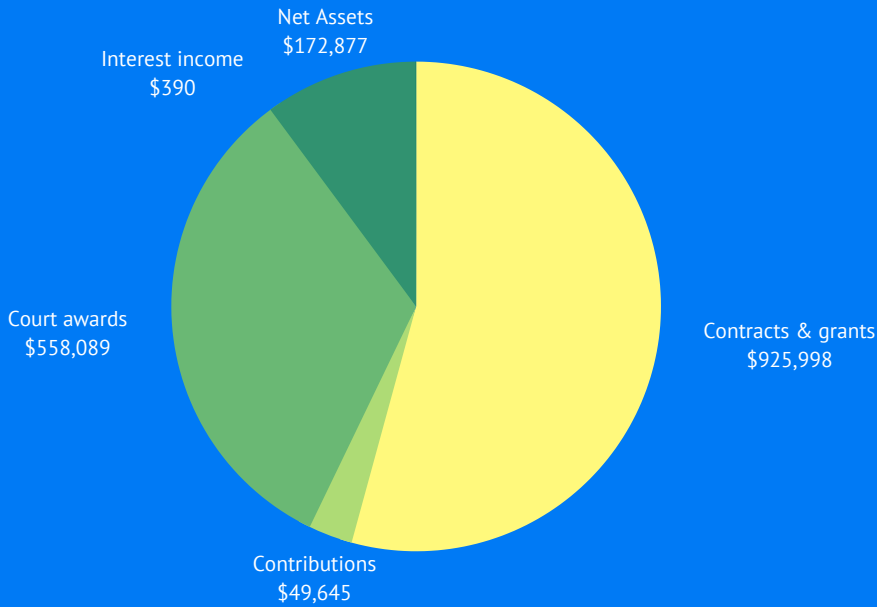
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2021 Financial Statement

TOTAL REVENUE

\$1,706,999

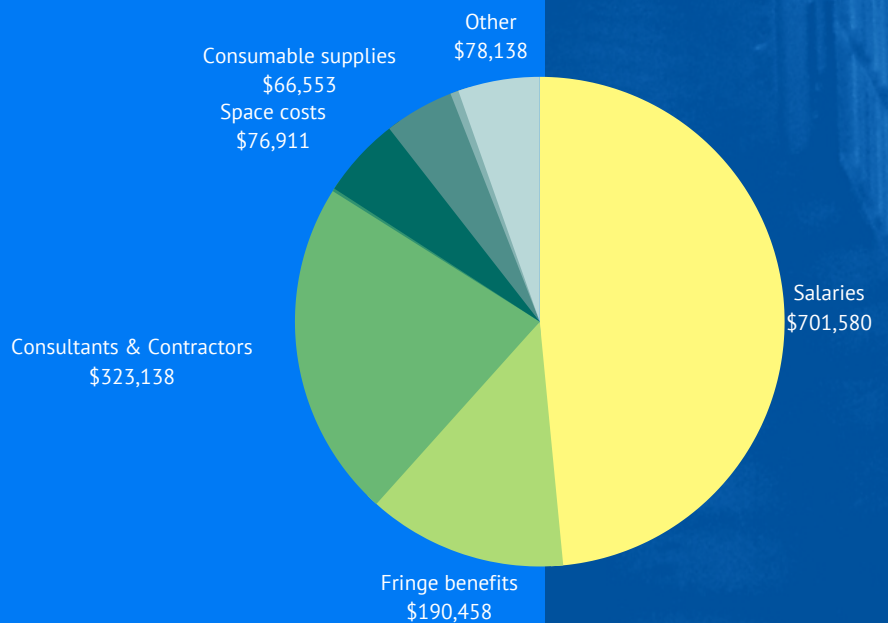


Contracts and grants	\$ 925,998
Contributions	49,645
Court awards	558,089
Interest income	390
Net assets released from restrictions	172,877

TOTAL EXPENSES

\$1,447,416

Salaries	\$701,580
Fringe benefits	190,458
Consultants and contractors	323,138
Travel	2,788
Space costs	76,911
Consumable supplies	66,553
Furniture and equipment	7,850
Other	78,138



TAKE ACTION

Donate online at pailp.org/donate, or text '**PILP**' to **801801** to donate.

Please consider a monthly donation! No matter how large or small, monthly donations have an incredible impact on providing sustained legal assistance to people behind bars. They help cover court legal fees, prison advocacy, and mailing resources to over 14,000 incarcerated people throughout the year.

If you prefer to donate by check or money order, please mail to:

**Pennsylvania Institutional Law Project
718 Arch Street, Suite 304 South
Philadelphia, PA 19106**



EASTERN OFFICE AND GENERAL ISSUES FOR ENTIRE STATE

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CENTRAL REGION OFFICE & FEDERAL PRISON ISSUES

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lewisburgprisonproject.org

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