

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>THOMAS REMICK, NADIYAH WALKER,</b>	:	
<b>JAY DIAZ, MICHAEL ALEJANDRO,</b>	:	<b>No. 2:20-cv-01959-BMS</b>
<b>MICHAEL DANTZLER, ROBERT</b>	:	
<b>HINTON, JOSEPH WEISS, JOSEPH</b>	:	
<b>SKINNER, SADDAM ABDULLAH, and</b>	:	
<b>JAMES BETHEA, on behalf of themselves</b>	:	
<b>and all others similarly situated,</b>	:	
	:	
<b>Plaintiffs-Petitioners,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>CITY OF PHILADELPHIA; and BLANCHE</b>	:	
<b>CARNEY, in her official capacity as</b>	:	
<b>Commissioner of Prisons,</b>	:	
	:	
<b>Defendants-Respondents.</b>	:	

**ORDER**

AND NOW, this 20<sup>th</sup> day of **May, 2021**, in consideration of Plaintiffs’ Motion for Contempt and Sanctions (ECF No. 71), Defendants’ Response In Opposition to Plaintiffs’ Motion for Contempt and Sanctions (ECF No. 73), and a telephonic court conference held on May 20, 2021, it is **HEREBY ORDERED:**

**1. REPORTING AND AUDITING**

- a. Starting May 21, 2021 and extending to June 10, 2021, Defendants City of Philadelphia and Commissioner Blanche Carney (“City”) shall provide formal reports to the Court and Plaintiffs’ counsel every Monday and Friday, and an informal report on every Wednesday to Plaintiffs’ counsel consisting of:
  - i. Correctional officer attendance data, including for each Philadelphia Department of Prisons facility and each shift, the number of officers scheduled to report for work, the number of officers who reported to work,

the number who reported out sick or out for any other reasons, and the percentage of absenteeism at each facility; and

- ii. Deputy Warden certifications on compliance with the Orders of this Court including, without limitation, specific information regarding out-of-cell time for each of the facilities, by housing unit, with a statement of specific reasons for any unit or incarcerated person not receiving three hours of out-of-cell time on a daily basis.

## **2. CONTEMPT AND SANCTIONS**

- a. The Court finds grounds for holding the City in civil contempt of court as alleged in Plaintiffs' Motion for Contempt and Sanctions, but the Court postpones final decision on the issues of contempt and sanctions, pending the reporting on correctional officer attendance and absenteeism and the Deputy Warden Certifications as set forth above in paragraph 1.
- b. If, by June 10, 2021, the City does not show by clear and convincing evidence that for the period May 21-June 10, 2021 the Philadelphia Department of Prisons is in compliance with the January 28, 2021 Order (ECF No. 63), the Court shall:
  - i. Impose a compensatory fine of \$50,000 for past and continuing violations of the Court's Orders regarding out of cell time; and
  - ii. Order daily fines in the amount of \$10,000, with doubling of that amount every two weeks, until such time that the City shows by clear and convincing evidence that it is in compliance with the January 28, 2021 Order. The failure of the City to provide timely reporting pursuant to paragraph 1 shall be considered evidence of noncompliance.

- c. Any fines imposed by the Court shall be distributed to the Philadelphia Community Bail Fund and the Philadelphia Bail Fund, in equal amounts.
- d. If the City shows compliance by June 10, 2021, the reporting required by paragraph 1 shall continue on a schedule to be agreed upon by the parties, or as ordered by the Court, for an additional forty-five days. If, during that time, Plaintiffs allege noncompliance with the January 28, 2021 Order, the Court will entertain a new Motion for Sanctions. Thereafter, the current weekly reporting by Deputy Wardens shall be reinstated and the parties shall be free to request additional relief or other Orders from the Court.
- e. The Court hereby schedules a hearing for June 10, 2021 at 10:00 a.m. in Courtroom 13B on Plaintiff's Motion for Contempt and Sanctions. Counsel is advised to check the Court's website for standing orders at: <http://www.paed.uscourts.gov/documents2/local-rules#StandingOrders> for COVID guidelines.

**BY THE COURT:**

A handwritten signature in blue ink, appearing to read "Berle M. Schiller", with a long horizontal line extending to the right.

---

**BERLE M. SCHILLER, J.**