

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

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

PLAINTIFFS’ STATUS REPORT

Plaintiffs file this status report to inform the Court of the ongoing crisis unfolding in Philadelphia Department of Prisons (PDP) facilities.

Staffing shortages continue to disrupt the provision of minimal daily out-of-cell time, distribution of medications, legal mail, basic hygiene supplies, access to the law library, and even transport of incarcerated people for court proceedings in criminal cases. *See* Exhibit A (Declarations of plaintiff class members). People housed on segregation units have described severe solitary confinement conditions with days on end without leaving their cells. *See* White Decl. ¶ 5. Even on general population units, lack of out-of-cell time is a persistent problem. *See* Holsey Decl. ¶ 4, Hart Decl. ¶ 4. Class members also report increased threats of violence from staff members, *see* Holsey Decl. ¶ 11, and declining mental health among incarcerated people. *See* White Decl. ¶ 9, Holsey Decl. ¶ 15, Hart Decl. ¶ 8.

PDP, by its own admission, has not been complying with the Court's Order of January 28, 2021 (ECF No. 63) establishing a three-hour minimum of daily out-of-cell time. *See* Exhibit B (chart summarizing Deputy Wardens' reports on out-of-cell time). Reports from plaintiff class members describing days with no out-of-cell time at all have increased. *See* Exhibit C (chart summarizing out-of-cell time reports received by Plaintiffs' counsel).

PDP's persistent failure to comply with this Court's orders and the resulting effects on incarcerated people are deeply concerning. Data provided to the Court demonstrate that the staffing crisis in PDP is caused not only by high rates of staff absenteeism, but also by the City's failure to have sufficient numbers of corrections officers to properly staff PDP facilities. To date, the PDP has not provided a realistic plan for closing the gap in terms of correctional staffing, notwithstanding that it has been on notice of the need for new correctional officers for over a year. In these circumstances, and as we have stated in support of Plaintiffs' Proposed Order, the plans submitted by the PDP are aspirational only, would be difficult to implement, and fall far short of addressing these long-standing staffing shortfalls.

Given the current population of approximately 4,650 people in the Philadelphia prisons, the PDP is unable to provide what this Court has ordered in terms of out-of-cell time, and is also unable to return to pre-pandemic operations or to provide basic services required for pre-trial persons under the Fourteenth Amendment. If the dire jail conditions persist, Plaintiffs will consider a motion for contempt for current violations of this Court's Orders, and a motion for further relief to ensure that people incarcerated in the PDP are provided with adequate services and care. Plaintiffs' counsel will be prepared to discuss these ongoing issues and the currently pending proposed court orders during the court conference scheduled for later today.

Respectfully submitted,

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/s/ Susan Lin

Susan Lin (PA 94184)

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Attorneys for Plaintiffs

DATE: September 2, 2021

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THOMAS REMICK, et al., <i>on behalf of</i>	:	
<i>themselves and all others similarly situated,</i>	:	No. 2:20-cv-01959-BMS
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Plaintiffs-Petitioners,	:	
	:	Judge Berle M. Schiller
v.	:	
	:	
CITY OF PHILADELPHIA; and BLANCHE	:	
CARNEY, in her official capacity as	:	
Commissioner of Prisons,	:	
	:	
Defendants-Respondents.	:	

CERTIFICATE OF SERVICE

I, Su Ming Yeh, hereby certify that a true and correct copy of Plaintiffs’ Status Report was served upon the following via email and ECF on September 2, 2021.

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Respectfully submitted,

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DATE: September 2, 2021