

# **Ten People Incarcerated in Philadelphia Jails Bring Class Action Lawsuit Over City's Failure to Address COVID-19 Spread**

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PHILADELPHIA - Ten people who are currently incarcerated in facilities in the Philadelphia Department of Prisons have filed a federal civil rights class action lawsuit against the city and the department over the conditions of the city's jails.

The lawsuit is on behalf of the plaintiffs and all people who are currently incarcerated and to be incarcerated in the future in the city's prisons and who are at heightened risk of serious illness or death from COVID-19 due to age, medical condition, or disability. They argue that the conditions of the jails increase the likelihood that they will contract the novel coronavirus and become severely sick from the disease COVID-19 in violation of their Eighth Amendment right to be free from cruel and unusual punishment, their Fourteenth Amendment right to due process, and the Americans with Disabilities Act.

As of Friday, April 17, 120 people who are incarcerated and at least 43 correctional officers in the jails have tested positive for the coronavirus, and one person who was incarcerated has died.

"The commonwealth has been under a public health emergency for more than a month now, and yet the city of Philadelphia has taken woefully inadequate steps to stop the spread in the jails," said Reggie Shuford, executive director of the American Civil Liberties Union of Pennsylvania, which is partnering with the Pennsylvania Institutional Law Project and the law firms of Kairys, Rudovsky, Messing, Feinberg & Lin LLP and Dechert LLP to represent the plaintiffs. "The virus is in the jails and, tragically, one person has already passed. The failure of jail administrators to act in this pandemic is both unhealthy and unlawful."

The ten people who have sued the city on behalf of all medically vulnerable incarcerated people in the Philadelphia county prisons are being held in the department's four main prisons. In their complaint, the plaintiffs describe similar conditions across all four jails, including limited access to soap, cleaning supplies, and hand sanitizer, housing arrangements that keep people within a few feet of each other, and failing to isolate and test individuals who exhibit symptoms of COVID-19.

Amanda Skinner's husband, Joseph Skinner, is one of the plaintiffs and is being held at the Curran-Fromhold Correctional Facility. Joseph Skinner is being held on \$20,000 bail over

pending charges. He suffers from severe asthma that requires him to use an inhaler at least four times a day and that has led to multiple hospitalizations, including as recently as 2015.

"He's scared. He really doesn't want to get this," Amanda Skinner said. "This would be a death sentence with his medical condition. The kids and I want him to come home where he will be safe."

The plaintiffs' attorneys worked with the Philadelphia Community Bail Fund and the Philadelphia Bail Fund to identify people in the jails to bring the lawsuit, including Joseph Skinner.

The plaintiffs report all being kept on lockdown for the last month, requiring people to spend nearly 24 hours a day in their cells, sometimes double-celled, or in the dorm-style rooms, preventing physical distancing, and sharing toilets and sinks that might only be cleaned once a day, if at all. The plaintiffs also state that they either are not being released from their cells or rooms for multiple days at a time, and, if they are, it is only for 15 to 20 minutes. During that time they must choose between showering and using the telephone, thus some are unable to shower for days. When they make telephone calls, they are within two feet of other people, and the phones are not cleaned after each use.

"The number of incarcerated people in Philadelphia who have tested positive for COVID-19 is skyrocketing due to the Philadelphia prisons' failure to follow CDC guidelines," said Su Ming Yeh, executive director of the Pennsylvania Institutional Law Project. "Everyone in prison deserves humane treatment, and taking preventative steps to halt the spread of COVID-19 protects the incarcerated, prison staff, and the general community."

"The Constitution requires the city and its employees to ensure that the people it incarcerates are held in safe conditions," said Jonathan Feinberg, a partner with Kairys, Rudovsky, Messing, Feinberg & Lin LLP. "Based on what our clients have reported, the city has failed to meet this responsibility, and that is why we are asking a federal court to intervene."

The plaintiffs are asking the federal district court to mandate the Department of Prisons to conform its operating practices with guidelines from the Centers for Disease Control and Prevention. If the department is unable to comply, the lawsuit asks the court to order the release of all people in the jails who are medically vulnerable.

The lawsuit, *Remick et al. v. City of Philadelphia*, has been filed in the United States District Court for the Eastern District of Pennsylvania. The plaintiffs are represented by Hayden Nelson-Major, Ali Szemanski, Nyssa Taylor, and Witold Walczak of the ACLU of Pennsylvania; Su Ming Yeh and Matthew Feldman of the Pennsylvania Institutional Law Project; David Rudovsky, Jonathan Feinberg, and Susan Lin of Kairys, Rudovsky, Messing, Feinberg & Lin LLP; and Will Sachse, Benjamin Barnett, Mary Kim, Nicolas Novy, and Theeya Musitief of Dechert LLP. A copy of the complaint is available at [aclupa.org/Remick](http://aclupa.org/Remick).