



## **Partial Agreement Reached in Class Action Lawsuit Requiring Soap, Cleaning Products, and Facemasks in Philadelphia Jails to Address COVID-19 Spread**

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PHILADELPHIA – A federal judge approved a consent order on a partial settlement agreement today in a class action civil rights lawsuit filed by the Pennsylvania Institutional Law Project, American Civil Liberties Union of Pennsylvania, and the law firms of Kairys, Rudovsky, Messing, Feinberg & Lin LLP and Dechert LLP on behalf of people currently incarcerated in the Philadelphia Department of Prisons. The lawsuit seeks the immediate implementation of health and safety protocols to protect incarcerated people from COVID-19 in the city’s prisons.

The consent order requires the Philadelphia Department of Prisons to increase access to hygiene products and implement procedures that have been scientifically demonstrated to reduce the spread of COVID-19. Namely, all incarcerated people will now be provided with free soap, clean towels, and the opportunity to shower daily. Additionally, the city committed to providing cleaning products and equipment, providing every incarcerated person with four facemasks, and requiring all staff who work in the prisons to wear facemasks.

“This is an important first step in providing all incarcerated people in the Philadelphia prisons with the basics necessary to combat the spread of the coronavirus,” stated Su Ming Yeh, executive director of the Pennsylvania Institutional Law Project. “We still remain highly concerned that the severe long-term lockdown conditions, where people spend over 23 hours a day in a space the size of a bathroom, are having detrimental effects on the people in prison, and we will continue to seek relief in court on the remaining issues.”

This agreement comes on the heels of the city of Philadelphia conducting universal COVID-19 testing, as expressly sought in this lawsuit, and is a necessary step in determining what

protective measures are required in the Philadelphia prisons, the plaintiffs' attorneys said. The Philadelphia prisons have also seen a recent increase in the numbers of people in their custody.

"While the testing shows relatively low rates of infection at several of the jails, the infection rate of over 23 percent at the Detention Center, with its dorm-style housing, is a matter of serious concern and we look forward to the city's plan for reducing the impact of COVID-19 at that facility," stated David Rudovsky, founding partner of Kairys, Rudovsky, Messing, Feinberg, & Lin.

The signed order sets the stage for the next phase of the litigation in which the plaintiffs' attorneys, with the support of expert witnesses, will monitor the actual conditions in the PDP facilities moving forward. According to the plaintiffs' counsel, critical issues still remain in the lawsuit, including social distancing protections, out-of-cell time, and access to attorneys. The city of Philadelphia is required to report to the court and plaintiffs on June 10, 2020, regarding its plans on these issues.

"The historic unequal and unfair treatment of Black people by the criminal legal system in Philadelphia has combined in this moment with a pandemic that has disproportionality impacted the Black community. Those realities have created a perfect storm in the jails that could do great harm to the city's Black residents, people living in poverty, and others impacted by this system," said Nyssa Taylor, criminal justice policy counsel for the ACLU of Pennsylvania.

The lawsuit, *Remick et al. v. City of Philadelphia*, 20 Civ. 1959, has been filed in the United States District Court for the Eastern District of Pennsylvania. The plaintiffs are represented by Su Ming Yeh and Matthew Feldman of the Pennsylvania Institutional Law Project; Nyssa Taylor, Witold Walczak, Hayden Nelson-Major, and Ali Szemanski of the ACLU of Pennsylvania; David Rudovsky, Jonathan Feinberg, and Susan Lin of Kairys, Rudovsky, Messing, Feinberg & Lin LLP; and Ben Barnett, Will Sachse, Mary Kim, Nicolas Novy, and Theeya Musitief of Dechert LLP. Defendants are represented by Craig Straw and Anne Taylor of the City of Philadelphia Law Department.

More information about the case, including a copy of the agreement, is available at [aclupa.org/Remick](https://aclupa.org/Remick).

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