

**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	:	
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 document on-going instances of noncompliance with the Court-ordered out-of-cell time requirements, and to highlight for the Court the adverse impact on the incarcerated population of the prolonged lack of visitation and basic programs and services at the Philadelphia Department of Prisons (PDP).

The Court issued an Order on May 4, 2021 (ECF No. 70), stating that Defendants City of Philadelphia and Commissioner Carney (together “the City”) were not in compliance the Court’s Order of January 28, 2021 (ECF No. 63), which mandated a minimum of three hours of daily out-of-cell time for people incarcerated in the PDP. Plaintiffs filed a motion for contempt and sanctions on May 14, 2021 for Defendants’ violations of this Court’s Order. (*See* ECF No. 71).

On June 23, 2021, the Court approved a settlement agreement between the parties, in which the City agreed to make a payment of \$125,000 to the two Philadelphia bail funds and Plaintiffs agreed to withdraw the motion for contempt. The settlement agreement also provided

that Defendants would make all reasonable efforts to increase out-of-cell time beyond what was ordered in prior Court Orders, and that by July 12, 2021, the parties would report whether or not a further agreement had been reached on increased out-of-cell time. Defendants were also ordered to provide a report on July 20, 2021 setting forth plans for a graduated return to full pre-pandemic operations.

The parties appeared before the Court on July 15, 2021 and July 22, 2021 to provide status updates. To date, no further agreement between the parties has been reached regarding out-of-cell time, and the parties will advise the Court of the status of current negotiations at the August 5, 2021 conference

The attached Exhibits show that there is a strong evidentiary corroboration between the reports from the Deputy Wardens and complaints from our clients as to the lack of compliance with current Orders regarding out-of-cell time on numerous housing units. *See* Exhibits A, B. These reports indicate a return to the conditions that led Plaintiffs to file a Motion for Contempt and Sanctions on May 14, 2021, including many days with less than three hours of out-of-cell time and some days without any out-of-cell time at all. *See* Exhibit C: Hare Decl. ¶¶ 4, 6 and Henderson Decl. ¶¶ 5, 7 (listing dates on which they received less than three hours or no time out of their cells).

Further, the prolonged absence of visits with family and friends, lack of access to programming, and, at times, delays in receiving medical care, now nearing 1 ½ years, has had a deleterious effect on incarcerated persons, their families, and their loved ones. *See, e.g.*, Exhibit C: Hare Decl. ¶¶ 12, 16 (describing a cancelled medical appointment for a chronic eye condition where he has daily pain, and not seeing his family for over a year and a half as his family does

not have the technological means to conduct video visits); Henderson Decl. ¶¶ 13-14 (describing the strain on his relationships due to the lack of visits and not seeing his three children).

Plaintiffs' counsel will be prepared to discuss these issues and the pending proposals for increasing out-of-cell time and a return to visits and programming 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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DATE: August 5, 2021