



## PENNSYLVANIA INSTITUTIONAL LAW PROJECT

Alexandra Morgan-Kurtz, Esq.  
100 Fifth Ave, Ste 900  
Pittsburgh, PA 15222  
412-434-6004

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Dear Members of the Jail Oversight Board and County Executive Fitzgerald:

As you are undoubtedly aware, Allegheny County Jail is in crisis. For years we have watched as the horrific conditions at ACJ endanger our community members. Suicide rates that were already the second highest in the nation are now even higher. As a result of the over-criminalization of people with mental illness, ACJ houses many hundreds of people with psychiatric disabilities, including anxiety, depression, PTSD, bipolar disorder, and schizophrenia. At the same time, approximately 40% of the healthcare positions at the Jail have been almost permanently vacant. The Jail is overwhelmed and under resourced. The lack of treatment and care provided at ACJ has had catastrophic outcomes, and given the astoundingly disproportionate rate of incarceration of Black people in Allegheny County, these tragedies are felt most by Black communities. Those who survive ACJ leave worse than when they entered, complicating re-integration into the community and heightening the likelihood of future interactions with the criminal legal system.

An extensive investigation of the conditions at ACJ, including hundreds of interviews of those currently and formerly incarcerated at ACJ as well as former employees, and review of medical records, have reinforced what we already knew, the system of mental health care at ACJ is appallingly and unconstitutionally inadequate. Every aspect of a comprehensive system for mental health care, from intake screening, to medication management, provision of counseling and therapy, suicide prevention, and training is either virtually non-existent or wholly deficient at ACJ. This alone violates the Fourteenth Amendment, the Americans with Disabilities Act, and the Rehabilitation Act.

But the crisis at ACJ doesn't end there. Alarming, when people at ACJ unsurprisingly decompensate without access to necessary care, the Jail routinely responds with brutal levels of force and the egregious over use of solitary confinement. People with psychiatric disabilities are tased, sprayed with OC, beaten, and placed in restraint chairs for several hours for minor infractions and for simply requesting mental health care. They are commonly placed in solitary confinement for weeks and months on end, often without having a hearing, in conditions universally acknowledged by correctional experts, courts and the United Nations as torture. Solitary confinement itself results in a common cluster of severe psychological symptoms that only exacerbate the pain of their existing mental health conditions, leading to further decompensation. And thus, the cycle of violence against individuals with psychiatric disabilities at ACJ continues.

Time and again people within ACJ and their family members have cried out for attention, seeking the most basic elements of mental health care including counseling, medication, and training. Those cries have gone unanswered. When employees have raised concerns, they have been shunned or pushed out. To protect the lives of our incarcerated community members, we have no recourse but to file a class action lawsuit on behalf of individuals with psychiatric

disabilities at ACJ. This lawsuit will be filed on Tuesday, September 15th and focuses on the systemic deficiencies at ACJ and the failures of leadership to take even the most basic steps to provide employees with the resources, training, and systems necessary to provide appropriate care to individuals with psychiatric disabilities.

While filing this lawsuit puts us on opposite sides in the courtroom with the County Administration, our fervent hope is that we can all work together moving forward. This Board, in addition to its statutory duty to “investigate allegations of inadequate prison conditions and improper practices,” is also comprised of many of the county-level institutions that would necessarily have a role in any systemic reforms that could take place. The need at ACJ is too great to be addressed by a single party, and solutions cannot be created overnight. Instead, we must work together collaboratively to find the best path forward that will minimize the incarceration of people with psychiatric disabilities while creating systems at ACJ that will ensure the needs of the people there are no longer ignored, forgotten, or unnecessarily punished. We see this moment as the beginning of a conversation, and look forward to meeting with you in the future to discuss these issues further.

Sincerely,

/s/ Alexandra Morgan-Kurtz  
Managing Attorney  
**Pennsylvania Institutional Law Project**

/s/ Bret Grote  
Legal Director  
/s/ Jaclyn Kurin  
Staff Attorney  
/s/ Swain Uber  
Of Counsel  
/s/ Quinn Cozzens  
Staff Attorney  
**Abolitionist Law Center**

/s/ Keith E. Whitson  
Managing Partner  
**SCHNADER HARRISON SEGAL &  
LEWIS LLP**