



Abolitionist Law Center
P.O. Box 8654
Pittsburgh, PA 15221
+1 412 654 9070
abolitionistlawcenter.org

November 24, 2020

John Bacharach, Esq.
Counsel for Defendants

RE: Graham v. Allegheny County

Dear Counsel,

We are writing in regard to recent reports of COVID-19 symptoms experienced by persons incarcerated in the Allegheny County Jail (ACJ). The reports are especially concerning given the disclosure that 10 ACJ staff members have tested positive for COVID-19 and another 50 have been quarantined as close contacts of staff members who have tested positive. *At Allegheny County Jail, 10 workers test positive for COVID-19, another 50 quarantined*, Pittsburgh Post-Gazette, Nov. 23, 2020, accessed at: <https://www.post-gazette.com/news/health/2020/11/23/Allegheny-County-Jail-10-workers-test-positive-COVID-19-another-50-quarantined-orlando-harper/stories/202011230108>.

We have received reports that since Friday, November 20, 2020, multiple women incarcerated on 4F and 4E have submitted sick call slips and asked correctional staff to contact medical staff because they have been experiencing COVID-19 symptoms. There has been no response by ACJ despite the fact that at least one of the guards who tested positive was in direct physical contact with women on 4F on the same day she was placed in quarantine.

Because you have asked us to provide identifying information so that you can conduct your own investigation into concerns relayed to us, we are providing details for the following individuals:

- [REDACTED] – On 4F, reports vomiting a couple of days ago, and currently has a scratchy throat. Gastrointestinal issues, including nausea, are established symptoms of COVID-19.
- [REDACTED] – She reportedly has diarrhea, a possible symptom of COVID-19. She was in a fist fight with [REDACTED] that was broken up by C/O [REDACTED] the same day C/O [REDACTED] was placed on quarantine. Everyone's masks were down during the fight.
- [REDACTED] – Also has diarrhea, a possible COVID-19 symptom. Was involved in the fight with [REDACTED] that was broken up by C/O [REDACTED].
- [REDACTED] – Also on 4F, has had headaches and a scratchy throat.
- [REDACTED] – Also reportedly has symptoms.

We have also been informed that correctional officer [REDACTED] tested positive for COVID-19. [REDACTED] works on pod 4F. Officer [REDACTED] was believed to be infected at a community event at which other staff were present. After these events, C/O [REDACTED] worked at ACJ for two days, during which time [REDACTED] had repeated contacts with ACJ



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staff and incarcerated people, until [REDACTED] was placed on quarantine on Nov. 20, 2020. Prior to being placed on quarantine, Officer [REDACTED] broke up a fight between two women on 4F. We have been told that those two women and their cellmates have been exhibiting symptoms of the virus. Additionally, it has been reported that incarcerated workers who distribute meal trays and hygiene products to the people who reside on the housing pod are exhibiting symptoms of the virus.

We are further troubled that ACJ has apparently not conducted any contact tracing of Officer's [REDACTED]'s interactions with the women incarcerated on level 4, as none of the incarcerated women have been consulted, advised, or tested by medical staff.

The jail's Emergency Preparedness Plan, which must be followed pursuant to the Consent Order in this matter, provides that testing is recommended in situations that "include, *but are not limited to*, a new onset of symptoms (99.0 degrees Fahrenheit or above, respiratory symptoms, shortness of breath, sore throat, loss of taste/smell)." Emergency Preparedness Plan, p. 10 (emphasis added). The Centers for Disease Control (CDC) recognizes headache, diarrhea, nausea, and sore throat – symptoms reportedly experienced by the women named in this letter – as symptoms of COVID-19. See "Symptoms of Coronavirus," CDC, May 13, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

Additionally, it is critical to note that the availability of testing and the recommendations for correctional facilities have evolved since the consent order was issued in this case. The Emergency Preparedness Plan also notes that "As treatment, testing, or vaccinations become available, a coordinated plan will be developed and executed to reduce further spread of illness." Emergency Preparedness Plan, p. 4. As noted in the Philadelphia Inquirer, experts at the John Hopkins Center for Health Security's National Commission on COVID-19 and Criminal Justice have urged "widespread and continuous" testing of incarcerated people and staff. Samantha Melamed, *Pennsylvania prisons face a deadly 'full-blown resurgence' of COVID-19*, The Philadelphia Inquirer (Nov. 12, 2020), <https://www.inquirer.com/news/pennsylvania/pennsylvania-prison-outbreak-coronavirus-pandemic-cases-20201112.html>, citing COVID-19 and the US Criminal Justice System: Evidence for Public Health Measures to Reduce Risk, October 20, National Commission on COVID-19 and Criminal Justice, accessed at: https://www.centerforhealthsecurity.org/our-work/pubs_archive/pubs-pdfs/2020/20201015-covid-19-criminal-justice-system.pdf. This recommendation was echoed by the CDC in August 2020 when it recommended mass testing in correctional facilities based on extant research showing such testing to be a critical measure for protecting public health, limiting transmission of the virus, and mitigating risk.

We are requesting that the jail test the above-named individuals pursuant to the consent order in this case. Given the extraordinary rates of COVID-19 in the community at the moment, prudence and reason also dictate testing everybody on 4F, as well as all other pods where staff who tested positive interacted directly with incarcerated people. We also want to emphasize that decisions regarding whether to test an individual for COVID-19 are medical decisions and must be made



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by a trained medical professional. Testing decisions, including decisions not to test, must be documented, and include notes on interviews with incarcerated people and their reported symptoms.

Additionally, we are requesting that contact tracing be performed in regard to all incarcerated people who have been in proximity to staff who have tested positive or are on quarantine.

Please respond within 24 hours regarding these requests. We are in the midst of the worst public health crisis of our lifetimes, and time is of the essence.

Respectfully submitted,

/s/ Sara J. Rose

Sara J. Rose, Esq.
PA ID No.: 204936

/s/ Witold J. Walczak

Witold J. Walczak, Esq.
PA ID No.: 62976

**American Civil Liberties Union of
Pennsylvania**

PO Box 23058
Pittsburgh, PA 15222
T: (412) 681-7864 (tel.)
F: (412) 681-8707
srose@aclupa.org
vwalczak@aclupa.org

/s/ Alexandra Morgan-Kurtz

Alexandra Morgan-Kurtz, Esq.
PA ID No. 312631

Pennsylvania Institutional Law Project

100 Fifth Ave, Ste. 900
Pittsburgh, Pa 15222
T: (412) 434-6175
amorgan-kurtz@pailp.org

/s/ Bret Grote

Bret D. Grote, Esq.
PA ID No. 317273

/s/ Jaclyn Kurin

Jaclyn Kurin, Esq.
D.C. Bar ID No. 1600719

/s/ Swain Uber

Swain Uber, Esq.
Of Counsel
PA I.D. No. 323477
Abolitionist Law Center
P.O. Box 8654
Pittsburgh, PA 15221
T: (412) 654-9070
bretgrote@abolitionistlawcenter.org
qcozzens@alcenter.org

Attorneys for Petitioners/Plaintiffs



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Pittsburgh, PA 15221
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