

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DION HORTON, et. al.;

Plaintiffs,

v.

Case No. 22-cv-1391

JILL RANGOS, ADMINISTRATIVE
JUDGE, et. al.

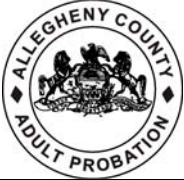
Defendants.

LIST OF EXHIBITS

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EXHIBIT 1



THE FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA ALLEGHENY COUNTY ADULT PROBATION POLICY BULLETIN

APPROVED BY: Administrative Judge Jill E. Rangos
Adult Probation Director Frank J. Scherer

EFFECTIVE DATE
November 20, 2019

TITLE:

DETAINER POLICY

POLICY:

Allegheny County Adult Probation is committed to consistent practices for lodging detainers against probation offenders and conducting ongoing casework with offenders once they have been detained.

PROCEDURE:

Probation officers will use the criteria outlined below to determine if an offender will be lodged in the jail on a detainer.

- The offender shall be detained if he or she has a zero tolerance or mandatory detention court condition that has been violated, or the offender has a new charge that represents a serious threat to public safety.
- If the offender has neither, all efforts to safely maintain the offender in the community must have been exhausted before the offender is detained for these “lower-level” technical violations and arrests for non-violent offenses. These efforts include, but are not limited to, referrals to CRC or community services, inpatient or outpatient treatment services, or a revised supervision plan. The probation officer should also consider the strengths of the offender, including employment, caregiving activities, or treatment involvement, and the impact that detention will have on these positive factors.
 - When the primary concern is substance abuse that poses an imminent danger to the offender, the probation officer should encourage the use of voluntary treatment options through Renewal, The Program Center, Cove Forge, Pyramid, etc.
 - When the primary concern is a perceived mental health crisis, the probation officer should utilize community resources such as Resolve and the Mercy CRC, except when there are officer, offender, or public safety concerns
- If the offender cannot be maintained in the community, the probation officer will consider if release can be recommended at the Gagnon 1 hearing.
 - Electronic monitoring may be recommended if appropriate. Officers must obtain pertinent information as outlined in the EM pre-screening tool prior to recommending EM.

In the event that the offender must be detained, probation officers will follow the procedures outlined below.

- A notice of the detainer is to be sent to the supervising judge within 24 hours of detention via inter-office mail. A notice should also be sent to the offender, the envelope must include his/her DOC number. A copy of the detainer is also to be mailed to the Department of Court Records for scanning.
- Upon detention, the probation officer will obtain pertinent information to formulate release planning where appropriate (addresses, Court ordered conditions, program referrals, officer expectations, detention alternatives (ie. Electronic monitoring), employment verification, treatment needs, etc). Program referrals should be discussed and made at this stage to include referrals to specialty Courts.
- Examples of accomplishing this task could be:
 - Collateral/family contacts
 - Email or contact with ACJ caseworkers/program managers
 - Field visits to the Allegheny County Jail and Alternative Housing
 - Videoconference interviews with offenders set up via Allegheny County Jail procedure
 - This information and proposed plan should be outlined with all parties at the Gagnon 1 hearing.
- Follow up on the proposed plan and detention status should occur monthly thereafter with the offender, caseworker, program manager, family, etc., to review the offender's status when appropriate. Officers should use the options outline above for offender contacts and updates.
- The probation officer will review his or her detainer list every two weeks and include a follow up note about any pending release options or referrals. The note should also include detailed progress (or lack thereof).
 - Supervisory case reviews should include identification of possible detainer lifts that incorporate and reinforce criteria set forth in this policy.
- If an offender was brought to jail on a warrant for a missed Gagnon 1 hearing or with non-violent charges, a Gagnon 1 hearing should be held and the offender should be released back into the community with appropriate case planning as established upon detention.
- If an offender was brought to jail on a warrant for a missed Gagnon 2 hearing, attempts should be made upon detention to assess his or her status and potential for release if a viable address is available and rescheduling of the hearing date.
- If charges are disposed without conviction or reduced to an offense that would not have led to detention, the probation officer will request to lift the detainer. The detainer lift request will include a release plan that was formulated by the probation officer. Technical violations, if cited, may be address at a Gagnon 2 hearing from the community if necessary. Supervisory approval is necessary if the probation officer believes that the offender must remain detained.
- If the offender is convicted of lesser charges at their trial/plea, their detainer may be lifted pending a convicted violation hearing before the Court. The detainer lift request will include a release plan that was formulated by the probation officer. Supervisory approval is necessary if the probation officer believes that the offender must remain detained.

- If the offender completes a program through alternative housing or has a JRS plan completed, the probation officer may request to lift the detainer. Supervisory approval is necessary if the probation officer believes that the offender must remain detained.
 - Officers will request lifts for recommendations made by the hearing officer at Gagnon 1 hearings when the release requirements are in place or completed.
- If the offender is in an alternative housing program that does not have a specific completion date, the probation officer may assess progress made and request a detainer lift, as appropriate, when goals, such as obtaining and maintaining employment, have been completed. This also applies to offenders completing programming in the Allegheny County Jail.
- If the probation officer wants to request a detainer lift, but an offender has a hold with another county, the probation officer should contact the other county or counties to see if release can be coordinated (ex. Diversion) when appropriate.
- ❖ Case by case exceptions may be made with consideration for public safety concerns that would not warrant release in the above captioned policies.
- ❖ Detention location should be updated in the detainer note/screen in a timely manner.

PROCEDURE:

Procedure for lifting detainees.

- All detainer lifts will be processed via email by the Court Liaison Unit. Emails should be sent to all CLU officers, the immediate supervisor, CLU supervisor, and John Mannion.
- When sending the request, officers will include the following information:
 - Offender's name
 - Allegheny County Jail DOC number (if offender is in another county or state facility, please include the facility name, proper identifying information, and fax number)
 - Case number(s) and corresponding OTN(s)
 - Supervising Judge
 - Reason for detainer lift and pertinent information explaining the request
- Requests must be sent to the Court Liaison Unit by 3pm for same day processing
 - CLU will process requests within the same business day except when received after 3pm
 - CLU will respond to all parties included in the email request to serve as notification that the lift has been processed.
 - If a detainer is not lifted within 48 hours of request, the officer should email the request to all parties to follow up.
 - If the detainer is still not lifted, the immediate supervisor will contact the CLU supervisor to investigate the matter.

WORK PROCESS FOR INMATE CONTACTS BY PROBATION OFFICERS

In Person Visits to ACJ

Face to face interviews with ACJ inmates may be conducted by Allegheny County probation and parole officers during their detention

- Officers should use the main entrance on Second Avenue for entry to the jail.
- Officers should bring as few items as possible and bring a quarter for necessary items to be stored in a locker in the foyer. Jackets, outerwear, and sweatshirts must be stowed in a locker, along with wallets, purses, and keys. Officers will be required to walk through the metal detector and have their items viewed through the x-ray machine.
- A notepad, pen, and pertinent paperwork for the interview are permitted. Paperclips are prohibited
- Officers should use their Allegheny County identification for presentation at the visitor desk along with the inmate's full name and DOC number.

Prohibited Items:

- Chewing gum
- Technological devices, including cellular phones and smart watches
- Weapons

Dress Code Provisions:

- No open toed shoes
- No sleeveless or off the shoulder tops
- No formfitting or sheer clothing
- No solid red or orange attire
- No scarves
- No denim
- No horizontal stripes
- No floor length skirts or dresses

Scheduling a Visit

- When possible, officers should schedule visits ahead of time, even a few hours is helpful, but not necessary. Emails requesting visits should be sent to Deputy Warden Beasom at Jason.Beasom@alleghenycounty.us and Deputy Warden Zetwo at David.Zetwo@alleghenycounty.us

*Any issues encountered regarding jail visits should be proceeded through the chain of command. Director Scherer or Deputy Pelton will contact jail administration to resolve any issues.

Videoconference Interviews with ACJ Inmates

Videoconferences with ACJ inmates are available to all Allegheny County probation and parole officers to conduct interviews with their offenders during their detention.

- Video interviews will be scheduled between the hours of 8:15 am and 10:45 am and 12:30 pm and 2:45 pm.
 - No interviews will be scheduled during count time, 10:45am – 12:30pm
- All video interview requests should be sent via email to the following ACJ staff at least 24 hours in advance of the desired videoconference date:

Joseph.Scassera@alleghenycounty.us
William.Mistick@alleghenycounty.us
Franklin.Seymour@alleghenycounty.us
David.Weber@alleghenycounty.us
Thomas.Boozel@alleghenycounty.us
Matthew.Olean@alleghenycounty.us

- All video requests shall include:
 - Inmate(s) name
 - Inmate(s) DOC number
 - Inmate (s) date of birth
 - Approximate time required for the interview
 - Date and time requested for interview
 - Video conference location

ACJ Caseworker Correspondence With Inmates

Allegheny County Probation and Parole officers may contact Allegheny County Jail caseworkers to obtain basic information to assist with an offender's case management during detention.

- Information requested from caseworkers should be limited to basic inmate information pertinent to release planning and case planning
 - Release address
 - Collateral contact information (ie. name, relationship, phone number)
 - Jail based program enrollment/completion
 - Officers may ask the caseworker to schedule the inmate for a free phone call via the “blue phones” to obtain and relay information.
- The preferred way of contact for caseworkers is email
 - Refer to caseworker contact list and use the format of firstname.lastname@alleghenycounty.us
 - Morning is the best time to contact the caseworkers
 - Please allow 48 hours for a response from the caseworker before a follow-up email is sent

Any issues experienced with caseworker communication should be sent to Cindy McSwiggen, caseworker supervisor at Cynthia.mcswiggen@alleghenycounty.us

EXHIBIT 2

FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
COUNTY OF ALLEGHENY



ADMINISTRATIVE OFFICE
(412) 350-5410

FOR IMMEDIATE RELEASE
Date

Contact: Name
Title
Phone
Cell Phone
Email

Partners Provide Update on Allegheny County Jail Population Summary

PITTSBURGH – Beginning on March 16, 2020, the Criminal Court, including judges, the Public Defender’s Office, the District Attorney’s Office, the Allegheny County Jail, Court Administration, Pretrial Services and Adult Probation began working collaboratively to release inmates, as appropriate, from the Allegheny County Jail.

The status of the jail population as of 4:30PM on July 6, 2022 was as follows:

- 1,456 people were in the Allegheny County Jail and 105 people were in alternative housing facilities, excluding any people with holds by the federal government. Note that people can be held in the jail for multiple reasons such as probation and parole detainers, other county holds, or sentences.
- 6% (86) of people in the jail itself are serving a county sentence as the result of a new conviction.
- 23% (331) of people in the jail itself had a hold from an external jurisdiction including other counties or the state.
- 42% (616) of people in the jail itself were detained by Allegheny County Adult Probation. These individuals were detained for violating probation on a crime for which they had previously been convicted. Of those, 89% (547) were of moderate or high risk to re-offend based on their probation proxy risk score. The remainder were being held for a variety of reasons, including violent felonies, awaiting mental health commitments or service plans, and other reasons related to their own safety or the safety of the community.
- 25% (360) of people in the jail itself were held pretrial only, meaning they had no other reason (such as external holds or detainer) keeping them in the jail. Of these people, 1% screened as low risk for re-offense based on the Allegheny County locally validated pretrial risk assessment (without consideration of the seriousness of the current offense).
- 85 individuals (approximately 6% of the jail population) are currently being held in the Allegheny County Jail pretrial-only on monetary bonds. Of these individuals, only 9 screened as low risk for new criminal activity, and all of these individuals were facing violent charges.
- All pretrial monetary bond cases are reviewed for possible bail modification.

FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
COUNTY OF ALLEGHENY



ADMINISTRATIVE OFFICE
(412) 350-5410

The Allegheny County Jail population (excluding federal holds, but including alternative housing) on March 16, 2020 was 2,075, including 1,859 inmates in the jail itself, and 216 people in alternative housing facilities. As of July 6, 2022, the inmate population in the jail itself was 1,456, a 22% decrease and the alternative housing population was 105, a 51% decrease. The detainer population in the jail itself on March 16, 2020 was 889 and on July 6, 2022 was 616, a 31% decrease.

Releasing inmates from the jail, many of whom have multiple holds, is a process that involves multiple system checks and a careful review of public and victim safety. All parties are working tirelessly with multiple system partners to release inmates with the safety of the public in mind.

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EXHIBIT 3

Declaration of Dr. Autumn Redcross

I, Autumn Redcross, declare as follows:

1. I have a PhD in Philosophy of Communication and Rhetoric from Duquesne University. I am the Abolitionist Law Center's (ALC) Movement Building Director and the Founder and Director of ALC Courtwatch.
2. ALC hired me to start the courtwatch program in January 2020. ALC Courtwatch was designed to hold the courts accountable for the treatment of people confronted by the criminal punishment system in Allegheny County. Volunteers from the community learn to observe and document various hearing types. The courtwatch program attempts to answer the questions to reveal how and why courts administer punishment and what can be done to make justice true.
3. Before we were able to gain grounding and formally begin the program with an inaugural training, the courts closed due to the Covid-19 Pandemic in March, 2020. Many court proceedings were suspended or closed to the public.
4. We gained telephonic access to preliminary arraignments (initial bail-setting proceedings) in October 2020 and video access to most other hearings in January of 2021. Remote access to Gagnon I hearings started in March of 2021 and continued on Microsoft Teams until March of 2022. Over the last year or so, the Allegheny County court system has stopped allowing members of the public to access court proceedings remotely; Gagnon I proceedings were the last hearing type to stop being remotely accessible. Since March of 2022, our volunteers must appear in person at court in order to observe any proceedings.
5. Volunteers are scheduled and trained to observe court, take notes, and record their observations in an online Google Form. Our program developed a special training for observing Gagnon I proceedings because they are so different from other proceedings. Gagnon Is are preliminary detention administrative revocation hearings, where a hearing officer is supposed to determine whether there is probable cause to establish if a violation of probation has occurred, and, if so, whether probationer must remain in jail or can be released.
6. We depend on courtwatch volunteers to sit in and take note of the activity and interactions in these proceedings. A few dozen volunteer court watchers have observed 2,501 Gagnon I hearings between January 10, 2021, and September 16, 2022. Our volunteers observed as many as 42 Gagnon I hearings in a day. Volunteer court watchers

use a form to document the date and time of the Gagnon I, which hearing officer presided, what the ruling was, whether the probationer was represented by counsel or not, by whom, whether the pertinent rules were adhered to, whether the probationer was heard in his/her defense, etc. See Appendix I for the full list of tracked information.

7. On the backend, another team then reviews the findings to look for trends and evaluate the criminal punishment system so that we can inform change that moves our community towards transformative justice and decarceration.
8. I have personally observed Gagnon I proceedings and reviewed courtwatch notes. Based on that, I make the following observations:
9. Gagnon I hearings are very brief. Of 2,259 hearings where our courtwatchers noted duration, 427 (19% were under 2 minutes; 782 (25%) were between 2 and 5 minutes; and 805 (36%) were marked as somewhere over 5 minutes. Only one hearing was noted as 10 minutes; two hearings each were 15 and 20 (all >1%).
10. There are two types of Gagnon I proceedings: community (or street) hearings, for people who were not arrested for the alleged violation of probation, and jail hearings, for people in custody at the Allegheny County Jail who were arrested for the alleged violation and have a probation detainer lodged against them.
11. Our volunteer court watchers recorded the hearing type in 2,281 cases, of which 1,387 (61%) were jail hearings, and 894 (39%) were street hearings.
12. Community hearings were shorter on average than jail hearings, with none recorded as 10 minutes or over and 90% taking less than 5 minutes. Still, 42% of jail hearings were recorded as lasting less than 5 minutes and less than 1% were noted as being 10 minutes or longer.

Duration	Jail Hearing	Jail %	Street Hearing	Street %
5+ Minutes	629	57%	78	10%
2-5 Minutes	305	28%	448	57%
Under 2 Minutes	156	14%	258	33%
15 Minutes	2	<1%	0	0
20 Minutes	2	<1%	0	0
10 minutes	1	<1%	0	0

13. A hearing officer, not a judge, presides over the Gagnon I.
14. The hearings begin with the naming of a defendant. The defendant enters the room (in jail) or is “unmuted” in community hearings and then listens as the probation officer or social worker assigned to their case reads the description of the violation. If there is no probation worker, the hearing officer will read the violation description.
15. The defendants have an attorney in the room. A public defender is assigned to most cases and is there to represent the defendant(s). However, they generally do not seem to accomplish much by way of persuading the hearing officer. Rarely private attorneys are in attendance representing specific people.
16. Neither the probation officer nor the defense attorney present any evidence or call any witnesses during the Gagnon I hearings.
17. Most often the hearing officer resolves to move to a Gagnon II hearing pending the disposition of criminal charges or a final revocation determination of serious technical probation violations. Community Gagnon Is are usually resolved with a promise of the defendant to adhere to the terms and conditions of their probation (pay fines, report to their PO, log their new address or work, etc.).
18. Hearing officers rarely release defendants from detention. Our court watchers noted only 255 releases out of the 1,269 jail hearings where outcome was noted (a release rate of ~20%). Four hearing officers were responsible for 1,252 of the jail hearings; their release rates are listed below.

Hearing Officer's Name	Released?	HO Total	N	HO % Released
Charlene Christmas	N	418	348	0.8325359
Charlene Christmas	Y	418	70	0.1674641
Stephen Esswein	N	372	266	0.7150538
Stephen Esswein	Y	372	106	0.2849462
Robert O'Brien	N	294	249	0.8469388
Robert O'Brien	Y	294	45	0.1530612
Renawn Harris	N	168	141	0.8392857
Renawn Harris	Y	168	27	0.1607143

19. Our court watchers made entries into the “outcome” column for 1,299 hearings, in which 255 (20%) of detainees were released and 1,044 (80%) remained incarcerated. These statistics likely overstate the proportion of individuals who were released.
20. Consistently, hearing officers decline to make an independent determination in cases presided over by Judge Anthony Mariani and Judge Kelly Bigley. “Judge Bigley or Judge Mariani likes to make their own decisions” became a very familiar statement of the hearing officers when I was present in the room.
21. As reflected in the Google Form with court watchers’ notes, court watchers have observed hearing officers make statements along similar lines:
 - “It’s Judge Mariani, I have no discretion in this case”;
 - “I don’t have the liberty to lift Mariani’s detainers and that’s that”;
 - “There’s nothing we can do here, even if all three of us [hearing officer, public defender, and probation officer] want you out, Mariani won’t let it happen”;
 - “This is Judge Bigley. I’m not allowed to lift the detainer”;
 - “This is Judge Bigley--I’m not allowed to release you.”
22. Court watchers have also noted where public defenders echo a similar sentiment, such as:
 - “[Judge Bigley] likes to see everyone who violates”;
 - “Judge Mariani likes to make his own decisions”;
 - “There is very little we can do because you have Judge Mariani and a zero tolerance condition”;
 - “Judge Mariani does not give much leeway for hearing officers”;
 - “The difficulty is the sentencing judge is Mariani and I'm not sure how much leeway the hearing officer has until the judge sees you”;
 - “Judge Mariani wants everyone detained before he sees them for Gag II's”;
 - “The big problem is you have Judge Mariani on both of these cases, and he prefers to have people detained... We're dealing with a judge who doesn't want to let you out.”
23. I’ve also noted that when people are accused of violating their probation by being charged with a new offense, hearing officers refuse to lift their detainer based on the charge alone. This includes charges like aggravated assault, aggravated battery, or weapons offenses.
24. Court watchers noted both the outcome and whether the probation violation alleged was direct, technical, or both in 1,121 jail hearings. Individuals accused of only technical violations were released at a higher rate (30%) than those charged with new criminal offenses (11%) or both (17%). Still, even people with only technical violations of probation were ordered to remain detained 70% of the time.

Probation Violation Type	Released?	N	% within Type Category
Direct Violations (New Criminal Charges)	No	201	89%
Direct Violations (New Criminal Charges)	Yes	26	11%
Technical Violations	No	246	70%
Technical Violations	Yes	108	30%
Both	No	449	83%
Both	Yes	91	17%

25. I keenly remember the defendant, Jerome Maynor. I witnessed him showing signs of active withdrawal as he spoke before the Hearing Officer in his Gagnon I. He held his arms across his chest seemingly scratching or rubbing either side himself and he rocked back and forward as he spoke. Mr. Maynor was afraid for his life due to lack of resources and support. He was in his 70's and had a family anticipating his return home. Despite having been in active recovery with medication-assisted treatment for nearly 2 years, Mr. Maynor was detained pending his Gagnon II hearing and suffered the impact and symptoms of opioid use disorder without the benefit of Methadone. Despite the ACJ not having the resources to support Mr. Maynor's safe recovery on the prescribed medication on which he was dependent, he was detained pending the outcome of his Gagnon II. Even under circumstances as egregious as these, there was no room for alternative solutions.

26. It is concerning that people confined or under criminal justice supervision, both nationally and in Allegheny County, are disproportionately people of color. 178,000 people in Pennsylvania are on probation. While only 13% of Allegheny County's population is Black, 43% of people supervised by Allegheny County Probation are Black,¹ and nearly half of the people incarcerated at the Allegheny County Jail are Black². Moreover, one third or more of the jail population has a probation detainer lodged against them.³

¹ Allegheny County Adult Probation and Parole Annual Report 2019

² Ibid.

³ *Population of the Allegheny County Jail: Interactive Dashboard*, ALLEGHENY CTY. DEPT HUMAN SERV., <https://www.alleghenycountyanalytics.us/index.php/2021/03/04/allegheny-county-jail-population-management-dashboards-2/> (last accessed May 12, 2022).

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

Autumn Redcross
/s Dr. Autumn Redcross

10/01/2022
Date

Appendix I: Information Tracked by court watchers

1. Judge Overseeing Probation
2. Timestamp
3. Court Watcher Name
4. Date of Hearing
5. Defendant Name (Last Name, First Name)
6. Are they detained at Allegheny County Jail?
7. What type of probation violation hearing?
8. Are these jail hearings or street hearings?
9. Hearing Officer's Name
10. Probation Officer's Name
11. Defense Attorney/Public Defender Name
12. "Lead Offense"/Underlying Charge
13. What types of violations is this person accused of?
14. Alleged Direct Violations (New Charges), if any
15. Alleged Technical Violations
16. Are all violations alleged financial ones?
17. Totals owed in fines, fees, costs, restitution
18. Other financial issues?
19. Recommendations and Comments Made by Probation Officer
20. Comments Made by Defendant
21. Comments Made by Hearing Officer
22. Issues raised by Defendant/Defense
23. Outcome/Recommendations Made by Hearing Officer
24. Additional Information About Outcome
25. Additional Observations/Notes
26. Duration of the Case
27. Docket Number
28. Summary of Violations

EXHIBIT 4

DECLARATION OF EMMA FENSTERMAKER

I, Emma Fenstermaker, declare as follows:

1. I currently live in Bayfield, Colorado. When I lived in Pittsburgh, I was a volunteer court watcher for the Abolitionist Law Center's (ALC) Court Watch program from spring 2021 until about March 2022, when I was able to watch court remotely. ALC Court Watch is a community of volunteers who observe and document proceedings in Allegheny County, Pennsylvania, to ensure transparency and hold actors responsible for injustice in the court system.

2. As a court watcher, I observed a variety of proceedings, including regular criminal court dockets and *Gagnon I* proceedings for people both in and out of custody. I took notes using ALC Court Watch's Google form.

3. I began observing *Gagnon I* proceedings in September 2021. I continued to do so until the end of March 2022, after which the court system cut off remote access to the proceedings. I did so pretty regularly, most Tuesdays and Thursdays. During this time, I observed about 120 *Gagnon I* proceedings for people incarcerated at the Allegheny County Jail, which took place on Thursdays. This declaration focuses on these proceedings.

4. The *Gagnon Is* happened over Microsoft Teams. Every individual appeared on a different screen. There was a hearing officer, a probation officer for each defendant, a public defender, and the defendant (who was at the jail). As far as I could tell, the defendants and public defender were not in the same place.

5. I remember observing *Gagnon Is* presided over by Charlene Christmas, Robert O'Brien, Renawn Harris, and Stephen Esswein.

6. All *Gagnon Is* proceeded in basically the same manner. The hearing officer would tell the defendant that they were there because they were accused of violating their probation and

that the hearing officer would be making a decision about their detainer. Their probation officer would then read the charges against them. Sometimes the public defender would make an argument about why the person should not be detained, and then the hearing officer would give the detained person a chance to speak.

7. The hearings were really brief—I felt like people were just being shuffled through them. Most lasted no more than a few minutes.

8. The probation officer would explain why the person was accused of violating their probation, but other than that, there were no witnesses at the hearings. No one introduced any documents into evidence, either.

9. The proceedings tended to be pretty emotional. Individuals would break down or get really upset when they found out that their detainer was not going to be lifted and that they'd have to stay in jail. They would plead with the hearing officer about why they needed to get out of jail—poor medical or mental health care, not getting the treatment they needed, awful COVID conditions, needing to keep working to support their children, a sick family member, or missing the birth of a family member. They'd also get frustrated because they didn't know how long they would be in jail.

10. In response, hearing officers tended to be very patronizing and not at all sympathetic. Rarely if ever did the personal hardships individuals shared with the hearing officer affect the hearing officer's decision about whether to lift the detainer. They would not change their minds. Instead, they'd frequently lose their tempers or act impatient when people were trying to explain why they needed to get out of jail. In one case where the detained individual was unhoused, the hearing officer said, "The only way this could have been fixed is if you had a job and could have stayed in a hotel for three months to complete electronic monitoring." Other comments

included, “Your second chance is going to come, just not today”; “You like it in the county jail?”; and “I don’t see a reason for alternative housing. We try to save those spots for people who do need treatment or have jobs. It takes away spots from other people.”

11. Frequently, the hearing officers would cut off the defendant or the public defender when they were speaking, saying things like, “That’s enough. We’re moving on.”

12. Some of the detained individuals were in jail only because of technical violations of probation. This included unpaid restitution. Other times, it felt like cascading factors led to people’s arrests. They’d lose access to a working cell phone or lose their house or their job, which would lead them to lose contact with their probation officer, leading to a violation of probation.

13. In only 23 of the *Gagnon* I’s that I observed (less than 20%) did the hearing officer recommend that the detainer be lifted.

14. In most cases, the hearing officer refused to lift the detainer. Frequently, they would say that their hands were tied because the individual’s judge wanted to see them. I remember them mentioning Judge Mariani and Judge Bigley in particular. In at least 16 cases, I remember the hearing officers saying they could not lift the detainer because of these judges, saying things like: “It’s [Judge Bigley’s] decision, not mine”; “[Judge Bigley] is my boss, I’m not hers”; “[Judge Mariani] doesn’t give me permission to lift his detainers”; and “The problem is it’s a Mariani case and we can’t do anything about it.”

15. For people accused of violating their probation because they got new charges, I noticed hearing officers would refuse to release people for some specific charges. This included things like terroristic threats, assault, or weapons charges. Their decision seemed to be based on the fact that the person had picked up that charge—they didn’t consider the specific facts related to the alleged crime. I recall seeing this happen at least 10 times, saying things like, “Given your

charges, there are no options for you”; “If the charges are dropped, the detainer will probably be lifted. It’s not because anyone is asking for it, it’s the right thing to do based on your charges. . . . You have to pay the piper and go to your [preliminary] hearing and see what happens.”

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

Emma Fenstermaker

/s Emma Fenstermaker

9/29/22

Date

EXHIBIT 5

DECLARATION OF JOY SNYDER

I, Joy Snyder, declare as follows:

1. I live in the Lawrenceville neighborhood of Pittsburgh, PA.
2. I became involved with Court Watch because of my curiosity about the judicial system, specifically how the proceedings work, and how the system treats incarcerated individuals. I began my involvement in July of 2021. I have observed 129 Gagnon I hearings since then. I observed hearings led by Renawn Harris, Rob O'Brien, and Stephen Esswein.
3. Gagnon I hearings usually begin with a jailed person appearing on Zoom from the jail. Then the hearing officer asks the person his name. The probation officer and the public defender are already waiting, sometimes visible and sometimes blacked out in their individual segment of the screen. The hearing officer explains to the defendant that this is his Gagnon I hearing for probation violation. Upon deciding on the issues in this hearing, the hearing officer will make a recommendation for the next step which will be a Gagnon II hearing. But in the case of new charges, I've observed that Gagnon II hearings will not be available until the disposition of current charges.
4. During Gagnon I hearings, the probation officer presents her report with notes on violations and any current charges. The public defender very rarely says anything, although I have heard him ask a defendant with drug or mental health problems if he is or would consider a diversion program. But frequently the public defender does not speak throughout the individual's hearings.
5. I get the impression that the three individuals--the hearing officer, probation officer, and public defender--see the Gagnon I hearing as a required exercise and do not involve themselves very often with the needs of the defendants. The probation officer will often recommend detention

until resolution of current charges. The Hearing Officer sometimes recommends diversion or JRS programming but tells the defendant that the judge must agree to those conditions. Each hearing lasts about five minutes.

6. That whole process has got to be tremendously frustrating, as it essentially does not do anything for the defendant's current condition. The defendant may also be dealing with mental or physical health issues, dependency on drugs and/or alcohol, worries about children, family members, but must still wait for the Gagnon II hearing to be scheduled in the indeterminate future.

7. Many defendants are homeless or have been evicted and cannot verify an address. The Hearing Officer will recommend that the defendant get that information. Defendants with court costs must pay those costs. I wonder how the defendant goes about getting that information with limited communication options in jail or pays costs without an income.

8. Even the smaller cases sometimes create unpleasant consequences. One woman incarcerated for a DUI, also had a new charge of criminal trespass. She had been evicted and her landlord would not let her enter the house again to get her cat. The defendant begged and pleaded to have her phone released to her, to get the number to call to check on the cat. The Hearing officer and public defender explained that she would not be allowed to have her phone. She then pleaded to have arrangements made for someone to call for her, but the catch was that no one could call for her without the phone number in her phone. Finally, the hearing officer and public defender said they would make arrangements to call Animal Control to pick up the animal.

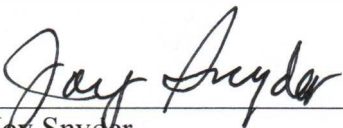
9. On one day, all of the individuals were ordered detained. It was remarkable to me how frequently probation detainers were used and with little thought.

10. I've seen a lot of sick and elderly people at Gagnon I hearings that are forced to remain detained. It was extremely distressing watching people in those situations without any ability to change their circumstances.

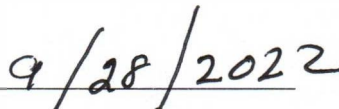
11. Some judges are known to be particularly harsh. After one Gagnon I hearing, the public defender remarked to the hearing officer that the defendant in the previous case, going before Judge Mariani for his Gagnon II, should get used to "doing his pushups." This seemed to imply that the defendant would remain in jail for some time. On at least three occasions the hearing officers have stated that judges have already ordered detention for the defendant at the start of the Gagnon I hearing.

12. One defendant said he worked all his life and wanted to work release. However, Judge Mariani had issued a detention order and so the defendant could not have it lifted until he went in front of Judge Mariani at his Gagnon II. In another instance, a pregnant defendant was ordered detained by Judge Borkowski prior to the Gagnon I hearing.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.



/s Joy Snyder



Date

EXHIBIT 6

DECLARATION OF DION HORTON

I, Dion Horton, declare as follows:

1. My name is Dion Horton. I am 22 years old. I am from Pittsburgh and still live there with my girlfriend. I received my GED from the Glen Mills Schools in 2017.

2. I was arrested on or around February 8, 2022, for two new sets of charges including, the most serious of which were Possession Of Firearm Prohibited; Aggravated Assault; Firearms Not To Be Carried W/O License; and Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver. I had a \$5000 unsecured bond set on both new sets of charges, which I could have and would have posted if not for the probation detainer lodged against me.

3. My Gagnon I hearing was on February 17, 2022. It was conducted over a video call while I was at the jail. There was a hearing officer, a public defender, and my probation officer also on the call. The hearing officer read my charges and stated that because of the seriousness of my charges, I would be detained until my new case resolved. He didn't give any other reasons for why I had to stay in jail. The public defender did not speak at all during the hearing. The entire hearing was no more than five minutes.

4. After my Gagnon I hearing, I hired a private attorney. I asked her to file a suppression motion and a motion to lift my detainer to house arrest. She never filed either motion, so I told her I did not want her to represent me anymore.

5. I did not speak to a public defender up until early August and did not know how to get in touch with them before that. This public defender met with me about my new case. They do not represent me on my pending probation violations. No one at the public defender's office has spoken to me about that. I go to trial on my new charges on November 7, 2022. I

found out about the date of my trial on or around September 12, 2022. There is no date set for my Gagnon II hearing and I have no idea when it will be or how long I'll be in jail for.

6. Before going to jail, I was working at the Walmart in North Versailles, PA. I was working as a CAP 2 Associate, which involved unloading trucks and stocking the shelves. I was working there for about one year and hope to be rehired upon my release if they will have me. Before that, I worked at Popeyes in Monroeville, PA. I also worked at the Learn & Earn Summer Youth Employment program for multiple summers before that, since I was old enough to work. I one day hope to go to trade school and eventually work on renovating homes.

7. I have two kids, A'Dor and D'Cari. D'Cari is only a year old, and A'Dor is only about one month old. Charae Burris, my girlfriend, gave birth to A'Dor while I was in jail. Missing her birth has been emotionally hard for me and Charae.

8. While Charae was pregnant, I helped her take care of household tasks such as bringing in the groceries, lifting heavy things, and other physical activities that were difficult for her at that time. I also paid for half of our rent each month. Since I've been in jail, she has been alone during and after her pregnancy, and she has had to cover all of our rent on her own, which has been physically and mentally exhausting for her.

9. My son, D'Cari, has a different mother, Sharayia Williams. Sharayia and I have a healthy co-parenting relationship. Every month, I send Sharayia money, clothes, shoes, and anything else I am able to provide for D'Cari. I haven't been able to continue doing this since I've been in jail. Also, Sharayia lost her job two months ago because she could not afford a babysitter for D'Cari during the workday. Had I not been in jail, I would have been able to watch D'Cari during her work shifts and she would not have lost her job.

10. I also support my grandmother, Nicola Horton, who lives in Braddock. She lives by herself and we have no other family in the area, so I am the one she usually calls when she needs help with grocery shopping or other household tasks. She has struggled to do all these things by herself since I've been in jail.

11. I have been incarcerated at the Allegheny County Jail for almost eight months. The conditions at this jail are terrible. My cell is very hot; it feels like there's no A/C because there is trash and dust in the vents. All of the water comes out warm and cloudy, and sometimes it smells bad. The blankets are extremely thin and the lights are often turned off whenever we are locked down, even if it's early in the day. We are on lockdown almost every weekend because the jail is short staffed.

12. In-person visitation is only allowed for people who got the Covid-19 vaccine. I am not vaccinated so I have not seen my friends or family in person for several months.

13. I've had trouble getting my mail at the jail. Family members have told me that they sent me mail in the past, but I never got it.

14. Medical care at the jail is bad as well. I have asthma but it took the jail six months to get me an inhaler. I also had a bad tooth cavity and was told by the jail doctor that I needed a root canal but that they don't do root canals at the jail, so my options were to wait until I was out of jail or to have the tooth pulled. I wanted to wait but the pain got so bad that I could not eat, so I ended up having the tooth pulled.

15. Medication is often late or does not come at all. We often have to sleep without our medications. My medications, Remeron and Lexapro, were stopped unexpectedly, and as far as I know, they have not been resumed.

16. On or around September 12, 2022, I requested to see medical staff for stomach pain. I made another request again the following week. I still haven't seen any medical staff.

17. In the past, when I request to be seen by medical staff, a nurse usually comes to see me after two or three days. Recently, I had blood taken but did not know why. When I asked why my blood was being taken, medical staff did not know the answer. They said they were ordered to and that's all they knew.

18. In the jail, we often get green and moldy bread to eat. I used to work in the jail kitchen so I know firsthand that they are still serving trays that have been frozen for a long time and are now expired. There are often bugs in the food too. Because of the poor quality of food, I rely on commissary for my meals and refuse all meal trays provided by the jail.

19. I would estimate that we get about three hours of out of cell time on average. Because we are on lockdown or modified lockdown so often, it's often lower. We are told that the jail is locked down most of the time because of staff shortages.

20. There are no longer physical grievance or medical slip papers. We are told instead to fill out a form available on our tablet. We do not get copies of these forms anymore and have no way to know that they are properly submitted and read.

21. I thought that we were supposed to be innocent until proven guilty. But with probation detainers, it's like I'm guilty before I'm ever tried. That doesn't seem fair to me.

22. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

Dion Horton
/s Dion Horton

9/30/2022
Date

EXHIBIT 7

DECLARATION OF DAMON JONES

I, Damon Jones, declare as follows:

1. My name is Damon Jones. I am 23 years old. I was born in Pittsburgh and currently live in Clariton, PA with my girlfriend, Angela Brownfield.
2. Before I was incarcerated, I had been working various cleaning, house demolition, and other jobs I found on a website called JobStack. I graduated from high school about three years ago from a juvenile placement facility.
3. I was arrested on or around February 18, 2022 for new charges of (1) Possession of Firearm Prohibited and (2) Firearms Not To Be Carried W/O License. I am currently awaiting a non-jury trial on these charges, that is scheduled for November 8, 2022. I found out about the date of this trial on or around September 12, 2022. I still do not have a date set for my Gagnon II hearing that I know of. I have no clue how much longer I will be in jail for after my trial.
4. A magistrate judge set \$25,000 monetary bail on the two new charges mentioned above. I posted bail on around February 22, 2022, and got out of jail. A few days after my release, I was arrested again on a violation of probation warrant. The new charges are the reason I was accused of violating my probation. I have been detained at the Allegheny County Jail ever since. The probation detainer is the only thing keeping me in jail, since I already posted my bond.
5. My Gagnon I hearing was on March 11, 2022. The hearing was conducted over video, while I was at the jail. On the video call, I could see three people on the screen: the Hearing Officer Stephen Esswein, my probation officer, Kevin Dell, and a third man in a suit. I did not know who this third person was at the time, but later learned it was a public defender. I

did not realize I had a public defender who was supposed to be representing me at this hearing. The public defender did not say anything during my hearing.

6. During my Gagnon I hearing, my probation officer said the violation of probation was based on the new charges, but he did not explain what the charges were about in any detail. There were no witnesses to talk about what I was accused of doing either. My probation officer also said I had allegations of technical violations against me as well: failure to report as directed and failure to notify probation of a change in address. The hearing lasted only a few minutes. Mr. Esswein stated that, based on the seriousness of my new charges, I would remain detained until the disposition of my pending charges. This was based on the type of charges alone, without considering the specifics of what I was accused of doing. Mr. Esswein made no findings at all during my hearing, including no finding of probable cause. He did not explain why it was necessary for me to stay incarcerated, even though I had bail set and was able to get released on the new charges. This doesn't make sense to me, since the alleged probation violation is based mostly on these charges.

7. Neither before, during, or after my hearing did I get any paperwork that explained what the alleged probation violations against me were.

8. I hired a private attorney, Patrick Thomassey, to file a motion to lift my detainer. Judge Rangos denied this motion without a hearing on around June 21, 2022.

9. Before hiring Mr. Thomassey, I did not know who my public defender was or if I was even represented by anyone. I assumed that I would need to hire a private attorney to try and get the detainer lifted so I could get out of jail.

10. The conditions at Allegheny County Jail are horrific. On average I get about 30 minutes of out-of-cell time a day. Due to staff shortages, our out-of-cell time is often cut short. I have seen black mold in the showers and there are lots of gnats throughout the jail.

11. The lunch trays are often moldy, and usually consist of some type of ground meat that I cannot identify. Because of the poor quality of food provided, I usually refuse the trays. Almost all the food I eat is food I buy from commissary.

12. On or around September 12, 2022, I injured my back. I was not seen by medical staff for about 24 hours, at which point they gave me four pills all at once as treatment. At least one of the pills was a muscle relaxer; I do not recall what the other three pills were.

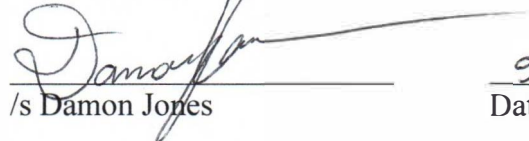
13. Being incarcerated during this time has significantly affected my life. I was living with a family friend and paying them rent informally, but once I was in jail and stopped paying them, they got rid of all my stuff. I now own nothing. I had a dog as well that was taken to the dog pound. I am still trying to get a friend to take my dog in but haven't been able to find anyone who can help me.

14. My brother and sister have been sending me money to support me while I am incarcerated, which I use mostly for buying commissary food. This has put a strain on their ability to support their own kids. My mom has also been sending me money and is going through a lot of emotional stress due to my incarceration.

15. Before I was arrested, I was supporting myself through working various odd jobs through the JobStack website. I did mostly home demolition and cleaning. Through this website, I receive higher ratings and better work opportunities the more jobs I do. My incarceration has negatively affected my ability to build my rating and receive higher-paying jobs.

16. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.



/s Damon Jones

9/28/2022

Date

EXHIBIT 8

DECLARATION OF CRAIG BROWNLEE

I, Craig Brownlee, declare as follows:

1. My name is Craig Brownlee. I am 51 years old. I was born in Natrona Heights, PA and currently live in Washington, PA.

2. I was charged with Theft by Unlawful Taking on or around February 18, 2021. I was arrested on those charges on or around April 29, 2021. Bond was set at \$10,000 unsecured and I was released, but then Allegheny County issued a warrant due to my probation violation. I was then re-arrested on or around January 17, 2022 due to my probation violations in Allegheny County.

3. My Gagnon I hearing was on January 20, 2022. The hearing occurred on Microsoft Teams. The hearing officer stated something like: "Mariani is not lifting your detainer." Because I have had my probation violated and revoked by Judge Mariani before, I know that Judge Mariani does not allow his detainers to be lifted at Gagnon I hearings. I didn't even consider trying to hire an attorney to file a motion to lift my detainer because I knew Judge Mariani would not lift the detainer.

4. I finally had my Gagnon II hearing on August 25, 2022, where Judge Mariani sentenced me to time served (218 days) and closed interest in my probation case. I will stay detained until October 12, 2022 while serving out my confinement sentence for Washington County.

5. The conditions at Allegheny County Jail were awful. I caught COVID twice: once in April 2022 and again in May 2022. Medical treatment is nonexistent. Even medical staff tell us to just buy medications like ibuprofen from commissary instead of waiting for them.

6. The quality of food at Allegheny County Jail is low grade. I saw roaches on trays and have seen mice in the kitchen. I buy food off of commissary to avoid eating the jail's food.

7. It's freezing cold in the Allegheny County Jail, both in the cells and the pods. The only blankets we get look like furniture moving blankets sold by U-Haul.

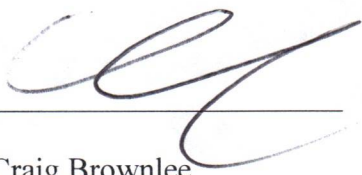
8. I live by myself, and I have one son who lives with his mother. My son's name is Bentley Powell and he is four years old. Not being able to see him while I've been in jail has been frustrating and stressful. His mother tells me that he keeps asking where his dad is at. He does not live with me but I usually see him often to help him with his homework, take him shopping, or to do anything else he may need. Not being able to spend that time with him has been hard on both of us.

9. I have an elderly mother who relies on me to help her with shopping and to get her food, so me being in jail has been stressful for her too.

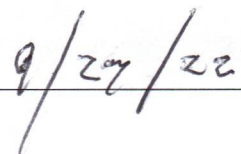
10. I have been in jail now for over eight months.

11. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.



/s Craig Brownlee



Date

EXHIBIT 9

DECLARATION OF RAHDNEE ODEN-PRITCHETT

I, Rahdnee Oden-Pritchett, declare as follows:

1. My name is Rahdnee Oden-Pritchett. I am 23 years old. I was born in and currently live in Pittsburgh, PA. I live with my mom, my step-dad, my step-sister, and my younger brother.
2. I was arrested on September 5, 2022 for new charges including Burglary and Criminal Trespass. A magistrate judge set my bail at \$10,000. I cannot afford that amount but, in the past, I had a similarly high bond set and was able to have it reduced to an amount I could afford. I did not even bother trying to do the same thing this time because of my probation detainer. There's no point because even if it's reduced I won't be able to get out of jail anyway.
3. I had my Gagnon I hearing on September 12, 2022. It was done through a video conference. There was a Hearing Officer and my probation officer present. I did not see or hear a public defender on the video conference so I did not think one was there. The hearing went by very fast. It was no more than five minutes. The Hearing Officer said that I need to discuss my detainer with Judge Bigley at my Gagnon II hearing, but that I would need to wait for my charges to resolve before I am able to see the judge.
4. I have a formal arraignment on my new charges scheduled for November 3, 2022. I don't know when these charges will actually resolve or when I will have a Gagnon II hearing, but I've heard that it can take many months. I don't expect to be home before the holidays.
5. I have two daughters, Ariyanna Oden and Rylee Charity. They are both two years old. I usually send their mothers money, clothes, baby wipes, diapers, and anything else they may need. Recently, I bought one of my daughters a new bed. Both my kid's mothers are struggling more without my help providing for my daughters.

6. My family, especially my mom, misses me a lot. They especially miss seeing my daughters, since usually they only see them when I am around. This will also be the first time that I'm not home for the holidays, which is really hard for my parents to accept. As a parent myself, I'm sad to not be able to be with my kids during the holidays too. I feel like I'm missing so much important time with them.

7. The conditions at Allegheny County Jail are horrible. We get mixed up leftovers as meals and are put on lockdown all the time for almost any reason: the jail is short staffed, the trays are coming up, or the correctional officers are just mad at us. We have to pay for normal hygiene products, like toothpaste, washcloths, towels, T-shirts, socks, and underwear. We only get two pairs of outfits provided by the jail and can only do laundry once a week, so our clothes get gross if we can't buy more.

8. Even though I eat all the meals the jail provides, I still have to buy commissary food for every day because dinner is served at 4pm. I get really hungry later in the night and can hear my stomach rumbling if I don't eat again.

9. I graduated from High School in 2017 from Penn Hills Senior High School. Before I was incarcerated, I was about to start college at Central Piedmont Community College in Charlotte, North Carolina. I had already been accepted and was planning to study Business. I was also working in Charlotte as a line cook at the Red Lobster.

10. Now that I'm incarcerated, I'll have to reapply for school since classes have already started. I will also have to find a new job. I am worried that both of these things will be much harder to achieve if I end up with a criminal record.

11. I reached out to a private attorney to try and file a motion to lift my detainer. I don't know how much he's going to cost but I picked this attorney specifically because he is willing to set up a payment plan for me, because I can't afford to pay him outright.

12. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

Rahdnee Oden-Pritchett

/s Rahdnee Oden-Pritchett

9/29/22

Date

EXHIBIT 10

DECLARATION OF EMIR JOHNSON

I, Emir Johnson, declare as follows:

1. My name is Emir Johnson. I am 22 years old.
2. I was born and currently live in Pittsburgh.
3. I was arrested on August 13 and have been incarcerated at the Allegheny County Jail ever since. I was accused of violating my probation by failing to pay court costs, because I picked up new charges, and for being a “danger to self or others.”
4. My Gagnon I hearing was on August 30, 2022. I did not receive any notice of when it was going to happen. It was really short and held over video. I was not able to see anyone aside from the Hearing Officer. I never spoke to an attorney before the hearing and I do not know if a public defender was even present. As far as I could tell on the video, nobody else was present at the hearing.
5. The Hearing Officer read the allegations against me off of a piece of paper. The Hearing Officer was very dismissive of my concerns. I asked whether I could receive a bond and the Hearing Officer said no. I asked if I could receive a bond if the new charges were dropped and the Hearing Officer just said no. I asked whether I could go to alternative housing and the Hearing Officer said no, that this request would have to go to Judge Bigley.
6. The Hearing Officer decided not to lift the detainer. As far as I can tell, this probation detainer is the only reason I can't get out of jail, because I have a bond set on the new charges.
7. It has been over a month since my Gagnon I hearing and I am still in jail. I do not know when my Gagnon II is set. I have not seen Judge Bigley at all. I did try to put in a request

for alternative housing through a tablet at the jail, but I received a notice over the tablet that she denied the request 2 weeks later.

8. I have not been able hire an attorney to file a motion to have the detainer lifted. But given that Judge Bigley already denied the request I submitted, it doesn't seem like I'd have any luck with a motion.

9. Being incarcerated at the Allegheny County Jail has been very depressing. The jail is really dirty. I have worked in the kitchen and seen a lot of mice and roaches. It's incredibly unsanitary. I don't have money for commissary to buy hygiene products, so I just try to get by each day.

10. I feel like being in jail is causing me to lose relationships with all of my loved ones. Before I was incarcerated, I was the primary care giver for my 2-year-old daughter. She's now living with her mother who is having a tough time caring for our daughter by herself.

11. I had been working in home remodeling before being incarcerated, which helped me support myself, my daughter, and even help out my mother when I was staying with her. Being in jail has completely stopped me from financially contributing to my daughter and mother.

12. I have been in jail now for over a month and have no idea how much longer I will be in here.

13. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

X  Date: 9/29/2022
/s Emir Johnson

EXHIBIT 11

DECLARATION OF TELICIA MARIE FRAZIER

I, Telicia Marie Frazier, declare as follows:

1. My name is Telicia Marie Frazier. I am 36 years old.
2. I was born in Pittsburgh, but I have lived in Mckeesport, PA, for the past 9 years.
3. I have been incarcerated at the Allegheny County Jail since July 12, 2022. I was told there was a warrant out for my arrest, but that it was inactive. When I was told the warrant was actually active, I turned myself in. I was charged with a DUI and accused of violating my probation by picking up this new charge.
4. My Gagnon I hearing was on July 15, 2022. The hearing was very quick and only lasted seven minutes at most. Because the hearing was held via video, I could not tell if anybody else was at the hearing since I did not see or hear anyone but the Hearing Officer; I did not have a chance to speak to a lawyer before or during the hearing.
5. The Hearing Officer did not lift the probation detainer and said that it was up to the judge. The Hearing Officer said I would see Judge Bigley within 5 to 10 days, but I still have not seen her. I do not know when my Gagnon II hearing is set.
6. The bond in my new case is set at \$1, so if it were not for the probation detainer, I would not be in jail.
7. I have not been able to afford to hire a lawyer to file a motion to have the detainer lifted.
8. Being incarcerated at the Allegheny County Jail has been terrible. The food is awful; it's like they serve us dogfood. The guards talk to us like we are animals. We are regularly put in lockdown, unable to leave our cells, without being told why. I pay taxes; I don't understand why the conditions at the jail have to be this bad.

9. Before I was incarcerated, I had a steady job. I have an Associate's degree in medical assistance and was working as a residential care aide for the elderly. I hope the job is still there for me whenever I'm released, but I can't be sure. I know that right now I am losing wages that could be used to support my family.

10. I am a single mother to my 15-year-old son, Keith Titus. He is diagnosed with ADHD and is currently living with my sister while I'm in jail. However, she has four children of her own, so it is very difficult for her to support him as well. My sister is thankfully taking care of my housing expenses while I'm in jail; if it were not for her, I would be homeless when I'm released.

11. My grandmother died on September 3, while I was incarcerated. I was not able to say goodbye to her because I have been in jail.

12. I have been in jail now for two months and have no idea how much longer I will be in here.

13. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

X Telicia Frazier
/s Telicia Marie Frazier

Date: 9.29.22

EXHIBIT 12

DECLARATION OF EDWARD ROBINSON

I, Edward Robinson, declare as follows:

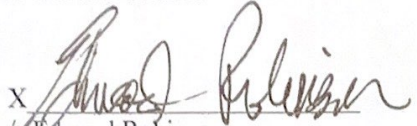
1. My name is Edward Robinson. I am 52 years old.
2. I recently moved to Pittsburgh from Imperial, Pennsylvania. Before I was arrested, my primary focus was my job in real estate development. I was working in logistics on a construction site for a building on Smallman Street and 15th Street and was getting ready to move on to three other buildings.
3. I was arrested on July 16, 2022, and have been detained at the Allegheny County Jail ever since. I was charged with a new case, but I had a \$20,000 bond in that case that I could have paid. I was kept in jail because of a probation detainer.
4. My Gagnon I hearing was on July 22, 2022. The hearing only lasted a few minutes.
5. The hearing was really short. The Hearing Officer just said that they could recommend alternative housing, but because my case was supervised by Judge Mariani, I would have to go in front of him for any chance of being released from jail. The Hearing Officer did not lift the probation detainer.
6. I wanted to try to file a motion to lift the probation detainer, but people say that there is no use doing so when Judge Mariani supervises your case. Everybody is afraid of him and says that filing a motion in front of him is a waste of time.
7. The conditions at the jail are really bad. The food is not good and can barely be called nourishment. Everything at the commissary that I've ever bought is stale. One time, I bought a bag of chips and it had looked like a mouse had torn a hole in it.
8. I had a roommate named Judy before I was detained. Judy and I had lived together since 2014. But since I've been in jail, she wasn't able to pay the rent, so now she's homeless.

Judy had to choose between paying the rent or her car, so she chose the car payment instead. Whenever I'm released, I will not have a place to stay because I couldn't help Judy with the payments while I've been in jail.

9. I have been in jail now for around two and a half months and have no idea how much longer I will be in here. I do not know when my Gagnon II hearing will be.

10. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

X 
/s/ Edward Robinson

Date: 09.29.2022

EXHIBIT 13

DECLARATION OF JEREMY TODD

I, Jeremy Todd, declare as follows:

1. My name is Jeremy Todd. I am 48 years old.
2. I was born and currently live in Pittsburgh. Before being arrested, I was working as a painter.
3. I was arrested on a probation warrant on February 13, 2022, and have been incarcerated at the Allegheny County Jail ever since. I was accused of violating probation by failing to report to my probation officer, pay fines, and provide a new address, and that's why I had a detainer lodged against me. I was charged with receiving stolen property and conspiracy in early April 2022, but that was two months after I had already been in jail on the technical probation violation and detainer. I had a non-monetary bond on the new charge, so if it had not been for the probation detainer, I would not have been in jail.
4. My Gagnon I hearing was on February 25, 2022. It was less than ten minutes long.
5. The hearing was conducted over video. My probation officer, Ms. Kerrigan, was there, along with the public defender, Leanne Kowalski. The Hearing Officer was Charlene Christmas.
6. My probation officer read the allegations off of a report. Nobody asked any questions and there weren't any other witnesses called. The public defender didn't really do anything at all; she just told me that I would need to hire a private attorney if I wanted to file a motion for house arrest at a later time.
7. The Hearing Officer decided not to lift the detainer. She said that she could recommend alternative housing, but that because my case was supervised by Judge Mariani, there was nothing she could do to lift the detainer.

8. After my Gagnon I, I was in jail for two months until my Gagnon II hearing on April 21, 2022. This was the first time I saw Judge Mariani. My probation officer recommended 45 days at a Renewal Center, but Judge Mariani refused.

9. Being detained at the Allegheny County Jail has been terrible. The jail itself is filthy. The showers are a mess and the food is horrendous. I've worked in the kitchen and have seen rats, mice, and cockroaches. I would not feed this food to my dog.

10. My current cell and unit are freezing, but I have also been in cells that are far too hot. I believe the guards set the temperature to whatever they want, but we aren't dressed the same as they are.

11. There is not much to do in our cells. We have recently been able to come out of our cells twice a day, in the morning and the afternoon, but for a while, we were only allowed to be out for one hour. That means we were stuck in our cells for the other 23 hours in the day.

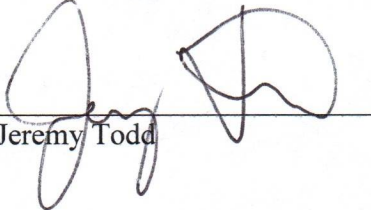
12. On weekends, we are locked in our cells for the full 2 to 3 days because there is not enough staff at the Jail. During these times, we do not get showers, recreation, nothing.

13. Because I've been in jail, I lost my job as a painter. I have a 23-year-old daughter who has been struggling financially for a while now; if I were out of custody, I would be able to help her. One of my biggest fears from being in jail is the ties with people that I'm losing out on and the relationships that I can no longer keep up with.

14. I have been in jail now for around nine months.

15. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

X 
/s/ Jeremy Todd

Date: 9/28/2022

EXHIBIT 14

DECLARATION OF CARLOS CORDOBA

I, Carlos Cordoba, declare as follows:

1. My name is Carlos Cordoba. I am 24 years old and currently live in Pittsburgh.
2. I was arrested on a probation warrant in November 2021 and have been detained at the Allegheny County Jail ever since. I was initially charged with violating my probation for failing to report. I believe this was the only basis for my probation violation until I received new charges out of Westmoreland County in May 2022. For about five months, I was only in jail because of the probation detainer.
3. My Gagnon I hearing was on December 3, 2021.
4. The hearing was held over video. There was a public defender on the screen. I only heard her name. I wasn't able to give her any information, and I was only able to talk to her for a few seconds through the screen (with the Hearing Office also on the line), and no lawyer had met with me before the Gagnon I. On the video, I could only see the Hearing Officer. I do not think anybody else was present for the hearing; I believe they only read off a statement from my probation officer.
5. The first thing the Hearing Officer said at the hearing is that I would not be let go because my case was supervised by Judge Mariani. The Hearing Officer said Judge Mariani doesn't let anyone out of custody without seeing him first.
6. The hearing was quick and, because the Hearing Officer said they couldn't release me, there didn't seem like anything else that could be done. The Hearing Officer did not make any other statements about why I needed to be in jail. They didn't say that I was a flight risk or a danger to the community. As far as I could tell, the Hearing Officer didn't try to consider whether there were any alternatives to keeping me in jail.

7. After my Gagnon I, I was in jail for nine months until my Gagnon II hearing. I'm still in jail right now.

8. I could not afford to hire an attorney before my Gagnon II hearing to file a motion to have the probation detainer lifted.

9. The Allegheny County Jail is a terrible place to be. It is the dirtiest place I have ever been to. I have seen mice and cockroaches in the kitchen. The food tastes absolutely horrible; it's the worst I've ever experienced.

10. When I was first brought to the jail, I was in intake for four days. Intake was freezing and I had to sleep on the floor with around fifteen other men.

11. On a normal day, we are only out of our cells for four hours (two hours in the morning and two in the afternoon). Otherwise, we are stuck in our cells with a cellmate. The jail says that they are understaffed, so we don't leave our cells at all on weekends. We also end up on lockdown if there is a Covid outbreak; instead of locking down just the unit with the outbreak, they lock down the entire jail.

12. I am a vegetarian, but I was not asked about any dietary restrictions when I arrived at the jail. Once I realized I needed to tell them this information, I tried. However, I was told that it is now too late for me to receive a vegetarian diet.

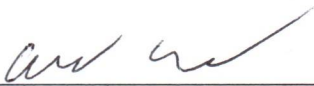
13. I have eczema and have tried to get treatment for it while at the jail. It is very irritating and causes me a great amount of stress. However, instead of receiving medical treatment, I'm just told to order cream off of commissary. I'm not sure what I would do if I did not have the money for the cream.

14. Before I was incarcerated, I was living with my uncle and was assisting him financially as much as I could. I have been unable to help him while I have been in jail.

15. I had been trying to gain admission to the carpenter's union while out of custody so that I could find steady work. Being in jail has prevented me from continuing with this process.

16. I have talked to Plaintiffs' counsel about this lawsuit and learned how many other people have experienced a situation similar to myself. I want to help bring attention to these injustices and make sure that they do not happen to anybody else.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

X 

/s Carlos Cordoba

Date: 9/29/2022

EXHIBIT 15

DECLARATION OF TATE STANFORD

I, Tate Stanford, declare as follows:

1. My name is Tate Stanford. I am 22 years old. I live in Pittsburgh.
2. In March 2022, Judge Mariani sentenced me to a total of three years of probation.
3. I was arrested on September 27, 2022, on new charges. At my preliminary arraignment, the magistrate set a \$2,000 bond.
4. My family would be able to post this bond amount for me, but there is no point. A probation detainer was lodged against me. I don't know why, but I think it might be because I'm supervised by Judge Mariani.
5. I do not know when I will have my Gagnon I or when I'll be able to get out of jail.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.

Tate Stanford
/s Tate Stanford

9.30.2022
Date

EXHIBIT 16

DECLARATION OF ELIJAH BRONAUGH

I, Elijah Bronaugh, declare as follows:

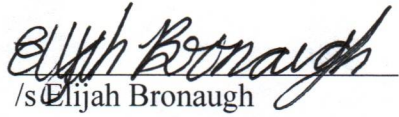
1. My name is Elijah Bronaugh. I am 23 years old.
2. I was arrested on or around September 27, 2022 for two sets of new charges which included Burglary; Theft by Unlawful Taking; and Carrying Firearm Without a License.
3. A magistrate judge set money bail in one case for \$2,500 and \$5,000 for the second case. I could afford to post bail on both of these cases and would do so if I didn't have a probation detainer. If I posted them now it would just be a waste of money since the detainer will keep me in jail anyway.
4. I was on probation with Judge Rangos when I got arrested. I have been violated on probation with her in the past, and I stayed in jail for several months on a probation detainer while I waited for my Gagnon II hearing. I was in jail on a probation detainer in 2021, and during that time, my 10-month-old son Cashus passed away. This was a really hard time for me. I wanted to be with my family instead of in jail and wish I could have spent more time with my son before he died.
5. I also have a two-year-old daughter named Kennedy Freedom. Being incarcerated in the past has been very hard for our relationship. Last time I got out of jail, Kennedy didn't know who I was at all, and we had to re-build our relationship. I am worried that if I remain jailed for several months, she will forget me again.
6. I send money to Kennedy's mother regularly to help support Kennedy. I can't send money while I'm incarcerated and hope that I can get out of jail and back to work soon so I can keep supporting her.

7. I live with two roommates, who have offered to cover my share of rent if I'm forced to stay in jail for another several months. I know this will be hard for them and I hope they are not put in that position.

8. I work as a landscaper for my brother's landscaping business, so I have a job I can go back to once I am released. I want to get out as soon as possible so I can continue supporting my daughter and to not put the responsibility of paying rent on my roommates.

9. I don't know if there is a date set for my Gagnon I hearing and I have no idea how long I will stay in jail.

Under 28 U.S.C. § 1746, I declare under the penalty of perjury that everything in this declaration is true and correct.


/s/ Elijah Bronaugh

9/30/2022
Date