



For Immediate Release: October 3, 2022, Pittsburgh, Pa. – Six currently detained individuals filed a class action lawsuit in the United States District Court for the Western District of Pennsylvania against three Allegheny County judges; Administrative Judge Jill Rangos and Court of Common Pleas Judges Anthony Mariani, and Kelly Bigley, as well as Jail Warden Orlando Harper and Director of Probation Frank Scherer and other probation department officials, alleging that Allegheny County’s pervasive use of probation detainers violates their state and federal constitutional rights. Represented by counsel from Civil Rights Corps and Abolitionist Law Center, the plaintiffs seeks a declaration that Defendants’ policies and practices violate their rights to due process under the Fourteenth Amendment, through unlawfully jailing people arrested for probation violations for prolonged periods without an adequate assessment or determination that such detention is necessary. The plaintiffs also seek injunctive relief to change the practices that result in rampant illegal incarceration, and they will be moving for a preliminary injunction to immediately halt the unconstitutional practices. Finally, they seek money damages for every day of illegal detention they have suffered.

The lawsuit challenges the systemic use of probation detainers, the single largest driver of incarceration at the Allegheny County Jail. A probation detainer prohibits an individual’s release from jail until they have a hearing to determine whether they violated their probation. On any given day, about one third of the jail population (upwards of 600 people) has a probation detainer lodged against them. Approximately 16% of them are accused only of a technical violation of probation, such as failing to update their address or to meet with their probation officer. Most of the people with new charges, the other reason for alleged violations, are theoretically able to get out of jail on the new charges on either monetary or non-monetary bail. But because of the probation detainer, they’re stuck in jail. The suit challenges the constitutionality of the perfunctory proceedings at which decisions regarding detainers are made. The suit further challenges Judges Mariani and Bigley’s blanket administrative “no-lift” policy, automatically requiring all people they supervise who are arrested for an alleged probation violation to remain in jail, no matter the circumstances of the probation violation. “Local officials’ detainer practices are particularly jarring in light of the ongoing crisis at the Allegheny County Jail; at least six people incarcerated at the jail have died this year alone, 17 since the onset of the pandemic. Yet the jail continues to be senselessly overpopulated because of the rampant and illegal use of probation detainers,” said Sumayya Saleh, Senior Attorney, Civil Rights Corps.

Gerald Thomas is one of the individuals who died in the jail this past year. He was accused of new charges, which were all ultimately withdrawn. Mr. Thomas was held on a probation detainer for almost a year. Shortly before Mr. Thomas’s death, Judge Mariani refused to lift his detainer despite the withdrawn charges. “Mr. Thomas’s death is the worst possible outcome of these dangerous policies, but it is not an unpredictable one,” said Dolly Prabhu, Staff Attorney at the Abolitionist Law Center. “To not put an end to these practices is to continue to put hundreds of incarcerated people in Allegheny County at risk everyday.”

Dion Horton is the lead named plaintiff in the case. He’s been in jail since February 2022 for allegedly violating probation after being accused of new offenses. A judicial officer in a separate proceeding ordered that he could be released from jail on those charges. Despite this, a probation detainer was lodged against him, with no separate determination that his incarceration is necessary. Nearly eight months have passed, and there is no end in

sight—he has no idea when he will have a hearing on the alleged probation violation. “I thought that we were supposed to be innocent until proven guilty,” said Mr. Horton. “But with probation detainees, it’s like I’m guilty before I’m ever tried. That doesn’t seem fair to me.”

[Civil Rights Corps](#) is a non-profit organization dedicated to challenging systemic injustice in the American legal system through innovative civil rights litigation. CRC works with individuals accused and convicted of crimes, their families and communities, people currently or formerly incarcerated, activists, organizers, judges, and government officials to challenge mass human caging and to create a legal system that promotes equality and human freedom.

[The Abolitionist Law Center](#) is a public interest law firm inspired by the struggle of political and politicized prisoners, and organized for the purpose of abolishing class and race based mass incarceration in the United States. Abolitionist Law Center litigates on behalf of people whose human rights have been violated in prison, educates the general public about the evils of mass incarceration, and works to develop a mass movement against the American punishment system by building alliances and nurturing solidarity across social divisions.

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