B-PEP
The Black Political Empowerment Project

WE SHALL RISE AGAIN
CAV
Greater Pittsburgh
Coalition Against Violence

October 1, 2022

Mr. Rich Fitzgerald
Allegheny County Executive
436 Grant Street #101
Pittsburgh, PA 15219

Mr. Orlando Harper
Warden
Allegheny County Jail
436 7th Avenue, #4
Pittsburgh, PA 15219

Allegheny County Jail Oversight Board
c/o The Allegheny County Jail
950 2nd Avenue
Pittsburgh, PA 15219

An Open Letter Outlining Dangerous Conditions and a Plan of Action for the Allegheny County Jail (A B-PEP Position Paper)

Mr. Fitzgerald, Mr. Harper, and Jail Oversight Board Members:

After the release of two recent reports that detailed unhealthy, unsafe, and inhumane conditions at the Allegheny County Jail, we are deeply troubled by the death of yet another person in the prison – the 17th death since April 2020. According to published reports, Mr. Anthony Talotta, only 57 years old, was found "unresponsive" in the jail on Sept. 20 and died the next day in the hospital.

In our opinion, Mr. Talotta's death reinforces the findings in the two reports and raises additional questions. According to several news reports, Mr. Talotta could have posted a $100 cash bail and been released; why was he kept in jail until he was found "unresponsive?" He was examined twice by a doctor in the jail. Why did the doctor initially decide that jail was the proper place for a man with severe intellectual disabilities, anxiety, and depression, versus possibly arranging to have him transferred to Western Psychiatric Hospital?

People suffering from mental health issues and drug dependencies don't belong in jail. They deserve treatment. The public deserves to know what happened to Mr. Talotta and who made the decision to keep him locked up without the treatment he needed.

Mr. Talotta's unfortunate death supports the disturbing findings in the two recent reports, one published by the University of Pittsburgh School of Social Work, on Sept. 1, 2022, and the other, a detailed report published July 31, 2022 by the Pittsburgh Institute for Nonprofit Journalism (PINJ).

The PINJ report showed the jail has been cited for violations 162 times by the Allegheny County Health Department since 2014. The PINJ report said mice were eating into the bags of food in the kitchen, and that this contaminated food was routinely served to prisoners. Roaches were seen crawling on the kitchen walls, PINJ said. The report also stated that black slime bubbled up from a kitchen drain where food was being prepared.

The University of Pittsburgh study gave voice to the people being held in jail. The year-long Pitt survey said people in jail reported they were served meals crawling with roaches. There were bugs and mildew in the shower. Necessary medications to stabilize diabetes and to maintain mental health were withheld for days, the Pitt survey showed. Only 25% of the prisoners said they had sufficient blankets to stay warm at night.

The conditions of which we are concerned have gone on for too long. The April 7 Joint Oversight Board public meeting minutes reported 53 medical staff vacancies. This can help explain, but cannot excuse, why people in jail are going too long without vital medications. It appears that possibly unqualified jail officials are deciding when and if prisoners receive medical assistance. That practice must stop and stop *immediately*.

We are asking you to confirm or deny: Did medical staff vacancies contribute to Mr. Talotta's death? He was evaluated by a doctor on Tuesday, according to published reports, and was kept in the jail, not a psychiatric hospital. What incident occurred later Tuesday that contributed to his death? Why would a doctor recommend that a person with severe retardation be kept in a place that is as unsafe as the Allegheny County Jail? Was it the doctor's decision to keep Mr. Talotta in prison, or did non-medical personnel make that call? Is it the county's policy to keep people with severe retardation in jail – and should that policy be thoroughly reviewed and revised?

Most importantly, why was Mr. Talotta's family not notified until Wednesday that he was suffering from a "medical emergency?" Why wasn't the family notified on Tuesday, when they could have insisted that action be taken to save his life?

On Sept. 1, at the last Jail Oversight Board meeting, we asked that a committee be immediately established that included leadership from both the Jail Oversight Board and the Allegheny County Jail. This committee should publicly explore and resolve long-standing problems identified in the report from the University of Pittsburgh's School of Social Work. We requested that such a joint review be followed by a detailed plan of action, and that these corrective actions take place as expeditiously as possible.

Given the most recent death in the jail, it is even more urgent that this committee be formed, that its work be conducted transparently and that its findings be released to the public.

A month ago – after the 16th death in the jail since April 2020 – Mr. Fitzgerald announced a contract with the National Commission on Correctional Health Care (NCCHC) to conduct a "historical review of fatalities" at the Allegheny County Jail.

The County Proposes a Study – But a Similar Study Failed in 2019

In 2019, the county hired the NCCHC to do a similar study, after another series of deaths in the jail. The NCCHC study recommended that the jail hire more medical staff and mental health experts.

According to our sources, that never happened.

In fact, the warden, in a report to the Jail Oversight Board, recently reported 53 medical staff vacancies. Seventeen jail residents have died since April 2020. Obviously, too little has changed.

Since the recommendations were not followed three years ago, why should we have any confidence that another NCCHC study will solve the problem this time?

Transparency matters. By involving the public, including the jail reformers and families who value the lives of their loved ones, real change will occur.

Just as mildew, roaches and unsafe conditions fester behind closed doors, the sunlight of public involvement will protect the lives of more than 1,600 jail residents. By working together, we will ensure that their voices are heard, and we can hold the warden, the county government and ourselves accountable. Keeping the public in the dark would be a fatal mistake.

That is why we believe the committee must include members of the Jail Oversight Board, the warden, the Pitt researchers who released the Sept. 1 study, a member of the Black Political Empowerment Project (B-PEP), and members of the activist groups who have, in good faith, previously brought their concerns to the Jail Oversight Board without adequate response.

At B-PEP, we stand in solidarity with the Alliance for Police Accountability, the Pennsylvania Interfaith Impact Network (PIIN), the Abolitionist Law Center, the Quaker Working Group Against Racism and the Pittsburgh Peace Is Possible Coalition, and we ask that one member from each group serve on the committee. We ask that the committee include the county executive, the warden, the county health department,

members of the medical staff, and the correctional officers' union. We ask that at least two people who have recently served time in the jail be included as members so that those with directly relevant experience can provide expert testimony. Including members of the NCCHC team could provide valuable insight and national perspective to the committee's work.

In the Short Term, We Have the Following Urgent Recommendations:

- Hire a professional, commercial exterminator who will guarantee the killing of the roaches, eliminate the mice, and seal the doorways and holes in the building where they are entering the facility.
- Turn up the temperature in the facility and provide sufficient blankets to the prisoners so that they are not cold at night.
- Fix the system of how medical care is provided. It appears that the current medical system is broken, and the health, and indeed the lives of inmates are in jeopardy. Put *medical* personnel in charge of making medical and mental health decisions. Unqualified jail personnel should not oversee medical decisions affecting prisoners' health.
- Remove people who don't belong in jail, including people suffering from addiction and mental health issues. We are encouraged by the fact that the population of the jail has decreased during the pandemic, but more work must be done to remove those individuals who should simply should not be in a jail facility.
- Protect the rights of the female, gay and trans-gender people in jail. The jail must create policies, procedures and guidelines that meet this important goal.
- We also ask the county executive and the Jail Oversight Board to review the current leadership in the jail administration.
- Other activist groups have said they believe it is time for a new leadership team, with fresh eyes and different priorities. Orlando Harper has been warden for 10 years, and in his public statements, some people feel that he often seems more interested in denying problems than *fixing* them. There needs to be an honest assessment of this often-stated community concern.

If the problems in the jail are not fixed in a reasonably expeditious fashion, showing timetables for action, and concrete results, Warden Harper's dismissal should be seriously considered. An acting warden, with a new administrative team, might be better equipped to find actual and effective solutions instead of mouthing the same tired excuses.

We ask that you read this letter with concern and compassion for the people trapped in your jail, the people who are in your care. While every human being deserves fair treatment, it is especially appalling that most of the people in the jail are awaiting trial and have not, as yet, been convicted of any crime. In many cases, their only crime is living in poverty, unable to afford an attorney who could get them out.

According to the Allegheny County Jail Population Management Dashboard, 1,622 people were being held in the jail on Sept. 29, 2022. Of the people in jail on Sept. 29, 1,339, or 82.5%, were awaiting trial or were in jail on a variety of probation detainers, not including state probation detainers.

Mr. Talotta's death is the latest example of this cruel and broken system. The fact that he died in jail because he could not post a $100 bail is an injustice that cannot be allowed to continue. *Permanently* fixing the cash bail system must be an issue that is examined by the committee we have described above.

Serious Conditions Highlighted in the Pitt Survey

Our call for sweeping reforms is based on the facts revealed in the Sept. 1 University of Pittsburgh survey, which showed the following:

- Multiple people in jail complained about roaches crawling in their food and on the carts that deliver meals.
- 88 percent said they went to bed hungry at night.
- 76 percent said the food served did not meet their dietary requirements.
- Only 25 percent said they had sufficient clothes or blankets to stay warm at night.
- Only 6 percent said they "slept well."
- Supplemental food at the commissary was considered priced "sky high," and inmates were forced to purchase meals, toilet paper and basic hygiene products at what some jail residents viewed as "outrageous" prices.
- Essential medications, such as insulin for diabetics, were withheld for days.
- Dental visits were delayed for as long as a year.
- Unqualified jail personnel – not medical staff – decided whether jail residents would be allowed to see a doctor.

To oversee a facility that subjects its residents to inhumane conditions is terrible. But to fail to act, once you have been confronted with the facts, is worse. As we have cited earlier, already 17 people have died in the jail since April 2020. We are demanding that you take immediate action before another tragedy occurs.

The Black Political Empowerment Project (B-PEP) stands with other groups seeking reform and fully supports the demands made at the Sept. 1 Oversight Board meeting by the Pennsylvania Interfaith Impact Network (PIIN). Those demands include the following:

Medical Attention. People in jail must receive immediate medical attention at their request at no cost. The decision to provide care is a medical decision that should not be left to unqualified correctional staff.

Notify Family Immediately During Medical Crisis. The jail must notify the family or emergency contact, and the Jail Oversight Board, with complete details about an incarcerated individual's medical emergency, hospitalization, or death within two hours of the event. Mr. Talotta's family or his emergency end, contacts should have known about his condition on Tuesday – *a full day before he died.* The jail's policy of apparently hiding the facts from the family when an incident occurs must *stop now!*

Let Hospitalized Inmates See Family. Family members or listed emergency contacts must be allowed immediate access to a hospitalized prisoner.

Release Medical Records When an Inmate Dies. Family members or designated emergency contacts must be granted access to medical records of prisoners who died in jail. Release records so that the family members know what happened.

The University of Pittsburgh report includes many comments from the prisoners themselves. The report's researchers said that statements were only included if they "were repeatedly identified by respondents. If a concern was raised by just a few respondents, it was not included..." In other words, the comments below were voiced *multiple* times, by *many* inmates.

We encourage those receiving this letter to hear the voices of the people suffering inside your jail. Instead of being defensive, *listen* to them. *Investigate* their pleas for help. If you take these comments seriously, you can ease the pain and suffering of more than 1,600 people whose lives matter.

Eighty-nine percent of the inmates responded to the survey, and the overwhelming majority were Black or brown people. Fifty-seven percent were Black; 26 percent white.

We ask that the following comments from the inmates quoted in the University of Pittsburgh report be read into the record and publicly addressed at the Oct. 6 Jail Oversight Board meeting.

From the University of Pittsburgh Survey: Hearing Voices of People in Jail

"(In) processing, (we) sleep in (an) 10x8 room with 18 grown men with vomit and feces everywhere on the floor where we sleep."

"We shower once a week."

"The showers have bugs and mildew."

"I've been here five days and have had only one shower, and when I ask for a towel and washcloth, I was told they didn't have any. These are basic human needs that I'm being denied, and I haven't even been convicted of anything."

"The men receive so much more privileges than the women. They discriminate against trans-genders and gays."

"Policy is never followed. Rules never enforced; inmates are placed in danger due to staff conduct. There are no consequences for staff assault."

"...officers...verbally and physically abuse inmates with no kind of consequences...I have the marks to prove this claim."

As the committee we have described gets to work, we also want to call attention to the fact that the Jail Oversight Board agreed to conduct exit interviews of the staff leaving the Allegheny County Jail. Valuable information can be learned from the people who are leaving your employ. The board voted to conduct these interviews years ago but, according to our sources, has failed to do them.

Why?

On behalf of the residents suffering from cruel conditions in your jail, we await your response and expect to hear a report during the Oct. 6 Jail Oversight Board meeting on the actions you have taken to improve conditions.

The people in your custody deserve to eat healthy, roach-free food; to shower in facilities free from bugs and mildew; to have their medications delivered on time; to sleep warm at night and be treated with the dignity and respect that any human being deserves. We look forward to working with you to achieve these essential reforms.

To do less, in our opinion, would not demonstrate a firm commitment to the numerous important changes that we have outlined in this letter.

We ALL must do more! Let's act before another person in the jail dies an unnecessary and preventable death. Working together, we can reduce the jail population, and make the jail a safe place. The jail should not be a source of shame and embarrassment. If we work together, we can make the Allegheny County Jail a model for the nation!

Sincerely,

Tim Stevens

Tim Stevens
Chairman and CEO
The Black Political Empowerment Project (B-PEP)
Co-convener, Greater Pittsburgh Coalition Against Violence (CAV)

C: The Allegheny County Department of Health
The Allegheny County Department of Human Services
Elizabeth M.Z. Farmer, Dean, University of Pittsburgh School of Social Work
The Inmate Welfare Fund Subcommittee of the Jail Oversight Board
The Pennsylvania Interfaith Impact Network (PIIN)
The Abolitionist Law Center
The Alliance for Police Accountability
NAACP Pittsburgh
Christian Associates of Southwest Pennsylvania
Muhammad Mosque 22
The Quaker Working Group Against Racism
The First United Methodist Church of Pittsburgh
The Pittsburgh Peace Is Possible Coalition
The Urban League of Greater Pittsburgh

Area Media