



PENNSYLVANIA INSTITUTIONAL LAW PROJECT

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July 1, 2020

Via First Class Mail and Via Email (LEW/execassistant@bop.gov)

Warden Stephen Spaulding
U.S. Penitentiary Lewisburg
2400 Robert F. Miller Drive
Lewisburg, PA 17837

Dear Warden Spaulding:

We are writing on behalf of the Pennsylvania Institutional Law Project and Lewisburg Prison Project to express grave concern about the conditions at the United States Penitentiary (USP) at Lewisburg. We have received numerous reports that incarcerated people in your care are being treated inhumanely, and are being housed in deplorable conditions that also fail to adequately protect them from COVID-19 transmission, which will likely have a significant impact on their health and safety, as well as prison staff and the community.

The Pennsylvania Institutional Law Project (PILP) is a legal aid organization dedicated to representing incarcerated and institutionalized persons on their civil rights and other civil claims through litigation in federal and other courts and through advocacy. We seek to ensure the health, safety, and humane treatment of incarcerated individuals, especially during this critical and unprecedented time.

The Lewisburg Prison Project (LPP) is a non-profit organization that assists those incarcerated in Pennsylvania with civil rights violations related to conditions of their confinement (medical, mental health, excessive force, etc.), and provides legal bulletins and other information and resources to people incarcerated throughout the United States.

Since mid-April 2020, when over 900 incarcerated people were transferred from FCI Estill to USP Lewisburg, we have received extensive reports that USP Lewisburg has failed to make changes or adjustments to its prior protocols from when USP Lewisburg was a Special Management Unit (SMU) to accommodate the incarcerated people now who are medium security. These failures also do not provide adequate social distancing and other measures that are necessary to mitigate the spread of COVID-19.

For example, the current population is entitled to make phone calls, but due to the lack of sufficient phones, people often must wait two hours to make a phone call, without air-conditioning, and without proper social distancing. As another example, we have received reports that up to 140 inmates are allowed in common spaces at one time, which is directly at

odds with the Center for Disease Control's (CDC) guidance on for detention centers and prisons.¹

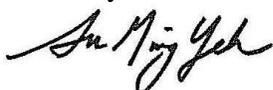
In addition, we have received troubling accounts of improper acts and behavior by some prison staff. Examples of these complaints are that prison staff have prevented incarcerated people from using medical devices such as C-PAP and Bi-PAP machines, destroyed large quantities of personal property without cause, forbidden people from having photos of family and friends, prohibited people from using radios, and that prison staff are confiscating commissary and eating it in front of the individuals who purchased those items.

We have also received reports that prison staff are interfering with incarcerated people's legal mail and grievances forms, both of which are rights protected under the First Amendment.² Incarcerated people have had trouble receiving grievance forms from prison staff, and some prison staff are retaliating against individuals who attempt to access the grievance process. Furthermore, we have high concern that mail is not being mailed out, as we have not received several letters labeled as "Special Mail" that were mailed to our office in the past several weeks.

Last, a number of people have informed us that the pigeon droppings on the windows at USP Lewisburg are so extensive that they cause incarcerated people and prison staff to inhale large quantities of the dust from these droppings. As the weather heats up, and with the lack of air-conditioning, opening the windows is an absolute necessity to maintain proper air flow and to keep temperatures manageable. Dust from pigeon droppings can cause several illnesses, including psittacosis (a flu-like illness), and pulmonary illnesses such as cryptococcosis and histoplasmosis. Moreover, the impact of this dust on an individual's immune system and respiratory system may greatly increase their vulnerability to death if they contract COVID-19.

We urge to address these concerns promptly. Please respond by July 10, 2020, with an explanation of the steps you intend to take to respond to issues we have raised in this letter. If we do not receive a response, we will consider taking further action. If you have any questions or concerns, you may contact Su Ming Yeh at smyeh@pailp.org or (267) 457-4790 or Amy Ernst at aernst@pailp.org or (267) 627-4298. Thank you.

Sincerely,



Su Ming Yeh, Esq.
Executive Director
Pennsylvania Institutional Law Project

/s/ Angela Trop
Angela Trop
President, Board of Directors
Lewisburg Prison Project

cc: Jonathan Kerr, USP Lewisburg, 2400 Robert F. Miller Drive, Lewisburg, PA 17837
Deputy Director Thomas Kane (*via email*)

¹ See U.S. Center for Disease Control and Prevention, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (June 16, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>.

² *Todaro v. Bowman*, 872 F.2d 43, 49 (3d Cir. 1989); *Bounds v. Smith*, 430 U.S. 817, 821-822 (1977).