



Lewisburg Prison Project

2019

President's Message

"Life's most persistent and urgent question is: what are you doing for others?" -Martin Luther King Jr.

As a board member of the Lewisburg Prison Project, I am surrounded by people who are constantly doing for others. I was often in awe and even concern for the countless hours our recently retired staff spent building relationships with inmates so that the injustices they encountered could be remedied. Dave Sprout, our former paralegal, spent numerous Sundays at the Lewisburg Penitentiary when that was the only time they would allow him to interview people. Those hours were well beyond his "paycheck." Now in 2019, we have hired three new staff who have chosen this work when lucrative or even prestigious opportunities may have been elsewhere. I am beyond excited to see what these driven staff members will do.

Honoring the spirit of doing for others, the board has chosen Regina Russell as the Isabelle and Karl Patten Award recipient for 2020. Regina's work spans over a decade in this community advocating for others. The first time I met Regina she was

dressed as Lady Liberty at a protest. I hope you will join me on Saturday, January 25, 2020 when we toast her inspiring energy. Alongside honoring Regina, this newsletter highlights victorious civil-rights cases, introduces our new staff, provides an update on the Special Management Unit, and pays tribute to the legacy left by former staff members Elayne Sobel and Dave Sprout.

Beyond the incredible work of leaders in our community and our powerful staff, the LPP board has set new goals for 2020. Our board was founded by grassroots volunteers and we will re-emphasize this ethic. Specifically, we will increase our presence in correctional facilities and be more visible in local governing boards. To assist in these endeavors, we need your help. Would you like to volunteer? If you have two hours per month to give in the new year, please contact the Lewisburg Prison Project at info@lewisburgprisonproject.org.

- Angela Trop, LPP Board President

LPP Honors Regina Russell as the 2019 Patten Award Recipient

The Lewisburg Prison Project is delighted to announce that Regina Russell will be the recipient of the 2020 Isabelle and Karl Patten Award. Regina thoroughly embodies the dedication and qualities of LPP's founders and boldly carries forward their commitment to social justice and civil rights. The staggering breadth of her work as an activist, organizer, and public representative is matched by the great depth of her devotion to making local communities increasingly fair and inclusive. Regina serves as Democratic Committeewoman for the 108th District, 2nd Ward of Sunbury, Disaster and

Humanitarian Relief Team member for the SUN area chapter of the American Red Cross, and, since 2015, has served as President of the Central Susquehanna Chapter of the ACLU – a position occupied by Karl Patten himself. In that respect, and in so many ways, she extends the lineage of the Pattens' dedication to decency and equality within local institutions.

Regina's insightful leadership in the concerns of public safety and fair policing originates from her previous work in the Washington D.C. area, where she was a Volunteer Public Safety Facilitator for the District of Columbia Metropolitan Police Department, a member of the Citizen Advisory Council, President and Public Safety Chair of the Fort



Regina Russell, 2019 Patten Award Recipient

Lincoln Civic Association, and co-founder of the Community Leadership Group. Most recently, her efforts toward criminal justice reform have been instrumental in garnering local support for the ACLU's Smart Justice campaign, which seeks to reduce the national prison population by half, revise probation and parole policies, and address racial disparities within the criminal justice system. In alignment with the Lewisburg Prison Project's mission, Regina has maintained an admirable, life-long commitment to securing civil rights and legal protections for the most vulnerable and marginalized populations.

So clearly demonstrated in Regina's range of advocacy is a stalwart dedication to embracing the full diversity of local people and passionately working toward fairness and better conditions for all. Earlier this year, Regina and the Central Susquehanna Chapter of the ACLU organized a public gathering at Sunbury's Hotel Edison to celebrate the city's official designation of June as Pride Month. She suggested the event upon learning that there wasn't a celebration already planned to mark the occasion, taking the personal initiative to convey a local spirit of inclusivity and welcoming toward LGBTQ communities. Regina's passionate

and proactive leadership has been the hallmark of her tenure as chapter president and has heightened the local visibility of that organization, says Helen Nunn, Board Secretary of the ACLU Central Susquehanna chapter. "She is quick to seize opportunities for collaboration – and she's fearless! She also always wants to know more and do better," Nunn stated. "Regina knows a lot, but she's also always willing to learn more from others and try to understand better the community's needs."

In an era of increasing divisiveness and reactionary politics, Regina's enduring commitment to justice and her strength of leadership offer a much-needed model for establishing broad support for social progress. "She has a certain charisma that draws people to her, and she uses that to make the community better for everybody," Helen Nunn explains. "She brings a very positive impact on the whole community in ways that are both intended and unintended. It's all a reflection of her deep commitment to those efforts." Indeed, we are truly fortunate for Regina's timely example and tireless commitment to improving the lives of everyone in the Susquehanna Valley, and there is no doubt that she embodies the spirit of the Patten Award through her lifelong dedication to "standing up and working for oppressed people here and everywhere."

In September, Regina also received the 2019 Activism Award from the Susquehanna Valley Ethical Society, and we gladly join that organization this year in honoring and celebrating her remarkable leadership. Please join us, too, as we present Regina Russell with the 2020 Isabelle and Karl Patten Award at this year's LPP Annual Party and Celebration.

- Alex Skitolsky, LPP Board Member & Volunteer

**LPP'S ANNUAL PARTY
& PATTEN AWARD CELEBRATION**

Saturday, January 25, 2020 @7 PM

at the Bull Run Taphouse
605 Market Street, Lewisburg PA

Honoring the Legacy of Dave Sprout & Elayne Sobel at LPP

This year marked the end of an era for the Lewisburg Prison Project. In their well-deserved retirement, the LPP Board of Directors wants to honor the legacy of Elayne Sobel and Dave Sprout.

Many people are aware of the intensity of the work that Dave and Elayne brought to the LPP for the past dozen years, especially since 2009 when the Special Management Unit began at USP Lewisburg. Their detailed and systematic work eventually required the federal government to acknowledge the wrongdoings that occurred at USP Lewisburg; wrongdoings which include denying care to inmates with mental health needs, and failing to follow their own procedural policy, resulting in the severe injury or death of inmates involved. As new staff occupy the office and encounter myriad files, they have become aware of the amount of time, dedication, and effort it takes to build such defensible cases. Dave sought the truth in a meticulous and calculated manner, spending countless hours building relationships and asking the right questions, while Elayne would put together a coherent, organized file to establish a new angle or path of investigation. Their skills were truly a complement to each other, and a great service to those who relied on them from inside.

In addition to answering the letters per week from local, state, and federal prisoners, overseeing volunteers, working with outside attorneys, managing the office, visiting inmates, and maintaining legal records, Dave and Elayne were and still are extremely active in our community.

Dave has spoken before numerous audiences, from college classes to local nonprofits. He has been a repeat guest on the prison radio hour and spoken clearly about various topics related to the criminal justice field. He attends any event if it supports those affected by the criminal justice system, from prison ministry dinners to prisoner visitor conferences. The audiences with whom he has spoken are not always people who agree with LPP's work, including those who have never found

themselves aligned with it. Professor Kerry Richmond, the chair of Lycoming College's Criminal Justice department, noted that her students often have family who work in the system and that the students may also plan to work in the system. She stated how Dave is able to explain that the LPP primarily ensures that policies that are in place by the federal prison system are upheld and carried out appropriately. Kerry said, "this stuck with me because this is often a misconception about those who advocate reforming the criminal justice system. These individuals (most at least) are not advocating that the criminal justice system should be abolished and understand that it is needed and has a place in society. The concern, however, is that the system, as it currently functions, is broken and is not only violating people's rights but losing the faith and trust of the general public. If there were more people like



Artist's rendering of Dave Sprout & Elayne Sobel.

Dave, I truly believe that the prison system would be a safer place for those who both work in and are incarcerated by the prison system."

As a co-founder of the Central Susquehanna Mediation Center, Elayne is also an engaged and influential member of the community. The Mediation Center has reduced many unnecessary court decisions and provides the community with a healthy and productive manner to address disputes. One fellow volunteer, Cindy Peltier, shared that, "Elayne numbers among one of the most selfless,

caring, diligent leaders I know. Never seeking the limelight, Elayne has always preferred to be in the background. Her efforts are the foundation and bedrock of any organization she is involved with. Here are some of the lessons I've learned from Elayne over the years. While being supportive and helpful, Elayne always gives permission to everyone to trust his or her own intuition and wisdom. She never takes power away from somebody struggling through any issue they are dealing with. She knows intuitively that taking decision-making power away from people only takes them further down a path of

powerlessness. Instead, she stands steadfastly by your side offering support and withholding judgment."

Three common words were mentioned when people were asked about the legacy of Elayne and Dave: tenderness, compassion, and confidence. I speak for the entire board when I say that we feel honored to have worked with these two outstanding individuals who continue to be amazing leaders in our community.

- Angela Trop, LPP Board President

SMU Open at A USP Thomson

Since its inception in 2009, the US Bureau of Prisons' Special Management Unit (SMU) has been housed in USP Lewisburg. The SMU was created for what the Bureau of Prisons defines as "dangerously violent, confrontational, defiant, antagonistic inmates." It was originally supposed to be a 24-month, multi-phased program with the nominal mission "to teach self-discipline, social values, and the ability to successfully coexist with members of other geographical, cultural, and religious backgrounds." In practice, SMU inmates experience a life of isolation and violence. They are confined with a cell-mate in small cells for 23 hours/day, suffering assaults at the hands of cell-mates, prison staff, and other inmates in the rec yard, and they are denied routine mental health care that is so badly needed. As friends of LPP know, the conditions have been the subject of several lawsuits, and have been publicized in national media reports.

In June of 2018, the Bureau of Prisons announced that the Special Management would be moved to what is now called the Administrative United States Penitentiary (AUSP) in Thomson, Illinois, about a two-and-a-half hour drive west of Chicago. (The former Illinois Correctional Center was at one time considered for Guantanamo detainees, and was sold to the federal Bureau of Prisons in 2012 for \$165 million.) Training for the Thomson staff was conducted by Lewisburg employees, and the transfer of SMU inmates is now underway. The inmate population at USP Lewisburg is down to a

little over 400 (from about 870 in March), and the population at AUSP Thomson is now almost 700. The timing of the transfer of the remaining SMU population from Lewisburg is not known, but the transfer may be completed by early 2020. (There are also currently 361 inmates at the lower-security Camp outside the walls of USP Lewisburg, who will not be transferred.) The future of USP Lewisburg is not clear.



AUSP Thomson, Illinois (Google Maps)

Although the new "Mission" for AUSP Thomson as the home of the SMU was formally announced by the Bureau of Prisons, there has been no such announcement for USP Lewisburg. It was reported by PennLive.com (a branch of the Harrisburg *Patriot-News*) that USP Lewisburg is slated to house the Communication Management Units currently located at federal prisons in Marion, Illinois, and Terre Haute, Indiana. Inmates in Communication

Management Units have severely restricted and monitored communication with the world outside the prison, including telephone, mail, and visitation.

Senators Bob Casey and Pat Toomey expressed concern to the BOP about the potential loss of jobs due to the changes at USP Lewisburg. In March 2019 Senator Casey announced that he is "pleased that the BOP has announced that no staff will lose their jobs as a result of the transition at USP Lewisburg." Local prison worker union leaders are not so sanguine about the prospects. Shane Fausey, president of Local 4047, was quoted in the *Sunbury Daily Item* reporting that there has already been a loss of about 185 federal jobs in the last two years at USP Lewisburg and the Allenwood Prison Complex.

The Lewisburg Prison Project staff continue to receive mail from inmates who have been transferred to Thomson, and are receiving new correspondence from those admitted to the SMU at Thomson. In these letters from Thomson, we hear many all-too-familiar complaints about excessive

force, dangerous cell-mates, and lack of adequate medical and mental healthcare. While the LPP can provide information to those at Thomson, and continue to assist our clients with legal claims from USP Lewisburg, we are unable to provide legal advice or assistance for issues that occur outside of Pennsylvania. Therefore LPP staff have been referring these SMU inmates to the Uptown People's Law Center in Chicago, a civil rights non-profit organization.

Of course, the geographical location of the SMU is not what matters to inmates -- it is the conditions under which they live. LPP and PILP staff continue to work on the Richardson case. This case, widely publicized by NPR in 2015 and now in its eighth year, challenges the SMU program's excessive use of restraints. Despite the current relocation of the SMU, LPP is committed to continuing its work on behalf of inmates to end the inhumane conditions inherent in the design of the SMU program.

- Marty Ligare, LPP Board Member

Two Recent Wins for Prisoner Civil Rights: Constitutional Claims Prevail Over PA DOC Policies

The Pennsylvania Institutional Law Project (PILP), the affiliate organization of LPP, took a central role in protecting the civil rights of Pennsylvania state prisoners this year by reaching settlement in two significant lawsuits against the Pennsylvania Department of Corrections. The conditions of these DOC agreements, resulting from the collaborative efforts of prisoner advocacy groups across the state, will guarantee improvements in the medical treatments available to state prisoners and preserve their rights to confidential legal counsel.

In November 2018, PILP Deputy Director Su Ming Yeh, along with attorneys David Rudovsky and Stephen Brown, announced a landmark settlement with the Pennsylvania DOC that will ensure life-

saving treatment for incarcerated individuals with Chronic Hepatitis C. Further, in conjunction with the Abolitionist Law Center, the Amistad Law Project, and the ACLU of Pennsylvania, PILP attorney Alexandra Morgan-Kurtz successfully challenged recent changes in DOC mail policy that jeopardized attorney-client privilege by requiring the legal mail of inmates to be opened, photocopied, and left accessible to prison staff. In the March 25th, 2019 settlement, the Pennsylvania DOC agreed to end its systematic infringement on the confidentiality of communications between prisoners and their legal counsel.

The DOC's adoption of the new Hepatitis C treatment protocol, which requires Pennsylvania state prisons to provide Direct Action Antiviral (DAA) treatments to prisoners with Chronic Hepatitis C, resulted from a class-action federal lawsuit originally filed on the behalf of Salvatore Chimenti and other plaintiffs in 2014. While the FDA-approved and medically-recommended DAA drugs cure over 90% of Hepatitis C patients, more than 5,000 state

inmates, like Chimenti, were being denied this medication. The lawsuit advanced a constitutional claim that denying inmates such highly effective treatments for a lethal, debilitating illness violated their Eight Amendment protection against cruel and unusual punishment. As a result of the settlement agreement, the Pennsylvania DOC began providing DAA medications to those diagnosed with Chronic Hepatitis C in July, prioritizing treatment of prisoners, such as Chimenti, who exhibit the most serious cases. LPP has since received letters from those incarcerated in the PA DOC who have begun treatment and may be cured of this disease after living with it for years.

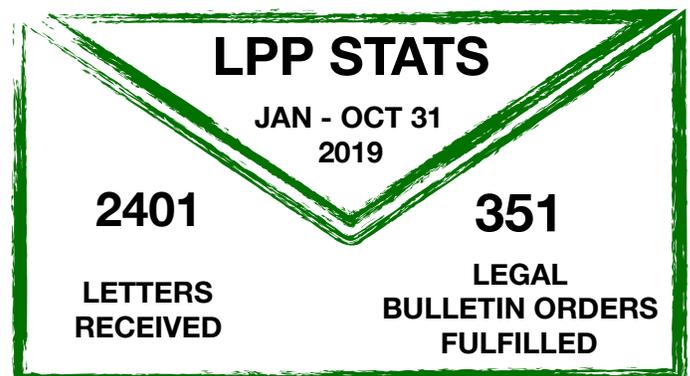
The Pennsylvania DOC's fulfillment of the settlement agreement is expected to result in the treatment of all eligible individuals currently incarcerated in state prisons, along with the majority of incoming prisoners, by June 30, 2022. Beyond reducing the unnecessary death and suffering of state prisoners, this settlement represents an improvement in public health policies within correctional institutions. "The new DAA treatment is highly effective in curing the disease," states PILP's Su Ming Yeh. "The health of thousands of prisoners will be improved now that they will have access to this potentially life-saving medication."

In addition to the landmark agreement regarding Hepatitis C treatment, the Lewisburg Prison Project also supported an October 2018 claim that a newly-adopted DOC mail policy violated prisoners' First Amendment rights to privileged communications with their attorneys. The DOC policy, ostensibly justified as an effort to reduce narcotics and contraband substances entering prisons through the mail, introduced a process whereby prison staff opened and photocopied all confidential legal correspondences in the presence of prisoners (including legal mail), then stored the original mailings in locations accessible to correctional staff. Not only did this process risk rendering legal materials illegible and incomplete, it sacrificed the privacy of privileged communications, limited the effectiveness of legal counsel, and potentially

allowed correctional officers to monitor legal inquiries and claims against their own practices. In its March 25th settlement with the team of prisoner rights organizations, the Pennsylvania DOC agreed to step back its encroachment on attorney-client privilege and end its policy of copying and storing legal mail by April 5th, 2019. The new process entailed by this agreement utilizes a verification system for privileged communications that reduces such privacy concerns. The new policy will be monitored by the plaintiffs for a period of two years. "This legal mail settlement is a necessary first step in ensuring incarcerated persons are able to exercise their constitutional right to counsel without worrying about privacy concerns or their personal information being stored," said Bret Grote of the Abolitionist Law Center. "The DOC should now review their general communication policies to allow loved ones of those who are incarcerated similar possibilities."

Although this reversal of the DOC's invasive handling of legal mail will restore the privacy of attorney-client communications, it does not alter the way in which personal or non-legal correspondences continue to be photocopied and destroyed by the DOC. The remaining restrictions on mail prevent incarcerated persons from receiving photographs and handwritten letters, deteriorating the quality of personal connections and further alienating them. Nonetheless, the settlements reached by PILP and other prisoner advocacy groups this year represent important achievements for prisoner civil rights, safeguarding the access of Pennsylvania inmates to reasonable standards of healthcare and confidential legal counsel.

- Alex Skitolsky, LPP Board Member



LPP Welcomes All New Staff

SIERRA SHAMER, OFFICE ADMINISTRATOR/PARALEGAL

Sierra joined the Lewisburg Prison Project in January 2019. She is originally from Baltimore, Maryland but has lived in Central Pennsylvania since 2015. She has both a Bachelor's and Master's degree from the University of Maryland, Baltimore County. Her previous work included community organizing for issues of environmental and racial justice, environmental investigative journalism, and GIS mapping.



JESSICA SMITH, PARALEGAL

Jessica joined the Lewisburg Prison Project in February 2019 from Carlisle, Pennsylvania. She previously worked within the Pennsylvania Department of Corrections researching re-entry program, and more recently worked at a Youth Home for juvenile offenders. She's excited to be on board and looks forward to continuing the Prison Project's mission.

AMY ERNST, STAFF ATTORNEY

Amy joined the Lewisburg Prison Project and Pennsylvania Institutional Law Project in August after graduating from the American University Washington College of Law. She also has a Master's degree from The University of Chicago and a Bachelor's degree from The Colorado College. Her background is in sexual violence; she has worked primarily with systemic violence, including in the wartime context and within the United States military. She worked as a rape crisis counselor and medical advocate for ten years before attending law school.



Lewisburg Prison Project
P.O. Box 128
Lewisburg, PA 17837

**LPP'S ANNUAL PARTY
&
PATTEN AWARD CELEBRATION**

**Saturday, January 25, 2020
7:00 PM**

at the Bull Run Taphouse

605 Market Street, Lewisburg PA

Our Mission

The Lewisburg Prison Project, Inc. is a non-profit organization that provides advocacy, information, and legal assistance regarding conditions of confinement. We are dedicated to the principle that prisoners are persons with incontestable human and constitutional rights.

We provide inmates across the United States with information and legal bulletins regarding conditions of confinement. In the Middle District of PA, we are able to advocate for and provide civil legal advice and assistance to inmates regarding violations of their constitutional rights.

THANK YOU for a Great Year!

We would like to thank our supporters, donors, and all of the volunteers who have helped us out this year.

We would like to thank our work-study student Caroline Foster and office interns Talia Housman, Lauren Canna, Zoe Lindahl. Without their consistent work, we would never be able to keep up with the legal bulletin requests, case requests, and other information to assist those incarcerated throughout Pennsylvania and the United States. Additional thanks to volunteers Harvey Partica, Martin Vollmayr-Lee, and Rachel Loden for their assistance with office organization and miscellaneous tasks.

Finally, special thanks to Carroll Blank, Helen Nunn, Dave Sprout, Elayne Sobel, (for their continued support) and the Bucknell Institute for Lifelong Learning.