

April 8, 2013

VIA UPS

Secretary Wetzel  
Pennsylvania Department of Corrections  
1920 Technology Parkway  
Mechanicsburg, PA 17050

**Re: Russell Shoats v. Pennsylvania Department of Corrections, et al.**

Dear Secretary Wetzel:

This letter is being sent in regard to the prolonged solitary confinement of Russell Shoats, who is now at the State Correctional Institution (SCI) Mahanoy, and with the intent to resolve his serious, Constitutional concerns about this confinement short of litigation. As you are aware, Mr. Shoats has recently been transferred from SCI Greene, where he had spent 18 years in solitary confinement.

We are encouraged by the statements from Pennsylvania Department of Corrections ("DOC") officials indicating that our client's transfer is for the purpose of placing him in general population. Nevertheless, given the lack of certainty as to when or under what conditions this will take place, we submit this letter in order to protect Mr. Shoats' legal interests.

The austere and dehumanizing conditions of isolation that he has been subjected to for almost thirty years within the DOC violate Mr. Shoats' right to be free from cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution.

Conditions of severe isolation are depriving Mr. Shoats of the basic human needs of environmental stimulation and social interaction. Courts have ruled that basic human needs include sleep, exercise, social interaction, and environmental stimulation. *Wilkerson v. Stalder*, 639 F. Supp. 654, 679 (M.D. La. 2007). The extreme restrictions on personal movement, exercise time and recreation activities, combined with the extraordinary levels of stress inherent in prolonged solitary confinement are depriving him of his Constitutional right to physical and mental health.

These conditions have been a source of immense mental suffering and emotional pain for Mr. Shoats, as well as his family and loved ones. As he approaches his 70th birthday, the substantial risk of his being subjected to yet more serious harm as a consequence of his continuous solitary confinement for over 21 years looms larger by the day. Indeed, this risk has been explicitly acknowledged by DOC officials, including but not limited to Thomas James, former Special Assistant to the Secretary, and Mary Ann Mistrick, Psychologist at SCI Greene. Moreover, the UN Special Rapporteur on Torture's report on solitary confinement explains that the lasting effects on mental and physical health begin

immediately after being placed in solitary confinement, and grow worse every day. UN Special Rapporteur on Torture, *Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment*, August 5, 2011.

In addition to the violation of Mr. Shoats' rights under the Eighth Amendment, his rights to due process under the Fourteenth Amendment to the U.S. Constitution are being violated by the arbitrary and meaningless nature of the reviews he is provided by the Program Review Committee. Those conducting the reviews are either unfamiliar with, or provide no weight, to his exemplary disciplinary record over the past twenty years. In addition, the secretive review process performed by the DOC is deficient under prevailing due process standards, because this process provides Mr. Shoats with no notice of the basis for his indefinite, permanent solitary confinement. For decades, Pennsylvania DOC officials have articulated the same, unvarying reasons for holding him in solitary confinement. Prison officials have never provided him with any notice as to what is required of him in order to be released into the general prison population.

In short, Mr. Shoats has been continuously isolated in solitary confinement for more than twenty years without an infraction, which defies reason, sound policy, basic morality, and fundamental human rights. On behalf of Mr. Shoats, we demand that this egregious and unconstitutional course of conduct end.

Specifically, on behalf of Mr. Shoats, we demand that you immediately take the following actions:

- 1) Release Mr. Shoats from the Restricted Housing Unit into the general prison population.
- 2) Provide Mr. Shoats with proper medical care, in particular the surgery that is necessary to remove a cataract from his eye.
- 3) Continue to provide Mr. Shoats with his regular provision of anti-embolism stockings. These were recently withheld from him while at SCI Greene.
- 4) Permit Mr. Shoats to have a typewriter because there is no reason he should not have access to a typewriter as other inmates in the RHU do.

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If you fail to comply with the above demands within thirty days from April 8, 2013, we, joined by Daniel Kovalik, Attorney for the United Steelworkers, and Dustin McDaniel of the Abolitionist Law Center, will have no choice but to file a civil action in federal court pursuant to 42 U.S.C. § 1983. Please be advised that should Mr. Shoats prevail in his claims, we will seek attorneys' fees pursuant to 42 U.S.C. § 1988.

We look forward to hearing from you in regard to this matter

Very truly yours,



Rick L. Etter  
Attorney



Stefanie A. Lepore  
Attorney