

ALABAMA DISABILITIES



ADVOCACY PROGRAM

Protection & Advocacy for
Persons with Developmental
Disabilities

Protection & Advocacy for
Individuals with Mental Illness

Protection & Advocacy of
Individual Rights

Protection & Advocacy for
Assistive Technology

Protection & Advocacy for
Individuals with
Traumatic Brain Injury

Protection & Advocacy for
Beneficiaries of Social Security

Protection & Advocacy for
Voting Accessibility

THE UNIVERSITY OF
ALABAMA | School of Law

500 Martha Parham West
Box 870395
Tuscaloosa, Alabama 35487-0395
Main (205)348-4928
Toll Free (800)826-1675
TDD (205) 348-9484
FAX (205)348-3909
adap@adap.ua.edu
http://adap.ua.edu

For Immediate Release
June 27, 2017

Contact:
James Tucker, Attorney
Executive Director
Alabama Disabilities Advocacy Program (ADAP)
(205) 348-4928 (O) / (205) 310-5906 (C)
jtucker@adap.ua.edu

William Van Der Pol, Jr., Attorney
Senior Trial Counsel
Alabama Disabilities Advocacy Program (ADAP)
(205) 348-3118 (O) / (205) 614-1732 (C)
wvanderpoljr@adap.ua.edu

Federal Court Denounces Alabama Prison System for its Care of Prisoners with Mental Illness

Orders Remedial Planning to Rectify Unconstitutional System of Care

MONTGOMERY, Ala. – The United States District Court of Alabama, Middle District, ruled today that the Alabama Department of Corrections, known as ADOC, fails to provide constitutionally adequate mental health care to prisoners with serious mental health needs, knowingly placing them at substantial risk of serious harm.

In his ruling in *Braggs v. Dunn*, Senior United States District Judge Myron H. Thompson describes the mental health care provided by ADOC to be “horrendously inadequate.”

Referencing the suicide of prisoner Jamie Wallace, only days after he testified in the trial, Thompson cited “the real, concrete, and terribly permanent harms that woefully inadequate mental-health care inflicts on mentally ill prisoners in Alabama.”

“Without systemic changes that address these pervasive and grave deficiencies,” stated Thompson, “mentally ill prisoners in ADOC, whose symptoms are no less real than Wallace’s, will continue to suffer.”

The lawsuit was filed by the Alabama Disabilities Advocacy Program, known as ADAP, and the Southern Poverty Law Center, known as SPLC, after years of exhaustive investigation into the conditions in Alabama prisons.

“This ruling highlights the fundamental truth that once the State chooses to incarcerate a person with a diagnosis of a serious mental illness, ADOC must provide adequate care to that person,” stated James Tucker, ADAP Executive Director. “ADAP is, and remains, focused on ensuring constitutionally adequate care for all inmates in the ADOC who have a serious mental health issue.”

During the two month trial that started in December 2016, the Court heard evidence from prisoners and mental health professionals about how the ADOC flagrantly disregards the protections afforded to prisoners under the Eighth Amendment to the U.S. Constitution. The Court found seven interrelated areas of inadequacy: (1) identification and classification of prisoners with mental illness; (2) treatment planning; (3) psychotherapy; (4) inpatient mental-health care units; (5) crisis care and suicide prevention; (6) use of disciplinary actions for symptoms of mental illness; and (7) use of segregation for mentally ill prisoners.

Testimony from ADOC officials described a system that is in chaos and has little to no regard for its obligation to treat the prisoners in its care. Staff discussed “call[ing the] bluff” and “tak[ing] the gamble” on prisoners who threatened to commit suicide or severely injure themselves. ADOC Commissioner Jefferson Dunn described the prison system as “wrestling with a ‘two-headed monster’: overcrowding and understaffing.” Associate Commissioner Ruth Naglich’s testimony was “full of admissions that, despite knowledge of risks of harm, ADOC took no action at all.” The Court suggested that Naglich’s attempt to blame ADOC’s mental health contractor for most of the deficiencies in mental health care is a case of the “proverbial pot calling the kettle black,” noting that ADOC had done almost “nothing that resembles ‘quality-improvement.’” Indeed, the manager of continuous quality improvement for the private, for profit mental health provider testified that no one is responsible for follow up after problems are identified, stating “the buck doesn’t stop with anyone.”

“While committing a crime necessitates punishment, the United States Constitution does not allow the State to knowingly expose inmates in its custody, to a substantial risk of serious harm, by failing to provide them with adequate mental health care,” stated William Van Der Pol, Jr., ADAP Senior Trial Counsel. “No one chooses to have a mental illness, brain injury, or an intellectual disability.”

Joining ADAP and SPLC in this litigation were Baker Donelson Bearman Caldwell & Berkowitz, and Zarzaur Mujumdar & Debrosse.

“In light of the Court's opinion, it is our hope that Alabama’s prison system will move expeditiously to fix its system of mental health care to provide constitutionally required relief for people who are suffering unnecessarily,” said Anil A. Mujumdar, an attorney representing ADAP in the lawsuit.

###

The Alabama Disabilities Advocacy Program is Alabama’s federally funded protection and advocacy agency. Its mission is to safeguard persons with disabilities from abuse and neglect and to protect their civil rights.

The Southern Poverty Law Center, based in Alabama with offices in Florida, Georgia, Louisiana and Mississippi, is a nonprofit civil rights organization dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society. For more information, see www.splcenter.org.

-

Zarzaur Mujumdar & Debrosse – Trial Lawyers, is a Birmingham, Alabama based law firm dedicated to the pursuit of justice for victims of abuse, greed, neglect, and discrimination. The lawyers of Zarzaur Mujumdar & Debrosse work diligently everyday to fight for civil rights and social justice on behalf of their clients. For more information, see www.zarzaur.com.

-

Baker Donelson is a law firm of more than 800 attorneys in offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Texas and Washington, DC. Baker Donelson's extensive pro bono work in the area of criminal justice and prison reform aims to address the devastating impacts of discriminatory convictions and sentencing and mass incarceration in this country.