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NEWS

Alabama agrees to improve conditions for inmates with disabilities following SPLC lawsuit

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An agreement has been reached with the Alabama Department of Corrections (ADOC) to ensure that prisoners with disabilities receive treatment and services required under the Americans with Disabilities Act (ADA). If approved by the judge, the settlement will resolve part of a federal lawsuit filed by the SPLC and the Alabama Disabilities Advocacy Program (ADAP) over inadequate care of inmates.

The agreement filed today in the U.S. District Court for the Middle District

of Alabama outlines steps the ADOC will take to ensure its prisons and policies comply with the ADA – including appointing an ADA coordinator at each facility and hiring a statewide coordinator to ensure compliance with the federal law.

The remainder of the lawsuit, [filed in June 2014 on behalf of the 25,000 Alabamians in state custody](#), is expected to go to trial Oct. 17. It describes how the ADOC disregards the medical and mental health needs of prisoners and discriminates against prisoners with disabilities.

“This agreement is an important commitment by the Alabama Department of Corrections to address the discrimination and hardship these prisoners have faced for far too long,” said Maria Morris, SPLC senior supervising attorney. “Prisoners with disabilities must have an opportunity to serve the sentence they have received – not the sentence they must endure because the state fails to respect their legal rights.”

Prisoners with disabilities are often housed in facilities that cannot safely accommodate them, according to the lawsuit. Some have been placed in units for prisoners with higher security classifications for no reason other than their disabilities. The lawsuit also describes how during a 2014 fire at Kilby Correctional Facility, a wheelchair-bound prisoner had to maneuver deeper into the prison – against the flow of prisoners – to access a ramp to the outside.

Prisoners have also been denied necessary services and devices, such as functioning wheelchairs or sign language interpreters. They reported incidents where they were verbally or physically mistreated due to their disabilities.

As part of the agreement, the ADOC will provide an adequate number of ADA-compliant cells to house prisoners with disabilities. Some specialized units, including death row cells and infirmaries, will comply with the ADA. Corrections personnel will receive ADA training as part of the agreement.

The ADOC will also implement a system to ensure individuals with disabilities can access programs, including educational, vocational and

rehabilitative services. Other provisions include a better system of identifying and tracking prisoners with disabilities and creating a plan to protect the safety of prisoners with disabilities in emergencies. A separate grievance and appeal process for ADA issues will also be established.

A monitor will oversee the implementation of the agreement's provisions.

“When we filed this lawsuit two years ago, we said the state must live up to the legal and moral responsibility that comes with imprisoning human beings,” said William Van Der Pol Jr., ADAP staff attorney. “We are pleased that today the Alabama Department of Corrections is taking the first steps toward fulfilling this responsibility.”

The lawsuit's remaining claims, which are set for trial, are related to the medical and mental health care of prisoners.

“While we are pleased to have resolved these claims on behalf of prisoners with disabilities, this case is far from over,” said Lisa Graybill, SPLC deputy legal director. “The Alabama Department of Corrections has known about the medical and mental health care problems in its facilities for years but has refused to address them. We look forward to the day we can say the state of Alabama is respecting the constitutional rights of all of its prisoners.”

Baker Donelson and Zarzaur Mujumdar & Debrosse are serving as co-counsel on the case with the SPLC and ADAP. The conditions that sparked the lawsuit can be found in the SPLC and ADAP report, [*Cruel Confinement*](#).

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