

Alabama

Alabama prisons to improve treatment of inmates with disabilities



Maria Morris, managing attorney for the Southern Poverty Law Center, announces a federal lawsuit against the Alabama Department of Corrections alleging that the system violates federal law by ignoring inmates' medical and mental health needs. Morris spoke outside DOC's offices in Montgomery, Ala., on June 17, 2014. Morris was joined by William Van Der Pol Jr., staff attorney for the Alabama Disabilities Advocacy Program, which is also taking part in the lawsuit, alleging discrimination against prisoners with disabilities. (Mike Cason/mcason@al.com)



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Alabama inmates with disabilities will soon receive the necessary treatment and services, under a recent agreement between the Southern Poverty Law Center and the Alabama Department of Corrections.

SPLC **[filed a lawsuit in June 2014](#)** claiming that state officials knew about problems within the system but had not acted to bring conditions to a "humane and constitutional" level. The plaintiffs include 40 named inmates who **[offer details about their individual encounters with inadequate health care.](#)**

ALABAMA'S PRISON PROBLEM

The agreement outlines steps ADOC will take to ensure compliance with the Americans with Disabilities Act. A monitor will oversee the implementation of the agreement's provisions.

"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."

Under the agreement, ADOC will do the following:

- Appoint an ADA coordinator at each facility and hire a statewide coordinator
- Provide ADA-compliant cells to house prisoners with disabilities
- Offer ADA training for corrections personnel
- Implement a system to ensure those with disabilities can access programs, including educational, vocational and rehabilitative services
- Streamline the process of identifying and tracking prisoners with disabilities and create a plan to protect their safety in emergencies
- Establish a separate grievance and appeal process for ADA issues

The settlement, filed Wednesday in the U.S. District Court for the Middle District of Alabama, must be approved by a judge. If approved, it will resolve part of a federal lawsuit filed by SPLC and the Alabama Disabilities Advocacy Program over inadequate care for inmates.

"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 claims that prisoners with disabilities are housed in facilities that cannot safely accommodate them and that they have been denied devices like functioning wheelchairs or services like sign language interpreters.

Shortly before filing the suit, the [SPLC and ADAP released a report, "Cruel Confinement: Abuse, discrimination and death with Alabama's prisons,"](#) alleging that the Department of Corrections is deliberately indifferent to prisoners' medical needs.

The 23-page report said DOC violates federal law protecting people with disabilities and the Constitution's ban on cruel and unusual punishment.

In response to the report, then-commissioner Kim Thomas issued a statement that the DOC was proud of its medical care and that the care is better than what most uninsured Alabamians receive. He also said DOC has allowed the SPLC and ADAP access to inmates for two years and that DOC has sought more information about the allegations but that the two groups have not responded.

Corizon and MHM, the two companies under contract to provide inmate health care released a joint statement saying that many of the allegations in the report were inaccurate or based on incomplete information.

[The unresolved portions of the lawsuit](#) are set for an Oct. 17 trial. Those remaining claims are related to the medical and mental health care of prisoners.

Baker Donelson and Zarzaur Mujumdar & Debrosse are serving as co-counsel on the case with the SPLC and ADAP.

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[Alabama prisons to improve treatment of inmates with disabilities](#)

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"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."

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