

Partial settlement reached prison suit



Kelsey Davis, Montgomery Advertiser 10:43 a.m. CDT March 18, 2016



(Photo: Albert Cesare / Advertiser)

A partial agreement has been reached in a federal lawsuit filed on behalf of 25,000 Alabama inmates who attorneys say have been denied medical treatment.

In 2014, the Southern Poverty Law Center and the Alabama Disabilities Advocacy Program filed the 140-page complaint against the Alabama Department of Corrections, then-ADOC Commissioner Kim Thomas (current Commissioner Jefferson Dunn has since inherited the suit) and Ruth Naglich, ADOC associate commissioner of health services.

Forty-two prisoners were named as plaintiffs in the suit, though the suit is still awaiting class action certification.

MHM Correctional Services, Inc. and Corizon Health, Inc, which were contracted by ADOC, are also movants in the suit.

The complaint contains a laundry list of allegations rooted in ADOC's "routine and systematic failure" to provide adequate medical care, which the complaint says has led to the death and severe injury of multiple inmates.

A significant portion of the suit was aimed at ADOC's noncompliance with the Americans with Disabilities Act.

It states that prisoners with disabilities are often housed in facilities that do not accommodate them, and illustrates this by citing an instance when an inmate in a wheelchair had to maneuver deeper into Kilby Correctional Facility during a 2014 fire to access a ramp.

Defendants have denied most of the allegations, stating in a court filing that the plaintiffs' complaint, "reveals inflammatory, self-serving statements that inaccurately characterize inmates' medical and mental health conditions, ... and demonstrate a basic misunderstanding of technical medical or mental health terminology."

The portion of the suit that addresses solely disabled inmates is that part that's initially been settled.

Mapped out in the settlement (https://www.splcenter.org/sites/default/files/documents/dunn-splc_settlement-agreement.pdf) is an outline for reform with treatment of disabled inmates - including improved housing, more thorough screening and the implementation of a tracking system.

Full copies of the settlement agreement will be made available to inmates in all ADOC prison libraries, a court document states.

"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 in a press release. "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."

The agreement is awaiting approval by U.S. District Judge Myron Thompson, who will hear oral arguments today for motions filed regarding this suit.

Three of those motions were filed by the plaintiffs. They ask Thompson to compel the defendants and movants to provide "improperly withheld documents" from Corizon, documents relating to Corizon's mortality review and documents about prisoners who were sent to the E.R. or hospital.

The remaining elements of the lawsuit, which claim ADOC's "indifference to the serious medical needs of prisoners in their custody" and "failure to provide mental health care" to inmates, are expected to go to trial Oct. 17.

Read or Share this story: <http://on.mgmadv.com/1poQF5q>

