



Litigation News

Settlement reached to improve ADA compliance in Alabama prisons

Andy Jones | Friday, March 18, 2016

The [Southern Poverty Law Center](#) and the [Alabama Disability Advocacy Program](#) announced a [settlement](#) with the Alabama Department of Corrections on March 16 to settle a range of disability accessibility complaints in the state's prison system, partially resolving a [class-action lawsuit](#) the advocacy groups filed in federal court.

In June 2014, the SPLC and ADAP, with the assistance of co-counsel [Baker Donelson](#) and [Zarzaur Mujumdar & Debrosse](#), hit the state with a [130-page complaint](#), arguing that the state demonstrates "deliberate indifference" to inmates' health care needs, has a practice of refusing to treat inmates' Hepatitis C, and regularly commits a rash of other actions constituting "cruel and unusual punishment" under the Eighth Amendment.

The latest announcement pertains exclusively to the allegations under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The parties remain scheduled for trial in October 2016 on the remaining issues.

"While we are pleased to have resolved these claims on behalf of prisoners with disabilities, this case is far from over," SPLC Deputy Legal Director Lisa Graybil said in a [news release](#). "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."

Under the agreement, which is still subject to approval by the U.S. District Court for the Middle District of Alabama, the DOC must remove all architectural barriers in its units, including those in the bathrooms, showers and toilets. Inmates



Photo from "Cruel Confinement: Abuse, Discrimination and Death Within Alabama's Prisons"

must have full access the prison' education, vocational and rehabilitative programs, including materials provided in accessible formats.

Further, the DOC must implement a tracking system for identifying people with disabilities and their specific needs, and create an inclusive emergency preparedness plan. Extensive ADA training for agency personnel is required, as well as the creation of a separate grievance and appeals process for ADA compliance concerns.

All 28 of the state's facilities must have an ADA coordinator, overseen by an appointed statewide coordinator.

"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," ADAP staff attorney William Van Der Pol Jr said in the news release. "We are pleased that today the Alabama Department of Corrections is taking the first steps toward fulfilling this responsibility."

The SPLC's 2014 report "Cruel Confinement: Abuse, Discrimination and Death Within Alabama's Prisons," [can be read here](#).

The Alabama Disability Advocacy Program and Disability Rights Washington, the publisher of Rooted in Rights, are the designated protection and advocacy agencies in Alabama and Washington, respectively, and are members of the [National Disability Rights Network](#).