

Judge holds off on approving prison suit partial settlement



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(Photo: Albert Cesare / Advertiser)

U.S. District Judge Myron Thompson on Thursday did not approve the partial settlement in a suit filed over inadequate medical treatment care of inmates.

A significant portion of the suit alleged sweeping noncompliance from the Alabama Department of Corrections regarding the Americans with Disabilities Act.

This portion of the suit that solely addresses disabled inmates is that part that's initially been settled, pending Thompson's approval.

But Thompson said he sees problems "all the way around" with the [current settlement](http://www.montgomeryadvertiser.com/story/news/2016/03/16/attorneys-seek-mortality-review-documents-other-records-prison-suit/81867752/) ([/story/news/2016/03/16/attorneys-seek-mortality-review-documents-other-records-prison-suit/81867752/](http://www.montgomeryadvertiser.com/story/news/2016/03/16/attorneys-seek-mortality-review-documents-other-records-prison-suit/81867752/)).

In essence, the [settlement](https://www.splcenter.org/sites/default/files/documents/dunn-splc_settlement-agreement.pdf) (https://www.splcenter.org/sites/default/files/documents/dunn-splc_settlement-agreement.pdf) lays out broad strokes for reform — including improved housing for disabled prisoners and more thorough screening to determine which inmates have disabilities.

It lacks a detailed plan for exactly how that reform will be carried out.



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[Partial settlement reached prison suit](http://www.montgomeryadvertiser.com/story/news/2016/03/16/attorneys-seek-mortality-review-documents-other-records-prison-suit/81867752/)

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"If you can't come up with a plan, the whole thing collapses," Thompson said in a hearing.

Attorneys have until April 15 to submit the plan, though other potential hurdles also stand in the way of carrying out the settlement.

"What if (ADOC) doesn't have the money?" Thompson asked. He also asked how possible [prison consolidations](http://www.montgomeryadvertiser.com/story/news/politics/southunionstreet/2016/02/02/bentley-slam-door-tutwiler-mens-prisons/79667474/) ([/story/news/politics/southunionstreet/2016/02/02/bentley-slam-door-tutwiler-mens-prisons/79667474/](http://www.montgomeryadvertiser.com/story/news/politics/southunionstreet/2016/02/02/bentley-slam-door-tutwiler-mens-prisons/79667474/)) could affect the settlement.

Projections for the reform's cost were not discussed at the hearing. Thompson will reconsider approving the settlement once the plan has been submitted.

In 2014, the Southern Poverty Law Center and the Alabama Disabilities Advocacy Program filed the 140-page complaint against ADOC, 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.



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[Bentley: 'Slam the door' on Tutwiler, men's prisons](http://www.montgomeryadvertiser.com/story/news/politics/southunionstreet/2016/02/02/bentley-slam-door-tutwiler-mens-prisons/79667474/)

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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.

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 defendants have also stated in filings that their willingness to settle does not mean they admit to any wrong doing or law breaking.

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.

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