



Protecting Basic Medical Services to Incarcerated Persons with Disabilities

ADAP, with its litigation partners, the Southern Poverty Law Center, Baker Donalson, and Zarzaur, Mujumdar and DeBrosse, filed suit in June 2014 in the Federal District Court for the Central District of Alabama, against the Alabama Department of Corrections (ADOC); Jefferson Dunn, the Commissioner of the ADOC; and Ruth Neglich, the Associate Commission of the ADOC for Health Services. The lawsuit alleges that the ADOC has failed to provide constitutionally adequate medical and mental health care for inmates in the ADOC and that the ADOC has failed to comply with the requirements of the Americans With Disabilities Act (ADA).

The ADOC runs 15 major prisons for male and female inmates. It currently houses approximately 25,000 inmates, or about 1 out of every 193 Alabamians. The ADOC as a whole is running at approximately 190% of the design capacity for the prisons. This overcrowding is easily the greatest in the nation. A recent United States Supreme Court decision mandated California to reduce its prison population to 135% of the design capacity of its prisons.

The per capita cost of inmate medical and mental health care spent by ADOC ranks at nearly the very bottom nationwide. However, against this backdrop, Alabama has chosen to furnish medical and mental health care through “for profit” private companies who have a financial incentive to provide improperly limited care to increase their profit margin.

Alabama’s prisons are also very old. The oldest prison, Draper Correctional Facility, was built in 1939, and its only Women’s Prison, Tutwiler, was built in 1942. ADOC’s newest prison, the Bibb Correctional Facility, was built in 1998. Due to the age of the facilities, lack of upkeep, maintenance, and improvements, ADOC’s prisons are woefully unequipped to accommodate inmates with disabilities. The lawsuit alleges that ADOC has done little to nothing to meet its requirements under the ADA.

ADAP and its litigation partners have uncovered shocking evidence showing a wholesale failure to provide minimally adequate care for inmates in the ADOC. While it is without question that inmates within any prison setting are there as punishment for their crimes, no civilized society would advocate that their incarceration include the denial of minimal medical and mental health care. The law requires the ADOC to provide for inmates with disabilities in the same manner as any other public entity. To date, ADAP and its litigation partners have reviewed over 400,000 pages of documents, conducted inspections of all 15 major facilities, conducted over 100 depositions, and interviewed hundreds of potential witnesses.

The trial before the Honorable Myron H. Thompson has been split into two parts. The first part of the trial concerning alleged ADA violations is set for June 27, 2016. The second part of the trial concerning constitutionally inadequate medical and mental health care is set for October 24, 2016.