

NATIONAL PRISON PROJECT LITIGATION DOCKET

ALABAMA

Henderson v. Thomas (M.D. Ala.)

In March 2011, the NPP and the ACLU of Alabama filed a class action on behalf of all Alabama prisoners with HIV, challenging under the Americans with Disabilities Act the Alabama Department of Corrections' policies of segregating all prisoners with HIV, requiring all men with HIV to wear a white arm-band and otherwise publicly disclosing prisoners' HIV status, arbitrarily excluding prisoners with HIV from work release, and categorically denying them participation in a host of other critically important rehabilitative, vocational, and community re-entry programs. In December 2012, following a month-long trial, Judge Myron E. Thompson entered a lengthy opinion finding in Plaintiffs' favor on all of their claims. In September 2013 the judge entered a remedial decree, which provided for one hundred percent of the relief the Plaintiffs had sought in their Complaint, including a categorical end to HIV segregation in the Alabama Department of Corrections. The Court also awarded Plaintiffs \$1.3 million in attorneys' fees. The case was covered extensively in the national media, including the New York Times, the Wall Street Journal, and an op-ed in the Washington Post by Sir Elton John. Plaintiffs are now monitoring to ensure that the State complies with the remedial decree.

ARIZONA

Parsons v. Ryan (D. Ariz.)

Department of Corrections' use of long-term solitary confinement and its failure to provide minimally adequate medical, mental health, and dental care to its 34,000 prisoners. Prisoners known to be seriously mentally ill are held in conditions of extreme social isolation and deprivation, often causing catastrophic psychiatric harm. Chronic shortages of healthcare mean that desperately sick prisoners are told to "be patient" or "pray" to be cured. In October 2012, the court denied the state's motion to dismiss the case, and in March 2013 it certified a class of approximately 34,000 prisoners. The state appealed the class certification order to the Ninth Circuit, which unanimously affirmed in June 2014. In August 2014 the court denied the state's motion for summary judgment. Trial is scheduled for October 2014.

Graves v. Arpaio (D. Ariz., 9th Cir.)

Rosas v. Baca (C.D. Cal.)

the county commission to nearly double the size of the supervised release program.

In 2009, the Sheriff closed one of the five jail facilities, and the daily population climbed through 2010, resulting in overcrowding in the remaining jail buildings. We filed a motion asking the court to appoint Dr. James Austin, a nationally recognized expert on correctional population management, to conduct a jail and justice system assessment, and make recommendations for criminal justice reforms to lower the BCJ population. The court granted our motion. For the past two years, Dr. Austin has been working with jail, court, and county officials to implement criminal justice reforms to reduce the jail's population. He is expected to release a progress report in late 2014 documenting these efforts and additional reforms that could further reduce the number of men and women held at the Jail.

MARYLAND

Duvall v. O'Malley (D. Md. and 4th Cir.)

This case involves conditions in the Baltimore City Detention Center, a jail operated by the State of Maryland. In 2002 the NPP, working with the ACLU of Maryland and local counsel, discovered that female detainees in the jail were being exposed to heat indices in excess of 115 degrees because the facility was unventilated. As a result, pregnant women and women with chronic diseases were at great danger of immediate injury or death. We sought partial reopening of a 1993 consent decree regarding conditions at the jail and an injunction safeguarding the women. Shortly before a scheduled hearing on our motion, the jail agreed to a new consent order admitting that conditions related to the heat and lack of ventilation in the facility violated the Eighth Amendment. Following a subsequent hearing, the jail agreed to air condition the entire Women's Detention Facility.

Reeves heard testimony – including from a 15 year old who had been seriously abused. The Court entered a groundbreaking decree that requires the State to move all youth under the age of 18, and all vulnerable youth under the age of 20, out of the the

MONTANA

Langford v. Bullock (D. Mont.)

This case was filed following a serious disturbance at the Montana State Prison (MSP) that resulted in seven deaths. The lawsuit challenged inadequate medical and mental health care, overcrowding, and inadequate

facilities where youth were previously held.

In July 2008 the Rhode Island legislature passed a law capping the population of securely confined youth in the state. The legislature also passed a law requiring the development of a risk assessment instrument to help keep youth in the community and out of secure confinement. The population of incarcerated youth has substantially decreased in the last few years due to changes in sentencing policy and a focus on community placements. In 2013, the average daily census of all children detained or adjudicated in the state was

UNITED STATES VIRGIN ISLANDS

WISCONSIN

Flynn v. Doyle (E.D. Wis.)

In May 2006, the NPP and the ACLU of Wisconsin filed suit on behalf of over 700 women at Taycheedah Correctional Institution (TCI), the largest women's prison in Wisconsin. The lawsuit charged that the state prison system routinely put the lives of women prisoners at risk through grossly deficient medical and mental health care.

The class action complaint also included an equal protection claim alleging that women prisoners at TCI receive a lower level of mental health care than their male counterparts. Male prisoners have access to the Wisconsin Resource Center, which provides individualized in-patient mental health treatment. There was no equivalent facility for women prisoners, despite their disproportionate rates of mental illness and histories of abuse. As a result of this deficiency, an 18-year-old prisoner hanged herself while in "observation" in the mental health unit at TCI.

In March 2007 the court denied the defendants' motion to dismiss and certified a class of prisoners. In January 2009 we filed a motion seeking a preliminary injunction to address the systemic failures to distribute medications appropriately. Among other things, TCI still used correctional officers to deliver medication, a practice that is known to be dangerous. The court granted an injunction containing all of the requested relief in April 2009.

In December 2010 the court approved a comprehensive settlement of Plaintiffs' medical, mental health, and disability access claims. The settlement agreement provides for monitoring by an expert in correctional medical care as well as by Plaintiffs' counsel. Since that time, Plaintiffs' counsel and the expert have been actively monitoring medical care at the facility to ensure that it meets appropriate standards. In September 2011, the Wisconsin Department of Corrections opened a 45-bed mental health facility dedicated to the needs of the state's female prisoners. Since then, the state has constructed and opened a new treatment annex to provide care for women with serious mental illnesses at TCI.

AUGUST 2014