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U.S. NEWS

Judge Says California Violates Rights of Disabled Inmates

State Ordered to Stop Housing Disabled Inmates in Isolation Cells

Associated Press

Feb. 3, 2015 5:37 p.m. ET

SACRAMENTO, Calif.—California must stop housing disabled inmates in isolation cells solely because prisons lack housing to accommodate wheelchairs and other assistance, a federal judge ruled Tuesday.

The state violates the Americans with Disabilities Act and previous court orders when inmates are placed in the administrative segregation cells, U.S. District Court Judge Claudia Wilken said in Oakland.

The state Department of Corrections and Rehabilitation agreed in 2012 to move the inmates from the cells. Still, Judge Wilken found that 211 inmates with disabilities were held in such cells between July 2013 and July 2014—some for less than a day and others for a month or more.

The segregation cells provide higher security and fewer privileges than other prison housing.

“They’re just using solitary confinement as an overflow unit,” said Rebekah Evenson, an attorney with the Berkeley-based Prison Law Office and one of the attorneys suing on behalf of inmates. “It’s a shortcut that is deeply harmful to prisoners and is against the law.”

Judge Wilken gave the prison department 30 days to say how it will comply with her order. She said steps could include simply making sure a prison has an accessible cell available before an inmate is sent to that institution.

The department is reviewing the order and hasn't yet decided whether to comply or appeal, spokesman Jeffrey Callison said.

The department had argued that most of the improper housing was at the Richard J. Donovan Correctional Facility in San Diego, and that it was taking steps to limit the problem. However, attorneys representing inmates said the practice has also occurred recently at 10 other prisons.

Judge Wilken found the department is violating orders and injunctions going as far back as 1996 by housing the inmates in isolation cells.

“The conditions of administrative segregation are extraordinarily harsh. It’s sometimes called a prison within a prison,” Ms. Evenson said.

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