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Adults with Disabilities Incarcerated at Santa Rita Jail Face Inhumane Conditions and Barriers to Rehabilitative Programs

San Francisco, CA – November 15, 2012 – A lawsuit filed today in Alameda County Superior Court challenges the County of Alameda’s systemic discrimination against men and women with disabilities who experience severe harm while incarcerated at Santa Rita Jail. The lawsuit alleges that the jail’s inhumane conditions and discriminatory treatment of people with disabilities denies these people the basic rights to appropriate facilities for simple human necessities, such as toilets and showers, and access to educational and rehabilitation programs that can reduce their jail sentences.

Last year, California enacted the Public Safety Realignment Act to decrease prison overcrowding and to send low-level offenders to county jails instead of prisons. Jails statewide are now experiencing an increase of people, including those with disabilities, which makes it critical now more than ever for jails to be compliant with the Americans with Disabilities Act (ADA) and state disability rights laws to ensure that county jails have the capability to house people with disabilities without harming them while in custody.

The lawsuit, which seeks no monetary damages, aims to compel Alameda County to stop using taxpayer funds to further the illegal and discriminatory conditions that exist at Santa Rita Jail. The suit is brought by Legal Services for Prisoners with Children (“LSPC”) on behalf of themselves and their members and taxpayers Barbara Michel and Laura Magnani. Plaintiffs are represented by two non-profit legal centers that specialize in civil rights cases on behalf of persons with disabilities, Disability Rights Advocates (“DRA”), whose main office is in Berkeley, CA and Disability Rights Legal Center (“DRLC”) whose main office is in Los Angeles.

The County of Alameda has a systemic practice of housing men and women with disabilities at Santa Rita Jail in cells and housing units that lack wheelchair accessible toilets, showers, and visiting areas. In addition, the jail segregates certain people with disabilities from the general population by housing them in the Outpatient Housing Unit, also known as the infirmary, which operates similar to solitary confinement. Such jail conditions compromise the health and welfare of men and women with disabilities and result in the denial of access to critical rehabilitative programs, religious services, and outdoor exercise.

Without wheelchair accessible toilets that have grab bars, people with mobility disabilities cannot transfer themselves from a wheelchair to a toilet. One individual who uses a wheelchair was forced to urinate on himself because the holding cell he was detained in before he was taken to his hearing lacked a wheelchair accessible toilet. Consequently, he was forced to appear at his hearing in soiled clothing and was humiliated by this experience. Further, a dearth of accessible showers means that individuals with mobility disabilities cannot take daily showers; a privilege their non-disabled peers receive.

The jail segregates people with disabilities from the general population by housing individuals with certain disabilities in the infirmary, even if their disabilities do not require 24-hour care. People with disabilities housed in the infirmary report unsanitary conditions, including dried blood, dirt, dust, mold, and food particles on the walls of their cells. Such unsanitary cell conditions pose a hazard to the health of all people but particularly affect those with disabilities whose immune systems are weak or compromised.

Men and women with disabilities housed in the infirmary essentially live in solitary confinement. Individuals in the infirmary are unable to participate in court-ordered rehabilitative programs to reduce their jail sentences, are prevented from socializing with their peers, and can go months without the opportunity to be outdoors.

Carol Strickman, Staff Attorney with Legal Services for Prisoners with Children commented: “Research shows that rehabilitative programs provide incarcerated individuals with the tools needed to improve behavior, reduce recidivism, and increase employment opportunities. Yet Alameda County’s discriminatory practices deny people with disabilities housed in the infirmary at Santa Rita Jail from participating in rehabilitative programs that can improve their lives.”

Plaintiff Laura Magnani, a resident and taxpayer of Alameda County commented: “As an advocate for jail and prison civil rights issues, the egregious harm that people with disabilities experience at Santa Rita Jail mirrors what is happening throughout the state of California. We need to find a resolution now to ensure that jail facilities can accommodate people with disabilities as jails are in danger of surging due to realignment.”

Shawna Parks, DRA Co-Director of Litigation who represents the Plaintiffs commented: “Alameda County should be ashamed of the illegal and systemic discriminatory conditions that it is funding with taxpayer dollars. The jail’s most vulnerable population, people with disabilities suffers disproportionate harm due to the jail’s systemic discrimination.”

"What is happening at Santa Rita is wrong on so many levels" added Michelle Uzeta, Legal Director for DRLC and attorney for Plaintiffs. "Civil rights are routinely violated, and the jail's correctional rehabilitation model is rendered effectively unavailable for an entire population of people."