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Disability Rights Network of Pennsylvania Sues the Department of Corrections on Behalf of Prisoners with Serious Mental Illness Held in Solitary Confinement

Prisoners with Serious Mental Illness are Punished for Symptoms of Mental Illness, Subjected to Extremely Harmful Conditions, and Denied Adequate Mental Health Care

HARRISBURG, PA — The Disability Rights Network of Pennsylvania (DRN) filed a federal lawsuit today challenging the unconstitutional treatment of prisoners with serious mental illness in solitary confinement, known as Restricted Housing Units, in state correctional institutions.

The network, designated under federal law to protect the rights of people with disabilities, said the Pennsylvania Department of Corrections confines about 800 men and women with mental illnesses in horrific conditions with inadequate mental health treatment. The lawsuit alleges that the department is aware that such confinement exacerbates their mental illness, but does not adequately take their mental health into account before disciplining them by placing them in solitary confinement for extended periods of time. The lawsuit alleges the state's mistreatment of these prisoners, who make up about 33% of the total RHU population, violates their rights under the Eighth Amendment to the U.S. Constitution. Prisoners in RHUs are locked down at least 23 hours a day in cells as small as 80 square feet – the size of an average home bathroom. Often prisoners are punished for violations of prison rules that are a result of the symptoms and manifestations of their mental illness.

Prisoners confined to RHUs have only the most minimal contact with other human beings. Prolonged isolation exacerbates the symptoms of mental

illness. As a result, often prisoners with mental illness refuse to leave their cells for the limited recreation time or for medical treatment. Others experience sleeplessness, hallucinations, and paranoia. Still others engage in head banging, injure themselves by cutting or attempted hanging, and sometimes are successful in suicide attempts. Frequently, these symptoms are regarded as prison rule infractions, which prison officials punish with still more time in the RHU.

Despite knowing the psychological pain the RHU imposes, DOC fails to provide prisoners with mental illness in solitary adequate mental health services. Prisoners receive, at best, very brief cell-front contacts from mental health staff. However, many prisoners need far more extensive treatment, which is not provided.

The American Psychiatric Association as well as the National Commission on Correctional Health Care (the accreditation entity for jails and prisons) advocate against housing prisoners with serious mental illness in segregated units like the RHU without an evaluation by mental health professionals to determine whether such placement would be harmful. They further urge that such confinement should last only a few weeks at most and that adequate mental health services be provided to prisoners whatever the setting. While other states' corrections officials have adopted these standards, Pennsylvania's have not.

Two stories illustrate the problems experienced by prisoners with serious mental illness:

Prisoner #1 was diagnosed with a delusional disorder with paranoid features and borderline intellectual disability upon admission to DOC custody. He denied that he had mental illness and regularly refused antipsychotic medication. He was placed in a Special Needs Unit, but was frequently taken out of that unit and consigned to solitary confinement in the RHU for conduct that was a symptom of his mental illness, which included delusions. No consideration was given to the deleterious effects of solitary confinement on his mental health. He spent a brief period in a diagnostic unit but was again placed in the RHU for acting out in response to his paranoid and delusional thinking. He expressed suicidal thoughts both before and after his confinement in the RHU. On May 6, 2011, Prisoner #1 hanged himself in the RHU.

Prisoner #4 has a long history of serious mental illness predating his incarceration. He has been diagnosed as having schizoaffective disorder, bipolar type, and antisocial personality disorder with demonstrated psychotic symptoms. He was previously incarcerated, at which time psychology staff recommended that he be placed in therapeutic units and that any RHU time be limited. During his current incarceration, he has been repeatedly confined in the RHU, has mentally deteriorated, and has attempted suicide. In June 2011, he was determined to be a danger to himself and others as a result of conduct attributable to his mental illness. He was placed in the RHU pursuant to DOC policy and remains in solitary confinement indefinitely.

“This is a vile and inhumane way to treat people with mental illness. As one judge put it, solitary confinement for a person with mental illness is like an airless room for an asthmatic. Pennsylvania should give these prisoners beds in units designed to help people with mental illness, not devastate them,” said Robert W. Meek, attorney for the Disability Rights Network of Pennsylvania.

DRN seeks an injunction requiring DOC to cease violating the Eighth Amendment rights of prisoners with mental illness in Pennsylvania’s RHUs, institute a disciplinary process that takes into account prisoners’ mental illness, provide them with constitutionally adequate mental health care, and protect them against dangerous and unconstitutional conditions of confinement.

The plaintiff in this lawsuit, *Disability Rights Network of Pennsylvania v. Wetzel*, is represented by Robert W. Meek, Kelly L. Darr, and Jeffrey M. Skakalski of the Disability Rights Network of Pennsylvania; David L. Kornblau, Eric Hellerman, and Mari Bonthuis of Covington & Burling LLP; David Rudovsky of Kairys, Rudovsky, Feinberg, and Messing LLP; Angus R. Love and Su Ming Yeh of the Pennsylvania Institutional Law Project; and Witold J. Walczak and Mary Catherine Roper of the American Civil Liberties Union of Pennsylvania. The case was filed in the U.S. District Court for the Middle District of Pennsylvania.

More information about the case, including a copy of the complaint, can be found at: www.drnpa.org

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