



ACLU Lawsuit Charging Inadequate Care At Women's Prison To Proceed

Federal Judge Rejects State Request To Dismiss Class Action Lawsuit

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CONTACT:

Will Matthews, ACLU National, (212) 549-2582 or 2666; media@aclu.org
Chris Ahmuty, ACLU of Wisconsin, (414) 272-4032, ext.13; cahmuty@aclu-wi.org

MILWAUKEE – A federal judge has denied a request by Wisconsin state officials to dismiss a class action lawsuit filed by the American Civil Liberties Union, the ACLU of Wisconsin and the law firm of Jenner & Block charging that grossly deficient health care and mental health treatment jeopardizes the lives of women prisoners at a state prison.

In a sternly-worded ruling, U.S. District Court Judge Rudolph T. Randa said there "is a great deal of evidence demonstrating that there are systemic and gross deficiencies in staffing, facilities and procedures" at the Taycheedah Correctional Institution (TCI), Wisconsin's largest women's prison, and that the evidence suggests that state prison officials "are and have been subjectively aware of the risks that are posed by the administration of medical and mental health care at TCI." Judge Randa described the state's attempt to have the case dismissed as "curious" given that the state's own expert witness described health care at TCI as a system "designed to let people 'fall through the cracks.'"

"I am pleased that the court is allowing our litigation to proceed and look forward to bringing the case to trial," said Gabriel Eber, staff attorney with the ACLU National Prison Project. "Without court-ordered changes, women at TCI will continue to suffer needlessly in a system that still fails to comply with the requirements of the Constitution."

In a first-of-its-kind class action lawsuit filed in 2006 on behalf of women prisoners in Wisconsin, the ACLU charges that the state prison system puts the lives of women prisoners at risk through grossly deficient health care, provides far inferior mental health treatment as compared to men and fails to provide reasonable accommodations to allow prisoners with disabilities to access basic prison services. Judge Randa's decision allows all three claims to proceed to trial.

The lawsuit asks the court to order reforms to the system so that constitutionally adequate care is made available. In April 2009, Judge Randa entered a preliminary injunction ordering that significant changes be made immediately to TCI's dangerous system of administering medications to prisoners.

The ACLU's lawsuit charges that the prison's health system violates the Constitution's Eighth Amendment prohibition on cruel and unusual punishment. The lawsuit also charges the health system violates the Fourteenth Amendment guarantee of equal protection, because the women receive mental health care far inferior to what male prisoners receive. The ACLU says in the lawsuit that these lapses in mental health care occur against the backdrop of a prison system that has a suicide rate of twice the national average.

"Judge Randa's decision recognizes a 'mountain of evidence' showing the continued failure of state officials to fix a system that has been in crisis for years," said Larry Dupuis, Legal Director of the ACLU of Wisconsin. "It is far past time that state officials be held accountable."

The lawsuit names as defendants a number of senior officials in the state corrections department as well as Wisconsin Governor Jim Doyle.

A copy of Judge Randa's ruling is available online at: www.aclu.org/prisoners-rights/flynn-et-al-v-doyle-et-al-decision-and-order

A copy of the ACLU complaint is available online at: www.aclu-wi.org/wisconsin/police_prisons/TCI%20Complaint%20--%20for%20filing.pdf