

Constitutional Rights of Incarcerated Persons with Disabilities

A presentation on the rights of individuals with disabilities in jails.

Tifanei Ressler-Moyer, Staff Attorney

Disability Rights California

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A Bird's Eye View

Estimated Data and Common Issues

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Estimates

49% of the prison population has a diagnosed mental health concern. Of those, 43% have mania, 23% are diagnosed with major depression, 15% have psychotic disorders and 41% are diagnosed with a chronic condition.

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Prevalent Challenges for Incarcerated People with Disabilities

- Inaccessible Facilities
- Lack of Accommodations
- Discriminatory Discipline
- Inadequate Medical Care
- Inadequate Mental Health Care
- Lack of protections or Safe Spaces

-Dangerous Use of Solitary Confinement

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Legal Standards

The United States Constitution, the Americans with Disabilities Act, and State law (including our right to refuse medication)

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J.W. Gamble

A black and white photo of J.W. Gamble is shown here. He is dressed in a suit and tie, he wears glasses and large smile.

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Marciano Plata

Opinion of the Court NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press. SUPREME COURT OF THE UNITED STATES EDMUND G. BROWN, J r ., GOVERNOR OF CALIFORNIA, et al ., APPELLANTS v. MARCIANO PLATA et al. on appeal from the united states district courts for the eastern district and the northern district of California [May 23, 2011] Justice Kennedy delivered the opinion of the Court. This case arises from serious constitutional violations in California's prison system. The violations have persisted for years. They remain uncorrected. The appeal comes to this Court from a three-judge District Court order directing California to remedy two ongoing violations of the

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Pause for Explanation

A photo of Governor Jerry Brown. His hands are clasped on the desk in front of him and he looks to be in the middle of a sentence. There is a thought bubble above him that states "I'm not contemptuous and I'm not contumacious. In fact, I had to look in the dictionary to figure out what the hell that word meant," said Brown.

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Alejandro Madrid

190 F.3d 990 (1999)

Alejandro MADRID, Carlos Lutz, Ronnie Dewberry, Steven Villa, Bruce Vorse, and Moses Johnson, Individually and on Behalf of all Others Similarly Situated, Plaintiffs-Appellees, v. James GOMEZ, Steven Cambra, Susan Steinberg, M.D., Robert Ayers, Defendants-Appellants.

Nos. 96-17277, 96-16237.

Argued and Submitted March 10, 1998. Opinion Decided July 2, 1998. Opinion Withdrawn July 7, 1999. Decided August 30, 1999.

United States Court of Appeals, Ninth Circuit.

*991 *992 William Jenkins (argued), Deputy Attorney General, San Francisco, California, for the defendants appellants.

993 David S. Steuer, Susan A. Creighton, and Ellen Solomon (argued), Wilson, Sonsini, Goodrich & Rosati, Palo Alto, California; *993 Donald Specter and Steven Fama, Prison Law Office, San Quentin, California, for the plaintiffs-appellees.

Before: HARLINGTON WOOD, JR.,[*] CYNTHIA HOLCOMB HALL, and O'SCANNLAIN, Circuit Judges.

O'SCANNLAIN, Circuit Judge:

We must decide, in light of the Supreme Court's recent decision in *Martin v. Hadix*, U.S., 119 S.Ct. 1998, 144 L.Ed.2d 347 (1999), whether the district court correctly applied the Prison Litigation Reform Act in awarding attorney's fees.

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Nathaniel Wright

15-3168-cv *Wright v. New York State Dep't of Corr. & Cmty. Supervision*
United States Court of Appeals for the Second Circuit August Term, 2015
(Argued: February 18, 2016 Decided: July 29, 2016) Docket No. 15-3168-cv Nathaniel Wright, Plaintiff-Appellant, - v.- New York state department of corrections and community supervision, Anthony Annucci, Acting Commissioner of Department of Corrections and

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Matthew Shawn Gordon

Gordon v. County of Orange. Before: Kim McLane Wardlaw and Ronald M. Gould, Circuit Judges, and Yvonne Gonzalez Rogers," District Judge. Opinion by Judge Gonzalez Rogers.
42 U.S.C. § 1983 The panel vacated the district court's summary judgment in a 42 U.S.C. § 1983 action alleging claims of inadequate medical care under the Due Process Clause of the Fourteenth Amendment, arising from the death of Matthew Gordon when he was a pretrial detainee in the Orange County Men's Central Jail; and remanded for further proceedings. The panel held that given developments in Section 1983 jurisprudence, including the Supreme Court's decision in *Kingsley v. Hendrickson*, 135 S. Ct. 2466 (2015), and this court's en banc opinion in *Castro v. County of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016), the proper standard of review of such claims was one of objective indifference, not subjective indifference. The panel held that because the district court applied a subjective standard to the plaintiff's claims of inadequate medical care against individual defendants, the grant of summary judgment was in error.

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The United States Constitution

There are two pictures shown on this slide. The picture on the left has 8th amendment written above it and has picture drawn of Titus Oates. Titus is in a pillory, atop a wooden box and is surrounded by people looking up at him.

The picture on the right has the 14th Amendment written above it. There is a picture of a paper scroll that reads "14th Amendment ... nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

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Mental Health Housing

This picture is of a large white room with many doors along the walls. There are a few chairs in the middle of the room and a cart with books next to the chairs. There is an officer off to the left of the room, walking away from the camera.

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Jail LPS Units

This picture was taken through the window on the jail cell door at the Sacramento County Jail. The picture shows a cell with a single bed in the middle of the room. There is a toilet in the corner on the left hand side, one shelf along the left wall and a long window, with 3 slits, across the back wall. Newspapers are strewn about on the floor.

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Solitary Confinement

There are two photos taken from the Santa Barbara County Jail. The photo on the left is of the jail cell itself, showing the lack of space provided for inmates. The photo on the right is of the jail cell door.

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Access to Programming

A photo from the Los Angeles County Jail. The picture shows concrete floors, the room has white walls and the doors are red. There are metal tables with 4 small seats attached around the outside. An inmate sits at each table. Both inmates that we can see have their backs to the camera.

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Suicide Prevention

A photo of a long narrow white room is shown here. To the left of the room, there are 4 beds placed on the floor against a white brick wall. There are 3 small windows along the top of the back wall, letting some sunlight in and a TV on the wall in front of the beds. A woman walks towards the end of the room, with her back to us in the picture.

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Safety Cell

A small safety cell from the Sacramento County Jail is shown here. It has a yellowish/brown color on the walls. The only two things that we can see in the room are stenciled writing on the wall to the left and a drain directly in the center of the room.

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Forensic Mental Health Clients

- Incompetent to Stand Trial (IST)
- Right to Refuse Medication

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