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## Ala. Prisons Face Lawsuit

By Kala Kachmar

In 2012, a handcuffed and shackled inmate at St. Clair Correctional Facility was punched in the head, face and ear and then stomped on by a correctional officer, according to a federal lawsuit against the Alabama Department of Corrections.

The suit says inmate, Joseph Shack, suffered from ruptured ears that lead to hearing loss, a fractured thumb, internal bleeding and fractured ribs.

“This is what I do to a [N-word] that tries to tell me how to do my job,” the officer allegedly said at a disciplinary hearing, according to the suit.

The Equal Justice Initiative, a nonprofit Montgomery-based law firm, is planning to file a class-action lawsuit Tuesday on behalf of inmates who are subject to dangerous conditions and high rates of violence at St. Clair in Springville.

An EJI investigation found that poor leadership, frequent verbal and physical abuse by officers, overcrowding, chronic lapses in security, broken locks on the majority of cell doors and illegal drugs and contraband brought in by officers has contributed to a culture of violence at the facility.

EJI Director Bryan Stevenson said there have been six homicides at St. Clair in the past three years, including three in 2014. The most recent was in June, when 36-year-old Jodey Waldrop was stabbed to death in his prison cell by another inmate during lockdown hours.

The facility also has some of the highest homicide rates in the country, Stevenson said. Federal data shows the average homicide rate in state prisons is 5.4 per 100,000 inmates. At St. Clair in 2012, that figure was 75.6 per 100,000, 77.7 per 100,000 in 2013 and 232.4 per 100,000 in 2014.

At any given time, there are about 1,300 inmates at St. Clair, according to the lawsuit.

Stevenson said the prison’s leadership is doing things that make violence more likely.

“They put people in housing units where they have enemies. They don’t respond to the serious problems of mental health,” Stevenson said. “Half the people require mental health counseling and services they’re not getting.”

Inmates are often denied basic hygiene supplies like soap, toilet paper and undergarments that can only be obtained by purchase or favor, according to the lawsuit. Policies like cutting back mental health and drug treatment services and eliminating books and other recreational activities have also contributed to an “oppressive and monotonous environment,” the lawsuit said.

The problems have created conditions that violate the Eighth and Fourteenth amendments, which prohibit cruel and unusual punishment and provide for equal protection under the law, the complaint said.

Stevenson said there are stabbings almost weekly, and multiple inmates have suffered near-fatal injuries that have required extended offsite hospital treatment.

In April, the EJI formally asked Prison Commissioner Kim Thomas to remove Warden Carter Davenport, who has been at the facility since 2012, and to implement changes that will lead to safer circumstances for inmates housed there.

But Stevenson said as of August, when he met with ADOC's legal counsel, no changes had been made. ADOC requested 30 more days to respond, but EJI decided it couldn't wait any longer than that.

"It's an increasingly dangerous prison where things are just going to get worse," he said.

### **Problems highlighted in the lawsuit:**

- A high rate of stabbings and serious assaults. From January to May 2014, there were 848.8 per 100,000 prisoners and the rate of fights and assaults was 4,321 per 100,000.
- Drug addiction to methadone, heroin and methamphetamine is widespread among prisoners. There are dozens of reports of staff smuggling drugs that are used to extort money and favors from inmates.
- The locking mechanisms on the majority of cells and doors are broken and haven't been repaired, and staff have refused requests by EJI to fix the doors and locks.
- St. Clair staff don't factor in an inmate's security level when making housing assignments, meaning minimum, medium and maximum custody prisoners are assigned to cells together.
- St. Clair often assigns older, physically disabled, mentally disabled or vulnerable inmates to units with young prisoners who have a history of violence.

ADOC Spokeswoman Kristie Gates said they haven't had the time to review the complaint, and so it would be premature to comment.

Stevenson said the problems at St. Clair aren't about money, but rather failure to manage prisons safely and responsibly.

The Julia Tutwiler Prison for Women in Wetumpka is being investigated by the Department of Justice because of its culture of sexual abuse and misconduct. The ADOC is also fighting a Southern Poverty Law Center lawsuit alleging inmate healthcare is inadequate.

A 24-member prison reform task force is also working with the Counsel of State Governments Justice Center to reform the prison system in an effort to reduce overcrowding, reduce recidivism and improve public safety.

### **Allegations of violence against correctional officers:**

- A high ranking officer often engages in arbitrary and unpredictable bullying, including an incident where he snatched a food tray from a prisoner's hands that led to the eruption of a situation where inmates and officers were seriously injured.
- The same officer allegedly often tells inmates concerned about safety to "get a knife," "kill him or kill yourself" and "if you really don't like him, stab him."
- Another high ranking officer put his hands around an inmate's neck and applied pressure until he lost consciousness. The inmate had to be treated at the University of Alabama at Birmingham Medical Center.
- An inmate's cell was searched by three correctional officers who made the inmate remove his clothes, squat and cough. After finding a cell phone, the officers sprayed him with a chemical agent, struck him with batons and handcuffed him. Another officer punched him while handcuffed, which led to a fractured eye and massive bleeding that required multiple treatments and surgeries at outside hospitals.