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Criminal Justice

Disability Rights, ACLU Sue State Over Conditions At Supermax



by **Lisa Backus**

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An advocacy agency for people with disabilities filed a federal lawsuit today against state Department of Correction Commissioner Angel Quiros and a warden citing “horrendous” conditions at the state’s “supermax” prison, Northern Correctional Institution, that equate to “torture” for inmates with mental illness.

Disability Rights Connecticut, a federally mandated advocacy agency for people with disabilities, contends in the 60-page lawsuit that the DOC punishes mentally ill inmates for acting out by placing them at **Northern Correctional Institute** where they are often put in shackles and chains

for indefinite periods in isolation rooms that are covered with urine and feces.

The conditions are so dire that many mentally ill inmates will “decompress” by covering themselves with feces or committing acts of self-harm or attempted suicide that are punished as violations rather than treated, the lawsuit said.

“Nobody should be subject to degrading and inhumane confinement, especially those whose behavior can only be addressed by treatment and rehabilitation, not humiliation and infliction of mental and physical pain, and disability discrimination,” said DRCT’s Executive Director Deborah Dorfman.

The agency is seeking a permanent injunction barring the DOC from subjecting mentally ill inmates, who are considered disabled and under the purview of the DRCT, to prolonged isolation at Northern CI. The agency also wants a permanent injunction barring the DOC from the use of in-cell shackling and to provide the same programming and treatment to mentally ill inmates that the rest of the prison population receives.

“We want the DOC to stop subjecting our clients with mental illness to conditions at Northern CI,” Attorney Elana Bildner with the American Civil Liberties Union of Connecticut which is one of several legal teams representing the DRCT in the lawsuit. “People with mental illness should not be sent to Northern period.”

The court documents filed in U.S. District Court paint a stark picture of conditions at Northern CI which was opened in 1995 as the state’s only maximum security prison to house high risk and death row inmates. It’s a setting designed to keep people in solitary confinement 22 to 24 hours a day, at times in chains so short they must eat by spilling their food onto a surface “to eat like dogs,” the lawsuit said.

Kyle Lamar Paschal Barros, previously known as Deja Paschal, was shackled in his cell after a suicide attempt in 2018 that DOC officials deemed “non-lethal,” according to the lawsuit. It was one of several times the 26-year-old inmate serving a 10-year sentence for first-degree robbery has been placed in chains at Northern CI while he struggles with mental illness, which is well-documented, court papers said.

“Each time he was subjected to in-cell shackling, Northern staff left Mr. Barros naked (but for a safety gown) and chained in an unsanitary and cold ‘strip cell,’” the lawsuit said. “Mr. Barros felt as though he was trapped in a ‘cold cement doghouse,’ where he was forced to dump his food onto wax paper on the floor and eat like a dog.”

Barros suffers traumatic flashbacks that are compounded when staff sometimes by playing continuous bell sounds over the intercom into the strip cell where he lay shackled, the papers said. He remains at Northern CI where he has no opportunities to attend programming that would aid in his eligibility for parole, the lawsuit said.

Two other inmates interviewed by DRCT staff and civil rights attorneys described similar conditions that included being placed naked save for a “safety gown” and shackles in cold “strip cells” for indefinite periods of time with no contact with the outside world, the documents said.

In all the agency interviewed more than 50 people receiving a detailed snapshot of conditions at the prison, Dorfman said.

Inmates are often bounced from Garner Correctional Institution in Newtown which provides the most mental health treatment and programming to Northern CI depending on whether staff considers them to be “treatable” or “malingering, feigning mental health issues in order to escape violations or punishment, the lawsuit said.

Advocates including Stop Solidarity CT have called as recently as this week for the closing of the prison and a stop to “administrative segregation,” a

polite term for indefinite solitary confinement for at times seemingly minor offenses.

Quiros, who was the warden at Northern CI from 2009 to 2011, hinted during his recent nomination hearing for the commissioner's job that he was considering closing Northern CI and at least one other facility by the end of the year depending on how the coronavirus pandemic continues to play out.

Northern CI currently houses about 80 people, according to the DOC. In 2005 the DOC was required to operate the prison under a lawsuit settlement agreement that required oversight and independent evaluations of the mental health status of inmates at Northern CI. Those who were deemed to be mentally ill had to be transferred out to Garner CI, the lawsuit said.

But the practice of removing mentally ill inmates from Northern CI ended when the agreement ended in 2008, the DRCT said.

Quiros is named in the lawsuit with Northern CI's current Warden Roger Bowles and the DOC. The Office of Attorney General William Tong which will represent the state in the lawsuit said they are reviewing the lawsuit and beyond that have no comment.

The proposed move to close the prison isn't happening fast enough for the DRCT which claims that the DOC often deems certain mental health issues as "untreatable" giving the agency wide range to punish inmates for exhibiting behaviors connected to their illness.

The DRCT is challenging the conditions as unconstitutional under the 8th and 14th Amendments barring cruel and unusual punishment for sentenced and unsentenced inmates. The lawsuit also contends that the DOC has made no reasonable accommodations to provide programming to inmates suffering from mental illness under the Americans with Disabilities Act.

Since the DOC frequently does not accurately diagnose mental illness in inmates, a fact that was recognized with proposed legislation by state Sen. Cathy Osten, D-Sprague, a former agency employee, DRCT maintains that they have no accurate count on how many inmates would be considered "constituents" of their agency and protected by the ADA.

"We don't know the exact numbers," Dorfman said. "They aren't identifying people properly. Those with mental illness are being punished rather than addressing their underlying conditions so they send them to Northern."



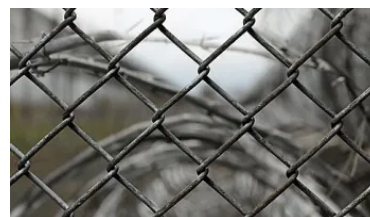
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