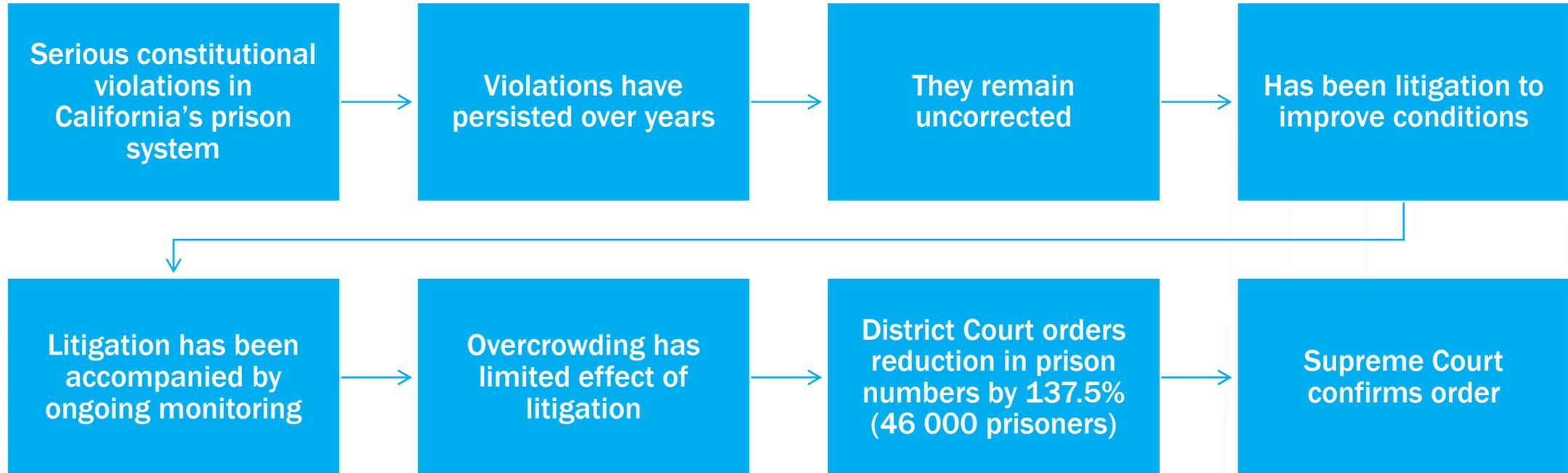




Brown v Plata **US Supreme Court decision (2011)**

**Litigation to address
overcrowding in California
prisons**

Background



“The medical and mental health care provided by California’s prisons falls below the standard of decency that inheres in the Eight Amendment (cruel and unusual punishment). This extensive and ongoing constitutional violation requires a remedy, and a remedy will not be achieved without a reduction in overcrowding.” (US Supreme Court)

Two cases/issues

- Coleman v Brown – prisoners with serious mental illness
- Plata v Brown – prisoners with serious medical conditions
- Short term gains in the provision of care have been eroded by long-term effects of severe and pervasive overcrowding

- Suicide rate in California prisons 80% higher than other prisons
- Court appointed Special Master found 72% of suicides involved “some measure of inadequate assessment, treatment, or intervention, and were therefore most probably foreseeable and/or preventable.”
- 4-5 year gap in availability of sufficient beds to meet the treatment needs of many inmates/patients
- In 1995 the District Court found “overwhelming evidence of the systematic failure to deliver necessary care to mentally ill patients.
- Court appointed a Special Master to oversee development and implementation of a remedial plan of action. 12 years later he filed a report stating that state of mental health was deteriorating as a result of increased overcrowding.



Coleman v Brown

Brown v Plata

- Focused on prisoners with serious medical conditions
- Prisons designed to meet the medical needs of a population at 100% of capacity so have only half the clinical space needed to treat prisoners if at 200% capacity.
- Up to 50 sick inmates may be held together in a 12 by 20 foot cage for up to 5 hours awaiting treatment.
- Proportion of possibly preventable or preventable deaths was extremely high
- State appointed a Receiver to oversee remedial efforts.
- “The California prison medical care system is broken beyond repair, resulting in an unconscionable degree of suffering and death.” Person dies on average needlessly in prison every 6 days.

Guidelines on reduction

- Court ordered State to formulate a plan for compliance and submit for approval to court.
- Order leaves choice of means to reduce overcrowding to discretion of state officials
- State will be required to release some prisoners before full sentences served
- High recidivism – State must assess each release
- State may employ measures, including good-time credits, diversion of low-risk offenders
- **“Courts may not allow constitutional violations to continue simply because a remedy would involve intrusion into the realm of prison administration.”**