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Court: Sheriff's Department doesn't adequately house disabled inmates

The county should also provide sequestered inmates with more access to programs and facilities.

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The Orange County Register

Orange County is in violation of the American with Disabilities Act by not providing disabled jail inmates access to facilities and programs, and should provide segregated inmates more access to religious services and exercise, a federal appellate court ruled Tuesday.

The published 64-page ruling by the 9th U. S. Circuit Court of Appeals orders that Orange County Jail inmates be given a new

trial regarding the ADA violations, and partially overturns a lower federal judge's April 2005 dismissal of most of the inmates' claims in the class action lawsuit, *Pierce v. County of Orange*.

The lawsuit was filed in 2001 on behalf of 60,000 jail inmates, and alleged inmates do not get enough time for meals, outdoor exercise, health care, phone calls and visits with family. It also contended the county's jails didn't meet federal standards for accommodating disabled inmates.

The ruling also reinstates federal rights stemming out of another court decision, *Stewart v. Gates*, which established standards for pre-trial detentions in Orange County jails, according to Richard Herman, the Newport Beach attorney for the inmates. Those injunctive orders were thrown out by the lower court, he added.

"This is an important decision regarding the basic rights of prisoners, and affirms that they should be treated with basic human decency," Herman said.

Regarding segregated inmates, the appellate court said such inmates should be allowed to attend religious services weekly and meet with a minister, priest or rabbi (or a similar religious figure) upon request. They will also be allowed access to the jail's day room for two hours a day, and rooftop exercise and

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recreation for no less than two hours a week.

Sheriff's department spokesman Ryan Burris said it appeared the decision mostly affects inmates charged with sex crimes – who are separated from the general jail population.

Burris said he did not know how much access such inmates now get regarding religious services, recreation and exercise, or how many disabled or segregated inmates the ruling would affect. The sheriff's department has yet to review immediate implications regarding current jail inmates, he added.

The appellate court also gave the right to a new trial to one wheelchair-bound former inmate, Timothy Conn, whose lawsuit had been thrown out.

Conn had alleged he needed surgery after developing bed sores from sitting on a holding cell bench. He also said he suffered bladder infections after the county did not give him an adequate supply of catheters. But his case has since been settled, so there will not be a new trial, said Herman, who represents him.

The decision comes in the midst of public criticism of the sheriff's department regarding its jails over the October 2006 death of inmate John Chamberlain at the hands of other prisoners. That case resulted

in a grand jury investigation into the jail system, including a look at how the sheriff department's manages its jail facilities. The grand jury report in that case has not yet been made public.

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