



Media Release

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Montana State Prison Violating Rights of Prisoners with Mental Illness

Lack of treatment and solitary confinement exacerbate mental illness

HELENA, MT — The ACLU of Montana, on behalf of its client Disability Rights Montana, is challenging the treatment of prisoners with mental illness at Montana State Prison and the Montana State Hospital. A year-long investigation at those institutions revealed a pattern at Montana State Prison of withholding medication, misdiagnosing prisoners with a long history of mental illness, and punishing them for behavior caused by their mental illness. Prisoners with mental illness are routinely subjected to months or years of solitary confinement and “behavior modification plans” that deprive them of clothing, working toilets, bedding and proper food. This serves only to worsen their illness and cause needless suffering.

In addition, people sentenced “Guilty But Mentally Ill,” and sent to the Montana State Hospital for treatment are routinely transferred to Montana State Prison because Montana State Hospital staff does not want to treat problem patients or they need beds for other patients. These very ill patients have no real opportunity to challenge these transfers from a hospital setting to the prison where mental health care is virtually nonexistent and they are punished for their mental illness.

“This is about a prison mental health system that is making prisoners sicker,” said Anna Conley, ACLU of Montana staff attorney. “What is happening at the Montana State Prison and the Montana State Hospital is not only illegal; it goes against common sense. We should be providing mental health care that helps these prisoners rather than treating them in ways that exacerbate their condition.”

Disability Rights Montana, as the federally designated Protection and Advocacy agency of Montana, has the authority to investigate Montana State Prison. This authority was granted by Congress under the Developmental Disabilities Assistance and Bill of Rights Act and the Protection and Advocacy for Individuals with Mental Illness Act.

“Our organization exists because lawmakers recognized that people with mental impairments are vulnerable to being mistreated in institutional settings and need advocates to help them,” said Bernadette Franks-Ongoy, executive director of Disability Rights Montana. “In our investigation of the prison and its practices, we have uncovered shocking and inhumane treatment of people who are mentally ill.”

Constitutional violations and poor mental health practices at Montana State Prison include:

- A troubling pattern of the prison psychiatrist meeting for just minutes with prisoners with mental illness before finding that they are “faking it,” in spite of significant histories of mental illness;
- Refusing to provide prisoners with necessary psychiatric medications;

- Routine imposition of solitary confinement and/or “behavior modification plans” depriving prisoners of clothing, bedding, human contact, a working toilet and proper food as punishment for behaviors caused by mental illness;
- “Wellness checks” in solitary confinement that consist of a weekly knock at the cell door where any conversation can be overheard by guards and other prisoners;
- Inadequate mental health staff and training; and
- Providing just 12 mental health beds in a prison with more than 275 prisoners with mental illness.

“It was readily apparent during the investigation that these problems were not isolated incidents. They were part of a pattern of unconstitutional and abusive treatment of prisoners with mental illness,” said Jeff Simmons, an attorney with Foley & Lardner LLP who is assisting the ACLU of Montana. “These people have a constitutional right to receive appropriate mental health care and to be free from abusive solitary confinement and ‘behavior modification plans.’”

Disability Rights Montana and the ACLU of Montana have asked both the Department of Corrections and the Department of Public Health and Human Services to correct these serious problems.

“We want to work with these agencies, but if the issues cannot be resolved, we will have to take legal action,” Conley said.

The misuse of solitary confinement and mistreatment of prisoners with mental illness is an issue of growing national and international concern. Earlier this week, the U.S. Senate Judiciary Committee heard testimony from corrections officials, human rights advocates, and prisoners and their families regarding the dangers posed by solitary confinement. Last week the New York Department of Corrections agreed to ban solitary confinement of juveniles, pregnant women and prisoners with developmental disabilities. The United Nations Special Rapporteur on Torture has called for the elimination of solitary confinement for prisoners with mental illness, and has spent the last year in the United States investigating the issue.

For a copy of our letter to the Montana Department of Corrections and the Montana Department of Public Health and Human Services and narratives of the experiences of some prisoners with mental illness, go to www.aclumontana.org or www.disabilityrightsmt.org

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