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SCI CRESSON'S TREATMENT OF MENTALLY ILL PRISONERS DEEMED UNCONSTITUTIONAL

by Mindy Bogue, Managing Editor

On May 31, the U.S. Department of Justice (DOJ) issued a report regarding the federal civil rights investigation into SCI Cresson's treatment of mentally ill prisoners in solitary confinement. Due to their findings, the investigation has expanded to include all Pennsylvania state prisons.

The investigation found that SCI Cresson violated the Eighth Amendment of the U.S. Constitution by treating mentally ill and intellectually disabled prisoners with cruel and unusual punishment: keeping them in their cells for excessive amounts of time, and warehousing them due to problems with the prison's mental health program.

The report went on to say that these prisoners were routinely locked in their cells for 22 to 23 hours a day, for months or even years at a time. Often, the prisoners were denied basic necessities and were subject to harsh and punitive conditions, including use of excessive force. Often, the prison relied on solitary confinement to warehouse mentally ill and intellectually disabled prisoners, due to problems with its own mental health program. The DOJ concluded that Cresson's misuses of solitary confinement for seriously mentally ill prisoners leads to clinical depression, psychosis, self-mutilation, and suicide.

"We found that Cresson often permitted its prisoners with serious mental illness or intellectual disabilities to

simply languish, decompensate, and harm themselves in solitary confinement for months or years on end under harsh conditions in violation of the Constitution," said Roy L. Austin Jr., Deputy Assistant Attorney General for the Civil Rights Division. "These practices have serious public safety consequences because many of these individuals are returned to the community. We look forward to continuing to work collaboratively with the Department of Corrections during the expanded investigation to bring an end to these practices."

David DiGuglielmo, Prison Society Board Member and former Superintendent of SCI Graterford, believes that, while the DOC has created special needs units to address the needs of the mentally ill, they may have underestimated the space and staff needed in order to successfully treat such prisoners. "At Graterford, for instance, there are 500-600 men in a standard cell block. How many of them had a mental illness when they arrived? They often have been sentenced to serve decades of time in the very stressful environment of prison."

While Cresson is due to be closed this month, the DOJ fears that these problems extend beyond that prison, hence the expansion of the investigation. The expanded investigation will focus on allegations that prisons throughout the Pennsylvania DOC subject prisoners with serious mental illness and intellectual disabilities to the same treatment.

Department of Corrections Secretary John Wetzel and his staff are cooperating fully with the investigation and have been receptive to the DOJ's concerns.

Susan McNaughton, Department of Corrections Press Secretary, told the Associated Press that a new policy will place seriously mentally ill inmates in treatment when they first enter the system, staff has been trained in crisis intervention with these prisoners, and that there are other improvements in place: "Systemic improvements do not and cannot occur overnight, but we have a better system today than we did a year ago, and we are confident we will have a better system next year than we do today."

"I talk to many sheriffs who are both angry and frustrated that their jails are filling up with the mentally ill. They do not have the trained staff or the facilities needed to care for the mentally ill. At the same time, access to mental hospitals is becoming increasingly difficult."

**—Jonathan Turley, Law Professor,
George Washington University**