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Disabled allege poor care in jails

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For several hours, as he waited to get booked for petty theft at the Los Angeles County Jail in October, Peter Johnson told deputies he needed to go to the restroom.

Although other inmates were free to use the facilities, Johnson -- a paraplegic -- was told there were none in the area equipped to accommodate the physically disabled. Guards, he said, seemed indifferent to his plight, telling him he simply had to wait.

"We are treated like the worst of the worst because of our disabilities," said Johnson, who ultimately lost control of his bowels and was forced to sit in his own feces for more than six hours.

Johnson, who is still incarcerated, and more than a dozen other disabled inmates complain that the county jail system, by design, discriminates against them.

Simple tasks like taking a shower, getting onto a bunk or using the lavatory become impossible.

A recent study commissioned by the Disability Rights Legal Center and American Civil Liberties Union of Southern California found severe problems with how disabled inmates are treated. The report concluded that the Sheriff's Department was violating the Americans with Disabilities Act (ADA), which prohibits discrimination against people with disabilities.

Lawyers for the two groups say they plan to file a lawsuit against the county today that will seek a court order requiring the jails to comply with anti-discrimination laws.

Logan Hopper, an expert on ADA requirements who conducted the study for the ACLU and disability rights center, reported that during his three-day inspection of the jails he found disabled inmates struggling to overcome physical barriers to toilets, shower stalls and visitor areas.

In his 31-page report, he said the housing areas for disabled inmates had broken plumbing, lacked natural light and had limited access to recreational areas.

"These were the most overcrowded, dreariest and poorest maintained rooms or cells observed," he wrote.

Hopper also said the problems extended beyond poorly equipped facilities. Inmates with disabilities are often precluded from educational and job training programs because those are held in parts of the jail system they cannot access, he said.

Also, Hopper reported that jailers failed to properly classify inmates as having disabilities. Some paralyzed inmates said in sworn declarations that their wheelchairs were confiscated, forcing them to use crutches or crawl around in their cells.

"This is some of the most shocking stuff we've seen. There are clear human rights issues here," said Shawna Parks, an attorney for the disability rights center. "This is a systemic problem beyond the fact that the toilet is inaccessible. It is shameful that people with disabilities are being punished doubly because they have disabilities."

Sheriff's officials say they have met with lawyers for disabled inmates and are trying to address their concerns. "We don't have a magic wand we can wave to fix it all," said Sheriff Lee Baca, who added that many of the jails were designed 50 years ago, before the courts and lawmakers saw the need to accommodate inmates with disabilities.

Baca said disabled inmates are now housed in Twin Towers and in the old medical wing of the Men's Central Jail, which he said was a far less crowded and better place than general lockdown. He said he hoped to eventually close Men's Central Jail and build newer, better equipped, facilities in Lancaster, Castaic and near East L.A.

Baca said his jails have more disabled inmates than ever because more people with disabilities are committing serious crimes.

"We do, quite frankly, the best we can. But we can do better," he said. "The ACLU is wonderful at presenting our problems but never comes up with any solutions."

Baca said he believes that the courts should try to assign severely disabled inmates to home detention.

"It costs us \$700 to \$800 a day to keep them in the jail," Baca said.

The sheriff said he also would consider allowing care workers for the most severely disabled into the jails.

ACLU officials said the Sheriff's Department is in a position to address many of the obstacles that disabled inmates face. Ramona Ripston, executive director of the ACLU of Southern California, said that inmates in their declarations gave vivid and frightening accounts of the deplorable conditions in the jail.

"To think people in Los Angeles with disabilities are being treated this way is beyond comprehension," Ripston said. "This could be some dictatorship somewhere if you didn't know it was right here in our jails."

Johnson said his time behind bars has been an overwhelmingly humiliating experience. When he entered the jail, Johnson said, sheriff's officials took away his wheelchair and gave him one that tipped over easily. Later, when they returned his chair, they had removed its spoked wheels and replaced them with a pair from a hospital chair. One of those wheels came off a week later when he was in court. As a result, he said, he tumbled to the floor, injuring his neck and numbing his fingers.

Johnson said he has been to the rooftop exercise area only three times since he arrived in October and is not allowed to visit the jail's sundry store, like able-bodied inmates. He said he spends 24 hours a day in his cell at Men's Central Jail.

Johnson said he was supposed to be allowed to shower every day, but jailers sometimes denied him access because it was logistically difficult and time-consuming for them to get disabled inmates to the facilities. With limited control over his bladder and bowels, he said he had accidents that he was unable to clean up for days.

"I use to be independent in a wheelchair but not in here," Johnson said in an interview. "They put us in places that are not reasonable."

Nurses and deputies, he said, seem not to care.

"There is an attitude in here that it is not their problem," Johnson said. "Something really needs to be done."

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