

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/south-carolina-judge-finds-cruel-treatment-of-mentally-ill-prisoners/>

## Policy Issue Resources

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01.13.14

A South Carolina court found that inmates have died in the South Carolina Department of Corrections for lack of basic mental health care, and hundreds more remain substantially at risk for serious physical injury, mental decompensation, and profound, permanent mental illness. The court granted judgment last week in favor of seriously mentally ill inmates who sued the states prison system alleging gross mistreatment.

In a case the judge described as the most troubling hes heard in fourteen years on the bench, evidence showed that mental health services in South Carolinas prisons are severely understaffed; seriously mentally ill inmates are disproportionately exposed to use of force and solitary confinement; the prisons fail to effectively screen, evaluate, and keep track of treatment and the administration of psychotropic medications; and suicide prevention and crisis intervention efforts are inadequate, resulting in the unnecessary loss of life among seriously mentally ill people.

For example, one mentally ill inmate was kept in solitary confinement for 2491 consecutive days. An intellectually disabled and schizophrenic man was abused and neglected, then left to rot in his own feces and vomit, until he died of a heart attack. Force was used 81 times on another severely mentally ill inmate. And some mentally ill inmates were restrained at length in a crucifix position.

Eight years after the case was filed in the Court of Common Pleas for the Fifth Judicial Circuit, the court found that previous internal and external reviews of South Carolinas prison mental health system had revealed multiple inadequacies and failures. Despite its knowledge of the grave risks these deficiencies pose to mentally ill inmates, the court wrote, SCDC has failed through the years to take reasonable steps to abate those risks.

Instead of trying to improve its mental health system, the department fought this case tooth and nail and required the court to spend dozens of hours in hearings and conferences in an effort to resolve discovery disputes, most of which involved delay, missed deadlines, and recalcitrance by the state. The court concluded: The hundreds of thousands of tax dollars spent defending this lawsuit, at trial and most likely now on appeal, would be better expended to improve mental health services delivery at SCDC.

With about four times the number of seriously mentally ill people in the prison population compared to the general population, the court observed that state departments of corrections are now more than ever the collection place of the seriously mentally ill among the citizenry in this country.

What happens at the Department of Corrections impacts all of us, whether it is from the discharge of untreated seriously mentally ill individuals from the prison into the general population, or tremendously increased costs for treatment and care that might have been prevented, or the needless increase in human suffering when use of force replaces medical care. . . . To that end, our state can no longer tolerate a mental health system at the South Carolina Department of Corrections that has broken down due to lack of finances and focus.

Tags:

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Decision in T.R., P.R., and K.W. v. South Carolina Department of Corrections

The Atlantic

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