

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/us-supreme-court-orders-release-prisoners-ease-overcrowding-california-prisons/>

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On May 23, 2011, the United States Supreme Court in *Brown v. Plata* upheld a court order requiring California to release up to 46,000 prisoners to relieve serious overcrowding in the states prisons and remedy grossly inadequate medical and mental health care.

In what may be the most significant prisoners rights case in years, the Court found that the medical and mental health care provided by Californias prisons violates the Eighth Amendments prohibition against cruel and unusual punishment.

At [oral argument](#) in November, Justice Breyer described prison conditions as horrendous, citing evidence of prisoners found hanged to death in holding tanks where observation windows are obscured with smeared feces, and discovered catatonic in pools of their own urine after spending nights locked in small cages.

A prison that deprives prisoners of basic sustenance, including adequate medical care, the Court reasoned in this weeks decision, is incompatible with the concept of human dignity and has no place in civilized society.

Writing for the majority, Justice Kennedy acknowledged that the scope of the release order reduction to 137.5% capacity or up to 46,000 prisoners is unprecedented, but noted that [o]ver the whole course of years during which this litigation has been pending, no other remedies have been found to be sufficient.

Refusing to shrink from [the] obligation to enforce the constitutional rights of all persons, including prisoners, the Court rejected the States arguments that the release order was premature and unnecessary: The States desire to avoid a population limit . . . creates a certain and unacceptable risk of continuing violations of the rights of sick and mentally ill prisoners, with the result that many more will die or needlessly suffer. The Constitution does not permit this wrong.

Prison populations in Wisconsin, Illinois, Texas, Colorado, Montana, Michigan, and Florida have been lowered in recent years without adversely affecting public safety, the Court noted. It suggested that California, which sends large numbers of people to prison for violating a technical condition of their parole, could reduce the prison population by punishing technical parole violations through community-based programs.

The decision is expected to have broad implications for many states where record levels of incarceration also have resulted in severe overcrowding and unprecedented security issues for vulnerable prisoners. The prison population in the United States is at an all-time high of more than 2.3 million people incarcerated.

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