

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

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The United States Supreme Court on November 30, 2010, heard oral argument in *Schwarzenegger v. Plata* about whether a federal court in California properly ordered the release of 40,000 prisoners to relieve the severe overcrowding in the states prisons that has led to inadequate medical and mental health care for prisoners.

Americas prisons now hold more than 2.3 million people, and many of the facilities are overcrowded, with serious implications for both health and safety. Since the mid-1970s, the prison population in the nations largest state has risen by more than 750%, from about 20,000 to more than 160,000.

Californias Three Strikes laws, adoption of harsh mandatory minimum sentences, and re-incarceration of parolees for minor technical violations have contributed to prison overcrowding. Governor Arnold Schwarzenegger declared prison crowding an emergency in 2006. Californias 33 prisons today are operating at almost twice their design capacity.

Overcrowding has led to conditions in Californias prisons that Justice Breyer described during Tuesdays argument 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.

Federal courts have found that an average of one inmate per week was dying in California prisons as a result of medical neglect or malfeasance. The prison health care system is so poor that the federal courts found it violates the constitutional rights of inmates.

Prison crowding has reached crisis levels so dangerous to inmates and to correctional officers that the California Correctional Peace Officers Association, the 30,000-strong prison guard union, has sided with prisoners in the Supreme Court case.

The case will decide the propriety of a release order by a special federal judicial panel convened to address claims brought originally in two class-action suits filed in 1990 and 2001 that California prisoners were receiving inadequate medical and mental health care.

After some 70 remedy orders issued by federal courts in California over the past 20 years failed to ameliorate unconstitutional conditions in the states prisons, the panel in August 2009 issued a release order capping overall prison population at 137.5% of design capacity, to be achieved within two years. It is estimated that the total release would be about 40,000 people.

The State appealed to the United States Supreme Court, arguing among other things that the federal court did not give the state sufficient time to comply with prior court orders on inmates health problems.

At this weeks oral argument, several Justices expressed frustration with the states delay in making improvements to the prison health care system. Justice Kennedy, whose vote may determine the outcome, said At some point the court has to say: You have been given enough time. The constitutional violation still persists, as the state itself acknowledges.

Commentators are calling *Schwarzenegger v. Plata* the Courts most significant prisoners rights case in years. The decision could impact the approach to prison overcrowding crises and the failure to provide adequate medical care to prisoners in states like Alabama, where prisons built to hold 14,000 prisoners now hold 28,000 people. Alabama spends the least of any state in the country on medical care for inmates.

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