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ACLU Strikes Deal To Shutter Notorious Unit 32 At Mississippi State Penitentiary

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Facility Was Plagued By Inhumane Conditions And Lack Of Medical And Mental Health Care

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CONTACT: (212) 549-2666; media@aclu.org

NEW YORK – The American Civil Liberties Union and the Mississippi Department of Corrections (MDOC) today struck a deal to shutter the notorious Unit 32 at the Mississippi State Penitentiary at Parchman, the subject of a longstanding ACLU lawsuit challenging inhumane conditions and a lack of medical and mental health care.

As part of the deal, which paves the way for resolving the ACLU lawsuit, MDOC officials have pledged to transfer the entire population of Unit 32 to other facilities over the course of the next several months, move all seriously mentally ill prisoners to MDOC's mental health facility in Meridian, MS and remedy the inadequate medical and mental health care in Unit 32 so long as any prisoners remain there. As part of the agreement, the ACLU will also monitor during the next year the medical and mental health care provided at all of the facilities in the state to which Unit 32 prisoners will be transferred to ensure they meet constitutional requirements.

"We applaud MDOC Commissioner Christopher Epps' decision to take this important step, and the work that he and his staff have undertaken during the course of the Unit 32 litigation to reform one of the worst prisons in the nation," said Margaret Winter, Associate Director of the ACLU National Prison Project. "These reforms have resulted in considerable savings to the taxpayers of the state of Mississippi, and more importantly the community is far safer as a result of these reforms because prisoners are not doing their time in an incubator for violence and mental illness."

The ACLU, in collaboration with the law firm Holland & Knight, filed a lawsuit in 2002 on behalf of all of Unit 32's death row prisoners, charging that they were held 24-hours-a-

day, seven-days-a-week, in cells where summer heat indexes reached 120 degrees, the toilets were non-functional, the housing areas were routinely awash in sewage from broken plumbing and they were subjected day and night to the ravings of severely psychotic prisoners whose mental illnesses were left untreated.

In 2005, the ACLU filed a new lawsuit that sought an expansion of the remedies won on behalf of the death row prisoners to Unit 32's entire population, which consisted of more than 1,000 men in permanent lockdown status, many of them for decades, in some of the harshest and most violent conditions in the nation. Though characterized as being the "worst of the worst," a significant percentage of Unit 32's prisoners were held there only because they had HIV, were seriously mentally ill or needed protective custody. They were permanently locked down in solitary confinement with no possibility of earning their way to a less restrictive environment through good behavior.

In 2006, MDOC entered into a far-reaching consent decree with the ACLU, which resulted in profound changes in Unit 32 during the past four years. Programs were developed whereby prisoners could earn their way out of solitary confinement through good behavior and by the fall of 2007, the prison population in solitary confinement was reduced from over 1,000 to 150. Incidents of violence have also plummeted.

"This is nothing short of a huge success story," said Winter. "This facility was truly a dangerous and degrading environment for prisoners and staff alike. The fact that this facility is now being closed is a great end to the long road that we have been on."

A copy of the agreement, filed today with the U.S. District Court for the Northern District of Mississippi, is available online at: www.aclu.org/prisoners-rights/presley-et-al-v-epps-et-al-agreement-seek-dismissal

Additional information about the ACLU National Prison Project is available online at: www.aclu.org/prison

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