

# ACLU files lawsuit challenging long waits in Alabama jails for mentally ill



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The Alabama Department of Mental Health violates the rights of inmates who need mental health care by forcing them to wait months for treatment in the state hospital, according to a federal lawsuit filed today.

The ACLU of Alabama and Alabama Disabilities Advocacy Program filed the lawsuit against Mental Health Commissioner Jim Perdue on behalf of three inmates who have been declared incompetent to stand trial due to mental illness. Incompetent and mentally ill inmates transfer to the Alabama Department of Mental Health, which operates one hospital for patients involved in the criminal justice system, Taylor Hardin Secure Medical Facility.

The average wait for a bed at Taylor Hardin has grown to more than eight months, according to the lawsuit. Federal judges have declared waits of more than 14 days to be unconstitutional, said Geron Gadd, senior attorney for the Alabama Disabilities Advocacy Program.

Inmates with mental illness often receive minimal treatment inside county jails, she said. Jails do not provide access to certain drugs, including narcotics, that may be necessary to treat mental illness.

"Most county jails don't even have a full-time clinician on staff," she said.

Inmates who wait for months with little to no treatment may become even sicker over the course of their incarceration, Gadd said.

"DMH is relying on county jails to care for individuals with serious mental illness who have not been convicted of a crime," Gadd said. "People are looking at eight or nine months in jail, and they are decompensating during that time. Then when they transfer to Taylor Hardin, they are harder to restore."

The lead plaintiff, Demontray Hunter, has been charged with attempted murder in the shooting of his brother and also suffers from schizophrenia. In April, a Jefferson County judge ruled that Hunter's mental illness prevented him from participating in his defense.

Hunter has been waiting almost six months in the Jefferson County Jail for treatment to restore his competency for trial, according to the lawsuit. Hunter's mental illness has gotten worse inside the jail, and he has been placed in segregation several times since his arrest.

The two other plaintiffs are waiting in jails in Pike and Houston Counties. Gadd said there are dozens of inmates waiting across the state for treatment from the Alabama Department of Mental Health.

A spokesman for the Alabama Department of Mental Health has not yet responded to requests for comment. At a town hall meeting in Birmingham earlier this year, Perdue said the wait times for treatment at Taylor Hardin could provoke a federal lawsuit.

"If you want to put a gun in the hands of the federal government and put a bullet in it, we're doing it," Perdue said.

An AI.com investigation this year revealed law enforcement agencies, including jails, are struggling to handle cuts to the mental health care system. Between 2012 and 2015, the state closed all but three psychiatric hospitals, including facilities in Decatur, Montgomery and Mobile.



## How are sheriffs responding to mental health crisis?

Since the last closure in 2015, wait times for treatment have spiked at Taylor Hardin and Bryce Hospital, which serves dangerously ill patients who have not committed crimes.



## Read more about long waits for mental health care

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