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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RALPH COLEMAN, et al.,

Plaintiffs,

vs.

Case No. 2:90-cv-0520 LKK JFM P

EDMUND G. BROWN, Jr., et al.,

Defendants.

STATEMENT OF INTEREST OF THE UNITED STATES OF AMERICA

The Plaintiff prisoners have challenged certain practices by the State of California, including the prolonged isolation of prisoners with serious mental illness under what they allege are “excessively harsh” conditions “devoid of appropriate treatment.” *See* Plaintiffs’ Motion for Enforcement of Court Orders and Affirmative Relief [ECF No. 4580]. The United States Justice Department, Civil Rights Division (“the Division”) respectfully submits this Statement of

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3 Interest to bring to this Court’s attention recent positions taken by the Division concerning the
4 manner in which the Pennsylvania Department of Corrections used solitary confinement on
5 prisoners with serious mental illness under Title II of the American with Disabilities Act (“Title
6 II”), 42 U.S.C. § 12132, and the Eighth Amendment to the U.S. Constitution. Specifically, the
7 Division recently investigated the use of solitary confinement at the Pennsylvania Correctional
8 Facility at Cresson (Cresson) on prisoners with serious mental illness. We found that, under the
9 harsh conditions at Cresson, the manner in which Cresson used solitary confinement violated the
10 ADA and the Eighth Amendment. We attach the full text of the letter to this Statement of
11 Interest. The Division takes no position on the fact-dependent question of whether the plaintiffs’
12 motion should be granted.

13 The United States has authority to file this Statement of Interest pursuant to
14 28 U.S.C. § 517, which permits the Attorney General to attend to the interests of the United
15 States in any case pending in federal court. The United States has a broad interest in ensuring
16 that conditions of confinement in state and local correctional facilities are consistent with the
17 Constitution and federal law. Pursuant to the Civil Rights of Institutionalized Persons Act
18 (“CRIPA”), 42 U.S.C. § 1997, the Attorney General of the United States is authorized to institute
19 a civil action to address “egregious or flagrant conditions which deprive [prisoners] of any rights,
20 privileges, or immunities secured or protected by the Constitution or laws of the United States
21 causing such persons to suffer grievous harm.” 42 U.S.C. § 1997a(a). The Division has
22 previously exercised the United States’ authority under CRIPA to address issues related to the
23 manner in which other prisons and jails used solitary confinement on prisoners with serious
24 mental illness, including Cresson, the Taycheedah Correctional Institution in Wisconsin, the
25 Oahu Hawaii Community Correctional Center, the Maryland Correctional Adjustment Center in

Baltimore, and the Robertson County Tennessee Jail.¹ In addition, the Division enforces Title II, and promulgates its implementing regulations. 42 U.S.C. § 12133; 28 C.F.R. § 35.170-174, 190(e). The Division routinely enforces Title II in correctional settings. 28 C.F.R. § 35.190(b) (allocating Title II implementation and enforcement authority to the Department of Justice as to “[a]ll programs, services, and regulatory activities relating to law enforcement, public safety, and the administration of justice, including . . . correctional institutions.”). Examples of the Division’s enforcement efforts are the Division’s findings letter on the use of solitary confinement on prisoners with serious mental illness at Cresson; the Division’s settlement agreement with Alameda County, California, concerning the use of sign language interpreters and other communication aids at Alameda County jails; and the Division’s settlement agreement with the Sheriff of Lucie County, Florida, concerning the provision of auxiliary aids at the Lucie County Jail.²

Accordingly, the United States respectfully requests that this Court consider the Division’s recent Cresson letter of findings as part of its consideration of the above-captioned case.

Respectfully submitted,

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United States Department of Justice

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¹ Findings letters, settlements and consent decrees for these and other cases and matters may be found at www.justice.gov/crt/about/spl/findsettle.php.

² The Department’s enforcement activities in state correctional facilities may be found at www.ada.gov.

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