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Severe Overcrowding Creates Chaos, Violence, and Corruption at Donaldson Correctional Facility *Lawsuit filed on behalf of Injured Prisoners to Prevent Future Violence*

MONTGOMERY, AL, February 26, 2009 — Today, attorneys from the **Southern Center for Human Rights** filed a federal class action lawsuit on behalf of people incarcerated at **Donaldson Correctional Facility** in Bessemer, Alabama. The case, *Hicks v. Hetzel*, names Warden Gary Hetzel, Alabama Department of Corrections (ADOC) Commissioner Richard Allen, and Governor Bob Riley as Defendants. The case was filed in the U.S. District Court for the Middle District of Alabama. The Plaintiffs have asked the ADOC to reduce the population at Donaldson to the number the facility was designed to hold.

William E. Donaldson Correctional Facility (“Donaldson”) opened in 1982 as the West Jefferson Correctional Facility, with a capacity of 700 medium and minimum security prisoners. The prison was subsequently expanded, giving it a designed capacity of 968 men. The number of men confined at Donaldson has more than doubled over the years. **As of December 2008, Donaldson was at 173.7% capacity, holding 1,681 men.**

Because of overcrowding, three men are crammed into cells that were designed for two. These cells measure approximately 8 x 12 feet. Men do not have enough room to sit upright on their beds or to dress. When it rains, water pours through the ceiling. The smell of feces often permeates the cells, and overflowing toilets back up into adjoining cells. In the summer months, the heat becomes unbearable. Without room for movement, men must often remain in their locked cells, lying on sweat-dampened mattresses.

Prisoners are packed so tightly into cellblocks that the tension and volatility results in **weekly stabbings, fights, and assaults**. Prisoners report that stabbings and beatings have left them with slit throats, punctured livers, pierced lungs, partial blindness, paralysis, and other injuries, as well as psychological trauma. The potential for violence is exacerbated by the absence of appropriate security measures, the ready availability of weapons, the flourishing drug trade in which some officers are involved, the absence of industry, the dearth of activities, and the dilapidated condition of prison buildings.

In the last two months, there have been a number of critical incidents at Donaldson. For example, on February 18, a prisoner **committed suicide by hanging**; on February 2, a prisoner was stabbed; on January 28, a prisoner was **hospitalized after being beaten** by a group of other prisoners; on December 24, a prisoner was **stabbed twelve times, suffering two punctured lungs**; on December 23, an officer slammed a prisoner’s head into the wall after the prisoner objected to the officer using the word “n-----;” in a separate incident on the same day, an officer **punched a handcuffed prisoner in the face**, bloodying his nose; and on December 12, a handcuffed prisoner was **beaten unconscious** by an officer with a history of using excessive force and participating in illegal activities.

This level of violence is not unusual for Donaldson. The following is a snapshot of some of the incidents that have been reported to the Southern Center for Human Rights over the last three years:

- On September 7, 2008, a prisoner was stabbed 11 times.
- On June 6, 2008, an officer hit Ricardo Swift's arm repeatedly with a baton, causing his arm to fracture and requiring him to undergo surgery.
- On April 16, 2008, Alphonso Lark was stabbed and cut in the face with a box cutter.
- On February 15, 2008, a prisoner was stabbed, requiring him to undergo a surgical procedure to drain fluid from his brain.
- In August 2007, a prisoner was stabbed 5-6 times and suffered two collapsed lungs.
- In June 2007, David Carter was knifed in the chest with the blade barely missing his heart.
- In May 2007, Dana Davis was nearly killed when another prisoner cut his throat and stabbed him over ten times with a foot-long knife. His lung collapsed. He was airlifted to UAB hospital.
- In January 2007, a prisoner was stabbed. The knife punctured his liver and he suffered a collapsed lung during emergency surgery.
- In November 2006, a prisoner was stabbed by another prisoner. He is now paralyzed and confined to a wheelchair.
- In November 2006, Leo Beverly was stabbed and suffered a punctured lung.
- In August 2006, a prisoner was stabbed in the neck. He is now partially paralyzed.
- In January 2006, Arthur Lee Scruggs was dragged into a cell, beaten, mutilated, and stabbed over 20 times, causing his death.

Plaintiffs contend that reducing the prison population statewide is key to creating a safe and humane environment for both prisoners and officers at Donaldson and at other state prisons.

“Without an immediate reduction in the population at Donaldson, the health and wellbeing of both prisoners and officers will remain in jeopardy,” said Melanie Velez, one of the attorneys for the Plaintiffs.

Conditions at Donaldson are such that even those men who seek to follow the rules and stay out of trouble are pulled into the fray. Plaintiff John Hicks, for example, was sitting in a prison day room when a prisoner he did not know assaulted him with a broom handle, blinding him in one eye. Plaintiff Charles Malec was asleep in his bunk when a prisoner slashed his face with a razor from his temple to his neck. At the time, there was no officer present in the dorm.

“There are many men at Donaldson who want to change their lives for the better,” said Sarah Geraghty, an attorney for the Plaintiffs. “But the goals of redemption and rehabilitation suffer when prisoners must remain in a constant state of vigilance to protect their physical safety.”

To read the Complaint, visit www.schr.org.

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