

Abigail Turner
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Women Prisoners Filed Class Action Lawsuit About Inadequate Medical Care at Fluvanna Prison

Charlottesville, VA – July 24, 2012-- This morning the Legal Aid Justice Center, Wiley Rein LLP of Washington, D.C. and the Washington Lawyers Committee for Civil Rights and Urban Affairs, filed a class action lawsuit on behalf of five women prisoners incarcerated in the Fluvanna Correctional Center for Women. The lawsuit, titled *Scott v. Clarke*, and filed in the U.S. District Court for the Western District of Virginia, challenges the Virginia Department of Corrections(DOC) and the Armor Correctional Health Services, Inc. for failing to provide constitutionally adequate medical care.

The lawsuit demonstrates that the medical care Armor and the Virginia Department of Corrections provide is so deficient that it violates the Eighth Amendment. The Eighth Amendment to the U.S. Constitution protects prisoners from cruel and unusual punishment and requires adequate health care for prisoners. The courts forbid prisons from giving medical care that shows deliberate indifference to prisoners' medical problems.

The lawsuit describes health care so deficient that the plaintiffs suffer prolonged physical pain, deterioration of their health and the risk of premature death. Some of the many deficiencies in health care covered in the lawsuit are:

1. Prisoners pay \$5 for repeated sick call visits, yet often wait for several months to see a doctor or nurse practitioner to diagnose and treat their medical

conditions. When they do get access to doctors, medical staff refuse to examine, diagnose, and treat serious illnesses such as those suffered by the plaintiffs: blood clots, unexplained weight loss, suspicious growths, Hepatitis C and MRSA (staph).

2. Medical staff refuse timely referral and treatment for needed specialized care such as degenerative disc disease, severe shortness of breath, recurring throat infections experienced by a woman with severely diminished hearing, and sarcoidosis.

3. Medical staff frequently refuse to carry out specialists' prescribed courses of treatment.

4. Women with chronic illnesses do not receive adequate care and their health deteriorates. Several of the plaintiffs suffer from chronic medical conditions such as diabetes, hypertension, incontinence, frequent constipation, arthritis and other mobility impairments. The delayed, poor or non-existent treatment leads to worsening of their conditions and, in some instances, to premature death.

5. The defendants provide virtually no physical therapy for severe mobility impairments. Many women at Fluvanna suffer from severe mobility impairments, such as arthritis and paralysis following strokes.

6. Women have died because of the lack of appropriate practices and procedures.

The Department of Corrections (DOC) contracts with Armor Correctional Health Services, Inc. in Florida to provide health care at Fluvanna and four other prisons in Virginia. DOC is responsible for administration and oversight of the contract, and DOC has an affirmative duty to insure the provision of adequate, appropriate health care to the residents of FCCW.

Armor is a for-profit corporation. The suit demonstrates how Armor is exposing the women at Fluvanna to undue pain, suffering and an increased risk of further illness or premature death. The terms of the DOC contract with Armor create financial incentives and the promise of enhanced profits based on cheaper, reduced levels of care. The lawsuit charges that Armor maintains lower operating expenses, and thus increases its profits by employing a variety of cost-saving tactics at the expense of quality care for the residents of Fluvanna.

Abigail Turner, an attorney with the Legal Aid Justice Center, explained: “The women suffer extreme pain for prolonged periods as a result of the refusal to provide for these women who have no other options for securing life-saving medical care. Some spend months confined to wheelchairs because medical staff fail to act promptly. Some have died. The human tragedy is almost all the pain and suffering could have been prevented. The suffering stems directly from the policies and practices of a for profit corporation that puts profits over people.”

The plaintiffs have all tried to resolve these issues informally through grievances filed to authorities at Fluvanna Prison and DOC. Deborah Golden, a lawyer with the Washington Lawyers Committee, elaborated: “Each year prisoners at Fluvanna file hundreds of grievances recounting the failure to provide appropriate medical care. Yet DOC has not required Armor to adopt and improve medical care. By its actions and inactions, DOC has shown deliberate indifference to plaintiffs’ serious medical problems and needs.”

The prisoners ask the court to enjoin the DOC and Armor from failing to provide the plaintiffs and other women at Fluvanna with medical care adequate to protect them from physical injury, illness and undue risk of premature death.

Additional information about the lawsuit is available at www.justice4all.org/our_programs/VIP

About the Legal Aid Justice Center

The Legal Aid Justice Center provides legal representation for low-income individuals in Virginia who have the least access to legal resources. The LAJC staff of 40 work from offices in Charlottesville, Falls Church, Petersburg, and Richmond. The Virginia Institutionalized Persons (VIP) Project within the LAJC led the effort to bring this lawsuit. See www.justice4all.org/our_programs/VIP for more information.

About Wiley Rein LLP

Wiley Rein LLP in Washington, D.C. has approximately 300 lawyers and has an additional office in McLean, Virginia. The firm's lawyers provide counsel and advice in practically every aspect of civil and commercial law. See www.wileyrein.com for more information.

About the Washington Lawyers Committee for Civil Rights and Urban Affairs

The Committee's DC Prisoners' Project advocates for the humane treatment and dignity of all persons convicted or charged with a criminal offense under DC law housed in prisons, jails, or community corrections programs, or living in the community on parole. The Project also works to assist formerly incarcerated people with issues related to their incarceration and strives to promote progressive criminal justice reform.

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