

## Triples Cells

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1-27-15  
Tuesday

This Administration has evaded a court order against "triple celling" by limiting the time any prisoner is subject to these conditions to 30 days or less. However, due to the close proximity of prisoners in these cells; inconsistent showers for kitchen workers, and unreliable linen and towel exchanges, a "mutually enforcing effect" produces a deprivation that makes "triple celling" unconstitutional for any length of time in this facility (Tillery v. Owens, 907 F.2d at 428 (overcrowding may be "unbearable" in conjunction with deficiencies in physical plant and services); Laube v. Halsey, 234 F.Supp.2d 1227, 1244-46 (M.D. Ala. 2002) (finding that "the combination of overcrowding and significantly inadequate supervision... violated the 8<sup>th</sup> Amendment"). Prison officials cannot "trade-off" unconstitutional conditions under this theory. If one condition is cruel and unusual, the fact that other conditions are better will not save prison officials from 8<sup>th</sup> Amendment liability" (Spain v. Procunier, 600 F.2d 189, 195, 199 (9<sup>th</sup> Cir. 1979)).

Continuing to enforce these conditions constitutes "deliberate indifference" to the health and safety of all persons subjected to such treatment. Some recent Supreme Court decisions concerning prisoners 8<sup>th</sup> Amendment claims have emphasized physical harm, or the risk of it.

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The court has held that UNSAFE CONDITIONS that "pose an UNREASONABLE RISK OF SERIOUS damage to a prisoners' future health may violate the 8<sup>th</sup> Amendment even if the damage has not yet occurred and may not effect every prisoner exposed to the conditions." (Helling v. McKinney, 509 U.S. 25, 33, 113 S.Ct 2475 (1993))  
"A remedy for unsafe conditions need not await a tragic event."

These conditions are EXACERBATED by the disabling of "panic buttons" in all cells, endangering every person here. The overall cumulative effect of these policies calls for a major re-thinking of policies within this facility in order to comply with the 8<sup>th</sup> Amendment to the United States Constitution.

- Curtis Garner

Semper Fidelis