

Prisoner Rights for Medical Care

Author: *James Fiori*

University: California State University, Sacramento

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Instructor: Dr. Rosemary Papalewis

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Dear Prison Administrators,

I am writing this letter to address the hands-off doctrine, which violates inmate's constitutional rights for adequate medical health care.

Ethical Issue

Historically, the courts refuse to interfere with prison politics - hands-off doctrine. However, the success of the civil rights movement during the 1960s created a spill over into the penal institutions, allowing the courts to address inmates' rights under the Eighth Amendment. As a result, prison staff are resentful, creating a sovereignty paradigm between the judiciary branch (courts) and the executive branch (prison administration), which results in political war over the hands-off doctrine.

Ethical Decisions

Social pressures

- If inmates are wards of the state, then, the prison administrators are obligated to provide adequate inmate medical services. Thus, an ethical decision is necessary to ensure that the state fulfills its responsibilities.

Political Pressures

- *Holt v. Sarver*, 309 [E. D. Ark. 1970] and *Hutto v. Finney* (Carroll, 1999) examined the totality of conditions on the assumption that prison conditions and practices which might not be unconstitutional when viewed separately could, when taken as a whole (e.g. institutions medical care), constitute cruel and unusual punishment in violation of the Eighth Amendment (Carroll, 1999, p. 5). These cases established the legal terminology for the courts to use in order to enforce sanctions on prisons.
- The *Estelle v. Gamble* 429 U. S. 97 (1976) case sets a medical care standard for prisons to follow (Carmen, 1993, p. 68). Consequently, an ethical decision must be made because court involvement has created a prison backlash.

Economic Pressures

- The incarceration rate exceeds over 2 million (Harrison & Karberg, July 2, 2003). This influx of inmates creates a strain on the limited resources. An ethical decision for adequate medical care is important regardless of economic reasons. Based on money issues and if minor medical treatments are ignored, this negligence will create further economic problems for prison administrators (e.g. prison riots).

The Decision's Obligation

- The decision is based on the role of judiciary branch, which is instructed by the U. S. Constitution. The courts' duty is to enforce sanctions on the prison administration
- If inmates' medical issues are not addressed, then there is a good probability that medical abuse to inmates exists. Therefore, from an institutional perspective, an ethical decision must be made in order to stop future inmate abuse.
- The foundation of the decision is to establish harmony between the conflicting parties.

- The decision is grounded on the fact that medical abuse is not justified under the hands of doctrine because inmates have no protections.

Claimant Preference

- The claimants of the judiciary and executive branch expect that the ethical decision is based on accurate understanding of the problem, evaluating both sides, and the decision is not a quick fix, but a plan devised to solve the problem.

Alternative Solutions to the Issue

- Nothing is done. The problem is ignored. This is a serious problem for both branches because the problem is not corrected.
- Executive's solution - if the hands-off doctrine is enforced, then the improvement of medical care for inmates is sacrificed.

From a governmental perspective, the lack of judiciary branch involvement on prison matters weakens governmental practice. This solution may not be the best alternative because the problem may not be completely addressed.

- Judiciary's solutions - if the hands-off doctrine is dismantled, medical care issues may be addressed. However, the prison administrator's power is weakened in terms of operating their institutions, breaking down the confidence from within to handle its own affairs.

This is the best solution. The courts can assess and evaluate the problem better than the prison administration because the courts are outside the internal political struggle - the 'treatment-custody' conflict. In the custody model, correctional officers believe that their role is to supervise inmates' behavior. In contrast, under treatment model, correctional staff stresses rehabilitation (Goldstone & Useem, 1999, p. 999).

Guidelines Based on Consequences

- Will anyone be harmed who could be defenseless?

If nothing is done or the hands-off doctrine continues, then the inmate population will face continual medical care issues.

- To what degree is your choice of alternatives based on your own or your organization's best interests?

If nothing is done, then this signifies that the needs of the institution come first before the needs of its inmates.

- Which of the alternatives will generate the greatest benefit for the greatest number of people?

The judiciary's solution is the best choice because its decision seeks to benefit others, not individuals or the institution. Karen Kitchener (1985) offers five ethical principles, which are relevant for higher education (Wilcox & Ebbs, 1992, p.23). The same principles can be implied in the court's mission of enforcing sanctions on the prison system.

1. Respecting autonomy – The courts should respect the free will of prison administration to obey court orders.

2. Doing no harm – The courts should do whatever necessary to avoid harm.

3. Benefiting others – The courts' decision needs to be based on the needs of others.

4. Be just – The courts actions must be just and fair.

5. Being faithful – The courts must be faithful to the required sanctions without delay.

Guidelines based on action itself

Kant's Categorical Imperative (Ethical Worksheet, June 9, 2003).

- Are you willing to make your decision a rule or policy that you and others in your situation can follow similarly in the future?

The judiciary's solution to the hands-off policy is the best alternative because the decision maker feels comfortable about their decision. Also, the court's ruling would set precedent as guidelines for prison administrators to follow, allowing consistency.

- Have you or will you be using any person as a means to an end without consideration for his or her basic integrity?

The judiciary's solution is reasonable because no one's rights are being jeopardized.

- Is the intent of this action free from vested interests or ulterior motives?

The decision's intent is free from ulterior motives, seeking the good for others.

Analytical Determination

The judiciary's solution is the best alternative. However, the courts' sanctions for improving medical care should allow the prison administration to set their own policies to ensure compliance with court orders. Otherwise, resistance is imminent.

Conclusion

Since the establishment of the first prison – New Gate at East Connecticut an abandoned copper mine in 1773, the prison system was virtually run by the prison administration for nearly two hundred years. This hands-off doctrine is rooted deep in the prison culture. Prison cultural changes from court invention have resulted in stiff resistance (e.g. Department of Correction in Texas). However, the state has to provide food, medical, and service program to inmates. That is the states responsibility. Therefore, the courts and prison administration must work together to ensure that inmates' constitutional rights are met, such as adequate health care. Otherwise, inmate abuse will continue in prison. If inmates are not receiving adequate health care, what does that say about us, as a nation? Not providing decent health care to inmates means that inmates are symbolically labeled as the scum of the earth. What will this do to the inmate's self-esteem? This symbolic label will destroy inmates' human spirit. If the inmate is paroled without receiving adequate health care, how do we expect that inmate to live a crime free life? The system's mission is self-defeating. If an inmate is labeled as a scum of the earth in prison, then he or she may reflect that symbolic label once paroled. If the word correction has any meaning, then the department of corrections must facilitate the means of correction for the individual. Otherwise, the prison ideology for correcting individuals is nothing but a revolving door for inmates to commit more crimes once he or she is free. Therefore, the prison population will continue to rise unless inmates are treated with respect, not as second-class citizens. However, the courts have provided a hope for the future in providing decent health care to inmates. This new prison culture change breaks the cycle of centuries of prison inmate abuse. The prison population cannot stay overcrowded forever and the court system may be the ticket to a solution for this problem. Just think. If inmates are treated with dignity, do you think that once an inmate is paroled, there is a better chance now that inmates may not recidivate? One question remains: Will the deep-rooted prison culture that resists change (hands-off doctrine) persevere or will the courts enforce consistency to ensure inmates their constitutional rights? The future for a better tomorrow in the criminal justice system is riding on this fact.

This letter concludes why the Judiciary's solution is the most important solution regarding the hands-off doctrine, reinforced by ethic foundations. Thank you for your time in this matter.

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