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ACLU Joins Lawsuit Over Conditions at Jail Run by Infamous Arizona Sheriff (12/4/2003)

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PHOENIX -- The American Civil Liberties Union today joined an important litigation effort to defeat Sheriff Joe Arpaio's bid to terminate existing federal protections for pre-trial detainees housed in the Maricopa County Jail -- known internationally for the degrading chain gangs and other harsh policies introduced by its infamous sheriff.

"For many years we have been concerned about the extremist policies and practices introduced by Sheriff Arpaio," said David C. Fathi, an attorney with the ACLU's National Prison Project. "Our involvement with this lawsuit renews our commitment to bringing Maricopa County's jail into compliance with constitutional requirements."

The self-described "toughest sheriff in America" is notorious for policies requiring prisoners to wear pink underpants and striped uniforms and for spending less money to feed prisoners than his police dogs. Recent tours conducted by the ACLU found that seriously dangerous and inhumane conditions persist in the jail system, including inadequate medical and mental health care and severe crowding.

"Allowing mentally ill prisoners to lie in a catatonic state, naked on a bare concrete cell floor for 23 hours a day, is not being 'tough on crime,'" said Alice Bendheim, a cooperating attorney with the ACLU of Arizona. "The conditions I witnessed in the Maricopa County Jail were cruel and detrimental to the well-being of the people confined there."

At issue is a 1995 federal consent decree that Sheriff Arpaio seek to end that ensures protections for the over 5,000 pre-trial detainees housed in the jail. It requires Maricopa County officials to reduce overcrowding, provide access to religious services, improve medical, dental and psychiatric care, and adhere to national fire protection standards and suitable sanitation and safety standards. Recent incidents at the jail demonstrate that many provisions of the decree are not being met.

"Sheriff Arpaio's practices and policies not only harm the low-level offenders incarcerated in the jail, but pre-trial detainees who cannot go home only because they are too poor to post bail," stated Eleanor Eisenberg, Executive Director of the ACLU of Arizona. "It is our belief that detainees who have not even had a trial yet are entitled to a high degree of security and decent treatment."

In 1998, a U.S. Department of Justice report harshly criticized the use of excessive force at the facility; the report led to a settlement agreement with Sheriff Arpaio to restrict the use of pepper spray, stun guns and restraint chairs. Earlier this year, the Arizona Court of Appeals affirmed a verdict for a prisoner who was severely beaten in the jail's "Tent City," a unit housing 2,000 prisoners outdoors in the Arizona desert. The court affirmed the finding that Sheriff Arpaio was deliberately indifferent to the risk of attack in the tent unit and affirmed an award of punitive damages against him. Additional lawsuits are pending on behalf of other prisoners who were beaten in the facility.

Entering the class action suit, *Hart v. Arpaio*, today are attorneys Fathi and Bendheim. They join attorney Ted Jarvi of Tempe in representing the class.

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