

American Civil Liberties Union
Freedom Network

ACLU Challenges County Jail Conditions

FOR IMMEDIATE RELEASE**July 1, 1995**

The American Civil Liberties Union of Montana, in conjunction with the ACLU's National Prison Project, filed suit yesterday against Lake County officials over the conditions of confinement in the Lake County jail in Polson. This is a class action brought on behalf of inmates confined in the Lake County jail to end the systemic violation of their rights under federal and state law.

The jail conditions complaint asserts that the facility is sometimes badly overcrowded; poorly maintained; understaffed; lacking in meaningful exercise or recreational opportunities; and lacking in adequate medical or dental care for the inmates.

The Lake County jail is used to confine pre-trial detainees who have not yet been convicted of any crime and who bear the legal presumption of innocence; inmates who have been convicted of criminal offenses and sentenced to a term of imprisonment in the jail; and individuals who have been convicted of crimes and sentenced to the Montana State Prison, and are waiting transfer to that facility. Inmates are confined in the jail for periods extending from a few hours to more than three years in length.

"The physical conditions of confinement are appalling," said Scott Crichton, Executive Director of the ACLU of Montana. "The prisoners are housed together without any apparent concern for mixing violent and non-violent offenders, as seen in the tragic example earlier this spring when one inmate, with a history of violent crimes including murder, killed one of his cell mates, who was in jail on a DUI offense.

"When coupled with the serious shortage of staff, the county is unconscionably courting disaster every day it continues to deny minimal constitutional protections for those in its charge," Crichton added. "We hope this case will serve to direct county officials towards shouldering their obligations for providing adequately trained staff in sufficient numbers. They have a duty to exercise reasonable and ordinary care for the life and health of a prisoner; to keep prisoners safe and protect them from unnecessary harm; to render medical aid when necessary; and to treat prisoners humanely.

The conditions in Lake County are not dissimilar to those found in numerous county jails around the state. By the state's own estimate, at least 22 county jails are in need of major improvements and/or construction. With the "get tough on crime" measures exerting pressure on the already overcrowded state prison population, county jails are becoming holding tanks for the overflow. They were neither designed nor intended to be long term facilities.

The case was filed in Federal District Court. Named as defendants in the case are Lake County Commissioners David Stipe, Michael Hutchin and Mary Baker, as well as Sheriff Joe Geldrich. Plaintiffs are Harry Lozeau, Douglass Matt, Angela Hawkins, Reynaldo Thompson and Wayne Brown, represented individually and on behalf of all other persons similarly situated.

For the plaintiffs counsel are ACLU/MT cooperating attorneys Mark Connell and Michael Alterowitz, working in conjunction with Stephen Pevar from the ACLU's National Prison



Project.

Plaintiffs seek declaratory and injunctive relief pursuant to the United States Constitution's guarantees of due process of law, equal protection of the laws, freedom from cruel and unusual punishment, access to the courts, and the free exercise of religion; as well as related provisions of the Montana Constitution and state statutory law.

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