



## **Media Release**

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## **ACLU Settlement with Montana State Prison Restricts Solitary Confinement for Juvenile Prisoners, Protects Vulnerable**

HELENA, MT — The American Civil Liberties of Montana has reached a settlement with the Montana State Prison over the case, *Raistlen Katka v. State of Montana*, involving solitary confinement of juvenile prisoners and treatment of mentally ill inmates. It limits the amount of time juveniles can be placed in isolation and provides for better treatment of mentally ill inmates in solitary confinement, protecting our state's most vulnerable prisoners.

"I am glad the prison is changing how it treats young offenders," said plaintiff Raistlen Katka. "I brought this lawsuit so no one else would have to endure the torture I endured."

"The effects of solitary confinement on any inmate are profound, but are even more pronounced for adolescents whose brains are still developing and for persons with mental illness," said ACLU cooperating attorney Andree Larose. "On top of that, experience nationwide shows that solitary really does not work. This settlement is a step in the right direction toward making sure inmates are treated humanely and consistent with the Montana Constitution, and are incarcerated in conditions that promote successful reintegration when they are released."

The settlement mandates new Montana State Prison policies, including:

- Juveniles cannot be placed in solitary confinement or behavior management programs for longer than 72 hours without the approval of the director of the Department of Corrections or warden.
- Juveniles will initially be placed in the lowest category of confinement unless they have a significant institutional history or have been convicted of a severe offense.
- Classification of juvenile inmates will take into account their unique needs for education and mental and medical treatment and their lack of full maturity.
- Mentally ill prisoners cannot be placed into solitary confinement if it is determined it will harm their mental health, and those who are placed in solitary confinement must receive private treatment sessions with a mental health professional as often as necessary.
- Suicidal inmates cannot be placed in behavior management programs.

*Raistlen Katka v. State of Montana* was filed in 2009 to assist a mentally ill teenage prisoner who spent well over a year in solitary confinement – much of it as a juvenile – and suffered great distress in that isolation. Raistlen Katka's incarceration in the Montana State Prison's restrictive "Special Housing Unit" began in March 2009 when he

was just barely 17 years old. He was subjected to numerous behavior management programs in which he was stripped naked with only a short smock to wear, and denied regular bedding and running water. In the ensuing year and one-half his mental condition seriously deteriorated, and he attempted to kill himself multiple times.

"Once Raistlen was released from solitary confinement and given mental health treatment, he began doing far better than he did under the prison's 'behavior management plans,'" said attorney Jennifer Giuttari who filed the case on behalf of the ACLU of Montana, and has continued working on it at her new law firm, Montana Legal Justice, PLLC. "Raistlen's story shows that prisoners can successfully re-enter into society when given proper treatment during their incarceration."

In addition to Larose and Giuttari, attorneys on the case include cooperating attorney Ron Waterman of Gough, Shanahan, Johnson & Waterman, PLLP, ACLU Legal Director Jon Ellingson and former ACLU of Montana Legal Director Betsy Griffing.

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