

HOW THE ACLU OF IDAHO ACCEPTS CASES ABOUT PRISON/JAIL CONDITIONS AND INMATE RIGHTS

The American Civil Liberties Union of Idaho is a non-profit public interest organization devoted to defending the principles of the Bill of Rights. The Bill of Rights, along with our state and federal laws, protects certain fundamental rights of individuals against the power of the government and will of the majority. In the case of prisoners, the 8th Amendment to the U.S. Constitution protects against inhumane jail and prison conditions.

HOW DO WE SELECT CASES?

Because we are a small organization, the ACLU of Idaho generally files cases that have the potential to affect the civil liberties of large numbers of people rather than those that may have limited impact for anyone but the client. This is especially important when dealing with complaints from inmates. The basic questions we ask when reviewing a potential case are:

- ***Has a civil rights violation occurred?***

We try to determine whether the complaint creates a serious threat to the rights of inmates, which if ignored might lead to further erosion of rights for all inmates. For instance, the ACLU would take an interest in racial, ethnic, religious, or gender discrimination. The 8th Amendment to the U.S. Constitution protects inmates from "cruel and unusual punishment." Whether treatment of prisoners rises to this level is a question that courts have not always found easy to determine. It often depends on the facts of a particular case and can take many years to decide.

- ***What effect will this case have on other people in addition to our client?***

- ***Do we have the resources to take this case?***

Because the ACLU of Idaho depends mostly upon volunteer cooperating attorneys, often we must turn down cases that we feel have merit. Sometimes it is not possible for us to locate an attorney who is willing or able to pursue a given case. Most of our legal support is centered in Boise. This makes it more difficult when a complaint is received from another area. Often we simply cannot locate an attorney in certain smaller communities.

- ***What the ACLU of Idaho can do for you even if we cannot take your case***

If we cannot take on a case, we encourage inmates to file their own cases (called "pro se") if they feel their civil rights have been violated by officials in a jail or prison. In order to assist you with this, we make available upon request a packet from the National Prison Project that describes examples of what courts have held to be 8th Amendment violations. We also provide you with forms, addresses and guidelines for submitting your own paperwork to the courts. Please request one of our document packets if you would like one. Packet is available in Spanish.

TYPES OF CASES THE ACLU GENERALLY CANNOT ACCEPT

In general, we do not handle cases that involve such things as:

- Complaints about attorneys or public defenders
- Criminal cases, including appeals and post-conviction relief, probation, or parole
- Divorce, child custody, support matters, or wills

IMPORTANT INFORMATION ABOUT THE GRIEVANCE PROCESS

If you have a complaint against an Idaho Department of Correction facility or a county jail, it is important that you first attempt to solve your problem using your institution's grievance process for two reasons. First, the process gives prison officials the opportunity to address your complaint. Second, under the 1996 Prison Litigation Reform Act (PLRA), inmates must try to resolve their complaints through the prison's grievance procedure before filing a lawsuit in federal court.

Under the PLRA, inmates must exhaust the grievance process. Please refer to your inmate handbook or ask to see your institution's written grievance policy for instructions on how to complete the grievance process.

WHAT DOES IT COST?

ACLU cooperating attorneys represent the clients free of charge. Cases are handled by attorneys who are in private practice and volunteer their time.

CAN THE ACLU ADVISE ME ABOUT MY CASE?

If we do not accept your case, the ACLU may be able to give you advice or refer you to someone who can assist you.

IMPORTANT NOTE ABOUT DEADLINES

All legal claims have time deadlines. The deadlines may be different depending on who violated your rights and depending on what rights were violated. Unfortunately, the ACLU cannot give you advice about the deadlines that apply to your case.

Instructions for completing ACLU Inmate Intake Questionnaire

1. Please describe only what has happened to **you**, not what you heard happened to someone else.
2. **Be brief**, but try to be as specific as possible. **Avoid overbroad language** such as "The guards are always harassing us." Explain which guards? How have you been harassed? How many times?
3. You may use one additional sheet of paper if the form is insufficient. However, please try to keep answers brief and to the point. More detailed information can be gathered later if necessary. The purpose of this form is to enable us to assess the main types of complaints and to summarize them. Long detailed accounts at this time will not facilitate this process.
4. **Please print your responses clearly.**

ACLU OF IDAHO
INMATE INTAKE QUESTIONNAIRE

Please fill out this form as completely as possible and return it to: The ACLU of Idaho, P.O. Box 1897, Boise, ID 83701.

If we need information in addition to what is on this form, we will contact you. We will respond as quickly as possible. However, please be aware that due to the number of requests for assistance we receive, we are only able to accept a small percentage of cases. **You must understand that unless and until the ACLU agrees to take your case, you are solely responsible for any and all statute of limitations or other deadlines which might apply to your specific situation. If you have concerns about statute of limitations or if you feel your case demands immediate attention, you may wish to seek advice from an attorney.**

DO NOT ENCLOSE ANY ORIGINAL DOCUMENTS WITH THIS FORM. Because of the volume of requests we receive, we cannot return any materials that you submit to us with your intake questionnaire.

PLEASE READ "HOW THE ACLU OF IDAHO ACCEPTS CASES ABOUT PRISON/JAIL CONDITIONS AND INMATES RIGHTS" BEFORE FILLING OUT THIS FORM. **PLEASE PRINT CLEARLY.**

Date: _____

Name: _____ DOB: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Telephone: _____ Alt. Telephone: _____

Are you currently incarcerated? YES NO

If yes, where?

Facility Name: _____

Facility Address: _____

Inmate ID number (if any): _____

If you are incarcerated, whom can we contact to communicate with you?

Name: _____

Telephone: _____ Alt. Telephone: _____

Relationship to you: _____

Indicate which if any applies to you:

- | | |
|---|---|
| <input type="checkbox"/> RIDER | <input type="checkbox"/> STATE INMATE BEING HOUSED IN COUNTY FACILITY |
| <input type="checkbox"/> COUNTY JAIL INMATE | <input type="checkbox"/> CHARGED BUT NOT CONVICTED |

If you are currently represented by counsel, who is your attorney?

_____ PHONE _____ PD? _____

Were you the subject of disciplinary action as a result of this incident? YES NO

If yes, please describe:

Do you have a history of disciplinary problems in prison? YES NO

If yes, please provide details:

1. Did you complain in writing about the incident? YES NO

What was the response?

2. Did you submit a formal grievance? YES NO

If yes, when (give exact date if possible)? _____

Did you appear at the grievance hearing/process? YES NO

What happened?

3. Did you appeal the results of the grievance? YES NO

Have you attempted to address this issue through means other than a grievance (e.g. complaint to warden/guards)? YES NO

If yes, describe your efforts and their results:

What would you like the ACLU to do for you?

Continue on other side

If you have documents which you believe may help us evaluate your case, please describe briefly what these documents are. We will contact you if we want to obtain a copy of the documents. Do not enclose them at this time.

Where we might deem it appropriate or helpful, do we have your permission to contact state or county authorities, including jail or prison personnel, to address your complaint? YES NO
May we use your name? YES NO

If no, please explain why not: _____

Please sign on line above

Date

MEDICAL RELEASE:

I, _____, hereby authorize the ACLU of Idaho to obtain any and all medical files, records, and physician evaluations which are on file in any hospital clinic, jail, prison, or physician's office.

Please sign on line above

Date

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