

ACLU Lawsuit Charges Canyon County Jail Officials Retaliate Against Prisoners Who File Grievances

Jail Already Under Federal Consent Decree Because of Past Constitutional Violations

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BOISE, Idaho – The American Civil Liberties Union today filed a federal class action lawsuit against the top two officials in the Canyon County Sheriff's Department charging them with unconstitutionally punishing prisoners at the Canyon County jail who file grievances about their conditions of confinement.

The lawsuit charges that Gary Duelen, the sheriff's department's chief deputy and administrator of the county jail, ordered that a prisoner be transferred out of the jail and into a different facility in retaliation for the prisoner having filed a number of grievances and complaints. The two named plaintiffs in the lawsuit, Alfred Young and Lorraine Scott, were threatened with retaliation by jail guards if they filed grievances, according to the lawsuit, and Scott was placed in solitary confinement for doing so.

"The U.S. Constitution guarantees all Americans the right to petition the government for redress of grievances and prisoners have the right to file complaints with jail staff and with the courts about their conditions of confinement," said Stephen Pevar, staff attorney with the ACLU. "Retaliating against prisoners for exercising their constitutional rights is at odds with fundamental American values and cannot be tolerated."

In one incident cited in the lawsuit, prisoner Dana Harris began filing grievances after entering the jail in July claiming that the jail is unsanitary and that a construction project in an adjoining cellblock was resulting in the release of noxious fumes and dust.

Harris also began corresponding with ACLU lawyers monitoring a federal consent decree requiring the jail to meet certain health and safety standards. In October, Harris was transferred without warning to the Payette County Jail where he was placed in solitary confinement. The jail official who drove Harris to Payette County told Harris he was a complainer who was writing to the ACLU.

In another incident cited in the lawsuit, Scott, who entered the Canyon County Jail in June, filed a grievance with jail staff that she was being threatened by another prisoner. Nothing was done to protect Scott, and soon thereafter other prisoners stole some of her

personal property. Instead of responding to her grievances as required by the jail's own policy, jail staff placed her in solitary confinement.

She was released from solitary a few days after submitting a third grievance challenging her placement in solitary confinement – which also was not responded to – but was told by a guard that if she were to file any additional grievances that she would be returned to isolation. Another guard called her a “troublemaker.”

Scott and Young, the lawsuit's two named plaintiff, were both corresponding with the ACLU, and the lawsuit charges that prisoners who are in communication with the ACLU are particularly vulnerable to retaliation by jail staff.

“Threats and retaliation put a chill upon the exercise of rights guaranteed by the Constitution,” said Monica Hopkins, executive director of the ACLU of Idaho. “In a facility known for having many significant problems, it is essential that prisoners are able to lodge grievances without fear of retaliation.”

A copy of the complaint is available online at:
<http://acluidaho.org/legal/casedocuments.html>

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