



Press Release

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August 22, 2011

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Court Orders Prison to Keep ACLU Client Out of Solitary Raistlen Katka much improved after being returned to general population; Suit over unconstitutional conditions will continue

HELENA, MT — District Court Judge Jeffrey Sherlock has ordered the Montana Department of Corrections to refrain from placing teenage prisoner Raistlen Katka in administrative isolation and from imposing behavior modification plans on him until his release or February 2012 trial.

"The Court does this for a couple reasons. First, it is clear that Plaintiff is doing well under the current specialized treatment plan," wrote Sherlock in his decision, adding that he has concerns that Raistlen could suffer irreparable harm (up to suicide) if placed in solitary confinement again.

"Since we were able to secure his release from solitary confinement last year and get him mental health treatment, he has done far better than he did under the prison's 'behavior management plans.' He's earned his GED and is learning a vocational skill," said ACLU Legal Director Betsy Griffing of Raistlen's current conditions. "He was prohibited from receiving real educational instruction and vocational training in solitary confinement."

The ACLU of Montana filed a lawsuit against the state of Montana and the Montana Department of Corrections in 2009 over the illegal, inhumane and degrading treatment Raistlen was subjected to by being placed in solitary confinement when he was a juvenile and when it exacerbated his mental illness. Those conditions violated the Montana Constitution's right to human dignity, and were particularly objectionable because they were imposed on a minor child with mental illness.

Raistlen was Tasered, pepper-sprayed, deprived of human contact, punished by torturous 'behavior management plans,' stripped in view of other inmates and traumatized to the point of attempting multiple times to kill himself.

Raistlen has a history of childhood abuse, and has been diagnosed with post-traumatic stress disorder and other mental illnesses. His incarceration in the Montana State Prison's restrictive "Special Housing Unit" began in March 2009 when he was just barely 17 years old. In the ensuing year his condition seriously deteriorated.

The ACLU was finally able to secure Raistlen's release from solitary confinement, mental health treatment and a return to the general population after several more suicide attempts.

Though the most pressing goal of the ACLU's litigation – to ensure that Raistlen would be removed from inhumane conditions – has been achieved, the lawsuit will continue.

"This lawsuit is for Raistlen, but it's also for all the other adolescent and mentally ill prisoners subjected to these harsh, punitive conditions. MSP's use of solitary confinement and BMP's violates contemporary correctional practices as well as Montana's constitutional guarantees," said ACLU cooperating attorney Andree Larose. "As a society, we must be concerned not only about whether the treatment of inmates is humane, but also about what long-term effects such inhumane treatment has on these prisoners. When we ignore the core humanity of a prisoner, we not only violate the Montana Constitution, we make our community less safe in the long run."

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