



Media Release

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ACLU of Montana Sues Missoula County Over Discriminatory Treatment of Women and Juvenile Prisoners

MISSOULA, MT — The American Civil Liberties Union of Montana filed a class action lawsuit Wednesday against Missoula County over discriminatory treatment of female and juvenile prisoners at the Missoula County Jail, who, unlike male prisoners, are denied access to fresh air, sunlight and the outdoors.

Both of the Missoula County Jail housing units used for male prisoners have access to an outdoor recreation yard which male prisoners are allowed to use for one hour a day, five days a week. Female and juvenile prisoners, however are only given recreation time in an indoor gym. That gym's windows are high above the floor and are only opened during fair weather. Even with the windows open, prisoners are able to feel little fresh air. They must take turns in the small spots of sunlight that shine on the gym floor for short periods of time.

"Male prisoners are able to breathe fresh air and spend time in the sunlight. Yet, despite repeated grievances from female prisoners, both women and juveniles at the jail are denied this opportunity, and are only given recreation time in a gym," said Scott Crichton, executive director of the ACLU of Montana. "As a result, our plaintiffs report skin problems, hair loss, depression and panic attacks from being deprived of fresh air and outdoor exercise."

Courts have repeatedly ruled that outdoor exercise is extremely important to the psychological and physical well-being of prisoners and that deprivation of access to fresh air and sunlight constitutes cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution.

Many of the prisoners incarcerated at the jail are there awaiting trial and/or sentencing. Some are there for as long as a year. Denying female and juvenile prisoners access to outdoor recreation given their adult male counterparts is discriminatory and constitutes cruel and unusual punishment.

The ACLU of Montana and its plaintiffs are seeking a solution to this situation. A fenced area outside both the juvenile and women's housing units could be used for outdoor recreation. Likewise, a canvas curtain, like the one used in the gym, could be used to separate male prisoners from female and juvenile prisoners in the recreation yard.

"The solution to this discrimination is simple and obvious," said Greg Munro, cooperating attorney on the case. "It's unfortunate that Missoula County Jail officials have repeatedly ignored requests that they fix the problem, leaving our only option to sue."

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