



American Civil Liberties Union
of Montana Foundation
P.O. Box 9138
Missoula, MT 59807
www.aclumontana.org

August 14, 2012

Custer County Sherriff Tony Harbaugh
1010 Main Street
Miles City, MT 59301

Dear Sherriff Hargaug,

On June 13, 2012, I had the opportunity to tour the Custer County Jail. I appreciate your staff's efforts in coordinating and guiding the tour. I also appreciated the three Custer County Commissioners' participation in the tour.

As I discussed with your staff and the Commissioners, Custer County Jail is not an acceptable place to house individuals even briefly. Your facility's serious fire safety, ventilation, and sanitation issues, along with the lack of both indoor and outdoor recreation, violate both the U.S. and Montana Constitution's prohibition on cruel and unusual punishment. While I could detail the multitude of specific issues I observed on my tour, it is my understanding talking with the Commissioners that your staff, the commissioners, and state officials are well aware of the dire conditions in your facility.

While we certainly understand the financial burden of creating a new facility, the current state of your facility is so far from any acceptable standard, we must demand that within 30 days, you confirm with our office that no prisoners are housed in your facility. Unless we receive such confirmation, we must consider further action. Should we file suit regarding the constitutionality of the conditions in your facility, which we are confident would be successful given the egregiousness of the situation, we would seek attorneys' fees. The thousands of dollars the county would pay in costs and expenses would better be spent on solving your problems with the current facility.

We would like to emphasize that simply committing to putting a bond on the ballot in the next election will not be sufficient. Immediate action needs to be taken to insure that human beings are not housed in your facility.

I am happy to work with you to discuss potential short term and long term solutions, or answer any questions you may have.

Kind regards,

Anna Conley
Staff Attorney and Director of the
Montana Prison and Jail Project

Cc: Custer County Attorney Wyatt A. Glade
County Commissioner Vicki Hamilton
County Commissioner Keith Homlund
County Commissioner Jack Nesbit

