



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

Wyatt A. Glade
Custer County Attorney
1010 Main Street
Miles City, MT 59301

August 23, 2012

Dear Wyatt:

Thanks for your letter setting forth questions in response to my August 14, 2012 letter.

I and my co-counsel are looking forward to discussing the situation with you. However, we cannot agree to the County continuing to lock men and women (and apparently a juvenile at the present time) in that facility for the 90 days you're requesting before filing suit. We appreciate that Custer County needs more time to determine how to move forward. To that end, we can agree to not file suit for 45 days. However, we will be unable to agree to further delays given that we feel it is imperative for a federal court to be immediately apprised of this situation in order to fix a problem that has been festering for decades.

The chronology you sent us only proves the need for judicial action. It has been over seven months since the Miles City Area Economic Development Council Planning Committee began taking on the issue, and funding to even begin the assessment process has not yet been procured.

You ask that I identify which conditions in the Jail constitute cruel and unusual punishment. As mentioned in my earlier letter, the lack of ventilation, lack of recreation, fresh air, outdoor exercise, and natural light, as well as extremely unsanitary conditions, including extensive mold and unclean living areas, a falling ceiling, dirty blankets, towels and clothing, and numerous extremely egregious safety and fire issues are immediately apparent. In addition, there are inadequate medical services. I would be curious to inquire as to county or city health and fire code officials' view of the facility's weaknesses.

You also ask for citations to legal authority that support our claims. It is well established that many of the conditions in the jail violate the U.S. Constitution. One useful book that sets forth the relevant caselaw is Manville and Boston *The Prisoners' Self-Help Litigation Manual*. In 2009, the ACLU of Idaho sued a county jail that had deficiencies similar to those that plague the Custer County Jail. I have attached a copy of this brief to this letter as it may be useful to you as



it sets forth legal authority for similar claims. I would be surprised if the County opted to defend the conditions of the jail given that they are self-evident, extremely egregious, and appear to have been acknowledged by county officials.

In addition, you ask us to identify the persons who will be our plaintiffs. We will be bringing the lawsuit on behalf of one or more named prisoners on their own behalf and on behalf of a class of all present and future prisoners of the Custer County Jail. We do not intend to identify the named prisoners beforehand.

I have spoken with many county officials regarding this situation, and I assure you that we are not insensitive to the financial problems facing the County. However, I am not confident that the County will resolve this issue in a timely manner, and we simply cannot sit by while people are housed in those conditions and wait. If the County wishes to operate a jail, then it has to operate one that meets constitutional standards.

We look forward to speaking with you tomorrow.

Kind regards,

A handwritten signature in cursive script, appearing to read "Anna Conley", written in black ink. The signature is fluid and extends to the right.

Anna Conley

Enclosure