

Prisoner Rights Issues Raised in Lawsuit Against Detention Unit

In a recent action by the ACLU and Amnesty International, a Colorado lawsuit raises numerous issues regarding the constitutionality of treatment of county inmates relating to the use of force, the provision of health and mental health services, the use of non-lethal weapons within such facilities, and record keeping regarding those decisions. While the factual and legal allegations in this lawsuit are disputed, even an unfounded claim serves as a reminder to sheriffs and boards of county commissioners that diminished resources will not serve to protect county officials from claims of due process or other violations under the U.S. Constitution.

A plan of action should be undertaken for each detention facility:

- ✓ Utilize a comprehensive policy and practices checklist and engage an outside auditor or legal counsel to audit your detention facility policies for adequate rules governing employee conduct and inmate treatment.
- ✓ Engage local or regional law enforcement and legal experts to help your facility prioritize defined needs and to devise practical short term solutions for shortcomings relating to limited resources.

- ✓ Put timely and meaningful checks and balances in place to review reports and record keeping for timeliness, accuracy, and compliance.
- ✓ Ensure that staff and supervisors are hired with the requisite skill and knowledge to perform assigned duties or are promptly and adequately trained for the duties and equipment assigned
- ✓ Act to retrain, discipline or remove employees or supervisors who fail to follow directives, policies, and procedures.

What This Means For Counties

As a result of this lawsuit, it is strongly recommended that counties review their detention facility policies and practices with the help of legal advisors.

For more information, contact CTSI at 303-861-0507.