

Class action suit filed over Lake County jail conditions



(Lake County Leader file)

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A class-action lawsuit alleging inhumane and discriminatory conditions at the Lake County jail was filed in Missoula County District Court last week on behalf of 38 current or former prisoners.

The suit lists Aloyisius D. Black Crow as a primary plaintiff. No other plaintiffs are identified in the suit.

Plaintiffs allege that the jail is “dangerous, unhygienic, and overcrowded ...” and that jail policies discriminate against Native American inmates.

The lawsuit lists several dozen allegations, including:

- Inmates are deprived of basic personal hygiene products for unreasonable periods of time.
- Inmates often sleep on broken bunks or on the floor due to overcrowding.
- A jail infrastructure that is “deteriorating to the point of failure, with beds detaching from walls; ventilations systems unable to properly provide air exchange; paint peeling from walls and ceilings; metal surfaces rusting; mold growing on ceilings, walls, floors and mattresses; and non-functional sanitation systems.”
- A lack of attention to an insect infestation.
- A lack of fire safety protocols.
- Little or no opportunity for inmates to exercise.
- No reasonable opportunity for visitation or private consultation with legal counsel.

No access for Native American inmates to religious ceremonies, leaders and ceremonial materials.

Plaintiffs allege that the deterioration of the facility “presents hazards to inmates’ mental and physical health,” and “defendants fail to operate and maintain the Lake County jail in a manner consistent with the requirements of federal and state law.”

The lawsuit seeks to define the plaintiff class as “all persons who are, have been or will be incarcerated at the Lake County jail,” with a subclass defined as “all enrolled members of the Confederated Salish and Kootenai Tribes who are, have been or will be incarcerated” at the jail.

The county faced a similar class-action suit in 1995. A settlement was reached in that case, with the county agreeing to upgrade conditions at the facility. The suit was eventually dismissed after the county completed a round of improvements at the facility.

Lake County voters soundly rejected a 2020 levy request from county commissioners to fund operations and an expansion of the county jail. The measure failed with 65% of voters in opposition.

The request was for \$2.5 million annually for a period of 20 years. A portion of that total, \$1.5 million per year, was intended to fund construction of a new detention facility, which was estimated to cost up to \$15 million. The other part of the request was for an additional \$1 million per year for operating expenses for the expanded facility.

In addition to an expanded jail facility, the commissioners hoped to establish other jail diversion and mental-health programs, and increase monitoring devices for those who are released.

If the levy had passed, property owners would have seen a tax increase of approximately \$50.40 per \$100,000 of property value per year for 20 years.

The plaintiffs in the pending case are represented by Tim Bechtold of Bechtold Law Firm in Missoula and Constance Van Kley and Rylee Sommers-Flanagan of Upper Seven Law in Helena.

“The conditions in the Lake County jail evidence not only disrespect for inmates’ constitutional rights, but disregard for their humanity,” Van Kley, litigation director at Upper Seven Law, said in a press release issued March 31. “These discriminatory, dangerous conditions are unlawful, and they need to change.”

Listed defendants are Lake County Commissioners Bill Barron, Gale Decker and Steve Stanley; Kate Stinger, executive administrative assistant for the Commissioners’ Office; Sheriff Don Bell; Undersheriff Ben Woods; and 10 other unidentified individuals.

County officials named in the suit declined to comment Thursday, citing a policy to refrain from commenting on pending litigation. The Montana Association of Counties will provide legal representation for Lake County.

The lawsuit alleges violations of inmates’ rights under the First, Sixth, Eighth and Fourteenth Amendments of the U.S. Constitution, along with eight sections of Article II of the Montana Constitution. It also alleges violations of the Hellgate Treaty of 1855, regarding “adequate, cost-free” medical care for Native American inmates.

Plaintiffs are asking the court to declare that the county has violated their rights and to put an end to the practices giving rise to the lawsuit. It also seeks attorney fees for all plaintiffs, as well as an unspecified amount of damages for the subclass of Native American inmates.

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