



# Inmates tortured, ACLU says

## Garfield sheriff calls lawsuit allegations 'totally frivolous'

By Sue Lindsay, Rocky Mountain News

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Prisoners at the Garfield County Jail are being tortured with PepperBall guns, Tasers and electroshock belts, the American Civil Liberties Union charged in a class-action lawsuit filed Wednesday in federal court.

The Garfield County sheriff called the allegations "totally frivolous."

The ACLU contends that the use of the devices, along with pepper spray and restraint chairs, are unregulated and abused by deputies at the jail in Glenwood Springs.

The lawsuit seeks a court order to stop the alleged practices, which the ACLU argues violate the constitutional rights of prisoners. Abuse of the devices harm prisoners' health and safety and could even cause death, the lawsuit said.

Garfield County Sheriff Lou Vallario strongly disputed the allegations.

"It's unwarranted, unsubstantiated, unjustified and totally frivolous," said Vallario, who is named as a defendant along with Cmdr. Scott Dawson.

"We do not abuse inmates. We do not do anything wrong here. We require compliance with our rules and regulations."

Vallario said deputies must adhere to a policy that requires use of minimum force to gain compliance.

Deputies don't violate that policy, Vallario said, adding that he wasn't surprised that ACLU lawyers found inmates to say otherwise.

"There's a reason they're in jail," he said.

"This is disheartening," the sheriff added. "I understand the reason for organizations like the ACLU, but what amazes me is they stand up for people's rights, yet they walk in here and immediately point the finger and find me guilty."

ACLU Legal Director Mark Silverstein said the devices may have a legitimate use in the jails, but those uses must be controlled.

"The deputies are enthralled by these nifty devices," he said.

"They say they are maintaining their policies with regard to these devices but they can't tell us what the policies are because they are not in writing," he said. "There is one on pepper spray but it is insufficient and wildly violated in practice."

Prisoners shot with PepperBalls or drenched with pepper spray are regularly strapped into restraint chairs for hours without being given the chance to wash it off, the lawsuit said.

Deputies also abuse inmates by shooting them with PepperBall guns at close range or firing them into their cells, the lawsuit said. The pellets release a capsaicin-based substance when they break, which is designed to irritate the eyes, nose and lungs.

Practices at the jail amount to "an abusive form of corporal punishment," according to ACLU staff attorney Taylor Pendergrass.

Deputies have threatened prisoners with Tasers after they are restrained and strapped into the chair in painful positions, Pendergrass said.

Two of the four named plaintiffs - one who is bipolar and the other who says he can "hear people think" - have serious mental health problems but have been denied medication or care and strapped in restraint chairs as punishment, the lawsuit said.

Prisoners, including two females, also have been forced to urinate on themselves while restrained in the chair, the lawsuit said.

Deputies also play "mind games" and threaten to shock prisoners who wear a remote-controlled electroshock belt during transport to court and during hearings, the lawsuit said. The belt delivers an 8-second shock of 50,000 volts.

Silverstein said he hopes the lawsuit will serve as a "wake-up call" to jail officials.

The lawsuit is filed on behalf of inmates Clarence Vandehey, William Langley, Samuel Lincoln and Fred Hogue.

The lawsuit won't become a class action until a judge approves that status.

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