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ACLU NATIONAL PRISON PROJECT

The Top Ten Non-Frivolous Lawsuits Filed By Prisoners

- 1 Prison Guards routinely sexually assault female prisoners. One officer sexually fondles a prisoner who is receiving medical care in the infirmary, forces her to perform oral sex, then rapes her. Another officer forces a prisoner to perform oral sex while she empties trash as part of a work detail. *Women Prisoners v. District of Columbia*, D.C. (1994) (post trial order).
- 2 Prisoners restrained in handcuffs and shackles have their heads bashed into walls and floors by prison guards, their bodies repeatedly kicked and hit with batons, their teeth knocked out, their jaws fractured, their limbs broken, and their bodies burned with scalding water. *Madrid v. Gomez*, Cal. (1995) (post trial order).
- 3 Confined youth are routinely beaten by facility staff, staff trafficking in illegal drugs is rampant, and sexual relations between staff and confined youth is commonplace. *D.B. v. Commonwealth*, Penn. (1993) (consent decree).
- 4 Dozens of women, some as young as 16, are forced to have sex with prison guards, maintenance workers, and a prison chaplain. Many become pregnant and are coerced by prison staff to have abortions. *Cason v. Seckinger*, Ga. (1994) (consent decree).
- 5 A 17 year-old boy, in jail for failing to pay \$73 in traffic fines, is tortured for 14 hours and finally murdered in his cell by other prisoners. Another teenage had been beaten unconscious by the same prisoners several days earlier. *Yellen v. Ada County*, Idaho (1985) (consent decree).
- 6 Prison officials ignore warnings by the Commissioner of Health and fail to implement basic tuberculosis detection and control procedures. Over 400 prisoners are infected in a single prison. *Austin v. Dept. of Corrections*, Penn. (1992) (post hearing order).
- 7 Prison staff engage in sexual relations with female prisoners and allow male inmates to enter the prisons to engage in forcible intercourse with the women prisoners. *Hamilton v. Morial*, La. (1995) (consent decree pending court approval).
- 8 Several suicidal children are transferred to the state mental hospital where they are placed, naked or in paper gowns, in four point restraints, hands and feet found to the four corners of their beds, and then forcibly injected with psychotropic drugs as part of "aversive therapy." *Robert K. v. Bell*, S.C. (1984) (consent decree).
- 9 A prisoner gives birth on the floor of the jail without medical assistance three hours after informing prison staff that she was in active labor. Other prisoners have deformed or stillborn babies as a result of receiving almost no pregnancy-related medical care. *Yeager v. Smith* and *Harris v. McCarthy*, Cal. (1989) (consent decree).
- 10 Single person cells house four or five prisoners with mattresses on the floor soaked by overflowing toilets, the drinking water is contaminated with sewage, and prisoners' cells are infested with rats. *Carty v. Farrelly*, U.S.V.Is. (1994) (consent decree).

This information was compiled by the National Prison Project in order to respond to the "Top Ten" list of frivolous lawsuits touted by various attorney generals, during a time when state and federal lawmakers were enacting restrictions on prisoner rights.

Inmates in California have successfully filed suit on their own to enforce correctional compliance with California's Administrative Procedures Act and prevent the Legislature from violating the single subject rule. Inmate suits have also challenged censorship

Because Freedom Can't Protect Itself



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rules that were later overturned by the Office of Administrative Law. They have overturned restrictions that prevented them from obtaining free publications, including copies of the state constitution published by the legislature. Thus, inmate actions serve as an important check to the power of both prison officials and the state.