



LGIT'S COMMANDER'S LOG SEPTEMBER 2012

QUESTION: How do the constitutional rights of pre-trial detainees compare with those of convicted prisoners?

ANSWER: The constitutional rights afforded pre-trial detainees are coextensive with those afforded convicted prisoners.

**CASE: *Dante A. Jones v. Sgt. Lisa Walter, et al.*, USDC (Maryland)(unpublished)
Decided August 8, 2012**

In this case, the United States District Court for the District of Maryland considered the age old question of how do the rights of pre-trial detainees compare with those of convicted prisoners. The lawsuit was filed by Dante Jones, a prisoner at MCI-(H). He filed a civil rights action against three employees of the Harford County Detention Center ("the Detention Center"). Jones, who was a pre-trial detainee while at the Detention Center, alleged that Sgt. Lisa Walter, Lt. T. Keggins, and former Warden Elwood Dehaven, failed to protect him or assist him with respect to two assaults, and refused to investigate the staff improprieties concerning the incidents. Jones also alleged that the defendants' action and inaction were racially motivated. Specifically, Jones alleged that he was assaulted by other inmates who called him a "snitch" and a "child molester." He claimed that the assaults, which included the throwing of feces and urine, were witnessed by at least one correctional officer and that several others refused to help him after the fact. Jones stated that he wrote to the warden and that he did not respond until Jones complained to the Office of the State's Attorney. Even then, Jones alleged that the warden acted to cover up the events. Defendants moved to dismiss the lawsuit, presenting a completely different version of the events, and one that demonstrated no wrongdoing.

The Court granted Defendants' motion and dismissed the case. In doing so, the Court reviewed the constitutional protections afforded pre-trial detainees as compared to those afforded convicted prisoners. The Court said: "The constitutional protections afforded a pretrial detainee as provided by the Fourteenth Amendment are coextensive with those provided to convicted prisoners by the Eighth Amendment." As such, the inquiry with respect to a pre-trial detainee's conditions of confinement suit is *whether those conditions amounted to punishment* of the pre-trial detainee, as due process proscribes punishment of a detainee before proper adjudication of guilt. The Court then went on to point out the obvious, that not every inconvenience encountered by an inmate during pre-trial detention amounts to "punishment" in the constitutional sense. If the particular restriction or condition of confinement is reasonably related to a legitimate, non-punitive goal, it will be upheld. In short, only conditions which deprive an inmate of the "minimal civilized measure of life's necessities

may amount to cruel and unusual punishment.” A very high standard indeed. As to an alleged failure to protect, the inmate must establish that the defendants exhibited *deliberate or callous indifference* to a specific known risk of harm. Also a very high standard.

In this case, the Court found that the evidence simply did not support Jones’s version of what happened and failed to meet the high threshold established by the courts. Thus, the suit was dismissed.

NOTE: The Court also addressed Jones’s claim that he was retaliated against by Detention Center officers and officials because of his complaints. The court observed that, in the prison context, retaliations claims are treated with skepticism “because every act of discipline by prison officials is by definition ‘retaliatory’ in the sense that it responds directly to prisoner misconduct.” Even though the hurdles facing inmates in litigation are high, remember to document all actions taken in regards to every inmate, whether pre-trial detainee or convicted prisoner.

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