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Isabella jail, ACLU settle lawsuit



Michigan Sheriff Logo

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Inmates at the Isabella County Jail will get recreation time out of their cells following the settlement of a lawsuit filed by the American Civil Liberties Union of Michigan.

Michael J. Steinberg, legal director of the ACLU of Michigan, said the settlement “is a textbook example of how jail officials and civil rights advocates can work together to protect the basic human rights of prisoners.”

Attorneys for the ACLU filed suit against Isabella County, Sheriff Leo Mioduszewski and Jail Administrator Tom Recker in October 2012 on behalf of five inmates, arguing that exercise

outside cells was not allowed and that female inmates were not given equal access to work inside the facility.

At the time the suit was filed in U.S. District Court in Bay City, the sheriff said he agreed that inmates need a place to exercise and that eligible inmates should be able to get trusty status or do community service.

Steinberg congratulated the county for getting rid of its former policy that kept inmates in their cells at all times, saying the move “brings the jail into compliance with constitutional standards” and “enhances security by reducing violence and improving the mental health of inmates.”

Housing a maximum of 196 inmates, the jail was built in the 1950s with an addition in the 1990s, with no provision made for a gymnasium or other exercise area.

A large, central room in the jail is to be used for a recreation room in accordance with the settlement, Recker said.

That room was used for GED testing, community corrections programs, and church and substance abuse programs, and will continue to serve that function in addition to being a recreation area, Recker said.

Most inmates at the jail are pre-trial detainees, with some being renters from other municipalities and those sentenced to serve time in jail and not state prison.

Under the settlement, which the ACLU of Michigan announced Thursday, corrections officers must officially give inmates the opportunity to use a recreation room with exercise equipment for a minimum of one hour five days a week, according to the ACLU.

“Best efforts” must also be made to allow out-of-cell recreation seven days a week, according to the ACLU.

In addition, the county agreed to adopt a policy that female inmates could be trusties and that the percentage of trusties who were female reflected their presence in overall jail population, according to the ACLU.

If jail officials violate the terms of the agreement, federal court will have the ability to enforce the settlement for five years, according to the ACLU.

“We hope this settlement will serve as a model for other jails,” said Michael Manville, director of the Michigan State University College of Law Civil Rights Clinic. “Courts have repeatedly ruled that exercise is extremely important to the psychological and physical well-being of prisoners.”

“Denying prisoners an opportunity to exercise constitutes cruel and unusual punishment.”

Court records indicate that four of the five inmates represented by ACLU attorneys - Michael Dunmire, Marcus Jackson, Amanda Hester and Sara Dunmire, had classifications that did not allow trusty status or work release.

A fifth inmate represented in the suit, Ashley Bush, had work release status but that was rescinded when she was caught shopping at a local store, violating the condition that she report directly back to jail after work, Recker said.

Many inmates who qualify for community service don't end up getting out of jail because of a lack of need, Mioduszewski said after the suit was filed.

Another issue was that there are few female inmates, which makes it difficult to allow equal trusty opportunities because male and female inmates must be separated by a sight and sound barrier, the sheriff said after the suit was filed.

In addition to Steinberg and Manville, the five inmates were represented in the lawsuit by Daniel Korobkin and Kary Moss of the ACLU of Michigan, and students of the MSU College of Law Civil Rights Clinic.

Mioduszewski was not available for comment.