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THE ACLU OF UTAH AND COMPLAINTS REGARDING CONDITIONS AT UTAH'S JAILS OR PRISONS

Introduction

Thank you for contacting the American Civil Liberties Union (ACLU) of Utah. We are committed to combating unconstitutional jail and prison conditions and practices, and your complaint is important because it helps us identify problems in Utah's correctional facilities.

Prison or jail conditions

Exposing inmates to dangerous conditions or toxic substances may violate the Eighth Amendment to the United States Constitution, which prohibits cruel and unusual punishment. Jail or prison officials violate the Eighth Amendment if, with deliberate indifference, they expose an inmate to a condition that poses an unreasonable risk of serious damage to that inmate's future health (*Helling v. McKinney*, 1993). Deliberate indifference means that jail or prison officials knew of and disregarded a substantial risk of serious harm to the inmate's health (*Farmer v. Brennan*, 1994).

Conditions that can violate the Eighth Amendment include:

- Excessive heat or cold
- Polluted water
- Toxic or poisonous fumes
- Exposure to sewage
- Exposure to second-hand tobacco smoke
- Excessive noise
- Sleep deprivation
- Sleeping on the floor
- Lack of fire safety
- Risk of injury or death in the event of an earthquake
- Inadequate food or unsanitary food service
- Poor lighting or constant lighting
- Defective plumbing
- Exposure to insects, rodents, and other vermin
- Lack of basic sanitation
- Denial of adequate toilet facilities
- Exposure to asbestos

If you have a complaint regarding dangerous jail or prison conditions or exposure to toxic substances, file a formal grievance with the jail or prison.

The ACLU of Utah compiled the above information from the following sources:

1. "Know Your Rights: Excessive Heat/Cold in Prison" by the ACLU National Prison Project, November 2003
2. "Know Your Rights: Exposure to Environmental Hazards in Prison" by the ACLU National Prison Project, November 2003
3. "Know Your Rights: Smoking in Prison" by the ACLU National Prison Project, November 2003