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## **ACLU of Utah Files Federal Lawsuit Over Use Of Tear Gas In Utah State Prison's Mental Health Wing**

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SALT LAKE CITY—Late yesterday, the ACLU of Utah filed a class action lawsuit on behalf of a group of prisoners at the Utah State Prison. The case involves an incident in August 2011 in which corrections officers released a tear gas canister in the Olympus wing of the Utah State Prison to subdue a single prisoner. The tear gas entered the air ventilation system and seeped into cells that have no windows or bars, affecting about 150 inmates. The inmates were left to breathe the noxious gas for about 20 minutes, and many feared for their lives. The Olympus wing is the mental health wing of the prison; it also houses prisoners with severe medical conditions.

The prisoners allege that corrections officers failed to answer emergency call buttons during the incident. They further allege that some officers made light of their situation during and after the incident, with some laughing about it and others discouraging complaints. The prisoners also contend that officials failed to provide them adequate physical and mental health attention after the incident. Prison officials have acknowledged that the incident occurred and asserted that the gas entering the cells was unintentional. Officials have not explained, however, the policies and procedures that allowed the incident to unfold as it did. Likewise, officials have not given any assurances that there are adequate policies in place to prevent this type of event from happening again.

“The Eighth Amendment of the United States Constitution mandates that prisoners must not be subjected cruel and unusual punishment,” said John Mejia, Legal Director of the ACLU of Utah. “We assert that the prison’s actions in this case—from the reckless use of the gas, to the slow and insufficient response while the prisoners were

being exposed, to the inadequate treatment of the affected inmates—amounted to a violation of that guarantee.”

The Plaintiffs also allege a violation of the Utah State Constitution. “Utah’s Constitution provides limits on the treatment of prisoners that have been found in some cases to be more protective than those in the federal Constitution,” explained Karra Porter of Christensen & Jensen, who is cooperating counsel with the ACLU of Utah representing Plaintiffs. “We believe that the prison’s actions in this case fell short of the mandates of our state constitution.”

The Olympus wing began operating in 1999. The prisoners housed in this facility are particularly vulnerable because they suffer from mental illnesses such as schizophrenia, post traumatic stress disorder, and anxiety disorders. Olympus also hosts inmates who need kidney dialysis. “This incident is an egregious civil rights violation committed by the Utah State Prison against a vulnerable, albeit unpopular and largely forgotten class of American citizens,” said Aaron Kinikini attorney for the Disability Law Center. “The Disability Law Center is fully supportive of ACLU of Utah’s advocacy on behalf of prison inmates with disabilities and the broader principle that prison walls do not form a barrier between inmates and the basic protections afforded by our Constitution.”

The named Plaintiffs seek to represent two classes. One class would be the prisoners who are currently in the Olympus wing. That class seeks a change in prison policy and procedure to protect them from future incidents. The other proposed class would be those prisoners who were directly affected by the incident. That class seeks damages.

For more information, please go to: .