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**CLERK, U.S. DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS, MONTANA**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

JASON PAUL INDRELAND,

Cause No. CV-08-0047-BLG-RFC-CSO

Plaintiff,

vs.

AMENDED COMPLAINT

YELLOWSTONE COUNTY BOARD OF
COMMISSIONERS, CHUCK MAXWELL,
JAY BELL, and DENNIS MCCAIVE,

Defendants.

INSTRUCTIONS

1. Use this form to file an amended civil complaint with the United States District Court for the District of Montana. You may attach additional pages where necessary.
2. Your amended complaint must include only counts/causes of action and facts - not legal arguments or citations.
3. Your amended complaint must be typed or legibly handwritten. All pleadings and other papers submitted for filing must be on 8 1/2" x 11" paper (letter size). Your need not be notarized but it must be an original and not a copy. You must pay the Clerk for copies of your amended complaint or other court records, even if you are proceeding in forma pauperis.
4. Complaints submitted by persons proceeding in forma pauperis and complaints submitted by prisoners suing a governmental entity or employee are reviewed by the Court before the defendants are required to answer. See 28 U.S.C. §§ 1915(e)(2), 1915A(a); 42 U.S.C. § 1997e(c). After the Court completes the review process, you will receive an Order explaining the findings and any further action you may or must take. The review process may take a few months; each case receives the judge's individual attention.

Plaintiff's Last Name INDRELAND

* No Jury Demand *

5. When you have completed your amended complaint, mail the original - copies are not required - to the Clerk of U.S. District Court, 316 N. 26th, Room 5405, Billings, MT 59101

AMENDED COMPLAINT

I. PLACE OF CONFINEMENT:

A. Are you incarcerated? Yes No (if No, go to Part II)

B. If yes, where are you currently incarcerated? Montana State Prison, Deer Lodge, Mt. 59722

C. If any of the incidents giving rise to your complaint occurred in a different facility, list that facility:

All incidents occurred at Yellowstone County Detention Facility, Billings, Mt. 59101

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

A. Non-Prisoners

- 1. Does any cause of action alleged in this complaint require you to exhaust administrative remedies before filing in court? Yes No Don't Know
- 2. If yes, have you exhausted your administrative remedies? Yes No

B. Prisoners (If you listed other institutions in I.C above, please answer for each institution).

- 1. Is there a grievance procedure in your current institution? Yes No
- 2. Did you file an administrative grievance based upon the same facts which form the basis of this lawsuit? Yes No
- 3. If you did not file an administrative grievance, explain why:

III. PARTIES TO CURRENT LAWSUIT

A. Name of Plaintiff Jason Paul Indreland A0#42564
Mailing Address 700 Conley Lake Road, Deer Lodge, Mt. 59722
(Please use additional sheets of paper to provide the names and addresses of any additional plaintiffs.)

B. Defendant _____
(name and address)
is employed as _____
(Position and Title, if any)
at _____
(Institution/Organization)

Defendant _____
(name and address)
is employed as _____
(Position and Title, if any)
at _____
(Institution/Organization)

Defendant _____
(name and address)
is employed as _____
(Position and Title, if any)
at _____
(Institution/Organization)

Defendant _____
(name and address)
is employed as _____
(Position and Title, if any)
at _____
(Institution/Organization)

(Please use additional sheets of paper to provide the same information about any additional defendants.)

1. Yellowstone County Board of Commissioners
2. Chuck Maxwell, 219 N. 26TH St.
Billings, Mt. 59101
3. Yellowstone County Sheriff,
Yellowstone County Sheriff's Department
3. Jay Bell, 219. N. 26TH St.
Billings, Mt. 59101
Yellowstone County Under sheriff
Yellowstone County Sheriffs' Department
4. Dennis McCave, 3165 King Ave. East
Billings, Mt. 59101
Captain
Yellowstone County Detention Facility
5. Lieutenant Netter, 3165 King Ave East
Billings, Mt. 59101
Lieutenant, Yellowstone County Detention Facility
6. Sgt. Pluhar, 3165 King Ave East.
Billings, Mt. 59101
Sergeant, Yellowstone County Detention Facility
7. Sgt. Wong, 3165 King Ave East
Billings, Mt. 59101
Sergeant, Yellowstone County Detention Facility

8. Sgt. Valdez, 3165 King Ave East
Billings, Mt. 59101
Sergeant, Yellowstone County Detention Facility
9. Sgt. Smart, 3165 King Ave. East
Billings, Mt. 59101
Sergeant, Yellowstone County Detention Facility
10. Chaplain Kinser, 3165 King Ave East
Billings, Mt. 59101
Chaplain, Yellowstone County Detention Facility
11. Officer Chandler, 3165 King Ave. East
Billings, Mt. 59101
Detention officer, Yellowstone County Detention Facility
12. Officer Petersen, 3165 King Ave. East
Billings, Mt. 59101
Detention Officer, Yellowstone County Detention Facility
13. Officer Ladd, 3165 King Ave. East
Billings, Mt. 59101
Detention Officer, Yellowstone County Detention Facility
14. Officer Johnson, 3165 King Ave East
Billings, Mt. 59101
Detention Officer, Yellowstone County Detention Facility
15. Officer Butke, ~~Yellowstone~~ 3165 King Ave. East
Billings, Mt. 59101
Classification Officer, Yellowstone County Detention Facility
(A-2)

16. Officer Miller, 3165 King Ave East
Billings, Mt. 59101
Classification Officer, Yellowstone County Detention Facility
17. Terry Jessie, 3165 King Ave East
Billings, Mt. 59101
Mental Health Therapist, Yellowstone County Detention Facility
18. Dr. ScheKelton, 3165 King Ave East
Billings, Mt. 59101
Psychiatrist, Yellowstone County Detention Facility
19. Sgt. Demello, 3165 King Ave East
Billings, Mt. 59101
Sergeant, Yellowstone County Detention Facility

IV. Statement of Claims - Count One

A. Denial of Religious Freedom - Violation of 1st Amendment

1. The Institutions written policy on religion is loosely written. The way the policy is written it leaves open to bias and discriminatory regulation of inmates religious freedom & beliefs at staff's discretion.

On March 23 of 2007 plaintiff was transported to the Yellowstone County Detention Facility. Plaintiff was stripped of religious medallion and booked. Plaintiff has been a practicing Satanist for the last 10 yrs. The item was a protective symbol in his religion & belief system.

During period of April 1 of 2007 and June 1 of 2007 staff did purposely and knowingly place Christian natured greeting cards under plaintiffs cell door describing how he was going to undertake a huge change in his life & how Jesus was ready to save and accept him.

On March 30 of 2007 plaintiff was granted a Probation Violation Bond by District Judge Russell C. Fagg in DC 07-261. The Detention Facility never took the Probation Hold off of Plaintiffs file.

On numerous occasions to attempt to reclaim plaintiffs medallion or be allowed a Satanic Bible or Book of Satanic Rituals to practice his chosen Religion was denied. Reason of denial was not based on any factual basis pertaining to Institutions

Attached to Page 4 of 6
handwritten policy in the inmate handbook or any posted policy available to inmates regarding religious exercise.

Plaintiff was held in Maximum security due to religious belief until being transported to The Montana State Prison, Deer Lodge Mt. on July 10 of 2008. Plaintiff made numerous requests to be put in population Requests either went unanswered or denied. No factual supportive basis for safety and welfare of the institution, plaintiff or other inmates were ever given.

2. Sheriff Chuck Maxwell is the elected Sheriff of Yellowstone County and is in charge overall for the safety and welfare and protection of rights of the inmates who have interaction with law enforcement officials or Detention officers who fall under his ~~command~~ Command.

Undersheriff Jay Bell is the elected undersheriff of Yellowstone County. He is second in command in the Yellowstone County Sheriff's office. He has the responsibility of reporting to Sheriff Maxwell any problems which should arise such as breach in policy or training that arise in the Sheriff's dept. to include the Detention Facility.

Captain Dennis McCabe is the appointed commander at the Yellowstone County Detention facility. He has responsibility of safety and welfare of inmates. He has the overall duty of making sure policy and procedures

of the institution. adhere to state & federal guidelines & law. He has the responsibility to insure his staff are aware of the policies & that these policies are upheld, It is also his responsibility to make sure that the policies at the institution are available to inmates & any changes in policy is available.

Lt. Neiter is second in command at YCDF. His responsibility is to oversee the handling & treatment of inmates on a closer level. He is to report any violations to the commander. He is to be instrumental in punishment as well as well being of the inmates. Lt. Neiter is instrumental in reviewing inmate complaints & the action that is taken or not taken. Lt. Neiter reviewed & signed the complaints that the plaintiff wrote concerning the violation of religious freedom & denial of any instruments to practice said religion. No specific of direct violation of ~~institutional~~ institutional policy were ever given.

Chaplain Kinser is the institutions religious advisor. His biased opinions & disregard for the 1st Amendment help to install an unwritten policy concerning religious exercise & the lack there of. There were no answers given or facts supportive of violation of written policies at the institution as far as reason for denial of religious freedom.

Sgt. Wong, Sgt. Pluhar, Sgt. Valdez answered inmate complaints concerning the denial of religious items requested and right to freedom of religious exercise. Their lack of knowledge of institutional policy or ~~liberties~~ liberties taken as far as discriminatory

behavior convey the attitude taken by their staff.

Classification officer Botke, and Classification officer Miller are in charge of inmate classification and placement at YCDF. Numerous written inquiries, complaints, and staff inquiries were made as to classification & being moved to population. They were either no answer or denial with no supportive facts of inmates, institution, or officer safety.

B. Placing Plaintiff in Situations with violence as the suspected outcome - Count Two
Free from cruel and ~~unusual~~ unusual punishment.
Violation of Amendment -

1. It was the intention of YCDF staff to purposely and knowingly put plaintiff in situations to use violence. Between periods of April 1, 2007 and June 12, 2007 numerous requests were made to make a cell change. Cell mate was incompatible and violence was unavoidable unless a change was made. Requests went unanswered or denied. On June 12, 2007 a physical altercation took place, both parties put in Maximum Security for fighting.

After sanction was up Plaintiff was left in Maximum Security. No supportive reasons or facts as to safety & welfare of inmates institution or staff.

In the first part of October an inmate that Plaintiff had prior altercations with was placed in his cell. Plaintiff told Officer Petersen the

officer on duty that he and the other inmate had prior existing problems. Plaintiff asked the officer to put the other inmate in one of the open cells. Officer on duty told Plaintiff that if plaintiff removed the inmate from cell that next time that would be remembered. On Oct 14, 2007 a physical altercation took place after failed attempts to remove inmate through proper procedures.

On the first part of December during a shakedown of Class A, it was explained to ~~me~~ the Plaintiff how what an undesirable and worthless human inmate Keith Laurie was. After this analysis of inmate Laurie, Officer Chandler suggested to Plaintiff that he should move into the cell with inmate Laurie so the two could bond.

On Dec. 13, of 2007 Plaintiff was given twenty extra minutes on a visit. At the end of the visit Officer Ladd let it be known that the Plaintiff was given extra time and that Plaintiff owed.

Plaintiff was left in Maximum security at the end of the sanction. No reason or supportive facts as to inmate, institution, or officer safety.

On December 20 of 2007, Plaintiff was taken from cell to be taken to a visit. Plaintiff was handcuffed and placed in front of Class 1 door. Inmate Heitkempfer was returning from a visit. Inmate Heitkempfer was in protective custody. He was not to be in direct contact with any inmates. When Plaintiff told officers to remove inmate Heitkempfer from his presence, officers physically restrained Plaintiff and

and threw him into a mop closet. Slammed his head off the door jam. Officers then drag Plaintiff back to his cell. Plaintiff was never given a write up for the situation. Officer Ladd told the Plaintiff after the fact they should not have put him in that situation.

On one more occasion on 3-09-2008 Plaintiff was asked to go into a cell by officer Johnson and physically assault another inmate.

Plaintiff was left in Maximum Security to be put in positions by staff to use physical violence. This clearly violates his right to be free from cruel and unusual punishment.

2. Sheriff Chuck Maxwell is the elected Sheriff of Yellowstone County and is in charge overall for the safety and welfare and protection of criminal and civil rights of inmates who come into contact with law enforcement officials or Detention officers who fall under his command.

undersheriff Jay Bell is the elected undersheriff of Yellowstone County. He is second in command in the Yellowstone County Sheriffs Department. He has the responsibility of reporting to Sheriff Maxwell any problems which should arise in breeches in policy or training that should arise in the sheriffs dept. to include the Detention facility.

Captain Dennis McCave is the appointed commander at the Yellowstone County Detention facility. He has the responsibility of safety & welfare of inmates. He has the overall duty of making sure policy and procedures of the institution adhere to state and federal guidelines & law. He has the responsibility to

insure his staff are aware of policies & do not break these policies. It is his responsibility to make sure that policies at the institution are available to inmates & that any change in policy is also available to staff and inmates.

Lt. Neiter is second in command at YCDF. His responsibility is to oversee the handling and treatment of inmates on a closer level. He is to report violations of policy to the commander. Lt. Neiter is instrumental in reviewing inmate complaints & the action that is taken or not taken. Lt. Neiter is and has been aware of staffs mishandling of Plaintiff intentionally, the violent and inhumane situations that staff placed inmate in. He is also aware of classification being used as another form of unwritten punishment.

Sgt. Wong, Sgt. Valdez, Sgt. Demello, Sgt. Smart are responsible for the handling of inmates by the staff. They are responsible for training or lack of training of their staff and the inhumane acts and unsafe acts of violence that their staff constantly places inmates in. They are fully aware of and even an active part in violent and malicious acts of their officers.

Detention Officers Ladd, Officer Chandler, Officer Petersen, Officer Johnson, are responsible for setting up & putting Plaintiff in positions were the expected & the premeditated goal.

Classification Officer Butke, and Classification

officer Miller are directly responsible for the classification of the Plaintiff or safety of inmates, institution, or officers did not warrant such classification.

C. Count Three - Denial or lack of adequate Mental Health Care - 8th Amendment Violation.

1. During Plaintiff's incarceration at YCDF Plaintiff started to suffer from depression, anxiety, and was experiencing severe mood swings. Although Plaintiff wrote Mental Health that is available at YCDF he received minimal if any treatment for these symptoms. Instead it is the common practice of the Mental Health Dept. in place at YCDF to "Chemically Restrain" and subdue inmates rather than give them any type of counseling or any other type of treatment. It was the Mental Health staff's course of treatment to give a recovering drug addict, addictive prescription drugs to keep him sleeping & incoherent.

It was also the staff at YCDF's intent and practice to keep Plaintiff in a lock down setting which is a highly stressful & mind altering situation itself. Rather than put the ~~population~~ Plaintiff in population he was held without warrant or reasonable concern for the safety &

and the welfare of inmates, institution, officers, or Plaintiff. It was rather 'another attempt to cause mental duress & anguish on the Plaintiff.

2. Sheriff Chuck Maxwell is the elected Sheriff of Yellowstone County and is in charge overall for the safety, welfare and the protection of criminal and civil rights of the inmates who come into contact with law enforcement officials or Detention officers who fall under his command.

Undersheriff Jay Bell is the elected undersheriff of Yellowstone County. He is second in command in the Yellowstone County Sheriff's Department. He has the responsibility of reporting to Sheriff Maxwell any problems which should arise in breaches in policy or training that should arise in the sheriff's dept. to include the Detention facility.

Captain Dennis McCave is the appointed commander at the Yellowstone County Detention facility. He has the responsibility of safety & welfare of inmates. He has the overall duty of making sure policy & procedures of the institution adhere to state and federal guidelines & law. He has the responsibility to insure his staff are aware of policies & do not break these policies. It is also ~~the~~ ^{his} responsibility to make sure that the medical treatment at the facility is adequate & does not fail to give proper care needed.

Terry Jessie is Mental Health therapist at YCDF. He is responsible for Mental Health therapy and treatment at YCDF or lack thereof. His only course of therapy is to take down symptoms already described to him and relay this to Dr. Schekelton who is the Psychiatrist contracted by YCDF. The course of action taken is the continual upping of doses in order to subdue inmates.

Dr. Schekelton is the prescriber of any and all prescription drugs which were ~~prescribed~~ prescribed to Plaintiff during his request for Mental Health services. It is his ~~intentional~~ intention to chemically restrain an inmate who is already battling drug addiction and instead of alternate treatment.

Classification Officer Butke, and Classification Officer Miller are directly responsible for the classification of the Plaintiff ~~at~~ although sanctions had expired and the behavior of Plaintiff or safety of inmates, institution, or officers did not warrant such classification. Rather it was their intention to keep Plaintiff in a lockdown situation which is known to put inmates in depression & cause high anxiety and stress.

V. Injury

The plaintiff has suffered mental anguish, anxiety, severe mood swings and been in mental duress and depression due to the well calculated and inhumane actions that staff purposely and knowingly inflicted on plaintiff via discrimination of plaintiffs freedom of religious exercise. The avenues in which the Defendants took to secure the plaintiffs' "Repurification" or the term of incarceration also violated other constitutional rights as well as putting plaintiff and others in violent situations where bodily harm was also caused.

The mental distress, physical harm & intentional deprivation of constitutional rights due to lack of concern for institutional policy or lack of policy is directly related to each of the defendants mentioned in Counts One through Three. The defendants are responsible for injury in the manner stated in Counts one through Three.

VI. Relief

The plaintiff would ask for "Nominal Damages," for the defendants breach of their elected, and/or appointed duties as they deliberately violated plaintiffs rights, in the amount of, (3) Three million Dollars;

The Plaintiff would ask for "Pecuniary Damages" in the amount of (2) Two Million Dollars for the deprivation of his rights and injuries both mental and physical sustained by the ~~to~~ acts and behaviors of the defendants

The plaintiff would ask for "Punitive Damages" in the amount of (5) Five million dollars for, the wanton, mal, and wicked conduct, oppression and violence by the defendants and to deter and discourage them and other from the same conduct in the future.

That plaintiff would further request any other relief this court deems necessary.

VII. PLAINTIFF'S DECLARATION

A. I understand that I must keep the Court informed of my current mailing address and that my failure to do so may result in dismissal of this Amended Complaint without actual notice to me.

B. I declare under penalty of perjury that I am the plaintiff in the above action, that I have read the above amended complaint, and that the information I have set forth within it is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

C. (Prisoners Only) This Amended Complaint was deposited in the prison system for legal mail, postage prepaid or paid by the prison, on ~~Nov. 10~~ Nov. 12, 2008.

Executed at Montana State Prison, Deer Lodge, Mt.
(Location)

on Nov. 12, 2008.
(Date)

Jason P. Indreland
Signature of Plaintiff