

## **STATEMENT OF ATTORNEY GENERAL WAYNE STENEHJEM ON DISMISSAL OF PRISON LAWSUIT**

BISMARCK – The Federal district court for the District of North Dakota yesterday issued its order for summary judgment dismissing the lawsuit filed by two female inmates against the North Dakota Department of Corrections and Rehabilitation.

“The court’s decision validates the State’s efforts to provide quality rehabilitative services for all inmates and the quality of staff who provide those services,” said Attorney General Wayne Stenehjem.

In December 2003, two female inmates brought a law suit in federal district court against the State claiming officials of DOCR discriminated against them based on their gender under the equal protection clause of the United States Constitution and under Title IX of the Education Amendments of 1972. The inmates, Julie Roubideaux and Shelly Grossman, claimed the discrimination spanned the entire spectrum of services provided in the North Dakota correctional facilities and affected all female inmates. The plaintiffs claimed to represent a class of approximately 370 former and present female inmates. On September 8, 2005, the district court certified a class of female inmates as plaintiffs but limited the class to injunctive and declaratory relief.

In October 2005, the State submitted a motion for summary judgment. The plaintiffs responded to the motion in June 2007. After further briefing, the court issued its order granting the State’s motion for summary judgment. The federal court found there was no discrimination under the equal protection clause as the female inmates failed to establish their burden of showing they are similarly situated to those who allegedly received favorable treatment. The court also found the plaintiffs lacked standing to challenge a North Dakota statute that permitted female inmates to be housed in a county jail for more than one year because the statute had never been applied to them. The statute had also been repealed in the 2007 North Dakota legislative session.

With regard to the plaintiffs’ Title IX claim alleging discrimination in the provision of education, the court found any differences in vocational training were based on location, not on gender discrimination. The court further found the prison industries programs are not education programs as defined by Title IX.

“This case represents an enormous amount of work by Assistant Attorney General Jean Mullen, who handled it from the beginning.” said Stenehjem.

[Prison Lawsuit Order](#)

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The Court’s order is available for review at: