

The Importance of Penological Interests

An inmate, who sustained injuries when a tear gas canister thrown by a correctional officer hit the inmate in the head, sued claiming his injuries resulted from cruel and unusual punishment in violation of the Eighth Amendment. The incident occurred during an altercation between inmates and prison officials. The correctional officer responded to the disorder by firing the tear gas canister into the room without regard as to who was involved in the altercation.

The district court dismissed the inmate's complaint. On appeal, the 1st Circuit Court of Appeals affirmed the lower court's decision. Courts afford prison officials broad discretion in restoring order when inmates riot or create disturbances.

For additional information on this lawsuit, see *Torres-Viera v. Laboy-Alvarado*, No. 01-2712 (1st Cir. 11/20/02).

Source: "Inmate Injured by Teargas Canister Loses Bid for Damages," *Correctional Professional*, Vol. 8, No. 7, 12/16/2002.

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