

The Section received approximately 9300 incoming citizen letters and 400 incoming telephone complaints during the fiscal year. The majority of these citizen contacts related to CRIPA complaints. In addition, the Division responded to 21 CRIPA-related inquiries from Congress.

The Section prioritized these allegations by focusing on facilities where allegations revealed systemic, serious deficiencies. In particular, with regard to mental health and mental retardation facilities and nursing homes, the Section focused on allegations of abuse and neglect; inadequate medical care, mental health treatment, and habilitation; misuse of restraint and seclusion; and failure to serve institutionalized persons in the most integrated setting appropriate to meet their needs as required by Title II of the Americans with Disabilities Act and its regulations, 42 U.S.C. §§ 12132 et seq.; 28 C.F.R. § 35.130(d). With regard to juvenile correctional facilities, the Section focused on allegations of abuse, inadequate mental health and medical care, and failure to provide adequate rehabilitation and education, including special education services. In jails and prisons, the Section placed emphasis on allegations of abuse, inadequate medical care and psychiatric services, and grossly unsanitary and other unsafe conditions.

VIII. New CRIPA Investigations

The Department initiated CRIPA investigations of six institutions during the fiscal year. These new investigations involved the following facilities:

- McCracken County Regional Jail, Paducah, Kentucky;
- Jackson County Correctional Facility, Marianna, Florida;
- Woodward State Hospital & School, Woodward, Iowa;
- Glenwood State Hospital & School, Glenwood, Iowa;
- Nassau County Correctional Facility, East Meadow, New York;
- Bradley County Health Care & Rehabilitation Facility, Cleveland, Tennessee.

IX. Findings Letters

The Department issued written findings of the results of its investigations, pursuant to Section 4 of CRIPA, 42 U.S.C. § 1997b, regarding nine facilities:

- Guam Adult Correctional Facility and Hagatna Detention Facility, Agana, Guam;
- Black Hawk County Jail, Waterloo, Iowa;
- Clark County Detention Center, Las Vegas, Nevada;
- Fort Wayne State Developmental Center, Ft. Wayne, Indiana and Muscatatuck State Developmental Center, Bulterville, Indiana;
- Rainier Residential Rehabilitation Center, Buckley, Washington and Frances Haddon Morgan Center, Bremerton, Washington;
- Wyoming State Penitentiary, Rawlins, Wyoming.

X. Investigation Closures

During the fiscal year, the Section closed investigations involving three facilities based on their voluntary correction of unlawful conditions: Orleans County Jail, Albion, New York; Washington County Detention Center, Hagerstown, Maryland; and Lakin State Hospital, Lakin, West Virginia. In addition, the investigation of Mercer County Detention Center, Trenton, New Jersey was terminated after the facility closed.

XI. Technical Assistance

Where federal financial, technical, or other assistance is available to help jurisdictions correct deficiencies, the Department advises responsible public officials of the availability of such aid and arranges for assistance, where appropriate. As a result of the Department's involvement, the National Institute of Corrections performed a facility review of Morgan County Jail, Wartburg, Tennessee, in order to provide the Jail with technical assistance related to the physical plant concerns which were identified by the CRIPA investigation. In our investigation regarding Black Hawk County Jail in Waterloo, Iowa, technical assistance was provided in the form of an architectural survey by a Bureau Of Prisons architect who evaluated issues of inmate security and safety, particularly suicide prevention. At Greenville County Jail, Greenville, South Carolina, the National Institute of Corrections provided staff training in classification. Additionally, the National Institute of Corrections is assisting the prison and jails in the Northern Mariana Islands with information to implement the consent decree governing

CRIPA ACTIVITIES IN FY 2000

I. Introduction and Overview

The Attorney General has authority to investigate conditions in public residential facilities⁽¹⁾ and to take appropriate action if a pattern or practice of unlawful conditions deprive persons confined in the facilities of their constitutional or federal statutory rights pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. §§ 1997- 1997j⁽²⁾. Protecting the rights of institutionalized persons is an important part of the Department's civil rights law enforcement effort. From May 1980, when CRIPA was enacted, through September 2000, the Department investigated conditions in 344 jails, prisons, juvenile correctional facilities, mental retardation and mental health facilities, and nursing homes. As a result of the Department's CRIPA enforcement, tens of thousands of institutionalized persons who were living in dire, often life-threatening, conditions now receive adequate care and services.

The Attorney General has delegated day-to-day responsibility for CRIPA activities to the Special Litigation Section of the Civil Rights Division. During fiscal year 2000, the Section was active in CRIPA matters and cases involving more than 187 facilities in 33 states and the District of Columbia, as well as the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the Territories of Guam and the Virgin Islands.⁽³⁾ The Section initiated investigations of nine facilities, continued its investigations of 57 additional facilities, and monitored the implementation of consent decrees, settlement agreements, and other court orders involving 123 facilities. The Attorney General filed three CRIPA suits involving seven facilities during the fiscal year. All of these suits were settled during the fiscal year. One case was litigated in a month long trial in the Middle District of Florida during the fiscal year. In addition, the Section resolved one institutional matter with an out of court settlement. During fiscal year 2000, the Section closed investigations of two facilities and joined with defendants to dismiss five cases involving thirteen facilities.

In keeping with the statutory requirements of CRIPA and the Attorney General's initiative, the Section engaged in negotiations and conciliation efforts to resolve a number of CRIPA matters both before and after filing CRIPA cases. The Section maximized its impact and increased its efficiency by continuing to focus on multi-facility investigations and cases, obtaining widespread relief whenever possible.

II. Filing of CRIPA Complaints/Resolution of Lawsuits

A. Cases Filed

1. On December 7, 1999, the Department filed a complaint in *United States v. Maricopa County* (D. Ariz.) regarding the provision of medical and mental health services to 7,000 inmates of the Maricopa County Jail which is comprised of five facilities. Simultaneously, the parties filed a settlement agreement that provided for hiring of additional medical and mental health staff; improved medical evaluation services both for intake and routine care; additional space for the provision of medical services; an improved distribution system for medications and monitoring of possible side effects; creation of an Infection Control Committee; and improved quality assurance mechanisms to assess the quality of medical and mental health services provided at the facilities.
2. On February 10, 2000, the Department filed a complaint in *United States v. Morgan County, Tennessee* (E.D. Tenn.) concerning conditions of confinement at the Morgan County Jail. This action followed unsuccessful attempts to resolve the investigation of this facility. On June 27, 2000, the parties filed a settlement agreement. It provided for renovation or construction of the Jail to eliminate suicide hazards, provide sufficient living space for inmates, and improve fire safety, general safety and sanitation; hiring and training of additional staff; maintenance of contracts to provide adequate medical, dental and mental health services; improvements in inmate access to legal materials, privacy and protections from harassment for female inmates, as well as new policies and procedures to prevent sexual misconduct by staff.
3. In December 1999, the United States was requested by the court expert in *Williams v. Stalder* (E.D. La.), which involved Louisiana prisons, to evaluate the adequacy of services at the recently-opened Jena Juvenile Justice Center, a juvenile facility run by Wackenhut Corporation on behalf of Louisiana, and report to the court. The United States uncovered life-threatening conditions at the facility for about 240 youth and reported those conditions to the court in