



U.S. Department of Justice

United States Attorney's Office District of New Jersey

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Civil Rights Division

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January 14, 2021

VIA FEDERAL EXPRESS

Joseph Derella
Commissioner Director
164 West Broad Street
Bridgeton, New Jersey 08302

Re: Notice Regarding Investigation of the Cumberland County Jail

Dear Commissioner Director Derella:

The Civil Rights Division and the United States Attorney's Office for the District of New Jersey have completed the investigation into the conditions of confinement at the Cumberland County Jail (the "Jail"), conducted under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997. We thank Warden Smith and the Cumberland County Jail staff for accommodating our investigation and providing access to the Jail's facilities, staff, documents, data, and prisoners.

Consistent with CRIPA's statutory requirements, we provide this written notice of the conditions that we have reasonable cause to believe violate the Constitution of the United States. *See id.* § 1997b(a). This letter and the attached report serve to notify you of the supporting facts giving rise to, and the minimum remedial measures that we believe may remedy, those alleged unconstitutional conditions of confinement.

After carefully reviewing the evidence, we conclude that there is reasonable cause to believe that conditions at the Cumberland County Jail violate the Eighth and Fourteenth Amendments to the United States Constitution. Specifically, we have reasonable cause to believe that the Jail violates the constitutional rights of inmates by failing to take constitutionally adequate measures to prevent inmate suicides and provide adequate mental health care. These alleged violations are found in the failure to: (1) adequately address the heightened risk of self-harm and suicide for inmates experiencing unmedicated opiate withdrawal; (2) provide sufficient screening to identify inmates at risk of self-harm or in need of mental health care for a serious mental health condition; and (3) provide sufficient mental health care to inmates with a clear need for care. Although the CCJ is currently providing Medicated Assisted Treatment (MAT)

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for inmates experiencing opiate withdrawal, its funding for future MAT services remains uncertain.

We are obligated to advise you that 49 days after issuance of this Notice, the Attorney General may initiate a lawsuit under CRIPA to correct the alleged conditions we have identified if Jail officials have not satisfactorily addressed them. 42 U.S.C. § 1997b(a)(1). We hope, however, to resolve this matter through a more cooperative approach and look forward to working with the County to address the violations of law we have identified. The lawyers assigned to this investigation will therefore contact Cumberland County Counsel to discuss options for resolving this matter amicably. Please also note that this letter and the attached Findings Report are public documents. They will be posted on the Civil Rights Division's website.

If you have any questions regarding this correspondence, please call Steven H. Rosenbaum, Chief of the Special Litigation Section, at (202) 616-3244 or Michael E. Campion, Chief, Civil Rights Unit at the U.S. Attorney's Office in the District of New Jersey, at (973) 645-3141.

Sincerely,

/s/ John B. Daukas

John B. Daukas

Acting Assistant Attorney General
Civil Rights Division

/s/ Rachael A. Honig

Rachael A. Honig

Acting United States Attorney

cc: Richard T. Smith
Warden, Cumberland County Jail

John G. Carr, Esq.
Cumberland County Counsel

Encl: Report of Investigation of the Cumberland County Jail