SPECIAL LITIGATION SECTION CASES AND MATTERS

Case Summaries

CORRECTIONS

Baltimore City Detention Center
Corrections

On October 16, 2000, we notified Maryland officials of our investigation into conditions in the Baltimore City Detention Center in Baltimore, Maryland. On August 13, 2002, we issued our findings. We identified serious problems including the failure to provide adequate protection from harm, inadequate medical and mental health care, and unsafe living conditions. We entered into a Memorandum of Agreement with the State in January 16, 2007. Portions of the Memorandum were extended in April 2012. The United States is currently monitoring the State's efforts to address issues that were not fully resolved by the Memorandum of Agreement including juvenile programs, life safety conditions, and mental health care.

Dallas County Jail
Corrections

On March 21, 2012, the Division entered into a Memorandum of Understanding (MOU) regarding certain conditions at the Dallas County Jail. In 2007, the Division had entered into a Court-approved Agreed Order, found here, terminated in November 2011. Based on the jurisdiction's substantial compliance with virtually all of the Agreed Order, and based on the fact that areas in only partial compliance were primarily tied to the construction of a new infirmary, the parties jointly moved for termination of the Agreed Order, and that request was granted by the District Court. The MOU, found here, requires the County to: (1) maintain compliance in all areas where substantial compliance had already been achieved; (2) achieve substantial compliance in the areas that were in partial compliance; (3) permit compliance monitoring and access by the United States and an Independent Monitor; and (4) bear the costs of monitoring by the Independent Monitor and any consultants he hires.

Grant County Detention Center
Corrections

On November 4, 2003, we notified Grant County officials of our investigation into conditions in the Grant County Detention Center in Williamstown, Kentucky. On May 18, 2005, we issued our findings. We found that county officials had not taken adequate steps to protect prisoners from harm and to provide medical care. The County agreed to implement remedial measures in an August 2009 letter of agreement.

Harris County Jail
Corrections

On June 4, 2009, we found unconstitutional conditions in our investigation of the Harris County Jail (HCJ) under the Civil Rights of Institutionalized Persons Act. We found that HCJ failed to provide prisoners with adequate medical care, mental health care, protection from serious physical harm, and protection from life safety hazards. The document here provides more information about our investigation, findings and remedial measures necessary to address our findings.

Julia Tutwiler Prison for Women
Corrections

In April 2013 we conducted an investigation into allegations of sexual abuse and

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sexual misconduct at the Julia Tutwiler Prison for Women under the Civil Rights of Institutionalized Persons Act. In January 2014 we found unconstitutional conditions which subjected prisoners to a substantial risk of harm. These conditions included staff sexual abuse and sexual harassment of prisoners, prison officials' failure to adequately respond and investigate allegations of sexual abuse and harassment, and systemic deficiencies that directly contribute to staff and prisoner sexual abuse and staff sexual harassment. In the findings letter we also noticed an expanded investigation into protection from harm, medical care, mental healthcare, and sanitation, which commenced in June 2014. The document here provides more information about our investigation and findings.

Miami-Dade County Jail, Miami, FL
Corrections

On August 24, 2011, we made findings of unlawful conditions at the Miami-Dade County Jail (MDCJ). Our investigation was conducted under the Civil Rights of Institutionalized Persons Act. We found that MDCJ provided prisoners with inadequate mental health care and suicide prevention; failed to protect prisoners from physical harm; and failed to provide sanitary and safe conditions. The document here provides more information about our investigation and findings.

Mobile County Metro Jail
Corrections

On January 15, 2009, we notified Mobile County officials of the results of our investigation into conditions at the Mobile County Metro Jail (MCMJ). The County initially cooperated in this investigation under the Civil Rights of Institutionalized Persons Act, but ceased communicating about the investigation in 2007. We continued our investigation through alternate sources and found unconstitutional conditions at MCMJ, including problems with inadequate mental health care; excessive restraint; failure to protect prisoners from physical harm; and unsafe and unsanitary conditions. The document here provides more information about our investigation and findings.

Orange County Jail
Corrections

On December 23, 2008, we notified Orange County officials of our investigation into conditions in the Orange County Jail (OCJ) in Santa Ana, California. On March 4, 2014, we issued a letter with notice of the results of our investigation. We identified a number of concerns and recommendations involving the use of force, supervision practices, medical care, and mental health care.

Orleans Parish Prisons / *Jones v. Gusman*, No. 2:12-cv-00859
Corrections

On September 22, 2009, we found unconstitutional conditions in our investigation of the Orleans Parish Prison (OPP) pursuant to the Civil Rights of Institutionalized Persons Act. We found that OPP fails to protect prisoners from harm, including from use of excessive force by staff and violence from other prisoners. We also found that prisoners do not receive adequate mental health care and are exposed to dangerous environmental and sanitation conditions. The document here provides more information about our investigation and findings. On April 23, 2012, we issued an update to our 2009 findings that details continued problems.

On September 24, 2012, we filed a motion to intervene in a private lawsuit involving conditions at Orleans Parish Prison *Jones v. Gusman*, No. 2:12-cv-00859 (LMA) (E.D. La., filed Apr. 2,2012). The motion to intervene can be found here; the memorandum of law in support of the motion here; and the proposed complaint in intervention here.

Shreve, et al. v. Franklin County, Ohio, et al., No. 2:10-cv-644 (S.D. Ohio)
Corrections

In November 2010, we filed a Statement of Interest in a class action lawsuit challenging the Franklin County Sheriff's Office's use of conducted electric devices ("CEDs") (commonly known as "tasers") against detainees in its jails. We then filed a motion asking the Court to allow us to intervene as a party in this lawsuit. Our Complaint in Intervention alleged that the Franklin County Sheriff's Office violated 42 U.S.C. § 14141 by engaging in an unconstitutional pattern and practice of using CEDs in an abusive manner, failing to adequately investigate use of CEDs, and failing to adequately train corrections deputies in the use of CEDs. In February 2011, we resolved these claims by entering a court-enforceable settlement agreement with Franklin County. The Settlement Agreement requires the Franklin County Sheriff's Office to reforms its policies, procedures and training on use of CEDs and its internal investigations of all uses of CEDs. The Department monitors compliance with the Settlement Agreement.

St. Tammany Parish Jail, LA
Corrections

In April 2011, we opened an investigation concerning the conditions at the St.

Tammany Parish Jail ("St. Tammany") under the Civil Rights of Institutionalized Persons Act . In July 2012, we found that unlawful conditions at St. Tammany violated the constitutional rights of prisoners. We found that St. Tammany failed to provide prisoners with adequate mental health care and suicide prevention. On August 15, 2013, the United States negotiated a Memorandum of Agreement to address the findings. The documents here provide more information about our investigation, findings, remedial measures, and settlement.

United States v. Cook County, Civil Action Number 10-cv-2946 (N.D. Ill.), Chicago, IL
Corrections

On July 11, 2008, following an investigation under the Civil Rights of Institutionalized Persons Act, we found unconstitutional conditions at the Cook County Jail. The problems identified in our findings letter included problems with security and safety, protection from harm, use of force, medical and mental health care, fire and life safety, and sanitation. On May 26, 2010, the United States District Court for the Northern District of Illinois entered an Agreed Order that addressed those issues and appointed four experts in the areas of Corrections, Medical, Mental Health, and Sanitation to monitor Defendants' compliance with the Order, found here. These monitors submit reports to the court on a semiannual basis. The document here provides more information about our investigation and findings.

United States v. Erie County, New York, No. 1:09-cv-00849 (W.D.N.Y.), Buffalo, NY
Corrections

The United States and Erie County entered two court-enforceable agreements to remedy unconstitutional conditions at the Erie County Jail and the Erie County Correctional Facility in Buffalo, New York. Our investigation under the Civil Rights of Institutionalized Persons Act found systemic constitutional violations in the areas of suicide prevention, mental health and medical care, excessive force and protection from harm, and environmental safety (click here). The first agreement was entered in June 2010 to address immediately the problems with suicide prevention. The second agreement, entered in August 2011, remedies the remaining problems. The Department and two Technical Compliance Coordinators monitor the County's compliance with the agreements.

United States v. Lake County, Civil Action Number 2:10-cv-00476 (N.D. Ind.), Crown Point, IN
Corrections

In December 2011, we entered into a court enforceable Settlement Agreement with Lake County (click here) to remedy the unconstitutional conditions we found in our investigation of the Lake County Jail under the Civil Rights of Institutionalized Persons Act. The Settlement Agreement addresses problems we found with suicide prevention, use of force, medical care, mental health care, fire and life safety, sanitation, and training. The document here provides more information about our investigation and findings. The Department monitors compliance with the Settlement Agreement every six months and files a report with the Court.

United States v. Piedmont Regional Jail Authority, No. 3:13-cv-00646 (E.D.Va)
Corrections

U.S. v. Piedmont Regional Jail Authority, a case in the District Court for the Eastern District of Virginia, concerns the rights of prisoners at the Piedmont Regional Jail in Farmville, Va., to receive appropriate medical can mental health care. In March 2011, the Justice Department launched an investigation, using its authority under the Civil Rights of Institutionalized Persons Act, (CRIPA), into allegations that the Piedmont Regional Jail was not providing prisoners with constitutionally adequate medical care. In September 2012, the Justice Department released its findings that deficiencies in medical and mental health care at the jail exposed prisoners to an unreasonable risk of serious harm, and thus violated the Constitution. In September 2013, the Justice Department filed a complaint and simultaneous settlement agreement in the District Court, resolving the investigation. The settlement agreement was entered as an Order of the Court by Judge James Spencer on October 1, 2013. The agreement requires that the jail employs adequate, and sufficiently-credentialed, medical and mental health personnel; performs timely screening and appropriate health assessments of prisoners; establishes a chronic care program and an acceptable sick call process; provides clear policies and sufficient training to its staff; excludes certain essential services and follow-up services from co-payments, and otherwise reduces co-payments so that prisoners are not deterred from seeking needed health care. The agreement also requires the jail to develop and track data to analyze the performance of medical and mental health staff and work with an independent monitor to implement the changes described in the agreement and to evaluate the jail's success in effecting meaningful reform.

United States v. Terrell County, Ga., No. 1:04-cv-76 (M.D.Ga), Dawson, GA
Corrections

Following an investigation and the issuance of a findings letter, in 2004 the United States filed a complaint alleging unconstitutional conditions at the Terrell County Jail in Dawson, Georgia. In 2006, the Federal District Court for the Middle District of Georgia issued an Order granting the United States' motion for summary judgment and in 2007, the Court entered a Remedial Order directing that the County improve conditions. Following a motion for contempt by the United States in December 2010, in October 2011 the parties reached agreement on a Modified Remedial Order, which was then entered by the Court. The United States continues to monitor compliance with the Modified Remedial Order.

Westchester County Jail, Westchester, NY
Corrections

In 2007 we conducted a joint investigation with the U.S. Attorney's Office for the Southern District of New York concerning conditions at the Westchester County Jail (WCJ). In November 2009, we found that unlawful conditions at WCJ violated the constitutional rights of inmates. We found that WCJ prisoners are not adequately protected from harm, including physical harm from use of excessive by staff, and do not receive adequate medical and mental health care. We continue to assess information about current conditions at the WCJ. The document here provides more information about our investigation under the Civil Rights of Institutionalized Persons Act and findings.

JUVENILE JUSTICE

In the summaries below, a headline reference to "United States v." means that there is a case filed in Federal court. If there is no case filed in Federal court, the summary has a headline reference to the name of the relevant facility or agency involved in the administration of juvenile justice.

Indiana Juvenile Facilities, Indianapolis and Pendleton, IN.
Juvenile Justice Docket

The United States has open investigations of two of Indiana's juvenile justice facilities. Those facilities are the Pendleton Juvenile Correctional Facility ("Pendleton") and the Indianapolis Juvenile Correctional Facility ("Indianapolis," now known as Madison Juvenile Correctional Facility). The Department, along with experts in protection from harm, suicide prevention, mental health care, and special education, visited each facility several times. On January 29, 2010, the United States issued an investigative findings letter regarding Indianapolis, the State's sole girls' facility. That letter found that Indianapolis failed to provide girls with adequate protection from harm, mental health care, and special education services. The letter concluded that these failures violated the Constitution and the Individuals with Disabilities Education Act. Our investigation of Pendleton is ongoing.

Leflore County Juvenile Detention Center, Greenwood, MS
Juvenile Justice Docket

In March 2011, the United States issued an investigative findings letter concluding that conditions at the Leflore County Juvenile Detention Center ("LCJDC") violated the constitutional and federal statutory rights of the youth confined there. Leflore is a 30-bed short-term facility. The United States concluded that youth confined to LCJDC are: (1) exposed to excessive physical restraint and isolation as a means of discipline; (2) given inadequate educational opportunities; and (3) exposed to great risk of harm from inadequate mental health care, including inadequate screening, monitoring and treatment of youth who are suicidal.

Los Angeles County Juvenile Probation Camps, Los Angeles County, CA.
Juvenile Justice Docket

In October 2008, the United States and the County of Los Angeles ("County") agreed to remedy conditions in the Los Angeles County Probation Camps ("Camps"). The agreement resolved the United States' investigation and findings of unconstitutional conditions of confinement. Specifically, the United States found that the Camps failed to protect youth from harm and failed to provide youth with adequate suicide prevention and mental health services. At the time of the investigation, the County operated 19 Camps, which housed approximately 2,200 youth. A team of independent monitors evaluates the County's compliance with the agreement.

United States v. City of Meridian; County of Lauderdale; Judge Frank Coleman, in his official capacity; Judge Veldore Young, in her official capacity; State of Mississippi; Mississippi Department of Human Services; and Mississippi Division of Youth Services, Mississippi (S.D. Miss)
Juvenile Justice Docket

In October 2012, the United States filed a lawsuit against the City of Meridian, Mississippi; Lauderdale County, Mississippi; Judges of the Lauderdale County

Youth Court; and the State of Mississippi alleging that these defendants systematically violate the due process rights of juveniles. The United States filed the complaint following an eight-month investigation finding that the City, County, Youth Court, and State help to operate a school-to-prison pipeline in which the rights of children in Meridian are repeatedly and routinely violated. The lawsuit includes claims that defendants systematically incarcerate children in Meridian for allegedly committing minor offenses, including school disciplinary infractions, and punish children disproportionately without due process of law, in violation of the Fourth, Fifth and Fourteenth Amendments of the U.S. Constitution.

United States v. Commonwealth of Puerto Rico (D.P.R.) San Juan, PR.
Juvenile Justice Docket

In 1997, the United States and the Commonwealth of Puerto Rico entered into a Consent Order to remedy the unconstitutional conditions the United States identified in several juvenile facilities throughout Puerto Rico. The agreement seeks to: protect children from harm and unsafe conditions, including violence and sexual abuse at the hands of facility staff; ensure that children receive education while confined; and ensure that they are provided adequate medical and mental health care. The Department of Justice is actively litigating this case and continues to push for reform.

United States v. State of Ohio (S.D. OH.), Delaware, OH.
Juvenile Justice Docket

In June 2008, the United States and the State of Ohio entered into a court enforceable Consent Decree to remedy the unconstitutional conditions the United States found at the Scioto Juvenile Correctional Facility ("Scioto") and Marion Juvenile Correctional Facility ("Marion"). The Consent Decree required the State to reform its policies, procedures, and practices in the following areas: (1) protection from harm, (2) education, (3) mental health, (4) programming and orientation, (5) medical care, and (6) grievances. Since 2008, the United States has worked with monitors to assess the State's compliance with the various provisions in the Consent Decree. In 2009, Marion was closed and no longer monitored.

In June 2011, the United States and the State revised and extended their agreement. Because the State had demonstrated compliance with certain provisions of the Consent Decree, the parties agreed to dismiss those provisions. The United States monitored a variety of provisions involving mental health, protection from harm, special education, grievances and programming and orientation. As part of this process, the United States visited Scioto, interviewed youth, reviewed documentation and worked with the Monitor.

In December 2012, the United States and the State reached a supplemental agreement to reform the State's use of isolation and failure to provide treatment in the special management unit at Scioto. The Court approved this agreement in January 2013. Between November 2013 and January 2014, however, monitoring data revealed that the State continued to use unlawful seclusion on youth at Scioto as well as youth at Indian River Juvenile Correctional Facility ("Indian River"), Circleville Juvenile Correctional Facility ("Circleville") and Cuyahoga Hills Juvenile Correctional Facility ("Cuyahoga Hills").

On March 12, 2014, the Justice Department sought to supplement its original complaint to include the continuing use of unlawful seclusion at Indian River, Circleville and Cuyahoga Hills. The Court granted the motion on March 28, 2014.

On May 21, 2014, the Court entered an Agreed Order resolving allegations that the State unlawfully subjected youth with mental health needs to harmful seclusion and withheld treatment and programming, in violation of their constitutional rights. Under the Agreed Order, the State will dramatically curtail its use of seclusion and ensure youth receive individualized mental health treatment to prevent and address violent behaviors that led to seclusion. A monitoring team will obtain data from the State to assist in assessing the State's compliance with the Agreed Order.

The Agreed Order also embodies the State's commitment eventually to eliminate the use of seclusion as a punitive measure for all youth in the State's juvenile correctional facilities. The United States' remaining claims regarding the State's seclusion of youth who do not have an identified mental health disorder are pending.

United States v. State of Mississippi (S.D. MS.), Raymond, MS.
Juvenile Justice Docket

In 2002, the United States investigated two juvenile justice facilities in the State of Mississippi, the Columbia Training School ("Columbia") and the Oakley Training School ("Oakley"), and found constitutional and federal statutory violations in the living conditions of the youth detained there. After contested litigation that resulted in settlement, in 2005 a federal court approved and entered as its order a Consent Decree that listed the measures that the State was required to take to address the unlawful conditions. In particular, the Decree directed the State to implement reforms in the following areas: (1) protection

from harm; (2) education; (3) mental health; (4) programming; and (5) medical care. Columbia was closed in 2008 and only Oakley remains as part of this Decree. In 2010, the United States and Mississippi agreed to dismiss some provisions of the Decree because the State had demonstrated compliance. Currently, a Monitor visits Oakley approximately every four months and provides two reports per year that discuss the State's compliance with terms of the Decree. These reports are filed with the Court. Every six months, the State and the United States participate in a telephonic status conference before the court.

United States v. Terrebonne Parish, LA (E.D. LA), Houma, LA
Juvenile Justice Docket

In October 2011, the United States and Terrebonne Parish Louisiana entered into a negotiated settlement agreement agreement to remedy the unconstitutional conditions the United States identified at the Terrebonne Parish Juvenile Detention Center ("TPJDC"). TPJDC is a short-term secure facility with the capacity to hold 60 juveniles. In January 2011, the United States found that TPJDC violated youths' civil rights, and that youth were harmed by, among other things: (1) physical and sexual misconduct by staff; (2) excessive physical restraints when lesser forms of punishment would be appropriate; (3) inappropriate use of chemical agents; (4) excessive use of isolation; and (5) inadequate suicide prevention. The agreement between the United States and Terrebonne Parish contains comprehensive provisions related to incident reporting; use of isolation and discipline; suicide prevention; staff accountability and supervision; reporting allegations of abuse; training; quality assurance; and improved policies, procedures and practices. The agreement was entered as a federal court order. Compliance with the agreement will be overseen by an independent monitor who has been jointly selected by the United States and Terrebonne Parish.

DISABILITY RIGHTS DOCKET

Benjamin v. Dept. Pub. Welfare (M.D. Pa.)
Disability Rights Docket

In July 2010, the United States filed an amicus curiae ("friend of the court") brief in this class action. We supported the arguments made by a class of individuals with developmental disabilities who sought to end their unjustified segregation in Pennsylvania's large, publicly-run congregate care institutions. In January 2011, the Court ruled in favor of the class members, finding that Defendants had violated Title II of the Americans with Disabilities Act, 42 U.S.C. Â§Â§ 12131-12134, and Section 504 of the Rehabilitation Act, 29 U.S.C. Â§ 794, by unnecessarily institutionalizing the class members. Mem. & Order, Benjamin v. Department of Public Welfare, No. 09-cv-1182 (M.D. Pa. Jan. 27, 2011). The Court encouraged the parties to negotiate an agreement to remedy that violation. The parties submitted a settlement agreement for the Court's approval in May 2011. The Court held a fairness hearing to determine whether the agreement was fair, adequate, and reasonable. Following the hearing, in September 2011, the Court approved the agreement.

Since that time, representatives of a group of individuals who live in these state institutions and wish to remain there have appealed the Court's order approving the settlement agreement to the Third Circuit Court of Appeals. (Benjamin et al. v. Pennsylvania Department of Public Welfare, et al., Nos. 11-3684, 11-3685 (3d Cir.)). They argue that the relief given to the class members will hurt their ability to stay in the institutions. They also argue that the settlement agreement should not have been approved because it assumes that institutionalized individuals who are unable to express a preference regarding their placements can be moved to community-based services if appropriate. The class members and Pennsylvania defendants together filed a brief opposing those arguments on April 3, 2012. Shortly thereafter, the United States filed an amicus curiae brief supporting the settlement agreement. We argued that the settlement agreement is fair and reasonable. We also explained that because federal law strongly favors the integration of individuals with disabilities into the community over segregation in large institutions, an institutionalized person who can live in the community but cannot express a preference regarding placement and has no guardian or involved family member, should be provided with community-based services.

In December 2012, the Third Circuit ruled that the group of individuals who wish to remain in the state's congregate care institutions has an interest in the settlement agreement and that those individuals were not adequately represented by any other party in the lawsuit. The Third Circuit therefore reversed the district court's order approving the settlement and sent the case back to the district court. The Third Circuit ruled that this time, the group of individuals must be permitted to participate in the remaining stages of the lawsuit. The case is now back before the district court.

Casa del Veterano, Juana Diaz, PR
Disability Rights Docket

We opened an investigation of the Casa del Veterano Veterans' Home in Juana Diaz, Puerto Rico in January 2010. Following our tour in April 2010, we sent a letter to the Commonwealth identifying conditions, including a serious lack of

staff, that were contributing to the over-use of psychotropic medication, deficiencies in nutritional care, and the lack of needed therapies for residents. Since we issued the April 2010 letter, we have continued to receive information about the efforts the Commonwealth of Puerto Rico has taken to improve conditions at Casa del Veterano.

Conway Human Development Center (United States v. Arkansas (E.D. Ark.))
Disability Rights Docket

Our long-standing investigation of the Conway Human Development Center ("CHDC") in Arkansas went to trial before the federal district court in September and October 2011. CHDC is a 500-person facility that provides services for individual with intellectual and development disabilities ("ID/DD"). Following a lengthy investigation, in 2004 we found unlawful conditions at CHDC that violated residents' constitutional rights, as well as their rights under the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12101-12213, and the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400-1482. In 2009, we filed our lawsuit claiming that the State violated the ADA, the IDEA, and residents' constitutional rights at CHDC.

In 2009, we also opened new investigations of Arkansas' five other Human Development Centers ("HDCs") where people with intellectual or developmental disabilities are institutionalized. In 2010, shortly after we completed investigative visits to each of the HDCs, Arkansas announced plans to close one of the smaller HDCs. In May 2010, we filed a new lawsuit, claiming that Arkansas' system for serving people with ID/DD violated the ADA. In January 2011, the Court dismissed our ADA claims involving the state-wide system of services for people with ID/DD. The Court's ruling allows us to re-file this claim in the future.

In June 2011, the Court ruled on the claims presented in the trial involving CHDC. The Court found that CHDC did not violate residents' rights under the Constitution or the ADA, but did violate the IDEA by not providing students with a free appropriate public education. Because the Court found that the designated state agency would remedy the IDEA violations, it did not order the State to take any additional action. The case involving CHDC is closed. Our ADA investigation of the state-wide system and the four remaining HDCs continues.

Evans v. Gray (D.D.C.)
Disability Rights Docket

In 1978, the United States intervened in a class action suit brought on behalf of people who lived at that time at Forest Haven, the District of Columbia's institution for persons with developmental disabilities. That same year, the Court entered an Order that required the District to place those class members into appropriate community living arrangements with services necessary to meet their individualized needs. Evans v. Washington, 459 F. Supp. 483 (D.D.C. 1978). The Court entered additional consent orders in 1981, 1983, and 1990. In 1990, the Court found the District in contempt for failing to place certain class members out of Forest Haven and into proper community homes and programs. By 1991, the District had placed all class members out of the institution and closed Forest Haven.

Over the next decade, the Court found the District in contempt of its orders on different issues. In 2001, Defendants admitted that they were not in compliance and agreed to remedy the violations. The Court approved a 2001 Plan for Compliance in which Defendants promised to provide additional specific benefits and services to class members, in order to resolve this litigation. Evans v. Williams, 139 F. Supp. 2d 79 (D.D.C. 2001).

In March 2007, the Court found the District in "systemic, continuous, and serious noncompliance with many of the Court's Orders," Evans v. Fenty, 480 F. Supp. 2d 280, 325 (D.D.C. 2007). The Court asked its Special Masters to determine the facts and make recommendations to the Court. In 2009, the Special Masters concluded that the District had still not complied with critical provisions of the court orders. They recommended that the Court appoint an Independent Compliance Administrator to ensure that the District achieve compliance within a reasonable period of time.

The Court adopted the Special Masters' recommendations, and told the parties to review and update the 2001 Plan. In 2010, the Court approved the 2010 Revisions to the 2001 Plan. The Court also appointed Kathy Sawyer as an Independent Compliance Administrator, as agreed by the parties. The District is now implementing the 2010 Revisions to the 2001 Plan under the guidance of the Independent Compliance Administrator, with a goal complete compliance by August 10, 2012.

Amanda D., et al. v. Wood Hasan, et al.; United States v. New Hampshire
(formerly *Lynn E. v. Lynch*)
1:12-CV-53-LM (D. N.H. 2012)
Disability Rights Docket

On December 19, 2013, the Department, along with a coalition of private plaintiff

organizations, entered into a comprehensive Settlement Agreement with the State of New Hampshire that will significantly expand and enhance mental health service capacity in integrated community settings over the next six years. The Agreement is a full consent decree entered by the U.S. District Court for the District of New Hampshire as a Court order on February 12, 2014. The Agreement also provides for regular compliance reviews and public reporting by an independent monitor.

The Agreement will enable a class of thousands of adults with serious mental illness to receive expanded and enhanced services in the community, which will foster their independence and enable them to participate more fully in community life. It will significantly reduce visits to hospital emergency rooms and will avoid unnecessary institutionalization at State mental health facilities, including New Hampshire Hospital (the State's only psychiatric hospital) and the Glencliff Home (a State-owned and â€“operated nursing facility for people with mental illness).

The Agreement requires the State, for the first time, to create mobile crisis teams in the most populated areas of the State and to create crisis apartments to help support team efforts at avoiding hospitalization or institutionalization. The Agreement also requires the State to make enhanced Assertive Community Treatment ("ACT") team services available statewide, such that the mental health system can provide ACT to at least 1,500 people at any given time. The Agreement requires the State to provide scattered-site, permanent, supported housing to hundreds of additional people throughout the state; the State will also create special residential community settings to address the needs of persons with complex health care issues who have had difficulty accessing sufficient community services in the past. The State will also deliver additional and enhanced supported employment services, consistent with the Dartmouth evidence-based model, to hundreds of new recipients throughout the state.

The Settlement Agreement resolves litigation that had been contested for well over a year. Private Plaintiffs filed the initial complaint in February 2012, and on April 4, 2012, the Court granted the Department's motion to intervene. On April 7, 2011, the United States had issued a Findings Letter concluding that the State of New Hampshire was failing to provide services to individuals with mental illness in the most integrated setting appropriate to their needs in violation of the ADA, which led to the needless and prolonged institutionalization of individuals with disabilities and placed individuals with disabilities at risk of unnecessary institutionalization. On September 17, 2013, after months of discovery and a hearing with oral argument, the Court certified a class of Plaintiffs consistent with parameters supported by Plaintiffs and the United States. Shortly thereafter, settlement talks resumed which produced the instant Agreement.

Mississippi Services for People with Developmental Disabilities and Mental Illness
Disability Rights Docket

The United States issued a findings letter in December 2011 concluding that Mississippi is violating the ADA's integration mandate in its provision of services to people with developmental disabilities and mental illness. After an extensive investigation, the Department found that the State of Mississippi has failed to meet its obligations under the ADA by unnecessarily institutionalizing persons with mental illness or developmental disabilities in public and private facilities and failing to ensure that they are offered a meaningful opportunity to live in integrated community settings consistent with their needs. The Department recommended that the State implement remedial measures, including the development of adequate, safe community-based services for people with developmental disabilities or mental illness who are unnecessarily institutionalized, or at risk of unnecessary institutionalization. DOJ is currently in negotiations with the State to reach a settlement to resolve the violations of law identified in the findings letter.

Sciarrillo ex rel. St. Amand v. Christie
2:13-cv-03478-SRC-CLW(D.N.J. 2013)
Disability Rights Docket

On September 13, 2013, the United States filed a Statement of Interest in Sciarrillo v. Christie, a case in which private plaintiffs oppose the state's deinstitutionalization plan for its facilities housing people with developmental disabilities. The Statement of Interest expresses the United States' view that plaintiffs failed to assert a claim under the Americans with Disabilities Act.

In December 2013, the District Court of New Jersey dismissed the lawsuit in which private plaintiffs asked to stop the State from closing two developmental centers as part of the State's Olmstead plan. Plaintiffs had alleged that the State's efforts to deinstitutionalize and place residents in the community violated the Americans with Disabilities Act (ADA), the Rehabilitation Act (Rehab Act), the Social Security Act, and the Constitution's Due Process Clause. The United States filed a Statement of Interest arguing that the plaintiffs had failed to state claims under the ADA and Rehab Act. The court agreed, holding: "Plaintiffs' interpretation of Olmstead is untenable. Simply put, 'there is no basis [in Olmstead] for saying that a premature discharge into the community is an ADA

discrimination based on disability.' Indeed, '[t]here is no ADA provision that providing community placement is a discrimination. It may be a bad medical decision, or poor policy, but it is not discrimination based on disability.' This Court will therefore join the numerous other federal courts have rejected similar 'obverse Olmstead' arguments in circumstances where a State has decided to close treatment facilities for the developmentally disabled or relocate such disabled individuals to community settings."

St. Elizabeths Hospital (D.D.C.), (Washington, D.C.)
Disability Rights Docket

In June 2007, we settled our investigation of St. Elizabeths Hospital in Washington, D.C., resolving claims that St. Elizabeths Hospital violated the rights of people confined to St. Elizabeths . We found were that the District did not provide lawful care to people at St. Elizabeths in the areas of protection from harm; psychiatric and psychological care; medical and nursing care; and discharge planning and providing care in the most integrated setting. The District Court of the District of Columbia entered the negotiated settlement as an order of the Court. he court. n the United States and the District of Columbia, the Department of Mental Health, and St. Elizabeths Hospital, to remedy the constitutional violations found. On October 26, 2011, the court approved a modified settlement agreement that focuses on certain key areas of the agreement that are still not in compliance.

***Steward v. Perry*, (W.D. Texas)**
Disability Rights Docket

On September 20, 2012, the Court allowed the United States to join a pending lawsuit against the State of Texas. The suit claims that Texas keeps people with developmental disabilities in nursing facilities who do not need to be there, and that this violates the law under Title II of the ADA and Section 504 of the Rehabilitation Act.

Before we asked to join the lawsuit, in May 2011 we filed a Statement of Interest that explained the law and opposed the State's Motion to Dismiss the lawsuit. We filed a Supplemental Statement of Interest on November 30, 2011, opposing the State's Motion to Dismiss an Amended Complaint. We filed a third Statement of Interest in September 2012, supporting Plaintiffs' Amended Motion for Class Certification. Our filing asked the Court to allow a group, or class of plaintiffs, to speak for about 4,500 adults with developmental disabilities living in the State's nursing facilities, and thousands more at risk of being sent to a nursing facility. After the Court allowed us into the suit as a party, we filed a Supplemental Brief supporting Plaintiffs' Amended Motion for Class Certification. We argued that the Court should treat the claims as a group, or class, that includes all persons with developmental disabilities living in nursing facility or at risk of being sent to one because the state has many policies that keep people living in nursing facilities who do not need to be there. The suit asks that the State fix its policies so that people who are able to live in the community can stay there, and people who are ready to leave institutions can return to homes in the community.

***United States v. California* (C.D. Cal.)**
Disability Rights Docket

In May 2006, we resolved our investigation of the services provided by the State of California at two State Psychiatric Hospitals, Napa and Metropolitan State Hospitals. In February 2007, we amended our action to include two additional state hospitals, Atascadero and Patton State Hospitals. We negotiated a Consent Judgment that resolved our findings that the State systematically violated the rights of people with mental illness confined to the State Hospitals. The federal court approved the Consent Judgment, making the settlement enforceable by the Court.

The Consent Judgment orders the State to make comprehensive reforms at these four State Mental Heath Hospitals. The reforms include improvements in therapeutic and rehabilitation services, discharge planning and community integration, use of restraints, and protection from harm. A Court Monitor assesses the State's progress under the settlement. Atascadero and Patton State Hospitals achieved compliance and were released from the Consent Judgment by the Court in November 2011.

In December 2011, we asked the Court to enforce the Consent Judgment at Napa and Metropolitan State Hospitals. Our motion asks that the Court order the State to address ongoing violence, undetected physical health problems, and excessive restraint use at these remaining hospitals. The State opposed our motion. On February 14, 2012, the parties agreed to postpone the hearing on our motion until June 25, 2012. During the postponement, the Court Monitor will assess whether the State has succeeded in correcting these problems.

U.S. v. Delaware (D.Del. 2011)
Disability Rights Docket

On July 6, 2011, we settled our investigation in into whether persons with mental illness in Delaware were being served in the most integrated settings appropriate to their needs and of unlawful conditions at the Delaware Psychiatric Center.

The goals of the Agreement are to ensure that people who are unnecessarily institutionalized can receive the treatment they need in the community; to ensure that individuals in health crisis have sufficient community resources available to avoid unnecessarily being hospitalized or jailed; and to ensure that people with mental illness in the community are not forced to enter institutions because of the lack of stable housing and intensive treatment options.

Our Agreement was entered as an order of the federal court. An independent monitor will assess the State's progress in creating a comprehensive community system. Services that will be created under the Agreement include a crisis hotline, mobile crisis teams, crisis centers, short-term crisis stabilization units, Assertive Community Treatment (ACT) and case management teams, at least 650 housing vouchers or subsidies, supported employment services for 1100 people, rehabilitation services including substance abuse and educational services to 1,100 people, and family and peer support services to 1,000 people.

United States v. Georgia (N.D. Ga. 2010)
Disability Rights Docket

In October 2010, the United States entered a landmark settlement agreement with the State of Georgia, resolving claims that persons with mental illness or developmental disabilities were harmed by unnecessary confinement in State hospitals. The State agreed to create meaningful community services systems, including crisis services, case management, housing supports, and other services supporting full integration in daily life for persons with mental illness or developmental disabilities receiving State services. The State also agreed to expand its use of Medicaid funds to serve more individuals with intellectual disabilities in the community. The Court appointed an Independent Reviewer to assess the State's progress under the agreement.

The Reviewer issued her First Compliance Report in October 2011. The Report finds that the State complied with the majority of requirements for the first year of the agreement. The Report also highlights areas that need improvement.

In addition, the United States enforces the terms of a 2009 settlement agreement focused on conditions and discharge planning at the State hospitals. That agreement resolves claims that the State failed to prevent harm to patients in the State hospitals, and failed to prepare them for successful discharge to the most integrated settings. We make periodic visits to each of the State hospitals, and work cooperatively with the State to ensure necessary changes in the State's system of care.

United States v. State of Connecticut (D.Ct.), Middletown, Connecticut
Disability Rights Docket

In January 2009, the United States and the State of Connecticut filed a Settlement Agreement in federal court to resolve the United States' CRIPA investigation into the care and treatment of residents at the Connecticut Valley Hospital ("CVH"). CVH is the State's principal forensic, general psychiatric, and addictions in-patient treatment facility, serving approximately 500 individuals. On September 10, 2013, the Parties agreed that the State had achieved substantial compliance with the terms of the Settlement Agreement involving treatment planning; mental health assessments; psychiatric and psychological services; documentation; seclusion and restraint; suicide prevention; and protection from harm. The State remained in partial compliance with the provisions requiring the State to ensure that each resident is served in the most integrated setting appropriate to their needs and to pursue adequate community placement for those residents who no longer require hospital care. Consequently, the Parties dismissed all provisions of the Settlement Agreement found in substantial compliance and agreed to extend the provisions of the Settlement Agreement governing Discharge Planning and Community Integration until September 10, 2015, with a 60-day negotiation period if an independent Monitor finds non-compliance at that time. The current Monitor will continue to assess compliance with those provisions of the Settlement Agreement and issue a progress report every six months.

United States v. New York City (E.D.N.Y), Brooklyn, NY
Disability Rights Docket

In January 2010, a federal court entered as its order the Consent Judgment we negotiated with New York City to resolve claims of unlawful conditions in the psychiatric emergency room and psychiatric in-patient units at the Kings County Hospital Center (KCHC) in Brooklyn, N.Y. Under the terms of the Consent Judgment, New York City will work to ensure that patients at KCHC are safe and receive the care and services necessary to meet their individualized needs. The agreement underscores the city's obligation to actively pursue the discharge of patients to the most integrated setting appropriate to their needs and to provide follow-up services. The city also agreed to take actions such as improving medical and mental health care, and ensuring that patients are free from undue restraint. The agreement provides for regular site visits by a team of experts for at least five years, until KCHC substantially complies with the Consent Judgment's requirements.

United States v. Tennessee (Arlington Developmental Center) (W.D.

Tn.), Memphis, TN
Disability Rights Docket

In one of the few cases in which the United States participated in a trial regarding the question of a state's liability for conditions of care for people with developmental disabilities, the United States brought suit against the State of Tennessee in 1993, concerning residents of Arlington Developmental Center ("ADC"). People First of Tennessee, Inc., an advocacy group, intervened in the action on behalf of a class of current and former ADC residents and those at risk of placement at ADC, also asserting claims against the State based on conditions of care and right to services in integrated settings. In 1994, the Court found that the State violated class members' Fourteenth Amendment Rights and ordered the parties to negotiate remedies. (See Remedial Order.) The Court later expanded remedies after finding the State in contempt for failing to remediate the State's violations of class members' constitutional rights. The State shut down ADC's residential units and subsequently moved to vacate all orders in the case. On September 4, the Court entered an order denying the State's motion to dismiss the case, finding the State had failed to meet the objectives of the Court's remedial orders and that the State failed to implement a durable remedy. As requested by the United States, the Court referred the parties to mediation with a Magistrate Judge and to discuss steps the State must take to fulfill its court-ordered obligations. As a result of this mediation, the parties agreed to an Exit Plan designed to address remaining issues in the case and bring the case to conclusion upon the State's successful completion of the Plan. On January 16, 2013, the Court entered an Agreed Order Entering Exit Plan. Throughout 2013, the State successfully implemented the Exit Plan, as required. Among other things, the State expanded home-and-community-based services to newly enrolled class members, changed day services to supported employment, and developed wholly new models of care. On December 4, 2013, the Court entered an Agreed Order of final dismissal of case.

United States v. Tennessee (Clover Bottom Developmental Center) (M.D. Tn.), Nashville and Greeneville, TN
Disability Rights Docket

The United States brought suit against the State of Tennessee in 1996, concerning conditions of care and the right to care in integrated settings for residents of the Clover Bottom Developmental Center, Greene Valley Developmental Center, and Nat. T. Winston Center. The State and the United States, along with two intervenors, settled the case in 1996 through the entry of a settlement agreement that called for both improved conditions within the centers and the integration of residents into community settings. (See Settlement Agreement.) Shortly after the initiation of the suit, the State closed Nat T. Winston Center. The State is now in the process of closing the Clover Bottom Center and downsizing Greene Valley Developmental Center.

U.S. v. Virginia (E.D. Va. 2012)
Disability Rights Docket

On January 26, 2012, we reached a settlement resolving our investigation into whether persons with intellectual and developmental disabilities in Virginia are being served in the most integrated settings appropriate to their needs. We filed the action in the federal district court in Richmond, Virginia and asked the Court to make our settlement an order enforceable by the Court.

The Agreement has two primary goals. One is to prevent the unnecessary institutionalization of individuals with developmental disabilities who are living in the community, including thousands of individuals on waitlists for community-based services. The other, equal goal is to ensure that people who are currently in institutions - at the Commonwealth's training centers or in other private but state-funded facilities - have a meaningful opportunity to receive services that meet their needs in the community.

The Commonwealth will increase opportunities for these individuals to receive quality services in the community by creating approximately 4,200 home and community-based waivers. Waivers allow the States to pay community providers for services to people who are eligible to receive those Medicaid-funded services in an institution. The 4,200 waivers will be created over a ten year period. Almost 3,000 of these waivers will be targeted to individuals with intellectual disabilities on the waitlist or youth with intellectual disabilities in private facilities; another 450 waivers will be targeted to individuals with non-intellectual developmental disabilities on the waitlist or youth in private facilities; and another 800 waivers will be targeted to individuals choosing to leave the training centers. An additional 1,000 individuals on waitlists for community services will receive family supports to help provide care in their family home or their own home.

The Commonwealth will also create a comprehensive community crisis system, including a hotline, mobile crisis teams, and crisis stabilization programs, to divert people from unnecessary institutionalization or other out-of-home placements. The Commonwealth will implement an "Employment First" policy to create work opportunities for individuals with developmental disabilities. The Agreement also creates an $800,000 fund for housing assistance to help people with developmental disabilities live independently. Finally, the Agreement

requires a strong quality and risk management system to ensure that community-based services are safe and effective. An independent reviewer will assess whether the Commonwealth has met the goals of the Agreement.

Documents related to U.S. v. Virginia can be found here.

W.F. Green State Veterans' Home , Bay Minette, AL
Disability Rights Docket

We opened an investigation of the W.F. Green State Veterans' Home in Bay Minette, Alabama, in November 2007. In December 2008, we found that residents of W.F. Green suffer significant harm from deficient care, including inadequate medical and nursing services assessments, planning, and care; inadequate nutritional and hydration services; improper and dangerous psychotropic medication practices. We also found that the State failed to provide services to residents in the most integrated setting, in violation of the Americans with Disabilities Act. With the assistance of a mediator, the parties negotiated a Memorandum of Understanding to address the findings. In October 2011, the State asserted that it has attained compliance with the MOU; the United States has scheduled a verification tour.

LAW ENFORCEMENT AGENCIES

East Haven Police Department
Law Enforcement Agencies

The Special Litigation Section opened an investigation of the East Haven Police Department (EHPD) on September 30, 2009 pursuant to the Violent Crime Control and Law Enforcement Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968. As the investigation progressed, we expanded the investigation to include Title VI of the Civil Rights Act of 1964. We announced the results of our investigation on December 19, 2011. We found that EHPD engages in a pattern or practice of discriminatory policing against Latinos in violation of the Constitution and federal law. In particular, we found that EHPD targeted Latinos for discriminatory traffic enforcement, treated Latinos more harshly than non-Latinos after traffic stops, and intentionally failed to design and implement internal systems that would identify and prevent the discriminatory conduct. On November 20, 2012, we entered an agreement resolving our investigation and asked the Court to make our settlement an order enforceable by the Court. The agreement, which was negotiated with the Town of East Haven and the EHPD, provides a comprehensive framework to remedy the issues we found. Since that time, a Joint Compliance Expert ("JCE") has monitored EHPD's compliance with the agreement, providing periodic reports to the Court. The documents here provide more information about the investigation, our findings, the agreement, and EHPD's compliance efforts.

Easton Police Department
Law Enforcement Agencies

We investigated the Easton Police Department ("EPD") pursuant to the Violent Crime Control and Law Enforcement Act of 1994. In order to resolve the issues we identified in the course of our investigation, we entered into an agreement with the EPD in 2010 that required them to make changes to policies and practices. The agreement contains provisions on use of force reporting and review, de-escalation techniques, Taser use, high-risk stops, and investigations. We continue to monitor the EPD's efforts to ensure compliance with the agreement.

Maricopa County Sheriff's Office
Law Enforcement Agencies

In June 2008, we opened an investigation of the Maricopa County Sheriff's Office (MCSO) pursuant to the Violent Crime Control and Law Enforcement Act of 1994 and Title VI of the Civil Rights Act of 1964 (Title VI). Our investigation was delayed when MCSO refused to cooperate with our investigation. MCSO's refusal forced us to sue MCSO under Title VI to obtain the information we needed to complete our investigation. We resolved our lawsuit in June 2011, after MCSO agreed to provide us with all of the information we had been seeking. After completing our investigation and thoroughly reviewing the evidence, on December 15, 2011, we announced our findings. We found that MCSO has engaged in a pattern of misconduct that violates the Constitution and federal law. Specifically, we found that MCSO engages in racial profiling of Latinos; unlawfully stops, detains, and arrests Latinos; and unlawfully retaliates against individuals who complain about or criticize MCSO's practices. We are currently working with the City to reach an agreement to remedy the unconstitutional conduct we found. The documents here relate to our investigation, the lawsuit we filed to obtain information from MCSO, and our formal findings concerning MCSO's misconduct.

New Orleans Police Department
Law Enforcement Agencies

On May 15, 2010, we opened an investigation of the New Orleans Police Department (NOPD) pursuant to the Violent Crime Control and Law

Enforcement Act of 1994, the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964. Following a comprehensive investigation, on March 17, 2011, we announced our findings. We found that the NOPD has engaged in patterns of misconduct that violate the Constitution and federal law, including a pattern or practice of excessive force, and of illegal stops, searches, and arrests. We found also a pattern or practice of gender discrimination in the Department's under-enforcement and under-investigation of violence against women. We further found strong indications of discriminatory policing based on racial, ethnic, and LGBT bias, as well as a failure to provide critical police services to language minority communities. On July 24, 2012, we reached a settlement resolving our investigation and asked the Court to make our settlement an order enforceable by the Court. The documents here provide more information about the investigation, the Justice Department's findings, settlement, and next steps.

Puerto Rico Police Department
Law Enforcement Agencies

On September 8, 2011, the Civil Rights Division announced the findings of its comprehensive investigation of the Puerto Rico Police Department (PRPD). PRPD consists of approximately 17,000 sworn police officers and is the second largest local law enforcement agency in the county. The investigation was conducted pursuant to the Violent Crime Control and Law Enforcement Act of 1994, the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964. Specifically, we found that PRPD officers engage in a pattern or practice of use of excessive force, use of unreasonable force against individuals exercising their First Amendment rights, and unconstitutional searches and seizures. We also uncovered other deficiencies of serious concern. These include troubling evidence that PRPD frequently fails to investigate sex-related crimes and incidents of domestic violence, and that PRPD engages in discriminatory policing practices that target individuals of Dominican descent.

On December 21, 2012, we filed a complaint and a settlement agreement in the U.S. District Court for the District of Puerto Rico. The agreement, which we negotiated with the Commonwealth of Puerto Rico, provides a comprehensive framework to remedy the misconduct we found. The documents here provide more information about the investigation, the Civil Rights Division's findings, and the agreement.

Seattle Police Department
Law Enforcement Agencies

On March 31, 2011, we opened an investigation of the Seattle Police Department (SPD) pursuant to the Violent Crime Control and Law Enforcement Act of 1994, the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964. Following a comprehensive investigation, on December 16, 2011, we announced our findings. We found that SPD has engaged in a pattern or practice of excessive force that violates the Constitution and federal law. Our investigation further raised serious concerns that some SPD policies and practices, particularly those related to pedestrian encounters, could result in discriminatory policing. We negotiated and filed a consent decree to address these concerns on July 27, 2012, and separately entered into a settlement agreement on related issues on that same date. On September 21, the court modified and entered the consent decree. The documents here provide more information about the investigation, the Justice Department's findings, the consent decree and memorandum of understanding, and next steps.

FACE

RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS