



U.S. Department of Justice

Civil Rights Division

*Assistant Attorney General
950 Pennsylvania Avenue, NW - RFK
Washington, DC 20530*

March 7, 2008

The Honorable Dave Heineman
Governor of Nebraska
Office of the Governor
P.O. Box 94848
Lincoln, NE 68509-4848

Re: CRIPA Investigation of the Beatrice State Developmental Center,
Beatrice, Nebraska

Dear Governor Heineman:

I am writing to report the findings of the Civil Rights Division's investigation of conditions and practices at the Beatrice State Developmental Center ("BSDC"), in Beatrice, Nebraska. On May 29, 2007, we notified you that we were initiating an investigation of BSDC pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997. CRIPA gives the Department of Justice authority to seek a remedy for a pattern and practice of conduct that violates the constitutional or federal statutory rights of persons with developmental disabilities who are served in public institutions.

On September 6, 2007, we conducted an initial walk-through of BSDC. From October 15-19, 2007, we conducted a more in-depth, on-site review of BSDC with expert consultants in the areas of protection from harm, training and behavioral services, psychiatry, health care, and nutritional and physical management.¹ In conducting our on-site investigation, we interviewed administrators, professionals, staff, and residents. We observed residents in a variety of settings, including on their living units, at activity areas, and during meals. Before, during, and after our visit, we reviewed a wide range of documents, including policies, procedures, medical records, and other documents related to the care and treatment of dozens of BSDC residents. At the end of the tour, consistent with our pledge of transparency and to provide technical assistance where appropriate regarding our investigatory findings, we provided an exit presentation to convey our preliminary findings in each area to State counsel and to facility and State officials.

¹ On October 14, 2007, we conducted a brief on-site inspection of the Bridges facility, a BSDC-affiliated program for about a dozen persons with developmental disabilities, located in Hastings, Nebraska.

