



U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

December 19, 2018

Martin A. Thomas, Jr., Chairman
Hampton Roads Regional Jail Authority
City Hall Building
810 Union Street, Suite 1006
Norfolk, VA 23510

David A. Hackworth, Superintendent
Hampton Roads Regional Jail
2690 Elmhurst Lane
Portsmouth, VA 23701

Re: Notice Regarding Investigation of the Hampton Roads Regional Jail

Dear Messrs. Thomas and Hackworth:

The Civil Rights Division and the United States Attorney's Office for the Eastern District of Virginia have completed the investigation into the conditions of confinement at Hampton Roads Regional Jail (the "Jail"), conducted under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997, and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132 (ADA). Consistent with the statutory requirements of CRIPA and the ADA, we provide this Notice of the alleged conditions that we have reasonable cause to believe violate the Constitution and federal law. We also notify you of the supporting facts giving rise to, and the minimum remedial measures that we believe may remedy, those alleged conditions.

After carefully reviewing the evidence, we conclude that there is reasonable cause to believe that conditions at the Jail violate the Eighth and Fourteenth Amendments of the U.S. Constitution. Specifically, we have reasonable cause to believe that the Jail fails to provide constitutionally adequate medical and mental health care to prisoners, including by placing prisoners with serious mental illness in restrictive housing for prolonged periods of time under conditions that violate the Constitution. We also have reasonable cause to believe that the Jail violates the ADA by denying prisoners with mental health disabilities access to services, programs, and activities because of their disabilities.

We thank the Hampton Roads Regional Jail Authority and Superintendent Hackworth for accommodating our investigation and providing access to the Jail's facilities, staff, documents, data, and prisoners. We hope that we can continue to collaborate on a mutual resolution of the issues raised in this Notice.

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 Jail Board, Superintendent Hackworth, and Jail staff to address the violations of law we have identified. The lawyers assigned to this investigation will therefore contact the Jail Authority to discuss options for resolving this matter amicably. Please also note that this Notice is a public document. It 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.

Sincerely,



Eric S. Dreiband
Assistant Attorney General
Civil Rights Division

cc: Jeff Rosen, Firm Shareholder
Pender & Coward, P.C.

G. Zachary Terwilliger
United States Attorney
Eastern District of Virginia

Attachment: Investigation of the Hampton Roads Regional Jail