

**Department of Justice Activities
Under the
Civil Rights of Institutionalized
Persons Act
Fiscal Year 2023**



U.S. Department of Justice
Civil Rights Division

The Civil Rights of Institutionalized Persons Act, or CRIPA, authorizes the Justice Department to investigate residential institutions run by or on behalf of state or local governments. The institutions include prisons and jails, facilities for juveniles, facilities for people with mental illness or intellectual and developmental disabilities, and nursing facilities. Our investigations determine whether individuals in those institutions are subjected to a pattern or practice of federal civil rights violations.

In 1980, when President Jimmy Carter signed the Civil Rights of Institutionalized Persons Act into law, he said, “to our national shame, there are still instances of grave mistreatment of the very people who need our special concern most, because their confinement makes them so vulnerable.” Those remarks hold true today. And while this critical federal civil rights law has led to progress, the urgent need for our work continues. We are currently investigating and enforcing settlements in prisons, jails, juvenile facilities, and health care institutions across the country.

Our investigations have identified not only systemic constitutional violations, but also the root causes of any such violations – so that those causes can be addressed and the violations stopped. In our CRIPA enforcement, the Justice Department is committed to addressing the significant harm caused by inadequate policies and training, lack of accountability, and staff shortages.



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I. INTRODUCTION AND OVERVIEW

The Civil Rights of Institutionalized Persons Act (CRIPA), enacted in 1980, protects the constitutional and federal statutory rights of people confined to residential institutions, including facilities for persons with mental illness or intellectual and developmental disabilities, nursing facilities, prisons, jails, and juvenile facilities, run by or on behalf of state or local governmental entities. The Department of Justice's Civil Rights Division's Special Litigation Section enforces CRIPA, often in partnership with the relevant United States Attorney's Office.

The Department can open an investigation upon reasonable belief that individuals confined in a covered residential institution may be subjected to a pattern or practice that deprives them of their constitutional or federal statutory rights.¹ When the investigation has concluded, the Department informs the jurisdiction, in writing, of the results of its investigation. If an investigation reveals evidence of a pattern or practice that deprives individuals of their constitutional or federal statutory rights, the Department will issue a findings report identifying the causes of the deprivations, the facts that support its assessment, and the minimum remedial measures required. The Department then engages in negotiation and conciliation efforts and provides technical assistance to help jurisdictions correct the identified conditions. Only if these efforts fail may the Department institute a civil action for equitable relief to correct the violations of rights.

The Department achieved important successes under CRIPA to protect the rights of vulnerable people in residential institutions during Fiscal Year 2023 (October 1, 2022-September 30, 2023). The Department opened one investigation and issued findings reports in two other investigations. In addition, the Department filed complaints with consent decrees in two matters, entered into a settlement agreement in another matter, filed a statement of interest in a case involving a facility subject to CRIPA, and closed one other matter. The Department continues with contested litigation in one CRIPA case, subpoena enforcement in one CRIPA investigation, and enforcement matters related to compliance in two other cases. At the end of Fiscal Year 2023, the Department had active CRIPA investigations, settlements and contested litigation involving 101 facilities in 16 states, as well as the Commonwealth of Puerto Rico and the Virgin Islands.

Section f(5) of CRIPA requires the Department to provide information regarding the progress made by the Bureau of Prisons and the Department of Veterans Affairs

¹ CRIPA protects only constitutional rights in jails and prisons.

toward meeting existing standards and constitutionally guaranteed minimums for such institutions. Statements from both of these federal agencies are attached.

II. NEW CRIPA INVESTIGATIONS

Fulton County Jail, Georgia: On July 13, 2023, the Department opened an investigation pursuant to CRIPA and the Americans with Disabilities Act (ADA) into conditions in the Fulton County Jail in Fulton County, Georgia.² The investigation examines living conditions, medical and mental health care, use of force, and protection from harm. The investigation also examines whether the Fulton County Jail discriminates against incarcerated persons with psychiatric disabilities.

III. CRIPA FINDINGS REPORTS PURSUANT TO 42 U.S.C. § 1997b(a)(1)

Louisiana Department of Public Safety and Corrections (LDOC): On January 24, 2023, the Department notified Louisiana that it had reasonable cause to believe that LDOC routinely confines people in its custody past the dates when they are legally entitled to be released from custody, in violation of the Fourteenth Amendment. Specifically, the Department concluded that the LDOC fails to implement adequate policies and procedures to prevent systemic overdetention and has been deliberately indifferent to the systemic overdetention of people in its custody.

New Jersey: On September 7, 2023, the Department notified New Jersey that there was reasonable cause to believe that New Jersey has systematically violated the constitutional rights of residents in the State's custody at the New Jersey Veterans Homes at Menlo Park and Paramus (Veterans Homes). Specifically, the Department concluded that New Jersey operates the Veterans Homes in a manner that fails to adhere to basic infection control practices, provide adequate medical care, and ensure competent leadership and oversight, and that these deficiencies violate the Fourteenth Amendment.

IV. ONGOING CRIPA INVESTIGATIONS

The Department continues to investigate facilities in multiple jurisdictions to determine whether there is reasonable cause to believe that a pattern or practice of unconstitutional conditions violates the rights of institutionalized persons. Ongoing investigations include:

² The Fulton County Jail is operated by the Fulton County Sheriff's Office. It consists of the Main Jail (sometimes referred to as the Fulton County Jail or Rice Street Jail), the Alpharetta or North Annex, the Marietta Annex, and the South Annex (sometimes referred to as the South Fulton County Jail).

Georgia: The Department is investigating whether the Georgia Department of Corrections provides incarcerated persons housed at the close and medium security levels reasonable protection from violence by other incarcerated persons and whether Georgia adequately protects lesbian, gay, bisexual, transgender, and intersex incarcerated persons from sexual harassment, sexual abuse, and assault by both staff and other incarcerated persons.

Mississippi: The Department is investigating whether the Mississippi Department of Corrections is violating the constitutional rights of incarcerated persons at Central Mississippi Correctional Facility (Central Mississippi), South Mississippi Correctional Institution (South Mississippi), and Wilkinson County Correctional Facility (Wilkinson) by failing to protect incarcerated persons from violence at the hands of other incarcerated people and, at Central and Wilkinson, by subjecting incarcerated people to harm from inappropriate use of prolonged restrictive housing under deficient conditions.

New York: The Department is investigating whether conditions at the Fishkill Correctional Facility in Beacon, New York, violate the constitutional rights of incarcerated persons due to a failure to protect incarcerated persons from harm, including the use of excessive force on those with mental health, intellectual, and/or developmental disabilities.

Texas: The Department is investigating conditions at the five secure juvenile correctional facilities run by the Texas Juvenile Justice Department (TJJD). The investigation examines whether TJJD provides children confined in these facilities reasonable protection from physical and sexual abuse by staff and other residents, excessive use of chemical restraints (i.e. pepper spray), and excessive use of isolation. The investigation also examines whether TJJD provides adequate mental health care to the children in its care, whether TJJD provides children with disabilities adequate special education services, and whether TJJD violates the rights of children with disabilities under the ADA.

The Department previously issued findings of unconstitutional conditions at the Mobile County Metro Jail in Alabama, the San Luis Obispo County Jail in California, the Manson Youth Institution in Connecticut, the Lowell Correctional Institution in Florida, the Boyd County Detention Center in Kentucky, and the Mississippi State Penitentiary at Parchman. These investigations continued in Fiscal Year 2023, as the Department works to achieve adequate remedies for the violations identified.

V. RESOLUTION OF CRIPA INVESTIGATIONS

CRIPA Settlements

Glenwood Resource Center, Iowa: On December 1, 2022, the Department and the State of Iowa jointly filed in federal court a proposed consent decree concerning the

conditions at Glenwood Resource Center, a State-run, residential facility for people with intellectual/developmental disabilities. The Court entered an order adopting the consent decree on January 11, 2023. Under the consent decree, Iowa will implement policies and procedures and will make other changes to address the deficiencies that led to the constitutional violations noted in the Department's December 2020 findings report, including uncontrolled and unsupervised physical and behavioral experimentation; inadequate physical and behavioral health care; and inadequate protections from harm, including deficient safety and oversight mechanisms. Separately, the consent decree requires that Glenwood residents receive a meaningful choice whether to live in a community setting, that residents transitioning from the facility have a transition plan identifying their community preferences and desired outcomes and all needed supports and services to ensure a successful transition, that all essential community supports are in place before the transition, that State staff conduct repeated monitoring visits to former Glenwood residents for at least 365 days following their transition, and that these former residents receive ongoing, at least monthly, face-to-face visits and assessments from community case managers. The consent decree also requires greater transparency, through public reporting and engagement with stakeholders. An independent monitor will assess the State's compliance with the decree's terms.

Massachusetts Department of Corrections (MDOC): On December 20, 2022, the Department entered into a settlement agreement with MDOC to resolve the Department's investigation into MDOC's treatment of prisoners in mental health crisis. The settlement agreement addresses the constitutional violations identified in the Department's November 17, 2020, findings report and seeks to (1) ensure that adequate supervision and mental health care are provided to incarcerated persons experiencing mental health crisis at MDOC and (2) ensure that Mental Health Watch (also known as Therapeutic Supervision by MDOC) is used appropriately.

Cumberland County Jail, New Jersey: On May 17, 2023, the Department filed a consent decree to resolve the Department's investigation into the conditions of confinement at the Cumberland County Jail. The consent decree addresses the constitutional violations identified in the Department's January 14, 2021 findings report and requires enhanced policies and procedures with respect to (1) treating incarcerated persons experiencing opiate withdrawal, (2) providing sufficient screening to identify incarcerated persons at risk of self-harm or in need of mental health care for serious mental health conditions; and (3) providing sufficient mental health care to incarcerated persons with a clear need for care. After requesting that the parties include some revisions, the Court entered the consent decree on November 20, 2023.

CRIPA Litigation

United States v. Alabama, No. 2:20-cv-01971-RDP (N.D. Ala.): The Department continued litigation in our CRIPA case against the State of Alabama and the Alabama Department of Corrections. This case alleges that the conditions at Alabama’s prisons for men violate the Eighth Amendment of the Constitution by failing to provide adequate protection from prisoner-on-prisoner violence and prisoner-on-prisoner sexual abuse; failing to provide safe and sanitary conditions; and subjecting prisoners to excessive force at the hands of prison staff. Discovery is ongoing, and trial is slated for late spring 2025.

United States v. Ward, No. 1:22-cv-01653-SCJ-JKL (N.D. Ga.): The Department continued litigation to enforce a CRIPA subpoena for documents in our investigation of violence and sexual abuse in Georgia’s prisons. On March 10, 2023, the Court issued an order adopting the Magistrate Judge’s findings regarding subject matter jurisdiction, ordering Georgia to comply with the documents subpoena, and directing the parties to meet and confer under the direction of the Magistrate Judge to craft a protective order within 90 days. The Magistrate Judge entered a protective order on April 26, 2023.

VI. CRIPA ENFORCEMENT

The Department actively enforces the relief it obtains under CRIPA, including through court enforcement.

Nunez v. N.Y.C. Department of Correction, No. 1:11-cv-05845-LTS-JCF (S.D.N.Y.): After ongoing noncompliance with a consent decree regarding the constitutional rights of incarcerated persons at Rikers Island in New York City, on July 10, 2023, the court-appointed monitor filed a Special Report recommending that the Court initiate contempt proceedings in order to mandate compliance by the City and Department of Corrections (DOC). The monitor went on to note that “the totality of circumstances require that *additional* remedial relief (beyond contempt proceedings) is necessary in order to implement the requirements of the [Consent Decree and Stipulated Remedial Court Orders.” *Nunez*, ECF No. 557 (July 10, 2023) (emphasis in original). On July 17, 2023, the Department issued a statement announcing the intention to seek the appointment of a receiver to address the ongoing risk of harm to both incarcerated persons and DOC staff. On August 11, 2023, the Court set a briefing schedule for contempt motion practice and/or receivership extending into fiscal year 2024. On November 17, 2023, the *Nunez* Plaintiff class filed a motion for contempt and appointment of a receiver (ECF No. 601) and the Department filed a letter to the Court in support of Plaintiffs’ motion. ECF No. 604.

United States v. County of Los Angeles, No. 2:15-cv-5903-DDP-JEM (C.D. Cal.): On November 10, 2022, the Department filed a motion seeking an order compelling the County to bring the 29 consent decree provisions concerning the Los Angeles Jails then not in compliance into compliance by fixed dates. *United States v. County of Los Angeles*, ECF No. 227 (Nov. 10, 2022). On December 23, 2022, the parties filed a stipulation, which the Court later adopted as an order, agreeing to substantial compliance deadlines for some but not all remaining settlement provisions. For the remaining three settlement provisions, the court held hearings on the Department's motion on February 13, 2023, and again on April 19, 2023. On April 20, 2024, the Court entered an order setting final substantial compliance deadlines for those three provisions and quarterly benchmarks leading to substantial compliance.

Jones v. Hutson, No. 2:12-cv-00859-LMA-MBN (E.D. La.): In June 2023, Orleans Parish Sheriff Susan Hutson filed a motion to terminate all prospective relief regarding the construction of a medical and mental health building at Orleans Parish Jail, pursuant to the Prison Litigation Reform Act (PLRA), 18 U.S.C. § 3626(b). *Jones*, ECF No. 1617 (June 26, 2023). The Department opposed the Sheriff's motion, as the construction had been previously agreed to by the parties as essential to compliance with the consent decree entered to ensure constitutional conditions of confinement at the Orleans Parish Jail. The Court denied the motion in September 2023 and the Sheriff appealed.

United States v. Hinds County, No. 3:16-CV-489-CWR-RHWR (S.D. Miss): In 2022, the District Court issued two contempt orders regarding noncompliance with the consent decree covering conditions of confinement in the Hinds County Jail and ordered receivership as the appropriate sanction. *Hinds County*, ECF Nos. 126, 165, 216. The Court also granted in part and denied in part the County's motion to terminate the consent decree and ordered a new injunction to replace the original consent decree. *Hinds County*, ECF Nos. 168, 169, 249, 250-1. Hinds County appealed and filed a motion for a stay. The court of appeals stayed all injunctive relief pending appeal. *United States v. Hinds County*, No. 22-60203 (5th Cir. Dec. 28, 2022). The Department participated in oral arguments on December 8, 2023. The appeal is pending.

VII. CRIPA COMPLIANCE EVALUATIONS

At the end of Fiscal Year 2023, the Department was monitoring compliance with CRIPA consent decrees, settlement agreements, and court orders designed to remedy unlawful conditions in numerous facilities throughout the United States. These facilities are:

A. Facilities for persons with developmental disabilities:

Facility or Facilities	Case or Agreement	Court/Date
Centro de Servicios Múltiples Rosario Bellber	<i>United States v. Puerto Rico</i> , 99-1435	D.P.R. 1999
Abilene State Supported Living Center; Austin State Supported Living Center; Brenham State Supported Living Center; Corpus Christi State Supported Living Center; Denton State Supported Living Center; El Paso State Supported Living Center; Lubbock State Supported Living Center; Lufkin State Supported Living Center; Mexia State Supported Living Center; Richmond State Supported Living Center; Rio Grande State Supported Living Center; San Angelo State Supported Living Center; and San Antonio State Supported Living Center	<i>United States v. Texas</i> , A-09-CA-490	E.D. Tex. 2009
Glenwood Resource Center	<i>United States v. Iowa</i> , 4:22-cv-00398	S.D. Iowa 2023

B. Juvenile justice facilities:

Facility or Facilities	Case or Agreement	Court/Date
Broad River Road Complex	<i>United States v. South Carolina</i> , 3:22-cv-01221-MGL	D.F.C. 2022
Centro Tratamiento Social Villalba; and CTS Ponce	<i>United States v. Puerto Rico</i> , 94-2080 CCC	D.P.R. 1994
Leflore County Juvenile Detention Center	<i>United States v. Leflore County, Mississippi</i> , 4:15-cv-00059	N.D. Miss. 2015

C. Jails:

Facility or Facilities	Case or Agreement	Court/Date
Orleans Parish Jail	<i>Jones & United States v. Gusman</i> , 2:12-cv-00859	E.D. La. 2012
Grant County Detention Center, Kentucky	2009 Settlement Agreement	N/A
Oklahoma County Jail and Jail Annex, Oklahoma	2009 Settlement Agreement	N/A
Miami-Dade County Detention	<i>United States v. Miami-Dade County, Florida</i> , 1:13-CV-21570	S.D. Fla. 2013
Miami-Dade County Detention	2013 Settlement Agreement	N/A
New York City Jails	<i>Nunez & United States v. City of New York</i> , 1:11-cv-05845	S.D.N.Y. 2015
Los Angeles County Jails	<i>United States v. County of Los Angeles, California and Los Angeles County Sheriff</i> , 2:15-cv-05903	C.D. Cal. 2015
Hinds County Adult Detention Center; Jackson City Detention Center; the Work Center; Henley-Young Juvenile Justice Center ³	<i>United States v. Hinds County, Mississippi Board of Supervisors</i> , 3:16-cv-00489	S.D. Miss. 2016
Hampton Roads Regional Jail	<i>United States v. Hampton Roads Regional Jail Authority</i> , 2:20-cv-410	E.D. Va. 2020

³ Hinds County filed a motion for a stay of all injunctive relief pending its appeal of the District Court's imposition of receivership as a contempt sanction and issuance of a new injunction, which the Fifth Circuit Court of Appeals granted on December 28, 2022. *United States v. Hinds County, et al.*, No. 22-60203 (5th Cir. Dec. 28, 2022). The appeal is pending.

D. Prisons:

Facility or Facilities	Case or Agreement	Court/Date
Golden Grove Correctional and Adult Detention Facility	<i>United States v. Virgin Islands</i> , 86-265	D.V.I. 1986
Julia Tutwiler Prison for Women Correctional Facility	<i>United States v. Alabama</i> , 2:15cv368	M.D. Ala. 2015
Edna Mahan Correctional Facility for Women	<i>United State v. New Jersey</i> , 3:21-cv-15031	D.N.J. 2021

VIII. TERMINATION OF CRIPA CASES AND MATTERS

United States v. Erie County, No. 1:09-cv-00849-WMS-JJM (W.D.N.Y.): In 2023, the Department and Erie County, New York, jointly moved to terminate the consent decree regarding the Erie County Holding Center and the Erie County Correctional Facility, after the County successfully achieved substantial compliance with the decree and maintained that compliance for more than 18 months. The Department and the County entered into the consent decree in August 2011 to resolve systemic deficiencies related to suicide prevention, including the inadequate provision of medical and mental health care which resulted in the preventable death of incarcerated persons. The Department also identified that the facilities had fundamentally inadequate policies and practices related to the use of force and protection of incarcerated persons from violence and sexual misconduct. On June 13, 2023, the Court entered an order terminating the consent decree and dismissing the case with prejudice.

The success of the Erie County consent decree, and the progress of the jurisdictions currently in the compliance phase, demonstrate the impact of the Department's CRIPA practice through improved conditions and fewer incidents of harm for institutionalized persons and staff. Our experience also has confirmed that compliance with constitutional and statutory obligations improves outcomes for incarcerated persons, allowing them to contribute more to society over the longer term.

The Department cannot provide a numeric estimate of the financial impact of CRIPA as the state and local funding and budgetary information available to the Department does not itemize the cost of remedial measures from other variables including standard staffing, maintenance, training, and health care operational costs of the institutions.

IX. STATEMENTS OF INTEREST

Pursuant to 28 U.S.C. § 517, the Attorney General is authorized “to attend to the interests of the United States” in any case pending in federal court.⁴

Smith v. Edwards, 3:22-cv-00573 (M.D. La.): In July 2023, the Department filed a Statement of Interest in an action alleging that Defendants had confined youth who have been adjudicated delinquent on the former death row cell block of the Louisiana State Penitentiary, commonly known as “Angola,” depriving them of education and mental health services, exposing them to dangerous living conditions, and subjecting them to harmful periods of isolation. In September 2023, the court granted the plaintiff’s July 2023 motion for a preliminary injunction and ordered the defendants to remove the youth from Angola within a week. The court also granted the plaintiff’s motion for class certification. Defendants appealed the court’s decision, and, in December 2023, the United States Court of Appeals for the Fifth Circuit dismissed the defendants’ appeal as moot (holding that the preliminary injunction had already expired pursuant to the Prison Litigation Reform Act). The case is ongoing.

X. 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 when appropriate. The Department’s expert consultants also provide information to jurisdictions at no cost to state or local governments. During investigatory tours, the Department’s expert consultants often meet with officials from the subject jurisdiction and provide helpful information regarding specific aspects of their programs. These oral reports permit early intervention by local jurisdictions to remedy highlighted issues before the conclusion of the investigation.

The Department also provides technical assistance to correctional agencies, including state and local facilities with open CRIPA investigations, through the National Institute of Corrections (NIC). NIC is dedicated to providing specialized and direct corrections training and resources to line staff, administration, and researchers in corrections agencies. In 2023, NIC provided support to the Fulton County Sheriff’s Office while the Department’s CRIPA investigation of the Fulton County Jail proceeded.

⁴ The full text of 28 U.S.C. § 517 is: “The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.”

To ensure timely and efficient compliance with settlement agreements, the Department has also issued post-tour compliance assessment letters to apprise jurisdictions of their compliance status. These letters also routinely contain technical assistance and remedial recommendations. The Department works closely with court-appointed monitors to review and provide feedback and recommendations to assist jurisdictions achieve compliance with settlement provisions.

Finally, the Department also makes efforts to connect jurisdictions with potential grant opportunities available through the Office of Justice Programs and will support grant applications to provide funding for improved facility operations.

XI. PRISON LITIGATION REFORM ACT (PLRA)

The PLRA, 18 U.S.C. § 3626, enacted in 1996, covers prospective relief in prisons, jails, and juvenile justice facilities. The Department has incorporated the PLRA's requirements in the remedies it seeks regarding improvements in correctional and juvenile justice facilities.

XII. RESPONSIVENESS TO ALLEGATIONS OF ILLEGAL CONDITIONS

During Fiscal Year 2023, the Department reviewed allegations of unlawful conditions of confinement in public residential facilities from a number of sources, including individuals who live in the facilities, relatives of persons living in facilities, former staff of facilities, advocates, concerned citizens, media reports, and referrals from within the Department and other federal agencies. The Department responded to 6,414 CRIPA-related citizen complaint letters and electronic communications. This included 5,930 communications made through the Department-wide electronic complaint portal, www.civilrights.justice.gov, an increase of 3,543 from the prior fiscal year. The Department responded to 620 CRIPA-related inquiries from Congress and from writers directing their inquiries to the President, an increase of 136 from the prior fiscal year.

XIII. CONCLUSION

In Fiscal Year 2024 and beyond, the Department intends to continue to enforce CRIPA to identify and remedy unlawful conditions that harm individuals in residential institutions run by or on behalf of state or local governmental entities.