

Summary:

While researching the ways that the federal government *could* intervene with the Monroe County Jail, we found that they in fact already *have*. Monroe County Jail continues to be monitored by a federal district court in order to ensure the county follows through on their settlement agreement with the ACLU. Since 2008, Monroe County has been able to keep the ACLU at bay and meet the minimum standards of the settlement agreement. However, they have failed to enact a permanent solution to the jail's constitutional violations, which has left the case open and has prolonged federal court oversight.

While a new jail would be a solution that would satisfy the ACLU (provided their past lawsuits with other Indiana counties), it is not the only option. As long as the current jail meets the standards of CRIPA, a new jail is not necessary. In addition, the court could never order the county to build a new jail, so this would have to be on the county's own volition and a part of their settlement agreement. In sum, Monroe County has options.

Finally, the fear of Monroe County being pushed into building a new, "shitty" jail—as claimed at a city council meeting—does not seem to be rooted in facts. In fact, the process, whether with ACLU or DOJ involvement, seems to take at least a decade, which is more time than the county has claimed it would take to build a new jail without federal intervention. Therefore, the county should not fear a rushed build due to the federal government.

In conclusion, the county should focus on following CRIPA guidelines—either before or after any warnings of the DOJ— and finding a more permanent solution to the constitutional violations claimed in the ACLU suit. All of this can be done without building a new jail.

Research Findings Outline

→ Federal Intervention Possibilities

1. Class Action Lawsuits in Federal Courts: ACLU Involvement

- ACLU will bring a class action lawsuit against a County for unconstitutional jail conditions
- These suits have historically ended in a settlement that promises building a new jail
- Current settlement between ACLU and Monroe County from 2008 lawsuit
 - Federal Court is monitoring the county's jail population since a settlement in 2009
 - County continues to maintain settlement standards:
 - ◆ Must stay at or below capacity
 - ◆ People who do not have beds in the jail must have adequate bedding that is off the floor
 - ◆ Cannot accept jail prisoners from other counties
 - ◆ Jail prisoners must be afforded at least two hours a week of physical activity
 - ◆ Cannot be housed in Jail's indoor gym
 - Court reviews these terms every year in December – it was recently approved again and there was agreement to continue monitoring as of December 8, 2022

2. Department of Justice Involvement:

- Reports to the DOJ's Special Investigations Team leads to preliminary warnings and collaboration with the respective local government
- If no corrective action by the county, then the DOJ will investigate, write a report, and file a complaint in federal court

- Historically, these lawsuits have led to a new jail or renovation through either a settlement or a judge's order to fix Constitutional violations
 - DOJ will continue to monitor the building of the new jail or the renovation
3. NOTE: Under the Prison Reform Litigation Act, federal courts can never order a county/state to specifically build a new jail

→ Federal Suit Timeline

- Past cases have shown that it can take close to a decade to complete the required build or renovation
- For example, DOJ brought suit against Lake County:
 - 2009: DOJ Warns of Investigation
 - 2009, Few months later: Investigatory Report
 - 2010: Complaint
 - 2011: Settlement
 - 2011-2019: Oversight
- Implications: Monroe County would have ample time to build a best-practices jail/justice center if the federal government mandated it; there does not seem to be a rushed process

→ How Likely Is a Successful Federal Lawsuit in Monroe County?

- When compared to the DOJ's Lake County Jail report, a successful lawsuit is likely
- Comparable Violations as found in Ken Ray Report: Lack of suicide cells, mold, no sick beds, lack of bed space, lack of medical treatment space

→ Preventing Federal Intervention

- A. Follow Civil Rights of Institutionalized Persons Act ("CRIPA") Guidelines: Supreme Court found the following basic Constitutional Requirements under this Act:
 - Food, clothing, shelter, and medical and mental healthcare
 - Safety and general well-being by preventing unreasonable risk of serious present and future harm
 - Reasonably sanitary and safe living conditions: sufficient sanitation, fire safety, ventilation, and pest control
- B. Fix the immediate issues before DOJ Investigation: DOJ is required to provide "reasonable time [for the county] to take appropriate action to correct" the issues
- C. Access Federal Funding to Correct Violations: Within statute, money is expected to help correct violations before or after suit
- D. Maintain Settlement Standards from Recent ACLU Suit

FEDERAL INTERVENTION IN COUNTY JAILS

How, When, Whether, and What to Do

HOW: INTERVENTION POSSIBILITIES

CLASS-ACTION SUITS, ACLU

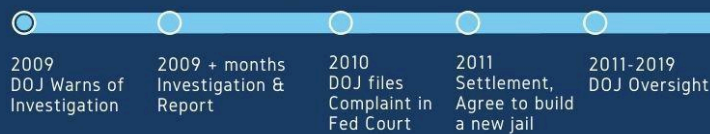
- Brings suit for unconstitutional conditions --> normally, ends in new jail
- Ongoing settlement b/t Monroe County and ACLU from 2008
Lawsuit: Federal Court continues to monitor settlement standards

DEPARTMENT OF JUSTICE (DOJ)

- Reports to Special Investigations Team--> Collaboration with County
- Investigation, report, then complaint in federal court
- Usually end in new jail or renovation
- DOJ monitors for compliance

WHEN: DOJ SUIT TIMELINE

SAMPLE TIMELINE FROM LAKE COUNTY SUIT



TAKEAWAY: NOT A RUSHED FIX; NEARLY A DECADE TO BUILD

WHETHER: LIKELIHOOD OF SUCCESSFUL SUIT IN MONROE COUNTY

LIKELY

When Lake County's DOJ Report is Compared to Ken Ray Report:

- Lack of Suicide Cells
- Mold
- No Sick Beds
- Lack of Bed Space
- Lack of Medical Treatment Space

WHAT TO DO: PREVENTING INTERVENTION

Follow Civil Rights of Institutionalized Persons Act (CRIPA) Guidelines and SCOTUS's interpretations of these rights

Fix the immediate issues before DOJ Investigation; County provided reasonable time to correct before law suit according to CRIPA

Use federal funding intended to aid local jail reparation before DOJ suit

Maintain settlement standards agreed upon in the most recent ACLU suit against Monroe County