

# Memorandum



LK:SHR:MHN:RB:CEL:cmw  
DJ 168-48-46

Subject

Findings Letter re: Mercer County  
Detention Center, Trenton, New Jersey

Date

July 25, 1997

To

Isabelle Katz Pinzler  
Acting Assistant Attorney General  
Civil Rights Division

From

*SR* Steven H. Rosenbaum  
Chief  
Special Litigation  
Section

## RECOMMENDATION

We recommend that you sign the attached findings letter regarding our investigation pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997 et seq., of conditions of confinement at the Mercer County Detention Center in Trenton, New Jersey.

## BACKGROUND

The Mercer County Detention Center is twenty-four years old and designed to hold 196 inmates. It currently holds approximately 544 inmates, almost three times its designed capacity. The County has denied us access to documents and the facility and has refused to allow us to interview inmates. Using other sources however, we have determined that conditions at the facility are unconstitutional. According to reports published in local newspapers, the County officials acknowledge the decrepit state of the facility, admitting that water comes through the walls when it rains, that the heating, air-conditioning, and electrical systems are sub-par, and that there are not enough cells to house everyone (despite triple-bunking in some areas of the jail). Reports from inmates and their families indicate that medical and mental health care is deficient. Newspaper articles and complaints from inmates indicate that weapons and illicit drugs are readily available in the jail and fights are reportedly commonplace. The County does not provide adequate access to the courts and is violating inmates' First Amendment rights by refusing to allow them to meet with government officials under any conditions.

CRIPA Investigation



JC-NJ-002-002

We opened this investigation in May 1996. Two weeks later we requested documents from the County relevant to our investigation. The County responded in mid-June by letter, objecting to our document request and asking that we provide the basis of our investigative authority and copies of any complaints or reports we had received regarding the facility, and a copy of the Attorney General's report to Congress required under CRIPA. In July 1996, we responded to the County, providing the requested report, explaining the CRIPA investigative process, and asking that the County identify any documents it believed to be either irrelevant or unduly burdensome. The County responded with a letter reiterating its previous requests and again disputing our authority to access the facility's documents. We continued our investigation through other avenues and in February 1997, informed the County of our intention to meet with certain named inmates at the detention center. Over 350 inmates had either sent us complaints or signed petitions regarding poor conditions at the jail during the previous month. We followed up this letter with several telephone calls and an additional letter, and in mid-March received a letter stating that our request to interview inmates was denied. We spoke with County counsel on March 19, 1997, at which time he confirmed that the County refused to permit us to interview any inmate housed at the Detention Center under Federal, State, or County custody, including pretrial detainees and adjudicated prisoners. During the telephone conversation and in a follow-up letter, we offered to meet with county officials and the county attorney to discuss access to inmates and documents, but have never received a reply. We therefore have not had access to the facility or the County's documents in completing this investigation.

The United States Marshals Service currently houses approximately 50 federal prisoners in the Detention Center. We spoke with the Marshals Service upon initiation of this investigation and have consulted with them periodically throughout the investigation and have obtained and reviewed copies of their surveys of the Detention Center as they became available. The Marshals Service surveys rely in large part upon staff information regarding conditions and do not assess the constitutional adequacy of the conditions at the detention center. We propose to send the signed findings letter to the Marshals Service and ask the Marshal to reconsider the decision to house federal inmates at the Detention Center in light of our findings.

CONCLUSION

We recommend that you approve and sign the attached findings letter and letter to the United States Marshals Service.

Attachments

Approved SKP

Disapproved \_\_\_\_\_

Comments:



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

August 11, 1997

Mr. Eduardo Gonzalez  
Director  
United States Marshals Service  
600 Army Navy Drive, Suite 1200  
Arlington, VA 22202

Re: Investigation of Mercer County Detention Center

Dear Mr. Gonzalez:

In February 1996, we notified the Marshals Service that we were initiating an investigation into conditions of confinement at the Mercer County Detention Center in Trenton, New Jersey. I wish to advise you, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997h, that we have completed our investigation of the Detention Center, and have found that the conditions of confinement there fall below constitutional minimum standards. Attached is a copy of our findings letter, which is being sent to Mercer County.

We understand that the Marshals Service currently houses federal inmates at the Detention Center. We ask that you reassess this matter in light of our findings. If you have any questions concerning this matter, please contact the Chief of our Special Litigation Section, Steven H. Rosenbaum (202-514-6255).

Sincerely,

Isabelle Katz Pinzler  
Acting Assistant Attorney General  
Civil Rights Division

Enclosure

cc: Mr. Gary Mead  
Assistant Director  
Prisoner Services Division

Deborah C. Westbrook, Esquire  
General Counsel  
Office of the General Counsel