



THE UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT *of* NEW YORK

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Department of Justice

U.S. Attorney's Office

Southern District of New York

FOR IMMEDIATE RELEASE

Tuesday, November 24, 2015

**Manhattan U.S. Attorney Announces Agreement With
Westchester County Jail To Establish Corrective Measures And
Appoint An Independent Monitor**

**U.S. Resolves Its Investigation Regarding Constitutional Violations at Westchester
County Jail**

Preet Bharara, the United States Attorney for the Southern District of New York, announced an agreement with Westchester County that resolves the United States' long-running investigation into Westchester County Jail (the "Jail") under the Civil Rights of Institutionalized Persons Act ("CRIPA"). This agreement, approved today by the Westchester County Board of Acquisition and Contract, implements a resolution of the Government's findings regarding the Jail's use of force against inmates, its use of isolation as a method of discipline for minors incarcerated at the jail, and its provision of inadequate medical and mental health care to inmates. The agreement requires the appointment of an independent monitor to ensure that the Jail complies with the agreement. The agreement will last for three years, or until the time that the Jail has achieved substantial compliance with its terms.

The Jail, located in Valhalla, New York, houses pretrial detainees and sentenced inmates. The Jail also houses minors awaiting transfer to a juvenile detention facility and minors adjudicated as adults.

Manhattan U.S. Attorney Preet Bharara said: "As I have emphasized many times before, within the walls of a correctional facility does not mean outside the protection of the Constitution. Jails have a constitutional obligation to take reasonable steps to protect the safety of inmates and to provide humane conditions of confinement. This agreement, and the commitment on the part of the County to comply with its terms, are important steps toward ensuring that inmates at Westchester County Jail are treated in a manner consistent with the Constitution."

The agreement between the United States and the Jail resolves a long-running investigation into the Jail. In 2009, the United States issued a letter setting forth the Government's findings regarding constitutional violations at the Jail. Key findings included that the Jail had failed to adequately protect inmates from physical harm caused by inappropriate and excessive force used by staff and failed to provide adequate medical and mental health care, particularly with respect to minors housed in isolation in the punitive segregation unit of the Jail, all resulting in unconstitutional living conditions.

Since the Government issued its findings letter and during the ongoing investigation, the Jail has made progress in addressing various problematic conditions and has now agreed to implement all the corrective measures set forth in the parties' agreement to ensure the Jail's compliance with constitutional requirements.

With respect to minors, the agreement requires that the Jail cease its practice of placing minors under 18 years old in isolation or punitive segregation, and that it develop systems to address disciplinary issues in a manner that is consistent with minors' needs and that does not deprive them of access to certain programs and services. The agreement also requires the development and implementation of alternative approaches to discipline for 18-year-old inmates. The Jail has agreed to measures designed to ensure that its use of force is not excessive and is consistent with the law, and has agreed to implement appropriate policies and practices concerning review of all uses of force, training of staff, and supervision of inmates. The agreement also puts in place requirements concerning the provision of medical and mental health care for both minors and adults.

Finally, the agreement mandates the appointment of an independent monitor to assist the County in achieving compliance with the provisions of the agreement, to make reports concerning the status and progress of compliance, and to provide the County with technical assistance to comply with the provisions of the agreement. The United States and the monitor will have full access to the Jail and its records, staff, and inmates for the life of the agreement. The agreement will terminate in three years if the United States agrees that the County is in substantial compliance with all provisions and has maintained substantial compliance with all provisions for 24 months.

The case is being handled by the Office's Civil Rights Unit. Assistant U.S. Attorneys Rebecca C. Martin and Tara M. La Morte are in charge of the case.

Attachment(s):

[Download Westchester County Jail agreement.pdf](#)

Component(s):

[USAO - New York, Southern](#)

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