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AEP:MHN:WGM:RCB:VR:cmw
DJ 168-3-35

AUG 21 1992

The Honorable Guy Hunt
Governor of Alabama
11 South Union Street
Montgomery, Alabama 36130

Re: Central Alabama Youth Services
Detention Facility, Selma, Alabama

Dear Governor Hunt:

I am writing in reference to our investigation of the Central Alabama Youth Services Facility (CAYS) located in Selma pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. §1997 et seq. Consistent with the requirements of the statute, the purpose of this letter is to advise you of our findings by identifying the conditions at CAYS that deprives juveniles confined there of their constitutional rights, the facts supporting our determination of constitutional violations, and the necessary remedial measures to correct these violations. I regret to advise you that our investigation disclosed serious problems at CAYS which implicate the constitutional rights of confined juveniles.

We have assessed the constitutionality of conditions of confinement at CAYS in light of a narrow constitutional standard. Institutional administrators are granted wide discretion in the operation of a facility; only those restrictions on juveniles which do not further or are not reasonably related to the legitimate government objectives of rehabilitation, safety, internal order or security violate constitutional standards. Bell v. Wolfish, 441 U.S. 520, 539 (1979); see also H.C. by Hewett v. Jarrad, 786 F.2d 1080 (11th Cir. 1986).

Based upon our investigation, we have concluded that the following conditions at CAYS violate the constitutional rights of juveniles.

- 1) Certain disciplinary practices, including the misuse of mace and mechanical restraints, are dangerous and fail to meet legal standards.
- 2) Security, sanitation, and fire safety hazards are in evidence throughout the facility.
- 3) Constitutionally required periods of exercise are not afforded.

cc: Records Chrono Peabody Nelson Maddox Bowman Ryan Hold

4) Restrictions on access to telephone usage and writing materials fail to meet constitutional standards.

The Attachment to this letter sets forth the facts supporting the findings of constitutional violations.

Remedial measures must be taken to ensure that juveniles confined at CAYS are not deprived of their constitutional rights. These measures must include, at a minimum, the following remedies:

1. Disciplinary measures must be revised to meet legal standards; clear, written disciplinary policies and rules must be promulgated and implemented. Such disciplinary policies and procedures must specifically address the use of mechanical restraints and the use of mace.

2. Security, sanitation, and fire safety hazards must be eliminated.

3. Opportunities for periods of exercise which satisfy constitutional standards must be afforded juveniles.

4. Juveniles must be granted that degree of access to telephones and writing materials mandated by constitutional requirements.

You may wish to contact the regional offices of the Departments of Health and Human Services and Education as well as the National Institute for Corrections to ensure that state and local officials have taken full advantage of any available federal financial assistance which may be available to assist in the correction of these deficiencies. If we can assist you in this regard, please contact us.

We appreciate the assistance and cooperation that representatives of the State, County, and the facility have extended to us during this investigation. My staff will contact appropriate officials in the near future to discuss this matter further. If, in the meantime, you or member of your staff, have any questions, please feel free to contact Arthur E. Peabody, Jr., Chief, Special Litigation Section at (202) 514-6255.

Sincerely,

John R. Dunne
Assistant Attorney General
Civil Rights Division