

# FEDERAL RECEIVERSHIP: A History

Receivership has successfully been used to fix jails across the country.

## 1976: Alabama, *Pugh v. Locke, Alabama*

**WHAT?** After six years of noncompliance with his orders, federal Judge Frank M. Johnson Jr was the first to order a receiver for Alabama's entire prison system. The receiver had the power without limitation to hire, discharge, suspend, and supervise the Commissioner of Corrections, deputy commissioners, and any other uniformed personnel. From 1983, receivership operated with the **oversight of a five-member panel of prison experts and lawyers** called the "Prison Implementation Committee."

**HOW DID IT IMPROVE CONDITIONS?** When the prison was handed back to the state, it had shown substantial enhancements in security, healthcare, and education.

## 1995: Washington D.C., *Campbell v. McGruder & Inmates of D.C. Jail v. Jackson*

**WHAT?** After over 20 years of litigation and attempts at all measures short of receivership, a receiver was appointed to the District of Columbia's medical and mental care jail system. **The Judge did not immediately appoint a receiver, but rather, ordered that the parties and the Special Officer confer and agree on an appointment within 30 days.**

**HOW DID IT IMPROVE CONDITIONS?** Under a 5-year ordered receivership, operations significantly improved at a facility once beset by tuberculosis outbreaks, high suicide rates, and treatment of people impacted by HIV/AIDS.

## 1989: Michigan, *Wayne County Jail Inmates v. Wayne County Sheriff*

**WHAT?** At the hands of the Sheriff's mismanagement—or lack of management—Wayne County Jail's conditions were described as "depraved, inhumane, and barbaric": the problems included serious overcrowding, high risk of suicide, and poor sanitation. Judge Kaufman detailed how, "the Sheriff chose what he considers to be **good politics over good government. The result was substantial and continuous mismanagement...when, however, such mismanagement results in serious and longstanding violations of the law, the Court has not only the right, but the duty, to take the steps necessary to end these legal violations of law.**"

**HOW DID IT IMPROVE CONDITIONS?** Judge Kaufman appointed the Wayne County Executive as receiver **annually for review, with the option for it to be terminated earlier.** The receiver discharged the incompetent leadership and improved the jail conditions.

## 2004: Georgia, *Harper v. Bennett*

**WHAT?** After continuous issues of overcrowding, staffing, and deteriorating physical conditions, the jail was "in a state of crisis" that defendant Sheriff Jacquelyn Barrett was unable or unwilling to deal with. These "real and ongoing concerns" led to **Sheriff Barrett agreeing to the appointment of a receiver as she was unable to resolve the problems due to a lack of sufficient authority and resources.** With input from both parties, the Court interviewed interested receivership candidates.

**HOW DID IT IMPROVE CONDITIONS?** As a result of the receiver acting without political interference to address the jail's problems, conditions improved and moved out of receivership. Improvements included **replacing the faulty locks, outsourcing prisoners to other facilities, and decreasing staff** needed at the jail.

## 1990: West Virginia, *Shaw v. Allen*

**WHAT?** After nearly eight years of substantial noncompliance of the Court's Comprehensive Order, the McDowell County Jail was placed under receivership. Prior to the decision, the Court had exercised restraint to give due deference to the elected officials' obligations to federal and state law. However, such deference was to no avail and more intrusive action was necessary.

## 2005: California, *Plata v. Newsom*

**WHAT?** California's prison healthcare system was placed under an unprecedented receivership in terms of scope and dimension in 2005.

**HOW DID IT IMPROVE CONDITIONS?** Receivership has helped the state comply with a court-ordered prison population limit through ordered population caps, one of the greatest roadblocks to reform.

## Federal Receivership of Prisons or Jails Since 1976

