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February 22, 2021

Dianne Moratti
Deputy Attorney General
Chief
State Police, Employment, and Corrections
Office of the Attorney General
Hughes Justice Complex - 2nd Fl.,
Trenton, N.J. 08625-0080

Re: DJ # 171-48-28; USAO #V00787
Garcia, et al. v. New Jersey Department of Corrections

Dear Ms. Moratti:

I am pleased to notify you that the U.S. Department of Justice, through the Federal Coordination and Compliance Section of the Civil Rights Division and the U.S. Attorney's Office for the District of New Jersey (DOJ), has determined the New Jersey Department of Corrections (NJDOC) has substantially complied with the terms of the October 2014 memorandum of agreement (MOA).¹ The MOA resolved a DOJ investigation of complaints filed under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, and its implementing regulations, 28 C.F.R. Part 42, Subpart C (together, Title VI). With this letter, DOJ is closing this matter.

The complaints DOJ investigated were filed by limited English proficient (LEP) inmates who alleged that NJDOC staff discriminated against them on the basis of their national origin in violation of Title VI by failing to provide them meaningful access to programs and activities. In September 2016, DOJ conducted an on-site visit to monitor compliance with the terms in the MOA and then notified NJDOC of several concerns identified during the on-site visit. While NJDOC was addressing those concerns, DOJ received new complaints related to issues covered by the MOA. In September 2018, after reviewing the new complaints, DOJ conducted a second on-site visit of NJDOC facilities. During that on-site visit, DOJ informed NJDOC that the training program did not comply with the MOA.

¹ Available at <https://go.usa.gov/xGKpG>.

To address training concerns identified in the second on-site visit, DOJ and NJDOC memorialized a three-step approach in February 2019 to bring NJDOC into compliance with the MOA and Title VI. First, DOJ staff provided a training to NJDOC language access coordinators in October 2019. Second, staff at all NJDOC facilities participated in mandatory training that was substantially similar to the training that DOJ staff provided in October 2019. Third, NJDOC documented staff participation in these mandatory trainings. Because all three steps are now complete, DOJ is closing this matter as of the date of this letter.

This letter does not address any other complaints or potential violations or affect NJDOC's continuing responsibility to comply with Title VI, other federal laws, or the terms of the MOA. Further, this letter does not preclude DOJ from carrying out its duties under Title VI or any other law DOJ is authorized to enforce should a complaint be filed or any other information presented that alleges noncompliance. Lastly, this letter does not affect any rights that any complainants may have to file a private lawsuit in a court of law.

We remind you that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the civil rights laws DOJ enforces. Any individual alleging such harassment or intimidation may file a complaint with DOJ. We would investigate such a complaint if the situation warrants.

Additionally, please be aware that under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by the NJDOC and the complainants. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information which if released could constitute an unwarranted invasion of privacy.

Thank you for your cooperation and assistance. While we are closing this matter, we remain available to provide NJDOC technical assistance. If you have any questions regarding this letter, please contact Michael Mulé at Michael.Mule@usdoj.gov, (202) 514-4144; or Kelly Horan Florio at Kelly.Horan@usdoj.gov, (973) 254-2824.

Sincerely,

Christine Stoneman,
Principal Deputy Chief,
performing duties as Chief
Federal Coordination
and Compliance Section
Civil Rights Division

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