



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

AUG 20 2008

The Honorable Rick Perry  
Office of the Governor  
State Insurance Building  
1100 San Jacinto  
Austin, Texas 78701

Re: Investigation of Texas State Facilities for Persons with  
Developmental Disabilities

Dear Governor Perry:

This is to inform you that the United States Department of Justice is commencing an investigation of conditions at the following 11 State facilities for persons with developmental disabilities: Abilene State School in Abilene, Texas; Austin State School in Austin, Texas; Brenham State School in Brenham, Texas; Corpus Christi State School in Corpus Christi, Texas; El Paso State Center in El Paso, Texas; Lufkin State School in Pollok, Texas; Mexia State School in Mexia, Texas; Richmond State School in Richmond, Texas; Rio Grande State Center in Harlingen, Texas; San Angelo State School in Carlsbad, Texas; and the San Antonio State School in San Antonio, Texas (collectively, "the Facilities"), pursuant to our authority under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997. In conducting our investigation, we are obliged to determine whether there are systemic violations of the Constitution or laws of the United States in the conditions at the Facilities. Our investigation will focus on protection of residents from harm, medical and nursing care, habilitation and treatment services, and the placement of residents in the most integrated setting as required by the Americans With Disabilities Act.

We have not reached any conclusions about the subject matter of the investigation. We believe that you and other Texas officials want to operate the Facilities consistent with the requirements of the Constitution and federal law. During the course of our investigation, we will consider all relevant information, particularly the efforts the State has undertaken to ensure compliance with federal law.

We also will offer to provide recommendations on ways to improve conditions at the institution, when appropriate. Provided that the State and the Facilities cooperate fully with our investigation, if we conclude that there are not systemic violations of constitutional or other federal rights, we will notify you that we are closing the investigation. If, on the other hand, we conclude there are such violations, we will provide detailed, written findings and identify the minimum measures we believe are necessary to remedy the violations. In addition, we will identify any financial, technical, or other assistance the United States may be able to provide to assist the State in correcting the identified deficiencies. In over 20 years of enforcing the Civil Rights of Institutionalized Persons Act, the good faith efforts of state or local jurisdictions working with us have enabled us routinely to resolve our claims without resort to contested litigation.

We encourage the State to cooperate with our investigation and can assure you that we will seek to minimize any potential disruption our efforts may have on the operations of the Facilities. Our Special Litigation Section will be handling the investigation and will contact the Attorney General's office to discuss the next steps. The Chief of the Section, Shanetta Y. Cutlar, may be reached at (202) 514-6255.

Sincerely,

A handwritten signature in cursive script that reads "Grace Chung Becker". The signature is written in dark ink and is positioned above the printed name and title.

Grace Chung Becker  
Acting Assistant Attorney General

cc: The Honorable Greg Abbott  
Attorney General, State of Texas

Adelaide Horn  
Commissioner  
Texas Department of Aging and Disability Services

Richard Roper, III  
U.S. Attorney for the Northern District of Texas

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Ric Savage  
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