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THE PRISON LITIGATION REFORM ACT'S REQUIREMENT THAT AN INMATE EXHAUST HIS ADMINISTRATIVE REMEDIES PRIOR TO FILING SUIT APPLIES EVEN IF THE INMATE IS CONFINED AT A DRUG TREATMENT FACILITY

QUESTION: Does the Prison Litigation Reform Act's requirement that an inmate "confined in a jail, prison, or other correctional facility" exhaust his administrative remedies before filing suit apply if the inmate is confined at a drug treatment facility?

ANSWER: Yes. If the inmate is a confined at a drug treatment facility, then the Prison Litigation Reform Act's exhaustion of administrative remedies' requirement applies.

CASE: *Frank Ruggiero v. County of Orange, et al.*
United States Court of Appeals for the Second Circuit, Decided October 18, 2006

In 1996, as part of the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996)("the PLRA"), Congress enacted a provision intended to "invigorate[ ] the exhaustion prescription" for prisoners." *Porter v. Nussle*, 534 U.S. 516 (2002). Section 803 of the PLRA provides that

> [n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983] by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

This exhaustion requirement applies to excessive-force claims as well as other complaints about general conditions of prison life. *Porter*, 534 U.S. at 532.

In a recent case decided in the United States Court of Appeals for the Second Circuit, Frank Ruggiero ("Ruggiero"), an inmate at the Orange County Correctional Facility ("OCCF") alleged that he was subjected to excessive force by corrections officers on multiple occasions. Ruggiero, however, did not file a formal grievance as to any of these incidents. Instead, after he was released from OCCF, but while he was confined at the Willard Drug Treatment Campus ("Willard") for violating his parole, Ruggiero filed an action in federal court under 42 U.S.C. § 1983 alleging constitutional violations. There was no dispute that there was an inmate grievance procedure in place at OCCF and that Ruggiero never filed a grievance related to any of the alleged mistreatment at OCCF. The inmate grievance procedure is contained in the inmate handbook which is provided to each inmate upon arrival at OCCF. Despite signing a form acknowledging that he received an inmate handbook on five separate occasions between August 1997 and October 1999, Ruggiero claimed that he was not provided with a copy of the handbook until March 2001, two months before he was paroled.

The United States District Court for the Southern District of New York granted Defendants' motion for summary judgment on the basis that Ruggiero failed to exhaust available administrative remedies as required by the PLRA. Ruggerio appealed.

Ruggiero argued on appeal that the exhaustion requirement of the PLRA did not apply to him because, when he filed his complaint, he was not a prisoner in "any jail, prison, or other correctional facility", as required by the PLRA. Instead, he was confined at the drug treatment campus. In rejecting Ruggiero's arguments, the United States Court of Appeals observed that, although Ruggeiro had been confined at the drug treatment campus when he filed suit, he did not question his status as a "prisoner" or that he was "confined" at the facility. The only remaining issue raised was whether the drug treatment facility was a "jail", "prison", or "correctional facility". Ruggiero contended that it was not because under New York law, drug treatment centers are not included in the definition of "correctional facility". The court determined otherwise, finding that only mental institutions were exempt from the state's definition of correctional facility. However, the court concluded that even if a drug treatment center is not a "correctional facility" under New York law, that is irrelevant because Congress, in enacting the PLRA, had expressed no intent that state law would govern the issue of what constitutes a correctional facility.[1] To hold otherwise would tolerate varying results under the PLRA from state to state. As such, the court read the phrase "any jail, prison, or other correctional facility" expansively, to include drug treatment centers, and concluded that, since Ruggiero was a prisoner confined at a correctional facility when his suit was filed, he was required to comply with the exhaustion requirement of the PLRA.

In sum, the court concluded, as have many other courts, that the PLRA is intended to eliminate unwarranted federal-court interference with the administration of prisons, to reduce the quantity and improve the quality of prisoner suits, and to afford corrections officials time and opportunity to address complaints internally before allowing the initiation of a federal case. These overarching goals are universal; they do not change from state to state, nor do they logically depend on how particular correctional facilities are characterized under various state laws.

NOTE: The decision in the *Ruggiero* case is consistent with the view of our federal appellate court, the United States Court of Appeals for the Fourth Circuit. In *Alexander S. v. Boyd*, decided in 1997, the Fourth Circuit held that juvenile detention facilities fall within the scope of the phrase "jail, prison, or other correctional facility" in the PLRA. For the purposes of the PLRA, courts generally will deem the words "prison" or "jail" to mean "a place for the lawful confinement of persons or a prison, and the term "a correctional institution" will be viewed as a generic term describing prisons, jails, reformatories, and other places of correction and detention.

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[1] Section 803 of the PLRA does not define what is meant by "any jail, prison, or other correctional facility."