



U.S. Department of Justice

United States Attorney's Office
District of New Jersey

Civil Rights Division

U.S. Mail: 970 Broad Street 7th Floor
Newark, New Jersey 07102
Telephone: (973) 645-2700

U.S. Mail: Office of the Assistant Attorney General
950 Pennsylvania Avenue, NW - RFK
Washington, DC 20530
Telephone: (202) 514-2151

October 27, 2020

The Honorable Phil Murphy
Governor of the State of New Jersey
P.O. Box 001
Trenton, NJ 08625

Re: Investigation of New Jersey Veterans Memorial Home at Menlo Park and New Jersey Veterans Memorial Home at Paramus

Dear Governor Murphy:

In a letter to you dated August 26, 2020, the Department of Justice requested information regarding COVID-19 deaths that occurred in institutions “providing skilled nursing, intermediate or long-term care, or custodial or residential care” that are “owned, operated, or managed by, or provide[] services on behalf of [New Jersey] or [a] political subdivision of [New Jersey].” Rather than provide all the data requested, however, in a letter to the Department dated September 9, 2020, your office referred the Department to New Jersey’s website. The website did not contain all of the requested information. Recent reports suggest that the number of COVID-19 deaths at some nursing homes, including New Jersey Veterans Memorial Home at Menlo Park and New Jersey Veterans Memorial Home at Paramus (together, the “Veterans Homes”), two long-term care facilities operated by the State, have been understated. Moreover, our review of publicly available information gives us cause for concern that the quality of medical care at these nursing homes has been deficient.

Accordingly, we write to inform you that the United States Department of Justice is commencing an investigation pursuant to the Civil Rights of Institutionalized Persons Act (“CRIPA”), 42 U.S.C. § 1997, into the Veterans Homes.

In conducting the investigation, we are obliged to determine whether there are systemic violations of the Constitution or laws of the United States in the Veterans Homes. Our investigations will focus on whether the Veterans Homes engage in a pattern or practice of violating the rights of veteran residents under the U.S. Constitution or federal statute by failing to provide them adequate medical care generally, and during the coronavirus pandemic in particular.

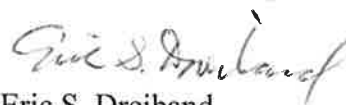
We have not reached any conclusions about the subject matter of the investigation. During our investigation, we will consider all relevant information, including the efforts the

State has undertaken to ensure compliance with the Constitution and federal law. If appropriate, we will offer technical assistance on ways to address any identified deficiencies in the provision of medical care at the Veterans Homes.

Upon completion of our investigation, if we conclude that there are not systemic constitutional violations, we will notify you that we are closing the investigation. If, on the other hand, we conclude there are such violations, we will provide written notice of the results of the investigation and identify the minimum measures we believe are necessary to remedy the violations. In our many years of enforcing CRIPA, the good faith efforts of state, county, or local jurisdictions working with us have enabled us to resolve many claims without the need to resort to contested litigation.

We encourage the State to cooperate with our investigation, and we can assure you that we will seek to minimize any potential disruption our investigation may cause. The United States Attorney's Office for the District of New Jersey and the Civil Rights Division's Special Litigation Section will be handling the investigation. They will contact your office to discuss next steps.

Sincerely,



Eric S. Dreiband
Assistant Attorney General
Civil Rights Division



Craig Carpenito
United States Attorney
District of New Jersey

cc: Gurbir S. Grewal
New Jersey Attorney General

Colonel Lisa Hou, D.O.
Acting Commissioner, New Jersey Department of Military and Veterans Affairs

Scott Mueller
Acting Chief Executive Officer, New Jersey Veterans Memorial Home at Menlo Park

Kenneth Chance
Interim Chief Executive Officer, New Jersey Veterans Memorial Home at Paramus