

CIVIL RIGHTS DESERTS

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INTRODUCTION

The current Administration's detention of individuals in foreign prisons — claiming afterward to have no power over their treatment or return — represents just one example of its disregard for the boundaries of constitutional governance.¹ Summarily blowing up boats thousands of miles away from the United States because the Administration believes that there are drugs on them represents another.² As others have observed, the officials who make up this presidential Administration exemplify Justice Oliver Wendell Holmes's "bad man" — one who cares only for the "material consequences"³ of legal violations, not "the vaguer sanctions of conscience"⁴ — and strain traditional notions of executive power, judicial oversight, and remedial efficacy. Yet we contend that this Administration's threats to rule of law and accountability are not as novel as they may at first appear. Across the country, there are — and have long been — jurisdictions and institutional settings extraordinarily inhospitable to the protection of constitutional rights.⁵

As one of us has previously observed, the ability to seek redress for constitutional rights violations is the product of the "civil rights ecosystem" in which the claim arose, defined by the locality's attorneys, judges, community members, legal rules and remedies, and informal litigation practices.⁶ Just as some natural ecosystems are friendlier to a wide variety of plant and animal life, some civil rights ecosystems are friendlier

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¹ E.g., Michael Kunzelman, *Trump Administration Argues Judge Cannot Order Return of Man Mistakenly Deported to El Salvador*, AP NEWS (Apr. 5, 2025, at 21:16 ET), <https://apnews.com/article/trump-el-salvador-prison-kilmar-abrego-garcia-5a92d6bd7f893eed64c2607cc129a6f9> [https://perma.cc/T4EQ-VTW4].

² Megan Lebowitz, *Sen. Rand Paul Says Caribbean Boat Strikes "Go Against All of Our Tradition"*, NBC NEWS (Oct. 19, 2025, at 09:41 ET), <https://www.nbcnews.com/politics/congress/rand-paul-condemns-military-strikes-venezuela-rcna238428> [https://perma.cc/N27Q-JGQ8].

³ O.W. Holmes, *The Path of the Law*, 10 HARV. L. REV. 457, 459 (1897).

⁴ Thomas P. Schmidt & Gillian E. Metzger, *Some Realism About Constitutional Remedies*, 139 HARV. L. REV. 1834, 1840 (2026) (quoting Holmes, *supra* note 3, at 459).

⁵ See generally Fred O. Smith, Jr., *Remediating Resistance*, 71 ALA. L. REV. 641 (2020) ("[T]he question of when the judiciary should spend its limited capital — lest its legitimacy be depleted — invites other questions. How should courts deal with the possibility that the failure to declare legal wrongs can also diminish the perceived esteem of courts? And what are the mechanisms through which courts *build* the capital that they should be so careful about spending?" *Id.* at 644.).

⁶ See Joanna C. Schwartz, *Civil Rights Ecosystems*, 118 MICH. L. REV. 1539, 1543 (2020) (emphasis omitted).

to civil rights suits.⁷ In such jurisdictions, there are civil rights lawyers willing to bring cases when they arise; engaged community activists who amplify misconduct when it occurs; judges and juries generally sympathetic to civil rights claims; viable state and federal causes of action; and local governments that reliably comply with legal rulings.⁸ Other civil rights ecosystems are less hospitable to civil rights claims: There are fewer lawyers willing to bring civil rights cases; judges and juries unsympathetic to civil rights claims; limited federal and state causes of action; and no government officials willing to take remedial action.⁹

We focus here on civil rights deserts; that is, extremely inhospitable ecosystems where the interaction of various structural barriers systematically prevents justice from functioning properly.¹⁰ Like geographical deserts where water is scarce due to the interaction of climatic and geological conditions, these jurisdictions have a combination of people, rules, and practices that prevent legal remedies from reaching those whose rights have been violated and who deserve relief. Such deserts predate the Trump Administration and will almost certainly outlast it, creating zones where remedial gaps make access to justice as barren for everyday Americans as it is for those caught in the Administration's most controversial policies.

In this Essay, we identify two distinct types of civil rights deserts, each characterized by different barriers:

Accountability deserts are regions where institutional obstacles prevent rights violations from being vindicated in the courts. A prime example is Rankin County, Mississippi, where a self-proclaimed "Goon Squad" of deputies in the sheriff's office terrorized residents for nearly two decades.¹¹ In February 2023, attorneys revealed how these deputies had broken into the home of two Black men, tortured them, and shot one in the mouth.¹² Journalists' subsequent investigation revealed that the Goon Squad had been unlawfully arresting, beating, and torturing people for more than two decades.¹³ How had these practices gone unaddressed for so long? The lack of an active civil rights plaintiffs' bar, fear of retribution by those subject to violence, and a culture of impunity within the sheriff's office created a perfect storm such that accountability mechanisms simply did not function.

⁷ *Id.* at 1544.

⁸ *See id.* at 1544, 1549.

⁹ *Id.* at 1544–45.

¹⁰ *See id.* at 1563–64.

¹¹ *See infra* Part I, pp. 1860–67.

¹² *See* Mina Corpuz, *Rankin County Deputies Beat, Tortured Two Black Men, Leaving One in the Hospital for Weeks, Lawyers Allege*, *MISS. TODAY* (Feb. 15, 2023), <https://mississippitoday.org/2023/02/15/mississippi-deputies-jenkins-parker> [<https://perma.cc/JT8K-XEYE>].

¹³ Jerry Mitchell et al., *Former Mississippi Sheriff's Deputy Describes Rampant Violence by "Goon Squad"*, *MISS. TODAY* (Feb. 21, 2025), <https://mississippitoday.org/2025/02/21/ex-deputy-describes-rampant-violence-by-goon-squad> [<https://perma.cc/G8XE-D5QE>].

Enforcement deserts are regions where rights violations are successfully vindicated in the courts, but systemic resistance prevents the terms of judicial victories from being implemented on the ground. The jails in Hinds County, Mississippi, exemplify this type. Despite a United States Department of Justice investigation and consent decree addressing horrific jail conditions,¹⁴ County officials repeatedly failed to implement required changes over several years.¹⁵ The judge overseeing the consent decree ultimately held the County in contempt (twice) and appointed a receiver to take over jail management — extreme measures necessary only because standard enforcement mechanisms consistently failed.¹⁶

As these examples illustrate, civil rights deserts have both territorial and institutional dimensions. On the territorial front, some ecosystem failures — hostile courts, weak plaintiffs’ bars, unsympathetic political cultures — can limit accountability across an entire jurisdiction. On the institutional front, structural features of institutions can further insulate them from oversight regardless of the surrounding legal landscape. Jails and prisons are distinctively susceptible: As enclosed spaces that control access to information and house populations with diminished perceived credibility, they can function as domestic black sites.

The deserts we describe in Rankin and Hinds Counties suffer from both types of challenges. Territorial characteristics combine to make Rankin and Hinds Counties unfriendly to plaintiffs in civil rights cases. The counties sit side by side in the Southern District of Mississippi, which is within the jurisdiction of the Fifth Circuit Court of Appeals — among the most unsympathetic benches for plaintiffs in civil rights cases.¹⁷ Very few attorneys in the state of Mississippi regularly take civil rights cases,¹⁸ and Mississippi is reputed to have “the least effective and the least robust public defender system in America.”¹⁹

¹⁴ See *Justice Department Announces Investigation of Detention Center in Hinds County, Mississippi*, U.S. DOJ (June 3, 2014) [hereinafter Investigation DOJ Press Release], <https://www.justice.gov/archives/opa/pr/justice-department-announces-investigation-detention-center-hinds-county-mississippi> [<https://perma.cc/6CMT-RG3E>].

¹⁵ See *infra* note 106 and accompanying text.

¹⁶ Order at 5, 26, *United States v. Hinds County*, No. 16-CV-00489 (S.D. Miss. filed July 29, 2022), Dkt. No. 204.

¹⁷ Cf. Lee Epstein et al., *The Judicial Common Space*, 23 J.L. ECON. & ORG. 303, 312 fig. 4 (2007) (showing that, as of 2000, the Fifth Circuit was among the most conservative circuit courts in the country); Aaron L. Nielson & Christopher J. Walker, *The New Qualified Immunity*, 89 S. CAL. L. REV. 1, 41 (2015) (finding that, when compared to the national average, the Fifth Circuit was significantly less likely to recognize a new constitutional right when exercising its discretion on a qualified immunity motion).

¹⁸ See Interview with Victor Fleitas, plaintiffs’ att’y (May 15, 2025) (on file with the Harvard Law School Library).

¹⁹ See NBC NEWS, *Mississippi’s Public Defender System in Crisis as Some Wait Years for Court-Appointed Lawyer*, at 02:01–02:09 (Aug. 31, 2023) (quoting Cliff Johnson, Mississippi Director of the MacArthur Justice Center), <https://www.nbcnews.com/now/video/mississippi-s-public->

Institutional characteristics of the Rankin County Sheriff's Office and Hinds County jails — both of which afford seemingly limitless authority over criminally involved, vulnerable, disenfranchised populations — make accountability and enforcement especially difficult to achieve.

Rankin and Hinds Counties illustrate not only the challenges of civil rights deserts but also potential strategies to address them. In Rankin County, a press conference about one egregious case brought media scrutiny, community advocacy, and state and federal intervention to decades-long misconduct. In Hinds County, persistent judicial oversight culminated in extraordinary remedies when standard enforcement mechanisms proved insufficient. These examples highlight four critical mechanisms for addressing systemic accountability and enforcement failures: (1) robust advocacy that strategically targets high-impact cases; (2) coordinated press and community attention that creates public pressure; (3) sustained judicial enforcement, with judges who escalate interventions when faced with resistance; and (4) government allies willing to facilitate change. The interaction between these mechanisms can overcome territorial and institutional barriers, forging oases in civil rights deserts.

We do not mean to suggest that systemic lawlessness is easy to combat — whether at the local or federal level — or that these strategies will prove widely or permanently successful. But understanding the parallel between local and federal civil rights deserts allows us to apply similar analytical frameworks to both. The mechanisms that enable rights violations to persist without remedy — whether in a county jail or an offshore detention facility — share common features but are neither inevitable nor permanent. Through strategic interventions, oases can emerge in civil rights deserts and even the most entrenched accountability and enforcement gaps can begin to close.

I. ACCOUNTABILITY DESERTS

In accountability deserts, even shocking constitutional violations bypass the legal system entirely. Violence festers in darkness, known to its victims but invisible to the legal system designed to stop it. Rankin County, Mississippi, offers a stark example of how accountability deserts operate: a place where sheriff's deputies calling themselves the "Goon Squad" humiliated, assaulted, and tortured countless residents for nearly twenty years without consequence.²⁰ Yet, the story of Rankin County also demonstrates something equally important — how even the most

defender-system-in-crisis-as-some-wait-years-for-court-appointed-lawyer-192019525544 [https://perma.cc/JDC3-BYDD].

²⁰ For one account of this history, see Brian Howey & Nate Rosenfield, *How a "Goon Squad" of Deputies Got Away with Years of Brutality*, N.Y. TIMES (July 10, 2025), <https://www.nytimes.com/2023/11/30/us/rankin-county-mississippi-sheriff.html> [https://perma.cc/7T4L-38Z2].

entrenched accountability desert can begin to be transformed when the right conditions align.

Rankin County, Mississippi, is mostly white and the third wealthiest county in the state.²¹ The population of the once-rural county boomed beginning in the 1960s, as white, wealthy people fled nearby Jackson.²² But Rankin also has pockets of destitute residents who live in shacks and trailers, some without electricity or running water.²³ Beginning in the early 2000s, the Rankin County Sheriff's Office began targeting and harassing these impoverished communities as part of its War on Drugs.²⁴ During raids, Rankin County deputies tortured their targets, then charged them with crimes such as possession of a used syringe or a few grams of methamphetamine.²⁵ Although most of the Goon Squad's victims were white, its tactics were reminiscent of law enforcement's reign of terror against Black Southerners and civil rights activists during the Jim Crow era.²⁶ Allegations of deputies' violence during the summer of 2018 are horrifically emblematic.²⁷

In June 2018, deputies had a confidential informant buy drugs in Jerry Manning's trailer, then burst into the trailer without a warrant.²⁸ The deputies pinned Manning to the floor, repeatedly tased him in the groin and head, used a blowtorch to melt a metal nutcracker into his thigh, drew a swastika on his forehead, then wrapped a belt around his neck and pulled him up so that he was hanging by his own body weight and thought he would die.²⁹ Deputies stomped on the face of another man, James Elbert Lynch, who was sleeping in the trailer at the time of the raid, and passed a blowtorch across the bottoms of his feet when he said he did not know the location of any drugs.³⁰

In June 2018, Rankin County sheriff's deputies arrested Robert Wayne Jones and Jeffrey Tyler Mote, whom they were trying to set up

²¹ See Pam Dankins, *Which Are Mississippi's Wealthiest Counties? These Are Ranked in the Top Ten*, THE CLARION-LEDGER (Nov. 26, 2024, at 04:45 CT), <https://www.clarionledger.com/story/news/local/2024/11/26/mississippi-wealthiest-counties-see-which-made-the-top-10-in-2024/76465894007> [<https://perma.cc/G9ZS-49H5>]; *QuickFacts: Rankin County, Mississippi*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/rankincountymississippi> [<https://perma.cc/6WZF-UA8N>] (reporting that as of July 1, 2025, Rankin County was estimated to be 73.4% white and 23.2% Black).

²² See Howey & Rosenfield, *supra* note 20.

²³ See *id.*

²⁴ See *id.*

²⁵ See *id.*

²⁶ See *id.*

²⁷ For descriptions of these and other stories of abuse by Rankin County deputies, see Nate Rosenfield & Brian Howey, *Stories of Alleged Brutality by a Mississippi Sheriff's Department*, N.Y. TIMES (June 12, 2024), <https://www.nytimes.com/2023/12/23/us/alleged-brutality-mississippi-police.html> [<https://perma.cc/SW8W-P98T>].

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

for a drug sale.³¹ The deputies beat them and shocked them with tasers, then drove them to a wooded area, threw Jones into a water-filled ditch, fired a taser at his chest, and shoved a stick down his throat until he vomited blood.³²

In July 2018, deputies arrested Fredrick Trimble during a drug sting, handcuffed him, beat and tased him multiple times in the groin and torso, put a gun in his mouth and threatened to kill him, then pistol-whipped him.³³

In August 2018, deputies arrested Jeremy Travis Paige after a confidential informant arranged a drug sale with him.³⁴ When Paige tried to flee, deputies beat him until he was unconscious.³⁵ When Paige woke, he was handcuffed and deputies were dragging him into his home, where they beat him for almost an hour.³⁶ Deputies covered his face with a washcloth and poured gallons of water in his mouth to simulate drowning (also known as “waterboarding”), burned him with a cigarette, and shocked him with a taser.³⁷

We do not know how many people the Goon Squad terrorized. Reporters have corroborated the stories of more than twenty victims.³⁸ One former Rankin County deputy — who led the office’s narcotics division — estimates that he and fellow deputies raided homes hundreds of times, “regularly brutalized and humiliated suspects,” and “often seized evidence without a legally required warrant.”³⁹

Rankin County sheriff’s deputies did not hide evidence of their violence and overreach. Instead, deputies and their supervisors maintained a years-long WhatsApp text thread in which they shared pictures of corpses and joked about tasing, raping, and killing people.⁴⁰ In 2022, a supervising lieutenant gave his deputies a commemorative coin displaying cartoonish gangster figures and the “Goon Squad” moniker as a Christmas gift.⁴¹

Yet the Rankin County deputies long faced no accountability for their repeated, appalling abuse. Very few people publicly complained about their treatment. Of the six people assaulted by Rankin County sheriff’s deputies in the summer of 2018, described above, only Jeremy

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Howey & Rosenfield, *supra* note 20.

³⁹ Mitchell et al., *supra* note 13.

⁴⁰ See Nate Rosenfield et al., “Did You Tase Him in the Face!?” Inside “Goon Squad” Deputies’ Group Chat, N.Y. TIMES (July 10, 2025), <https://www.nytimes.com/2024/05/29/us/mississippi-sheriffs-goon-squad-whatsapp.html> [<https://perma.cc/BY6Q-6NJT>].

⁴¹ *Id.*

Travis Paige sued.⁴² Despite his shocking allegations — which were corroborated by his booking photo and photographs of blood spattered on the walls of his home — Paige could not find a lawyer to represent him, and his pro se case was dismissed for failing to comply with court deadlines.⁴³ We found only two additional civil rights lawsuits filed and resolved against Rankin County sheriff's deputies between 2002 and 2022; one, filed pro se, was dismissed for failure to prosecute⁴⁴ and the other settled for an undisclosed sum.⁴⁵ More than a dozen people wrote or called the sheriff to report abuse suffered during this period, but nothing came of the complaints.⁴⁶

Several aspects of the territorial and institutional ecosystem made Rankin County an accountability desert. Many Goon Squad victims were likely discouraged from complaining about their abuse because the Rankin County Sheriff's Office was known to retaliate against people who complained about deputies' violence.⁴⁷ Those who did complain likely struggled to find a lawyer. Few civil rights lawyers practice in Mississippi,⁴⁸ and those who do might have shied away from taking cases on behalf of those targeted by the Goon Squad because many were impoverished drug users with criminal records.⁴⁹ The Goon Squad often arrested and charged their targets with additional crimes,⁵⁰ and those criminal charges would make any civil rights case even less attractive to prospective counsel.⁵¹ The Goon Squad's violence remained well hidden from the general public.⁵²

The lack of accountability for misconduct by the Rankin County Sheriff's Office extended far beyond the egregious conduct of the Goon Squad. The state's attorney general took no action upon learning that Rankin County's sheriff, Bryan Bailey, repeatedly convinced a grand

⁴² See Rosenfield & Howey, *supra* note 27.

⁴³ See Howey & Rosenfield, *supra* note 20.

⁴⁴ See Frith v. Poole, No. 12-cv-00791 (S.D. Miss. dismissed July 24, 2013).

⁴⁵ See Gerhart v. Rankin County, No. 11-cv-00586 (S.D. Miss. dismissed Jan. 17, 2020).

⁴⁶ See Howey & Rosenfield, *supra* note 20.

⁴⁷ See Mitchell et al., *supra* note 13 (describing that Lane Fikes declined to report Rankin County deputies' misconduct after they cracked his ribs for fear of retaliation); see also Howey & Rosenfield, *supra* note 20 (reporting that when Nicole Brock went to the sheriff's office to file a complaint against former Chief Investigator Brett McAlpin, who had "ransack[ed] her car during a search," McAlpin ripped up Brock's written complaint, then "arrested her for a syringe he had found during the car search").

⁴⁸ See Mina Corpuz, *Civil Legal Services May Be in Jeopardy for Low-Income Mississippians*, MISS. TODAY (Jan. 5, 2026), <https://mississippitoday.org/2026/01/05/civil-legal-services-in-jeopardy-for-low-income> [<https://perma.cc/J3QF-JQ38>]; see also Interview with Victor Fleitas, *supra* note 18.

⁴⁹ See Howey & Rosenfield, *supra* note 20.

⁵⁰ See *id.*

⁵¹ See Interview with Victor Fleitas, *supra* note 18.

⁵² See Interview with Malik Shabazz, att'y for Michael Jenkins & Eddie Parker (May 19, 2025) (on file with the Harvard Law School Library).

jury to give him subpoena power to spy on his married girlfriend.⁵³ For years, Sheriff Bailey had deputies and jailed trusties work on his mother's commercial chicken farm and purchased farm equipment with sheriff's department money, but "people familiar with the sheriff's activities kept quiet, out of a sense of loyalty or because they feared crossing a popular sheriff with political connections across Mississippi."⁵⁴ Indeed, in November 2022, a risk manager assured the Rankin County Board of Supervisors that they had "one of the best sheriff's departments of anywhere" and "the best sheriff of anywhere."⁵⁵

The ecosystem in Rankin County began to shift on February 15, 2023, when Michael Jenkins and Eddie Parker and their lawyers, Trent Walker and Malik Shabazz, held a press conference and told a story that would soon reverberate around the country.⁵⁶ On January 24, six Rankin County law enforcement officers raided the home where Parker and Jenkins were staying without a warrant or exigent circumstances and beat, tased, sexually assaulted, and waterboarded the men — with milk, cooking grease, alcohol, and syrup — for almost two hours.⁵⁷ The ordeal ended when a deputy put his gun in Jenkins's mouth and shot him during what was supposed to be a "mock execution."⁵⁸ Rather than administering medical aid, the officers planted a weapon in the home, submitted fraudulent drug evidence, and destroyed surveillance video and other evidence.⁵⁹ Jenkins survived but was hospitalized for more than three weeks.⁶⁰

The February 15 press conference began to create a sort of oasis in Rankin County's accountability desert. That same day, the Mississippi Bureau of Investigation and the United States Department of Justice each announced they were investigating the officers who participated in

⁵³ See Ilyssa Daly & Jerry Mitchell, *The Sheriff, His Girlfriend and His Illegal Subpoenas*, MISS. TODAY (Sep. 27, 2023), <https://mississippitoday.org/2023/09/27/rankin-sheriff-obtained-subpoenas-to-spy-on-girlfriend> [<https://perma.cc/H8WH-8MDH>].

⁵⁴ Steph Quinn et al., "You're His Property": How One Sheriff Used Inmate Labor on His Family Farm, N.Y. TIMES (July 10, 2025), <https://www.nytimes.com/2025/03/27/us/mississippi-inmate-labor-sheriff-farm.html> [<https://perma.cc/3CM3-EY7M>].

⁵⁵ JONATHAN ALLEN, *Rankin County Board Discusses Sheriff's Liability Insurance*, at 01:20 (YouTube, Aug. 6, 2023), https://www.youtube.com/watch?v=JxK7MuFC_jo [<https://perma.cc/G27H-SBMU>].

⁵⁶ For descriptions of the press conference, see Corpuz, *supra* note 12.

⁵⁷ For description of the events of that night, see *Six Mississippi Law Enforcement Officers Plead Guilty to Torturing and Abusing Two Black Men*, U.S. DOJ (Feb. 6, 2025) [hereinafter *Guilty Pleas DOJ Press Release*], <https://www.justice.gov/archives/opa/pr/six-mississippi-law-enforcement-officers-plead-guilty-torturing-and-abusing-two-black-men> [<https://perma.cc/7ZEQ-PL3D>]; Michael McEwen, *Despite DOJ Freeze, Rankin Co. Activist Says Work for Police Reform, Accountability Continues*, MPB (Feb. 14, 2025), <https://www.mpbonline.org/blogs/news/despite-doj-pause-rankin-co-activist-says-work-for-police-reform-accountability-continues> [<https://perma.cc/6UUJ-2WJV>].

⁵⁸ See McEwen, *supra* note 57.

⁵⁹ See *Guilty Pleas DOJ Press Release*, *supra* note 57.

⁶⁰ Michael Goldberg, *Feds Open Civil Rights Probe After Deputies Shoot Black Man*, AP NEWS (Feb. 15, 2023, at 20:48 ET), <https://apnews.com/article/politics-crime-michael-corey-mississippi-jackson-f2125de1425697f923f179d3be415340> [<https://perma.cc/PMT3-R2N2>].

the January 24 incident.⁶¹ Those officers who had not already resigned were fired in June 2023.⁶² All six officers pled guilty to violating Parker's and Jenkins's federal civil rights in August 2023⁶³ and were collectively sentenced to more than 132 years in prison in March 2024.⁶⁴ Jenkins and Parker sued Rankin County and the officers for violating their constitutional rights, and their case settled in May 2025 for \$2.5 million — among the largest law enforcement misconduct settlements in Mississippi history — with \$2 million coming from the County's insurer and \$500,000 coming from the sheriff's office's budget.⁶⁵

The oasis has extended beyond Jenkins and Parker's case. The February 15 press conference received national attention and led reporters from the *New York Times* and *Mississippi Today* to begin documenting abuses in the Rankin County Sheriff's Office. The reporters interviewed more than fifty people, reviewed court and department records, and published multiple stories detailing their findings.⁶⁶ Although Sheriff Bailey denied knowledge of the Goon Squad until the summer of 2023,⁶⁷ the stories uncovered by reporters made clear that the pattern of extreme violence and torture "was neither confined to a small group of deputies nor hidden from department leaders."⁶⁸ National attention on the Goon Squad also led the United States Department of Justice to open a civil rights investigation into the Rankin County Sheriff's Department.⁶⁹ Although the Trump Administration has abandoned most DOJ investigations of law enforcement agencies, it has signaled that it will continue investigating Rankin County.⁷⁰

The oasis has even extended beyond Rankin County. In May 2024, inspired in part by reporting on the Goon Squad, Mississippi's governor signed legislation authorizing the state's officer certification and training

⁶¹ *Id.*

⁶² Jesus Jiménez, *Mississippi Deputies Are "Terminated" After 2 Black Men Claim Abuse*, N.Y. TIMES (Aug. 4, 2023), <https://www.nytimes.com/2023/06/28/us/mississippi-officers-fired-lawsuit-black-men.html> [https://perma.cc/NK3B-JJ3Z].

⁶³ Guilty Pleas DOJ Press Release, *supra* note 57.

⁶⁴ *Six Former Mississippi Law Enforcement Officers Sentenced for Torturing and Abusing Two Black Men*, U.S. DOJ (Mar. 21, 2024), <https://www.justice.gov/usao-sdms/pr/six-former-mississippi-law-enforcement-officers-sentenced-torturing-and-abusing-two> [https://perma.cc/3BS4-TEL3].

⁶⁵ See Jerry Mitchell & Mukta Joshi, "Goon Squad" Lawsuit Settled for \$2.5M, MISS. TODAY (May 1, 2025), <https://mississippitoday.org/2025/05/01/goon-squad-lawsuit-settled-for-2-5m> [https://perma.cc/7R9D-ZZ9T].

⁶⁶ See Howey & Rosenfield, *supra* note 20.

⁶⁷ WLBT Staff, *Rankin Co. Sheriff: My Officers Lied to Me About January Incident*, WLBT (Aug. 4, 2023, at 16:29 ET), <https://www.wlbt.com/2023/08/04/rankin-co-sheriff-my-officers-lied-me-about-abuse-black-men> [https://perma.cc/XTF4-8MH3].

⁶⁸ Rosenfield & Howey, *supra* note 27.

⁶⁹ See Jerry Mitchell et al., *Goon Squad Violence Leads to Federal Investigation of Mississippi Sheriff's Office*, N.Y. TIMES (Feb. 21, 2025), <https://www.nytimes.com/2024/09/19/us/goon-squad-mississippi-sheriffs-office.html> [https://perma.cc/D263-YRFR].

⁷⁰ Mukta Joshi & Brian Howey, *Department of Justice Investigation into Rankin County Sheriff Continues, Local NAACP Head Says*, MISS. TODAY (Oct. 20, 2025), <https://mississippitoday.org/2025/10/20/doj-investigation-rankin-sheriff> [https://perma.cc/CYM5-JTBP].

board to investigate misconduct by law enforcement officers and agencies, providing funding for two investigators, and requiring the board to report annually on their work.⁷¹

The Rankin County Sheriff's Department is no longer immune from accountability. Since the February 2023 press conference, the local chapter of the NAACP has repeatedly called on Sheriff Bailey to resign.⁷² Although Sheriff Bailey has run unopposed for several cycles, he will be facing challengers in the next election.⁷³ The sheriff's office has instituted new protocols that make it easier for people to submit citizen complaints, and now tracks its deputies' body camera footage and taser use.⁷⁴ The state auditor opened an investigation into Sheriff Bailey's use of inmate labor and sheriff's office resources on his family's farm, and referred the matter to federal prosecutors.⁷⁵ The district attorney's office is reportedly reviewing convictions that were supported by Goon Squad members' testimony.⁷⁶ The reporters who have investigated the Goon Squad are now investigating widespread, brazen violence against prisoners in the Rankin County jail.⁷⁷ The Rankin County civil rights ecosystem has also become more favorable to litigation: Two lawsuits against sheriff's deputies pending at the time of the February 2023 press conference settled, and at least eleven additional lawsuits have been filed alleging misconduct that predated the press conference.⁷⁸ Finally, and

⁷¹ See H.R. 691, 2024 Leg., Reg. Sess. (Miss. 2024); Jerry Mitchell, *New Law Gives State Board Power to Probe Officer Misconduct*, MISS. TODAY (May 16, 2024), <https://mississippitoday.org/2024/05/16/new-law-gives-state-board-power-to-probe-officer-misconduct> [https://perma.cc/Y9JA-2DYC].

⁷² See Jerry Mitchell et al., *Supervisor Who Called Goon Squad Victims "Dopers" and Rapists Pressured to Resign and Victims May Sue*, MISS. TODAY (May 13, 2025), <https://mississippitoday.org/2025/05/13/supervisor-who-called-goon-squad-victims-dopers-and-rapists-pressured-to-resign-and-victims-may-sue> [https://perma.cc/FGX8-DW3X].

⁷³ See *id.*

⁷⁴ Interview with Malik Shabazz, *supra* note 52.

⁷⁵ Mukta Joshi & Steph Quinn, *State Auditor to Investigate Sheriff Who Used Inmate Labor on Family Farm*, N.Y. TIMES (Mar. 28, 2025), <https://www.nytimes.com/2025/03/28/us/state-auditor-to-investigate-mississippi-sheriff.html> [https://perma.cc/VBM2-CGLY].

⁷⁶ Jerry Mitchell, *Rankin County DA Reviewing "Goon Squad" Cases. Legal Experts Say That's Not Enough*, MISS. TODAY (Mar. 11, 2024), <https://mississippitoday.org/2024/03/11/goon-squad-cases-need-independent-review-legal-experts-say> [https://perma.cc/43GE-5VGY].

⁷⁷ See Brian Howey et al., *In a Brutal Mississippi Jail, Inmates Say They Were Enlisted as Enforcers*, N.Y. TIMES (Nov. 16, 2025), <https://www.nytimes.com/2025/11/14/us/mississippi-jail-inmates-rankin-county.html> [https://perma.cc/JY69-DZF7].

⁷⁸ The cases filed before the February 15, 2023 press conference and settled after the press conference are *Johnson v. Jordan*, No. 20-cv-00009 (S.D. Miss. dismissed Mar. 27, 2023) and *Barrett v. City of Pelahatchie*, No. 21-cv-00124 (S.D. Miss. dismissed May 30, 2024). The cases filed since the February 15, 2023, press conference include: *Lee v. Rankin County*, 2023-AC-00553 (Miss. Sup. Ct. filed May 12, 2023); *Carson v. Rankin County*, No. 23-cv-03063 (S.D. Miss. filed Nov. 7, 2023); *Porter v. Rankin County*, No. 24-cv-00085 (S.D. Miss. filed Feb. 9, 2024); *Adams v. Bailey*, No. 24-cv-00236 (S.D. Miss. filed Apr. 30, 2024); *Reddell v. Rankin County*, No. 24-cv-00264 (S.D. Miss. filed May 10, 2024); *Mack v. Rankin County*, No. 24-cv-00306 (S.D. Miss. filed May 28, 2024); *Coker v. Bailey*, No. 24-cv-00555 (S.D. Miss. filed Sep. 17, 2024); *Germany v. Rankin Cnty. Sheriff's Dep't*,

importantly, there have been no serious allegations of Goon Squad–style misconduct by Rankin County deputies since the press conference.⁷⁹

Although the problems in Rankin County are far from over, it is no longer an accountability desert. Whether or not the Department of Justice actually continues investigating Rankin County, local activists have vowed to continue fighting against misconduct and for accountability.⁸⁰ When a county supervisor made racist comments about Jenkins and Parker after their settlement was announced, their lawyer promised legal accountability, and the NAACP called for the supervisor’s resignation.⁸¹ The public airing of Jenkins and Parker’s ordeal has prompted federal and state investigations, criminal convictions, press scrutiny, public outcry, a multimillion-dollar legal settlement, and more civil rights suits filed in the last two years than were filed in the last two decades. Constitutional violations and other misconduct by the Rankin County Sheriff’s office are no longer being suffered quietly or swept under the rug.

II. ENFORCEMENT DESERTS

A different type of civil rights desert exists just next door in Hinds County, Mississippi. There, rights violations have been vindicated in the courts, but the terms of judicial victories have not been implemented. In the context of its carceral institutions, Hinds County is an enforcement desert.

Enforcement deserts can emerge anywhere remedies prove unimplementable, but carceral institutions are distinctively susceptible to them. Jails and prisons are enclosed spaces that control access to information, house populations with diminished credibility, and generate conditions that are costly and difficult to remediate — features that insulate them from effective oversight even after courts intervene.⁸² When these institutional characteristics combine with legal frameworks designed to limit judicial remedies in the carceral context, such as the Prison Litigation Reform Act of 1995⁸³ (PLRA), the result can be a site of persistent constitutional violation, even in jurisdictions that are otherwise

No. 24-cv-00674 (S.D. Miss. filed Oct. 25, 2024); *Beech v. Rankin County*, No. 24-cv-00845 (S.D. Miss. filed Dec. 31, 2024); *Carter v. Rankin County*, 25-cv-00437 (S.D. Miss. filed June 16, 2025); *Schmidt v. Rankin County*, 3:25-cv-00909 (S.D. Miss. filed Nov. 25, 2025).

⁷⁹ Interview with Malik Shabazz, *supra* note 52.

⁸⁰ See McEwen, *supra* note 57.

⁸¹ See Mitchell et al., *supra* note 72.

⁸² See Michele Deitch, Essay, *Independent Oversight Is Essential for a Safe and Healthy Prison System*, BRENNAN CTR. FOR JUST. (Nov. 3, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system> [https://perma.cc/MH8Y-HC6H].

⁸³ Pub. L. No. 104-134, tit. VIII, 110 Stat. 1321–66 (1996) (codified as amended in scattered sections of the U.S. Code).

favorable to civil rights litigation.⁸⁴ In a civil rights desert like Hinds County, Mississippi, those barriers are even more difficult to overcome.

The Hinds County detention system consists of two historically troubled facilities. The 594-bed Raymond Detention Center, built in 1994, “has faced . . . structural deficiencies, chronic understaffing and poor management” from its inception.⁸⁵ The 192-bed Jackson Detention Center, built in 1974, houses juveniles and female prisoners in an aging facility that has its own severe deficiencies.⁸⁶ Turning these facilities’ problems around “ha[s] been elusive under whatever sheriff and Hinds County Board of Supervisors are in elected office at a given time.”⁸⁷

For years, Hinds County was, like Rankin County, an accountability desert, at least with respect to its jails. Few inmates sued challenging odious conditions at the Hinds County facilities, and even fewer could find counsel or secure relief. This aspect of Hinds County’s civil rights ecosystem began to shift in June 2014, when the United States Department of Justice opened an investigation into the County’s detention centers to determine whether the County “protects prisoners from harm at the hands of other prisoners and staff.”⁸⁸ Between January 1, 2007, and June 23, 2016, when the DOJ filed suit, forty-four prisoners sued challenging conditions at the Hinds County facilities, but only twelve (27.3%) could find lawyers to represent them, and just seven (15.9%) secured settlements.⁸⁹ In contrast, among the eleven suits brought challenging conditions at the Hinds County facilities between the DOJ’s June 23, 2016, filing and December 31, 2022, seven (63.6%) were counselled and five (45.5%) settled with payments to plaintiffs.⁹⁰

Although the DOJ’s intervention lessened Hinds County’s accountability gaps, enforcement has remained a persistent challenge. The saga of these enforcement challenges began in May 2015, when the

⁸⁴ See *infra* notes 149–54 and accompanying text.

⁸⁵ Kayode Crown, *One Jail’s Tale: Hinds County Detention Center at Risk of Federal Takeover*, MISS. FREE PRESS (Oct. 15, 2021), <https://www.mississippifreepress.org/one-jails-tale-hinds-county-detention-center-at-risk-of-federal-takeover> [https://perma.cc/PD7T-DS45].

⁸⁶ Letter from Vanita Gupta, Principal Deputy Assistant Att’y Gen., U.S. DOJ, to Peggy Hobson Calhoun, Bd. President, Hinds Cnty. Bd. of Supervisors, & Tyrone Lewis, Sheriff, Hinds Cnty. 3, 16 (May 21, 2015) [hereinafter Letter from Vanita Gupta], https://www.justice.gov/sites/default/files/crt/legacy/2015/05/21/hinds_findings_5-21-15.pdf [https://perma.cc/D8CV-DDG9].

⁸⁷ Crown, *supra* note 85.

⁸⁸ Investigation DOJ Press Release, *supra* note 14. The DOJ’s investigation was reportedly spurred by several high-profile events, including “at least three major riots, two alleged homicides, and numerous assaults on prisoners and staff members.” Letter from Vanita Gupta, *supra* note 86, at 2.

⁸⁹ See Appendix, HARV. L. REV., <https://harvardlawreview.org/print/vol-139/civil-rights-deserts-appendix> [https://perma.cc/57DS-P3G3]. Bloomberg Law Dockets Search was used to search for cases meeting the following four criteria: (1) federal civil cases filed in the Southern District of Mississippi; (2) cases filed between January 1, 2007, and December 31, 2022; (3) cases including the words “Hinds County” in the party name; and (4) cases including the word “jail” in any of the court documents. A total of seventy-six search results were returned, of which fifty-six challenged conditions at Hinds County facilities (including the DOJ lawsuit).

⁹⁰ See *id.*

Department of Justice issued a twenty-nine-page findings letter documenting widespread constitutional violations.⁹¹ According to the DOJ, the County did not “provide prisoners with reasonable safety and minimum levels of protection from violence” and imprisoned people “beyond their court-ordered release dates,” sometimes for months, including a thirteen-year-old held seventy days beyond his release date.⁹² The facilities were grossly understaffed, with vacancy rates of approximately eighty percent at the Raymond Facility and fifty percent at the Jackson Facility.⁹³ The facilities were rife with contraband; seventeen cell phones, a pound of marijuana, and twelve phone chargers were found in the possession of a single prisoner.⁹⁴ Children were housed within sight and sound of adult prisoners, in violation of federal standards.⁹⁵ Physical deficiencies — including broken locks, cameras, and alarms — allowed prisoners to breach secured areas.⁹⁶ Beyond the breakdown of basic safety features, the facilities suffered from other gravely deficient conditions, including cells with non-functioning plumbing where prisoners lived in “horrible living conditions” for weeks, with one deaf prisoner confined in such conditions for nearly three years.⁹⁷

In June 2016, the DOJ sued Hinds County under the Civil Rights of Institutionalized Persons Act,⁹⁸ alleging that defendants had “exhibited deliberate indifference to the life, health and safety of [County] prisoners.”⁹⁹ Almost immediately, Hinds County agreed to a comprehensive consent decree.¹⁰⁰ The County promised to implement dozens of constitutional reforms and expressly stipulated that these requirements “extend[ed] no further than necessary to correct . . . violations of federal rights.”¹⁰¹ Court-appointed monitors began regular visits to the facility to track progress and submitted reports to the judge after each inspection,¹⁰² and an August 2017 status report described “[p]rogress . . . in a number of areas.”¹⁰³

⁹¹ See Letter from Vanita Gupta, *supra* note 86, at 1.

⁹² *Id.* at 2, 3, 19.

⁹³ *Id.* at 5.

⁹⁴ *Id.* at 10.

⁹⁵ *Id.* at 8.

⁹⁶ *Id.*

⁹⁷ *Id.* at 6, 22.

⁹⁸ 42 U.S.C. § 1997.

⁹⁹ Complaint ¶¶ 1, 7, 32, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed June 23, 2016), Dkt. No. 1.

¹⁰⁰ Settlement Agreement Between the United States of America and Hinds County, Mississippi Regarding the Hinds County Jail, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed July 19, 2016), Dkt. No. 8-1 [hereinafter Settlement Agreement].

¹⁰¹ *Id.* ¶ 167.

¹⁰² See, e.g., Court-Appointed Monitor’s Second Monitoring Report, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed Aug. 23, 2017), Dkt. No. 16; see also Settlement Agreement, *supra* note 100, ¶¶ 136, 149 (requiring court-appointed monitors, *id.* ¶ 136, to periodically “conduct an on-site inspection” of the facility for compliance, *id.* ¶ 149).

¹⁰³ Court-Appointed Monitor’s Second Monitoring Report, *supra* note 102, at 2.

By June 2019, though, the DOJ was back in court, documenting the County's "continued failure to comply with nearly all provisions of the" consent decree.¹⁰⁴ The jail experienced rioting, stabbings, a murder, staff-on-detainee assaults, and a "major disturbance" during a monitoring team site visit that "resulted in eight emergency room transports."¹⁰⁵ After three years under federal oversight, "DOJ argued that the County had achieved substantial compliance with only one of the consent decree's numerous provisions."¹⁰⁶

Judge Carlton Reeves, who was assigned the case in December 2018, visited the detention facilities, heard from the monitor, and granted the DOJ's motion for an order to show cause why Hinds County should not be held in contempt.¹⁰⁷ Before the show cause hearing, the parties agreed to settle their dispute.¹⁰⁸ In December 2019, Judge Reeves held a hearing about the proposed settlement and cautioned the parties that "the Court cannot tolerate . . . flagrant violations of its orders."¹⁰⁹ The County's attorney assured the judge that his office would "continue doing everything we can for whatever time we represent the county to make sure that no one is treated inhumanely at . . . county detention facilities."¹¹⁰ One month later, when Judge Reeves approved the settlement, he warned the parties that he "will do whatever it takes within the confines of the law to ensure the parties follow the Consent Decree and we finally see an end to the violence and neglect that has plagued the Jail all these years."¹¹¹

¹⁰⁴ United States' Memorandum in Support of Its Motion for an Order to Show Cause at 5, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed June 24, 2019), Dkt. No. 31.

¹⁰⁵ *Id.* at 7–8, 13–14.

¹⁰⁶ *United States v. Hinds Cnty. Bd. of Supervisors*, 128 F.4th 616, 623 (5th Cir. 2025); *see also* First Order of Contempt at 8, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed Feb. 4, 2022), Dkt. No. 126 (holding Hinds County in contempt of court for failure to comply with consent decree).

¹⁰⁷ *See* Allison M. Freedman, *Rethinking the PLRA: The Resiliency of Injunctive Practice and Why It's Not Enough*, 32 STAN. L. & POL'Y REV. 317, 346–48 (2021) (detailing Judge Reeves's role in the oversight and enforcement of the Hinds County consent decree).

¹⁰⁸ *See* Stipulated Order at 1, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed Jan. 16, 2020), Dkt. No. 60-1.

¹⁰⁹ Transcript of Settlement Conference Proceedings at 100, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed Dec. 17, 2019), Dkt. No. 55.

¹¹⁰ *Id.* at 99.

¹¹¹ Order at 12, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed Jan. 16, 2020), Dkt. No. 60.

Hinds County's commitments went unfulfilled. In 2021, six people died at the Raymond Detention Center.¹¹² The monitors reported that one detainee was beaten and stomped to death, then "propped in a sitting position and then later laid on a mat" and "was not discovered by officers until . . . almost 9 hours later."¹¹³ These six deaths occurred in facilities where cell doors did not lock — a problem identified when the jail opened in 1994 and persisting nearly three decades later.¹¹⁴

The violence escalated to even more troubling levels by 2022. As the Fifth Circuit would later find, in the four months from October 2021 to January 2022, monitors documented at least seventy-seven assaults — a figure the court noted "likely 'severely understated' the 'full scale of violence at [Raymond Detention Center]' given" systematic failures in incident reporting.¹¹⁵ In one housing unit, an inmate was stabbed seventeen times with no officer present.¹¹⁶ In another incident, officers "shot a sleeping detainee 'in the face and in the stomach'" with beanbag guns "because he did not rise for a [2 a.m. or 3 a.m.] shakedown."¹¹⁷

As the violent and unsafe conditions persisted, Judge Reeves looked to more robust remedies. In February 2022, the court found Hinds County in civil contempt for violating "more than two dozen provisions" of the 2016 Consent Decree, including provisions addressing protection from harm, use of force training, incident reporting, sexual misconduct policies, grievance systems, segregation restrictions, and lawful detention procedures.¹¹⁸ Despite years of federal oversight, the County had achieved sustained or substantial compliance with only three of ninety-two requirements.¹¹⁹

Just six weeks later, Judge Reeves issued a Second Order of Contempt focusing specifically on A-Pod, where conditions had deteriorated to the point of constitutional crisis.¹²⁰ Most cell doors were inoperable, allowing detainees to roam freely.¹²¹ Detainees lived in darkness most of the time "because most of the lights d[id] not work," forcing officers

¹¹² Court-Appointed Monitor's Interim Report to the Court Pursuant to Paragraph 151 of the Settlement Agreement at 2, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed Oct. 28, 2021), Dkt. No. 96 [hereinafter Court-Appointed Monitor's Interim Report]; First Order of Contempt, *supra* note 106, at 9.

¹¹³ Court-Appointed Monitor's Interim Report, *supra* note 112, at 3–4.

¹¹⁴ First Order of Contempt, *supra* note 106, at 2 (citing *Dean v. Thomas*, 933 F. Supp. 600, 608 (S.D. Miss. 1996)); Court-Appointed Monitor's Fourteenth Monitoring Report at 4, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed July 27, 2021), Dkt. No. 94).

¹¹⁵ *United States v. Hinds Cnty. Bd. of Supervisors*, 128 F.4th 616, 623–24, 628 (5th Cir. 2025) (quoting Order Amending Consent Decree at 79, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed Apr. 13, 2022), Dkt. No. 168).

¹¹⁶ *Id.* at 629.

¹¹⁷ *Id.* at 631 (quoting Order Amending Consent Decree, *supra* note 115, at 64).

¹¹⁸ First Order of Contempt, *supra* note 106, at 20–23.

¹¹⁹ *Id.* at 19–20.

¹²⁰ Second Order of Contempt at 2–3, *United States v. Hinds County*, No. 16-cv-00489 (S.D. Miss. filed Mar. 23, 2022), Dkt. No. 165.

¹²¹ *Id.* at 12–13.

to use flashlights for well-being checks.¹²² The facility lacked basic fire safety equipment — “no fire alarm system,” no sprinklers in housing areas, and “neither fire hoses nor extinguishers.”¹²³ Approximately thirty cells had been welded shut rather than repaired, becoming “trash dumpster cells” that served as “breeding ground[s] for vermin.”¹²⁴ Detainees were forced to eat on floors or in dark cells with leaky toilets because, despite repeated assurances to the court, the County had not provided tables and chairs.¹²⁵ “[G]ang committees” had taken control of the pod, determining housing placements, deciding which detainees could eat, and orchestrating violence against unwelcome prisoners.¹²⁶ Staff members, fearing for their safety, refused to work in certain units, with some calling in sick rather than entering the pod.¹²⁷

Before the February and March 2022 contempt orders — and despite continued violence and dysfunction — Hinds County moved to terminate the consent decree under the terms of the PLRA.¹²⁸ Judge Reeves conducted a unified evidentiary hearing addressing both the motion to terminate and appropriate remedies for contempt.¹²⁹ In July 2022, Judge Reeves rejected the County’s motion to terminate and announced he was appointing a federal receiver to assume control of the facility’s operations.¹³⁰ Judge Reeves’s decision followed extensive documentation of constitutional violations, many of which tracked those outlined in the contempt orders.¹³¹ The court found that nearly all factors that were applied in *Plata v. Schwarzenegger*¹³² — including grave risk of harm, failure of less intrusive remedies, and lack of effective leadership — weighed in favor of receivership.¹³³

The receivership represented the district court’s last resort after six years of federal monitoring came up snake eyes.¹³⁴ The court emphasized that the extraordinary remedy was necessary given that “the County is unwilling to manage its own affairs” and that continued insistence on compliance “would lead to nothing but further delay, as well as further needless death and morbidity.”¹³⁵ Yet the County continued

¹²² *Id.* at 13 (quoting Court-Appointed Monitor’s Thirteenth Monitoring Report at 3, United States v. Hinds County, No. 16-cv-00489 (S.D. Miss. filed Apr. 2, 2021), Dkt. No. 83).

¹²³ *Id.* at 14.

¹²⁴ *Id.* at 14–15 (quoting Court-Appointed Monitor’s Fourteenth Monitoring Report, *supra* note 114, at 4).

¹²⁵ *Id.* at 16–17.

¹²⁶ *Id.* at 8–9 (quoting Transcript of Evidentiary Hearing, Volume 3, at 76, United States v. Hinds County, No. 16-cv-00489 (S.D. Miss. filed Mar. 15, 2022), Dkt. No. 156).

¹²⁷ *Id.* at 11.

¹²⁸ United States v. Hinds Cnty. Bd. of Supervisors, 128 F.4th 616, 623–24 (5th Cir. 2025).

¹²⁹ *Id.* at 624.

¹³⁰ Order, *supra* note 16, at 26.

¹³¹ See *id.* at 7–15, 18, 26.

¹³² No. C01-1351, 2005 WL 2932253 (N.D. Cal. Oct. 3, 2005).

¹³³ Order, *supra* note 16, at 5–7, 14, 21 (quoting *Plata*, 2005 WL 2932253, at *23).

¹³⁴ See *id.* at 4, 25.

¹³⁵ *Id.* at 19, 23 (quoting *Plata*, 2005 WL 2932253, at *29).

to resist. In a joint statement following the receivership order, the Hinds County Board of Supervisors and Sheriff Tyree Jones characterized federal oversight as an intrusion: “A receiver is an unelected official who is wholly unaccountable to the people of Hinds County.”¹³⁶ The officials attributed their failures to external factors: “current economic conditions” for staffing problems; “record low unemployment numbers” for hiring difficulties; and previous administrations for inherited problems.¹³⁷ The County also appealed Judge Reeves’s decisions.¹³⁸ In October 2024, the Fifth Circuit affirmed the appointment of the receiver and the bulk of the district court’s rulings, and remanded the case to the district court to clarify the receiver’s responsibilities.¹³⁹

As the case made its way up to the Fifth Circuit and back down to the district court, Judge Reeves’s order appointing a receiver was stayed¹⁴⁰ and inhumane conditions in the detention facilities persisted. In April 2025, a thirty-seven-year-old man was found dead in his cell after an apparent assault.¹⁴¹ A month later, federal monitors visiting for the first time in three years found conditions still “deteriorating”; detainees lived “with mice, standing water, broken showers, busted out windows, no lights, and no air conditioning.”¹⁴² On July 9, 2025, nine detainees experienced suspected opioid overdoses, and one died after a nurse practitioner refused to administer Narcan.¹⁴³

The receiver took charge of Hinds County’s Raymond Detention Center on October 1, 2025.¹⁴⁴ Five days later, the Hinds County Board of Supervisors approved an emergency declaration to address overcrowding at the Raymond facility.¹⁴⁵ In December 2025, the receiver

¹³⁶ *Mississippi County Responds to Federal Seizure of Jail*, AP NEWS (Aug. 4, 2022, at 19:32 ET), <https://apnews.com/article/mississippi-jackson-abf980e8bacada236bc7db9c243a38a2> [https://perma.cc/AP7N-6QHR] (quoting joint news release of Hinds County Board of Supervisors and Sheriff Tyree Jones).

¹³⁷ *Id.* (quoting joint news release of Hinds County Board of Supervisors and Sheriff Tyree Jones).

¹³⁸ *United States v. Hinds Cnty. Bd. of Supervisors*, 128 F.4th 616, 622 (5th Cir. 2025).

¹³⁹ *See id.* at 637, 639.

¹⁴⁰ *See id.* at 625.

¹⁴¹ Pam Dankins, *Detainee Dies After Alleged Assault at Hinds County Jail, Sheriff Says*, THE CLARION-LEDGER (Apr. 24, 2025, at 11:46 CT), <https://www.clarionledger.com/story/news/local/2025/04/23/hinds-county-detention-center-ms-death/83228058007> [https://perma.cc/LDQ4-DML6].

¹⁴² Caleb Bedillion & Daja E. Henry, *Inside the Dangerous Hinds County Jail*, MARSHALL PROJECT (July 10, 2025, at 12:00 ET), <https://www.themarshallproject.org/2025/07/10/inside-the-dangerous-hinds-county-jail> [https://perma.cc/Z72R-YUFX].

¹⁴³ Anthony Warren & C.J. LeMaster, *Nine Suspected Opioid Overdoses Reported at Raymond Detention Center on July 9, Internal Memo Reveals*, WLBT (Aug. 21, 2025, at 18:56 ET), <https://www.wlbt.com/2025/08/21/nine-suspected-opioid-overdoses-reported-raymond-detention-center-july-9-internal-memo-reveals> [https://perma.cc/P8W5-WGVY].

¹⁴⁴ Daja E. Henry, *Rare Oversight Begins at Hinds County’s Raymond Detention Center in Mississippi*, MARSHALL PROJECT (Oct. 1, 2025, at 12:30 ET), <https://www.themarshallproject.org/2025/10/01/mississippi-hinds-county-jail-receivership> [https://perma.cc/47SF-Y9CN].

¹⁴⁵ Candice Bruce, *Board of Supervisors Approves Emergency Declaration for Raymond Detention Center*, WLBT (Oct. 6, 2025, at 23:48 ET), <https://www.wlbt.com/2025/10/07/board-supervisors-approves-emergency-declaration-raymond-detention-center> [https://perma.cc/6XWD-6R2C].

warned the district attorney that too many people were being detained pre-indictment, frustrating the receiver's ability to improve jail conditions, and the district attorney asked the County for money to hire more attorneys to reduce the backlog.¹⁴⁶

It is too soon to know what impact the receiver will have on Hinds County's jails. The appointment of a federal receiver represents one of the most significant remedies available to federal courts — essentially a judicial administration of local government operations.¹⁴⁷ Although such receiverships are relatively rare, courts have placed multiple jail and prison systems under receivership, and operations in each have reportedly improved significantly as a result of the receivers' efforts.¹⁴⁸ Whether a receiver will be sufficient to create an oasis in Hinds County's enforcement desert remains to be seen.

What has made Hinds County jails an enforceability desert is not the absence of legal interventions but the limited enforcement of those interventions. Hinds County is not unique — it has proven extraordinarily difficult to enforce judicially mandated reforms in jails and prisons across the country.¹⁴⁹ Indeed, these challenges are not limited to civil rights ecosystems typically inhospitable to plaintiffs' claims; Rikers Island, which houses the bulk of New York City's jails, has proven highly resistant to reform despite decades of litigation, a robust plaintiffs' bar, and relatively sympathetic laws, judges, and juries.¹⁵⁰

In Hinds County — as in other jurisdictions with dysfunctional prisons and jails — part of the enforcement challenge is likely attributable to the severity and pervasiveness of the problem. The Hinds County detention facilities suffer from extreme physical deficiencies and chronic understaffing that would be costly and challenging for even the most

¹⁴⁶ Daja E. Henry, *Dozens Locked in Hinds County's Jails Without an Indictment — Some for over a Year*, MARSHALL PROJECT (Dec. 5, 2025, at 06:00 ET), <https://www.themarshallproject.org/2025/12/05/hinds-county-jail-no-indictments> [<https://perma.cc/6RU6-S3UX>].

¹⁴⁷ For a discussion of receivership in law enforcement emergencies, see generally Adam A. Davidson, *Managing the Police Emergency*, 100 N.C. L. REV. 1209 (2022).

¹⁴⁸ See, e.g., GABRIEL PETEK, CAL. LEGIS. ACCOUNTABILITY OFF., OVERVIEW AND UPDATE ON THE PRISON RECEIVERSHIP 2–6 (2023), <https://lao.ca.gov/reports/2023/4813/prison-receivership-110823.pdf> [<https://perma.cc/9CJC-E2ZL>] (describing improvements in California's prison system); Hernandez D. Stroud, Opinion, *The Only Way Forward for Rikers Island: A Federal Judge Should Put the Place into Receivership*, N.Y. DAILY NEWS (Dec. 27, 2021, at 08:00 ET), <https://www.nydailynews.com/2021/12/27/the-only-way-forward-for-rikers-island-a-federal-judge-should-put-the-place-into-receivership> [<https://perma.cc/KEX3-FNWU>] (describing the impact of receivership in Washington, D.C.; Alabama; and Wayne County, Michigan). Rikers Island in New York City has also been put under receivership but that receivership, like Hinds County's, is still being effectuated. See Hurubie Meko, *Outside Official Will Take Over Deadly Rikers Island Jail, Judge Orders*, N.Y. TIMES (May 13, 2025), <https://www.nytimes.com/2025/05/13/nyregion/rikers-island-receiver-nyc.html> [<https://perma.cc/7DWR-B8HM>]; Sahalie Donaldson, *A Timeline on the Closure of Rikers Island*, CITY & STATE N.Y. (Jan. 28, 2026), <https://www.cityandstateny.com/politics/2026/01/timeline-closure-rikers-island/376662> [<https://perma.cc/U489-HR37>].

¹⁴⁹ See *supra* note 148 and accompanying text.

¹⁵⁰ See Stroud, *supra* note 148; Donaldson, *supra* note 148.

motivated officials to address.¹⁵¹ Another challenge is the secrecy with which jail officials can operate — abuses are visible only when a judge or monitor comes to visit, and such visits can be delayed or halted for any number of reasons.¹⁵²

A further cause of enforcement challenges resides in the operative legal framework. The PLRA entitles defendants to seek termination of consent decrees after just two years, regardless of compliance status, and additionally requires that judges imposing relief meet the PLRA's "need-narrowness-intrusiveness" requirements.¹⁵³ Hinds County's invocation of these provisions allowed it to delay enforcement of Judge Reeves's contempt orders and receivership for several years, transforming a remedy of "grave and immediate" rights violations into a multiyear procedural battle during which Hinds County continued operating an unconstitutional jail.¹⁵⁴

Hinds County's experience also makes clear that the actions and motivations of government personnel — including corrections officers, the sheriff, and the board of supervisors — can determine the success or failure of enforcement efforts.¹⁵⁵ We do not know the interests and incentives of everyone in Hinds County involved in oversight of the jails, but tracing the tenure of those who have served as counsel for the board of supervisors reveals both the potential and the constraints of individual actors within dysfunctional institutions.

When the DOJ first sued Hinds County, its board attorney, Pieter Teeuwissen, was instrumental in negotiating the consent decree.¹⁵⁶ When the DOJ first sought a contempt order against Hinds County in

¹⁵¹ See *supra* notes 120–27 and accompanying text (describing physical deficiencies); *supra* note 93 and accompanying text (describing staffing problems).

¹⁵² See Meghan J. Ryan, *Criminal Justice Secrets*, 59 AM. CRIM. L. REV. 1541, 1562–64 (2022). See generally Sarah Geraghty & Melanie Velez, *Bringing Transparency and Accountability to Criminal Justice Institutions in the South*, 22 STAN. L. & POL'Y REV. 455 (2011) (discussing the importance of transparency in prison oversight).

¹⁵³ 18 U.S.C. § 3626(b)(1)(A)(i); *id.* § 3626(a)(1)(A) ("Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right."). For further discussion of these barriers to relief, see Freedman, *supra* note 107, at 333–36.

¹⁵⁴ Order, *supra* note 16, at 7 (quoting *Plata v. Schwarzenegger*, No. Co1-1351, 2005 WL 2932253, at *23 (N.D. Cal. Oct. 3, 2005)); see *supra* notes 141–43 and accompanying text.

¹⁵⁵ See, e.g., Barbara E. Armacost, *Organizational Culture and Police Misconduct*, 72 GEO. WASH. L. REV. 453, 521 (2004) ("[T]horoughgoing organizational change — the kind that is necessary to alter entrenched patterns of thinking and conduct — will require top-down pressure, including strong police leadership at the highest levels."); John Boston, *Excessive Force in the New York City Jails: Litigation and Its Lessons*, 22 WASH. U. J.L. & POL'Y 155, 155 (2006) ("The single most important lesson we have taken from twenty years of litigation is that the controlling force in jails and prisons is a function of correctional leadership.")

¹⁵⁶ See Seyma Bayram, *Hinds County Jail "In Crisis," Still Violates Federal Consent Decree*, JACKSON FREE PRESS (Dec. 17, 2019, at 13:06 CT), <https://jacksonfreepress.com/news/2019/dec/17/hinds-county-jail-crisis-still-violates-federal-co> [<https://perma.cc/RL4T-DZLU>].

2019, Teeuwissen convinced the board to concede its failings and commit to bringing the jail into compliance with the consent decree within ten months.¹⁵⁷ It was Teeuwissen who promised Judge Reeves in December 2019 that his office would “continue doing everything we can . . . to make sure that no one is treated inhumanely” at the jail.¹⁵⁸ One month after making that promise, Teeuwissen was fired.¹⁵⁹ Two years later, the board, represented by new counsel, filed its motion to terminate oversight under the PLRA.¹⁶⁰ Teeuwissen’s tenure and termination suggest the invaluable role sympathetic government officials can play in civil rights enforcement, and ways unsympathetic government officials can undermine whatever limited reform infrastructure exists when political winds shift.

The appointment of a receiver may yet create an oasis in Hinds County’s enforcement desert. If so, that oasis will be a result of multiple elements in the enforcement ecosystem, including Judge Reeves’s active engagement in the case — visiting the facility, holding multiple status conferences, finding Hinds County in contempt, and ordering the extraordinary receivership remedy — and the work of the receiver, court monitors, community groups, and advocates.

III. LESSONS FROM MISSISSIPPI

The stories of mistreatment and torture by Rankin County sheriffs and Hinds County jailers that have surfaced are bone chilling. And they deserve concern and condemnation equal to that directed at the current presidential Administration. State and local jurisdictions intimately touch citizens’ daily lives through policing, detention, and basic services.¹⁶¹ Moreover, entrenched cultures of impunity in places like Rankin and Hinds Counties predate — and can outlast — any given presidential administration. The federal government’s “bad men” merit our laser focus,¹⁶² but we must not lose sight of threats to rule of law and accountability at state and local levels.

These local examples, sitting alongside their federal government counterparts, lay bare a broad crisis in our remedial architecture.

¹⁵⁷ See *id.*

¹⁵⁸ Transcript of Settlement Conference Proceedings, *supra* note 109, at 99.

¹⁵⁹ See Jimmie E. Gates, *New Hinds Co. Board of Supervisors Fires County Administrator, Board Attorney on 3-2 Vote*, THE CLARION-LEDGER (Jan. 16, 2020, at 04:00 CT), <https://www.clarionledger.com/story/news/politics/2020/01/16/hinds-county-supervisors-dismiss-county-administrator-board-attorney/4480011002> [https://perma.cc/N7B7-B8DF].

¹⁶⁰ Defendants’ Motion to Terminate or, Alternatively, Modify Consent Decree at 1, 4, United States v. Hinds County, No. 16-cv-00489 (S.D. Miss. filed Jan. 21, 2022), Dkt. No. 111.

¹⁶¹ See, e.g., CHARLES R. EPP, MAKING RIGHTS REAL: ACTIVISTS, BUREAUCRATS, AND THE CREATION OF THE LEGALISTIC STATE 5 (2009) (“[L]ocal government[] . . . practices affect people almost every day . . .”); Fred Smith, *Local Sovereign Immunity*, 116 COLUM. L. REV. 409, 418 (2016) (“Local government provides the sphere of regulation that is often closest to us in our daily lives, from law enforcement to education.”).

¹⁶² See Schmidt & Metzger, *supra* note 4, at 1840.

Building on Professor Henry Hart's observation — later refined by Professors Richard Fallon and Daniel Meltzer — that even if all remedies are not available for all rights violations, there must be some remedy sufficient to keep government actors “generally within the bounds of law,” we see profound remedial gaps emerging at both federal and local levels.¹⁶³ Some remedial gaps hamper claims against all types of government officers — including qualified immunity, standing to seek injunctive relief, and limits on attorney's fees. Other remedial gaps apply just to claims against federal officers (such as the constriction of *Bivens*¹⁶⁴ remedies) or local governments (such as the challenges of proving *Monell*¹⁶⁵ liability). And others, like the PLRA, are aimed at stripping protections from certain groups. Fallon, to whom this Symposium is dedicated, wrote of these varied erosions to constitutional protections.¹⁶⁶ Although these remedial gaps do not inevitably create civil rights deserts, they pave the way for such deserts to exist, especially in institutional settings insulated from oversight.

The persistence of local civil rights deserts offers sobering insights for those concerned about federal lawlessness. When the current Administration detains individuals in foreign prisons while disclaiming power over their treatment,¹⁶⁷ engages in excessive force against people detained for race-based reasons,¹⁶⁸ or destroys vessels thousands of miles from United States shores based on unverified suspicions,¹⁶⁹ it exploits the same types of vulnerabilities that enabled Rankin County's Goon Squad — preying on the least powerful, threatening to retaliate against those who protest their treatment, and making it difficult for those harmed to secure representation. The Administration's repeated successful petitions to the Supreme Court to stay enforcement of injunctions prohibiting unconstitutional conduct¹⁷⁰ find uncomfortable echoes in Hinds County's invocation of the PLRA in an effort to terminate court oversight over its jails' deplorable conditions.

¹⁶³ Richard H. Fallon, Jr. & Daniel J. Meltzer, *New Law, Non-Retroactivity, and Constitutional Remedies*, 104 HARV. L. REV. 1731, 1778–89 (1991); see also Katherine Mims Crocker, *Introduction: To Keep Government Generally Within the Bounds of Law*, 139 HARV. L. REV. 1734, 1735 (2026) (quoting Fallon & Meltzer, *supra*, at 1778–79).

¹⁶⁴ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

¹⁶⁵ *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

¹⁶⁶ See generally Richard H. Fallon, Jr., *Bidding Farewell to Constitutional Torts*, 107 CALIF. L. REV. 933 (2019) (discussing the Supreme Court's increasing hostility toward constitutional claims).

¹⁶⁷ See Kunzelman, *supra* note 1.

¹⁶⁸ See Cameron Pugh, *Beyond Minneapolis, Claims of Excessive Force by Immigration Agents Are Rising*, CHRISTIAN SCI. MONITOR (Feb. 3, 2026, at 05:00 ET), <https://www.csmonitor.com/USA/Justice/2026/0203/homeland-security-excessive-force-ice-immigration> [<https://perma.cc/74EM-E33A>].

¹⁶⁹ See Lebowitz, *supra* note 2.

¹⁷⁰ For discussion of several of these appeals and stays, see David G. Savage, *The Supreme Court Broadly Expanded Trump's Power in 2025, With Key Exceptions*, L.A. TIMES (Jan. 1, 2026, at 03:00 PT), <https://www.latimes.com/politics/story/2026-01-01/supreme-court-trump-power> [<https://perma.cc/GXQ2-5QLN>].

Mississippi's civil rights deserts also offer crucial lessons for understanding and responding to constitutional violations at all levels of government. Strategic litigation targeting egregious cases and coordinated pressure from media, community advocates, and federal authorities can shift the political economy that sustains accountability deserts, as Rankin County demonstrates. Sustained judicial oversight willing to escalate interventions can eventually overcome institutional resistance to enforcement of constitutional guarantees, as Hinds County shows.

Judge Reeves's approach in Hinds County — beginning with monitoring, escalating to contempt findings, and ultimately imposing receivership — exemplifies what might be called “remedial incrementalism.” This gradual intensification has served multiple functions: It preserves judicial legitimacy by demonstrating that extraordinary remedies are truly last resorts; it provides opportunities for voluntary compliance before coercion; and it builds a factual record that can withstand appellate scrutiny. This approach echoes the civil rights-era strategies of judges like Frank Johnson, who understood that sustainable reform sometimes requires courts to announce rights with initially mild remedies before gradually ramping up enforcement.¹⁷¹ The principle of remedial incrementalism — matching remedial intensity to the degree of resistance — offers a framework for judges thinking about how to balance structural norms like federalism and separation of powers against the imperative of constitutional compliance.¹⁷²

Ultimately, both Rankin and Hinds Counties reveal that creating constitutional oases requires more than formal legal interventions. It demands a holistic approach that combines capacity-building within affected communities to document and publicize violations; strategic deployment of limited legal resources to maximize impact; judicial creativity and persistence in crafting and enforcing remedies; sustained public attention that makes constitutional violations politically costly; recruitment of sympathetic government officials when possible; and federal backstops when local systems fail entirely. The fragility of these oases — dependent on individual judges, attorneys, journalists, government officials and advocates — underscores the precarious nature of constitutional protection when institutional commitment wavers. As accountability mechanisms simultaneously erode at multiple levels of government, the lessons from Mississippi's civil rights deserts become not cautionary tales from the periphery but reflections of challenges currently threatening constitutional governance at its core.

¹⁷¹ See Smith, *supra* note 5, at 642–44.

¹⁷² For other strategies available to federal judges, see William Baude, Samuel L. Bray & Marin K. Levy, *Remedies for a Constitutional Crisis*, 139 HARV. L. REV. 1747, 1753–68 (2026).

CONCLUSION

Civil rights deserts are not only in Mississippi. They are, instead, in any jurisdiction or institution without the legal, political, and community resources to demand accountability and enforcement. The Trump Administration seems keenly aware of the benefits of accountability deserts to their agenda; it appears to be moving immigrant detainees through Louisiana to take advantage of the favorable legal conditions there,¹⁷³ and it considered sending survivors of boat strikes to a foreign prison to prevent them from accessing United States courts.¹⁷⁴ And, like Hinds County, the Administration appears to be using appeals and administrative stays to delay enforcement of orders against them.¹⁷⁵ In each of these contexts, resisting accountability and enforcement deserts will require continued litigation, community pressure, press attention, and judges' willingness to hold the government's feet to the fire. Time will tell whether those reserves are strong enough to withstand the countervailing pressures in Rankin and Hinds Counties, and throughout our country.

¹⁷³ See Laila Hlass & Mary Yanik, Opinion, *Immigrants from Around the Country Keep Getting Detained in Louisiana. It's No Coincidence*, N.Y. TIMES (Apr. 29, 2025), <https://www.nytimes.com/2025/04/29/opinion/immigrants-louisiana-ice-detention.html> [<https://perma.cc/8H87-MXZ2>]; Oliver Laughland et al., *Trump's Deportation Hub: Inside the "Black Hole" Where Immigrants Disappear*, THE GUARDIAN (Sep. 12, 2025, at 07:00 ET), <https://www.theguardian.com/us-news/ng-interactive/2025/sep/12/ice-detention-alexandria-staging-facility> [<https://perma.cc/NC3Y-GC28>].

¹⁷⁴ Damien Cave et al., *Inside the Pentagon's Scramble to Deal with Boat Strike Survivors*, N.Y. TIMES (Dec. 9, 2025), <https://www.nytimes.com/2025/12/09/us/politics/pentagon-boat-strike-survivors.html> [<https://perma.cc/MGN2-LP57>].

¹⁷⁵ See Savage, *supra* note 170.