

August 21, 2026

Sheriff Curtis R. Brame
Vance County Detention Center
516 Breckenridge Road
Henderson, NC 27536
cbrame@vancecounty.org



North Carolina

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Chair, Vance County Board of Commissioners
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Sent via email

Re: Suspected Unconstitutional Conditions at the Vance County Detention Center

Dear Sheriff Brame and Chair Faines:

I am an attorney with the American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF), a non-profit organization dedicated to defending the constitutional rights of all North Carolinians, include those in pre-trial detention. I write with serious concerns regarding suspected unconstitutional conditions at the Vance County Detention Center. I also write to request records pursuant to the North Carolina Public Records Act, N.C. Gen. Stat. § 132-1 *et seq.*

As you know, on April 1, 2025, the Department of Health and Human Services ("DHHS") issued a Notice of Determination of Conditions Jeopardizing the Safe Custody, Safety, Health or Welfare of Incarcerated individuals at the Vance County Detention Center and Order of Corrective Action under N.C. Gen. Stat. § 153A-223. The order required the Vance County Detention Center to depopulate it's facility to just 20 permanent detainees and 12 temporary detainees by April 10, 2025.

The Notice identifies significant, ongoing deficiencies in the conditions of the Vance County Detention Center, including inadequate staffing, inoperable cell doors, cracked security glass, and deficient supervision practices, among others. For example, the Notice describes approximately 8" by 12" cinder block sized holes in the walls



of multiple cells, a hole in the outermost perimeter fence, a cut padlock, numerous broken cell and pod doors, many missed supervisory rounds, and instances of staff facilitating the smuggling of contraband into the facility.

Furthermore, the Notice painstakingly details the many failed attempts to correct these deficiencies prior to DHHS issuing the Order of Corrective Action, including failed attempts to both depopulate and increase staffing.

On April 11, 2025, DHHS issued an Additional Order of Corrective Action requiring the facility to hire 20 additional deputies by April 14, 2025, requiring Sheriff Brame to submit a signed attestation to DHHS every Monday by 5pm documenting the number of staff scheduled to work each shift, and requiring the facility to submit a recruitment plan for approval.¹

Though public records show the Detention Center has made progress towards depopulation² and increased staffing, other reports on the continued deficient conditions at the facility raise significant constitutional concerns.

Specifically, in June 2026, two detainees escaped from the Detention Center and were later found in Asheville, over two-hundred miles away.³ Another detainee allegedly obtained keys to the facility and injured himself during an unsuccessful escape attempt.⁴ A

¹ UPDATE on the Conditions Jeopardizing the Safe Custody, Safety, Health or Welfare of Incarcerated Individuals at Vance County Detention Center and ADDITIONAL ORDER OF CORRECTIVE ACTION (April 11, 2025).

² *Two North Carolina inmates escaped from a problem-ridden jail. What's Vance County doing about it?*, WRAL (June 4, 2026), <https://www.wral.com/news/investigates/north-carolina-inmates-escape-vance-county-jail-problems-wral-investigates-june-2026/>

³ George, Tom, *Safety concerns growing at Vance County jail after escape attempt: 'Hell in there'*, ABC11 (June 26, 2026), <https://abc11.com/post/safety-concerns-growing-vance-county-jail-escape-attempt/19384121/>

⁴ *Inmate accused of murder attempts escape from Vance County*



woman whose son is currently detained at the jail reported that he brushes his teeth with a cloth because he has not been issued a toothbrush.⁵ Another former detainee reported he experienced chest pains and despite repeatedly calling for help and banging on doors to get the attention of staff, he never received medical attention.⁶ And on June 20, 46-year-old Barry Reavis was found hanging in his cell.⁷ In response to these serious safety risks, Vance County Commissioners have relied on the cost and increased tax rates required to address the deficiencies to defend their failure to act.⁸

I. The unsafe conditions at the Vance County Detention Center likely violate the Due Process Clause

The continued unsafe conditions at the Vance County Detention Center are likely unconstitutional and must be remedied, regardless of the cost. Federal courts have a duty to remedy systemic constitutional violations, including unconstitutional pre-trial conditions of confinement. *See Jonathan R. v. Morrissey*, 178 F.4th 139, 155 (4th Cir. 2025) (discussing *Brown v. Plata*, 563 U.S. 493 (2011)). Even if the remedy ordered “requires state expenditures[, it] is permissible and does not represent an improper intrusion by the courts.” *Jonathan R.*, 178 F.4th at 156 (citing *Plata*, 563 U.S. at 537 n. 12)

“In evaluating the constitutionality of conditions or restrictions of pretrial detention . . . the proper inquiry is whether these conditions amount to punishment of the detainee.” *Bell v. Wolfish*, 441

jail, investigators say, ABC11 (June 25, 2026), <https://abc11.com/post/inmate-accused-murder-attempts-es-cape-vance-county-jail-investigators-say/19379956/>

⁵ *Supra*, n. 3.

⁶ *Id.*

⁷ Davis, Tyler, *Two more incidents at VCJ spark protests*, HENDERSON DAILY DISPATCH, June 24, 2026, available at https://www.hendersondispatch.com/archives/two-more-incidents-at-vcj-spark-protests/article_a2691f4b-bea6-5b85-98bb-97096bae7add.html

⁸ *Supra*, n. 3.



U.S. 520, 536 (1979). The Fourteenth Amendment “protects pre-trial detainees from governmental action that is not rationally related to a legitimate nonpunitive governmental purpose or that is excessive in relation to that purpose.” *Short v. Hartman*, 87 F.4th 593, 608–09 (4th Cir. 2023) (cleaned up). This includes protection against deliberate indifference to excessive risks of harm. *Id.* at 603.

“To state a claim for deliberate indifference based on conditions of confinement, a [pretrial detainee] must satisfy a two-prong test.” *Hammock v. Watts*, 146 F.4th 349, 360 (4th Cir. 2025). First “a plaintiff must allege a serious or significant physical or emotional injury resulting from the challenged conditions, or a substantial risk of such serious harm resulting from the prisoner’s unwilling exposure to the challenged conditions.” *Id.* (cleaned up). The dangers that result from overcrowded and understaffed corrections facilities can satisfy this standard. *See, e.g., Plata*, 563 U.S. at 499–503; *McElveen v. County of Prince William*, 725 F.2d 954 (4th Cir. 1984) (overcrowding, poor sanitation, understaffing, and lack of access to law library sufficiently establish unconstitutional deprivations).

The second prong requires an objective showing of “a defendant’s awareness of the injuries or risks.” *Id.* Under the Fourteenth Amendment, it is enough to show “that the defendant acted or failed to act in the face of an unjustifiably high risk of harm that is either known or so obvious that it should be known.” *Short*, 87 F.4th at 611 (cleaned up).

The conditions at the Vance County Detention Center present such significant safety concerns that detainees can easily demonstrate a Fourteenth Amendment violation. First, the risk of harm posed by a lack of staffing, broken locks, access to contraband, and insufficient medical care create an objectively serious risk of harm. And second, Sheriff Brame and the County Commissioners have long known of these unsafe conditions but failed to remedy them. I strongly urge Sheriff Brame and the Vance County Commissioners to comply with DHHS’ corrective order and remedy these likely unconstitutional conditions.

II. Public Records Act Request

I also write to request public records related to the conditions at the Vance County Detention Center and the ongoing efforts to depopulate the facility.

I make this request under the North Carolina Public Records Act, N.C. Gen. Stat. § 132-1 *et seq.* This act must “be liberally construed to ensure that governmental records be open and made available to the public, subject only to a few limited exceptions.” *DTH Media Corp. v. Folt*, 374 N.C. 292, 300 (2020). Public officials must furnish public records in response to a request “as promptly as possible[.]” N.C. Gen. Stat. § 132-6(a).



We request that you produce the following public records, regardless of physical form or characteristics, that are responsive to the following, for the time frame of **January 1, 2026 through the date in which you respond to this request.** We request:

1. All communications, including but not limited to, corrective action plans, recruitment plans, and staffing charts, between the Vance County Detention Center and the North Carolina Department of Health and Human Services, including the Division of Health Service Regulation;
2. The day-to-day population of the Vance County Detention Center;
3. Documentation of all supervisory rounds performed by staff;
4. Documentation of where Vance County detainees are transferred and for how long;
5. Documentation related to efforts to remediate or otherwise fix the physical premises;
6. Documentation of all instances of contraband at the Detention Center;
7. Any other documents or communications related to DHHS' Order of Corrective Action.

Justification for withholding. If you determine that some responsive documents may be exempt from production under the



Public Records Act, please provide a list of the withheld records along with a written justification for withholding them, with reference to the specific statutory exemption on which you rely.

Severability. Should you withhold some portions of requested documents on the grounds that they are exempt from disclosure, please provide a list of the withheld portions, specify which exemptions justify the withholding, and release any portions of the requested documents for which you do not claim an exemption.

Fee waiver. The ACLU-NCLF is a nonprofit public interest organization with limited resources, dedicated to the protection of civil rights and civil liberties. The public is the primary beneficiary of the ACLU-NCLF's work to protect fundamental rights, whether by litigation, legislative advocacy, or publication. For these reasons, federal and state agencies, as well as courts, generally grant waivers of fees for ACLU-NCLF public records requests. The present request satisfies the statutory criteria for a fee waiver. If you determine no waiver is appropriate, and if the proposed fee is greater than \$50.00, we ask that you notify us prior to fulfilling the above requests.

Delivery. Please furnish all applicable records, preferably in an electronic format, to Ivy Johnson (ijohnson@acluofnc.org) or to the mailing address indicated on this letter.

Timing. Please provide all responsive records by **September 30, 2026**. If the requested documents cannot be produced simultaneously, we ask that the records be produced on a rolling basis as soon as reasonably possible until the request is fulfilled in full.

Please contact us to discuss the timeline, priorities, or any questions you may have. We ask that you respond no later than **September 10, 2026**, indicating your intent to comply with our public records request.

Sincerely,

/s/ Ivy A. Johnson
Staff Attorney
ACLU of North Carolina
ijohnson@acluofnc.org