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U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Attn: Kathy Trainor

Grant County Detention Center

Dear Ms. Trainor:

I apologize for not getting back to you sooner. When we last spoke, I promised to correspond with you concerning the Department of Justice's findings letter and your proposed Memorandum of Agreement.

I must make it clear at the outset that at all times during the course of your investigation, including all communications of whatever nature between us, and especially including the content of this letter, the Grant County Detention Center's position is and always has been that there are no and have never been any Constitutional violations concerning the Center or any inmates housed there. The center is a well run facility and is viewed as a model facility by the state and the federal courts who utilize this facility to house prisoners. Any attempt to interpret the content of this letter, or any other communication of any kind in this matter, as an admission or concession of any violation of any rights of prisoners (especially Constitutional rights) would be a misinterpretation on your part. Further, any attempt to interpret the content of any part of this letter as an agreement between us would also be a misinterpretation on your part.

The Grant County Detention Center is committed to operating a model detention facility and is constantly assessing and reassessing its operations to assure proper operation. To this end, many of the comments in your findings and in your proposed memorandum were matters being addressed prior to your initial inspection, and indeed were (and would

have been implemented) regardless of your investigation. The Detention Center feels no compulsion, other than to satisfy its own preexisting commitment to run a model center, to implement any of your proposals. That being said, in an effort to fulfill this preexisting commitment, the Detention Center's jailer, the county officials, and I have reviewed your documents constructively as viewpoints and suggestions made by your experts who have knowledge and experience that is worthy of listening to critically.

I offer the following comments on your Memorandum.

Paragraphs 1 through 6 need no response in that they presume the existence of a nonexistent agreement.

Paragraph 7 regarding policies and procedures: They are in place, have always been and are approved by the Department of Corrections and are reviewed annually for quality assurance.

Paragraph 8 regarding staffing: Staffing is sufficient for the number of inmates. Our consultant who has reviewed our facility, and continues to review our facility on a regular basis has rendered the same opinion. Additional staffing is nonetheless desirable and, as funding becomes available, will be a priority of the jail. Meanwhile, current policies and procedures provide sufficient regulations protecting both the staff and the inmates.

Paragraphs 9 and 13 regarding supervision of inmates: Monitoring and supervision of inmates are currently more than constitutionally sound; however, technology upgrades are being made as part of the ongoing operation of the facility. Included in these upgrades is monitoring for the individual cells, visual or audio, or both.

Paragraphs 10, 11 and 12: An objective classification system was in the process of being implemented prior to DOJ's initial visit. That system was put in place in September, 2004 and is continually being reviewed and updated.

Paragraph 14 regarding metal coverings on cells: That was completed in mid 2004.

Paragraph 15 regarding inventory of kitchen utensils: All kitchen utensils have always been "cabled" to the work area to prevent removal.

Paragraph 16 regarding training for staff: All staff has always been trained in accordance with Kentucky State standards. These standards apply to all state and local facilities that house state prisoners.

Paragraph 17 regarding suicide prevention, safety and security: If not addressed in the existing policies and procedures or classification standards, these are addressed in conjunction with the medical statements below.

MEDICAL: The balance of this letter addresses the Medical and Mental Health areas. Please note that prior to your investigation, the development of certain medical and

mental standards was being initiated. As a result of efforts commenced prior to your investigation and since 2005, the facility has contracted with Southern Health Partners, which specializes in providing medical and mental health care to detention facilities. SHO currently administers medical and mental care in 90 facilities. As part of the due diligence prior to entering into contracts with this company, it was determined that SHP was well equipped to provide all needed services in accordance with the NCCHC standards. Further, SHP was under contract in facilities that had already undergone DOJ investigations.

We are satisfied that Southern Health Partners is abiding by appropriate standards. To ensure SHP compliance with contract obligations, periodic internal auditing will be conducted.

After discussion with the onsite staff provided by Southern Health Partners, I offer the following.

Paragraphs 18, 19, 20, 21, 23, 25, 28, 29, 32, 35, 36, 38, 39 (including mental health), 40, 42, 46, 48, 49 and 50: The jail already complies with or exceeds NCCHC standards.

The remaining paragraphs also meet or exceed NCCHC standards but bear additional note as follows.

Paragraph 22 regarding onsite medical care: The facility already performs an immediate 24/7 risk assessment, with a face-to-face contact within 3 hours after a risk is determined, which includes recommendations for follow up treatment.

Paragraph 24 regarding quality assurance: This is done monthly in different areas or disciplines.

Paragraphs 26 and 27 regarding staff training: This is already provided contractually by Southern Health Partners, in conjunction with security staff.

Paragraph 30 regarding health screenings: The facility already follows the Department of Justice recommendation of 14 days.

Paragraphs 31 and 43 regarding health screenings: Even though the Department of Justice recommends 48 hours, this is already done at our facility within 24 hours in all 7 of the enumerated areas. Acute conditions are dealt with immediately, moderate conditions are dealt with inside 24 hours, and wellness assessments are done within 14 days. The timelines are merely guidelines though to providing constitutional care. If circumstances warrant, the timelines are flexible.

Paragraph 33 regarding health assessments: These are done within 14 days. Indications for testing for TB and STD's are part of the assessment process but testing is not mandated unless there are indications of a condition or a report by the inmate.

Paragraph 34 regarding refusal to cooperate on health screenings: The jail policy does not permit refusal to cooperate without consequences. If information requested is not forthcoming then the inmate is isolated from all other inmates for the safety of all concerned until either cooperation is obtained or any suspected risk has passed.

Paragraph 37 regarding request for medical services by an inmate: The facility's policies already exceed state standards in practice. Inmates are seen within 24 hours and thereafter no less than 3 times per weeks until the medical issue is resolved. Again, if circumstances warrant, care is available as needed.

Paragraph 41 regarding special diets: The medical staff provides recommendations to the dietary staff on appropriate medically necessary diets.

Paragraphs 43, 44 and 45 regarding mental health issues with inmates: North Key is the local mental health facility with qualified mental health practitioners to meet any of the inmates' constitutionally required needs. It is under contract with the detention facility to provide all services for mental health treatment. North Key partners with Southern Health Partners to assess and coordinate the appropriate treatment.

Paragraph 47 regarding treatment plans: The facility already meets or exceeds all state and constitutional standards.

In conclusion, while I certainly welcome any feedback you may wish to impart, I believe I have addressed every concern raised by the Department, and you should be convinced that this facility is indeed a well run facility. Opportunities for improvement are constantly being considered. That being said I feel this matter is now concluded.

Should you have any questions or concerns, please feel free to contact me.


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