



COMMONWEALTH OF KENTUCKY
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April 27, 2005

Robert B. Newman, Esq.
617 Vine Street, Suite 1401
Cincinnati, OH 45202

RE: Grievance and potential civil action: overcrowding
Campbell County Detention Center

Dear Mr. Newman:

First, the "response" to the purported grievance is attached hereto for your review. Again, the response is not meant to be all encompassing. When we met with you, as counsel for grievants, significant additional detail was provided on action taken in response to the crowding issue facing the Campbell County Detention Center. Additionally, it was made clear that the jailer and his staff were aware of the crowding issue, that past, present and future action and plans have been implemented and/or will be implemented to deal with crowding issues. Information was provided that detailed how the facility and staff were meeting or exceeding the minimal constitutional requirements of the inmates housed in the facility. The Jailer also expressed his desire to continue review of conditions at the facility and to work with entities or individuals that had concerns for the conditions, whether they involved physical plant, staff or otherwise.

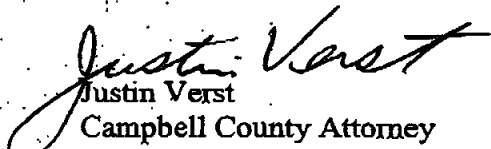
Having stated the above, we are quite surprised and disappointed in your apparent decision to proceed with litigation. We strongly request and suggest that you reconsider that decision. The information provided clearly shows that the Campbell County Fiscal Court and the management of the Detention Center are not indifferent, particularly not deliberately indifferent, to the constitutional needs or requirements related to conditions of confinement of inmates housed in our facility. Quite the opposite is true and the actions of the Fiscal Court and jail management bear this out. There has been no showing that any inmate has suffered unnecessary or wanton infliction of pain as relates to minimal civilized measure of life's necessities. As you are aware, these are the requirements necessitated for success in the style of action you propose. It appears clear this standard cannot be met. All necessary action will be taken to defend the Campbell County Fiscal Court and the Jail Administration.

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Finally, future action to deal with crowding issues as contemplated by the Fiscal Court and the Jail Administration has been provided to you. This action includes contracting with the Boone County Jail when their new facility comes on line. It is anticipated this will occur in mid May 2005. The Fiscal Court and Jail Administration are also in the process of designing a facility that will provide an additional two hundred seventy three beds as an addition to our current facility. The Fiscal Court, as part of this process, is pursuing a method of financing for the additional secure beds. Currently we are under construction for a new kitchen and laundry to serve the additional secure beds and the recently opened Restricted Custody Center.

In essence, it is clear that action is being taken to provide for the obligation of Campbell County to provide for incarceration of inmates. It is the position of the County that no deprivation of constitutional magnitude currently exists. The position of the County is that a clear dialogue currently exists and would continue to deal with perceived issues, rather than pursuing legal action that will only serve to consume revenues and human resources that would otherwise be used in the ongoing work to alleviate crowding issues.

Thank you in advance for your consideration of our position in this matter. If you have additional questions or would like to discuss these matters further, please contact either of us at your convenience.


Justin Verst
Campbell County Attorney


James A. Daley
Campbell County Detention Center
Legal Counsel

County/newman letter

Cc: Campbell County Fiscal Court

CAMPBELL COUNTY DETENTION CENTER
INMATE GRIEVANCE RESPONSE

Inmate name: Multiple Date of grievance: undated Cell location: Multiple

Respondent: Jailer Date of response: April 25, 2005

Set forth herein below is information in response to the "grievance" delivered to the Campbell County Detention Center by Mr. Robert Newman, counsel for some or all of listed inmates.

Initially it is to be noted that a meeting was conducted with Mr. Newman and discussion had concerning the "grievances". Detailed information was provided to counsel concerning the various steps that have been taken and that are planned to deal with crowding issues at the facility. Additionally, a tour was provided to Mr. Newman that allowed his visual inspection.

This response will follow, as closely as possible, the outline of the grievances listed in the type written grievance supplied by Mr. Newman.

It is to be noted that the individual inmates have not provided any detailed grievance dealing with specific issues and provided no time or manner for response by the facility. It was made clear to Mr. Newman that the staff and management at the facility are concerned with the condition of the facility and take necessary steps to provide a facility that meets or exceeds the constitutional requirements as understood by the management.

1. The one complaint of the inmates that permeates the remainder of issues appears to be the "overcrowding" as alleged by the inmates. The facility is holding a "number" of inmates in excess of the original design capacity for the facility. The management has taken many steps to deal with crowding issues. These include: a) No longer holding paying inmates in the main facility, this includes federal inmates, state inmates, contract inmates from other counties and any others within the discretion of management. b) Inmates that can be transferred to other facilities, whether misdemeanors or felons, are transferred to other facilities in various parts of the Commonwealth dependent on available bed space. This is even done with local inmates for which the Campbell County fiscal Court is required to pay a daily per diem to other local facilities. The staff is in regular contact with the Department of Corrections in the attempt to have parole/probation/convicted state inmates removed from the facility as quickly as can be accommodated. c) The Fiscal Court and the Detention Center are in the process of adding a new kitchen and laundry facility and are in the design phase of additional new secure beds. d) A Criminal Justice Advisory Committee has been initiated to look into the issue of numbers of inmates. This Committee has as member's judges from both District and Circuit Courts, prosecutors from both levels, member from the public defenders office, police chiefs, and a myriad of others whose activities affect the jail population. E) A Restricted Custody Center was recently opened which did free up approximately fifteen beds that are used for inmates to be housed in secure beds. This facility also provides additional rehabilitation for inmates held in that facility.

Finally, it should be noted, as was detailed to Mr. Newman on behalf of his clients, that our Fiscal Court, the Detention Center management and staff feel confident that the crowding has not significantly affected provision of the minimal constitutional rights or safeguards due the inmates in the facility.

2. **Sheets and Blankets:** Each inmate is provided one sheet and a blanket when they are placed into the permanent housing portions of the facility. This is inclusive of all areas beyond holding cells in the booking area. Inmates are provided the opportunity to have their sheets washed two times per week or as needed based upon special circumstance. Inmates are provided opportunity to have blankets washed one time per month or as needed based upon special circumstance. Both of these scenarios are assuming the inmate is at the facility a sufficient period of time. All sheets and blankets are clean when issued to an inmate.

3. **Mattresses:** Each inmate, in addition to a sheet and blanket, is issued a mattress when they are assigned to a housing area. The mattress is cleaned, prior to issue, with a solution of bleach and water and sprayed with a delousing solution. This is done each time before the mattress is re-issued. Some mattresses are more worn than others; however, when a mattress appears no longer to be serviceable it is discarded.

4. Due to the numbers of inmates in a given cell, not all inmates have a bunk or are issued a "stack-a-bunk". Stack-a-bunks are not used widely in the secure area because they present a safety issue for both the inmates and the staff. All inmates do have a mattress to sleep on. There is no reason for any inmate to sleep in close proximity to the commode or shower area other than their choice. There is sufficient area in the dorm area that this is not necessary. Therefore, it is denied that this is occurring beyond choice by an inmate.

5. It seems a recurring issue is mold in the showers in the dorm areas. This is an issue but not one that has escaped the attention of the staff. The issue is the result of inmates getting into the shower and staying for lengthy periods and/or inmates turning the showers on and leaving the run for no apparent reason. Additionally, the inmates are provided cleaning supplies two times per day and choose not to clean or maintain the showers as well as other areas of their living space. The administration is now aware this provides an area of concern and action will be taken in attempt to remedy this issue. Examples will include reduction or removal of commissary and other privileges for those dorms where inmates fail or refuse to properly maintain the living area. An additional alternative will be to develop a group of class D inmates to maintain these areas. This will not remove sanctions for inmate's failure to maintain their respective living areas.

The Fiscal Court does provide a maintenance person whose duties include service to the detention facility. Any time there is a problem with "drainage", leaks in facilities these are addressed by maintenance. The persons are punctual and provide good service to the physical facility.

6. **Food Service:** The statement that portions have been reduced due to numbers of inmates is quite simply not true. All kitchen staff and inmates working in the food service area, when working with or around food are supposed to wear gloves and hairnets. It is the

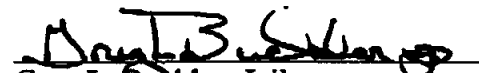
managements understanding this is occurring. This matter will be followed up and the procedure further clarified with kitchen staff. Deputies delivering food do not generally wear gloves or nets. Meals served to inmates in the facility are served in covered trays. The trays are covered in the kitchen and are not uncovered until they are delivered to each inmate in their respective housing area.

7. Toiletries and Sanitation: The statement that toiletries and sanitation supplies, to include toilet paper, are in short supply is not correct. The cleaning carts, with adequate supplies, are passed to each cell twice a day. The facts are that the inmates do not take advantage of the opportunity to maintain their living areas. This facility has taken additional steps as incentives to keep the dorms maintained, some with better result than others. Recognizing that it is difficult to obtain compliance from the inmates the administration will continue current programs and search alternatives to entice inmate cleanliness.

The statement that toilet paper is in short supply, with rare exception, is a misstatement. Each Sunday inmates are given one roll of toilet paper. Additional toilet paper is supplied as necessary. Again, the perceived issues with toilet paper are the direct result of conduct and activity of various inmates. Toilet paper is routinely used to cover air vents/ducts, windows; it is used to put into locks in an attempt to create malfunctions or otherwise stop locks from securing properly. The security of the facility, staff and inmates has made it necessary to limit toilet paper available to inmates.

The above deal with the specifics of items set forth in the typewritten grievances provided to the Detention Center by Mr. Newman on behalf of the various inmates. The response also deals with other issues set forth by inmates, where legible, in hand written notes. It does appear that other items are attempted to be "grieved" by inmates. These items either cannot be read on the current documentation and/or there are not specific factual allegations or information to be able to investigate and respond in an informed manner.

This response is not meant to be all-inclusive. It is meant to and does adequately display that the minimal constitutional rights of inmates are of concern to the Campbell County Detention Center and are complied with by the Campbell County Detention Center. Further writings and suggestions by inmates and/or those responding on behalf of inmates will be given full consideration by the Detention Center and the Fiscal Court.


Greg L. Bukler, Jailer
Campbell County Detention Center