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December 31, 2007

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

Re: Grant County Detention Center – Your correspondence of November 21, 2007

Dear Ms. Trainor,

I am in receipt of your correspondence of November 21, 2007 setting forth DOJ's position on the present state of the Grant County Detention Center, and your attached proposed agreement. While your recognition of improvement at the center is appreciated, I must point out to some errors in your recitation of facts.

First, you make reference to the May 18, 2005 report and represent it states "...our initial findings that conditions at the Detention Center violated inmates' constitutional right..." This is a misstatement as the report stated, "...appear to violate the constitutional rights of inmates..." The use of the word "appear" is significant in that your present view is that this was a conclusive finding in 2005, whereas it was initially an opinion and subject to being disputed. Indeed, I very clearly did just that in my response letter in August of 2006, where I took issue with your office's unilateral opinion without seeking input from us or without conducting any kind of opportunity to rebut (other than my letter that appears to have been soundly disregarded).

Second, you refer in the present letter to findings made after the on site visit in February, 2004. Based on those disputed findings (especially those references to your office's opinion as to constitutional violations), we were nonetheless receptive to listening to the constructive criticism that evolved, and took voluntary action that we believed would improve our facility. Your current letter acknowledges that there are no safety and security issues but you find fault with are medical treatment.

While I will address the two specific allegations of your current letter below, I note significantly that you propose actions in your attachments to your letter without ever alleging that the facility is constitutionally violating anything. The absence of such a claim is taken to mean that there are none as we have contended all along. I further note as significant that even at the initial visit, your own expert, Dr. Griefinger, while he provided helpful observations and suggestions, clearly did state in his report that any of the matters he addressed were constitutionally suspect.

As to the two specific allegations referenced on page two of your letter that you rely upon to claim deficiencies still existing and thus the reason for the proposed agreement, I counter with the following: 1.) You claim that Southern Health Partners policies and procedures are not in effect at the jail. Indeed they are part of the jail policies and were present at the jail during your last appearance here. The "Administrative Reference Manual" that was viewed by Dr. Griefinger was not the policies and procedures, however, he was shown these while he was here. Attached is Southern Health Partners letter addressing the nurse's very encounter with Dr. Griefinger on that day. 2.) The one anecdotal reference to an inmate not receiving treatment for alcohol withdrawal is also not entirely accurate. While Dr. Griefinger did allege this during his visit, the nurse disputed this statement; because also during the last visit, he and the nurse left the room to review the inmate file and in the presence of the jailer and the nurse, he acknowledged that it had in fact been addressed. I would also point out that this one incident, even if true, would not substantiate a pattern that would arise to a level of constitutional violation.

Finally, addressing your proposed agreement, I have always maintained that the detention center is not in a position to sign any agreement because the facility is simply not violating any provisions of the constitution, any federal law, any state law, in either a criminal or civil sense. That being said, your proposed agreement, even if accepted would require actions on the facilities part, the absence of which would still not address any constitutional requirement. In other words, your proposed agreement simply does not address any matter, that even if violated would have any constitutional significance.

Ms. Trainor, while our relationship has been very amicable, and I think by our actions we have demonstrated in all good faith our willingness to improve our facility, I must simply conclude by stating that we are operating a first class facility, and that we firmly believe that we always have been and continue to operate far above all constitutional standards.

Sincerely,

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JACK S. GATLIN

P.S. Letter was drafted by Edward J. Lorenz on December 31, 2007. He has since retired from office and the letter is signed by his successor, Jack S. Gatlin