



U.S. Department of Justice

United States Attorney's Office
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June 16, 2014

Mr. Peter Govorchin
First Attorney Corrections Division
Office of the Attorney General
525 West Ottawa Street
Lansing, Michigan 48913

Re: Resolution of ADA investigation of Women's Huron Valley Correctional Facility, Michigan Department of Corrections
DJ 204-37-333; 204-37-334; 204-37-335; 204-37-336
AG No. 2010-0034076-A

Dear Mr. Govorchin:

As you know, the Civil Rights Division of the United States Department of Justice (Department), along with the U.S. Attorney's Office for the Eastern District of Michigan, has been investigating numerous complaints that were received by the Civil Rights Division alleging that the Women's Huron Valley Correctional Facility (Huron Valley), Ypsilanti, Michigan, is in violation of Title II of the Americans with Disabilities Act of 1990 (ADA). Our investigation was also conducted under the authority of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Department's implementing regulation, 28 C.F.R. Part 42, Subpart G. Our investigation, which included several on-site visits, focused on determining whether the facility is operated so that each program, service, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. 28 C.F.R. §35.150 and §35.151. Our investigation also included reviewing Huron Valley's suicide prevention efforts, a component of medical and mental health care, due to a number of inmate suicides and suicide attempts that occurred during the time of our investigation. This letter will serve to document the parameters of a resolution to this investigation.

Throughout the course of our investigation, Huron Valley has worked cooperatively with the Department and our experts to address all of the above-issues and more. Thank you for the excellent efforts by the Michigan Department of Correction (MDOC), and in particular, Warden Warren and her staff at Huron Valley.

According to correspondence from MDOC, which was shared with us in draft form on December 18, 2013, in the time since our investigation began in 2010, Huron Valley has made significant changes to its physical campus, as well as transformed its health care system, and substantially improved its suicide prevention efforts. In that same correspondence, MDOC also details additional actions Huron Valley has committed to undertake. The substance of the MDOC correspondence is as follows:

I. Physical Plant/Architectural Modifications

Attachment A is a grid that identifies the modifications and improvements Huron Valley has made or will make to its physical plant. For those modifications and/or improvements not yet completed, Attachment A sets forth the dates that each architectural modification will be completed. As reflected in Attachment A, Huron Valley is committed to completing all of the modifications and/or improvements by December 31, 2014, and has already taken a number of affirmative steps to ensure that these modifications and improvements are completed in a timely manner. Altogether, the improvements set forth in Attachment A will cost the Department of Corrections in excess of \$4.3 million. Huron Valley will provide the Department of Justice with tri-annual reports updating the progress of the physical plant improvements until completion of the projects.

II. Services, Programs, Activities, and Effective Communication

In addition to architectural and physical plant improvements, Huron Valley has taken other steps to improve access for prisoners with disabilities. Specifically:

- Huron Valley has established, and will continue to maintain, a second medication line located on Huron Valley's west side.
- Huron Valley has established, and will continue to maintain, a wheelchair repair clinic to ensure prisoners have wheelchairs in good working condition.
- Huron Valley will continue to provide medically necessary mobility-related equipment to prisoners and ensure that such equipment is maintained and in good working condition.

- Huron Valley has installed and will continue to maintain, notification lights in housing units with hearing-impaired prisoners to ensure that hearing-impaired prisoners are notified of significant events, including count time, meal time, mobilizations and emergencies.
- Huron Valley will install a personal notification device system that will allow hearing-impaired prisoners to receive electronic notification of significant events, including count time, meal time, mobilizations and emergencies through a device the prisoner keeps on their person. The time period to complete this project is set forth in Attachment A.
- Huron Valley has implemented an operating procedure requiring Huron Valley staff to provide assistance to hearing-impaired and vision-impaired prisoners in emergency situations. A copy of the relevant operating procedure is set forth in Attachment B.
- Huron Valley has established and will continue to maintain paid jobs for prisoners to work as assistants to aide disabled prisoners. The responsibilities of these prisoner assistants include leading blind prisoners and pushing prisoners who use wheelchairs to locations and activities within the prison, assisting disabled prisoners with their daily living activities, such as assisting with correspondence, cell cleaning, laundry pick-up and delivery, dining hall service and other related duties. A description of the qualifications and responsibilities for prisoners working as prisoner assistants is set forth in Attachment C.
- Huron Valley has created and will continue to maintain a Disabilities Coordinator position staffed by a Department of Corrections employee at Huron Valley.
- Huron Valley provides and will continue to provide sign language interpreters for those prisoners that need them for the prisoner intake process, major misconduct hearings, significant health care contacts, school, mental health and specialized training.
- Huron Valley will provide FM receivers in Huron Valley's auditorium as well as personal sound amplification devices to hearing impaired prisoners. This will follow implementation of the personal notification devices described above and the installation of infirmary call buttons. Huron Valley will also ensure that batteries are timely replaced for prisoners with hearing aids.

III. Medical and Mental Health Care and Suicide Risk Reduction

In an effort to improve the overall quality of medical and mental health care provided to all Huron Valley prisoners as well as to reduce the risk of suicides, Huron Valley has already done or will do the following:

A. Mental Health Care

- The Michigan Department of Corrections has combined and integrated the mental health services provided at Huron Valley into a single mental health service that is managed by the Department of Corrections, as opposed to the Department of Community Health. While some psychiatric staff that provide mental health services at Huron Valley are placed through a third-party subcontractor, all of the mental health services are under the direction of the Department of Corrections.
- Effective March 18, 2013, the Department of Corrections modified its Policy Directive on mental health services. *See* PD 04.06.180, attached as Attachment D.
- Huron Valley provides and will continue to provide the following mental health care:
 - Acute care for in-patient mental health treatment;
 - A Residential Treatment Program (RTP), which provides a protective milieu for mental health care patients consistent with a lower level of mental distress than in the acute care unit;
 - Out-patient mental health care for persons not requiring a protective residential setting;
 - Dialectic Behavior Therapy (DBT) for persons with serious mental illness that could benefit from therapy; and
 - A Counseling Services and Intervention (CSI) program, to respond to situational

needs for persons not otherwise diagnosed with a major mental illness.

In addition to the above, Huron Valley has implemented the "Unit 1 Engagement Process." Unit 1 at WHV houses prisoners who pose significant security risk and are often among the most difficult prisoners to manage. The Unit 1 Engagement Process coordinates the custodial staffs interaction with the Unit 1 prisoners as a supplement to the therapy provided by the mental health care staff in order to engage the Unit 1 prisoners in more productive and less harmful and destructive behavior/activities.

B. Suicide Risk Reduction

With respect to prisoner suicide risk reduction, Huron Valley has refocused its suicide prevention efforts, which includes both mental health efforts and staff training, to recognize the signs associated with suicidal behavior. To further address prisoner suicide risk, the Department of Corrections will revise its Suicide Prevention Policy and its Managing Disruptive Prisoners Policy by September 30, 2014.

Additionally, Huron Valley has provided two live sessions of suicide risk awareness training for its staff. Huron Valley currently provides and will continue to provide annual suicide risk identification via computerized training as a supplement to the live training.

Huron Valley has successfully implemented and will continue to utilize prisoner observation aides to continuously observe prisoners who are on observation status. These prisoner observers are a supplement to and not a substitute for custody staff observation. Custody staff observation also includes video observation, frequent rounding and mental health staff contact.

Huron Valley provides daily notification to relevant housing unit, health care and mental health staff regarding prisoners who are on observation status. Huron Valley also notifies relevant staff of sentinel events concerning prisoners that could increase a prisoner's suicide risk as the prison becomes aware of them.

C. Medical Care

In addition to Huron Valley's second medication line, wheelchair clinic and implementation of prisoner helpers, as described above which improves the access of disabled prisoners at Huron Valley to health care and health care providers, at the Department of Justice's request, Huron Valley has also reviewed

various quality improvement measurements regarding the delivery of health care. To date, quality improvement measurements have involved:

- Annual health screenings for general population prisoners and prisoners enrolled in chronic care.
- The appropriate enrollment of prisoners in chronic care clinics and the timeliness of their chronic care follow up visits.
- The reliance on National Commission of Correctional Health Care standards for identifying the criteria for “good,” “fair” and “poor” control in the chronic care clinics.
- Implementing a program to comply with and monitor compliance with Corizon's Warfarin (generic for Coumadin) Initiative.
- Monitoring the timeliness and appropriateness of responses to prisoner kites.

Huron Valley will continue to maintain these quality improvement measurements and will, at the Department of Justice's request, provide the Department of Justice with the results of these measurements in tri-annual reports as part of the tri-annual reports that Huron Valley will provide updating the progress of the physical plant improvements until completion of the projects.

D. Performance Improvement Activities

In addition, Huron Valley, with the support of the Department of Corrections' Bureau of Health Care Services, is improving its medical and mental health services by implementing Performance Improvement activities. Huron Valley is participating in the quarterly audits set forth in Attachment E. Huron Valley also receives monthly reports of certain data sets, referred to as Administrative Data, from which the Huron Valley Performance Review Committee is able to assess, quantitatively, how well Huron Valley is delivering health care services compared to other facilities. An example of the monthly Administrative Data for October 2013 is set forth as Attachment F.

Huron Valley's mental health services compile a monthly “Mental Health Services Report,” which covers the delivery of services in the RTP I Acute Care

Unit and the activities of the Out Patient Mental Health Team, including the experience of the Dialectic Behavior Therapy (DBT) and Counseling Service and Intervention (CSI) activities. The information from all of these sources is reviewed and monitored for trends or current problems by the Performance Improvement Committee at WHV. The Performance Improvement Committee, in conjunction with regional health care staff and Huron Valley's warden, where appropriate, can make adjustments to processes for the delivery of health care or identify training or other responses to address any shortcomings identified.

The Department of Corrections and Corizon have also implemented a Service Level Agreement as a method of tracking, quantitatively and qualitatively, certain medical service delivery metrics to assess how well Corizon and its providers accomplish contracted medical services. This activity relies on ACA and NCCHC Accreditation standards in some instances and on Department of Corrections' policy in other instances. In some additional other areas, the Service Level Agreement relies on the services contract language. An overview of the Service Level Agreement structure is set forth as Attachment G. These activities are responsive to the concerns regarding quality improvement addressed during the course of the discussions with the DOJ at Huron Valley this past summer."

Draft Correspondence from MDOC to DOJ dated December 19, 2013.

MDOC also indicated in its letter that it "will continue to provide the Department of Justice with tri-annual updates of its progress on its construction and other projects until each of the projects is complete." *Id.*

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Based upon these actions taken by MDOC and Huron Valley, coupled with their commitments regarding future action that will be completed no later than **December 31, 2014**, the Department of Justice agrees to consider this matter resolved and will close its investigation accordingly on that date. Until that time, the Department of Justice will continue to monitor compliance with this agreed action, and will conduct at least one additional site visit in the summer of 2014.

This agreement is without any admission of liability by the Michigan Department of Corrections, and it shall not be received or construed as an admission on any issue. This agreement also does not address other potential incidents of discrimination on the basis of disability that may exist or arise. Rather, it is limited to the issues developed in the investigation that are reflected in this letter.

Both parties are optimistic that that these measures will improve the lives of the inmates with disabilities at Huron Valley.

Sincerely,

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