



U.S. Department of Justice

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March 30, 2015

SENT VIA E-MAIL AND FIRST CLASS MAIL

Mr. Peter Govorchin
First Attorney Corrections Division
Office of the Attorney General
525 West Ottawa Street
Lansing, Michigan 48913
Email: govorchinp@michigan.gov

Re: 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 complaints of alleged violations of the Americans with Disabilities Act occurring at the Women's Huron Valley Correctional Facility (WHV) since 2010.

During the course of our investigation, we were also alerted to concerns about the nursing care and treatment of inmates at WHV in segregation and the infirmary. Accordingly, we conducted a site visit of WHV on January 12-13, 2015, accompanied by our nursing expert, James C. Welch, RN, HNB-BC. Enclosed is a copy of Mr. Welch's report of his findings and recommendations based on these on-site reviews. As you will see, Mr. Welch has some concerns relating to WHV's nursing care, including staffing, management plans, catheter care, and charting. He is also concerned about WHV's failure to obtain critical information from Prisoner Observation Aides about the health and wellbeing of the inmates that they are observing. As Mr. Welch so expressively states in his report, "This is a golden opportunity for the WHV to obtain information on the wellbeing of patients that should not be wasted."

In addition, during our site visit, we learned that long-term residents in the infirmary have no access to activities and programs even though some are capable of participating in them. The ADA clearly provides that public entities cannot exclude individuals with disabilities "from participation in or be denied the benefits of any services, programs, or activities" provided by the entity. 42 U.S.C. §12132. In the prison context, this means that inmates with disabilities must


Govorchin letter
March 30, 2015
Page 2

have the same or similar access to prison programming as those in the general population. Here, it appears that is not occurring for those inmates who reside in the infirmary at WHV. Accordingly, as Mr. Welch recommends as well, WHV must immediately review the potential opportunities for those inmates in the infirmary area for prison programming. Some accommodation may need to be made for the infirmity of the inmate, but some form of programming must be made available to the inmates housed in this area.

We strongly urge Women's Huron Valley to consider and implement all of Mr. Welch's recommendations. If you have any questions, please do not hesitate to contact us.

Sincerely,

MELLIE H. NELSON
Supervisory Attorney
United States Department of Justice
Civil Rights Division
Disability Rights Section

BARBARA L. McQUADE
United States Attorney

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Encl.