



U.S. Department of Justice

Civil Rights Division

*Special Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

June 18, 2008

Via Electronic and US Mail

Emily Sweet, Esq.
Deborah Dorfman, Esq.
The City of New York
Law Department
100 Church St.
New York, NY 10007

Re: Investigation of Kings County Hospital Center

Dear Counsel:

We write to memorialize the concerns raised during our May 20-23, 2008 tour of the Kings County Hospital Center ("KCHC"). As you know, that investigatory tour was conducted pursuant to our authority under two federal statutes: the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 ("CRIPA"), and the pattern or practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("14141").

As noted during our exit briefing, we have not yet reached a conclusion as to whether KCHC is engaging in a pattern or practice of violating the constitutional and federal statutory rights of patients. However, we did note the following concerns regarding fire safety and sanitation issues which pose risks of serious harm and should be addressed immediately.

1. Inadequate Fire Safety. The present fire safety system used for evacuating patients and staff in case of fire is inadequate and exposes both patients and staff to an unnecessarily high risk of harm, including death. During the tour, we observed two mock fire drills during which staff failed to act appropriately, including: failing to inquire as to the location of the fire; failing to bring fire extinguishers to the site; delays in pulling fire alarms; failing to supervise patients properly; and failing to evacuate patients to a safe egress in a timely manner. In addition, we found a non-operational smoke alarm in Unit G-31. The result is that the facility is not adequately prepared should an actual fire occur.

This is especially critical in the G building, which is an older building that is not equipped with sprinklers.

2. Inadequate Sanitation. The present system for handling and disposing of hazardous materials also is inadequate and exposes patients, staff, and the Kings County community to risk of harm. During our tour, we found open red hazardous carts (which are apparently used to store hazardous waste until it can be properly disposed) as well as hazardous waste bags in the outside dumpster areas. Leaving material in such a manner potentially exposes members of the community to infectious disease and injury. Such material should be disposed of in an appropriate manner.

As noted above, these conditions were raised during the exit interview, and we were given assurances that they would be addressed expeditiously. Accordingly, we would appreciate an update on KCHC's efforts to address the concerns as soon as possible, but no later than June 30.

Finally, we appreciate the cooperation and professionalism demonstrated by counsel and KCHC staff at KCHC during the tour and we look forward to working with you on the upcoming KCHC tour in July. If you have any questions, please contact either of us, Cathleen Trainor at (202) 616-9009, or Laura M. Welp at (202) 353-3759.

Sincerely,

/s/ David Deutsch

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