

Motion for Immediate Relief

Exhibit 10



U.S. Department of Justice

Civil Rights Division

SYC:JCP:DD:MRB:TDM:AA:YD:dj
DJ 168-19-74, 75;
168-19m-68, 69, 70;
168-20-45, 46

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

August 14, 2009

BY FIRST CLASS MAIL AND EMAIL

Mary Lou Rahn
2 Peachtree Street, N.W.
Suite 22256
Atlanta, GA 30303

Jason Naunas, Esq.
Department of Law
State of Georgia
40 Capitol Square S.W.
Atlanta, Georgia 30334-1300

Re: United States v. Georgia, No. 1:09CV-119-CAP (N.D. Ga.)

Dear Ms. Rahn and Mr. Naunas:

We write to request additional information relating to two alleged patient-on-patient rapes at East Central Regional Hospital ("ECRH"). The first alleged incident reportedly occurred on May 9, 2009, on Forensic Unit 1. The second incident occurred on August 2nd, in Birch Unit 17, which houses individuals with developmental disabilities.

Pursuant to Section V.D. of the Settlement Agreement in this case, conditions or practices that pose an immediate and serious threat to the life, health, or safety of patients served by the Georgia Psychiatric Hospitals do not require that the State be afforded a cure period. Thus, we ask for an immediate response to our first request, for a safety plan to manage the alleged aggressors' behavior, and ask that those plans be provided to us no later than Tuesday, August 18, 2009. We ask that the State provide its responses to the remaining requests below no later than September 2, 2009:

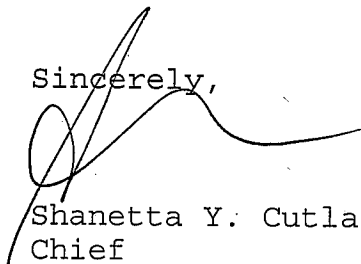
1. A safety plan developed by a clinical team that details the State's plan for ensuring the safety of other patients and staff at the facility while the alleged aggressors remain in any of the State's Psychiatric Hospitals; the plan shall detail management of the alleged aggressors' behavior throughout the 24-hour day, and identify who is responsible

for implementing and for supervising all aspects of the safety plan.

2. A description of the efforts undertaken at ECRH to prevent future sexual assaults. In particular, given the occurrence of two such similar incidents at this same hospital, please explain whether the recommendations made in the investigation report of the first incident have been implemented, and if not, why not.
3. Draft Root Cause Analyses or, if they are not yet available, a description of the process undertaken by the State to conduct an expedited root-cause analysis of both the May 9th and the August 2nd incidents; include the corrective action plans responsive to any findings identified by these analyses. Notwithstanding the ongoing investigation by law enforcement personnel, we expect that the DBHDD's root cause analyses will be completed on an expedited basis.

If you should have any questions about this request, please feel free to contact me at (202) 514-6255, Mary Bohan at (202) 616-2325, Timothy D. Mygatt at (202) 305-3334, or Dave Deutsch at (202) 514-6270.

Sincerely,



Shanetta Y. Cutlar
Chief
Special Litigation Section