

Motion for Immediate Relief

Exhibit 11



U.S. Department of Justice
Civil Rights Division

SYC:JCP:DD:MRB:TDM:AA:YD
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*

July 31, 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 SW
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 the admitted rape at Southwestern State Hospital on July 19, 2009. 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, below, for a safety plan to manage the aggressor's behavior. Recognizing that the Department of Justice will be on site at the regional Hospital in Atlanta all next week, from August 3 through 7, 2009, we ask that you provide this safety plan to us in Atlanta no later than Tuesday, August 4, 2009. We ask that the State provide its responses to the remaining requests below no later than August 11, 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 aggressor remains in any of the State's Psychiatric Hospitals; the plan shall detail management of the aggressor's behavior throughout the 24-hour day, and identify who is responsible for implementing and for supervising all aspects of the safety plan.

2. A draft Root Cause Analysis or, if that is not yet available, a description of the process undertaken by the State to conduct an expedited root-cause analysis of this incident; include the corrective action plan responsive to any findings identified by this analysis. Notwithstanding the ongoing investigation by law enforcement personnel, we expect that the DBHDD's root cause analysis will be completed on an expedited basis.
3. Witness reports from all potential witnesses, including staff members and patients, relating to the admitted rape.
4. Nursing Services 24-hour reports for July 18, 2009, through July 20, 2009, for Unit CPS 414A at Southwestern State Hospital.
5. Staffing Daily Assignment Sheets for July 18, 2009, through July 20, 2009, for all three shifts for the CPS unit.
6. A list of all incidents of aggression or assault on the CPS Unit for the past six months, including date, aggressor(s), victim(s), type of incident, and any corrective action such as implementation or modification of a behavior plan, increased supervision level, re-training of staff, or similar measure.
7. Evidence of the provision of competency-based re-training to all direct care, clinical, and supervisory staff who will be charged with implementing the aggressor's safety plan, and documentation that such training (or re-training) is provided prior to that staff person's assuming responsibility for this patient.
8. Description of the efforts undertaken at Southwestern State Hospital to prevent future non-consensual sexual contact between patients.
9. Description of any plans to protect the aggressor from potential self-harm.
10. The alleged aggressor's behavior and treatment plans and all assessments from January 1, 2009, to the present.
11. The victim's treatment plan and assessments, from January 1, 2009, to present.
12. All transfer information, including treatment team notes, Risk Management or Safety Committee minutes, created incident to the victim's transfer to Unit 310B.

13. Any assessment and/or plans to address the victim's potential for self-harm or additional victimization.
14. As soon as it becomes available, a report of the results of Mr. Troshin's rape kit, taken at Archbold Memorial Hospital on July 19, 2009.

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

Sincerely,

Mary Bohan / RAK

Mary Bohan
Trial Attorney
Special Litigation Section