



**U.S. Department of Justice**

**Civil Rights Division**

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

February 28, 2019

The Honorable Eric Chaney  
Boyd County Judge Executive  
P.O. Box 423  
Catlettsburg, KY 41129

Re: Notice Regarding Investigation of the Boyd County Detention Center

Dear Judge Executive Chaney:

We write to report the results of the Civil Rights Division's investigation into the conditions of confinement at the Boyd County Detention Center ("the Jail"), in Catlettsburg, Kentucky, conducted under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997. Consistent with the statutory requirements of CRIPA, we provide this Notice of the alleged conditions that we have reasonable cause to believe violate the Constitution. We also notify you of the supporting facts giving rise to, and the minimum remedial measures that we believe may remedy, those alleged conditions.

After carefully reviewing the evidence, we conclude that there is reasonable cause to believe that conditions at the Jail violate the Fourth, Eighth, and Fourteenth Amendments to the Constitution and that these violations are pursuant to a pattern or practice of resistance to the full enjoyment of rights protected by the Fourth, Eighth, and Fourteenth Amendments. In particular, we have reasonable cause to believe that Boyd County routinely subjects prisoners to excessive force through the use of chemical agents, electronic control devices, and restraint chairs. We also have reasonable cause to believe that Boyd County routinely violates prisoners' rights to bodily privacy through its use of restraint chairs. We do not conclude that there is reasonable cause to believe that the Jail violates the Constitution with respect to the placement of prisoners in restrictive housing.

We thank the Jail and the Boyd County officials for accommodating our investigation and our access to the Jail's facilities, staff, documents, data, and prisoners. We hope that we can continue to collaborate to resolve the issues raised in this Notice.

We are obligated to advise you that 49 days after issuance of this Notice, the Attorney General may initiate a lawsuit under CRIPA to correct the alleged conditions we have identified if Jail officials have not satisfactorily addressed them. 42 U.S.C. § 1997b(a)(1).

lawyers assigned to this investigation will be contacting the County to discuss this matter in further detail. Please also note that this Notice is a public document. It will be posted on the Civil Rights Division's website.

If you have any questions, please call Steven H. Rosenbaum, Chief of the Civil Rights Division's Special Litigation Section, at (202) 616-3244.

Sincerely,



Eric S. Dreiband  
Assistant Attorney General  
Civil Rights Division

cc: C. Phillip Hedrick  
Boyd County Attorney

William D. Hensley  
Boyd County Jailer

Attachment: Section 1997b Notice