



MR-CT-005-003

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF CONNECTICUT: WILLIAM A. O'NEILL)
 Governor of the State of Connecticut;)
 CONNECTICUT DEPARTMENT OF MENTAL RETARDATION;)
 BRIAN LENSINK, Commissioner, Department)
 of Mental Retardation; ROBERT GRIFFITH,)
 Director, Southbury Training School,)
)
 Defendants.)

Civil Action No.

N-8-25203B

FILED

COMPLAINT

The UNITED STATES OF AMERICA, by and through its Attorney General, Edwin Meese III, brings this action pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. §1997, to enjoin the named defendants from depriving persons residing at the Southbury Training School (STS), of rights, privileges or immunities secured or protected by the United States Constitution. Attached hereto, and incorporated herein by reference, is the Certificate of the Attorney General required by 42 U.S.C. § 1997b. In support of its Complaint in this action, the United States alleges the following:

JURISDICTION, STANDING, AND VENUE

1. This Court has jurisdiction over this action under 28 U.S.C. §1345.

2. The United States has standing to initiate this action pursuant to 42 U.S.C. §1997a.

3. Venue in the District of Connecticut is proper pursuant to 28 U.S.C. §1391. The claims set forth in this Complaint all arose in said District, and each of the named Defendants resides in said District.

4. STS is an "institution" within the meaning of 42 U.S.C. § 1997(1).

PARTIES

5. Defendant STATE OF CONNECTICUT owns and operates STS, which is a state residential mental retardation facility.

6. Defendant WILLIAM A. O'NEILL is the Governor of Connecticut, and, in this capacity, heads the executive branch of the state government. He appoints the Director of the Connecticut Department of Mental Retardation.

7. Defendant DEPARTMENT OF MENTAL RETARDATION is responsible for the administration and operation of STS.

8. Defendant BRIAN LENSINK is the Director of the Department of Mental Retardation, and, in this capacity, has responsibility for the operation of STS. He appoints and supervises the Director of STS.

9. Defendant ROBERT GRIFFITH is the Director of STS, and, in this capacity, is the chief administrator of STS and has responsibility for supervising the operations of STS.

10. The individual Defendants identified in paragraphs 6, 8, and 9 above are officers of the executive branch of the State of Connecticut and are sued in their official capacities.

FACTUAL ALLEGATIONS

11. Defendants are legally responsible, in whole or in part, for the operation of STS and for the conditions at STS and the care of persons confined at that institution.

12. At all relevant times, the Defendants or their predecessors in office have acted or failed to act, as alleged herein, under color of state law.

13. Defendants are failing to provide persons confined to STS with adequate medical care and treatment.

14. Defendants are failing to provide persons confined to STS with that level of training necessary to ensure that residents are free from unreasonable bodily restraint and undue risks to personal safety.

15. Defendants are failing to ensure that there is an adequate number of sufficiently trained staff to render professional judgments regarding necessary care, medical treatment and training to residents of STS, and to implement such professional judgments.

16. Defendants are failing to ensure that medications are prescribed and administered to persons confined to STS pursuant to the exercise of professional judgment by qualified professionals and are not used in lieu of treatment or training programs or given to such persons for the convenience of staff.

17. Defendants are failing to ensure that persons confined to STS are protected from unreasonable risks of harm to their personal safety from the conduct of staff and other residents.

18. Defendants are failing to ensure that the physical environment of STS protects persons confined to STS from unreasonable risks of harm to their personal safety.

19. Defendants are failing to ensure that seclusion, restraint and time out are administered to persons confined to STS only pursuant to the exercise of professional judgment by appropriate qualified professionals and are not used in lieu of treatment or for the convenience of staff.

VIOLATIONS ALLEGED

20. The acts and omissions of Defendants alleged in each of paragraphs 11 through 19 deprive persons confined to STS of rights, privileges or immunities secured or protected by the Constitution of the United States and such deprivation is pursuant to pattern or practice of resistance to the full enjoyment by persons confined to STS of such rights, privileges or immunities.

PRAYER FOR RELIEF

21. The Attorney General is not authorized to seek any remedy at law and is authorized under 42 U.S.C. § 1997 to seek only equitable relief.

22. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 11-19 above that deprive persons' confined to STS of rights, privileges, or immunities secured or protected by the Constitution of the United States, and cause irreparable harm.

WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions and practices at STS set forth in paragraphs 11-19 above. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

Stanley A. Twardy Date: 7/25/86
STANLEY A. TWARDY, JR.
United States Attorney
District of Connecticut

Respectfully submitted,

Edwin Meese III Date: JUL 16 1986
EDWIN MEESE III
Attorney General
of the United States

Wm. Bradford Reynolds Date:
WM. BRADFORD REYNOLDS
Assistant Attorney General
Civil Rights Division

Arthur E. Peabody, Jr. Date: 7/13/86
ARTHUR E. PEABODY, JR.
Chief
Special Litigation Section

Benjamin P. Schoen Date: 7/24/86
BENJAMIN P. SCHOEN
Deputy Chief
Special Litigation Section

V. Colleen Miller Date: 7/24/86
V. COLLEEN MILLER
Attorney
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
Washington, D.C. 20530



Office of the Attorney General
Washington, D. C. 20530

CERTIFICATE OF THE ATTORNEY GENERAL

I, Edwin Meese III, Attorney General of the United States, certify that with regard to the foregoing Complaint, I have complied with all subsections of 42 U.S.C. §1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. §1997b(a)(2). I further certify pursuant to 42 U.S.C. §1997b(a)(3) my belief that this action by the United States to be of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

I finally certify that all prerequisites to the initiation of suit under 42 U.S.C. §1997 have been met.

Pursuant to 42 U.S.C. §1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. §1997b(b), I am personally signing this Certificate.

Signed this 16th day of July, 1986, at Washington, D.C.

Edwin Meese III

EDWIN MEESE III
Attorney General of
the United States