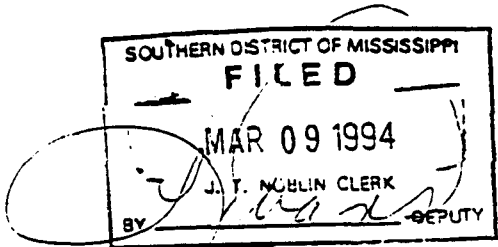




MR-MS-002-003



IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI JACKSON DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
STATE OF MISSISSIPPI; Kirk Fordice,)
Governor of the State of)
Mississippi; Albert Randel Hendrix,)
Executive Director of Mental Health;)
Roger McMurtry, Chief, Bureau of)
Mental Retardation; Suzie Lassiter,)
Director, Boswell Regional Center,)
Defendants.)

Civil Action No. 3:94cv115
Complaint

THE UNITED STATES OF AMERICA alleges:

- 1. This action is brought by the Attorney General, on behalf of the United States, 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 Boswell Regional Center (Boswell), Sanitorium, Mississippi, of rights, privileges or immunities secured or protected by the United States Constitution.
2. This Court has jurisdiction over this action under 28 U.S.C. §1345.
3. The United States has standing to initiate this action pursuant to 42 U.S.C. §1997a.

4. The Attorney General has certified that all the pre-filing requirements specified in 42 U.S.C. §1997b have been met. The certificate of the Attorney General is appended to this Complaint and is incorporated herein.

5. Venue in the Southern District of Mississippi is proper pursuant to 28 U.S.C. §1391b. The claims herein arose in said District, and each of the named defendants resides in said District.

6. Defendant STATE OF MISSISSIPPI owns and operates Boswell, a state residential mental retardation facility. Persons residing at Boswell well include mentally retarded and developmentally disabled citizens.

7. Defendant Kirk Fordice is the Governor of Mississippi, and in this capacity, heads the executive branch of state government. He appoints the Mental Health Board of the State of Mississippi. As Governor and Chief Executive Officer of Mississippi, he is responsible in whole or in part for Boswell.

8. Defendant MISSISSIPPI DEPARTMENT OF MENTAL HEALTH is responsible for the administration and operation of Boswell and for the conditions therein.

9. Defendant ALBERT RANDEL HENDRIX is the Executive Director of the Department of Mental Health, and in this capacity, has responsibility for the operation of Boswell. He appoints and supervises the Chief of the Bureau of Mental Retardation and the Superintendent of Boswell.

in lieu of treatment or training, or for the convenience of staff.

18. Defendants have failed and are continuing to fail to ensure that bodily restraints are administered to persons confined to Boswell only pursuant to the exercise of professional judgment by appropriate qualified professionals and are not used as punishment, in lieu of treatment, or for the convenience of staff.

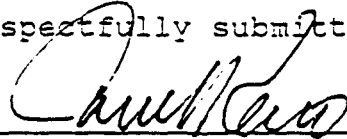
19. Defendants have failed and are continuing to fail to ensure that there is an adequate number of sufficiently trained staff to render professional judgments regarding necessary care, medical services, treatment and training to Boswell residents, and to implement such professional judgments.

20. The acts and omissions of Defendants alleged in paragraphs 16 through 19 constitute patterns or practices of resistance to the full enjoyment of rights, privileges, or immunities secured or protected by the Constitution of the United States and deprive persons confined at Boswell of such rights, privileges or immunities.

21. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 16 through 19 above that deprive persons confined to Boswell of rights, privileges or immunities secured or protected by the Constitution of the United States, and cause irreparable harm to Boswell patients.

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 BRC set forth in paragraphs 16 through 19 above and to require Defendants to take such actions as will provide constitutional conditions of confinement to Boswell residents. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

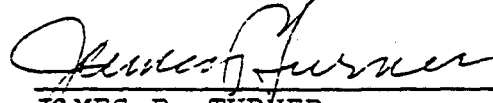
Respectfully submitted,



JANET RENO
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of the United States



GEORGE PHILLIPS
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Washington, D.C. 20530

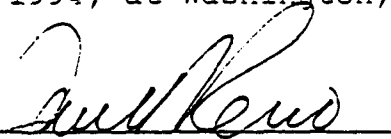
CERTIFICATE OF THE ATTORNEY GENERAL

I, Janet Reno, 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. Section 1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. Section 1997b(a)(2). I further certify pursuant to 42 U.S.C. Section 1997b(a)(3) my belief that this action by the United States is 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 further certify that I have the "reasonable cause to believe" set forth in 42 U.S.C. Section 1997a(a) to initiate this action. I finally certify that all prerequisites to the initiation of suit under 42 U.S.C. Section 1997 have been met.

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

Signed this 2nd day of March, 1994, at Washington, D.C.



JANET RENO
Attorney General
of the United States