



MR-OK-001-003

WER:AEP:BPS:GOD:drl  
DJ 168-60-7

25 JAN 1985

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Honorable George Nigh # 9000 2  
Governor of Oklahoma  
State Capitol  
Oklahoma City, OK 73105

Re: Enid and Pauls Valley State Schools,  
Enid and Pauls Valley Oklahoma

Dear Governor Nigh:

As you are aware, Enid State School and Pauls Valley State School have been the subjects of an investigation pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. §1997. This statute permits the Department of Justice to protect affected persons from a pattern and practice of egregious and flagrant conditions that deprive them of their federal constitutional rights. On May 23, 1983, I advised you of our findings regarding Enid and Pauls Valley. These findings included inadequate professional and direct care staff, lack of minimally adequate medical services, and the absence of the minimal training necessary to ensure safe conditions of confinement and freedom from undue bodily restraint.

On July 31, 1984, lawyers from this Division met with representatives from the Department of Human Services to review the matter and to discuss potential remedies to the deficiencies existing at Enid and Pauls Valley. At the same time, we conducted site visits with one of our consultants to update our information regarding Enid and Pauls Valley and to observe the state's implementation of its voluntary plan of correction.

At Enid, there have been many improvements. Many buildings have been closed, renovated or are scheduled to be renovated in the near future. Beginning with this school year, all residents will be enrolled in a full day of training or educational programs. In addition, an effective behavior treatment program has been implemented.

There is, however, a shortage of both professional and direct care staff at Enid. Enid particularly lacks registered physical therapists, registered occupational therapists and aides, and psychologists. While we find this situation troublesome, it does not rise to the level of a pattern or practice of flagrant or egregious conditions that violate residents' constitutional rights and thus does not warrant action pursuant to the Civil Rights of Institutionalized Persons Act. Moreover, it appears that the administration and staff at Enid are now committed to serving the needs of residents. Thus, we have decided to close our formal investigation of Enid State School.

At Pauls Valley, which has a more severely disabled population, we found that the earlier pattern and practice of flagrant and egregious conditions of confinement continues to exist, and that these conditions do not satisfy constitutional minima. The State has not met deadlines set forth in its voluntary plan of correction at Pauls Valley, and it is now apparent that, even if fully implemented, the plan will not meet the minimal requirements of the Constitution.

The United States prefers to resolve the problems at Pauls Valley amicably with a legally binding and judicially enforceable consent decree and thus avoid protracted litigation. Nevertheless, if the State of Oklahoma maintains that it cannot agree to the filing of a settlement agreement in court, the United States will be forced to resort to the enforcement alternatives provided in 42 U.S.C. §1997.

The continuing unconstitutional conditions at Pauls Valley are of great concern. I would therefore appreciate your immediate consideration of our proposal to negotiate a settlement and request that you respond to this letter within three weeks.

Thank you for your prompt attention to this important matter.

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

cc: Robert Fulton # 90003  
Director, Department of Human  
Services

Layn R. Phillips, Esq. 90004  
United States Attorney

William S. Price, Esq. 90005  
United States Attorney