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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

1 STATE OF ILLINOIS; 2 JAMES R. THOMPSON,
Governor of the State of Illinois;
3 ILLINOIS DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES; 4 ANN
KILEY, Director, Illinois Department
of Mental Health and Developmental
Disabilities; 5 ROALDA J. ALDERMAN,
Facility Director, Elgin Mental Health
Center,
Defendants.

JUDGE MARSHALL

8607520

DOCKETED

OCT 6 - 1986

U.S. DISTRICT COURT
CLERK

1986 OCT - 3 P 20

FILED - ED1

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 Elgin Mental Health Center ("EMHC"),
Elgin, Illinois, 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 civil 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 Northern District of Illinois is proper pursuant to 28 U.S.C. §1391. The claims set forth in this Complaint all arose in said District.

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

PARTIES

5. Defendant STATE OF ILLINOIS owns and operates EMHC, which is a state residential mental health facility.

6. Defendant JAMES R. THOMPSON is the Governor of Illinois, and is, in this capacity, head of the executive branch of the state government. He appoints the Director of the Illinois Department of Mental Health.

7. Defendant ILLINOIS DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES is responsible for the administration and operation of EMHC.

8. Defendant ANN KILEY, is the Director of the Illinois Department of Mental Health and Developmental Disabilities, and in this capacity, she has responsibility for the operation of EMHC. She appoints and supervises the Superintendent of EMHC.

9. Defendant ROALDA J. ALDERMAN is the Facility Director, of EMHC, in this capacity, she is the chief administrator of EMHC and has responsibility for supervising the operations of EMHC.

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

FACTUAL ALLEGATIONS

11. Defendants are legally responsible, in whole or in part, for the operation of EMHC and for the conditions at EMHC and the care of persons confined at those institutions.

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 at EMHC with adequate medical care and treatment.

14. Defendants are failing to provide persons confined at EMHC with that level of psychiatric treatment necessary to ensure that patients are free from undue risks to their 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 psychiatric treatment to patients at EMHC and to implement such professional judgments.

16. Defendants jeopardize the personal safety of residents at EMHC by failing to ensure that medications are appropriately prescribed and administered pursuant to the exercise of professional judgment by qualified professionals.

VIOLATIONS ALLEGED

17. The acts and omissions of Defendants alleged in paragraphs 13 through 16 each constitute a pattern or practice of resistance to the full enjoyment of rights, privileges or immunities secured or protected by the Constitution of the United States and deprives persons confined at EMHC of such rights, privileges or immunities.

PRAYER FOR RELIEF

18. 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.

19. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 13-17 above, that deprive persons confined at EMHC 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 EMHC set forth in paragraphs

13-17 above. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

Anton R. Valukas Date: 10-1-86
ANTON R. VALUKAS
United States Attorney
Northern District of Illinois

Margaret C. Gordon Date: 10/2/86
MARGARET C. GORDON
Assistant United States
Attorney

Respectfully submitted,

Edwin Meece III Date: 1 Aug 86
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: 7/3/86
ARTHUR E. PEABODY, JR.
Chief
Special Litigation Section

Benjamin P. Schoen Date: 12 Aug. 1986
BENJAMIN P. SCHOEN
Deputy Chief
Special Litigation Section

Andrew J. Barrick Date: 8/12/86
ANDREW J. BARRICK
Attorney
Special Litigation Section

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. §1997(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 1st day of August, 1986, at
Washington, D.C.


EDWIN MEESE III
Attorney General of
the United States

NO. _____

UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF ILLINOIS
Eastern Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF ILLINOIS; JAMES R. THOMPSON,
Governor of the State of Illinois, ILLINOIS
DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES:
ANN KILEY, Director, Illinois Department
of Mental Health and Developmental
Disabilities; ROALDA J. ALDERMAN,
Facility Director, Elgin Mental Health
Center,

Defendants.

COMPLAINT

Office of
UNITED STATES ATTORNEY
United States Court House
Chicago, Illinois 60604

353-5300

86C 7520

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21-89-0225

122546-122662