

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF IOWA,

Defendant.

Civil No. 4:22-cv-00398

COMPLAINT

PLAINTIFF, THE UNITED STATES OF AMERICA, by its undersigned attorneys,
hereby alleges:

1. The United States files this Complaint pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 (CRIPA), to enjoin the Defendant, State of Iowa, from depriving people with intellectual/developmental disabilities (IDD) of rights, privileges, or immunities secured or protected by the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1345.
3. The United States is authorized to initiate this action pursuant to 42 U.S.C. § 1997a(a).
4. The Attorney General has certified that all pre-filing requirements specified in 42 U.S.C. § 1997 have been met. The Certificate of the Attorney General is appended to this Complaint as Attachment A and is incorporated herein.

5. Venue in the United States District Court for the Southern District of Iowa and in this Division is proper pursuant to 28 U.S.C. § 1391 and Local Rule 3(b).

PARTIES

6. Plaintiff is the United States of America.
7. Defendant is the State of Iowa.
8. Defendant is responsible for the safety, care, and control of people with disabilities housed at the Glenwood Resource Center (GRC) at 711 S Vine St, in Glenwood, Iowa.

FACTS

9. GRC is an institution within the meaning of 42 U.S.C. § 1997(1).
10. GRC houses approximately 150 individuals with IDD.
11. On November 21, 2019, the United States notified the State of Iowa and GRC leadership of its intention to investigate conditions at GRC, including specifically whether the State “engages in a pattern or practice of violating the federal rights of residents of GRC by placing them at serious risk of harm by subjecting them to: (1) harmful and uncontrolled human subject experiments; (2) inadequate medical and nursing care, physical and nutritional management, and behavioral health care; (3) needless and harmful restraint practices; and (4) incidents causing needless physical injury.”
12. The United States’ investigation included on-site inspections of GRC with expert consultants; interviews of State staff, residents, and residents’ guardians; and extensive review of documents such as policies, procedures, forms, incident reports, and medical records.
13. The United States provided the results and recommendations of its investigation to the State. These disclosures include specifically those made in the United States’ December

22, 2020 investigative findings report. The constitutional violations outlined in the report include those described in Paragraphs 14 through 20 below.

14. GRC residents suffer harm and serious risks of harm from inadequate physical and behavioral health care, and inadequate protections from harm, including deficient safety and oversight mechanisms.
15. The deficiencies are longstanding and have been in place throughout the course of the United States' investigation.
16. Defendant has not taken corrective action sufficient to correct the longstanding deficiencies.
17. Defendant's inadequate physical health care exposes GRC residents to harm and serious risks of harm. Many GRC residents have serious medical needs requiring treatment. Deficiencies in GRC's chronic and acute care have caused harm, and continue to subject residents to an unacceptable risk of harm, due to delays, lack of treatment, and lack of coordination among different clinical specialties.
18. Defendant's behavioral health care exposes GRC residents to serious risks of harm. Specifically, GRC subjects residents to unreasonable bodily restraints and seclusion; fails to provide adequate behavioral assessments, planning, and interventions; and fails to consider data, professional opinion, and potential consequences in making decisions within its psychology department.
19. Defendant's inadequate staffing, training, oversight, and quality management also subject GRC residents to serious risk of harm. This includes insufficient oversight, both within GRC and the State's Department of Human Services, to ensure that clinical concerns are recognized and resolved, and that residents are otherwise protected from harm.

20. GRC conducted physical and behavioral experimentation on its residents without their consent, and without complying with applicable safety, ethics, and research standards. This experimentation caused harm, and exposed residents to serious risks of harm. It occurred without meaningful oversight by the State's Department of Human Services, even though that Department was on notice of the research activities.
21. The factual allegations set forth in Paragraphs 14 through 20 have been obvious and known to Defendant for a substantial period of time. Yet Defendant has been deliberately indifferent to GRC residents' health and safety by failing to adequately address the conditions described in Paragraphs 14 through 20. In addition, with respect to each of the allegations above, Defendant's actions have so substantially departed from accepted professional judgment, practice, or standards, as to demonstrate that Defendant's conduct was not due to such judgment.

VIOLATIONS ALLEGED

22. The allegations of Paragraphs 1 through 21 are hereby re-alleged and incorporated by reference.
23. Through the acts and omissions alleged in Paragraphs 14 through 21, Defendant has violated GRC residents' rights, privileges, and immunities that are secured or protected by the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.
24. Through the acts and omissions alleged in Paragraphs 14 through 21, Defendant has engaged in a pattern or practice of conduct that deprives GRC residents of rights, privileges, or immunities secured or protected by the Fourteenth Amendment to the Constitution of the United States.

25. Unless restrained by this Court, Defendant will continue to engage in the acts and omissions, set forth in Paragraphs 14 through 21, that deprive GRC residents of rights, privileges or immunities secured or protected by the Fourteenth Amendment to the Constitution of the United States.

PRAYER FOR RELIEF

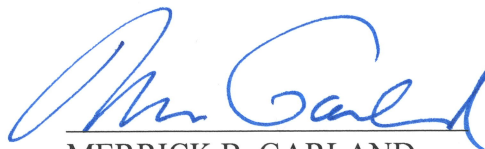
26. The Attorney General is authorized under 42 U.S.C. § 1997a to seek appropriate equitable and declaratory relief.

27. WHEREFORE, the United States prays that this Court enter an order:

- a. Declaring that the acts, omissions, and practices of Defendant set forth in Paragraphs 14 through 21 above constitute a pattern or practice of conduct that deprives GRC residents of rights, privileges, or immunities secured or protected by the Fourteenth Amendment to the Constitution of the United States and that those acts, omissions, and practices violate the Fourteenth Amendment to the Constitution of the United States;
- b. enjoining Defendant, its officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth in Paragraphs 14 through 21 above and requiring Defendant to take such actions as will ensure lawful conditions are afforded to GRC residents; and
- c. granting such other and further equitable relief as it may deem just and proper.

This 14th day of November, 2022.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that, on this 1st day of December, 2022, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/David L.D. Faith II
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Assistant United States Attorney