

**Overview of the Department of Justice's Investigation at  
Glenwood Resource Center and Woodward Resource Center**

**I. Civil Rights of Institutionalized Persons Act**

**CRIPA requirements placed upon institutional provider**

- The Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the United States Department of Justice to enforce what the U. S. Supreme Court has described as minimal constitutional requirements for residents of institutions operated by the state: "All residents of state-operated mental retardation facilities have a Fourteenth Amendment due process right to adequate food, clothing, shelter, medical care, habilitation to ensure reasonable safety, freedom from unreasonable restraint, prevention of regression, training, and ability to pursue liberty interests" (Youngberg v. Romeo, 457 U.S. 307 (1982)).

**Related statutes/regulations**

- The state must provide public services to individuals with disabilities that represent the most integrated setting appropriate to their needs. See, e.g., Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12132 et seq.; 28 C.F.R. § 35.130(d); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 794 et seq. and the regulations promulgated pursuant thereto; and the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. 1412(5)(B)
- The state must provide services and programs that are readily accessible to and usable by individuals with disabilities (28 C.F.R. § 35.150).
- **42USC 1997a Civil Rights of Institutionalized Persons Act (CRIPA)**  
US Attorney General with:
  - a. Reasonable cause to believe
  - b. That State or political subdivision
  - c. Is subjecting person in institution
  - d. To "egregious or flagrant" conditions depriving persons of rights, privileges, or immunities guaranteed by US Constitution
  - e. Causing "grievous harm" AND that such deprivation is pursuant to "pattern and practice" may institute civil action in federal court
  - f. For equitable relief affecting "minimum corrective measures"

**II. Background**

- November 1999, the Department of Justice (DOJ) began an investigation of potential violations of the Civil Rights of Institutionalized Persons Act (CRIPA) requirements at Glenwood Resource Center and Woodward Resource Center. DOJ staff identified key issues with psychiatric, psychological and behavioral treatment, use of medication and restraint. DOJ staff indicated it wanted to work cooperatively with the state.
- April 30, 2001, Iowa received the Survey Report from the November 1999 visit.

- April 30 - May 5, 2001, DOJ made a second visit to each Resource Center (RC). During the exit conference, DOJ experts reiterated the same key issues identified in 1999 and also indicated additional concerns about transition planning and risk management.
- July 20, 2002, Iowa received the DOJ Findings Letter, which stated that both RCs excel in various respects, including resources for communities, medical care at Woodward, nutrition care at Glenwood, dedication, and concern for the client wellbeing. However DOJ suggested that both RCs, as of May 2001, were below constitutional CRIPA minimums in several key areas. The letter also described recommended remediation the US DOJ believed necessary to achieve minimal compliance. The letter also referenced the integrated setting obligations upon states in *Olmstead v. Zimring* 527 U.S. 581 (1999).

Specific issues included:

- Use of restraint at Woodward
  - Medical care at both facilities
  - Psychological and psychiatric care at both facilities
  - Quality assurance and risk management systems
  - Habilitation
  - Outplacement to integrated settings in the community
- November 2002, DOJ visited both Resource Centers for a third time. Although DOJ noted some areas in which progress had been made, DOJ informed the Department of Human Services that both facilities still needed to improve.

In addition to the extensive materials provided upon request, DOJ listened to case presentations, reviewed selected charts, interviewed staff, observed clients in the living and vocational units, reviewed risk management, quality assurance and abuse/neglect procedures, toured living units and met with AFSCME leadership at both campuses. DOJ also visited the RC off site Waiver Homes.

- March 21, 2003, Iowa received the proposed DOJ settlement agreement setting forth the remediation DOJ would require of the RCs and the State. The focus was on treatment and healthcare services.
- July 15 & 16, 2003, the Department entered into preliminary negotiations with the DOJ regarding the proposed agreement.

### III. Funding

- In FY 2003 the SRCs received a supplemental appropriation, which included an amount for DOJ: \$1,412,000 at GRC and \$586,000 at WRC. This funding allows the SRCs to continue moving forward in meeting DOJ recommendations but additional funding will be necessary in FYs 04/05 to address the issues identified.