



Press Release

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U.S. Attorney's Report in Ricci Class Action Concludes Mentally Retarded Residents of Community Based Homes Run by DMR Contractors Face Increased Risk of Abuse and Neglect

U.S. Attorney Michael J. Sullivan finds evidence of higher risk of neglect and abuse in Massachusetts community-based group homes for the mentally retarded

Boston, MA, March 12, 2007 – On Wednesday, March 7th at a hearing in U.S. District Court, Michael J. Sullivan, U.S. Attorney, District of Massachusetts, reported on the findings of his investigation of DMR's transfers of mentally retarded individuals from the Fernald Developmental Center. Although Attorney Sullivan determined that the Department of Mental Retardation's recent transfers of 49 Fernald residents complied with federal law, he noted "very concerning" trends in community residences operated by Contract Vendors. These findings validate the concerns of the Wrentham Association for Retarded Citizens. Given the reforms put in place under Judge Tauro in the 1970s and 1980s, many mentally retarded citizens moved from facilities or "state schools" to community-based housing. The U.S. Attorney's report is the first time a government official has found an increased risk of abuse in community-based housing operated by companies that contract with DMR to provide direct care services.

Specifically, Attorney Sullivan's report noted: "Unfortunately, after reviewing data from the Disabled Persons Protection Commission, our office did note some very concerning neglect and abuse trends in Contract Vendor-operated community residences, as compared to the ICF/MRs- and State-operated community residences. These neglect and abuse trends, particularly sexual abuse, were of great concern to our office and shows that residents in our community homes are at a greater risk of being abused and/or neglected."

Mr. Sullivan was appointed Monitor in the Fernald matter in February 2006 by The Honorable Judge Joseph L. Tauro, who has presided over quality of care lawsuits involving



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Fernald and other Intermediate Care Facilities for the Mentally Retarded (“ICF/MRs”) for over thirty years.

According to Margaret M. Pinkham, legal counsel for the Wrentham Association for Retarded Citizens (the “Wrentham Class”), “We were gratified for the care and attention that U.S. Attorney Sullivan brought to the case in investigating the transfers of class members out of Fernald. However, we can’t lose sight of the fact that there are thousands of additional Class members at risk and much work remains to be done. The Monitor’s findings validate our argument that Class members in the community are subject to staffing shortages, high turnover and less continuity of care, and higher risk of sexual and physical abuse. These conditions prevent every Class member and DMR client from reaching their fullest potential in activities of daily living and social interaction.”

Through the Brown Rudnick Center for the Public Interest, the law firm of Brown Rudnick has provided pro bono representation to the Wrentham Class in Ricci v. Okin, a class action that was filed in the 1970s against the Department of Mental Retardation (“DMR”) under 42 USC § 1983 alleging that the DMR failed to provide care and treatment that met minimal constitutional requirements. Margaret M. Pinkham and Daniel J. Brown are the lead attorneys.

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