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## NEWS RELEASE

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### **Lawsuit Seeks to End Patient Transfers at Whiting Forensic Hospital; Recent Actions Violate Longstanding Court Order**

#### *Temporary Restraining Order Sought to Assure Compliance*

HARTFORD -- Disability Rights Connecticut (DRCT) and the Connecticut Legal Rights Project (CLRP) have sued Whiting Forensic Hospital, seeking an immediate court order “to prevent likely and imminent irreparable harm” to patients due to the facility’s abrupt decision, citing staff shortages, to merge units and transfer patients, in violation of specific procedures required under a court order that has been in place in Connecticut for more than three decades.

The lawsuit, filed Thursday in federal court in Bridgeport, includes a Compliance Motion, which would require Whiting Forensic Hospital (WFH) to comply with the terms of a 1991 Consent Decree which outlines the manner in which changes in treatment and other conditions must be made. The suit delineates the recent actions that put the facility out of compliance with the 1991 court order in *Roe v. Hogan*.

In addition, DRCT and CLRP are seeking a Temporary Restraining Order barring continuation of the recently imposed unit closures and mergers, and the transfers of patients to units that could jeopardize their treatment and safety. The legal action also calls for WFH to now comply with the longstanding requirements in regards to patients whose treatment circumstances have been modified in recent weeks due to transfers, without conducting the necessary patient assessments prior to any transfers.

Whiting Forensic Hospital (WFH), a state hospital located in Middletown, provides inpatient services to persons in the criminal justice system. It operates under the jurisdiction of the Department of Mental Health and Addiction Services.

“The legal protections are designed to ensure that patients’ therapeutic needs are treated as a core concern rather than an afterthought based on administrative convenience,” said Deborah Dorfman, Executive Director at DRCT.

The legal filing outlines recent decisions made at WFH, due to understaffing, to close a maximum-security unit and transfer patients to other units, despite potential adverse impacts on those being transferred, and without required consultation regarding the impact on their ongoing treatment, “impairing their ability to receive the active treatment that they have been assessed to need,” the lawsuit explains. Some treatments, for example, are not available on units to which individuals have been transferred, jeopardizing their access to specific treatment modalities.

The legal filing points out that “evaluation of each patient’s current risk is essential prior to any move so as to avoid placing patients who are particularly vulnerable with patients who have problems with aggression.” As a result of the merger of two units in recent weeks, for example,

“some patients with histories of physical altercations with each other” are to be housed together on the merged unit, placing individuals at “imminent risk of assault” and “worsening mental health symptoms.” Additionally, some patients with a history of conflicts, including past assaults, and thereafter placed in separate units, are now being placed together in the same unit, increasing the “risk of serious harm.”

The provisions of the 1991 Consent Decree, which have been in effect since then, explicitly require that all of the decisions regarding patients’ treatment be made based on clinical assessments and through a comprehensive treatment planning process. The recent transfers did not do so, as they were made solely based on staffing issues, and without regard to the individuals, and their varying clinical circumstances.

“Whiting Forensic Hospital is subject to a Consent Decree that clearly outlines the procedures that must be followed when the facility wants to take certain actions with regard to the patients in their care. The hospital did not follow the requirements of the Consent Decree. We hope that the court requires the facility to comply with the decree,” said Kathy Flaherty, Executive Director at CLRP.

Efforts to resolve the matter in recent days, initiated by DRCT and CLRP, were unsuccessful, which led to the court filing, consistent with procedures set out in the 1991 Consent Decree. In fact, patient transfers were continuing, despite the concerns that were raised directly with WFH officials, as recently as this week.

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**Disability Rights Connecticut** is the authorized protection and advocacy system for the State of Connecticut, providing legal advocacy and rights protection to a wide range of people with disabilities, and assisting individuals with problems such as abuse, neglect, discrimination, access to assistive technology, community integration, voting, and rights protection issues. DRCT also addresses issues through policy advocacy, education, monitoring, and investigation. Information is available at [www.disrightsct.org](http://www.disrightsct.org)

**Connecticut Legal Rights Project** is a non-profit Connecticut corporation providing high quality legal services to low income persons with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights. CLRP represents clients in accordance with their expressed preferences in administrative, judicial, and legislative venues to enforce their legal rights and assure that personal choices are respected and individual self-determination is protected. [www.clrp.org](http://www.clrp.org)

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