

**PRESS RELEASE | July 31, 2020**

**MENTAL HEALTH LEGAL ADVISORS COMMITTEE FILES COMPLAINT AND PRELIMINARY INJUNCTION ON BEHALF OF PATIENTS NEEDLESSLY CONFINED AT TEWKSBURY HOSPITAL IN THE MIDST OF COVID-19 PANDEMIC - HEARING ON PRELIMINARY INJUNCTION MOTION SET FOR AUGUST 6, 2020**

Four persons confined in the Massachusetts' Department of Mental Health-operated Hathorne Units at Tewksbury Hospital, represented by advocates from the Mental Health Legal Advisors Committee, recently asked the Suffolk Superior Court to issue a preliminary injunction requiring the DMH to conduct assessments of all the adults it confines in psychiatric hospitals throughout the Commonwealth to determine if they can be safely discharged to community settings. Tewksbury Hospital has been particularly hard hit by COVID-19, with 170 infections and 17 deaths by June 10, 2020, which is more than twice the number in the entire State prison system. The Plaintiffs allege that, while mostly confined in rooms with other, often sick, patients, they did not receive psychiatric treatment that is the reason for their confinement, and were instead traumatized by remaining for months in miserable conditions while watching friends get sick and die.

Plaintiffs allege, based on public statements by DMH officials, that the Agency did not consider the COVID-19 pandemic in assessing them for discharge, despite the fact that large congregate facilities like Tewksbury are highly dangerous places where patients live in close quarters and observance of COVID-19 precautions is impossible. They assert that DMH even failed to consider the heightened risk to older patients or those with physical conditions rendering them particularly vulnerable to severe outcomes, such as Parkinson's Disease and hypertension, and failed to release patients already approved for discharge, despite the availability of community placements or spaces like college dorms.

The Massachusetts State Supreme Court stated in recent decisions that institutional population reduction, even in prisons, is "necessary," and that pandemic-generated risks must be considered when deciding whether to hold people accused of crimes in jails pending trial or for substance abuse treatment. Plaintiffs assert that DMH acted inconsistently with these decisions, and that enough people can be safely discharged to allow those that remain to sleep in individual rooms and receive treatment. They ask the Court to protect them from a replication of what they suffered in the event of a new surge of COVID-19 that experts expect in the fall or winter.

The Mental Health Legal Advisors Committee is a State "watchdog" Agency that provides legal and policy advocacy for people who have or are perceived to have psychiatric concerns. For further information, contact Phillip Kassel at [pkassel@mhlac.org](mailto:pkassel@mhlac.org) or Caitlin Parton at [cparton@mhlac.org](mailto:cparton@mhlac.org), read the [complaint](#) and [brief in support of the Plaintiffs' preliminary injunction motion](#), or visit [www.mhlac.org](http://www.mhlac.org).