

2. The United States has standing to initiate this action pursuant to 42 U.S.C. §1997(a).

3. Venue in the District of Colorado is proper pursuant to 28 U.S.C. §1391. The claims set forth in this Complaint all arose in said District and all named Defendants reside in said District.

4. Wheat Ridge is an institution within the meaning of 42 U.S.C. § 1997(1).

PARTIES

5. Defendant STATE OF COLORADO owns and operates Wheat Ridge, which is a state residential mental retardation facility.

6. Defendant RICHARD D. LAMM is the Governor of Colorado, and, in this capacity, heads the executive branch of the state government. He appoints the Executive Director of the Colorado Department of Institutions.

7. Defendant COLORADO DEPARTMENT OF INSTITUTIONS is responsible for the administration and operation of Wheat Ridge.

8. Defendant FRANK A. TRAYLOR is the Executive Director of the Department of Institutions, and, in this capacity, has responsibility for the operation of Wheat Ridge. He appoints and supervises the Director of the Division for Developmental Disabilities.

9. Defendant JEFFREY SANDLER is the Director of the Division for Developmental Disabilities, and, in this capacity, has responsibility for the operation of Wheat Ridge and appoints and supervises the Superintendent of Wheat Ridge.

10. Defendant RAYMOND DEL TURCO is the Superintendent of Wheat Ridge, and, in this capacity, is the chief administrator

of Wheat Ridge and has responsibility for supervising the operations of Wheat Ridge.

11. The individual Defendants identified in paragraphs 6, 8, 9, and 10 above are officers of the executive branch of the State of Colorado and are sued in their official capacities.

FACTUAL ALLEGATIONS

12. Defendants are legally responsible, in whole or in part, for the operation of Wheat Ridge and for the conditions at Wheat Ridge and the care of persons confined at that institution.

13. At all relevant times, the Defendants or their predecessors in office have acted or failed to act, as alleged herein, under color of state law.

14. Defendants are failing to provide persons confined to Wheat Ridge with adequate medical care and treatment.

15. Defendants are failing to provide persons confined at Wheat Ridge with that level of training necessary to ensure that residents are free from unreasonable bodily restraint and undue risks to their personal safety.

16. Defendants are failing to ensure that there is an adequate number of sufficiently trained staff to render professional judgments regarding necessary care, medical treatment and training to residents at Wheat Ridge, and to implement such professional judgments.

17. Defendants are failing to ensure that medications are prescribed and administered to persons confined at Wheat

Ridge pursuant to the exercise of professional judgment by qualified professionals and are not used in lieu of treatment or training programs or given to such persons for the convenience of staff.

18. Defendants are failing to ensure that persons confined at Wheat Ridge are protected from unreasonable risks of harm to their personal safety from the conduct of staff and other residents.

19. Defendants are failing to ensure that the physical environment of Wheat Ridge protects persons confined at Wheat Ridge from unreasonable risks of harm to their personal safety.

20. Defendants are failing to ensure that seclusion, restraint and time out are administered to persons confined at Wheat Ridge only pursuant to the exercise of professional judgment by appropriate qualified professionals and are not used in lieu of treatment or for the convenience of staff.

VIOLATIONS ALLEGED


21. The acts and omissions of Defendants alleged in paragraphs 12 through 20 deprives persons confined at Wheat Ridge of rights, privileges or immunities secured or protected by the Constitution of the United States and such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges or immunities by persons confined at Wheat Ridge.

PRAYER FOR RELIEF

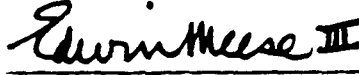
22. The Attorney General is not authorized to seek any remedy at law and is authorized under 42 U.S.C. § 1997 to seek only equitable relief.

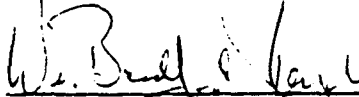
23. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 12-20 above, that deprive persons confined at Wheat Ridge of rights, privileges or immunities secured or protected by the Constitution of the United States, and cause irreparable harm.


WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions and practices at Wheat Ridge set forth in paragraphs 12-20 above. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

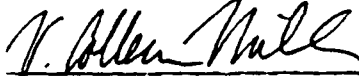

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Respectfully submitted,


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CERTIFICATE OF THE ATTORNEY GENERAL

I, Edwin Meese III, Attorney General of the United States, certify that with regard to the foregoing Complaint, I have complied with all subsections of 42 U.S.C. §1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. §1997b(a)(2). I further certify pursuant to 42 U.S.C. §1997b(a)(3) my belief that this action by the United States to be of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

I finally certify that all prerequisites to the initiation of suit under 42 U.S.C. §1997 have been met.

Pursuant to 42 U.S.C. §1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. §1997b(b), I am personally signing this Certificate.

Signed this 30th day of June, 1986, at Washington, D.C.

Edwin Meese III

EDWIN MEESE III
Attorney General of
the United States