

Horton v. Williams



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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA  
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**Monitoring Report**  
**JAMES HORTON, et al.,**

**Plaintiffs**

**vs.**

**BOB WILLIAMS, et al.,**

**Defendants**

**Submitted to**

**United States District Court**  
**Western District of Washington**  
**At Tacoma**

**PROGRESS REPORT**

**HORTON VS WILLIAMS STIPULATION & JUDGEMENT**

**Second report to the Federal Court - October 1996**

**Orlando L. Martinez  
Case #C94-5428 RJB**

## **INTRODUCTION**

This is the second monitoring report to the Court, Plaintiffs and State Defendants concerning the progress Green Hill School has made in achieving compliance with the Stipulation and Judgment signed by the Court on September 11, 1995.

Since the last reporting period, this monitor spent three days at Green Hill School visiting living units, reviewing the school's medical program, reviewing reports and daily logs, meeting with institutional administrators, and meeting with Plaintiff's and Defendants' attorneys. Additionally, telephone communications were held following the monitoring visit in February, 1996.

The State Defendants have made progress toward compliance with this Stipulation and Judgment as described in the following sections of this report.

## **PHYSICAL PLANT**

The State Defendants will maintain the present facility in a safe and sanitary condition, and will adequately heat, cool, and ventilate all structures. This provision shall not be construed to require capital improvements in existing structures, other than as planned in reconstruction, absent a condition that adversely affects the health or safety of residents.

Finding - The Chehalis Fire Department completed a Fire/Life Safety inspection on June 14, 1996, and submitted a letter providing certification of an annual inspection of Green Hill School. This does not meet the intent of this monitor's recommendation in the February report regarding a letter or certificate from an authority having jurisdiction documenting that the facility conforms to applicable federal, state and/or local fire safety codes. Conformance with codes is indicated by licensing or, in cases where a license is not issued, by letter or certificate of compliance. This Chehalis Fire Department certifies that the school was inspected but does not certify it meets certain building and safety codes that ensure the safety of all persons within the facility.

The Chehalis Fire Department found that Green Hill School kitchen needed an extinguisher and a kitchen hood and that unfinished ceilings in the kitchen and in the power plant room were in violation of the local code. All deficiencies identified in the safety inspection report have been corrected by Green Hill School. On May 17, 1996, the Department of Health completed an environmental health audit of Green Hill School. The sixteen (16) deficiencies cited by the Department of Health have been corrected.

## **DISCIPLINARY PRACTICES**

The parties agree that they will comply with JRA Bulletin No. 2 and GHS Policy No. 4 which comport with the requirements of this Judgment and the State Defendants agree to abide by the terms and conditions of these policies.

### Aerosol Restraint

Finding - Since entering into this Settlement and Judgment, Green Hill School has used oleocapsicum pepper spray on resident J.H. on November 28, 1995 and December 20, 1995 involving residents R.G. and S.N. Pepper spray has not been used at the school since December 20, 1995.

### Mechanical Restraints

Finding - From March 1, 1996 to June 30, 1996 mechanical restraints have been used in 28 separate incidents by Green Hill Staff. Information received from Green Hill suggests that the use of mechanical restraints is decreasing primarily due to staff training in a curriculum know as Dealing With Resistive Youth (DWRY). This curriculum introduces staff to basic supervision and discipline techniques essentially to provide staff with tools for assessing skill deficiencies and managing resistance. It provides methods for de-escalating youth who exhibit behavior that is anxious, defensive, aggressive, and dangerous. Use of physical force tactics to control an out-of-control youth is also taught.

## **EDUCATION, HEALTH AND REHABILITATIVE SERVICES**

### Education

State Defendants must provide youth in lock-up with access to education services.

Finding - The Intensive Management Unit's (IMU) educational programs were visited and reviewed with Trent Phillips, GHS Director's office and Gaye Rondo, IMU temporary program manager. The intake process includes an assessment of new arrivals within 3 days by the Special Needs Unit. Documentation was provided showing that 6 hours of education are being provided to those who are not confined to individual rooms. Parole violators are not placed in the school program although those students who have obtained their General Equivalency Diploma may continue to attend classes. During this visit, positive comments were given by IMU staff regarding a teacher who seems to have motivated students to attend his classes and who uses class suspensions sparingly.

Between February, 1996 and June, 1996, 82 students were removed for a single class period, 10 were removed for three day suspensions and two were removed for ten day suspensions. Class removals involved refusal to participate in activities, actions which threaten harm to staff, teacher, or peers and causing physical harm to staff, teacher or peers.

The educational program in IMU is not well supported with equipment and supplies. There is a need to provide appropriate print and non-print instructional materials, technologies (video, computers) and library services.

Recommendation - Good schools have identifiable characteristics with a basic premise being that a school's total learning and working environment determines its effectiveness. A school may offer a comprehensive education program but education may not be considered by facility and system administrators to be the most important part of rehabilitation of the residents. This appears to be the case in IMU. Because IMU residents have special problems that require specialized treatment in a secure environment that is not an acute care hospital, a prison or an open residential campus, the education program is competing with medical and safety/security concerns. The Department of Social & Health Services and Green Hill School should consider visiting The Pines Residential Treatment Center of Virginia or other similar programs designed to work with emotionally disturbed delinquents. Developing a treatment and education program for this population should be a priority.

#### Health and Rehabilitative Services

The State Defendants shall permit only qualified medical personnel to administer medications to youth, as required by law.

Finding - Jan Haviland, RN II, and Gail Scott, RN II, were interviewed regarding the GHS medical services program. Dr. Isaac Pope is the contracted physician for both Maple Lane institution and for Green Hill School. He is on site two times a week for a total of six to eight hours and is on-call 24-hours per day. The GHS medical clinic is open from 6:30 a.m. to midnight seven days a week with the Senior Nurse being available for telephone consultation after midnight. New arrivals are taken to the clinic for medical screening immediately upon admission to the campus and sick call is provided seven days a week in both open and closed cottages.

The GHS medical clinic is accredited by the National Commission on Correctional Health Care. Written policies and procedures are available, however, they could be better organized for easier access and comprehension. The policy and procedure manual is not reviewed annually and they do not have an internal quality assurance policy. The medical clinic is developing an involuntary medications policy. It was reported that there are no protocols for psychotropic medications.

GHS does not have a dietitian. Dental services are excellent at GHS. Dental screening is conducted on all juveniles within one month of admissions to the facility, a dental exam is provided and treatment given as required. Preventive services are also provided.

Health records are maintained in the clinic with procedures appearing to meet confidentiality requirements. In-patient hospital care and emergency medical services are provided by a contract with Providence Hospital located in Centralia.

Dr. Joseph Dubey is the contract psychiatrist for GHS. He is on-site one day a week and it appears that there is limited coordination with medical clinic personnel. This is further evidenced by the lack of written protocols for psychotropic medication management.

Mental health services are primarily provided by staff assigned to the GHS special needs program.

Recommendation - GHS should review and revise the medical services policy and procedures manual at least annually and should immediately develop and implement protocols for psychotropic medication management. A quality assurance program that ensures the quality and consistency of health services provided at GHS should also be implemented.

GHS should develop a policy concerning informed consent governing examinations, treatments and other medical procedures. The right to refuse treatment and consent to medical treatment by juveniles could best be addressed by such a policy.

The services of a registered dietitian is also recommended for GHS to ensure that special medical and dental diets are served to juveniles when ordered by a treating physician or dentist.

The mental health services provided by Green Hill School are currently under study the Department of Social and Health Services. This monitor will withhold any recommendations regarding mental health services until this study is completed.

## **TRANSLATION SERVICES**

Finding - Green Hill School has four bi-lingual staff that serve as Spanish interpreters and translators and has completed the translation of the student handbook. Additionally, the school has implemented a cultural literacy program delivered to residents via a written manual and video. Each living unit has a staff facilitator assigned to deliver this program and a Cultural Literacy Committee directs all cultural education on the campus. The Committee has sponsored African American History Day, St. Patrick's Day, Native American History Day and Cinco de Mayo.

## **GRIEVANCE PROCEDURES**

The State Defendants agree to abide by JRA Bulletin No. 13, relating to Youth Complaints.

Finding - A packet of "Youth Complaint/Appeal Process" forms completed by residents have been received by this monitor which upon review indicates that the process is being used with timely resolution of youth complaints.

In May of 1996, Green Hill School and Columbia Legal Services reached a consensus for language on an updated policy governing due process procedures for movement of a resident to IMU. Changes were made to reflect a current understanding that residents shall be eligible to earn time of their maximum sentence release date regardless of which

GHS living unit they are housed in and that residents will only move to IMU if the Safety Transfer or Disciplinary Transfer criteria are met.

Recommendation - Green Hill School has set September 9, 1996, as the Sunset Review Date for the policy governing due process procedures for movement of a resident to IMU. GHS should submit compliance reports on this updated policy.

**ADDITIONAL OBSERVATIONS AND COMMENTS**

Green Hill School is making good progress in achieving compliance with the Stipulation and Judgment signed by the Court on September 11, 1995. Particularly noteworthy is that the school currently in the application phase for accreditation by the American Correctional Association with the expectations being awarded accreditation in about 12 months. Accreditation plus a new physical plant will improve treatment practices in this facility.

**Prepared & Submitted by:**  
**Orlando L. Martinez**  
**October 12, 1996**