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THE HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES HORTON, et al., on behalf of)
themselves and all others similarly)
situated,)
)
Plaintiffs,)
)
vs.)
)
BOB WILLIAMS, et al.,)
)
Defendants.)
_____)

No. C94-5428 RJB
DECLARATION OF
PAUL DEMURO

1. My name is Paul DeMuro. My address is 82 Essex Avenue, Montclair, New Jersey 07042. I have been asked by attorneys for the plaintiffs in this case to comment on the use of pepper spray at Green Hill School in Chehalis, Washington.

2. My entire professional career, spanning over twenty-five years, has pertained to troubled youth. I have been superintendent of a large, secure urban detention center, as well as superintendent of a large secure institution for delinquent youth. I have served as Assistant Commissioner of the Massachusetts Department of Youth Services, as well as

1 Commissioner of Children and Youth in Pennsylvania. In the latter capacity, I supervised
2 the superintendents of the state's secure institutions for delinquent youth, and I was
3 responsible for developing regulations for the county-run, secure detention centers.

4 3. I am knowledgeable about contemporary juvenile justice standards and
5 practices in a number of other jurisdictions as well. As the former federal court monitor in
6 Florida and the present Federal Court monitor in Oklahoma, I oversee the programs,
7 including matters pertaining to discipline and control, in the secure institutions for delinquent
8 youth in those states. As a private consultant, I routinely evaluate juvenile justice systems
9 for a variety of jurisdictions. In the last two years, for example, I have reviewed secure
10 institutional programs for youth in Iowa, Missouri, and New Jersey. My resume, which sets
11 out more fully my education and employment history, is attached as Exhibit 1.
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14 4. Attorneys for the plaintiffs in this case asked me to view six videotapes
15 containing 25 separate incidents in which staff at Green Hill School sprayed youth with
16 pepper spray. These incidents took place from 1/17/91 to 12/25/93 and involved 12
17 individual youth. (Two youth [JP and TE] were sprayed 5 separate times, one youth [LM]
18 was sprayed 3 times.) They also provided me with written documentation (incident reports
19 and scripts) prepared by Green Hill staff contemporaneously with the incidents, a
20 transcription of portions of the videotapes, and the policies governing the use of pepper spray
21 at Green Hill from October, 1991 to the present.
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24 5. After viewing the videotapes, accompanying documentation, and policies, it
25 is my opinion that staff at Green Hill use pepper spray to punish youth. This practice is not
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1 only dangerous, it promotes a culture of violence within the institution which "models"
2 aggressive behavior for youths and reinforces their feelings of anger, alienation, and hostility.
3 My report, which contains a more complete description of my observations and conclusions,
4 is attached as Exhibit 2.

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6 6. It has been my experience that well-run and well-managed juvenile
7 institutions need not rely upon use of chemical agents to maintain order. For example, I know
8 from my experience as a court monitor in Florida and Oklahoma that juvenile institutions in
9 these states are prohibited both by state regulations and the current federal consent decrees
10 from using pepper spray or other chemical agents. Similarly, juvenile institutions in Iowa,
11 Missouri and New Jersey do not use pepper spray. The fact that security staff at Green Hill
12 have requested permission to use pepper spray hundreds of times and have actually used it
13 over 110 times since October, 1990 is a strong indication that Green Hill School is not a
14 well-run and properly managed institution in which staff are properly trained and supervised.

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16 7. It has been my experience that well-run institutions which provide adequate
17 staff training as well as appropriate education, recreation, social, and mental health services,
18 rarely need to resort to the use of force to maintain order. It has also been my experience
19 that institutions which rely upon extended confinement in disciplinary cottages or behavioral
20 management units, and upon locked room confinement and early bed times to maintain order
21 within these units, experience a greater frequency of incidents requiring the use of force.

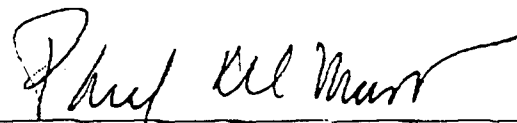
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23 8. It is my understanding that Green Hill School maintains a behavioral
24 management or disciplinary unit containing 32 cells and that youths are confined to this unit
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1 for periods ranging from a few days to several months. It is also my understanding that staff
2 within these units rely upon locked room confinement to maintain order in these units. From
3 the videotapes and accompanying documentation, it appears that this practice precipitates
4 many of the incidents which ultimately result in the use of pepper spray. Thus, it appears
5 that institutional practices concerning the use of the disciplinary units, together with the use
6 of room confinement within these units, contributes significantly to the frequent use of
7 pepper spray at Green Hill School. Less dangerous and painful methods are available to
8 respond to each of the incidents on the videotapes, and the use of the spray perpetuates a
9 culture of violence within the institution.
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12 9. In my opinion, the "spray program," in which staff are instructed by the
13 Superintendent to spray youth for minor misbehavior, is clearly outside the scope of
14 professionally accepted minimum standards of practice. Moreover, from my review of the
15 videotapes and accompanying documentation, as well as my knowledge of institutional
16 practices in a number of other jurisdictions, it is my opinion that the use of pepper spray
17 generally at Green Hill School is a substantial departure from prevailing standards of
18 professional practice.
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20 I declare under penalty of perjury that the foregoing is true and correct to the best of
21 my knowledge, information, and belief.
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25 Dated: Oct 27, 1994



Paul DeMuro