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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, )  
 )  
v. )  
 )  
BOB WILLIAMS, et al., )  
 )  
Defendants. )

NO. C94-5428 RJB

CERTIFIED STATEMENT OF  
JEAN BROOKS

I declare and affirm as follows:

I am currently employed by the Department of Social and Health Services, State of Washington, at the Green Hill School. I have been so employed since 1992. My current civil service job classification is Juvenile Rehabilitation Supervisor 2. The request to enjoin the use of pepper spray is a concern of all employees at the institution, even to those, such as myself, who are not personally involved in its use.

The institution population includes youths from ages 15 to 21 (including several tried and convicted in adult court). All of the

1 residents have been adjudicated as having committed felonies. Green  
2 Hill is the maximum security facility in the state's juvenile  
3 detention system. The institution population includes youths which  
4 the other state institutions have been unable to control because of  
5 aggressive or violent behavior. Even during my brief employment it  
6 seems that the population has become increasingly more dangerous and  
7 unpredictable. Many of these residents are physically mature and  
8 extremely strong.

9 During my employment the use of pepper spray has been available  
10 in crisis interventions. I have seen pepper spray used only when all  
11 other means of negotiation with the resident and appropriate physical  
12 restraint alternatives have failed, and then only with the specific  
13 approval of the institution superintendent. Use of the spray is  
14 pursuant to a specific policy (Green Hill Policy #4) and used only by  
15 specifically authorized and trained staff.

16 I have never seen the spray used simply for punishment. The  
17 occasions where it has been used have been situations where the only  
18 alternative appeared to be a physical altercation between the resident  
19 and staff, and use of the spray appeared necessary to avoid more  
20 serious physical injuries. On at least one occasion its use was  
21 necessary to protect one resident from an attack by one or more other  
22 residents, after other means had failed.

23 Although not used for that reason, the threat of the use of the  
24 spray is a deterrent to continued violent behavior. Residents who  
25 perceive confrontations with staff as "macho" behavior often respond  
26 to the threat of the use of pepper spray. Often the warning that

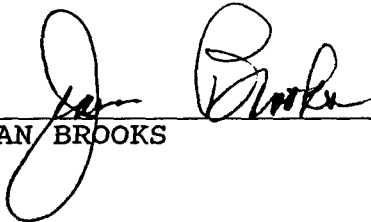
1 the spray is about to be used unless the resident de-escalates is  
2 sufficient, and the use of the spray is unnecessary.

3 The use of pepper spray is effective. Staff appear to be able  
4 to obtain immediate control after its use. As soon as control is  
5 obtained, the procedures include removing the resident from the  
6 spray environment, showering and cleaning up, and a checkup by the  
7 institutional medical staff.

8 Institutional staff feel that pepper spray is preferable to the  
9 alternatives of more serious physical injuries, to residents and  
10 staff, which were suffered in the past before it was available.

11  
12 I declare under penalty of perjury under the laws of the State  
13 of Washington that the foregoing is true and correct.

14 Signed at Olympia, Washington, on November 18, 1994.

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18 JEAN BROOKS

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