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Horton v. Williams



JI-WA-0002-0040

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WESTERN DISTRICT OF WASHINGTON AT TACOMA

PROGRESS REPORT  
HORTON VS WILLIAMS STIPULATION & JUDGMENT  
Third report to the Federal Court - February 1997

Orlando L. Martinez  
Case No. C 94-5428 RJB

**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**

## INTRODUCTION

This is the third 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, and the first monitoring report regarding the Supplemental Stipulation & Judgment Resolving Plaintiffs' Remaining Claims signed by the Court on November 5, 1996.

During this reporting period, an onsite visit was made to the Green Hill School on February 3 through February 5, 1997. Various reports and studies have been reviewed and interviews have been made with persons involved or affecting these stipulations.

## SUPPLEMENTAL STIPULATION & JUDGMENT

10. The State Defendants shall, by no later than June 1, 1996, retain consultants with expertise in the field of mental health services for juvenile offenders (hereafter mental health consultants) to evaluate and make recommendations regarding the mental health services available for juveniles incarcerated at GHS, including especially the mental health services for juveniles with acute mental illness, to insure that all youth at GHS are provided access to treatment programs and opportunities that address their individual treatment needs and/or behavior problems as required by relevant state and federal law and the terms of this Supplemental Stipulation and Judgment. The State defendants shall require the mental health consultants to submit a written report of their assessment, including findings and recommendations, which shall be due to the Juvenile Rehabilitation Administration (JRA) by June 30, 1996.

**Finding** - State defendants contracted with the University of Washington Department of Psychiatry and Behavioral Sciences to evaluate and make recommendations regarding JRA's mental health program. The mental health consultants submitted a report, Juvenile Rehabilitation Administration Mental Health Program Needs Assessment, dated October 1996. The scope of this contract required a needs assessment of six JRA institutions and JRA youth camp facilities. The report submitted by the consultants contains general findings and recommendations for all of JRA and evaluations specific to each institution such as GHS.

The mental health consultants found that services for youth with mental disorders and substance abuse problems within JRA programs mirror the transitions that are taking place in the nation's juvenile justice and public mental health systems. Disorders and behaviors are more acute and violent and there are more significant multi-system needs demonstrated by these youth. Enhancement is needed for limited family/community supports and limited educational and vocational opportunities of this population. However, the consultants found that despite these needs, "all youth experiencing an episode of major mental illness have access to appropriate services" in JRA programs. According to the consultants, a program is in the process of development at Green Hill

School which will be an exemplary model for managing seriously disordered incarcerated youth.

A significant finding is that JRA's response to the increased multi-system needs that these youth require has been incremental, uncoordinated and piecemeal because of interdivisional barriers within the Department of Social and Health Services and minimal participation of Regional Support Networks.

The University of Washington Department of Psychiatry and Behavioral Sciences reports that their review was not intended to focus on specific requirements or national standards related to mental health care, but "overall the services appear to meet minimal standards established by the National Commission on Correctional Health Services in Juvenile Confinement Facilities" and that JRA's programming direction is consistent with strategies outlined in a monograph of the National Coalition for the Mentally Ill in the Criminal Justice System.

The mental health consultants have made four improvement recommendations to JRA and five action steps specific to Green Hill School.

#### Recommendations to the JRA

- I. Improve assessment and outcome measures.
- II. Improve central coordination and multi-system integration.
- III. Enhance services and improve community transition.
- IV. Improve training of JRA staff in coordinated mental health and substance abuse interventions.

#### Recommended action steps to Green Hill School

1. Consider hiring a new contracted psychiatrist for on-site services.
2. Consider extending psychiatric medication management services by utilizing psychiatric nurse practitioner.
3. Inservice Training.
4. Psychiatric consultation input into mental health programming.
5. Institute formal medication protocols and policies.

This report does not describe how GHS youth are provided access to treatment programs and opportunities that address individual treatment needs and/or behavior problems although it states that all youth experiencing an episode of major mental illness have access to appropriate services. How do youth who have a major mental illness access appropriate services? How do youth who do not have a major mental illness access appropriate services?

What programs are being developed at GHS for managing seriously disordered incarcerated youth? The report indicates that GHS is in the process of developing a program for managing seriously disordered youth.

11. The State defendants agree to, within thirty days after receiving the report of the mental health consultants, but in any event by no later than September 15, 1996, develop a plan in response to the findings and recommendations of the mental health consultants referred to in the preceding paragraph. The plan shall contain dates by which specific tasks shall be performed to implement JRA's response to the consultant's findings and recommendations as well as this Supplemental Stipulation and Judgment. This remedial plan shall ensure that the State defendants satisfy their obligations under the terms of this Supplemental Stipulation and Judgment and comply with relevant legal standards regarding the provision of mental health services to youth at GHS.

**Finding** - GREEN HILL SCHOOL'S ACTION PLAN FOR THE UNIVERSITY OF WASHINGTON'S MENTAL HEALTH NEEDS ASSESSMENT STUDY is dated December 16, 1996, and addresses recommendations specific to Green Hill School made in the University report. This document is more of a status report than a plan probably because the University report provides GHS recommended strategies for improvements rather than priority areas for planning purposes as it does to the Juvenile Rehabilitation Administration. JRA has created a mental health oversight committee and did not present a written plan in response to this stipulation.

12. Defendants shall submit their remedial plan to plaintiff's counsel for their review as soon as possible after its completion, but in any event by no later than September 30, 1996. Plaintiffs' counsel shall review defendants' remedial plan by no later than 30 days after its receipt. If the plan fails to satisfy plaintiffs that the State Defendants will meet their obligations under the terms of this Supplemental Stipulation and Judgment or comply with relevant legal standards regarding the provision of mental health services to youth at GHS, plaintiffs may object to defendants' implementation of the plan, in whole or in part.

13. In the event that the plaintiffs object to any of the terms of the State's remedial plan, the Court-Appointed Monitor Orlando Martinez, shall serve as a mediator to assist in the resolution of disputed areas. Any disputes not resolved informally through the intervention of the Court Monitor in this manner shall be resolved in accordance with II.F. 8 of the parties' original Stipulation and Judgment, incorporated herein by reference.

**Finding** In a letter dated February 21, 1997, from plaintiff's counsel to counsel for the defendant, a conference is requested for resolving concerns with the University's report and the plan submitted by GHS.

21. The State defendants agree to, by no later than August 15, 1996, develop and implement a revised policy for the administration of psychotropic medications that is consistent with applicable law.

**Finding** - GHS has amended GHS policy #7 and incorporated medication protocols into their medical and dental care policy. This incorporation has resulted in a complex 23 page document which requires careful study to determine agency policy for the

administration of psychotropic medications. GHS should consider developing a separate policy.

Sections 14,15,16,17,18,19,20,22 and 23 are dependent upon the development of a plan as required by section 11 of this Supplemental Stipulation and Judgment.

## **HORTON VS WILLIAMS STIPULATION & JUDGMENT**

### **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 - Green Hill School received its annual environmental health audit from the Washington State Department of Health on January 28, 1997. Five deficiencies consisting of minor cleaning issues were noted.

### **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.

**Finding** - No incidents of the use of oleoresin capsicum (pepper spray) at Green Hill School since December 20, 1995.

From July 1, 1996 to December 31, 1996, GHS staff used mechanical restraints in 49 separate instances. Review of written documentation indicates that GHS is following requirements set forth in JRA Bulletin 2 and GHS Policy 4.

Green Hill School is complimented for developing an information management system that allows for tracking of juveniles to the Intensive Management Unit. These data will assist staff, managers and the Court Monitor in tracking compliance with due process guidelines.

## **EDUCATION**

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

**Finding** - The Monitor did not review this stipulation during this visit, therefore a finding can not be provided.

## **HEALTH AND REHABILITATIVE SERVICES**

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

**Finding** - In compliance.

## **TRANSLATION SERVICES**

**Finding** - Translation services are being provided.

## **GRIEVANCE PROCEDURES**

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

**Finding** - Data provided by GHS indicates that resident complaints have been resolved in a timely manner. The School has developed a management information system that has assisted this process.

## **SUMMARY AND COMMENTS**

Overall Green Hill School continues to make good progress in achieving compliance with the Stipulation and Judgment signed by the Court on September 11, 1995. Pursuing accreditation by the American Correctional Association will improve management and service delivery in this facility as will the reconstruction of its living units and support spaces. Of concern, however, are mental health services and compliance with the Supplemental Stipulation and Judgment entered in this case. A conference will be set with both parties to resolve these concerns.

**Prepared and Submitted by:**  
**Orlando L. Martinez**  
**March 17, 1997**