



JI-WA-004-007

1 Elizabeth J. Jameson  
 Carole B. Shauffer  
 2 Juvenile Justice Legal Advocacy  
 Project  
 3 1663 Mission Street, 5th Floor  
 San Francisco, CA 94103  
 4 (415) 543-3379

5 Donald J. Kinney  
 Evergreen Legal Services  
 6 204 Larson Building  
 Yakima, WA 98901  
 7 (509) 575-5590

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF WASHINGTON

10 CLARENCE M., a juvenile, on behalf  
 of himself and all other juveniles  
 11 similarly situated, No.: C-78-166

12 Plaintiffs, PARTIAL CONSENT  
 13 vs. JUDGMENT

14 BOARD OF COUNTY COMMISSIONERS OF  
 YAKIMA COUNTY, et al.

15  
 16 Defendants.

18 INTRODUCTION

19 This is a civil rights actions for declaratory  
 20 judgment, permanent injunction, damages and other relief  
 21 brought by juveniles confined at the Yakima County Juvenile  
 22 Detention Center. The complaint in this action was filed  
 23 on June 22, 1978.. The plaintiffs, on behalf of themselves  
 24 and a class of juveniles similarly situated, challenged the  
 25 conditions of confinement at the Yakima County Detention  
 26 Facility. By Order dated March 27, 1979, this Court  
 27 certified that this action should proceed as a class action  
 28 under Rule 23(b) of the Federal Rules of Civil Procedure.  
 29 The certified class includes all juveniles detained at the  
 30 Yakima County Juvenile Detention Center on or since June  
 31 22, 1978.  
 32 //

1           While neither admitting nor denying any allegations of  
2 fact or legal liability, or that the following practices  
3 and procedures are required by the United States  
4 Constitution, the parties have now agreed to the entry of a  
5 Partial Consent Judgment. The entry of this Partial  
6 Consent Judgment shall not affect plaintiffs' right to  
7 request such attorneys' fees and costs as this Court deems  
8 appropriate, or defendants' right to oppose such requests.  
9 Therefore, based upon the stipulation and agreement of all  
10 parties to this action, by and through their respective  
11 counsel, and based upon all matters of record in this case,  
12

13           IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

14           The Yakima County Juvenile Detention Center will be  
15 operated in compliance with the following provisions:  
16

17           I.   SANITATION, SAFETY AND HYGIENE

18           1.   The facility administration shall make available  
19 to it the services of a qualified fire and safety officer  
20 who reviews all policies and procedures related to safety  
21 and fire prevention.

22           2.   The facility administration shall comply with  
23 federal, state and local sanitation, safety and health  
24 codes.

25           3.   Written policy and procedure shall specify the  
26 facility's fire prevention regulations and practices to  
27 ensure the safety of staff, juveniles and visitors. These  
28 include, but are not limited to: provision for an adequate  
29 fire protection service; a system of fire inspection and  
30 testing of equipment by a local fire official at least  
31 quarterly; and availability of fire hoses or extinguishers  
32 at appropriate locations throughout the facility.

1 4. The facility shall provide an automatic fire  
2 alarm and heat and smoke detection system approved by the  
3 state fire marshall or recognized state authority and  
4 tested on a regular basis.

5  
6 II. DRESS

7 1. Except when going to court, detainees will wear  
8 clothing provided by the facility, which shall consist of  
9 jeans, a T-shirt and/or sweat shirt.

10 2. Soft soled shoes will be provided for use by all  
11 detainees at all times, unless individual detainees destroy  
12 these shoes.

13 3. Detainees' personal clothing and shoes will be  
14 made available to them for court appearances. If detainees  
15 do not wish to wear the clothing provided by the facility  
16 to court, they may wear their own clothing for such  
17 purposes.

18 4. Denial of clothing will not be used for  
19 disciplinary purposes.

20  
21 III. MAIL

22 A. Outgoing Mail

23 Outgoing mail will not be opened or read. The  
24 administrator shall provide stationery, envelopes and  
25 postage for one letter per day for each juvenile.

26 B. Incoming Mail

27 Incoming mail for the juvenile will be opened only in  
28 the presence of the juvenile and only for the purpose of  
29 inspecting for contraband.

30 //

31 //

32 //

1 IV. TELEPHONE

2 Detainees are permitted to make telephone calls,  
3 without prior clearance, immediately after being admitted  
4 for the purpose of contacting family members, attorneys and  
5 bail bondsmen as soon as reasonable after being admitted to  
6 detention.

7 After the initial telephone calls, the detained  
8 juvenile will be allowed one phone call a day to each of  
9 the following: family, attorney, bail bondsman. Detainees  
10 shall also be allowed one phone call a day to a person  
11 other than a family member unless this communication is  
12 specifically prohibited by written order of the detainee's  
13 probation counselor. This order must contain the reasons  
14 for the prohibition.

15  
16 V. VISITATION

17 A two-hour supervised visiting period shall be  
18 provided daily for family members of juveniles. Persons  
19 other than family members may also visit the detainee if  
20 accompanied by a parent or guardian of the detainee or with  
21 prior permission of the Director or probation counselor.

22  
23 VI. PRIVACY

24 Each juvenile shall be entitled to one shower daily.  
25 Such showering shall be protected from view from members of  
26 the opposite sex.

27 Detention officers of the same sex shall perform the  
28 duties of body searches and pat-down searches, assist the  
29 nurse if requested, and supervise personal hygiene  
30 activities such as showering, toilet, and other personal  
31 activities.

32 //

1 VII. SEARCHES

2 Subsequent to the initial strip search, searches,  
3 other than pat-downs, will only be conducted based on  
4 firsthand knowledge of probable cause that the juvenile  
5 possesses contraband.  
6

7 VIII. EXERCISE AND RECREATION

8 1. At least hours of outdoor large muscle  
9 exercise shall be provided to each detainee on school days  
10 and hours on non-school days except where weather  
11 prevents such programming. If weather does not permit  
12 outdoor exercise, an equivalent amount of large muscle  
13 exercise shall be provided indoors.

14 2. Large muscle activities may include but are not  
15 limited to basketball, softball, kickball, calisthenics,  
16 jogging and weight-lifting. Large muscle activity does not  
17 include unsupervised periods spent primarily in such  
18 activities as watching television, or playing games like  
19 chess or ping-pong.

20 3. The facility shall provide a program of indoor  
21 recreation, both of the sedentary and active type. There  
22 shall be an area in the facility which has recreational  
23 equipment sufficient to provide each resident the  
24 opportunity to participate in large muscle exercise. Such  
25 equipment shall be maintained in good working order.

26 4. The facility shall also provide a variety of  
27 sedentary games as well as books, periodicals, and reading  
28 materials appropriate to ages, heritages, and educational  
29 background of detainees. Detainees shall have reasonable  
30 access to these materials.

31 5. Exercise and recreation shall not be denied on  
32 the basis of punishment, except for misconduct that occurs

1 during the recreational activity.

2 6. Access to exercise and recreation shall not be denied  
3 or limited on the basis of detainee/staff ratios except on days  
4 when one or more staff members are ill and replacement are not  
available.

5 7. Under no conditions will the detention center chro-  
6 nically fail to provide exercise and recreation. Failure to pro-  
7 vide access to exercise and recreation for the time periods spec-  
8 ified in paragraph 1 of this section on more than four days of a  
9 calendar month will constitute chronic failure to provide exercise  
and recreation and shall constitute a prima facie case of contempt  
of this decree.

10 IX. OVERCROWDING

11 1. The Yakima County Detention Center shall not be  
overcrowded.

12 2. Overcrowding occurs when either all 24 sleeping rooms  
13 are occupied, or segregation of juveniles by sex precludes use of  
14 all 24 rooms and all usable designated sleeping rooms are full.  
No more than one juvenile shall be placed in each sleeping room.

15 3. In the event of emergency overcrowding, the detention  
16 center population will be reduced so that the facility is not  
17 overcrowded by noon of the following court day. A determination as  
18 to whether the population has been adequately reduced will be based  
19 on the population count as of 0800 hours on the day following the  
court day following the overcrowding.

20 4. When population of the facility exceeds capacity,  
21 the administrator of the facility or his or her designee must  
22 comply with the following procedures in order to alleviate over-  
crowding as quickly as possible:

23 a. All juveniles sentenced to a term of confinement  
24 shall be released until capacity is reached;

25 b. Other agency releases such as immigration holds  
26 and Department of Juvenile Rehabilitation holds shall be expedited  
until capacity is reached.

27 5. Under no conditions will the detention center be  
28 chronically overcrowded. Chronic overcrowding will constitute  
29 contempt of this decree. Overcrowding on more than five days  
30 of the calendar months will constitute a prima facie case of  
chronic overcrowding.

31 //

32 //

1 X. PHYSICAL, PSYCHOLOGICAL AND VERBAL ABUSE

2 1. Physical, psychological, or verbal abuse by staff  
3 is prohibited. Physical abuse includes corporal punishment  
4 of juveniles. Psychological abuse includes taunting,  
5 providing misinformation to a juvenile, threats of  
6 discipline or deprivation beyond that allowed by detention  
7 center policy. Verbal abuse includes swearing at a  
8 juvenile, name calling and racial slurs directed at a  
9 juvenile. Incidents of alleged abuse shall be immediately  
10 reported to the Director of the facility and shall be  
11 investigated promptly by institutional authorities. If it  
12 appears that a criminal act has been committed, the  
13 Director of the facility shall immediately notify the  
14 appropriate law enforcement agency. The grievance  
15 procedure shall be followed in the investigation and  
16 resolution of all complaints of staff abuse. Reports of  
17 abuse shall be submitted to the Director and shall be kept  
18 in a separate file of complaints concerning abuse.

19 Staff members who have been accused of physically  
20 abusing juveniles shall be removed from direct contact with  
21 juveniles pending final resolution of the complaint once  
22 the responsible investigating official finds probable cause  
23 to believe that the alleged abuse occurred and that the  
24 accused staff member committed the offense.

25 Disciplinary action, up to and including dismissal and  
26 referral to appropriate prosecution authorities, shall be  
27 taken against employees shown to have abused a juvenile.

28  
29 XI. ISOLATION

30 1. Definition. Involuntary removal of a juvenile  
31 from contact with other juveniles by confinement in a room  
32 other than the detainee's own room, when the room is locked

1 or the juvenile is otherwise restrained from leaving.  
2 Confinement in the student's own room is referred to as  
3 "room seclusion" and is not included in the term  
4 "isolation."

5 2. Procedure. The use of isolation is a very serious  
6 measure to be used only under the following circumstances  
7 and conditions:

8 a. Isolation shall not be used as treatment or  
9 punishment. Isolation is not a method or technique of  
10 treatment or punishment. It shall be used only in  
11 cases in which the juvenile presents a serious and  
12 immediate physical threat to him/herself, other students or  
13 staff members.

14 b. Isolation limited to two hours. A juvenile  
15 shall be immediately released from isolation as soon as he  
16 or she no longer presents either a risk or danger. No  
17 juvenile shall remain in isolation for longer than two  
18 hours. Any child who cannot be brought under control  
19 within two hours shall be promptly transferred to an  
20 appropriate facility and examined by medical and/or  
21 psychiatric consultants to determine whether the child is  
22 in need of medical or psychiatric care.

23 c. Place of confinement -- environmental needs.  
24 Any place of isolation within the institution shall be  
25 designated as such by the Director or his/her designees.  
26 The place of isolation shall be lighted, heated and  
27 ventilated the same as other comparable living areas in the  
28 institution.

29 d. Required furniture and furnishings within the  
30 place of isolation. The place of isolation shall be  
31 furnished with the items necessary for the health and  
32 comfort of the occupant, including, but not limited to, a



1 bed, mattress, pillow, sheet and blanket.

2 e. Authorization of isolation. Isolation may be  
3 authorized only by the Director of the Facility, Acting  
4 Director or officer in charge. Authorization shall be obtained  
5 prior to actual placement in isolation. When a determination  
6 is made to place a juvenile in isolation, the Director, Acting  
7 Director, or officer in charge, whichever the case may be,  
8 shall immediately record in writing the time, date and reason  
9 for such determination.

10 f. Monitoring of students in isolation.  
11 Detainees in isolation shall be checked by a resident supervisor  
12 and a record of their condition shall be entered in the log  
13 maintained at the facility every fifteen minutes. Special  
14 attention shall be paid by the Director to hygienic and  
15 physical or mental health needs of the students.

16 g. Prohibition against certain use of isolation.  
17 The use of consecutive periods of isolation to evade the spirit  
18 and purpose of this Section is prohibited.

19  
20 XII. GENERAL PROVISIONS REGARDING IMPOSITION OF SANCTIONS

21 A. Development of Rules and Policies. The facility  
22 shall maintain and follow a comprehensive set of rules of  
23 conduct and policies, violation or application of which may  
24 result in the imposition of one or more program sanctions.  
25 These sanctions shall be clearly and specifically set out  
26 in these rules.

27 B. Program Sanctions - Definitions.

28 1. The term "major program sanctions" and the  
29 provisions of this Section shall apply to any determination  
30 or decision which may result in:

31 //

32 //

1 a. Transfer of a juvenile to or placement  
2 of a juvenile in room seclusion (see section XI above) for  
3 any period over 12 hours;

4 b. A substantial reduction of the  
5 privileges, activities, liberty, community contacts or  
6 other normalizing experiences of a juvenile, for a period  
7 of more than 5 days.

8 2. The term "minor program sanctions" and the  
9 provisions of this Section shall apply to any determination  
10 or decision which may result in:

11 a. Transfer of a juvenile to or placement  
12 of a juvenile in room seclusion for any period over two  
13 hours, but less than 12 hours;

14 b. A substantial reduction of the  
15 privileges, activities, liberty, community contacts or  
16 other normalizing experiences of a juvenile, for a period  
17 of more than 1 day but less than 5 days.

18 3. The term "petty program sanction" and the  
19 provisions of this section shall apply to any determination  
20 or decision which may result in:

21 a. Transfer of a juvenile to or placement  
22 of a juvenile in room seclusion for any period up to two  
23 hours;

24 b. A substantial reduction of the  
25 privileges, activities, liberty, community contacts or  
26 other normalizing experiences of a juvenile, for a period  
27 up to 24 hours.

28 4. For the purpose of computing time in room  
29 seclusion, regularly scheduled sleeping hours shall be  
30 excluded from the computation.

31 C. Notice of Rules and Policies. At the time of  
32 admission to the facility, each juvenile shall be provided

1 with an individual written copy and an oral explanation of all  
2 rules of conduct and policies of the facility, violations or  
3 applications of which may result in one or more program sanctions.

4 Copies of written rules and procedures shall be  
5 prominently posted throughout the facility at locations  
6 reasonably accessible to viewing by all juveniles.

7 In addition to the above provisions, staff of the  
8 facility shall be required to respond to any request by a juvenile  
9 for information concerning these rules and procedures.

10 D. Hearing Procedure

11 1. A disciplinary hearing will be held within the  
12 first six hours after the imposition of any room seclusion in  
13 excess of 6 hours.

14 2. The hearing shall be held before a neutral  
15 factfinder.

16 3. The following procedural rights shall apply in  
17 any hearing conducted under this Section.

18 a. The juvenile has the right to appear  
19 personally at the hearing;

20 b. The juvenile for whom a program sanction  
21 is recommended shall have the right to be represented at  
22 the hearing by a staff member of his or her choice or by a  
23 legal services advocate;

24 c. The juvenile may present testimonial or  
25 documentary evidence on his or her behalf;

26 d. The juvenile shall have the right to  
27 confront and cross examine adverse witnesses at the hearing,  
28 including staff members and/or other juveniles.

29 //

30 //

31 //

32 //

1           4. The factfinder must base his/her decision  
2 solely upon the evidence presented at the hearing.

3           5. The proponent of the program sanction has  
4 the burden of proof of showing the necessity for such  
5 program sanction in accordance with the existing policies  
6 and procedures of the Detention Center by a preponderance  
7 of the evidence.

8           6. The factfinder may order a program sanction  
9 only for those offenses or rule violations for which such a  
10 sanction is prescribed in the existing policies and  
11 procedures of the facility and only in such a manner or for  
12 periods of time not exceeding those prescribed in said  
13 policies and procedures.

14           7. The factfinder shall make findings of fact in  
15 writing relied upon for any decision rendered and shall  
16 provide a statement of supporting reasons for imposition of  
17 any program sanction. Such records shall indicate  
18 specifically the offense or rule violation found, if any,  
19 and the specific program sanction ordered pursuant to that  
20 finding. A copy of this written record shall be provided  
21 to the juvenile.

22           Prior to the imposition of any program sanction,  
23 other than 6 hours or more of room seclusion, the juvenile  
24 shall be advised that he or she may initiate the complaint  
25 process or grievance procedure.

26           E. Limitations on Sanctions

27           1. In no instance shall sanctions include denial  
28 or reduction of the following basic rights: A place to  
29 sleep, e.g., a bed, a pillow, blankets and sheets; full  
30 meals; adequate and appropriate clean clothes; reading  
31 materials; health care services; personal hygiene items,  
32 e.g., toothpaste, soap, toothbrush, comb, etc.; exercise;

1 school; sending or receiving mail; attending religious services;  
2 telephone contacts and visits with parents and attorneys.

3 2. No child will be placed in room seclusion in  
4 excess of 24 hours, excluding regularly scheduled sleeping  
5 hours.

6 3. Restraints. Restraints, e.g., handcuffs,  
7 straightjackets, shall not be used to control a child. If a  
8 child appears to be in serious danger of harming him/herself,  
9 the youth will be immediately transferred to an appropriate  
10 facility and examined by medical and/or psychiatric consultants.

11  
12 XIII. GRIEVANCE PROCEDURES

13 1. Written grievance procedures should be established  
14 which provide juveniles access to an opportunity for a fair  
15 hearing and resolution of complaints pertaining to their  
16 care in the facility, including, but not limited to, complaints  
17 of staff abuse and appeals of the imposition of minor and  
18 petty program sanctions.

19 2. The grievance procedure must include:

20 a. Review by an impartial individual or individuals;

21 b. An opportunity for the juveniles to present  
22 and to explain his/her version of the grievance;

23 c. The opportunity for the juvenile to select a  
24 staff member to represent or assist him or her in the  
25 presentation of his or her complaint.

26 d. Assurances that the staff representative  
27 selected by the juvenile shall not be compelled to disclose  
28 to the detention center administration any conversation held  
29 with the juvenile in connection with a complaint;

30 //

31 //

32 //

1 e. When a program sanction is being appealed, a  
2 review of the written record entry of the staff member  
3 imposing the sanction describing the evidence relied upon  
4 and the reasons for imposing the sanction;

5 f. A review of any other written or oral  
6 evidence deemed necessary and relevant by the impartial  
7 individual or group decision-maker;

8 g. No reprisal for utilizing the grievance  
9 procedure;

10 h. A written finding by the individual or group  
11 decision-makers concerning the merits of the grievance;

12 i. Authority in the individual or group  
13 decision-makers to reinstate and/or extend the detainees'  
14 privileges within the facility, where such action is  
15 indicated by the above finding;

16 j. Authority in the individual or group  
17 decision-makers to refer the case in dispute to the hearing  
18 process outline for major program sanctions, where the  
19 seriousness of the alleged conduct by the facility or the  
20 complexity of the fact situation so warrants.

21 3. An oral request by a juvenile to use the  
22 grievance procedure shall be sufficient to initiate the  
23 grievance process. The staff members of the facility are  
24 required to record in writing and to report promptly to the  
25 Director any such oral request. Alternatively, the  
26 juvenile may indicate in writing his/her desire to utilize  
27 the grievance procedure. Forms for this purpose shall be  
28 provided by the facility but any written request not on  
29 such forms shall also be sufficient to initiate the  
30 grievance procedure.

31 4. A decision must be made within 3 working days from  
32 the time the juvenile submits a complaint. If the juvenile

1 is not satisfied with the decision, he or she may request a  
2 review by the administrator, who must respond within 5  
3 days.

4 5. Copies of the written findings resulting from the  
5 grievance procedure shall be submitted to the Director and  
6 kept in a separate file concerning grievance procedures for  
7 a period of not less than 21 months following resolution of  
8 the grievance.

9 6. Juveniles shall be informed of the name and  
10 address of counsel for plaintiffs on admission to the  
11 facility and advised that they should contact counsel for  
12 plaintiffs if they have complaints about their treatment at  
13 the facility.

14  
15 XIV. MEDICAL AND HEALTH CARE SERVICES

16 1. A physician licensed by the state shall be  
17 responsible for the facility's medical services pursuant to  
18 a written agreement between the facility and a physician or  
19 qualified medical authority.

20 2. The physician shall have no restrictions imposed  
21 upon him or her by the facility administration regarding  
22 the practice of medicine.

23 3. The program shall make provisions for medical  
24 examination of any employee or juvenile suspected of a  
25 communicable disease.

26 4. Written standard operating procedures approved by  
27 the responsible physician shall exist for the following:

- 28 a. Obtaining medical consent;
- 29 b. Receiving screening;
- 30 c. Health appraisal data collection;
- 31 d. Nonemergency medical services;
- 32 e. Obtaining dental services;

- 1 f. Emergency medical and dental services;
- 2 g. Deciding the emergency nature of illness or
- 3 injury;
- 4 h. Dental screening, prevention, examination and
- 5 treatment;
- 6 i. Provision of medical and dental prosthetics;
- 7 j. Rendering first aid;
- 8 k. Notification of next of kin or legal guardian
- 9 in case of serious illness, injury or death;
- 10 l. Providing chronic care;
- 11 m. Providing convalescent care;
- 12 n. Providing medical preventive maintenance;
- 13 o. Screening, referral and care of mentally ill
- 14 and retarded residents;
- 15 p. Making staff aware of special medical
- 16 problems;
- 17 q. Implementing the special medical program;
- 18 r. Immunization, where possible;
- 19 s. Delousing procedures;
- 20 t. Detoxification procedures; and
- 21 u. Pharmaceuticals.

22 5. The work of qualified medical personnel shall be  
23 governed by written job descriptions which are approved by  
24 the responsible physician and the county.

25 6. Treatment by medical personnel other than a  
26 physician shall be performed pursuant to written standing  
27 or direct orders. In lieu of standing orders, physician  
28 assistants and nurse practitioners may practice within the  
29 limits of applicable state laws and regulations, providing  
30 that such practice(s) is authorized by the responsible  
31 physician.

32 //



1           7. Adequate space, equipment, supplies and  
2 materials, as determined by the responsible physician,  
3 shall be provided for the performance of primary health  
4 care delivery in the facility.

5           8. First aid kits(s) shall be available in all  
6 facilities. The responsible physician must appropriate the  
7 contents, number, location and procedure for periodic  
8 inspection of the kit.

9           9. Receiving screening shall be performed on all  
10 residents upon admission to the facility and before being  
11 placed in the general population, and recorded on a printed  
12 screening form approved by the responsible physician which  
13 includes inquiry into:

- 14           a. Possibility of pregnancy;
- 15           b. Possibility of venereal disease;
- 16           c. Current illnesses and health problems  
17 including those specific to females;
- 18           d. Medications taken and special health  
19 requirements;
- 20           e. Status of immunizations;
- 21           f. Screening of other health problems designated  
22 by the responsible physician;
- 23           g. Behavioral observation, including state of  
24 consciousness and mental status;
- 25           h. Notation of body deformities, trauma  
26 markings, bruises, lesions, ease of movement, jaundice,  
27 etc.;
- 28           i. Conditions of skin and body orifices,  
29 including rashes and infestations; and
- 30           j. Disposition/referral of residents to  
31 qualified medical personnel on an emergency basis. If  
32 there is any question of severe or emergency medical

1 disorder, the nurse or physician shall immediately evaluate  
2 the juvenile.

3 10. The health appraisal data collection is completed  
4 for each juvenile within at least forty-eight hours of  
5 admission to the facility, which includes: review of the  
6 earlier reception screening; additional data to complete  
7 the medical and psychiatric history; height, weight, pulse,  
8 blood pressure and temperature, other tests and  
9 examinations as appropriate; and a standardized medical  
10 examination with appropriate comments on mental and dental  
11 status. Screening should also be available for pregnancy  
12 and for hepatitis. The medical examination may be  
13 modified, as determined by the physician, for juveniles  
14 admitted with an adequate examination done within a period  
15 of time such that no substantial change would be expected.

16 11. Health history and vital signs shall be collected  
17 by medically trained or qualified medical personnel.  
18 collection of all other health appraisal data must be  
19 performed only by qualified medical personnel. Review of  
20 the results of the medical examination, tests and  
21 identification of problems must be done by a physician or  
22 designated qualified medical personnel. All health  
23 appraisal data must be recorded on the health data forms  
24 approved by the responsible physician.

25 12. At the time of admission to the facility,  
26 juveniles shall be informed in writing of the procedures  
27 for gaining access to medical services.

28 13. Juveniles' medical complaints shall be monitored  
29 and responded to daily by medically trained personnel.  
30 Appropriate triage by qualified personnel shall follow.

31 14. Where sick call is not conducted by a physician,  
32 a physician shall be available at least weekly to respond

1 to juveniles' complaints regarding services which they did  
2 or did not receive from other health personnel.

3 15. Twenty-four hour emergency medical and dental  
4 care availability shall be provided as outlined in a  
5 written plan which includes:

6 a. Arrangements for the emergency evacuation of  
7 the resident from the facility;

8 b. Arrangements for the use of an emergency  
9 medical vehicle;

10 c. Arrangements for the use of one or more  
11 designated hospital emergency rooms or other appropriate  
12 health facilities;

13 d. Arrangements for emergency on-call physician  
14 and dental services when the emergency health facility is  
15 not located in a nearby community.

16 16. Facility personnel shall be trained in, and use,  
17 emergency procedures. Written standard operating  
18 procedures and training of staff incorporate the following  
19 steps:

20 a. Awareness of potential emergency situations;

21 b. Notification or observation -- determination  
22 that an emergency is in process;

23 c. First aid and resuscitation;

24 d. Call for help; and

25 e. Transfer to appropriate medical provider.

26 17. All personnel shall have current training in  
27 basic first aid equivalent to that defined by the American  
28 Red Cross.

29 18. Emergency dental care shall be provided to each  
30 juvenile under the direction and supervision of a dentist  
31 licensed in the state to include dental screening at intake  
32 and necessary dental treatment during the juvenile's stay

1 in the facility.

2 19. Screening and referral for care are provided to  
3 mentally ill or retarded juveniles. The responsible  
4 physician shall provide a written list of symptoms or  
5 behavior indicative of mental illness and retardation for  
6 staff training and shall designate in advance specific  
7 referral sources.

8 20. Written policy and procedure shall provide for  
9 emergency transfer to mental health facilities with the  
10 supervision and approval of the facility physician; such a  
11 transfer shall be reported to the court for its review and  
12 approval immediately or on the next working day after the  
13 actual transfer.

14 21. A special program shall exist for juveniles  
15 requiring close medical supervision. A written medical  
16 treatment plan for each of these patients shall be  
17 developed by a physician which includes directions to  
18 medical and nonmedical personnel regarding their roles in  
19 the care and supervision of these patients.

20 22. Detoxification from alcohol, opiates, barbituates  
21 and similar drugs shall be performed only under medical  
22 supervision.

23 23. The standard operating procedures for proper  
24 management of pharmaceuticals include:

25 a. A formulary which is updated at least  
26 annually;

27 b. The requirements that the facility adheres to  
28 regulations established by the State Board of Pharmacy  
29 regarding medications;

30 c. A policy regarding the prescription of all  
31 medications with particular attention to behavior modifying  
32 medications and those subject to abuse;

1           d. The policies regarding medication dispensing  
2 and administration;

3           e. The policies regarding the maximum security  
4 storage and weekly inventory of all controlled substances,  
5 syringes, needles and surgical instruments.

6           24. The person administering medications shall have  
7 training from the responsible physician and the official  
8 responsible for the facility shall be accountable for  
9 administering medications in a manner and on a form  
10 approved by the responsible physician.

11           25. Stimulants, tranquilizers, psychotropic drugs and  
12 drugs requiring intramuscular administration shall be  
13 prescribed only by a physician, following a physical  
14 examination of the juvenile by the physician, and shall be  
15 administered by the responsible physician or qualified  
16 medical personnel.

17           26. The medical record file shall contain the  
18 completed receiving screening form, health appraisal data  
19 collection forms, all findings, diagnoses, treatments,  
20 dispositions, prescriptions, and administration of  
21 medications, notes concerning patient education, notations  
22 of place, date and time of medical encounters, and  
23 discharges from medical treatment. The method of recording  
24 entries in the medical record, and the form and format of  
25 the record, shall be approved by the responsible physician.

26           27. Access to the medical record shall be controlled  
27 by the responsible physician. The physician-patient  
28 privilege applies to the medical record.

29           28. Written policy and procedure shall provide that  
30 when a juvenile is in need of hospitalization a staff  
31 member must accompany him or her and stays with the youth  
32 at least during admission.

1           29. Written policy and procedure shall provide for  
2 the prompt notification of the juvenile's parents/guardians  
3 and the responsible agency in case of serious illness,  
4 surgery, injury or death.

5           30. Written policy and procedures shall provide for  
6 payment of the juveniles' medical care through their  
7 parents' medical insurance, medicare coverage or other  
8 alternatives, where possible.

9           31. There shall be medical services to meet the  
10 health care needs of females.

11           32. A written plan shall be developed for the  
12 handling of diabetics, pregnant teenagers and other  
13 children needing modified diets.

14           33. Spanish speaking staff or translator will be  
15 available to interpret communications between Spanish  
16 speaking detainees and medical personnel and other  
17 detention center staff.

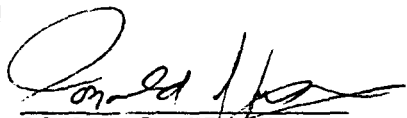
18  
19 XV. MONITORING AND REPORTING

20           Plaintiffs' counsel or their designees may enter and  
21 inspect the detention facility to monitor compliance with  
22 the Stipulated Order. Such monitoring may include  
23 interviewing students and staff in appropriate  
24 circumstances and will continue for a period of 21 months  
25 from the entry of the Stipulated Order. Such monitoring  
26 shall be conducted in the least disruptive and intrusive  
27 manner possible and shall not unduly interfere with the  
28 usual operation of the facility. Plaintiffs' counsel and  
29 their designees will give reasonable prior notice of visits  
30 to Detention Facility Administrator or his authorized  
31 designee. Such notice will include the names of those who  
32 will visit the facility, the expected length of their

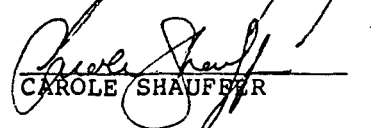
1 visit, and the purpose of their visit. Defendants shall  
2 provide copies of all disciplinary and grievance reports to  
3 plaintiffs' counsel. In the event that apparent violations  
4 of this Stipulated Order or other problems relating  
5 directly to the care and services offered to juveniles at  
6 the facility come to the attention of plaintiffs' counsel  
7 or their designees, they will contact opposing counsel in  
8 writing to seek resolution of the problems. The parties  
9 shall make every effort to remedy problems and resolve  
10 differences relating to this Stipulated Order by  
11 negotiation and cooperative action. Legal remedies will be  
12 sought only after other alternatives have failed, and any  
13 remedy sought shall be limited to the party directly  
14 responsible for the conduct or action complained of.

15 DATED: \_\_\_\_\_

16  
17 JUSTIN QUACKENBUSH  
U. S. District Court Judge

18  
19   
20 DONALD J. KINNEY

21   
22 ELIZABETH JAMESON

23   
24 CAROLE SHAUFFER  
25 Counsel for Plaintiffs

26  
27 JEFFREY SULLIVAN  
28 Counsel for Yakima County

29  
30  
31  
32