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September 10, 2020

Ross Hunter, Secretary
Department of Children, Youth, and Families
1500 Jefferson St SE
Olympia, WA 98501

Jennifer Redman, Superintendent
Green Hill School
375 S.W. 11th Street
Chehalis, WA 98532

Re: Illegal use of restraints at Green Hill School

Dear Mr. Hunter and Ms. Redman:

We represent Michael Rogers, a youth held in DCYF custody. We write to request a meeting with DCYF leadership and administrative staff at Green Hill School regarding two incidents in 2019 in which our client was held in mechanical restraints, in isolation, for extended periods of time in order to coerce his compliance with a strip search due to suspicion of marijuana possession, in clear violation of Juvenile Rehabilitation policy.

Summary of Restraint Incidents

On September 28 of 2019, our client, Michael Rogers, was placed in restraints because he verbally refused to comply with a strip search performed by Officer Benny Swenson. Officer Anthony Harper stated in his incident report of September 30, 2019 that Michael knew that his refusal to allow officers to search his underwear would result in his being placed in mechanical restraints and relocated to the Willow Quiet Room, to be observed in isolation until he complied. The officers who escorted him to the Quiet Room informed him that "the moment he was willing to comply with the search, the mechanical restraints would be removed." Their supervising officer, Officer Michael Smith, confirmed that he approved holding Michael in mechanical restraints until he agreed to comply with the search.

Michael reports that he was held in mechanical restraints through the night. He was restrained with his hands behind his back, tightly enough that his hands became swollen and were bruised for several days afterward. He had to find ways to maneuver the cuffs so that he could relieve himself, as staff would not remove the restraints upon request. He could not sleep while wearing the restraints. He experienced auditory hallucinations during the night and thought he saw the walls changing color. He was not provided with a pillow and blanket until after the restraints were removed.



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Michael reports that he was eventually released from handcuffs because staff told him that according to policy, they could not hold him in restraints for more than twelve hours. He remained in isolation until he agreed to comply with the search.

On October 30, 2019 Officer Oswaldo Rosero reported that again, Michael was placed in restraints and removed to isolation in order to coerce him to comply with a strip search after he verbally refused to remove his undergarments. Again, the incident report does not indicate how long Michael was in restraints, but he reports that it was several hours.

Michael's History of Trauma and Isolation in the Juvenile Justice System

Michael has a history of trauma in the juvenile justice system. While in confinement in King County, he was held in extreme long-term isolation because of policies that allowed youth to be confined alone for days or weeks, an experience that left serious physical, emotional, and psychological harm. Being repeatedly placed in isolation while restrained for hours at a time risks inflicting further trauma.

Lack of Relief from Administration

Michael grieved the issue of his extended restraint and met with Superintendent Redman to discuss the incidents. He reports that he was told there was nothing that could be done to resolve his problem, because staff had complied with policy.

Violation of JR Policy Regarding Use of Restraints

JR Policy 5.10, *Using Restraints with JR Youth*, states that “mechanical restraint must not be used for the purpose of coercion, punishment, retaliation, or as a means of degradation,” and furthermore that “[a] ... mechanical restraint may be used only for the period of time necessary to ensure that the youth is no longer a danger to self or others, property, or to escape.” If a youth is placed in mechanical restraints in an isolation room, “the restraints must be removed as soon as the youth makes a commitment to not harm self or others, or the restraints can be removed without the risk of harm.” The Superintendent “will determine further actions if the use of mechanical restraints in isolation continues beyond 20 minutes.”

In both incident reports, staff reported that they immediately placed mechanical restraints on Michael and placed him in isolation following his verbal refusal to remove his underwear when requested. Staff specifically noted that he did not resist being restrained and that he was moved into isolation without issue. The restraints were used only to coerce him into complying with a demand for specific behavior. Once restrained in isolation, Michael asked repeatedly to have the restraints removed, and was refused every time because he had not yet agreed to comply with the strip search. Michael posed no threat to himself, to staff, or property at any time during these two incidents. He was restrained in isolation for significantly longer than 20 minutes. Green Hill school staff cannot use mechanical restraints to coerce compliance with a strip search, or to punish verbal noncompliance. In

addition to violating explicit policy, these actions also violated other applicable federal and state laws prohibiting cruel and unusual punishment and requiring due process of law.

Requested Relief

We have reason to believe that other youth have been subject to similar illegal practices. Four staff members, including a supervising officer, stated in their incident reports that Michael was told he was being restrained in isolation because of his verbal refusal to remove his underwear. Superintendent Redman signed off on these reports. We are gravely concerned that four staff members and the Superintendent maintained it was appropriate and in keeping with policy to handcuff and isolate a young person for hours who did not pose any physical danger to himself, others, or property.

We request a meeting to discuss our concerns and consider how DCYF and Green Hill School can ensure that their policies are fully implemented and that those policies and practices uphold the dignity of the youth in their care. We look forward to the opportunity to work collaboratively to ensure that Michael's experience is appropriately addressed and, moreover, no such events occur again.

Attached is a tort claim filed on Michael's behalf, requesting appropriate compensation. Please let us know a date and time convenient for you to meet.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Nagy".

Sarah Nagy
Staff Attorney
Columbia Legal Services