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Judge Orders Reforms at O.C. Juvenile Hall

■ **Lawsuit:** She says a psychiatrist must approve use of padded rooms or the cuffing of teen-agers to their beds.

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SANTA ANA—Calling for better treatment of youngsters confined at Orange County Juvenile Hall, a judge ordered the county Wednesday to obey strict new rules before throwing adolescent detainees into padded rooms or cuffing them to their beds.

Superior Court Judge Linda H. McLaughlin concluded that such disciplinary methods—when imposed by unqualified people and conducted without proper supervision—violates the teen-agers' constitutional right to be free from bodily restraint.

Civil rights lawyers, who challenged the practices as cruel and "medieval," praised the ruling.

McLaughlin ordered county officials to get approval from a psychiatrist before restraining minors in such ways and to closely monitor any such restriction.

But lawyers for the county-run facility claimed victory because the judge stopped short of outlawing use of the leather cuff restraints and rubber rooms, which they said are necessary to corral dangerous teen-agers.

"The judge's ruling is a vindication of our staff, who are firm but caring and concerned for the youngsters in their charge," said chief probation officer Michael Schumacher, who is in charge of all juvenile detention facilities in the county.

In a 49-page decision issued after a five-week civil rights trial, McLaughlin said that during 1989, only one out of every 200 youths confined in the hall were put into rubber rooms or tied to their beds. She acknowledged that such measures were generally used only when minors posed a danger to themselves or those around them by doing such things as threatening suicide, screaming and pound-

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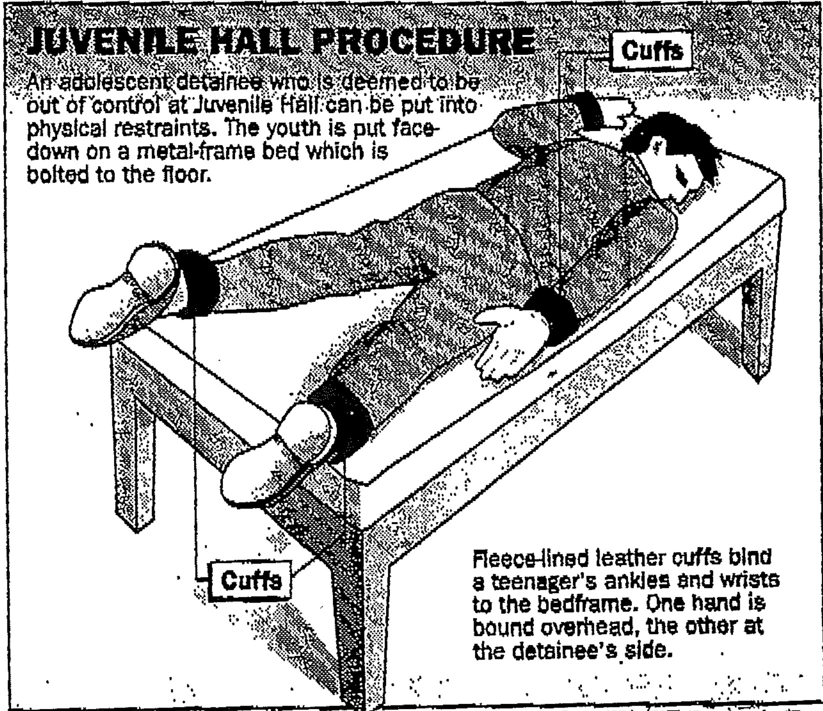
ing the walls, smashing their fists through windows and putting their heads in toilets.

But the judge also said that tying youths down or putting them in padded rooms also subjects them to potential psychological and physical injury. Testimony showed that teen-agers tied to their beds suffered numbness and swelling in their hands and feet, as well as cuts and nosebleeds. They also risk dehydration, nerve damage, circulatory problems and the possibility of choking on their own vomit, she said. The hard padding in rubber rooms will not protect a teen-ager from concussions and other injuries resulting from violent behavior, McLaughlin said.

Such risks call for the intervention of a psychiatrist, the judge said.

"The court is compelled to conclude that the [Juvenile Hall] staff is not trained or qualified to make the decision to tie down a minor or confine a minor to the rubber/safety room," McLaughlin wrote. "The only single individual who is adequately trained and qualified to exercise judgment which insures both the physical and psychological safety of the minor is a psychiatrist."

She noted that in 1989, the California Youth Authority changed its policy and gave doctors, psychiatrists or psychologists sole decision-making power over when youths are tied down. The change resulted in far fewer restraint episodes, McLaughlin said.



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In her order, McLaughlin said that if a psychiatrist's approval cannot be obtained and it is a "clear emergency," the decision to restrain a youth may be made by Juvenile Hall staff members, but only those who have been certified by a psychiatrist as trained and qualified to make such a call.

Once an adolescent is in cuffs or a rubber room, a nurse must supervise and keep records of the incident, McLaughlin ordered. Within five days of the youth's release from restraints, a psychiatrist must review all records of the incident and submit a written assessment of the way it was handled, McLaughlin said.

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Although McLaughlin noted that past procedures permitted restraint decisions to be made by inexperienced staffers only a few years older than the detainees, Kenneth S. Kasdan, a lawyer who represented the county, said that in reality only qualified supervisors make such decisions.

"We won on all the things that were most important," he said. "We need the use of rubber rooms and tie-downs to control a small number of minors who are out of control and dangerous."

Schumacher called the decision "a tremendous victory" that "reaffirms our longstanding belief that the policies and procedures [of Juvenile Hall] are appropriate."

Mark I. Soler, a lawyer with San Francisco's Youth Law Center, which represented the detainees in the class-action suit, said that he had hoped to eliminate use of tie-down restraints and rubber rooms but that the imposition of strict rules on their use is a "significant improvement" that protects the minors and sends an important message.

"These procedures are demeaning and humiliating, and you can't have 20-year-old staffers with high school educations imposing them on kids," he said. "I think you'll see fewer kids being put in tie-downs willy-nilly at the unfettered discretion of the custodial staff.

"Also, this decision is important because maybe now these kids will realize they do have some rights and that they can't be mistreated by the staff with impunity."

Soler and the American Civil Liberties Union contended that Orange County is unusually harsh on its juvenile detainees and that most other counties use less severe forms of discipline and control.

At a July 20 hearing, the judge will listen to the lawyers' objections to her decision. Changes in the ruling are possible but viewed as unlikely.

McLaughlin's decision gave the civil rights lawyers one other victory: She agreed that Juvenile Hall's procedure restricting attorneys' access to detainees is unconstitutionally vague and must be rewritten. That procedure requires a lawyer who wishes to see a detainee to get permission from the youth's Juvenile Court-appointed attorney.

But McLaughlin handed the plaintiffs a string of defeats on a host of more minor challenges to other Juvenile Hall practices. She said there was nothing unconstitutional about the way youths were sent to their rooms when they misbehaved or the kind of access they were given to legal materials on request. She also saw no problem with the reading and censoring of the youths' mail, the monitoring of their visits and phone calls, or the restrictions on the kinds of reading materials they were permitted to have.

McLaughlin agreed that Juvenile Hall frequently exceeded its rated 314-person capacity, but she said that overcrowding did not rise to the level of a constitutional violation because the basic needs of the minors are still being met. The judge noted that an addition now under construction will add 60 beds in about a year.

The plaintiffs had also complained that youths are disciplined without adequate grievance or due-process procedures and that they are given insufficient access to toilets or outdoor exercise, but McLaughlin disagreed.

The judge did, however, set a separate hearing to look into allegations that staff members harassed and intimidated youths who contested violations of their rights by participating in the lawsuit.

Several of the issues in the case were revised or abandoned in mid-trial. When proceedings began in April, the county had been using 10-foot strips of soft cloth to bind teen-agers to their bed frames. In response to criticism that the cloth ties cut off the youths' circulation, the county agreed to switch to fleece-lined leather restraints.