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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
KEITH ROSENKRANZ

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 1975. My current civil service job classification is Juvenile Rehabilitation Supervisor 2. The classified staff at Green Hill are included in the Institutions Bargaining Unit certified by the Washington State Personnel Board (now Personnel Resources Board). The unit's exclusive bargaining representative is the Washington Federation of State Employees which is Council 28 of the American Federation of State, County and Municipal Employees, AFL-CIO.

CERTIFIED STATEMENT OF
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1 I am a shop steward for the local union at Green Hill School and am
2 aware that the request to enjoin the use of pepper spray is a concern
3 of all employees at the institution.

4 As the court is no doubt aware, the institution population
5 includes youths from ages 15 to 21 (including several tried and
6 convicted in adult court). All of the residents have been adjudicated
7 as having committed felonies. Green Hill is the maximum security
8 facility in the state's juvenile detention system. The institution
9 population includes youths which the other state institutions have
10 been unable to control because of aggressive or violent behavior.

11 From 1975 to 1985 my assignment at the institution was as a
12 security officer responsible for crisis intervention, control and
13 movement of out-of-control or violent residents. During this period
14 of time pepper spray was not available. We responded to situations
15 which cottage staff could not control. Many times we were unable to
16 talk the resident into de-escalating and physical force was necessary
17 to control the residents, who were often a danger not only to staff,
18 but to other residents and to themselves. It was the rare situation
19 where despite best efforts, either staff or the resident (as well as
20 other residents or property) was not injured, sometimes seriously.

21 Since approximately 1989 the facility has authorized the
22 occasional use of pepper spray when all other means of negotiation
23 with the resident and physical restraint have failed, and only with
24 the specific approval of the institution superintendent. Use of the
25 spray is pursuant to a specific policy (Green Hill Policy #4) and used
26 only by specifically authorized and trained staff. Since 1989 I have

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1 had the opportunity to observe the use of pepper spray by security
2 personnel at the facility on several occasions. I have never seen the
3 spray used simply for punishment. The occasions where it has been
4 used have been situations where the only alternative appeared to be
5 a physical altercation between the resident and staff, and use of the
6 spray was necessary to avoid the types of injuries suffered in the
7 past during such confrontations. Although not a justification for its
8 use, residents who in the past had no reservations about challenging
9 staff physically and who in fact felt empowered by being able to
10 generate such a response, are reluctant to continue acting out knowing
11 that pepper spray may be used. Often the warning that the spray is
12 about to be used unless the resident de-escalates is sufficient, and
13 the use of the spray is unnecessary.

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

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

22 I declare under penalty of perjury under the laws of the State
23 of Washington that the foregoing is true and correct.

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

25
26 
KEITH ROSENKRANZ

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