

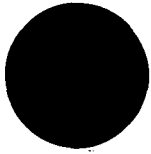
This civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

D.B., a minor, by and through E.D.;
K.H., a minor, by and through R.H.;
M.M., a minor, by and through R.H.

DEFENDANTS

ROBERT P. CASEY, Governor;
KAREN SNIDER, Secretary;
DONALD CARROLL, Secretary



(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Phila.
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Juvenile Law Center, Suite 610
801 Arch Street
Philadelphia, PA 19107
(215) 625-0551

ATTORNEYS (IF KNOWN)
Robert G. Schwartz, Esquire

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY: 42 U.S.C. § 1983;
-deprivation of due process (procedural and substantive); deprivation of rights secured by First, Sixth, Eighth and Fourteenth Amendments; deprivation of statutory rights, 20 U.S.C. §§ 1400 et seq.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empor. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Coownership <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395n) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 C.W.C./W.W.(405(g)) <input type="checkbox"/> 864 SSIO Title XVI <input type="checkbox"/> 865 ASI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 25 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
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VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
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- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
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- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
 UNDER F.R.C.P. 23
 Check YES only if demanded in complaint:
 JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions):

None

JUDGE _____ DOCKET NUMBER _____

DATE
October 16, 1991

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

D.B., a minor, by and through his : CIVIL ACTION NO.
next friend, E.B.; K.H. a minor, by :
and through his next friend, R.H.; :
M.M., a minor, by and through his :
next friend, R.H.; on behalf of :
themselves and all others similarly :
situated; : CLASS ACTION

Plaintiffs, :

v. :

ROBERT P. CASEY, in his official : COMPLAINT FOR
capacity as Governor of the Common- : DECLARATORY AND
wealth of Pennsylvania; : INJUNCTIVE RELIEF

KAREN SNIDER, in her official :
capacity as Acting Secretary of the :
Department of Public Welfare for the :
Commonwealth of Pennsylvania; :

DONALD CARROLL, in his official :
capacity as Secretary of the :
Department of Education for the :
Commonwealth of Pennsylvania; :

Defendants.

COMPLAINT

INTRODUCTORY STATEMENT

1. This is a civil rights class action brought on behalf of all children who are now, or who will be confined in the Youth Development Center, Bensalem ("YDC, Bensalem" or "the institution").

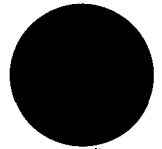
2. Plaintiffs seek declaratory and injunctive relief from cruel and abusive conditions of confinement imposed by defendants that violate rights guaranteed to them by the First, Eighth, and Fourteenth Amendments to the United States Constitution, and by

(a) PLAINTIFFS

D.B., a minor, by and through E.D.;
 K.H., a minor, by and through R.H.;
 M.M., a minor, by and through R.H.

DEFENDANTS

ROBERT P. CASEY, Governor;
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 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____
 Check YES only if demanded in complaint: JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions):

None

JUDGE _____ DOCKET NUMBER _____

DATE: October 16, 1991
 SIGNATURE OF ATTORNEY OF RECORD:

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Office of plaintiff's counsel of record.

Address of Defendant: Office of Attorney General

Place of Accident, incident or Transaction: Commonwealth of PA. Youth Detention Center at Bensalem, PA (Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

RELATED CASE IF ANY

Case Number: None Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No [X]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No [X]

CIVIL: (Place [X] in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act—Personal Injury
4. [] Antitrust
5. [] Patent
6. [] Labor-Management Relations
7. [X] Civil Rights
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (please specify)

B. Diversity Jurisdiction Cases:

- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability—Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check appropriate category)

I, Guy Vilim, counsel of record do hereby certify

- [] Pursuant to Local Civil Rule 8, Section 4(a)(2), that, to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$75,000 exclusive of interest and cost;
[X] Relief other than monetary damages is sought.

DATE: October 16, 1991

Handwritten signature and line for Attorney-at-Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: October 16, 1991

Handwritten signature and line for Attorney-at-Law

federal statutes. These conditions seriously endanger plaintiffs' physical and psychological health and safety, and deprive them of any access to or opportunity for treatment or education. In particular, defendants subject plaintiffs to overcrowding, dangerous and unsanitary physical conditions, lack of security, lack of adequate staff, lack of medical care, lack of adequate education and programming, and lack of due process in disciplinary matters.

JURISDICTION

3. This Court has jurisdiction of this action under 28 U.S.C. § 1343(3), this being an action to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States and federal statutes.

4. This Court also has jurisdiction of this action under 28 U.S.C. §1343(4), since this is an action to secure declaratory, injunctive, and other equitable relief under Acts of Congress providing for the protection of civil rights, specifically the Civil Rights Act, 42 U.S.C. § 1983.

5. This Court also has jurisdiction of this action under 28 U.S.C. §§ 2201 and 2202, and Federal Rules of Civil Procedure 57 and 65, since this is an action seeking a judgment declaring the rights of plaintiffs and for injunctive and other equitable relief based upon that declaratory judgment under § 1983.

6. This Court also has jurisdiction of this action under 28 U.S.C. § 1331(a), since this is an action in which the matter in controversy arises under the Constitution of the United States.

PLAINTIFFS

7. Plaintiff D.B. is a minor child and a citizen of the United States. He is currently confined in the institution. He sues through his mother and next friend, A.M.

8. D.B. suffered a perforated ear drum after being punched by an institution staff person. It was more than a day before D.B. was provided with medical care.

9. Since D.B. entered YDC, Bensalem, he has not received any vocational training, and has received only one week of preparation for his G.E.D.

10. Plaintiff K.H. is a minor child and a citizen of the United States. He is currently confined in the institution. He sues through his mother and next friend, R.H.

11. K.H. was assaulted by institution staff while handcuffed.

12. Despite being beaten about the head and body, K.H. received no medical care for his injuries.

13. Like other residents of the institution, K.H. receives little treatment at the facility; has limited recreation time, either inside or outside; and eats meals that are substandard.

14. Plaintiff M.M. is a minor child and a citizen of the United States. He is currently confined in the institution. He sues through his mother and next friend, R.H.

15. M.M. is assigned to the Sex Offender Program in the "Security Unit" of the institution. Although he receives minimal

"counseling," M.M. has not received any meaningful treatment for his problems.

16. The named plaintiffs have been subjected to the policies, practices, acts, and omissions described in this Complaint. The named plaintiffs sue under pseudonyms in order to protect their privacy, preserve the confidentiality of records pertaining to them, and avoid embarrassment and humiliation.

DEFENDANTS

17. Defendant Robert B. Casey, is Governor of the Commonwealth of Pennsylvania. He is the chief executive officer of the State, and is responsible for the development and implementation of the policies, practices, and procedures described in this Complaint, which are the official policies, practices, and procedures of the Commonwealth of Pennsylvania.

18. Defendant Karen Snider is the Acting Secretary of the Department of Public Welfare ("DPW") for the Commonwealth of Pennsylvania. In this capacity, she is responsible for developing and implementing programs for the care, education, and treatment of persons committed to the custody of DPW, including the operation of training schools such as the Youth Development Center at Bensalem, Pennsylvania.

19. Defendant Donald Carroll is the Secretary of the Department of Education of the Commonwealth of Pennsylvania. In this capacity, he is responsible under Pennsylvania law, 71 P.S. § 751-26, for providing education and related services to

children confined in training schools in Pennsylvania, including those in the Youth Development Center at Bensalem, Pennsylvania.

20. Defendants' policies and regulations purport to prohibit certain practices described in this complaint. Nevertheless, defendants and their agents and employees, with defendants' knowledge and consent, routinely engage in such practices, which constitute the actual policies and practices, customs and usages of the defendants. All of the policies, practices, acts, and omissions alleged herein are intentional, deliberately maintained policies, practices, acts, and omissions of the defendants. They constitute deliberate or reckless indifference of the defendants to plaintiffs' constitutional and statutory rights, since the defendants have been apprised of the acts complained of through numerous reports and investigations over the last several years, yet they have failed to correct the conditions complained of herein.

21. All defendants are sued in their official capacities only. At all relevant times, defendants have acted under color of state law to deprive plaintiffs of their rights, privileges, and immunities under the Constitution of the United States and applicable federal statutes.

CLASS ACTION

22. Named plaintiffs bring this action on half of themselves and all others similarly situated, pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure. The

class consists of all juveniles who are currently, or who will be confined in the institution.

23. The members of the class are so numerous that joinder of all members is impracticable. During the past year, defendants have confined several hundred juveniles in the institution, which has a licensed capacity of about 185.

24. All plaintiffs are subjected to the conditions in the institution and the policies and practices of the defendants described in the Complaint during their confinement at the institution, so that there are questions of law and fact common to the members of the plaintiff class. The questions of law and fact common to all members of the plaintiff class include whether the conditions, practices, acts, and omissions complained of occur at the institution, and whether these conditions and practices violate plaintiffs' constitutional and statutory rights.

25. The claims of the named plaintiffs are typical of the claims of the plaintiff class. All plaintiffs have suffered from the conditions, policies, practices, acts, and omissions complained of in this action.

26. Plaintiff's counsel have substantial experience in this type of litigation. The named plaintiffs and their counsel have sufficient resources to diligently pursue this litigation, and will fairly and adequately protect the interests of the members of the class.

27. By their policies and practices, the defendants have acted, and continue to act, on grounds and in a manner generally applicable to the class, thereby making appropriate final injunctive and corresponding declaratory relief with respect to the class as a whole.

28. The injuries suffered by plaintiffs and members of the plaintiff class as a result of the policies and practices of defendants complained of herein present a continuing controversy and are capable of repetition, yet may evade review, thereby making class relief appropriate.

FACTUAL ALLEGATIONS

I. The Institution

29. DPW operates approximately eight youth development centers and youth forestry camps pursuant to its duties under the Public Welfare Code, 62 P.S. §§ 701, 341, 351.

30. YDC, Bensalem, the second largest of the DPW-operated facilities, is a complex of buildings opened in 1968, and located in Bensalem, Pennsylvania.

31. YDC Bensalem is surrounded by barbed wire fence; inside the fence are two "campuses," one known as the Secure Unit, which itself is surrounded by barbed wire fencing, and the other known as the Open Unit. The institution is one of three operated by DPW which have both "open" and "secure" settings.

32. At this state-operated institution, defendants confine male youth who have been adjudicated delinquent in Pennsylvania juvenile courts, and who have been placed in the legal custody of

DPW to receive treatment, rehabilitation and supervision as required by Pennsylvania law.

33. Punishment is not a permissible basis for placing a juvenile at YDC, Bensalem. Rather, a juvenile is sent to an institution like YDC, Bensalem when a juvenile court judge believes that such placement is "best suited to his treatment, supervision, rehabilitation and welfare." 42 Pa.C.S. § 6352.

34. Because they are sent to the institution for treatment, rehabilitation and supervision, juveniles who are in the legal custody of defendant DPW and placed at the institution under Pennsylvania law do not receive in juvenile court all of the due process protections to which adults are entitled in criminal court.

35. Juveniles at the institution have varying delinquent experience, ranging from non-violent property offenses to violent crimes against persons.

36. Although juveniles are sent to the institution to receive specialized treatment for arson and for sex offenses, such programs are seriously deficient.

37. Unlike most of the other facilities operated by DPW, to which large numbers of white youth are committed, YDC Bensalem is overwhelmingly black and Hispanic.

38. For example, in 1990, 91 youth were committed to the open unit at Bensalem; of those, 66 were black, 19 were Hispanic, and six were white (93% were minority youth). Seventy-nine youth

were committed to the secure unit, 59 of whom were black, 13 were Hispanic, and seven were white (91% were minority youth).

39. In contrast, in 1990, 125 youth were committed to the Youth Development at New Castle, a comparable DPW-facility in western Pennsylvania; of those, 71 were black, 9 were Hispanic, and 45 were white (64% were minority youth). Ninety youth were committed to the New Castle secure unit, 54 of whom were black, 4 were Hispanic, and 32 were white (64% were minority youth).

40. DPW has consistently provided the least adequate programming, staffing and services to YDC, Bensalem, of all DPW-operated facilities.

41. Over the years, the institution has been subject of numerous official investigations. These investigations have concluded that the institution is a dangerous facility; that it fails to protect youths in its custody; that it fails to provide resources necessary for staff to perform their duties; that it is plagued by extraordinarily high staff turnover, staff shortages and sick leave; that extensive use of overtime places undue strain on those staff who carry the burden of extra work; and that many of the staff are untrained in basic professional practices for supervising, protecting and rehabilitating delinquent youth.

42. The patterns and practices described in official investigations have also been reported in the press, whose reports were known to defendants. See Appendix A.

43. Many of the problems that have been consistently identified by these official investigations and press reports persist today. See Appendix B.

44. Defendants' failure to correct these conditions has prevented those staff at the institution who are dedicated and capable from fulfilling their duties.

II. Safety and Security

45. Defendants jeopardize plaintiffs' health and safety by failing to provide adequate security in the institution. Injuries to residents and staff are not isolated incidents.

46. Defendants fail to supervise and train staff. As a result, plaintiffs are victims of staff assaults. Defendants have taken little or no action to curtail staff brutality. When notified of abuses, defendants have failed to take action against staff members involved.

47. Defendants also fail to adequately supervise plaintiffs in the institution.

48. Defendants' staff members permit aggressive youths to assault or restrain smaller children as a means of disciplining and controlling them. As a result, staff often condone confined youths' assaults on plaintiffs.

49. Defendants fail to provide adequate staff coverage in the institution. Defendants do not provide enough staff to adequately supervise or treat youths confined in the institution. As a result, defendants deny plaintiffs personal security and safety in the institution.

50. As a result of the defendants' failure to provide sufficient numbers of staff, and as a result of their failure to supervise staff or to train and support staff adequately in their work, some staff routinely resort to illegal and improper methods of control and behavior management that include, in addition to others previously alleged, selling and otherwise trafficking drugs to residents, permitting and/or engaging in sexual activity with residents, and assisting or condoning escapes from the institution. These activities are harmful to residents and to other staff who conscientiously attempt to fulfill their duties to plaintiffs.

III. Restraints, Isolation, and Denial of Due Process

51. Institution staff members are not trained in the use of passive restraints, in the appropriate use of peer pressure to assist in controlling the environment, or in professionally accepted methods of behavior modification. As a result, staff unnecessarily relies on isolation and handcuffs as methods of discipline and control.

52. There is no procedure that limits the use of isolation, or that ensures that it is appropriately used. As a result, defendants isolate plaintiffs for minor incidents, including disrespect for staff members, altercations with other youths, and refusal to promptly obey orders. Defendants also isolate plaintiffs for behaviors caused by mental or emotional illnesses and other disabilities, instead of providing plaintiffs with treatment for these illnesses and disabilities.

53. Defendants routinely use metal handcuffs as a means of discipline and of controlling youths' behavior.

54. Institution staff have, on many occasions, beaten or kicked plaintiffs while they were handcuffed.

55. Plaintiffs have suffered and continue to suffer serious physical and emotional damage as a result of extended isolation, handcuffing and beatings.

56. Defendants deprive plaintiffs of constitutionally guaranteed due process in disciplinary procedures.

57. Defendants discipline plaintiffs arbitrarily and capriciously for minor misbehaviors and for behaviors that are symptoms of emotional or mental disabilities.

58. Defendants authorize staff members, regardless of training or qualifications, to order plaintiffs into isolation or to place plaintiffs in handcuffs.

59. To the extent that defendants have developed a written grievance procedure, they fail to inform plaintiffs about the existence of this procedure or to explain to them how the procedure can be used, thus rendering the procedure non-existent.

IV. Inadequate Environment at the Institution

60. Living units at the institution are called "cottages." Cottages contain one or more sleeping areas; lockers; one or more bathroom areas containing toilets, sinks, and showers; and open recreation areas.

61. Because of the tension, lack of space, and lack of

supervision caused by periodic overcrowding, physical assaults are common.

62. Defendants maintain unhealthy and unsanitary conditions at the institution. Defendants do not adequately clean or maintain the buildings, which are routinely dirty and roach-infested, and have peeling paint. Furniture is often in disrepair.

63. Defendants maintain buildings which are structurally unsound and which present serious danger in the event of fire. Defendants force plaintiffs to live in buildings that are improperly heated, cooled, ventilated, or lighted. These buildings do not have screens and are often insect-infested.

64. Defendants do not adequately feed plaintiffs. Defendants do not provide meals which are adequate in quantity or quality to meet the nutritional needs of adolescents. Defendants prepare food under conditions that are unhealthful and unsanitary. In addition, plaintiffs usually have only fifteen minutes to eat each meal.

V. Inadequate Programming and Education

65. Defendants fail to provide plaintiffs with an adequate education comparable to that available to juveniles in the community.

66. Defendants have failed to establish a system for identifying, evaluating and developing appropriate educational programs for children who have disabilities, as required by federal law.

67. Defendants fail to provide vocational education that meets statutory requirements. The vocational education they do provide does not prepare plaintiffs to obtain employment upon release.

68. Defendants fail to provide plaintiffs with other forms of programming. They require plaintiffs to spend prolonged periods of time without any programmed activity or recreational or therapeutic programming.

69. Defendants fail to provide treatment that is consistent with professional standards to those plaintiffs who are committed to the institution specifically to receive such specialized services, in particular for sex offenses and arson.

70. The lack of treatment is so great that placement at the institution for many plaintiffs is purely punitive in nature.

VI. Inadequate Medical and Psychological Care

71. Defendants provide medical care at the institution which is grossly inadequate to maintain physical or mental health. Defendants' failure to provide adequate medical care amounts to deliberate indifference to the health and safety requirements of plaintiffs at the institution.

72. Defendants fail to provide medical staff at the institution that is adequate to meet plaintiffs' needs. There is no staff physician, dentist or psychiatrist. Defendants fail to employ adequate numbers of aides, nurses, nurses' aides, or dental hygienists, physicians' assistants, or other trained and

qualified medical personnel necessary to meet plaintiffs' physical, mental and medical needs.

73. Defendants fail to provide prompt attention to plaintiffs' medical needs in a variety of ways. There is no infirmary at the institution. Plaintiffs who are on medication when they enter the institution fail to receive medication while they are at the institution. Defendants fail to provide periodic medical screens.

74. Defendants fail to provide plaintiffs with adequate psychological care and treatment.

75. Defendants fail to adequately assess plaintiffs' psychological condition at or before the time of their admission to the institution. As a result, defendants confine plaintiffs who have serious psychological illnesses, who are mentally retarded, and who are otherwise disabled in an institution where they cannot adequately be treated.

76. Defendants fail to design and implement an adequate treatment plan for each plaintiff at the institution. As a result, defendants fail to provide plaintiffs with appropriate rehabilitation or treatment. In particular, plaintiffs do not receive treatment consistent with professional standards, even when they are committed to the institution specifically because it is supposed to have specialized treatment units for sex offenders and arsonists.

77. Defendants do not employ or make available a sufficient number of qualified psychologists or social workers to counsel and treat plaintiffs.

78. Defendants delegate the responsibility for providing plaintiffs with direct psychological treatment to persons who are inadequately trained and supervised. As a result, plaintiffs do not receive psychological treatment.

79. Staff is inadequately trained to provide behavior modification techniques in a manner that is consistent with accepted professional standards. As a result, behavior modification is essentially unstructured and improvised.

VI. Training and Qualifications of Staff

80. Defendants fail to hire staff with adequate qualifications to provide proper care, custody, and treatment of juveniles at the institution.

81. Defendants fail to ensure that there are a sufficient number of qualified staff present in the institution to ensure plaintiffs' rights to protection and treatment.

82. Defendants fail to provide adequate pre-employment or in-service training for staff at the institution. As a result, staff at the institution are unable to perform their duties properly or to adequately protect, care for and treat plaintiffs.

VII. Inadequate Classification

83. Defendants have failed to develop standards for admission to the institution. This failure results in DPW

inappropriately placing youth at the institution, and in DPW failing to take steps to inform committing juvenile courts when those courts inappropriately commit youths who are too young or otherwise inappropriate for the institution's setting because of their background or offense.

84. Defendants have failed to develop and implement an adequate classification system for juveniles once they are confined in the institution. As a result, defendants commingle in the same living units juveniles charged with non-violent offenses and juveniles charged with violent crimes.

85. The absence of a classification system that governs entry into the institution, and placement within it, jeopardizes plaintiffs' health and safety, and undermines their chances for treatment and rehabilitation.

VIII. Inadequate Access to Family and Counsel

86. Defendants, by their visitation and telephone policies and practices, deprive plaintiffs of their right to communicate and associate with their families outside of the institution. Visits and telephone calls are necessary to plaintiffs' treatment and rehabilitation and to assist in their eventual, reintegration into the community.

87. Defendants severely restrict plaintiffs' opportunities for visitation with family and friends. Defendants discourage parental visits by informing parents that defendants cannot guarantee parents' safety during visits. Staff arbitrarily remove visitors' names from approved visiting lists. Staff

frequently removes telephones from their hooks for prolonged periods of time, making it difficult or impossible for family or friends to communicate with plaintiffs. In addition, since May, 1991 defendants have failed to provide home passes to any plaintiff; such failure is contrary to accepted professional standards.

88. Similarly, defendants' practices severely restrict plaintiffs' opportunities to have private, on-site conversations with their attorneys, and to speak with their attorneys by telephone.

LEGAL CLAIMS

89. For plaintiffs' legal claims enumerated below, they repeat and reallege paragraphs 1 through 88 as if fully set forth herein in each and every statement of claim, and further allege:

First Claim: Due Process

90. By subjecting plaintiffs to the conditions of confinement described herein, individually and in their totality, defendants deprive plaintiffs of their right to due process of law guaranteed by the Fourteenth Amendment to the United States Constitution.

91. By failing to protect plaintiffs from harmful conditions, and from physical and emotional abuse, defendants deprive plaintiffs of their right to be protected while in state custody, as guaranteed by the Fourteenth Amendment to the United States Constitution.

92. By failing to provide a facility which is reasonably safe, which avoids the use of unnecessary bodily restraints, and which provides treatment that is consistent with professional standards, defendants deprive plaintiffs of their rights guaranteed by the Fourteenth Amendment to the United States Constitution.

93. By failing to provide plaintiffs with adequate treatment, rehabilitation or supervision, as required by state law, defendants deprive plaintiffs of their rights to due process of law, as guaranteed by the Fourteenth Amendment to the United States Constitution.

Second Claim: Right to Education

94. By failing to provide plaintiffs with education that is consistent with professional standards, defendants deprive plaintiffs of their right to education without due process of law.

95. By failing to establish a system for identifying and planning for youths who are eligible for special education services, defendants deprive plaintiffs of their state and federal statutory rights to education, without due process of law, and to their rights under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

Third Claim: Cruel and Unusual Punishment

96. By demonstrating deliberate indifference to conditions in the institution, and by subjecting plaintiffs to the

conditions of confinement described herein, individually and in their totality, defendants deprive plaintiffs of their right to be free from cruel and unusual punishment as guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution.

Fourth Claim. Freedom of Speech and Association

97. By subjecting plaintiffs to the conditions described herein, and in particular by restricting their communication with their attorneys and with persons outside of the institution, defendants deprive plaintiffs of their right to freedom of speech and association guaranteed by the First and Fourteenth Amendments to the United States Constitution.

NO ADEQUATE REMEDY AT LAW

98. As a proximate result of the defendants' policies, practices, acts, and omissions, plaintiffs have suffered, do suffer, and will continue to suffer immediate and irreparable injury, including physical, psychological, and emotional injury. Their intellectual abilities, their emotional health and well-being, and their ability to function adequately in the community have seriously deteriorated and will continue to deteriorate during the course of their confinement at YDC, Bensalem. Plaintiffs have no plain, adequate, or complete remedy at law to redress the wrongs described in this Complaint. Plaintiffs will continue to be irreparably injured by the policies, practices,

procedures, acts, and omissions of defendants unless this Court grants the injunctive relief that plaintiffs seek.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that this Court:

1. Certify this matter as a class action pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure.

2. Issue a declaratory judgment declaring that defendants' practices in subjecting plaintiffs to the conditions of confinement described in the Complaint violate rights guaranteed to plaintiffs under the First, Eighth, and Fourteenth Amendment of the United States Constitution, and under the Individuals with Disabilities Education Act.

3. Preliminarily and permanently enjoin defendants, their agents, employees, successors in office and assigns, from engaging in the unconstitutional and unlawful practices, acts, and omissions described herein, including, but not limited to:

a. Failing to develop and implement an adequate system for classification of plaintiffs at the institution;

b. Failing to adequately screen plaintiffs to insure that plaintiffs with serious emotional or psychological disabilities are not confined in the institution;

c. Failing to provide plaintiffs with adequate medical, dental, and psychiatric care;

d. Failing to provide plaintiffs with reasonable opportunities to telephone and visit parents, friends, and relatives;

e. Failing to provide plaintiffs with reasonable opportunities to meet privately with their attorneys and to speak with them on the telephone.

f. Failing to provide plaintiffs with adequate programming;

g. Failing to provide adequately trained staff in adequate numbers to insure plaintiffs' safety and provide them with treatment;

h. Confining plaintiffs in facilities that are overcrowded, unhealthful, unsanitary, and life-endangering;

i. Confining plaintiffs in security units, and, in particular, in isolation units, or otherwise subjecting plaintiffs to sensory deprivation;

j. Handcuffing plaintiffs;

k. Failing to provide plaintiffs with due process protections prior to imposing discipline, including but not limited to, discipline that results in isolation;

l. Failing to adequately protect the physical health of plaintiffs;

m. Failing to insure plaintiffs against attacks by staff members or by other children confined in the institution;


4. Direct defendants to develop and submit to this Court a plan that will insure that plaintiffs are not subject to conditions of confinement in the institution that deprive them of rights guaranteed to them by the Constitution.

5. Retain jurisdiction over this matter until implementation of the court's decree has been completed.

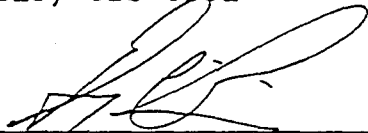
6. Award plaintiffs reasonable attorneys' fees and costs of this action, pursuant to 42 U.S.C. § 1988.

7. Award such other and further relief as this Court may deem necessary.

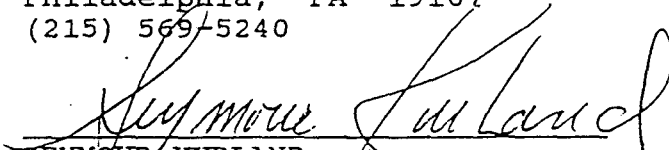
Respectfully submitted,



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DATED: October 16, 1991

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BUCKS COUNTY
COURIER TIMES
LEVITTOWN, PA
PA-55,213
S-63,357

Courier Times graphic by Larry Pritz

Levittown Prison

Reeling through the years at the YDC

Over the past decade, the Youth Development Center in Bensalem has suffered from various problems, including understaffing, management turnover, institutional fighting, drug and alcohol trafficking and overcrowding.

Following is a summary of incidents at the center:

■ Oct. 24, 1988 — Staff member Michael Tisdale was assaulted by a student in a security wing. Tisdale received several stitches for a cut above the eye.

■ Sept. 26, 1988 — A state audit of the YDC's 1986-87 fiscal year reveals \$786,439 paid out in overtime, a 61 percent increase over the previous year. That figure is the highest for any YDC and one of the worst records in Pennsylvania history.

In the most blatant case of abuse, a house parent earning an \$18,928 annual salary worked more than 2,100 hours overtime to receive a total of \$47,875.

■ Aug. 11, 1988 — A surprise, early-morning visit from a state official caught several employees sleeping on the job. Some were sleeping so soundly that they had to be shaken awake, according to a YDC worker.

■ August 1988 — The state Civil Service Commission started investigating an unfair promotion complaint by a YDC counselor. Sadie Ziedler described a buddy system of promotion where tenure and qualifications meant little.

"It depends on whether you're in the clique," she claimed. The commission said in October that it found no violations of civil service laws.

■ July 1988 — Four female em-

ployees filed sexual discrimination charges with the U.S. Equal Employment Opportunity Commission's Philadelphia office.

■ April 10-11, 1988 — A Bucks County Courier Times series outlined the problems of unsupervised furloughs; one YDC worker said 80 percent of the youths who go home commit crimes.

■ Feb. 16, 1988 — Five Philadelphia inmates were arrested on charges of assaulting and burning another student with a hot iron. Police said the group heated the iron, entered the room of a 17-year-old trying to sleep, and placed the iron on his back, causing a second-degree burn.

■ Dec. 9, 1987 — YDC inmate Michael Barber, 17, was sentenced by a Bucks County judge to a maximum term of six years for attacking a female YDC worker in July 1987. One prosecutor called the attack one of the most vicious and unprovoked he had ever seen.

Barber pleaded guilty to attempted homicide, assault by a prisoner, aggravated and simple assault, reckless endangerment, receiving stolen property, making terroristic threats and indecent assault. He had been incarcerated at the YDC for two years on rape and robbery charges.

■ April 23, 1987 — Jorge Carrasquillo, 18, pleaded guilty to assault by a prisoner, aggravated and simple assault and possession of an offensive weapon. He was sentenced to four to 12 months in Bucks County prison for assaulting a counselor and three other inmates on Dec. 6, 1986, with a broken bottle and a metal filing cabinet drawer.

■ June 1986 — A counselor was suspended without pay for five

days for twice cashing students' checks and failing to return all the funds when requested.

■ March 19, 1986 — Philadelphia resident Lester Smith, 16, pleaded guilty to aggravated assault, reckless endangerment and possession of an instrument of escape, regarding the stabbing of a state trooper and YDC attendant, Smith, who was tried as an adult, was sentenced to one to two years in Bucks County prison.

■ November 1985 — Six escapees were returned to the YDC. They faced various criminal charges stemming from their Nov. 7 escape after attacking two workers, taking their keys and locking them in a room.

■ Aug. 2, 1985 — Commonwealth Court refused to reinstate former YDC counselor Gary W. Worrell, who was fired for allegedly abusing two residents at the facility in 1983.

■ April 25, 1985 — Tyrone Anderson, 17, died at the YDC after he was apparently involved in some rough-housing with another inmate. Deputy District Attorney Alan M. Rubenstein characterized the incident as horseplay and said Anderson did not have external injuries.

■ Feb. 3, 1985 — A 16-year-old youth at the YDC was arrested by state police for assaulting a counselor, harassing another and causing \$800 damage to the facility.

■ April 18, 1984 — The state Civil Service Commission upheld the suspension and firing of Worrell.

■ Sept. 7, 1983 — Middletown Police Chief Michael Chitwood expressed outrage at a weekend incident where four YDC youths on a supervised outing were accused of robbing a woman at a restaurant



Talmadge Owens Jr.

... "problems we can address"

near the Oxford Valley Mall.

■ June 8, 1983 — Commonwealth Court refused a YDC house parent's back pay claim.

Dorsey L. Justice was fired for allegedly falsifying his police record on his job application. The court said he was convicted of more than 25 crimes.

He was reinstated by the Civil Service Commission, which said that Justice's failure to explain his convictions did not constitute grounds for dismissal.

■ April 1983 — The Civil Service Commission upheld the suspension of a house parent and dis-

missal of a counselor.

Oliver H. Townsend was suspended three days in September 1982 for negligence after two residents for whom he was responsible escaped through a window. Raymond S. Pratt was fired as a counselor in June 1982. He was injured on the job in January and ordered to return in early June or face dismissal.

■ Feb. 8, 1983 — The U.S. Justice Department issued a blistering report on the YDC following a complaint about alleged violations of delinquents' rights. Federal inspectors found the YDC was overcrowded; suffered staff shortages; suffered shortcomings in the social-education program; and that the care, physical plant and environment were inadequate.

■ Aug. 4, 1982 — A 17-year-old YDC resident was tracked down and arrested on robbery, theft and receiving stolen property charges shortly after a robbery in the Neshaminy Mall parking lot.

■ Dec. 4, 1980 — Gov. Richard Thornburgh announced plans to send 16 "wolf-pack offenders" from Philadelphia to the YDC. The move met with local opposition, although Thornburgh maintained it would help prosecutors crack down on the gangs.

■ May 28, 1980 — A 20-year-old YDC house parent, David Carter was suspended following a fight with two other staffers. House parent Louise Lloyd, 56, was treated and released from a Philadelphia hospital for multiple injuries.

■ 1979 — Two employees were fired — and later reinstated — after they allegedly participated with inmates in a party where alcohol was served.

Many problems cited in a 1987 report have persisted or worsened, staff and others say. The strongest juveniles prey on the weakest. Staff members often fear for their lives.

Bucks facility is center of violence for young offenders

By Karl Stack

They tried to kill Chuck Stark as he came out of the bathroom. Without warning, the gang of juvenile offenders he was supervising threw a stool over his head and began to beat him with a wooden table leg. One youth tried to throttle him from behind. Blow after blow fell on him as he tried to shield himself with his

hands. Later, his groin would have to be cut from his swollen flayers. But Stark did not collapse. His attackers suddenly retreated as quickly as they had come. Stark splattered with his own blood, Stark called for help and then walked down the hall of the darkened security unit. It was 3 a.m. All was quiet in the rooms, as if nothing had happened. It was another violent night in the

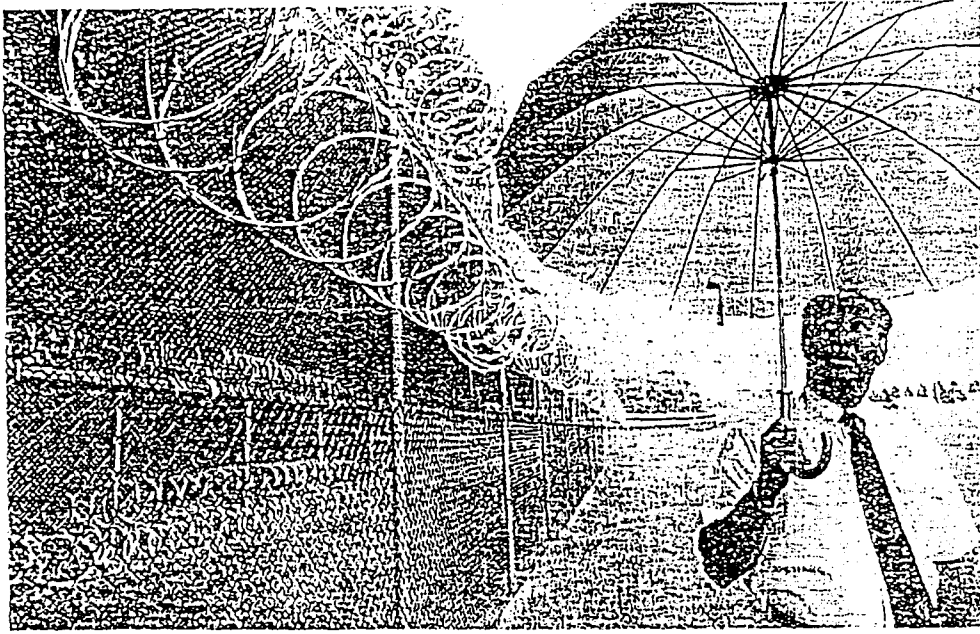
Youth Development Center, the grassy campus in the Cornwells Heights section of Bensalem that has become the state's most notorious facility for juvenile offenders. Young drug dealers, robbers and muggers are sent to the Heights, as almost everyone calls the state-operated center, in hopes that they will learn self-control and self-respect. But the culture they find there is as violent as the world they left be-

hind. Might is the strongest argument here. But the most eloquent persuader. Staff members, local judges, juvenile experts, advocates, parents and juvenile offenders described the Youth Development Center in interviews as a frustrating failure, an "embarrassment," a "ghetto," a "hell."

It's a place, they say, where the strongest juveniles prey on the weak- est, where staff members often fear for their lives, where female workers especially face verbal and sometimes physical abuse. Overcrowded and understaffed, it is a place where the administration can't guarantee safety, let alone rehabilitation. Signs of distress are everywhere at the Heights, which holds about 200 juveniles. Employee sick leave and overtime are rampant; turnover is (See JUVENILES on 10-A)

Bucks facility is center of violence for offenders

JUVENILES, from 1-A high: staff members are poorly trained. The facility is so dangerous that judges in Bucks County, where the Heights is located, won't send juvenile offenders there. The reluctance of Bucks judges to send anyone to the Heights is shared by other suburban courts. Ninety-five percent of the residents are from Philadelphia. "All the kids will tell you it's hell," said Genevieve Lopez of North Philadelphia, whose 16-year-old son had his nose broken when he went to the defense of a female worker last month. Lopez has started Concerned Parents of YDC, the first-ever offenders' support group at the facility. The center has been allowed to fail, some observers believe, because it is filled with poor, black youths from Philadelphia who have committed serious crimes. Eighty-three percent of the residents are black, 10 percent Hispanic, and 7 percent white. "If the Heights was a program only for white kids and there were problems there, this program wouldn't be in existence," said Mike Stroeder, chief of the juvenile unit of the Defender Association of Philadelphia. This institution has been the embarrassment of the system for 20 years, he said. The institution should be closed down. The problems are so endemic and systemic that it would be difficult for anyone to go in there and turn it around. Executive Director Leon B. Davis defends his facility, saying it is doing the best job it can, given limited resources and a growing pool of increasingly violent offenders. As a public facility, Davis said, the Heights generally has to take juveniles private reform schools have rejected or passed over. Some offenders, given maximum four-year sentences, are up to 20 years old and are mixed in with youths as young as 14. Some violence is inevitable, he said. One judge frankly concedes that he doesn't expect anyone sent to the Heights to be rehabilitated. "We put them there and store them to protect society," said Philadelphia Juvenile Court Judge Frank Reynolds. "These are people who have no fear of this society. They are crippled about it to the point where it's organic, like brain damage. They aren't rehabilitable. You're going to have problems with these kids unless you just sit on them and brutalize them." The recent violence has prompted the administration to call in the state Department of Corrections to improve security, which staff members say is inadequate. Last week, the state Department of Public Welfare announced it would assemble a panel of experts to review the center's programs.



Leon B. Davis, executive director, near a section of fence where escapes are common. He says the facility is doing the best it can.

What management often fails to discipline violent offenders who hurt staff. Last week, when a 16-year-old youth destroyed a telephone and threw an administrator to the ground, police said, the juvenile was returned to the same unit even though he had numerous prior incidents. "It says it's OK for students to hurt the staff," said one worker. The administration declined to discuss the attack. They say they often have no choice but to return a youth to the same unit after an incident because other beds aren't available. He is the toughest kid in the mezzanine dormitory in a barbed system. Nicknamed "Pittsburgh," he is a well-muscled lad of 16 who has built a name for himself behind the clutter-block walls of the Youth Development Center. He is a "runner," a name the juveniles use for the unofficial leader of the unit. At the best juvenile centers, youths are taught to look up to the biggest achievers, experts say, but at the Youth Development Center, it's pure muscle that counts. A new kid will often fight more than a dozen others in his living area to determine his place in the pecking order, police said. "Coercion is the rule," said Fruchter of the Juvenile Justice Center. "That's been the nature of the place." Pittsburgh has the status objects to confirm his place at the top of his unit's hierarchy. While everyone is supposed to have one cubicle, Pittsburgh recently had two. While some youths are lucky to have a radio, Pittsburgh has a Sony television, a VCR, a tape player, and hundreds of video and audio cassette tapes. The police believe Pittsburgh reads tapes to other youths. "He could have been any Sam Goody's in Pennsylvania," said a state police officer. The center's administration disputes that. "What really shocked police was that after a recent search of Pittsburgh's area, he induced a staff member to call police to tell them to return and clean up his area. "It was a challenge," the officer said. "It says that the individuals who are directly involved with that person in the rehabilitation process must have their eyes closed." The center has since taken away Pittsburgh's second cubicle and transferred him to another area. "He was one of our biggest problems," said security administrator Walter Flannery. But staff members say the incident is not unusual. Many believe that it the daily battle to control the lives of offenders at the Heights, Pittsburgh and his kind are winning. "We have kids who make terrorist threats and promise to kill staff when they leave here," said one longtime aide, and we can't do anything." "Women especially face abuse. They talk about your body parts, said one longtime worker. "See comes every day once you hit it gate." Perhaps the most telling testimony came from the youths who whined their fears in a reporter-administrator's looked on during a tour last week. "There's a lot of extortion going on around here, people taking you guys," reported a burly 16-year-old from North Philadelphia said youths had to bang in friends from the old neighborhood for protection. "It's the guys who don't know s--- body you get into trouble," he said. "If you don't have your friends, f--- it!" Inquirer staff writer Donna Shaw is credited to this article.

Bensalem YDC

The Bensalem Youth Development Center, which has a capacity of 185, had a head count of 200 on July 22. Here are some statistics, in orange, on its residents:

COUNTY	RESIDENTS
Philadelphia	95
Lehigh	1
Montgomery	3
Allegheny	1
RACE	PERCENT
Black	33
Hispanic	10
White	7
AGE	PERCENT
14	3.3
15	11.4
16	23.3
17	27.7
CHARGES	PERCENT
Drug offenses	24
Theft	22
Robbery	15
Assaults	13
Weapons	10
Sex offenses	7
Burglary	4
Escape	4
Auto violations	2
Conspiracy	2

SOURCE: P. A. Department of Public Welfare

group of waiting juveniles. "The soldiers of Desert Storm would have been proud of these jerks," observed one state police officer familiar with the attack. Some staff members have begun carrying weapons to protect themselves. When aide Sherilee L. Dixon was threatened last month by an 18-year-old wielding a ballpoint pen,

police said, she pulled out a retractable razor and slashed him across the stomach. The youth received eight stitches. Dixon was charged with assault. The Heights is responsible for about one-third of all crimes reported in the nearby Terrace barracks of the state police, Sgt. Doug Dart said. The last time the state looked thoroughly at the Heights was in 1987 after a fire and a violent attack on a kitchen worker. Welfare officials refused to release the 1987 report to the media. The report, obtained through another source, said the center had been failing for years to provide a safe environment to reform young offenders. "There is cancer at Bensalem that has to be removed if any lasting changes are to occur," concluded the report team, which was led by Clay R. Yeager, director of the Center for Juvenile Justice Training and Research at Slippsburg University. "Bensalem's leadership, organizational and communication deficiencies have been long standing and have not been significantly impacted upon by a succession of YDC Bensalem directors or by the myriad of regimes in Harrisburg," the report found. "To talk about providing therapy to students when they are eating poorly, sleeping in substandard accommodations, and using lavatories in a state of disrepair is ludicrous." Many of the shortcomings found in 1987 have persisted and even worsened, according to staff interviews and juvenile experts. The Heights "is sort of the ghetto of the juvenile treatment system," said Darroca Fruchter, executive director of the Juvenile Justice Center of Pennsylvania, an advocacy group. "No one would disagree with that. No kid wants to go there. They would do anything, including running away, to avoid going." The Heights is the second largest of the state's three youth development centers and two forestry camps, but it leads the state in escapes. There were 24 times as many

Bensalem vs. N. Castle

These figures compare the Youth Development Center in Bensalem with a similar facility in New Castle, near Pittsburgh.

Year	Bensalem	N. Castle
1988	10	41
1989	12	34
1990	22	40
1991	163	44

escapes at Bensalem last fiscal year than at the state's largest center in New Castle near Pittsburgh, according to welfare department statistics. The Heights wasn't designed to keep offenders in. It was built to treat them and move them out into society. When it opened in 1968, its multiple wings of individual cottages were state-of-the-art. But the open layout has made it easier for juveniles to escape and locate violence. Even the guardhouse was built facing the street instead of inward toward the long grassy lawn over which juveniles run to escape. The setting turned progressively harsher in 1975 after the state closed its juvenile prison at Camp Hill and transferred hard-core juveniles to Bensalem. Now there are seven high-security units at Bensalem, all set off by a

special layer of fencing. They are secure in some only. Those units at Bensalem had 54 escapes last year — or five times the number from security at the Youth Development Center in New Castle, according to welfare department statistics. "There are fistbats every day, and they can't really do anything about it," said one 17-year-old as he stood talking nervously to a reporter on a recent tour conducted by welfare officials. "It's hard being in here. I've thought a lot about escape." The facility houses 15 more juveniles than its design capacity of 185, and has about 30 fewer employees than its full complement of 270. Even with its shortcomings, the Heights is far more expensive than private juvenile facilities, experts say. Bensalem's costs run between \$120 and \$150 a day for juveniles compared with an average \$80 a day in private facilities. The more abusive juveniles become, the more staffers flee. Many professionals quit within days once they face the verbal and physical intimidation from the youths. The administration declined to give statistics on turnover, but staff members and union officials say nearly 100 aides have been hired in the last year or more, and fewer than one-quarter have stayed on. Those who remain don't receive much training. More than 90 percent of the staff failed to take required training in first aid, suicide prevention or child abuse identification in 1989, according to the most recent auditor general's report. And workers often burn out. More than 11 percent of the front-line staff was on sick leave in 1989 — at full salary — the auditor general found. The auditor general also found that some employees work huge amounts of overtime. With overtime, one aide made \$33,537 in the last fiscal year. Davis, the executive director, made \$49,585. Administrators say that the staff suffers sick leave. Workers reply that resentment is the price for a violent work environment. They complain

D.B. v. Casey



JI-PA-004-001