

Doctor sounds alarm over medicated juvenile inmates

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Soon after taking over as chief psychiatrist at San Diego County's Juvenile Hall in 2000, Dr. Marjorie Shuer said she discovered many of the children were being given such heavy doses of psychotropic drugs that they couldn't function in school and didn't want to leave their cells.

Shuer reported the problem to her superiors at the County Department of Health and Human Services. A few months later she was fired.

In a wrongful termination lawsuit she filed in 2002, Shuer said she lost her job because she blew the whistle on staff psychiatrists she believed were endangering children in Juvenile Hall.

When she tried to persuade her bosses to overhaul policies governing the use of drugs, the lawsuit said, she was told to "buy into the current system" and "turn a blind eye" to the conduct.

Last month, the county and Shuer agreed to settle her lawsuit for \$80,000, which amounted to about half her annual salary, plus \$40,000 to cover her legal fees.

Three current and former Juvenile Hall staff members interviewed by *The San Diego Union-Tribune* corroborated Shuer's assertions that some children were heavily medicated.

Although Shuer told the *Union-Tribune* she didn't know why so much medication was being prescribed, the staff members said the drugs helped make children with behavioral problems easier to control.

The staff members also said that after Shuer filed her lawsuit, subtle changes started taking place in the way drugs were administered to the mostly teenage population in Juvenile Hall. They said that for the first time since the late 1990s, fewer drugs are being prescribed.

Alfredo Aguirre, the county's acting director of mental health services, wasn't specific about the changes in the psychiatric care policy but attributed some of them to Shuer.

"Doctors need to be challenged over what they are doing and why they are doing it," he said. "There were concerns that needed to be addressed, and they were."

Aguirre said there were few quarrels with Shuer over the treatment issues she raised. The problem, he said, was the abrasiveness of her management style.



EARNIE GRAFTON / Union-Tribune
 Female inmates at the county's Juvenile Hall waited for guards to let them back into their cells after lunch. The facility, in San Diego's Birdland neighborhood, holds nearly 500 teenagers, mostly ages 14 to 18.

Juvenile Hall is an aging, one-story brick building in the Birdland neighborhood of San Diego, between Linda Vista and Serra Mesa. It is set up to house male and female teenagers primarily ages 14 to 18 who face allegations ranging from shoplifting and schoolyard fighting to rape and murder.

Although Juvenile Hall has consistently been certified by an independent accrediting agency, it has been beset for years by crowding and by allegations of too few and inexperienced staff members.

Shuer came to the county's health department from Maricopa County, Ariz., where she supervised mental health care at a county juvenile detention facility.

Her title in San Diego was Supervising Psychiatrist for the Juvenile Forensic Services Facility. She supervised four psychiatrists and directed the mental health care of nearly 500 children whose psychological needs were generally greater than those of most children.

Within a few months of starting her new job, Shuer's lawsuit said, she "discovered ethical breaches and what she believed to be negligent practices in violation of the law."

The lawsuit said Juvenile Hall psychiatrists frequently failed to:

- Get consent from parents before prescribing psychotropic medications.

- Do a thorough examination before prescribing potentially dangerous medications.

- Perform or accurately interpret diagnostic tests.

- Take appropriate medical action in response to diagnostic tests.

Shuer said she issued 15 memos first reminding and then ordering her staff to get permission from parents before prescribing drugs. But she said the practice of not getting permission continued.

Shuer, who is board certified in child and adolescent psychiatry, also said psychiatrists routinely overmedicated the teenagers, in one instance with a dosage four times that recommended in the Physicians Desk Reference, the standard reference book on prescription drugs.

Shuer said one case involved a doctor who liberally dispensed a mood-regulating drug that federal drug officials said could be deadly to children. In her lawsuit, Shuer said the doctor doled out 2,700 tablets of the drug in six months.

The daily dispensing of medications became known as "chill pill" time among the probation staff at Juvenile Hall, said George Dean, a former probation officer who said he retired in 2003 amid allegations that he was derelict in supervising the children in his unit.

Dean described how nurses would hand out little paper cups with pills rattling around in them – blue, yellow, purple. They were known as the rainbow cups.

"Was the staff happy they were getting the medication? You bet," said Dean, who couldn't identify the pills being dispensed. "In about two hours, these kids became zombies and you could do anything you wanted with them."

Dean worked at Juvenile Hall almost 20 years. In the early years, he said, kids who began yelling or struggling would be taken to their cells and left to calm down. Sometimes that would take days but it was done without drugs, he said.

Gradually, though, there was more reliance on medication, Dean said.

"It became the first line of defense for keeping order," he said. "It's a whole lot easier to control a kid who's zoned out on his bunk than one who's up and all agitated."

Probation Officer Joe Alkire also said he has seen drugs used to manage Juvenile Hall's large and sometimes unruly population.

"The reason for the drugs was because staff couldn't control the kids," he said.

Alkire, who declined to give more detail, has worked in Juvenile Hall for 16 years of his 20-year career. He said psychotropic drugs are still sometimes used to control some kids, but less frequently than in the past.

Chief Probation Officer Vincent J. Iaria said Juvenile Hall probation officers aren't qualified "to criticize medical doctors' evaluations or treatments."

"Probation officers maintain the care, custody, and control of detainees, but do not tell doctors how to treat patients," Iaria said in a written statement.

State regulations say no psychotropic medications should be administered to a minor without parental consent except in an emergency. The regulations also prohibit the use of psychotropic drugs for disciplinary reasons and give kids the right to refuse drugs unless there is an emergency.

County health officials wouldn't comment specifically on Shuer's allegation that teenagers were medicated without parental consent. The officials said their doctors get parental consent.

Sue Burrell, a staff attorney for the San Francisco-based Youth Law Center, said that not getting parental consent would be "an outrageous abuse of authority . . . that totally violates any standard of how to care for incarcerated children."

Doctors are obligated to resist pressure from administrators who want them to treat kids in a way that places the institution's interests over the child's, said Dr. Robert Morris, a University of California Los Angeles pediatrics professor and a member of the board of directors of the National Commission on Correctional Health Care, an accrediting agency that reviews the health care provided in juvenile facilities. (The Commission does not evaluate Juvenile Hall.)

"It is the responsibility of the doctors to look at the kid as an individual and make appropriate prescriptions based on what is best for the individual kid and not . . . what's best for the institution," Morris said.

James Desarno remembers the little purple pills the Juvenile Hall staff brought around every morning and night.

"They said I was hyper and that's why they were giving me the pills," he said. "I told them I didn't want them, but they made me.

"When I took them, they made me feel like a zombie. I didn't want to do anything but lie on my bed all day long. I had no energy for anything."

Desarno was 15 when he landed in the Hall in March 2001 in connection with an auto theft charge. At the time of his arrest, he was being treated by a family doctor and a psychiatrist, but his mother said that care didn't include the use of psychotropic drugs.

What alarmed Mary Desarno was that nobody at Juvenile Hall told her they were giving her son the drugs or asked her permission to administer them.

"They just did," she said. "And when I found out, they kept on doing it."

Mary Desarno said that she told Juvenile Hall staffers she didn't want her son medicated but that her pleas were dismissed without an explanation.

"It was the attitude: 'That's the way it is,' " she said.

She said she wouldn't have given her permission without first having her son's own doctors evaluate his need for the medication.

"I wouldn't have allowed it," she said. "What they did put my son in danger."

There have been times in the past five years when Chris Skelton looked at the kids in his Juvenile Hall classroom and saw them so numbed by prescription drugs that they could barely keep their eyes open, let alone concentrate on school work. Some were so sleepy they "couldn't keep their heads up."

The meting out of drugs peaked between 1999 and 2002, Skelton said. Some of his students were so zoned out that he sent them out of the classroom to sleep instead of trying to teach them the basics of English, math and social studies.

"If you have a kid who can't even keep his eyes open, how the hell are you going to reach them intellectually?" said Skelton, who has taught full time at Juvenile Hall since 1991. He is employed by the Juvenile Court and Community Schools unit of the San Diego County Office of Education.

In moments of trust, some of his students talked to him about the pills being dished out, he said. "Almost every kid would tell me that they were on some sort of medication that they wouldn't be on if they were out."

In the past two years, however, Skelton has noticed a decrease in the sedating of kids, noting that the timing coincided with the filing of Shuer's lawsuit. Shuer, who has moved out of San Diego County, couldn't be reached for additional interviews after her case was settled.

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