

RESTRAINT IS ISSUE IN DIRECTOR'S TRIAL

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- Author/Byline: Thomas Tolliver Herald-Leader staff writer
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Do operators of a controversial drug program in Fayette County use psychological or physical restraint to keep patients in the program against their will?

Or, are patients free to leave the Possibilities Unlimited program whenever they wish?

Those will be the key issues Wednesday when the unlawful-imprisonment trial of Dr. George Ross, the director of the drug program, gets under way in Fayette District Court.

More than 60 people have been subpoenaed to testify in the trial, and because of widespread publicity, Chief District Judge John Adams said he expected to call a pool of 40 to 60 prospective jurors.

Possibilities Unlimited is a drug-rehabilitation program and counseling center for people 12 to 25 years old. The Lexington program was begun in 1983 by Ross, a psychologist who had established similar programs in Florida and Northern Kentucky.

Ross is charged with five counts of unlawful imprisonment, stemming from complaints made by parents of several participants in the program. The parents said Ross and six Possibilities Unlimited employees physically restrained participants from leaving the center's headquarters at 2628 Wilhite Drive.

According to the complaints, participants were held in locked rooms against their wills and sometimes were threatened with arrest or institutionalization if they left the program.

The trial involves only Ross; no trial dates have been set for the six other employees. Unlawful imprisonment is a Class A misdemeanor and carries a penalty of up to 12 months in jail and a fine of up to \$500.

Adams, who will preside over the jury trial, said it could take a week or longer.

Lexington attorney Larry Roberts, a former Fayette commonwealth's attorney who represents Ross, has subpoenaed 40 witnesses, he said Friday. Phillip Moloney and Jack Giles, assistant Fayette County attorneys who will prosecute the case, have summoned 20 witnesses.

To help speed up the trial, Adams has held three pretrial hearings, hoping to clear away any potential obstacles. But the biggest hurdle remains unresolved.

Adams last week deferred ruling on a prosecution motion that objected to Roberts' being allowed to present the merits of Ross' drug treatment program.

As part of the defense, Roberts wants to be able to call witnesses who can testify how the program helped them or their children. "I can produce parents who will say this program saved their child's life," Roberts said last week.

But Moloney and Giles argued that the program's merits were not on trial.

Adams said that he needed more time to think over the matter and that he would rule on it before the trial started Wednesday.

Adams earlier ruled that he would not allow the attorneys to get into the treatment philosophy used at Possibilities Unlimited. Moloney said philosophy included making newcomers feel guilty by having staff members call them derogatory names.

Roberts said he could defend the treatment philosophy if he had to, but he cautioned Adams that the trial would drag on much longer because he would be forced to call additional witnesses.

"We hardly see how you can distinguish the merits from the philosophy of the program," Moloney said.

Adams acknowledged that the line separating the two was thin and said, "I'm not sure where to draw it."

Ross structured Possibilities Unlimited after a similar program - called LIFE - that he established in Florida in 1980, and a Kids Helping Kids program he founded in 1981 in the Northern Kentucky community of Hebron.

Ross has said he left Kids Helping Kids because of a disagreement with its board of directors. He originally came to Lexington to do postdoctoral work and to open a private practice but before long found himself setting up another drug-treatment program.

In Possibilities Unlimited, participants move through five phases of treatment resembling the Alcoholics Anonymous program, progressing to each level as their commitment deepens.

In the first phase they spend nights with other families involved in the program and days at the Possibilities Unlimited center. They are not allowed to read, make telephone calls, listen to music, watch television or participate in any other recreational activity. A program veteran walks behind each newcomer, holding onto the newcomer's belt.

Judging from last week's pretrial hearing, one of the key issues in the trial is expected to be what constitutes imprisonment.

Roberts is expected to argue that the participants were free to leave when they wanted. He indicated he would introduce personal diaries kept by the students to show they were not held against their will.

But prosecutors say that Ross and his associates attempted to hold people in the program through psychological restraint, as well as physical restraint. Moloney cited one instance in which a young mother said she was told that her child would be taken away from her if she left.

"The restraint is the key phase this case deals with, not the treatment," Adams said. "I don't want (witnesses) going into the name calling unless it goes to show restraint, either physical or psychological.

"I want to keep it to the issue of restraint and not get into the issue of the treatment philosophy."

Because of widespread publicity and the sensitive drug issue the case involves, Adams said, he plans to bring in as many as three times the normal number of potential jurors. From that pool a six-member jury will be selected.

Normally, about 20 people make up the jury pool for misdemeanor trials in district court, rather than up to five dozen - the number that Adams plans to call for the Ross trial.

Because of the expected length of the trial, two alternate jurors will be seated. Normally, only one alternate juror is seated.

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