

**South Dakota Department of Corrections Juvenile Division
Semi-Annual Report
Allegations of Abuse & Neglect in contracted facilities
January 1, 2008 through June 30, 2008**

During the period of January 1, 2008 to June 30th, 2008 there were nineteen reports that alleged abuse and neglect involving youth in the custody of DOC while in contracted facilities. The table below summarizes the incidents by type, facility location, outcome of the investigation, and Juvenile Initials.

Type of Allegation	FACILITY	INVESTIGATION OUTCOME	OTHER INFORMATION	JUVENILE INITIALS
Physical Abuse	Lake View Specialty Hospital	Unfounded through internal investigation	Medical staff determined youth was in a psychotic state	AI (report #1)
Physical Abuse	Canyon Hills	Unsubstantiated by DSS		RL (report #2)
Sexual Contact between youth	Wellspring	Unsubstantiated by Rapid City police department		MJ (report #3)
Sexual Assault between youth	Woodfield Center	Unsubstantiated by Lincoln county Sheriff department		SE (report #4)
Physical Abuse	Aurora Plains Academy	Unsubstantiated by DSS		NB (report #5)
Sexual Contact between youth	VOA Group Care	Screened out by DSS	Staff person on duty during incident resigned position. Additional training provided to staff	CE (report # 6)
Emotional abuse	Woodfield Center	Screened out by DSS	Staff person involved resigned	MW(report #7)
Sexual Contact between youth	Chamberlain Academy	No finding of abuse or neglect by DSS		MR (report #8)
Sexual Contact between youth	Benchmark	Did not meet reporting requirements due both over age 18	Both individuals involved were over 18 years of age – Consequences issued by facility.	JS (report #9)
Inappropriate staff behavior	Woodfield Center	Screened out by DSS	Staff person ultimately resigned position	XG (report #10)

Inappropriate Staff Boundaries	Our Home Parkston	Screened out by DSS		CH(report #11)
Inappropriate staff touch	Aurora Plains Academy	Unsubstantiated by DSS	Staff provided additional training	NB(report #12)
Sexual Contact between youth	Our Home Parkston	Screened out by DSS	Peers were separated	MR(report #13)
Inappropriate staff boundaries	Our Home Parkston	Screened out by DSS	Staff person in question reportedly terminated from employment	SB(report #14)
Inappropriate staff boundaries	Aurora Plains	Unsubstantiated by DSS	Staff suspended during investigation and moved to another unit.	RBD (report #15)
Inappropriate staff boundaries	Aurora Plains	Unsubstantiated by DSS	Staff suspended during investigation and moved to another unit.	AP(report #16)
Injury during restraint	Springfield Academy	Investigation ongoing with DSS	Investigation was initiated by DSS, however has not been concluded at the time this report is being written	TP(report #17)
Injury during restraint	Woodfield Center	Screened out by DSS		JS (report #18)
Inappropriate staff behavior	Chamberlain Academy	Unsubstantiated by Chamberlain Police department		DR(report #19)

Report #1, Date 01/8/2008 - Juvenile Initials AI- On 12/26/2007, the assigned JCA received a phone call from AI's mother indicating that AI was alleging that staff had physically abuse her the day prior, 12/25/2007. The assigned JCA contacted LakeView Specialty psychiatric hospital to inquire about the allegation. Lake View staff indicated that AI had filed a grievance suggesting that a staff person had dragged her by her hair, hit and kicked her and "kind of knocked her out", further that she had a "gushing bloody nose". She later submitted a follow up to her initial grievance suggesting something else had occurred. The JCA was notified that the Program Director of the facility would be conducting an internal investigation, which they did. Upon completion of the investigation it was determined that AI had several inconsistencies in her statements and had provided information that could not be supported by professional staff who had witnessed the incident. Witnesses, including the adolescent psychiatrist who was on the unit at the time of AI's alleged incident indicated that there was no evidence of staff misconduct, or evidence of abuse or neglect, or mistreatment of any kind. The

psychiatrist did offer that AI appeared to be “psychotic” and was not following any instruction from therapeutic staff. AI suggested that another staff was present that witnessed the abuse, however, that staff person reported they were not working at the time in question. The Program Director indicated that the schedule supported this fact. The allegations were unfounded through the internal grievance procedures and multiple witnesses.

Report #2, 01/15/08- Juvenile Initials RL –Assigned JCA went to visit RL at Canyon Hills on 01/15/08. He was extremely angry and stated that staff a staff person (teacher at the alternative school at the Center) had thrown him to the ground moments before. RL stated that another staff person had asked him to go to the office to get more pencils. While he was in there the staff person in question walked by and told RL to get back to class. RL told him that he was on an errand for another teacher and the staff person in question reportedly stated that he didn't care and that RL needed to get back to class. RL suggested that he tried to walk by the staff person to leave the room, when he was "stiff armed" and fell to the ground. That's when assigned JCA arrived for the visit with RL. This was reported to DSS by the assigned JCA, however the allegation was unsubstantiated by DSS.

Report #3, Date 2/15/2008- Juvenile Initials-MJ- A male resident alleged that MJ had engaged in sexual activity with him during the course of his stay at Wellsprings. Upon notification of this information, Wellspring staff reported this incident to DSS. DSS referred this incident to local law enforcement for investigation. The Rapid City police department conducted an investigation of the incident. They did not file any charges in this matter. The case was unfounded.

Report #4, Date 02/16/2008 -Juvenile Initials-SE- On 2/21/2008 two male residents of Woodfield Center, one of which was SE’s roommate reported to education staff that another male resident, age 14, had engaged in sexual activity with SE the week prior. When the counselor followed up with SE he alleged that he had been sexually assaulted by the other resident. He reported that the other youth had entered his bedroom at about 1:00 a.m. on 2/16/2008 and pulled down his pants and penetrated his rectum with his penis. SE reported that he kept dozing off so it seemed like a short period of time before the other youth pulled up his pants and exited the room. The other resident was questioned, however, denied any such actions. Consistent with facility policy, the Woodfield Center notified DSS of the incident. DSS referred this case to local law enforcement. The Lincoln county sheriff’s department investigated and did not file any charges in this matter. Woodfield Center did schedule a physical examination to include STD testing at the Sanford Clinic in Beresford for both youth in this case. There was no medical evidence suggesting a sexual assault, or positive result on the STD testing.

Report # 5, Date 03-13/2008 - Juvenile Initials-NB- Aurora Plains submitted a report to the assigned JCA, indicating that juvenile NB was assaulted by another juvenile. NB had disclosed to a staff person at Aurora Plains that he had been verbally and physically threatened by another youth placed at the facility. He indicated that another youth had taken him out of staff sight and physically assaulted him. He further suggested that this

other resident was engaged in a conspiracy with an Aurora Plains staff member, where they were planning a riot, in which one staff member would be killed. NB suggested that he was being threatened to with harm if he did not participate in the planned riot, murder conspiracy.

This incident was reported to DSS, who did not investigate. However, their contacts did not reveal indicators of child abuse/neglect. Aurora Plains Academy did terminate the youth who had assaulted NB and he was removed from the facility.

Report # 6, Date 3/18/2008- Juvenile Initials CE- Juvenile CE reported to Volunteers of America Dakota's staff that during the course of her stay at the facility she had entered one of the boy's bedrooms during an overnight time period and performed oral sex on a male juvenile without staff detection. VOA staff notified DSS of this incident. DSS screened this incident out, no formal investigation was completed as they did not believe there were any indicators of abuse or neglect. However, they did inquire as to how VOA was handling the staff training issue. VOA shared that they have held two staff training sessions to address supervision. VOA also reported that the staff who was providing the supervision during this incident had resigned from her position with VOA.

Report # 7, Date 3/22/2008- Juvenile Initials MW- Juvenile MW's mother contacted assigned JCA at home on the evening of 3/22/08 to advise that she had just returned from a visit with her son MW at Woodfield Center and was concerned that he was being emotionally abused by a staff person. MW suggested that the staff person had made fun of him because of his long hair and that he did not want to take his medications because the staff person "would call him names". The assigned JCA contacted the facility director to advise of the complaints. The facility director conducted an internal investigation and was not able to find support for the allegations. The investigation included discussion with the staff person in question as well as others who would have been witness to the allegations. The assigned JCA also followed up with MW via telephone, in an attempt to gather additional information. MW was described as very defensive and would only share that the staff person "treats him like a bitch and rides his nuts". The assigned JCA suggested that MW should file a grievance against the staff person. MW declined that suggestion. MW requested removal from the facility and when the assigned JCA did not comply with his immediate removal he became upset, threw the phone down and walked out of the office, ending their phone conversation. The assigned JCA did contact DSS as well to make a referral. A letter was received from DSS dated March 21, 2008, indicating that the details of the case did not establish cause for Child Protection Services to intervene as defined by state law. The staff person involved in this situation did resign his position following this incident.

Report # 8, Date 4/2007 (reported to JCA 1/23/2008)- Juvenile Initials MR- Juvenile MR reported to a staff person at Our Home Parkston that while she was placed at Chamberlain Academy sometime between March and April 2007 that she had sexual contact with another resident. She reported they willingly engaged in sexual contact that was not detected by supervising staff. This information was immediately reported to

DSS. Child Protection Services reviewed the allegations and determined that there was no finding of abuse or neglect.

Report # 9, Date 4/3/2008- Juvenile Initials- JS- Juvenile JS reported to staff that he had engaged in sexual contact with another resident at the Benchmark facility. JS stated that while on a bowling outing he had talked with another resident and since then they had engaged in sexual contact on recreational outings, to include “rubbing each others behinds” and oral sex in the library as he walked back and forth putting books away. JS shared the information with staff suggesting that he wanted to move forward with his treatment. He believed the emotional support he had received from the other peer had led to his desire for a physical relationship with this peer. Due to the fact that both residents were over the age of 18, no report was necessary to the Utah licensing authority, therefore, no finding of abuse or neglect in this case. Both were given consequences individualized to their respective treatment program.

Report #10, Date 4/3/08-Juvenile Initials XG- The facility director from Woodfield Center contacted the assigned JCA to advise of an incident in which a staff person had squeezed the juice from an orange over XG’s head and then made him clean up the mess. Woodfield Center administration immediately suspended the staff person and notified DSS of the incident. DSS screened the incident out, did not assign an investigation as Woodfield Center had taken action with the staff person. The staff person reportedly ultimately resigned their position.

Report #11, Date 4/09/2008-Juvenile Initials-CH- Juvenile CH shared in a group meeting on 4/09/08 that a male staff person had been making inappropriate comments to her for the past 3-4 days and had touched her back. CH shared that she had asked the staff person a question about confession for which he did not have an answer, but stated that he would find out for her. She stated that she told him to not forget and he reportedly stated that he could not and in CH’s opinion, “gave her a look over”. CH suggest that later in the evening after she had showered that the staff person told her that her “cleavage was showing” and again gave her a look and pointed out that she was blushing. CH further suggests that the staff person asked if he made her nervous. CH reports that she asked the staff person if she said things to other girls that he says to her, and asking the staff person if he liked her, to which he reportedly stated maybe. CH further suggests that the staff person had led her to believe that he would get her out of Our Home Parkston, and that he had been working on a plan, further during some of their conversations he had touched her on the back. She further reports that he had come to her room after lights out and she asked why he was there, to which he reported replied, because you’re beautiful, pretty and you have a nice body. CH reports that on April 9, 2008 she started to think about what she was doing and she got a sick feeling in her stomach when she heard the staff persons voice. This information was reported to DSS. However, they screened the referral out.

Report #12, Date 4/21/2008-Juvenile Initials NB- Juvenile NB shared with a staff person at Aurora Plains that another staff person had touched him by patting him on his cheek and brushing her hand over his forehead. NB shared this information during an

individual therapy session and later asked to call DSS. When the therapist followed up with him he shared that “he had been thinking about it and felt the touches had been sexual”. He further added to his report that when the staff person had been waking him up she had drawn his blankets down and in doing so had brushed against his private spot with her hand. Aurora Plains reported the incident to DSS who was unable to substantiate abuse or neglect in this matter. DSS reports suggests that they interviewed NB and during the course of the interview he shared that he did not feel the touch was sexual but wanted to make sure he wasn’t touched again and believed this was the only way to ensure that. The staff person was placed on administrative leave pending completion of the investigation, however no indicators of abuse and neglect were found in this matter. The staff person was provided additional training on Aurora Plains, “no touch” policy and moved off of NB’s unit.

Report # 13, Date 5/21/2008-Juvenile Initials MR- On May, 21, 2008 Juvenile MR engaged in mutual kissing with another peer at the Our Home Parkston facility. Staff report indicates that at approximately 9:45 p.m. they were attempting to get the group to bed. During the course of the bedtime routine, it was discovered that MR was not where she was supposed to be. Staff immediately began search procedures in an attempt to locate MR. During the course of searching the facility grounds, they found MR in another females room, jumping out from behind the closet door and proclaiming that she had been kissing the other youth without staff detection. MR further suggested that on another date she had touched the other girls hands, arms, brushed up against her anytime she could when staff wasn’t looking, touched her nipples, felt her up over her clothes and slipped her hands down her pants and cupped her crotch, although she could not remember if she digitally penetrated her or not, but stated that she wanted to. Our Home Parkston staff reported this incident to DSS. The referral was screened out and not investigated. Our Home Parkston placed the girls on separation so they would not have further opportunity for contact.

Report #14, Date 6/10/2008-Juvenile Initials SB- On 6/10/2008 Juvenile SB shared with a staff member at Our Home Parkston that another staff person had showed him a nude image of a female on his cell phone. SB shared that this occurred approximately 4 months prior on one occasion. SB further shared that the staff person told him on numerous occasions to not disclose what had occurred. Our Home Parkston immediately notified DSS of the allegation and placed the staff person on administrative leave pending further investigation. DSS did not investigate this report, it was screen out. However, Our Home administration relayed that they did terminate the staff person in question.

Report #15, Date 6/27/2008-Juvenile Initials RBD- On 6/27/2008 Juvenile RBD provided a written statement to Aurora Plains staff that a staff person had showed him, along with other youth in DOC custody, a nude image of a female, along with other pornographic images on his cell phone. Aurora Plains notified DSS of the incident and placed the staff person on administrative leave pending further investigation. The allegations were unsubstantiated by DSS.

Report #16, Date 6/26/2008-Juvenile Initials AP- Juvenile AP provided a written report to Aurora Plains staff that a staff person had showed him, along with other youth in DOC custody, a nude image of a female, along with other pornographic images on his cell phone. As noted above, Aurora Plains notified DSS of the incident and placed the staff person on administrative leave pending further investigation. The allegations were unsubstantiated by DSS.

Report # 17, Date 6/27/2008-Juvenile Initials TP- On 6/27/08 Juvenile TP reportedly became very upset with a staff person at Springfield Academy regarding an issue with his phone privileges. When confronted by a staff person regarding the violation of time limits, TP became physically aggressive with the staff person, attempting to strike him. The staff person reportedly attempted to place TP in a restraint, at which time he began attempting to head butt the staff person. Another staff person intervened and provided additional assistance with the restraint. This restraint took place for approximately 20 minutes according to Springfield Academy reports. During the course of the restraint, Juvenile TP received significant rug burns to his face and left shoulder. He was seen by the facility nurse for his injuries. Additional information was obtained from TP's parent's, who suggest that the staff person has singled their son out and has not allowed him to use the restroom at night due to staff inconvenience and limited time, or turned off the water in the shower, not allowing their son to fully rinse at times. A referral was made to DSS regarding this incident. DSS has assigned this case and we are aware that an investigation has been initiated. However, no outcome information is available at this time.

Report #18, Date 6/30/2008- Juvenile Initials JS- Juvenile JS was involved in attempting to assault another resident and staff at Woodfield Center. In response to her behavior, staff initiated a physical restraint. JS was combative and then attempted to exit the facility. During the course of this situation, JS hurt her arm. JS reports that she is not sure what happened to her arm, however, noticed that while she was placed in the time out room that her arm was swelling and she felt some pain. Woodfield Center did take JS to the local emergency room for examination. It was determined that she had a contusion on her arm, but no treatment was needed, as there was no break. DSS was notified, however, screened the referral out.

Report #19, Date 6/30/2008- Juvenile Initials DR- Juvenile DR reported to his mother, while on a home visit from Chamberlain Academy that staff at the facility had given him cigarettes. DR's mother discovered the cigarettes during the course of his visit. At that time, he reported that a staff had given them to him, however, would not tell his mother or assigned JCA who the staff person was specifically. This was reported to DSS by the assigned JCA. DSS turned the information over to the Chamberlain police department and the local States Attorney's office. Law enforcement did investigate, however there were no charges filed in this incident. The case was unfounded.