

## Substantiated Allegations of Wrongful Restraint and Seclusion in Developmental Disabilities Children's Programs

2021-September 30, 2024

Total restraints imposed: 4151

Total injuries to youth: 25

Total reports of potential inappropriate wrongful restraint: 221

Total substantiated allegations of wrongful restraint: 46

Total individuals with an investigation for wrongful restraint: 92

Total individuals with a substantiated finding for wrongful restraint: 31

### **January 2021, Albertina Kerr Centers**

One allegation of neglect, one allegation of physical abuse and one allegation of wrongful restraint were substantiated against a specific staff after that staff engaged in a power struggle with a youth and followed him into his bedroom, which led to a physical altercation. The staff sat on his back while the youth was in a prone position on his floor and caused him several physical injuries including an injury to his groin.

*Staff was terminated and will have no further contact with AKC children.*

*These cases were reported to the local police department. **The District Attorney's office declined to prosecute.** Issued civil penalty of \$1500 to agency.*

### **March 2021, SACU Discovery Place**

One allegation was substantiated for wrongful restraint against a specific staff member to the child. It was determined the staff member engaged in a physical restraint which was unwarranted and initiated during a power struggle with the youth. The staff did not restrain the youth for the safety of the youth or others, but rather out of convenience for the staff member.

*The Staff has been placed on administrative leave, retraining to take place after appeals process is complete. Hearing is scheduled for February 2022. Issued advisory letter.*

### **September 2021, Renew Consulting**

Allegations of wrongful restraint and neglect were substantiated against a program staff after learning the staff member failed to follow the child's behavior plan while the child was escalated. The staff failed to follow the approved calming strategies during the escalation which caused the child to become more escalated, resulting in a physical intervention by the staff member. The physical intervention was determined to be

unnecessary to protect the child or others and was not implemented in accordance with the approved physical intervention system.

*Civil penalty of \$1000 to the agency. Issued advisory letter.*

### **September 2021, Albertina Kerr**

One staff was substantiated for Wrongful Restraint after the staff engaged in a physical intervention which was not the least restrictive option available to staff and the physical interventions described are not approved OIS techniques.

*The staff was required to repeat the comprehensive OIS training and participate in ongoing OIS monthly trainings. Issued civil penalty of \$500 to agency and an advisory letter.*

### **February 2022, Work Unlimited**

Two allegations of wrongful restraint were substantiated against two staff members regarding one youth. The two staff were on top of a youth in a prohibited supine hold. The action taken did not align with OIS and other alternatives could have been used.

*Issued civil penalty of \$1000 to the agency. Issued Advisory Letter. Program retrained all staff at the home on SB 710, individual's PBSP and OIS, and incident report writing. Guardian chose for the youth to remain in the program. Youth moved to adult provider on 9/16/22.*

### **March 2022, Professional Therapeutic Community Network**

One allegation of Neglect was substantiated when a staff member involuntarily secluded the child by forcing the child to quarantine in their bedroom. It was found the child was not actually ill and was provided direction to remain in their room or there would be negative consequences for them. This resulted in the child feeling as if they were in jail and they wrote a note saying they wanted to die while in quarantine. *Issued civil penalty of \$500 to the agency. Respondent was suspended and then resigned in lieu of being terminated. All staff were retrained on policy and procedure, specifically the policy regarding prohibiting seclusion. The policy regarding prohibiting seclusion is also reviewed as part of mandatory reporting and during core competency training. All staff were retrained on mandatory reporting responsibilities. Child's Positive Behavior Support Plan includes guidance and support around suicidal statements. Agency uses a safety watch protocol which includes notification of the individual's counselor if a youth makes suicidal statements.*

### **April 2022, Advocates for Life Skills & Opportunity**

One allegation of neglect and one allegation of wrongful restraint were substantiated against a staff as the staff placed the youth in a non-approved physical hold by placing the youth's hands behind their back. Additionally, the staff taunted the youth which led to further verbal and physical aggression by the youth.

*Issued civil penalty of \$1000 to the agency. Issued Advisory Letter. Incident report writing, the individual's PBSP and OIS physical review were retrained by the program with all staff at the home. The staff member was terminated.*

#### **April 2022, Rise Inc**

One allegation of neglect and one allegation of wrongful restraint were substantiated against a staff as the staff used an improper physical intervention which restricted the youth's movement and breathing by applying pressure to the body and specifically the neck. The staff failed to disengage with the youth while the youth was escalated even though the youth asked to be given space. The staff failed to leave the area which then triggered a significant event of both the wrongful restraint and police having to be called which the youth became combative with police.

*Issued civil penalty of \$1000 to the agency. Issued Advisory Letter. This home is no longer serving children.*

#### **April 2022, Albertina Kerr Centers**

One allegation of neglect and one allegation of wrongful restraint were substantiated against a staff on two different youth. The staff was aggressive and threatening towards one youth, which led to the youth being frightened and feeling like they were going to pass out. The staff felt triggered by the youth's comment and yelled in the youth's face. The reaction was not in alignment with OIS approved. The same staff wrongfully restrained another youth when the youth was no in physical danger to himself or others. The staff restricted the movements of the youth for convenience and/or punishment which caused the youth to fall.

*Issued civil penalty of \$1000 to the agency. Issued Advisory Letter. This staff member was terminated. Retraining on mandatory abuse reporting was completed by the program with all staff at the home.*

#### **June 2022, Stabilization and Crisis Unit- Discovery**

One staff was substantiated for Wrongful Restraint, Neglect and Involuntary Seclusion. The staff placed the client in an unauthorized restraint which was not aligned with their training, nor was it to prevent serious bodily injury. Furthermore, the staff denied the client access to water which caused them to further escalate, then secluded the client in their room by holding the door closed so they could not exit.

*Staff was put on administrative leave pending appeal and HR investigation.*

#### **June 2022, Albertina Kerr Centers**

One allegation of wrongful restraint was substantiated against a staff as the staff placed the youth in a non-approved physical hold by putting the youth in a chokehold to free a phone from their hands.

*Issued civil penalty of \$500 to program. Staff member was terminated.*

### **July 2022, Partnerships in Community Living**

Two allegations of wrongful restraint were substantiated when two staff members carried a client like a “table” up a set of stairs. This type of physical intervention was in violation of the staff members’ training. It was also not deemed necessary to physically intervene. The situation did not pose a serious risk of bodily injury to the youth or others, thus it was not warranted.

*Issued civil penalty of \$1000 to the agency. Both staff members were retrained on OIS focused on PPI/Stabilization and reasonable response. One staff was retrained then reassigned. One staff no longer works for the agency.*

### **2022 Cornerstone Valley**

One allegation of wrongful restraint was substantiated against a staff member after the staff placed the youth in an unauthorized restraint. While the youth was sitting on a couch, the staff sat on the youth and pressed himself against the youth’s chest. Although the child could not confirm if their breathing was restricted, they did experience red marks and expressed having pain in their limbs. This is not a technique approved by the staff’s training as it could have restricted the youth’s breathing. The restraint was not warranted as the child did not pose a serious risk of bodily injury to themselves or others.

*Issued civil penalty of \$500. Staff was suspended then terminated. All Staff were retrained on Mandatory abuse reporting.*

### **November 2022, Albertina Kerr**

One allegation of wrongful restraint was substantiated against a staff member after the staff placed the youth in an unauthorized restraint. Staff grabbed the youth’s ankles and attempted to pull him off his bed. This is not a technique that is approved. Additionally, by the staff’s account the youth’s behaviors were not a danger to himself or others and did not warrant a restraint.

*Pending review at next Corrective Action meeting. Staff was suspended and then terminated.*

### **November 2022, Albertina Kerr**

One allegation of wrongful restraint was substantiated against the program. AKC allowed a staff who was out of compliance of his OIS certification for over a year to continue to work in the home and he put a youth in a hold while being out of compliance.

*The staff involved now has a current OIS certification. Kerr reports restructuring their training protocols to ensure staff are proactively recertified before expiration. The child has exited Children's Residential services and returned to their family home. Issued civil penalty of \$500 to agency.*

#### **December 2022, Renew Consulting, Inc.**

One allegation of wrongful restraint was substantiated after a staff placed the client in a prohibited restraint. The staff grabbed the child by their shirt and took them to the floor, causing there to be pressure on the child's neck and throat. This caused the child to have difficulty breathing.

*Provider retrained staff on OIS de-escalation strategies. This staff member no longer works for the provider and does not have access to the child. Issued civil penalty of \$500 to agency.*

#### **March 2023, Cornerstone Valley**

One staff member wrongfully restrained a child by placing them in a restraint which placed pressure on the child's chest and stomach. Additionally, the physical intervention was not used to prevent a reasonable risk of imminent serious bodily injury.

*The staff who implemented the restraint is no longer employed by the provider agency. There were no injuries as a result of this restraint. Issued civil penalty of \$500 to agency.*

#### **April 2023, SACU**

Two staff members were substantiated for wrongful restraint after placing one youth in a restraint for the convenience of staff. The youth was not exhibiting an imminent risk of serious bodily injury; thus, a physical intervention was not warranted.

*Staff were put on administrative leave pending the investigation. Upon completion of the investigation, staff received a letter of reprimand and retraining. The ISP team met monthly to discuss supports and incidents. Individual has aged out and move to his adult home.*

#### **April 2023, SACU**

Two staff placed a youth in a wrongful restraint. Staff used a hold that was not part of their training when holding the youth from behind in a bear hug hold and forcefully moving them to another part of the home.

*Staff were immediately duty stationed, pending disciplinary action and retraining. Child received care through a Child Advocacy Center. Agency contacted Law enforcement. **District Attorney is not pursuing criminal charges.** The child has moved to another home and is actively involved with his support team and mental health services.*

### **April 2023, SACU, Discovery**

Five staff wrongfully restrained a youth after they bypassed less restrictive means of intervention to carry the child out of their school, putting the child at greater risk of harm.

*The child is currently being served by a different agency. All staff involved are on administrative leave. SACU HR is reviewing.*

### **May 2023, DD Certified Foster Home, Marion County**

Multiple foster home staff were substantiated for Neglect and Wrongful Restraint against two residents after failing to intervene and increase supervision when the youth got into a physical altercation with each other. This caused the youth to become physically injured. Later, staff utilized a prohibited prone restraint.

*ODDS issued a serious violation letter and conditions restricting admission into the foster home.*

### **July 2023, Cornerstone Valley**

Staff used an inappropriate restraint while dealing with a youth's escalated behavior, in addition to failing to supervise adequately. Staff was substantiated for Wrongful Restraint and Neglect.

*Program suspended then terminated the staff's employment. Issued civil penalty of \$1000 to the program.*

### **August 2023, PCL-Browning**

Staff placed a youth in a wrongful restraint by failing to utilize less restrictive means and engaging in a physical intervention that was neither approved nor trained.

Staff is no longer working at the residential home. Behavior Professional retrained staff on the child's PBSP, including authorized interventions.

*Agency provided OIS retraining to the staff. After substantiation, Agency reported two staff no longer works for PCL and the other staff received personnel follow up and retraining. Issued civil penalty of \$1500 to the agency.*

### **October 2023, Albertina Kerr**

Two staff were substantiated for wrongful restraint after placing a youth in a prone restraint and in a restraint on a bed.

*Program terminated the two employees. They also retrained staff on the child's behavior support plan and completed an OIS refresher training. Issued civil penalty of \$1000 to the program.*

### **November 2023, Cornerstone Valley**

One allegation of wrongful restraint was substantiated on a specific staff. The youth punched staff in the face during an incident in which he was escalated. Staff then put the youth into a headlock and held that hold until other staff physically removed her arms from around the youth's neck.

*Staff resigned. The child was taken to urgent care, neurological exam completed, and no injury was noted. In December, team authorized enhanced staffing to meet the youth's support needs. Issued civil penalty of \$500 to the program.*

**July 2024, Albertina Kerr, Wrongful Restraint**

Two allegations of Wrongful Restraint were substantiated against two staff members after those staff members engaged in a power struggle with a youth which escalated the youth. The staff did not follow the youth's positive behavioral support plan and physically restrained the youth when it was unnecessary.

*One staff no longer works for the agency. The other staff has been retrained on the Oregon Intervention System as well as Collaborative Problem Solving. The child moved to another agency and has stabilized. Issued civil penalty of \$1000 to the program.*