

# Michigan inspectors crack down on Muskegon County's juvenile home for being abusive and 'dangerously understaffed'

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Kendra Stanley-Mills | Muskegon Chronicle No trespassing signs are posted on the property of the Muskegon County Juvenile Detention Center. The center is located at 1830 White Lake Dr. in Whitehall Township.

**MUSKEGON COUNTY** -- County officials have undertaken sweeping reforms at the Muskegon County Juvenile Detention Center, following state inspections that revealed excessive force being used by staffers in what the state called a "dangerously understaffed" facility.

Juvenile inmates were injured while being physically restrained by staff, who resorted to inappropriate methods such as: pulling youths' arms behind their backs; shackling inmates' hands and feet to each other; and using a full-body restraint chair, according to reports from the Michigan Department of Human Services.

A DHS licensing consultant issued multiple special-investigation reports since December, outlining several major violations.

Following the investigation, the county was cited for 25 violations or repeat violations for problems ranging from excessive force to leaky toilets.

Three staff members were found to "lack ability" in dealing with youth residents, including two that the state said used excessive physical force. The state's reports do not name the employees.

County officials said they fired three staff members, but it wasn't clear if they were the same three singled out by DHS.

The detention center's 54-year-old superintendent retired and the center is operating under a provisional license, allowing the state to make random, unannounced reviews.

For now, some disciplinary techniques were banned and training was beefed up. More administrative oversight was added and seven additional youth specialists were hired.

## **The five reports**

Steve Ragsdale, a child welfare licensing consultant for the Michigan Department of Human Services, issued five special investigation reports on the Muskegon County Juvenile Detention Center between December and June. Here is a summary of his report from each visit:

### **Dec. 15**

Action: Four violations, stemming from use of the AEDEC Prostraint Prisoner Restraint Chair.

Consultant analysis: Shackles and restraint chair were not appropriate tools to keep "Resident A" safe and to meet his psychiatric needs.

Jan. 25

Action: Ten violations, stemming from a resident being physically managed, a resident being maintained in shackles for about a month, a staff member admitting that he has "short-shackled" residents and reports that residents are put in the restraint chair and hoods put over their heads.

Consultant analysis: Multiple staff reported that there were insufficient staff present to appropriately supervise residents without physical management and long-term seclusion.

Feb. 16

Action: Two violations, stemming from improper use of behavior management room and **complaints of the meals provided.**

Consultant analysis: Pending approval of a corrective action plan, it is expected that lock down/seclusion for other than crisis management will cease.

April 12

Action: Three repeat violations, stemming from improper use of behavior management room, two staff members using derogatory and humiliating language in their interactions with residents, and same two staff members demonstrated a lack of ability to properly supervise and care for residents.

Consultant analysis: A resident was placed and kept in seclusion when he was not out of control and not a danger to others.

June 24

Action: Six repeat violations, stemming from improper use of behavior management room, cases of no logs or nonreviewed logs for behavior management, use of unacceptable forms of behavior management, grievance procedures not being followed, not making effort for all residents to be in school, and operating without sufficient number of staff.

Consultant analysis: There are up to five periods during the day in which all residents are placed in seclusion for staff convenience.

### **How things got so bad**

Explanations for the detention center's problems vary.

Some of the center's employees pointed to the staffing level -- stating at times it was an 8-1 ratio of residents to staff -- as making it difficult to control the population.

Staffers told the state investigator that, for the safety of employees and the youth inmates, they had no choice but to resort to physical management and long-term seclusion. A male staff member said he was forced to handle physical outbreaks without much support, and he added that shackling, chair restraints and long seclusion of those in custody were necessary to keep order at the facility.

He told the state investigator that one resident was kept in shackles for nearly five weeks because his presence in the population did not allow for resident and staff safety.

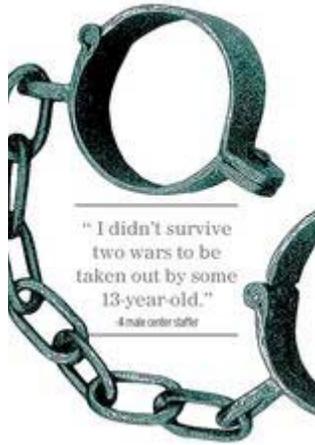
"I didn't survive two wars to be taken out by some 13-year-old," he said.

The man who was then the center's superintendent, Matthew Kaley, told the consultant that adding supplementary staff was not within his budget. In addition, the assistant superintendent position had been eliminated from his budget leading to a lack of administrative oversight on the second shift.

One resident pointed out to the consultant that the problems often began later in the day, after Kaley's work shift ended.

County administration maintains that youths being housed in the facility have more serious problems than in the past. One of the state's reports mentioned that a staff member was unable to be interviewed because he was on medical leave after being assaulted by a 13-year-old resident.

When asked where the recent problems stem from, County Administrator Bonnie Hammersley said, "I attribute it to the change we're seeing in the youth we're dealing with. Their needs are greater."



Regardless of what caused the problems, county officials said they have spent the last nine months working to improve operations at the detention center, 1830 White Lake Drive, Whitehall Township. The facility houses up to 22 middle-school and high-school-aged youth who are accused of crimes and referred there by Family Court.

The detention center is not under the operation of the courts or sheriff's office. The facility's manager reported directly to the county administrator.

Hammersley said she believes that any injuries that might have resulted from detention center staff's actions "were isolated incidents."

"Whenever anything like that came up, I was informed and action was taken," said Hammersley, who started as county administrator March 30, 2009.

Kaley, who is no longer employed by the county, was contacted by The Chronicle and choose not to comment on the information in the reports.

"Out of respect to the county, I don't think it would be appropriate to comment on it," Kaley said.

County board Chairman Ken Mahoney said the county takes the issues seriously.

"The incidents were serious, but not abusive," he said.

No criminal charges or civil cases have been filed, Hammersley said.



Matthew Kaley

### **How the probe began**

The state's investigation was conducted by Steve Ragsdale, a child welfare licensing consultant for the DHS licensing bureau.

After hearing current residents' allegations of mistreatment by detention center staff, and explanations from employees, Ragsdale decided to interview former residents who had been at the Muskegon County facility for more than a month.

They were interviewed separately. None of the interviewees was told that the interview related to the Muskegon County facility, and

each identified the local facility as a place where residents were mistreated, Ragsdale's report indicated.

In one instance, a 17-year-old was asked if he had ever been in a placement that the licensing consultant should have concerns about. The resident stated that it could not be his current placement, "because is it totally different than where he came from, the Muskegon Detention Home." Another former resident described the staff at the detention center as "mean."



Muskegon County Administrator Bonnie Hammersley

### **What the state required**

As a result of the investigation, county officials were ordered to respond with corrective action plans. The process led to many changes, including additional training for staff, more staff members hired and the elimination of certain disciplinary techniques used by some staff.

The action plans indicate that a prisoner restraint chair was removed from the detention center, and a technique called "short shackling" is no longer allowed. The restraint chair features multiple straps that immobilize its occupant. "Short shackling" involves the restraining a resident's feet and hands and binding his or her feet to their hands.

The corrective action plans also called for: daily review on the use of behavior management rooms; training for staff members in nonabusive physical and psychological intervention; immediately notifying the state if a resident is injured during restraint by staff; conducting an internal investigation of complaints about staff using excessive force; and allocating mental health resources through Muskegon County Community Mental Health for the juvenile center.

The county hired seven additional youth specialists July 13 to boost the staff-to-resident ratio.

"The staffing increase will allow for better detention management," the correction action plan from Kaley and Vern Nash, correction services director, stated.

### **The detention center's future**

The state's investigations over the last nine months have led to changes in juvenile detention center administration.

Kaley, 54, tendered his resignation last month, retiring from the position effective July 23. He had been superintendent since 2007, following a 12-year stint as the detention center's assistant superintendent.

Hammersley said it was Kaley's personal decision to resign his post.

Paul Wishka, Muskegon County's deputy family court administrator, was appointed interim superintendent of the juvenile center July 27 by the county board.

Hammersley said she wants Wishka to assess the situation to help guide the detention center's future, including recruitment of a permanent superintendent.

Wishka, who had no direct role in previous operations of the juvenile detention center, said he is impressed by the "strong core of committed employees" currently at the facility.

The number of staff working during the various shifts at the facility has risen with the recent hires, increasing by about one staff member during most shifts and providing more coverage by overlapping some of the shifts. During the 3-6 p.m. slot, the center has six staff members, plus a supervisor. The additional hourly youth specialists also allow for more staff to be called in when unanticipated events take place.

"It's a much better ratio to work with our children," Wishka said, adding that it provides time for staff to provide individual attention to a resident when needed.

Nash took over a new administrative role for the county. He acts as a liaison between Hammersley and the managers of the juvenile detention center and community corrections, which handles prisoner work crews.

The seven new youth specialists hired last month are a mix of full-time and hourly workers, although Hammersley said all the specialists are allowed to work full days.

"We're fully staffed now," Hammersley said, maintaining that the center was understaffed because of challenges in recruitment. The county recently implemented continuous recruitment for the juvenile detention center, so officials will have a pool of candidates to choose from to fill vacancies.

Hammersley and Mahoney said they recognize the importance of the juvenile detention center.

"This is an extremely important facility for Muskegon County," Hammersley said. "We're committed to serving the youth of the county, those most vulnerable."

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