

OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT

Report of a Complaint Investigation
American Legion Children's Home, Ponca City

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Introduction

On April 18, 2007, the Office of Juvenile System Oversight (OJSO) received a complaint that alleged children were unsafe in the facility because of insufficient staff-to-resident ratio on the overnight shift, the use of physical restraints without proper training and the lack of background checks for volunteers. The OJSO conducted an onsite investigation on May 9, 2007 at the American Legion Children's Home (ALCH), located in Ponca City, Oklahoma. The facility was certified for sixty-two residents by the Division of Child Care of the Department of Human Services (DHS). The program provides residential care to DHS-custody children who require level D+ and Level E care. On the day of the OJSO visit, the census was fifty-eight.

Interviews Conducted

- Entry interview and an exit conference with the Executive Director
- Fourteen residents
- Two staff members

Documents Reviewed

- Training records for all staff members hired in or after January of 2007
- OSBI criminal record checks for all employees hired in or after January of 2007
- ALCH Administrator on Duty (AOD) activity reports for February, March, April, and May of 2007
- DHS Division of Child Care inspection report, dated April 17, 2007
- ALCH letter of response to Division of Child Care inspection report, dated April 17, 2007
- List of ALCH volunteers that provide unsupervised outings for ALCH residents

- The DHS contract with the ALCH

Findings

The OJSO interviewed fourteen male residents from Sarkeys Hall and McFadden Hall. The issues in the OJSO complaint were specific to Sarkeys and McFadden Hall residents. The interview questions pertained to the residents' perceptions of safety on the dorms, behavior management techniques utilized by staff members and dorm rules. The OJSO noted:

- All fourteen residents stated that there is only one staff member on duty during the night shift on both Sarkeys Hall and McFadden Hall.
- Eight of the residents stated that they have sustained injuries when restrained to the floor.

The OJSO interviewed three ALCH staff members, which included the Executive Director, a direct care supervisor, and a direct care staff member. The interview questions pertained to the staff members' knowledge of staff-to-resident ratio's on the dorms and the behavior management technique used by the ALCH. The OJSO noted:

- All staff members stated that the ALCH had been utilizing the Mandt behavior management technique in the past, but is now in the process of training all staff and implementing the CPI technique.
- Both direct care staff members stated that they have been trained and certified in both techniques. It was also reported that the CPI does not utilize a floor hold, and it does not provide staff members with information on how to handle situations that progress to the floor.
- All staff members stated that the night shift only consists of one staff member on duty.

The OJSO found the ALCH to be in compliance with the DHS Licensing Requirements for the ALCH personnel OSBI criminal background checks and training for the behavior management techniques. In addition, the OJSO verified that the ALCH corrected the violations in the DHS Division of Child Care inspection report, with the exception of the observational tour violations. However, the OJSO also determined that the ALCH is out of compliance with the DHS Licensing Requirements in two areas. The two areas include the staff-to-resident ratio during the night shift and criminal history investigations for ALCH volunteers that have unsupervised access to ALCH residents.

The OJSO determined through the documents reviewed and interviews, that the ALCH has maintained one staff member on duty on both Sarkeys Hall and McFarland Hall with fifteen residents on the unit. According to the DHS ALCH

contract, the ALCH should maintain a ratio of one staff person for twelve residents during the night shift (sleeping hours).

The OJSO also determined through interviews and documents reviewed that the ALCH has at least thirty-two volunteers who have not completed a criminal history investigation and have unsupervised access to ALCH residents. According to DHS Licensing Requirements, any volunteer that has unsupervised access to children must have a criminal history investigation.

Summary

On the day of the OJSO visit to the ALCH, the OJSO found the facility to be an overall positive and clean environment. Most of the issues in the complaint were not substantiated. However, the OJSO did find DHS Licensing Requirement violations and other concerns. The OJSO discussed the violations listed above with the Executive Director during the exit conference. It was also suggested by the OJSO as an alternative to the criminal background investigation of all volunteers, for the ALCH to require an ALCH staff member to accompany the volunteers and residents on the outings. According to DHS Licensing Requirements, only volunteers that have “unsupervised” access to children must have the completed criminal background investigation. This could only be a possible alternative if the ALCH thoroughly documents measures to ensure the safety of the residents, and provides one-on-one supervision with the residents during the outings.

Furthermore, the OJSO had concerns regarding the behavior management techniques utilized by the ALCH. Not only did eight of the residents disclose that they sustained injuries during restraints on the floor, but the staff members stated that they were not trained on floor holds with the new technique of CPI. The OJSO suggested at the exit conference for the ALCH to provide training for all staff members on how to communicate with each other during a restraint and how to handle a CPI restraint that ends up on the floor.

Violations

1. The ALCH has maintained one staff member on duty on both Sarkeys Hall and McFarland Hall with fifteen residents on the unit. DHS Licensing Requirements Section 153.2, (a) states “The facility employs an adequate number of staff as child care workers to meet the needs of residents, taking into account the residents’ age, physical, and mental condition and other factors that affect the amount of attention required.”, (2) states “The facility maintains a ratio of one staff person for 12 residents (1:12) during sleeping hours.”

2. The ALCH has at least thirty-two volunteers that have unsupervised access to ALCH residents and have not undergone a criminal history investigation. DHS Licensing Requirements, Section 153.1, (h), (1) Owner or executive director

responsibility states, "Section 404.1 et seq. of Title 10 of the Oklahoma Statutes requires that every child care facility arrange, prior to employment, for a criminal history investigation for: (C) others who have unsupervised access to children, such as lab students, Temporary Assistance to Families (TANF) Work Experience Program (WEP) workers, volunteers, contracted staff, or janitors; or"