

BEFORE THE DEPARTMENT OF HUMAN SERVICES
STATE OF COLORADO

Case No. SLD 2018-_____

ORDER OF SUMMARY SUSPENSION

IN THE MATTER OF THE LICENSED SECURE RESIDENTIAL TREATMENT
CENTER, ROBERT E. DENIER YOUTH SERVICES CENTER, LICENSE NO.
42262

THE PEOPLE OF THE STATE OF COLORADO

TO: Ms. Lori Hassanzadeh-Aski, Program Director
Mr. Kent Moe, Executive Director, Mountain Region
Rite of Passage, Inc.
Robert E. Denier Youth Services Center
720 Turner Drive
Durango, Colorado 81301

The Colorado Department of Human Services (Department), pursuant to §§ 24-4-104(4) and 26-6-108(2), C.R.S. (2017), and upon information obtained from inspections, investigations and other reports concerning the matter referenced below, finds:

1. The Department has jurisdiction over the license, persons, and subject matter in this document.
2. The Department issued permanent license no. 42262 to Robert E. Denier Youth Services Center (Denier) to operate as a secure residential treatment center at 720 Turner Drive, Durango, Colorado 81301. The license has an effective date of April 7, 2010, with the most recent continuation notice received on or about March 2, 2018.
3. The permanent child care license issued authorizes the care of 28 children of the ages 10 years 0 months to 18 years 0 months. Denier must directly supervise children at all times, is authorized to accept individuals who are 18 to 21 years old, and shall post their waiver letter with their license.
4. In June of 2018, the Department conducted two complaint investigations and one monitoring visit at Denier. During those visits, the Department reviewed five videos where youth had been restrained, but where there was no evidence of an emergency or imminent danger that would justify the use of force in the form of a restraint.

5. In response to the June inspections, Denier devised an action plan regarding their use of physical management. This plan included retraining staff on when to walk away from an escalated situation, and on de-escalation techniques. Denier stated they had begun reviewing all video of physical managements in conjunction with staff's written incident reports, to ensure the staff description of events aligned with the video footage of events. Denier also committed to submitting reports of child abuse to the Child Abuse and Neglect Hotline if staff members utilized improper restraints.

6. On or about July 20, 2018, a youth at Denier was physically managed by staff member Mr. Phillips. Denier submitted an incident report to the Department, stating that the youth became aggressive towards Mr. Phillips after the youth left the bathroom. Mr. Phillips stated as the youth became more aggressive, Mr. Phillips placed himself between the youth and other youth for their safety. Mr. Phillips reported that the youth slapped a radio off of Mr. Phillips's shirt, and then reached out both of his hands to grab Mr. Phillips. According to the incident report, Mr. Phillips then initiated the physical management of the youth, and initiated a neck hold when the youth and Mr. Phillips were already on the floor. The report stated the youth was seen immediately by medical staff. At least two Denier staff members viewed the video of the incident, and submitted the incident report to the Department.

7. On or about August 16, 2018, the Department reviewed the video of the July 20, 2018 incident. The video shows Mr. Phillips pushing the youth in the back after the youth exited the bathroom, closely following the youth around the room, and cornering the youth. Mr. Phillips was gesturing insistently, and escalating the situation. While cornered, the youth slapped Mr. Phillips's radio away, but then the youth started to walk away. At no point did the youth grab or attempt to grab Mr. Phillips. Mr. Phillips then grabbed the youth first by the shoulders, then by the neck. Mr. Phillips then pushed the youth against the wall, and took the youth down to the floor by the youth's neck. Mr. Phillips placed the youth in a prone position, laid on top of the youth, and continued to hold him by the neck until other staff arrived. Mr. Phillips weighs significantly more than the youth.

8. On or about August 16, 2018, the Department also reviewed the medical reports for the July 20, 2018 incident. The youth was not seen by medical staff until July 23, 2018.

9. On or about August 16, 2018, Denier Program Director Lori Hassanzadeh-Aski reported that Mr. Phillips was debriefed after the incident, and they discussed that he should not have "closed the gap," followed the youth across the pod, or stood in close proximity to the youth in a corner. Ms. Hassanzadeh-Aski

also confirmed the neck hold was against policy and not a sanctioned physical intervention, but that Mr. Philips was still employed with the facility.

10. The Department reported the facts of the July 20, 2018 incident via the statewide Child Abuse and Neglect Hotline.

11. On August 16, 2018, Kent Moe, Executive Director of the Mountain Region of Rite of Passage, reported to the Department that Mr. Phillips's employment had been terminated by Rite of Passage.

12. On August 17, 2018, Mr. Moe reported that Mr. Phillips would be offered the opportunity to resign without adverse action, but if he elected to stay, he would be subject to an indefinite, unpaid suspension until the investigation is complete.

13. As of August 18, 2018, no action had been taken against Mr. Phillips, and he was still working at the facility in his normal capacity with youth.

14. On August 20, 2018, the Department reviewed the staff member's employment file. There was no documentation indicating that the staff member had received any corrective action, additional supervision or training, or suspension related to the July 20, 2018 incident.

15. On or about August 16, 2018, the Department also reviewed video of physical management that occurred at Denier on August 7, 2018. Denier had submitted an incident report stating that a youth punched staff member Mr. Webb in the face, and then Mr. Webb restrained the youth. However, video showed Mr. Webb first grabbed the youth out of a chair, after the youth threw some trash at Mr. Webb. This resulted in a struggle, and only at that point did the youth punch Mr. Webb.

16. Denier's report of the August 7, 2018 incident also stated that a safe, non-violent physical intervention was initiated and that the youth was escorted off the pod, implying that an acceptable escort technique was used when it was not. At least three Denier staff member viewed the video and authored the related incident report.

17. Ms. Hassanzadeh-Aski reported that Mr. Webb was debriefed after the incident and it was discussed the he should not "close the gap" and should call for staff support in future situations.

18. The Department has reasonable grounds to believe and finds that the operation of this secure residential treatment center presents a substantial danger

to the public health, safety, and welfare requiring emergency action, as indicated by the following:

- (a) Robert E. Denier Youth Services Center consistently fails to maintain standards prescribed and published by the Department, in violation of § 26-6-108(2)(d), C.R.S.;
- (b) Robert E. Denier Youth Services Center furnished or made misleading or false statements or reports to the Department, in violation of § 26-6-108(2)(e), C.R.S.;
- (c) Robert E. Denier Youth Services Center fails to provide safe conditions for the children, in violation of § 26-6-108(2)(h), C.R.S.;
- (d) Robert E. Denier Youth Services Center's willful or deliberate violation of the Child Care Licensing Act, in violation of § 26-6-108(2)(i), C.R.S.; and
- (e) Substantial evidence exists that persons employed by Robert E. Denier Youth Services Center have committed acts of child abuse, as defined in section 19-1-103(1), C.R.S., in violation of § 26-6-108(2)(l), C.R.S.

THEREFORE, the Department is authorized to summarily suspend this license pursuant to §§ 24-4-104(4) and 26-6-108(2), C.R.S.

ACCORDINGLY, IT IS ORDERED that license number 42262, issued to Robert E. Denier Youth Services Center, is summarily suspended pending proceedings to determine whether that license should be further suspended or revoked. Denier shall immediately surrender license number 42262 to the Department pending the conclusion of the administrative proceedings herein.

FURTHERMORE, IT IS ORDERED:

1. That the Notice of Charges be promptly prepared and sent to Robert E. Denier Youth Services Center.
2. That administrative proceedings be instituted and determined promptly.
3. That Robert E. Denier Youth Services Center shall immediately desist and refrain from any further act for which a child care license is required by the State of Colorado.

4. That Robert E. Denier Youth Services Center shall immediately surrender license no. 42262 to the Department pending the conclusion of the administrative proceedings herein.

DONE this 22nd day of August, 2018.

COLORADO DEPARTMENT OF HUMAN
SERVICES



Minna Castillo Cohen, Director
Office of Children, Youth & Families

