



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

RICK SNYDER
GOVERNOR

NICK LYON
DIRECTOR

November 13, 2018

Steven Laidacker
Lakeside
3921 Oakland Dr
Kalamazoo, MI 49008

RE: License #: CI390201235
Investigation #: **2019C0214001**
Lakeside

Dear Mr. Laidacker:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available, and you need to speak to someone immediately, please contact Claudia Triestram, the area manager at (616) 552-3662.

Please note that violations of any licensing rules are also violations of the MSA and your contract.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Fatato', with a long horizontal stroke extending to the right.

Paul Fatato, Licensing Consultant
MDHHS\Division of Child Welfare Licensing
322 E. Stockbridge Ave
Kalamazoo, MI 49001
(269) 251-2471

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT**

I. IDENTIFYING INFORMATION

License #: CI390201235

Investigation #: 2019C0214001

Complaint Receipt Date: 10/10/2018

Investigation Initiation Date: 10/10/2018

Report Due Date: 12/09/2018

Licensee Name: Lakeside

Licensee Address: 3921 Oakland Dr
Kalamazoo, MI 49008

Licensee Telephone #: Unknown

Administrator: Donald Nitz, Designee

Licensee Designee: Donald Nitz, Designee

Name of Facility: Lakeside

Facility Address: 3921 Oakland Drive
Kalamazoo, MI 49008

Facility Telephone #: (269) 381-4760

Original Issuance Date: 04/01/1990

License Status: REGULAR

Effective Date: 09/18/2017

Expiration Date: 09/17/2019

Capacity: 124

Program Type: CHILD CARING INSTITUTION, PRIVATE

II. ALLEGATION(S)

	Violation Established?
Resident A was assaulted by an employee in his bedroom.	Yes
Additional Findings	No

III. METHODOLOGY

10/10/2018	Special Investigation Intake 2019C0214001
10/10/2018	Special Investigation Initiated - On Site – Meeting with Staff 1, Staff 2, Staff 3, Staff 4, Staff 5 and Staff 6. Meeting with Resident A, Resident B and Resident C.
10/10/2018	Inspection Completed-BCAL Sub. Compliance
10/10/2018	Exit Conference with Staff 1 and Staff 2

ALLEGATION:

Resident A was assaulted by an employee in his bedroom.

A complaint was received that stated the following:

Resident A (14) is a permanent ward in a residential placement at Lakeside Academy. Staff 5 is a staff member at Lakeside Academy.

Today (October 9), Resident A accused Staff 5 of coming into Resident A 's room and assaulting Resident A on Saturday (October 6). Staff 5 is alleged to have shoved Resident A against the dresser and wall, and slapped Resident A. It is unknown where on his body Resident A was slapped. Resident A alleges the assault went on for 20 minutes.

There are security cameras in the area of Resident A 's room, but the cameras cannot see into the resident's rooms. The footage shows Staff 5 walking into Resident A 's room, and then walking out around one minute later. Resident A has no injuries. There have been no previous issues between Resident A and Staff 5; Resident A only been place at Lakeside Academy for a few months. Resident A himself denied any previous issues at all, and there have been no previous complaints about Staff 5 from any other residents. Staff 5 was sent home pending

an investigation. Resident A reports feeling safe at Lakeside Academy, and with all the other staff members.

INVESTIGATION:

Meeting with Staff 1 and Staff 2 at the facility on 10/10/2018. Staff 1 reports being employed as the Living Services Director and Staff 2 reports being employed as the Human Services Director. Both report having knowledge of the incident involving Resident A and Staff 5. They report the following information. "Resident A went to his bedroom and Staff 5 followed him in the room telling him that he can't be in his room. In the video you see Staff 5 goes into Resident A's room and then Resident A comes out of the room like he was pushed. Resident A then bumps his shoulder on the wall." Staff 1 and Staff 2 continued their report of the incident. "Resident A goes to the end of the hall and shoulder bumps Staff 5 while walking back towards the camera. Staff 5 then pushed Resident A against the wall before Resident A hits him several times. Resident A turned and runs out of the door at the end of the hallway." Both Staff 1 and Staff 2 admitted that "Staff 5 shoved Resident A inappropriately at least three times". They reported that Staff 4 told them she witnessed Staff 5 striking Resident A when they were in Resident A's bedroom. Staff 2 was asked about Human Resource issues with Staff 5 and she indicated that there have been no discipline issues. She did indicate that he has been late to work a few times.

Meeting with Resident A at the facility on 10/10/2018. Resident A reports remembering the incident involved in the allegation and gave the following report. "I tried to go to bed at 7:00 pm but was told that I can't go to bed until 8:30 pm. I really wanted to go to bed so I just went to my room. Staff 5 ran into my room and said that we are not going to bed early. When I tried to sit down he pushed me into my dresser (Wardrobe)." Resident A was asked how he was pushed into the dresser and he reported that his "left arm and side" made contact with the dresser. Resident A continued, "I fell down and when I got up he pushed me again. This time I fell into the wall and once I got up I stood against the wall. Then he picked me up and body slammed me on the ground twice. I got up and went to the other side of the bed and sat on the bed for about two seconds before he grabbed me by my shirt. Then he pushed me into the wall. He let go of me and I got on my knees between the bed and the wall." Resident A indicated that he was then "struck on the left side" of his face when Staff 5 used an "open hand". Resident A continued his recall, "I fell back and hit my head on the bottom of the top bunk. I still have the mark on my left shoulder where he grabbed me with both hands (this writer viewed marks on his left shoulder). He also ripped my jacket (this writer observed that Resident A's jacket was ripped on his left side)." Resident A reports that Staff 5 then left his room and he followed him out of the room. He also reports that once in the hallway, he pushed Staff 5 out of the way before Staff 5 pushed him into the wall. Resident A also reports that at that point he ran out of the door at the end of the hallway and ran to get Staff 3. Resident A indicated that he was "pushed into the door jam" when

pushed in the hallway. Resident A was asked about what occurred after he left the dorm and he gave the following report, "Staff 5 followed me to where Staff 3 was, and Staff 3 helped calm me down. Staff 5 left after a few minutes." Resident A indicates that later in the day his face started hurting but that he had no other pain. He also indicated that he was asked if he wanted to see a nurse but declined the offer. Resident A was asked about feeling safe at the facility and he reports feeling safe when he is not being restrained. He reports that he has a lot of stuff going on in his life such as his father being in prison.

Meeting with Resident B at the facility on 10/10/2018. Resident B was questioned because he was viewed on the video tape as witnessing some of the allegations. Resident B provided the following recall. "A couple of days ago I saw Resident A going into his room and Staff 5 came into his room. Staff 5 told Resident A to go into the bay because he was making the group unsafe. Resident A was arguing with Staff 5 and Staff 5 called for additional staff. Other staff came and tried to talk with Resident A." Resident B continued his report, "The door to his room got closed and I heard something that sounded like they were trying to open the door but were arguing. It sounded like they were going back and forth. Resident A told me later that he got slapped and choked by Staff 5. He also told me that he pushed the female staff by accident and then pushed Staff 5 who pushed him back." Resident B was asked about what specifically he observed in the room and he reported, "I never saw anything in the room because the door was closed. The door flew open and he flew out of the room." Resident B was asked if he feels safe and he reported that he feels safe at the facility.

Meeting with Resident C at the facility on 10/10/2018. Resident C was also questioned about the allegations because he was viewed on the camera being in the hallway and looking into Resident A's room. He provided the following information, "About five to six days ago, Resident A was upset because his father is in prison. He went to his room and was crying to himself. I heard him say he was not going to come out of his room and Staff 5 told him that he was going to make him come out of his room. I was standing in the hallway and saw Staff 5 push him hard with his hands against his shoulders. Resident A was swearing at him and Staff 5 put him in a restraint before pushing him against the wall. I saw Staff 5 push Resident A's head against the wall before I walked away." Resident C then reported that he "heard smacking noises" from the room and when Resident A came out he "had a mark on his face" similar to the shape of "the ring that Staff 5 wears". Resident C denies observing the shoving or hitting in the hallway. Resident C shared that he wanted to "hit Staff 5 but he is too big to hit". Resident C also gave his opinion of Staff 5 as, "He is always messing with the kids and keeps trying to escalate them. He has said negative things about me being bisexual and he gets aggressive with Resident A when doing a restraint on him." Resident C ended the interview by stating that he felt safe at the facility but then stated that "Staff 5 makes fun of the kids".

Meeting with Staff 3 at the facility on 10/10/2018. Staff 3 reports working as a Campus Coordinator at the facility for the past eight years. Staff 3 was asked about his knowledge of the allegations of the incident involving Resident A. Staff 3 indicated remembering Resident A coming to the office crying on the weekend. Staff 3 also indicates that Staff 5 was following Resident A to the office. Staff 3 gave the following report about the incident that began in the staff office, "I told Staff 5 to stop talking because he kept telling Resident A to say what he (Resident A) did to Staff 5. Resident A was crying and telling me that Staff 5 pushed him. I let him sit and de-escalate until he was able to be calm and talk. Resident A told me that Staff 5 came into his room and choked him. He also told me that he walked to his room without permission and that when Staff 5 came into the room he told Resident A to get out of bed. He also told me that Staff 5 grabbed him and threw him across the room before choking him." Staff 3 was asked about any witnesses to the allegations and he reports that Staff 4 was also present in the office, so he asked her to come in and talk about what she observed. He indicated that she told him Staff 5 didn't do anything wrong and that Resident A was hitting and pushing staff. Staff 3 then reported that Staff 4 came to him at the end of the shift and gave a different report. He recalled, "She came back and said that Staff 5 was grabbing, pushing and hitting Resident A. She also said that she wanted to tell me earlier, but she felt intimidated, so she waited until Staff 5 had left campus." Staff 3 also reported that he viewed the video and believed that Staff 5 was "dead wrong" so he talked to Staff 5 the next day. He indicated that Staff 5 accepted the feedback and was not defensive. Staff 3 was asked about bruising or marks on Resident A when he showed up in the office and he indicated not noticing any injuries. He also reported that Resident A said he was not physically hurt.

Meeting with Staff 4 at the facility on 10/10/2018. Staff 4 reports that she is employed at the facility as a Youth Counselor and has worked at the facility since May 2018. Staff 4 was questioned about her witnessing the allegations with Resident A and she gave the following accounting, "I went to spot the incident (support the staff) and saw Resident A sitting on his bed. Staff 5 was talking stuff by saying 'you're going to listen to me and you're not going to do what you want, you're going to do what I tell you to do'. Staff 5 then open-handed slapped Resident A in the face. Resident A's face turned red after Staff 5 slapped him in the face." Staff 4 was asked about her knowledge of the issues that began the incident and she indicated that this "all started because of issues with Resident A taking a shower". She also indicated that Resident A was arguing over taking a shower, so he removed himself from the program by going to his room. Staff 4 reports that Staff 5 came into the area because Resident A was not following directions. She reports that after both had left the area another staff told her that Staff 5 wanted her to join him in Resident A's room because he wanted her to spot. Staff 4 continued with her recall, "Staff 5 pushed Resident A into the hallway before pushing him against the hallway wall. I saw the injuries on Resident A. His injuries were a mark on the top of

his foot, a mark under his left eye and marks on his collar bone and neck. He also was crying about his coat being ripped by Staff 5 when Staff 5 grabbed him.” Staff 4 was asked about her impression of Staff 5 and his interactions with the residents and she reports that he is “egotistical and wants things his way”. She also reported that “he gets kids going” and I heard him say to a resident ‘hit me bitch’.”

Meeting with Staff 6 at the facility on 10/10/2018. Staff 6 reports being employed as a Youth Counselor at the facility and that she began her employment three weeks ago. Staff 6 was asked about her awareness of the allegations with Resident A and she reports witnessing part of the incident. She gave the following report, “I was in the bay area and heard Resident A yelling and cursing. I went to the doorway of Resident A’s room and Staff 5 had gone hands on with Resident A. Staff 5 was trying to grab him and Resident A was punching him in the face. Resident A yelled that he was going to run away, and Staff 5 stepped in front of him before pushing him. Resident A fell and struck his face against the wall. Resident A got up, was enraged and started punching Staff 5 again. Resident A ran out of the building and Staff 5 followed him. I started to follow them as they headed to the radio office, but I turned around and went back into the dorm.” Staff 6 was asked about her impression of the incident and she reports, “you can’t push a kid, you should try to de-escalate the situation before going hands on. We want to avoid hands on and Staff 5 went overboard.” Staff 6 denied observing Staff 5 “slapping” Resident A and that Staff 5 was already hands on when she got to the room. Staff 6 also reports that she confronted Staff 5 later in the shift and being told by Staff 5 that he doesn’t have ill feelings towards Resident A but that he was just trying to get Resident A to comply. Staff 6 was asked for her impression of Staff 5 and she indicated that “the kids seem to respect him for the most part”. She also indicated that staff need to pay attention to triggers for traumatized residents. She did report that the staff have been trained on working with traumatized residents.

Meeting with Staff 5 at the facility on 10/10/2018. Staff 5 reports that he has worked as a Youth Counselor at the facility for the past five months. Staff 5 was asked about his knowledge of the allegations and he provided the following information. “I didn’t slap Resident A in the face. I was supposed to restrain him for going to his room and being unsafe, but I had promised him that I would not go hands on if he followed my directions. I also reminded him of our deal.” Staff 5 continued his recall of the incident. “I had another staff spot me and when I had a hold of him by his bicep he said that if I didn’t let go of him he was going to spit on me. He started to spit on me, so I pushed him. I should not have done that, but no one should spit on me.” Staff 5 was shown the video and reports that when Resident A came out of his room with some force it was because he pushed Resident A to keep him from spitting on him. He also indicated “when I pushed him, I didn’t think he would go that far, he is dramatic”. Staff 5 was again asked about the bruising and mark on Resident A’s face and he suggested that it “must have been from the push”. Staff 5 denied shoving Resident A in the hallway after they left the room even though it appears clear on the

video. Staff 5 was asked about grabbing Resident A and he reported that he “tried to pick him up when he was refusing to stand up. I grabbed him by his arm or shirt, not really sure where but I didn’t grab his chest.” Staff 5 was asked about the need to restrain Resident A and he indicated that Resident A was being unsafe because no one knew where he was going. He also indicated that there were not enough staff present so Resident A going to his room made the situation unsafe. Staff 5 was asked about his training and reports that he has had SCM and trauma training. Staff 5 reports a belief, “I didn’t do anything to trigger Resident A. I felt like he was manipulating the situation because we had a deal and I got frustrated. He never should have tried to spit on me because that is the most disrespectful thing you can do to someone.” Staff 5 ended the interview by stating “I’m a great staff here, you can ask anyone”.

Exit meeting with Staff 1 and Staff 2. Both report that Staff 5 is suspended and that he will be terminated as soon as possible. They also report that he will no longer be allowed on campus.

A review of the video taken during the time of the incident was reviewed:

The opening view on the dorm is of two hallways. The hallway on the right is where Resident A’s bedroom is located.



00:02 A resident can be seen coming out of a room and walking towards the camera in the hall on the left.

00:14 This resident stops and picks up what appears to be clothing from the back of a chair in the main area and he turns and walks away from the camera in the right hallway.

00:17 This resident reaches a door on the right of the hall in the right hallway. He begins knocking on the door.

00:19 The resident looks back down the hall towards the camera and opens the door. Another resident enters the camera view in the main area.

00:02 Resident B appears to sit on the back of a chair in the main area and Resident A walks past him moving away from the camera down the hallway on the right. The first resident has gone into the room on the right of the right hallway.

00:28 Resident A reaches his room after looking back at the resident sitting on the chair. The first resident comes out of the room on the right and goes back into the room. Resident A walks into his room.

00:33 Only Resident B sitting on the back of the chair is visible. The first resident is inside the room on the right of the right hallway and Resident A is in his room which is on the left of the right hallway.

00:34 Staff 5 enters the camera view walking down the right hallway. Resident A sticks his head out of the doorway, looking towards Staff 5.

00:36 Resident A moves back into his room and Staff 5 continues to walk down the right hallway.

00:39 Resident B is sitting on the back of the chair moves out of camera view. Staff 5 reaches the first door on the right and the first resident has opened the door and looks out.

00:42 Staff 5 reaches the doorway of Resident A and begins to move into the room.

00:46 Staff 5 is still standing in the doorway to Resident A's room and Resident B moves into view at the bottom of the picture.

00:49 Staff 5 moves into Resident A's room while Resident C and Resident B are at the bottom of the camera view.

00:50 Resident B and Resident C begin to move down the right hallway and a third resident moves into camera view. This resident begins to walk down the left hallway.

00:57 Resident B stopped and looks into Resident A's room. Resident C is just a few feet behind him in the hallway.

1:00 Resident A appears to be backing out of the room and Resident B steps away from the door. Resident C also backs away from Resident A's room.

1:02 Resident A goes back into his room and Resident B and Resident C continue to move away from Resident A's doorway. Resident B continues to look into Resident A's room.

1:04 Resident B has moved further down the hall and has no view into Resident A's room.

1:10 Resident B returns to the doorway of Resident A and Resident C also returns closer to the room. The third resident who went down the left hallway reaches the area between the two hallways.

1:14 Resident B appears to be reaching into Resident A's room and Resident C is now close enough to look into Resident A's room. The third resident is moving out of the camera view.

1:17 Resident B is standing in the doorway to the room with Resident C behind him.

1:20 Resident B turns and appears to be speaking with Resident C. Both are standing in the hallway.

1:32 Resident B and Resident C walk down the hall away from the camera.

1:39 Resident B and Resident C walk back to the doorway of Resident A's room and appear to be looking in.

1:41 Resident B and Resident C are standing near the doorway of Resident A's room and Resident B is pointing into the room. They are both looking into the room.

1:46 The other resident from the left hallway is walking in that hallway while Resident C is walking towards the camera shaking his arm and appears to be saying something. Resident B remains at the doorway and Staff 5 sticks his head out of the doorway.

1:48 Resident C walks out of camera view.

1:52 Staff 5 again sticks his head out of the doorway with Resident B standing just to the side of the doorway looking into the room.

1:57 Staff 5 goes back into the room but returns to the doorway. Resident B appears to pick up a piece of clothing from inside the doorway and places it on the floor in the hallway.

1:59 Resident B begins to walk towards the camera and Staff 5 appears to be yelling down the hall.

2:06 Resident B reaches the table between the hallways and stands against it. Staff 4 enters the camera view and is walking swiftly down the right hallway. Another unidentified staff just comes into camera view.

2:12 The unidentified staff moves out of camera view and Staff 4 reaches Resident A's door. She is standing looking into the room.

2:15 Resident C returns to the camera view and sits on the desk that Resident B is standing next to.

2:20 Resident B and Resident C remain at the desk when Staff 6 comes into view. Staff 6 is walking swiftly down the right hallway towards Resident A's room.

2:28 Staff 6 reaches the doorway to Resident A's room and begins looking in. she is standing behind Staff 4. Someone opens the door behind her and she turns to see who it is.

2:31 Staff 6 appears to be speaking to someone behind the open door and she begins to close the door. She returns looking into Resident A's room.

2:43 Staff 4 and Staff 6 move to the sides of Resident A's doorway and Resident A comes out of the door backwards and appears to have been pushed out of the room.

2:44 Resident A stops in the middle of the hall and rushes back into the doorway. It appears that he is pushing someone who is out of camera view.

2:48 Staff 6 walks further away from Resident A's doorway when Resident A again comes backwards out of the room and runs into Staff 4. Staff 5's arm follows Resident A and appears to be shoving Resident A out of the room. Resident A and Staff 4 both hit the opposite wall. Resident A appears to bounce off of the wall.

2:51 Staff 4 appears to attempt to grab Resident A from behind while Staff 6 stands in front of Resident A. Staff 5 is coming out of the room.

2:53 Resident A turns and walks towards the door at the end of the hall. Staff 4 is following, and Staff 5 turns and also follows. Staff 6 turns and begins to walk towards the camera. Resident C has positioned himself to see down the hall and Resident B remains at the desk.

2:56 Staff 6 turns and begins to walk towards Resident A and Staff 4 and 5. Resident B has moved and is looking down the hallway. Resident A has reached the door at the end of the hall with Staff 4 and 5 right behind him.

3:00 Resident A turns and begins walking towards the camera. He pushes past Staff 4 and then pushes Staff 5. Staff 5 violently pushes Resident A who falls into a doorway. Staff 6 is moving closer to the situation. Resident B is watching all of this and Resident C is near the desk.

3:05 Resident A stands upright and approaches Staff 5. Resident A punches Staff 5 in the arm and chest area approximately five times. Staff 4 attempts to grab Resident A to stop him.

3:09 Resident A pushes past Staff 5 and 6 and walks out of camera view. Resident B attempts to grab his arm, but Resident A continues. The three staff are following him.

3:11 Resident A walks out of camera view with the three staff following. The staff closest is Staff 5 followed by Staff 6 then Staff 4.

3:15 All of the staff have walked out of camera view leaving Resident B and Resident C standing near the desk. Another unidentified resident is standing in the left hallway watching.

3:23 Resident B, Resident C and the unidentified resident walk down the right hallway and begin picking up items of clothing in front of Resident A's doorway.

3:31 Resident B is walking towards the camera with the items of clothing and Resident C goes into Resident A's room. The unidentified resident is standing near the doorway to Resident A's room.

3:35 Resident B walks out of camera view and Resident C is still in Resident A's room. The unidentified resident is knocking on the door across the hall from Resident A's room.

3:42 The unidentified resident appears to be talking to someone in the room across the hall while Resident B begins to walk back into camera view. Resident C is still in Resident A's room.

3:49 Resident B walks to the entrance of Resident A's room while the unidentified resident continues to talk to someone in the room across the hallway. Resident C is still in Resident A's room.

3:53 Resident B walks into Resident A's room and the unidentified resident is walking out of camera view.

3:54 The video ends.

APPLICABLE RULE	
R 400.4112	Staff qualifications.
	(1) A person with ongoing duties shall have both of the following: (a) Ability to perform duties of the position assigned. (b) Experience to perform the duties of the position assigned.

ANALYSIS:	Evidence provided through interviews and a review of the video recording support the allegations that Staff 5 did not follow the appropriate procedures when dealing with Resident A. Evidence also supports that Staff 5 was overly aggressive and did not practice the deescalate techniques of SCM taught to all staff at the facility. The video recording clearly displays Staff 5 aggressively pushing Resident A at least three times and physical evidence of marks were observed on Resident A. These marks correspond with the information provided by Resident A and Staff 4 and 6. Resident A and Staff 4 and 6 both report that Staff 5 did slap/hit Resident A in an aggressive manner. Staff 5 denies this claim but there were two witnesses along with the victim of this behavior.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

With an acceptable corrective action plan, it is recommended that no change be made to the license of this child caring institution



11/1/2018

Paul Fatato
Licensing Consultant

Date

Approved By:



November 13, 2018

Claudia Triestram
Area Manager

Date

